

**ORDINANCE NO. 353
CITY OF DUFUR, OREGON**

**AN ORDINANCE PROVIDING FOR WATER CURTAILMENT DURING DROUGHT
AND OTHER EMERGENCY TO BE ADDED TO CHAPTER 51 OF THE CODE OF
THE CITY OF DUFUR AND DECLARING AN EMERGENCY**

WHEREAS, the Code of the City of Dufur, Chapter 51, provides rules and regulations regarding water regulation in the City of Dufur (“City”);

WHEREAS, the City recognizes that water shortage emergency conditions exist in the City of Dufur when the City’s water systems are not able to keep up with demand in accordance with standards set by the City’s Public Works Department;

WHEREAS, during such times that there are water shortage conditions, the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the City to the extent that the water supply is insufficient for human consumption, sanitation, fire protection, and aquatic life protection; and

WHEREAS, the City finds that City and the territory immediately surrounding the City are in the midst of fire season and the season of high water usage; therefore, an emergency is declared to exist.

NOW, THEREFORE, the City of Dufur ordains as follows:

Section 1: Chapter 51 of the Code of the City of Dufur is amended to include the following provisions:

Water Restrictions

§ 51.60 PURPOSE AND INTENT

The City hereby declares that water shortage emergency conditions exist in the City of Dufur when the City’s water systems are not able to keep up with demand in accordance with standards set by the City Public Works Department. City consequently acknowledges that during such times that the water system is unable to maintain adequate supply, that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the City to the extent that there would be insufficient water for human consumption, sanitation, fire protection and aquatic life protection.

In order to conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, fire protection, safety, and aquatic life protection, the City

adopts this section of regulations and restrictions on the delivery and consumption of water during drought conditions.

§ 51.61 DEFINITIONS

For the purpose of this section, the following definitions apply:

CUSTOMER means any person designated in City records to receive City of Dufur water service.

CITY COUNCIL means the Common Council of the City of Dufur, or any authorized designee of the City of Dufur designated by the Council.

PERSON means any person, firm, entity, partnership, association, corporation, company, or organization of any kind.

WATER means water from the City of Dufur, unless expressly provided otherwise or required by contract.

WATER CURTAILMENT MEASURES means any restrictions or rules set forth in this section to address the First, Second, Third, or Fourth Levels of Concern set forth herein.

FIRST LEVEL OF CONCERN means when City well pumps run more than 12 ½ hours in any 24 hour period. The First Level of Concern for the South Basin system is when more than 35,000 gallons of water are used within any 24 hour period.

SECOND LEVEL OF CONCERN means when City well pumps run more than 13 hours in any 24 hour period. The Second Level of Concern for the South Basin system is when more than 36,500 gallons of water are used within any 24 hour period.

THIRD LEVEL OF CONCERN means when City well pumps run more than 14 hours in any 24 hour period. The Third Level of Concern for the South Basin system is when more than 38,000 gallons of water are used within any 24 hour period.

FOURTH LEVEL OF CONCERN means when City well pumps run more than 15 hours in any 24 hour period; more than 40,000 gallons of water are used in the South Basin within any 24 hour period; or when the State of Oregon declares a drought emergency in Wasco County, Oregon.

§ 51.62 APPLICATION AND PROCEDURE

(A) The provisions of this section shall apply to all persons and customers using water provided by the City of Dufur at such times as City well pumps have difficulty keeping up with demand or water usage in the South Basin reaches unsustainable thresholds. Upon implementation of Water Curtailment Measures, such measures shall remain in effect until water usage has decreased

below trigger levels for a continuous 72 hours as verified by the City's Public Works Department. The City may declare different Levels of Concern for City service and South Basin service.

(B) The penalty provisions of this Ordinance will not be enforced unless and until public notices have been posted in at least three (3) public places or notice has been published in the local newspaper after the first confirmation of Second, Third, or Fourth Level of Concern conditions. Notice shall be reposted or republished for each separate occurrence of Second, Third, or Fourth Level of Concern conditions following a non-drought period.

§ 51.63 LEVELS OF CONCERN

There are four levels of concern depending on the status of the City's usage. For each Level of Concern, water restrictions will be progressively restrictive.

§ 51.64 REGULATION OF WATER USAGE FOR EACH LEVEL OF CONCERN

(A) *First Level.* During First Level of Concern conditions, persons and customers are requested to voluntarily reduce their water use. The City may issue a formal or informal request for such reduction, including a summary of the water level condition, the reason for the requested curtailment, and a warning that mandatory curtailment will be required if the voluntary measures do not sufficiently reduce water usage to pre-level of concern amounts within three (3) days.

(B) *Second Level.* During Second Level of Concern conditions, no person or customer shall sprinkle, water, or irrigate any shrubbery, trees, lawns, grass, groundcover, plants, vines, gardens, vegetables, flowers, or any other vegetation, except as follows:

(1) Irrigation, sprinkling, and/or watering are only permitted between 7 p.m. and 6 a.m. by residences with an odd street address on odd-numbered calendar days.

(2) Irrigation, sprinkling, and/or watering are only permitted between 7 p.m. and 6 a.m. by residences with an even street address on even-numbered calendar days.

(C) *Third Level.* During Third Level of Concern conditions, no person or customer shall sprinkle, water, or irrigate any shrubbery, trees, lawns, grass, groundcover, plants, vines, flowers or any other vegetation. Direct hand watering of food producing plants (herbs, fruit, and vegetables) shall be permitted.

(D) *Fourth Level.* During Fourth Level of Concern conditions, there is imposed on persons and customers a mandatory reduction in water usage as follows:

(1) No person or customer shall sprinkle, water, or irrigate any shrubbery, trees, lawns, grass, groundcover, plants, vines, flowers or any other vegetation.

(2) For residential customers, the City may issue a maximum daily allotment for water use per meter. A person or customer who exceeds the maximum daily allotment shall be subject to the penalty and excessive use surcharge provisions of this section.

(3) The City may require the use of shower flow restrictors, toilet damming devices, or other water conservation devices.

(4) Bulk water sales shall be suspended.

§ 51.65 NONESSENTIAL RESIDENTIAL WATER USE

The following residential water uses are hereby determined to be nonessential and are prohibited during Second, Third, and Fourth Level of Concern conditions:

(A) The use of water to wash any motorbike, motor vehicle, boat, trailer, airplane, or other vehicle, except when such water is used at a commercial fixed washing facility that utilizes water recycling equipment;

(B) The use of water to wash down any sidewalk, walkway, driveway, parking lot, tennis court, or other hard-surfaced area, or any building or structure;

(C) The use of water to fill, refill, or add to any indoor or outdoor swimming pool or jacuzzi pool, except for the following: neighborhood fire control purposes, where the pool has a recycling water system and evaporative cover, or where the use of the pool is required by a medical doctor's prescription; and

(D) The use of water in a fountain or pond for aesthetic or scenic purposes, except where necessary to support aquatic life.

§ 51.66 NONESSENTIAL COMMERCIAL AND INDUSTRIAL USE

During Second, Third, and Fourth Level of Concern conditions, the following commercial or industrial water uses are hereby determined to be nonessential and are prohibited:

(A) Serving City water for drinking at a restaurant, hotel, café, cafeteria, or other public place where food is sold, served, or offered for sale, to any person unless requested by such person;

(B) The use of water for scenic or recreational ponds and lakes, except for the minimum amount required to support aquatic life;

(C) The use of water from hydrants for construction purposes, fire drills, or any purpose other than fire-fighting; and

(D) The use of water for dust control.

§ 51.67 GUTTER FLOODING

No person or customer shall cause water to run to waste in any gutter or drain during a Second, Third, or Fourth Level of Concern.

§ 51.68 REGULATION OF APPLICATIONS FOR NEW WATER SERVICES

No new, additional, further expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or other water service facilities of any kind shall be allowed, approved, or installed during a Second, Third, or Fourth Level of Concern.

§ 51.69 PENALTY

The following penalty provisions apply to violations of this section:

(A) Penalties for violating this section shall be cumulative in that they may be in addition to, not in lieu of, other penalties, remedies, or surcharges established by this Chapter, including but not limited to the penalty provisions in §51.99 of this Chapter. If the penalty provisions of §51.99 are imposed, each incident that is a violation of a provision of this section constitutes a separate offense, punishable by the \$500 fine therein.

(B) If a person or customer violates this section more than two (2) times in any one-year period, the City may install a flow restricting device for a period not exceeding six (6) months, located at the person or customer's service meter. A flow restricting device installation and removal charge of \$150.00 shall be paid by the person or customer for the removal of any flow restricting device installed pursuant to this section.

(C) Water service may be terminated to any customer who knowingly and willfully violates any provision of this Ordinance. Service so terminated shall be restored only upon payment of the turn-on charge as established by City ordinance or resolution.

§ 51.70 EXCESSIVE USE SURCHARGE

Any person who exceeds usage during Second, Third, or Fourth Levels of Concern shall be subject to the following surcharges, which are in addition to, and not in lieu of, any penalty imposed under this section:

(A) *Second Level Concern.* Any person who exceeds their average water use for the month during a Second Level Concern shall pay a surcharge of two (2) times the rate for water delivered that exceeds their average water use for that month. Average water use shall be calculated by reviewing the prior three (3) years water usage for the month in which there is a Level of Concern, as shown on the customer's prior water billings.

(B) *Third Level Concern.* Any person who exceeds their average water use for the month during a Third Level Concern shall pay a surcharge of four (4) times the rate for water delivered that

exceeds their average water use for that month. Average water use shall be calculated by reviewing the prior three (3) years water usage for the month in which there is a Level of Concern, as shown on the customer's prior water billings.

(C) *Fourth Level Concern.* Any person who exceeds their average water use for the month during a Fourth Level Concern shall pay a surcharge of eight (8) times the rate for water delivered that exceeds their average water use for that month or maximum daily allotment imposed under §51.64(D)(2) of this section. Average water use shall be calculated by reviewing the prior three (3) years water usage for the month in which there is a Level of Concern, as shown on the customer's prior water billings.

§ 51.71 VARIANCES

The City Council or their designee may, in writing, grant temporary variances for prospective uses of water otherwise prohibited after determining that due to unusual circumstances, failure to grant such variance would cause an emergency condition affecting health, sanitation, or fire protection. If a variance is granted by a designee of the City Council, the City Council shall ratify or revoke any such variance or adjustment at its next scheduled meeting. Any such variance or adjustment so ratified, may be revoked by later action of the City Council. No variance shall be retroactive or otherwise justify any violation of this section occurring prior to issuance of a variance.

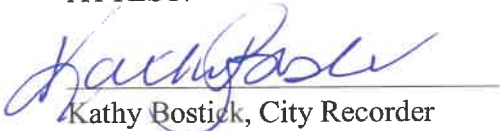
Section 2: **Severability.** A determination of invalidity or unconstitutionality by a court of competent jurisdiction of any clause, sentence, paragraph, section, or part of this Ordinance shall not affect the validity of the remaining parts to this Ordinance.

Section 3: **Emergency Declared.** This Ordinance, being necessary for the health, safety, and welfare of the community, shall become effective immediately upon adoption.

ADOPTED by the Dufur City Council this 09 day of June, 2026.


Steve Podvent, Mayor

ATTEST:


Kathy Bostick, City Recorder