

CITY OF GREELEY
ORDINANCE NO. 26, 2005

AN ORDINANCE OF THE CITY OF GREELEY MODIFYING WATER RESTRICTIONS DURING PERIODS OF ADEQUATE WATER SUPPLY.

WHEREAS, Greeley citizens have responded well to water restrictions imposed over the last several years to conserve the City's water supply; and

WHEREAS, the restrictions to irrigation based on one, two, and three-days-per-week schedules have been well accepted; and

WHEREAS, during periods of "adequate" water supply, irrigation restrictions continue to have a value in both conserving water and in minimizing pressure drops in certain parts of the City;

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

Section 1. Paragraph (c)(1) Section 14.08.290 is modified as follows with additions underlined and deletions ~~struckout~~:

(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~~ three days per week between April 15 and the end of the irrigation season.

Section 2. This ordinance shall become effective immediately upon its passage.

PASSED AND ADOPTED, SIGNED AND APPROVED, THIS 5th DAY OF April, 2005.

ATTEST:

Betsy A. Halder
City Clerk

CITY OF GREELEY, COLORADO

Thomas E. Selden
Mayor

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; drought levels; penalty.

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

(1) Waste of water is prohibited at any time.

(2) Sprinkler irrigation shall not occur between 12:00 p.m. and 5:00 p.m. from May through August even when water supplies are adequate.

(3) Drip irrigation, low-volume spray or bubbling sprinklers, and weeping-type soaker hoses are allowed to water trees, shrubs or flower beds at anytime.

(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. Hand-watering means holding in the hand a hose with attached positive shutoff nozzle and does not include operating a hose with a sprinkler or manually operating an irrigation controller.

(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, and 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 (1) 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 of adding compost at a rate of four (4) cubic yards per one thousand (1,000) square feet of planted area, incorporated to a depth of six (6) 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 homeowners' 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-numbered addresses may sprinkle on even days of the month.

b. Odd-numbered 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 (1) 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 homeowners' 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 homeowners' 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 homeowners' 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 City Council may, by resolution, declare one (1) of the following four (4) 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 nonprofit 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 nonprofit or governmental organization lawns, gardens and trees will be permitted:

- a. One (1) day per week between April 15 and May 14.
- b. Two (2) days per week between May 15 and June 14.
- c. Three (3) days per week between June 15 and August 31.
- d. One (1) day per week between September 1 and the end of the irrigation season.

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 nonprofit or governmental organization lawns, gardens and trees will be permitted:

- a. One (1) day per week between April 15 and May 14.
- b. Two (2) days per week between May 15 and August 31.
- c. One (1) 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 nonprofit or governmental organization lawns, gardens and trees will be permitted:

- a. One (1) day per week between April 15 and May 14.
- b. Two (2) days per week between May 15 and June 14.
- c. No sprinkler irrigation between June 15 and August 1 will be permitted, except for trees and shrubs.
- d. Two (2) days per week between August 1 and August 31.
- e. One (1) 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 the City Council declares which set of water restriction are in place, the City 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 one hundred dollars (\$100.00) for the first violation, two hundred fifty dollars (\$250.00) for the second violation, five hundred dollars (\$500.00) for the third violation, and five hundred dollars (\$500.00) 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) above.

(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 one thousand dollars (\$1,000.00), whichever is less. (Ord. 54, 2004 §1; Ord. 15, 2004, §1; 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))

14.08.320 Sprinkling prohibited during fires.

It is unlawful for any person to use water for sprinkling during any fire or while the Fire Department is using water for fire purposes, and when the fire alarm is sounded all persons are required to cease using water for sprinkling and shall immediately shut off the use of water for such purpose. (Prior code §22-21(b))

14.08.330 Buildings with multiple users.

Owners of any business block or other building occupied by more than one (1) tenant using or taking water from the same service pipe shall be required to pay the water and sewer rent for the whole of such block, building or premises before a license shall be granted for the use of water therein. (Prior code §22-22)

14.08.340 Lien enforcement.

All water rates shall be a charge and lien upon the premises to which water is delivered from the date the same becomes due and until paid, and the owner of every building, premises, lot or house shall be liable for all water delivered to or taken and used upon his or her premises, which lien and liability may be enforced by the City by an action at law or suit to enforce such lien. In case the tenant in possession of such premises or buildings pays the water rent or rate, it shall relieve his or her landlord from such obligations and lien, but the City shall not be required to look to any person whatsoever other than the owner for the payment of water rents and rates provided for in this Chapter. (Prior code §22-23)

14.08.350 Turn-on charge.

When water is once turned on to any premises and thereafter turned off for any reason, it shall not be turned on again until the charge, as established by the Water and Sewer Board, has been paid. (Ord. 65, 1990 §1(part); prior code §22-24)

14.08.360 Extra charges for connections.

All persons desiring water service for buildings located on property abutting a public water line shall be required to pay an extra charge if all of the following circumstances exist:

(1) The section of the public water line on which the property abuts was constructed in accordance with City specifications and requirements with prior approval by the City, at the expense of one (1) or more private persons;

(2) The section of the public water line was constructed along the entire frontage of the property of the person who paid for such construction;