

ORDINANCE NO. 24-05

AN ORDINANCE of the City of Richland relating to Emergency Water Supply Response Plan, amending Title 18 of the Richland Municipal Code.

WHEREAS, in April 2005, Governor Gregoire issued a drought declaration for the State of Washington; and

WHEREAS, Staff began a review of the City ordinances that pertain to water shortages and determined that a revision of those ordinances was necessary as they did not reflect actual conditions; and

WHEREAS, approval of the ordinance will provide Staff with a clearer path forward in the event of an emergency water situation in the City's domestic water system.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Richland as follows:

Section 1.01 Chapter 18.16 of the Richland Municipal Code as enacted by Ordinance No. 80 and amended by Ordinance Nos. 47-76, 96-79, 41-81, 17-84, 50-93, 48-94, 17-03, 35-03, 06-04, and 07-05 is hereby amended to read as follows:

Chapter 18.16 - Rules and Regulations

Sections:

- 18.16.010 Nonliability of City for Service Interruptions or Variances.**
- 18.16.020 Waste or Excessive Use of Water Prohibited.**
- 18.16.030 Emergency Conditions.**
- 18.16.035 ~~((Rationing of Water))~~Water Curtailment Program.**
- 18.16.040 Water Disconnect.**
- 18.16.060 Notice of Trouble.**
- 18.16.070 Fire Hydrants.**
- 18.16.080 Use for Irrigation Purposes Restricted-Penalties.**

18.16.010 Nonliability of City for Service Interruptions or Variances.

The department will use all reasonable means to provide an adequate and continuous water service for all customers, but in case the water service is interrupted or reduced, for any cause, the City shall not be liable for any injuries or damages resulting

therefrom, and such interruption or reduction in service shall not give rise to any cause of action as for a breach of agreement for service.

The City makes no commitment as to the volume of water available, pressure per square inch, or continuity of service, and will not be liable for injuries or damages due to insufficient volume, inadequate pressure or interruption of service.

18.16.020 Waste or Excessive Use of Water Prohibited.

It shall be the duty of each customer to eliminate waste of water supply by repairing, or causing to be repaired, any defective or leaking pipes or plumbing fixtures, and to take all reasonable measures to prevent application of water to impervious surfaces in the public rights of way. No person shall use more water for irrigation, culinary purposes, or other uses than is reasonably necessary

18.16.030 Emergency Conditions.

~~((In case of shortage of water, the department may give preference in furnishing water to customers in order to safeguard most effectively the safety and health of the general public or to provide for the public convenience, may forbid, restrict, or regulate the use of water for irrigation, cooling, or other uses, may make such regulations effective throughout the City, in districts thereof, or may make such regulations effective as to particular classes of customers. Rationing may be imposed during any shortage of water, either in lieu of or in addition to other measures hereby authorized.))~~

When deemed necessary in the judgment of the City Council to conserve water within the City's domestic water supply system during critical water shortage periods, the Council may by resolution declare an emergency condition and direct the Public Works director to implement any or all of the following actions after publication of notice thereof in a newspaper of general circulation distributed in the City.

The Council resolution shall define the emergency as a mild, moderate, or severe emergency.

The Public Works Department shall monitor the supply and demand for domestic water on a daily basis and report to the City Council of the status of the domestic water system.

18.16.035 ((Rationing of Water))Water Curtailment Program.

~~((The Public Works Department is authorized to impose a water rationing program as herein provided at such times as the water contained in the City reservoirs is reduced below minimum levels. For the purpose of this section, "minimum levels" shall be defined as nineteen feet for the ten million gallon reservoir and seven feet for the five-million gallon reservoir. Such rationing program shall remain in effect until such time as the water levels in the City reservoirs have risen above the minimum levels to a point which provides a sufficient water safety margin as determined by the Public Works Department, and notice of cessation has been given as provided in this section.~~

~~A. Rationing Program. The water rationing program, when implemented, and after due notice as herein required, shall consist of the following:~~

- ~~1. Irrigation water to the municipal shelterbelt and all municipal parks will be shut off.~~
 - ~~2. In the event that the water conservation measure specified in subdivision (1), above, is insufficient to raise the water levels in the City reservoirs to a point which provides a sufficient water safety margin as determined by the Public Works Department, actual notice shall be given to an authorized representative of the Richland School District, directing that irrigation of all school and playground premises cease on the date and time specified in the notice and that such irrigation not be reinstated until further notice.~~
 - ~~3. In the event that the water conservation measure specified in subdivision (2), above, is insufficient to raise the water levels in the City reservoirs to a point which provides a sufficient water safety margin as determined by the Public Works Department, after notice as provided in subsection (B), below, residential domestic water irrigating shall be permitted only as follows:
 - ~~a) For residences bearing street addresses, the last digit of which is an even number, domestic irrigating shall be allowed only on even numbered days of the month.~~
 - ~~b) For residences bearing street addresses, the last digit of which is an odd number, domestic irrigating shall be allowed only on odd numbered days of the month.~~~~
- ~~B. Notice to Residents. Notice shall be given advising municipal residents that the domestic water conservation program is to be implemented. Such notice shall be published for three consecutive days in the official newspaper of the City and shall contain a description of the program, the effective date and time of implementation, and penalty for violation. Assistance of other local media will be sought throughout the duration of the program in an attempt to further advise municipal residents; however, such additional media assistance shall not be deemed a condition precedent to effectuating the program on the date and time specified in the notice published in the official newspaper of the City. Notice of cessation of the program shall likewise be given by publication in the official newspaper of the City; provided, however, that notice of cessation need be published one time only.~~
- ~~C. Accountability. For the purposes of this section, the legal owner of any premises upon which a violation of this section occurs, or, in the case of rented or leased premises, the legal occupant thereof shall be deemed accountable for the conduct of all other persons being present thereon or having access to the premises. Any such owner or occupant may be convicted on proof of the commission of a violation of this section and proof that he is the owner or legal occupant of the premises upon which the violation occurred, though the persons claimed to have committed the violation have not been prosecuted or convicted, or have been acquitted.~~
- ~~D. Violation Penalties. It is unlawful for any person to violate any provision of a duly implemented water rationing program. For the purpose of this section, "person" includes, in addition to the definition provided in Section 9.04.010, those accountable for the conduct of others as defined in this section. Any person violating any provision of a duly implemented water rationing program shall be guilty of a misdemeanor and shall upon conviction be fined not to exceed five~~

~~thousand dollars, or by imprisonment for not more than one year, or both such fine and imprisonment. Each day's violation of any provision of this section shall constitute a separate offense and shall subject the offender to the above penalty for each offense.))~~

Upon adoption of a water supply emergency resolution the Public Works Director shall implement a water consumption curtailment program corresponding to the emergency level declared by City Council. The water curtailment program shall consist of the following measures and any other measures necessary, in the judgment of the Public Works Director, to maintain the health and safety of the domestic water supply system.

A. Mild Stage.

1. The Public Works Department shall publish a notice of a "Water Supply Emergency" in a newspaper ad in the newspaper with general circulation in the City. Additional media communications shall be utilized as determined necessary.
2. The Public Works Department will establish an emergency water supply telephone "hotline" to address public questions and concerns.
3. The Public Works Department shall establish a City website pertaining to water conditions within the City's official website.
4. The Public Works Department shall prepare and send a water status report to large water users, such as landscape and nursery companies, and parks and large water users as identified in the City's utility billing system.
5. The Public Works Department shall publish notice requesting that Richland domestic water users using City water for irrigation conform to the following landscape watering schedule:
 - a. Even numbered addresses water on even numbered calendar days.
 - b. Odd numbered addresses water on odd numbered calendar days.
6. The Public Works Department shall seek to activate emergency water supply interties with adjacent water systems to supplement available water supply.
7. The Public Works Department shall develop and distribute to customers within the water utility billing system a water conservation guide.

B. Moderate Stage. In addition to the following measures all of the measures indicated in the Mild Stage water emergency shall apply.

1. A representative of the Public Works Department shall meet with the large water users as identified in the water utility billing system to inform them of the current condition and request a voluntary percentage reduction in their domestic water consumption.
2. Mandatory landscape water restrictions shall be implemented. Landscape watering restriction may include required schedules up to and including prohibition of landscape watering.
3. The operation and introduction of water into an ornamental fountain shall be prohibited.
4. Washing of streets, sidewalks, driveways or decks shall be prohibited except as necessary for public health and safety.

5. Washing of boats and vehicles is prohibited unless at a commercial car washing facility equipped with water recycling equipment.
6. The filling of swimming pools, spas, ponds and artificial lakes is prohibited.
7. Construction operations receiving water from a hydrant shall not use water unnecessarily for any purposes other than those required by regulatory agencies.
8. All restaurants that provide table service shall post in a conspicuous place a Notice of Emergency Water Conditions as approved by the Public Works Director and shall refrain from serving water except upon a specific request by a customer.
9. Operators of hotels, motels and other commercial establishments offering lodgings, shall post in each room a Notice of Emergency Water Conditions as approved by the Public Works Director.

C. Severe Stage. In addition to the following measures all of the measures indicated in the Mild Stage and Moderate Stage water emergencies shall apply.

1. All watering of any lawn, yard, city park, landscaping, recreational area or any other area containing vegetation shall be prohibited.
2. Hydrant permits shall be rescinded and no new permits issued.
3. City owned pools and wading pools shall be closed.
4. In the event the above measures do not prevent a shortage of water supply available for the basic function of health and sanitation, the Public Works Director may be authorized to implement a rolling system of water system outages as necessary to preserve basic health and sanitation.

D. Accountability. For the purposes of this section, the legal owner of any premises upon which a violation of this section occurs, or, in the case of rented or leased premises, the legal occupant thereof shall be deemed accountable for the conduct of all other persons being present thereon or having access to the premises. Any such owner or occupant may be convicted on proof of the commission of a violation of this section and proof that he is the owner or legal occupant of the premises upon which the violation occurred, though the persons claimed to have committed the violation have not been prosecuted or convicted, or have been acquitted.

E. Violation-Penalties. It is unlawful for any person to violate any provision of section 18.16.35 - Water Curtailment Program. For the purpose of this section, "person" includes, in addition to the definition provided in Section 9.04.010, those accountable for the conduct of others as defined in this section. Any person violating any provision of section 18.16.35 - Water Curtailment Program, shall be guilty of a misdemeanor and shall upon conviction be fined not to exceed five thousand dollars, or by imprisonment for not more than one year, or both such fine and imprisonment. Each day's violation of any provision of this section shall constitute a separate offense and shall subject the offender to the above penalty for each offense.

18.16.040 Water Disconnect.

The department may refuse to supply, or may discontinue service to any customer, for violations of this title or for failure to pay bills. The department may refuse or discontinue service to any customer who requires or uses such volumes of water that water service to any other customer may be thereby impaired. The department shall discontinue service to any customer who makes an unauthorized connection to a City water line, bypasses a City water meter, or in any other way steals City water. A dispatch fee will be charged for physical disconnect/reconnect to the water system.

Discontinuance of service for any cause stated in this section shall not release the customer from his obligation to the City for payment of bills or charges.

18.16.060 Notice of Trouble.

The customer shall notify the department immediately should the service be unsatisfactory for any reason, or should there be any accident, defect, or trouble affecting the water supply or the equipment lines.

18.16.070 Fire Hydrants.

Fire hydrants for the exclusive protection of any private property shall be installed and maintained by the owner of that property.


18.16.080 Use for Irrigation Purposes Restricted-Penalties.

The furnishing of water service to residential users in the area indicated on the map titled Exhibit A that is attached to the ordinance codified in this section, is for domestic, culinary and irrigation use only and it is unlawful for the owner or occupant of any premises supplied with City water service outside these areas of Richland south of the Yakima River to use any water supplied by the City for any automatic water sprinkling or irrigation system; and it is further unlawful in such area for any person to make any connection to the water service line between the water meter and the residence served.

The City may refuse to supply water and may disconnect the water service to any premises upon which a connection is made or water is used in violation of this section, and in addition to any penalty imposed under Section 18.32.040, any person convicted of a violation of this section shall be liable for the cost and expense of such disconnection, which shall be recovered by the City in any action brought for such violation.

Section 1.02 This ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

PASSED by the City Council of the City of Richland at a regular meeting on the 2nd day of August, 2005.



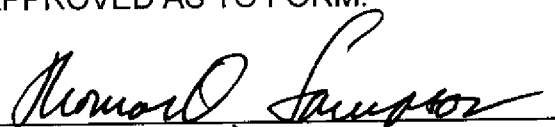
ROBERT A. WELCH
Mayor

ATTEST:



CYNTHIA D. JOHNSON
City Clerk

APPROVED AS TO FORM:



THOMAS O. LAMPSON
City Attorney

Date Published: August 7, 2005