

## **Exhibit “B”**

### **51.21 RESPONSE TO WATER SHORTAGE**

It shall be the duty of the Director to report to the Mayor conditions adversely affecting the City Water supply that could result in a Water Shortage. Upon receiving such report, and upon determining that water conservation measures are necessary to adequately address the Water Shortage, the Mayor may declare any stage of water conservation described herein to be in force. The imposition of each stage of water conservation shall be reported to the City Council as soon as possible following such imposition. The Mayor, Director, or the City Council may terminate any stage of water conservation upon determining that it is no longer necessary.

### **51.22 VIOLATIONS PROHIBITED; ENFORCEMENT**

1. *Violation.* In the event that the Mayor shall declare one or more stages of water conservation as set forth herein, it shall be unlawful for any person to use or permit use of City Water in violation of any mandatory restrictions instituted.
2. *Enforcement.* It shall be the duty of the Director to investigate violations of the mandatory restriction and issue orders consistent with the purpose and intent of this article. All Customers shall cease any violation of the mandatory restrictions upon the order of the Director. Any Customer who violates any provision of this article, or who shall violate or fail to comply with any order made herein shall be subject to a penalty or a combination of the penalties as follows:
  - a. When service is discontinued pursuant to the provisions of this subsection, service shall not be reinstated unless and until the Director determines that the risk to the City Water supply has been alleviated. The Customer whose service is being restored shall pay a connection charge to reconnect, as set by the City Council.
  - b. The Customer shall have a right to appeal the action or determination of the Director by written notice of appeal to the City Clerk-Treasurer within five days after receiving notice of any violation and intent to discontinue service. The appellant will be notified by a designee of the Mayor of the time and place for the hearing of the appeal. The City Council shall hear the appeal at the next available City Council meeting following the receipt of the appeal. The Customer shall be afforded a reasonable opportunity to present evidence and testimony on his or her behalf to the City Council.
3. *Discontinuance of service.* The city may discontinue water service to any structure or parcel when the Director gives written notice of any violation of mandatory restrictions and intent to discontinue service. City Water service shall be discontinued within 24 hours unless the violation shall cease voluntarily.
4. *Equitable relief.* The provisions of this subchapter may be enforced by general penalty or an appropriate remedy, including a mandatory or prohibitory injunction, issuing from a court of competent jurisdiction.
5. *Penalty not a substitute remedy.* The imposition of one or more penalties for any violation shall not excuse any violation or permit it to continue.

## **51.24 WATER CONSERVATION STAGES; RECOMMENDATIONS; MANDATORY MEASURES**

1. **Stage I, voluntary conservation practices.** Customers shall be encouraged to observe water conservation measures to reduce the wasting of City Water as follows:
  - a. Check plumbing and toilets for leaks annually, and, if necessary, repair.
  - b. Repair leaking faucets whenever they develop.
  - c. Store drinking water in the refrigerator to avoid trying to run it cool at the tap.
  - d. Use shower for bathing purposes or reduce the depth of water used for tub baths. Limit showers to four minutes where possible.
  - e. Refrain from running faucets while shaving, rinsing dishes or brushing teeth.
  - f. Install water flow restrictive devices in showerheads.
  - g. Install water-saving devices such as plastic bottles or commercial units in toilet tanks.
  - h. Wash full loads in clothes washers and dishwashers.
  - i. Review water uses and where feasible install recycle systems, particularly commercial and industrial customers.
  - j. Other measures as deemed reasonable and necessary by the Director
2. **Stage II, continuing voluntary conservation.** Customers shall be encouraged to observe the recommendations of stage I and to increase the level of conservation effort as follows:
  - a. Limit the use of clothes washers and dishwashers, and when used, to operate fully loaded.
  - b. Reduce the flushing of toilets to the minimum whenever practical.
  - c. Limit lawn watering to only when grass shows signs of withering and apply water as slow as possible to achieve deep penetration.
  - d. Limit shrubbery watering to the minimum, reusing household water when possible.
  - e. Limit car washing to the minimum.
  - f. Limit washdowns of outside areas such as sidewalks, patios, driveways, or for other similar purposes.
  - g. Limit hours of operation of water-cooled air conditioners when possible.
  - h. Use biodegradable disposable dishes and utensils, both for residential and commercial purposes, where feasible.
  - i. Avoid the peak. Set automatic sprinkler system to come on either 3:30 a.m. to 5:30 a.m., or from 8:00 a.m. to 10:00 a.m. Water only two to three times per week.
  - j. Other measures as deemed reasonable and necessary by the Director.
3. **Stage III, moderate mandatory conservation.** Customers shall be encouraged to observe the recommendations of stages I and II, and the level of the conservation effort shall be increased to require the following mandatory measures.
  - a. **No person shall:**
    1. Use automatic, underground sprinklers to water lawns, grass, trees, shrubbery, flowers, golf greens or vegetable gardens except during the hours specified by the director. Those hours shall, unless otherwise varied by the director, be between 3:30 a.m. and 5:30 a.m. or 8:00 a.m. and 10:00 a.m. On each designated day, customers shall water during only one of the

allowed periods. When adjustments are made by the director to the times set forth in this subsection, they shall be posted, and set forth on the city's web site, where appropriate.

2. Introduce City Water into wading pools or swimming pools, except to the extent necessary to replenish losses due to evaporation or spillage, and maintain operation of chemical feed equipment.
  3. Use City Water to wash down outside areas such as sidewalks, patios, driveways, or for other similar purposes.
  4. Introduce City Water into any decorative fountain, pool or pond except where the water is recycled.
  5. Serve City Water in a restaurant or similar establishment except upon request.
  6. Use City Water for any unnecessary purpose or intentionally waste water.
  7. Wash the exterior of a motor vehicle except where a private well system is used, or where 50 percent or more of the water is recycled or where it can be demonstrated that 30 gallons of water or less are used to wash the vehicle.
  8. Other measures as deemed reasonable and necessary by the Director
- b. Any customer may secure a written permit from the Director or his designee to use water contrary to the stage III mandatory conservation measures where it can be shown to the Director's satisfaction that use of water pursuant to conditions prescribed by the Director in the permit will result in a 30 percent or greater saving of water, is necessary to maintain the public health, or to avoid significant loss of private property. Any permit issued pursuant to this provision:
1. Must be in the possession of the permittee whenever water is used contrary to the stage III mandatory conservation measures; and
  2. Is subject to amendment or revocation by the director at any time for good cause.
- c. All industrial, manufacturing and commercial enterprises shall reduce consumption with a goal reduction of at least 30 percent. Such enterprises shall document the specific efforts they have made to reduce consumption.
4. **Stage IV, severe mandatory conservation.** Customers shall be encouraged to observe the conservation measures in stages I and II and required to continue observing the mandatory requirements in stage III, except to the extent such mandatory requirements are modified by the restrictions regarding stage IV conservation. The level of the conservation effort shall increase to require the following additional mandatory measures.
- a. No person shall:**
1. Water or sprinkle any lawn, grass, trees, golf greens or flowers; provided, however, that a person regularly engaged in the sale of plants shall be permitted to use City Water for irrigation of their commercial stock in trade, using the minimal amount for survival. State-, county- and city-licensed landscape contractors may continue to water plantings which are under written warranty by hand-held hose, container or drip irrigation.
  2. Water any vegetable garden or ornamental shrubs except by hand-held hose, container, or drip irrigation system, during hours specified by the director. Those hours shall, unless varied by the Director, be between the hours of 8:00 a.m. and 10:00 a.m. or 7:00 p.m. and 9:00 p.m. On each designated

day, Customers shall water during only one of the allowed periods. When adjustments are made by the Director to the times set forth in this subsection, they shall be posted, and set forth on the city's website, where appropriate.

3. Fill any wading pool or swimming pool or replenish any filled pool except to the minimum essential for operation of chemical feed equipment.
  4. Make nonessential use of City Water for commercial or public use.
  5. Operate water-cooled air conditioners or other equipment that do not recycle cooling water, except when health and safety are adversely affected.
  6. Wash any motor vehicle or other type of mobile equipment; provided, however, that any person regularly engaged in the business of washing motor vehicles and any commercial carwash facility shall be permitted to use City Water for such purposes, when 50 percent water savings are documented.
  7. Other measures as deemed reasonable and necessary by the Director
- b. Any Customer may secure a written permit from the Director or his designee to use City Water contrary to the stage IV mandatory conservation measures where it can be shown to the director's satisfaction, that use of water pursuant to conditions prescribed by the utilities director in the permit will result in a 50 percent or greater saving of water, or that the prescribed use is necessary to protect the public health. Any permit issued pursuant to this provision:
1. Must be in the possession of the permittee whenever water is used contrary to the stage IV mandatory conservation measures; and
  2. Is subject to amendment or revocation by the director at any time for good cause.
- c. All industrial, manufacturing and commercial enterprises shall reduce consumption with a goal reduction of at least 50 percent. Such enterprises shall document the specific efforts they have made to reduce consumption.
5. **Stage V, stringent mandatory conservation.** Customers shall be encouraged to observe the conservation measures in stages I and II and required to continue observing the mandatory requirements in stages III and IV. The level of the conservation effort shall increase to require the following additional mandatory measures.
- a. No person shall:**
1. Use City Water outside a structure except in an emergency involving fire.
  2. Operate evaporative air conditioning units that recycle City Water except during the operating hours of the business.
  3. Use any swimming pool or wading pool.
  4. Wash any motor vehicle, including commercial washing unless no City Water (i.e. well water) is used.
  5. Other measures as deemed reasonable and necessary by the Director
- b. In addition to the conservation measures enumerated in subsection (e)(1) of this section, customers shall use plates, glasses, cups and eating utensils that are disposable and biodegradable.
6. **Stage VI, rationing.** Customers shall be encouraged to observe the conservation measures in stages I and II and required to continue observing the mandatory requirements of stages

III, IV and V. The level of the conservation effort shall increase to require the following mandatory measures:

- a. Fire protection will be maintained, but where possible, tank trucks shall use raw water.
- b. All industrial uses of water shall be prohibited.
- c. All other uses of water will be limited to those necessary to meet minimum health and safety needs of the customers as determined by the director.
- d. Other measures as deemed reasonable and necessary by the Director

Failure to act in accordance therewith or use of City Water in any manner, or attempt to evade or avoid water rationing restrictions, shall be unlawful.

#### **51.25 SCOPE AND DURATION**

Water conservation measures shall be applicable to all users of the system, including users located outside the city. Conservation measures shall be in force until they are terminated by the Mayor, Director, or City Council. Notice of conservation measures shall be broadly reported to the media, and shall, where feasible, be included on customers' utility bills.

#### **51.26 ENFORCEMENT**

As designated by the utilities Director, any employee or official of the City so designated shall be fully empowered to enforce the specifications of this subsection when inspecting or accepting any utility construction project within the city and may reject or deny any form of construction which deviates from the standards and specifications set forth herein.