

CHAPTER 91

WATER CONSERVATION

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91.01 PURPOSE. The purpose of this chapter is to protect the health, safety and welfare of the citizens of the City by providing for an orderly process for the conservation of water in the event of a water shortage as determined by the Council.

91.02 WATER SHORTAGES. When the City's water supply becomes insufficient to meet all customary and usual demands, the Council may establish, and declare by resolution, 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, by resolution, the Council finds and declares the water shortage condition to be ended.

91.03 CONDITIONS.

1. Water Watch. A Water Watch may be declared when a water shortage 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 seventy-five percent (75%) of pumping capacity;
- B. Moderate decrease in the pumping water level of wells; or
- C. Moderate decrease in recovery rate of water level in wells.

2. Water Warning. A Water Warning may be declared when a water shortage 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 Water Warning include, but are not limited to:

- A. System operating at eighty-five percent (85%) of pumping capacity;

- B. Significant decrease in the pumping water level of wells;
or
 - C. Significant decrease in recovery rate of water level in wells.
3. Water Emergency. A Water Emergency may be declared when a water shortage poses a serious 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 operating at ninety-five percent (95%) of pumping capacity; and
 - B. Serious decrease in recovery rate of water level in wells.

91.04 GENERAL PROCEDURE.

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 between the hours of eight o'clock (8:00) a.m. and ten o'clock (10:00) p.m. in order to conserve precious water resources. Customers are encouraged to comply with the following voluntary standards:
- A. No watering of lawns, shrubs or gardens.
 - 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. Water should be served at restaurants only upon the request of the customer.
 - E. Voluntary reduction of use of water.
2. Water Warning. Under a Water Warning, no user shall use processed water of the Municipal Water Service in any manner contrary to the following:
- A. Outdoor watering or irrigation of lawn is prohibited.
 - B. Watering or irrigation of flower and vegetable gardens, trees and shrubs less than 4 years old and new seedlings or sod is permitted once per week with an application not to exceed one (1) inch. Watering is to be done between the hours of ten o'clock (10:00) p.m. and eight o'clock (8:00) a.m.

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

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

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

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

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

H. Tank water sales may be limited based on previous usage.

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 may be used without restriction.

3. Water Emergency. Under a Water Emergency, the following restrictions will be in effect:

A. All outside water use, except for fire and health hazard prevention, is prohibited.

B. All commercial and industrial uses of water not essential in providing products or services is prohibited.

C. Water use not necessary for the preservation of life or the general welfare of the community is prohibited.

4. Water Emergency Base Allocation. Under a Water Emergency, each user (including the City) will be afforded a monthly allocation of water.

A. Base Allocation. The base allocation of water for residential use shall be 3,000 gallons per household per billing period. For commercial, industrial or institutional use, the base allocation shall be established by resolution as a percentage of the average water used during the previous winter (November through April).

B. Appeal and Adjustment of the Base Allocation. Any person may file an appeal with the Water Appeal Board to adjust the base allocation amount. The Water Appeal Board may grant an adjustment to the appellant based on the following criteria:

(1) For single-family residential use, the base allocation may be increased by 1,000 gallons per person per billing period at the appellant's residence for a period of more than thirty (30) days.

(2) For commercial, industrial, institutional or other residential uses, the base allocation may be increased based upon factors appropriate to the individual customer, such as usage, production, service and occupancy data provided by the customer.

C. Premium Rate for Imprudent Consumption. In addition to the water rates, all persons shall pay a premium rate of \$1.00 per 100 gallons of water consumed in excess of the base allocation.

D. Adjustment of Premium Rate Charges. Any person may file for adjustment of the premium rate charges for imprudent water consumption with the Water Appeal Board. The Water Appeal Board may grant an adjustment of the premium rate charges in accordance with the following criteria:

(1) Adjustments may be granted for over-consumption due to mechanical failures such as broken or leaky pipes or fixtures but not for over-consumption due to human carelessness.

(2) The applicant shall furnish proof that the mechanical failure was repaired promptly. This should be in the form of a licensed plumber's invoice or statement or a materials receipt.

(3) The adjustment shall be granted only for the billing period prior to the correction of the failure.

(4) For those accounts granted an adjustment of the premium rate charges, the minimum adjusted rate shall be forty percent (40%) of the actual bill, which shall include the premium rate charges and sales tax.

91.05 PENALTIES. The following penalties shall apply for violations of Water Warning or Water Emergency use restrictions imposed under this chapter.

1. 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.

2. **Second Violation.** For a second violation within a Water Warning or Water Emergency, a one-month surcharge shall be imposed in an amount equal to fifty percent (50%) of the previous month's water bill.

3. **Subsequent Violations.** For any subsequent violation within the Water Warning or Water Emergency, a one-month surcharge shall be imposed in an amount equal to fifty percent (50%) 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 restriction 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.

91.06 WATER APPEAL BOARD. A Water Appeal Board shall be appointed during any Water Warning or Water Emergency. The Water Appeal Board shall consist of the Mayor, the Superintendent of the Water System, and three representatives of the community who shall be appointed by the Mayor with the approval of the 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 chapter, that proceeding shall be conducted pursuant to Section 364.22 of the Code of Iowa.

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

91.08 REDUCTION IN FLOW OF WATER TO ANY PERSON. The Superintendent 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 chapter during a Water Warning or Water Emergency.

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