

Code Text Changes

Sec. 19-1602. - Administrative fees. **Enforcement**

~~The director of public works or the director's designee may assess an administrative fee,~~

The director or the director's designee may enforce violations of this ordinance in his or her discretion. The director or the director's designee may assess administrative noncompliance fees, lock out fees, and lock tampering fees in addition to any criminal penalty assessed for a violation of this article as described below. Each day that a violation occurs shall constitute a separate violation.

~~(a) In-ground irrigation systems violations.~~

- ~~(1) The director of public works may install a locking device on a double check valve to the irrigation system found to be operating in violation of this article and shall assess an administrative fee as approved by the city council.~~
- ~~(2) Notice shall be left on the premise to advise the owner/operator that the double check valve to the irrigation system has been turned off; and~~
- ~~(3) Notice shall also be sent by United States Postal Service to the person recorded as the city's water customer notifying that person that the irrigation system has been turned off and locked. The notice shall also state the amount of the assessed administrative fee and shall advise the person of the procedures for payment of the fee and the procedure to request a hearing to contest the assessment of the administrative remedy.~~

~~(b) Violations for systems without double-check valves or in-ground irrigations systems.~~

- ~~(1) The director of public works shall leave notice on the premise to advise the owner/operator that the person was in violation of watering restrictions and may assess an administrative fee as approved by the city council.~~
- ~~(2) Notice shall also be sent by United States Postal Service to the person recorded as the city's water customer notifying that person of the assessment of any administrative fee and advising the person of the procedures for payment of the fee and the procedure to request a hearing to contest the assessment of the administrative remedy.~~
- ~~(c) It shall be unlawful for any person to tamper with, cause damage to or remove a locking device placed on a check value by the director of public works or the director's designee.~~

(a) Except as provided in subsection (b), the director may:

- (1) provide written warnings to customers;**
- (2) after providing a written warning, assess administrative noncompliance fees as approved by City Council for violations of this article;**

- (3) notify the responsible party, including, but not limited to, the owner or operator of the irrigation system, that the irrigation system may be locked out if subsequent violations occur after the assessment of administrative noncompliance fees;
- (4) place a locking mechanism on an irrigation system if continued violations occur after notifying the responsible party that their irrigation system may be locked out; and
- (5) terminate water service to irrigation systems found to be operating in violation of this article after a lockout has occurred and service has been restored.

(b) Immediate enforcement for egregious or hazardous conditions.

The director or the director's designee may not order the immediate lock out of an irrigation system for the first violation of this article unless it is necessary to prevent:

- (1) Excessive or continuous water loss creating flooding or infrastructure damage;
- (2) Unsafe or unsanitary conditions; or
- (3) Any other condition determined by the director or the director's designee to pose a significant risk to public health, public safety, or the City's water supply.

Notice of the action taken and the reason for the immediate lock out of an irrigation system pursuant to this section shall be provided to the customer as soon as practicable.

(c) Irrigation System Lock Out

- (1) The director or the director's designee may install a locking device on a double check valve to the irrigation system, or at the meter for systems with a dedicated meter, found to be operating in violation of this article and may assess a lock out fee as approved by the city council.
- (2) Notice of the lock out shall be left on the premises to advise the individual responsible for the irrigation system.
- (3) Notice shall also be sent by United States postal service to the person identified as the city's water customer notifying that person that the irrigation system has been locked out. The notice shall indicate the amount of the lock out fee and the restoration fee. The notice shall provide the procedures for payment of the fees and the procedure to request a hearing to contest the assessment of the fees.
- (4) It shall be unlawful for any person to tamper with, cause damage to, or remove a locking device placed by the director or the director's designee on a double check valve or a meter.

Sec. 19-1604. - ~~Re-establishment of service to double check valves that have been locked off.~~ **Re-Establishment of Service to Locked or Shut Off Irrigation Systems or Meters.**

The locking device will be removed by the director of public works or the director's designee within three (3) working days after payment ~~is received from customer~~ **and verification that the violation has been remedied.** If the director or his or her designee reasonably determines additional inspections of the irrigation system or meter after service is restored are required to ensure compliance with this article, the account holder or individual responsible for the irrigation system or meter shall allow City staff to enter the premises to perform such inspections.

Sec. 19-1620. - Penalty for violation.

~~Any person, firm or corporation violating any provision of this article shall be deemed guilty of a misdemeanor and shall, upon final conviction thereof, be fined in an amount not to exceed five hundred dollars (\$500.00). Each and every day any such violation shall continue shall constitute a separate violation hereunder.~~

A progressive enforcement process shall apply to any person, firm or corporation violating any provision of this article under the discretion of the director of public works or the director's designee.

(a) Enforcement Process

- (1) First violation: Written notice of violation accompanied by educational information on proper irrigation scheduling.**
- (2) Second violation: Written notice of violation accompanied by educational information on proper irrigation scheduling plus an administrative fee of \$25**
- (3) Third violation: Written notice of violation accompanied by educational information on proper irrigation scheduling plus an administrative fee of \$50.**
- (4) Fourth violation: Administrative fee of \$75 and written notification by US mail to the property owner, property manager, or business representative for commercial properties.**
- (5) Subsequent violations: Temporary shut off of irrigation service and assessment of a shut off and restoration fee in accordance with the City's adopted fee schedule.**

Each day that a violation occurs constitutes a separate violation. However, the utility will generally aggregate violations into a single enforcement action administered within a customer's monthly billing cycle.