

## HAILEY ORDINANCE NO. 1106

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING THE HAILEY MUNICIPAL CODE BY AMENDING SECTION 13.08.010, TO ELIMINATE THE PROHIBITION OF OUTDOOR IRRIGATION ON THE 31<sup>ST</sup> DAY OF A MONTH; BY AMENDING 13.08.040 TO CLARIFY THE WARNING CITATION PROCESS; BY PROVIDING A SEVERABILITY CLAUSE; BY PROVIDING FOR A REPEALER CLAUSE; AND BY PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Mayor and the City Council of the City of Hailey believe that the current odd-even water conservation system assists both in water pressures and conservation;

WHEREAS, the Mayor and City Council of the City of Hailey believe that enabling water users to irrigate on the 31<sup>st</sup> day of a month will not hinder water pressure and conservation efforts; and

WHEREAS, the Mayor and City Council of the City of Hailey believe that the adoption of this ordinance will promote the health, safety and general welfare of the citizens of the City of Hailey.

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

**Section 1:** Section 13.08.010 of the Hailey Municipal Code is hereby amended by the deletion of the stricken language, as follows:

13.08.010 Implementation of municipal water usage conservation measures.

A. Prohibition and Restriction of Municipal Water Usage. The sprinkling or watering of outdoor plantings such as grass, lawns, gardens, ground cover, shrubbery, trees or other landscaping shall be restricted upon all properties with even numbered street addresses to even numbered calendar days, upon all properties with odd numbered street addresses to odd numbered calendar days, ~~and upon all properties on the 31<sup>st</sup> day of any month~~, and shall be prohibited between the hours of ten a.m. and six p.m. daily, except as provided below:

1. Upon written request made by a Water User, the water superintendent may grant an exception to the prohibition and restriction of municipal water usage if one or more of the following conditions are met:

a. The Water User is now using, or will use as condition to the granting of the exception, water conservation irrigation devices such as drip or bubbler style irrigation systems that minimize water evaporation losses; or

b. The Water User's water usage will be for the purpose of sprinkling or watering new plantings for a specified time period.

B. Exclusion. Sprinkling or watering by commercial nurseries on their own sites are specifically excluded from the prohibitions and restrictions of this chapter.

C. Emergency Powers. The Mayor may, upon notification by the Idaho Department of Water Resources of curtailment of City of Hailey water rights, declare an emergency and restrict water use to domestic purposes only.

**Section 2:** Section 13.08.040 of the Hailey Municipal Code is hereby amended by the addition of the underlined language, as follows:

13.08.040 Violation-penalty. Any person found to be violating any provision of this chapter shall be subject to the following:

A. First and second violation: warning citation.

B. All subsequent violations:

1. All subsequent violations shall result in immediate termination of water service to the property. Prior to reinstatement of service, the person violating the provisions of this chapter shall pay a discontinuance fee and recommencement fee as established by city council resolution.

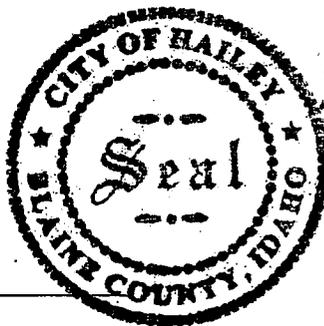
2. Any person, firm or other legal entity violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than three hundred dollars (\$300.00) or imprisonment in the county jail for a period not to exceed six (6) months, or both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

**Section 3:** Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**Section 4:** All ordinances and parts of ordinances in conflict herewith are hereby repealed.

**Section 5:** This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

**PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS 16<sup>th</sup> DAY OF JULY, 2012.**



  
Fritz X. Haemmerle, Mayor, City of Hailey

Attest:

  
Mary Cone, City Clerk

Publish: Idaho Mountain Express, July 25<sup>th</sup>, 2012.

Summary

AGENDA ITEM SUMMARY

DATE: 7/16/2012

DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: \_\_\_\_\_

SUBJECT:

Amendment to Chapter 13.08 (Water Conservation) of the Hailey Municipal Code

**AUTHORITY:**  ID Code \_\_\_\_\_  IAR \_\_\_\_\_  City Ordinance/Code \_\_\_\_\_  
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

I have drafted an amendment to the Water Conservation chapter of the Hailey Municipal Code. The proposed amendment eliminates the prohibition of outdoor watering on the 31<sup>st</sup> day of a month. In addition, the amendment will only allow a warning for a second violation. If you wish to make this amendment effective for July 31, then you will need to waive the 3 readings.

Ned

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS Case # \_\_\_\_\_

Budget Line Item # \_\_\_\_\_ YTD Line Item Balance \$ \_\_\_\_\_

Estimated Hours Spent to Date: \_\_\_\_\_ Estimated Completion Date: \_\_\_\_\_

Staff Contact: \_\_\_\_\_ Phone # \_\_\_\_\_

Comments:

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

___ City Attorney	___ Clerk / Finance Director	___ Engineer	___ Building
___ Library	___ Planning	___ Fire Dept.	_____
___ Safety Committee	___ P & Z Commission	___ Police	_____
___ Streets	___ Public Works, Parks	___ Mayor	_____

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Discuss the proposed amendment. If acceptable, make a motion to approve the proposed ordinance amendment and to conduct the first reading of the ordinance by title only or conduct a reading of ordinance by title only, waive the 3 readings and authorize the mayor to sign. *If you choose to waive readings, include in motion to authorize the ordinance summary.*

FOLLOW-UP REMARKS: