

## RESOLUTION NO. 2004 - 12

A RESOLUTION OF THE CITY OF MOSCOW, IDAHO; ESTABLISHING CERTAIN POLICIES, GUIDELINES AND SURCHARGES TO ENCOURAGE AND SUPPORT WATER CONSERVATION WITHIN CITY LIMITS; PROVIDING THIS RESOLUTION TO BE EFFECTIVE UPON ITS PASSAGE AND APPROVAL.

WHEREAS, City Council recognizes that the Grande Ronde aquifer that supplies most of Moscow's water is declining; and

WHEREAS, City Council recognizes the need to conserve water as a precious resource; and

WHEREAS, Council desires to highlight and support the importance of conserving water resources; and

WHEREAS, Council believes this Water Conservation Resolution to be an important part of a broad and concerted effort to promote reasonable and responsible water use and conservation within the City; and

WHEREAS, Council desires to encourage responsible water use and to discourage wasteful practices; and

WHEREAS, Council believes that the policies, guidelines and surcharges related to water conservation herein are meant to recognize what is a practical approach to water conservation and meant to grant to the City Engineer the ability to use discretion and expertise when promoting water conservation within the City in accordance with this Resolution;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Moscow as follows:

### **1. Purpose.**

The purpose of this Resolution is to establish certain policies, guidelines and surcharges related to use of water within City limits in order to promote the responsible use of water within the City and to resolve issues related to water waste within the City in a reasonable and fair manner.

### **2. Policy.**

It shall be the policy of the City to take measures not to interrupt water service to a water user as long as such measures do not create or sustain an unreasonable risk to the City's water system and do not allow a water user to unnecessarily or recklessly waste water. All water users shall be kept informed of the City's intentions where practicable. Education and accommodation will be practiced when working to resolve issues related to water waste. Water service will be interrupted only to the extent reasonably necessary to resolve water waste issues. In no case shall interruption of water service endanger the life or health of a water user.

### **3. Definitions.**

For purposes of this Resolution, the following term(s) shall have the meaning given herein:

Water User or User: Any person who uses or causes, permits or allows the use of water from the City water supply system, whether or not such person is an account holder or customer of such City water supply system.

**4. Water Waste. Maintenance of Connected Facilities.**

Every water user shall be required to keep sprinklers, faucets, valves, hoses and all apparatuses connected to the City water system in good condition at such user's own expense and shall keep all faucets which discharge to a point of use closed when not in use. When it shall be found that any water fixture on the user's premises is broken or not in serviceable condition and such a condition results in the waste of a significant amount of water (as determined by the City Engineer or designee), the user shall be notified by the City of the fact by a method calculated to give actual notice and, should user fail to remedy the defect within five (5) working days of notification by the City, such user shall be charged and shall pay the following surcharge(s) for such defect:

1 <sup>st</sup> Water Waste Event		\$50
2 <sup>nd</sup> Water Waste Event	If within 19 months of first offense	\$100
3 <sup>rd</sup> Water Waste Event	If within 19 months of first offense	\$200

Any surcharge assessed shall be collected in the same manner as collection of fees for City water services.

**5. Discontinuance of Service to Connected Facility.**

- A. If a water user is found by the City Engineer or designee to have four (4) water waste events within any nineteen (19) month period the City Engineer or designee may give notice to such user of intent to discontinue such user's water service.
- B. The City Engineer shall inform the City Supervisor of the decision to discontinue service. The City Supervisor shall review the City Engineer's decision and relevant supporting documentation within three (3) days of its receipt. If the City Supervisor agrees with the determination of the City Engineer or designee, the City Supervisor shall give notice to the user of the intention to discontinue water service at least five (5) working days prior to a meeting at which the water user and/or representative, City Engineer or designee, and City Supervisor may discuss the matter. Notice shall inform the user of the time and place of the meeting and generally of the facts which led to the recommendation to discontinue water service. The user may either appear in writing or in person (with or without legal counsel) to discuss reasons why water service should not be discontinued. Failure by any user or their representative to appear before the City Supervisor at the scheduled meeting shall result in the forfeiture of the user's right to be heard by the City Supervisor. Upon consideration, the City Supervisor shall notify the user in writing of the determination within five (5) working days of the meeting. If the determination of the City Supervisor is to discontinue the user's water service, the City shall notify said user of the period during which the services will remain discontinued.

**6. Restoration of Water Service.**

Water service shall be restored under such terms and conditions the City Engineer determines are appropriate within the guidelines established by this Resolution.

**7. Temporary Service Interruption Allowed For Water Waste.**

Notwithstanding other provisions hereinabove, if the City Engineer or designee determines that a user engages or has engaged in practices which result in the reckless waste of water and continues to do so after reasonable notice (i.e., not less than six (6) hours) to discontinue said waste has been given, the City Engineer may do either of the following:

- A. Interrupt water service for a period of time not to exceed twenty four (24) hours per act of water waste; and/or
- B. Seek the assistance of the City Attorney to abate the water waste as a nuisance.

**8. No Effect on Charges or Collections.**

Nothing in this Resolution shall interfere or adversely affect in any way ordinances, policies and practices of the City related to payment and/or collection of fees and/or charges for water service.

**PASSED AND APPROVED** by the Mayor of the City of Moscow, Idaho, this 17<sup>th</sup> day of May, 2004.

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Marshall H. Comstock, Mayor

ATTEST:

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Stephanie Kalasz, City Clerk