

CHAPTER 90

WATER SERVICE SYSTEM

90.01 BOARD OF TRUSTEES. The management and control of the City's Water Utility are the responsibility of the Utility Board of Trustees established and operated as described in Chapter 24 of this Code of Ordinances.

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CHAPTER 91

WATER CONSERVATION

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91.01 PURPOSE. It is hereby declared, because of conditions that may prevail in the City, that the general welfare of the citizens of the City requires that water resources available to it be put to maximum beneficial use to the extent to which the same are capable.

91.02 MAYOR DETERMINATION. The Mayor is hereby authorized and directed to implement the applicable provisions of this chapter upon the determination that such implementation is necessary to protect the public welfare and safety. Prior to the implementation of any action as provided below, unless the emergency does not permit sufficient time, the Clerk shall give notice of the action of the Mayor in a newspaper of general circulation within the City, pursuant to Section 362.3 of the *Code of Iowa*.

91.03 WATER SHORTAGES. From time to time during the following described drought conditions or due to equipment failure, when the City water supply may become significantly and seriously depleted so that there will not then be sufficient supply of water to meet the customary and usual demands of the City, the Mayor may find and declare in writing a public Water Watch, Water Warning, or Water Emergency, during which time the measures and provisions hereinafter provided shall be in effect to produce an orderly and equitable reduction of water consumption until by declaration the Mayor declares the water shortage condition to be ended.

91.04 CONDITIONS.

1. Water Watch. A Water Watch may be declared when a water shortage or equipment failure 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:

- A. Municipal water system operating at 75 percent of pumping capacity.
- B. Moderate decrease in the pumping water level of wells or moderate decrease in recovery rate of water level in wells.

2. Water Warning. A Tier I or Tier II Water Warning may be declared when a water shortage or equipment failure poses a serious threat to the ability of the water system to meet the needs of its customers currently and in the foreseeable future.

- A. Indicators of the need to impose a Tier I Water Warning include:
 - (1) System operating at 85 percent of pumping capacity.
 - (2) Significant decrease in the pumping water level of wells or significant decrease in recovery rate of water level in wells.

- B. Indicators of the need to impose a Tier II Water Warning include severe system failures in wells, feeder mains, or treatment plant.
- 3. Water Emergency. A Water Emergency may be declared when a water shortage or equipment failure poses a severe and immediate 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:
 - A. System operating at 95 percent of pumping capacity.
 - B. Serious decrease in the recovery rate of water level in wells.

91.05 WATER WATCH. Under a Water Watch, all customers of the municipal water service are encouraged to curtail all nonessential uses of water in order to conserve precious water resources during the time of shortage. Customers may be encouraged to comply with the following voluntary standards:

1. No watering of lawns, shrubs, or gardens between the hours of 8:00 a.m. and 8:00 p.m.
2. No water should be used to fill private swimming pools, children's wading pools, reflecting pools, or any other outdoor pools or ponds.
3. No water should be used to wash streets, parking lots, driveways, sidewalks, or building exteriors.
4. No water should be used for nonessential cleaning of commercial and industrial equipment, machinery, and interior spaces.
5. Water should be served at restaurants only upon the request of the customer.

91.06 WATER WARNING – TIER I. Under a Tier I Water Warning, no customer of the municipal water system shall use potable processed water of the municipal water service in any manner contrary to the following:

1. All outdoor watering or irrigation of lawns is prohibited.
2. All outdoor watering of any kind is prohibited between the hours of 8:00 a.m. and 8:00 p.m. daily.
3. Watering or irrigation of flower and vegetable gardens, trees and shrubs less than four years old and new seedlings or sod is permitted once per week with an application not to exceed one inch.
4. Car washing is prohibited except in commercial establishments that provide that service.
5. No water shall be used to fill private swimming pools, children's wading pools, reflecting pools, or any other outdoor pool or pond.
6. No water shall be used to wash streets, parking lots, driveways, sidewalks, or building exteriors.
7. No water shall be used for nonessential cleaning of commercial and industrial equipment, machinery, and interior spaces.
8. Water shall be served in restaurants only upon the request of the customer.
9. Use of water-consuming comfort air conditioning equipment which consumes in excess of five percent (5%) of the water circulating in such equipment is prohibited.

10. There shall be no tank-load water sales.
11. 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, such as water condensed from the atmosphere by air conditioners or collected from rain or snow, may be used without restriction.

91.07 WATER WARNING – TIER II. Under a Tier II Water Warning, no person shall use potable processed water of the municipal water service in any manner contrary to the following:

1. All outside water use, except for domestic, sanitation, and fire, is prohibited.
2. All commercial and industrial uses of water not essential in providing products or services are prohibited.
3. Irrigation of agricultural crops is prohibited.
4. Recreational and leisure water use, including lawn and golf course watering and other incidental or recreational uses, is prohibited.
5. Water use not necessary for the preservation of life or the general welfare of the community is prohibited.

91.08 INCREASED RATES. The Utility Board of Trustees of the City is hereby authorized pursuant to its statutory authority and this chapter to apply the following actions and additional rates for violation of Water Warnings use restrictions imposed under this chapter.

1. **First Violation.** For a first violation, the utility, acting through its Superintendent, 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 12-month period, a one-month surcharge shall be imposed in an amount equal to 50 percent of the customer's previous month's water bill, not to exceed \$100.00.
3. **Subsequent Violations.** For any subsequent violations within a 12-month period, a one-month surcharge shall be imposed in an amount equal to 50 percent of the customer's previous month's water bill, and in addition, the utility may adopt rules to authorize the interruption of 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. The penalty described shall not exceed \$200.00 per month.

Any customer charged with a violation of the Water Warning or Water Emergency use restrictions may request a hearing before the Council. The Council 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.

91.09 WATER EMERGENCY. Under a Water Emergency, Tier I Water Warning use restrictions shall be in effect and, in addition, each customer will be limited to a monthly base allocation of water.

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

2. Appeal and Adjustment of the Base Allocation. Pursuant to the authorization of this chapter, any person may file an appeal with the Utility Board of Trustees of the City to adjust the base allocation amount. The Board is granted the power to adjust such allocation and 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 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.

91.10 PREMIUM RATE FOR IMPRUDENT CONSUMPTION. In addition to the water rates enacted by the Utility Board of Trustees, the Board is authorized and may require by resolution that all customers shall pay a premium rate of \$1.00 per 100 gallons of water consumed in excess of the base allocation, provided that such charge shall not exceed \$100.00 for the first excessive use and \$200.00 for each subsequent excessive use.

91.11 ADJUSTMENT OF PREMIUM RATE CHARGES. Any person may file for adjustment of the premium rate charges for imprudent water consumption with the Council. The Council may grant an adjustment of the premium rate charges in accordance with the following criteria:

1. 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.

2. The applicant shall furnish proof that the mechanical failure was repaired promptly. This should be in the form of a 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 40 percent of the actual bill which shall include the premium rate charges and sales tax.

91.12 WATER APPEAL BOARD. The City Council shall constitute the Water Appeal Board. As the appeal board, they shall take action 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*, in the Iowa District Court.

91.13 MUNICIPAL INFRACTION. A second or subsequent violation of the Water Warning or Water Emergency use restriction, as defined in Sections 91.06, 91.07 and 91.09 of

this chapter, by any person within a 12-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.

91.14 PUBLICATION NOTICE. If public notice is deemed required or any action taken by the Council enforcing or commencing any of the water proceedings as provided in this chapter, then the same shall be published as provided by Section 362.3 of the *Code of Iowa*.

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