

ORDINANCE NO. 329

AN ORDINANCE TO APPROVE WATER CONSERVATION MEASURES IN THE CITY OF BARLING

BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF BARLING, ARKANSAS, that:

Section 1:

It is hereby determined that in order for the City of Barling to provide and maintain sufficient and manageable water supply for human consumption, sanitation, and fire protection, and to insure the safety and well being of the users of water provided by the City of Barling, it is necessary to manage water service demand on the water supply, treatment, transmission and distribution systems by limiting system wide water consumption through restrictions and prohibitions on the use of City water until there is relief from current drought conditions so that the City is reasonably assured that subsequent water demands may be fully met. A current "drought" condition is determined to exist for the purposes of this Ordinance, and the determination shall continue to exist until withdrawn by the Board of Directors.

Section 2:

Effective immediately from the date of the adoption of this Ordinance and continuing throughout the currently declared "drought" conditions, the following water uses are permitted:

- (1) At addresses ending with zero (0) or one (1), on Mondays; addresses ending with two (2) or three (3), on Tuesdays; addresses ending with four (4) or five (5), on Wednesdays; addresses ending with six (6) or seven (7), on Thursdays; and addresses ending with eight (8) or nine (9), on Fridays:
 - (a) Lawn watering between the hours of 5:00 AM and 10:00 AM and between the hours of 7:00 PM and 12:00 Midnight;
 - (b) Filling, or refilling, of existing swimming pools and fountains for maintaining operating level; and,
 - (c) Washing of a vehicle on display at licensed dealerships and sales lots of established commercial business locations. Any such activity shall only be performed with a hose or other equipment provided with a self-activated shut-off nozzle or valve, which stops the flow of water immediately upon release from the user's grip. The use of any hose or equipment that allows the flow of water to be uncontrolled by the user at the point of discharge or to continue if unattended is strictly prohibited.
- (2) Watering of shrubs, plants, trees and gardens on any day by hand held hose or efficient irrigation system between the hours of 5:00 AM and 10:00 AM and between the hours of 7:00 PM and midnight is permitted only to the minimum amounts necessary to sustain plant life.
- (3) Watering of golf course greens and tee boxes, commercial nursery and greenhouse irrigation is permitted only to the extent necessary to preserve turf and other plant life and at such times during the day to minimize water loss due to evaporation.
- (4) Watering of golf course fairways and roughs, municipal, school, sport or athletic playing or practice fields on Mondays, Wednesdays and Fridays between the hours of 5:00

AM and 10:00 AM and between the hours of 7:00 PM and 12:00 Midnight and permitted only to the minimum amounts necessary to sustain plant life.

(5) Daily watering of sod or seed for new lawn or landscape areas between the hours of 5:00 AM and 10:00 AM and between the hours of 7:00 PM and 12:00 Midnight for a time period no longer than fourteen (14) calendar days or until its first cutting, whichever is the sooner. A permit for any watering of new lawn or landscape area must first be obtained from the City of Barling by the user of water and prominently displayed and maintained at that location at a place where it is readily visible from the street before the first watering occurs.

(6) Initial filling of newly constructed, or renovated, swimming pools. Upon achieving initial fill, swimming pool operation shall be subject to 1 (b) above.

(7) Operation of existing established commercial car washes.

(8) Washing of a vehicle by licensed dealerships and sales lots for the vehicle's initial preparation for sale upon its receipt for sale, by licensed auto body repair facilities upon completion of vehicle body repairs or painting, and by licensed automotive detail shops may be performed on any day if performed inside a building work bay at an established commercial business location. Any such activity shall only be performed with a hose or other equipment provided with a self-activated shut-off nozzle or valve, which stops the flow of water immediately upon release from the user's grip. The use of any hose or equipment that allows the flow of water to be uncontrolled by the user at the point of discharge or to continue if unattended is strictly prohibited.

(9) Aircraft may be washed if washing is performed within aircraft hanger. Any such activity shall only be performed with a hose or other equipment provided with a self-activated shut-off nozzle or valve, which stops the flow of water immediately upon release from the user's grip. The use of any hose or equipment that allows the flow of water to be uncontrolled by the user at the point of discharge or to continue if unattended is strictly prohibited.

(10) Food processing by food service establishments may use water only to the extent necessary to maintain and preserve the public health, and in compliance with any state or federal regulations.

(11) Restaurants and other food service establishments may, only to the extent necessary, hose or wash walkways immediately adjacent to entrances only and not beyond ten (10) feet of entrances and not beyond ten (10) feet of garbage facilities or food delivery areas. Remote food serving stations for vehicles may be cleaned of spills only to the extent necessary and not beyond three (3) feet of the spill. Any such activity shall only be performed with a hose or other equipment provided with a self-activated shut-off nozzle or valve, which stops the flow of water immediately upon release from the user's grip. The use of any hose or equipment that allows the flow of water to be uncontrolled by the user at the point of discharge or to continue if unattended is strictly prohibited.

(12) The use of potable water for any construction activity that cannot be performed using non-potable water if approved by the City Administrator, or his designated representative, and, if required by same, shall be conducted under the direct supervision of an employee of the City of Barling.

(13) The use of water from a fire hydrant for activities, which requires potable water if approved by the City Administrator, or his designated representative, and, if required by same, shall be conducted under the direct supervision of an employee of the City of Barling. Any such use shall be registered through a City owned meter issued under a

permit for a specific use, time period, location and, if further specified, for a maximum volume of use.

(14) The fire departments for the cities of Fort Smith, Van Buren, Barling, and other fire departments recognized by the State of Arkansas and State of Oklahoma, whose fire suppression functions require the use of water from the City of Barling, may conduct training activities required under the Insurance Services Organization, National Fire Prevention Association, Arkansas Fire Academy, or other federal agency, which require the use of water produced by the City of Barling, if performed in accordance with a written training program which has first been submitted to, and approved by, the Fire Chief of the City of Barling, or his designated representative, and the scheduling of same has been approved by the City of Barling City Administrator, or his designated representative.

(15) No person shall use water as provided for herein to an extent that allows water to flow from user's premises onto public property, such as alleys or streets, or onto another person's property.

Section 3:

Effective immediately from the date of the adoption of this Ordinance and continuing throughout the currently declared "drought" conditions, the following uses of water in the City of Barling water system are strictly prohibited:

- (1) Washing of any motor vehicles, trailers, boats or aircraft, except as provided for in Section 3.
- (2) Washing of sidewalks, walkways, driveways, patios, decks, parking lots, tennis courts, or other similar type of hard surfaced area, except as provided for in Section 1.
- (3) Washing or cleaning of building exteriors or fences.
- (4) Use of potable water for any construction activities that can be performed using non-potable water. These uses include, but not limited to, dust control, soil compaction, street and road construction, earth moving activities, directional boring, and oil and gas well drilling.
- (5) Use of water from a fire hydrant for any purpose other than fire suppression by fire department personnel or maintenance activities required of City personnel for water system operation functions, except as provide for in Section 1.
- (6) Filling or flushing of newly constructed or repaired water mains except as approved by the City Administrator and conducted under the direct supervision of an employee of the City of Barling.
- (7) Testing of private fire protection systems.
- (8) Replenishing or supplementing lakes or ponds.

Section 4:

The City shall have the authority to:

- (1) Install flow restriction devices to curtail water service, or terminate water service, to any user who is determined to be using water in violation of this Ordinance.
- (2) To remove water meters designated for irrigation accounts, which shows water usage in violation of this Ordinance.

Installation of flow restriction devices shall require specific approval of the Board of Directors of the City of Barling before installation.

Section 5:

The performing of any act prohibited by this Ordinance or the failure to perform any act required to be performed by this Ordinance is a violation. Any individual or user of water who tampers with or disables any meter used to register the water usage of any user of water from the City of Barling, Arkansas, is hereby declared to be unlawful and a violation of this Ordinance, and any individual or user of water convicted of a violation of this Ordinance shall be deemed guilty of a violation and shall be fined up to One Hundred dollars (\$100.00) for each such violation.

Section 6:

Whenever an emergency exists as determined by the City Administrator, or his designated agent, by reason of a shortage of water, limited distribution facilities or any other circumstance which make it necessary to immediately conserve water, there is hereby delegated to the City Administrator, or his designated agent, the authority to implement conservation measures additional to the provisions of this Ordinance which are determined to be necessary to maintain potable water for essential public health and safety functions. These emergency measures shall remain in effect until the next regularly scheduled meeting, or special meeting, of the Board of Directors at which time the Board shall decide whether it is necessary to continue said measures.

Section 7:

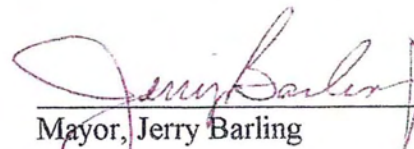
If any section, sub-section, sentence, clause or phrase of this Ordinance or any application hereof is for any reason held illegal, invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining parts hereof.

Section 8:

Emergency Clause. It is hereby found and determined by the Board of Directors of the City of Barling that an emergency exists in the City of Barling, Arkansas, requiring the efficient management of water. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare shall be immediately effective as of the date of its adoption.

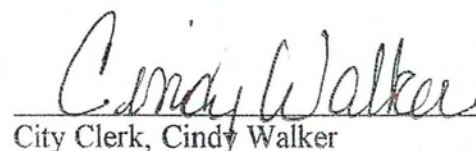
PASSED AND APPROVED this 25th day of April 2006.

APPROVED:



Mayor, Jerry Barling

ATTEST:



City Clerk, Cindy Walker

