

**CITY OF OCEAN SHORES, WASHINGTON**

**ORDINANCE NO. 792**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEAN SHORES  
WASHINGTON, CREATING A NEW CHAPTER 13.13 IN OCEAN SHORES  
MUNICIPAL CODE TITLE 13, RELATING TO WATER CONSERVATION**

**WHEREAS**, conditions may arise in the City of Ocean Shores which create a significant impact on available water upon which the city's water system is dependent; and

**WHEREAS**, in order to accommodate the most critical need for water, human consumption, sanitation and fire protection, and to protect the public health safety, and welfare, it is necessary to have the ability to implement water use restrictions and respond to City water supply emergencies;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OCEAN SHORES,  
WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1.** A new Chapter 13.13 is hereby added to Ocean Shores Municipal Code Title 13, to read as follows:

**13.13.010 Purpose.**

This chapter is an exercise of the police power of the city for the protection of the public health, safety and welfare of the citizens of the city. The city is authorized to impose water use restrictions in the event of a declared water supply emergency. This Chapter shall not apply to the Ocean Shores Fire Department.

**13.13.020 Authority.**

The City Manager, 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 City Manager shall also have the authority to determine whether the various stages of water emergencies and water conservation measure apply to the entire city utility service area or to such portions as may be particularly affected.

**13.13.030 Policies and Procedures.**

The following policies and procedures shall apply during the various stages of water emergencies as set forth in this Section:

- (1) Stage 1 - Anticipated Water Shortage - Internal Preparations.

The City Manager or designee may declare a Stage 1 water emergency when a water shortage is anticipated but not immediate. The city manager or designee shall conduct public education efforts regarding the benefits and necessity of water conservation by the public.

(2) Stage 2 - Serious Water Shortage - Voluntary Conservation.

The City Manager or designee may declare a stage 2 water emergency when a water shortage exists such that immediate voluntary reductions in consumption are necessary. The city manager or designee shall conduct an intensified public information campaign and shall coordinate the campaign to encourage voluntary water conservation through all available methods of providing information regarding water conservation.

(3) Stage 3 - Critical Water Shortage - Limited Outdoor Restrictions and Commercial Restrictions.

The City Manager or designee may declare a Stage 3 water emergency, when a water shortage exists such that water supplies are critically impacted and water demand must be reduced. The city manager is authorized to establish certain specified days or hours for irrigating, sprinkling or watering lawns and gardens, and may prohibit or regulate other non-essential uses of water within the water system during such times as there is an actual or impending water shortage, extreme pressure loss in the distribution system, or for any other reasonable cause. The following non-essential uses of water may be prohibited on all residential and commercial properties connected to the city's water system, whether inside or outside of the city:

a. Washing sidewalks, walkways, driveways, parking lots, patios, and other exterior paved areas by direct hosing, except as may be necessary to prevent or eliminate materials which are dangerous to the public health and safety.

b. Escape of water through breaks or leaks within the customer's plumbing or private distribution system for any period of time beyond which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of 96 hours after the customer discovers a leak or break, or receives notice from the city of such leak or break, whichever occurs first, is a reasonable time in which to correct the same.

c. Non-commercial washing of privately-owned motor vehicles, trailers, and boats, except from a bucket or hose using a shutoff nozzle for quick rinses.

d. Lawn sprinkling and irrigation which allows water to run off or overspray the lawn area. Every customer is deemed to have knowledge of and control over his/her lawn sprinkling and irrigation at all times.

e. Sprinkling and irrigation of lawns, ground cover, or other plants between the hours of 10:00 a.m. and 6:00 p.m., on any day not authorized by the established schedule.

f. Commercial customers utilizing high water consumption (i.e., laundromats,

car washes), unless said commercial customer has installed water recycling equipment acceptable to the city.

g. Such other uses as the city manager or designee deems appropriate.

(4) Stage 4 - Emergency Water Shortage - Mandatory outdoor restrictions and indoor conservation.

The City Manager or designee may declare a Stage 4 water emergency, when a water shortage exists such that maximum flow reduction is immediately required, water available to the City is insufficient to permit any irrigation watering or sprinkling, and all available water is needed solely for human consumption, sanitation, and fire protection. The city manager or designee may prohibit all non-essential uses of water, including but not limited to all vehicle washing, all lawn and plant watering, and all of the uses which may be prohibited for a Stage 3 water emergency. The City Manager or designee shall disseminate information using every available means to advise customers to reduce indoor water usage to the maximum extent possible.

(5) Stage 5 - Regional Disaster - Water Rationing.

The City Manager or designee may declare a Stage 5 regional disaster water emergency, when a water shortage exists such that water rationing must be implemented, and/or emergency water distribution may be necessary for customers without water. The City Manager or designee 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, and by rationing the amount of water used by non-residential users based upon a percentage of their historical usage as calculated by the city, and by any other type of rationing as the City Manager or designee deems necessary and appropriate in the circumstances.

(6) Implementation Requirements.

Prior to the implementation and enforcement of any of the above stages, the City Manager or designee shall take reasonable efforts to have information disseminated to the affected customers regarding the rationing plan, which shall include, at a minimum, announcements on Ocean Shores Radio Station KOSW 91.3 at least three (3) times per day, and publication in the official newspaper of the City at least once, not less than one (1) week in advance of the effective date of the declaration, information of the applicable stage of the declaration, a description of the limitations and restrictions which would apply, and identification of the effective date of the declared stage, and limitations and restrictions. Notwithstanding the dissemination requirements set forth hereinabove, if it is determined by the City Manager or designee that exigent circumstances exist which necessitate immediate implementation and enforcement of any particular stages of water emergency, notice to affected customers may be provided by personal service of the notice on said customers, or by posting notices at the customers' residences (if the customers' residences are the affected sites), or by posting notices at the locations where the customers' utility services are received (if the affected sites are not the customers' residences), or by sending such affected customers written notice in the next utility bill issued by the City.

(7) Term of Stage and Scope.

The City Manager or designee 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.

**13.13.040 Enforcement.**

The Public Works Director or designee, city code enforcement officers, city building officials, the City Fire Chief or designee, and city police officers shall all have the authority to enforce the provisions of this Chapter.

**13.13.050 Variances.**

The City Manager or designee may grant temporary variances for the prospective use of water otherwise prohibited by this chapter. Such temporary variances shall be in writing, and shall be based upon a determination by the city manager or designee 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. Any variance determination shall be deemed final, unless appealed to the City Council within five (5) business days of such determination. The Council's determination shall be final and non-appealable.

**13.13.060 Penalties for Violation.**

Violations of this chapter shall be punishable as follows:

(A) The first violation of Sections 13.13.030(3), 13.13.030(4) and 13.13.030(5) of this Chapter shall be a Class I civil infraction as prescribed in OSMC Section 7.01.060(B)(1), and as prescribed by RCW 7.80.120(a), as now enacted or as it is hereafter amended.

(B) For any second or subsequent violation of Sections 13.13.030(3), 13.13.030(4) and 13.13.030(5) of this chapter, the violator may be charged with a Class C offense pursuant to OSMC Section 7.01.040, and a fine in an amount fixed by the court of not more than five hundred dollars (\$500.00). Each day the violation continues shall be considered a separate violation.

(C) In addition to the penalties set forth in Section (B) herein, in the event of a second or subsequent violation of Sections 13.13.030(3), 13.13.030(4) and 13.13.030(5) of this chapter, the City Manager or designee is authorized to install a water restriction device on the city's side of the water meter serving any residential or commercial customer, until compliance with the water use restrictions is guaranteed to the satisfaction of the City Manager or designee.

**Section 3.** If any provision of this ordinance or the application thereof to any person or circumstance is held to be invalid, the remainder of such code, ordinance or regulation or the application thereof to other persons or circumstances shall not be affected.

**Section 4.** Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

**Section 5.** The City Manager or designee is hereby authorized to implement such administrative provisions as may be necessary to carry out the directives of this legislation.

**Section 6.** This ordinance, adopted by a majority of the City Council of the City of Ocean Shores, is declared to be necessary for the immediate preservation of public health, safety, and welfare, and shall be effective immediately upon passage. The provisions of this ordinance shall also, thereafter, be published as required by law.

THIS ORDINANCE PASSED AND ADOPTED by the City Council of the City of Ocean Shores, Washington, at a regular open public meeting on this 27<sup>th</sup> day of June 2005.

---

TERRY VEITZ, Mayor

ATTEST:

---

DIANE J. HOUSTON, CMC City Clerk

APPROVED AS TO FORM:

---

JO-ELLEN THOMAS, City Attorney