

\CITY OF BINGEN, WASHINGTON

ORDINANCE NO. 2015-03-643

AN ORDINANCE ADOPTING BINGEN MUNICIPAL CODE CHAPTER 13.07 WATER SHORTAGE EMERGENCY PROCEDURES

WHEREAS, the City of Bingen has previously adopted a Water Conservation Plan policy; and

WHEREAS, City of Bingen believes it is necessary to establish formal emergency procedures in the event of a water shortage; and

NOW, THEREFORE, the City Council of the City of Bingen do ordain as follows:

Section 1. Bingen Municipal Code Chapter 13.07, Water Shortage Emergency Procedures is adopted to read as follows:

Chapter 13.07

WATER SHORTAGE EMERGENCY REGULATIONS

Sections:

- 13.07.010 Purpose.**
- 13.07.020 Authority.**
- 13.07.030 Policies and procedures.**
- 13.07.040 Enforcement.**
- 13.07.050 Variances.**
- 13.07.060 Penalties.**

13.07.010 Purpose.

It is in the public interest to promote the conservation of the city's water supply in order to protect the health, welfare, and safety of water users. To accomplish this declared purpose, the

city reserves the right to exercise its police powers through emergency measures as set forth in this chapter.

13.07.020 Authority.

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

13.07.030 Policies and procedures.

The following polices and procedures shall apply during the various stages of water emergencies as set forth in this section. All policies and procedures set forth in this section shall also apply to the City of Bingen owned properties.

A. Stage I – Anticipated Water Shortage – Internal Preparations.

The mayor may declare a Stage I water emergency when a water shortage is anticipated but not immediate. City hall, in coordination with the public works department, shall conduct public education efforts regarding the benefits and necessity of conservation by the public through news releases and other methods of providing information about conservation methods.

B. Stage II – Serious Water Shortage – Limited Outdoor Restrictions.

The mayor may declare a Stage II water emergency when a water shortage exists such that water supplies are impacted and water demand must be reduced. In a Stage II water emergency, irrigation of lawns and gardens will be restricted to the hours of 6:00 a.m. to 9:00 a.m. and 6:00 p.m. to 9:00 p.m. on all days. Irrigation of lawns and gardens using a timer system will be restricted to the hours of 4:00 a.m. to 9:00 a.m. and 6:00 p.m. to 9:00 p.m.

C. Stage III – Critical Water Shortage – Outdoor Restrictions.

The mayor may declare a Stage III water emergency when a water shortage exists such that water supplies are critically impacted and water demand must be reduced. In a Stage III water emergency the following policies apply:

1. Irrigation of lawns and gardens will be restricted to the hours of 6:00 a.m. to 9:00 a.m. only. Irrigation of lawns and gardens using a timer system will be restricted to the hours of 4:00 a.m. to 9:00 a.m. Properties with “even number” addresses will be permitted to irrigate only on “even number days.” Properties with “odd number” addresses will be permitted to irrigate only on “odd number days.”

2. Vehicle washing is prohibited, except for commercial/industrial vehicles where washing takes place on commercial/industrial property and is necessary for vehicle maintenance purposes. Licensed and permitted car washes are allowed to operate.

3. Driveway, sidewalk, etc. flushing is prohibited.

4. Orchard irrigation is prohibited.

5. Filling wading pools, swimming pools, and hot tubs is prohibited.

D. Stage IV – Extreme Water Shortage – Outdoor Usage Prohibited.

The mayor may declare a Stage IV water emergency when a water shortage exists such that maximum flow reduction is immediately required, water available to the city is needed for solely human consumption. In a Stage IV water emergency the following policies apply:

1. All lawn, garden and orchard irrigation is prohibited.

2. Vehicle washing is prohibited, except for commercial vehicles where washing takes place on commercial/industrial property and is necessary for vehicle maintenance purposes. Licensed and permitted car washes are allowed to operate.

3. Driveway, sidewalk, etc. flushing is prohibited.
 4. Filling wading pools, swimming pools, and hot tubs is prohibited.
 5. Water consumption is permitted for essential indoor purposes only.
- E. Stage V – Maximum Emergency – No Water Use.**

The mayor may declare a Stage V water emergency when there is a significant or complete loss of available water supply. All indoor and outdoor water usage shall be prohibited until the emergency is lifted.

F. Implementation Requirements.

Prior to the implementation and enforcement of any of Stage I, II and III, the mayor shall take reasonable efforts to have information disseminated to affected customers regarding water rationing, which shall include, at a minimum, publication in the official newspaper of the city at least once, not less than one week in advance of the effective date of the declaration. Information regarding the specific stage limitations and durations will be sent to all customers by mail and will be posted at City Hall, the Post Office and on the city's web page.

Prior to implementation and enforcement of Stage IV and V, the mayor shall take reasonable efforts to have information disseminated to affected customers regarding water rationing, which shall include, at a minimum, sending a public notice immediately to the radio stations in the area and to the official newspaper of the city. In addition, notice shall be posted at City Hall, the Post Office, and on the city's website. Notices will be posted at all customer locations including residences and businesses.

G. Term of Stage and Scope.

The mayor 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.

13.07.040 Enforcement.

The public works superintendent or designee, or the police officers of the city shall have the authority to enforce the provisions of this chapter.

13.07.050 Variances.

The mayor may grant temporary variances for the prospective use of water otherwise prohibited by this chapter for Stage I, II and III. Variances are not allowed for Stage IV and V. Such temporary variances shall be in writing and shall be based on a determination by the mayor 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. The mayor's determination shall be final unless appealed as follows: a party adversely affected by the mayor's determination may appeal the determination to the city council within 24 hours of the mayor's determination. Said 24-hour periods shall exclude Saturdays, Sundays, Mondays and legal holidays.

13.07.060 Penalties.

Violations of this chapter shall be punishable as follows:

A. The first violation of any provision of this chapter shall be a civil infraction as prescribed by Chapter 1.16 BMC, and as proscribed by RCW 7.80.120(1)(a), as now enacted and hereafter amended. Infractions shall be processed pursuant to the authority and provisions set

forth in Chapter 7.80 RCW, as now enacted or hereafter amended, Chapter 1.16 BMC, as now enacted or hereafter amended and the Infraction Rules for Courts of Limited Jurisdiction.

B. For any second or subsequent violation of any provision of this chapter the violator may be charged as a misdemeanor punishable by imprisonment in jail for a maximum term fixed by the court of not more than 90 days, or a fine in the amount fixed by the court of not more than \$1,000, or both such imprisonment and fine.

PASSED BY THE CITY COUNCIL OF THE CITY OF BINGEN, and effective five (5) days after the first date of posting or publication.

DATED this 5th day of May, 2015.

ATTEST:



Mayor Betty J. Barnes



Jan Brending, City Clerk

Approved as to form only:



Christopher R. Lanz, City Attorney