

WATER CONSERVATION ORDINANCE

A RESOLUTION OF THE CITY OF DYERSBURG WATER SYSTEM AUTHORIZING AND SETTING FORTH GUIDELINES FOR THE DECLARATION OF A WATER SHORTAGE EMERGENCY

WHEREAS: The Board of Mayor and Aldermen of the City of Dyersburg deem it is necessary to have a plan for implementation of measures which restrict the non-essential use of water during such emergencies for the greatest public benefit with particular regard to public health, fire protection, and domestic use; and

WHEREAS: such implementation procedures must be of a form that can be enacted fairly and quickly to preserve the health and welfare of individuals.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF DYERSBURG, AS FOLLOWS:

Section 1. That no water furnished by the Dyersburg Water System shall be wasted during water shortage emergency periods. Waste of water includes, but is no necessarily limited to the following:

- (a) Permitting water to escape down a gutter, ditch, or other surface drain;
- (b) Failure to repair a controllable leak of water; and
- (c) Failure to put to reasonable beneficial use any water withdrawn from the Dyersburg Water System.

Section 2. That the Mayor or his designee is hereby authorized to declare water shortage emergency to exist in accordance with the standards set out in Section 3. Before declaring the emergency the Mayor or his designee must attempt to contact the Water and Sewer Committee to inform them of the emergency action. An end to a water shortage emergency must be declared by the Board of Mayor and Aldermen.

Section 3. That in declaring a water shortage emergency, such emergency shall be designated Status I, Status II, or Status III in accordance with conditions as determined by Water Plant Superintendent.

Water Shortage Emergency Status I exists when the water level in a major distribution tank cannot be brought above the 2/3 full mark within a 48 hour period.

When the water supply reaches Water Shortage Emergency Status I, the Mayor or his designee will ask all water customers to voluntarily restrict all non-essential consumption of water. All Public Works Departments should restrict their usage of water - discontinue washing streets, washing vehicles, and flushing fire hydrants.

Water Shortage Emergency Status II exists when the water level in a major distribution tank cannot be brought above the 1/2 full mark within a 48 hour period.

When the water supply reaches Water Shortage Emergency Status II, the Mayor or his designee may declare any or all of the non-essential uses provided for in the Ordinance as being prohibited. The same shall remain in full force and effect until modified by the Board of Mayor and Aldermen. The Board of Mayor and Aldermen may increase or decrease the number of prohibited non-essential uses based on recommendations of the Water Plant Superintendent.

Water Shortage Emergency Status III exists when the water level in a major distribution tank cannot be brought above the 1/3 full mark within a 48 hour period.

When the water supply reaches Water Shortage Emergency Status III, the Mayor or his designee may declare all of the non-essential uses provided for in the Ordinance as being prohibited. The same shall remain in full force and effect until modified by the Board of Mayor and Aldermen. The Board of Mayor and Aldermen may increase or decrease the number of prohibited non-essential uses based on recommendations of the Water Plant Superintendent.

Section 4. NON-ESSENTIAL USES DURING WATER SHORTAGE EMERGENCY

a. The following uses are declared to be NON-ESSENTIAL USES FOR STATUS I & II:

(1) Any non-residential use in excess of 50% of the amount used during the corresponding billing period for the previous year. If the customer was not operating the previous year an estimated amount shall be computed by the City Hall from its records. The Mayor or his designee may increase the percentage for any connection use or customer if it is determined that such increase is necessary to protect the public health, safety, and welfare or to spread equitably among the water users of the City the burden imposed by the shortage in the City's water supply.

(2) Washing sidewalks, driveways, parking areas, tennis courts, patios, or other exterior paved area, except by the City for the public safety.

(3) Filling or re-filling a swimming pool.

(4) Non-commercial washing of privately owned motor vehicles, trailers, and boats.

(5) Watering of lawns, flower gardens, and ball fields.

(6) Watering any portion of a golf course.

(7) Use of water for dust control or compaction during construction.

(8) Watering of trees, shrubs, or other plants, except by commercial nurseries, in which case item (1) above will apply.

(9) Water served for drinking purposes at restaurants or other public or non-public eating establishments unless such water is specifically requested by the patron or customer.

b. The following is declared to be NON-ESSENTIAL USES FOR STATUS III.

(1) Any water used except for nutrition and sanitation purposes.

Section 5. BOARD OF MAYOR AND ALDERMEN ACTION

(a) The Mayor or his designee may declare a water shortage emergency irrespective of whether the water supply has reached Water Shortage Emergency Status I, II, or III, and designate prohibited usages.

(b) Only the Board of Mayor and Aldermen may terminate or end a water shortage emergency declared by the Mayor or his designee.

(c) Any water shortage emergency described by the Mayor or his designee shall continue until the next meeting of the Board of Mayor and Aldermen. If the Board does not take action to terminate the water shortage emergency, the same shall continue in full force and effect. The Board of Mayor and Aldermen may terminate or modify any limitations on non-essential use of water.

Section 6. NOTICE

Upon the declaration of the existence of a water shortage emergency by the Mayor or his designee, the Mayor shall notify the local media and furnish detailed information concerning the existence of the water shortage emergency and all prohibited uses. In addition, a newspaper ad shall be published at least once per week in the local newspaper, informing the public of the water shortage emergency and any prohibition concerning the non-essential uses. Every practical effort shall be made to keep the water-using public informed of conditions during any declared water shortage emergency.

Section 7. CUSTOMER NON-COMPLIANCE

(a) Any failure of a customer to comply with the requirements of a declared water shortage emergency may be reported to any official of the Dyersburg Water System and shall be immediately investigated by the Distribution Supt. or his designated agent. If non-compliance is found to exist, he shall request immediate compliance by the customer. Should the customer fail or refuse to comply after receiving the proper notice, the Distribution shall discontinue water service to the customer in question.

(b) Any customer whose service is disconnected because of a failure to comply with the requirements of a declared water shortage emergency shall have the right, after the first such disconnection, to have service reinstated upon payment to the City of its customary re-connection charge and upon execution of a written statement that he will comply with the requirements of the declared emergency. If service is disconnected because of a subsequent failure to comply, such customer shall have the right to reinstatement of service only after approval of the Board of Mayor and Aldermen and subject to such terms and conditions as the Board shall impose. The decision of the Distribution Supt. may be appealed for a hearing to the Board of Mayor and Aldermen. The disconnection shall remain in effect until the appeal is heard. A hearing shall be conducted within seventy-two (72) hours of the time the request for hearing is made by the customer. In the event a hearing is not conducted within seventy-two (72) hours, service shall be reinstated until the hearing is conducted. All requests for a hearing shall be made to the Distribution Superintendent.

Section 8.

That this Ordinance shall take effect from and after its adoption, the general welfare of the City of Dyersburg Water System requiring it. Adopted this the _____.

Mayor

Resolution approved 10-2-89 by Dyersburg Board of Mayor & Alderman