

SALT LAKE CITY ORDINANCE

No. ____ of 2003

(Enacting new Sections 17.16.092 and 17.16.792, relating to a Water Shortage Contingency Plan, and related civil fines.)

AN ORDINANCE ENACTING NEW SECTIONS 17.16.092 AND 17.16.792, RELATING TO THE PREPARATION AND IMPLEMENTATION OF A WATER SHORTAGE CONTINGENCY PLAN AND RELATED CIVIL FINES.

Be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Section 17.16.092 of the Salt Lake City Code is hereby enacted, to read as follows:

17.16.092 Water Shortage Management

A. Declaration of Policy. Given the prevailing semi-arid climate of the region, the limited water resources available to Salt Lake City, and the vitally important role an adequate supply of municipal and industrial (M&I) water plays in maintaining a healthy and safe environment in the community, it is hereby declared to be the policy of Salt Lake City that, during times of water shortage caused by drought, facilities failure, or any other condition or event, M&I water usage within the City's water service area shall be managed, regulated, prioritized, and restricted in such a manner as to prevent the wasteful or unreasonable use of water, and to preserve at all times an adequate supply of M&I water for essential uses.

B. Water Shortage Contingency Plan. The Director of the Department of Public Utilities shall cause to be prepared and implemented a Water Shortage Contingency Plan (the “Plan”). Such Plan may be included as part of, or prepared separately from, the Water Conservation Master Plan provided for in Section 78-10-32, Utah Code Annotated, and shall be revised from time to time as conditions and circumstances warrant. The Plan shall, among other things (i) establish graduated stages of water shortage severity, and (ii) establish appropriate M&I water use restriction response measures for each stage. The Plan shall include guidelines and criteria for determining the appropriate stage to be implemented under various water supply, delivery, and demand conditions. Each Plan stage of water shortage, and the accompanying use restrictions, shall be implemented by declaration of the Mayor, upon the advice and recommendation of the Director pursuant to the Plan guidelines.

C. Compliance. Compliance with the water use restriction response measures called for under any applicable Plan stage may be either recommended or mandatory, as specified in the Plan. The Plan may not provide for mandatory restrictions on residential or commercial customers until either (i) the projected water supply from all sources is sixty (60) percent or less of the average annual water supply, or (ii) the Director otherwise determines that, in the exercise of his or her best professional judgment, the City is unable to meet anticipated essential water needs without implementing such mandatory measures.

D. Enforcement. The Director shall enforce compliance with all mandatory response measures set forth in the Plan through the imposition and collection of civil fines, as provided in Section 17.16.792 of this Code. Any customer who fails to promptly pay any civil fine imposed by the Director shall be subject to having the water supply to the premises of such customer shut

off. Water service shall be restored only upon full payment of the civil fine imposed, any penalty provided for in Section 17.16.790, and the turn-on fee provided in Section 17.16.660. In addition, the Director may install flow restrictors in appropriate circumstances.

E. Plan Non-Exclusive. The creation and implementation of the Plan shall be in addition to, and not exclusive of, any other steps taken by the City from time to time to conserve water or manage limited water supplies, including Mayoral proclamations issued pursuant to Section 17.16.080.

SECTION 2. Section 17.16.792 of the Salt Lake City Code is hereby enacted, to read as follows:

17.16.792 Water Shortage Contingency Plan-Civil Fines

A. Any customer of the City’s municipal and industrial water system found to be in violation of any mandatory water use restriction in effect from time to time under the Water Shortage Contingency Plan established under Section 17.16.092, shall be subject to the following maximum civil fines, and to water service shut-off, as follows:

First violation:	\$100
Second violation:	\$250
Third violation:	\$500
Fourth violation:	\$1,000
Fifth violation and thereafter:	\$1,000 and water service shut-off

The violation level shall be based on violation history for the preceding 12 months. A civil fine for a customer’s first violation shall be imposed only after the issuance of a written warning to such customer. Any civil fine based on a violation susceptible to

corrective action shall be imposed only after failure by the customer to take such corrective action within a reasonable period of time, as determined by the Director, taking into account the nature of the action needed and the anticipated cost. “Customer” for purposes of this Section 17.16.792 and Section 17.16.092 of the Salt lake City Code, shall mean and include any person responsible, whether by ordinance or by contract between the city and such person, to pay the water charges on any account for use of water from the city’s municipal and industrial water treatment and distribution system, whether the location at which such water is used is situated within or outside of the corporate limits of the city. It is the intent of the city that compliance with the provisions of Section 17.16.092, as enforced pursuant to this Section, by customers situated outside of the corporate limits of the city shall be a contractual condition of continued water service.

B. Any customer subject to a civil fine under this Section shall be notified by the Director, in writing, of the date, nature, and circumstances of the violation, which notification shall be delivered by posting such notice at a conspicuous location on the property, and by mailing notice, by certified mail, no more than 15 calendar days after the date of occurrence of the violation. The notice shall advise the customer of his/her right to protest the fine to a hearing officer, which shall be the Director or his or her designee, within ten business days after receipt of the notice. The hearing officer shall have the authority to adjust the fine to take into account any extenuating circumstances. Any determination by the hearing officer may be appealed to a three (3) member Water Shortage Appeals Panel. The City Council shall designate three (3) members of the Public Utilities Advisory Committee to serve on

the Panel, provided, however, that the Director may designate other members of the PUAC to serve as alternates as needed. All decisions of the Water Shortage Appeals Panel shall be final.

C. All fines collected pursuant to this Section shall be set aside in a segregated fund within the Public Utilities Enterprise Fund, and used exclusively for paying all or a portion of the costs and expenses incurred by the City in connection with the implementation and administration of the Plan and other elements of the City's water conservation program.

SECTION 4. This ordinance shall take effect immediately upon the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this ____ day of _____, 2003.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____Approved. _____Vetoed.

MAYOR

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2003.

Published: _____.

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