

ORDINANCE NO. 2325

AN ORDINANCE AMENDING SECTIONS 52.26, 52.28, 52.29, 52.30, 52.31 OF CHAPTER 52 OF THE HERMISTON MUNICIPAL CODE, ENTITLED “WATER.”

Whereas, the staff of the City of Hermiston is conducting a major review of the City’s Code of Ordinances, now, therefore,

The City of Hermiston ordains as follows:

(New language is in red and underlined and repealed language has ~~a line through it.~~)

Section 1. Section 52.26 of the Hermiston Municipal Code is amended to read:

52.26 ~~[RESERVED]~~ VARIANCES.

(A) The City Manager or designee may, in writing, adjust any consumer’s usage allotment if it is determined that due to unusual circumstances to fail to do so would cause an emergency condition affecting health, sanitation or fire protection of the applicant or the public.

(B) No variance or adjustment shall be retroactive or otherwise justify any violation of this chapter occurring prior to issuance of temporary variance or adjustment.

Section 2. Section 52.28 of the Hermiston Municipal Code is amended to read:

52.28 FIRST LEVEL OF WATER RESTRICTION (Moderate Alert Level).

(A) Nonessential residential uses defined; prohibiting nonessential water use. Uses of water for residential purposes in excess of the following daily usage allotment are determined to be nonessential and are prohibited:

(1) The use of water to wash any motorbike, motor vehicle, boat, trailer, airplane or other vehicle, except at a commercial fixed washing facility existing prior to the enactment of this Chapter or one that recycles and/or reuses the water.

(2) The use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts or other hard-surfaced area, or building or structure.

(3) The use of water to fill, refill or add to any indoor or outdoor swimming pools or jacuzzi pools except for neighborhood fire control (when deemed needed by the City Manager or designee), where the pools have recycling water systems and evaporative covers, or where the use of the pool is required by a medical doctor’s prescription.

(4) The use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support preexisting fish life, e.g., goldfish, etc.

(B) Nonessential commercial or industrial use. The following commercial or industrial water uses are hereby determined to be nonessential and are prohibited:

- (1) The use of water to serve a customer in a restaurant unless requested by the customer;
- (2) The use of water for scenic and recreational ponds and lakes, except for the minimum amount required to support fish life;
- (3) The unmetered use of water from hydrants for construction purposes, ~~unmetered~~, fire drills or any purpose other than firefighting;
- (4) A minimum of 15% reduction in the use of water by a cemetery (owned by a separate taxing district), golf course or similar outdoor sport activities to irrigate any portion of its grounds except those areas designated as tees and greens or similar limited areas;
- (5) The use of water for dust control.

(C) Gutter flooding. No person or customer shall cause or permit water to run to waste in any gutter or drain.

(D) Regulation of applications for new water service. No applications for new, additional, further expanded or increased-in-size water service connections, meters, service lines, pipeline extensions, mains or other water service facilities of any kind shall be allowed, approved or installed during the period of this emergency, except for replacement of leaking water lines and interties (looping) of system.

~~(E)~~ Discontinuance of service.

(1) The City Manager or designee may, after one warning by certified mail or delivered in person by staff, disconnect the water service of any person or customer whenever it is determined that the person or customer has failed to comply with any provisions of this chapter. Service so disconnected shall be restored only upon payment of the turn-on charge, in an amount of money as established by resolution of the City Council, or as otherwise specified by law, and any other costs incurred by the city in the discontinuance of service and the giving of suitable assurances to the city that the action causing the discontinuance will not be repeated.

(2) In addition to the foregoing, the city may, prior to restoration of service, install a flow-restrictive device on the customer's service.

~~(F)~~ ~~Variances~~ Irrigation. Use of water to irrigate turf, lawn, or any grassy area shall be restricted to dates corresponding to the customer's address. Customers with addresses ending in an odd number shall not irrigate on even-numbered days. Customers with addresses ending in an even number shall not irrigate on odd numbered days. All customers may irrigate on the 31st day of a month.

~~(1) The City Manager or designee may, in writing, grant temporary variances for prospective uses of water otherwise prohibited after determining that due to unusual circumstances to fail to grant the variance would cause an emergency condition affecting health, welfare, sanitation or fire protection of the applicant or the public.~~

~~(2) No variance shall be retroactive or otherwise justify any violation of this chapter occurring prior to issuance of the temporary variance.~~

Section 3. Section 52.29 of the Hermiston Municipal Code is amended to read:

52.29 SECOND LEVEL OF WATER RESTRICTION (HIGH ALERT LEVEL).

In addition to the restrictions in § 52.28, the following restrictions are to be enforced:

(A) One or two residential units - daily usage allotment:

(1) Non-irrigation days: 200 gallons.

(2) Irrigation days: 1,300 gallons.

One permanent resident	50 gallons
Two permanent residents	85 gallons
Three permanent residents	115 gallons
Each additional permanent resident	30 gallons

(B) Multi-residential units.

(1) Daily usage allotment for each unit shall be the sum of 100 200 gallons per unit on non-irrigation days and 1,100 gallons per unit on irrigation days.

~~(2) Each customer in whose name water is supplied to a residence, or residences or apartment or other dwelling units, shall upon request of the City Manager or designee advise the city under penalty of perjury the number of permanent residents using water supplied to the residence, apartments or other dwelling units. If the customer fails to advise the City Manager or designee, each residence, apartment or dwelling unit shall be permitted the water allocation herein provided for one permanent resident.~~

(C) Nonessential commercial uses defined. Uses of water for commercial purposes in excess of the following amounts are determined to be nonessential and are prohibited:

(1)

The use of water for schools (irrigation), parks, cemeteries, recreation areas, golf courses, community food gardens, residential gardens, and similar recreation or memorial type facilities in excess of 75% of the amount consumed in the same time period as the previous year.

~~(2) The use of water for schools (domestic), for nursery facilities, restaurants, shopping centers, gasoline service stations, health and swim clubs, and all other commercial uses in excess of 90% of the amount consumed in the same time period as the previous year.~~

(D) Nonessential industrial uses defined. Uses of water for industrial purposes in excess of the following amounts are determined to be nonessential:

(1) The use of water for manufacturing, food processing, cooling or cleaning of equipment in excess of 85% of the amount consumed in the same time period as the previous year. Customers may, with proper documentation of need, obtain a variance from the City Manager or designee, granting the level of relief needed.

(2) The use of water for agricultural irrigation in excess of 75% of the amount consumed in the same time period as the previous year.

(E) Other nonessential uses. All other uses of water not expressly set forth in this chapter in excess of 75% of the amount consumed in the same time period as the previous year are determined to be nonessential.

(F) Determination of amount of prior water consumption. The amount of water consumed in the same time period as the previous year shall be determined by the city from its records. Where no records exist, the amount shall be the average use of similar existing services as determined by the city from its records.

(G) Evaluation of applications for new water service. No applications for new, additional, further expanded or increased-in-size water service connections, meters, service lines, pipeline extensions, mains or other water service facilities of any kind shall be allowed, approved or installed during the time this emergency is declared by City Council resolution to be in effect, except for replacement of leaking water lines, making interties (looping), areas where the pressure provided by the city is very low and relief can only be obtained by providing a larger service line(s).

Section 4. Section 52.30 of the Hermiston Municipal Code is amended to read:

52.30 THIRD LEVEL OF WATER RESTRICTION (Emergency Alert Level).

In addition to the restrictions in §52.28 and §52.29, the following restrictions are to be enforced:

(A) All water uses shall be limited to protect the health, sanitation, and safety of the public.

(B) Residential daily usage shall be limited to a weekly average of no more than 115 gallons per day per residential unit. Residential customers with more than three permanent residents shall be allowed an additional average of 30 gallons per day per resident.

52.30 ENFORCEMENT.

~~Each city law officer shall enforce the provisions of this Chapter. All employees of the City have the duty and are authorized and directed to notify the City Manager or designee of violations of the provisions of this Chapter.~~

Section 5. Section 52.31 of the Hermiston Municipal Code is amended to read:

52.31 ENFORCEMENT.

Each city law officer shall enforce the provisions of this Chapter. All employees of the City have the duty and are authorized and directed to notify the City Manager or designee of violations of the provisions of this Chapter.

52.31 VARIANCES.

~~(A) The City Manager or designee may, in writing, adjust any consumer's usage allotment if it is determined that due to unusual circumstances to fail to do so would cause an emergency condition affecting health, sanitation or fire protection of the applicant or the public.~~

~~(B) No variance or adjustment shall be retroactive or otherwise justify any violation of this chapter occurring prior to issuance of temporary variance or adjustment.~~

Section 6. Effective date. This ordinance shall take effect on the 30th day after its adoption.

ADOPTED by the Common Council this 26th day of July 2021.

SIGNED by the Mayor this 26th day of July 2021.

Dr. David Drotzmann, Mayor

ATTEST:

Lilly Alarcon-Strong, CMC City Recorder