ORDINANCE NO. 99-14

"WATER CONSERVATION ORDINANCE"

AN ORDINANCE ESTABLISHING WATER CONSERVATION MEASURES FOR THE CITY OF MULBERRY; PROVIDING REGULATION FOR ENFORCEMENT AND PENALTIES FOR VIOLATION THEREOF; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, The Water Treatment Plant of the City of Mulberry has reached full treatment capacity, and;

WHEREAS, the demand continues to exceed the water production capability of the City Water Treatment Plant, and;

WHEREAS, the level of water in the City water storage tanks has continually decreased over the past several days, and;

WHEREAS, it is the responsibility of the City to provide an adequate quantity of potable water to the citizens of Mulberry in accordance with Arkansas Department of Health regulations, and;

WHEREAS, measures must be taken to immediately decrease potable water useage in the City of Mulberry, and;

WHEREAS, extreme heat conditions are forecasted to continue for several weeks:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MULBERRY, ARKANSAS:

SECTION 1. That when conditions exist, that may cause loss of water pressure or volume to customers of the City Water System, that a Conservation Order may be issued as regulated in the following Sections and sub-sections of this ordinance.

SECTION 2. <u>Authority to Issue Order</u>

(A) The duly elected or appointed Mayor is hereby granted authority to issue, at his discretion, the above said order at any time he deems necessary for the reason of maintaining adequate water pressure

and supply for basic human needs and to provide an adequate supply for fire protection of the City of Mulberry.

(B) In the absence of the Mayor or when the Mayor is unable to be contacted, by all reasonable means of communication, the Water Department Supervisor may, at their discretion, issue the above said order.

SECTION 3. The "Conservation Order" may limit the following types of water use:

(A) Outdoor watering of grass, trees, plants, bushes and other items in all zoning classes of the City of Mulberry.

(B) Washing of vehicles, equipment, houses, porches, driveways, buildings and other attachments.

(C) Non vital Industrial or Commercial use, at the discretion of the issuing official.

(D) Other items, as specifically designated in the Conservation Order.

SECTION 4. That when a Conservation Order is signed into effect, it will be posted for public inspection at the City Offices and a copy will be forwarded to area news media.

SECTION 5. Penalties and Enforcement

(A) It will be the responsibility of the City Police Department to enforce the above said ordinance.

(B) That when a violation of this ordinance exists, the Police Department may issue a warning to the violator. If the violation continues, the officer shall issue a criminal summons to the violating party to appear before the City Court.

(C) The penalty for violating this ordinance shall be fixed as not less than $25.00 and not more than $200.00, and may be deemed, by the City, a separate offense for each day the violation exists.

SECTION 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7. If any provision of this ordinance is held

invalid or unconstitutional, it shall be deemed severable and separable, and the remaining provisions shall remain in full force and effect.

SECTION 8. It is hereby ascertained and declared that in order to facilitate prompt action to the City's water crisis and thereby insure an adequate potable water supply for the inhabitants and customers of the City of Mulberry, Arkansas, an emergency is declared to exist. The provisions of this ordinance, being necessary for the preservation of the public health, shall be in full force and effect from and after their passage and approval.

PASSED AND APPROVED THIS 3RD DAY OF AUGUST, 1999.

APPROVED: _____
Jeff Marvin, Mayor

ATTEST: _____
Joe Benham, Recorder-Treasurer

CITY OF MULBERRY SEAL MULBERRY, ARK.