

ORDINANCE NO. 19-99

AN ORDINANCE AMENDING PART 13 (WATER SHORTAGE) OF ARTICLE 4 (WATER CODE) OF CHAPTER 12 (UTILITIES) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO WATER SHORTAGE

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

Section 1. Part 13 (Water Shortage) of Article 4 (Water Code) of Chapter 12 (Utilities) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

12.4.1301: LEGISLATIVE FINDINGS:

The City Council does hereby find, determine and declare as follows:

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D. The City of Colorado Springs is located in a high desert, semi-arid climate where drought conditions periodically occur and where practices to conserve water are necessary **at all times and particularly during a drought event;**

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F. Utilities has proactively developed a drought response plan that is a ~~layered~~ **tiered** contingency plan to provide for a systematic response **by** restricting customer water use and moderating water waste to meet the essential needs of the community; and

G. It is necessary to provide Utilities with flexibility to implement measures to restrict water use as deemed appropriate to conserve the water supply of the City of Colorado Springs to protect the health, safety and general welfare of the citizens during periods of potential **or observed** water shortage.

12.4.1302: PURPOSE AND INTENT:

It is the purpose and intent of this part to proactively establish procedures for systematically managing water demand through **continuous water use efficiency conservation** and measures designed to **temporarily** limit water use **during in response to** a system constraint or drought-related shortage. The procedures listed in this part ~~are designed to be used during atypical and irregular events,~~ and are not intended for use as a substitute for developing water supply projects. This part shall be liberally construed to effectuate this purpose and intent. Nothing in this part may be construed to prohibit any person having a direct legal right or owning an appropriated water right from using water in accord with the express terms and conditions of any permit to use or appropriate water issued under authority of the State Engineer or pursuant to any lawful court order or decree. Nothing in this part shall be construed to supersede the tariffs of Utilities.

12.4.1303: DEFINITIONS:

Unless the context specifically indicates otherwise, the following terms, as used in this part, shall have the following meanings:

BEST WATER MANAGEMENT PRACTICES: A combination of industry-specific efficiency standards and practices that determine the best use and management of water according to business needs and short-term and long-term water conservation goals.

~~CERTIFIED COMMERCIAL CAR WASH:~~ Commercial car washes that have completed a certification program developed by Utilities that will require implementation of industry best management practices or achieve a thirty percent (30%) water saving as compared to a non-recycling car wash.

~~CHIEF EXECUTIVE OFFICER:~~ The Executive Director of Utilities or the Executive Director's designees, if any. The Chief Executive Officer is the Utilities Director appointed by City Council pursuant to City Charter section 6-10.

~~COMMUNITY GARDEN:~~ A single premise gardened collectively by a group of natural people to produce edible produce, for non-commercial purposes, and operated by a nonprofit entity registered with the State of Colorado.

DRIP IRRIGATION: Low pressure, low volume irrigation applied slowly, near or at ground level to minimize runoff and loss to evaporation, including the use of a bubbler, drip emitter, in-line tubing or soaker hose. Does not include ~~micsprays~~ **micro-sprays**.

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HIGH USE SPORTS FIELD: A playing field where sporting events take place on a regular basis, that is available for use by the public, ~~or club~~, school or professional sport teams, including but not limited to fields, sport complexes and stadiums designed for baseball, football, soccer, track and golf, where adequately watered turf grass is necessary to maintain the safety of participants and the public. Practice fields and neighborhood parks are not considered high use sports fields.

IRRIGATE: To apply or to expend water onto land, ~~whether by channels, by flooding, by sprinkling or by any other means whatsoever~~, except hand watering. This term shall also refer to any act of irrigation.

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OBSERVED VIOLATION: A violation of this part that is observed by a designated Utilities' employee ~~that has been trained in the administration of this part~~.

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POP UP ROTARY TYPE SPRAY SPRINKLER: A type of spray sprinkler that rotates ~~where~~ **producing** a stream of water **that** is moved back and forth across the area being watered. Pop up rotary type spray sprinklers can be impact or gear driven.

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SPRINKLER SYSTEM: An assembly of component parts that is permanently installed for the controlled distribution and ~~conservation~~ **application** of water to irrigate ~~any type of landscape vegetation in any location~~.

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STAGE I SHORTAGE (WATCH): The first level of ~~voluntary~~ water shortage response measures intended to reduce water demand placed upon the water supply system.

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WATER: ~~Any~~ **Any** potable and nonpotable water supplied from the water supply system to any water customer.

WATER ALLOCATION: A site-specific volumetric limit of water to be used for irrigation not to exceed the declared stage or outdoor landscape watering level. Water allocations are designed to give customers flexibility in meeting the water waste prohibition and/or declared water shortage requirements.

WATER CUSTOMER: The person designated on the records maintained by Utilities as the person responsible for payment of charges incurred for the use of the water supply system on public or private premises being served, or any person of lawful age who uses water at the premises served. **Water customers include residential users and commercial users as defined in section 12.1.101.**

12.4.1304: WASTE OF WATER PROHIBITED:

A. No water customer shall **at any time** allow, permit or cause the waste of water, which ~~shall include any use of water in violation of this part~~ **includes, but is not limited to:**

1. **Watering landscaped areas, other than with drip irrigation, between the hours of 10:00 a.m. and 6:00 p.m. during the period from May 1 to October 15.**
2. **Watering landscaped areas with potable water more than three (3) days per week, with the following exceptions:**
 - a. **Watering under an establishment permit in accord with section 12.4.1311(D);**
 - b. **Watering under a water allocation plan in accord with section 12.4.1311(B);**
 - c. **Watering new plant material on the day of planting;**
 - d. **Watering of turf grass that is essential for high use sports fields;**
 - e. **Operating and attending to an irrigation system as needed for installation, repair, or reasonable maintenance; and**
 - f. **Watering trees, shrubs, and plants (including vegetable and flower gardens) with a drip irrigation system, handheld hose equipped with an active positive shutoff nozzle or handheld container at any time.**
3. **Using water to clean outdoor impervious surfaces such as sidewalks, driveways and patios, except when cleaning with water is necessary for public health or safety reasons or when other cleaning methods are impractical or inappropriate.**

4. Applying water intended for irrigation to an impervious surface, such as a street, parking lot, alley, sidewalk or driveway, or any other water use outside, in a way that allows water to pool or flow across the ground or into any drainage way, such as gutters, streets, alleys or storm drains.
5. Washing motor vehicles, trailers, boats and other types of equipment with a hose that lacks an active positive shut-off nozzle.
6. Failing to repair or disable, for a period of more than ten (10) calendar days, leaking or damaged irrigation system components, service lines or other plumbing fixtures.

B. Water Use Efficiency Practices.

1. A Water Wise Landscape is a landscape built and managed using good horticultural principles that combines appropriate vegetation and landscape irrigation techniques to conserve water.
2. Utilities encourages Water Wise Landscapes throughout its water service area.
3. Water customers are encouraged not to water landscapes during high wind or precipitation events. Water customers are further encouraged to install a rain sensor, or equivalent device (e.g., a smart irrigation controller), to prevent watering during precipitation or high wind events.
4. Restaurants, hotels, cafes, cafeterias or other public places where food is sold, served or offered for sale, are encouraged not to serve drinking water unless expressly requested by a patron.

~~B. During any water shortage declared under this part, no person or association or other entity shall impose or enforce private covenants, conditions, restrictions, deed clauses or other agreements between private parties which require any person to retain existing turf grass, to install new turf grass or to irrigate existing turf grass in a manner inconsistent with this part.~~

12.4.1305: AUTHORIZATION:

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B. The City Council may declare **by resolution** a Stage I, Stage II, Stage III or Stage IV shortage when either a hydrologic or emergency shortage exists as defined below. **The Chief Executive Officer may also declare a Stage I, Stage II,**

Stage III or Stage IV shortage on a temporary basis, including the appropriate level of outdoor landscape watering under a Stage II shortage, when an emergency shortage exists as defined below. The Chief Executive Officer's declaration of a Stage I, Stage II, Stage III or Stage IV shortage and/or determination of the appropriate level of outdoor landscape watering during a Stage II shortage, shall automatically be withdrawn unless approved by City Council resolution at the next regular City Council meeting occurring at least twenty (20) days after the date of the Chief Executive Officer's declaration.

1. Hydrologic Shortage - If total system storage is projected to be below 1.5 years of demand in storage on April 1, then an analysis will be conducted by Utilities' staff. The analysis will take into account system demands, water supply indicators such as ~~long range~~**long-range** weather forecasts, snowpack, precipitation, temperature, evaporation, stream flow, soil moisture, projected storage levels, response of other water suppliers, operational constraints, and risk tolerance. If the analysis reveals a substantial risk of shortage, then the results will be reported to the City Council with a recommendation for implementation of water shortage response measures, including declaration of a Stage I, Stage II, Stage III or Stage IV shortage.

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C. The Chief Executive Officer may propose and implement additional water shortage response measures (beyond those contained in this part) or modify existing water shortage response measures as deemed necessary. However, the City Council must formally approve proposed additional or modified water shortage response measures **by ordinance prior to such measures taking effect.**

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12.4.1306: STAGE I SHORTAGE (WATCH):

A Stage I shortage may be declared when the Chief Executive Officer **determines** ~~informs the City Council~~ that the analysis required by section 12.4.1305(B)(1) of this part or the existence of an emergency shortage indicate that proactive measures should be taken to avoid or reduce the severity of a shortage **and potentially avert further restrictions.** During a Stage I shortage, Utilities will increase public ~~communication and education~~ **awareness** efforts aimed ~~at to increase understanding of the shortage and reduce water demands while encouraging water conservation,~~ will encourage the community to **save** ~~conserve water wherever possible and will evaluate the adjustment of water rates~~

~~to promote the efficient use of water. During a Stage I shortage, water customers are encouraged to follow the voluntary water conservation measures—~~ **must comply with the restrictions set forth below and the prohibitions set forth in section 12.4.1304 and are asked to curtail water use as is appropriate.**

A. In a Stage I shortage, irrigation with nonpotable water shall not exceed four (4) times per week per zone or area. The foregoing shall not apply to the watering of tees and greens at golf courses or under the exceptions outlined in section 12.4.1304(A)(2). Any water customer following the nonpotable irrigation schedule shall post a notice to that effect. The notice shall be posted on the premises so as to be visible from a public street at all times. A copy of the posted notice will be provided by Utilities.

B. During periods of drought, nonpotable water may be more or less abundant than other water supplies. Given the potential differing circumstances, the Chief Executive Officer may implement additional restrictions or other water shortage response measures on the use of water by nonpotable customers on a temporary basis. City Council must approve the additional restrictions or other water shortage response measures in accord with section 12.4.1305(C).

~~A. Water landscaped areas with spray irrigation only between the hours of 6:00 p.m. and 10:00 a.m. during the period from May 1 to October 14.~~

~~B. Only water landscaped areas with spray irrigation no more than three (3) days per week.~~

~~C. Not apply water intended for irrigation to an impervious surface, such as a street, parking lot, alley, sidewalk or driveway.~~

~~D. Not use water to clean outdoor impervious surfaces such as sidewalks, driveways and patios, except when cleaning with water is necessary for public health or safety reasons or when other cleaning methods are impractical.~~

~~E. Not allow water to pool or flow across the ground or into any drainage way, such as gutters, streets, alleys or storm drains.~~

~~F. Not wash motor vehicles, trailers, boats and other types of equipment with a hose that lacks an active positive shut-off nozzle.~~

~~G. Not fail to repair or disable, for a period of more than ten (10) calendar days, leaking or damaged irrigation system components, service lines or other plumbing fixtures.~~

~~H. — Install a rainfall sensor, with a battery backup, capable of turning off an automatic clock-controlled irrigation system. A list of recommended devices is available from Utilities.~~

~~I. — Properly prepare soil before installation of plant material. Proper soil preparation is the equivalent of adding compost at a rate of four cubic yards per one thousand (1,000) square feet of permeable area, incorporated (rototilled) to a depth of six inches (6").~~

~~J. — Restaurants, hotels, cafes, cafeterias or other public places where food is sold, served or offered for sale, are encouraged not to serve drinking water unless expressly requested by a patron.~~

12.4.1307: STAGE II SHORTAGE (WARNING):

A Stage II shortage may be declared when the Chief Executive Officer **determines** ~~informs the City Council~~ that the analysis required by section 12.4.1305(B)(1) of this part or the existence of an emergency shortage indicates that the Stage I response is insufficient to reduce demands to a level in proportion to the severity of the shortage. ~~The~~ **In addition to the Stage I requirements set forth above, the** following restrictions on the use of water by water customers and water conservation measures shall be in effect and required during a Stage II shortage:

A. Outdoor **Potable** Landscape Watering:

1. ~~Except as provided in subsection (A)(4), below, e~~ **Outdoor** landscape watering shall only be allowed in accord with this section. The Chief Executive Officer will determine the appropriate level of outdoor landscape watering based on several criteria, including, but not limited to, the severity of the shortage and the need to reduce demand on the water system. However, the City Council must ~~formally~~ approve the **Chief Executive Officer's determination of the** applicable level of outdoor landscape watering, ~~whether for potable and/or nonpotable water, by resolution in accord with section 12.4.1305(B).~~

Level A:

~~Outdoor landscape watering shall only be allowed three (3) days per week.~~

Level B:

Outdoor landscape watering shall only be allowed two (2) days per week on designated days as follows: a) residential users with even numbered

addresses may only irrigate on Sunday and Wednesday; b) residential users with odd numbered addresses may only irrigate on Tuesday and Saturday; and c) commercial users may only irrigate on Monday and ~~Thursday~~**Friday**.

Level ~~CB~~:

Outdoor landscape watering shall only be allowed one day per week on designated days as follows: a) residential users with even numbered addresses may only irrigate on Sunday; b) residential users with odd numbered addresses may only irrigate on Saturday; and c) commercial users may only irrigate on ~~Monday~~**Friday**.

2. Outdoor landscape watering shall not exceed: twenty (20) minutes per sprinkler zone or area for pop up fixed spray sprinklers, forty five (45) minutes per zone or area for ~~pop up rotary type spray sprinklers (including, but not limited to, impact or gear drive)~~ **impact or gear driven rotor sprinklers, and sixty (60) minutes per zone or area for pop up spray sprinklers with rotary type nozzles** on each watering day. Outdoor landscape watering with hose end sprinklers shall not exceed three (3) hours each watering day.

~~3. Watering of landscaped areas with spray irrigation shall not occur between the hours of 10:00 a.m. and 6:00 p.m. during the period from May 1 to October 14, except for watering essential to preserve turf grass associated with high use sports fields, except as otherwise prohibited by other applicable laws, ordinances, codes, rules and regulations.~~

~~4. Outdoor landscape watering with a drip irrigation system, handheld hose equipped with an active positive shutoff nozzle or handheld container is allowed for trees, shrubs, and plants (including community gardens, vegetable and flower gardens, but excluding turf grass) at any time.~~

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B. In a Stage II shortage, irrigation with nonpotable water shall not exceed ~~four (4) times per week per zone or area during Level A;~~ three (3) times per week per zone or area during Level ~~BA~~**A**; and two (2) times per week per zone or area during Level ~~CB~~**B**. The foregoing shall not apply to the watering of tees and greens at golf courses **or under the exceptions outlined in section 12.4.1304(A)(2)**. ~~Water customers using nonpotable water to irrigate shall submit a watering schedule plan to Utilities for review and approval and shall comply with the approved plan.~~ Any water customer following the nonpotable irrigation schedule shall post a

notice to that effect. The notice shall be posted on the premises so as to be visible from a public street at all times. A copy of the posted notice will be provided by Utilities.

~~During periods of drought, nonpotable water may be more or less abundant than other water supplies. Given the potential differing circumstances, the Chief Executive Officer may implement additional restrictions or other water shortage response measures on the use of water by nonpotable customers in accord with section 12.4.1305(C) of this part.~~

~~C. No water customer shall: 1) apply water to any turf grass, sodded or landscape area resulting in the pooling or flowing of water across the ground or into drainageways, including, but not limited to, gutters, streets, alleys and storm sewers; 2) fail to repair or disable any irrigation system, service line or other plumbing fixture that is leaking or damaged within four (4) calendar days after notice or 3) apply water intended for landscape irrigation to an impervious surface, such as a street, sidewalk, driveway, patio or deck.~~

~~DC. Motor vehicles, trailers, boats and other types of equipment shall be washed: (1) during Level A only on Wednesdays, Fridays, Saturdays and Sundays for residential users with even numbered addresses; on Tuesdays, Thursdays, Saturdays and Sundays for residential users with odd numbered addresses; and on Mondays, Fridays, Saturdays and Sundays for commercial users, and (2) during Levels B and C only on a water customer's designated watering days as set forth in subsection A1 of this section and on Saturdays and Sundays. Further, mMotor vehicles, trailers, boats and other types of equipment shall be washed only with a handheld hose equipped with an active positive shutoff nozzle for quick rinses or with a bucket. **It is more efficient to wash** Washing of motor vehicles, trailers, boats and other types of equipment may be done by **at** a commercial car wash **which treats and recycles wash water** on any day of the week. Each commercial car wash must develop, maintain on site and comply with a best **water** management practices plan that demonstrates optimal **efficient** use of water. This plan must be available for review and approval upon request by Utilities at all reasonable times. Utilities may require periodic reporting to demonstrate optimal use of water.~~

~~E. Water shall not be used to wash sidewalks, walkways, patios, driveways, parking areas or other impervious surfaces, except to eliminate conditions that pose a threat to public health or safety or when required as surface preparation for the application of architectural coatings or painting.~~

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~~GE. * * *~~

~~HF.~~ * * *

~~I~~**G.** Plants for commercial sale may be watered under a best **water** management practices plan in lieu of compliance with restrictions contained in subsections A and B of this section. The commercial user must develop, maintain on site and comply with a best **water** management practices plan that demonstrates optimal use of water. This plan must be available for review and approval upon request by Utilities at all reasonable times. Utilities may require periodic reporting to demonstrate optimal use of water.

~~J~~**H.** Any commercial user operating a golf course may irrigate under a best **water** management practices plan in lieu of compliance with restrictions contained in subsections A and B of this section, and subsection 12.4.1311~~2(B)~~**(A) and 12.4.1311(B)** of this part. The commercial user must develop, maintain on site and comply with a best **water** management practices plan that demonstrates **efficient** ~~optimal~~ use of water. This plan must be available for review and approval upon request by Utilities at all reasonable times. Utilities may require periodic reporting to demonstrate ~~optimal~~ **efficient** use of water.

~~K.~~ — ~~A functioning rainfall sensor, with a battery backup, capable of turning off an automatic clock controlled irrigation system is required on all irrigation systems installed after April 1, 2013. A list of approved devices is available from Utilities.~~

~~L.~~ — ~~The approval of an application for water service at a premises where landscaping will be irrigated is contingent upon the owner of the premises agreeing to proper soil preparation before installation of plant material. Proper soil amendment is the equivalent of adding approved compost at a rate of four cubic yards per thousand (1,000) square feet of permeable area, incorporated (rototilled) to a depth of six inches.~~

12.4.1308: STAGE III SHORTAGE (SEVERE):

A Stage III shortage may be declared when the Chief Executive Officer **determines** ~~informs City Council~~ that the analysis required by section 12.4.1305(B)(1) of this part or the existence of an emergency shortage indicate that the Stage II response is insufficient to reduce demands to a level in proportion to the severity of the shortage. In addition to the Stage II restrictions and water conservation measures set forth above, the following restrictions on the use of water by water customers shall be in effect and required during a Stage III shortage, except that in the event of a conflict the following restrictions shall prevail:

A. Irrigation of turf grass and all other plant material other than trees and shrubs is prohibited. Existing trees and shrubs may be watered one (1) day per week by means of a handheld hose equipped with an active positive shutoff nozzle or low-volume drip irrigation on assigned day as follows: (i) residential users with even numbered addresses may only irrigate on Sunday; (ii) residential users with odd numbered addresses may only irrigate on Saturday; and (iii) commercial users may only irrigate on ~~Monday~~**Friday**.

B. A water customer that owns or operates a high use sports field may apply for an exemption from the turf grass irrigation prohibition. The Chief Executive Officer or designee may approve the use of ~~a water allocation plan~~**water budgets** for high use sports fields which will establish a maximum allowable amount of water, within which the irrigators will be permitted flexibility to choose how to irrigate without exceeding the ~~allocation~~**budget**. In addition to the penalties described in section 12.4.131~~56~~ of this part, violation of any term or condition of an exemption may result in immediate rescission of the exemption.

C. Indoor industrial and commercial water use shall be reduced by an amount, to be determined by Utilities, in relationship to the severity of the shortage, ~~which amount shall not exceed ten percent (10%)~~.

D. * * *

E. Any commercial water park must operate under a best water management practices plan. Each such user must develop, maintain on site and comply with a best water management practices plan that demonstrates efficient use of water. This plan must be available for review and approval upon request by Utilities at all reasonable times. Utilities may require periodic reporting to demonstrate efficient use of water.

~~E~~**F.** Washing of motor vehicles, trailers, boats and other types of equipment shall be prohibited, except that washing may be done by a ~~certified~~ commercial car wash **which treats and recycles wash water**.

~~F~~**G.** Vehicles contained in commercial operation or fleets may be washed no more than once per month, unless public safety requires more frequent washing. Fleet vehicles may only be washed at a ~~certified~~ commercial car wash **which treats and recycles wash water**.

~~G~~**H.** * * *

~~H~~**I.** * * *

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12.4.1309: STAGE IV SHORTAGE (CRITICAL):

A Stage IV shortage may be declared when the Chief Executive Officer **determines** ~~informs the City Council~~ that the analysis required by section 12.4.1305(B)(1) of this part or the existence of an emergency shortage indicate that the Stage III response is insufficient to reduce demands to a level in proportion to the severity of the shortage. In addition to the Stage II and Stage III restrictions and water conservation measures set forth above, the following restrictions on the use of water by water customers shall be in effect and required during a Stage IV shortage, except that in the event of a conflict the following restrictions shall prevail:

A. All outside use of water is prohibited except that existing trees and shrubs may be watered one (1) day per month by means of a handheld hose equipped with an active positive shutoff nozzle or low-volume drip irrigation on designated days as follows: (i) residential users with even numbered addresses may only irrigate on the second (2nd) Sunday of the month; (ii) residential users with odd numbered addresses may only irrigate on the second (2nd) Saturday of the month; and (iii) commercial users may only irrigate on the second (2nd) ~~Monday~~**Friday** of the month.

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12.4.1310: DURATION OF WATER USE RESTRICTIONS:

Utilities will regularly evaluate the estimated supplies of water available to the water system to determine whether it is necessary to continue the water use restrictions of a declared stage or level. Stages and levels may be declared in accord with sections 12.4.1305, 1306, 1307, 1308 and 1309 of this part and, if water supply conditions warrant, the Chief Executive Officer may either downgrade or withdraw a declaration of a Stage I, Stage II, Stage III or Stage IV shortage, subject to City Council approval by resolution **at the next regular City Council meeting occurring at least twenty (20) days after the date of the Chief Executive Officer's downgrade or withdrawal.** If a declared shortage has not previously been withdrawn by the Chief Executive Officer or City Council, it shall automatically be **withdrawn** ~~reset to Stage I on~~ **December 31** ~~October 15~~ of the year in which it was declared.

12.4.1311: ALTERNATIVE WATER MANAGEMENT PLANS:

A. ~~General: A water customer may request relief from applicable provisions of this part by filing an alternative water management plan with Utilities. Utilities intends to provide water customers with the ability to design water management alternatives that give water customers flexibility in meeting the requirements of this part while achieving maximum conservation goals.~~

B. ~~Alternative Water Management Plan: Alternative water management plans shall contain proposed water reduction measures or otherwise demonstrate optimal use of water. Utilities may require periodic reporting to demonstrate optimal use of water. In the event a water customer submits an alternative water management plan for irrigation, the water customer's plan shall be in accord with Utilities' irrigation criteria. Alternative water management plans for irrigation shall not be allowed during a Stage III or Stage IV shortage. Alternative water management plans previously approved by Utilities will be automatically withdrawn effective December 31 of each year.~~

C. ~~Approval: No alternative water management plan shall be approved unless the water customer affirmatively demonstrates that: 1) proposed water reduction measures achieve at least the same level of demand reduction as the applicable restrictions of this part; or 2) recently implemented water conservation measures achieve at least the same level of demand reduction or efficiency as the applicable restrictions of this part; or 3) the water customer has a critical need. Alternative water management plans must be reviewed and approved by Utilities in writing based on the then current criteria established by Utilities before a water customer may implement any alternative water management plan. The water customer shall comply with the conditions of the approved alternative water management plan unless good cause exists for changes to the plan and the plan is amended accordingly and approved as set forth in this subsection. Any water customer with an approved alternative water management plan shall post a notice of the existence of the plan on the premises so as to be visible from a public street at all times during the term of the plan. A copy of the posted notice will be provided by Utilities. Utilities may withdraw or amend approved alternative water management plans upon the movement to a different declared stage or outdoor landscape watering level.~~

D. ~~Violations: In the event a water customer violates any condition of an alternative water management plan approved under this section, then the~~

~~approval granted under this section may be withdrawn, and Utilities may add a charge to the water customer's bill equal to one hundred dollars (\$100.00) for a residential user and five hundred dollars (\$500.00) for a commercial user.~~

12.4.13112: EXCEPTIONS:

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B. Water Allocation Plans.

1. Utilities may work with residential and commercial water customers who request relief from the applicable provisions of sections 12.4.1304, 12.4.1306 and 12.4.1307 by approving a water allocation plan. A water allocation plan will define site-specific volumetric limits of water to be used for irrigation not to exceed the declared stage or outdoor landscape watering limit. A water allocation plan shall achieve water savings goals while giving customers the flexibility they need in how and when they water. Utilities may conduct or require periodic reporting to demonstrate adherence to the approved plan. Water allocation plans for irrigation shall not be allowed during a Stage III or Stage IV shortage, except as permitted by section 12.4.1308(B).

2. No water allocation plan shall be approved unless the water customer works with Utilities to affirm that: 1) proposed water use meets Utilities' irrigation allocation criteria; or 2) the water customer has a critical need. Any water customer with an approved water allocation plan shall post a notice of the existence of the plan on the premises so as to be visible from a public street at all times during the term of the plan. A copy of the posted notice will be provided by Utilities. Utilities may withdraw or amend approved water allocation plans upon the movement to a different declared stage or outdoor landscape watering level.

3. In the event a water customer violates any condition of a water allocation plan approved under this section, the approval granted under this section may be withdrawn, and Utilities shall add a charge to the water customer's bill equal to one hundred dollars (\$100.00) for a residential user and five hundred dollars (\$500.00) for a commercial user.

C. Best Water Management Practices Plans.

1. Utilities shall work with commercial golf course, car wash, and water park customers who request relief from applicable provisions in sections 12.4.1307, 12.4.1308 and 12.4.1309 by determining a best water

management practices plan. This plan will define industry-specific best water management practices. Utilities may conduct or require periodic reporting to demonstrate adherence to the approved plan. Utilities may withdraw or amend approved Plans upon the movement to a different declared stage.

2. No best water management practices plan shall be approved unless the water customer works with Utilities to affirm that the proposed water use practices achieve industry best practice standards. Any water customer with an approved best water management practices plan shall post a notice of the existence of the plan on the premises so as to be visible from a public street at all times during the term of the plan. A copy of the posted notice will be provided by Utilities.

3. In the event a water customer violates any condition of a best water management practices plan approved under this section, the approval granted under this section may be withdrawn, and Utilities shall add a charge to the water customer's bill equal to five hundred dollars (\$500.00).

~~DB. During any level of a declared Stage II shortage, a~~ water customer installing landscape material may obtain an establishment permit for the purpose of irrigating the installed landscape material at times other than as set forth in section 12.4.1307~~4~~ of this part. Applications for establishment permits shall be submitted to Utilities on a form supplied by Utilities, and shall ~~include all necessary supporting documentation~~ **meet all permit requirements**. Applications ~~shall~~ **may** be accompanied by **a permit fee of up to fifty-dollars (\$50.00) upon approval by the Utilities Board** ~~permit fee~~. The applicant shall comply with the conditions of the establishment permit. The establishment permit shall be displayed on the premises so as to be visible from a public street at all times during the term of the establishment permit. ~~During Level C of a Stage II water shortage, from May 1 through September 30, there shall be no outdoor landscape watering for establishment except as set forth in section 12.4.1307 of this part, regardless of whether a water customer holds an establishment permit.~~ In the event a water customer violates any of the requirements set forth in this section, ~~then~~ the establishment permit will be revoked. **Establishment permits shall not be allowed during a Stage III or Stage IV shortage.**

~~CE.~~ * * *

12.4.131~~23~~: **SPECIAL CONTRACT SERVICE:**

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12.4.131~~34~~ ACCESS TO PREMISES:

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12.4.13145: LIABILITY:

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12.4.13156: VIOLATIONS AND CHARGES:

A. Utilities is authorized to enforce this part utilizing a variety of methods, including, but not limited to, conducting customer education, issuing warnings and the addition of charges to water bills. ~~The Chief Executive Officer shall determine the stage of shortage at which the addition of charges to water bills will be used as an enforcement mechanism.~~

B. In the event Utilities determines that an observed violation of this part has occurred on a water customer's premises ~~during a Stage II, Stage III, or Stage IV shortage~~, the water customer ~~shall~~ **may** be subject to imposition of the following:

1. For a first observed violation of a **waste of water prohibition or a Stage I, Stage II, Stage III, or Stage IV restriction** as set forth in sections **12.4.1304, 12.4.1306, 12.4.1307, 12.4.1308, 12.4.1309** or **subsection 12.4.1312 (E)** of this part within a calendar year, Utilities shall notify the water customer in writing of the violation and issue a written warning to the water customer.
2. For a second and any subsequent observed violation of a **waste of water prohibition or a Stage I or Stage II restriction** as set forth in sections **12.4.1304, 12.4.1306, 12.4.1307** or **subsection 12.4.1311(E)** ~~12.4.1307 or subsection 12.4.1312(C)~~ of this part within a calendar year, Utilities shall notify the water customer in writing of the violation and shall add a charge to the water bill for the premises ~~equal~~ **equal** to: (a) **one hundred dollars (\$100.00) for a violation of section 12.4.1304;** (b) **three hundred dollars (\$300.00) for a violation of a section 12.4.1306, a 12.4.1307 Level A restriction or subsection 12.4.1311(E); and** (c) **five hundred dollars (\$500.00) for a violation of a section 12.4.1307 Level B restriction; and** ~~(e) six hundred dollars (\$600.00) for a violation of a Level C restriction.~~
3. For a second and any subsequent observed violation of a Stage III restriction as set forth in section 12.4.1308 of this part within a calendar year, Utilities shall notify the water customer in writing of the violation and shall add a charge to the water bill for the premises ~~equal~~ **equal** to one thousand dollars (\$1,000.00).

4. For a second and any subsequent observed violation of a Stage IV restriction as set forth in section 12.4.1309 of this part within a calendar year, Utilities shall notify the water customer in writing of the violation and shall add a charge to the water bill for the premises ~~up~~**equal** to one thousand dollars (\$1,000.00).

C. For repeated observed violations of this part occurring during any Stage I, II, Stage III, or Stage IV shortage, Utilities may, in its discretion: a) disconnect water service to the premises on which the violations occurred in accord with the tariffs of the Utilities; or b) restrict water flow to the water customer at the premises at which the violations occurred. Any flow restriction shall remain in place for a period determined by Utilities, based upon the severity of the violation as well as the applicable declared stage.

* * *

H. Except for any charge assessed pursuant to section 12.4.1311**(B)** of this part, any charge assessed a commercial user pursuant to this part shall be equal to two (2) times the applicable charge.

12.4.1316~~7~~: DISPUTE RESOLUTION:

* * *

Section 2. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by charter.

Section 3. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance shall be available for inspection and acquisition in the office of the City Clerk.


Introduced, read, passed on first reading and ordered published this 5th day of December, 2019.

FINALLY PASSED: December 19th, 2019



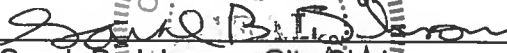
Council President

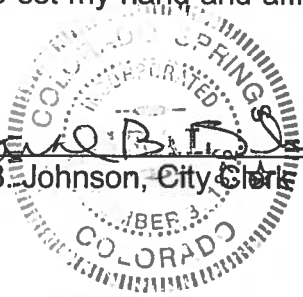
ATTEST:


Sarah B. Johnson, City Clerk

I HEREBY CERTIFY, that the foregoing ordinance entitled “AN ORDINANCE AMENDING PART 13 (WATER SHORTAGE) OF ARTICLE 4 (WATER CODE) OF CHAPTER 12 (UTILITIES) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO WATER SHORTAGE” was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on December 5th, 2019; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 19th day of December, 2019, and that the same was published by title and summary, in accordance with Section 3-80 of Article III of the Charter, in the Gazette, a newspaper published and in general circulation in said City, at least ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City, this 20th day of December, 2019.


Sarah B. Johnson, City Clerk



1st Publication Date: December 7th, 2019
2nd Publication Date: December 21st, 2019

Effective Date: December 26th, 2019

Initial: SBS
City Clerk