

Chapter 17

WATER CONSERVATION

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Sec. 17-1. Purpose.

The purpose of this Chapter is to highlight the importance of water conservation and to promote the responsible use of water within the City through reasonable regulation.
(Ord. 2004-27; 05/17/2004)

Sec. 17-2. General Water Usage Regulations.

No person who uses water from the City water supply system shall make, cause, use or permit the use of such water in a manner contrary to the provisions of this Chapter whether or not such person is an account holder or customer of such City water supply system.
(Ord. 2004-27; 05/17/2004)

Sec. 17-3. Definitions.

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

- A. *Automatic shut-off mechanism.* A device or attachment which immediately and automatically shuts off the flow of water from a hose when the hose is not being physically held or operated by a person, such as a pistol or trigger spray hose nozzle or other automatic positive shut-off nozzle. A device or attachment which shuts off

water flow by measuring or metering water (such as a mechanized water timer) or a device or attachment which shuts off water flow after a certain measurement of time (such as an electronic water timer), is not an automatic shut-off mechanism for purposes of this Chapter.

- B. *Impervious Surface.* A durable surface made of or similar to gravel, asphalt, concrete, cement, brick, or combination thereof, which is laid down on or applied to an area including, but not limited to, a sidewalk, parking lot, etc., for the purpose of creating a permanent or semi-permanent surface which could sustain vehicular, foot, or bicycle traffic or other means of transportation, and where vegetation is unlikely to grow.
- C. *Irrigation System.* Any device(s) or system(s) utilizing a hose, pipe, and/or other conduit which connects to any source of ground and/or surface water and through which water is conveyed and/or drawn in order to apply such water to land, crops, plants, and/or other vegetation including, but not limited to, sprinklers, in-ground irrigation, or a similar system. "Irrigation system" shall not include an automatic shut-off mechanism, as defined in this Chapter.
- D. *Outdoor Irrigation.* The act or process of watering or wetting landscaping, grass, trees, plants, and/or other vegetation by causing water from the City's water supply to flow upon, over, through or into property with sprinklers, sprinkler hoses, soaker hose(s) (water weeping types), drip irrigation systems, in-ground irrigation systems, or by other similar means. Irrigation with hand-held hose(s) of one inch (1") or less inside diameter equipped with an automatic shut-off mechanism or irrigation using a container of five (5) gallons or less shall not be considered outdoor irrigation for purposes of this Chapter.
- E. *Outdoor Irrigation Season.* The period within each calendar year declared by

the City during which Outdoor Irrigation is allowed within City limits. As weather conditions permit, the Outdoor Irrigation Season shall begin seventy two (72) hours after the City declares the start of such Outdoor Irrigation Season. The City shall declare and advertise the ending date of the Outdoor Irrigation Season at least two (2) weeks prior to such ending date. (Ord. 2004-27, 05/17/2004; 2007-13, 11/19/2007; 2016-05, 04/18/2016; 2021-09, 07/19/2021)

Sec. 17-4. Outdoor Irrigation of Impervious Surfaces Prohibited.

No person shall cause or permit an irrigation system under the ownership, supervision, and/or control of such person to apply water directly or indirectly to an impervious surface, unless otherwise allowed by this Chapter. (Ord. 2007-13, 11/19/2007)

Sec. 17-5: Outdoor Irrigation Season and Hours.

Outdoor Irrigation shall be allowed only between the hours of 6:00 p.m. and 10:00 a.m. local time, during the Outdoor Irrigation Season unless modified by variance pursuant to this Chapter. Outdoor Irrigation shall be prohibited at all times not within the declared Outdoor Irrigation Season, unless permitted by Variance issued by the City in cases of newly established lawns or landscaping. Outdoor Irrigation by means of soaker hose(s), (water weeping types) or drip-irrigation systems may occur at any time during the Outdoor Irrigation Season specified herein. (Ord. 2004-27; 05/17/2004; 2007-13, 11/19/2007; 2016-05, 04/18/2016; 2021-09, 07/19/2021)

Sec. 17-6. Exemptions from Water Conservation Regulations.

The following uses of water shall not be regulated by this Chapter:

- A. Water required to be used for the control of dust or compaction of soil by this Code or by State and/or Federal statute or regulation;

- B. Water used to prevent or abate public health, safety or accident hazards including, but not limited to, fire suppression, fire prevention, and sanitation when a reasonable alternative method is not available;
- C. Water used for inspection, maintenance, installation or repair of automatic landscape sprinkling systems or of the City’s water supply system (including fire hydrants and training facilities);
- D. Water used by City or its agents or franchisees for street sweeping, construction, and maintenance; sewer maintenance; or other established utility and/or public works practices;
- E. Water used for purposes other than outdoor irrigation in the normal and customary course of a business operation and water used by a commercial nursery for watering of nursery stock;
- F. Where water used for outdoor irrigation is gray water (household waste water other than from water closets or kitchen sinks), treated waste water or effluent, reused water, or water from a source other than the City water system, such as collected rainwater. (Ord. 2004-27; 05/17/2004; 2007-13, 11/19/2007)

Sec. 17-7. Variance from Water Conservation Regulations.

The City may grant permission to an applicant for variance from the provisions of this Chapter where it is established that there is a hardship or special circumstance which requires such a variance (e.g., establishment of newly seeded or sodded turf grass and/or landscaping; application of chemicals which requires immediate irrigation to preserve lawn or landscaping; physical necessity; etc.). When granting a variance, the City shall establish such conditions and limitations as are necessary to further the purposes of this Chapter. (Ord. 2004-27; 05/17/2004; 2007-13, 11/19/2007; 2021-09, 07/19/2021)

Sec. 17-8. Penalties

- A. Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof in a court of competent jurisdiction, shall be punished pursuant to this Code and the Idaho Code.
- B. The imposition of a penalty for any violation of this Chapter shall not excuse the violation or permit it to continue.
- C. Each day or part thereof in which an activity occurs which is prohibited by this Chapter, shall constitute a separate offense.
- D. For purposes of this Chapter, no violation shall be prosecuted unless the City has made at least one (1) attempt to contact and to request relief from the person responsible for the violation.
(Ord. 2004-27; 05/17/2004; 2007-13, 11/19/2007; 2021-09, 07/19/2021)