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MCLEAN COUNTY FISCAL COURT

ORDINANCE NO. _____

PUBLIC SERVICE COMMISSION

AN ORDINANCE RELATING TO THE CONSERVATION OF WATER SHORTAGE DURING AN (ADVISORY, ALERT, OR EMERGENCY PHASES) An Ordinance authorizing the declaration of a water shortage; establishing procedures and measures for the essential conservation of water resources; authorizing the issuance of administrative regulation; and prescribing certain penalties. BE IT ORDAINED by the fiscal court of the County of McLean, Commonwealth of Kentucky.

SECTION 1. Purpose

The purpose of this ordinance is to provide for the declaration of official phases of water supply shortage situations and the implementation of voluntary and mandatory water conservation measures throughout that portion of McLean County served by the North Mclean County Water District in the event a shortage is declared. Nothing in this ordinance shall be construed to interfere with common law riparian or statutory water rights

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SECTION 2. Definitions

- (a) "Person" as the term is used in this ordinance includes an individual, corporation, partnership, association, firm or any other legal commercial entity.
(b) "Customer" as the term is used in this ordinance, shall mean any person, company or water district using water for any purpose from the North McLean County Water District distribution system and for which either a regular charge is made or, in the case of bulk sales, a cash charge is made at

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By: [Signature] PUBLIC SERVICE COMMISSION MANAGER

the site of delivery.

(c) "Other sources of water" as the term is used in this ordinance, shall mean water that has not been introduced by the North McLean County Water District into its water distribution system.

(d) "Raw water supplies" as the term is used in this ordinance, shall mean all water potentially available to persons served by North McLean County Water District.

(e) "Treated Water" as the term is used in this ordinance, shall mean water that has been introduced by North McLean County Water district into its distribution system, including water offered for sale. Uses of treated water are classified as follows:

(f) "Water Board" or "Board" as the terms are used in this ordinance shall mean the Board of Commissioners of the North McLean County Water District.

ESSENTIAL WATER USES (CLASS 1):

The following uses of water, listed by site or type, are essential.

Domestic

Water necessary to sustain human life and the lives of domestic pets, and to maintain minimum standards of hygiene and sanitation.

Health Care Facilities

Patient care and rehabilitation including filling and operating of swimming pools for health purposes only at an established health care facility.

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BY: Charles Heller
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Water Hauling

Sales for domestic use where not reasonably available elsewhere.

Public Use

Firefighting, Health and public protection purposes, if specifically approved by health officials and water board.

Agricultural livestock maintenance, held to the minimum only to maintain life, as long as residents are not without water.

SOCIALLY OR ECONOMICALLY IMPORTANT USES OF WATER (CLASS 2):

The following uses of water, listed by site or user type, are socially or economically important:

Domestic

Personal, in-house water use including kitchen, bathroom and laundry.

Water Hauling

Non-domestic, when other sources are not reasonably available elsewhere. (Restricted for use in McLean County).

Commercial and Civic Use

Commercial car and truck washes, laundromats, restaurants, clubs and eating places, schools, churches, motels, hotels, and similar commercial establishments.

Outdoor Non-Commercial Watering

Minimal watering of vegetable gardens, minimal watering of trees when necessary to preserve them.

Outdoor Commercial or Public Watering (using conservation methods

when other sources of water are not available or feasible

use).

Agricultural irrigation for the production of food and fiber or

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watering by arboretums and public gardens of national, state, regional or community significance where necessary to preserve specimens, watering by commercial nurseries at a minimum level necessary to maintain stock. Watering at a minimum rate necessary to establish or maintain revegetation or landscape planting required pursuant to law or regulation, watering woody plants where necessary to preserve them.

Recreational

Operation of municipal swimming pools and residential pools that serve more than 25 dwelling units.

Air Conditioning

Refilling for start up at the beginning of the cooling season, makeup of water during the cooling season, refilling specifically approved by health officials and the minimal governing body, where the system has been drained for health protection or repair services.

NON-ESSENTIAL (CLASS 3):

Any waste of water, as defined herein, is non-essential. The following uses of water, listed by site or user type, are non-essential.

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Public Use

Use of fire hydrants (excluding Class I and Class II uses), including use of sprinkler caps, testing fire apparatus and fire department drills, flushing of sewers and hydrants except needed to ensure public health and safety as approved by health officials, the County governing bodies and North McLean Board.

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BY: Shirley Deller
PUBLIC SERVICE COMMISSION MANAGER

Commercial and Civic Use

Serving water in restaurants, clubs, or eating places, except by customer request, failure to repair a controllable leak, increasing water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support fish and wildlife, Spraying for crops, and drilling and production of minerals.

Ornamental Purposes

Fountains, reflecting pools and artificial waterfalls.

Outdoor watering

Use of water for dirt control or compaction, watering of annual or non-woody plants, lawns, parks, golf course and greens, playing fields and other recreational areas. Washing sidewalks, walkways, driveways, parking lots, tennis course or other hard-surface areas, washing down buildings or structures for purposes other than immediate fire protection, flushing gutters or permitting water to run or accumulate in any gutter or street.

Outdoor Commercial or Public Watering

Expanding nursery facilities, placing new irrigated agricultural land in production, or planting of landscaping except when required by a site design review process, use of water for dirt control or compaction, watering of lawns, parks, golf course fairways, playing fields and other recreational areas. Washing sidewalks, walkways, driveways, parking lots, tennis courts or other hard-surface areas, washing down buildings or structure for purposes other than immediate fire protection, flushing gutters or permitting water to run or accumulate in any gutter or street.

Recreational uses other than those specified in Class II.

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BY: Sharon Hallett
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Non-Commercial washing of motor or other vehicles.

Air Conditioning (See also Class II Purposes):

Refilling cooling towers after draining.

(e) "Waste of Water" as the term is used in this ordinance, includes, but is not limited to.

(1) permitting water to escape down a gutter, ditch, or other surface drain, or

(2) failure to repair a controllable leak of water due to defective plumbing.

(f) Water Shortage Response Phases

"Advisory" as the term is use in this ordinance, shall means that conditions exist which indicate the potential for serious water supply shortages.

"Alert" as the term is used in this ordinance, shall means that raw water supplies are consistently below seasonable averages, and if they continue to decline, may not be adequate to meet normal needs.

"Emergency" as the term is used in this ordinance, shall means that water supplies are below the level necessary to meet normal needs and that serious shortages exist in the area.

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SECTION 3. Declaration of a Water Shortage Advisory

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Whenever the Water Board, the public purveyor of potable water in McLean County, finds that a potential shortage of the supply of treated water exists or will exist, upon written certification thereof to the County Judge/Executive of the McLean County Fiscal Court, the County Judge/Executive may publicly

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declare a WATER SHORTAGE ADVISORY.

The Maintenance Superintendent of the Water Board shall, on a daily basis, monitor the supply and demands upon that supply. In addition, the Judge/Executive is authorized to call upon all water customers to employ voluntary conservation measure to limit non-essential (Class 3) water use and eliminate the waste of water. This resolution shall be published in the official county newspaper and may be publicized through the general news media or any other appropriate method for making such resolutions public.

SECTION 4. Declaration of a Water Shortage Alert

Whenever the Water Board, the public purveyor of potable water in McLean County, finds that a condition exists where it will not be able to meet the expected needs of its customers, upon written certification thereof to the county Judge/Executive, the County Judge/Executive may publicly declare a WATER SHORTAGE ALERT.

The County Judge/Executive shall continue to encourage voluntary water conservation measures defined under the Advisory declaration, and further shall impose a ban on all non-essential (Class 3) water uses for the duration of the shortage until it is declared to have ended by resolution of the governing body.

Declaration of these resolutions shall follow the guidelines in Section 3 of this ordinance.

SECTION 5. Declaration of a Water Shortage Emergency

Whenever the Water Board, the public purveyor of potable water in McLean County, finds that the Water Board is unable to

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meet the expected needs of its customers and that such a condition will exist for some period of time in the future, and upon written certification thereof to the County Judge/Executive, the County Judge/Executive may publicly declare a WATER SHORTAGE EMERGENCY.

Essential Uses (Class 1) shall be identified, in specific, as targets for voluntary conservation initiatives. Also, all Socially or Economically Important Uses (Class 2) shall be banned in addition to the Non-Essential Uses (Class 3). These restrictions shall be considered on going until the emergency is ended by resolution of the governing bodies. Declaration of these resolutions shall follow guidelines in Section 3 of this ordinance.

SECTION 6. Regulations

During the effective period of any water supply shortage as provided for in Section 3-5, the County Judge/Executive or Water Board is empowered to promulgate such regulations as may be necessary to carry out the provisions of this ordinance, any water supply shortage resolution. Such regulations shall be subject to the approval of the governing bodies at its next regular or emergency meeting.

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SECTION 7. Cancellation of Declarations

The declaration of a water shortage advisory, water shortage alert, or water shortage emergency shall continue until the Water Board finds that the conditions calling for the declaration no longer exists, and upon written certification thereof to the County Judge/Executive, the County Judge/Executive may publicly

declare the condition no longer existing

SECTION 8. Penalties

Any person who violates any provision of Sections 4 or 5 may be subject to disconnection of their water services by the Water Board. The utility providing the service may be permitted a reconnection fee pursuant to its' tariff schedule. Said disconnection may be made by employees of the utility providing the service if violation of section 4 or 5 are committed in their presence.

Further, any person who violates the provisions of Section 4 shall upon conviction be fined not to exceed \$250.00.

Further, any person who violates the provisions of Section 5 shall upon conviction be punishable by a fine not to exceed \$500.00 and/or up to ninety (90) days imprisonment. Each day in violation of Sections 4 and 5 of this ordinance shall constitute a separate offense.

SECTION 9. Severability

If any provision of this ordinance is declared unconstitutional, or the application thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the ordinance and its applicability to other persons and circumstances shall not be affected thereby.

SECTION 10. Effective Date

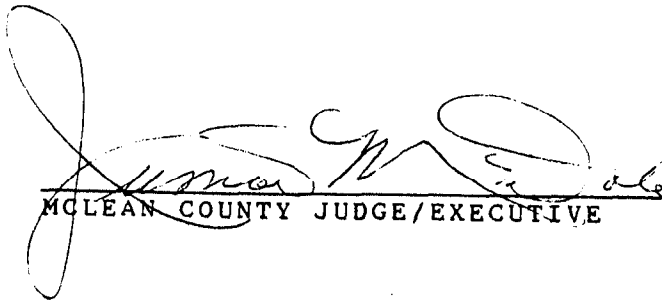
This ordinance shall take effect immediately upon adoption or passage according to law.

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BY: Shawn Deller
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Approved by the Fiscal Court of McLean County on the first reading on the 23rd day of December, 1992, and Adopted by the Fiscal Court of McLean County on the second reading on the 19th day of January, 1993.

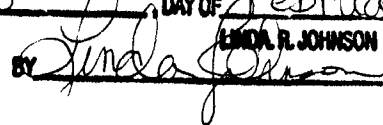


MCLEAN COUNTY JUDGE/EXECUTIVE

ATTEST:



MCLEAN COUNTY CLERK

STATE OF KENTUCKY, COUNTY OF McLEAN-SCT
I, LINDA R. JOHNSON, CLERK OF McLEAN COUNTY, DO CERTIFY THAT THE FOREGOING INSTRUMENT IS A TRUE AND CORRECT COPY, ACCORDING TO RECORD IN Fiscal Ct BOOK 13, AT PAGE 414 IN AFORESAID OFFICE
GIVEN UNDER MY HAND THIS 15th DAY OF February, 1993
BY  LINDA R. JOHNSON D.C.

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