

CHAPTER 8.22
WATER SHORTAGE EMERGENCY REGULATIONS

§ 8.22.010. Definitions.

As used in this title:

"Approved City agents" means persons trained by City personnel to read meters and report the readings back to the City for the purpose of reading meters more frequently to enforce this chapter's provisions.

"Commercial large meter" means those users of meters one and one-half inches or larger and billed under the City's water system as "commercial large meter."

"Commercial water" means water used by commercial users with meters smaller than one and one-half inches and billed under the City's water system as "commercial water."

"Flow control nozzle" means any handheld nozzle-type device in proper working condition, affixed directly to the hose and requiring hand triggering to allow flow.

"Gray water" means water from a water system for which a permit has been obtained under the authority of ORS 454.610.

"Hot tubs, whirlpools, and spas" refer to large bathtub-type vessels, jetted or non-jetted, with a capacity greater than 40 gallons.

"Outside City water" means water used by users of residential-sized meters and billed under the City's water system as "outside City water."

"Residential water" means water used by users of residential-sized meters and billed under the City's water system as "residential water."

"Transient water" means water used by users of residential-sized meters and billed under the City's water system as "transient residential water."

"Water shortage" means a status the City Council determines via resolution. Except in emergencies, as defined under Section 8.22.100, the Council's determination of a water shortage results in the water conservation actions set out under each phase in Sections 8.22.030 through 8.22.050.

(Ord. 222 § 1, 2001; Ord. 352 § 1, 2018)

§ 8.22.020. Purposes and determinations.

- A. As the result of a drought and the threat of a continued drought or other condition, the ordinary demands and requirements of water consumers may not be satisfied without depleting the water supply of the City of Yachats to the extent that there may be insufficient water for human consumption, sanitation or fire protection.

- B. The City Council finds and determines that a water shortage emergency may exist within the City's water service area and will likely continue for an unknown period, but that from time to

time, rainfall may provide sufficient water in the reservoirs to temporarily suspend the water conservation measures provided in this chapter.

- C. The City Council finds, determines, and anticipates that a situation or situations may occur or exist from causes beyond the control of the City that are not related to weather, that will result in limited quantities of water being available and are likely to exist for a prolonged period that requires extreme measures to maintain the absolute minimum of treated water for human consumption, sanitation, or fire protection.
- D. The City Council, to protect the health, safety, and general welfare of its citizens in the public interest, finds it necessary to adopt regulations to mitigate any water shortage emergency.
- E. During such time that the City Council of the City of Yachats determines that there is a water shortage, as declared by the City Council, no person or entity shall use water supplied by or through the City's water system for the reasons stated under each phase. The water conservation actions required by this Chapter shall not apply to gray water and water obtained from sources other than the City's water supply.

(Ord. 222 § 1, 2001; Ord. 352 § 1, 2018)

§ 8.22.030. Water conservation warning

- A. The City may issue a water shortage warning when, subject to Section 8.22.110:
 - 1. The combined flow of Reedy and Salmon Creek is less than 0.64 CFS (275 gallons per minute (hereinafter GPM)) and water supplied under a supplemental water agreement is unavailable, or
 - 2. According to the Palmer Drought Severity Index, the coastal region is experiencing moderate to extreme drought, and the public works director has determined that conditions warrant a warning phase.
- B. Upon determination of a warning phase water shortage, the City shall email a notice to all water utility customers or mail to those without email access. The City staff will also post on additional forms of communication, such as bulletin boards and social media, informing them of the water conservation actions, including but not limited to requesting that commercial customers only serve water on request and that residential customers limit car washing, power washing, etc.
- C. The water shortage warning phase calls for moderate curtailment. The following non-essential uses are to be reduced.
 - 1. The airborne watering of lawns, gardens, and landscaping is restricted to alternative days. Specifically, houses with an address number ending in even numbers (0-2-4-6-8) shall be permitted to water lawns only on even-numbered calendar days. Houses with an address number ending in odd numbers (1-3-5-7-9), or fractional addresses, shall be permitted to

water only on odd-numbered calendar days. All watering of lawns, gardens, and landscaping shall be between the hours of 10:00 a.m. and 7:00 p.m. of each day.

(Ord. 222 § 1, 2001; Ord. 352 § 1, 2018)

§ 8.22.040. Water conservation actions—Phase 1.

- A. A water shortage is a Phase 1 water shortage when subject to Section 8.22.110:
1. The combined flow of Reedy and Salmon Creek is less than 0.50 CFS (200 GPM) and water supplied under a supplemental water agreement is unavailable, or
 2. According to the Palmer Drought Severity Index, the Coastal Region is experiencing severe or Extreme Drought, and the Public Works Director determines that conditions warrant Phase 1 restrictions.
- B. Upon determining a Phase 1 water shortage, the City shall send a notice to all water utility customers of the shortage, the Phase 1 water restrictions in force, and the penalties for non-compliance.
- C. Water Restriction Status—Phase 1 calls for extensive restrictions on water usage. In addition to the restrictions and prohibitions for the warning phase set forth in Section 8.22.030, the following non-essential uses are prohibited:
1. The watering of any vegetation, except trees and shrubs, may be watered with a handheld watering device, bucket, or hose with a flow control nozzle, or drip irrigation system only (no airborne sprinkler systems).
 2. The use of water for washing and hosing buildings, pavement or other pedestrian surfaces, vehicles, equipment, watercraft, and the like.
 3. Drinking water shall be provided only on request at restaurants, motels, and other businesses that serve food or drink to the public. Establishments shall post "drought notice" as provided by the City in a clearly conspicuous location to apprise the public of the water shortage.
 4. No refilling of hot tubs, whirlpools, and spas.
 5. The operation of all exterior ornamental fountains, except those that only operate with recirculating pumps (i.e., without a water intake).
 6. Use of City water for dust control.
- D. For Phase 1, all commercial large meter, commercial water, and transient water users shall post the written notice provided by the City pursuant to subsection B of this section in a conspicuous location on the property receiving City water service within 24 hours of receiving said notice. The notice shall be posted in each rental unit for transient water users.

- E. Increased water rates—Phase 1. During the months when a Phase 1 water shortage is in effect, water rates will increase by \$1.00 per unit. A \$1.00 increase shall also apply to the units of water, if any included in the customer's base rate.
(Ord. 222 § 1, 2001; Ord. 352 § 1, 2018)

§ 8.22.050. Water conservation actions—Phase 2.

- A. A water shortage is a Phase 2 water, shortage when subject to Section 8.22.110:
 - 1. The combined flow of Reedy and Salmon Creek is less than 0.40 CFS (175 GPM) and water supplied under a supplemental water agreement is unavailable, or
 - 2. According to the Palmer Drought Severity Index, the coastal region is in an extreme drought, and the public works director determined that conditions exist to warrant Phase 2 restrictions.
- B. Upon determining a Phase 2 water shortage, the City shall send notice to all water utility customers of the shortage, the Phase 2 water restrictions in force, and the penalties for non-compliance.
- C. Water Emergency Status—Phase 2 restrictions are in addition to the restrictions and prohibitions for the warning phase and Phase 1. When in Phase 2, the following non-essential uses of water are prohibited:
 - 1. All landscape watering is prohibited.
 - 2. Use water from a fire hydrant for any use other than firefighting.
 - 3. Use of non-recirculating hot tubs, whirlpools, or spas.
- D. During Phase 2, the City Council may require all users to reduce their normal usage by a certain percentage compared to each user's average normal usage over the same calendar time period from the previous two years. For water utility accounts with less than two years of usage history, the percentage reduction shall be compared to a city-wide median usage for similar users.
- E. No water connections to new residences, businesses, or industries shall be permitted during Phase 2.
- F. All commercial large meter, commercial, and transient water users shall post the written notice provided by the City, pursuant to subsection B of this section, in a conspicuous location on the property receiving City water service within two days of receiving notice of Phase 2. The notice shall be posted in each rental unit for transient water users.

- G. Increased water rates—Phase 2. During the months when a Phase 2 is in effect, water rates will increase by \$2.00 per unit. A \$2.00 increase shall also apply to the units of water, if any included in the customer's base rate.

(Ord. 222 § 1, 2001; Ord. 352 § 1, 2018)

§ 8.22.060. Water conservation actions—Phase 3.

- A. Critical Water Supply Status - Water conservation shall be implemented in disaster conditions. It may be put into effect without further action of the City Council upon the determination by the Public Works Director that the water system has been damaged beyond immediate repair.

1. The City shall discontinue service through its standard distribution system;
2. If adequate water remains in the City reservoirs, water may be provided directly from the reservoir to single, duplex, and multiple-family dwellings, other residential uses, health clinics, and assisted living facilities. If this water can be dispersed through the distribution system without substantial losses, such water may be provided during set hours (for example, from 6:00 to 7:00 a.m. and 7:00 to 8:00 p.m. daily) to extend the treated water supply for sustaining life.
3. If reservoirs are destroyed or damaged, the City shall purchase available water from other city(ies) or water districts. The City may also contract for or commandeer private vehicles to transport water to the City. If the City cannot obtain water from other sources, the City will pump raw water with a boil water order until the critical water supply status has ended and the City's water system is functioning on a routine basis.

- B. Increased water rates—Phase 3. During the months when a Phase 3 water shortage is in effect, water rates will increase by \$3.00 per unit. A \$3.00 increase shall also apply to the units of water, if any are included in the customer's base rate.

(Ord. 222 § 1, 2001)

§ 8.22.070. Penalties.

Any person or entity violating a provision of this code shall be subject to citation as a civil infraction as set forth below pursuant to Section 1.12 of this code. Each day a violation of this chapter is committed or permitted to continue shall constitute a separate infraction.

- A. Phase 1.
1. Conviction for a first infraction (no prior conviction) pursuant to this code shall result in a written warning.
 2. Conviction of a second infraction (one prior conviction) shall constitute a Class D infraction.

3. Conviction of three or more infractions shall constitute a Class C infraction. In addition, water service to the meter from which the water for the third conviction was obtained may be terminated by the City for five consecutive days as provided in Section 8.22.080.
- B. Phase 2.
1. The first infraction (no prior conviction) shall result in a written warning.
 2. Conviction of a second infraction (one prior conviction) shall constitute a Class C infraction.
 3. Conviction of three or more infractions shall constitute a Class B infraction. In addition, water service to the meter from which the water for the third infraction was obtained may be terminated by the City for ten consecutive days as provided in Section 8.22.080.

(Ord. 222 § 1, 2001)

§ 8.22.080. Suspension of water service.

- A. As stated in Section 8.22.070 Penalties, subsections A and B, upon conviction of three or more infractions, water service to the water meter from which the water for the third offense was obtained may or shall be terminated by the City for a period of five to ten days, depending on the Phase of the infraction. Notice of termination of water service shall be given in the manner required for termination of water service pursuant to Section 8.04.040. In addition to any fine or forfeiture, connect-disconnect fees shall be imposed in the same amount as for disconnection-connection for non-payment of water charges.
- B. If three or more infractions occur on transient rental properties, the City Council may suspend temporarily or, upon a finding of gross indifference to this code, terminate the transient rental license permanently.

(Ord. 222 § 1, 2001)

§ 8.22.100. Public Works Director declaring the necessity for water conservation.

In an emergency, as determined at the discretion of the Public Works Director, the Public Works Director may declare a water shortage and the necessity for water conservation actions under Sections 8.22.030 through 8.22.050. The water conservation actions shall be in full force and effect. They shall be enforced until the Public Works Director declares a suspension or termination of the water shortage. The Public Works Director shall notify the Council immediately upon such declaration, and the Council shall meet as soon as practical to accept, reject, or modify such determination.

(Ord. 222 § 1, 2001; Ord. 352 § 1, 2018)

§ 8.22.110. Method of measurement.

For purposes of determining the existence of a water shortage and the severity of water conservation actions under Sections 8.22.030 through 8.22.050, the City shall measure the flow of water at sources with developed City rights as follows:

1. The combined flow of Reedy and Salmon Creek shall be measured using a staff gauge installed in Salmon Creek and Reedy Creek.

(Ord. 222 § 1, 2001; Ord. 352 § 1, 2018)