

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE TITLE 11 TO REVISE AND EXPAND LANGUAGE RELATING TO WATER CONSERVATION AND CURTAILMENT AND DECLARING AN EMERGENCY.

WHEREAS, the City of Albany's municipal water supply comes from the South Santiam River, which has experienced precipitation levels significantly below average during the 2000-2001 water year; and

WHEREAS, the City of Albany needs to adopt a flexible water conservation and curtailment plan that applies to public and private water use, to respond to possible drought conditions, or other water supply shortages.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: Title 11 of the Albany Municipal Code is hereby amended to incorporate the changes noted herein:

11.01.230 **Water waste prohibition authority.**

~~Where water is wastefully or negligently used on a customer's premises, seriously affecting the general service, the utility may discontinue the service if such conditions are not corrected after notice to any customer at the location.~~ It is unlawful to allow waste of City water by knowingly or negligently causing, authorizing, or permitting such water to escape from its intended beneficial use into any river, creek, natural watercourse, depression, lake, reservoir, storm sewer, street, highway, road, or ditch. For the purpose of this section: (1) "waste" means the use of water in excess of the reasonable volume necessary to meet the beneficial use; and (2) "beneficial use" means the reasonably efficient use of water.

11.01.235 **Water Management and Conservation Plan.**

The City shall adopt a Water Management and Conservation Plan, including a Water Conservation and Curtailment Plan, that meets the requirements of OAR 690-086-0140 (Water Management and Conservation Plans: Plan Elements and Standards).

11.01.285 ~~Restricted use of water~~ **Water curtailment authority.**

~~The City Council may, by motion, restrict the use of water from time to time by the implementation of either of the orders of restriction set forth below. The orders of restriction need not be applied in sequence. The Public Works Director ("Director"), upon declaring a Critical Water Supply Shortage, may activate the mandatory restrictions listed below. The Director shall immediately notify the City Manager and the City Council of the situation and submit a report at the next available meeting of the City Council.~~

~~(1) The first order of restriction shall limit water uses as follows:~~

- ~~(a) Residences and businesses with addresses ending in even numbers may use water for sprinkling of lawns, gardens, and shrubbery; the washing of vehicles (except commercial car washes); and other similar exterior uses only on even numbered days of the month.~~
- ~~(b) Residences and businesses with addresses ending in odd numbers may use water for sprinkling of lawns, gardens, and shrubbery; the washing of vehicles (except commercial car washes); and other similar exterior uses only on odd numbered days of the month.~~
- ~~(c) Users who do not have a specific address (parks, school grounds, etc.) may use water for sprinkling lawns and shrubbery on Mondays, Wednesdays, and Fridays only.~~

~~(2) The second order of restriction shall prohibit the use of water for sprinkling of lawns, gardens, and shrubbery; the washing of vehicles (except commercial car washes); and other similar exterior uses until authorized by the City Council.~~

(1) No watering or irrigating of lawns, grass, or turf unless it is:


- (a) New lawn, grass, or turf that has been seeded or sodded after March 1 of the current calendar year.
 - (b) Athletic fields frequently and currently used for organized play;
 - (c) Golf course tees and greens; and
 - (d) Park and recreation areas of a particular significance and value to the community as approved by the City Manager.
- (2) City-supplied water shall not be used to clean, fill, or maintain levels in decorative fountains in commercial or institutional settings, except for fountains that recycle their water.
- (3) City-supplied water shall not be used to wash sidewalks, walkways, streets, driveways, parking lots, or other hard-surfaced areas except where necessary for public health or safety.
- (4) City-supplied water shall not be used to wash vehicles, except for commercial carwash facilities that have water-recycling programs.
- ~~(3) Willful or continued violation of any of the provisions herein established shall be deemed a misdemeanor, and anyone convicted of such misdemeanor shall be subject to penalties as imposed by AMC 1.04.010.~~
- (5) In the event that a citation is issued during the period of activated emergency measures for a violation of 11.01.285 or 11.01.230, and the Director determines that a second violation has occurred after the date of the citation and during the same emergency curtailment period, the Director may:
- (a) Install a flow restrictor on the street side of the water meter; or
 - (b) Terminate water service.

Section 2: Inasmuch as this ordinance is necessary for the immediate preservation of the public peace, health, and safety of the city of Albany, an emergency is hereby declared to exist; and this ordinance shall take effect immediately upon passage by the Council and approval by the Mayor.

Passed by Council: May 9, 2001

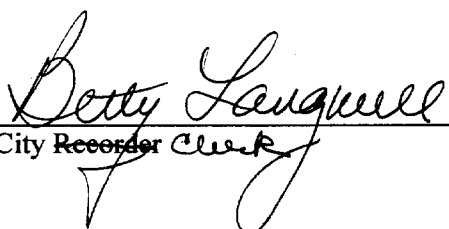
Approved by Mayor: May 9, 2001

Effective Date: May 9, 2001



 Mayor

ATTEST:



 City Recorder