

ORDINANCE NO. 2026—01

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF SHENANDOAH, IOWA, BY REPEALING AND REPLACING CHAPTER 93, "WATER CONSERVATION," TO INCLUDE REGULATIONS FOR PROTECTION AND CONTROL OF MUNICIPAL WATER QUALITY AND SUPPLY

WHEREAS, The City Council of the City of Shenandoah, Iowa, recognizes that supplies of potable water are essential for the health, safety, and welfare of its citizens; and

WHEREAS, Chapter 93 of the Municipal Code of the City of Shenandoah, Iowa ("City Code") regulates the health, safety, and welfare of the citizens of Shenandoah, Iowa, by regulating the usage of water during droughts and water supply emergencies; and

WHEREAS, the Shenandoah Water Department has limited capacity and from time to time during and following drought conditions and/or due to equipment failure or other emergencies, when the City's municipal water supply may become significantly and seriously depleted; and

WHEREAS, the City's water supply is evaluated by observing levels, and conservation measures are necessary when well levels drop below historic average low static and/or pumping levels; and

WHEREAS, the City has adopted a water conservation ordinance, Shenandoah Municipal Code Chapter 93, entitled "Water Conservation," to protect the City's water supply; and

WHEREAS, to purpose of the City's water conservation ordinance is to establish procedures for identifying and responding to a water supply emergency, to promote the protection and proper utilization of the City's water resources and ensure a sufficient supply of water to satisfy all customers' needs, the City Council deems it appropriate and necessary for public health, safety, and welfare to adopt revised measures; and

WHEREAS, the Council hereby determines the provisions set out herein are in the public's best interests to adopt and enforce henceforth.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHENANDOAH, IOWA, THAT:

SECTION ONE. The Municipal Code of the City of Shenandoah, Iowa, is hereby amended by repealing Chapter 93, Water Conservation, in its entirety and replacing it with the following in lieu thereof:

93.01. DECLARATION OF PURPOSE

From time to time during the following drought conditions, in case of significant emergency public need, or due to equipment failure or other circumstances, the City's water supply quantity or quality may be adversely impacted. In such circumstances, the City may find and declare certain water conservation measures are necessary and appropriate to protect the depletion of municipal water supply for human consumption and sanitation and produce an orderly and equitable reduction of water consumption within the City. Under the conditions set forth herein, the City may find and declare immediate water reduction plan phases in effect with the measures and provisions set forth herein, until such time as the City Council declares the water shortage conditions to be ended.

93.02 APPLICATION

The provisions of this chapter shall apply to all persons using municipal water both in and outside the city, and regardless of whether any person using water has a contract for water service with the city.

93.03 PUBLIC INFORMATION

The Water Superintendent will from time-to-time post on applicable forms of media, along with monthly water bills, an explanation of the regulations set forth in this Chapter.

93.04 WATER SHORTAGE CONDITIONS

A. Water Watch – A Water Watch may be declared when a water shortage or equipment failure poses a potential threat to the ability of the water system to meet the needs of its customers currently or in the foreseeable future. A Water Watch may be declared by the mayor when the majority of operating well pumping levels fall below *6 feet above the well safety level threshold*.

Stage 1 conservation measures shall apply.

B. Water Warning – A Water Warning may be declared when a water shortage or equipment failure poses a serious threat to the ability of the water system to meet the needs of its customers currently and in the

foreseeable future. A Water Warning may be declared by the mayor when the majority of operating well pumping levels fall below *5 feet above the well safety level threshold* or when there is a water system failure or malfunction.

Stage 2 conservation measures and penalties shall apply.

C. Water Emergency – A Water Emergency may be declared when a water shortage or equipment failure poses a severe and immediate threat to the ability of the water system to meet the needs of its customers. A Water Emergency may be declared by the mayor when the majority of the well pumping levels fall below *4 feet above the well safety level threshold* and when all wells have to be used together to prevent one or more wells from shutting down; when well levels cannot keep up with water use demands of the community; when there has been significant water loss from an emergency, including from water main break, fire, or well equipment or water system equipment or facility failure from any cause, known or unknown, that prevents the water system from maintaining water storage levels sufficient to meet anticipated customer demand.

Stage 3 conservation measures and penalties shall apply.

93.05 PROCEDURES

The Water Superintendent will monitor the City's water supplies, including the well pumping levels within the City, and shall provide this information to the mayor and city council, as appropriate.

Under the conditions set forth in this chapter, the Mayor, in consultation with the Water Superintendent, may find, and by proclamation declare, a water watch, water warning, or water emergency, during which time the following measures and provisions shall be in effect to prevent depleting the water supply for human consumption and sanitation and to produce an orderly and equitable reduction of water consumption.

Immediately upon the issuance of such a proclamation, regulations and restrictions set forth under this chapter shall become effective and remain in effect until the water shortage is terminated and the proclamation rescinded by order of the City Council.

Water uses, regulated or prohibited under this chapter, are considered to be non-essential and continuation of such uses during time of water shortage is deemed to constitute a waste of water, subjecting the users to surcharges, disconnection costs, and excess consumption fees.

Water reclaimed or recycled after some other primary use, such as water used for washing or cooling, may be used without restriction. Water obtained from other sources, such as condensation, collected rainwater, snow, and existing detached private wells, may be used without restriction through all stages of conservation.

Notice of the water shortage proclamation will be communicated to the city's water customers by public announcements in all reasonable manners and methods deemed appropriate by the Mayor and Water Superintendent, including city website and printed notices posted at Shenandoah City Hall.

Water conservation stage 1 and 2 may be repealed by declaration of the Mayor in consultation with the Water Superintendent. A water emergency may be repealed by action of the City Council.

A. Water Watch – Stage 1 Conservation.

All customers will be urged to conserve water by limiting all nonessential uses of potable water as follows:

1. No outdoor watering of residential or business lawns, shrubs, or gardens with a hose or irrigation system between the hours of 6:00 a.m. and 8:00 p.m. *Water usage will be charged at two times the applicable water rate until Stage 1 Conservation has ended.* A hose for filling buckets or watering cans without waste is permitted.
2. No car washing between the hours of 8:00 a.m. and 6:00 p.m., except in commercial establishments that provide that service.
3. No water should be used to fill private outdoor pools or ponds.
4. No water should be used for nonessential cleaning of commercial and industrial equipment, machinery, and interior spaces.

B. Water Warning – Stage II Conservation

All nonessential uses of potable water will be restricted as follows:

1. No outdoor washing or irrigation system, except as follows:
 - a. Watering with a hose or irrigation system of residential and business lawns, gardens, trees, and shrubs less than four (4) years old is permitted once a week between the hours

of 8:00 p.m. and 8:00 a.m. *Water usage will be charged at two times the applicable water rate.* A hose for filling buckets or watering cans without waste is permitted.

- b. Commercial establishments that provide car washing services may continue to operate. Bucket washing is allowed.
 - c. Water use necessary for safety vehicles, such as school transportation and emergency response vehicles.
2. No water should be used for nonessential cleaning of commercial and industrial equipment, machinery, and interior spaces.
 3. Recreational and leisure water use, including both private and municipal swimming pools, lawn watering and other incidental or recreational use is prohibited.
 4. No water should be used to wash streets, parking lots, driveways, sidewalks, or building exteriors.
 5. Bulk or tank loading water sales are prohibited.

C. Stage III Conservation and Water Emergency

Stage III conservation measures may be implemented by action of the City Council. The City Council may, at its discretion and in consultation with the Water Superintendent, implement additional measures by resolution in addition to those listed in Stage II. All Stage II Conservation restrictions shall be in effect. In addition:

- All outdoor water use, except for fire and health hazard prevention is prohibited.
- All commercial and industrial uses of water not essential in providing products or services is prohibited.
- Water use not necessary for the preservation of life or the general welfare of the community is prohibited.

Stage III Conservation measures shall also apply during a water emergency under Chapter 90. A water emergency may be declared by the mayor when recommended by the water superintendent under the following conditions:

- A. When well levels cannot keep up with water use demands of the community.
- B. A large uncontrolled leak under the following conditions or otherwise:
 1. Significant water loss due to a large water main break or fire,
 2. Unable to find a large water leak in the system that prevents the water plant from producing more water than it pumps to the system for a period of time causing the water storage levels to become low.
- C. Multiple well failures under the following conditions or otherwise:
 1. Well equipment failures or damage from storms or power surges
 2. Conditions arising from severe drought.

All violations that occur under a Stage 3 Conservation declaration or a water emergency shall be subject to applicable penalties and surcharges set forth under this Chapter. All violations and misuse of public drinking water during a water emergency shall be considered a direct threat to public health and may be subject to discontinuation of service. Service shall resume only when all fines and fees have been paid and service may be conditioned upon the customer providing a written agreement concerning the customer's plan for water usage during periods of Stage II and III water conservation declarations.

93.06 PENALTIES AND SURCHARGES

1. **First Violation.** For a first violation, the Water Department may issue a written notice (warning) of violation to the water user for violating the water use restrictions.
2. **Second Violation.** For a second or serious violation, the Water Department shall issue a written notice of violation and the customer shall pay a penalty in the amount of two hundred percent of the water portion of the utility bill of that month of the violation.
3. **Subsequent Violations and Violations During Water Emergencies.** For a third and subsequent violations, or any violation occurring during a water emergency, the customer shall pay a penalty in the amount of five hundred percent of the water portion of the utility bill of that month of the violation. Water service to the premises of the offending customer may be reduced or temporarily interrupted after providing 24-hours prior notice. In the event of water interruption, service shall not be restored until the customer has paid

applicable penalties and reconnection fee and has provided reasonable assurance that future violations will not occur.

In addition to the above penalties, the customer may be subject to other applicable penalties, including a municipal infraction up to the maximum fine permitted by law, water service disconnection, or both.

Disconnection from the water system as a result of nonpayment shall be subject to the City's disconnection procedures provided under Shenandoah Code Chapter 90.18 and shall be in accordance with state law.

93.08 APPEAL

The Shenandoah City Council shall oversee appeals of any action taken pursuant to a Water Watch, Water Warning or Water Emergency. If a customer is charged with a municipal infraction relating to this ordinance, that proceeding shall be conducted pursuant to Section 364.22 of the Code of Iowa.

Appeals shall be requested in writing and delivered to the City Clerk within the time stated in the notice, or it will be conclusively presumed that the directive or surcharge must be followed as ordered. The hearing shall be before the Council at a time and place fixed by the Council. The findings of the Council shall be conclusive and, if the directive or surcharge are found valid, it shall be ordered and fulfilled within a reasonable time under the circumstances.

The Council may conclude that a violation did not occur or that the circumstances under which the violation occurred warrant a complete or partial mitigation of the administrative surcharge.

93.09 MUNICIPAL INFRACTION

No person shall make, cause, use or permit the use of water for any purpose in a manner contrary to any provision of this Ordinance. The waste or unreasonable use of water is prohibited. A violation of this Chapter, including the omission or failure to perform any act or duty required herein, shall be a municipal infraction.

SECTION TWO. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion hereof.

SECTION THREE. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION FOUR. Effective. This Ordinance shall be in full force and effect, from and after its passage, adoption, and approval and publication as required by law, unless a subsequent effective date is set out hereinabove.

SECTION FIVE. When this ordinance is in effect, it shall automatically supplement, amend, and become a part of the Municipal Code of the City of Shenandoah, Iowa.

PASSED on its first consideration the 24th day of February, 2026.

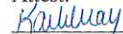
PASSED on its second consideration the 10th day of March, 2026.

PASSED AND APPROVED on its third consideration this 24th day of March, 2026.

CITY OF SHENANDOAH, IOWA


Roger McQueen, Mayor

Attest:



Karla Gray, City Clerk

I certify that the foregoing was published as Ordinance No. 2026-01 on the 22nd day of April, 2026.


Karla Gray, City Clerk