ORDINANCE NO. 1727

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON REGULATING THE USAGE OF WATER DURING PERIODS OF DROUGHT OR OTHER EMERGENCY AND PROVIDING PENALTIES FOR VIOLATION.

WHEREAS, the State Water Resources Commission has declared that the state is experiencing a severe and continuing drought; and

WHEREAS, the State Water Resources Commission has ordered that the City of Milwaukie prepare a Water Curtailment Plan as authorized under ORS 536.780 by August 31, 1992; and

WHEREAS, the Water Curtailment Plan will include an element outlining adopted measures regulating water usage; and

WHEREAS, the City Council wishes to enable the City Manager or his designee to act expediently in the event of a water supply related emergency; and

WHEREAS, the City Council finds that adoption of water usage regulations by ordinance will give the regulations more force and effect if needed; now, therefore:

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

There is hereby added to the Municipal Code of Milwaukie Chapter 13.06, Drought and Emergency Water Regulation, top read as follows:

Section 1. Findings and Declaration of a Water Emergency

Upon a finding that the municipal water supply system is or may become incapable of providing an adequate water supply for normal usage due to a prolonged drought, system failure, or any other event, the City Manager or his designee may declare that water usage must be curtailed. The declaration shall include the effective date, the reason for the declaration, and the level of prohibition declared. The City Manager or his designee may include an estimated time for review and revocation of the declaration.

Section 2. Levels of Prohibition

Level 1 - Critical

The following activities would be prohibited on a voluntary basis under a level 1 restriction:

1. Watering of lawns, grass or turf except on designated alternate days based on address number.

2. Watering landscaping between 9 a.m. and 7 p.m.

3. Hosing or washing sidewalks, driveways, streets, parking lots, open ground, buildings or other hard surfaces except where necessary for public health and safety.

Exceptions:

Power washing of buildings, homes and roofs prior to painting, repair, remodeling or construction, and not solely for aesthetic purposes.

Where there is demonstrable need in order to meet public safety requirements such as: to alleviate immediate fire or sanitation hazards; for dust control to meet air quality standards mandated by the Oregon Department of Environmental Quality.

4. Washing cars, boats, trailer, or other vehicles without hoses with shutoff nozzles unless done at a commercial or fleet washing facility that recycles water. Owners of vehicles are encouraged to use facilities that recycle water.

5. Serving water for drinking at a restaurant, motel, cafe, cafeteria, or other public places where food is sold and served unless specifically requested.

6. Any other voluntary restrictions deemed necessary including but not limited restrictions outlined under level 2.

Level 2 - Emergency

The following activities are expressly prohibited under a level 2 declaration:.

1. Watering any lawn, grass or turf.

Exceptions:

New lawn, grass or turf that has been seeded or sodded after March 1, of the calendar year may be watered as necessary until established.

Lawn, grass or turf which is part of a commercial sod farm.

High use athletic fields that are used for organized play.

Golf tees and greens.

Park and recreation areas deemed by City Council to be of particular significance and value to the community that would allow exception to the prohibition.

2. Watering landscape plants except on alternate day watering and between 7 p.m. and 9 a.m.

3. Hosing or washing sidewalks, driveways, streets, parking lots, open ground, buildings or other hard surfaces except where necessary for public health and safety.

Exceptions:

Power washing of buildings, homes and roofs prior to painting, repair, remodeling or construction, and not solely for aesthetic purposes.

Where there is demonstrable need in order to meet public safety requirements such as: to alleviate immediate fire or sanitation hazards; for dust control to meet air quality standards mandated by the Oregon Department of Environmental Quality.

4. Washing cars, boats, trailer, or other vehicles without hoses with shutoff nozzles unless done at a commercial or fleet washing facility that recycles water.

5. Serving water for drinking at a restaurant, motel, cafe, cafeteria, or other public places where food is sold and served unless specifically requested.

6. Cleaning, filling, maintaining decorative water features, natural or manmade, including but not limited to fountains, lakes, ponds, and streams, unless the water is recirculated through the decorative feature.

7. Any other restrictions deemed necessary.

8. Elimination of any exceptions deemed necessary.

Section 3. Enforcement

If a level 2 prohibition is declared, violations of restrictions will be enforced as follows:

(1) 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 either personally, by office of substitute service, or by certified or registered mail, return receipt requested.

(2) Citation. After the resident has received a warning letter, any subsequent violation shall be treated as a civil infraction pursuant to the Milwaukie Municipal Code. No forfeiture of this ordinance shall be less than $100 or more than $500 for each violation.

Section 4. Penalties

(1) First Violation - Warning Letter

(2) Second Violation of Same Type - Class c infraction - $100

(3) Third Violation of Same Type - Class B infraction - $250

(4) Fourth and Subsequent Violations - Class A infraction $500

Third and Subsequent Violations under Level 2 may include water shut-off.

Read for the first time on August 18, 1992 and moved to a second reading by unanimous vote of the City Council.

Read for the second time and adopted by the City Council on August 18, 1992.

Signed by the Mayor on September 1, 1992.

Craig J. Lomnicki

Craig J. Lomnicki, Mayor

Attest:

Pat DeWald

City Recorder

Approved as to form:

City Attorney