ORDINANCE NO. 2021-06

AN ORDINANCE OF IVINS CITY, UTAH, AMENDING SECTIONS 10.01.125 THROUGH 10.01.127 OF THE IVINS CITY CODE REGARDING WATER CONSERVATION

WHEREAS, Ivins City (the "City") desires to promote efficient sprinkler irrigation practices for lawns and landscapes using culinary water; and

WHEREAS, research has shown that irrigating landscapes only during the hours of 8:00 p.m. and 10:00 a.m. significantly increases irrigation efficiency; and

WHEREAS, conservation of water through more efficient use is in the public interest and enhances the community's economic, environmental, recreational and aesthetic resources;; and

WHEREAS, the City has the authority to adopt this ordinance pursuant to Utah Code Section 10-3-702, and herby exercises its legislative powers in doing so;

NOW, THEREFORE, BE IT ORDAINED by the Ivins City Council that Sections 10.01.125 through 10.01.127 are hereby amended as follows:

10.01.125: ~~SPRINKLERS~~WATER CONSERVATION MEASURES:

~~(1) It is unlawful for any person to use such number of outlets simultaneously or to use such sprinkler or combinations of sprinklers or outlets as will in the opinion of the city council materially affect the pressure or supply of water in the municipal water system or any part thereof, and the city council may from time to time, by resolution, specify combinations or numbers of outlets which may have such effect.~~

~~(2) The city council shall, after determining that such improper use exists, notify the affected water user or the owner of the premises whereon such use occurs of such determination in writing, order such use discontinued and advise that such continued usage constitutes a violation of this chapter. (Prior Code § 14-103)~~

(1) Sprinkler irrigation of all lawns and landscapes using potable (treated) water is prohibited between the hours of 8:00 a.m. and 8:00 p.m.

(a) Secondary (untreated or reclaimed wastewater) water systems have limited capacity and are therefore exempt from this restriction. Facilities irrigated with secondary water systems include public amenities (parks, golf courses, schools, cemeteries) and some residential neighborhoods. Using secondary water for irrigation extends our water resources and saves residents millions of dollars in annual treatment costs.

(b) The provisions of this restriction shall apply to all landscapes watered with potable water within the city. This ordinance does not apply in the following situations:

(i) New lawn that requires frequent irrigation for establishment purposes within 90 days of planting.

(ii) Short cycles required for testing, inspecting, and maintaining irrigation systems.

(iii) Other situations as permitted by the city. (Ord. 2021-06, 2021)

10.01.126 ~~WASTE OF WATER NOT PERMITTED:~~ CONSERVATION STAGES:

~~(1) Users of water from the municipal water system shall not permit water to continue to run wastefully and without due efforts to conserve water. If, in the judgment of the water superintendent or of any of the officers of the city, a user of municipal water engages in practices which result in the needless waste of water and continues so to do after reasonable notice to discontinue wastefulness has been given, the superintendent or any officer may refer the matter to the city council.~~

~~(2) The city council may thereupon consider terminating the right of the individual to use culinary water. If it elects to consider the matter of termination, it shall give notice to the water user of the intention to terminate his water connection at least five (5) days prior to the meeting of the city council at which termination of water service is to be considered. The notice shall inform him of the time and place of the meeting and of the charges which lead to the consideration of the termination.~~

~~(3) A water user whose right to utilize municipal water is being reviewed shall have opportunity to appear with or without counsel and present his reasons why his water service should not be discontinued.~~

~~(4) After due hearing, the city council may arrive at a determination. If the determination is to discontinue the wasteful water user's service connection, it shall notify him of the decision and of the period during which the service will remain discontinued. (Prior Code § 14-105)~~

1) (Stage 1. Reduction in Water Use. All of the conservation measures set forth in Section 10.01.125 comprise Stage 1 and shall always be in effect. Voluntary conservation in other areas of water usage is also encouraged.

(2) Stage 2. Mandatory Water Restriction. In addition to all of the conservation measures of Stage 1, all parks and cemetery will only be allowed to water every other day during permitted hours. Residential and commercial water users will be allow to water outside during per mitted hours on an odd/even schedule as determined by street 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/or driveway washing will not be permitted.

(3) Stage 3. Additional Mandatory Restrictions. All restrictions included in Stages 1 and 2 shall be in force. In addition, no use of fire hydrants for purposes other than fire protection shall be allowed. No use of water for ornamental use including, but not limited to, fountains, artificial waterfalls, and reflection pools shall be allowed. No use of water to fill or top off swimming pools shall be allowed.

(4) Stage 4. Water Rationing Plan. All restrictions included in Stages 1, 2, and 3 shall be in force. In addition, no watering of lawns, gardens, landscaped areas, trees, shrubs, and other outdoor plants shall be allowed, unless by means of a bucket, pail, or handheld hose equipped with an automatic shut-off nozzle during the permitted hours. (Ord. 2021-06, 2021)

10.01.127 ~~USE OF WATER WHEN:~~ EMERGENCY RESTRICTION:
In times of extreme scarcity of water, whenever in the judgment of the mayor and the city council be necessary, the mayor ~~shall~~ may by proclamation limit the use of water to such extent as may be necessary. It is unlawful for any person, his family, servants or agents, to violate a proclamation made by the mayor in pursuance of this chapter. (Ord. 2021-06, 2021)

REPEALER: This ordinance supersedes Ordinance No. 2004-29 which is hereby repealed in its entirety.

Severability. If any section, clause, or portion of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

Effective Date: This Ordinance shall become effective immediately upon passage and publication.

PASSED AND ADOPTED BY THE IVINS CITY COUNCIL, STATE OF UTAH, ON THIS ____ DAY OF JUNE, 2021 BY THE FOLLOWING VOTE:

	AYE	NAY	ABSTAIN	ABSENT
Dennis Mehr	_____	_____	_____	_____
Cheyne McDonald	_____	_____	_____	_____
Jenny Johnson	_____	_____	_____	_____
Derek Larsen	_____	_____	_____	_____
Sue Gordhammer	_____	_____	_____	_____

_____
Chris Hart, Mayor

ATTEST:

_____
Kari Jimenez, City Recorder