

ORDINANCE NO. 048, 2003
OF THE COUNCIL OF THE CITY OF FORT COLLINS
SUPERCEDING EMERGENCY ORDINANCE NO. 112, 2002,
TO PRESCRIBE TEMPORARY RESTRICTIONS ON AND
REQUIREMENTS FOR THE USE OF CITY TREATED WATER
PURSUANT TO A WATER SUPPLY SHORTAGE RESPONSE PLAN
TO BE EFFECTIVE APRIL 11, 2003

WHEREAS, on July 16, 2002, the City Council adopted Emergency Ordinance No. 112, 2002, which prescribed certain restrictions on the use of City-treated water for lawn watering, in view of the current conditions and projections for future municipal water supplies in Fort Collins; and

WHEREAS, on September 3, 2002, the Council adopted on second reading Ordinance No. 118, 2002, amending Emergency Ordinance No. 112 to increase the time allowable for watering of new sod and seeded areas, and to make other clarifying changes; and

WHEREAS, on September 17, 2002, the continued drought conditions in the region had resulted in increased concerns regarding future municipal water supplies for Fort Collins and, as a result, the Council adopted on second reading Ordinance No. 135, 2002, which limited lawn watering with City-treated water to one day per week, as of September 27, 2002; and

WHEREAS, Ordinance No. 112, 2002, as amended by Ordinance No. 118 and Ordinance No. 135, continues in effect as of the time of this Ordinance; and

WHEREAS, in light of the continued threat of drought conditions in Fort Collins, and the evolving condition of the City's municipal water supply and the information related thereto, the City Council desires to establish a system by which water use restrictions shall be determined administratively; and

WHEREAS, the City Manager has recommended that the City Council adopt a four-tier Water Supply Shortage Response Plan, attached hereto as Exhibit "A" and incorporated herein by this reference (the "Response Plan"), which upon adoption by the Council will provide a system of water supply shortage response levels and corresponding water restrictions and conservation measures to be implemented administratively based on the projected water supply shortage; and

WHEREAS, the City Council has determined that the adoption of the Response Plan will enable the City Manager to respond appropriately to changing water supply conditions based on the Council's directions set forth therein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Ordinance No. 048, 2003, modified per Ordinance No. 047, 2013 (effective April 5, 2013)

Section 1. As of April 11, 2003, Ordinance No. 112, 2002, as amended, shall be superceded by the terms of this Ordinance.

Section 2. The City Manager is hereby authorized to determine, based upon the most current available estimated water supplies available to the City, water consumption data, and climatological forecasts, the projected water supply shortage for Fort Collins. The City Manager is further authorized and directed to declare, based on that determination, the appropriate Water Supply Shortage Response Level, as set forth in the Response Plan attached hereto as Exhibit "A". Upon such determination and declaration, the City Manager shall cause to be published in the local newspaper of record a notice of the restrictions and requirements corresponding to that Water Supply Shortage Response Level, as set forth herein, and the effective date of said restrictions and requirements, which shall be no more than fourteen (14) days and no fewer than ten (10) days after the date of such declaration. The City Manager shall inform the City Council promptly of any such determination and declaration.

Section 3. The following terms shall be defined as set forth herein for the purposes of this Ordinance:

- A. "Lawn watering" shall mean the use of treated or potable water obtained from the City to irrigate or water any lawn, grass or turf areas, but shall not include:
 - i. irrigation or watering of flowers, flower beds, trees, shrubs, or vegetable gardens; or
 - ii. irrigation or watering of lawn, grass or turf areas with privately owned well water or raw water, provided that the user of any such well or raw water for irrigation or watering within the service area of the city water utility has posted a public notice of the same in the watering location in a manner visible from the street.
- B. "Dealership vehicle" shall mean any unregistered vehicle on display or awaiting sale by a vehicle dealer or other person holding or selling vehicles in the normal course of business.
- C. "Designated landing area" shall mean that area of any golf course hole that is determined by the Utilities General Manager, in consultation with such other officials and experts as he or she deems appropriate, to constitute the portion of said golf course hole in which golf balls hit by the average golfer on said hole will land.
- D. "Health and safety reasons" shall mean as reasonably necessary to remedy an accidental or unavoidable unsanitary or dangerous condition that poses an immediate health risk or danger to the public or to the occupants of a particular property. The spraying of impervious surfaces for *health and safety*

reasons shall only be permitted in the event that the unsanitary or dangerous condition may only reasonably be remedied by the use of sprayed water.

- E. “Landscape watering” shall mean the use of treated or potable water obtained from the City to irrigate or water any flowers, flower beds, trees, shrubs, vegetable gardens, or other landscaped plantings or plants, but shall exclude *lawn watering*, as defined herein.
- F. “Low-volume efficient irrigation” shall mean an irrigation system that includes only bubblers, drip emitters, soaker hoses and subsurface irrigation such as deep probe irrigation, as well as micro-spray irrigation.
- G. “Medical hardship” shall mean an exceptional hardship imposed upon an individual residential customer by the restrictions set forth in this Ordinance.
- H. “Private” shall mean not *public*.
- I. “Public” shall mean operated for use by the general public or publicly owned and operated.
- J. “Religious objection” shall mean an objection to the specific application of the requirements of this Ordinance due to a conflicting religious belief that precludes watering on an assigned day.
- K. “Residential” shall mean a single-family or duplex residential property or account.
- L. “Spraying impervious surfaces” shall mean rinsing, washing or spraying with a hose impervious interior or exterior surfaces, including but not limited to surfaces such as garage floors, siding, windows, sidewalks, driveways, or patios. The term *spraying impervious surfaces* shall not mean powerspraying of painted surfaces to remove paint.
- M. “Sprinkler system maintenance” shall mean the operation of an automatic watering system to the extent reasonably necessary for repair or maintenance.
- N. “Water feature” shall mean a water feature that either causes water to be sprayed into the air, or is a waterfall or fountain. The term water feature shall not mean a water feature of a pond or basin that performs a function essential to the support of fish life in that pond or basin, or a water feature in a swimming pool.

Section 4. When the City Manager has declared the City to be in a specified Water Supply Shortage Response Level condition, it shall be unlawful, and a violation of the terms and conditions upon which the City shall provide treated water to its customers, for any person to

undertake or permit activities or use of City-treated water in a violation of the water restrictions and requirements associated with that particular Response Level, as set forth in Exhibit "A".

Section 5. Each person, including any natural person, entity, organization, partnership, association or joint venture, with legal or actual control of any property, business or other establishment, water account, or water system serving any of the same, shall have an affirmative duty to cause said property, business or other establishment, water account, or water system to operate and act in a manner consistent with the restrictions and requirements of this Ordinance.

Section 6. In the event that the Utilities General Manager determines that a permit application meets the applicable eligibility requirements, then he or she shall issue a permit for lawn watering containing such terms and conditions as he or she determines, in his or her reasonable discretion, will allow the minimum watering necessary to carry out the intent of the permit. The Utilities General Manager may, in determining said permit terms and conditions, consider the impacts of the permitted lawn watering on the City's water supply or water system operations. Any determination of the Utilities General Manager hereunder shall be issued within five (5) business days of the submission of a complete application, shall be provided in writing to the applicant, and shall include an explanation of the basis for any determination of denial.

Section 7. A written determination by the Utilities General Manager under Section 6 may be appealed to City Manager, provided that notice of any such appeal shall be filed in writing within five (5) days of issuance of the same and shall include an explanation of the basis for the appeal. The City Manager may conduct such investigations as he or she determines appropriate or necessary to determine whether the decision appealed was arbitrary or capricious or otherwise inconsistent with the terms of this Ordinance, and shall issue a written explanation of his or her decision on any appeal within ten (10) days of the submission of a sufficient notice of appeal.

Section 8. Use of City treated water in violation of this Ordinance or in violation of a permit issued hereunder shall constitute a violation of City Code Section 26-51, which authorizes the discontinuation of water service in the event of use of water for purposes not authorized.

Section 9. Violation of the terms of this Ordinance in the city or violation of the terms of a permit issued hereunder shall be deemed to constitute a violation of the City Code pursuant to City Code Section 1-15(a), and shall be punishable as set forth therein, except that notwithstanding the provisions of Section 1-15(a), fines for violations of this Ordinance shall be as follows:

A. Residential Violations

- i. Violation of any provision of this Ordinance or permit issued hereunder on or for a residential property or use shall be punishable by a minimum fine of fifty dollars (\$50) per violation up to a maximum fine of one thousand dollars (\$1,000) per violation, if the violation occurs during a Response Level 1 or Response Level 2 condition.

- ii. Violation of any provision of this Ordinance or permit issued hereunder on or for a residential property or use shall be punishable by a minimum fine of one hundred dollars (\$100) per violation up to a maximum fine of one thousand dollars (\$1,000) per violation, if the violation occurs during a Response Level 3 or Response Level 4 condition.

B. Non-Residential Violations

- i. Violation of any provision of this Ordinance or permit issued hereunder on or for any property or use other than a residential property or use shall be punishable by a minimum fine of two hundred and fifty dollars (\$250) per violation up to a maximum fine of one thousand dollars (\$1,000) per violation, if the violation occurs during a Response Level 1 or Response Level 2 condition.
- ii. Violation of any provision of this Ordinance or permit issued hereunder on or for any property or use other than a residential property or use shall be punishable by a minimum fine of five hundred dollars (\$500) per violation up to a maximum fine of one thousand dollars (\$1,000) per violation, if the violation occurs during a Response Level 3 or Response Level 4 condition.

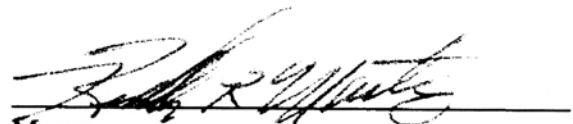
- C. Each day during which a violation of any provision of this Ordinance or permit issued hereunder occurs or continues shall constitute a separate misdemeanor offense under this Ordinance.

Section 10. The City Manager is hereby directed to present to the Council for consideration a revised water rate structure to reflect revised consumption and revenue projections as soon as reasonably practicable after a change in the Water Supply Shortage Response Level.

Section 11. The City Manager shall conduct the business of the City in a manner consistent with applicable provisions of the Water Supply Shortage Response Plan.

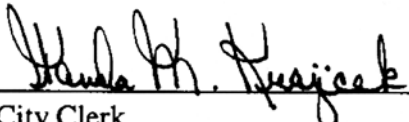
Section 12. This Ordinance shall remain in effect until such time as the City Council determines that municipal water supply conditions no longer justify the continued implementation of the Water Supply Shortage Response Plan.

Introduced, considered favorably on first reading, and ordered published this 25th day of March, A.D. 2003, and to be presented for final passage on the 1st day of April, A.D. 2003.


Mayor


Ordinance No. 048, 2003, modified per Ordinance No. 047, 2013 (effective April 5, 2013)

ATTEST:



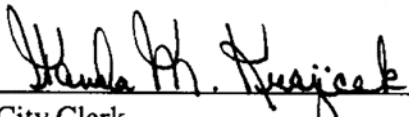
City Clerk

Passed and adopted on final reading this 1 day of April, A.D. 2003.



Mayor

ATTEST:



City Clerk

Water Supply Shortage Response Plan

	Response Level 1	Response Level 2	Response Level 3	Response Level 4
Water Supply				
Projected water supply shortage as determined by the City Manager	1-10%	11-20%	21-30%	Greater than 30%
Regulated Water Use Activities				
1. Lawn & turf watering				
a. Non-watering hours	No lawn watering between 10 a.m. to 6 p.m.	No lawn watering between 10 a.m. to 6 p.m.	No lawn watering between 10 a.m. to 6 p.m.	No lawn watering between 10 a.m. to 6 p.m.
b. Number of watering days per week (Note: even and odd refers to the street address)	Residential (even) - Th & Sun Residential (odd) - Wed & Sat Multi-family & Commercial - Tue & Fri No watering on Monday.	Residential (even) - Sun Residential (odd) - Sat Multi-family & Commercial - Fri No watering Monday thru Thursday.	Residential (even) - Sun Residential (odd) - Sat Multi-family & Commercial - Fri No watering Monday thru Thursday.	No watering from 6/1 thru 8/31. Use Level 3 restrictions from 9/1 thru 5/31.
c. Time limit per day	Unrestricted during watering hours	Unrestricted during watering hours	2 hours during designated watering day	No watering from 6/1 thru 8/31. Use Level 3 restrictions from 9/1 thru 5/31.
d. Sprinkler system maintenance	Allowed any time. Minimize water used.	Allowed any time. Minimize water used.	Allowed any time. Minimize water used.	Allowed only from 9/1 thru 5/31. Minimize water used.
2. Lawn & turf watering exceptions by permit	(Note: All permits must be displayed so they are visible from the street or sidewalk.)			
a. Sod and seed for new lawns	Permit required to water other than normal watering days for a period not to exceed 3 weeks for sod and 4 weeks for seed.	Permit required to water other than normal watering day for a period not to exceed 3 weeks for sod and 4 weeks for seed.	No exceptions from 5/15 thru 8/15. Permit required to water other than normal watering day for a period not to exceed 3 weeks for sod and 4 weeks for seed that is installed from 8/16 thru 5/14.	No exceptions
b. Medical hardship	Permit required for a special watering schedule to accommodate medical hardship. No watering on Monday and between the hours of 10 a.m. and 6 p.m.	Permit required for a special watering schedule to accommodate medical hardship. No watering on Monday thru Thursday and between the hours of 10 a.m. and 6 p.m.	Permit required for a special watering schedule to accommodate medical hardship. No watering on Monday thru Thursday and between the hours of 10 a.m. and 6 p.m. Must comply with 2 hr/week restriction.	No exceptions

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	Response Level 1	Response Level 2	Response Level 3	Response Level 4
c. Religious objection	Permit required to accommodate a different two-day schedule. No watering on Monday and between the hours of 10 a.m. and 6 p.m.	Permit required to accommodate a different watering day. No watering Monday thru Thursday and between the hours of 10 a.m. and 6 p.m.	Permit required to accommodate a different watering day. No watering Monday thru Thursday and between the hours of 10 a.m. and 6 p.m. Must comply with 2 hr/week restriction.	No exceptions
d. 4 acres or more	Permit required for a special watering schedule to accommodate areas of 4 acres or more. Max of 1.00" per week. No watering on Monday and between the hours of 10 a.m. and 6 p.m.	Permit required for a special watering schedule to accommodate areas of 4 acres or more. Max of 0.75" per week. No watering on Monday and between the hours of 10 a.m. and 6 p.m.	No exceptions	No exceptions
e. City parks & public athletic/playing fields using treated water	Permit required for a special watering schedule. Max of 1.25" per week. No watering on Monday and between the hours of 10 a.m. and 6 p.m.	Permit required for a special watering schedule. Max of 1.00" per week. No watering on Monday and between the hours of 10 a.m. and 6 p.m.	Permit required for a special watering schedule for only select fields. Max of 0.75" per week. No watering on Monday and between the hours of 10 a.m. and 6 p.m.	No exceptions
f. Golf courses using treated water	Permit required for special watering schedule- No watering rough. No watering between the hours of 10 a.m. and 6 p.m.	Permit required for special watering schedule- No watering rough. No watering between the hours of 10 a.m. and 6 p.m.	Permit required for special watering schedule. Max of 0.75" per week for tees, greens & designated landing areas. No watering between the hours of 10 a.m. and 6 p.m.	Permit required for special watering schedule. Max of 0.75" per week for tees and greens. No watering between the hours of 10 a.m. and 6 p.m.
g. Well or raw water	Registration recommended - unrestricted use	Registration recommended - unrestricted use	Registration recommended - unrestricted use	Registration recommended - unrestricted use
3. Landscape watering (trees, shrubs, gardens)	Unrestricted	Water by hose with shutoff nozzle or low-volume efficient irrigation.	Water by hose with shutoff nozzle or low-volume efficient irrigation.	Water by hose with shutoff nozzle or low-volume efficient irrigation.
4. Non-automated car washing	Shutoff nozzle and bucket required.	Shutoff nozzle and bucket required.	Not allowed from 6/1 thru 8/31. Shutoff nozzle and bucket required 9/1 thru 5/31.	Not allowed
5. Washing City fleet vehicles	Once per week or as approved by the City Manager for health or safety reasons.	Once per month or as approved by the City Manager for health or safety reasons.	Not allowed unless approved by the City Manager for health or safety reasons.	Not allowed unless approved by the City Manager for health or safety reasons.
6. Dealership vehicle washing	Once per week	Once per week	Upon sale	Upon sale

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	Response Level 1	Response Level 2	Response Level 3	Response Level 4
7. Spraying impervious surfaces (siding, garages, sidewalks, driveways, patios) except as necessary for health and safety reasons	Not allowed	Not allowed	Not allowed	Not allowed
8. Hydrant flushing & testing	Unrestricted	Limited to critical situations as approved by the Utilities General Manager.	Limited to critical situations as approved by the Utilities General Manager.	Limited to critical situations as approved by the Utilities General Manager.
9. Water features	Unrestricted	Unrestricted	No use allowed	No use allowed
Enforcement				
1. Residential fines per violation	\$50 to \$1,000	\$50 to \$1,000	\$100 to \$1,000	\$100 to \$1,000
2. Business fines per violation	\$250 to \$1,000	\$250 to \$1,000	\$500 to \$1,000	\$500 to \$1,000
Water Rate Adjustments				
Adjust water rates to encourage additional conservation	No adjustment	Recommend adjustment that reflects a 15% reduction in water demand.	Recommend adjustment that reflects a 25% reduction in water demand.	Recommend adjustment that reflects a 35% reduction in water demand.
Adjust Excess Water Use Surcharge	Adjustment	Adjustment	Adjustment	Adjustment