

AN ORDINANCE

amending Chapter 118, Utilities, of the Joplin City Code by enacting a new Article III, Water Use Emergency; containing six (6) new sections; authorizing the mayor to declare a water emergency and prohibit certain uses of water within the city not essential to public wellbeing; authorizing the termination of water service, prescribing penalties for violating its provisions; and containing an emergency clause.

WHEREAS, from time-to-time, an emergency may exist in the City of Joplin because of an impending shortage of water due to prolonged drought, equipment breakage and the exhaustion of reserves; and

WHEREAS, it is imperative to the public wellbeing that certain uses of water not essential to the health, welfare, and safety of the City be restricted.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, AS FOLLOWS:

Section 1. That a new Article III, Water Use Emergency., of Chapter 118, Utilities, of the Joplin City Code be enacted to read as follows:

Article III. Water Use Emergency.

Sec. 118-500. Emergency declaration. The Mayor is hereby authorized to declare a water use emergency to include all, or any portion of the City, under any of the following conditions:

- (a) an equipment failure, large fire, water main break, or drought has caused, or unless water conservation measures are taken, will cause inadequate water pressures and flows for fire protection and public health, or
- (b) water system pumping compared to demand is inadequate to maintain sufficient water reserves to meet expected demands for fire protection and public health.

Sec. 118-501. Applicability. When the mayor has declared a water emergency, the provisions of this Article shall apply to all persons using water, regardless of whether such person shall have a contract for water service with any water company. "Person" shall be defined as set out in Section 1-2 of the Code of the City of Joplin, Missouri.

Sec. 118-502. Types of water emergencies, prohibited uses. When the mayor has declared a water emergency of the type specified below, the use and withdrawal of water by any person for the included purposes is hereby prohibited:

- (a) Phase 1 water emergency .
 - (1) Watering yards and other vegetation. The sprinkling, watering or irrigating of shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens, vegetables, flowers or any other vegetation may occur only on even number days for homes or businesses whose address number ends in an even number and may occur only on odd numbered days for homes or businesses whose address number ends in an odd number. This provision shall not prohibit the watering of vegetation of those businesses involved in the commercial raising of the same.
 - (2) Cleaning outdoor surfaces. The washing of sidewalks, driveways, filling station aprons, porches and other outdoor surfaces.
 - (3) Cleaning buildings. The washing of the outside of dwellings and the washing of the inside and outside of office buildings.
 - (4) Cleaning equipment and machinery. The washing and cleaning of any business or industrial equipment and machinery.
- (b) Phase 2 water emergency.
 - (1) Watering yards. The sprinkling, watering or irrigating of shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens, vegetables, flowers or any other vegetation.
 - (2) Washing mobile equipment. The washing of automobiles, trucks, trailers, trailer houses, railroad cars, or any other types of mobile equipment.
 - (3) Clean outdoor surfaces. The washing of sidewalks, driveways, filling station aprons, porches and other outdoor surfaces.
 - (4) Cleaning buildings. The washing of the outside of dwellings and the washing of the inside and outside of office buildings.
 - (5) Cleaning equipment and machinery. The washing and cleaning of any business or industrial equipment and machinery.
 - (6) Ornamental fountains. The operation of any ornamental fountain or other structure making a similar use of water.
 - (7) Swimming Pools. Swimming and wading pools not employing a filter and recirculating system.

- (8) Watering of golf course greens except to the extent that non-fresh water sources of water (such as grey water) are available for this purpose.

Sec. 118-503. Exceptions, when. When the mayor has declared a phase 2 water emergency, the use and withdrawal of water by any person for the following purposes are hereby excepted from prohibition:

(a) Exception for business and industrial uses. All businesses and industries utilizing water shall be permitted to utilize the normal amount of water necessary for the maintenance of their business or industry. This exception shall not permit the watering of yards as defined above at any business location except those involved in the raising of vegetation for commercial uses. Should water supplies reach or approach critical levels, the mayor may, by separate proclamation, suspend this exception for a designated period of time.

Sec. 118-504. Enforcement.

(a) Police officers enforce. Every police officer of the City shall in connection with his duties imposed by law diligently enforce the provisions of this ordinance.

(b) Discontinuance of service. The manager of each water company or district doing business within the City shall have the authority to enforce the provisions of this ordinance by the discontinuance of water service in the event of violation hereof or shall, upon the request of the mayor, city administrator, fire chief or any police officer, discontinue water service to any building whose occupants are violating the provisions of this ordinance.

(c) Penalties. Any person violating the provisions of this ordinance shall be subject to a fine not to exceed \$500.00 per occurrence, or imprisonment for not more than one hundred (100) days, or any combination thereof.

Sec. 118-505. Effective period. The water emergency, and the regulations in effect thereby, shall be in full force and effect from the issuance of the proclamation until:

(a) the date it is designated to expire in the proclamation, or

(b) until such times as the emergency ends as indicated in writing by the manager of the water company and/or districts, or

(c) until otherwise repealed or modified.

Section 2. Separability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of

competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holdings shall not affect the validity of the remaining of the portions hereof.

Section 3. That this Ordinance dealing with public welfare, is an emergency within the meaning of Section 2.12(1) of the HOME RULE CHARTER of the City of Joplin, Missouri, and, shall be in full force and effect immediately from and after its adoption and approval.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this 21st day of August, 2006, by a 9-0 vote.

Jon Tupper, Mayor

ATTEST:

Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

Brian W. Head, City Attorney