

ORDINANCE NO. 2016 – 05

AN ORDINANCE OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE AMENDMENT OF MOSCOW CITY CODE TITLE 5, CHAPTER 17, WATER CONSERVATION, RELATING TO THE BEGINNING DATE OF THE OUTDOOR IRRIGATION SEASON, AND ALLOWING THE PUBLIC WORKS DIRECTOR TO GRANT A SPECIAL OUTDOOR IRRIGATION VARIANCE OUTSIDE THE IRRIGATION SEASON PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE BE DEEMED SEVERABLE; AND PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM THE DATE OF ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the City has a defined Outdoor Irrigation season to promote the responsible use of water within the City; and

WHEREAS, annual variations in seasonal temperature and precipitation have a significant effect on the need to provide supplemental irrigation to vegetation and landscaping; and

WHEREAS, the current Outdoor Irrigation Season declaration date deadline of May 1<sup>st</sup> does not provide the flexibility necessary to accommodate the varied temperature and precipitation conditions; and

WHEREAS, the City recognizes there are special circumstances which require supplemental irrigation outside of the Outdoor Irrigation Season;

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

**SECTION 1:** That Moscow City Code Title 5, Chapter 17 be amended as follows:

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**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 Public Works Director during which Outdoor Irrigation is allowed within City limits. As weather conditions permit, the Spring Outdoor Irrigation Season shall begin seventy two (72) hours after the Public Works Director declares the start of such Outdoor Irrigation Season. The Public Works Director shall declare and advertise the beginning date of the Outdoor Irrigation Season no later than May 1<sup>st</sup> of each year. The Public Works Director shall declare and advertise the ending date of the Outdoor Irrigation Season at least two (2) weeks prior to such ending date.

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**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 Public Works Director 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.

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**SECTION 2: SEVERABILITY.** Provisions of this Ordinance shall be deemed severable and the invalidity of any provision of this Ordinance shall not affect the validity of remaining provisions. The remaining sections of Title 5 shall be in full force and effect.

**SECTION 3: EFFECT ON OTHER ORDINANCES.** Where the definitions contained in this Ordinance are in conflict with relevant portions of the City of Moscow, Idaho, Municipal Code, the definitions contained within those portions of the Moscow Municipal Code will be unaffected until such time, if any, as they are amended to be consistent with this Ordinance.

**SECTION 4: EFFECTIVE DATE.** This Ordinance shall be effective upon its passage, approval, and publication according to law.

PASSED by the City Council and APPROVED by the Mayor this 18th day of April, 2016.

ATTEST:

  
Laurie M. Hopkins, City Clerk

  
Bill Lambert, Mayor

