

ORDINANCE NUMBER 2022-04

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF PORT ORFORD

The Common Council of the City of Port Orford hereby ordains that the following Ordinance 2022-04 be adopted for Water Curtailment

CHAPTER 13.05

SECTIONS:

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This chapter, together with the any amendments codified in this chapter, shall be known and may be cited as the City of Port Orford Water Curtailment Code and will be referred to herein as "this code".

13.05.020 - Purpose:

The City hereby declares that water shortage emergency condition exists in the City of Port Orford when the Hubbard's Creek holding pond and/or treated water holding tank is below standards set by the Public Works Supervisor. City Administrator and the Public Works Supervisor acknowledges that during such times of low water supply the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the City to the extent that there would be insufficient water for human consumption, sanitation, fire protection and aquatic life protection.

In order to conserve the water supply for the greatest public benefit with particular regards to domestic use, sanitation, fire protection, safety, and aquatic life protection, the City adopts the following regulations and restrictions on the delivery and consumption of water during drought conditions.

13.05.030 - Definitions:

In the case where a definition of a term is found to be in conflict with a definition or term in any other City ordinance or regulation, the more restrictive definition shall apply.

Customer: means any person designated in city records to receive City of Port Orford water service.

City Administrator: means the City Administrator of the City of Port Orford, or any authorized employee of the City of Port Orford designated by him/her.

Person: means any person, firm, entity, partnership, association, corporation, company or organization of any kind.

Water: means water from the City of Port Orford, unless expressly provided otherwise or required by contract.

Water Curtailment Measures: means any restrictions or rules set forth in this Ordinance to address the First, Second, Third or Fourth Levels of Concern set forth herein.

First Level of Concern: means when water reaches 2.5 feet in Hubbard's Creek Holding pond or 16 feet in the treated water tank.

Second Level of Concern: means when water reached 2.0 feet in Hubbard's Creek Holding Pond and/or 14 feet in the treated water tank.

Third Level of Concern: means when water reaches 1.8 feet in Hubbard's Creek Holding Pond and/or 12 feet in the treated water tank.

Fourth Level of Concern: means when water reached 1.5 feet in Hubbard's Creek Holding Pond and/or 10 feet in the treated water tank; or when the State of Oregon declares a drought emergency in Curry County Oregon.

13.05.040 –Application and Procedure:

The provision of the Ordinance shall apply to all customers using water provided by the City of Port Orford at such times as Hubbard's creek decreases to 1.5 feet or less and/ or the treated water holding tank decreases to 10 feet or less. Upon implementation of the Water Curtailment Measures, such

measures shall remain in effect until the stream flow has increased above trigger level for a continuous 24 hours as verified by the Public Works Supervisor and or City Administrator or the treated water tank is 15 feet or greater.

The Penalty provisions for the Ordinance will not be enforced unless and until public notices have been posted in at least three (3) public places or notice has been published in the local newspaper after the first confirmation of Second, Third or Fourth Level of concern conditions, evidenced by the measurement in Hubbard's Creek Holding Pond and the treated water holding tank. Notice shall be republished for each separate occurrence of Second, Third, or fourth level of concern conditions following a non-drought period.

13.05.050 –Levels of Concerns:

There are four levels of concern depending on the levels in Hubbards Creek and or the treated water tank.

13.05.060 – Regulation of Water usage During Level of Concern Conditions:

- 1) First Level of Concern: Conditions, persons and customers are requested to voluntarily reduce their water use. The City may issue a formal or informal request for such reduction, including a summary of the water level condition, the reason for the requested curtailment, and a warning that mandatory curtailment will be required if the voluntary measures do not sufficiently reduce water usage by 20% within 30 days.
- 2) Second Level of Concern: Conditions, no person or customers shall sprinkle, water or irrigate any shrubbery, trees, lawns, grass, ground covers, plants, vines, , flowers, or any other vegetation, except as follows:
 - a. Irrigation, sprinkling, and/or watering is only permitted by residences west of Hwy 101 on even numbered calendar days.
 - b. Irrigation, sprinkling, and or watering is only permitted by residences east of Hwy 101 on odd-numbered calendar days.
- 3) Third Level of Concern: Conditions, no person or customer shall sprinkle, water, or irrigate any shrubbery, trees, lawns, grass, ground covers, plants, vines, flowers or any other vegetation. Direct hand watering of food producing plants (herbs, fruit, and vegetable) shall be permitted.

4) Fourth Level of Concern: conditions, there is imposed on persons and customers a mandatory reduction in water usage as follows:

- a. No person or customer shall sprinkle, water, or irrigate any shrubbery, trees, lawns, grass, ground covers plants, vines, flowers or any other vegetation.
- b. For residential customers, the City may issue a maximum daily allotment for water use per meter. A person or customer who exceeds the maximum daily allotment shall be subject to the penalty provisions of the Ordinance.
- c. The City may require the use of shower flow restrictors, toilet damming devices, or other water conservation devices.
- d. Bulk water sales shall be suspended.

13.05.070- Nonessential Residential Water Use: The following residential water uses are hereby determined to be nonessential and are prohibited during Second, Third and Fourth Level of Concern Conditions.

- 1) The use of water to wash any motor bike, motor vehicle, boat (excluding Commercial Fishing Vessels), trailer, or airplane, except when such water is used at a commercial washing facility;
- 2) The use of water to wash down any sidewalk, walkway, driveway, parking lot, tennis court or other hard-surfaced area, or any building or structure;
- 3) The use of water to fill, refill or add to any indoor or outdoor swimming pool, Jacuzzi pool, except for the following: neighborhood fire control purposes, where the pool has a recycling water system and evaporative cover, or where the use of the pool is required by a medical doctor's prescription; and
- 4) The use of water in a fountain or pond for aesthetic or scenic purposes, except where necessary to support aquatic life.

13.05.080 – Nonessential Commercial or Industrial Use: During Second, Third and Fourth level of concern conditions, the following commercial and/or industrial water uses are hereby determined to be nonessential and are prohibited:

- 1) Serving City water for drinking at a restaurant, hotel, café, cafeteria, or other public place where food is sold, served, or offered for sale, to any person unless requested by such person;
- 2) The use of water for scenic or recreational ponds and lakes, except for the minimum amount required to support aquatic life;
- 3) The use of water from hydrants for constructions purposes, fire drills, or any purpose other than fire-fighting;
- 4) The use of water for dust control.

13.05.090 – Gutter Flooding: No person or customer shall cause water to run to waste in any gutter or drain during a Second, Third, or Fourth level of concern.

13.05.100 – Regulation of Applications for New Water Services: No new, additional, further expanded or increased-in-size water services connections, meters, services lines, pipeline extensions, mains, or other water service facilities of any kind shall be allowed, approved or installed during a Second, Third, or Fourth Level of Concern.

13.05.110 - Penalty: The following penalty provisions apply to violations of this Ordinance:

- 1) Penalties for violating this Ordinance shall be cumulative in that they may be in addition to, not in lieu of, other penalties, remedies, or surcharges established by this chapter.
- 2) Second Level of Concern: Any Customers who exceed usage two (2) times the annual average of water usage in their designated zone shall pay a surcharge of two (2) times the rate for water delivered in excess of the average volume.
- 3) Third Level of Concern: Any customers who exceed two to four (2-4) times the annual average of water usage in their designated zone shall pay a surcharge of three (3) times the rate for water delivered excess of the average volume.

- 4) Fourth Level of Concern: Any Customers who exceeds four (4) and over the annual average of water usage in their designated zone shall pay a surcharge of four (4) times the rate for water delivered in excess of the average volume.

13.05.120 -Variances: The City Administrator may, in writing, grant temporary variances for prospective uses of water otherwise prohibited after determining that due to unusual circumstances, failure to grant such variances would cause an emergency condition affecting health, sanitation or fire protection.

The City Council shall ratify or revoke any such variance or adjustment as its next scheduled meeting. Any such variance or adjustment so ratified, may be revoked by later action of the City Council.

No such variance shall be retroactive or otherwise justify any violation of this Ordinance occurring prior to issuance of said temporary variance.

The foregoing ordinance was enacted by the Common Council of the City of Port Orford this 17th day of February 2022 and effective the _18th day of February 2022 by the following vote:

DATED :

Passed or Failed by the following Roll Call Vote

Yes: Garratt, Pogwizd, Burns, Tidey, Kessler and LaRoche

No: _____

Passed 6____ Failed__0__



Mayor Pat Cox

ATTEST:



Jessica Ginsburg, City Recorder