

ORDINANCE NO. 2023-04

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF AVOCA, IOWA BY ADDING A NEW SECTION ADOPTING WATER CONSERVATION ORDINANCES.

BE IT ENACTED by the City Council of the City of Avoca, Iowa:

SECTION 1. SECTION MODIFIED. The Avoca Code of Ordinances, Chapter 6.10 Water Utility, Section 6.10.M Water Conservation, is here by adopted:

6.10.M Water Conservation

1. WATER SHORTAGES

From time to time, the City's water supply from our water supplier, Regional Water of Avoca Iowa may become significantly constrained that customary and usual demands cannot be met. Under these conditions, the Utility Board may find, 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 in water consumption until, by resolution, the Utility Board finds and declares the constraint conditions to be ended.

CONDITIONS

- a) **Water Watch** – A Water Watch may be declared when Regional Water notifies the City of a White Level of Action. Under a water watch, all customers of the water utility are encouraged to limit or curtail all nonessential uses of water in order to conserve water resources during the time of the Regional Waters White Level of Action. 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 8:00p.m. Cut grass no less than 3” tall. Taller grass assists with the retention of soil moisture.
 - b) No water should be used to fill private swimming pools, children's wading pools, reflecting pools, or any other outdoor pool or pond.
 - c) Prohibit the use of publicly owned continuously running fountains and similar devices.
 - d) Large volume water users, including industries, motels, hotels, and eating establishments should conduct a water usage audit of their facilities and reduce water use accordingly.
 - e) Eating establishments are requested to discontinue serving water with meals unless the customer requests it. The following is a suggested customer notice:

“We are cooperating with Regional Water/City of Avoca to conserve water during this period of voluntary use reduction. Each eight-ounce glass of water served requires another sixteen ounces of water to ice, wash, and rinse, for a total consumption of twenty-four ounces.

Thousands of gallons of water can be saved daily, by not serving a glass of water with each meal unless the customer specifically asks for it.

Thank you for your understanding and support of our efforts to assist Regional Water/City of Avoca in preventing any further conservation measures from becoming

necessary.”

- f) Schools should attempt to modify their physical education curriculum and inter-scholastic competition schedules to minimize the use of showers in schools.
 - g) Water users should examine their plumbing for leaks, check toilets to ensure they are not running continuously, and install water saving devices in toilets, faucets, and showers. Facilities with automatic flush valves should adjust the valves to double the time between flushes.
 - h) Water users should reduce their shower time, use a lower level of water while bathing in a tub, shut off the water while bathing, shaving, brushing their teeth, or preparing food, and only do full loads of laundry and dishes.
 - i) No water should be used to wash streets, parking lots, driveways, sidewalks, or building exteriors.
- b) **Water Warning** - A Water Warning may be declared when Regional Water notifies the City of Yellow Level of Action. Under a Water Warning, no person shall use potable processed water of the municipal water service in any manner contrary to the following:
- 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 4 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. In these cases, hours of use will be restricted to 8:00 am to 8:00 PM.
 - e) No water shall be used to fill private swimming pools, children's wading pools, reflectingpools, or any other outdoor pool or pond.
 - f) No water shall be used to wash streets, parking lots, driveways, sidewalks, or building exteriors.
 - g) Large volume water users, including industries, motels, hotels, and eating establishments may be requested to scale back services.
 - h) Schools will be required to cancel their physical education activities and inter-scholastic competitions that require showers or attract crowds and take other actions to reduce water consumption.
 - i) Water shall be served at restaurants only upon the request of the customer.

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.

- c) **Water Emergency** – A Water Emergency may be declared when Regional Water notifies the City of Red Level of Action. Under a Water Emergency, no person shall use potable processed water of the municipal water service in any manner contrary to the following:
- a) Under a Water Emergency each customer will be afforded a monthly allocation of water.
 - b) All outside water use, except for domestic, sanitation, and fire, is prohibited.

- c) All commercial and industrial use of water not essential in providing products or services is prohibited.
- d) Irrigation of agricultural crops is prohibited.
- e) Recreational and leisure water use, including lawn and golf course watering and other incidental or recreational use, is prohibited.
- f) Water use, not necessary for the preservation of life or the general welfare of the community, is prohibited.

2. BASE ALLOCATION

The base allocation of water for residential use shall be 4,000 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).

3. 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 Utility Board. The Water Appeal Board shall hear appeals of any action taken pursuant to a Water Warning or Water Emergency.

4. 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 upon the following criteria:

- a) For single-family residential use, the base allocation may be increased by 1,000 gallons per person per billing period for all individuals residing at the appellant's residence for a period of more than thirty (30) days.
- b) For commercial, industrial, institutional, or other residential uses, the base allocation may be increased based on factors appropriate to the individual customer, such as usage, production, service, and occupancy data provided by the customer.

5. PREMIUM RATE FOR IMPRUDENT CONSUMPTION

In addition to the water rates duly enacted by the Utility Board, all persons shall pay a premium rate of \$2.00 per 1000 gallons of water consumed in excess of the base allocation.

6. 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:

- a) Adjustments may be granted for overconsumption due to mechanical failures such as broken or leaky pipes or fixtures but not for overconsumption due to human carelessness.
- b) 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.
- c) The adjustment shall be granted only for the billing period prior to the correction of the failure.
- d) For those accounts granted an adjustment of the premium rate charges, the minimum adjusted rate shall be 40 percent of the actual bill which shall include the premium rate charges and sales tax.

7. 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 a 12-month period, a one-month surcharge shall be imposed in an amount equal to double of the previous month's water bill.
- c) Subsequent violations. For any subsequent violations within a 12-month period, a one-month surcharge shall be imposed in an amount equal to double 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.

8. 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 ordinance during a Water Warning or Water Emergency.

9. NOTIFICATIONS

The City Administrator will arrange for the notification of all levels of emergency measures to be taken, by placing notification on city owned Facebook page, city owned website, and Pottawattamie County Alert system.

10. PRIORITY WATER USES

Priority shall in all causes be given to domestic (essential) uses, based on human life, health, and welfare. This shall include hospitals and nursing homes. Secondary priority shall be given to limited fire protection where such use supports this primary goal.

11. PROHIBITED WATER USES

- a) All those items listed under "Water Watch and Water Warning"
- b) Large volume water users, including industries, motels, hotels, and eating establishments will be instructed to scale back services and/or production or shutdown entirely.
- c) Schools will be required to cancel their physical education activities and inter-scholastic competitions that require showers or other water uses. Paper products will be used to replace dishes, trays, etc. for meals. Environmental controls shall be set to maximum human tolerances to minimize boiler water use or use of water in air conditions systems. All other identified actions to reduce water consumption shall be taken.

12. EMERGENCY ACTIONS

- a) Hospitals and Nursing Homes shall prepare to relocate or transfer patients to other area

hospitals. Paper products will be used to replace dishes, trays, etc. for meals. Environmental controls shall be set to maximum human tolerances to minimize boiler water use or use of water in air conditions systems. All other identified actions to reduce water consumption shall be taken.

- b) Public media notices and if appropriate, Boil advisories and/or orders will be issued to the Public.
- c) Grocery stores and convenience stores will be asked to increase their stock of bottled water and limit sales to two (2) gallons per customer.
- d) The City Administrator will coordinate with Regional Water and Pottawattamie County Emergency Management for assistance in targeting and distributing the limited water supply and to assist as appropriate with related emergency issues. Every effort will be made to assist with reasonable requests from these agencies, however, control of the Public Water System and its resources shall not be unduly surrendered.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. 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.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

First Reading passed: June 20, 2023

Second Reading passed: July 18, 2023

Third Reading passed: Waived



Tom Bruck, Mayor

ATTEST:



Teresa M Hoepner, City Clerk