

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE 11.01.010, 11.01.235, AND 11.01.285 AND ADDING A NEW SECTION 11.01.287 TO REVISE AND EXPAND LANGUAGE RELATING TO WATER CURTAILMENT AND DECLARING AN EMERGENCY.

WHEREAS, the City of Albany holds a water right permit for 29 cubic feet per second from the South Santiam River; and

WHEREAS, the City of Albany applied for, and received, an extension for perfection of said water right; and

WHEREAS, a condition of approval for the extension requires the City to develop a Water Management Plan; and

WHEREAS, a component of the Water Management Plan is a Water Curtailment Plan; and

WHEREAS, the Water Curtailment Plan will guide the application of curtailment measures identified in the Albany Municipal Code; and

WHEREAS, changes to the existing curtailment language in the Albany Municipal Code are required for consistency with the Water Management Plan.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: Title 11 of the Albany Municipal Code is hereby amended to incorporate the changes noted herein:

11.01.010 Definitions.

For the purposes of this chapter, the words set out in this section shall have the following meanings:

- (1) "Applicant" means a person, corporation, association, or agency applying for water service.
- (2) "Base charge" means a periodic charge for water service charged in addition to the consumption charge.
- (3) "City" means the City of Albany, a municipal corporation of the State of Oregon.
- (4) "Commercial services" means provision of water to mercantile establishments, professional offices, public or governmental buildings, hospitals, retirement homes, churches, motels, manufacturing and processing uses not qualifying as seasonal food processing or industrial service, and to multifamily dwellings and apartment houses except those in which each unit is metered separately. Service to any of the above listed commercial services in combination with any residential use shall also be considered as commercial service.
- (5) "Council" means the City Council of the City of Albany.
- (6) "Customer" means a person, corporation, association, or agency receiving water service.
- (7) "Consumption charge" means a charge placed on every hundred cubic feet (HCF) of water delivered.
- (8) "Cross-connection" means any physical arrangement whereby the public water supply is connected directly or indirectly with any nonpotable or unapproved water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains, or may contain, contaminated water, liquid, gases, sewage, or other waste of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow.
- (9) "Domestic service" means the provision of a metered service to a single living unit for purposes of normal domestic consumption including such uses as sprinkling lawns, gardens, and shrubbery; the watering of livestock; the washing of vehicles; and other similar or customary uses.
- (10) "Drop-in meter service" means a water service that may be provided by installing a meter in an existing meter box or vault at a service location where all of the service connection piping and appurtenances except the meter have previously been installed.
- (11) "Frontage" means the total length for which a parcel abuts one or more than one public right-of-way plus that length for which a public water line is located on (or is proposed to be located on) a parcel.

- (12) "High elevation service areas" means those areas served by the City's water utility that require secondary pumping to provide adequate service.
- (13) "Industrial service" means the provision of water to a customer through a four-inch or larger meter for use in manufacturing or processing activities located on land designated for industrial use in the Albany or Millersburg Comprehensive Plans.
- (14) "Low- and medium-density residential development" means residential development on land designated as R-1 Low Density Residential District or R-2 Limited Multiple Family Residential District by the Albany Development Code (AMC Title 20).
- (15) "Mains" means transmission or distribution pipelines located in streets, highways, and public and private rights-of-way which supply water for general public usage.
- (16) "Maximum flow" means the flow through each meter size as established by the American Water Works Association as listed in AWWA Standards, Section C700, and shown below.

Meter Size Inches	Maximum Flow in Gallons Per Minute
3/4	30
1	50
1-1/2	100
2	160
3	320
4	500
6	1,000
8	1,600
10	2,300

- (17) "Main extensions" means extension of transmission or distribution pipelines, exclusive of service connections, beyond existing facilities.
- (18) "Minimum charge" means the dollar amount charged for water service when the sum of the base charge and the consumption charge for any period is less than the adopted minimum charge for the applicable class of service and meter size.
- (19) "Multiple-blocks" means where more than one service unit exists per water meter.
- (20) "Municipal or public use" means the provision of water to governmental or public entities.
- (21) "Non-drop-in meter service" means a water service which requires installation of any piping or appurtenances before a meter can be provided and connected.
- (22) "Non-essential water use" means water that is not required to maintain public health or safety.**
- (22) (23) "Premises" means the property and/or unit(s) to which water service is being requested, or provided.
- (23) (24) "Rate schedules" means those rates, charges, rentals, and regulations as they are set forth and amended from time to time by the City Council.
- (24) (25) "Regular working hours" means the hours between 8:00 a.m. and 4:00 p.m., Monday through Friday, except City holidays.
- (25) (26) "Seasonal food processing service" means the provision of water to a customer through a two-inch or larger meter for use in primarily summer and fall dry-season food processing activities located on land designated for industrial use in the Albany or Millersburg Comprehensive Plans.
- (26) (27) "Service connection" means the pipes, valves, meter boxes, and appurtenances necessary to supply water from mains through the meter, but this does not include the piping from the meters to the point of service.
- (27) (28) "Service line" means all piping and appurtenances from the meter to the point of service. The service line is privately owned and maintained.
- (28) (29) "Service unit" means each self-contained living unit or independent business activity that is served from a single meter.
- (29) (30) "Temporary service" means service that will not be of a permanent nature such as circuses, fairs, construction, etc.

- (30) (31) "Utility" means the City of Albany, a municipal corporation of the State of Oregon.
- (31) (32) "Water system facility plan" means the current version of the master plan for development of the water system as amended or updated.

11.01.235 Water Management and Conservation-Curtailment Plan.

The City shall ~~has developed~~ a Water Management and Conservation Plan. ~~The Water Management Plan, including includes~~ a Water Conservation and Curtailment Plan, that meets the requirements of OAR 690-086-0160 0140 (Water Management and Conservation Plans: Plan Elements and Standards) (Municipal Water Curtailment Element).

11.01.285 Water curtailment authority.

The Public Works Director ("Director"), ~~or his or her designee~~, upon declaring a **severe** or critical water supply shortage, may activate **some or all of** the mandatory restrictions listed ~~below in 11.01.287~~, **in addition to any other curtailment measures the Director deems necessary to respond to a specific event. In general, the Water Curtailment Plan developed under 11.01.235 will be used to guide activation of curtailment measures.** ~~For weather related supply shortages, curtailment measures will generally be implemented only after outreach and education efforts have failed to achieve the required reduction in water demand. If curtailment measures are activated, The the~~ Director shall immediately notify the City Manager and the City Council of the situation and submit a report at the next available meeting of the City Council.

- (1) ~~No watering or irrigating of lawns, grass, or turf unless it is:~~
- ~~(a) New lawn, grass, or turf that has been seeded or sodded after March 1st of the current calendar year;~~
 - ~~(b) Athletic fields frequently and currently used for organized play;~~
 - ~~(c) Golf course tees and greens; and~~
 - ~~(d) Park and recreation areas of a particular significance and value to the community as approved by the City Manager.~~
- (2) ~~City supplied water shall not be used to clean, fill, or maintain levels in decorative fountains in commercial or institutional settings, except for fountains that recycle their water.~~
- (3) ~~City supplied water shall not be used to wash sidewalks, walkways, streets, driveways, parking lots, or other hard surfaced areas except where necessary for public health or safety.~~
- (4) ~~City supplied water shall not be used to wash vehicles, except for commercial carwash facilities that have water recycling programs.~~
- (5) ~~In the event that a citation is issued during the period of activated emergency measures for a violation of this section or AMC 11.01.230, and the Director determines that a second violation has occurred after the date of the citation and during the same emergency curtailment period, the Director may:~~
- ~~(a) Install a flow restrictor on the street side of the water meter; or~~
 - ~~(b) Terminate water service. (Ord. 5479 § 1, 2001; Ord. 4878, 1989; Ord. 4664, 1985).~~

11.01.287 Water curtailment measures.

The list below contains curtailment measures that may be activated by the Public Works Director ("Director"), or his or her designee, per 11.01.285. Depending on the severity of the event the Director may implement some or all of the curtailment measures. In addition, per 11.01.285, the Director may implement additional curtailment measures not listed below as required to respond to a specific event. Depending on the circumstances, curtailment measures may apply to the entire water system or smaller, more localized, portions of the water system.

- (1) Implement an odd/even watering schedule.
- (2) No watering or irrigating of lawns, grass, or turf unless it is:
- (a) New lawn, grass, or turf that has been seeded or planted after March 1st of the current calendar year;
 - (b) Athletic fields frequently and currently used for organized play;
 - (c) Golf course tees and greens; and
 - (d) Park and recreation areas of a particular significance and value to the community as approved by the Director in consultation with the Parks and Recreation Director.

- (3) City-supplied water shall not be used to clean, fill, or maintain levels in decorative fountains in commercial or institutional settings, except for fountains that recycle their water.
- (4) City-supplied water shall not be used to wash sidewalks, walkways, streets, driveways, parking lots, or other hard-surfaced areas except where necessary for public health or safety.
- (5) City-supplied water shall not be used to wash vehicles, except for commercial carwash facilities that are using water-recycling equipment.
- (6) For City parks supplied by City water, the Parks and Recreation Department shall limit non-essential water use and/or irrigate only during off-peak hours as specified by the Director in consultation with the Parks and Recreation Director.
- (7) Hydrant and water main flushing shall be done for emergencies only.
- (8) All outdoor non-essential water use shall be prohibited except where necessary for public health and safety.
- (9) All large industrial and institutional accounts shall restrict water use to only fire protection and other critical functions as approved by the Director.
- (10) During a catastrophic loss of supply or when a drought declared preference for human consumption is implemented in accordance with OAR 690-019-0070, uses other than for human consumption and emergency services will not be allowed.
- (11) In the event that a citation is issued during the period of activated emergency measures for a violation of this section or AMC 11.01.230, and the Director determines that a second violation has occurred after the date of the citation and during the same emergency curtailment period, the Director may:
 - (a) Install a flow restrictor on the street side of the water meter; or
 - (b) Terminate water service.

Section 2: Inasmuch as this ordinance is necessary for the immediate preservation of the public peace, health, and safety of the city of Albany, an emergency is hereby declared to exist; and this ordinance shall take effect immediately upon passage by the Council and approval by the Mayor.

Passed by the Council: December 7, 2011

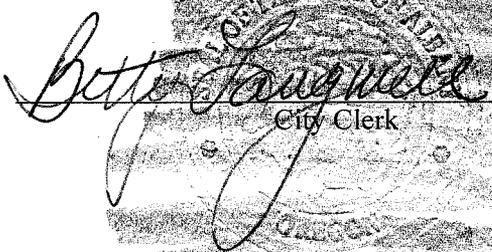
Approved by the Mayor: December 7, 2011

Effective Date: December 7, 2011



 Mayor

ATTEST:



 City Clerk

