

**Ordinance Number No. 602  
CITY OF DAYTON, OREGON**

**AN ORDINANCE REPEALING PROVISIONS OF THE DAYTON CITY CODE RELATED TO WATER RESTRICTIONS, CRISES AND EMERGENCIES, NOTIFICATION REQUIREMENTS, ENFORCEMENT AND REPLACING THEM WITH NEW PROVISIONS.**

**WHEREAS**, the City Council believes it necessary for the City to have regulations concerning the use of water during periods when the City's water supply may be compromised so as to protect the water supply by means of voluntary and enforced conservation measures and to identify variables when restrictions could be made mandatory and penalties imposed for violations of those restrictions.

**NOW, THEREFORE, THE CITY OF DAYTON HEREBY ORDAINS:**

**Section 1.** Sections 8.2.24.1 through 8.2.24.4 are hereby repealed and replaced with the following:

**8.2.24.1 Levels of Water Restrictions, Crisis and Emergencies Imposed.**

**(1) Grade 1 Water Restriction.**

The City Manager may declare and impose Grade 1 Water Restriction(s) on water users when he/she (after consultation with the Public Works Superintendent) determines in writing that a potential for a water shortage exists based on the presence of one or more of the following events/conditions:

- Extended period(s) of above average temperatures;
- Extended period(s) of above average combined system daily demand;
- Lower than normal (seasonally-adjusted) reservoir levels;
- Below average spring and well production;
- Transmission line or equipment failure; or
- Any other natural or man-made condition/event which reasonably could be seen by the Manager to interrupt delivery of potable water.

Public notification of the City Manager's determination shall be given by a news release to appropriate print, radio and/or television media as well as by notices delivered to water utility customers.

- a. Prohibitions Inside and Outside the City Limits. During Grade 1 Water Restrictions, all City supplied water users are prohibited from:
  1. Supplying water for above or in-ground swimming pools; and/or
  2. Use of water outside the home other than uses described in subsections b(1) through b(6) below.
- b. Prohibitions Inside City Limits. During Grade 1 Water Restriction(s), in-city water users are prohibited (except between 12:01 am to 10:00 am and 6:00 pm to 12:00 pm) on even-numbered days for locations with even-numbered street addresses and odd-numbered days for locations with odd-numbered street addresses from:
  1. Except for new grass or turf seeded or sodded not more than ninety (90) days prior to the City Manager's declaration, watering, sprinkling or irrigating grass or turf;

2. Watering, sprinkling or irrigating flowers, plants, shrubbery, groundcover, crops, vegetation or trees;
  3. Except to alleviate immediate fire or sanitation hazards, dust control or to meet air quality requirements mandated by the Oregon Department of Environment Quality, the watering, wetting down, or sweeping with water, sidewalks, walkways, driveways, parking lots, open ground or other hard surfaced areas;
  4. Power washing of buildings, roofs and homes prior to painting, repair, remodeling or reconstruction or for aesthetic purposes;
  5. Except where public health, safety and welfare mandates otherwise, washing trucks, cars, trailers, tractors or other land vehicles or boats or other water vehicles, except by commercial establishments or fleet washing facilities which recycle or reuse the water in their washing processes; and
  6. 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.
- c. Restrictions and Prohibitions Outside City Limits. For users residing outside the City limits, all outside watering is prohibited except for watering vegetable gardens between the hours of 12:01 am and 10:00 am and 6:00 pm and 12:00 am on even-numbered days for those locations having even-numbered street addresses and odd-numbered days for those locations having odd-numbered street addresses.

(2) Grade 2 Water Crisis (Moderate).

- a. The City Manager may declare a "Grade 2" Water Crisis when he/she determines (after consultation with the Public Works Superintendent) that a water shortage presently exists in the City. The City Manager may impose any or all of the measures listed in subsections 2(d) through 2(f) until such time as he/she reasonably believes the water shortage no longer exists.
- b. The City Manager shall notify the public of the "Grade 2" status using newspaper, radio and other media sources and the notification shall include a request that affected users of City water voluntarily curtail all nonessential water use. Public updates on the water emergency shall be provided until the Grade 2 Crisis is either rescinded or lowered to Grade 1.
- c. In the event the City Manager believes the Grade 2 crisis affects a limited number of users such that individual notification would be more effective, the City Manager may opt for said individualized notice in lieu of the notice described in 2(b) above.
- d. Prohibitions Inside and Outside the City Limits. During declared Grade 2 Water Crisis, all users of City water are prohibited from:
  1. Filling new above or in-ground swimming pools;
  2. Cleaning and refilling existing above or in-ground swimming pools; and
  3. Leaving hoses or faucets unattended and running.
- e. Prohibitions Inside City Limits. During a declared Grade 2 Water Crisis, for water users inside the City limits, (in addition to the limitations imposed by subsection (d) above) the following actions are prohibited:
  1. Watering, sprinkling or irrigating any lawn, grass or turf;
  2. Watering, sprinkling or irrigating flowers, plants, shrubbery, groundcover, vegetation, or trees;
  3. Washing trucks, boats, cars, trailers, tractors or other land or water vehicles, except in facilities reusing or recycling the water in their washing processes;
  4. Power washing of buildings;

5. Watering, wetting down, or sweeping with water, sidewalks, walkways, driveways, parking lots, open ground or other hard surfaced areas except where there is a demonstrable need in order to meet public health or safety requirements, such as to alleviate or address fire or sanitation hazards; and
  6. Filling decorative water features, natural or manmade, including but not limited to, fountains, lakes, ponds and streams, except in limited amounts necessary to keep fish or other aquatic animals alive.
- f. Restrictions and Prohibitions Outside City Limits. During a declared Grade 2 Water Crisis, for users residing outside the City limits, all outside watering is prohibited except for the provision of drinking water for livestock and domestic animals.

(3) Grade 3 Water Emergency (Severe).

- a. The City Manager may declare a "Grade 3" Water Emergency when he/she determines (after consultation with the Public Works Superintendent and informing members of the City Council) that a water supply shortage threatening the City's ability to deliver essential fire and life safety water supplies to its customers either exists or is imminent. In the event of such declaration, the City Manager has, in addition to the authority for restrictions in a Grade 2 Crisis, authority to impose such additional restrictions which he/she reasonably believes will promote the City's ability to deliver water supplies sufficient to meet the City's essential fire and life safety supply needs.
- b. All media shall be notified and updated regularly until the "Grade 3" Water Emergency is rescinded or lowered to Grade 2.

**8.2.24.2 Notification.**

(1) Upon declaration of a Grade 1 Restriction, Grade 2 Crisis or Grade 3 Emergency, the City Manager or designee shall:

- a. Cause notice to be mailed or delivered to each affected service address inside and/or outside the City limits declaring the level thereof, reason(s) therefor and effective date;
- b. Cause notice to be published in at least one local newspaper of general circulation;
- c. Notify area newspapers, radio and television stations by press release; and
- d. Place a notice on the Fire Department Reader Board.

(2) Failure of any affected person to receive notice shall not relieve the user of complying with any restrictions.

**8.2.24.3 Enforcement for First and Repeated Violations: Warning, Discontinuance of Service, and Appeal Procedure.**

(1) Any violation of the mandatory restrictions set forth in DMC 8.2.24 may be enforced by the City Manager or designee as follows:

- a. **Warning for First Offense.** A Notice of Violation shall be delivered to the Premises where the violation occurred. The Notice shall state date, time and observed or presumptive evidence of the violation. If the owner or occupant of the premises is not present, the Notice will be posted on the front door advising the user of the violation and warning that water service may be discontinued without further notice if the violation continues. A Notice of Violation based upon presumptive evidence may be appealed to the City Manager by submitting within one (1) working day of the warning a written request for an informal hearing.
- b. **Repeat Offense - Discontinuance of Service.**
  1. Whenever the City Manager (or designee) reasonably believes that there exists a second violation of any of the relevant restrictions set out in 8.2.24.1 at a Premise, the City

Manager (or designee) may cause water service be disconnected to said Premise. Prior to disconnection, the City shall post and/or deliver to the owner (and if different, the occupant) notice of the proposed disconnection not less than forty-eight (48) hours before the service disconnection. Notwithstanding the foregoing, in the event the City Manager (or designee) believes an imminent threat to public safety exists as a result of the violation, the disconnection may take place without prior notice.

2. Prior to water service being re-established to the Premises, a reconnection fee shall be paid in all cases.

c. Appeal of Discontinuance of Service.

1. Upon payment of the reconnection fee, the owner and/or occupant of the Premises may appeal the disconnection and payment of the reconnection fee to the City Manager. An appeal must be taken, if at all, within ten (10) calendar days of the payment of the reconnection fee and shall include a written explanation of why the owner and/or occupant believes no violation of the relevant provision(s) of 8.2.24.1 occurred.
2. The City Manager shall hear the appeal and if sustained refund the reconnection fee within three (3) days of such request. The City Manager's decision shall be final.

**8.2.24.4 Repeal of Water Restriction, Crisis, or Emergency.**

The City Manager, after consultation with the Public Works Superintendent and informing the City Council, may repeal or declare a lower level of water restriction, crisis, or emergency.

Date of first reading: September 7, 2010 In full \_\_\_\_\_ or by title only   
Date of second reading: October 4, 2010 In full \_\_\_\_\_ or by title only

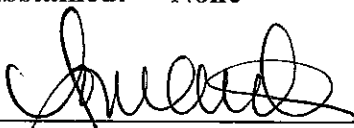
PASSED and adopted by the City Council of the City of Dayton on the 4<sup>th</sup> day of October, 2010 by the following votes:

**In Favor: Blackburn, Dickson, Evers, Frank, Hensley & White**

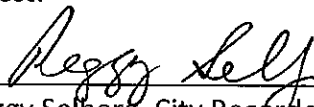
**Opposed: None**

**Absent: Wytoski**

**Abstained: None**

  
\_\_\_\_\_  
Jolie White, Mayor

10/15/10  
\_\_\_\_\_  
Date of Signing

Attest:  
 10/4/10  
\_\_\_\_\_  
Peggy Selberg, City Recorder