

**TOWN OF JOHNSTOWN, COLORADO**

**ORDINANCE NO. 2021-201**

**AN ORDINANCE AMENDING SECTION 13-151(C) OF THE JOHNSTOWN MUNICIPAL CODE CONCERNING LEVEL 2 DROUGHT RESTRICTIONS; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Town of Johnstown, Colorado (the “Town”) is a Colorado home rule municipality, duly organized and existing under the laws of the State of Colorado and the Town’s Home Rule Charter; and

**WHEREAS**, the Town Council is vested with the authority to administer the affairs of the Town; and

**WHEREAS**, Article IV of Chapter 13 of the Johnstown Municipal Code regulates water conservation and Section 13-151(c) contained therein addresses Level 2 drought conditions; and

**WHEREAS**, the Town’s water treatment plant is permitted to produce five million gallons per day of potable water and, given the extreme heat, is nearing permit levels; and

**WHEREAS**, to conserve water and ensure a sufficient supply of potable water for the citizens of the Town, the Town Council desires to impose outdoor watering restrictions and, in connection therewith, desires to modify the restrictions associated with Level 2 drought conditions to, rather than twice per week, allow persons to water outdoor lawns every other day; and

**WHEREAS**, Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the preservation of the public health, welfare, peace, safety and property and that this Ordinance is in the best interests of the citizens of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, THAT:**

**Section 1.** Section 13-151(c): Subsections 13-151(c)(1) and (2) of Article IV of Chapter 13 of the Johnstown Municipal Code are hereby amended in full to read as follows:

**Sec. 13-151. – Levels of drought condition.**

...

- (c) Level 2 shall be a moderate drought year limiting outdoor irrigation as hereinafter provided and shall become effective as provided by resolution adopted by the Town Council. Under Level 2 conditions, no person or property owner shall utilize water from Town's water system for the purpose of spray irrigation or hand-watering of lawns, gardens or other landscapes unless such usage complies with all of the following restrictions:

- (1) Spray irrigation shall occur only between the hours of 9:00 p.m. on the appropriate watering day and 2:00 a.m. the following morning. Hand-watering shall occur only between the hours of 6:00 p.m. on the appropriate watering day and 10:00 a.m. the following morning;
- (2) Spray irrigation and hand-watering shall occur only on the designated property watering days indicated by either an even- or odd-numbered address. The last digit of the address of the property shall determine whether an address is even- or odd-numbered. Except as otherwise provided by resolution adopted by the Town Council, “even addresses” may only water on even dates of the calendar month and “odd addresses” may only water on odd dates of the calendar month;

.....

**Section 2. Repeal.** Existing or parts of ordinances covering the same matters as embraced in this Ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

**Section 3. Emergency Declaration.** The Town Council finds and declares that an emergency exists based on the facts contained in the recitals set forth above and that this Ordinance is necessary for the immediate preservation of the health, welfare, peace and safety of the public and the citizens of the Town.

**Section 4. Effective Date and Publication.** The procedures set forth in Section 4.6(A) of the Home Rule Charter and corresponding provisions of the Johnstown Municipal Code requiring a second reading of an ordinance prior to final adoption are hereby suspended. Pursuant to Section 4.7 of the Town’s Home Rule Charter, this Ordinance shall take effect immediately upon the affirmative vote of five (5) Councilmembers. This Ordinance, as adopted by the Town Council, shall be published and shall be numbered and recorded by the Town Clerk in the official records of the Town. The adoption and publication shall be authenticated by the signatures of the Mayor, or Mayor Pro Tem, and the Town Clerk.

**INTRODUCED, PASSED AND ADOPTED AS AN EMERGENCY MEASURE** on first reading by the Town Council of the Town of Johnstown, Colorado, this \_\_\_\_ day of \_\_\_\_\_, 2021, by a vote of five (5) Councilmembers of the Town Council of the Town of Johnstown.

**TOWN OF JOHNSTOWN, COLORADO**

**ATTEST:**

By: \_\_\_\_\_  
Diana Seele, Town Clerk

By: \_\_\_\_\_  
Gary Lebsack, Mayor