

**FOR IMMEDIATE RELEASE**

Contact  
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## **Whitefish City Council Adopts Water Conservation Ordinance**

**(May 21, 2019)** The Whitefish City Council approved a new water conservation ordinance for city water users during the first reading on Monday, May 20.

“This ordinance is not about using less water, it’s really about wasting less water.” says Craig Workman, Director of Public Works. “During the peak summer months, our existing infrastructure struggles to keep up with current water use demand. Although infrastructure upgrades are planned, additional water supply won’t be in place for two to three years. This ordinance will help conserve water, which can be considered an interim additional water source while those upgrades are being constructed. This ordinance will also help Whitefish meet our climate action plan goal of reducing our carbon footprint by lowering energy requirements to treat and pump water.”

Moving forward, the following water conservation measures will be in place throughout the year:

1. All outdoor watering is prohibited between the hours of 9:00 a.m. and 5:00 p.m.
2. Commercial lodging establishments must provide guests the option of choosing not to have linen washed every day.
3. Watering must not result in coverage of pavement areas or result in excess runoff.

When drought conditions necessitate additional conservation measures, further restrictions will be implemented in stages, depending on the severity of the conditions. The protocols for Stages I Severe Water Shortage and Stage II Extreme Water Shortage can be found on the City’s website at [www.cityofwhitefish.org](http://www.cityofwhitefish.org).

“We are confident the residents of Whitefish will embrace these efforts, because conservation is good for our community and our environment. Yes, it will require that customers modify their water usage practices, but the benefits far outweigh the inconvenience. Other cities that have adopted water conservation measures have found that a culture of ‘waste not, want not’ becomes the norm over time,” says Workman.

The Whitefish water conservation ordinance will officially take effect later this summer.

**ORDINANCE NO. 19-\_\_**

**An Ordinance of the City Council of the City of Whitefish, Montana, adding a new Chapter to Title 8, Water and Sewer, of the Whitefish City Code to establish water conservation restrictions.**

WHEREAS, as the City's resident and tourist population continues to grow, withdrawals from Haskill Basin, Whitefish Lake and other sources of municipal water must be balanced with demand to attain sustainability; and

WHEREAS, encouraging and requiring the adoption of water conservation strategies is an effective and low cost means to balance water demands with limited available water supplies and production capabilities; and

WHEREAS, there are numerous benefits for the City and its citizens that flow from implementing water conservation restrictions including potential reductions in customers' water and sewer bills, creating a critical interim supply while additional supply and treatment facilities are being designed and constructed, and reducing peak summer demand thereby reducing short and long-term system costs; and

WHEREAS, the implementation of water conservation restrictions also positively impacts the environment by minimizing the transport of fertilizer, pesticide and other contaminants from runoff to surface waters and deep percolation to ground waters and reducing energy consumption associated with water production, treatment, and distribution; and

WHEREAS, given the City's immediate and long-term limited water supplies and the overall benefits of water conservation, the implementation of water conservation restrictions will promote public health, safety, and the general welfare of citizens.

NOW, THEREFORE, be it ordained by the City Council of the City of Whitefish, Montana, as follows:

Section 1: All of the recitals set forth above are hereby adopted as Findings of Fact.

Section 2: A new Chapter is hereby added to Title 8, Water and Sewer, of the Whitefish City Code, as set forth in Exhibit A attached hereto.

Section 3: In the event any word, phrase, clause, sentence, paragraph, section or other part of the Ordinance set forth herein is held invalid by a court of competent jurisdiction, such judgment shall affect only that part held invalid, and the remaining provisions thereof shall continue in full force and effect.

Section 4: This Ordinance shall take effect thirty (30) days after its adoption by the City Council of the City of Whitefish, Montana, and signing by the Mayor thereof.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF  
WHITEFISH, MONTANA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2019.

\_\_\_\_\_  
John M. Muhlfeld, Mayor

ATTEST:

\_\_\_\_\_  
Michele Howke, City Clerk

## EXHIBIT A

### Whitefish City Code Title 8 – Water and Sewer Chapter 5 – Water Conservation

8-5-1: **PURPOSE:** The purpose of this Chapter is to provide the city the means to reduce per capita water demands by requiring its citizens and businesses to comply with prescribed water conservation regulations.

8-5-2: **SCOPE:** This Chapter applies to all municipal water customers of the city, wherever situated, to the extent legally permissible.

8-5-3: **GENERAL CONSERVATION:**

A. Restrictions: The following general conservation restrictions are always in effect:

1. All outdoor watering is prohibited between the hours of 9:00 a.m. and 5:00 p.m.
2. Commercial lodging establishments must provide guests the option of choosing not to have linen washed every day.
3. Watering must not result in coverage of pavement areas or result in excess runoff.

B. Audits: The City Utility Billing Department may conduct water audits of usage on any account and require modifications as appropriate to conserve water.

C. Exception: Supervised maintenance of automatic sprinkler systems (such as adjusting, and replacing spray heads, correcting timers, etc.) are excepted from the general conservation restrictions.

8-5-4: **WATER SHORTAGES:**

A. Proclamation: Under the conditions set forth in this Chapter, the Public Works Director, in consultation with the Water Department personnel, may find, and by proclamation declare, a Stage I or Stage II Water Shortage to prevent depleting the water supply for human consumption and sanitation and to produce an orderly and equitable reduction of water consumption.

B. Effect: Immediately upon the issuance of such a proclamation, the regulations and restrictions set forth under this Chapter will become effective and will remain in effect until the proclamation is rescinded.

C. Conditions: A proclamation declaring a water shortage is activated by critical equipment failure, excessive water demand, and/or declaration of drought in the area.

1. Water demand is monitored at the water meter on the line from the water treatment plant to the water treatment plant reservoir.
2. Drought conditions are monitored by reviewing the reports from the US Drought Monitor at <https://droughtmonitor.unl.edu>.

D. Trigger Points:

1. Water shortage proclamations will be declared based upon the following criteria:
  - a. Stage I - Severe Water Shortage: All four water treatment trains in service, or; portions or all of Flathead County in Extreme Drought.
  - b. Stage II - Extreme Water Shortage: Critical water supply infrastructure failure, or; portions or all of Flathead County in Exception Drought.
2. Water shortage proclamations will be rescinded based upon the following criteria:
  - a. Stage I - Step down to General Conservation Restrictions: Ten consecutive days of water demand less than or equal to 3.0 MGD.
  - b. Stage II - Step down to Stage I Restrictions: Critical infrastructure repair complete, or; U.S. Drought Monitor Index condition change to Severe or less drought status.

8-5-5: **STAGE RESTRICTIONS:**

- A. Stage I - Severe Water Shortage: If a proclamation declaring a Stage I Water Shortage is issued, the following restrictions become effective immediately:
1. All restrictions set forth in section 8-5-3, General Conservation, remain in effect.
  2. Watering is limited to two days per week in accordance with the following schedule:
    - a. Watering is prohibited on Mondays.
    - b. Single residential properties with odd-numbered addresses may water on Saturday and Wednesday.
    - c. Single residential properties with even-numbered addresses may water on Sunday and Thursday.
    - d. All other properties (multi-unit, HOAs, commercial, industrial, government) may water on Tuesday and Friday.

- e. New turf planting is prohibited.
  - f. Exterior water features must be turned off.
  - g. Car washing is prohibited except at commercial car wash facilities.
  - h. The city may limit the number of minutes of irrigation that an area of turf may receive or a maximum total amount of time during which irrigation at a premise may occur.
- B. Stage II - Extreme Water Shortage: If a proclamation declaring a Stage II Water Shortage is issued, the following restrictions become effective immediately:
- 1. All Stage I restrictions remain in effect.
  - 2. All outdoor watering is prohibited: public or private, for gardens, lawns, trees, shrubs, plants, parks, golf courses, playing fields, swimming pools or other recreational areas.
  - 3. No new landscaping is permitted.
  - 4. Washing of motor vehicles, boats, trailers, pavement or the exterior of any building or structure is prohibited.
- C. Exceptions: The following exceptions apply to both Stage I and Stage II restrictions:
- 1. A Commercial Outdoor Water Use Permit may be issued by the Public Works Department to businesses that cannot maintain their operations without the use of outdoor water.
  - 2. Aquatic Invasive Species (AIS) Trailer/boat decontamination.

8-5-6: **FINES AND PENALTIES:**

- A. Waste: Water uses regulated or prohibited under the Chapter are considered nonessential and continuation of such uses during times of water shortage is deemed to constitute a waste of water, subjecting the users to surcharges, disconnection costs and excess consumption fees.
- B. Fines:
- 1. Violation of General Conservation Restrictions: A warning will be issued for the first offense followed by a \$25 fine for each subsequent offense.
  - 2. Violation of Stage I Restrictions: A fine of not less than \$50 and not more than \$300 for the first offense, increasing by an additional \$50 for each subsequent offense.

3. Violation of Stage II Restrictions: A fine of not less than \$100 and not more than \$500 minimum for the first offense, increasing by an additional \$100 for each subsequent offense. Third-time offenders utilizing more than 50 gallons per minute of water for a prohibited use may have their water temporarily shut off.

C. Reduction in Flow:

1. The Public Works Department, under authorization of the City Manager and the Public Works Director, may reduce or disconnect the flow of water to any customer determined to be using water in any manner not in accordance with this Chapter during a Stage I or Stage II Water Shortage or in any other situation that may be deemed a risk to public health.

2. All unmetered usage without written consent from the City is considered a threat to public health and may receive a reduction of flow or disconnect of flow whether or not a Stage I or Stage II Water Shortage in effect. This reduction or potential disconnection may occur with or without notice, as judgement of severity has been decided by the City Manager and the Public Works Director.

8-5-7: **OTHER WATER CONSERVATION PROGRAMS:** The city may adopt other water conservation programs such as indoor plumbing reduction strategies, exterior reduction strategies such as low water use landscaping, reduction through education using outreach and public education programs, reduction through public assistance such as leak detection and low-income leak detection and repair assistance.



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**Department of Public Works**  
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May 14, 2019

Mayor Muhlfeld and City Councilors  
City of Whitefish  
Whitefish, Montana

### **Consideration of Ordinance 19-XX to Establish Water Conservation Restrictions**

#### **Introduction/History**

Expanding population, tourism and recent hotter, drier summers have resulted in the City of Whitefish Water Treatment Plant (WTP) exceeding the capacity limits dictated by the Montana Department of Environmental Quality (DEQ). The City's WTP has a full-service capacity of 4.0 MGD (all units in service). The firm capacity of the WTP is 3.0 MGD (one unit out of service). Water production at the plant has exceeded the firm capacity of 3.0 MGD during late summer months three out of the last four years.

#### **Current Report**

DEQ has notified the City that water main extensions, subdivision and Municipal Facility Exclusion (MFEs) applications or other services that increase demand or expand the City's service area will not be accepted or reviewed by DEQ until the city provides a Water System Capacity Evaluation. The evaluation must provide an analysis supporting the addition of water demands or provide a process that is mutually agreed to by DEQ and the City of Whitefish to provide compliance with DEQ standards.

The City has undertaken a broad suite of conservation efforts to lower water usage and reduce water loss. Among the most effective conservation efforts are continued replacement of old cast iron water mains and implantation of irrigation user rate increases. Data from the last two (2) years indicates that the City has been very effective in reducing water loss from 2016 to 2018. Water loss from January 2017 to 2019 has been reduced 68% and total daily water produced per capita has decreased over 50 gallons from 2015 to 2018.

Irrigation water is a large component of the City of Whitefish's overall water usage. Depending on precipitation and temperature it can be as high as 21% of overall yearly water produced. Coupled with that, the City's recent utility rate analysis determined that non-irrigation revenues are subsidizing irrigation use. To correct this the City enacted an aggressive schedule of base and volumetric rate increases to balance irrigation user costs with production costs.





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To further reduce water use, staff has developed a water conservation ordinance. The goals of the ordinance are as follows:

1. Demonstrate that water and sewer users can reduce future rates by reducing their water usage.
2. Develop, via conservation, a critical interim source of water until new sources are developed and brought online.
3. Reduce peak summer water consumption to enable the City to meet demand with one treatment train out of service.
4. Reduce water waste and runoff of nutrients, chemicals and sediment.

The ordinance lays out general conservation measures that are always in effect followed by emergency measures that are triggered by certain events or conditions. Under normal situations, the following rules are in effect (i.e. baseline conservation measures):

- **All outdoor watering is prohibited between the hours of 9:00 a.m. and 5:00 p.m.**
- Commercial Lodging establishments will provide guests the option of choosing not to have linen washed every day.
- Watering will not result in coverage of pavement areas or result in excess runoff.
- The City Utility Billing Department may conduct water audits of usage on any account and require modifications as appropriate to conserve water.

Water shortage declarations will result in further water conservation measures activated by either excessive water demand, drought conditions, and/or critical equipment failure.

A Stage I Water Shortage will be declared if:

1. All four WTP treatment trains in service, or;
2. Portions or all of Flathead County in Extreme Drought as reported by the U.S. Drought Monitor

Under a Stage I Water Shortage all of the baseline conditions remain in effect in addition to the following additional conservation measures:

- Watering will be limited to two days per week in accordance with the following schedule:
  - Watering is prohibited on Mondays, except for special exemptions approved by the Public Works Director.
  - Single residential properties with odd-numbered addresses: Saturday, Wednesday.
  - Single residential properties with even-numbered addresses: Sunday, Thursday.
  - All Others (multi-unit, HOAs, commercial, industrial, government): Tuesday, Friday.
- No new turf planting is permitted.
- Exterior water features will be turned off.
- Car washing is prohibited other than at commercial car wash facilities.



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- The City may, by formal action, limit the number of minutes of irrigation that an area of turf may receive or a maximum total amount of time during which irrigation at a premise may occur.

A Stage II Water Shortage will be declared if:

1. Critical water supply infrastructure failure; or,
2. Portions or all of Flathead County in Exceptional Drought as reported by the U.S. Drought Monitor

Under a Stage II emergency all of the Stage I conditions remain in effect in addition to the following additional conservation measures:

- Ban on water used for outdoor watering; either public or private, for gardens, lawns, trees, shrubs, plants, parks, golf courses, playing fields, swimming pools or other recreational areas.
- No new landscaping is permitted.
- Ban on washing of motor vehicles, boats, trailers, pavement or the exterior of any building or structure.

It is important to note the following exceptions:

1. Supervised maintenance of automatic sprinkler systems (such as adjusting, and replacing spray heads, correcting timers, etc.) are excepted from the general conservation restrictions.
2. Boat and trailer decontamination is permitted under all circumstances to prevent the spread of Aquatic Invasive Species (AIS).
3. A Commercial Outdoor Water Use Permit may be issued by the Public Works Department to businesses that cannot maintain their operations without the use of outdoor water.

**Financial Requirement**

The City is also developing additional capacity at the WTP, evaluating the feasibility of a groundwater supply source, and looking at options to increase water storage capacity. Staff has laid out an aggressive timeline that to have an expanded WTP into service by the end of 2021. The current estimated cost for the group of projects necessary to increase the source, treatment and storage capacity is \$18M. Any successful efforts to reduce water consumption will help to offset this capital costs.

**Recommendation**

Staff recommends that Ordinance 19-xx be approved and placed on the 6/3/2019 agenda for a second reading and adoption.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig Workman".

Craig Workman, P.E.

Director of Public Works



# CITY OF WHITEFISH DRINKING WATER SUMMARY

May 1, 2018

1. After several years of steady growth, Whitefish's population has rapidly grown in the last three years (~5.0% annual growth). In addition, tourism visits have skyrocketed. Summer month visitors have increased an average 28% since 2016.
2. The City's water treatment plant (WTP) has full capacity of 4.0 Million gallons per day (MGD), and a nominal firm (one unit of out of service) capacity of 3.0 MGD. The City's water demand has exceeded the firm capacity of 3.0 MGD during late summer months three out of the last four years.
3. The Montana Department of Environmental Quality (DEQ) notified the City in April of 2019 that they will not receive or review any extensions to increase demand for water until the city provides a Water System Capacity Evaluation.
4. The City water sources are Haskill Creek (primary) and Whitefish Lake (secondary).
5. The City's latest water facility plan was also completed in 2006. While the City experienced sustainable growth in the years following that planning, considerable strain has been placed on the City's water system by the recent rapid population growth.
6. The City of Whitefish adopted a Growth Policy in 2007 under the authority of Montana Code Annotated (MCA). The City's Growth Policy is founded in a community vision which balances growth and development with fundamental elements such as natural resources, economic development, land use, community facilities, housing, and transportation.
7. The City has been tracking water usage and understands their summertime water usage and system water losses are too high. Over the last few years the City has initiated numerous water conservation efforts including:
  - Replacing all individual water meters, with more efficient "smart" meters, resolved issues with leaking private mains.
  - Reviewing the history of water main leaks and breaks and using the information to more effectively plan main replacement projects.
  - Hired a third-party leak detection service to assess water loss in the City's distribution system.
8. The City has acted to eliminate water loss and create efficiencies in the entire system, as well as implement conservation measures. Recent (2017-18) water main replacements appear to have reduced water loss by as much as 20% as compared to the years prior to 2017.
9. Utility rate analysis work in 2016 determined that non-irrigation water users had essentially been subsidizing irrigation (residential and commercial) users. To correct this the City enacted an aggressive schedule of base and volumetric rate increases to balance irrigation user costs with production costs.
10. The City is engaged with an engineering firm to design an expansion of the Whitefish Lake intake system and WTP as rapidly as possible, and to assess the feasibility of developing a groundwater source for the City.
11. The City will enact and encourage additional water conservation measures in the summer of 2019 to ensure customers have reliable water supplies for essential uses, and a reasonable volume for non-essential uses, such as irrigation.
12. When future developments are submitted for City approval, their proposed water usage will be evaluated by the City based on the number of fixtures and irrigated acreage, and an Equivalent Residential Unit (ERUs) count will be assigned.
13. The average annual water usage for a typical single-family residential home in Whitefish is 200 gallons per day (gpd). This was selected as the volumetric definition of an ERU for storage purposes. Based on this definition, the City currently serves 9,278 ERUs.
14. From a storage capacity standpoint, the City of Whitefish could allow the development of an additional 1,075 ERUs under the current maximum daily demand (MDD) conditions with their existing storage infrastructure.