

## ORDINANCE NO. SC-O-03-22

### AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SIOUX CENTER, IOWA, REPEALING ORDINANCE SC-O-1-90 AND ESTABLISHING A WATER CONSERVATION PLAN FOR THE SIOUX CENTER MUNICIPAL WATER DEPARTMENT

Be it enacted by the City Council of the City of Sioux Center, Iowa, that the Sioux Center Code of Ordinances Chapter 455 is hereby repealed and replaced with the following:

#### SECTION 1. WATER SHORTAGES

From time to time during and following drought conditions, in case of significant fire protection requirements, or due to equipment failure or other circumstances, the City's water supply may become significantly and seriously depleted or of a quality so that there will not then be a sufficient supply of water to meet all customary and usual demands. Under these conditions, the City Council may find, and declare, a public Water Watch, Water Warning or Water Emergency, during which time the following measures and provisions shall be in effect to produce an orderly and equitable reduction of water consumption until the City Council finds and declares the water shortage condition to be ended.

#### SECTION 2. CONDITIONS

- A. 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: system operating at 75 percent of pumping capacity; moderate decrease in the pumping water level of wells or moderate decrease in recovery rate of water level in wells; moderate decrease in water storage levels.
- B. 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: system operating at 85 percent of pumping capacity; significant decrease in the pumping water level of wells or significant decrease in recovery rate of water level in wells or significant decrease in water storage levels. Other indicators of the need to impose a Tier II Water Warning include severe system emergencies such as a chemical spill or major system failure in feeder mains, pumps or treatment plant.
- C. 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: system operating at 95 percent of pumping capacity; serious decrease in the pumping water level of wells or serious decrease in recovery rate of water level in wells; serious decrease in water storage levels.

### **SECTION 3. WATER WATCH**

Under a Water Watch, all customers of the municipal water system are encouraged to limit or curtail all nonessential uses of water in order to conserve precious water resources during the time of shortage. Customers are encouraged to comply with the following voluntary standards:

- A. No irrigation of lawns, shrubs or gardens between the hours of 10:00 a.m. and 8:00 p.m. Customers are asked to restrict such water use to 2 times per week with an application not to exceed 1 inch.
- B. No water should be used to wash streets, parking lots, driveways, sidewalks or building exteriors.
- C. No water should be used for nonessential cleaning of commercial and industrial equipment, machinery and interior spaces.
- D. No weekday washing of vehicles except in commercial establishments which provide such service.

### **SECTION 4. WATER WARNING**

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

- A. Irrigating lawns is limited to once per week based on last digit of the property address: 1-Monday; 2-Tuesday; 3-Wednesday; 4-Thursday, 5-6 Friday; 7-8-Saturday; 9-0 Sunday. Irrigation shall not exceed one inch per day.
- B. Outdoor watering of any kind is prohibited between the hours of 10:00 a.m. and 8:00 p.m. daily.
- C. Watering or irrigation of flower and vegetable gardens, trees and shrubs less than 4 years old, and new seeding or sod started before the issuance of warning is permitted twice per week with an application not to exceed 1 inch per application.
- D. Car washing is prohibited except in commercial establishments that provide that service.
- E. No water shall be used to fill private swimming pools, children's wading pools, reflecting pools or any other outdoor pool or pond.
- F. No water shall be used to wash streets, parking lots, driveways, sidewalks or building exteriors.

- G. No water shall be used for nonessential cleaning of commercial and industrial equipment, machinery and interior spaces.
- H. Tankload water and hydrant sales may be curtailed or eliminated.

Water reclaimed or recycled after some other primary use, such as water that has been used for washing, may be used without restriction. Additionally, water derived from sources other than the city water utility, such as water pumped from a private well, water condensed from the atmosphere by air conditioners or collected from rain or snow, may be used without restriction.

## **SECTION 5. WATER EMERGENCY**

Under a Water Emergency, 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 is prohibited.
- C. Car washing is prohibited including commercial establishments that provide that service
- D. Recreational and leisure water use, including lawn 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.

## **SECTION 6. PENALTIES**

The following penalties shall apply for violations of Water Warning use restrictions imposed under this ordinance.

- A. First violation. For a first violation, the utility shall issue a written notice of violation to the water user violating the water use restrictions imposed during a Water Warning or Water Emergency.
- B. Second violation. For a second violation within an 18-month period, a one-month surcharge shall be imposed in an amount equal to 50 percent of the previous month's water bill.
- C. Subsequent violations. For any subsequent violation within an 18-month period, a one-month surcharge shall be imposed in an amount equal to 50 percent of the previous month's water bill and, in addition, the utility shall interrupt water service to that customer at the premises at which the violation occurred. Service shall not be restored until the customer has paid the reconnection fee and has provided reasonable

assurance that future violations of Water Warning or Water Emergency use restrictions will not occur.

Any customer charged with a violation of the Water Warning or Water Emergency use restrictions may request a hearing before the Water Appeal Board. The Water Appeal Board 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 penalty.

#### **SECTION 7. WATER APPEAL BOARD**

A Water Appeal Board shall consist of the Mayor and the City Council. The Water Appeal Board shall hear appeals of any action taken pursuant to a Water Warning or Water Emergency; except that, if a customer is charged with a municipal infraction relating to this Ordinance, that proceeding shall be conducted pursuant to Iowa Code Section 364.22

#### **SECTION 8. MUNICIPAL INFRACTION**

A second or subsequent violation of the Water Warning or Water Emergency use restrictions by any person within a 12-month period constitutes a municipal infraction. Any person who, in making application to the Water Appeal Board for adjustment of the premium charges, intentionally provides false or incorrect statements or information commits a municipal infraction.

#### **SECTION 9. REDUCTION IN FLOW OF WATER TO ANY PERSON**

The Utilities Manager is authorized, after giving notice and opportunity for hearing before the Water Appeal Board, to reduce the flow of water to any person determined to be using water in any manner not in accordance with this ordinance during a Water Warning or Water Emergency.

#### **SECTION 10. SEVERABILITY**

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

#### **SECTION 11. EFFECTIVE DATE**

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

Passed and approved the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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David Krahling, Mayor

ATTEST: \_\_\_\_\_  
Scott Wynja, City Clerk