

Ordinance 3131

AN ORDINANCE OF THE CITY OF PORT TOWNSEND DECLARING AN EMERGENCY RELATED TO WATER SUPPLY AND FIRE HAZARDS

RECITALS:

A. On May 21, 2015, Governor Jay Inslee declared drought conditions throughout the State of Washington, citing the fact that "...mountain snowpack is at record lows, and many streams and rivers are flowing at record-low levels." Statewide Drought Declaration, May 21, 2015. Exhibit A;

B. The Washington State Department of Natural Resources initiated an outdoor burn ban in Jefferson County on June 22, 2105. Exhibit B;

C. The East Jefferson Fire Rescue District issued a comprehensive burn ban for on June 29, 2015. Exhibit C;

D. The City of Port Townsend's ("City") Public Works Department has determined that stream flows in the City's water supply are less than a third of normal for this time of year. The US Forest Service Special Use Permit (SUP) for the operation of the Big Quilcene River municipal diversion mandates a minimum instream flow of 27 cfs below the Big Quilcene diversion if naturally available. Flow is measured below the diversion with a USGS maintained stream gage. Diversions are reduced to maintain 27 cfs instream below the diversion and water from Lords Lake is used to augment the total supply based on the daily demand. At a flow of 27 cfs the Big Quilcene River diversion will be shut off. The Little Quilcene River water right and SUP requires maintaining a minimum instream flow of 6 cfs. Diversions are adjusted as necessary to sustain flow below the diversion. Draft Drought Contingency Response Plan, Exhibit D;

E. Chapter 9.40 of the Port Townsend Municipal Code, and Chapter 38.53 of the Revised Code of Washington authorize the City to declare an emergency, and to exercise emergency powers in accordance with state law.

NOW, THEREFORE, the City Council of the City of Port Townsend do ordain as follows:

Section 1. Findings:

a. The City Council adopts the Recitals set forth above and, based on those Recitals, finds that drought conditions exist within the City's watershed, and within the City limits.

b. These drought conditions drastically increase the risk of fire within the City limits, and within the City's watershed. This threatens the life, safety, and property of the City's residents and water customers.

Section 2. Declaration of Emergency. The City Council hereby declares an emergency related to enhanced fire hazard, and possible water shortages. Council adopts the Drought Contingency Response Plan, attached as Exhibit D.

Section 3.

a. The City Manager is authorized to implement the provisions of the Drought Contingency Response Plan, and to modify that Plan as recommended by staff, State, or Federal agencies. This authorization includes but is not limited to ordering water customers to implement water conservation measures.

b. Upon the recommendation of the East Jefferson Fire Department, the City Manager may order the immediate abatement of fire hazards. Notwithstanding any provisions to the contrary in Chapter 1.20 (Code Administration and Enforcement), the City Manager is authorized to direct immediate abatement of fire hazards, and to seek court orders as necessary to accomplish the same.

Section 4. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 5. Effective Date. Having been adopted by a majority plus one of the City Council, this Ordinance shall take effect upon adoption.

Adopted by the City Council of the City of Port Townsend, Washington, at a regular meeting thereof, held this 20th day of July, 2015.

David King
Mayor

Attest:

Approved as to Form:

Joanna Sanders, CMC
City Clerk

Steven L. Gross
City Attorney