

CITY OF GREELEY, COLORADO

ORDINANCE ___, 2021

**AN ORDINANCE AMENDING SECTIONS 14.08.090 AND 14.08.160
OF THE GREELEY MUNICIPAL CODE (CONCERNING WATER USE RESTRICTIONS
AND DROUGHT RESPONSE)**

WHEREAS, the City of Greeley ("City") is a Colorado home rule municipality empowered pursuant to Sections 1 and 6 of Article XX of the Colorado Constitution to, *inter alia*, construct, purchase, acquire, lease, add to, maintain, conduct, and operate water works and everything required therefor, within or without its territorial limits, for use of the City; and

WHEREAS, Section 17-1 of the Greeley City Charter authorizes the Greeley Water and Sewer Board to qualify the Water and Sewer functions and operations as an "enterprise" as that term is contained in Article X, Section 20 of the Colorado Constitution, and to provide for every function and operation of an enterprise, including but not limited to, bond issuance and all other necessary and ordinary functions of the Water and Sewer operations; and

WHEREAS, Section 17-4(c) of the Greeley City Charter and Section 14.04.110 of the Greeley Municipal Code authorize the Greeley Water and Sewer Board to acquire, develop, convey, lease and protect the water and sewer assets, supplies and facilities needed to fully use the water supplies decreed, adjudicated or contracted for the City; and

WHEREAS, Sections 14.08.090 and 14.08.160 of the Greeley Municipal Code prescribe the particular means by which City residents may irrigate their property and make other uses of City water during periods of adequate water supply and during periods of drought; and

WHEREAS, the Water and Sewer Board at its January 20, 2021 regular meeting adopted an updated Drought Emergency Plan to guide the City's identification of potential drought conditions and subsequent response measures; and

WHEREAS, in conjunction with its adoption of the updated Drought Emergency Plan, the Water and Sewer Board at its January 20, 2021 regular meeting also recommended a variety of associated revisions to the Greeley Municipal Code regarding water conservation and use restrictions; and

WHEREAS, the imposition of watering restrictions that are responsive to the adequacy of available water supply and potential drought conditions continues to be in the best interests of the citizens of the City of Greeley, for the preservation and protection of their health, property, water resources, and safety.

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

Section 1. Sections 14.08.090 and 14.08.160 of the Greeley Municipal Code shall be repealed and replaced in their respective entireties as shown on Exhibit A, attached hereto and incorporated herein.

Section 2. Except as explicitly modified on Exhibit A, all other provisions of Chapter 14.08 in the Greeley Municipal Code shall remain in full force and effect.

Section 3. This Ordinance shall take effect on the fifth day following its final publication, as provided by Section 3-16 of the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED ON THIS ____ DAY OF _____ 2021.

ATTEST

CITY OF GREELEY, COLORADO

City Clerk

Mayor

EXHIBIT A
ORDINANCE AMENDING SECTIONS 14.08.090 AND 14.08.160
GREELEY MUNICIPAL CODE

Chapter 14.08
Water Rates and Regulation

14.08.090 - 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, 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.~~

(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 runoff 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. Runoff that is more than five (5) gallons per minute is considered excessive.~~

(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.~~

(a) It is unlawful for any person or entity to cause or knowingly allow the application of City water to waste upon property under their ownership or control.

(b) It is unlawful for any person or entity to cause or knowingly allow the leakage of City water in, through, or out of any water closet, lavatory, toilet, urinal, bathtub, hose, hydrant, faucet, appliance, fixture, or apparatus of any kind, including, without limitation, by reason of a defective component of the leakage source, upon property under their ownership or control.

(c) It is unlawful for any person or entity to cause or knowingly allow the excessive runoff or pooling of City water from, upon, or adjacent to property under their ownership or control.

(d) Violations and penalties.

(1) A person or entity who violates any of the provisions of this Section on a residential property shall be punished by a fine of one hundred dollars (\$100.00) for the first violation, two hundred and fifty dollars (\$250.00) for the second violation within a calendar year, and five hundred dollars (\$500.00) for the third and all subsequent violations within a calendar year. In addition to the applicable fine, a person or entity who violates any of the provisions of this Section on a residential property for the fourth time in a calendar year shall be required to install a flow restriction device at their own expense to limit City water use on the property for indoor purposes only.

(2) A person or entity who violates any of the provisions of this Section on a non-residential property shall be punished by a fine of two hundred dollars (\$200.00) for the first violation, five hundred dollars (\$500.00) for the second violation within a calendar year, and one thousand dollars (\$1,000.00) for the third and all subsequent violations within a calendar year. In addition to the applicable fine, a person or entity who violates any of the provisions of this Section on a non-residential property for the fourth time in a calendar year shall be required to install a flow restriction device at their own expense to limit City water use on the property for indoor purposes only.

(3) Each and every day on which a violation occurs shall constitute a separate infraction, as provided in Section 1.33.020 of this Code.

(4) Verbal warnings shall not be issued in advance of notices of violation at any time the City's water supply is declared subject to a Moderate Drought, Severe Drought, or Catastrophic Drought.

~~14.08.160 – 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 10:00 a.m. and 6:00 p.m. from May through August even when water supplies are adequate.~~

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

~~e. 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 by customers not subject to the water budget rate structure will be permitted three (3) days per week between April 15 and the end of the irrigation season. The use of City water for sprinkling of private residences by single family residential customers subject to the water budget rate structure will be permitted on any day of the week between April 15 and the end of the irrigation season.~~

~~(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.~~
- ~~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 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 Subsection (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.~~

14.08.160 – Water conservation and use restrictions; drought response.

(a) Definitions.

(1) Hand-watering means the attended application of City water without waste by an individual using a hose equipped with a nozzle that must be manually held open to permit the flow of water.

(2) One Day per Week Watering Schedule means that customers may use City water for sprinkling only one (1) day per week. Single-family and duplex residential properties with addresses ending in an even number may sprinkle on Sundays. Single-family and duplex residential properties with addresses ending in an odd number may sprinkle on Saturdays. All other multi-family residential, non-residential, and owners' association customers may sprinkle on Fridays.

(3) Sprinkle or Sprinkling means the application of City water to any lawn, grass, turf, or other landscaped area by any means other than hand-watering.

(4) Two Days per Week Watering Schedule means that customers may use City water for sprinkling only two (2) days per week. Single-family and duplex residential properties with addresses ending in an even number may sprinkle on Sundays and Thursdays. Single-family and duplex residential properties with addresses ending in an odd number may sprinkle on Wednesdays and Saturdays. All other multi-family residential, non-residential, and owners' association customers may sprinkle on Tuesdays and Fridays. There shall be no watering on Mondays except by written variance from the Director of Water and Sewer.

(5) Three Days per Week Watering Schedule means that customers may use City water for sprinkling only three (3) days per week. Single-family and duplex residential properties with addresses ending in an even number may sprinkle on Sundays, Tuesdays and Thursdays. Single-family and duplex residential properties with addresses ending in an odd number may sprinkle on Mondays, Wednesdays and Saturdays. All other multi-family residential, non-residential, and owners' association customers may sprinkle on Sundays, Tuesdays and Fridays.

(b) The Water and Sewer Board shall analyze the adequacy of the City municipal water supply and identify the potential for and existence of drought conditions no less often than annually, and determine whether the water supply is Adequate, or otherwise subject to a Mild Drought, Moderate Drought, Severe Drought, or Catastrophic Drought.

(c) The use of City water is further restricted as follows, in accordance with the declaration of water supply adequacy or level of drought made by the Water and Sewer Board. Upon such declaration by the Water and Sewer Board, the City Council shall adopt the applicable set of watering restrictions by resolution.

(1) Upon declaration that the City's water supply is Adequate:

- a. Sprinkling is prohibited before April 15 and after October 15.
- b. Sprinkling is prohibited between 10:00 a.m. and 6:00 p.m.
- c. Customers subject to the water budget rate structure may sprinkle on any day of the week from April 15 through October 15.
- d. Multi-family residential, non-residential, and owners' association customers not subject to the water budget rate structure, and large property customers with more than four (4) acres of irrigable area shall follow the Three Days per Week Watering Schedule from April 15 through October 15.

(2) Upon declaration that the City's water supply is subject to a Mild Drought:

- a. Sprinkling is prohibited before May 1 and after September 30.
- b. Sprinkling is prohibited between 10:00 a.m. and 6:00 p.m.
- c. Customers subject to the water budget rate structure shall follow the Three Days per Week Watering Schedule from May 1 through September 30 and have their water budgets reduced by fifteen (15) percent.
- d. Multi-family residential, non-residential, and owners' association customers not subject to the water budget rate structure shall follow the Three Days per Week Watering Schedule from May 1 through September 30.
- e. The use of City water to wash personal vehicles by hand-watering is permitted once per week.
- f. The use of City water to wash parking lots is prohibited.
- g. The use of City water to wash other impervious surfaces such as driveways, sidewalks, and other pavement is permitted by hand-watering only as necessary for public health or safety.
- h. The use of City water to wash structure siding, windows, patios, and decks is permitted by hand-watering once per calendar year, and only in preparation for painting or staining.
- i. The use of City water to wash commercial vehicle fleets is permitted once per week.

(3) Upon declaration that the City's water supply is subject to a Moderate Drought:

- a. Sprinkling is prohibited before May 1 and after September 30.
- b. Sprinkling is prohibited between 10:00 a.m. and 6:00 p.m.
- c. Customers subject to the water budget rate structure shall follow the Two Days per Week Watering Schedule from May 1 through September 30 and have their water budgets reduced by twenty-five (25) percent.
- d. Multi-family residential, non-residential, and owners' association customers not subject to the water budget rate structure shall follow the Two Days per Week Watering Schedule from May 1 through September 30.
- e. The use of City water to wash personal vehicles by hand-watering is permitted once per calendar month.
- f. The use of City water to wash parking lots is prohibited.
- g. The use of City water to wash other impervious surfaces such as driveways, sidewalks, and other pavement is permitted by hand-watering only as necessary for public health or safety.
- h. The use of City water to wash structure siding, windows, patios, and decks is permitted by hand-watering once per calendar year, and only in preparation for painting or staining.
- i. The use of City water to wash commercial vehicle fleets is permitted once per calendar month.
- j. New lawn permits shall not be issued between June 1 and August 31.

(4) Upon declaration that the City's water supply is subject to a Severe Drought:

- a. Sprinkling is prohibited before May 1, during the month of July, and after September 30.
- b. Sprinkling is prohibited between 8:00 a.m. and 8:00 p.m.
- c. Customers subject to the water budget rate structure shall follow the One Day per Week Watering Schedule from May 1 through June 30 and August 1 through September 30, and have their water budgets reduced by fifty (50) percent.
- d. Multi-family residential, non-residential, and owners' association customers not subject to the water budget rate structure shall follow the One Day per Week Watering Schedule from May 1 through June 30 and August 1 through September 30.
- e. The use of City water to wash personal vehicles by hand-watering is prohibited.
- f. The use of City water to wash parking lots is prohibited.

- g. The use of City water to wash other impervious surfaces such as driveways, sidewalks, and other pavement is permitted by hand-watering only as necessary for public health or safety.
 - h. The use of City water to wash structure siding, windows, patios, and decks is permitted by hand-watering once per calendar year, and only in preparation for painting or staining.
 - i. The use of City water to wash commercial vehicle fleets is prohibited.
 - j. The use of City water to fill decorative water fountains, swimming pools, and jacuzzis is prohibited.
 - k. New lawn permits shall not be issued between June 1 and August 31.
- (5) Upon declaration that the City's water supply is subject to a Catastrophic Drought:
- a. Sprinkling is prohibited.
 - b. Water budgets for customers subject to the water budget rate structure shall be reduced by seventy (70) percent.
 - c. The use of City water to wash personal vehicles by hand-watering is prohibited.
 - d. The use of City water to wash parking lots is prohibited.
 - e. The use of City water to wash other impervious surfaces such as driveways, sidewalks, and other pavement is prohibited.
 - f. The use of City water to wash structure siding, windows, patios, and decks is prohibited.
 - g. The use of City water to wash commercial vehicle fleets is prohibited.
 - h. The use of City water to fill decorative water fountains, swimming pools, and jacuzzis is prohibited.
 - i. New lawn permits shall not be issued.

(d) General provisions.

- (1) Charging and testing of sprinkler systems is permitted at any time the City's water supply is declared Adequate, or subject to a Mild Drought, Moderate Drought, or Severe Drought.
- (2) Hand-watering and drip irrigation of trees, shrubs, vegetable gardens, and flower gardens is permitted at any time.
- (3) Large user variance permits. Customers with large properties that contain four (4) acres or more of lawn, grass, turf, or other landscaped area shall obtain a permit from the Director of Water and Sewer for the sprinkling of such irrigable area. Issuance of the permit and use of City water for this purpose are subject to such terms and conditions as are deemed appropriate by the Director of Water and Sewer, including, without limitation, a water budget for the property. Large user variance permits shall be displayed on the property.
- (4) New lawn variance permits. Customers shall obtain a permit from the Director of Water and Sewer prior to the application of City water to newly seeded or sodded lawn, turf, or other landscaped areas less than one (1) month old. Issuance of the permit and use of City water for this purpose are subject to such terms and conditions as are deemed appropriate by the Director of Water and Sewer, including, without limitation, proof of proper soil preparation. New lawn permits shall be displayed on the newly seeded or sodded property.
- (5) Variance permits generally. The Director of Water and Sewer may issue such other temporary water use variance permits that are appropriate, in the Director's sole discretion, to address unusual or extraordinary circumstances.

(e) Violations and penalties.

(1) A person or entity who violates any of the provisions of this Section on a residential property shall be punished by a fine of one hundred dollars (\$100.00) for the first violation, two hundred and fifty dollars (\$250.00) for the second violation within a calendar year, and five hundred dollars (\$500.00) for the third and all subsequent violations within a calendar year. In addition to the applicable fine, a person or entity who violates any of the provisions of this Section on a residential property for the fourth time in a calendar year shall be required to install a flow restriction device at their own expense to limit City water use on the property for indoor purposes only.

(2) A person or entity who violates any of the provisions of this Section on a non-residential property shall be punished by a fine of two hundred dollars (\$200.00) for the first violation, five hundred dollars (\$500.00) for the second violation within a calendar year, and one thousand dollars (\$1,000.00) for the third and all subsequent violations within a calendar year. In addition to the applicable fine, a person or entity who violates any of the provisions of this Section on a non-residential property for the fourth time in a calendar year shall be required to install a flow restriction device at their own expense to limit City water use on the property for indoor purposes only.

(3) Each and every day on which a violation occurs shall constitute a separate infraction, as provided in Section 1.33.020 of this Code. Violation of any of the provisions of this Section shall be considered a strict liability infraction.

(4) Verbal warnings shall not be issued in advance of notices of violation at any time the City's water supply is declared subject to a Moderate Drought, Severe Drought, or Catastrophic Drought.