

# CITY OF YAMHILL

## ORDINANCE NO. 539

### AN ORDINANCE OF THE CITY OF YAMHILL AMENDING CHAPTER 3.54 WATER CONSERVATION REGULATIONS OF THE MUNICIPAL CODE, ADOPTING NEW PROVISIONS AND DECLARING AN EMERGENCY

**WHEREAS**, The Yamhill Water Advisory Committee submitted recommendations to City Council January 12, 2022 concerning proposed changes to Yamhill Municipal Code Chapter 3.54 Water Conservation Regulations

**WHEREAS**, the City Council referred the recommendation to legal services January and March, 2022; and

**WHEREAS**, City Council considered a First Reading of this ordinance April 9, 2022 and referred it back to the Water Advisory Committee for revisions;

**WHEREAS**, Planning Commission was not required to review the recommendation regarding water conservation because it is not a land use matter;

**WHEREAS**, City Council held a Public Hearing and Second Reading May 11, 2022;

**WHEREAS**, the City Council desires to adopt new provisions relating to water conservation;

**WHEREAS**, an emergency is declared due to the timing of the needed policy prior to drought season

#### **NOW, THEREFORE, THE CITY OF YAMHILL ORDAINS AS FOLLOWS:**

**Section 1. Amendment of Municipal Code Chapters.** The Yamhill City Council here by adopts amendments to Chapter 3.54 Water Conservation Regulations of the Yamhill Municipal Code as set forth on Exhibit A

**Section 2. Codification.** The City Recorder is hereby directed to codify this ordinance as a part of the Yamhill Municipal Code.

**Section 3. Emergency Clause and Effective Date.** This Ordinance being essential to the preservation of the health, safety and welfare of the city, an emergency is hereby declared to exist and this ordinance shall take effect immediately upon its passage by the City Council and approval by the Mayor.

ENACTED by the City Council on the 11<sup>th</sup> day of May, 2022, by the

following votes:

Ayes: 3

Nays: 0

Abstained: 0

Absent: 2

DATED and signed by the Mayor this 11<sup>th</sup> day of May, 2022.

  
Yvette Potter, Mayor

Attest:   
City Recorder

EXHIBIT A

Amend Chapter 3 of the Municipal Code making these edits:

**3.54.010 Findings and Declaration of a Water Emergency.**

- (A) Upon a finding that the municipal water supply system is incapable of providing an adequate water supply for normal usage due to a prolonged drought, system failure, or any other event, the Facilities Manager, or their designee, after consultation with the City Administrator/Mayor/City Council (if possible), may declare a Water Shortage Watch without requiring curtailment.
- (B) The declaration shall include the effective date, the reason for the declaration, and the level of prohibition declared. After the Facilities Manager or their designee/City Administration/Mayor's declaration, the City Council shall examine the declaration and any curtailment actions. The Council may thereafter take whatever steps it deems necessary to address the water emergency, including continuing the restrictions and limitations imposed by the Facilities Manager or their designee/City Administrator/Mayor, modifying them, or eliminating them if the Council finds that the emergency has been abated or eliminated. The City Council may include an estimated time for review or revocation of the declaration.
- (C) If the Facilities Manager or their designee/City Administrator/Mayor fails or is unable to declare a water emergency, the City Council has the right to do so, providing it makes the necessary written findings and sets out the facts giving rise to the water emergency.

**3.54.020 Levels of Prohibition.**

**(A) Level I —— WATER SHORTAGE WATCH; PUBLICITY**

- (1) In determining whether to declare a Water Shortage Watch, the Facilities Manager or their designee/City Administrator/Mayor shall consider water storage levels, available supply sources, available usable storage on hand, drawdown rates, projected supply capability, outlook for precipitation, daily water use patterns, and availability of water from other sources shall be considered.

- (2) In the event that a Level I Water Shortage Watch is declared, an extensive publicity campaign will be initiated using public media and any other methods as may be deemed appropriate or necessary to inform the public of an impending water shortage. Level I Water Shortage Watch conditions do not require any specific reduction in use of water beyond normal use.

**(B) Level II — WATER SHORTAGE CONDITION – RESTRICTIONS**

- (1) In the event that a Level II Water Shortage condition is declared, an extensive publicity campaign will be initiated using public media and any other methods that may be deemed appropriate or necessary to inform the public of an existing water shortage.
- (2) Upon declaration of a Level II Water Shortage, the public shall be encouraged to voluntarily adhere to the following guidelines.
- a. Services with even numbered addresses shall water outside of the house only on even numbered days and services with odd numbered addresses shall water outside of the house only on odd numbered days.
  - b. All watering shall be done between the hours of 6:00 p.m. and 10:00 a.m.
  - c. Limit lawn, garden, and shrubbery watering to the minimum necessary for plants to survive. Eliminate continuous running of water while shaving or rinsing dishes.
  - d. Limit the use of washing machines and dishwashers and operate only when fully loaded.
  - e. Use showers instead of bathtubs for bathing and limit showers to no more than four-minutes duration.
  - f. Limit flushing of toilets through multiple usage.
  - g. Collection of water (used water) for use in flushing toilets.
  - h. Use biodegradable and/or disposable dishes.
  - i. Use flow restriction and other water-saving devices where possible.
  - j. Eliminate washing down outside areas such as sidewalks, patios, parking lots, service bays, or aprons.
  - k. Limit car washing.
  - l. Delay new landscape work until the water shortage has ended. (During the months of June thru September).

**(C) Level III — WATER SHORTAGE; DECLARATION OF MANDATORY RESTRICTIONS; ILLEGAL ACTS.**

- (1) Upon declaration of a Level III Water Shortage, and until the time as the declaration of water shortage has been rescinded, it shall be unlawful to use or permit the use of water from the City water system for any of the following purposes:
- a. Watering, sprinkling or irrigating lawn, grass, or turf.

- b. Washing, wetting down, or sweeping with water, sidewalks, walkways, driveways, parking lots, open ground, or other hard surfaced areas.
- c. Power washing of buildings, roofs and homes prior to painting, repair, remodeling, or reconstruction, and not solely for aesthetic purposes.
- d. Washing trucks, cars, trailers, tractors or other land vehicles or boats or other water-borne vehicles, except by commercial establishments or fleet washing facilities which recycle or reuse the water in their washing processes, or by bucket and hose with shut-off mechanism.
- e. Cleaning, filling, or maintaining decorative water features, natural or manmade, including, but not limited to, fountains, lakes, ponds, and streams, unless the water is re-circulated through the decorative water feature. Water features which do not include continuous or constant in-flowing water are not included.
- f. Wasting water by leaving unattended hoses running.
- g. Filling swimming, wading pools, hot tubs, or tanks; or to refill existing swimming or wading pools, and hot tubs which have been drained.
- h. Using water from fire hydrants for any purpose other than firefighting or other public emergency.
- i. Watering, sprinkling or irrigating flowers, plants, shrubbery, gardens, or trees except from 6:00 p.m. to 10:00 a.m. and on odd and even days as listed in YMC 3.54.020(B)(2)(a).

(2) Where the restrictions of a Level III Water Shortage conflict with the guidance in YMC 3.54.020(B), the restrictions of the Level III Water Shortage shall control. The City shall meet with large commercial and industrial water customers to discuss strategies for reduction of water uses.

(3) Exceptions to Level III Restrictions. When a Level III Water Shortage has been declared, City water systems may, nonetheless, be used for the following purposes:

- a. Watering high-use athletic fields that are used for organized play, subject to the determination of the Facilities Manager or designee that sufficient water is available for this purpose.
- b. Watering in locations where there is a demonstrable need for water or spraying to meet public health or safety requirements, such as to alleviate immediate fire or sanitation hazards; for dust control to meet air quality requirements mandated by the Oregon Department of Environmental Quality (DEQ).
- c. Washing vehicles where the health, safety and welfare of the public is contingent upon frequent vehicle cleaning, such as to clean garbage trucks and vehicles that transport food and other perishables, or as otherwise required by law. Owners/operators of these vehicles are encouraged to utilize establishments which recycle or reuse the water in their washing process.
- d. Incidental uses of water (including birdbaths and garden ponds or pools) that serve pets, livestock, or other animals.

**(D) Level IV — WATER SHORTAGE; DECLARATION OF MANDATORY RESTRICTIONS; ILLEGAL ACTS**

- (1) Where the restrictions of a Level IV Water Shortage conflict with the guidance in YMC 3.54.020(B) or (C), the restrictions of the Level IV Water Shortage shall control.
- (2) Upon the declaration of a Level IV Water Shortage, and until the time as the declaration of water shortage has been rescinded, it shall be unlawful for any person or entity to use or permit the use of water from the City water system for any of the following purposes:
  - (a) Watering, sprinkling or irrigating flowers, plants, shrubbery, or trees.
  - (b) High-use athletic fields that are used for organized play.
- (3) Exceptions to Level IV Restrictions. When a Level IV Water Shortage has been declared, City water systems may nonetheless be used for the following purposes
  - (a) Where there is a demonstrable need to meet public health or safety requirements, such as to alleviate immediate fire or sanitation hazards; for dust control to meet air quality requirements mandated by the Oregon Department of Environmental Quality (DEQ).
  - (b) Where the health, safety and welfare of the public is contingent upon frequent vehicle cleaning, such as to clean garbage trucks and vehicles that transport food and other perishables, or as otherwise required by law. Owners/operators of these vehicles are encouraged to utilize establishments which recycle or reuse the water in their washing process.
  - (c) Incidental uses of water (including birdbaths and garden ponds or pools) that serve the essential needs of pets, livestock, or other animals.

**(E) Level V — WATER SHORTAGE EMERGENCY; DECLARATION OF MANDATORY RESTRICTIONS; ILLEGAL ACTS**

- (1) Where the restrictions of a Level V Water Shortage Emergency conflict with the guidance in YMC 3.54.020(C), or (D), the restrictions of the Level V Water Shortage Emergency shall control.
- (2) Upon the declaration of a Level V Water Shortage Emergency, and until the time as the declaration of water shortage has been rescinded, it shall be unlawful for any person or entity to use or permit the use of water from the City water system for any outside use. The City shall robustly pursue enforcement of Level V Water Shortage Emergency restrictions and assessment of penalties. In addition to the restrictions outlined in YMC 3.54.020(C) and (D), the following restrictions apply to any use of City water systems:
  - (a) Restriction or limitation of residential/water districts usage.
  - (b) Restriction or limitation of activities which require or may require the need for water supplies. For example, fireworks display that would otherwise be allowed

under State law and local ordinance.

- (c) Any restriction which is identified by the Facilities Manager or their designee.
  - (d) Any restriction which is identified by the Fire Chief.
  - (e) Other restrictions deemed necessary by the City Administrator/Mayor/City Council.
- (3) Failure of any water user to receive actual notice of the declaration of a water emergency or the actions deemed necessary by the Facilities Manager or their designee/City Administrator/Mayor/City Council to address the emergency shall not relieve the user of obeying any restrictions or restrictions on the use of water imposed by the Facilities Manager or their designee/City Administrator/Mayor/City Council.

### **3.54.030 Enforcement.**

(A) Warning. Each violation shall receive a warning. The letter of warning shall be in writing, shall specify the violation, may require compliance measures, and shall be served upon the resident/water districts either personally, by office or substitute service, or by certified or registered mail, return receipt requested.

(B) Citation. After the resident/water districts has received a warning letter, any subsequent violation shall be treated as a civil infraction pursuant to Chapter 1.36, General Penalty, of the Yamhill Municipal Code.

### **3.54.040 Violation—Penalties.**

- (A) First violation: Warning letter.
- (B) Second violation of same type: Class C infraction.
- (C) Third violation of same type: Class B infraction.
- (D) Fourth and subsequent violation: Class A infraction.
- (E) Third and subsequent violations under Level III may include water shut-off.
- (F) In addition, the City may bring an action against any person, entity, or other water user violating the terms of any restriction or limitation imposed by the City pursuant to Sections 3.54.010 through 3.54.050. In such event, the City shall be entitled to all costs and expenses (including attorney's fees) caused or resulting from the user's failure or refusal to comply with the terms of the restrictions imposed by the City.
- (G) Each day that a violation of this Chapter is permitted to continue or occur by the water user shall constitute a separate offense subject to penalties under this Section.