

## CHAPTER 91

# WATER CONSERVATION

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**91.01 WATER SHORTAGES.** A water shortage exists whenever, for reasons of drought conditions, consumer demand or treatment plant or distribution systems operation or maintenance, water quantity and quality cannot be maintained at a level sufficient to meet the demands of the customers using the system. Whenever, in the opinion of the Milford Municipal Utilities Board, conditions exist which create a water shortage, the Utilities Board or designee shall have the authority to declare a public Water Watch, Water Warning or Water Emergency, during which time the following measures and provisions shall be in effect to produce an orderly and equitable reduction of water consumption. Whenever the Milford Municipal Utilities Board finds that the conditions which gave rise to the Water Emergency no longer exist, said officer is authorized to either declare the termination of the Water Emergency or reduce the type of emergency conditions as set forth in Section 91.02 hereof.

### **91.02 CONDITIONS.**

1. Water Watch. A Water Watch may be declared when a water shortage or equipment failure poses a potential threat to the ability of the water system to meet the needs of its customers currently or in the foreseeable future. Indicators of the need to impose a Water Watch include:
  - A. System operating at seventy-five percent (75%) of pumping capacity;
  - B. Moderate decrease in the pumping water level of wells or moderate decrease in recovery rate of water level in wells;
  - C. Moderate decrease in reservoir levels measured in number of feet below spillway or number of feet above intake.
2. Water Warning. A Level 1 or Level 2 Water Warning may be declared when a water shortage or equipment failure poses a serious threat to the ability of the water system to meet the needs of its customers currently and in the foreseeable future. Indicators of the need to impose a Level 1 Water Warning include:
  - A. System operating at eighty-five percent (85%) of pumping capacity;
  - B. Significant decrease in the pumping water level of wells or significant decrease in recovery rate of water level in wells;
  - C. Significant decrease in reservoir levels measured in number of feet below spillway or number of feet above intake.

Indicators of the need to impose a Level 2 Water Warning include severe system emergencies such as a chemical spill or major system failure in feeder mains or treatment plant.

3. Water Emergency. A Water Emergency may be declared when a water shortage or equipment failure poses a severe and immediate threat to the ability of the water system to meet the needs of its customers. Indicators of the need to impose a Water Emergency include:

- A. System operating at ninety-five percent (95%) of pumping capacity;
- B. Serious decrease in the recovery rate of water level in wells;
- C. Serious decrease in reservoir levels measured in number of feet below spillway or number of feet above intake.

**91.03 WATER WATCH.** Under a Water Watch, all customers of the municipal water service are encouraged to limit or curtail all nonessential uses of water in order to conserve precious water resources during the time of shortage. Customers may be encouraged to comply with the following voluntary standards:

- 1. No watering of lawns, shrubs or gardens between the hours of 8:00 a.m. and 8:00 p.m.
- 2. No water should be used to fill private swimming pools, children's wading pools, reflecting pools or any other outdoor pool or pond.
- 3. No water should be used to wash streets, parking lots, driveways, sidewalks or building exteriors.
- 4. No water should be used for nonessential cleaning of commercial and industrial equipment, machinery and interior spaces.
- 5. Water should be served at restaurants only upon the request of the customer.

**91.04 WATER WARNING – LEVEL 1.** Under a Level 1 Water Warning, no person shall use potable processed water of the municipal water service in any manner contrary to the following:

- 1. Outdoor watering or irrigation of lawn is prohibited.
- 2. Outdoor watering of any kind is prohibited between the hours of 8:00 a.m. and 8:00 p.m. daily.
- 3. Watering or irrigation of flower and vegetable gardens, trees and shrubs less than four (4) years old and new seedling or sod is permitted once per week with an application not to exceed one inch.
- 4. Car washing is prohibited except in commercial establishments that provide that service.
- 5. No water shall be used to fill private swimming pools, children's wading pools, reflecting pools or any other outdoor pool or pond.
- 6. No water shall be used to wash streets, parking lots, driveways, sidewalks or building exteriors.
- 7. No water shall be used for nonessential cleaning of commercial and industrial equipment, machinery and interior spaces.

8. Water shall be served in restaurants only upon the request of the customer.
9. Use of water-consuming comfort air conditioning equipment which consumes in excess of five percent (5%) of the water circulating in such equipment is prohibited.
10. Tankload water sales may be curtailed or eliminated.

Water reclaimed or recycled after some other 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 City water utility, such as water condensed from the atmosphere by air conditioners or collected from rain or snow, may be used without restriction.

**91.05 WATER WARNING – LEVEL 2.** Under a Level 2 Water Warning, no person shall use potable processed water of the municipal water service in any manner contrary to the following:

1. All outside water use, except for domestic, sanitation and fire, is prohibited.
2. All commercial and industrial uses of water not essential in providing products or services is prohibited.
3. Irrigation of agricultural crops is prohibited.
4. Recreational and leisure water use, including lawn and golf course watering and other incidental or recreational uses, is prohibited.
5. Water use not necessary for the preservation of life or the general welfare of the community is prohibited.

**91.06 WATER EMERGENCY.** Under a Water Emergency, Level 2 Water Warning use restrictions shall be in effect and, in addition, each customer will be limited to a monthly base allocation of water.

**91.07 PENALTIES.** The following penalties shall apply for violation of Water Warning or Water Emergency use restrictions imposed under this chapter.

1. **First Violation.** For a first violation, the utility shall issue a written notice of violation to the water user violating the water use restrictions imposed during a Water Warning or Water Emergency.
2. **Second Violation.** For a second violation within a 12-month period, a one-month surcharge shall be imposed in an amount equal to fifty percent (50%) of the customer's previous month's water bill.
3. **Subsequent Violations.** For any subsequent violations within a 12-month period, a one-month surcharge shall be imposed in an amount equal to fifty percent (50%) of the customer's previous month's water bill and in addition Milford Municipal Utilities 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 reconnection fee and has provided reasonable assurance that future violations of Water Warning or Water Emergency use restrictions will not occur.

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

**91.08 BASE ALLOCATION.** The base allocation of water for residential use shall be 3,000 gallons per household per billing period. For commercial, industrial or institutional use, the base allocation shall be established by resolution as a percentage of the average water used during the previous winter (November through April).

**91.09 APPEAL AND ADJUSTMENT OF THE BASE ALLOCATION.** Any person may file an appeal with the Water Appeal Board to adjust the base allocation amount. The Water Appeal Board may grant an adjustment to the appellant based upon the following criteria:

1. For single-family residential use, the base allocation may be increased by 1,000 gallons per person per month for all individuals residing at the appellant's residence for a period of more than thirty (30) days.
2. For commercial, industrial, institutional or other residential uses, the base allocation may be increased based on factors appropriate to the individual customer; such as usage, production, service and occupancy data provided by the customer.

**91.10 PREMIUM RATE FOR IMPRUDENT CONSUMPTION.** In addition to the water rates duly enacted by the Utility Board of Trustees, all persons shall pay a premium rate set by the Utility Board of Trustees for gallons of water consumed in excess of the base allocation.

**91.11 ADJUSTMENT OF PREMIUM RATE CHARGES.** Any person may file for adjustment of the premium rate charges for imprudent water consumption with the Water Appeal Board. The Water Appeal Board may grant an adjustment of the premium rate charges in accordance with the following criteria:

1. Adjustments may be granted for over-consumption due to mechanical failures such as broken or leaky pipes or fixtures but not for over-consumption due to human carelessness.
2. The applicant shall furnish proof that the mechanical failure was repaired promptly. This should be in the form of a licensed plumber's invoice or statement or a materials receipt.
3. The adjustment shall be granted only for the month prior to the correction of the failure.
4. For those accounts granted an adjustment of the premium rate charges, the minimum adjusted rate shall be forty percent (40%) of the actual bill which shall include the premium rate charges and sales tax.

**91.12 WATER APPEAL BOARD.** A Water Appeal Board shall be appointed during any Water Warning or Water Emergency. The Water Appeal Board shall consist of the Mayor, the Milford Municipal Utilities Manager and/or Water Superintendent and three representatives of the community who shall be appointed by the Mayor with the approval of the Council. The Water Appeal Board shall hear appeals of any action taken pursuant to a Water Warning or Water Emergency, except that, if a customer is charged with a municipal infraction relating to this chapter, that proceeding shall be conducted pursuant to Section 364.22 of the *Code of Iowa*.

**91.13 MUNICIPAL INFRACTION.** A second or subsequent violation of the Water Warning or Water Emergency use restrictions by any person within a 12-month period

constitutes a municipal infraction. Any person who, in making application to the Water Appeal Board for adjustment of the base allocation or premium charges, intentionally provides false or incorrect statements or information commits a municipal infraction.

**91.14 REDUCTION IN FLOW OF WATER TO ANY PERSON.** The Superintendent is authorized, after giving notice and opportunity for hearing before the Water Appeal Board, to reduce the flow of water to any person determined to be using water in any manner not in accordance with this chapter during a Water Warning or Water Emergency.

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