

## INDIANA SUGGESTED MODEL ORDINANCE

### Preamble

The Local Unit of Government recognizes that water is a scarce and valuable natural resource that should be used wisely by all residential, commercial, industrial, agricultural, and recreational consumers. Water is needed to maintain in-stream flows in rivers and creeks, provide aquatic habitat, and maintain the diversity of plant and animal species. Consequently, all citizens should practice wise water use during periods of water abundance and water shortage. Wise water use will enable the Local Unit of Government to maximize the many values that water provides to all users, while minimizing the frequency, duration, and severity of water shortages. The Local Unit of Government believes also that the best way to achieve wise water use among all consumers is to provide the information, incentives, and technical support needed to motivate adoption of desirable water management practices. The appropriate combination of information, incentives, and technical support shall be considered to be the Local Unit of Government “Water Management Strategy” that will be implemented in perpetuity, subject to modification through the legislative process, over time. The Local Unit of Government goal is to implement and promote a comprehensive plan that encourages wise water use in all years, regardless of whether annual or seasonal water supplies are abundant or scarce. Implementing the Local Unit of Government Water Management Strategy will:

1. Increase public awareness regarding the general scarcity and value of water resources,
2. Improve public knowledge and understanding of methods for using water wisely,
3. Provide economic incentives for all consumers to implement desirable water management practices,
4. Enhance the sum of net benefits (both financial and non-financial) obtained from the local and regional water resources,
5. Reduce the frequency, duration, and severity of seasonal and other short-term water shortages, and
6. Promote economic development that is consistent with the Local Unit of Government long-term water supply outlook.

The Local Unit of Government recognizes that seasonal and other short-term water shortages likely will occur in the future, with or without implementation of a Water Management Strategy. When shortages occur, it may become necessary to implement measures that enable the Local Unit of Government to allocate scarce water supplies among competing users. For example, it may become necessary for the Local Unit of Government to ensure that hospitals and public safety agencies are given priority access to water supplies, while other users are given lower priority. It also may become necessary for the Local Unit of Government to impose restrictions on selected uses of water, such as irrigating lawns or washing cars. The Local Unit of Government also

should seriously consider raising the price of water substantially during shortages to encourage meaningful reductions in water use.

This Ordinance describes a suite of measures including good management practices at all times, potential price increases for water during times of severe shortage, and enforced rationing during periods of extreme water shortage. While some of these measures may not apply in all locations or situations, the purpose of the measures is to encourage wise use of the resource and to minimize the negative impacts of seasonal or short-term water shortages. The Local Unit of Government's goal is to develop and implement a comprehensive Water Management Strategy that will minimize the need for more restrictive measures described in the Ordinance. The Local Unit of Government recognizes that information, incentives, and technical support are much more effective in encouraging wise water use than mandates regarding either voluntary or required changes in water use. Mandates will be implemented only as a last resort or temporary approach to allocating water during periods of severe water shortage. At all other times, the Local Unit of Government expects residents to use water wisely, and the Local Unit of Government will continually assist all water consumers in implementing desirable water management practices, as described in the Local Unit of Government's Water Management Strategy.

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An ordinance for the effective management of water furnished by the Local Unit of Government

BE IT ORDAINED by the Local Unit of Government

WHEREAS, both natural and man-made conditions, may arise or occur which cause a temporary shortage of water; and

WHEREAS, such conditions may affect the Local Unit of Government public water system's ability to provide an adequate supply of water or where the public water supply may be unable to maintain adequate water pressure in the delivery system; and

WHEREAS, in such event it is imperative to the well being of the residents of the Local Unit of Government that uses of water not essential to the health, welfare and safety be restricted,

NOW THEREFORE, BE IT ORDAINED by the Local Unit of Government

**Section 1.** *Application.* This ordinance shall apply to all persons, firms, partnerships, corporations, company or organizations connected to the Local Unit of Government public water system or using water therefrom (hereafter, users).

**Section 2.** *Declaration of Need.* Upon determining that the Local Unit of Government public water system is in a condition of water shortage, the Local Unit of Government shall declare a water conservation emergency and establish the appropriate measures and the duration thereof.

**Section 3.** *Conservation Measures.* Practices that conserve water should be used at all times. Examples of conservation measures include:

- a. Judiciously sprinkling, watering, or irrigating shrubbery, trees, grass, ground covers, plants, vines gardens, vegetables, or any other vegetation; Eliminating wasteful sprinkling of impervious surfaces, such as streets and sidewalks;
- b. Limiting water use while washing trucks, trailers, mobile homes, railroad cars or any other type of mobile equipment;
- c. Limiting water use while cleaning sidewalks, driveways, paved areas, or other outdoor surfaces;
- d. Repairing or replacing leaking water fixtures and service lines;
- e. Using appliances such as clothes washers and dishwashers only when they are full;
- f. Turning off the water while brushing teeth or shaving;
- g. Using a higher lawnmower setting to provide natural ground shade and promote the soil's water retention;
- h. Washing cars with a bucket of soapy water and using a nozzle to stop the flow of water from the hose between rinsing;
- i. Covering swimming pools when not in use to reduce evaporation.

**Section 4.** *Voluntary Conservation.* During moderate water shortages users shall be requested to reduce water consumption by practicing voluntary conservation. The Local Unit of Government shall identify reasonable and meaningful conservation techniques and provide such information to users. The Local Unit of Government may also implement conservation pricing and prohibitions to encourage water conservation.

**Section 5.** *Mandatory Conservation.* During severe water shortages users shall be prohibited from selected water uses subject to reasonable terms, times and conditions as the governing body shall adopt and append to this document.

**Section 6.** *Rationing.* In addition to mandatory conservation measures users shall be limited during extreme water shortage to water use by the following schedule:

- a. Residential use shall be limited to \_\_\_\_\_ gallons per residential unit per day.
- b. Business, commercial, agricultural, and industrial users shall be limited to the volume of water deemed to be essential.

**Section 7.** *Exceptions.* The Local Unit of Government shall establish rationing exemptions necessary to provide for the maintenance of adequate health, safety, and sanitary conditions.

**Section 8.** *Notice.* Notice of the need for voluntary conservation measures shall be issued in a local newspaper of general circulation or other means such as radio and television as deemed appropriate by the governing body. Notice shall be effective upon issuance.

Notice of mandatory conservation or rationing shall be by first class United States mail, or by other door to door distribution to each current user, and by electronic and print media. Notice shall be deemed effective at the conclusion of door to door distribution or at noon of the third day after depositing notice in the United States mail.

**Section 9.** *Enforcement.* Any user who violates Section 5 or 6 of this ordinance may be punished by a fine of not more than \$2,500 (*see IC 36-1-3-8 (a)(10)(B)*). Each day of violation shall constitute a separate offense. In addition to, or in the alternative to, a fine, water service may be terminated for any user who violates Section 4 or 5 of this ordinance

**Section 10.** *Effective date.* This ordinance shall be in full force and effect upon passage.

Passed and adopted by the Local Unit of Government on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

## **Glossary of Terms**

**Local Unit of Government:** Any county or municipality having the ability to promulgate ordinances including those having enforceable penalties related to water use.

**Voluntary Conservation:** Compliance with a local unit of government's request to reduce water use.

**Mandatory Conservation:** Compliance with a local unit of government's imposition of requirements that are designed to reduce certain kinds and types of water use.

**Water Rationing:** Compliance with a local unit of government's imposition of restrictions that will reduce demand for water to a maximum allowable quantity within a finite time interval (e.g.; gallons per person per day).

**Water Management Strategy:** A plan adopted by a local unit of government together with its water resource manager or utility to reduce the demand upon both raw water supply and treated or finished water.

**Finished Water:** Water treated in a manner that it is suitable for human consumption.

**Treated Water:** Water treated in a manner that it is suitable for human consumption or for another designated use.