

Ordinance No. 319

AN ORDINANCE ESTABLISHING A WATER CONSERVATION PLAN

WHEREAS, the City Council of the City of Adel, Iowa, recognizes that supplies of potable water are essential for the health, safety and welfare of its citizens; and

WHEREAS, the City of Adel's Water Utility has limited capacity and from time to time during and following drought conditions or due to equipment failure, the City's water supply may become significantly and seriously depleted such that there is an insufficient supply of water to meet all customary and usual demands; and

WHEREAS, the City deems it essential to protect the safety of its citizens in the event that the limited capacity of the Water Utility may be threatened.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ADEL, STATE OF IOWA:

Section 1. That the Municipal Code of Adel, Iowa be and is hereby amended by adding thereto a new chapter to be known as Chapter 93, relating to the City's Water Conservation Plan, as follows:

"CHAPTER 93

WATER CONSERVATION PLAN

93.01	Purpose	93.06	Surcharges
93.02	Definitions	93.07	Water Appeal
93.03	Water Shortages	93.08	Repealer Clause
93.04	Conditions	93.09	Severability Clause
93.05	General Procedure	93.10	Effective Date

93.01 **PURPOSE.** The purpose of this chapter is to impose a Water Conservation Plan within the City of Adel, Iowa.

93.02 **DEFINITIONS.** The following terms are defined for use in this chapter:

1. "Customer" means any person, company, or organization using processed potable water supplied by the City of Adel.
2. "Consumed" means water has passed through a customer's meter or is otherwise furnished by the City's Water Utility.
3. "Domestic Water Use" means water use for personal needs or for household purposes such as drinking, bathing, heating, cooking, or sanitation.
4. "Commercial and Industrial Use" means water used to produce goods or to furnish services by any establishment having financial profit as a primary aim.

93.03 **WATER SHORTAGES.** Under the conditions set forth in this Ordinance, the City Administrator and Public Works Director, in consultation with the Water Department personnel, may find, and by Proclamation declare, a public Water Watch, Water Warning, or Water Emergency, during which time the following measures and provisions shall be in effect to prevent depleting the water supply for human consumption and sanitation and to produce an orderly and equitable reduction of water consumption.

Immediately upon the issuance of such a Proclamation, regulations and restrictions set forth under this Ordinance shall become effective and remain in effect until the water shortage is terminated and the Proclamation rescinded.

Water uses, regulated or prohibited under the Ordinance, are considered to be non-essential and continuation of such uses during time of water shortage is deemed to constitute a waste of water, subjecting the users to surcharges, disconnection costs and excess consumption fees.

93.04 **CONDITIONS.**

1. Water Watch: A Water Watch may be declared when a water shortage or equipment failure poses a potential threat to the ability of the water system to meet the needs of its customers currently or in the foreseeable future. Indicators of the need to impose a Water Watch include but are not limited to:

- A. System operating at 70% of pumping capacity.
- B. Moderate decrease in the pumping water levels of wells.
- C. Moderate decrease in the recovery rate of water levels in wells.

2. Water Warning: A Tier I or Tier II Water Warning may be declared when a water shortage or equipment failure poses a serious threat to the ability of the water system to meet the needs of its customers currently and in the foreseeable future.

Indicators of the need to impose a Tier I Water Warning include but are not limited to:

- A. System operating at 80% of pumping capacity.
- B. Significant decrease in the pumping water level of wells.
- C. Significant decrease in the recovery rate of water levels in wells.

Indicators of the need to impose a Tier II Water Warning include but are not limited to:

- A. Severe system emergencies (e.g., chemical spill).
- B. Major system failure in feeder mains or treatment plant.
- C. Other factors which pose a significant threat to the ability of the Water Utility to furnish adequate supplies of potable processed water.

3. Water Emergency: A Water Emergency may be declared when a water shortage or equipment failure poses a severe and immediate threat to the ability of the water system to meet the needs of its customers. Indicators of the need to impose a Water Emergency include but are not limited to:

- A. System operation at 90% of pumping capacity.
- B. Serious decrease in the recovery rate of water level in wells.

C. Major system failure in feeder mains or treatment plant.

D. Other factors which pose a significant threat to the ability of the Water Utility to furnish adequate supplies of potable processed water.

93.05 **GENERAL PROCEDURE.** In the time during or following drought conditions or equipment failure, the following procedures shall be followed:

1. Water Watch: Under a Water Watch, all customers of the municipal water service are encouraged to limit or curtail all nonessential uses of water in order to conserve precious water resources during the time of shortage.

A. No watering of lawns, shrubs, or gardens between the hours of 8:00 a.m. and 8:00 p.m.

B. Car washing is prohibited except in commercial establishments that provide that service.

C. No water should be used to fill private swimming pools, children's wading pools, or any other outdoor pool or pond.

D. No water should be used to wash streets, parking lots, driveways, sidewalks, or building exteriors.

E. No water should be used for nonessential cleaning of commercial and industrial equipment, machinery, and interior spaces.

F. Water should be served at restaurants only upon the request of the customer.

2. Water Warning – Tier I: Under a Tier I Water Warning, no person shall use potable processed water of the municipal water service in any manner contrary to the following:

A. Outdoor watering or irrigation of lawn is prohibited.

B. Car washing is prohibited except in commercial establishments that provide that service.

C. No water shall be used to fill private swimming pools, children's wading pools, reflecting pools, or any other pool or pond.

D. No water shall be used to wash streets, parking lots, driveways, sidewalks, or building exteriors.

E. No water shall be used for nonessential cleaning of commercial and industrial equipment, machinery, and interior spaces.

F. Water shall be served at restaurants only upon the request of the customer.

G. Tank load water sales may be curtailed or eliminated.

Water reclaimed or recycled after some other primary use, such as water that has been used for washing or cooling, may be used without restriction. Additionally, water derived from sources other than the City water utility, such as water

condensed from the atmosphere by air conditioners or collected from rain or snow, may be used without restriction.

3. Water Warning – Tier II: Under a Tier II Water Warning, no person shall use potable processed water of the municipal water service in any manner contrary to the following:

- A. All outside water use, except for domestic, sanitation, and fire is prohibited.
- B. All commercial and industrial uses of water not essential in providing products or services are prohibited.
- C. Irrigation, of absolutely all forms, is prohibited.
- D. Recreational and leisure water use, including lawn and golf course watering and other incidental or recreational use is prohibited.
- E. Water use not necessary for the preservation of life or the general welfare of the community is prohibited.

4. Water Emergency: Under a Water Emergency, Tier I and Tier II Water Warning use restrictions shall in effect and, in addition, all violations that occur under a water emergency shall fall under, for a first offense, the second violation rule and shall have double the surcharge rates listed. All violations and misuse of public drinking water shall be considered a direct threat to public health and service will be discontinued immediately. Service shall resume only when all fines and fees have been paid for. Any further subsequent violations which are considered a threat to public health shall result in service disconnect and shall only be lifted after requirements for safety assurances have been set in place by the City Administrator and the Public Works Director and met by the owner once all fees and fines have been paid.

5. The City of Adel Water Department has the right, at any given time with just cause, to disconnect service to various non-vital/recreational services for the purpose of water preservation in times of need. These non-vital/recreational services may be, but not limited to:

- A. Irrigation for recreational fields and any agreements of irrigation.
- B. Public restrooms serviced by the City of Adel.
- C. Water fountains and spigots provided by the City of Adel for recreational use.
- D. Water supply to camp ground facilities.
- E. Water supply to the public pool.

93.06 **SURCHARGES.** The following surcharges shall be applied for violations of Water Warning use restrictions imposed under this chapter. Violations during a Water Emergency are considered a minimum “second violation” and are double the rates listed below.

1. First Violation: For a first violation, the Water Utility shall issue a written notice of violation to the water user violating the water use restrictions imposed during a Water Watch, Water Warning, or Water Emergency.

2. Second Violation: For a second violation within a twelve month period, an administrative surcharge shall be imposed on the customer's account in an amount of one hundred dollars (\$100.00) plus two hundred percent (200%) of the fiscal year's highest month's water bill.

3. Subsequent Violation: For any subsequent violation within a twelve month period, an administrative surcharge shall be imposed in an amount equal to five hundred dollars (\$500.00) plus two hundred percent (200%) of the fiscal year's highest month's water bill, and, in addition, the utility shall interrupt water service to the customer at the premises at which the violation occurred. Service shall not be restored until the customer has paid the surcharge and the reconnection fee and has provided reasonable assurance that future violations of Water Watch, Water Warning, or Water Emergency use restrictions will not occur.

Any customer charged with a violation of the Water Watch, Water Warning, or Water Emergency use restriction may request a hearing before the Adel City Council. The council may conclude that a violation did not occur or that the circumstances under which the violation occurred warrant a complete or partial mitigation of the administrative surcharge.

93.07 WATER APPEAL. The Adel City Council shall oversee appeals of any action taken pursuant to a Water Watch, Water Warning or Water Emergency; however, if a customer is charged with a municipal infraction relating to this ordinance, that proceeding shall be conducted pursuant to Section 364.22 of the Code of Iowa. Appeals shall be requested in writing and delivered to the City Clerk within the time stated in the notice, or it will be conclusively presumed that the directive or surcharge must be followed as ordered. The hearing shall be before the Council at a time and place fixed by the Council. The findings of the Council shall be conclusive and, if the directive or surcharge are found valid, it shall be ordered and fulfilled within a reasonable time under the circumstances.

93.08 REDUCTION IN FLOW OF WATER TO ANY PERSON. The Water Department, under authorization of the City Administrator and the Public Works Director, may reduce or disconnect the flow of water to any customer determined to be using water in any manner not in accordance with this ordinance during a Water Watch, Water Warning, or Water Emergency or for any matter that may be deemed a risk to public health. All unmetered usage, without absolute consent from the City, is considered a threat to public health and may receive a reduction of flow or disconnect of flow if a Water Watch, Water Warning, or Water Emergency is or is not in affect.

This reduction or potential disconnection may occur with or without notice, as judgement of severity has been decided by the City Administrator and the Public Works Director with the assistance of the Water Department.

93.08 REPEALER CLAUSE. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

93.09 SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

93.10 EFFECTIVE DATE. This ordinance shall be effective from and after the final passage, approval and publication as provided by law.”

Section 2. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. In the event that any provision of this Ordinance shall be determined to be contrary to law it shall not affect other provisions or application of this Ordinance.

Section 3. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed and approved by the Adel City Council this 13th day of June, 2017



James F. Peters, Mayor

Attest: Jackie Steele
Jackie Steele, City Clerk

1st Reading 4-11-2017

2nd Reading 5-9-2017

3rd Reading 6-13-2017

Des Moines Register

I certify that the foregoing was published as Ordinance No. 319 in the ~~Dallas County News~~ on the 17th day of June, 2017.

Jackie Steele
Jackie Steele, City Clerk