

AN ORDINANCE

AMENDING Chapter 34 of the Springfield City Code, Utilities, by adding eight new sections to Article VI, Water Service, so as to enact a Emergency Water Conservation Plan pertaining to and governing water service rendered by City Utilities; providing for the enforcement thereof; declaring violation of certain mandatory provisions of such Plan to be subject to certain penalties; and repealing General Ordinance No. 24090.

WHEREAS, in the exercise of the powers and duties vested in the Board of Public Utilities under Article XVI of the Charter of the City of Springfield, Missouri, it adopted a Emergency Water Conservation Plan and requested the Council to consider its adoption as an Ordinance; and

WHEREAS, the City Council finds and declares that it is in the best interest of the citizens of the City of Springfield, Missouri that said Plan be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, MISSOURI, as follows:

SECTION 1 - To amend Chapter 34 of the Springfield City Code, Utilities, by repealing General Ordinance No. 3030 and by adding eight new sections to Article VI, Water Service, which sections (34-73 to 34-80, inclusive) shall be known as the "Emergency Water Conservation Plan" and shall read as follows:

Section 34-73. TITLE and DEFINITIONS

A. Sections 34-73 to 34-80, inclusive, shall be known as the "Emergency Water Conservation Plan." This plan consists of Stages One, Two, and Three. Additional voluntary measures may be requested as part of City Utilities' internal policy.

B. The following terms, as used in this Ordinance, are defined as follows:

Board: The Board of Public Utilities of Springfield, Missouri.

Customers and Users: Persons receiving water service from City Utilities of Springfield, Missouri.

Emergency: A sudden or unexpected natural or man-made event restricting the ability of City Utilities to supply water to customers.

General Manager: The General Manager of City Utilities of Springfield, Missouri, or designee.

Lake Storage Capacity, or capacity: 11,600 million gallons of water stored at McDaniel Lake and Fellows Lake.

Large Users: Those customers whose monthly demand has ever exceeded 1600 CCF.

Long term: A period of seven (7) or more consecutive days.

Persons: As defined in Section 1-2 of the Springfield City Code and includes governmental bodies.

Plan: Article VI, Sections 34-73 to 34-80, inclusive, Springfield City Code.

Short term: A period of fewer than seven (7) consecutive days.

Stored Water Volume: The quantity of water contained in McDaniel and Fellows Lakes.

Water Consumption: The projected daily unrestricted use of water provided by City Utilities to customers or users.

Section 34-74. SOURCE CONSERVATION

A. STAGE ONE - WATER SHORTAGE

I. Stage One shall be in force and effect when:

- 1. Stored water volume is equal to or less than 60% of lake storage capacity.
- 2. An emergency exists or occurs.

and the General Manager determines and declares the existence of (a) or (b) as provided in Section 34-76. Stage One is intended to accomplish an overall system-wide reduction in water consumption of 15%, as follows:

- 3. Users and Customers shall comply with the following restrictions when using water supplied by City Utilities and it shall be unlawful for customers and users to violate the following:
 - a. No washing of sidewalks, driveways, parking areas, buildings, gutters, tennis courts, patios or other paved areas; no operation of any ornamental fountain or pond except where necessary to support aquatic life .
 - b. No filling or refilling of any and all swimming, wading, or hot tub pools except on designated water days between 8 PM and midnight.
 - c. No noncommercial washing of motor vehicles, trailers or boats, except from a bucket on designated water days between 6 and 8 AM or 8 and 10 PM.
 - d. No use of water for dust control.
 - e. No flushing of mains by City Utilities personnel, except to alleviate individual water quality problems.
 - f. No use of water from a fire hydrant, except for fighting fires, for human consumption, or for necessary watering of animals.
 - g. Irrigation of lawns and landscaped areas shall be limited to midnight to 6 AM Sundays for all customers with a street address ending in an even number, and midnight to 6 AM Saturdays for all water customers with a street address ending in an odd number. The use of permanently installed automatic irrigation systems shall be limited to twenty (20) minutes per zone or area for pop-up fixed spray sprinklers and forty-five (45) minutes per zone or area for

pop-up rotary type sprinklers. However, irrigation of lawn and landscaped areas is permitted any day of the week for 45 minutes between the hours of Midnight and 6 AM if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, drip irrigation system, or hose end sprinkler. Spraying of water on sidewalks, streets, and other paved areas is prohibited.

h. No eating establishment shall serve water except upon specific request and shall display notice to that effect.

4. City Utilities' "Emergency Conservation Water Service Rate" shall be applicable with the next regular billing cycle applicable to each customer.

II. When the General Manager determines and declares that the stored water volume equals at least 65% of capacity, or that the circumstances requiring implementation of Stage One have sufficiently moderated or been eliminated, Stage One shall be terminated with the next regular billing cycle applicable to each customer.

B. STAGE TWO – WATER EMERGENCY

I. Stage Two shall become effective when:

- 1. Stored water volume is equal to or less than 55% of capacity.
- 2. An emergency occurs or continues.
- 3. Stage One has not accomplished a 15% reduction in water consumption, as determined by the records of pumpage at the Fulbright and Blackman Water Treatment Plants.

and the General Manager determines and declares the existence of (1), (2) or (3). Stage Two is intended to accomplish an overall system-wide reduction in water consumption of 20%, as follows:

- 4. Restrictions of Stage One shall remain in effect, except as modified below and it shall be unlawful for customers and users to violate the following:
 - a. The use of permanently installed automatic sprinkler systems and hose end sprinklers is prohibited at all times.
 - b. Filling or refilling of any and all swimming, wading, or hot tub pools is prohibited. Using water for recreational purposes such as water slides or yard play is prohibited.
 - c. Noncommercial washing of vehicles is prohibited.
 - d. All users (including the City of Springfield and City Utilities), not subject to Section 34-77, shall consume no more than 75% of the usage during the corresponding billing period in the year prior to implementation of the conservation plan.

5. City Utilities' "Emergency Conservation Water Service Rate" shall be applicable with the next regular billing cycle applicable to each customer.

II. When the General Manager determines and declares that the stored water volume has returned to 60% of capacity, or that the circumstances requiring implementation of Stage Two have sufficiently moderated or been eliminated, Stage Two may, at the discretion of the General Manager, revert to Stage One or be terminated with the next regular billing cycle applicable to each customer.

C. STAGE THREE - WATER CRISIS

I. Stage Three shall become effective when:

1. Stored water volume is equal to or less than 50% of capacity.
2. An emergency occurs or continues.
3. Stage Two has not accomplished a 20% reduction in water consumption, as determined by the records of pumpage at the Fulbright and Blackman Water Treatment Plants.

and the General Manager determines and declares the existence of (1), (2), or (3). Stage Three is intended to accomplish an overall system-wide reduction in water consumption of 25%, as follows:

4. As respects water supplied by City Utilities, it shall be unlawful for customers and users to engage in any of the following:
 - a. All requirements of Stages One and Two shall remain in effect except as modified below:
 - b. Washing of motor vehicles, trailers or boats is prohibited
 - c. Watering of any lawn, garden, or landscaped area is prohibited. Trees, shrubs, and plants may be watered from a handheld container.
 - d. No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains or water service facilities that fall under a building permit applied for after implementation of Stage Two shall be approved until circumstances requiring implementation of Stage Two have sufficiently moderated or been eliminated.
5. Large User Conservation plans -- All large users (including the City of Springfield and City Utilities) shall adhere to the City Utilities conservation plan for their operation, or may file an individual plan of conservation for approval by City Utilities under Section 34-77 to consume no more than 75% of the usage during the corresponding billing period in the year prior to implementation of the conservation plan.

6. City Utilities' "Emergency Conservation Water Service Rate" shall be applicable with the next regular billing cycle applicable to each customer.
 7. Large users (including the City of Springfield and City Utilities), who do not choose to file individual conservation plans pursuant to Section 34-77, shall consume no more than 75% of the usage during the corresponding billing period in the year prior to implementation of the Water Conservation Plan.
- II. When the General Manager determines and declares that the stored water volume has returned to 55% of capacity, or that the circumstances requiring implementation of Stage Three have sufficiently moderated or been eliminated, he shall direct that Stage Three revert to Stage Two or Stage One, or be terminated with the next regular billing cycle applicable to each customer.

Section 34-75. PEAK DAY CONSERVATION

A. PEAK DAY ONE (Voluntary)

- I. Peak Day One shall become effective when the General Manager of City Utilities determines and declares that:
 1. The daily treatment capacity of City Utilities' water processing facilities may be exceeded by the daily usage.
 2. That an emergency exists which limits, or threatens to limit, the amount of water that City Utilities is able to supply to Customers.

Peak Day One shall be short-term, intended to accomplish an overall system-wide reduction in daily water consumption of 25%.

3. Reduction shall be measured against water consumption, as herein defined. The General Manager shall consider daily flow in the James River, mechanical condition of the Fulbright and Blackman Water Treatment plants, stored water volume, integrity of the transmission and distribution piping systems, and other pertinent factors in determining the daily treatment capacity.
4. Whenever the General Manager of City Utilities has determined and declared that it is necessary to implement Peak Day One, customers and users shall be encouraged to voluntarily restrict their usage of water supplied by City Utilities as follows:
 - a. No washing of sidewalks, driveways parking areas, tennis courts, patios or other paved areas and no pumping of fountains.
 - b. No filling or refilling of any and all swimming, wading, or hot tub pools.
 - c. No noncommercial washing of motor vehicles, trailers or boats, except from a bucket.

- d. No use of water for dust control.
- e. No flushing of mains by City Utilities personnel, except to alleviate individual water quality problems.
- f. No use of water from fire hydrants, except for fighting fires, for human consumption, or for necessary watering of animals.
- g. No watering of any lawn, garden, landscaped area, tree, shrub or other plant, except from a hand-held hose or container, or drip irrigation system.
- h. No eating establishment shall serve water except upon specific request and shall display notice to that effect.
- i. Commercial, industrial or public authority (including City of Springfield and City Utilities) users shall reduce daily water consumption by 25%.

II. When the General Manager determines that the circumstances requiring the measures of Peak Day One no longer exist, he shall direct that Peak Day One be terminated.

B. PEAK DAY TWO (Mandatory)

I. When the General Manager of City Utilities determines and declares that the measures of Subsection A, (Peak Day One) of this section are inadequate, utilizing the criteria in paragraph 1, below, to provide necessary water to customers and users, he shall declare that the measures of Peak Day Two become effective.

Peak Day Two shall be short term, intended to accomplish an overall system-wide reduction in daily water consumption of 50%.

- 1. Reduction shall be measured against water consumption as herein defined. The General Manager shall consider daily flow in the James River, mechanical condition of Fulbright and Blackman Water Treatment plants, integrity of the transmission and distribution piping systems, the nature and extent of the emergency (if any) and other pertinent factors in arriving at a decision under (I), above.
- 2. Whenever the General Manager of City Utilities has determined that it is necessary to implement Peak Day Two, it shall be unlawful for customers and users to engage in any of the following activities respecting water supplied by City Utilities:
 - a. Washing of sidewalks, driveways, parking areas, tennis courts, patios or other paved areas and pumping of fountains.
 - b. Filling or refilling of any and all swimming, wading, or hot tub pools.

- c. Using water for recreational purposes, such as water slides or yard play.
 - d. Noncommercial washing of motor vehicles, trailers or boats.
 - e. Use of water for dust control.
 - f. Flushing of mains by City Utilities personnel, except to alleviate individual water quality problems.
 - g. Using water from fire hydrants, except for fighting fires, for human consumption, or for necessary watering of animals.
 - h. Watering of any lawn, garden, landscaped area, tree, shrub or other plant.
 - i. No eating establishment shall serve water except upon specific request and shall display notice to that effect.
 - j. Using water supplied by City Utilities in any motor vehicle washing business.
3. In addition to the mandatory restriction of 2, (above), commercial, industrial or public authority users (including the City of Springfield and City Utilities) who choose not to file individual conservation plans (pursuant to Section 34-77) shall reduce daily short-term consumption by 50%.
4. Large User Conservation Plans -- All large users shall adhere to this Plan or to their Plan as filed with and approved by City Utilities under Section 34-77.
- II. When the General Manager of City Utilities determines that daily demand no longer threatens to exceed the daily treatment capacity, or that an actual or imminent shortage of water requiring implementation of Peak Day Two has otherwise been sufficiently moderated or eliminated, he shall direct that Peak Day Two revert to Peak Day One, or be terminated.

Section 34-76. NOTICE

- A. All persons shall be conclusively presumed to have notice of the implementation of any stage of the Plan as herein before set forth and shall be subject to its provision (including City Utilities' "Emergency Conservation Water Service Rates"), upon the filing of a notice of such implementation of any Section hereof with the City Clerk of the City of Springfield, Missouri, and when a copy of such notice is posted at the customer entrance to the Robert E. Roundtree Center at 301 East Central, Springfield, Missouri.
- B. Reasonable effort shall be made to utilize news media and other means to publicize the implementation of various stages of the Plan. Notice shall be posted and filed at least 24 hours prior to the time for implementation of Stages One, Two and Three, and at least one hour prior to the time for implementation of Peak Day One and Peak Day Two.

Section 34-77 LARGE USER CONSERVATION PLANS

- A. Any large user may submit for approval by City Utilities, following enactment of this Ordinance, an emergency water conservation plan setting forth in reasonable detail the manner in which such customer proposes to comply with Section 34-74 and 34-75. Such plan shall be examined by City Utilities, which shall approve same if it appears reasonably calculated to achieve reduced water consumption as herein provided. Further, any customer who becomes subject to the provisions of this Section after the effective date of this Ordinance may file such plan with City Utilities. Meters used solely for fire protection purposes are not considered subject to this requirement.
- B. Each individual conservation plan shall set forth the means and manner which the large user intends to effect compliance with each subsection of Section 34-74 and with both subsections of 34-75.

Section 34-78 COMPLIANCE

- A. During any stage of the Plan in which the "Emergency Conservation Water Service Rate" is in effect, customers will be provided (printed on bills*) with at least the penalty-free usage amount to be allowed in the upcoming billing period. This penalty-free usage amount will be based on the amount of water used during the corresponding billing period in the year previous to the implementation of Stages One, Two and Three of the Plan (or based on the applicable average or estimate, in the case of new customers, as set forth herein).
- B. Compliance with the Plan -- All persons who receive water service from City Utilities shall be entitled to receive such water service only upon compliance with provisions of Section 34-73 to 34-80, inclusive. Failure to comply with the provisions of this Ordinance shall result in termination of service in the same manner as non-payment of charges. If terminated, service will not be restored until all conservation measures have been removed, subject to the relief provided in Section 34-80.

Section 34-79. PENALTIES

- A. Any person who shall violate the provisions of Section 34-74 or Section 34-75 B, or any large user who, having complied with Section 34-77, fails to adhere to such plan, shall be guilty of a misdemeanor and punished as provided in Section 1-7 of the Springfield City Code.
- B. Any customer who applies for service during any time the restrictions on water use contained herein are in effect will be advised of that fact by City Utilities and will be provided the usage for such premises during the corresponding period for the previous year in which such restrictions were not in effect.
- C. Authority for and procedures governing the termination of service (including notice and an opportunity to be heard) shall be as set forth in the Service Rules and Regulations applicable to City Utilities of Springfield, Missouri.

* Billing process is still being tested.

Section 34-80. EXCEPTIONS AND ADJUSTMENTS

- A. Exceptions to the application of use restrictions and relief from the "Emergency Conservation Water Service Rate" may be requested in writing, setting forth in reasonable detail the factual basis for such request. Such request shall be signed by the customer making it, delivered to the General Manager of City Utilities, and shall include a request for hearing if one is desired.

- B. If a hearing is granted, notice of the time and place thereof will be given the applicant within three business days, and the matter determined in its entirety within ten business days following hearing of the request. If no hearing is requested, or none is granted, the General Manager shall proceed to consider the application giving due regard to the following factors: Major business or process expansion, increase in family size, nature of a business, inequity, hardship and other factors making strict application of the restrictions unjust. Granting of hearing is discretionary with the General Manager.

- C. Any person aggrieved by a decision of the General Manager may appeal the same under Chapter 536 "V.A.M.S." Section 2 - This ordinance shall be in full force and effect from and after passage.

Policy #: 5.40

Title: Emergency Water Conservation Plan

Date Issued: 01/02/1980

Date Revised:

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Approved By: Council Bill No. 2007-_____

General Ordinance No. _____

WATER RATES

Council Bill No. 2007-

General Ordinance No.

Sheet No. 2

ATTACHMENT

APPROVED BY CITY COUNCIL _____

APPROVED BY BOARD OF PUBLIC UTILITIES OF SPRINGFIELD, MO. 05/31/07

EFFECTIVE October 1, 2007

Supersedes rate schedule effective October 1, 2006