

CHAPTER 14.05

WATER SHORTAGE

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14.05.010: Supply Shortage: In case of shortage of supply, the Municipal Services Department reserves the right to give preference in the matter of furnishing service to customers, as in the judgment of its representatives shall be for the best interests of the City, from the standpoint of public convenience, safety, or necessity. (Ord. 5125 Sec. 1, 2006: Ord. 2481 Sec. 2 (part), 1980: Ord. 1870 Sec. 1 (part) 1975: Ord. 843 Sec. 9, 1955)

14.05.020: Water Conservation and Rationing: When determined necessary by the City Manager to conserve water within the City of Kennewick water service area during water shortage periods, the City Manager or his/her designee has the authority to declare an emergency condition and direct the Municipal Services Department Executive Director or Public Works Director to implement any or all of the actions as outlined in this chapter for the defined emergency. The City Manager declaration shall define the emergency stage as a temperate, intermediate, or grievous emergency. The Municipal Services Department shall monitor the supply of and demand for potable water on a daily basis and report the status to the City Manager. The emergency shall remain in effect until such time as the emergency has expired and a notice of cessation by the City Manager has been given, as provided in this chapter. (Ord. 5125 Sec. 2, 2006: Ord. 2481 Sec. 2 (part), 1980)

14.05.030: Conservation and Rationing Program: Upon declaration of a water shortage emergency, the Municipal Services Department Executive Director or Public Works Director shall implement a water use reduction program corresponding to the emergency level declared by the City Manager. The water use reduction program shall consist of the following measures and any other measures deemed necessary to maintain the quality and availability of the City's domestic water supply:

- (1) Temperate Stage – The Municipal Services Department shall:
 - (a) Provide a Water Shortage Emergency public notification in the City's water service area. The notification must request that Kennewick domestic water system users utilizing City water for irrigation conform to the following landscape-watering monthly calendar schedule:
 - (i) Even numbered addresses water on even numbered days.
 - (ii) Odd numbered addresses water on odd numbered days.
 - (iii) Irrigation watering shall only be allowed between the hours of 4:00 a.m. to 7:00 a.m. and 7:00 p.m. to 11:00 p.m.
 - (iv) The quantity of water used shall be kept at a minimum. Potable water used for irrigation which is found running upon the streets or walkways, shall be prima face evidence of excessive use.

- (b) Disseminate water conservation guidelines to all customers within the City's water service area (except for the large water users to be dealt with separately) asking for a voluntary water use reduction of fifteen percent (15%) to twenty-five percent (25%) below current usage.
 - (c) Prepare a Water Shortage Emergency status report that includes a request for a voluntary water use reduction of fifteen percent (15%) to twenty-five percent (25%) below current usage and distribute to all large water users identified in the City's water utility billing system. The intent of this process is to approach large water users separately from the general/lower volume water users with a written status report providing technical information on their specific water usage supporting the request for voluntary reduction.
 - (d) Utilize media sources to communicate the Water Shortage Emergency as deemed necessary.
 - (e) Establish a Water Shortage Emergency "hotline" to address public questions, comments and concerns.
 - (f) Establish an information source point entitled "Water Shortage Emergency" on the City's official website which provides updated information on water shortage emergency stages, conditions, and requirements.
 - (g) Ready emergency water supply interties with adjacent water systems to supplement available water supply if necessary.
- (2) Intermediate Stage - In addition to the following measures, all measures identified in the previous Temperate Stage shall apply. The Municipal Services Department shall:
- (a) Appoint a Water Conservation Representative(s) to meet with large water users identified in the City's water utility billing system to inform them of the current water shortage condition and request a mandatory twenty-five percent (25%) water use reduction below the most recent non-emergency water shortage year on a month-by-month basis.
 - (b) Implement mandatory landscape watering restrictions that include adherence to specific watering schedules up to and including prohibition of landscape watering altogether if necessary.
 - (c) Prohibit the operation and introduction of water into an ornamental fountain.
 - (d) Prohibit the washing of streets, sidewalks, driveways, or decks except as necessary for public health and safety.
 - (e) Prohibit the filling of swimming pools, spas, ponds, and artificial lakes.
 - (f) Prohibit washing of any vehicles or boats unless at a commercial car washing facility equipped with water recycling equipment.
 - (g) Instruct all construction operations receiving water from a City fire hydrant not to use water for any purpose other than those required by regulatory agencies. A water rate surcharge of three hundred percent (300%) shall be established for this type water use.
 - (h) Require all restaurants to conspicuously post a "Water Shortage Emergency" notice as approved by the Municipal Services Department Executive Director or Public Works Director and refrain from serving water to customers except upon request.
 - (i) Require operators of hotels, motels, and other commercial lodging establishments to conspicuously post a "Water Shortage Emergency" notice as approved by the Municipal Services Department Executive Director or Public Works Director.

(3) Grievous Stage - In addition to the following measures, all measures identified in the previous temperate and intermediate stages shall apply. The Municipal Services Department shall:

- (a) Prohibit all watering of any lawn, yard, City-owned park, landscaping, recreational area or any other area containing vegetation.
- (b) Rescind all fire hydrant meter use permits and issue no new permits.
- (c) Close all City-owned swimming pools, wading pools, splash facilities, and the like.

(4) Should the above measures fall short of maintaining enough water supply for the basic functions of health and sanitation, the Municipal Services Department Executive Director or Public Works Director is authorized to:

- (a) Implement further mandatory water use reductions up to fifty percent (50%) including a corresponding inclining rate structure.
- (b) Implement a rolling system of outages as necessary to preserve basic health and sanitation.

(5) Notice to Water Customers. Notice shall be given advising water customers that the potable city water conservation and rationing program is to be implemented. For Temperate Stage conditions such notice shall be published at least two days in the official newspaper of the City, and shall contain a description of the programs, the effective date and time of implementation, and penalty for violation. For Intermediate Stage conditions such notice shall be published for at least one day. For Grievous Stage conditions notification shall be by the most expedient means possible with a follow-up published notification if the Grievous Stage condition is expected to last more than three consecutive days. Assistance of other local media will be sought throughout the duration of the water shortage in an attempt to further advise water customers; however, such additional media assistance shall not be deemed a condition precedent to effectuating the program on the date and time specified in the notice of cessation published as required in this section.

(6) Notice of cessation of the water shortage shall be given by publication in the official newspaper of the City; provided, however, that notice of cessation need only be published one time. (Ord. 5125 Sec.3, 2006: Ord. 2481 Sec. 2 (part), 1980)

14.05.040: Accountability of Owner, Occupant: For the purposes of this section, the legal owner of any premises upon which a violation of this section occurs, or in the case of rented or leased premises, the legal occupant thereof shall be deemed accountable for the conduct of all other persons being present thereon, or having access to the premises. (Ord. 2481 Sec. 2 (part), 1980)

14.05.050: Violation-Penalties:

(1) It is unlawful for any person to violate any provision of this chapter. Any person violating any provision of this chapter shall be guilty of a misdemeanor and shall, upon conviction, be fined in the amount not to exceed \$5,000.00, or by imprisonment for not more than one year, or both such fine and imprisonment. Each day's violation of any provision of this chapter shall constitute a separate offense and shall subject the offender to the above penalties for each offense. In addition, the \$5,000.00 fine shall be adjusted annually equivalent to the inflationary rate established by the metropolitan Seattle, Washington, Consumer Price Index.

(2) The Municipal Services Executive Director or Public Works Director is authorized to prevent the depletion of city potable water by cutting off service to any water

customer found in violation of this chapter. (Ord. 5125 Sec. 4, 2006; Ord. 2481 Sec. 2 (part), 1980)