

ORDINANCE NO. 19-12

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 3RD DAY OF JUNE 2019.



John M. Muhlfeld, Mayor

ATTEST:



Michelle 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.
4. All hoses shall be equipped with a positive shut-off nozzle.

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 Exceptional 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.
 - 3. Vegetable gardens – unlimited days of watering during the permissible hours set forth in section 8-5-3.

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.