

ORDINANCE

AN ORDINANCE REPEALING AND RE-ENACTING CHAPTER 13.28 OF THE MANITOU SPRINGS MUNICIPAL CODE REGARDING WATER USAGE FOR IRRIGATION AND OTHER OUTSIDE PURPOSES

WHEREAS, the city council deems it to be in the public interest to protect its capacity for supplying water services by establishing restrictions on the use of water during periods of water shortage; and

WHEREAS, the city council desires to revise its current regulations addressing restrictions during water shortages to better protect the City’s water supply.

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

Chapter 13.28 of the Manitou Springs Municipal Code is hereby repealed and re-enacted as follows:

Chapter 13.28 – WATER USAGE FOR IRRIGATION AND OTHER OUTSIDE PURPOSES

Sections:

- 13.28.010** **Definitions**
- 13.28.020** **Underground sprinkling system.**
- 13.28.030** **Restrictions on usage.**
- 13.28.040** **Special permits for exemption or partial exemption from water use restrictions.**
- 13.28.050** **Procedure for submission and approval of alternate watering plans during periods of water use restrictions.**

13.28.010 – Definitions.

“Drip irrigation” also known as trickle irrigation or microirrigation, means an irrigation method that saves water by allowing water to drip slowly to the roots of plants, either onto the soil surface or directly onto the root zone, through a network of valves, small diameter pipes or tubing, and emitters.

“Non-potable water” means water not suitable for drinking.

“Syringing” also known as “fogging,” means a process of applying small

amounts of water to wet the turf canopy. Syringing cools the turf through evaporation of water from the leaf surface, which can help turf survive during mid-day stress periods.

“Xeriscape” also known as water smart landscaping, means landscaping that incorporates drought-tolerant and low water-use plants with an organic or inorganic surface mulch layer as a water efficient alternative to traditional turf grass landscaping.

13.28.020 - Underground sprinkling system—Application for permit.

A. It is unlawful for any person to install an underground sprinkling system in the city without first obtaining a written permit. Application for such permit shall be made to the city administrator in writing on forms furnished for that purpose. Such application must contain or be accompanied by plans and specifications covering the construction of the underground sprinkler system, which are sufficient to determine whether such system will comply with the provisions of this code. Upon approval of the application by the director of public services, the city administrator shall issue the required permit.

B. All underground systems shall have cross-connection prevention devices in accordance with Chapter 13.09 as approved by the State Board of Health.

13.28.030 - Restrictions on usage.

A. At such time as the city council finds and determines that a shortage exists in the supply of water for the use of the public such as to require the restriction of water use, the city council shall, by resolution, declare the existence of a water shortage and announce the imposition of one of the following levels of restriction on the use of water:

1. Level One Restrictions. Upon the adoption of a Resolution imposing Level One restrictions, outdoor watering at properties with even-numbered addresses shall be restricted to Tuesdays, Thursdays and Saturdays and outdoor watering at properties with odd-numbered addresses shall be restricted to Wednesdays, Fridays and Sundays. Outdoor watering at properties south of Manitou Avenue and not having assigned street number addresses shall be restricted to dates allowed for outdoor watering at properties having even-numbered addresses. Outdoor watering at properties north of Manitou Avenue and not having assigned street number addresses shall be restricted to dates and times allowed for outdoor watering at properties having odd-numbered addresses. During a Level One restriction, outdoor watering is permitted for a maximum of two hours on a day on which watering is permitted, and such watering is permitted only between the hours of five (5) a.m. to eight (8) a.m. or seven (7) p.m. to ten (10) p.m. (either two-hour period, not both). To maximize irrigation efficiency, area watering shall be limited to 20 minutes per zone

or locaton. Outdoor watering other than at permitted times or on permitted days is prohibited. Outdoor watering for longer than the time allowed on such days is prohibited, except for refilling ornamental pools, hot tubs and swimming pools. Hand watering from a hose equipped with automatic shut-off is permitted at any time, so long as it is attended. Unrestricted drip irrigation is permitted at any time.

2. Level Two Restrictions. Upon the adoption of a Resolution imposing Level Two restrictions, outdoor watering of properties with even-numbered addresses shall be restricted to Tuesdays and Saturdays and outdoor watering at properties with odd-numbered addresses shall be restricted to Wednesdays and Sundays. Outdoor watering at properties south of Manitou Avenue and not having assigned street number addresses shall be restricted to dates allowed for outdoor watering at properties having even-numbered addresses. Outdoor watering at properties north of Manitou Avenue and not having assigned street number addresses shall be restricted to dates and times allowed for outdoor watering at properties having odd-numbered addresses. During a period of Level Two restricted water use, outdoor watering is permitted for a maximum of two hours on a day on which watering is permitted and such watering is permitted only between the hours of five (5) a.m. to eight (8) a.m. or seven (7) p.m. to ten (10) p.m. (either two-hour period, not both). To maximize irrigation efficiency, area watering shall be limited to 20 minutes per zone or locaton. Outdoor watering other than at permitted times or on permitted days is prohibited. Outdoor watering for longer than the time allowed on such days is prohibited, except for refilling ornamental pools, hot tubs and swimming pools. Hand watering from a hose equipped with automatic shut-off is permitted at any time, so long as it is attended. Unrestricted drip irrigation is permitted at any time.

3. Level Three Restrictions. Upon the adoption of a Resolution imposing Level Three restrictions, outdoor watering of properties with even-numbered addresses shall be restricted to Tuesdays and outdoor watering at properties with odd-numbered addresses shall be restricted to Fridays. Outdoor watering at properties south of Manitou Avenue and not having assigned street number addresses shall be restricted to dates allowed for outdoor watering at properties having even-numbered addresses. Outdoor watering at properties north of Manitou Avenue and not having assigned street number addresses shall be restricted to dates and times allowed for outdoor watering at properties having odd-numbered addresses. During a period of Level Three restricted water use, outdoor watering is permitted for a maximum of two hours on a day on which watering is permitted and such watering is permitted only between the hours five (5) a.m. to eight (8) a.m. or seven (7) p.m. to ten (10) p.m. (either two-hour period, not both). To maximize irrigation efficiency, area watering should be limited to 20 minutes per zone or locaton. Outdoor watering other than at permitted times or on permitted

days is prohibited. Outdoor watering for longer than the time allowed on such days is prohibited, except for refilling ornamental pools, hot tubs and swimming pools. Hand watering from a hose equipped with automatic shut-off is permitted at any time, so long as it is attended. Unrestricted drip irrigation is permitted at any time. No applications for residential water taps will be accepted during a period of Level Three restricted water use.

4. Level Four Restrictions. During a period of Level Four restricted water use, outdoor watering is prohibited, except for the third Saturday of each month when outdoor watering is permitted between the hours of seven (7) p.m. and ten (10) p.m. At all days and times the filling or refilling of ornamental pools, hot tubs and swimming pools is prohibited. No applications for residential water taps will be accepted during a period of Level Four restricted water use. Outdoor watering other than at permitted times or on permitted days is prohibited. Outdoor watering for longer than the time allowed on such days is prohibited. Hand watering or drip irrigation is only allowed during the permitted times, so long as it is attended.

B. Conservation of water and use of Xeriscaping Encouraged. Everyone is strongly encouraged to manage outdoor watering so as to avoid wasting water. When planting new or replacing existing landscaping use Xeriscaping strategies whenever possible. City Council acknowledges that the maintenance and establishment of turf requires the application of much more water than the installation of native, ornamental landscape. Accordingly, we encourage all citizens to think carefully before installing new turf.

C. Restrictions on Washing Motor Vehicles. The washing of motor vehicles during a period of Level One, Level Two or Level Three restricted water use is permitted only with a hose equipped with a shut-off valve at or adjacent to the nozzle, and the shut-off valve must be engaged at all times when the hose is not directed at the vehicle being washed. During a period of Level Four restricted water use, the washing of motor vehicles is permitted only at commercial car washes.

D. Restrictions on Washing Sidewalks. The washing of sidewalks, awnings, decks, exteriors of buildings and windows during a period of Level One, Level Two or Level Three restricted water use is permitted only with a hose equipped with a shut-off valve at or adjacent to the nozzle, and the shut-off valve must be engaged at all times when the hose is not actively in use for washing. During a period of Level Four restricted water use, the washing of sidewalks with water is not permitted.

E. City's Water Rights on Fountain Creek Exempted. The restrictions set forth in this section shall not apply to the City's use of non-potable water drawn from its rights in Fountain Creek.

F. Penalties for Violations. Violation of any provision of this section is punishable in accordance with the provisions of Section 1.01.100 of this Code of Ordinances; provided, however, that violation of a Level One restriction is subject to a minimum fine of one hundred dollars; violation of a Level Two restriction is subject to a minimum fine of two hundred fifty dollars; violation of a Level Three restriction is subject to a minimum fine of five hundred dollars; and violation of a Level Four restriction is subject to a minimum fine of one thousand dollars.

13.28.040 - Special permits for exemption or partial exemption from water use restrictions.

A. Exemptions and Partial Exemptions. Permits for exemptions or partial exemptions from water use restrictions may be applied for to the city administrator in the following instances:

1. Landscaping over 8000 Square Feet - for watering areas of lawn or garden, or lawn and garden, comprising more than eight thousand square feet, so that all zones of such areas may receive water, and only during periods of Level One, Two or Three water use restrictions. If a permit for such use is granted, it shall allow only two hours of additional watering on the days for which watering is permitted for the property. The permitted hours shall be either five (5) a.m. to eight (8) a.m. or seven (7) p.m. to ten (10) p.m. To maximize irrigation efficiency, area watering shall be limited to 20 minutes per zone or location.

2. Public School Athletic Fields and Public Parks - for daily watering of public school athletic fields and public parks requiring more water due to heavy use, and only during periods of Level One, Two or Three water use restrictions. If a permit for such use is granted, daily watering must occur no more than four hours per day. During a period of Level Four water use restriction, public school athletic fields and public parks may be watered only as frequently as all other properties. The permitted hours shall be either five (5) a.m. to eight (8) a.m. or seven (7) p.m. to ten (10) p.m. To maximize irrigation efficiency, area watering shall be limited to 20 minutes per zone or location.

3. Establishing New Turf and Landscaping – for daily watering for establishing new turf or landscaping vegetation, and only during periods of Level One and Two water restrictions. During a period of either Level Three or Level Four water use restriction, the property may be watered only as frequently as all other properties. An Alternative Watering Plan must be submitted to the Public Services Director and the City Administrator in accordance with Section 13.28.050.

B. Applications and Criteria. Applications for special exemption permits shall be submitted to the city administrator, together with a sworn affidavit setting forth the circumstances which the applicant claims as a basis for

the requested exemption. If the city administrator determines that the application and the accompanying affidavit establish the existence of any of the circumstances set forth in subsection A of this section, he or she shall, provided that the required application fee has been paid, issue the requested permit.

C. Duration of Permits. Permits issued shall expire ninety (90) days after the date of issuance. Application may be made for renewal in the same manner as for a new permit.

D. Application Fee. Each application for a special exemption permit shall be accompanied by the payment of an application fee in the amount of twenty-five dollars.

E. Permit Display. Any special permit issued pursuant to this section shall at all times be displayed on the property for which the permit is granted, and in such manner as to be visible from the street. A claim that someone removed the permit without the consent of the owner of the property shall not be a defense to complying with this requirement. Rather, it is the affirmative duty of the permittee to make certain that the permit is in place each day of the duration thereof, and to apply for a replacement permit in the event that inspection by the owner indicates that the permit has disappeared.

F. Penalties. In addition to the penalties set forth in Section 1.01.100 of this Code of Ordinances, any individual who pleads guilty to, or is found guilty of, any violation of any provision of this chapter, is also subject to revocation of the permit by the municipal judge or by city council.

13.28.050 - Procedure for submission and approval of alternate watering plans during periods of water use restrictions.

A. Any owner of property within the city may apply for approval of a plan for watering such property at hours other than those allowed under water use restrictions then in effect, provided that such plan demonstrates that the total amount of water used will not exceed what would be allowed under such restrictions, and provided further that no such plan will be approved if it provides for watering between the hours of eight (8) a.m. and seven (7) p.m.

B. Any owner of property within the city establishing new turf or landscaping may apply for approval of an alternate watering plan, which must be documented by receipts of the newly planted landscaping and a schedule of best practices for watering, syringing, etc., as recommended by a certified landscaper.

C. All proposed plans shall be submitted to the city administrator for review. The city administrator may approve the proposed plan, or he or she may refer it to city council. If the city administrator does not approve the proposed plan, the applicant may request that the application be reviewed by the city council.

D. Once a proposed plan is approved, the applicant may water the

property in accordance with the plan during periods of Level One or Level Two water use restrictions. During a period of either Level Three or Level Four water use restriction, the property may be watered only as frequently as all other properties.

E. Approved plans are valid for a period of ninety (90) days following approval. Application may be made for renewal in the same manner as for approval of a new plan.

F. Each application for approval of a special watering plan shall be accompanied by the payment of an application fee in the amount of twenty-five dollars.

G. In addition to the penalties set forth in Section 1.01.100 of this Code of Ordinances, any individual who pleads guilty to, or is found guilty of, any violation of any provision of this chapter, is also subject to revocation of approval of the special watering plan by the municipal judge or by city council.

Passed on First Reading and Ordered Published this 2nd day of August, 2011.

/s/ Donna Kast
City Clerk

A Public Hearing on this ordinance will be held at the August 16, 2011 City Council meeting. The Council Meeting will be held at 7:00 P.M. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance Published: August 4, 2011 (in full)
Pikes Peak Bulletin

Passed on Second Reading and Ordered Published this 16th day of August 2011.

Approved: /s/ Marc A. Snyder
Mayor and City Council

Attest: /s/ Donna Kast
City Clerk

Approved for Council Action: /s/ Jack Benson
City Administrator

Approved as to form: /s/ Jeff Parker
City Attorney

Published: August 18, 2011 (by title)
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