

ORDINANCE NO. 1328

**AN ORDINANCE OF THE WEST LINN CITY COUNCIL REGULATING
THE USAGE OF WATER DURING PERIOD OF DROUGHT OR OTHER EMERGENCY,
PROVIDING PENALTIES FOR VIOLATION AND DECLARING AN EMERGENCY.**

WHEREAS, pursuant to Section 13.12.210 of the West Linn Municipal Code, the Director of Public Works has full power and authority at any time to declare a water shortage and to prescribe limitations on water usage; and

WHEREAS, the City Council wishes to affirm the authority of the Director of Public Works; and

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

THE CITY OF WEST LINN ORDAINS AS FOLLOWS:

Section 1. Findings and Declaration of a Water Emergency

Upon a finding that the municipal water supply system is incapable of providing an adequate water supply for normal usage due to a prolonged drought, system failure, or any other event, the City Council 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 Council may include an estimated time for review or revocation of the declaration.

Section 2. Levels of Prohibition

A. Level I - Limited

The following activities or actions are prohibited under a Level I declaration:

- (1) Watering, sprinkling or irrigating lawn, grass or turf;

Exceptions: 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;

High-use athletic fields that are used for organized play.

- (2) Watering, sprinkling or irrigating flowers, plants, shrubbery, groundcover, crops, vegetation, or trees except from 6:00 PM to 10:00 AM;
- (3) Washing, wetting down, or sweeping with water, sidewalks, walkways, driveways, parking lots, open ground or other hard surfaced areas;

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

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

- (4) 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 mechanism.

Exceptions: Where the health, safety and welfare of the public is contingent upon frequent vehicle cleaning, such as: to clean garbage trucks and vehicles that transport food and other perishables, or otherwise required by law. Owners/operators of these vehicles are encouraged to utilize establishments which re-cycle or re-use the water in their washing process.

- (5) 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.
- (6) Wasting water by leaving unattended hoses running.
- (7) Other actions deemed necessary.

B. Level II - Moderate

The following activities or actions are prohibited under a Level II declaration: where not covered, the Level I restriction still applies.

- (1) Watering of any lawn, grass or turf, regardless of age or usage;
- (2) Watering, sprinkling or irrigating flowers, plants, shrubbery, groundcover, crops, vegetation, or trees.
- (3) Washing of vehicles other than in establishment which re-cycles.
- (4) Power washing of buildings, regardless of purpose, is prohibited.

C. Level III - Severe

In addition to the restrictions in Level II, the following actions **may** be taken under Level III:

- (1) Restriction or limitation of residential usage.
- (2) Restriction or limitation of activities which require or may require the need for water supplies. By way of example, this restriction might be placed upon a fireworks display which would otherwise be allowed under state law and local ordinance.
- (3) Any restriction which is identified by the Director of Public Works.
- (4) Any restriction which is identified by the Director of Public Safety or his designee within the Fire Department.

Section 3. 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 infraction pursuant to Chapter 1.08 of the West Linn Municipal Code. No forfeiture assessed for violation 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 Violation - Class A infraction \$500

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

Section 5. Emergency. Due to the drought conditions which exist at the time of adoption of this ordinance, the City Council finds that there is an immediate need for a planned response to water usage regulation. Therefore, an emergency is hereby declared to exist and this ordinance shall be effective upon its adoption.

This ordinance adopted by the City Council and approved by the Mayor this 12th day of August, 1992.



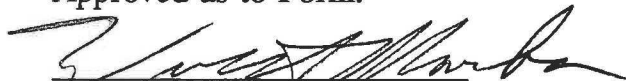
ROBERT P. LIDDELL
Mayor

Attest:



Mary L. Walsh, City Recorder

Approved as to Form:



William Monahan, City Attorney