

**ORDINANCE NO. 5550**

**AN ORDINANCE TO DELEGATE AUTHORITY TO  
SUSPEND WATERING RESTRICTIONS TO THE DIRECTOR OF PUBLIC WORKS  
BY AMENDING SECTION 13.04.600 OF THE RAPID CITY MUNICIPAL CODE**

WHEREAS, the City of Rapid City has adopted an ordinance establishing water conservation measures; and

WHEREAS, the ordinance does not currently provide for the granting of an exception or waiver to water conservation measures; and

WHEREAS, the Common Council of the City of Rapid City finds that it is in the best interests of the City to amend Section 13.04.600 of the Rapid City Municipal Code.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Section 13.04.600 of the Rapid City Municipal Code is hereby amended to read as follows:

**13.04.600 Water conservation measures established.**

For the purposes of conserving water and protecting limited supplies and facilitating the economical production of municipal water the following measures are established and shall be enforced:

A. 1. No outside watering, including lawn, tree and garden irrigation, shall be permitted during the months hereinafter specified. Outside watering shall be allowed between the hours of 6:00 p.m. and 9:00 a.m. according to the following schedule: Outside watering shall be allowed during the designated hours at addresses bearing an even number on days of the month bearing an even numbered date and may be allowed at addresses bearing an odd number on days of the month bearing an odd number; no outside watering shall be allowed on the thirty-first day of any month.

- a. Normal Status. The aforesaid measures shall apply during the months of June, July and August of each year.
- b. Concern Status. During such time as Pactola Reservoir contains less than 48,950 acre feet of water or the inflow to Pactola Reservoir is less than 90% of the mean monthly average, the aforesaid measures shall apply from April 1 through September 30.
- c. Alert Status. During such time as Pactola Reservoir contains less than 26,950 acre feet of water or the inflows to Pactola Reservoir are less than 50% of the mean monthly average, the aforesaid measures shall apply throughout the entire year.
- d. Critical Status. During such time as Pactola Reservoir contains less than 13,750 acre feet of water or the inflows to Pactola Reservoir are less than 25% of the mean monthly average no outside watering, regardless of hours or days, is permitted.

2. The public works Director shall notify the Council monthly of the level of Pactola Reservoir and the inflows to Pactola Reservoir. Based upon the information provided by the public works Director the Council shall determine which condition exists. If the Council shall determine that the status of the reservoir or the inflows has changed to a different level from its previous determination it shall publish notice of its new determination in the legal newspaper and shall make such news releases as it may find appropriate to inform the public of such change in status and the restrictions which shall then apply.

3. Nothing herein shall prohibit manual watering with a handheld hose or with a bucket, sprinkling can or other similar container.

4. The prohibition against outside watering applies only to watering with water taken from the city's water system or a system supplied from the city water system.

B. The Public Works Director or his designee shall have the authority to issue a waiver to temporarily suspend the application of the water conservation measures contained in Subsection A. Any person may apply for the waiver, which application shall be made on a form provided by the Department of Public Works. The issuance of the waiver shall be at the discretion of the Director or his designee and shall be governed by the following guidelines:

1. Waivers for new sod may be issued for watering within the water conservation hours established for in Subsection A. A waiver for new sod shall expire 2 weeks after the installation of the sod.

2. Waivers for newly seeded areas may be issued for watering within the water conservation hours established for in Subsection A.

a. No waiver shall be granted unless the yard is mulched.

b. A waiver for a newly seeded yard shall expire 3 weeks after seeding of the yard.

3. Waivers may be granted for daily watering, every-other-day watering, or watering at other intervals as deemed sufficient in the discretion of the Director of Public Works or his designee.

4. Waivers for large areas, such as apartment complexes, athletic fields or similar size areas, may allow watering for certain portions of the area on certain days, as deemed sufficient in the discretion of the Director of Public Works or his designee.

5. Waivers shall not be granted if Pactola Reservoir is in Critical Status as described above in 13.04.600(A)(1)(d).

6. The denial of an application for waiver may be appealed to the Common Council.

BC. During such time as the Council shall determine that Pactola Reservoir contains less than 13,750 acre feet of water or that the inflows to Pactola Reservoir are less than 25% of the

mean monthly average for that month there is imposed a conservation surcharge, in addition to the charges made under § 13.04.590 of this code, upon the use of water from the waterworks system for residential water accounts at the rate of \$1 per 100 cubic feet of water in excess of the following monthly amounts:

1. For single-family residences for which such data is available, the average monthly water consumption for meter readings taken during the preceding January, February and March;

2. For all other residential properties, eight hundred cubic feet multiplied by the number of dwelling units served under such account.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2009.

CITY OF RAPID CITY

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Finance Officer

(SEAL)

First Reading:  
Second Reading:  
Published:  
Effective: