

Ordinance No. 02-O-553

An Ordinance Adopting a Water Curtailment Plan for the City of Brookings to Reduce the Level of Water Regularly Used by the City's Residents and Apportion Among the Residents a Restricted Supply of Water During Summer Shortages

WHEREAS, the City of Brookings is required as a condition of Periodic Review to prepare a Water Conservation and Management Plan, and

WHEREAS, the OAR 690-86-140(3) requires a water curtailment element to be submitted as a part of the Water Conservation Management Plan, and

WHEREAS, the City of Brookings primary source of water supply is a well located next to the Chetco River, and

WHEREAS, the City currently has 20 cfs of Chetco River water rights, and

WHEREAS, the Oregon Department of Fish and Wildlife designated the Chetco River as a high priority for restoring in-stream flows during the fall months to facilitate the recovery of anadromous salmonids, and

WHEREAS, in-stream flows on the Chetco River during the fall months are significantly lower than other seasons, and

WHEREAS, the City Council is interested in maintaining in-stream flows when emergency water shortage conditions exist to ensure the viability of this resource as a domestic water source and habitat area for important fishery resources, and

WHEREAS, the City shall limit water withdrawal from the Chetco River to a daily average of 5.1 cfs when the three-day average in-stream water flow falls below 80 cfs.

Now therefore, THE CITY COUNCIL FOR THE CITY OF BROOKINGS ORDAINS AS FOLLOWS:

Section 1 Section 7 Subpart E of Brookings Ordinance No. 66-O-190 and Section 7 Subpart E of Brookings Ordinance No. 88-O-432 are hereby repealed.

Section 2 A new Section is added to the Brookings Municipal Code after Section 26 of Brookings Ordinance No. 66-O-190 and after Section 26 of Brookings Ordinance No. 8-O-432 as follows:

Section 27. Water Curtailment. It is the policy of the City of Brookings to provide

clean, healthful, and plentiful water to its residents. To address the impact of a potential water shortage on the City's residents and the ability of the Chetco River to serve as a viable habitat to important fishery resources, the following rules shall apply.

A. Implementation

In order to limit water withdrawal from the Chetco River to a daily average of 5.1 cfs whenever the three-day average flow of the river is below 80 cfs the following guideline for Levels of Curtailment may be implemented. The City may implement Levels of Curtailment at other time as determined necessary:

Grade 1: River flow is below 100 cfs & water withdrawal is above 4.5 cfs

Grade 2: River flow is below 80 cfs& water withdrawal is above 4.5 cfs

Grade 3: River flow is below 80 cfs& water withdrawal is above 4.7 cfs

Grade 4: River flow is below 80 cfs& water withdrawal is above 5.0 cfs

- (1) River flows shall be a three-day average using a USGS approved method of measurement conducted by a trained person and measured at a location approved by Oregon Water Resources.
- (2) Water withdrawal shall be a 24-hour average. Water withdrawal shall be metered and data shall be available to the public.

B. Levels of Water Curtailment.

- (1) Grade 1: Voluntary Curtailment
 - (a) Press release shall be sent to local media encouraging water conservation
- (2) Grade 2 Limited Water Restrictions The following activities or actions are restricted or prohibited under a Grade 2 Water Restriction:
 - (a) Watering, sprinkling or irrigating lawn, grass or turf during the odd days of the month except:
 - i. New lawn, grass or turf that has been seeded or

- sodded 90 days prior to declaration of a water shortage may be watered as necessary until established; and
- ii. High-use athletic fields that are used for organized play;
- (b) Watering, sprinkling or irrigating flowers, plants shrubbery, groundcover, crops, vegetation, or trees except from 6:00 p.m. to 10:00 a.m.;
 - (c) Washing, wetting down, or sweeping with water, sidewalks, walkways, driveways, parking lots, open ground or other hard surfaced areas except:
 - i. Where there is a demonstrable need in order to meet public health or safety requirements, such as (1) to alleviate immediate fire or sanitation hazards, (2) for dust control to meet air quality requirements mandated by the Oregon Department of Environmental Quality;
 - ii. 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 mechanisms except:
 - i. Where the health, safety and welfare of the public is contingent upon frequent vehicle cleaning, such as (1) clean garbage trucks, (2) vehicles that transport food and other perishables, or (3) otherwise required by law. Owners/operators of these vehicles are encouraged to utilized establishments which recycle or reuse the water in their washing process;
 - (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

recirculated 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) Supplying water for above or in-ground swimming pools; and
- (h) Other actions deemed necessary by the City Manager.

(3) Grade 3 Moderate Water Restrictions

- (a) Where not otherwise restricted under a Grade 2 Water Restriction, all Grade 1 Water Restrictions apply;
- (b) Watering of any lawn, grass or turf, regardless of age or usage;
- (c) Watering, sprinkling or irrigating flowers, plants, shrubbery, groundcover, crops, vegetation, or trees'
- (d) Washing of vehicles other than in establishments which recycle their water; and
- (e) Power washing of buildings, regardless of purpose.

(4) Grade 4 Severe Water Restrictions

- (a) Where not otherwise restricted under Grade 3 Water Restrictions, Grade 1 and 2 Water Restrictions apply;
- (b) A maximum daily allotment of water per residential water user set by the City Manager.
- (c) Any restriction, which is identified by the Fire Chief.

C. Variances.

Customers not capable of immediate water restrictions shall submit a written request for a variance. The written request will be granted at the discretion of the City Manager. The following information must be provided to the City in requesting a variance:

- (1) Name and address;

- (2) Purpose of water use;
- (3) Specific provision from which the petitioner is requesting relief;
- (4) Description of the relief desired;
- (5) Period of time for which the variance is sought;
- (6) Economic value of the water use;
- (7) Damage or harm to the petitioners or others if petitioner complies with the water restrictions;
- (8) Restrictions with which the petitioner can comply;
- (9) Steps petitioner is taking to achieve full compliance; and
- (10) Any other pertinent information.

D. Notification.

Upon declaration of any Grade of Water Restriction, the City Manager or designee shall:

- (1) Mail the appropriate written notice to each service address inside and outside the city limits declaring the Grade of Water Restriction, findings of fact and conclusions supporting the declaration, and the effective dates of the Water Restriction;
- (2) Publish the same notice in at least one local newspaper of general circulation;
- (3) Notify other area newspapers, radio and television stations by a press release;
- (4) Post the declaration at City Hall, Library, Post Office, Fire Hall and at least one other place in the City where citizens might be expected to congregate;
- (5) If available, place a notice on the Fire Department Reader Board;
- (6) Failure of any water user to receive actual notice of the declaration of a water restriction or emergency or the actions deemed necessary by the City Manager or City Council to address the water shortage shall not relieve the use of obeying the restrictions.

E. Enforcement

(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 or 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 violation pursuant to Section ____ of the Brookings Municipal Code.

F. Penalties

(1) First Violation—warning letter.

(2) Second Violation—Class C Violation, subject to a fine of up to \$100 per day.

(3) Third Violation—Class B Violation, subject to a fine of up to \$250 per day.

Section 3 Sections 27 through 30 of Brookings Ordinance No. 66-O-190 and Brookings Ordinance No. 88-O-432 are amended to read as Sections 28 through 31 thereby allowing the insertion of a new Section 27 into the Brookings Municipal Code as specified under Section 2.

[Adopted August 30, 2002; Effective September 29, 2002]