



Drought Contingency Plan

Adopted by Resolution of the City of Cedar Rapids

City Council on February 26, 2013

Cedar Rapids Utilities Department
1111 Shaver Road NE
Cedar Rapids, Iowa 52402

Reviewed/updated: December 20, 2013

City of Cedar Rapids Drought Contingency Plan

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City of Cedar Rapids Drought Contingency Plan

SECTION I Definitions

For the purposes of the Plan, the following definitions shall apply:

- **Allowed watering hours:** Watering is allowed between 6:00 PM at night through 10:00 AM the next morning. No watering is allowed between 10:00 AM and 6:00 PM. This time period typically places the greatest amount of stress on drinking water systems;
- **Alluvial aquifer:** An area of water-bearing sand and gravel typically found near lakes, streams, or rivers;
- **The City Council:** City Council for the City of Cedar Rapids;
- **The City Manager:** City Manager for the City of Cedar Rapids;
- **Conservation:** Those practices, techniques, and technologies that improve efficiency in the use of water, reduce the consumption of water, reduce the loss or waste of water, or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses;
- **Customer:** any person, company, entity, or organization using water supplied by the City of Cedar Rapids. Further defined as:
 - A. **Residential:** Dwelling units;
 - B. **Commercial:** Non-residential and non-industrial businesses and non-City governmental agencies;
 - C. **Industrial:** Processing or manufacturing establishments;
 - D. **Wholesale:** Customers that resell water to individual retail customers within the wholesale customer's service area such as concurrent system customers, based on contractual agreement, e.g. City of Marion Glenbrook Cove and Poweshiek Rural Water;
 - E. **Municipal:** Internal City accounts;
- **The Utilities Director:** Director for the City of Cedar Rapids Utilities Department;
- **Drought Contingency Plan:** A strategy or combination of strategies for temporary supply management and demand management responses to temporary or potentially recurring water supply shortages. This document is the Drought Contingency Plan for the City of Cedar Rapids;
- **Drought Stages:**

- A. **Watch:** Potential water shortages may occur if water use increases, or supply diminishes. The focus during this stage is on communication with city leaders, customers, and the general public. Prepare for initiating response if conditions become worse. A request for voluntary water use reduction is not made;
 - B. **Alert:** Onset of conditions indicating that water shortages are imminent if no changes occur in current water usage and current available water supply. The focus during this stage is on increased monitoring, awareness and preparation for response if conditions become worse. A request for voluntary water use reduction is made. The objective of the Alert stage is to reduce water uses by 5%;
 - C. **Warning:** Initiates first phase of mandatory water use reduction to avoid shortages, relieve stressed sources and forestall the need to impose increasingly stringent water use restrictions. The objective of the Warning stage is to reduce overall water uses by 15%;
 - D. **Emergency:** A drought emergency is a concentrated management phase designed to marshal all available resources to respond to actual emergency conditions, to avoid depletion of water sources, to assure at least minimum water supplies to protect public health and safety, to support essential and high priority water uses and to avoid unnecessary economic dislocations. The objective of Emergency stage is to reduce water uses by 25%;
 - E. **Rationing:** A fixed amount of water a customer is allowed to use if mandatory restrictions fall short of objectives;
- **Essential water use:** Water uses that are necessary or required for the protection of public, health, safety, and welfare, including:
 - A. Water use for human consumption and sanitation;
 - B. Water use for livestock production; May be restricted;
 - C. Water use for generation of electrical power for public consumption; May be restricted;
 - D. Water use for manufacturing or other industrial processes. May be restricted;
 - **Even number address:** Home or business address (e.g. 120 Magnolia St.) or rural postal route box number (e.g. RR 2 Box 9802) that ends with 0, 2, 4, 6 or 8. Locations without address number shall be considered an even number address;
 - **Non-essential water use:** water uses that are not essential or required for the protection of public, health, safety, and welfare, including:

- A. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s)
 - B. Irrigation of established landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under the Plan. Established landscape, for the purposes of use under the Plan, is a tree or shrub 3 years old or older;
 - C. Irrigation of established lawns. Established lawns generally have roots that penetrate 4-8 inches into the soil, depending on the type of soil. Mature root systems require less watering than new sod or new seed lawns;
 - D. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
 - E. Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas except as needed to control major dust inhalation;
 - F. Use of water to wash down buildings or structures for purposes other than immediate fire protection;
 - G. Flushing gutters or permitting water to run or accumulate in any gutter or street;
 - H. Use of water to fill, refill, or add to any non-revenue generating indoor or outdoor swimming pools, Jacuzzi-type pools, wading pools, and splash pads;
 - I. Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
 - J. Use of water from hydrants for construction purposes or any other purposes other than firefighting and flushing of lines to maintain a potable water supply;
- **Odd Numbered Address:** Home or business address (e.g. 883 2nd Avenue or 121 Magnolia Street) or rural postal route box number (e.g. RR 2 Box 9805) that ends with 1, 3, 5, 7, or 9;
 - **Potable Water:** Water that is suitable for drinking;
 - **Watershed:** An area of land where all of the water that is under it or drains off of it goes into the same place;

SECTION II Declaration of Policy, Purpose, and Intent

This Drought Contingency Plan describes the conditions that require short-term water demand management in the City of Cedar Rapids and establishes policies and procedures that offer strategies for a timely and effective response. Privately owned wells are not subject to the requirements of this document.

In general, such a response would be needed when water use in the area served by Cedar Rapids Utilities approaches the system's supply, treatment, or delivery capacity.

Examples include drought, unusually high water demands, unforeseen equipment or system failure, or contamination of a water supply source. Raw water supply shortage is the primary focus of this document.

In order to efficiently manage the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage, the Cedar Rapids City Council adopted the following Drought Contingency Plan (the Plan) on February 26, 2013.

Appendix A contains a copy of the City Council resolution adopting the Plan. City Manager or designee will notify City Council of the fact and reason for declaring the start or end of a drought event. By resolution, City Council authorizes City Manager or designee to implement Plan provisions. City Council resolution is required for enactment and rescindment of each drought event. Council resolution is not required for each stage within the same drought event. As resolutions are adopted, the Plan will be updated to incorporate a copy of the resolution within **Appendix A** and numbered sequentially.

The strategies offered in the Plan are based on current projected water availability. It should be noted that the effectiveness of the Plan is impacted by the availability and allocation of the raw water supply during drought conditions and the level of customer compliance with the strategies offered in the Plan. It should also be noted that changes and updates to the Plan may be necessary. Utilities Director authorizes and approves any change and notifies City Manager and City Council of any significant change that would impact policy or procedure.

Cedar Rapid's raw water supply is drawn from shallow alluvial aquifer wells located in separate well fields along the banks of the Cedar River. The Cedar River is the major source of replenishment for the alluvial aquifer wells. Rainfall and snowmelt within the Cedar River watershed area greatly impact the speed at which wells are replenished. Lack of precipitation all along the Cedar River watershed negatively affects the rate of well recharge. Consistent or increasing water use coupled with diminished raw water supplies is one scenario where the Plan may be implemented.

Water use from customers varies from day to day. Well water availability is limited. All aspects from production to delivery are dynamic, and if circumstances warrant, modifications to the strategies offered in the Plan may be necessary. Therefore, the Plan (as approved by the City Council) gives the City Manager, or duly designated representative, the authority to modify the strategies in the Plan as conditions warrant.

Water uses that are necessary or required for the protection of public, health, safety, and welfare are allowed under the Plan. Examples of essential water use are listed under the definition of Essential water use in **SECTION I**.

Water uses regulated or prohibited under the Plan are considered to be nonessential and continuation of such uses during times of water shortage or other emergency water supply

conditions is deemed to constitute a waste of water which subjects the offender(s) to enforcement actions as defined in **SECTION VII** and **Appendix D**.

The Plan is developed using applicable sections in Iowa Administrative Code (IAC) 567. The Iowa Department of Natural Resources has minimum requirements for the drought contingency plans for municipal and wholesale water suppliers. Refer to **Appendix B**. The Iowa Department of Natural Resources and the Iowa Golf Course Superintendents Association entered into an agreement which defines water restrictions for City owned golf courses. Refer to **Appendix C**.

SECTION III Public Involvement

Opportunity for the public and water customers to provide input into the preparation of the Plan was provided by the City of Cedar Rapids by means of:

- Public notification that Drought Contingency Plan is being prepared;
- Coordination of plan review with focus groups/affected stakeholders;
- Plan posted on website: www.CityofCR.com/drought and made available to any person who requests a copy;

- Public comment period including two public meetings and online survey;

The valuable contributions of all participants resulted in a Drought Contingency Plan that is intended to be fair and equitable to all of the residential and non-residential customers of the Cedar Rapids Utilities.

SECTION IV Public Education

The City of Cedar Rapids will periodically provide the public and water customers with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided through existing City communication channels including, but not limited to, an appropriate combination of the following channels:

- City Website;
- City e-newsletter;
- CR News Now notification service;
- Our CR magazine;
- Media releases;
- Water bill inserts;

In the event that the Plan or parts thereof are initiated, the Cedar Rapids Utilities Public Information Officer will coordinate communications with the public. This may include activating the Cedar Rapids Emergency Communication Plan for Public Information Officers.

SECTION V Authorization

Municipal Code Chapter 12 Water Service provides detail with respect to authorization and enforcement. Refer to **SECTION VII** and **Appendix D**.

SECTION VI Application

The provisions of the Plan shall apply to all persons, customers, and property utilizing water provided by Cedar Rapids Utilities. The terms “person” and “customer” as used in the Plan include individuals, corporations, partnerships, associations, wholesale systems, and all other legal entities. Privately owned wells are not subject to the requirements in the Plan.

SECTION VII Enforcement

No person shall knowingly or intentionally allow the use of water from Cedar Rapids Utilities for residential, commercial, industrial, wholesale, or municipal, in a manner contrary to any provision of the Plan, or in an amount in excess of that permitted by the drought response stage in effect, refer to **SECTION XI**, at the time pursuant to action directed by the City Manager or designee, in accordance with provisions of the Plan.

Person or persons that violate provisions of the Plan will receive a violation tag/card at the premise followed by a warning notice mailed to the account holder for the first offense.

Subsequent violations would be subject to the provisions as noted below:

- First Offense – Warning – Violation Card and mailed Violation Notice;
- Violation of Plan Provision (First Offense after Warning) \$300.00 Fine;
- Violation of Plan Provision (Second Offense after Warning) \$600.00 Fine;
- Violation of Plan Provision (Third Offense after Warning) \$900.00 Fine;

Termination of Water Service shall be an option at any time if the responsible party or accountholder does not comply with the provisions of the Plan within the timeframe on the Notice.

Once service is terminated the responsible party/accountholder would be required to pay all fines prior to any service reconnection.

Any citizen or employee of the City of Cedar Rapids may provide feedback regarding water waste and abuse to the Water Division Customer Service line at 319-286-5900.

SECTION VIII Variances

The Utilities Director, or his/her designee, may in writing, grant a temporary variance allowing water use otherwise prohibited under the Plan or refer such person or persons to a Code Enforcement administrator to obtain temporary occupancy certification, in those cases where new sod or new seeding will not be established adequately after installation. If a variance is approved to allow watering of new sod or new lawn seeding in a manner not specified in the Required Actions of **Section XI** applicable rules will apply until such time as drought event ceases or certificate of occupancy is issued. A variance may be granted if it is

determined that doing so for an individual will not cause a condition adversely affecting the health, safety or welfare of the public in general. The following conditions will be considered:

- Granting of a variance must not cause an immediate significant reduction in the city's water supply;
- The health, safety, or welfare of other persons will not be adversely affected by granting of the variance;
- The applicant must demonstrate that there is an extreme hardship or need related to the health, safety, or welfare of the person requesting the variance;
- Compliance with the Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect;
- Alternative methods can be implemented which will achieve the same level of reduction in water use;

Persons requesting a variance from the provisions of this Plan shall file a petition for variance with the Director of the Cedar Rapids Utilities Department within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall include the following:

- Name and address of the petitioner(s);
- Purpose of water use;
- Specific provision(s) of the Plan from which the petitioner is requesting relief;
- Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Plan;
- Description of the relief requested;
- Period of time for which the variance is sought;
- Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date;
- Other pertinent information;

Variances granted by the City of Cedar Rapids shall be subject to the following conditions:

- Variances granted shall expire when the Plan is no longer in effect. No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance;
- The Utilities Director may revoke a variance granted when he/she determines that the conditions are not being met or are no longer applicable;

Variances requested with regard to occupancy of a new or reconstructed home or building will refer to the applicable Municipal code requirement. Refer to **Appendix E**.

SECTION IX Severability

It is hereby declared to be the intention of the City of Cedar Rapids that the sections, paragraphs, sentences, clauses, and phrases of this Plan are severable and, if any phrase, clause, sentence, paragraph, or section of this Plan shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan, since the same would have been enacted by the City of Cedar Rapids without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION X Review and Update of the Drought Contingency Plan

Cedar Rapids Utilities will review and update the Plan once every five years or more often as conditions dictate. The Utilities Director or designee will appoint a reviewer within the Utilities Water Division to conduct a review. The review shall be completed no later than December 31 of each review year.

Review/update date:
December 20, 2013

Reviewed by:
Tariq Baloch Water Utility Plant Manager

SECTION XI Drought Stage Matrix

A “Drought Stage” will be initiated utilizing a five to seven day production quantity average, not a daily production quantity. Utilities staff will work with customers to determine reduction target quantities if the customer’s usage pattern varies. The water reduction percentages for each “Drought Stage” will be based on the most recent four year usage average of the representative billing periods that include the calendar month and day of the “Drought Stage” implementation date. Commercial and Industrial customers may request a modification to this calculation if significant production changes have been made during the calculation period. The calculation will be based on the cumulative usage of all of the customer’s meters for the entire facility or production location.

Drought Stage	Indicator	Required Actions*
Drought Watch	Early Indicators of drought conditions	Customers asked to use water wisely
Drought Alert	Customer water demand reaches 65% of well capacity	All customers asked to reduce water usage by 5%
Drought Warning	Customer water demand reaches 75% of well capacity	All customers expected to reduce water usage by 15%
Drought Emergency	Customer water demand reaches 85% of well capacity	All customers expected to reduce water consumption by 25%

*Full list of required customer actions listed in Section XIII.

SECTION XII City Department Stage Responses

Building Services

Emergency Stage Response

- A. New permits for construction of swimming pools, hot tubs, spas, ornamental ponds and fountains may be issued, with the condition that they may not be filled until the drought Emergency Response stage has been downgraded to the Alert Stage;

Facilities Maintenance

Alert Stage Response

- A. Reduce or eliminate water use in city-owned ornamental fountains unless needed to support aquatic life;
- B. Reduce landscape watering to two days a week and only during allowed watering hours;

Warning Stage Response

- A. Reduce landscape watering to one day a week and only during allowed watering hours;
- B. Determine which facilities need foundations watered and follow all residential guidelines when watering foundations;

Emergency Stage Response

- A. Landscape watering at municipal facilities is prohibited;

Fire Department

Alert Stage Response

- A. Eliminate hydrant flushing practices;
- B. Reduce vehicle washing by 25%;

Warning Stage Response

- A. Reduce vehicle washing by 50%;
- B. Provide enforcement support regarding violations of the Drought Contingency Plan;
- C. Cease pumper truck testing;

Emergency Stage Response

- A. Provide increased enforcement support regarding violations of the Drought Contingency Plan;
- B. Notify the Cedar Rapids Utilities Department - Water Division when opening hydrants to suppress a fire;

Fleet

Alert Stage Response

- A. Reduce vehicle washing and rinsing by 25%;

Warning Stage Response

- A. Reduce vehicle washing by 50%;

Emergency Stage Response

- A. Vehicle washing and rinsing limited to vehicles that require frequent cleansing to protect the health, safety, and welfare of the public (i.e. garbage trucks);

Parks & Recreation

Alert Stage Response

- A. Watering of perennials and annuals only during allowed hours;
- B. Golf courses follow guidelines as noted in **Appendix C**. Supervised syringing of putting greens and tee boxes allowed during daylight hours. Supervised “watering in” of fertilizer and pesticides allowed during daylight hours;
- C. Operate splash pads from 1:00 PM – 6:00 PM;

Warning Stage Response

- A. Reduce vehicle and equipment washing to once a week with air compression cleaning four days a week;
- B. Reduce plant and turf watering at all sites to two days a week during allowed hours;
- C. Golf courses follow guidelines as noted in **Appendix C**. Supervised syringing of putting greens and tee boxes allowed as needed. Supervised “watering in” of fertilizer and pesticides allowed as needed;
- D. Close two splash pads. Run remaining splash pads from 1:00 PM – 6:00 PM;

Emergency Stage Response

- A. Reduce vehicle and equipment washing to once a week with air compression cleaning four days a week;
- B. Landscape watering limited to one day per week. Turf at Tuma Soccer Complex, Tait Cummins Softball Complex, Jones Baseball Complex, Tree of Five Seasons Plaza and Amphitheater irrigation systems used under constant staff supervision;
- C. Golf courses follow guidelines as noted in **Appendix C**. Supervised “Syringing” and “watering in” only during allowed hours
- D. Close up to three neighborhood pools and work with transit and Neighborhood Associations to transport people from their neighborhood pool to one of the Aquatic Centers;

Police

Alert Stage Response

- A. Reduce vehicle washing by 25%;

Warning Stage Response

- B. Provide enforcement support by issuing citations for violations of the Drought Contingency Plan;
- C. Reduce vehicle washing by 50%;

Emergency Stage Response

- A. Provide enforcement support by issuing citations for violations of the Drought Contingency Plan;
- B. Reduce vehicle washing by 50%;

Public Works

Alert Stage Response

- A. Reduce vehicle washing and rinsing by 25%;
- B. Reduce wet street sweeping activities by 25%;

Warning Stage Response

- A. Reduce vehicle washing by 50%;
- B. Reduce wet street sweeping activities by 50%;

Emergency Stage Response

- A. Vehicle washing and rinsing limited to vehicles that require frequent cleansing to protect the health, safety, and welfare of the public (i.e. garbage trucks);
- B. New permits for construction of swimming pools, hot tubs, spas, ornamental ponds and fountains may be issued, with the condition that they may not be filled until the drought Emergency stage has been downgraded to the Alert stage;
- C. Wet street sweeping is prohibited;

Utilities

Alert Stage Response

- A. Intensify normal leak detection and repair activities on water pipes and mains
- B. Initiate public education campaign teaching and encouraging reduced water use practices;
- C. Reduce vehicle washing and rinsing by 25%;
- D. Eliminate hydrant flushing except where necessary for public health and safety;

Warning Stage Response

- A. Accelerate public education campaign teaching and encouraging reduced water use practices;
- B. Reduce vehicle washing by 50%;
- C. Prohibit flushing of new mains not immediately required to provide service;
- D. Issue warnings to property owners not in compliance with the Drought Contingency Plan;

Emergency Stage Response

- A. Vehicle washing and rinsing limited to vehicles that require frequent cleansing to protect the health, safety, and welfare of the public (i.e. garbage trucks);
- B. New, additional, or expanded water service connections, meters, service lines, pipeline extensions, mains or other water service facilities may be discontinued. Application time limits for approval of such applications are suspended;

- C. Increase enforcement efforts by issuing citations (fines) for violations of the Drought Contingency Plan;

SECTION XIII

All Customers Stage Responses

Alert Stage Response

Voluntary reduction of water use through:

- A. Encourage watering between 6:00 PM in the evening to 10:00 AM the next morning;
- B. Irrigation of established lawn and landscape areas should be limited to watering on odd or even days based on home or business address;
- C. Encourage reduction in frequency of washing or rinsing of vehicles and recommend use of commercial car washes that recycle wash water;
- D. Encourage reduction in frequency in draining and refilling of swimming pools, hot tubs, etc.;
- E. Encourage reduction in frequency of recreational use of municipal water;
- F. Established foundations may be watered on an even/odd calendar day basis during the allowed watering hours as defined in **SECTION I**. Foundations may be watered with a soaker hose or a hand-held hose equipped with a positive shutoff nozzle only;
- G. New construction concrete curing is not affected by restrictions during the Alert stage of the Plan;
- H. Encourage reduction in landscape uses for parks;
- I. Encourage reduction in water use for landscape nursery;
- J. Encourage reduction of water use as defined in **Appendix C** for golf courses using municipal or local well water for irrigation;
- K. Encourage hotel/motels to request multiple day patrons to reuse linens instead of changing every day;

Warning Stage Response (all of the above Alert Stage Responses plus...)

- A. Watering of established lawn and landscape allowed two days a week and only during allowed hours;
- B. Shut down ornamental fountains or ponds except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system;
- C. Prohibit hosing off of paved areas, buildings, windows or other surfaces;
- D. Prohibit recreational water use of water in such a manner as to create run-off or other waste;
- E. Restrict washing of any motor vehicle, motorbike, boat, trailer, airplane or other vehicle to the use of a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables;
- F. Encourage area restaurants to serve customers water by request only;

- G. Encourage further reduction in frequency in draining and refilling of swimming pools

Emergency Stage Response (all of the above Alert and Warning Stage Responses plus...)

- A. **The use of hose-end sprinklers or permanently installed automatic sprinkler systems are prohibited at all times.** Watering will be allowed one day-per-week during allowed hours and only by means of hand-held hoses, soaker hoses and hand-held buckets. **This applies to all new and established lawns and landscapes;**
- B. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only during the allowed watering hours;
- C. Filling and refilling of existing and new swimming pools, wading pools, and Jacuzzi type pools is prohibited. Existing pools may add water to replace losses during normal use and to replace evaporation in order to maintain proper water quality and proper operation of the pool equipment;
- D. Permitting of new swimming pools, hot tubs, spas, ornamental ponds and fountain construction is prohibited;
- E. Established foundations may be watered for a two-hour period during the allowed watering hours. Established foundations may be watered with soaker or hand-held hose equipped with a positive shutoff nozzle only;
- F. Flushing of newly constructed water main will be managed by the City at its discretion consistent with the nature of the drought emergency;

Rationing

In an acute emergency, mandatory rationing may be implemented and enforced per Municipal Code section 12.40;

APPENDIX A

City Council Resolution Adopting Drought Contingency Plan

WTR
CNC
ENG
WPC

RESOLUTION NO. 0339-02-13

**RESOLUTION ADOPTING THE CITY OF CEDAR RAPIDS UTILITIES DEPARTMENT -
WATER DIVISION DROUGHT CONTINGENCY PLAN**

WHEREAS, the Cedar Rapids City Council sets forth the vision, goals and strategic plan for the development and improvement of Cedar Rapids, and

WHEREAS, it is in the best interest of the City to have a Drought Contingency Plan in place, and

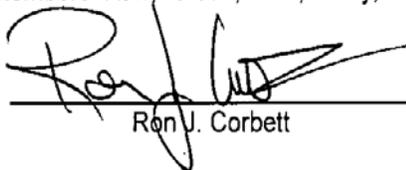
WHEREAS, the Utilities Department – Water Division met with residents, customers, industries, and local agencies to develop a Drought Contingency Plan, and

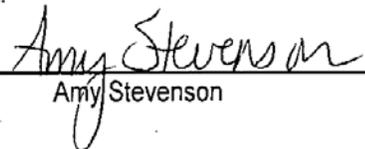
WHEREAS, in accordance with the Cedar Rapids Municipal Code Chapter 12 – Water Service; Section 12.40 - Water Restrictions, authorizes the City Council to adopt by Resolution a Drought Contingency Plan, now therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA that the Utilities Department – Water Division Drought Contingency Plan is hereby adopted for implementation.

Passed this 26th day of February, 2013.

Voting: Council member Swore moved the adoption of the resolution; seconded by Council member Shey. Adopted, Ayes, Council members Karr, Olson, Poe, Shey, Shields, Swore, Vernon and Mayor Corbett.


_____, Mayor
Ron J. Corbett

Attest:

_____, City Clerk
Amy Stevenson

567—

52.9(1) General. The purpose of water conservation requirements is to preserve the availability of water which is withdrawn for use, as opposed to protected flow provisions in rules 52.3(455B), 52.4(455B), and 52.8(455B) which preserve in stream flows. Each permit granted after July 1, 1986, including any permit granted to a community public water supply, will include conditions requiring routine (day-to-day) conservation practices and requiring emergency conservation practices after notification by the department. Existing permits may be modified to include conservation conditions pursuant to 52.7(1) “d,” if deemed necessary by the department. Only general provisions for routine conservation will be included in a permit, unless water is to be withdrawn from a protected water source designated in 567—Chapter 53 which has specific requirements for routine conservation. Permit conditions requiring routine conservation are primarily intended to raise awareness of water usage, develop a preparedness for periods of water shortages, and minimize waste of water. General conditions involving emergency conservation will be included in all permits. Specific emergency conservation conditions may be included in a water use permit pursuant to subrule 52.9(2). If specific emergency conservation permit conditions are required, they will be based on a water conservation plan developed by the permittee or applicant, in accordance with subrule 52.9(3), and approved by the department. The purpose of emergency conservation is to minimize consumptive use of water from a source experiencing a temporary shortage. Emergency conservation restrictions will be imposed only when water shortages are imminent or actually exist, in accordance with rule 52.10(455B). Long-term water shortages may be dealt with in the protected source rules, 567—Chapter 53.

52.9(2) Applicability of emergency conservation. Specific emergency conservation requirements may be made a condition of a water withdrawal permit if the proposed or permitted withdrawal could result in a significant consumptive use of water from a source which is likely to experience a short-term shortage. Specific emergency conservation requirements will not normally be included in a water use permit under any of the following conditions:

- a. The proposed or existing permitted water use involves a consumptive use of less than 25,000 gallons per day from any water source during periods of substantial water shortage.
- b. The proposed or permitted use is subject to protected stream flow conditions pursuant to rules 52.3(455B), 52.4(455B), and 52.8(455B).
- c. The water source for the proposed or permitted use is from a surface water impoundment or purchased storage owned by the applicant or permittee.
- d. The proposed or permitted use is unable to conserve water without substantially disrupting or ceasing an essential activity which requires water, such as operating a steam electric generating plant, watering livestock, or operating a commercial laundry.
- e. The proposed or permitted withdrawal is from a source of water which is not likely to experience a substantial short-term water shortage including, but not limited to, the Missouri and Mississippi Rivers and adjacent alluvial aquifers, the Jordan Sandstone Aquifer, and the Iowa Great Lakes.
- f. The source of water is or will be utilized by only the permitted or proposed water user and

withdrawal from the source for the permitted or proposed use has no potential for affecting other water uses.

52.9(3) Water conservation plans. Unless specific emergency conservation permit conditions are not required in accordance with subrule 52.9(2), the applicant or permittee shall submit a water conservation plan with an application for a new water use permit or renewal of an existing permit. The department may also require a water conservation plan to be submitted by any existing permittee after a minimum of 90 days' notice. If an applicant is in doubt as to whether or not the application requires a water conservation plan, the department should be contacted and provided with a description of the proposed source of water, intended use, and desired amount and rate of withdrawal. The department will then make a determination of whether or not a conservation plan is necessary. If a water conservation plan Ch 52, p.2 IAC is required with an application for permit renewal, the department will notify the permittee at least 120 days prior to expiration of the permit. Water conservation plans shall describe the measures to be used to achieve water conservation and estimate water savings from each measure. Water conservation plans must contain the following information, as applicable, to be approved by the department.

a. General provisions. The following information shall be included in all water conservation plans:

- (1) A description of each source of water withdrawal (i.e., well or surface water intake) including the location, well depth, pumping rate, and date of installation.
- (2) A description of wastewater discharge including the location and discharge frequency.
- (3) Monthly withdrawal amounts from each source for the past five years.
- (4) Monthly total water withdrawal amount for the past five years.
- (5) Monthly total wastewater discharge amount for the past five years.
- (6) A quarterly breakdown, by the water use categories in subrule 52.10(3), of total water use and estimated consumptive water use over the past five years.
- (7) A description of any previous water shortage problems, including the cause, frequency, other affected parties, and how they were resolved.
- (8) Identification of nearby water supplies which are potentially affected by or could potentially affect the proposed or permitted withdrawal.
- (9) A means of identifying impending water shortage problems (e.g., water level in wells or a reservoir decline to a certain level or stream flows fall to a certain rate).

b. Routine conservation provisions. Consideration of routine conservation is encouraged although it is not normally required in a water conservation plan. Documented water savings from routine conservation measures will be credited towards emergency conservation requirements. Suggested routine conservation measures include:

- (1) Use of water-saving plumbing devices or required use of these devices in building codes.
- (2) Scheduling irrigation to minimize peak water use.
- (3) Use of efficient irrigation techniques.
- (4) Implementing programs to minimize lost water, such as distribution system leaks.
- (5) Use of metered water billing by public water supplies.
- (6) Utilizing best commercially available technology to optimize efficiency of water use.
- (7) Implementing recycling and reuse practices.
- (8) Developing alternative water sources which are not susceptible or are less susceptible to shortages.
- (9) Increasing rates charged for water or eliminating reduced rates for large users.

c. Emergency conservation provisions. Water conservation plans shall contain emergency conservation provisions in accordance with the following criteria.

(1) General. The consumptive nature of a water use, as described in subrule 52.9(2) and determined from information required in 52.9(3) “a,” shall be reduced by at least 50 percent over similar periods of normal use. This criterion does not apply to irrigation use. If this requirement cannot be met, justification for nonattainment shall be provided which must include documentation that an activity involving water use is essential and demonstration of use of best commercially available technology. The department may then grant variances on a case-by-case basis. Measures which will be credited for emergency conservation include, but are not limited to, the following: documented water savings resulting from routine water conservation measures; shutdown, postponement, or curtailment of nonessential activities involving water use; switching to nonaffected sources for water supply; mitigation of consumptive uses by direct discharge of stored water or water from a nonaffected source to the affected water source; acquisition and retirement of existing consumptive uses from the affected water source (credit for retirement of existing consumptive uses will be given only for the amount authorized during periods when emergency conservation is required); and imposing surcharges on water use during periods of shortage.

(2) Public water supplies. At a minimum, emergency water conservation plans for public water supplies must include provisions for restricting outside, consumptive water use.

(3) Irrigation water use. Emergency water conservation plans for irrigation water uses shall limit irrigation water use to the equivalent of one inch per irrigated acre per week for general crops and specialty crops, unless the water conservation plan contains other mitigating provisions such as those listed in 52.9(3) “c”(1) above. Water conservation plans shall also address irrigation scheduling. Irrigation scheduling should attempt to provide approximately equal water use on each day of an irrigation cycle. Irrigation scheduling may be done in cooperation with other nearby irrigators who utilize the same water source.

This rule is intended to implement Iowa Code sections 455B.262 and 455B.265.

567—52.10(455B) Priority allocation restrictions.

52.10(1) General. After any event described in subrule 52.10(2) has occurred, the department will investigate and, if appropriate, may restrict water use according to the priority allocation plan as described in subrule 52.10(3). Prior to imposing the priority allocation plan, the department will normally require emergency conservation measures to be taken by existing permittees. The department will not normally require emergency conservation until a shortage of water is imminent and will not normally impose the priority allocation plan until an actual impairment of water usage exists. The department will notify existing permittees of any emergency restriction or suspension of water use by written order pursuant to subrule 52.7(2). A permittee will be required to maintain daily records of water withdrawal and wastewater discharge, if any, while the emergency order is in effect. These records shall be available for inspection by the department to verify compliance with the order. Suspension or restriction of water usage applicable to otherwise nonregulated water users shall be by emergency order of the director which the department shall cause to be published in local newspapers of general circulation and broadcast by local media. The emergency order shall state an effective date of the suspension or restriction and shall be immediately effective on that date unless stayed, modified or vacated at a hearing before the commission or by a court. The department will lift the suspension or restriction of water usage, as deemed appropriate, when evidence of sustained, improved conditions is available. The department will not impose a suspension of water or a further restriction, other than emergency

conservation, on the uses of water provided in paragraphs 52.10(3) “g” through “i” or on uses of water pursuant to a contract with the state as provided in Iowa Code subsections 455B.263(5) and 455B.263(6) unless the governor has issued a proclamation, as described in paragraph 52.10(2) “b.” Notwithstanding such proclamation, in the case of water use under a contract with the state pursuant to Iowa Code subsections 455B.263(5) and 455B.263(6) and in effect prior to March 5, 1985, restriction or suspension measures will be limited to emergency conservation.

52.10(2) *Triggering events.* The department may implement the priority allocation plan following the occurrence of any of the following:

- a. Receipt of a petition by a governmental subdivision or 25 persons that the priority allocation plan be implemented due to a substantial local water shortage adversely affecting their water supply.
- b. Issuance by the governor of a proclamation of a disaster emergency due to a drought or other event affecting water resources of the state.
- c. Determination by the department in conjunction with the homeland security and emergency management division of the Iowa department of public defense of a local crisis which affects availability of water.
- d. Receipt of information from a state or federal natural resource, research or climatological agency (including the National Drought Monitor) indicating that a drought of local or state magnitude is imminent. As a general guideline, emergency conservation or priority allocation restrictions will not be imposed on withdrawals from a surface stream or adjacent alluvial aquifer when stream flow is above the seven-day, one-in-ten-year low-flow level.

52.10(3) *Priority allocation plan.* Notwithstanding a person’s possession of a permit or the person’s use of water being a nonregulated use, the department may suspend or restrict usage of water by category of use on a local or statewide basis in the following order:

- a. Water conveyed across state boundaries.
 - b. Water used primarily for recreational or aesthetic purposes.
 - c. Uses of water for the irrigation of any general crop.
 - d. Uses of water for the irrigation of any specialty crop.
 - e. Uses of water for manufacturing or other industrial processes.
 - f. Uses of water for generation of electrical power for public consumption.
 - g. Uses of water for livestock production.
 - h. Uses of water for human consumption and sanitation supplied by rural water districts, municipal water systems, or other public water supplies.
 - i. Uses of water for human consumption and sanitation supplied by a private water supply.
- This rule is intended to implement Iowa Code section 455B.266.

APPENDIX C Iowa DNR Mandatory Water Use ... for Golf Courses

Iowa DNR Mandatory Water Use Restriction Plan Agreement for Golf Courses

A Cooperative Effort Between the Iowa Golf Course Superintendents Association and the Iowa Department of Natural Resources – Water Supply Division.

Should the State of Iowa deem it necessary to regulate the volume of water used by the golf courses within its boundary, the following document will be used to facilitate compliance by the Industry.

The following 3 levels are established to implement water usage measures dependent upon the severity of the situation.

Level One: Mandatory Water Restriction:

Water may be withdrawn at an average daily rate that does not exceed **85%** of the calendar month basis quantity as measured in gallons or cubic feet. The basis quantity shall be determined for each calendar month, as follows:

Metered water use for the same calendar month, for each of the 5 years previous to submittal of the plan to the Iowa Department of Natural Resources, Water Supply Division, shall be averaged

Level Two: Mandatory Water Restriction:

Water may be withdrawn at an average daily rate that does not exceed **70%** of the calendar month basis quantity as measured in gallons or cubic feet. The basis quantity shall be determined for each calendar month, as follows:

Metered water use for the same calendar month, for each of the 5 years previous to submittal of the plan to the Iowa Department of Natural Resources, Water Supply Division, shall be averaged.

Level Three: Mandatory Water Restriction

Water may be withdrawn at an average daily rate that does not exceed **50%** of the calendar month basis quantity as measured in gallons or cubic feet. The basis quantity shall be determined for each calendar month, as follows:

Metered water use for the same calendar month, for each of the 5 years previous to submittal of the plan to the Iowa Department of Natural Resources, Water Supply Division, shall be averaged.

To the extent that metered data is not available for any year prior to March 31, 2003, or the date of installation of the current irrigation system, whichever is later, an application rate of 41,000 gallons per week per acre of greens, tees, and fairways currently irrigated may be used in lieu of metered data.

This restriction will be applied only to that water used for the purpose of turf grass maintenance.

Meters and meter records shall be made available by the golf course operator for inspection by representatives of the Iowa Department of Natural Resources or local law enforcement agency at all times.

A copy of the approved plan shall be submitted to the local law enforcement agency and if applicable, to the public water supply agency from which the water is obtained, prior to implementation.

The allocation percentages established in this plan are to be considered maximum allowable amounts. Golf Course Management is strongly encouraged to apply further conservation measures by way of water saving initiatives.

Iowa Golf Course Superintendents Assoc.
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Department of Natural Resources
Water Supply Division
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Des Moines, IA 50309
515-725-0336
Fax 515-725-0348
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APPENDIX D Cedar Rapids Municipal Code Chapter 12 Water Service Subsections.

For the complete version of Chapter 12, see Municipal Code online at www.cedar-rapids.org

12.17 - RIGHT TO SHUT OFF WATER.

The city reserves the right at any time, when necessary, without notice, to shut the water off in its mains for the purpose of making repairs or extensions or for other purposes, and no claims shall be made against the city by reason of the breakage of any service pipe or valve, or from any other damage that may result from shutting off water for repairing, laying or relaying mains, hydrants or other connections. The Utilities Department-Water Division shall give notice of shutting off water if conditions are such that it is possible to do so.

12.22 - UNNECESSARY WASTE.

Consumers shall prevent unnecessary waste of water and keep all water outlets closed when not in actual use. If unnecessary waste of water takes place the Utilities Department-Water Division reserves the right to cut off the supply. The city reserves the right to prohibit the use of water for yard sprinklers, and large consumers of water when in the judgment of the city it shall be necessary to do so.

12.40 - WATER RESTRICTIONS.

The City Council may from time to time impose such restrictions as the Council deems necessary, for purposes of conserving water to protect public health, by resolution, upon consumers using city water. The restrictions shall be published in a newspaper of general circulation in the City of Cedar Rapids to give notice to the public. The restrictions shall continue in effect for such period of time as provided in the resolution, or until the resolution is rescinded.

- (a) **Enforcement.** The Utilities Director, or duly designated representative, shall be authorized to turn off the city water supply at the city shut-off valve serving any property on which a violation of the restrictions is found to exist, to terminate the use of the water in violation of the restrictions. That such immediate turnoff is declared to be an emergency to avoid further waste of water to preserve the public health.

- (b) **Notice.** That upon turn off of the water, the Utilities Director, or designee, shall promptly notify the consumer by informing any adult person found on the property, and in the event no one is located, by posting a written notice on the front door of the property, informing the account holder of a right to hearing, and fixing a time and place for such hearing.
- (c) **Hearing.** Each account holder, whose water is turned off under the provisions of this section, shall be entitled to hearing before a Utilities Department-Water Division representative designated by the Utilities Director at the headquarters of the Cedar Rapids Utilities Department-Water Division, or other place fixed by the Utilities Director within 15 hours after the water is turned off.
- (d) **Turn On-Costs.** At the hearing, in the event it is determined there was not cause for turning off the water; the same shall promptly be turned on without cost to the account holder. Otherwise, the water will not be turned back on until the account holder makes application at the Utilities Department-Water Division headquarters, and pays in advance a charge to be fixed by the Utilities Director to cover all costs and expenses of the City Utilities Department-Water Division, including pro rata salary costs incurred by the city as a result of the violations of the restrictions by the consumer.
- (e) **Appeal.** Any decision of the Utilities Director, or designee, can be appealed by the account holder to the city manager, and the account holder will be provided prompt notice and hearing.
- (f) **Continued Violations.** In the event there are more than two violations on the same property of the same restrictions during the period of time provided in a specific resolution, the water will not be turned on until there is a hearing before the Utilities Director to determine whether or not there is sufficient evidence to ensure that further violations will not occur. If the Utilities Director determines such evidence does not exist, then the water will not be turned on until authorized by the city. The burden shall be upon the account holder to make application to the city, where the account holder will be provided prompt notice and hearing.

APPENDIX E Cedar Rapids Municipal Code Chapter 32 Violations and Enforcement.

For the complete version of Chapter 32, see Municipal Code online at www.cedar-rapids.org

32.08.020 - CERTIFICATE OF OCCUPANCY

No building, or addition to a building or structure, constructed after the effective date of this Ordinance, and no addition to a previously existing building or structure, shall be occupied, and no land vacant on the effective date of this Ordinance shall be used for any purpose until a Certificate of Occupancy has been issued by the Zoning Administrator. No change in a use shall be made until a Certificate of Occupancy has been issued by the Zoning Administrator. Every Certificate of Occupancy shall state that the use or occupancy complies with the provisions of this Ordinance.

A.

APPLICATION FOR CERTIFICATE OF OCCUPANCY

Every application for a building permit shall be deemed to be an application for a Certificate of Occupancy. Every application for a Certificate of Occupancy for a new use of land, where no building permit is required, shall be made directly to the Zoning Administrator.

B.

ISSUANCE OF CERTIFICATE OF OCCUPANCY

No Certificate of Occupancy for a building, premises, or portion thereof, constructed or improved after the effective date of this Ordinance, shall be issued until construction has been completed and the premises inspected and certified by the Zoning Administrator to be in conformity with the plans and specifications upon which the building permit was based. No Certificate of Occupancy for a building, or addition thereto, constructed after the effective date of this Ordinance, shall be issued and no addition to a previously existing building shall be occupied until the premises have been inspected and certified by the Zoning Administrator to be in compliance with all applicable standards. The Certificate of Occupancy shall be issued, or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued not later than fourteen days after the Zoning

Administrator is notified, in writing, that the building or premises are ready for occupancy.

C.

ISSUANCE OF TEMPORARY CERTIFICATE OF OCCUPANCY

If the Zoning Administrator finds that no substantial hazard will result from occupancy of any building, or premises, or portion thereof before the same is completed, the Zoning Administrator may issue a temporary Certificate of Occupancy for the use of a portion or portions of a building, structure, or premises prior to the completion of the entire building, structure, or site improvements. Pending the issuance of a Certificate of Occupancy, a temporary certificate may be issued to be valid for a period not to exceed six (6) months from its date of issuance and to permit partial occupancy of the premises during completion of the construction and site improvements. Prior to the issuance of the temporary Certificate of Occupancy, the Zoning Administrator shall require that an escrow account or a bond be established in accord with the policies and procedures established by the City Council for those uncompleted portions of the construction and site improvements that prevented the certification of the premises by the Zoning Administrator.