Ordinance No. 3550

["Beginning July 1, 1998"]

(Amending or Repealing Ordinances)

Amended by Ord. 3553
ORDINANCE NO. 3550

AN ORDINANCE of the City Council of the City of Kent, Washington, repealing Chapter 7.13 of the Kent City Code in its entirety and enacting a new Chapter 7.13 entitled “Water Shortage Emergency Regulations” relating to the availability of water within the City.

WHEREAS, the City Council finds that from time to time, the availability of water within the City may be reduced due to lack of supply or lack of transmission capabilities; and

WHEREAS, the City Council finds that in order to protect the health, safety, or welfare of the citizens of the City and to guarantee the availability of water for human consumption, sanitation, or fire protection, restrictions on the use of water may, from time to time, be necessary; and

WHEREAS, the City Council desires to amend the City Code to update its water shortage emergency regulations; NOW, THEREFORE,

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

SECTION 1. Chapter 7.13 of the Kent City Code, entitled “Water Shortage Emergency Regulations,” is hereby repealed in its entirety.
SECTION 2. A new section, section 7.13, entitled “Water Shortage Emergency Regulations,” is hereby added to the Kent City Code to read as follows:

CHAPTER 7.13. WATER SHORTAGE EMERGENCY REGULATIONS

Sec. 7.13.010. Purpose. The City Council finds that from time to time, the availability of water within the City may be reduced due to lack of supply or lack of transmission capabilities. The City Council further finds that in order to protect the health, safety, or welfare of the citizens of the city and to guarantee the availability of water for human consumption, sanitation, or fire protection, restrictions on the use of water may, from time to time, be necessary.

Sec. 7.13.020. Definitions. As used in this section, the following terms shall have the following meanings:

1. Customer means any person who uses the water supply of the City of Kent.

2. Director means the director of the Department of Public Works.

3. Drought means any period in which water within the City of Kent is in short supply due to low water levels within City wells or other areas from which the City draws its water.

4. Water or Water Supply means all water of the water utility or water supply system of the City of Kent, regardless of its source.

Sec. 7.13.030. Emergency - ordinance.

A. Whenever it appears to the Director of the Department of Public Works that a drought condition either exists or is forecast to occur within the City of Kent or within portions thereof, the City Council may pass an ordinance restricting or prohibiting the use of water. Unless otherwise set forth in the ordinance, the ordinance, and the restrictions set forth therein, shall expire twelve (12) months after the passage of the
ordinance. An ordinance passed pursuant to this section may be amended or repealed during the period in which it is enacted as deemed necessary by the City Council.

Sec. 7.13.040. Ordinance- publication. The full text of an ordinance passed pursuant to this chapter shall be published in a newspaper of general circulation for a minimum of one day. The publication required by this section shall satisfy the publication requirements of RCW 35A.12.160.

Sec. 7.13.050. Water use - limitations - exceptions.
A. Subject to subsection (B) of this section, any ordinance passed pursuant to this chapter may limit or prohibit the following uses of water:
1. Irrigating or watering of landscaping, grass, plants, vegetables, vines, trees, shrubbery, gardens, ground cover, or any other similar vegetation; and/or
2. Washing of "motor vehicles" or water going "vessels" as those terms are defined in RCW 46.04.320, RCW 46.04.670, and section 352-60-030 of the Washington Administrative Code, as those statutes and sections are now enacted or hereafter amended or recodified, and/or
3. Washing of sidewalks, porches, driveways, or other outdoor surfaces; and/or
4. The use of water for recreational purposes, such as running a sprinkler system or maintaining a pool used for swimming; and/or
5. Any other water use that may limit the availability of water for human consumption, sanitation, or fire protection.
B. Customers whose historic monthly average water use for the period from May 15 through August 31 exceeds one hundred thirty-three thousand six hundred ninety (133,690) cubic feet per month, or who operate a business in which the essential function of the business is the sale of plants, vegetables or other vegetation, hereinafter referred to as "large water users," shall not, by operation of an ordinance passed pursuant to subsection (A), be completely prohibited from all use of water; PROVIDED, that the director may limit the number of days in which large water users

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use water that would normally be subject to a complete prohibition authorized by subsection (A). The days in which large water users are permitted to use water in a manner that would normally be subject to a complete prohibition as authorized by subsection (A) shall be designated by the director.

C. A customer that operates a properly licensed public motor vehicle washing facility, such as a car wash, shall not be subject to limitations on washing motor vehicles as set forth in subsection (A).

D. A customer that operates a properly licensed business, other than a car wash, in which the washing of motor vehicles is required to perform the essential functions of the business shall not be subject to the limitations on washing motor vehicles as set forth in subsection (A). This exception shall not apply to motor vehicle dealerships or other customers in the business of selling or renting motor vehicles, except to the extent that washing the vehicles is necessary for the repair of the vehicles.

E. Recreational facilities in which the use of water is essential to the operation of the facility and which are open to the public shall not be subject to the limitations on the use of water for recreation as set forth in subsection (A).

F. The director may, for good cause, order that the limitations or prohibitions set forth in an ordinance passed pursuant to this chapter shall not apply to certain categories of customers if it is shown that the application of such limitations or prohibitions will cause substantial economic harm to such customers or will be detrimental to the health, safety, and welfare of such customers or the public.

Sec. 7.13.060. Penalties - enforcement.
A. Unless otherwise stated in an ordinance passed pursuant to this chapter, a first violation of any ordinance passed pursuant to this chapter shall be a class 3 ($50) civil infraction as proscribed by RCW 7.80.120, as now enacted or hereafter amended. Unless otherwise stated in an ordinance passed pursuant to this chapter, a second or subsequent violation of any ordinance passed pursuant to this chapter shall be a class 1 ($250) civil infraction as proscribed by RCW 7.80.120, as now enacted or hereafter amended. Infractions shall be processed pursuant to the authority and provisions set
forth in Chapter 7.80 RCW, as now enacted or hereafter amended, and the Infraction Rules for Courts of Limited Jurisdiction.

B. Unless otherwise stated in an ordinance passed pursuant to this chapter, as an alternative to subsection (A) of this section, a third or subsequent violation of any ordinance passed pursuant to this chapter may be charged as a misdemeanor punishable by imprisonment in jail for a maximum term fixed by the court of not more than ninety (90) days, or a fine in an amount fixed by the court of not more than one thousand dollars ($1,000), or both such imprisonment and fine.

C. For the purposes of subsection A, and pursuant to RCW 7.80.040, as now enacted or hereafter amended, and the Infraction Rules for Courts of Limited Jurisdiction, the following persons shall be "enforcement officers" and "citing officers" authorized to enforce the provisions of an infraction which is in violation of an ordinance passed pursuant to this section and issue notices of infraction:

1. Police officers of the City of Kent
2. Fire officials of the City of Kent
3. Code enforcement officers of the City of Kent
4. The Director of Public Works or his or her designee
5. Any other person authorized by the Mayor to enforce the provisions of the ordinance.

**Sec. 7.13.070. Emergency ordinance - precedence.** The provisions of sections 7.13.050 and 7.13.060 of the Kent City Code may be modified or superceded by an ordinance passed pursuant to this chapter.

**SECTION 3. - Severability.** If any one or more section, subsections, or sentences of this Ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

*Water Shortage Emergency Regulations*
SECTION 4. - Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after passage as provided by law.

JIM WHITE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER LUBOVICH, CITY ATTORNEY


PUBLISHED: 9 day of March, 2001.

I hereby certify that this is a true copy of Ordinance No. 3650 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENDA JACOBER (SEAL)

BRENDA JACOBER, CITY CLERK

Water Shortage
Emergency Regulations