

ORDINANCE NO. 2227

AN ORDINANCE of the City of Kent, Washington, establishing rules and regulations for rationing water during a water shortage emergency and establishing penalties for violations thereof.

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Kent has and does hereby declare that a water shortage emergency condition prevails in the area served by the City of Kent Water Division due to a lack of supply and transmission capabilities. This Ordinance is intended to allocate equitably the water available to the City of Kent's Water Division during such emergency to the end that sufficient water will be available for human consumption, sanitation and fire protection.

Section 2. Definitions. For the purpose of this Ordinance, 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 tenses 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.

- A. "City" is the City of Kent.
- B. "Customer" is any person using water supplied by the City.
- C. "Director" is the Director of Public Works of the City of Kent.
- D. "Person" is any person, firm, partnership, association, corporation, company, or organization of any kind.
- E. "East side of Kent" is all that portion of the City easterly of SR 167.
- F. "Water" is water from the Water Division of the City of Kent's Public Works Department.
- G. "West side of Kent" is all that portion of the City westerly of SR 167.

Section 3. Application. The provisions of this Ordinance shall apply to all customers using water both in and out-

side the City, regardless of whether any customer using water shall have contract for water service with the City.

Section 4. Mandatory Regulations. From and after the fifteenth day of May in each year in which this Ordinance is made effective, 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 sidewalk, driveway, porch or other outdoor surface except as follows:

- A. Such irrigation, sprinkling, watering and washing down shall be permitted on the West side of Kent on even numbered days of the calendar.
- B. Such irrigation, sprinkling, watering and washing down shall be permitted on the East side of Kent on odd numbered days of the calendar.

Section 5. Large Water Users. The requirements of Section 4 of this Ordinance to the contrary notwithstanding, no person or customer whose historic monthly average water use for the period from May 15 through August 31 exceeds 133,690 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 except on days assigned in each week during which this Ordinance is in effect, said days to be assigned by the Director after consultation with the individual large water users.

Section 6. Site Design Review. While this Ordinance is in effect, no planting or landscaping required by the site design review process or other City action shall be implemented unless the City determines that the health, safety, or welfare of the public might be endangered.

Section 7. 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, or sprinkling 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 irrigation, watering, or sprinkling shall not be permitted by any person or customer. 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. Violation shall be punished as provided in Section 8 of this Ordinance.

The Director shall use every available means to advise customers that such order is in effect.

Section 8. Fines and Penalties. Except as otherwise provided herein, violations of any provision of this Ordinance shall be punished as follows:

<u>Violation</u>	<u>Classification</u>	<u>Penalty</u>
1. First violation	Warning	None
2. Second violation	Infraction	\$10.00
3. Third violation with- in 12 month period	Infraction	\$25.00
4. Fourth and subsequent violations within 12 month period	Infraction	\$50.00

Each day any violation of this Ordinance is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

Section 9. Enforcement.

- A. Each police officer of the City shall, in connection with his duties imposed by law, diligently enforce the provisions of this Ordinance.
- B. The Director and all employees of the City of Kent's Water Utility Division, Public Works Department, and Fire Department are hereby authorized to enforce the provisions of this Ordinance including the power to issue written notice to appear.

Section 10. When Ordinance is Effective.

- A. The provisions of this Ordinance shall be in full force and effect only upon adoption by the City Council of the declaration that a water emergency condition prevails.
- B. The provisions of this Ordinance shall be of no further force or effect after October 15 of any year in which a water shortage emergency is declared or when the City Council determines that a water shortage no longer exists, whichever

occurs first. The City Council may extend the effective date of the Ordinance in any year by adopting a resolution to that effect.

Section 11. This Ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

ISABEL HOGAN, MAYOR

ATTEST:

MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

Donald E. Mirk

DONALD E. MIRK, CITY ATTORNEY

*Vetoed
May 20, 1980
Isabel Hogan*

PASSED the 19th day of May, 1980.

~~APPROVED the _____ day of May, 1980.~~

~~PUBLISHED the _____ day of May, 1980.~~

Vetoed by Mayor Hogan May 20, 1980

Passed over the veto June 2, 1980

Published June 6, 1980

I hereby certify that this is a true copy of Ordinance No. 2227, passed by the City Council of the City of Kent, Washington, ~~and approved by the Mayor of the City of Kent~~ as hereon indicated.

Marie Jensen (SEAL)
MARIE JENSEN, CITY CLERK

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OFFICE OF THE MAYOR

DATE: May 30, 1980
TO: Council Members
FROM: Mayor Hogan *off*
SUBJECT: VETO MESSAGE ORDINANCE 2227

I have vetoed this ordinance because:

1. It is inconsistent to require landscaping with development and then restrict the necessary water to keep it alive.
2. The Public Works Director (at the May 12 Workshop) informed the Council of the uncertainty of water supply meeting demand and advised allowing only developments which could provide an offsetting water supply.
3. Development was allowed to continue after last year's shortage adding to the potential of an earlier shortage this year.

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