

ORDINANCE 1723

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, APPROVING AND ADOPTING A WATER CONSERVATION CODE UNDER NORTH BEND MUNICIPAL CODE CHAPTER 13.50; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of North Bend desires to conserve the precious resource of water as an integral part of implementing the Sustainability Element of the Comprehensive Plan by supporting the local economy while preserving environmental quality (Comp Plan Policy E. 1. Local Economy and Environmental Quality); and

WHEREAS, NBMC 13.12.220 authorizes the City to prohibit using water for irrigation or lawn sprinkling purposes when there is a water shortage but provides neither a water conservation education or a water rebate program to assist citizens in conserving water; and

WHEREAS, the City Council desires to promote water conservation primarily through education and not regulation, to reward water users who conserve this resource and provide tools to assist citizens to reduce water use through a water rebate program; and

WHEREAS, the Sallal Water Association currently provides water service within North Bend that is not subject to any water conservation controls and this ordinance will address that deficiency; and

WHEREAS, state law requires municipal water suppliers such as the North Bend Water Utility to adopt and implement water use efficiency and conservation programs. See Chapter 90.03 RCW; WAC 246-291-140; and

WHEREAS, this ordinance will also benefit City water customers because using water efficiently helps reduce water and sewer bills. The City's goal is to achieve compliance with water conservation primarily through education, including the use of an expanded rebate program to reward water savings, but also when necessary to have enforcement tools to preserve and protect this valuable natural resource; and

WHEREAS, it is the desire of the City of North Bend to proactively conserve water to provide environmental leadership and stewardship over this precious resource; and

WHEREAS, the City Council held a Public Hearing on this matter on June 2 and 16, 2020;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. NBMC Chapter 13.50 (Water Conservation), Adopted: A New Chapter 13.50 of the North Bend Municipal Code (Water Conservation) is hereby adopted as set forth in Exhibit A, attached hereto.

Section 2. Severability: Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date: This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 16TH DAY OF JUNE, 2020.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Rob McFarland, Mayor

Michael R. Kenyon, City Attorney

Published: June 26, 2020
Effective: July 1, 2020

ATTEST/AUTHENTICATED:

Susie Oppedal, City Clerk