

CITY OF REDMOND
ORDINANCE NO. 2455

AN ORDINANCE OF THE CITY OF REDMOND,
WASHINGTON, RELATING TO WATER USE
RESTRICTIONS, REPEALING RMC CHAPTER 13 28,
SPRINKLING AND IRRIGATION, AND ADOPTING A
NEW CHAPTER RMC 13 29, WATER USE
RESTRICTIONS, IN ORDER TO PROVIDE FOR A
WATER SHORTAGE RESPONSE PLAN, WATER USE
RESTRICTIONS, ENFORCEMENT AND PENALTIES, AND
PROVIDING FOR SEVERABILITY, AND ESTABLISHING
AN EFFECTIVE DATE

WHEREAS, the City of Redmond has experienced several water supply emergencies due to drought that resulted in having to enforce water use reductions and restrictions, and

WHEREAS, the imposition of water use reductions and restrictions is coordinated at a regional level with the Cascade Water Alliance and the City of Seattle through various Water Supply Contingency or Response Plans, and

WHEREAS, the existing Redmond Municipal Code sections have become outdated with respect to water use reductions and restrictions and the Public Works Department has recommended updating of the code

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS

Section 1 Repeal of Chapter RMC Chapter 13 28-
Sprinkling and Irrigation, is hereby repealed in its entirety as follows

~~{Chapter 13.28~~

~~SPRINKLING AND IRRIGATION*~~

~~Sections-~~

~~13 28 010 Definitions-~~

~~13 28 020 Application-~~

~~13 28 025 Irrigation, sprinkling, recreational water
consumption-~~

~~13 28 030 Use restrictions-~~

~~13 28 040 Large water users-~~

~~13 28 050 Director may prohibit irrigation-~~

~~13 28 060 Penalties-~~

~~13 28 070 Enforcement-~~

~~13.28.010 Definitions.~~

~~For the purpose of this chapter, the following
terms, phrases, words and their derivations shall have
the meaning given herein. When not inconsistent with
the context, words used in the present tense include
the future, words in the plural number include the
singular number, and words in the singular number
include the plural number. The word "shall" is always
mandatory and not merely directory.~~

- ~~(1) "City" is the city of Redmond~~
- ~~(2) "Customer" is any person using water supplied by the city~~
- ~~(3) "Director" is the Director of Public Works of the city of Redmond~~
- ~~(4) "Person" is any person, firm, partnership, association, corporation, company, or organization of any kind, including municipal and governmental entities~~
- ~~(5) "East side of Redmond" is all that portion of the city easterly of the Sammamish River and Lake Sammamish~~
- ~~(6) "Water" is water from the water division of the city of Redmond's Public Works Department~~
- ~~(7) "West side of Redmond" is all that portion of the city westerly of the Sammamish River and Lake Sammamish~~
- ~~(8) "Violator" means any person who violates any provision of this chapter or any water use restriction adopted by the Director under the authority of this chapter. Specifically, the term violator includes, but is not limited to, the following persons when the same have violated any such provision or restriction~~

~~a The occupant of any residence or commercial structure,~~

~~b The renter of a residence if the residence is a rental,~~

~~c The occupant of a condominium unit where the violation occurs in an area maintained by that condominium unit,~~

~~d The homeowners' association of a condominium or other development where the violation occurs in any common area, and~~

~~e The owner and/or manager of any multi-family or apartment complex where the violation occurs in any common area~~

~~13.28.020 Application.~~

~~The provisions of this chapter shall apply to all customers using water both in and outside the city, regardless of whether any customer using water shall have contract for water service with the city~~

~~13.28.025 Irrigation, sprinkling, recreational water consumption.~~

~~Services for irrigation, sprinkling and recreational usage shall be subject to the following regulations~~

~~(1) The Public Works Department may restrict the above uses to certain hours of the day and/or certain days of the week~~

~~(2) Public Works Department may limit the maximum amount of water to be consumed over a specified period of time~~

~~(3) The installation of check valves, slow closing valves, vacuum breakers, and other appurtenances necessary for the protection of the city's water system may be required by the Public Works Department~~

~~The city shall not be liable for damages or losses resulting from the curtailment of water usage under the above regulations. However, where practicable, the Public Works Department will endeavor to give reasonable advance notice to the public or the persons concerned of restrictions or limitations on the use of water for such purposes. Any person violating any of the above regulations, after notice by the Public Works Department of requirements thereunder, shall be guilty of a violation of this chapter and be subject to a civil infraction not to exceed \$500 per violation~~

~~13.28.030 Use restrictions.~~

~~From and after the fifteenth day of May in each year, upon determination by the director that these restrictions should be put into effect due to a water shortage, and for so long as the director shall specify, no person or customer shall sprinkle, water, or irrigate any shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens, vegetables, flowers, or any other vegetation or wash any vehicle, boat, sidewalk, driveway, porch or other outdoor surface or fill any swimming or wading pool except as follows.~~

~~(1) Such irrigation, sprinkling, watering and washing down shall be permitted on the east side of Redmond only from 6:00 a m to 8:00 a m and from 7:00 p m to 8:30 p m each day;~~

~~(2) On the west side of Redmond, such usage shall not be confined to specified hours, but shall be limited as much as possible on a voluntary basis for the purpose of conserving water;~~

~~(3) Large water users shall be governed by the following Section 13 28 040~~

~~13.28.040 Large water users.~~

~~The requirements of Section 13 28 030 of this chapter notwithstanding, no person or customer whose monthly average water use for the period from May 15th through August 31st of any of the preceding three years exceeds twenty five thousand cubic feet per month, hereinafter called "large water users," shall irrigate, sprinkle, or water any shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens, vegetables, flowers or any other vegetation or use water for any commercial purpose except on days assigned in each week during which the ordinance codified in this chapter is in effect, said days to be assigned by the director after consultation with the individual large water users.~~

~~**13.28.050 Director may prohibit irrigation.**~~

~~Whenever the director determines that the water available to the city's Water Department is insufficient to permit any irrigation, watering, sprinkling, filling of swimming or wading pools, or vehicle or boat washing and that all water then available to said department should be used solely for human consumption, sanitation and fire protection, he may order and direct that such uses shall not be~~

~~permitted by any person or customer. The director shall have power to exempt commercial uses if conditions permit. While such order is in effect, no person or customer shall irrigate, sprinkle or water any shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens, vegetables, flowers, or any other vegetation nor fill swimming or wading pools or wash vehicles or boats as specified by the director. Violation shall be punished as provided in Section 13.28.060 of this chapter.~~

~~**13.28.060 Penalties.**~~

~~A. Except as otherwise provided herein, violation of any provision of this chapter, or any water use restriction adopted by the Director under the authority of this chapter shall be subject to the following civil penalties:~~

~~1. First Violation - Whenever a violation of this chapter or any use restriction adopted hereunder is a first offense, the violator shall be issued a warning notice describing the violation, requiring immediate cessation of the violation, and advising of that future violations will result in the imposition of further penalties as provided in this section.~~

~~2 Second, Third and Fourth Violation~~

~~Whenever a violation of this chapter or any use restriction adopted hereunder is a second, third or fourth offense, the violator shall be issued a Notice of Violation which shall describe the violation, state whether it is a second, third or fourth offense, require immediate cessation of the violation, and set forth the amount of the civil penalty to be imposed. In the case of second, third and fourth offenses, a civil penalty will be imposed on the violator as follows-~~

Violation	Penalty
Second Violation	\$100 00
Third Violation	\$250 00
Fourth Violation	\$500 00

~~3 Fifth Violation~~

~~Whenever a violation of this chapter or any use restriction adopted hereunder is a fifth offense, the Director is authorized to install a water restricting device on the water line or lines serving any violator after issuing a Notice of Violation which includes notification that the device will be installed. The water restricting device shall be in addition to a \$500 00 civil penalty imposed upon the violator-~~

~~4 Sixth Violation Whenever a violation of this chapter or any use restriction adopted hereunder is a sixth offense, the Director is authorized to shut off all water to any lines serving the violator. The Director shall follow all notice procedures prescribed in this Section, as well as those notice procedures utilized by the city for water shut off in situations of nonpayment. Shut off shall be in addition to a \$500.00 civil penalty imposed upon the violator.~~

~~B Separate Violations Each separate violation, and each day any violation of this chapter or any use restriction adopted hereunder is committed or permitted to continue, shall constitute a separate offense and shall be subject to the penalties set forth hereunder.~~

~~C Addition to Water Bill If any monetary penalty imposed pursuant to subsection A is not paid within 30 days of issuance of the Notice of Violation, said penalty amount shall be entered upon the water bill for the building, structure or premises, and collected in the same manner as provided for delinquent accounts.~~

~~D Review of Penalties by Director~~

~~1 Any person aggrieved by any penalty imposed pursuant to subsection A above may obtain review of the penalty by the Director by requesting such review within 10 days after issuance of the Notice of Violation. When the last day of the period so computed is a Saturday, Sunday or city holiday, the period shall run until 5:00 p.m. on the next business day. The request must be in writing, and must be delivered to the office of the Director no later than 5:00 p.m. on the date due.~~

~~2 The review will consist of an informal meeting held in the offices of the Public Works Department. The Director or her designee shall receive all relevant information from the violator. The violator may show as full or partial mitigation of the penalty.~~

~~a That the violation giving rise to the action was caused by the willful act or neglect of another; or~~

~~b That the violation occurred due to other circumstances beyond the control of the violator.~~

~~3 The Director may sustain, withdraw, or modify the penalty contained in the Notice of~~

~~Violation as the Director deems appropriate based upon the information presented. Upon completion of the review, the Director shall issue her written decision to the violator. The decision of the Director shall be final and there shall be no further administrative appeal.~~

~~E. Additional Relief. The Director may seek other legal or equitable relief to enjoin any acts and practices and to abate any condition that constitutes or will constitute a violation of the water supply emergency use restrictions when civil penalties are inadequate to effect compliance.~~

~~13.28.070 Enforcement.~~

~~The Director is authorized to enforce the provisions of this chapter and any use restrictions adopted hereunder, and may designate other employees of the city to do so. The Public Works Department shall be the primary personnel charged with the enforcement of this chapter and any water use restrictions adopted hereunder, but the Director shall have the authority to authorize other city employees and departments to enforce such provisions and restrictions as deemed necessary by the Director.~~

Section 2 Adoption of Chapter RMC Chapter 13 29-Water

Use Restrictions, is hereby adopted to read as follows

Chapter 13.29

Water Use Restrictions

Sections

13.29.010 Purpose.

13.29.020 Water Shortage Response Plan.

13.29.030 Water Use restrictions.

13.29.040 Enforcement.

13.29.050 Termination of Service.

13.29.060 Penalties.

13.29.010 Purpose.

(A) This chapter is an exercise of the police power of the city for the protection of the public health, safety and welfare of the citizens of the city This chapter establishes the conditions under which the use of water will be restricted due to lack of regional water supply or other water supply emergency The provisions of this chapter shall apply to all customers and water users using City of Redmond water, both in and outside the city, regardless of

whether any customer or water user shall have a contract for water service with the city

13.29.020 Water Shortage Response Plan.

(A) The Mayor shall approve a Water Shortage Response Plan that establishes actions and procedures for managing water supply and demand during anticipated or actual water shortages. The Mayor is authorized to implement the Water Shortage Response Plan's actions and procedures at such times as the city's water supply is threatened by or experiencing a water supply shortage. The implementation of Redmond's Water Shortage Response Plan shall be done in coordination with the actions and procedures of Cascade Water Alliance and Seattle Public Utilities if the shortage is due to lack of regional water supply.

13.29.030 Water Use Restrictions.

(A) The Mayor, within the framework of the Water Shortage Response Plan, may impose, order, and enforce restrictions and/or limitations on the use of water by type of use, customer class, or geographic area, or other appropriate distinction depending upon the nature and extent of the water supply shortage. The use of water for irrigation, cooling, washing, or other uses may be forbidden, restricted, or regulated and

such regulations may be made effective as to all customers or as to particular classes of customers Rationing may be imposed during any shortage of water, either in lieu of or in addition to other measures hereby authorized The Mayor is further authorized to make exceptions to such restrictions in specific cases as he/she finds reasonable, such as, but not limited to, watering newly seeded or sodded lawns, alleviating unnecessary economic hardship to commercial or industrial activities, or preventing possible damage to health, safety or welfare The Mayor is authorized to promulgate such rules and regulations as may be necessary to implement water use restrictions The city shall not be liable for damages or losses resulting from the curtailment of water usage

13.29.040 Enforcement.

(A) The Public Works Department shall conduct public education efforts regarding the necessity of the restrictions for the public The use of water that does not conform to the water use restrictions issued by the Mayor shall be a violation of this code Enforcement of a violation shall be administered in accordance with Chapter RMC 1 14, Enforcement and Penalties Violations and penalties shall be in

accordance with RMC 1 14 060 To enforce the provisions of this Chapter, the Public Works Director and the Director's designees shall have all of the authority and powers of the Code Compliance Officer as provided in RMC 1 14 In exercising this authority and power, the Public Works Director and the Director's designees shall comply with all of the applicable provisions of RMC 1 14 and shall be subject to any appeals provided under that chapter If any monetary penalty imposed pursuant to this section is not paid within 30 days of issuance of a notice with a penalty amount, said penalty amount shall be entered upon the water bill for the account where the violation occurred as a special rate surcharge and shall be due and collectable as any other utility charge

13.29.050 Termination of Service.

(A) Failure to comply with any Notice and Order regarding water use restrictions may result in the termination of water service The Public Works Director and the Director's designees are authorized to shut off water to any water services serving the account where a violation of water use restrictions continues to occur The Public Works Director and the Director's designees may establish a date for shut-off

and follow the regulations and procedures for shut-off provided in RMC 13 17, Utility Accounts, or the Public Works Director and the Director's designees may, based upon the severity of the violation, immediately shut off the water services serving the account where the violation continues to occur Shut-off shall be in addition to any civil or criminal penalties

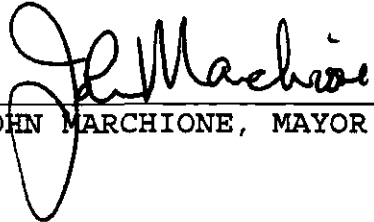
Section 3 Severability. If any section, sentence, clause or phrase of this ordinance or code section adopted or amended hereby should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause or phrase of this ordinance or the adopted or amended code section

Section 4 Effective Date This ordinance shall take effect and be in full force five days after its passage and publication of a summary or as otherwise provided by law

ADOPTED by the Redmond City Council this 21st day of April,

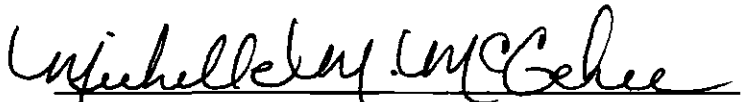
2009

CITY OF REDMOND



JOHN MARCHIONE, MAYOR


ATTEST



MICHELLE M MCGEHEE, CMC, CITY CLERK

(SEAL)

APPROVED AS TO FORM
OFFICE OF THE CITY ATTORNEY

By  _____

FILED WITH THE CITY CLERK	April 15, 3009
PASSED BY THE CITY COUNCIL	April 21, 2009
SIGNED BY THE MAYOR	April 21, 2009
PUBLISHED	April 27, 2009
EFFECTIVE DATE	May 2, 2009
ORDINANCE NO 2455	

APPROVED 7-0 Allen, Carson, Cole, Margeson, McCormick, Myers and Vache