

City Council Introduction: April 29, 2013

Bill Number 13-61

Public Hearing: May 6, 2013

FACT SHEET

TITLE: Water Management Plan Enforcement

SPONSOR: Public Works & Utilities

OTHER DEPARTMENTS AFFECTED:
Lincoln Police Department, and
City Attorney's Office

OPPONENTS: Unknown

STAFF RECOMMENDATION: For

APPLICANT: Public Works & Utilities

REASON FOR LEGISLATION: Ordinance to amend applicable L.M.C. chapters to give the Mayor authority to declare water restrictions emergencies by Executive Order and impose penalties for failure to observe such restrictions.

DISCUSSION

Legislation establishes the penalty for violations as a citation in the amount of \$150 for the first offense, \$250 for 2nd offense, and \$350 for 3rd and subsequent offenses. Currently, violations are considered as a misdemeanor offence. This legislation effectively decriminalizes water restriction violations unless the violation is criminally filed by the City Attorney's Office. Citations are issued to the property owner or tenant of record.

Legislation establishes an administrative process whereby the property owner or tenant is responsible for the water restriction violation citation and makes provisions for the corresponding fine to be added to the water bill if not paid in person. An administrative review process and administrative hearing process is made available to the party responsible to request the citation be dismissed for cause. The Public Works and Utilities Department is responsible for conducting all reviews and hearings.

Legislation permits citations to be issued by either a police officer or by Water Control Officers as designated by the Director of Public Works and Utilities. Legislation authorizes the collection, accounting and disbursement of the monies collected through citations.

POLICY OR PROGRAM CHANGE: See above discussion.

COST OF TOTAL PROJECT: None or nominal cost. All administrative functions will be done by existing staff. Fine amounts are established to recover all costs for enforcement and administrative processing

SOURCE OF FUNDS:

CITY: Fine amounts should cover costs of enforcement.

NON CITY: N/A

BENEFIT COST: N/A

FACT SHEET PREPARED BY:

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REVIEWED BY:

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