

Water Conservation Ordinance

Adopted:

Water Works Board of Trustees
City of Osceola, Iowa

In any given year, during and following dry weather and drought conditions, the water supply from West Lake to the Osceola Water Plant may become significantly and seriously depleted. During and following such conditions, there will not then be adequate supply of water to meet all customary and usual water demands of the City and rural customers. The Water Board may establish and declare by resolution, a public emergency water shortage during which time the following voluntary and mandatory measures and provisions shall be in effect to produce an orderly and equitable curtailment of water consumption until, by resolution, the Water Board finds and declares the water shortage emergency to be ended.

Section 1: *Water Watch* - Voluntary Conservation Measures

A *Water Watch* may be declared when the water level in West Lake reaches an elevation 1070.5 feet above Mean Sea Level (“MSL”) which is 1.5 feet below normal pool elevation of 1072.0 feet above MSL. All water users are encouraged to comply with the following voluntary conservation measures during the *Water Watch*.

- A. Reduced watering of lawns, shrubs, or gardens, including automatic sprinklers.
- B. Reduced outdoor watering of all types between the hours of 8:00 A.M. and 10:00 P.M.
- C. Reduced car washing.
- D. No water should be used to wash streets, parking lots, driveways, sidewalks or building exteriors.
- E. No water should be used for nonessential cleaning of commercial and industrial equipment, machinery, and interior spaces.
- F. Water should be served at restaurants only upon request of the customer.
- G. Voluntary reduction of water uses of all types is encouraged.

Section 2: *Water Warning* - Restrictions

A *Water Warning* may be declared when the water level in West Lake reaches an elevation 1069.0 feet above Mean Sea Level (3-feet below normal pool elevation of 1072.0 MSL). Under these conditions, no user shall use municipal water service in any manner contrary to the following:

- A. Outdoor watering and irrigation is prohibited, except as follows.
- B. Watering or irrigation of flower and vegetable gardens, trees and shrubs less than 4-years old, and new seeding or sod is permitted once a week with an application not to exceed 1-inch. Watering shall only be done between the hours of 8:00 P.M. to 8:00 A.M.
- C. Car washing is prohibited, except at commercial establishments that provide that service.
- D. No water shall be used to fill private swimming pools, children's wading pools, reflecting pools or any other outdoor pool or pond.
- E. No water shall be used to wash streets, parking lots, driveways, sidewalks or building exteriors.
- F. No water shall be used for nonessential cleaning of commercial and industrial equipment, machinery, and interior spaces.
- G. Water shall be served at restaurants only upon request of the customer.
- H. Southern Iowa Rural Water Association (SIRWA) is requested to switch to their West Clarke system to the Creston source from the Osceola source when water level in West Lake reaches an elevation of 1069 feet above Mean Sea Level (3-feet below normal pool elevation of 1072.0 MSL.)

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 sources other than the Osceola Water Plant may be used without restriction.

Penalties - Water Warning

The following penalties shall apply for violations of Water Warning use restrictions imposed under this Ordinance.

- A. First Violation: For a first violation, the Water Board shall issue a written notice of violation to the water user violating the water use restrictions imposed.
- B. Second Violation: For a second violation, a \$65 surcharge shall be imposed.
- C. Subsequent Violations: For any subsequent violations, a \$130 surcharge shall be imposed.

Any customer charged with a violation of the *Water Warning* use restrictions may request a hearing before the Water Board. The Water 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.

Section 3: Water Emergency - Restrictions

A *Water Emergency* may be declared when the water level in West Lake reaches an elevation 1067.0 feet above Mean Sea Level (5-feet below normal pool elevation of 1072.0 MSL). Under these conditions, no user shall use municipal water service in any manner contrary to the following:

- A. All outdoor water use, except for fire and health hazard prevention, is prohibited.
- B. All commercial and industrial uses of water not essential in providing products or services is prohibited.
- C. Water use not necessary for the preservation of life or the general welfare of the community is prohibited.
- D. Water use for all users shall be automatically reduced to the "Base Allocation" described below during a *Water Emergency*.

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 sources other than the Osceola Water Plant may be used without restriction.

Penalties - Water Emergency

The following penalties shall apply for violations of Water Emergency use restrictions imposed under this Ordinance.

- A. First Violation: For a first violation, the Water Board shall issue a written notice of violation to the water user violating the water use restrictions imposed.
- B. Second Violation: For a second violation, a \$65 surcharge shall be imposed.
- C. Subsequent Violations: For any subsequent violations, a \$130 surcharge shall be imposed.

- D. In addition, the Water Board 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 surcharges and the \$65 service reconnection. Customer must also provide reasonable assurance (satisfactory to the Water Board) that future violations of this nature will not occur.

Any customer charged with a violation of the *Water Emergency* use restrictions may request a hearing before the Water Board. The Water 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.

Base Allocation - *Water Emergency*

- A. The base allocation of water for residential use shall be restricted to 75% of the previous month's water usage per household per billing period.
- B. The base allocation for commercial, industrial, and institutional use shall be restricted to 75% of the previous month's water usage per billing period.

Premium Rate for Imprudent Usage - *Water Emergency*

In addition to the water rates duly enacted by the Osceola Water Works Board of Trustees of the City of Osceola, all customers shall pay a premium rate of \$20.00 per 1,000 gallons of water consumed in excess of the Base Allocation established during a Water Emergency.

Adjustment of Premium Rate Charges - *Water Emergency*

Any customer may file an appeal with the Water Board for adjustment of the premium rate charges for imprudent water consumption. The Water Board may consider an adjustment of the premium rate charges in accordance with the following criteria.

- A. The cause of the high consumption is mechanical in nature such as broken or leaky pipes or fixtures rather than human carelessness.
- B. The customer 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.
- 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 50% of the actual bill that shall include the premium rate charges and sales tax.

Section 4: *Water Crisis* - Restrictions

A *Water Crisis* may be declared when the water level in West Lake reaches an elevation 1065.5 feet above Mean Sea Level (6.5-feet below normal pool elevation of 1072.0 MSL). Under these conditions, no user shall use municipal water service in any manner contrary to the following:

- A. All restrictions applicable to Water Emergency shall still be enforced.

- B. Water use for all users shall be automatically further reduced to the "Base Allocation" described below during a *Water Crisis*.

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 sources other than the Osceola Water Plant may be used without restriction.

Penalties - *Water Crisis*

The following penalties shall apply for violations of *Water Crisis* use restrictions imposed under this Ordinance.

- A. First Violation: For a first violation, the Water Board shall issue a written notice of violation to the water user violating the water use restrictions imposed.
- B. Second Violation: For a second violation, a \$130 surcharge shall be imposed.
- C. Subsequent Violations: For any subsequent violations, a \$195 surcharge shall be imposed. In addition, the Water Board 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 surcharges and the \$65 service reconnection. Customer must also provide reasonable assurance (satisfactory to the Water Board) that future violations of this nature will not occur.

Any customer charged with a violation of the *Water Crisis* use restrictions may request a hearing before the Water Board. The Water 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.

Base Allocation - *Water Crisis*

- A. The base allocation of water for residential use shall be restricted to 50% of the previous month's water usage per household per billing period.
- B. The base allocation for commercial, industrial, and institutional use shall be restricted to 50% of the previous month's water usage per billing period.

Premium Rate for Imprudent Usage - *Water Crisis*

In addition to the water rates duly enacted by the Osceola Water Works Board of Trustees of the City of Osceola, all customers shall pay a premium rate of \$40.00 per 1,000 gallons of water consumed in excess of the Base Allocation established during a *Water Crisis*.

Adjustment of Premium Rate Charges - *Water Crisis*

Any customer may file an appeal with the Water Board for adjustment of the premium rate charges for imprudent water consumption. The Water Board may consider an adjustment of the premium rate charges in accordance with the following criteria.

- A. The cause of the high consumption is mechanical in nature such as broken or leaky pipes or fixtures rather than human carelessness.

- B. The customer 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.
- 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 50% of the actual bill that shall include the premium rate charges and sales tax.

Section 5: Reduction in Flow of Water to Any Customer

The Water Distribution Superintendent is authorized, after giving notice and opportunity for hearing before the Water Board, to reduce the flow of water to any customer determined to be using water in any manner not in accordance with this Ordinance during a *Water Emergency* or a *Water Crisis*. All fees incurred with the disconnection of service will be billed to the property owner. Service shall not be restored until the customer has paid all associated fees including the \$65 service reconnection. Customer must also provide reasonable assurance (satisfactory to the Water Board) that future violations of this nature will not occur.

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 sources other than the Osceola Water Plant may be used without restriction.

Section 6: Penalties

Any customer, in making an application to the Water Board for adjustment of the basic Penalty, Base Allocation, or Premium Charges, who intentionally provides false or incorrect statements or information shall automatically have their requests denied and shall additionally be liable to a penalty of \$130.00 for the first offense and a penalty of \$195.00 for the next and each succeeding or additional violation thereafter. These penalties and fines are imposed in addition to the penalties arising out of the specific water shortage scenarios listed above.

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 sources other than the Osceola Water Plant may be used without restriction.