

## **Division I. Water Conservation.**

### **§ 9-7 Application of Water Conservation Procedures.**

This division shall apply to all person who are now or will be future users or customers of the City's water utility, unless otherwise excepted by this division. ('91 Code, § 9-7) (Ord. A-60, § A, 7-6-88)

### **§ 9-8 Definitions.**

For purposes of this division, the following terms, phrases and words are defined herein. Words used in the present tense, include the future, words in the plural include the singular and words in the singular include the plural. The word **Shall** is always meant to be mandatory and not merely directory. Words of gender are intended to be interchangeable without regard to sexual designation.

**Board** shall mean the Carmel Board of Public Works and Safety.

**Fire Department** shall mean the City of Carmel Municipal Fire Department.

**Health Care Provider** shall mean any publicly recognized and licensed medical or other licensed health care establishment, including but not limited to hospitals, emergency medical centers, first-aid stations, doctors and dentist's offices and nursing homes.

**Manager** shall mean the Manager of the City of the Carmel Municipal Water Utility.

**Mayor** shall mean the Mayor of the City of Carmel, or, in his absence, the acting Mayor.

**Municipal Water Utility/Utility** shall be the City of Carmel Municipal Water Utility.

**Person.** A person is an individual, firm, partnership, association, corporation, company, or any other organization of any kind.

**User/Customer** shall mean any person whose residence and/or business is connected to the Utility, whether legally or illegally. Failure of a person to pay for

the water they receive from the Utility shall not otherwise prevent them from being classified as a user or customer.

( '91 Code, § 9-8) (Ord. A-60, § B, 7-6-88)

### **§ 9-9 Role of Mayor, Board, and Utility Manager.**

(a) Upon notice, either oral or written, from the Utility Manager that he has determined that conditions exist which may, or do, give rise to a shortage of water in the Utility, or water pressure in the Utility's Water System, or both, the Mayor shall be empowered to declare that an appropriate water conservation level shall be in effect.

(b) The Mayor shall, at the time that a declaration of water conservation is made, determine the level of conservation which shall be imposed upon the users of the Utility.

(c) The Mayor shall, at his earliest opportunity, consult with the Carmel Board of Public Works and Safety, either at a regular session or a special session called for that purpose. At the meeting, the Mayor, together with Utility Manager shall advise the Board as to the status of the water problem, the steps that have been taken to remedy the problem, and the Board, shall determine the length of time that the level of conservation shall be maintained, propose solutions for the immediate and/or long term problem, and consider such other items as the Mayor and the Board shall deem necessary.

( '91 Code, § 9-9) (Ord. A-60, § C, 7-6-88)

### **§ 9-10 Four Levels of Conservation.**

In order to implement a water conservation program appropriate to the needs of the utility and its users, the following levels of conservation are established:

- (a) Level 1—Voluntary Conservation.
- (b) Level 2—Restricted Water Use.
- (c) Level 3—Prohibited Water Use.
- (d) Level 4—Water Rationing.

( '91 Code, § 9-10) (Ord. A-60, § D, 7-6-88)

**§ 9-11 Level 1—Voluntary Conservation.**

This Level shall consist of a request by the Mayor to the users to engage in conscience efforts to reduce water consumption by practicing conservation techniques and suggesting meaningful action to be taken until such time as the existing water problem is resolved.

( '91 Code, § 9-11) (Ord. A-60, § D-1, 7-6-88)

**§ 9-12 Level 2—Restricted Water Use.**

(a) Level 2 shall be comprised of methods of restricting water usage by users to such times, terms and conditions as the Mayor and/or Board shall determine appropriate. Level 2 does not contemplate a severe water shortage in the immediate future, but rather that mandatory conservation methods must be imposed to insure adequate water and pressure for future needs.

(b) The users shall be requested to cease or reduce water use for such items, including but not limited to: sprinkling, irrigating, or watering lawns, ground cover, gardens and other landscaping, washing of automobiles, trucks, homes or other non-essential equipment, the operation of ornamental fountains, wading and swimming pools (which do not employ a filter and recirculating systems) and such other non-essential uses as may, from time to time, be determined by the Board.

(c) Special consideration shall be given regarding those persons whose businesses or livelihoods require a constant supply of water on a regular basis. These businesses include but are not limited to: Car Washes, Garden Centers and Restaurants.

( '91 Code, § 9-12) (Ord. A-60, § D-2, 7-6-88)

**§ 9-13 Level 3—Prohibited Water Use.**

(a) Level 3 prohibitions shall preclude the use of water as announced under any preceding Level 2 restriction(s). Additionally, users shall be subjected to additional prohibitions which will be determined by the Board as conditions and needs dictate, but shall not include water rationing.

(b) Unless an emergency exists, the Mayor shall call a special joint meeting of the Board and Common Council prior to the Utility adopting a Level 3 Water Conservation condition. In the event that an emergency exists or it is impractical to call a special joint session of the Board and Common Council, the Mayor may declare a Level 3 water condition but, shall convene the special joint session as soon thereafter as possible.

('91 Code, § 9-13) (Ord. A-60, § D-3, 7-6-88)

#### **§ 9-14 Level 4—Water Rationing.**

(a) Water rationing shall occur when the Utility can not reliably provide water or pressure to its users by any practical means other than imposing specific allocations of waters on the users, in such amounts that are determined equitable by the City.

(b) Unless an emergency exists, the Mayor shall call a special joint meeting of the Board and Common Council prior to the Utility adopting a Level 4 water condition. In the event that an emergency exists or it is impractical to call a special joint session of the Board and Common Council, the Mayor may declare a Level 4 water condition, but, shall convene the special joint session as soon thereafter as possible.

(c) After the establishment of the Level 4 water condition, the Board, upon the advice of the Mayor, shall advise the users of the amounts of water that will be permitted to the user and the method of water distribution or control.

('91 Code, § 9-14) (Ord. A-60, § D-4, 7-6-88)

#### **§ 9-15 Notice of Water Conservation Level to Users.**

(a) In order to inform users of the water conservation level in effect the Utility shall give its users notice as soon as it is practical. The following guidelines shall be adhered to by the Utility, unless otherwise provided, or an emergency exists making full advance notice impossible or impractical:

(1) Level 1 - Notice shall be given to the Local Newspapers, Radio, TV and Cable Stations requesting user compliance in accordance with Level 1 restrictions;

(2) Level 2, 3 and 4 - Written notice shall be sent by the Utility to each user, at their last known address, by first class mail, postage prepaid. In addition the Board shall advise the Local Newspapers, Radio, TV and Cable Stations of the declared conservation level. A pre-recorded tape or tapes may be prepared by the Utility and distributed to WHJE and/or any other local radio station or cable station to provide an up-date to users of the water situation.

(b) Contents of Notice: Each notice sent to a user or distributed to the press shall contain at least the following information:

(1) The conservation level declared and water use prohibitions that level imposes on the users;

(2) The enforcement remedies available to the City in the event a person violates the restrictions of the declared conservation level;

(3) A telephone number or other information advising the user where questions may be answered or more information obtained, including radio stations which may carry a pre-recorded broadcast;

(4) Such other information that may be deemed relevant.

('91 Code, § 9-15) (Ord. A-60, § E, 7-6-88)

### **§ 9-16 Enforcement—Citations and Fines.**

(a) Every user shall be subject to the enforcement provisions provided in this division with the exception of the Carmel Fire Department, and any state licensed health care provider(s) which are or have been declared accepted by the Board. (Ord. A-60, § F, 7-6-88)

(b) Any person violating the provisions of a Level 2 water conservation shall be subject to a first time written warning by either the City Metropolitan Police Department or a Municipal Utility Employee, or such other authorized and designated employee of the City. In the event said user continues to violate or subsequently violates the water conservation restrictions imposed by Level 2, that person shall be cited with a written citation and subject to a fine up to \$250. (Ord. A-60, § F-1, 7-6-88)

(c) A person who violates water conservation Levels 3 or 4 shall be cited by the Carmel Municipal Metropolitan Police Department or Municipal Utility Employee, or such other duly authorized and designated employee of the City, with violation of this section. A fine may be imposed against said violator in the sum up to \$250. Additionally, the Utility shall disconnect the water service to any such user or customer, at the time the citation is issued, or as soon thereafter as possible. Water service shall be recommended upon the payment of a reconnection fee in the sum of \$100. (Ord. A-60, § F-2, 7-6-88)  
(`91 Code, § 9-16)

#### **§ 9-17 Carmel City Court to Hear Citations.**

Carmel City Court is authorized to hear all citations issued pursuant to this division, and further, may impose fines as prescribed in this division.  
(`91 Code, § 9-17) (Ord. A-60, § F-3, 7-6-88)

#### **§ 9-18 Discontinuance of Water Service.**

(a) *Discontinuance as judicial remedy.* A discontinuance of water service, shall not be considered a judicial remedy and shall be imposed, as required by this division, regardless of the outcome of any Court hearing which may occur as a result of a citation being issued for a water conservation water level violation.

(b) *No condition precedent to the issuance of a violation or discontinuance of service.* Receipt of notice by a user of the water conservation level declared by the Board or Board and Common Council shall not be a condition precedent

to the issuance of any warning or violation citation to any user. A notice requirement provided in this division is intended as a best efforts obligation of the Utility and not intended as a defense to the issuance of a violation citation.

(`91 Code, § 9-18) (Ord. A-60, §§ F-3, F-4, 7-6-88)

#### **§ 9-19 Savings Clause.**

In the event any provision of this division shall be declared by any Court of competent jurisdiction to be void or unenforceable, the same shall not affect the remaining paragraphs or provisions of this division.

(`91 Code, § 9-19) (Ord. A-60, § G, 7-6-88)

#### **§ 9-20 Effective Date.**

(a) Ordinance No. A-60 shall be in full force and effect from and after its passage by the Common Council, due to the existence of an emergency requiring its passage.

(b) Ordinance No. A-60 shall be effective by posting in three (3) public places in each of the five council districts from which the members of the council are elected.

(`91 Code, § 9-20) (Ord. A-60, § H, 7-6-88)

#### **§ 9-21 through 9-24 Reserved for Future Use.**