

ORDINANCE NO. 88-16

AN ORDINANCE PROVIDING FOR THE CONSERVATION, RATIONING AND
RESTRICTION OF USE OF WATER FURNISHED BY THE CITY OF LEBANON
AND FIXING THE TIME WHEN THE SAME SHALL TAKE EFFECT

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF LEBANON, STATE OF INDIANA,

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

WHEREAS, these conditions may affect the City of Lebanon's public water system's ability to provide either an adequate supply of water or where the public water supply may be unable to maintain adequate water pressure in the water delivery system; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF LEBANON, INDIANA, as follows:

SECTION 1. Definitions. For the purposes of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

1. "City" is the City of Lebanon, State of Indiana.
2. "Person" is any person, individual, firm, partnership, association, corporation, company or organization of any kind.
3. "Water" is water from the City of Lebanon municipal utility system.
4. "User" is the person, individual, firm, partnership, association, corporation, company or organization in whose name the Lebanon Municipal Utilities maintains water service, or anyone who receives the use and benefit of water service, which service is registered in another person, individual, firm, partnership, association, corporation, company or organization's name of any kind.

SECTION 2. Application. The provisions of this ordinance shall apply to all persons, individuals, firms, partnerships, associations, corporations, companies or organizations of any kind connected to the Lebanon Municipal Utility public water system or which may be using water therefrom.

SECTION 3. Levels of Conservation.

- (A) Level 1. Voluntary Conservation
- (B) Level 2. Restricted Use.
- (C) Level 3. Prohibited Use.
- (D) Level 4. Rationing.

SECTION 4. Declaration of Need for Water Conservation. Upon determining that the City of Lebanon municipal utility water system is in imminent danger of a shortage of water or is experiencing a shortage of water, is unable to maintain adequate water pressure in the system, the water demands of the system exceed the ability to service those demands, major malfunctions or breakdowns of equipment have occurred or other circumstances have caused an actual or imminent danger to the water supply, then, and in any of those events, the Common Council shall declare a water conservation emergency and establish the level of conservation appropriate to the then existing circumstances. The level of conservation so declared shall remain in effect for a period of fourteen (14) days subject to extensions of like periods. No level of conservation shall be extended more than three times without the consent of the Common Council. Inasmuch as the City of Lebanon has established by ordinance, a Municipal utilities Service Board, which has the responsibility for management and overseeing the public water supply, the Council shall seek periodic reports and recommendations from said Municipal Utilities Service Board in the interest of preservation and protection of the municipal water supply.

SECTION 5. Notice. Notice of Level 1, 2, 3 and level 4 shall be by publication in a newspaper of general circulation within the community. Notice of Level 3 and Level 4 first violations shall be by written warning to the user, which shall inform the user of the adopted restrictions and potential sanctions for future violations of the restrictions. No fines or penalties shall be imposed for the first offense, however, after receiving a written warning pursuant to this section, the sanctions discussed in Sections 8 and 9, infra, shall be enforceable against a user. Notice of Level 1, 2, 3 and 4 shall be effective upon notice to the local newspaper and by posting the same in each district or in three public places within the community.