

CITY OF GREELEY
ORDINANCE NO. 15, 2004

AN ORDINANCE OF THE CITY OF GREELEY DEFINING DROUGHT LEVELS AND THE ASSOCIATED MANDATORY WATER CONSERVATION MEASURES FOR USERS OF THE CITY OF GREELEY'S WATER SYSTEM.

WHEREAS, Greeley and the rest of Colorado are in the midst of a multi-year drought, in which the City's water supply experienced the worst drought in recorded history in 2002; and

WHEREAS, the drought has moderated and the City of Greeley needs to be able to respond to varying levels of drought with varying levels of water conservation; and

WHEREAS, the City in cooperation with Green Industry representatives have developed a series of increasingly severe watering restrictions to match multiple levels of drought; and

WHEREAS, the Water and Sewer Board at their March 17, 2004, meeting reviewed proposed drought conservation measures, including education, water restrictions, and conservation rates and recommends the Council adopt the following ordinance; and

WHEREAS, the Colorado General Assembly by House Joint Resolution 03-1015 has called upon all municipalities to review ordinances and codes to encourage and promote responsible water conservation measures; and

WHEREAS, the imposition of mandatory water conservation measures, matched to the available water supply, are in the best interests of the citizens of the City of Greeley for the preservation and protection of their health, property and safety;

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREELEY, COLORADO:

Section 1. Mandatory Water Conservation Measures. Mandatory water conservation measures are hereby imposed through repeal, re-enactment and amendment of Ordinance 14.08.290, copies of which are attached hereto. Section 14.08.290 is repealed and reenacted as follows:

Section 14.08.290 Sprinkling restrictions; drought levels; penalty.

(a) The following provisions shall apply at all times unless modified by subsequent sections of this ordinance:

- (1) Waste of water is prohibited at any time.
- (2) Sprinkler irrigation shall not occur between 12 noon and 5:00 p.m. from May through August even when water supplies are adequate.
- (3) Drip irrigation is allowed at any time.
- (4) Hand watering of vegetables and flower gardens, trees and shrubs, and individual brown spots in a lawn is allowed at any time, so long as water waste does not occur.
- (5) Except during time of adequate water supply, hand watering to clean hard surfaces such as driveways and parking lots is prohibited. Hand watering to clean property,

such as roof gutters, eaves, windows, or in preparation for painting, is allowed as long as water waste does not occur.

- (6) Public organizations: The use of water for sprinkling lawns, gardens and trees on the grounds of public organizations, public parks and public golf courses served by the City water system will be permitted at any time with written variance from the Director of Water and Sewer. The public organizations to which this paragraph refers include, but are not limited to: Weld County facilities, the University of Northern Colorado campus, School District #6 grounds, City of Greeley grounds including parks, golf courses, and Linn Grove cemetery.
- (7) New lawn variance: The use of water for sprinkling newly seeded or sodded lawns less than one month old will be allowed during times determined by the Director of Water and Sewer pursuant to a permit for the same. Issuance of such a permit is contingent upon proof of proper soil preparation before installation of turf. Proper soil amendment is considered to be the equivalent to adding compost at a rate of four cubic yards per 1,000 square feet of planted area, incorporated to a depth of six inches. Permits shall be posted on the property.
- (8) Large user variance: The use of water for sprinkling large areas with multiple addresses, such as homeowner's associations, or other special circumstances, may be allowed during the times and days of the week as determined by the Director of Water and Sewer and defined by a permit for the same. Such written permits shall be posted on the property.
- (9) Except during a time of declared Adequate water supplies, there shall be no lawn watering between January 1 and April 14. Charging and testing of sprinkler systems is allowed. Sprinkling may be allowed by written variance.
- (10) Unusual circumstances: The Director of Water and Sewer may issue variance permits to address any other circumstances that in the director's sole discretion, are deemed appropriate.

(b) Definitions:

- (1) "Even-Odd schedule":
 - a. Even number addresses may sprinkle on even days of the month.
 - b. Odd number addresses may sprinkle on odd days of the month.
 - c. On May 31, July 31, and August 31, odd addresses may sprinkle in the morning and even addresses may sprinkle in the evening.
- (2) "One day per week" watering: All properties may use water for sprinkling only one day per week.
 - a. Single family residences and duplexes with addresses ending in an even number may sprinkle on Sundays.
 - b. Single family residences and duplexes with addresses ending in an odd number may sprinkle on Saturdays.
 - c. All other customers, commercial, industrial, multi-family, and homeowner's associations, may sprinkle on Fridays.
- (3) "Two days per week" watering:
 - a. Single family residences and duplexes with addresses ending in an even number may sprinkle on Sundays and Thursdays.
 - b. Single family residences and duplexes with addresses ending in an odd number may sprinkle on Wednesdays and Saturdays.
 - c. All other customers, commercial, industrial, multi-family, and homeowner's associations, may sprinkle on Tuesdays and Fridays.

- d. There shall be no watering on Mondays except by written variance.
- (4) "Three days per week" watering:
 - a. Single family residences and duplexes with addresses ending in an even number may sprinkle on Sundays, Tuesdays, and Thursdays.
 - b. Single family residences and duplexes with addresses ending in an odd number may sprinkle on Mondays, Wednesdays, and Saturdays.
 - c. All other customers, commercial, industrial, multi-family, and homeowner's associations, may sprinkle on Sundays, Tuesdays, and Fridays.
- (5) Hand watering means holding in the hand a hose with attached positive shutoff nozzle. Hand watering does not include operating a hose with a sprinkler or manually operating an irrigation controller.

(c) Drought Levels: On the determination by the Greeley Water and Sewer Board, after an analysis including but not limited to the Colorado Big Thompson quota, the level of storage in Greeley reservoirs, snow pack and yield thereof, and the long range weather forecast, that Greeley's water supply situation is "Adequate" or in a "Mild Drought", "Moderate Drought", or "Severe Drought", the Greeley City Council may, by resolution, declare one of the following four sets of watering restrictions to be in effect:

- (1) When the city's water supply is Adequate: The use of City water for sprinkling of private residences, commercial, and industrial property, church or other non-profit or governmental organization lawns, gardens, and trees will be permitted on an Even-Odd schedule only.
- (2) When the city's water supply is in a Mild Drought: The use of City water for sprinkling of private residences, commercial, and industrial property, church or other non-profit or governmental organization lawns, gardens, and trees will be permitted:
 - a. One day per week between April 15 and May 14;
 - b. Two days per week between May 15 and June 14;
 - c. Three days per week between June 15 and August 31;
 - d. One day per week between September 1 and the end of the irrigation season.
 - e. Sprinkler irrigation shall not occur between 10:00 a.m. and 6:00 p.m. daily.
- (3) When the city's water supply is in a Moderate Drought: The use of City water for sprinkling of private residences, commercial, and industrial property, church or other non-profit or governmental organization lawns, gardens, and trees will be permitted:
 - a. One day per week between April 15 and May 14;
 - b. Two days per week between May 15 and August 31;
 - c. One day per week between September 1 and the end of the irrigation season.
 - d. New sod or seed variances are not allowed between May 15 and August 31.
 - e. Sprinkler irrigation shall not occur between 10:00 a.m. and 6:00 p.m. daily.
- (4) When the city's water supply is in a Severe Drought: The use of City water for sprinkling of private residences, commercial, and industrial property, church or other non-profit or governmental organization lawns, gardens, and trees will be permitted:
 - a. One day per week between April 15 and May 14;
 - b. Two days per week between May 15 and June 14;

- c. No sprinkler irrigation between June 15 and August 1 except for trees and shrubs;
- d. Two days per week between August 1 and August 31;
- e. One day per week between September 1 and the end of the irrigation season.
- f. No new sod or seed variances are allowed.
- g. Sprinkler irrigation shall not occur between 10:00 a.m. and 6:00 p.m. daily.

(5) When Council declares which set of water restriction are in place, Council may define City policy regarding the use of warnings prior to notices of violation being issued.

(d) Penalties

(1) Any person who violates any of the provisions of this Section during a calendar year shall be punished by a fine of \$100 for the first violation, \$250 for the second violation, \$500 for the third violation, and \$500 and the cost of installing a flow restrictor to limit water use to indoor use only for the fourth and subsequent violations.

(2) Violations on property other than residential property shall be punished by fines which are double those described in paragraph (d)(1).

(3) Each day of violation shall constitute a separate offense as provided in Section 1.32.020 of this Code and shall be a strict liability offence.

(4) During a declared Severe Drought, all fines are doubled or up to \$1,000, which ever is less.

Section 2. Definition of waste: Section 14.08.220 Wasting water unlawful, Paragraphs (b) and (c) are hereby amended as follows:

It is unlawful for any person, partnership, company or corporation or other entity using City of Greeley water, at any time during a declared drought, to use water to clean any hard surface upon or adjacent to the premises, building, house or lot. For purposes of this section, "hard surface" includes, but is not limited to, driveways, sidewalks and streets and street gutters. Use of water in cleaning property such as roof gutters, eaves, windows or in preparation for painting is allowed as long as waste does not occur.

It is unlawful for any person, partnership, company or corporation or other entity using City of Greeley water to allow, either manually or automatically, the sprinkling or watering of "hard surface"; to allow excessive run-off of water from the premises, building, house or lot; and/or to allow the excessive pooling of water upon or adjacent to the premises, houses or lots. Run-off that is more than five gallons per minute is considered excessive.

Section 3. This ordinance shall become effective immediately upon its passage.

PASSED AND ADOPTED, SIGNED AND APPROVED, THIS 6th DAY OF APRIL, 2004.

ATTEST:

Betsy D. Helder
City Clerk

CITY OF GREELEY, COLORADO

Thomas E. Seldin
Mayor

14.08.195 Cross-connection control devices required.

Cross-connection control devices shall be installed on all fireline taps, all commercial and industrial taps and on any other water tap which may present a hazard, either biologically or chemically. This installation shall be in accordance with federal and state laws and regulations enacted for the protection of drinking water supplies, or as otherwise required by the Director of Water and Sewer. Property owners shall be responsible for the annual testing of all cross-connection control devices and shall present copies of all test results to the Director of Water and Sewer. (Ord. 57, 1996 §8)

14.08.200 Repair of system; restriction of use.

The Director of Water and Sewer may, when he or she deems it necessary because of repair of any portion of the transmission or distribution system, restrict the use of water and, if need be, prohibit the use of water for sprinkling until the water system has been repaired. (Prior code §22-14)

→ 14.08.220 Wasting water unlawful.

(a) It is unlawful for any person using City water to use said water to allow or permit water to run to waste upon his or her premises, buildings, houses or lots, in, through or out of any water closet lavatory, urinal, bathtub, hose, hydrant, faucet or other fixtures, appliances or apparatus whatsoever, or in any manner through neglect or by reason of faulty or imperfect plumbing or fixtures.

(b) It is unlawful for any person, partnership, company or corporation or other entity using City water to, at any time, use water to clean any hard surface upon or adjacent to the premises, building, house or lot. For purposes of this Section, *hard surface* includes, but is not limited to, driveways, sidewalks and streets and street gutters.

(c) It is unlawful for any person, partnership, company or corporation or other entity using City water to allow, either manually or automatically, the sprinkling or watering of hard surface; to allow excessive run-off of water from the premises, building, house or lot; and/or to allow the excessive pooling of water upon or adjacent to the premises, houses or lots.

(d) Penalties.

(1) Any person who violates any of the provisions of this Section is guilty of violation of this Section and shall be punished by a fine of one hundred dollars

(\$100.00) for the first conviction during the calendar year, two hundred fifty dollars (\$250.00) for the second conviction during the calendar year, five hundred dollars (\$500.00) for the third conviction during the calendar year and five hundred dollars (\$500.00) and a flow restrictor to limit water to indoor use only of water service for the fourth conviction during the same calendar year may be required.

(2) Each day of violation shall constitute a separate offense as provided in Section 1.32.020 of this Code.

(e) Intent. The violations described in this Section are strict liability offenses, as defined in Chapter 10 of this Code. (Ord. 55, 2002 §1A; Ord. 45, 2002 §1; prior code §22-16)

14.08.230 Maintenance required.

The owner of any premises for which a connection is made and a stopcock with box and cover placed as provided at this Chapter and Chapter 14.04 shall keep such stopcock with box and cover placed as aforesaid in good condition at his or her expense and so that the Director of Water and Sewer is able to turn off water from his or her service pipes at any time. From such stopcock to, in and upon his or her premises, the owner shall provide his or her own pipe and plumbing, which shall be constructed and placed so as to comply with all ordinances upon plumbing and shall, at his or her expense, at all times, keep all pipes, fixtures and appliances on his or her premises tight and in good working order so as to prevent waste of water. In case any pipe or fixture breaks or become imperfect, or so as to waste water, he or she shall forthwith repair the same and keep the same in repair. (Prior code §22-17(a))

14.08.240 Failure to maintain; unlawful; notice; turnoff.

It is unlawful for any owner or user of water to fail to comply with the provisions of Section 14.08.230 and, until his or her pipes and fixtures are placed in good repair, the Director of Water and Sewer shall turn off all water from such premises. In case the Director of Water and Sewer shall, on inspection, ascertain that any plumbing or fixtures of any premises are so defective as to waste any water, he or she shall notify the owner or user of water to repair the same immediately and, if not repaired within twenty-four (24) hours, he or she shall turn off the water from such premises, and the same shall remain turned off until such plumbing and fixtures are repaired. (Prior code §22-17(b))

14.08.250 Damaging waterworks or protections thereto unlawful.

It is unlawful for any person to injure or otherwise damage any property or appliances constituting or being a part of the waterworks or any fence, guardrails, boxes, covers or buildings constructed and used to protect the waterworks or any part thereof. (Prior code §22-19(a))

14.08.260 Trespassing or interfering with waterworks unlawful.

It is unlawful for any unauthorized person to trespass upon the waterworks or the grounds upon which the same is constructed, in any manner to interfere with the waterworks or any part thereof, to meddle or interfere with any pipe, valve or appliance used to regulate the flow of water in the waterworks or any part thereof, or to change or alter the position of any valve or appliance regulating the flow of water in such pipeline or waterworks. (Prior code §22-19(b))

14.08.270 Contaminating, polluting or obstructing water unlawful.

It is unlawful for any person to cast, place, dump or deposit in the waterworks any substance or material which will contaminate or pollute the water in the waterworks or in any pipe, reservoir, filter sedimentation basin or any appliance forming a part of the waterworks or in any manner to obstruct the waterworks or pollute the water therein. (Prior code §22-19(c))

14.08.280 Polluting or contaminating Cache la Poudre River unlawful; liability.

It is unlawful for any person, in any manner, to pollute or contaminate the waters of the Cache la Poudre River or its tributaries for a distance of five (5) miles above the intake of the waterworks or to have, keep or maintain at, along or near the banks of the Cache la Poudre River for a distance of five (5) miles above the intake of the waterworks any building, privy, pen, yard or corral for stock, or to have, keep or conduct any business near such stream as aforesaid which will contaminate or pollute the waters of such river or render the same unfit for domestic use. Any person who violates any provisions of this Section, upon conviction thereof, shall, in addition to other penalties, be liable for all damages for his or her unlawful acts. (Prior code §22-19(d))

14.08.290 Sprinkling restrictions; penalty.

(a) The use of City water for sprinkling of private residences, commercial and industrial property, church or other nonprofit and/or governmental organization lawns, gardens and trees will be permitted only three (3) days per week.

(1) Properties may use water for sprinkling on the following schedule only:

a. No sprinkler irrigation is allowed between January 1 and April 14.

b. Between April 15 and May 15, all properties may use water only one (1) day each week. Even-numbered residential addresses may sprinkle on Sundays. Odd-numbered residential addresses may sprinkle on Saturdays. All others may sprinkle on Fridays.

c. Between May 15 and June 30, all properties may use water for sprinkling only two (2) days each week. Single-family residences and duplexes with addresses ending in even numbers shall be allowed sprinkling on Sundays and Thursdays. Single-family residences and duplexes with addresses ending in odd numbers shall be allowed sprinkling on Wednesdays and Saturdays. All other customers, commercial, industrial, multi-family and homeowners' associations, shall be allowed sprinkling on Tuesdays and Fridays.

d. Between July 1 and September 1, properties may use water three (3) days per week as follows:

1. Single-family residences and duplexes with addresses ending in even numbers shall be allowed sprinkling on Sundays, Tuesdays and Thursdays.

2. Single-family residences and duplexes with addresses ending in odd numbers shall be allowed sprinkling on Mondays, Wednesdays and Saturdays.

3. All other customers, commercial, industrial, multi-family and homeowners' associations, shall be allowed sprinkling on Sundays, Tuesdays and Fridays.

e. Between September 1 and December 31, all properties may use water for sprinkling only two (2) days each week. Single-family residences and duplexes with addresses ending in even numbers shall be allowed sprinkling on Sundays and Thursdays. Single-family residences and duplexes with addresses ending in odd numbers shall be allowed sprinkling on Wednesdays and Saturdays. All other customers, commercial, industrial, multi-family, and homeowners' associations shall be allowed sprinkling on Tuesdays and Fridays.

(2) Sprinkler irrigation shall not occur between 12:00 p.m. and 5:00 p.m. daily.

(3) Drip irrigation shall be allowed at any time. Hand watering of vegetable and flower gardens, trees and shrubs is allowed at any time, so long as hand watering of lawns and water waste do not occur. *Hand watering* means holding in the hand a hose with an attached positive shutoff nozzle, and does not include operating a hose with a sprinkler or manually operating an irrigation controller.

(4) The use of water for sprinkling lawns, gardens and trees on the grounds of public organizations, public parks and public golf courses served by the City water system will be permitted at any time with written variance from the Director of Water and Sewer. The public organizations to which this paragraph refers include, but are not limited to, the following: prioritized areas of Weld County facilities, the University of Northern Colorado campus, School District #6 grounds and City grounds including parks, golf courses and Linn Grove Cemetery.

(5) The use of water for sprinkling newly seeded or sodded lawns less than one (1) month old will be permitted during times as determined by the Director of Water and Sewer pursuant to a permit for the same. Such permit is contingent upon proof of proper soil preparation before installation of turf. Proper amending of the soil is considered to be equivalent to compost at a rate of four (4) cubic yards per one thousand (1,000) square feet of planted area incorporated to a minimum depth of six (6) inches.

(6) The use of water for sprinkling large areas with multiple addresses, such as the University of Northern Colorado, homeowners' associations or other special circumstances, may be permitted during the times and days of the week as determined by the Director of

Water and Sewer, pursuant to a permit for the same. Such written permits shall be posted on the property. Additionally, for addressing unusual circumstances, the Director may issue written water variances at the Director's sole discretion.

(b) Penalties.

(1) Any person who violates any of the provisions of this Section is guilty of violation of this Section and shall be punished by a fine of one hundred dollars (\$100.00) for the first violation during the calendar year; two hundred fifty dollars (\$250.00) for the second violation during the calendar year; five hundred dollars (\$500.00) for the third violation during the calendar year; and five hundred dollars (\$500.00) and a flow restrictor to limit water to indoor use only for the fourth and subsequent violations during the same calendar year.

(2) Violation on a property other than residential property shall be punished by a fine of two hundred fifty dollars (\$250.00) for the first violation, five hundred dollars (\$500.00) for the second violation during the calendar year, and a fine of one thousand dollars (\$1,000.00) and a flow restrictor to limit water to indoor use only for the fourth and subsequent violations during the same calendar year.

(3) Each day of violation shall constitute a separate offense as provided in Section 1.32.020 of this Code and shall be a strict liability offense. (Ord. 63, 2003 §1; Ord. 50, 2003 §1; Ord. 30, 2003 §2)

14.08.300 Limitation of sprinkling by Mayor; violation.

The Mayor may, by proclamation, limit the hours of sprinkling or may entirely prohibit the use of water for sprinkling purposes in case of failure of the water system or shortage of water supply. In case the Mayor issues a proclamation restricting or prohibiting the use of water for sprinkling, it is unlawful to use water for sprinkling purposes contrary to such proclamation. (Prior code §22-20(b))

14.08.310 Nozzle or sprinkler required.

It is unlawful for any person to use water for sprinkling through a hose without a nozzle or sprinkler or by means of a nozzle or sprinkler attached with an orifice therein exceeding three-sixteenths (3/16) of an inch in diameter. (Prior code §22-21(a))

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