

ORDINANCE 881

AN ORDINANCE AMENDING TITLE V, CHAPTER 52, BY ADDING SECTION 52-050, RELATED TO WATER USAGE; PROVIDING FOR PENALTIES; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GOTHENBURG, NEBRASKA AS FOLLOWS:

Section 1. Title v, Chapter 52, is hereby amended by adding Section 52-050 of the Gothenburg Municipal Code to read as follows:

Sec. 52-050. - Water conservation, drought, emergency, and shortage contingency plan.

- 1) *Purpose.* The purpose of this section is to adopt a plan for the declaration of a water supply Watch, Warning or Emergency and the implementation of voluntary and mandatory water conservation measures throughout the city in the event such a Watch, Warning or Emergency is declared. Said plan shall be named the City of Gothenburg Water Management Plan.
- 2) *Class of uses of water established.* The following classes of water use are hereby established for users of water on the municipal water system:
 - a) *Class I.* Domestic usage. Water necessary only to sustain human life and the lives of domestic pets, and to maintain standards of hygiene and sanitation.
 - b) *Class II.* Commercial, Industrial or Agricultural purpose. Water used for commercial, industrial or agricultural purposes. However, water actually necessary to maintain the health and personal hygiene of bona fide employees while such employees are engaged in the performance of their duties at their place of employment is exempt from this classification.
 - c) *Class III.* Non-essential purpose. Water used for outdoor watering; either public or private. Said use shall be for gardens, lawns, trees, shrubs, plants, parks, playing fields, swimming pools or other recreational areas; or the washing of motor vehicles, boats, trailers, sidewalks, driveways, the exterior of any building or structure; or any other use similar in nature.

3) *Definitions.*

Consumer shall mean the customer of record using water for any purpose from the city distribution system and for which either a regular charge is made or, in the case of coin sales, a cash charge is made at the site of delivery.

Drawdown means the distance between the static water level and the pumping water level.

Jo T. Lewis 1-16-13

Plan Refers to the City of Gothenburg Water Management Plan.

Pumping water level means the level of water in a well when the pump is pumping.

Shortage means the inability of the municipal water system to provide enough water to all customers for basic living needs, and adequate firefighting reserves.

Static water level means the level of water in a well when the pump is not pumping.

Triggers mean significant events which indicate the implementation of the different stages of this plan.

Waste of water includes but is not limited to:

1. Permitting water to escape down a gutter, ditch, or other surface drain; or
2. Failure to repair a controllable leak of water due to defective plumbing; or
3. Any other use as determined by the City Administrator as a waste.

Water shall mean any water supplied by the city through the Municipal Water System.

Water system capacity, for the purposes of this plan, is determined by aggregate production capacity of all wells available in gallons per minute times 60 minutes in an hour times 24 hours per day.

Water system demand. Total daily aggregate consumption calculated by subtracting the previous day reading for each well from the current day reading for each well.

- 4) *Water plan established*. In order to assure the continued supply of safe drinking water to the citizens of the city, the city council adopts the following plan addressing conservation, drought, emergency, and shortage contingencies. The plan is based upon demand on the system and implements a series of stages depending upon the severity of the demand.
 - a) *Normal System* – There are no restrictions on water usage. However, the public is asked to adhere to a voluntary restriction on Class III watering from 1:00 PM to 5:00 from June 1 through August 31 of each respective year.
 - b) *Stage 1: Water Watch*.
 - i) *Triggers*. This stage may be triggered by any one of the following conditions:
 - (1) When the calculated water system demand equals 60% of the calculated water system capacity.
 - (2) When the drawdown of the wells is more than normal for that time of year as determined by the water operator.
 - (3) When the system storage reservoir cannot be filled to 100% of capacity by 5:00 a.m. each morning.

- (4) Any other issue in the Municipal Water System in which it is deemed prudent by the City to trigger Stage 1.
 - ii) *Goals.* The goals of this stage are to heighten awareness of the public regarding water conditions and to maintain the integrity of the water supply system and may reduce overall weekly consumption by seven percent.
 - iii) *Education actions.*
 - (1) The city may make occasional news releases to the local media, as well as posting at city hall, describing present conditions and indicating the regulatory action.
 - (2) The triggers necessitating the stage 1: Water Watch may also be made available to the news media along with an explanation of terms.
 - iv) *Management action.*
 - (1) The city will ascertain that each well is operating at peak efficiency.
 - (2) Leaks detected will be repaired within 48 hours.
 - (3) The city shall curtail weekly use of Class III uses by seven percent.
 - v) *Regulatory action.* The public shall be asked to voluntarily reduce the use of water as defined in Class III.
 - vi) *Declaration of a Water Watch.* Whenever the City Administrator finds that conditions exist as described in the plan under Stage 1, the City Administrator shall declare a Stage 1 Water Watch and implement the steps outlined under this section. The implementation declaring the existence and end of a Stage 1 shall be effective upon issuing of news releases and posting at city hall.
- c) *Stage 2: Water Warning.*
- i) *Triggers.* This stage is triggered by any one of the following conditions:
 - (1) When the calculated water system demand equals 70% of the calculated water system capacity.
 - (2) When the drawdown of the wells increases significantly over and above the level determined in Stage 1.
 - (3) When the system storage reservoir cannot be filled to 90% of capacity by 5:00 a.m. each morning.
 - (4) Any other issue in the Municipal Water System in which it is deemed prudent by the City to trigger Stage 2.
 - ii) *Goals.* The goal of this stage is to reduce overall weekly consumption by 15 percent.
 - iii) *Education actions.*
 - (1) The city may make news releases to the local media and by posting, describing present conditions and projecting the outlook for the coming week.
 - (2) The triggers necessitating the Stage 2 may also be made available to the public through news releases and posting at city hall along with an explanation of terms.
 - (3) Water conservation articles may be provided to the local newspaper and posted at city hall.
 - iv) *Management actions.*
 - (1) The city will continue to monitor water supplies on a daily basis.

- (2) Leaks shall be repaired within 48 hours or a violation notice shall be issued.
 - (3) The city shall curtail weekly use of Class III by 15 percent.
 - (4) The city may terminate its usage of water classified in Class II and Class III.
- v) *Regulation action.* Water classified as Class III shall be terminated except as follows:
- (1) A staggered lawn watering system shall be imposed on city residents. The City Administrator shall determine the lawn watering schedule at the time of the declaration.
 - (2) Class III use, including lawn watering allowed under the previous section shall be restricted to before 11:00 a.m. and after 7:00 p.m. of each day.
- vi) *Declaration of a Water Warning.* Whenever the City Administrator finds that conditions exist as described in the plan under Stage 2, the City Administrator shall declare a Stage 2 Water Warning, and implement the steps outlined under this section. The implementation declaring the existence and end of a Stage 2 Water Warning shall be effective upon a news release and posting at city hall.
- d) *Stage 3: Water Emergency.*
- i) *Triggers.* This stage is triggered by any one of the following conditions:
 - (1) When the calculated water system demand equals 80 percent of the calculated water system capacity.
 - (2) When the drawdown of the wells increases significantly over and above the level determined in Stage 2.
 - (3) When the system storage reservoir cannot be filled to 80 percent of capacity by 5:00 a.m. each morning.
 - (4) Any other issue in the Municipal Water System in which it is deemed prudent by the City to trigger Stage 3.
 - (5) *Goals.* The goals of this stage are to reduce the overall weekly consumption by 25 percent and maintain the integrity of the system.
 - ii) *Education actions.*
 - (1) The city may make news releases to the local media and by posting, describing present conditions and projecting the outlook for the coming week.
 - (2) The triggers necessitating the Stage 3: Water emergency may also be made available to the public through news releases and posting at city hall along with an explanation of terms.
 - (3) Water conservation articles may be provided to the local newspaper and posted.
 - (4) The city may conduct public meetings to discuss the emergency; the status of the city water supply and further actions, which may needed to be taken.
 - iii) *Management actions.*
 - (1) The city water supplies shall be monitored daily.
 - (2) Leaks shall be repaired within 24 hours.
 - (3) The city may seek additional emergency supplies from other sources.
 - iv) *Regulation actions.*
 - (1) Uses of water in Class II and Class III shall be prohibited.

- v) *Declaration of a water emergency.* Whenever the Governing Body of the City finds that conditions exist as described in this plan under stage 3, it shall be empowered to declare, by Resolution, that a stage 3 Water Emergency exists and implement the steps outlined under this plan. The resolution declaring the existence of a Stage 3 Water Emergency shall be effective upon news release and/or posting at City Hall. In the event of a system failure, or natural disaster, the City Administrator shall have the authority to declare a Stage 3: Water Emergency. The City Administrator shall declare the end of a Stage 3 Water Emergency.
- 5) *Waste of Water* – Waste of Water shall not be allowed at any time or during any system stage.
- 6) *Administrative enforcement provisions.*
- a) *Warning.* The city council hereby appoints, in addition to police officers, the City Administrator or his agent(s) to issue written warnings and/or citations to any consumer violating Stage 2 Water Warning and Stage 3 Water Emergency. Such warning shall advise the consumer that a second violation at the same premise within a six-month period shall result in the issuance of an administrative notice of violation for which a penalty charge of \$100.00 shall be added to the premises monthly consumption. Such penalty charge shall be imposed for six months following the notice of the violation. The City Clerk shall weekly post the names of the consumers issued a written warning during the previous week. The names of the consumers given a warning shall be posted in the same locations as the declaration.
- b) *Administrative notice of violation.* The City Council hereby appoints, in addition to police officers, the City Administrator and or agent(s) to issue a written administrative notice of violation to any consumer violating Stage 2 Water Warning and Stage 3 Water Emergency for a second time. Such notice shall advise the consumer that they will be assessed a penalty charge of \$100.00 for the next six months and that a subsequent violation at the same premise within a six-month period shall result in the immediate termination of all water service to the premise. The consumer shall further be notified that they have a right to appeal the issuance of the administrative notice of violation by filing a notice of appeal with the City Clerk within ten days of the issuance of the notice. The action shall be final if no appeal is filed within the ten-day period. The City Administrator shall hear such appeal within ten days.
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- c) *Notice of termination of service.* The City Council hereby appoints, in addition to police officers, the City Administrator and or his agent(s) to issue a written notice of termination of service to any consumer violating Stage 2 Water Warning and stage 3 Water Emergency for a third time. Such notice shall advise the consumer that all water service to the premises in violation shall be discontinued, beginning not less than 48 hours after the notice and not more than 72 hours after the notice, unless a further violation is found to have occurred at which time termination shall be immediate for the protection of the municipal water system. The consumer may appeal the decision by filing a notice of appeal with the city clerk within the 48-hour period after notice of

termination of service is given. Such appeal shall stay the action of termination for up to 48 hours or until a meeting with the City Administrator shall be called unless the City Administrator determines that a further violation has occurred, at which time termination shall be immediate for the protection of the municipal water system. If service is terminated then service may be reconnected only upon the filing for water service reconnection with the city and the payment of the reconnection fee as set by the City. Additionally, the applicant must file a written statement advising that they are aware that a water warning or water emergency is in effect and that a subsequent violation of its provisions will result in the termination of water service for a period of not less than 30 days unless such termination would pose a health hazard to the occupants of the premises as determined by . or his agent(s) shall cause the termination of water service of the violating consumer as provided above or directed by the city council.


- 7) *Emergency termination.* Nothing in this section shall limit the ability of the City Administrator from terminating the supply of water to any or all customers upon the determination of said officials that emergency termination of water service is required to protect the health and safety of the public.
- 8) *Violation; penalty.* Any person who shall violate or refuse to comply with any of the provisions of this section shall be deemed guilty of an offense and upon conviction thereof, shall be fined \$100.00 for the first offense and \$200.00 for the second and subsequent offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply. In addition to police officers, the city council hereby appoints the City Administrator, or his agent(s) to issue citations for violation of the provisions of this section.
- 9) *Exemptions by permit.* Customers may apply for and be granted permits for:
 - a) New turf sod application for up to three weeks.
 - b) New grass seed application for up to four weeks. However the city strongly discourages new grass seed between July 1st and August 31st.
 - c) Landscape in large common or public areas that, because of irrigation system limitations, cannot be sustained by following mandatory drought restrictions in this section.The above may be canceled by the city in the event a Stage 3 Water Emergency is declared.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall become effective upon its passage and publication, according to law.

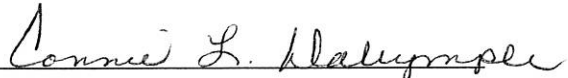
Passed and approved this 15th day of January, 201 .

CITY OF GOTHENBURG, NEBRASKA



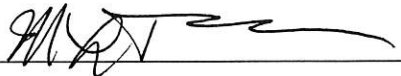
JOYCE HUDSON, Mayor

ATTEST:



CONNIE DALRYMPLE, City Clerk

APPROVED AS TO FORM:



MICHAEL L. BACON, City Attorney