ORDINANCE No. 2004-29

AN ORDINANCE OF THE CITY COUNCIL OF IVINS CITY AMENDING ORDINANCE NO. 2001-10 AND ORDINANCE NO. 2003.07 ESTABLISHING A WATER CONSERVATION PROGRAM AND POLICY

THE IVINS CITY COUNCIL DOES ORDAIN AS FOLLOWS:

POLICY: It shall be the policy of Ivins City to implement the regulations and restrictions outlined herein to promote the conservation and efficient use of culinary water.

INTENT AND PURPOSE: It is in the interest of the public health, safety, and welfare of Ivins City to require conservation of culinary water resources. It is the intent of this Ordinance to establish measures for essential conservation of culinary water resources and to provide for equitable distribution of culinary water supplies. It is further the intent of this Ordinance to provide additional measures for conservation of culinary water resources under emergency conditions as determined by the Ivins City Council or Mayor.

It is imperative that culinary water customers within Ivins City achieve an immediate reduction in culinary water use in order to extend existing culinary water supplies and assure sufficient culinary water supply to preserve the public health and sanitation, and provide fire protection service.

PROCEDURES AND RESPONSIBILITIES: Ivins City shall encourage efficient use of water resources and conservation of all water resources on an on-going basis. Ivins City may provide water conservation information and guidelines to its culinary water users.

Ivins City employees, volunteers, and contracted service providers shall comply with all culinary water restrictions and conservation guidelines established by this Ordinance.

IMPLEMENTATION OF MANAGEMENT PLAN: The drought/water management plan will be implemented as follows: (1) The 4 stage management plan will run concurrent with the 4 stage plan implemented by the City of St. George or as determined by the Ivins City Mayor and Ivins City Council. (2) Each stage of the plan will be noticed to residents by means of posting in public places including the City Office and the Ivins Post Office. (3) A notice will also be sent to the media.

CULINARY WATER RESTRICTIONS: Ivins City shall implement a 4-stage drought/water management plan that will run concurrent with the 4-stage plan implemented by the City of St. George or as determined by the Ivins City Mayor and City Council. The culinary water restrictions do not apply to irrigation water use. Because water is such a scarce resource, Ivins City shall always implement at least Stage 1 restrictions. The culinary water use restrictions for Stages 2, 3 or 4 shall become effective when the City of St. George declares a Stage 2, 3 or 4 of the drought/water management plan, or as determined by the Ivins City Mayor and City Council, and will remain in effect until the Ivins City Mayor and City Council declare the water supply is adequate to return to other usage.

STAGE 1: REDUCTION IN WATER USE

No outside use of water between the hours of 6:00 A.M. and 7:00 P.M. (March 1 to October 31)
Voluntary (enforcement not applicable) cutback in other areas of water usage.

STAGE 2: MANDATORY WATER RESTRICTION

Stage 1 restrictions will be in force.

All parks and cemetery will be allowed to water every other day during permitted hours. Residential and commercial water users will be allowed to water outside during permitted hours on an odd/even concept as determined by address. (i.e.: even addresses water on even days, etc.) Vehicles may be washed only at commercial car washes. Use of water for street and driveway washing will not be permitted.

STAGE 3: ADDITIONAL MANDATORY RESTRICTIONS

All restrictions included in stage 1 & 2 are in force.
No use of fire hydrants for purposes other than fire protection.
No use of water for ornamental use including, but not limited to, fountains, artificial waterfalls, and reflecting pools.
No use of water to fill or top off swimming pools, hot tubs, etc.

STAGE 4: WATER RATIONING PLAN

The goal of stage 4 is to reduce the water usage by at least 25%.
All restrictions included in stage 1, 2 & 3 will be in force.
No watering of lawns.
No watering of gardens, landscaped areas, trees, shrubs, and other outdoor plants, except by means of a bucket, pail, or handheld hose equipped with an automatic shut-off nozzle between the hours of 9:00 A.M. and 10:00 P.M.

EMERGENCY RESTRICTION: Additional restrictions on the use of culinary water for nonessential water use may be implemented if the City of St. George implements Stage 2, 3 or 4 of its four-stage water shortage/drought management plan and/or the Ivins City Mayor and City Council determines that additional emergency culinary water conservation measures are required. Nothing herein shall prevent the City Council from enacting another ordinance or authorizing a further mayoral proclamation pertaining to limitation of water use if such scarcity remains in existence.

ENFORCEMENT: The City Council authorizes the City to issue citations for violations of this Ordinance. Any owner, occupant or person having an interest in, or control over, the property subject to this Ordinance who shall fail to comply with this Ordinance may be guilty of an infraction for each offense, punishable pursuant to Utah Code Ann. §76-3-301 and water service may be disconnected. Citations shall be issued with graduated penalties as follows:

(a) First violation, a warning will be issued;
(b) Second violation, a $50.00 fine shall be imposed;
(c) Third violation, a $100.00 fine shall be imposed; and
(d) Forth violation, a mandatory court appearance shall be required.

EXEMPTIONS: If compliance with the nonessential use of water restrictions would result in extraordinary hardship upon a water user, the water user may apply for an exemption from this Ordinance.

For purposes of this section, extraordinary hardship shall mean a permanent damage to property or other personal or economic loss, which is substantially more severe than the sacrifices borne by other waters users subject to the same nonessential use of water restrictions.

A person or business entity may submit a written request for exemption from this Ordinance. The written request shall include full documentation supporting the following:

1. The nature of the hardship claimed and reason for the requested exemption.

2. The efforts taken by the applicant to conserve water and the extent to which culinary water use for nonessential purposes may be reduced by the applicant without extraordinary hardship.

The Ivins City Council shall hear and decide exemptions from this Ordinance.

REPEALER: This Ordinance supersedes or repeals the provision(s) of any ordinance(s) that is (are) inconsistent with the provision of this Ordinance.

If any provision or clause of this Ordinance or application thereof to any person or entity or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses or applications hereof which can be implemented without the invalid provision(s), clause(s) or application(s) hereof, and to this end the provisions and clauses of this Ordinance are declared to be severable.

This Ordinance shall go into effect as allowed by law.

Adopted the 16th day of December, 2004.

Effective Date: This Ordinance shall become effective immediately upon adoption by the City Council.

PASSED AND ADOPTED BY THE IVINS CITY COUNCIL, STATE OF UTAH, ON THIS 16TH DAY OF DECEMBER, 2004 BY THE FOLLOWING VOTE:

	AYE	NAY	ABSTAIN	ABSENT
Carol Tenczar	✓			
George E. Elwell, Jr.	✓			
Michael Foot	✓			
Barbara Rusick	✓			
Steve Jolley	✓			

R. Daren Barney

R. Daren Barney, Mayor

ATTEST:

Terri A. Fabio

Terri A. Fabio, City Recorder

IVINS CITY Corporate Seal WASHINGTON COUNTY