

ORDINANCE NO. 2007 - 13

AN ORDINANCE OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE AMENDMENT OF MOSCOW CITY CODE TITLE 5, CHAPTER 17, TO ESTABLISH AN ANNUAL OUTDOOR IRRIGATION SEASON, TO LIMIT IRRIGATION TO SUCH SEASON, AND TO PROHIBIT IRRIGATION OF IMPERVIOUS SURFACES; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE BE DEEMED SEVERABLE; AND PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM THE DATE OF ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, City Council recognizes that the Grand Ronde aquifer that supplies most of Moscow's water is declining; and

WHEREAS, City Council recognizes the need to conserve water as a precious resource; and

WHEREAS, Council desires to highlight the importance of conserving water resources; and

WHEREAS, Council believes this Water Conservation Ordinance to be an important part of a broad and concerted effort to promote reasonable and responsible water use and conservation within the City; and

WHEREAS, Council believes that appropriate regulation of outdoor irrigation will result in water conservation; and

WHEREAS, Council believes that regulation of outdoor irrigation as provided herein is a reasonable measure which will not unduly interfere with the practices of Moscow citizens; and

WHEREAS, Council provides for certain exemptions to the outdoor irrigation restrictions; and

WHEREAS, Council wishes to prohibit watering of impervious surfaces;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MOSCOW, IDAHO, AS FOLLOWS:

SECTION 1: That Moscow City Code Title 5 shall be amended by the addition of Chapter 17 as follows:

Sec. 17-1. Purpose.

The purpose of this Chapter is to highlight the importance of water conservation and to promote the responsible use of water within the City through reasonable regulation.

Sec. 17-2. General Water Usage Regulations.

No person who uses water from the City water supply system shall make, cause, use or permit the use of such water in a manner contrary to the provisions of this Chapter whether or not such person is an account holder or customer of such City water supply system.

Sec. 17-3. Definitions.

For purposes of this Chapter, the following term(s) shall have the meaning given herein:

- A. Automatic shut-off mechanism. A device or attachment which immediately and automatically shuts off the flow of water from a hose when the hose is not being physically held or operated by a person, such as a pistol or trigger spray hose nozzle or other automatic positive shut-off nozzle. A device or attachment which shuts off water flow by measuring or metering water (such as a mechanized water timer) or a device or attachment which shuts off water flow after a certain measurement of time (such as an electronic water timer), is not an automatic shut-off mechanism for purposes of this Chapter.
- ~~B.~~ Impervious Surface. A durable surface made of or similar to gravel, asphalt, concrete, cement, brick, or combination thereof, which is laid down on or applied to an area including, but not limited to, a sidewalk, parking lot, etc., for the purpose of creating a permanent or semi-permanent surface which could sustain vehicular, foot, or bicycle traffic or other means of transportation, and where vegetation is unlikely to grow.
- ~~C.~~ Irrigation System. Any device(s) or system(s) utilizing a hose, pipe, and/or other conduit which connects to any source of ground and/or surface water and through which water is conveyed and/or drawn in order to apply such water to land, crops, plants, and/or other vegetation including, but not limited to, sprinklers, in-ground irrigation, or a similar system. "Irrigation system" shall not include an automatic shut-off mechanism, as defined in this Chapter.
- ~~BCD.~~ Outdoor Irrigation. The act or process of watering or wetting landscaping, grass, trees, plants, and/or other vegetation by causing water from the City's water supply to flow upon, over, through or into property with sprinklers, sprinkler hoses, soaker hose(s) (water weeping types), drip irrigation systems, in-ground irrigation systems, or by other similar means. Irrigation with hand-held hose(s) of ~~three quarters one~~ one inch (1" ³/₄") or less ~~in~~ inside diameter equipped with an automatic shut-off mechanism or irrigation using a container of five (5) gallons or less shall not be considered outdoor irrigation for purposes of this Chapter.
- ~~DE.~~ Outdoor Irrigation Season. The period within each calendar year declared by the Public Works Director during which Outdoor Irrigation is allowed within City limits. The Public Works Director shall declare and advertise the beginning date of the Outdoor Irrigation Season no later than May 1st of each year. The Public Works Director shall declare and advertise the ending date of the Outdoor Irrigation Season at least two (2) weeks prior to such ending date.

Sec. 17-4. Outdoor Irrigation of Impervious Surfaces Prohibited.

No person shall cause or permit an irrigation system under the ownership, supervision, and/or control of such person to apply water directly or indirectly to an impervious surface, unless otherwise allowed by this Chapter.

Sec. 17-45. Outdoor Irrigation Season and Hours.

~~From April 1 to October 31, o~~Outdoor irrigation shall be allowed only between the hours of 6:00 p.m. and 10:00 a.m. local time, during the Outdoor Irrigation Season unless modified by variance pursuant to this Chapter.~~City Engineer.~~ Outdoor irrigation shall be prohibited at all times not within the declared Outdoor Irrigation Season. Outdoor ~~i~~rrigation by means of soaker hose(s), (water weeping types) or drip-irrigation systems may occur at any time during the ~~o~~Outdoor irrigation ~~s~~Season specified herein.

Sec. 17-56. Exemptions from Water Conservation Regulations.

The following uses of water shall not be regulated by this Chapter:

- A. Water required to be used for the control of dust or compaction of soil by this Code or by State and/or Federal statute or regulation;
- B. Water used to prevent or abate public health, safety or accident hazards including, but not limited to, fire suppression, fire prevention, and sanitation when a reasonable alternative method is not available;
- C. Water used for inspection, maintenance, installation or repair of automatic landscape sprinkling systems or of the City's water supply system (including fire hydrants and training facilities);
- D. Water used by City or its agents or franchisees for street sweeping, construction, and maintenance; sewer maintenance; or other established utility and/or public works practices;
- E. Water used for purposes other than outdoor irrigation in the normal and customary course of a business operation and water used by a commercial nursery for watering of nursery stock;
- F. Where water used for outdoor irrigation is gray water (household waste water other than from water closets or kitchen sinks), treated waste water or effluent, reused water, or water from a source other than the City water system, such as collected rainwater.

Sec. 17-67. Variance from Water Conservation Regulations.

The ~~City Engineer~~Public Works Director or designee may grant permission to an applicant for variance from the provisions of this Chapter where it is established that there is a hardship or special circumstance which requires such a variance (e.g., establishment of newly seeded or sodded turf grass and/or landscaping; application of chemicals which requires immediate irrigation to preserve lawn or landscaping; physical necessity; etc.). When granting a variance, the ~~City Engineer~~Public Works Director or designee shall establish such conditions and limitations as are necessary to further the purposes of this Chapter.

Sec. 17-78. Penalties

- A. Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof in a court of competent jurisdiction, shall be punished pursuant to this Code and the Idaho Code.
- B. The imposition of a penalty for any violation of this Chapter shall not excuse the violation or permit it to continue.
- C. Each day or part thereof in which an activity occurs which is prohibited by this Chapter, shall constitute a separate offense.
- D. For purposes of this Chapter, no violation shall be prosecuted unless the ~~City Engineer~~Public Works Director or designee or the City Police Department has made at least one (1) attempt to contact and to request relief from the person responsible for the violation ~~and the violation has continued or resumed within two (2) hours of the initial contact or attempt to contact.~~

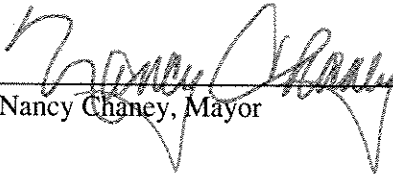
SECTION 2: SEVERABILITY. Provisions of this Ordinance shall be deemed severable and the invalidity of any provision of this Ordinance shall not affect the validity of remaining provisions. The remaining sections of Title 5 shall be in full force and effect.

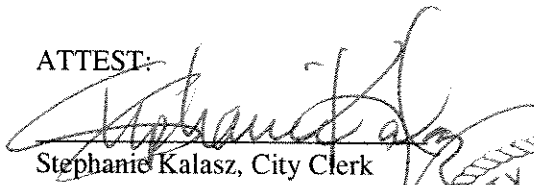
SECTION 3: EFFECT ON OTHER ORDINANCES. Where the definitions contained in this Ordinance are in conflict with relevant portions of the City of Moscow, Idaho, Municipal Code, the

definitions contained within those portions of the Moscow Municipal Code will be unaffected until such time, if any, as they are amended to be consistent with this Ordinance.

SECTION 4: EFFECTIVE DATE. This Ordinance shall be effective upon its passage, approval, and publication according to law.

PASSED by the City Council and APPROVED by the Mayor this 19th day of November, 2007.


Nancy Chaney, Mayor

ATTEST:

Stephanie Kalasz, City Clerk

