

CITY OF BATAVIA

DATE: January 11, 2013
TO: Public Utilities Committee
FROM: John Dillon
SUBJECT: ORDINANCE 13-05, AMENDING WATER CONSERVATION
ORDINANCE

The City of Batavia is a member of the Northwest Water Planning Alliance (NWP). The NWP is a group of more than eighty (80) communities in Northeast Illinois and includes the counties of Lake, McHenry, Kane, DeKalb and Kendall. The communities within NWP rely on shared water resources. The water resources include deep and shallow aquifers and the Fox River.

As such, NWP is working with the Chicago Metropolitan Planning Association (CMA) and the Metropolitan Planning Council (MPC) to ensure the long-term sustainability of water within the Chicago metropolitan area. The efforts of these organizations include regional water efficiency and conservation efforts.

Please find attached a Water Conservation ordinance developed through the NWP. The ordinance was actually modeled utilizing Batavia's current ordinance, and the ordinances of some of our neighboring communities. There are a few minor adjustments to Batavia's existing ordinance being recommended by NWP that staff is proposing to incorporate.

These changes will be discussed at our next Public Utility Committee meeting.

Recommendation: Staff recommends approval of Ordinance 13-05, Amending Title 8, Chapter 2, Section 16 of the municipal code related to Water Conservation.

C. Bill McGrath
Gary Holm

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 13-05**

**AMENDING TITLE 8, CHAPTER 2, SECTION 16 OF THE BATAVIA
MUNICIPAL CODE**

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
THIS ____ DAY OF _____ 2013**

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This ____ day of _____, 2013

Prepared by:

City of Batavia
100 N. Island Ave.
Batavia, IL 60510

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 13-05**

**AMENDING TITLE 8, CHAPTER 2, SECTION 16 OF THE
BATAVIA MUNICIPAL CODE**

WHEREAS, the City of Batavia is a member community of the Northwest Water Planning Alliance (NWPA), an Alliance made up of more than eighty (80) communities in NE Illinois; and

WHEREAS, NWPA has developed a Model Water Conservation Ordinance that member communities are encouraged to adopt in order to preserve and protect the water resources of member communities; and

WHEREAS, it is in the best interests of the City of Batavia to modify the City Code to accommodate the recommended model Water Conservation Ordinance as outlined below:

NOW THEREFORE, BE IT HEREBY ORDAINED by the City Council of the City of Batavia, Kane and DuPage Counties, Illinois, as follows:

SECTION 1: That Title 8, Chapter 2, Section 16, of the Batavia Municipal Code is hereby amended and revised to provide as follows:

8-2-16: WATER CONSERVATION

Outdoor limitation on the use of water

- A. Purpose: Based on research from the Illinois State Water Survey, the Chicago Metropolitan Agency for Planning, local counties and other organizations, the City of Batavia recognizes that potable water is a finite natural resource; that communities within the Northwest Water Planning Alliance rely on shared groundwater and river water sources; and, that water conservation is a necessary component of a sustainable water supply.
- B. Definitions: The following words and phrases when used in this section shall, for the purposes of this section, have the following meanings:

CITY: The City of Batavia.

DRIP IRRIGATION SYSTEM: An irrigation system that saves water by allowing water to drip slowly to the roots of plants, either onto the soil surface or directly onto the root zone. Such systems include but are not limited to soaker hoses.

HANDHELD WATERING DEVICE: A means of watering that requires the watering device to be held in order to operate, including watering cans, buckets, and hoses equipped with automatic shutoff valves. This also includes the handheld use of a hose, provided it is continuously attended.

HARVESTED RAINWATER: Water that is accumulated and stored during times of precipitation, such as through rain barrels and cistern systems, is prevented from entering the storm water treatment system, and is redirected for reuse onsite.

IRRIGATION SYSTEM: A system consisting of pipes, valves and sprayers connected to the potable water supply to manually or automatically irrigate lawns or landscaping.

DRIP LINE: Pertaining to a tree or shrub, the ground area immediately beneath the branches of the tree or shrub.

LANDSCAPE: The area of the property planted with vegetation other than grass.

LAWN: The area of the property planted with grass.

LAWN SPRINKLER: A device attached to a hose designed to allow for the unattended watering of lawns or landscaping, but does not include a drip irrigation system.

LAWN WATERING: Any means or methods of applying water to a lawn.

NORTHWEST WATER PLANNING ALLIANCE (NWPA): An inter-jurisdictional alliance of five counties, five councils of government, and roughly 80 municipalities that collaborate and cooperate on regional water resource planning issues, particularly concerning shared groundwater aquifer resources.

PERSON: Any individual, firm, partnership, association, corporation, company, organization or entity of any kind

RECLAIMED GREYWATER: Water that is produced by treating onsite wastewater generated by household activities, such as laundry, dishwashing, and bathing, is prevented from entering the municipal wastewater treatment system, and is redirected for reuse onsite.

RECYCLED EFFLUENT: Water that was formerly municipal wastewater and has been treated to remove solids and impurities for reuse for non-potable purposes.

C. Application of Regulations:

1. The provisions of this section shall apply to any person using water:
 - a. within the City of Batavia that is supplied by the City of Batavia water system, regardless of whether:
 - i. the property is located within the municipal boundaries of the City of Batavia or
 - ii. the person using the water has a contract for service with the City of Batavia; or
 - b. for property that is located within the municipal boundaries of the City of Batavia that is supplied by the same aquifers as the municipal water supply regardless of whether the water is supplied through the City of Batavia water system.
2. The provisions of subsection (D) of this section shall apply year-round subject to any modifications thereof, including application of these or other regulations during this or any other time, by an emergency proclamation.

D. Permitted Hours and Days for Specified Uses:

1. All persons using water shall adhere to the following schedules for lawn watering:
 - a. All properties with even numbered street addresses (i.e., numbers
 - b. All properties with odd numbered street addresses (i.e., numbers ending in 1, 3, 5, 7 or 9) may use water for lawn sprinkling only on odd numbered calendar dates between the hours of six o'clock (6:00) A.M. and nine o'clock (9:00) A.M., or six o'clock (6:00) P.M. and nine o'clock (9:00) P.M.
 - c. All properties which cannot be readily identified as having even-or odd numbered street addresses are hereby designated as even-numbered for water conservation purposes.
 - d. The City reserves the right to allow watering on commercial and industrial properties each day of the week between the hours of midnight and 3:00 AM in lieu of the odd/even schedule, providing that the owner or property manager applies for permission, is granted permission in writing and the watering is undertaken in compliance with any conditions imposed in the written grant of permission.
2. There shall be no restrictions as to hours or days when water may be used for any of the following:

- a. Lawn watering where such watering is done using reclaimed grey-water, recycled effluent, or harvested rainwater;
- b. The watering of landscape, such as trees, shrubs, flowers and gardens with a handheld hose not larger than one-inch diameter or by means of an automatic root feed or drip irrigation system;
- c. Lawn watering where such watering is done with the proper, attended use of a handheld watering device;
- d. Vehicle or equipment washing, provided that all water hoses are equipped with a positive shutoff nozzles; or
- e. Any other lawful use of water such as bathing, clothes washing, or other normal household uses not otherwise specifically restricted by the provisions of this section.

E. Sod Laying And Seeded Lawn Installation Restrictions And Permit Requirements:

1. Notwithstanding the above provisions, sod laying, lawn seeding, and the planting of other landscaping for the establishment of a new lawn or new landscaping is prohibited from July 1 through August 31 each year, unless the source of watering for said sod, lawn seeding or planting of landscaping is derived from reclaimed grey-water, recycled effluent, or harvested rainwater. The prohibition shall not apply to soil erosion and sedimentation plans required pursuant to city ordinances (with approved plans) or for restorations due to required repairs of public utilities (e.g., water main breaks).

2. Except for the period of July 1 through August 31 of each year, water from the city water distribution system may be used for the establishment of sod and/or seeded turf lawns planted or installed in the then current year, only as follows:

a. A permit issued by the director of public works (or his designated representative) is required for the installation of all seeded and sodded lawns. The application shall include the following information:

- i. The address of the property where the sod is to be laid;
- ii. The name and address of the owner of said property;
- iii. The name and address of the contractor;
- iv. The number of square feet of sod to be laid; and
- v. The date on which the sod is to be laid.

b. On the day new sod or seed has been placed on a property, a person may use an automatic sprinkling device to apply water to the sod or seed for a total period of time not to exceed eight (8) hours. For the next nine (9) days thereafter, a person may apply water to said sod or seed each day during permitted hours of water use. Following the first ten (10) days after

the sod or seed is placed, the provisions of subsection C. and D. of this section shall apply.

- F. Waste Of Water Prohibited: No person shall allow a continuous stream of water to runoff into any gutter, ditch, drain, or street inlet while using water for restricted purposes nor shall a person spray or sprinkle streets or sidewalks.
- G. Exceptions: The provisions of this section shall not apply to any commercial or industrial operation for which the use of water is necessary to continue normal business operations, or to maintain stock or inventory. Provided, however, this exception shall not apply to any and all uses of water not essential to normal business operations or maintenance of inventory or stock, and specifically shall not apply to lawn watering.
- H. Emergency Proclamation: Whenever the water supply of the city is diminished from any cause, including, but not limited to, prolonged dry period or drought, increased water demand, equipment failure, or water quality concerns, to an amount which in the opinion of the City Engineer or Director Of Public Works is, or is likely to become, dangerous to the health and safety of the public, the Mayor is hereby authorized and empowered to issue an emergency proclamation specifying different or additional regulations on the use of water.
1. In the case of regional dry periods or drought, the mayor may take into account the recommendations of the regional water supply planning group, the Northwest Water Planning Alliance (NWPA), on making the decision to issue an emergency proclamation.
 2. Such regulations may provide for limitations on the usage of water, limitations on days and hours of use of water for some or all purposes, and the prohibition of specified uses of water. The following shall constitute the default emergency regulations:
 - a. In the case of moderate to severe drought conditions or similar regional water supply constraints as advised by the NWPA, the use of sprinkler systems shall be prohibited. Outdoor use of water shall still be allowed for those exempted uses in subsection (D) (2) and do not have to follow hour or day restrictions.
 - b. In the case of extreme to exceptional drought conditions or similar regional water supply constraints as advised by the NWPA, the use of water outdoors for any purpose shall be prohibited.

3. Upon issuing such proclamation, the mayor shall make the contents thereof known to the public by posting a copy at the City Hall, and by news release to local newspapers and radio media, and may also endeavor to notify the city residents and other persons in any other practical manner that he or she shall devise. Further, the Mayor shall immediately deliver notice of such proclamation, and the regulations that have been imposed by such proclamation, to all members of the City Council.
4. The emergency proclamation of the mayor, and the regulations imposed thereby, shall remain in full force and effect until any one of the following shall first occur:
 - a. The Mayor determines that the emergency no longer exists and that the emergency proclamation, and the regulations imposed thereby, shall no longer continue in effect.
 - b. The City Council modifies or repeals the emergency proclamation, and the regulations imposed thereby, by means of an ordinance enacted at any regular or special meeting of the City Council
5. Any city employee or officer may, at the direction of the Mayor, notify and warn any person of the effect of said emergency proclamation and direct said person to comply with said watering or sprinkling restrictions. If any said person, after having first been warned about said restrictions of the emergency proclamation, shall continue to violate said restrictions of the proclamation, they shall be deemed to be in violation of this section.
 - I. Authority: The authority to prohibit and further regulate the sprinkling of lawns, shrubbery and gardens shall be expressly reserved and may be amended from time to time, as necessary, by the Mayor and City Council.
 - J. Violation and Penalty:
 1. Any person who violates, disobeys, neglects, fails to comply with or resists enforcement of the provisions of this ordinance shall, within ten (10) days of receiving notice of such violation, pay the city a fine, as follows:
 - a. Fifty dollars (\$50.00) for a first offense;
 - b. One hundred dollars (\$100.00) for a second offense; and
 - c. Two hundred dollars (\$200.00) for each subsequent offense.
 2. Each day a violation occurs or continues shall be considered a separate violation for purposes of this section.

CITY OF BATAVIA, ILLINOIS ORDINANCE 13-05

3. In addition to penalties provided herein, the city may recover reasonable attorney fees, court reporter fees and other expenses of litigation.

SECTION 2: This Ordinance shall be in full force and effect upon its passage, presentation and approval according to law.

PRESENTED to and **PASSED** by the City Council of the City of Batavia, Illinois, this ____ day of _____, 2013.

APPROVED by me as Mayor of said City of Batavia, Illinois, this ____ day of _____, 2013.

Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Sparks				
2	Dietz					Wolff				
3	Jungels					Chanzit				
4	Volk					Stark				
5	Frydendall					Theлин Atac				
6	Liva					Clark				
7	Tenuta					Brown				
Mayor Schielke										
VOTE:		0 Ayes	0 Nays	0 Absent	0 Abstentions					
Total holding office: Mayor and 14 aldermen										

ATTEST:

Heidi Wetzel, City Clerk

8-2-16: WATER CONSERVATION:

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Outdoor limitation on the use of water

A. Purpose: Based on research from the Illinois State Water Survey, the Chicago Metropolitan Agency for Planning, local counties and other organizations, the City of Batavia recognizes that potable water is a finite natural resource; that communities within the Northwest Water Planning Alliance rely on shared groundwater and river water sources; and, that water conservation is a necessary component of a sustainable water supply.

~~A.B.~~ - Definitions: The following words and phrases when used in this section shall, for the purposes of this section, have the following meanings:

~~BULK WATER RATES: Water purchased through a fire hydrant connection.~~

~~CITY:~~ The City of Batavia.

~~DRIP IRRIGATION SYSTEM: A soaking hose that when in use does not result in an actual dissipation of water.~~ An IRRIGATION SYSTEM that saves water by allowing water to drip slowly to the roots of plants, either onto the soil surface or directly onto the root zone. Such systems include but are not limited to soaker hoses.

~~HANDHELD WATERING DEVICE: A means of watering that requires the watering device to be held in order to operate, including watering cans, buckets, and hoses equipped with automatic shutoff valves. This also includes the handheld use of a hose, provided it is continuously attended.~~

~~HARVESTED RAINWATER: Water that is accumulated and stored during times of precipitation, such as through rain barrels and cistern systems, is prevented from entering the stormwater treatment system, and is redirected for reuse onsite.~~

~~IRRIGATION SYSTEM: A system consisting of pipes, valves and sprayers connected to the potable water supply to manually or automatically irrigate lawns or landscaping.~~

~~DRIP LINE: Pertaining to a tree or shrub, the ground area immediately beneath the branches of the tree or shrub.~~

~~LANDSCAPE/LANDSCAPING: Sod and seeded turf lawns, gardens, trees, shrubs, and other living plants.~~ The area of the property planted with vegetation other than grass.

LAWN: The area of the property planted with grass.

~~PERMITTED HOURS OF WATER USE: A time period between six o'clock (6:00) A.M. and nine o'clock (9:00) A.M., and between six o'clock (6:00) P.M. and nine o'clock (9:00) P.M., each day.~~

~~PERSON: Any individual, firm, partnership, association, corporation, company, organization or entity of any kind.~~

~~LAWN SPRINKLER: Any device used to spray or irrigate lawns, gardens, trees or shrubs.~~ A device attached to a hose designed to allow for the unattended watering of lawns or landscaping, but does not include a drip irrigation system.

LAWN WATERING: Any means or methods of applying water to a lawn.

NORTHWEST WATER PLANNING ALLIANCE (NWPA): An inter-jurisdictional alliance of five counties, five councils of government, and roughly 80 municipalities that collaborate and cooperate on regional water resource planning issues, particularly concerning shared groundwater aquifer resources.

PERSON: Any individual, firm, partnership, association, corporation, company, organization or entity of any kind

RECLAIMED GREYWATER: Water that is produced by treating onsite wastewater generated by household activities, such as laundry, dishwashing, and bathing, is prevented from entering the municipal wastewater treatment system, and is redirected for reuse onsite.

RECYCLED EFFLUENT: Water that was formerly municipal wastewater and has been treated to remove solids and impurities for reuse for non-potable purposes.

~~WATER: The water provided by and obtained by a person from the city water supply and distribution system.~~

BC. Application of Regulations:

- ~~The provisions of this section shall apply to all persons using water, and to all properties within the city or unincorporated areas which are connected to the city's water supply and distribution system, regardless of whether any person using the water has a contract for~~

~~service with the city.~~ 1. The provisions of this section shall apply to any person using water within the City of Batavia, and:

- a. the property is supplied by the City of Batavia's water system, regardless of whether:
 - i. the property is located within the municipal boundaries of the City of Batavia or
 - ii. the person using the water has a contract for service with the City of Batavia; or
- b. the property is located with the municipal boundaries of the City of Batavia and uses water other than municipal water that is supplied by the same aquifers as the municipal water supply.

2. The provisions of subsection ~~C~~(D) of this section shall apply ~~annually from May 1 through September 31,~~ year-round subject to ~~any~~ modifications thereof, including application of these or other regulations during this or any other time, by an emergency proclamation.

~~CD. - Restricted Hours And Days For Specified Uses:~~ Permitted Hours and Days for Specified Uses:

1. All persons using water shall adhere to the following schedules for lawn watering:
 - a. All properties with even numbered street addresses (i.e., numbers ending in 0, 2, 4, 6 or 8) may use water for lawn sprinkling only on even numbered calendar dates between the hours of six o'clock (6:00) A.M. and nine o'clock (9:00) A.M., or six o'clock (6:00) P.M. and nine o'clock (9:00) P.M.
 - b. All properties with odd numbered street addresses (i.e., numbers ending in 1, 3, 5, 7 or 9) may use water for lawn sprinkling only on odd numbered calendar dates between the hours of six o'clock (6:00) A.M. and nine o'clock (9:00) A.M., or six o'clock (6:00) P.M. and nine o'clock (9:00) P.M.
 - c. All properties which cannot be readily identified as having even-or odd numbered street addresses are hereby designated as even-numbered for water conservation purposes.
 - d. The city reserves the right to allow commercial/industrial properties to water each day of the week between the hours of midnight and 3:00 AM in lieu of the odd/even schedule. Any such property so choosing to water between midnight and 3:00 AM must receive permission from the City.
2. There shall be no restrictions as to hours or days when water may be used for any of the following:
 - a. Lawn watering where such watering is done using reclaimed grey-water, recycled effluent, or harvested rainwater;
 - b. The watering of landscape, such as trees, shrubs, flowers and gardens, with a handheld hose not larger than one-inch diameter or by means of an automatic root feed or drip irrigation system;

- c. Lawn watering where such watering is done with the proper, attended use of a handheld watering device;
- d. Vehicle or equipment washing, provided that all water hoses are equipped with a positive shutoff nozzles; or
- e. Any other lawful use of water such as bathing, clothes washing, or other normal household uses not otherwise specifically restricted by the provisions of this section.

~~1. All persons using water shall adhere to the following schedules for landscape watering or the filling of swimming pools:~~

~~a. All properties with even numbered street numbers (i.e., numbers ending in 0, 2, 4, 6 or 8) may use water for landscape watering or for pool filling only on even numbered calendar dates during permitted hours of water use.~~

~~b. All properties with odd numbered street numbers (i.e., numbers ending in 1, 3, 5, 7 or 9) may use water for landscape watering or for pool filling only on odd numbered calendar dates during permitted hours.~~

~~c. There shall be no restrictions as to hours or days when water may be used for any of the following:~~

~~(1) Landscape watering or sprinkling where such watering or sprinkling is done by a person using a handheld watering device; or~~

~~(2) Filling of swimming pools under fifty (50) gallons of capacity; or~~

~~(3) The automatic watering of trees, gardens, flowers, and shrubs by means of automatic root feed or drip irrigation systems within the drip line of the tree or shrub; or~~

~~(4) Vehicle or equipment washing, provided that all water hoses are equipped with positive shutoff nozzles; or~~

~~(5) Any other lawful use of water such as bathing, clothes washing, and other normal household uses not otherwise specifically restricted by the provisions of this section.~~

~~D.E. Sod Laying And Seeded Lawn Installation Restrictions And Permit Requirements:~~

1. Notwithstanding the above provisions, sod laying, lawn seeding, and the planting of other landscaping for the establishment of a new lawn or new landscaping is prohibited from July 1 through August 31 each year, unless the source of watering for said sod, lawn seeding or planting of landscaping is derived from reclaimed grey-water, recycled effluent, or harvested rainwater. ~~watering for said sod, lawn seeding and/or planting of landscaping is derived from a private well, imported water source or means other than any~~

~~municipal water source.~~ The prohibition shall not apply to soil erosion and sedimentation plans required pursuant to city ordinances (with approved plans) or for restorations due to required repairs of public utilities (e.g., water main breaks).

2. Except for the period of July 1 through August 31 of each year, water from the city water distribution system may be used for the establishment of sod and/or seeded turf lawns planted or installed in the then current year, only as follows:

a. A permit issued by the director of public works (or his designated representative) is required for the installation of all seeded and sodded lawns. The application shall include the following information:

~~(1)~~ i. The address of the property where the sod is to be laid;

~~(2)~~ ii. The name and address of the owner of said property;

~~(3)~~ iii. The name and address of the contractor;

~~(4)~~ iv. The number of square feet of sod to be laid; and

~~(5)~~ v. -The date on which the sod is to be laid.

b. On the day new sod or seed has been placed on a property, a person may use an automatic sprinkling device to apply water to the sod or seed for a total period of time not to exceed eight (8) hours. For the next nine (9) days thereafter, a person may apply water to said sod or seed each day during permitted hours of water use. Following the first ten (10) days after the sod or seed is placed, the provisions of subsection C. and D. of this section shall apply.

~~F. F. Waste Of Water Prohibited:~~ No person shall allow a continuous stream of water to run-off into any gutter, ditch, drain, or street inlet while using water for restricted purposes ~~during the permitted hours of water use.~~ nor shall a person spray or sprinkle streets or sidewalks.

~~F. G. -Exceptions:~~ The provisions of this section shall not apply to any commercial or industrial entity for which the use of water is necessary to continue normal business operations, or to maintain stock or inventory. Provided, however, this exception shall not apply to any and all uses of water not essential to normal business operations or maintenance of inventory or stock, and specifically shall not apply to ~~landscape watering or pool-filling~~ lawn watering.

~~G. Bulk Water Rates: Bulk water rates shall be increased to two (2) times the nonresident water rate.~~

~~H. Hydrant Use Prohibited: Hydrants connected to the city water supply and distribution system are for the purpose of providing water for firefighting and protection. Fire hydrants shall not be opened by any person, other than authorized city personnel, fire department personnel or permitted users.~~

~~H.H. -Emergency Proclamation: Whenever the water supply of the city is diminished from any cause, including, but not limited to, prolonged dry period or drought, increased water demand, equipment failure, or water quality concerns, to an amount which in the opinion of the city engineer or director of public works is or is likely to become dangerous to the health and safety of the public, the city mayor is hereby authorized and empowered to issue an emergency proclamation specifying different or additional regulations on the use of water.~~

~~1. In the case of regional dry periods or drought, the mayor may take into account the recommendations of the regional water supply planning group, the Northwest Water Planning Alliance (NWPA), on making the decision to issue an emergency proclamation.~~

~~2. Such regulations may provide for limitations on the usage of water, limitations on days and hours of use of water for some or all purposes, and the prohibition of specified uses of water. The following shall constitute the default emergency regulations:~~

~~a. In the case of moderate to severe drought conditions or similar regional water supply constraints as advised by the NWPA, the use of sprinkler systems shall be prohibited. Outdoor use of water shall still be allowed for those exempted uses in subsection (D) (2) and do not have to follow hour or day restrictions.~~

~~b. In the case of extreme to exceptional drought conditions or similar regional water supply constraints as advised by the NWPA, the use of water outdoors for any purpose shall be prohibited.~~

~~3. Upon issuing such proclamation, the mayor shall make the contents thereof known to the public by posting a copy at the city hall, and by news release to local newspapers and radio media, and may also endeavor to notify the city residents and other persons in any other practical manner that he or she shall devise. Further, the mayor shall immediately deliver notice of such proclamation, and the regulations that have been imposed by such proclamation, to all members of the city council.~~

4. The emergency proclamation of the mayor, and the regulations imposed thereby, shall remain in full force and effect until any one of the following shall first occur:

a. The mayor determines that the emergency no longer exists and that the emergency proclamation, and the regulations imposed thereby, shall no longer continue in effect.

b. The city council modifies or repeals the emergency proclamation, and the regulations imposed thereby, by means of an ordinance enacted at any regular or special meeting of the city council

5. Any city employee or officer may, at the direction of the mayor, notify and warn any person of the effect of said emergency proclamation and direct said person to comply with said watering or sprinkling restrictions. If any said person, after having first been warned about said restrictions of the emergency proclamation, shall continue to violate said restrictions of the proclamation, they shall be deemed to be in violation of this section.

I. Authority: The authority to prohibit and further regulate the sprinkling of lawns, shrubbery and gardens shall be expressly reserved and may be amended from time to time, as necessary, by the mayor and city council.

J. Violation And Penalty:

1. Any person who violates, disobeys, neglects, fails to comply with or resists enforcement of the provisions of this ordinance shall, within ten (10) days of receiving notice of such violation, pay the city a fine, as follows:

a. Fifty dollars (\$50.00) for a first offense;

b. One hundred dollars (\$100.00) for a second offense; and

c. Two hundred dollars (\$200.00) for each subsequent offense.

2. Each day a violation occurs or continues shall be considered a separate violation for purposes of this section.

3. In addition to penalties provided herein, the city may recover reasonable attorney fees, court reporter fees and other expenses of litigation.

~~1. Such regulations may provide for limitations on the usage of water, limitations on days and hours of use of water for some or all purposes, and the prohibition of specified uses of water.~~

~~2. Upon issuing such proclamation, the mayor shall make the contents thereof known to the public by posting a copy at the city hall, and by news release to local newspapers and radio media, and may also endeavor to notify the city residents and other persons in any other practical manner that he or she shall devise. Further, the mayor shall immediately deliver notice of such proclamation, and the regulations that have been imposed by such proclamation, to all members of the city council.~~

~~3. The emergency proclamation of the mayor, and the regulations imposed thereby, shall remain in full force and effect until any one of the following shall first occur:~~

~~a. The mayor determines that the emergency no longer exists and that the emergency proclamation, and the regulations imposed thereby, shall no longer continue in effect.~~

~~b. The city council modifies or repeals the emergency proclamation, and the regulations imposed thereby, by means of an ordinance enacted at any regular or special meeting of the city council.~~

~~c. The first regular meeting of the city council occurring more than thirty (30) days after the date of the emergency proclamation of the mayor.~~

~~4. Any city employee or officer may, at the direction of the mayor, notify and warn any person of the effect of said emergency proclamation and direct said person to comply with said watering or sprinkling restrictions. If any said person, after having first been warned about said restrictions of the emergency proclamation, shall continue to violate said restrictions of the proclamation, they shall be deemed to be in violation of this section.~~

~~J. Authority: The authority to prohibit and further regulate the sprinkling of lawns, shrubbery and gardens shall be expressly reserved and may be amended from time to time, as necessary, by the mayor and city council.~~

~~K. Violation And Penalty:~~

~~1. Any person who or which violates, disobeys, neglects, fails to comply with or resists enforcement of the provisions of this section other than subsection D1 or D2 of this section, shall, within ten (10) days of receiving notice of such violation, pay the city of Batavia a fine, as follows:~~

~~a. Fifty dollars (\$50.00) for a first offense;~~

~~b. One hundred dollars (\$100.00) for a second offense; and~~

~~c. Two hundred dollars (\$200.00) for each subsequent offense.~~

~~2. Any person who violates subsection D1 or D2 of this section shall, within thirty (30) days of receiving a notice of such violation, be subject to imposition of a fine up to seven hundred fifty dollars (\$750.00) for each offense.~~

~~3. Each day a violation occurs or continues shall be considered a separate violation for purposes of this section.~~

~~4. In addition to penalties provided herein, the city may recover reasonable attorney fees, court costs, court reporter fees and other expenses of litigation. (Ord. 09-24, 6-15-2009)~~