ORDINANCE # 312

AN ORDINANCE OF THE CITY OF LAKEWOOD BOARD OF COMMISSIONERS FOR THE LAKEWOOD WATER DISTRIBUTION SYSTEM AUTHORIZING AND SETTING FORTH GUIDELINES FOR THE DECLARATION OF A WATER SHORTAGE EMERGENCY.

WHEREAS, it is necessary to impose certain restrictions on the use of water because of shortages which can occur for various reasons; and

WHEREAS, 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 which can be enacted fairly and quickly to preserve the health and welfare of individuals.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF LAKEWOOD WATER SYSTEM AS FOLLOWS:

SECTION 1. That no water furnished by the Lakewood System shall be wasted during water shortage emergency periods. Waste of water includes, but is not 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c. Failure to put to reasonable beneficial use of any water withdrawn from the Lakewood System.

SECTION 2. That the Manager or his designee is hereby authorized to declare water shortage emergency to exist in accordance with the standards set out in Section 3. The declarer must immediately attempt to contact all Commissioners to inform them of the emergency action. An end to a water shortage emergency must be declared by the Board of Commissioners.

SECTION 3. That in declaring a water shortage emergency, such emergency shall be designated Status 1 or Status 2 in accordance with conditions as as determined by the General Manager of the District.

Water Shortage Emergency Status 1 exists when the water level in a major distributions system reservoir cannot be brought above the two-third (2/3) full mark in a forty-eight (48) hour period.

When the water supply reaches Water Shortage Emergency Status 1, the Manager or his designee may declare any or all of the uses of water identified as non-essential use

Category 1 provided for in this Ordinance as being prohibited and said prohibition shall remain in full force and effect until modified by the Board of Commissioners. The list of the non-essential uses may be increased or decreased pending the next meeting of the Board of Commissioners.

Water Shortage Emergency Status 2 exists when the water level in a major distribution system reservoir cannot be brought above the one-quarter (1/4) full mark within a forty-eight (48) hour period.

If Water Shortage Emergency Status 2 is reached, the Manager or his designee may declare any or all of the non-essential uses provided for in this Ordinance as being prohibited and the same shall remain in full force and effect until modified by the Board of Commissioners. The Board of Commissioners may increase or decrease the number of prohibited non-essential uses based on recommendations of the General Manager.

SECTION 4. NON-ESSENTIAL USES DURING WATER SHORTAGE EMERGENCY

a. NON-ESSENTIAL USES CATEGORY 1 – The following uses are declared to be non-essential uses, category 1:
   1. any non-residential use in excess of seventy percent (70%) of the amount used during the corresponding billing period for the previous year.
   2. Washing sidewalks, driveways, parking areas, tennis courts, patios, or other exterior paved areas, except by the District for the public safety.
   3. Filling or re-filling of swimming pools
   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 compacting during construction.

b. NON-ESSENTIAL USE CATEGORY 2. – The following uses are declared to be NON-ESSENTIAL USES, category 2, in addition to those listed for category 1;
   1. Watering of trees, shrubs, or other plants, except by commercial nurseries, in which case item (3) below will apply.
   2. Use by a motor vehicle washing facility.
   3. Any non-residential use in excess of fifty percent (50%) of the amount used by the customer 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 Lakewood System from its records. The General Manager 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 System the burden imposed by the shortage in the System water supply.

4. 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.

SECTION 5. BOARD OF COMMISSIONERS ACTION

a. The Board of Commissioners may declare a water shortage emergency irrespective of whether the water supply has reached Water Shortage Emergency Status 1 or 2, and designate prohibited usage.
b. Only the Board of Commissioners may terminate or end a water shortage emergency declared by the Board of Commissioners.
c. Any water shortage emergency described by the Board of Commissioners shall continue until the next meeting of the Board of Commissioners. 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 Commissioners 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 General Manager or his designee, the General Manager 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 once per week in any weekly 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 Lakewood System and shall be immediately investigated by the General Manager 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 immediately comply with the request, the General Manager shall immediately 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 Lakewood Water System of its customary reconnection 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

APPROVED:

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