

ORDINANCE NO. 2025-01

AN ORDINANCE OF THE CITY OF TROY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE REPEAL OF TROY CITY CODE TITLE 7, CHAPTER 9, OUTDOOR WATER USE SECTIONS 7-9-1: AUTHORITY TO RESTRICT USE AND 7-9-2: PENALTY AND REPLACING THE SAME; ESTABLISHING AN OUTDOOR IRRIGATION SEASON TO BE DECLARED EACH CALENDAR YEAR BY THE PUBLIC WORKS DIRECTOR, ESTABLISHING THE EMERGENCY POWER TO RESTRICT WATER USAGE, ESTABLISHING NEW REGULATIONS FOR IRRIGATION, PERTAINING TO WATER CONSERVATION AND OUTDOOR IRRIGATION, ESTABLISHING A SPECIAL OUTDOOR IRRIGATION VARIANCE, AND ESTABLISHING PENALTIES FOR VIOLATIONS; 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 the responsibility and authority to provide potable water to its patrons;

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

WHEREAS, the City needs to plan for the future sustainability of its water quality and supply;

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

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 TROY, IDAHO, AS FOLLOWS:

SECTION 1:

Troy City Code Title 7, Chapter 9 sections 7-9-1: Authority to Restrict Use and 7-9-2: Penalty be repealed in their entirety and replaced as follows:

SECTION 2:

Troy City Code Title 7, Chapter 9, Section 1 shall read as follows:

7-9-1: PURPOSE AND INTENT:

The purpose is to highlight the importance of water conservation and to promote the responsible use of water within the City through reasonable regulation.

SECTION 3:

Troy City Code Title 7, Chapter 9, Section 2 shall read as follows:

7-9-2: DEFINITIONS:

For purposes of this Chapter, the following term(s) shall have the meaning given herein:

OUTDOOR IRRIGATION SEASON: The period within each calendar year declared by the Public Works Director during which Outdoor Irrigation is allowed within City limits.

AUTOMATIC SHUT-OFF MECHANISM: A device or attachment that 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.

IRRIGATION SYSTEM: Any device(s) or system(s) utilizing a hose, pipe, and/or other conduit that 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.

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 a 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.

SECTION 4:

Troy City Code Title 7, Chapter 9, Section 3 shall read as follows:

7-9-3: CONSERVATION MEASURES FOR MUNICIPAL WATER USAGE:

- A. **Prohibition And Restriction of Municipal Water Usage:** The sprinkling or watering of outdoor plantings such as grass, lawns, gardens, ground cover, shrubbery, trees or other landscaping with water owned by the city shall be restricted upon all properties with even-numbered street addresses to Tuesdays, Thursdays, and Saturdays, and odd-numbered street addresses to Mondays, Wednesdays, and Fridays between the hours of six o'clock (6:00) P.M. and ten o'clock (10:00) A.M. and shall be prohibited all day Sundays, except as provided below:
- B. **Exclusions:** The following uses of water shall not be regulated by this Chapter:
 - 1. Water required to be used for the control of dust or compaction of soil by this Code or by State and/or Federal statute or regulation;
 - 2. Water used to prevent or abate public health, safety, or accident hazards including, but not limited to, fire suppression, fire prevention, and sanitation when a reasonable alternative method is not available;
 - 3. Water used for inspection, maintenance, installation, or repair of automatic landscape sprinkling systems or of the City's water supply system (including fire hydrants and training facilities);
 - 4. Water used by the City or its agents or franchisees for street sweeping, construction, and maintenance; sewer maintenance; or other established utility and/or public works practices;
 - 5. Outdoor watering with a handheld container or hose with an automatic shut-off mechanism, such as a nozzle is allowed at any time.

SECTION 5:

Troy City Code Title 7, Chapter 9, Section 4 shall read as follows:

7-9-4: VARIANCE FROM WATER CONSERVATION REGULATIONS:

The City may grant permission to an applicant for a variance from the provisions of this Chapter where it is established that there is a hardship or special circumstance which requires such a variance (e.g., establishment of newly seeded or sodded turf grass and/or landscaping; application of chemicals which requires immediate irrigation to preserve lawn or landscaping; physical necessity; etc.). When granting a variance, the City shall establish such conditions and limitations as are necessary to further the purposes of this Chapter.

SECTION 6:

Troy City Code Title 7, Chapter 9, Section 5 shall read as follows:

7-9-5: EMERGENCY POWERS:

The mayor may, upon notification by the Idaho department of water resources of curtailment of city of Troy water rights, or in the case of concern for the city's operational capacity due to heat or drought conditions, declare an emergency and restrict water use to domestic purposes only.

SECTION 7:

Troy City Code Title 7, Chapter 9, Section 6 shall read as follows:

7-9-6: VIOLATION; PENALTY:

Any person found to be violating any provision of this chapter shall be subject to the following:

- A. First violation: Written warning citation.
- B. Second Violation: \$50 fee added to the Utility Bill.
- C. Third Violation: \$100 fee added to the Utility Bill.
- D. All subsequent violations shall result in immediate termination of water service to the property.
- E. Prior to reinstatement of service, the person violating the provisions of this chapter shall pay a \$350 recommencement fee. Termination and Reinstatement to be done during normal business hours Monday through Friday.

SECTION 8:

That any provisions of the City of Troy Municipal Code found to be inconsistent with this Ordinance, the same is hereby repealed. Should any provision of this Ordinance be deemed unlawful or unconstitutional, such finding shall not affect the remaining provisions of this Ordinance.

SECTION 9:

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 **9th** day of April, **2025**.

WILLIAM ABBOTT, Mayor

Attest:

SABRINA MOYER, City Clerk