

**TOWN OF JOHNSTOWN, COLORADO**  
**ORDINANCE NO. 2025-266**

**AN ORDINANCE ADDING SECTION 13-10(g) TO THE JOHNSTOWN  
MUNICIPAL CODE CONCERNING ACCESS TO INDOOR WATER  
METERS AND REPEALING AND READOPTING ARTICLE VI OF  
CHAPTER 13 OF THE JOHNSTOWN MUNICIPAL CODE CONCERNING  
WATER CONSERVATION**

**WHEREAS**, the Town of Johnstown, Colorado (“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 authority to administer the affairs of the Town; and

**WHEREAS**, Article I of Chapter 13 of the Johnstown Municipal Code contains general regulations concerning municipal utilities and Section 13-10 therein regulates the Town’s right of entry onto property to access utilities; and

**WHEREAS**, Town staff recommends that the Town Council amend Section 13-10 to provide additional regulations concerning the Town’s right to enter property to access indoor water meters and the ability of the Town to impose a fee if access is not granted in a reasonable time; and

**WHEREAS**, Article VI of Chapter 13 of the Johnstown Municipal Code regulates water conservation; and

**WHEREAS**, to conserve water, ensure a sufficient supply of potable water for the citizens of the Town and clarify processes and procedures concerning water conservation, Town staff recommends that the Town Council repeal and readopt Article VI of Chapter 13 of the Johnstown Municipal Code; 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.

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF  
JOHNSTOWN, COLORADO, AS FOLLOWS:**

**Section 1.** Section 13(g) is hereby added to Article I of Chapter 13 of the Johnstown Municipal Code and shall read as follows:

## **ARTICLE I General**

### **Sec. 13-10. Right to Entry.**

- (g) Notwithstanding any other provision of this Section, authorized Town personnel shall have the right to enter property at all reasonable times, upon notice from the Town, for the purpose of maintenance, inspection, or replacement of indoor water meters. Customers are required to provide access to the indoor water meters within thirty (30) days of the Town's notice. If a customer fails to provide access within this timeframe, the Town may, at its discretion, assess a fee in the amount set forth by resolution of the Town Council in the Town Fee Schedule, which fee will be added to the monthly utility bill until access is granted.

**Section 2.** Article VI of Chapter 13 of the Johnstown Municipal Code is hereby repealed in full and re-adopted to read as follows:

## **ARTICLE VI Water Conservation**

### **Sec. 13-150. General.**

- (a) The Town is considered a semi-arid climate receiving a minimal amount of rain annually and encourages water-wise applications to conserve valuable water resources.
- (b) The Town Council may impose additional conservation restrictions or modifications to the conservation restrictions set forth herein.
- (c) The Town Manager may, notwithstanding the regulations contained herein, provide appropriate measures for watering large areas, such as open space and parks by schools and homeowners associations.

### **Sec. 13-151. Levels of water conservation.**

- (a) There shall be four (4) separate levels of water conservation in the Town. The Town Council's determination as to the applicable conservation level may be based upon the following criteria: water delivery limitations placed on the Town by its raw water providers; snow pack and reservoir levels; generally available water supplies; peak water demand usage that may impact the Town's ability to provide adequate water supply and fire flows to the water distribution system; or any other relevant factor that affects the Town's available water supply. Unless Level 1 applies, the Town Council shall determine the water conservation level for a given time period by resolution.
- (b) Level 1 shall be a normal period with standard conservation practices and shall be in effect without further action by the Town Council.
- (1) Under Level 1, the following provisions shall apply:
- a. It shall be unlawful for any person, or for the owner of any property to cause, permit or allow any person to irrigate, spray, sprinkle or otherwise apply water from the Town's treated water system to any lawn, garden or other outdoor vegetation, between the hours of 10:00 a.m. through 6:00 p.m.; and

- b. No outdoor watering shall occur from November 1 through April 15, except that trees and shrubs may be watered by hand on a Saturday or Sunday.
- (2) The foregoing restrictions shall not apply to:
  - a. Irrigation of land used for commercial agriculture;
  - b. Irrigation of land using non-potable water sources that do not directly apply water from the Town's treated municipal water utility system; and
  - c. Watering by hand of outdoor vegetation or a community garden using a manually operated hose equipped with an automatic shut-off valve.
- (c) Level 2 shall be a semi-moderate drought period.
  - (1) Under Level 2, it shall be unlawful for any person, or for the owner of any property to cause, permit or allow any person to irrigate, spray, sprinkle or otherwise apply water from the Town's water system to any lawn, garden or other outdoor vegetation, unless such usage complies with the following conservation methods:
    - a. Spray or sprinkle irrigation and hand-watering shall only occur on the property's designated watering day. The property's designated watering day shall be as follows:
      - i. Even addresses based on the last digit of the address of the property may only water on Tuesdays, Thursdays and Saturdays;
      - ii. Odd addresses based on the last digit of the address of the property may only water on Mondays, Wednesdays and Fridays;
      - iii. Homeowner associations may only water on Tuesdays, Thursdays and Saturdays; and
      - iv. The Town may only water Town owned parks on Monday, Wednesdays and Fridays.
    - b. Spray and sprinkle irrigation and hand-watering shall only occur between the hours of midnight to 10:00 a.m. and then from 6:00 p.m. to midnight on the property's designated watering day;
    - c. No water from the Town's treated water system shall be used for the purpose of washing sidewalks, driveways, patios or similar hardscapes;
    - d. Vehicles may be washed only on the property's designated watering day with a bucket or a hose running with an automatic shut-off nozzle. If possible, persons are encouraged to park vehicles on their lawns while washing occurs, but such vehicles may be on the lawn only while they are being washed and shall be immediately removed from the lawn upon completion. Commercial vehicle washing facilities are exempt from this regulation;
    - e. No outdoor watering shall occur from October 15 through April 15, except that trees and shrubs may be watered by hand on a Saturday or Sunday; and
    - f. Watering of newly planted grass shall only occur subject to a permit issued by the Town. The cost of the permit, if any, shall be the amount set forth by resolution of the Town Council in the Town Fee Schedule.

- (2) The foregoing restrictions shall not apply to:
  - a. Irrigation of land used for commercial agriculture; and
  - b. Irrigation of land using non-potable water sources that do not directly apply water from the Town's treated municipal water utility system.
- (d) Level 3 shall be a moderate drought period.
  - (1) Under Level 3, the Level 2 standards, restrictions and exemptions set forth above shall apply except that the property's designated watering day shall be as follows:
    - a. Even addresses based on the last digit of the address of the property may only water on Thursdays and Sundays;
    - b. Odd addresses based on the last digit of the address of the property may only water on Wednesdays and Saturdays; and
    - c. Homeowner associations may only water on Thursdays and Sundays; and
    - d. The Town may only water Town owned parks on Wednesdays and Saturdays.
  - (2) Under Level 3, only non potable water may be used for construction purposes.
- (e) Level 4 shall be a severe drought period during which lawn irrigation shall be prohibited and other conditions and restrictions, if any, shall be set forth in a resolution adopted by the Town Council.

**Sec. 13-152. Water waste.**

- (a) No person or property owner shall cause, allow or permit any water waste.
- (b) Water waste is the intentional or negligent use of water which results in water being utilized in a wasteful or inefficient manner. Water waste includes, without limitation, the following:
  - (1) Water applied in any manner, rate or quantity such that runoff results from the landscaped area being watered and water runs onto public or private streets or into drainage or storm drainage facilities;
  - (2) Failure to repair or shut off any irrigation system that is malfunctioning within one hour; or
  - (3) Excessive use of water for any exempt activities set forth in this Article including, without limitation, vehicle washing.
- (c) For purposes of this Article, excessive means more than the minimum reasonably necessary to accomplish the task.

**Sec. 13-153. Conservation surcharge.**

The Town Council may establish by resolution a temporary conservation surcharge for excessive water usage. Funds received from the surcharge shall be used solely for leasing or acquisition of water rights, the cost of enforcement of water conservations and water department operation and maintenance. This shall be a temporary surcharge and may last no longer than a single irrigation season. These charges shall be in addition to the charges imposed for water usage as otherwise provided in this Chapter.

**Sec. 13-154. Penalty for violation.**

- (a) Any person alleged to have violated any of the provisions of this Article may be served a summons and complaint and be subject to the penalties set forth in Article IV of Chapter 1 of the Code.
- (b) In addition to the foregoing, if a homeowner association violates the provisions of this Article, the Town may provide written notice of the violation to the registered agent of the homeowner association or to the president of the board of directors of the homeowner association providing that, if a subsequent violation occurs, the outdoor water service for the homeowner association will be disconnected and will only thereafter be reconnected after a written commitment from the homeowner association that the homeowner association will remain in compliance with this Article and payment of the reconnection fee in the amount set forth by resolution of the Town Council in the Town Fee Schedule.

**Section 3. Severability.** If any part or provision of this Ordinance, or its application to any person or circumstance, is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance that can be given effect without the invalid provision, part or application, and, to this end, the provisions and parts of this Ordinance are declared to be severable.

**Section 4. Publication; Effective Date.** This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Home Rule Charter of the Town of Johnstown, Colorado ("Charter") and the adoption, posting and publication shall be authenticated by the signature of the Mayor and the Town Clerk. This Ordinance shall become effective upon final passage as provided by the Charter. Copies of the entire Ordinance are available at the office of the Town Clerk.

**INTRODUCED, AND APPROVED** on first reading by the Town Council of the Town of Johnstown, Colorado, this \_\_\_\_ day of \_\_\_\_\_, 2025.

**TOWN OF JOHNSTOWN, COLORADO**

**ATTEST:**

By: \_\_\_\_\_  
Meghan Martinez, Town Clerk

By: \_\_\_\_\_  
Michael P. Duncan, Mayor

**PASSED UPON FINAL APPROVAL AND ADOPTED** on second reading by the Town Council of the Town of Johnstown, Colorado, this \_\_\_\_ day of \_\_\_\_\_, 2025.

**TOWN OF JOHNSTOWN, COLORADO**

**ATTEST:**

By: \_\_\_\_\_  
Meghan Martinez, Town Clerk

By: \_\_\_\_\_  
Michael P. Duncan, Mayor