

ORDINANCE NUMBER 12-2012

**AN ORDINANCE PROVIDING FOR THE CONSERVATION
AND RATIONING OF WATER**

WHEREAS, the Town of Plainfield (“Town”) owns and operates a public water system that provides public water to users located both inside and outside of the corporate boundaries of the Town; and

WHEREAS, from time to time climatic and other conditions, both natural and man made, may arise or occur which causes a temporary shortage of water; and

WHEREAS, such conditions may affect the Town’s water utility’s ability to provide either an adequate supply of water or may be unable to maintain adequate water pressure in the water system; and

WHEREAS, in such event it is imperative to the well-being of the citizens of the Town that the use of the water, not essential to the health, welfare, and safety of the Town and its citizens, be restricted;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Plainfield:

Section 1. Application. This ordinance shall apply to all persons who are users, customers or water purchasers of the Town of Plainfield’s water utility, unless otherwise excepted by this Ordinance.

Section 2. Definitions. For purposes of this Ordinance, the following terms, phrases and words are defined as follows. Words used in the present tense, include the future, words in the plural include the singular and words in the singular include the plural. The word “shall” is always meant to be mandatory and not merely directory.

Town – is the Town of Plainfield.

Person – is any person, firm, partnership, association, corporation, company, or organization of any kind.

Water – is water from the Town municipal water system.

User/Customer – is any person whose residence and/or business is connected to the water utility, whether legally or illegally.

President – shall mean the president of the Town Council or, in his or her absence, the Vice-President.

Section 3. Declaration of Need for Water Conservation. The President of the Town Council, after consultation with the Director of Public Works, upon determining that the Town municipal water system is in imminent danger of a shortage of water or is experiencing a shortage of water; that it is unable to maintain adequate water pressure in the system; that the water demands of the system exceed the ability to service these demands; that major malfunctions or breakdowns of equipment have occurred or other circumstances have caused an actual or imminent danger to the water supply; the President may declare a water conservation emergency and establish the level of conservation appropriate to the existing circumstances. The level of conservation declared shall remain in effect for seven (7) days subject to extensions of like periods. However, no level of conservation shall be extended more than three consecutive times without the consent of the Board of Trustees.

Section 4. Levels of Conservation. In order to implement a water conservation program appropriate to the needs of the water utility and its users, the following levels of conservation are established:

- Level 1 – Voluntary Conservation.
- Level 2 – Restricted Water Use.
- Level 3 – Prohibited Water Use.
- Level 4 – Water Rationing.

Section 5. Level 1 – Voluntary Conservation. Level 1 – Voluntary Conservation shall be comprised of the following:

1. Requesting that the users engage in a conscious effort to reduce water consumption by practicing such voluntary water conservation techniques as will be helpful in managing the existing water shortage.
2. Suggesting reasonable and meaningful actions that users can take which will be beneficial to the alleviation of the existing water shortage.

Section 6. Level 2 – Restricted Use. Level 2 – Restricted Use shall be comprised of methods restricting water usage by users to such times, terms and conditions as the President initially or Town Council thereafter shall determine appropriate. Level 2 does not contemplate a severe water shortage, but rather that mandatory conservation methods must be imposed to insure adequate water supply or pressure for future needs. Restricted Use may include, but not be limited to any or all of the following:

1. Sprinkling, watering or irrigating of shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens, vegetables, or any other vegetation.

2. Washing of automobiles, trucks, trailers, mobile homes, railroad cars or any other type of mobile equipment, except as required by applicable local, state or federal law for health and safety reasons.
3. Cleaning of outdoor surfaces such as sidewalks, driveways, filling station aprons, paved areas, structures, buildings, porches or other outdoor surfaces.
4. Washing and cleaning of any business equipment or machinery.
5. Filling empty swimming pools.
6. Using hydrants except for fire suppression or as otherwise directed by the Town.
7. Operating water fountains that are non-recycling.
8. Limitation on amounts by contract purchasers.

Section 7. Level 3 – Prohibitive Use. Level 3 – Prohibitive Use shall be comprised of the following:

1. Level 3 prohibitions may include any or all of the water usage restrictions listed in Section 6.
2. Users may be subjected to additional prohibitions as determined by the President or the Town Council as conditions and needs dictate.

Section 8. Level 4 – Rationing. In addition to the water use prohibitions indentified in Section 6 and Section 7, and in accordance with Section 9, users shall be limited to water use per the following schedule:

1. Residential use shall be limited to one hundred and five (105) gallons of water per dwelling unit per day.
2. Apartment buildings, apartment complexes, and multi-family dwellings with a single water meter shall be limited to a total consumption not to exceed one hundred and five (105) gallons per dwelling unit per day.
3. Business, commercial, and industrial users shall be limited to sixty-five percent (65%) of the volume of water used during the corresponding month of the preceding year. Business, commercial, and industrial users that were not in business and operating in the area served by the Town water utility more than one year period to the declaration of need shall be restricted to sixty-five percent

(65%) of the average monthly volume of water used during the number of months such business, commercial, or industrial users was in business and operating in the Town.

4. Contract purchasers may be limited to up to fifty (50%) percent of their volumes provided by contract as determined by the Town Council.
5. Nothing in Section 7 shall prevent the Town Council from imposing more restrictive water rationing measures.

Section 9. Notice of Water Conservation Level to Users. In order to inform users of the water conservation level in effect, the water utility shall give its users notice as soon as it is practical. Notice of Level 1, 2 and 3 shall be by publication in a local newspaper of general circulation or by other means as deemed appropriate by the President or the Town Council. Level 1, 2 and 3 notice shall be effective upon publication. Notice of Level 4 shall be sent by the water utility to each user, at their last known address, by first class mail, postage prepaid. Notice of Level 4 shall be deemed effective at noon the third day after depositing same in the United States Mail.

Section 10. Exceptions. The Town Council reserves the right to establish alternative water conservation and rationing requirements for the following:

1. Health Care providers.
2. A reasonable use of water to maintain adequate health and sanitary standards.
3. Those industrial and agricultural activities declared by the Town Council to be necessary for the public health and well being.
4. Automatic commercial car washes using a majority of recycled water and golf courses.
5. Contract purchasers.

Section 11. Enforcement. Any person violating the provisions of Level 2 and 3, shall be subject to a first time written warning by either the Town of Plainfield Metropolitan Police Department or a Water Utility employee or such other duly authorized and designated employee of the Town. In the event said user violates the water conservation restrictions imposed by Level 2 or 3 a second time, that person shall be cited with a written citation and subject to a fine up to One Hundred Dollars (\$100.00). All subsequent violations by a user of Level 2 or 3 shall be subject to a fine of no less than Two Hundred Fifty Dollars (\$250.00) nor more than Twenty-Five Hundred Dollars (\$2,500.00) for each violation.

A person who violates water conservation Level 4 shall be cited by the Town of Plainfield Metropolitan Police Department or Water Utility

employee, or such other duly authorized and designated employee of the Town, with violation of this Ordinance. A fine may be imposed against said violator in the sum of up to Five Hundred Dollars (\$500.00). Additionally, the Water Utility may disconnect the water service to any such user or customer, at the time the citation is issued, or as soon thereafter as possible. Water service for said violator shall be reconnected upon the payment of a reconnection fee in the sum of One Hundred Dollars (\$100.00).

Section 12. Saving Clauses. If any provision of this Ordinance shall be declared by any court of competent jurisdiction to be void or unenforceable, the same shall not affect the remaining paragraphs or provisions in this Ordinance.

Section 13. Repeal of Ordinance 5-88. Ordinance 5-88, An Ordinance Providing for the Conservation and Rationing of Water is repealed upon the effective date of this Ordinance. All other ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 14. Effective Date. This Ordinance shall be in full force and effect from and after its passage by the Board of Trustees and any publication required by law.

27th PASSED AND ADOPTED by the Town Council of the Town of Plainfield, Indiana, this day of August, 2012.

TOWN COUNCIL, TOWN OF PLAINFIELD,
HENDRICKS COUNTY, INDIANA

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ATTESTED BY:
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Clerk Treasurer, Town of Plainfield