



City of Nixa – Water Emergency Ordinance

Nixa Water Ordinance – Chapter 18

Section 18-14. Water System State of Emergency.

- A. The City Administrator, after considering pumping capacity, water level in storage tanks, water level in production wells, water usage rates, weather and drought conditions and such other factors as may be deemed relevant, may declare a Stage I, II or III Emergency, and when so declared, no person shall use or draw water from the City's water distribution system in violation of the restrictions on usage applicable to the state of emergency declared by the City Administrator.
- B. Prior to declaring a State of Emergency, the City Administrator shall enter into the records of the City findings of fact upon which he/she based his/her decision and shall thereupon enter his/her order declaring an emergency, specifying whether the emergency is of a Stage I, II or III type. He/she, and all City agents, officers, and employees upon whom he/she may call for assistance, shall thereupon proceed to implement the provisions of this Section as the conditions may require.
- C. The fact of the declaration of emergency, the type of emergency, and the restrictions on usages applicable to that type of declaration shall be disseminated to the general public through the local broadcast and print media and in such other manners as the City Administrator may determine is reasonably calculated to inform the residents of and visitors to the City of the declaration. If reasonable efforts to bring the declaration of emergency to the public have been made, considering the seriousness of the conditions, the time available, and the media or means available for the dissemination of information, lack of knowledge of the declaration of emergency shall be no defense to a violation of this Section.
- D. As used herein, the phrase "Stage I Emergency" means that it shall be unlawful for water to be used from the water distribution system for the watering of grasses, lawns, gardens, trees, shrubs, or similar vegetation; to wash any building, sidewalks, driveways or any outdoor structure; to fill or refill any pools, hot tubs, tanks or other vessels not used for direct public health and welfare except when done in compliance with a watering schedule established by the City Administrator and advertised to the public pursuant to Subsection (C) above. It shall be unlawful to wash motor vehicles of any type, trailers of any type, and other automotive or boating equipment except when done in compliance with a watering schedule established by the City Administrator or at a car wash that has, prior to the declaration of the state of emergency, been issued a business license by the City for that purpose.

Water rates for 5/8 X 3/4 Residential Service connections during a Stage I Emergency will be adjusted. All water used in excess of 15,000 but less than 25,000 will be charged at a rate 25% higher than the regular rate per 1000 gallons. All water used in excess of 25,000 will be charged at a rate 50% higher than the regular rate per 1000 gallons.

Bulk water rates during a Stage I Emergency will be charged at a rate 50% higher than the regular rate for bulk water per 1000 gallons.



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- E. As used herein, the phrase “Stage II Emergency” means that it shall be unlawful for water to be used from the water distribution system for the watering of grasses, lawns, gardens, trees, shrubs, or similar vegetation; to wash any building, sidewalks, driveways or any outdoor structure; to fill or refill any pools, hot tubs, tanks or other vessels not used for direct public health and welfare. It shall be unlawful to wash motor vehicles of any type, trailers of any type, and other automotive or boating equipment by any means except at a car wash that has, prior to the declaration of the state of emergency, been issued a business license by the City for that purpose; or to draw water from the City water system from any faucet or outlet when such water is not being used for ordinary and usual domestic, commercial, or industrial purpose.

Water rates for 5/8 X 3/4 Residential Service connections during a Stage II emergency will be adjusted. All water used in excess of 15,000 but less than 25,000 will be charged at a rate 25% higher than the Stage I rate per 1000 gallons. All water used in excess of 25,000 will be charged at a rate 50% higher than the Stage I rate per 1000 gallons.

Bulk water rates during a Stage II Emergency will be charged at a rate 50% higher than the Stage I rate for bulk water per 1000 gallons.

- F. As used herein, the phrase “Stage III Emergency” means that conditions on the distribution system are critical and all efforts are for securing the water supply for the health and welfare of the citizens. During a Stage III emergency it shall be unlawful to use water in any manner for the watering of grasses, lawns, gardens, trees, shrubs, or similar vegetation under any conditions or by any means; or to wash any motor vehicle, trailer, or other automotive or boating equipment; or to wash any building, sidewalks, driveways or any outdoor structure under any conditions or by any means, including at a commercial car wash, or to fill or refill any pools, hot tubs, tanks or other vessels not used for direct public health and welfare.

Water rates for 5/8 X 3/4 Residential Service connections during a Stage III Emergency will be adjusted. All water used in excess of 15,000 but less than 25,000 will be charged at a rate 25% higher than the Stage II rate per 1000 gallons. All water used in excess of 25,000 will be charged at a rate 50% higher than the Stage II rate per 1000 gallons.

Violations for a Stage III Emergency may result in the loss of service. During a Stage III Emergency, the City may curtail service by removing the water meter and capping the service until outstanding accounts have been satisfied per H(4) below. Further violation may result in the loss of service until the State of Emergency is reduced to Stage I.

During a Stage III emergency, no bulk water service is available. A bulk service customer who uses water during a Stage III Emergency shall be charged a rate of 100% higher than the Stage II rate per 1000 gallons and the loss of service until the Emergency level has been removed. Further use shall be considered theft.

- G. At the next regular or special meeting of the City Council following the declaration of an emergency of either stage by the City Administrator, the City Council shall review the findings of fact and declaration of the City Administrator. After making such review, the Council shall either



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confirm the actions of the City Administrator, reduce the stage of emergency or overturn the declaration in its entirety; provided however, that no action of the Council to reduce the stage of emergency declared by the City Administrator or to overturn a declaration of emergency shall be effective unless such action is approved by the majority vote of all the members of the Council then elected or appointed and serving on the Council. Further, no action of the Council in reducing the stage of emergency or overturning the action of the City Administrator in declaring an emergency shall be a defense to a charge of violating the provisions of this Section for acts which occurred after the declaration became effective, but prior to its modification or reversal by the City Council.

H. The following additional provisions shall be applicable to the provisions of this Section:

1. A declaration of emergency made under this Section shall continue in full force and effect unless and until the stage of the declaration is increased or reduced (in which event, the prior declaration shall be superseded as of the date and time of the entry of the new declaration) or released by written order of the City Administrator or reduced or reversed by action of the City Council.
2. In declaring a state of emergency, the City Administrator may, if circumstances justify, make the declaration applicable only for specified hours of the day or for certain specified days.
3. No culpable mental state shall be required for a person charged with the violation of the provisions of this Section to be found guilty of such violation. The owner(s) or occupant(s) of the premises upon which such illegal use shall occur shall also be deemed guilty of a violation occurring upon any such [remises, regardless of the person who shall have committed such illegal use. The preceding sentence shall not be construed as relieving the person actually making such illegal use from responsibility therefore.
4. The water service of any person found guilty of knowingly violating the provisions of this Section may be disconnected from the water distribution system, and if so disconnected, shall not be reconnected until he/she shall have paid all costs of water used and a disconnection/reconnection fee of one hundred dollars (\$100.00) which shall be placed in the City Water Fund.

I. Guidelines and examples for Emergency Declaration Considerations:

Because of continually varying conditions on the water distribution system, weather and other environmental factors, any one or combination of occurrences may be considered as benchmarks for the City Administrator in making an Emergency Declaration. Some examples include:

1. Water level in a well or wells that is reduced to within fifty feet (50') above the top of the pump.



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2. Water usage in excess of pumping capacity for sustained periods beyond normal operations.
3. Storage capacity in one or more towers being reduced during peak periods below minimum levels for sustained periods.
4. System component failure, such as a well pump failure, large water leak or large fire combined with any of 1-3 above or during peak usage times that could cause any of the above factors to occur.

J. City Facilities and Operations

During a declared Water System Emergency all City Departments and facilities shall reduce certain operations that may contribute to further escalation of the emergency. During declared periods, all departments shall:

1. Reduce all outdoor watering to the level implemented for other users. During a Stage I Emergency reduce outdoor watering to only recreational fields, shrubs, flowerbeds and trees.
2. During Stage II and III Emergency, stop all outdoor watering. Cease all non essential outdoor watering of grass areas in yards and open spaces.
3. During all stages cease all vehicle and equipment and other washing except where necessary for operations.
4. During Stage I Emergency, reduce hydrant or system flushing to only essential operations necessary to maintain the health, safety and welfare of the citizens. Increase discretion with increased stages.