

ORDINANCE 3083

AN ORDINANCE OF THE CITY OF KIRKLAND PROVIDING FOR WATER USAGE RESTRICTIONS AND AMENDING CHAPTER 15.16.

Be it ordained by the City Council of the City of Kirkland as follows:

Section 1. KMC Section 15.16.040 is hereby amended as follows:

15.16.040 Water Shortage--Use Restrictions.

In case of shortage of water, the Department ~~[may give preference in furnishing water to customers,]~~ of Public Works is authorized to impose water use restrictions in order to ~~[most]~~ efficiently safeguard the safety and health of the general public or to provide for the public convenience. ~~[, it may forbid, restrict, or regulate]~~ The use of water for irrigation, cooling, or other uses may be forbidden, restricted, or regulated and such regulations may be made effective ~~[throughout the city, in districts thereof, or make such regulations effective]~~ as to all customers or as to particular classes of customers ~~[, P]~~ Rationing may be imposed during any shortage of water, either in lieu of or in addition to other measures hereby authorized.

Section 2. KMC Chapter 15.16 is hereby amended by the addition of a new Section to read as follows:

15.16.042 Water Restrictions--Powers of the City. The Director of Public Works shall conduct public education efforts regarding the benefits and necessity of conservation by the public, and is authorized to promulgate such rules and regulations as may be necessary to implement water use restriction. The Director of Public Works is further authorized to make exceptions to such restrictions in specific cases as he/she finds reasonable (such as, but not limited to, watering newly seeded or sodded lawns, alleviating unnecessary economic hardship to commercial or industrial activities, or preventing possible damage to health, safety or welfare.)

Section 3. KMC Chapter 15.16 is hereby amended by the addition of a new section to read as follows:

15.16.045 Water Restrictions--Penalty. It is unlawful for any person to violate water use restrictions. In addition to other lawful remedies, the Director of Public Works is authorized to impose a surcharge of up to \$50 for each day a customer's water usage practices exceeds water conservation restrictions as provided for in this chapter. Said surcharge will be added to and become a part of the water bill for the customer in addition to any service rate amounts as set forth in Chapter 15.20. Prior to the imposition of a surcharge, the Public Works Department shall send a notice to the billing address or deliver or post a notice at the service address advising of the customer's water usage practices in excess of mandatory water shortage restrictions and advising that a surcharge may be imposed for any further violations.

Section 4. KMC Chapter 15.16 is hereby amended by the addition of a new Section to read as follows:

15.16.047 Enforcement. A. Each police officer of the city and the director or any employee of the City of Kirkland Public Works Department or Fire and Building Department shall have the authority to enforce the provisions of this chapter.

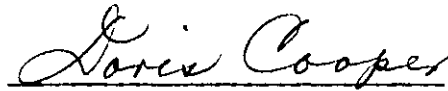
B. In addition to penalties otherwise provided, the Director of Public Works is authorized to install a water restricting device on the waterline or lines serving any person who commits a second or subsequent violation of any of the provisions of this chapter. Alternatively, after such notice of a violation as may reasonably be given based on the circumstances, the Director of Public Works may cause water service to be terminated for subsequent or continuing violation of water conservation restrictions.

Section 5. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

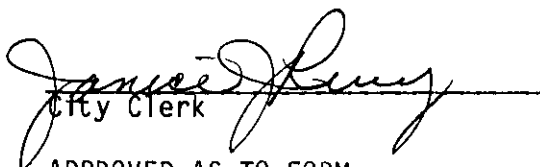
Passed by majority vote of the Kirkland City Council
in regular, open meeting this 1st day of March,
1988.

Signed in authentication thereof this 1st day of
March, 1988.



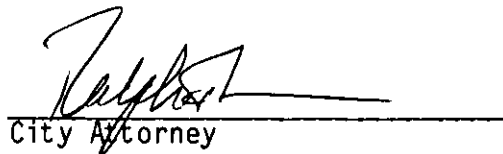
MAYOR

ATTEST:



City Clerk

APPROVED AS TO FORM:



City Attorney