

ORDINANCE NO. 99-1076

AN ORDINANCE CREATING PROVISIONS FOR WATER RESTRICTIONS AND PROHIBITING NON-ESSENTIAL WATER USE DURING CRITICAL DROUGHT OR IN OTHER TIMES OF EMERGENCY WHEN THERE MAY BE INSUFFICIENT WATER, AND DECLARING AN EMERGENCY.

WHEREAS, the City implemented water conservation measures during the Summer of 1996 to preserve water supplies during the dry season as interim steps; and,

WHEREAS, the City Council at its January 26, 1999 meeting, directed the City Staff to prepare water restrictions for conservation in advance of Summer 1999; and,

WHEREAS, the City Council requested and received the report of the status of water supply resources, and the testing, now completed, of the Cipole 12-inch Intertie from the City of Tualatin; and,

WHEREAS, the Completion of necessary repairs to the Bull Run (Regional Supply) Line is projected to be completed by Summer; and,

WHEREAS, the City is a member of the Regional Water Providers (RWP) Consortium, which is implementing the Regional Water Supply Plan and its Conservation Provisions; and,

WHEREAS, the contractual requirements that accompany water supply from outside the City, Bull Run Water, for example, specify that if water restrictions are necessary for the supplier, they shall be passed on to water customers in what is basically a "share the shortage" concept; and,

WHEREAS, the City is completing its Water System Master Plan, and its Water Management & Conservation Plan, which include upgrading and expanding the wells and storage capacity of the water system and providing for conservation; and,

WHEREAS, the growth in demand is expected to result in Water Consumption for the Summer Peak that is approximately nine percent (9%) higher than the previous years; and,

WHEREAS, the City needs additional flexibility between a voluntary plan and mandatory controls because of the possibilities of a critical drought, an emergency situation, a reduction in pumping or in other times of emergency; and,

WHEREAS, an ongoing program of water conservation will help protect our water resources, now and in the future; and,

WHEREAS, the City desires to inform water users of these restrictions and prohibitions; and,

WHEREAS, the City needs to ensure that water is available for fire protection and other essential uses.

NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:

ARTICLE I
ONGOING WATER CONSERVATION PROGRAM

Section 1. The purpose of this Article is to restrict nonessential water use in order to protect the City's water resources without creating an undue hardship for water users.

Section 2. The City of Sherwood hereby establishes a water conservation program to include the following ongoing provisions:

- A. Landscape sprinkling for each landscaped area (e.g. sprinkler zone) shall be limited to 20 minutes per day.
- B. No landscape watering shall be allowed between 10:00 a.m. and 5:00 p.m. ~~from May 1st to October 15th~~.
- C. All watering with a hose held by hand and constantly monitored is exempt from restrictions.
- D. Exemptions may be granted by the Public Works Director.

Section 3. New landscaping shall be subject to any and all water restrictions imposed, and shall not receive any preference or exemptions until after the placement in service of the Bull Run (Regional Supply) Line.

ARTICLE II
WATER RESTRICTIONS

Section 1. The purpose of this article is to restrict water use to ensure fire flow and essential requirements. This Article includes the requirements of Article I.

Section 2. The City of Sherwood may restrict landscape sprinkling ~~on~~ from May 1st to October 15th an alternate day basis (e.g. even numbered addresses may water on even numbered days and odd numbered addresses on odd numbered days) under the following conditions:

- A. The Public Works Director shall inform the City Manager when water consumption exceeds production and available water storage is approaching the minimum the City requires to meet fire protection and other essential requirements.

- B. Upon notification, the City Manager shall impose the landscape water restrictions effective immediately upon posting notices in three (3) conspicuous places in the City.
- C. The restrictions shall stay in effect until such time as the City Manager finds that the conditions which gave rise to the restrictions no longer exist. The City Manager may declare the prohibition terminated in whole or in part effective immediately upon announcement.
- D. Restrictions imposed shall be reviewed by the City Council at its next subsequent meeting.
- E. Water for construction and water for the purpose of dust control may be limited or restricted entirely depending upon the availability of water at such time as water restrictions are imposed.
- F. The City reserves the right to establish separate rules to clarify and expand water restrictions and applications to meet the water demand.

ARTICLE III **EMERGENCY WATER RESTRICTIONS**

Section 1. The purpose of this article is to restrict water use to essential services during times of critical water shortages due to severe drought, reduction in pumping capability or other emergency situations wherein there may be an insufficient water supply. This Article includes the requirements of Articles I and II.

Section 2. The City Manager shall declare a critical water supply emergency by means of posting notice in three (3) public and conspicuous places in the City. Such announcement shall prescribe the action taken by the City Manager, including the time it became or will become effective, and shall specify the particular activities for which the use of water will be prohibited. The declaration shall be reviewed by the City Council at its next subsequent meeting.

Section 3. When a declaration of emergency is announced and notice has been given, the use and withdrawal of city provided water by any person may be limited, including prohibiting the following:

- A. Sprinkling, watering or irrigation of shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens, vegetables, flowers or any other vegetation.
- B. Washing automobiles, trucks, trailers, trailer houses, motorbikes, boats, or any other type of mobile equipment.
- C. Washing sidewalks, driveways, parking lots, tennis courts, filling station aprons, porches and other hard surface area.
- D. Washing the outside of dwellings, washing the outside of office buildings.
- E. Washing and cleaning business or industrial equipment and machinery.

- F. Operating any ornamental fountain, scenic or recreational ponds and lakes or other structures making a similar use of water, except for the minimum necessary to support fish life.
- G. Use of water to fill, refill or add to any swimming and wading pools or jacuzzi not employing a filter and re-circulating system, and evaporation covers, or where the use of the pool is required by a doctor.
- H. Permitting the escape of water through defective plumbing.
- I. Use of water for construction projects.
- J. Water to serve customers in a restaurant unless requested.
- K. Such other prohibitions on use, or restrictions on use practices, conservation measures, or as may be imposed or requested by a supplier of water to the City, pursuant to supply agreement or contract, as a condition to supplying water to the City of Sherwood.

Section 4. Whenever the City Manager shall find that the conditions which gave rise to the water prohibition no longer exists, the City Manager may declare the prohibition terminated in whole or in part, effective immediately upon announcement.

Section 5. The City Manager shall make or cause to be made a record of each time and date when any emergency declaration is announced to the public and this includes the notice of termination, both in whole or in part.

ARTICLE IV **ENFORCEMENT**

Section 1. Major Irrigators: Major irrigators with two-inch (2") or greater City water meter shall comply with the terms of the following:

- A. Notice: Major irrigators using two-inch (2") or greater City water meters shall be prohibited from irrigating once an emergency is declared and the City shall provide them immediate notice of such declaration and a copy of this notice. Failure to comply with City's "no irrigating" provision shall result in the immediate shut off of nonessential water usage by the City Public Works personnel.
- B. Other Users: In respect to other users, water restrictions and enforcement shall be as follows:
 - 1) Letter of Warning. A Letter of Warning shall be in writing, shall specify the violation, may require compliance measures, and shall be served upon the Customer either personally, by office or substitute service, by first class mail, or by posting in a conspicuous place on the building, place or premises where the violation occurred.
 - 2) Notice of Violation. For violation of each prohibition, the Customer will receive one Letter of Warning prior to receiving a Notice of

Violation. A Notice of Violation shall be in writing, shall specify the violation, may require compliance measures, may assess a civil penalty, and shall be served upon the Customer either personally, by office or substitute service, by first class mail, or by posting in a conspicuous place on the building, place or premises where the violation occurred.

Section 2. Penalties

- A. Schedule of Penalties. In addition to any liability, duty, or other penalty provided by law, the City Manager may assess a civil penalty for any violation of requirements after a Customer has previously received a letter of warning for a violation. A civil fine may be assessed in the following manner and amounts:

First notice of violation	\$100
Second notice of violation	\$300
Third notice and subsequent violations(s)	\$500

- 1) Penalties Assessed in a Notice of Violation. A penalty is due and payable upon receipt of the notice of assessment, and may be added to the total amount due on water bills. Procedures for collection of past due penalties shall be the same as for past due water bills, resulting in shut-off of water if payment is not received after notice and appeal rights have been exhausted.

- B. Settlement of Penalty. Upon receipt of a notice of assessment of an enforcement action, a Customer may request a conference with the designee of the City Manager, who may settle any unpaid penalty where deemed appropriate.
- C. Appeal of Assessment of Penalty. Upon receipt of a notice of assessment, a Customer may appeal the assessment to the City Manager. The appeal is required to be in writing and with sufficient proof to argue the assessment. The written appeal must be received in the City of Sherwood, 20 NW Washington, Sherwood, OR 97140, within seven (7) days of the date of issuance of the assessment.

Upon receipt of the notice, a time and place will be set for the hearing within seven (7) days. At the hearing, the appellant may present oral and documentary evidence relevant to the charge of violation. After hearing the evidence, the City Manager or his or her designee, will make a determination within fifteen (15) days, which determination shall be final.

ARTICLE V
VALIDITY

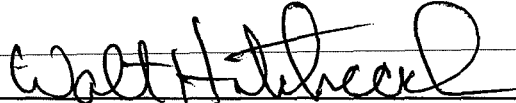
Section 1. The invalidity of any section clause, sentence or provision of this ordinance shall not affect the validity or any other part or section of this ordinance which can be given effect without such invalid part(s).

Section 2. Repealer. The existing provisions of Section 7A of Ordinance No. 514, codified as Section 13.04.070 "Use Restrictions in Periodic Water Shortage" are hereby repealed.

Section 3. Inasmuch as it is necessary for the public health, peace and safety of the City of Sherwood that water restrictions be created with the least possible delay, an emergency is hereby declared to exist; and this ordinance shall be in full force and effect after passage by the City Council and of the Mayor.

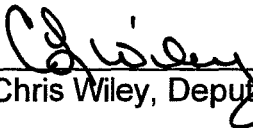
Duly passed by the City Council this 27th day of April 1999.

Approved



Walter Hitchcock, Mayor

Attest



Chris Wiley, Deputy City Recorder

	Aye	Nay
Cottle	<u>Absent</u>	_____
Krause	<input checked="" type="checkbox"/>	_____
Franklin	<input checked="" type="checkbox"/>	_____
Hitchcock	<input checked="" type="checkbox"/>	_____
5 th seat vacant	_____	_____