

**CITY OF STEVENSON
ORDINANCE NO. 2019-1136**

**AN ORDINANCE OF THE CITY OF STEVENSON, WA DEFINING, RELATING TO WATER
SHORTAGE EMERGENCY REGULATIONS AND PROVIDING PENALTIES FOR THE
VIOLATION THEREOF**

WHEREAS, the City of Stevenson has previously adopted a Water Conservation Plan; and

WHEREAS, the City of Stevenson believes it is necessary to establish formal emergency procedures in the event of a water shortage.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF STEVENSON DO ORDAIN AS FOLLOWS:

Section 1-Adoption: Stevenson Municipal Code chapter 13.17 Water Shortage Emergency Regulations is adopted to read as follows:

**Chapter
13.17
WATER SHORTAGE EMERGENCY
REGULATIONS**

Sections:

- 13.17.010 Purpose.
- 13.17.020 Authority.
- 13.17.030 Policies and procedures.
- 13.17.040 Enforcement.
- 13.17.050 Variances.
- 13.17.060 Penalties.

13.17.010 Purpose.

It is in the public interest to promote the conservation of the city's water supply in order to protect the health, welfare, and safety of water users. To accomplish this declared purpose, the city reserves the right to exercise its police powers through emergency measures as set forth in this chapter.

13.17.020 Authority.

The mayor, when necessary for the protection of the public health, safety, and welfare, shall have the authority to declare various stages of water emergencies and to implement the water conservation measures set forth in this chapter. The mayor shall also have authority to determine whether the various stages of water emergencies and water conservation measures apply to the entire city utility service area or to such portions as may be particularly affected.

13.17.030 Policies and procedures.

The following policies and procedures shall apply during the various stages of water emergencies as set forth in this section. All policies and procedures set forth in this section shall also apply to the City of Stevenson owned properties.

A. Stage I – Anticipated Water Shortage – Internal Preparations.

The mayor may declare a Stage I water emergency when a water shortage is anticipated but not immediate. City hall, in coordination with the public works department, shall conduct public education efforts regarding the benefits and necessity of conservation by the public through news releases and other methods of providing information about conservation methods.

B. Stage II – Serious Water Shortage – Limited Outdoor Restrictions.

The mayor may declare a Stage II water emergency when a water shortage exists such that water supplies are impacted and water demand must be reduced. In a Stage II water emergency, irrigation of lawns and gardens will be restricted to the hours of 6:00 a.m. to 9:00 a.m. and 6:00 p.m. to 9:00 p.m. on all days. Irrigation of lawns and gardens using a timer system will be restricted to the hours of 4:00 a.m. to 9:00 a.m. and 6:00 p.m. to 9:00 p.m.

C. Stage III – Critical Water Shortage – Outdoor Restrictions.

The mayor may declare a Stage III water emergency when a water shortage exists such that water supplies are critically impacted and water demand must be reduced. Upon the declaration of a Stage III water emergency, the City Administrator may impose a rate surcharge of ten percent on all water used by customers with stand-alone irrigation meters and on residential consumption of greater than two thousand one hundred cubic feet per month. In a Stage III water emergency, the following policies apply:

1. Irrigation of lawns and gardens will be restricted to the hours of 6:00 a.m. to 9:00 a.m. only. Irrigation of lawns and gardens using a timer system will be restricted to the hours of 4:00 a.m. to 9:00 a.m. Properties with “even number” addresses will be permitted to irrigate only on “even number days.” Properties with “odd number” addresses will be permitted to irrigate only on “odd number days.”
2. Vehicle washing is prohibited, except for commercial/industrial vehicles where washing takes place on commercial/industrial property and is necessary for vehicle maintenance purposes. Licensed and permitted car washes are allowed to operate.
3. Driveway, sidewalk, etc. flushing is prohibited.

4. Orchard irrigation is prohibited.
5. Filling wading pools, swimming pools, and hot tubs is prohibited.

D. Stage IV – Extreme Water Shortage – Outdoor Usage Prohibited.

The mayor may declare a Stage IV water emergency when a water shortage exists such that maximum flow reduction is immediately required, water available to the city is needed for solely human consumption. Upon the declaration of a Stage IV water emergency, the City Administrator may impose a rate surcharge of ten percent on residential consumption of greater than one thousand three hundred cubic feet per month and a rate surcharge of fifteen percent on residential consumption of greater than one thousand five hundred cubic feet per month. In a Stage IV water emergency, the following policies apply:

1. All lawn, garden and orchard irrigation is prohibited.
2. Vehicle washing is prohibited, except for commercial vehicles where washing takes place on commercial/industrial property and is necessary for vehicle maintenance purposes. Licensed and permitted car washes are allowed to operate.
3. Driveway, sidewalk, etc. flushing is prohibited.
4. Filling wading pools, swimming pools, and hot tubs is prohibited.
5. Water consumption is permitted for essential indoor purposes only.

E. Stage V – Maximum Emergency – No Water Use.

The mayor may declare a Stage V water emergency when there is a significant or complete loss of available water supply. All outdoor water usage shall be prohibited, water rationing must be implemented and emergency water distribution may be necessary for customers without water until the emergency is lifted. The public works director is authorized to restrict water use by rationing the amount of water used by residential customers to a certain number of gallons per day per person residing within the dwelling unit, by rationing the amount of water used by nonresidential users based on a percentage of their historical usage as calculated by the city, and by any other type of rationing as the public works director deems necessary and appropriate in the circumstances.

F. Implementation Requirements.

Prior to the implementation and enforcement of any of Stage I, II and III, the mayor shall take reasonable efforts to have information disseminated to affected customers regarding water rationing, which shall include, at a minimum, publication in the official

newspaper of the city at least once, not less than one week in advance of the effective date of the declaration. Information regarding the specific stage limitations and durations will be sent to all customers by mail and will be posted at City Hall, the Post Office and on the city's web page.

Prior to implementation and enforcement of Stage IV and V, the mayor shall take reasonable efforts to have information disseminated to affected customers regarding water rationing, which shall include, at a minimum, sending a public notice immediately to the radio stations in the area and to the official newspaper of the city. In addition, notice shall be posted at City Hall, the Post Office, and on the city's website. Notices will be posted at all customer locations including residences and businesses.

G. Term of Stage and Scope.

The mayor is also authorized to determine the geographic area to which the declared stage shall apply and to determine the duration for which the declared stage and its limitations and restrictions shall be in effect.

13.17.040 Enforcement.

The public works director or designee, or the law enforcement officers of the city shall have the authority to enforce the provisions of this chapter.

13.17.050 Variances.

The mayor may grant temporary variances for the prospective use of water otherwise prohibited by this chapter for Stage I, II and III. Variances are not allowed for Stage IV and V. Such temporary variances shall be in writing and shall be based on a determination by the mayor that, due to unusual circumstances, application of this chapter would cause an extraordinary hardship adversely affecting the health, sanitation, or fire protection of the applicant or the public. The mayor's determination shall be final unless appealed as follows: a party adversely affected by the mayor's determination may appeal the determination to the city council within 24 hours of the mayor's determination. Said 24-hour periods shall exclude Saturdays, Sundays, Mondays and legal holidays.

13.17.060 Penalties.

Violations of this chapter shall be punishable as follows:

- A. The first violation of any provision of this chapter shall be a civil infraction as prescribed by Chapter 1.18 SMC, and as proscribed by RCW 7.80.120(1)(a), as now enacted and hereafter amended. Infractions shall be processed pursuant to the authority and provisions set forth in Chapter 7.80 RCW, as now enacted or hereafter amended, Chapter 1.18 SMC, as now enacted or hereafter amended and the Infraction Rules for Courts of Limited Jurisdiction.

- B. For any second or subsequent violation of any provision of this chapter the violator may be charged as a misdemeanor punishable by imprisonment in jail for a maximum term fixed by the court of not more than 90 days, or a fine in the amount fixed by the court of not more than \$1,000, or both such imprisonment and fine.

PASSED by the City Council of the City of Stevenson at a regular meeting this 21st day of February, 2019.

Scott Anderson, Mayor

ATTEST:

APPROVED AS TO FORM:

Leana Kinley, City Clerk/Treasurer

Kenneth B. Woodrich, City Attorney