

ORDINANCE NO. 2017-05

ORDINANCE OF THE CITY OF FRIENDSVILLE, TENNESSEE, AUTHORIZING AND SETTING FORTH GUIDELINES FOR THE DECLARATION OF A WATER SHORTAGE EMERGENCY.

WHEREAS, it is necessary to impose certain restrictions on the use of water because of shortages which can occur for various reasons; and

WHEREAS, it is necessary to have a plan for implementation of measures which restrict the non-essential use of water during such emergencies for the greatest public benefit with particular regard to public health, fire protection, and domestic use; and

WHEREAS, such implementation procedures must be of a form which can be enacted fairly and quickly to preserve the health and welfare of individuals.

NOW, THEREFORE, be it ordained by the Board of Commissioners of the City of Friendsville (herein referred to as "District"), as follows:

Section1. That no water furnished by the District shall be wasted during water shortage emergency periods, Waste of water includes, but is not necessarily limited to the following:

- (a) Permitting water to escape down a gutter, ditch, or other surface drain;
- (b) Failure to repair a controllable leak of water; and failure to put to reasonable beneficial use any water withdrawn from the District's system.

Section2. That the Manager or his designee is hereby authorized to declare water shortage emergency to exist in accordance with the standards set out in Section 3. The declarer must immediately attempt to contact all Commissioners to inform them of the emergency action. An end to a water shortage emergency must be declared by the Board of Commissioners.

Section3. That in declaring a water shortage emergency, such emergency shall be designated Status 1 or Status 2 in accordance with conditions as determined by the Utility Manager of the District.

Water Shortage Emergency Status 1.

A Water Shortage Emergency Status 1 exists when the water level in a major distribution system reservoir cannot be brought above the two-third (2/3) full mark in a forty-eight (48) hour period. When the water supply reaches Water Shortage Emergency Status 1, the Manager or his designee may declare any or all of the uses of water identified as non-essential use Category provided for in this ordinance as being prohibited and said prohibition shall remain in full force

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and effect until modified by the Board of Commissioners. The list of the non-essential uses may be increased or decreased pending the next meeting of the Board of Commissioners.

Water Shortage Emergency Status 2.

A Water Shortage Emergency Status 2 exists when the water level in a major distribution system reservoir cannot be brought above the one quarter (1/4) full mark within a forty-eight (48) hour period. If Water Shortage Emergency Status 2 is reached, the Manager or his designee may declare any or all of the non-essential uses provided for in this ordinance as being prohibited and the same shall remain in full force and effect until modified by the Board of Commissioners. The Board of Commissioners may increase or decrease the number of prohibited non-essential uses based on recommendations of the Manager.

Section 4. Non-Essential Use During Water Shortage Emergency.

(a) Non-Essential Uses Category 1 – the following uses are declared to be Non-Essential Uses, Category 1:

- a. any non-residential use in excess of seventy percent (70%) of the amount used during the corresponding billing period for the previous year.
- b. Washing sidewalks, driveways, parking areas, tennis courts, patios, or other exterior paved areas, except by the District for public safety.
- c. Filling or re-filling a swimming pool.
- d. Non-commercial washing of privately owned motor vehicles, trailers, and boats.
- e. Watering of lawns, flower gardens, and ball fields.
- f. Watering any portion of a golf course.
- g. Use of water for dust control or companies during construction.

(b) Non-Essential Use Category 2 – the following uses are declared to be Non-Essential Uses, Category 2, in addition to those listed for Category 1:

- a. Watering of trees, shrubs, or other plants, except by commercial nurseries, in which case item (C) below will apply.
- b. Use by a motor vehicle washing facility.

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- c. Any non-residential use in excess of one-hundred fifty percent (150%) of the amount used by the customer during the corresponding billing period for the previous year. If the customer was not operating the previous year, an estimated amount shall be computed by the District from its records. The Manager or his designee may increase the percentage for any connection use or customer if it is determined that such increase is necessary to protect the public health, safety, and welfare or to spread equitably among the water users of the District the burden imposed by the shortage in the District's water supply
- d. Water served for drinking purposes at restaurants or other public or non-public eating establishments unless such water is specifically requested by the patron or customer.

Section 5. Board of Commissioners Action

- (a) The Board of Commissioners may declare a water shortage emergency irrespective of whether the water supply has reached Water Shortage Emergency Status 1 or 2, and designate prohibited usages.
- (b) Only the Board of Commissioners may terminate or end a water shortage emergency declared by the Board of Commissioners. Any water shortage emergency described by the Board of Commissioners shall continue until the next meeting of the Board of Commissioners. If the Board does not take action to terminate the water shortage emergency, the same shall continue in full force and effect. The Board of Commissioners may terminate or modify any limitations on non-essential uses of water.

Section 6. Notice

Upon the declaration of the existence of a water shortage emergency by the Utility Manager or his designee, the Utility Manager shall notify the local media and furnish detailed information concerning the existence of the water shortage emergency and all prohibited uses. In addition, a newspaper ad shall be published once per week in any weekly local newspapers, informing the public of the water shortage emergency and any prohibition concerning the non-essential uses. Every practical effort shall be made to keep the water-using public informed of conditions during any declared water shortage emergency.

Section 7. Customer Non-Compliance

- (a) Any failure of a customer to comply with the requirements of declared water shortage emergency may be reported to any official of the District and shall be immediately investigated by the Utility Manager or his designated agent. If

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non-compliance is found to exist, he shall request immediate compliance by the customer. Should the customer fail or refuse to immediately comply with the request, the Utility Manager shall notify the customer within (5) business days that water services are to be discontinued.

- (b) Any customer whose service is disconnected because of a failure to comply with the requirements of a declared water shortage emergency shall have the right, after the first such disconnection, to have service reinstated upon payment to the District of its customary reconnection charge and upon execution of a written statement that he will comply with the requirements of the declared emergency. If service is disconnected because of a subsequent failure to comply, such customer shall have the right to reinstatement of service only after approval of the Board of Commissioners and subject to such terms and conditions as the Board shall impose. The decision of the Utility Manager may be appealed for a hearing to the Board of Commissioners. The disconnection shall remain in effect until the appeal is heard. A hearing shall be conducted with seventy-two (72) hours of the time the request for hearing is made by the customer. In the event a hearing is not conducted within seventy-two (72) hours, service shall be reinstated until the hearing is conducted. All requests for a hearing shall be made to the General Manager of the District.

Section 8. That this ordinance shall take effect from and after is adoption on September 7, 2017, the general welfare of the District requiring it.

Passed on First Reading August 3, 2017

Passed on Second Reading September 7, 2017

Andy Lawhorn

Mayor Andy Lawhorn

Janet Ledbetter

City Recorder Janet Ledbetter