

ORDINANCE NO. 379

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE
CITY OF STATE CENTER, IOWA, BY ADDING PROVISIONS PERTAINING TO
WATER EMERGENCY RESPONSE PROGRAM**

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF STATE CENTER, IOWA:

SECTION 1. NEW CHAPTER. The Code of Ordinances of the City of State Center, Iowa, is amended by adding a new Chapter 93, entitled WATER EMERGENCY RESPONSE PROGRAM, which is hereby adopted to read as follows:

CHAPTER 93

WATER EMERGENCY RESPONSE PROGRAM

93.01 Procedure
93.02 Notification
93.03 Emergency Conservation Levels
93.04 Conditions

93.05 Response
93.06 Notification
93.07 Violations

93.01 PROCEDURE. In the event it appears that a water emergency may be occurring in the City of State Center, the Public Works Director will contact the Mayor, Public Works Committee Chair and City Clerk to discuss the potential emergency. If the Mayor and Public Works Committee Chair concur that an emergency exists, the Public Works Director shall be authorized to implement those Water Emergency Response elements determined necessary to address the Water Emergency.

93.02 NOTIFICATION. The Public Works Director and City Clerk shall see that the appropriate public officials are notified and that the City staff notifies the water users impacted by the emergency of their need to participate in the Water Emergency Response elements.

93.03 EMERGENCY CONSERVATION LEVELS. The level of appropriate response to a Water Emergency will depend upon conditions of usage and availability of supply. Three levels are established beginning with voluntary measures up to mandatory restrictions on water usage. The levels of response regarding a Water Emergency event are as follows:

1. Water Advisory
2. Water Warning
3. Water Emergency

The Public Works Director shall determine the level in consultation with the Mayor and Public Works Committee Chair and shall direct public notification efforts.

93.04 CONDITIONS. The following conditions are defined for determining if a Water Emergency exists and the level of response by the City. The availability of water supply will be assessed and used as contributing information in determining the level of water emergency. The levels of emergency are as follows:

1. Phase I – Water Advisory. A Water Advisory 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 Advisory include: system operation at 75% of pumping capacity; moderate decrease in the pumping water level of the water tower, or other potential moderate threats to the reliable availability of water supply.
2. Phase 2 – Water Warning. A 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 or in the foreseeable future. Indicators of the need to impose a Phase 2 Water Warning include: system operating at 85% of pumping capacity; significant decrease in the pumping water level of tower or significant decrease in recovery rate of water level in clear wells; significant decrease in well levels in feet above intake or feet below normal.; severe system emergencies such as a chemical spill or major system failure.
3. Phase 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 system operating at 95% of pumping capacity; serious decrease in the pumping water level of tower or serious decrease in recovery rate of water level in tower; serious decrease in well levels in feet above intake or feet below normal.

93.05 RESPONSE. Upon determination of the level of Water Emergency, the City will respond with the actions described in this section. Each phase may encompass elements of the preceding phase. City staff will contact large water consumers first, and then implement other elements as the need arises.

1. Phase 1 – Water Advisory. Under a Water Advisory, all customers of the water utility are encouraged to limit or curtail all nonessential uses of water to conserve water resources during the time of shortage or equipment failure. Customers may be encouraged to comply with the following voluntary standards:
 - A. No watering of lawns, shrubs, or gardens between the hours of 8:00 a.m. and 8:00 p.m.
 - B. No water should be used to fill private swimming pools,

children's wading pools, reflecting pools, or any other outdoor pool or pond. The city water splash pad would be shut down.

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

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

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

F. Water restrictions allowed for odd-even sprinkling by customers.

2. Phase 2 – Water Warning. Under a Water Warning, the City may impose mandatory restrictions on the usage of water. Restrictions may be enforced through an order that may include any or all the listed prohibitions on the use of potable processed water of the municipal water service:

A. Outdoor watering or irrigation of lawns is prohibited.

B. Outdoor watering of any kind is prohibited between the hours of 8:00 a.m. and 8:00 p.m. daily.

C. Water or irrigation of flower and vegetable gardens, trees and shrubs less than four years old and new seeding or sod is permitted once per week with an application not to exceed one inch.

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

I. Use of water-consuming comfort air conditioning equipment which consumes more than 5 percent of the water circulating in such equipment is prohibited.

- J. Tank load water sales may be curtailed or prohibited.
- K. Reduce water on City parks non-play areas.
- L. Odd/even lawn watering during the night.
- M. No park or playing field watering.
- N. No watering of commercial or industrial landscape areas.
- O. Other irrigation restrictions as considered necessary.
- P. Request to large water users to reduce water use by 10%.

Water reclaimed or recycled after some primary use, such as water that has been used for washing or cooling, may be used without restriction. Additionally, water derived from other sources 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. Phase 3 – Water Emergency. Under a Water Emergency, the most stringent restrictions may be imposed. No person shall use potable processed water of the municipal water system in any manner contrary to the following:

- A. All outside water use, except for domestic animals, sanitation and fire, is prohibited.
- B. All commercial and industrial use of water not essential in providing products or services is prohibited.
- C. Irrigation of agricultural crops 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.

93.06 NOTIFICATION. The Public Works Director and other City employees will provide notice to the public when any phase of the water emergency response is made effective. Local radio, newspaper and social media will be used to the maximum extent possible. All City employees will be instructed to provide information to the public in the course of regular City business.

93.07 VIOLATIONS. The following shall be applied for violations of water waning use restriction imposed under the chapter.

- 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 Watch, Water Warning or Water Emergency.
- B. Second Violation. For a second violation within a twelve-month period and administrative surcharge shall be imposed on the customer's account, an amount equal to two hundred percent (200%) of the previous month's water utility bill. (This will not include water improvement charges.)
- C. Subsequent Violations. For any subsequent violation within a twelve-month period, an administrative surcharge shall be imposed in an amount equal to two hundred percent (200%) of the previous month's water utility 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 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 City Council. Th City 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.

SECTION 2. 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. If any section, subsection, sentence, clause, or phrase 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, subsection, sentence, clause or phrase hereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its passage, approval, and publication.

1st Reading, June 20, 2023:

Motion by Darrow, second by Grant, that Ordinance 379, an ordinance amending the Code of Ordinances of the City of State Center, Iowa, by adding provisions pertaining to Water Emergency Response Program, be given its first reading for passage.

Darrow: Aye Nichols: Aye Quick: Aye Shaffar: Absent Grant: Aye

Motion by ^{Quick} ~~Nichols~~, 2nd by ^{Grant} ~~Darrow~~, that the 2nd & 3rd readings of Ordinance ~~379~~ be waived. Motion passes roll call vote:

Darrow: Aye Nichols: Aye Quick: Aye Shaffar: Absent Grant: Aye

Motion by Darrow, 2nd by Nichols that Ordinance 379 be finally adopted at this time. Motion passes roll call vote:

Darrow: Aye Nichols: Aye Quick: Aye Shaffar: Absent Grant: Aye



Craig Pfantz, Mayor

ATTEST:



Lori Bearden, City Clerk/Treasurer

Ordinance 379 is in effect upon publication in the Mid Iowa Enterprise.

I certify that the forgoing was published as Ordinance 379 on the 29 day of June 2023.

(Seal)



Lori Bearden, City Clerk