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Water Use Restrictions
and Penalties

ORDINANCE NO. 1688

ORIGINAL

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, ADDING A NEW SUBSECTION 13.28.010(8) TO THE REDMOND MUNICIPAL CODE DEFINING "VIOLATOR," AND AMENDING SECTIONS 13.28.060 AND 13.28.070 IN ORDER TO SPECIFY FINES, PENALTIES AND ENFORCEMENT PERSONNEL FOR ENFORCEMENT OF WATER USE RESTRICTIONS.

WHEREAS, a severe shortage of water within the City of Redmond has necessitated use restrictions in order to preserve water supply, and

WHEREAS, the City Council has determined that the existing penalties in the Redmond Municipal Code for violation of water use restrictions should be changed from criminal to civil, and should be otherwise altered to assist effective enforcement, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. Violator Defined. A new subsection 13.28.010(8) is hereby added to the Redmond Municipal Code to read as follows:

8. "Violator" means any person who violates any provision of this Chapter or any water use restriction adopted by the Director under the authority of this Chapter. Specifically, the term violator includes, but is not limited to, the following persons when the same have violated any such provision or restriction:

violated any such provision or restriction:

- A. The occupant of any residence or commercial structure;
- B. The renter of a residence if the residence is a rental;
- C. The occupant of a condominium unit where the violation occurs in an area maintained by that condominium unit;
- D. The homeowners association of a condominium or other development where the violation occurs in any common area; and
- E. The owner and/or manager of any multi-family or apartment complex where the violation occurs in any common area.

Section 2. Penalties. Section 13.28.060 of the Redmond Municipal Code is hereby amended to read as follows:

13.28.060 Penalties.

- A. Except as otherwise provided herein, violation of any provision of this Chapter, or any water use restriction adopted by the Director under the authority of this Chapter, shall be subject to the following civil penalties:
 - 1. First Violation. Whenever a violation of this Chapter or any use restriction adopted hereunder is a first offense, the violator shall be issued a warning notice describing the violation, requiring immediate cessation of the violation, and advising of that future violations will result in the imposition of further penalties as provided in this section.

2. Second, Third and Fourth Violation. Whenever a violation of this Chapter or any use restriction adopted hereunder is a second, third or fourth offense, the violator shall be issued a Notice of Violation which shall describe the violation, state whether it is a second, third or fourth offense, require immediate cessation of the violation, and set forth the amount of the civil penalty to be imposed. In the case of second, third and fourth offenses, a civil penalty will be imposed on the violator as follows:

<u>VIOLATION</u>	<u>PENALTY</u>
Second Violation	\$100.00
Third Violation	\$250.00
Fourth Violation	\$500.00

3. Fifth Violation. Whenever a violation of this Chapter or any use restriction adopted hereunder is a fifth offense, the Director is authorized to install a water restricting device on the water line or lines serving any violator after issuing a Notice of Violation which includes notification that the device will be installed. The water restricting device shall be in addition to a \$500.00 civil penalty imposed upon the violator.

4. Sixth Violation. Whenever a violation of this Chapter or any use restriction adopted hereunder is a sixth offense, the Director is authorized to shut off all water to any lines serving the violator. The Director shall follow all notice procedures prescribed in

this Section, as well as those notice procedures utilized by the City for water shut off in situations of nonpayment. Shut off shall be in addition to a \$500.00 civil penalty imposed upon the violator.

- B. Separate Violations. Each separate violation, and each day any violation of this Chapter or any use restriction adopted hereunder is committed or permitted to continue, shall constitute a separate offense and shall be subject to the penalties set forth hereunder.
- C. Addition to Water Bill. If any monetary penalty imposed pursuant to subsection A is not paid within thirty (30) days of issuance of the Notice of Violation, said penalty amount shall be entered upon the water bill for the building, structure or premises, and collected in the same manner as provided for delinquent accounts.
- D. Review of Penalties by Director.
 - 1. Any person aggrieved by any penalty imposed pursuant to subsection A above may obtain review of the penalty by the Director by requesting such review within ten (10) days after issuance of the Notice of Violation. When the last day of the period so computed is a Saturday, Sunday or City holiday, the period shall run until 5:00 p.m. on the next business day. The request must be in writing, and must be delivered to the office of the Director no later than 5:00 p.m. on the date due.
 - 2. The review will consist of an informal meeting held in the offices of the public works department. The Director or her designee shall receive all

relevant information from the violator. The violator may show as full or partial mitigation of the penalty:

- a. That the violation giving rise to the action was caused by the willful act or neglect of another; or
 - b. That the violation occurred due to other circumstances beyond the control of the violator.
3. The Director may sustain, withdraw, or modify the penalty contained in the Notice of Violation as the Director deems appropriate based upon the information presented. Upon completion of the review, the Director shall issue her written decision to the violator. The decision of the Director shall be final and there shall be no further administrative appeal.

E. Additional Relief. The Director may seek other legal or equitable relief to enjoin any acts and practices and to abate any condition that constitutes or will constitute a violation of the water supply emergency use restrictions when civil penalties are inadequate to effect compliance.

Section 3. Enforcement. Section 13.28.070 of the Redmond Municipal Code is hereby amended to read as follows:

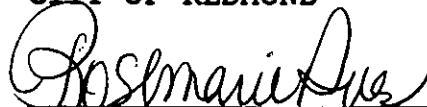
13.28.070 Enforcement. The Director is authorized to enforce the provisions of this Chapter and any use restrictions adopted hereunder, and may designate other employees of the City to do so. The public works

department shall be the primary personnel charged with the enforcement of this Chapter and any water use restrictions adopted hereunder, but the Director shall have the authority to authorize other City employees and departments to enforce such provisions and restrictions as deemed necessary by the Director.

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 5. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of the ordinance or a summary thereof consisting of the title.

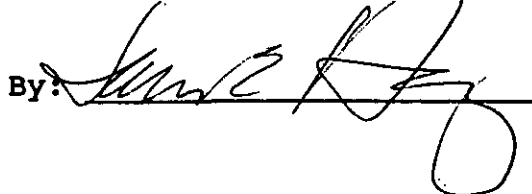
CITY OF REDMOND


MAYOR ROSEMARIE IVES

ATTEST/AUTHENTICATED:


CITY CLERK, DORIS SCHAIBLE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: 

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FILED WITH THE CITY CLERK: 6-2-92
PASSED BY THE CITY COUNCIL: 6-2-92
SIGNED BY THE MAYOR: 6-2-92
PUBLISHED: 6-07-92
EFFECTIVE DATE: 6-12-92
ORDINANCE NO. 1688