

RESOLUTION #: _2023-29_

**RESOLUTION AUTHORIZING MODIFICATION OF SECTIONS 3 & 4 OF THE WATER CONSERVATION
ORDINANCE OF THE CITY OF OSCEOLA, ADOPTED ON JANUARY 8, 2009**

BE IT RESOLVED BY THE OSCEOLA WATER BOARD OF TRUSTEES OF OSCEOLA, IOWA:

The Osceola Water Board of Trustees modified Sections 3 and 4 of the Water Conservation Ordinance originally adopted on 01-08-2009, of the City of Osceola.

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 Superintendent or designee 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 7,000 gallons of water usage per billing period.

- B. The base allocation of water for Commercial, Industrial, and Institutional, if usage is greater than 7,000 gallons, shall be restricted to a decrease in water usage of 3% - 10% of the previous rolling 12 month average.
- C. First Notification: For the first notification, the Water Board shall issue a written notice of the water use restrictions imposed to all customers.
- D. Second Notification: For the second notification, the Water Board shall contact customers to inform them of their water usage. Water Works staff will perform a special meter read and assist the customer with inspecting for leaks.
- E. Third Notification: For the third notification, a violation for not conserving water and for excess usage exists. Customers in violation of not conserving water shall pay the "Premium Rate for Imprudent Usage" as described below during a *Water Emergency*.
- F. Subsequent Violations: The Water Superintendent or designee shall reserve the right to interrupt water service due to negligence of that customer at that 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.

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" 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 adjustment shall be granted only for the billing period prior to the correction of the failure.
- B. For those accounts granted an adjustment of the premium rate charges, the Water Board will decide the amount of the adjustment to include sales tax.

The Water Superintendent or designee 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.

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 Superintendent or designee 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 5,000 gallon of water usage per household per billing period.
- B. The base allocation for of water for Commercial, Industrial, and Institutional, if usage is greater than 5,000 gallons, shall be restricted to a decrease in water usage range of 10% - 20% of the previous rolling 12 month average.
- C. First Notification: For the first notification, the Water Board shall issue a written notice of the water use restrictions imposed to all customers.
- D. Second Notification: For the second notification, the Water Board shall contact customers to inform them of their water usage. Water Works staff will perform a special meter read and assist the customer with inspecting for leaks.
- E. Third Notification: For the third notification, a violation for not conserving water and for excess usage exists. Customers in violation of not conserving water shall pay the "Premium Rate for Imprudent Usage" as described below during a *Water Crisis*.
- F. Subsequent Violations: The Water Superintendent or designee shall reserve the right to interrupt water service due to negligence of that customer at that 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.

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 adjustment shall be granted only for the billing period prior to the correction of the failure.
- B. For those accounts granted an adjustment of the premium rate charges, the Water Board will decide the amount of the adjustment to include sales tax.

The Water Superintendent or designee 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 5: Emergency Management Notification

Once the remaining raw water supply in West Lake reaches a supply of only 120 days, the Water Superintendent or designee is authorized to notify the Coordinator – Clarke County Emergency Management.

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Approved and passed this 9th day of November, 2023.



Larry Bishop, Vice-Chairman

Attest:



Patti Snyder, Utility Business Director

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