

CITY OF MARION, KENTUCKY
ORDINANCE NO. 22-_____

**AN ORDINANCE OF THE CITY OF MARION, KENTUCKY AMENDING
CHAPTER 50, WATER AND SEWER SYSTEM, TO CLARIFY PROHIBITED USES
AND ESTABLISH WATER CONSERVATION REQUIREMENTS**

WHEREAS, the City of Marion operates a water and sewer enterprise; and

WHEREAS, the City's water reserves have been compromised by a levee breach; and

WHEREAS, the Mayor has declared a State of Emergency in the city limits of Marion due to the lack of water reserves the general welfare requires that the water resources available to the City be put to the maximum beneficial use to the extent to which they are capable, and that the waste or unreasonable use or unreasonable method of use of water be prevented, and the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interests of the people of the City and for the public welfare; and

WHEREAS, the City has determined that a mandatory water conservation plan is required to minimize the effect of a shortage of water to the Customers of the City and, by means of this Ordinance, to adopt provisions that will significantly reduce the consumption of water over an extended period of time, thereby extending the available water required for the Customers of the City while reducing the hardship of the City and the general public to the greatest extent possible, voluntary conservation efforts having proved to be insufficient.

NOW, THEREFORE, BE IT ORDAINED BY THE City Council of Marion, Kentucky that an emergency was declared by the Mayor of the City of Marion and a vote of two-thirds of the City Council members present affirmed the emergency as the necessity to conserve water and was deemed to be an immediate exigent need due to loss of Lake George and further without conservation measures the loss of water would endanger the general health, welfare, and safety of the population of the City of Marion, now therefore:

SECTION 1. That §50 of the Marion Code of Ordinances be amended to read as follows:

WATER CONSERVATION:

(A) Minimum Standards: The following minimum standards are considered the foundation to "best practices of water use". These standards are in effect upon adoption and publication:

1. Increase public awareness of the water supply situation and provide educational materials about best practices of water use.
2. Encourage the entire community to conserve water wherever possible.
3. No eating establishment, restaurant, hotel, cafe, cafeterias, etc., shall serve drinking water unless expressly requested by a patron and will display notice of such policy.

4. Hotels will provide notice of declared water conservation program and encourage conservation practices.

5. City facilities will be limited to the following irrigation schedule:

(a) Three (3) days a week for facilities using a potable water source,

(b) Every other day for facilities using TFCC shares through a pressure irrigation (PI) system.

6. Vehicles will be washed only on scheduled irrigation day.

7. When using the city of Marion potable water source, landscape irrigation is restricted to the following schedule:

Even numbered addresses: Tuesday, Thursday, Saturday.

Odd numbered addresses: Wednesday, Friday, Sunday.

Premises with no street address, such as a median: Monday, Wednesday, Friday.

8. When using the city of Marion potable water source, watering will only be allowed on appropriate irrigation days before eight o'clock (8:00) A.M. or after eight o'clock (8:00) P.M.

9. Outdoor landscape watering with a drip irrigation system or handheld container is allowed at any time.

10. All irrigation systems must be maintained in a manner that promotes efficient watering and limits leaks or damage to the system that would allow flow of water beyond property lines.

11. When using TFCC shares through a pressure irrigation system, landscape irrigation is restricted to the following schedule:

Even numbered addresses: Irrigate on even calendar days.

Odd numbered addresses: Irrigate on odd calendar days.

Premises with no street address, such as a median: Every other day.

(B) Additional Stage 1 Through 3 Restrictions: When deemed appropriate based on engineering evaluation of projected supply and demand of the city's potable water sources, the Mayor may move to additional restrictions for use of the city's potable water supply as outlined in stages 1 through 3.

1. Stage 1:

(a) No water customer shall apply water to impervious surfaces such as streets, sidewalk, patio, deck, etc.

(b) Landscape irrigation two (2) days per week on designated days.

City facilities are restricted to two (2) days a week.

Even numbered addresses: Tuesday, Saturday.

Odd numbered addresses: Wednesday, Sunday.

Premises with no street address, such as a median: Monday, Friday.

2. Stage 2:

(a) No water customer shall apply water to impervious surfaces such as streets, sidewalk, patio, deck, etc.

(b) Landscape irrigation one day per week on designated days.

City facilities are restricted to one day a week.

Even numbered addresses: Tuesday.

Odd numbered addresses: Friday.

Premises with no street address, such as a median: Monday.

3. Stage 3:

(a) No water customer shall apply water to impervious surfaces such as streets, sidewalk, patio, deck, etc.

(b) Indoor use may be reduced by a percentage to be determined by Mayor.

(c) Landscape irrigation two (2) days per month on designated days.

City facilities are restricted to one day a week during the first and third weeks of the month.

Even numbered addresses: Second and fourth Tuesday.

Odd numbered addresses: First and third Friday.

Premises with no street address, such as a median: Second and fourth Monday.

(C) Additional Restrictions: Based upon evaluations of the expected yield of the city's potable water supply and projected demands the Mayor may impose additional restrictions on water use of the city's potable water supply during any stage up to and including, but not limited to, any of the following:

1. No additional water connections to the system allowed; moratorium on building permits.

2. Outdoor watering prohibited except for large trees with trunks of at least six inches (6") in diameter.

3. Operation of water features prohibited.

4. Filling or refilling of water features, pools or ponds prohibited.

(D) Duration Of Restrictions: Regular evaluations of the expected yield and projected demands to determine whether it is necessary to continue the water use restrictions. If water supply conditions warrant restrictions may be either downgraded or withdrawn subject to approval by the Mayor.

(E) Exceptions: Water customers may use water essential to protect the general public health, safety or welfare.

(F) Violations And Fines:

1. Water Customer's Premises: Each water customer shall be responsible for compliance with this section with respect to the water customer's premises and shall be responsible for applicable fines for noncompliance with this section. In the event of an alleged violation of this section, proof of the existence of a declared water shortage and proof of any violation of any restriction set forth in this section, together with proof that the violation originated at any water customer's premises shall constitute a rebuttable presumption that the water customer is responsible for the violation.

2. Fines Through Stage 2:

First violation: Written warning.

Second violation: Written notice and add a forty dollar (\$40.00) fine to the water bill for the premises.

Third violation: Written notice and add an eighty dollar (\$80.00) fine to the water bill for the premises.

Fourth violation and subsequent: Written notice and add a one hundred twenty dollar (\$120.00) fine to the water bill for the premises.

3. Fines Through Stage 3:

First violation: Written notice and add an eighty dollar (\$80.00) fine to the water bill for the premises.

Second violation: Written notice and add a one hundred sixty dollar (\$160.00) fine to the water bill for the premises.

Third and subsequent: Written notice and add a two hundred forty dollar (\$240.00) fine to the water bill for the premises.

4. Fine Assessed: Any fine assessed shall be added to the customer's water bill.

5. Appeal: Any appeal of a fine imposed may be appealed within fifteen (15) days of the billing date through the City Administrator. Any decision of the City Administrator may be appealed to the city council within fifteen (15) days of the decision. Appeals must be in writing addressed to the utility billing department.

6. Notice: Written warning or notice shall be delivered in person to the customer's premises by leaving it with a person at the premises or posted on the front door if no one is present to accept it.

SECTION 2. That all ordinances in conflict herewith are, to the extent of the conflict, hereby repealed, and that this ordinance shall become effective upon its passage by law pursuant to Kentucky Revised Statutes.

COUNCIL MEMBERS	YES	NO
Donald Arflack	_____	_____
Phyllis Sykes	_____	_____
Darrin Tabor	_____	_____
Michael Byford	_____	_____
Dwight Sherer	_____	_____
D'anna Browning	_____	_____

It appearing that _____ Council Members voted for the adoption of this ordinance, and _____
voted against, with _____ abstaining, the Mayor declared the ordinance adopted.

INTRODUCED AND GIVEN FIRST READING: _____

GIVEN SECOND READING AND PASSED: _____

PUBLISHED IN THE CRITTENDEN PRESS: _____

JARED BYFORD, MAYOR

ATTEST: _____

PAM ENOCH, CITY CLERK