

## *DIVISION 2. WATER CONSERVATION*

### **Sec. 25-136. Findings; purpose.**

It is hereby determined that in order for the city to provide and maintain a sufficient and manageable water supply and distribution system for human consumption, sanitation and fire protection, and to ensure the safety and well-being of the users of water provided by the city, it is necessary to manage water service demands on the water supply, transmission and distribution systems of the city by limiting water consumption through restrictions and prohibitions on the use of city water during certain times of the year as set out below.

(Code 1976, § 31-42(a); Code 1992, § 25-136; Ord. No. 31-92, § 1, 5-5-1992)

### **Sec. 25-137. Definitions.**

For the purpose of this division, the following terms shall have the meanings given herein:

*Contract water users* includes all persons and entities (with the exception of Van Buren, Arkansas, which is required to adopt conservation measures at least as restrictive as those of this city) who purchase water from the city for individual use, resale and/or redistribution outside the corporate limits of the city, the term "contract water users" shall include the following:

City of Barling

Town of Chester.

City of Lavaca.

City of Mountainburg.

Cedarville Water Users Association.

Winslow Water Users Association.

U.S. Army (Fort Chaffee).

Highway 71 Water Users Association.

64-71 Highway Water Company.

Rural Water District No. 2 of Pocola.

Town of Arkoma.

LeFlore County Rural Water District No. 2.

Sequoyah County Rural Water District No. 4.

*Users of water* includes all persons and entities who use and/or purchase water provided by the city, including contract water users.

(Code 1976, § 31-42(b); Code 1992, § 25-137; Ord. No. 31-92, § 2, 5-5-1992)

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## **Sec. 25-138. Phase I.**

This section shall apply to all users of water from the city. An initial conservation phase (Phase I) shall go into effect when lake levels drop to a capacity of 55,000 acre-feet (60 percent) and shall continue until lake levels remain above 56,000 acre-feet (61 percent) for 15 consecutive days. Phase I conservation measures shall consist of the following restrictions and prohibitions on the use of city water:

- (1) The following uses of water are permitted at locations with even-numbered addresses on even-numbered days of the month only and at locations with odd-numbered addresses on odd-numbered days of the month only: lawn watering; watering of shrubs, plants, trees and gardens; the washing of motor vehicles, trailers, airplanes or boats (not applicable to commercial car washes); filling of swimming pools or fountains; and washing of building exteriors.
- (2) No person shall use water as provided in subsection (1) of this section to such an extent as to allow water to escape from his premises onto public property, such as alleys or streets, nor onto another person's property.
- (3) Golf course watering and other commercial irrigation from city sources shall be done only to the extent necessary to preserve turf and other plant life and at such times during the day as to minimize water loss due to evaporation.
- (4) The use of water from fire hydrants at any time for construction purposes, fire drills or routine hydrant testing is prohibited. Only nonpotable water may be used for dirt compaction, earth moving operations or street base course construction.
- (5) The washing of sidewalks, walkways, driveways, patios, parking lots, concrete tennis courts and other hard-surfaced areas by hosing or by use of water directly from faucets or other city sources is prohibited. Food processing and food service establishments may engage in such use of water only to the extent necessary to maintain and preserve the public health, and in compliance with any state or federal regulations. Restaurants and other food service establishments may hose or wash only walkways immediately adjacent to entrances and not beyond ten feet of entrances and not beyond ten feet of garbage facilities, food delivery or food serving areas.
- (6) No person shall irrigate or water lawns, turf, shrubs, plants, trees or gardens between the hours of 10:00 a.m. and 7:00 p.m. (not applicable to greens and tee boxes on golf courses).
- (7) The city shall have the authority to install flow restriction devices on those lines to contract water users which exceed their contractual allocation. Installation of flow restriction devices shall require specific approval of the board of directors before installation.

(Code 1976, § 31-42(c); Code 1992, § 25-138; Ord. No. 31-92, § 3, 5-5-1992; Ord. No. 40-07, § 4, 6-5-2007)

## **Sec. 25-139. Phase II.**

- (a) This section shall apply to all users of water from the city. An advanced conservation phase (Phase II) shall go into effect when the following conditions occur:
  - (1) The total usable water storage above the lowest intake valves in the city's impoundment lakes decreases to 36,000 acre-feet (39 percent). This phase shall be implemented under these conditions when the lake levels remain below these levels for three consecutive days; or
  - (2) The total amount of water in the city's water system storage reservoirs remains below 50 percent of total storage capacity for three consecutive days.

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- (b) The city administrator, or his designated agent, is hereby authorized and directed to compile and record the data necessary to determine when the conditions of subsection (a)(1) or (a)(2) of this section have been met. Upon such determination that the conditions have been met, the city administrator, or his designated agent, shall notify all users of water from the city, by any reasonable means, which may include, but is not limited to media coverage, that the conditions of subsection (a)(1) or (a)(2) of this section have been met and that the conservation measures of Phase II are in effect. The city administrator, or his designated agent, is hereby authorized and directed to ensure compliance with and enforcement of the Phase II conservation measures set forth in subsection (c) of this section.
  - (c) Phase II conservation measures shall consist of Phase I measures plus the following restrictions and prohibitions on the use of city water.
    - (1) The watering of shrubs, plants, trees and gardens is permitted only by hand-held hose and should be limited to the minimum amounts necessary to sustain plant life. Such watering is permitted at locations with even-numbered addresses on even-numbered days of the month only and at locations with odd-numbered addresses on odd-numbered days of the month only. All lawn and turf watering from city sources is prohibited.
    - (2) Golf course watering and other commercial irrigation from city sources shall be done only to the extent necessary to preserve turf and other plant life. Golf courses are permitted to water only greens and tee boxes from city sources. Golf course fairway and rough watering and school football and baseball field watering from city sources is specifically prohibited.
    - (3) All washing of motor vehicles, trailers, airplanes, boats or building exteriors is prohibited, except at commercial car washes and licensed commercial vehicle dealerships. Licensed commercial dealerships shall limit washing to Tuesday and Friday only. The filling of swimming pools or outdoor fountains and outdoor fountain operation are prohibited.
  - (d) The restrictions and prohibitions of Phase II shall be removed when the lake levels remain above 41,000 acre-feet (45 percent) for 15 consecutive days.
  - (e) The city administrator, or his designated agent, is hereby authorized and directed to compile and record the data necessary to determine when the conditions of subsection (d) of this section have been met. Upon such determination that the conditions have been met, the city administrator or his designated agent shall notify all users of water from the city by any reasonable means, which may include but is not limited to media coverage, that the conservation measures of Phase II are no longer in effect.

(Code 1976, § 31-42(d); Code 1992, § 25-139; Ord. No. 31-92, § 4, 5-5-1992; Ord. No. 40-07, §§ 5, 6, 6-5-2007)

### **Sec. 25-140. Implementation.**

- (a) This section shall apply to all users of water from the city. Whenever an emergency exists, as determined by the city administrator, or his designated agent, by reason of a shortage of water, limited distribution facilities or any other circumstances which make it necessary to immediately conserve water, there is hereby delegated to the city administrator or his designated agent the authority to implement the conservation measures of Phase I and/or Phase II and other conservation measures which are necessary to maintain potable water for essential public health and safety functions.
- (b) These emergency measures shall remain in effect until the next regularly scheduled meeting or special meeting of the board of directors, at which time the board shall decide whether it is necessary to continue the measures.

(Code 1976, § 31-42(e); Code 1992, § 25-140; Ord. No. 31-92, § 5, 5-5-1992)

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### **Sec. 25-141. Surcharges.**

This section shall apply to contract water users (as defined in section 25-137). Contract water users are subject to surcharges for water conservation purposes, which surcharges shall be determined from time to time and on file in the office of the city clerk.

(Code 1976, § 31-42(f); Code 1992, § 25-141; Ord. No. 30-92, § 6, 5-5-1992; Ord. No. 31-92, § 6, 5-5-1992)

### **Sec. 25-142. Penalties for noncompliance.**

The failure to comply with or a violation of any requirements contained in this section by any user of water from the city is hereby declared to be unlawful, and any user of water subject to the jurisdiction of the city, upon being convicted of such unlawful act, shall be deemed guilty of a misdemeanor and shall be fined in accordance with the following schedule:

- (1) *First violation.* Not less than \$50.00 nor more than \$200.00.
- (2) *Second violation.* Not less than \$250.00 nor more than \$500.00.
- (3) *Third violation and each subsequent violation.* \$500.00.

It is declared to be unlawful to tamper with or disable any meter used to register the water usage of any user of water from the city, and any individual or user of water convicted of violating this provision shall be deemed guilty of a misdemeanor and shall be fined in accordance with section 1-9.

(Code 1976, § 31-42(g); Code 1992, § 25-142; Ord. No. 31-92, § 7, 5-5-1992; Ord. No. 40-07, § 10, 6-5-2007)

### **Sec. 25-143. Authority to implement additional conservation measures.**

This section shall apply to all users of water from the city. Whenever an emergency exists as determined by the city administrator, or his designated agent, by reason of a shortage of water, limited distribution facilities or any other circumstance which make it necessary to immediately conserve water, there is hereby delegated to the city administrator, or his designated agent, the authority to implement conservation measures additional to the provisions of this division which are determined to be necessary to maintain potable water for essential public health and safety functions. These emergency measures shall remain in effect until the next regularly scheduled meeting, or special meeting, of the board of directors at which time the board shall decide whether it is necessary to continue said measures.

(Code 1992, § 25-143; Ord. No. 40-07, § 9, 6-5-2007)

### **Secs. 25-144—25-150. Reserved.**