

ORDINANCE NO. 2025-9

AN ORDINANCE ESTABLISHING WATERING RESTRICTIONS BY THE TOWN OF EDINBURGH, INDIANA

WHEREAS, pursuant to Ind. Code 36-9-2-15, the Town of Edinburgh ("Town") furnishes electrical, water, and sewer utility services to the public ("Utility Services");

WHEREAS, the Town has heretofore established, owns and operates its water utility for service to the public pursuant to Indiana Code 8-1.5, and other applicable laws (the "Act");

WHEREAS, the Town has removed its water utility from the jurisdiction of the Indiana Utility Regulatory Commission (the "IURC") and, accordingly, the Town will not need approval of the IURC for lawn watering restrictions;

WHEREAS, both natural and man-made conditions, may arise or occur which cause a temporary shortage of water; and such conditions may affect the Town public water system's ability to provide an adequate supply of water or where the public water supply may be unable to maintain adequate water pressure in the delivery system which could result serious fire protection problems; and in such event it is imperative to the wellbeing of the residents of the Town that uses of water not essential to the health, welfare and safety be restricted,

NOW, THEREFORE, be it ordained by the Council of the Town of Edinburgh, Indiana, ("Council") and establishes the following rules and regulations concerning lawn watering restrictions:

- Section 1. Application. This ordinance shall apply to all persons, firms, partnerships, corporations, company, government organizations, or organizations being supplied with the Town's water utility service ("Customers");
- Section 2. Definitions. For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning;
- 2.1 Lawn: The area of the property planted with grass;
- 2.2 Lawn Watering: Any means or methods of applying water to a lawn;
- 2.3 Sprinkling Devices. Includes, but is not limited to, such devices as hoses, portable sprinklers and permanently installed sprinkler systems that are used for sprinkling or watering but shall not include those sprinkling devices used in commercial car wash businesses or sprinkling devices used for purposes of fire protection;
- 2.4 Vegetable Garden. A garden where substantially all of the plants are suitable and grown primarily for human consumption;
- 2.5 Water Emergency. An occurrence wherein mandatory conservation measures are appropriate due to the groundwater wells not functioning properly due to reduced groundwater levels or the existence of other circumstances that have reduced the amount of treated water available to customers, as determined by the Council.
- Section 3. Declaration of Water Emergency; Notice. Upon determining that the Town public water system is in a condition of water shortage, that it is likely to become dangerous to the health and safety of the public, the Council is authorized and empowered to declare the existence of a water emergency, whereupon the respective water conservation measures described in Section 4 shall apply until the water warning or emergency is terminated. Whenever the Council finds that some or all of the conditions that gave rise to the declaration of a water emergency no longer exist, the Council may declare the water emergency terminated. Notice of the declaration or termination of a water emergency shall be made by publication in a newspaper of general circulation. Notice shall be deemed effective forty-eight (48) hours after publication;
- Section 4. Mandatory Water Conservations; Exemptions;

- 4.1 During a water emergency, it shall be unlawful for a water Customer to cause, permit, allow, do or engage in any of the following actions:
- (a) Sprinkling, watering or irrigating of grass, except sod or new seedling grass installed during the year in which a ban is instituted, but prior to the effective date of the ban, with a handheld nozzle with shut-off valve;
 - (b) Installing new lawn by using sod until return to normal conditions are declared by the Council;
 - (c) Using hydrants except for fire suppression or as otherwise directed by the Council; and
 - (d) Operating water fountains that are non-recycling.
- 4.2 In addition to the prohibitions listed in Section 4.1, above, it shall be unlawful during a water emergency for a water user to cause, permit, allow, do or engage in any outdoor watering; provided, however, that Vegetable Gardens may be watered every other day by container or hand-held hose equipped with shut-off nozzle;
- 4.3 The Nurseries Customers shall be exempt from the prohibitions contained in Sections 4.1 and 4.2 above, provided water use is limited to the amount essential to preserve inventories;
- 4.4 The following Customers may be exempted by the Council from the prohibitions contained in Sections 4.1 and 4.2 above:
- (a) Automatic commercial car washes, provided a majority of the water used is recycled;
 - (b) Manual commercial car washes, provided only a handheld hose equipped with a shut-off nozzle is utilized;
 - (c) The use of private wells for outside watering purposes, provided that a sign stating PRIVATE WELL must be displayed on the dwelling readable from the right-of-way. All private wells' water faucets must be permanently labeled. No interconnection of the private well with the public water system shall be permitted;
 - (d) Golf courses, provided tee boxes and greens are watered only on an every other day schedule that begins on Monday of each week and fairways are watered only once per week on Thursday; and
 - (e) Any watering of property owned or controlled by the Town Department of Parks and Recreation as directed by the Council where such watering is necessary or appropriate for asset preservation.

Section 5. Enforcement. This ordinance shall be enforced by the Town Manager;

Section 6. Penalty. Each Customer shall be responsible for compliance with this ordinance with respect to the premises where the Customer receives water service. The actions of any subcontractors (e.g. lawn maintenance contractor) are the responsibility of the Customer and ordinance violations by subcontractors will be issued to the Customer;

- 6.1 Any Customer who violates the provisions of this Ordinance shall be guilty of an infraction, punishable by a fine of not more than:
- (a) First offense: Warning;
 - (b) Second offense within a year: Five Hundred Dollars and No Cents (\$500.00); and
 - (c) Third and subsequent offenses within a year: Seven Hundred and Fifty Dollars and No Cents (\$750.00).

- 6.2 In addition to, or in the alternative to, a fine, water service may be terminated for any Customer who violates this ordinance;
- 6.3 The payment of a penalty for the violation of any provision of this ordinance shall not excuse the violation or permit to continue, nor shall such payment be held to prevent the enforced correction of the prohibited conditions. A separate offense shall be deemed committed upon each day during or on which such violation occurs or continues;
- 6.4 With respect to violations not resolved, including a person's subsequent violations of this ordinance in a 12-month period, the Council may refer the matter to the Johnson County Prosecutor to file an enforcement action in court;
- 6.5 All monies collected from violation of this ordinance shall be deposited in the General Fund of the Town.

Section 7. Conflicts. All ordinances or parts of ordinances in conflict with provisions of this ordinance are hereby repealed. This ordinance does not affect any other sections of the Edinburgh Municipal Code, or other ordinances except as herein provided and all other sections of the Edinburgh Municipal Code, and other ordinances shall remain the same;

Section 8. Severability. The sections, paragraphs, sentences, clauses, phrases and words of this Ordinance are separable, and if any word, phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs and sections of this ordinance;

Section 9. Effective Date. This ordinance shall be in full force and effect from and after its passage, approval and publication according to law and that the amended rates and charges are to be implemented effective as of the date of this ordinance and beginning on a date as soon thereafter as possible.

ADOPTED this 14 day of July 2025.

EDINBURGH TOWN COUNCIL

M. Ryan Piercefield, Council President

Miriam Rooks
Miriam Rooks, Vice-President

Debbie Buck
Debbie Buck, Member

Michael Bryant
Michael Bryant, Member

Sherri Sweet
Sherri Sweet, Member

ATTEST:

Rhonda Barrett
Rhonda Barrett, Clerk-Treasurer