

ORDINANCE NO. 03-41

AN ORDINANCE REPEALING AND REORDAINING 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. That 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4 (Water Code) of Chapter 12 (Utilities) of the Code of the City of Colorado Springs 2001, as amended, is hereby repealed and reordained as follows:

CHAPTER 12	UTILITIES
ARTICLE 4	WATER CODE
PART 13	WATER SHORTAGE

Section:

- 12.4.1301: Legislative Findings
- 12.4.1302: Purpose and Intent
- 12.4.1303: Definitions
- 12.4.1304: Waste of Water Prohibited
- 12.4.1305: Authorization
- 12.4.1306: Stage I Shortage
- 12.4.1307: Stage II Shortage
- 12.4.1308: Stage III Shortage
- 12.4.1309: Duration of Water Use Restrictions
- 12.4.1310: Alternative Water Management Plans
- 12.4.1311: Exceptions
- 12.4.1312: Water Conservation Fund
- 12.4.1313: Access to Premises
- 12.4.1314: Liability
- 12.4.1315: Violations and Charges
- 12.4.1316: Dispute Resolution

12.4.1301: LEGISLATIVE FINDINGS:

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

A. Utilities' water supply system has been built over a period of one hundred thirty (130) years, with new increments of supply being added as water demand has grown;

B. Utilities has systematically obtained and developed water rights to supply the community with water for its future needs;

C. Utilities has developed extensive storage, pumping and pipeline systems to convey water from remote areas to the community;

D. Utilities currently provides water to approximately one hundred fifteen thousand (115,000) water customers within its water service territory;

E. The City of Colorado Springs is located in a semi-arid climate, where drought-like conditions periodically occur;

F. Abnormally high demand, together with drought-like conditions and/or system constraints, may reduce the available water in local storage to the point of creating a water shortage;

G. Utilities has proactively developed a Drought Response Plan that is a layered contingency plan to provide for a systematic response restricting customer water use and moderating water waste to meet the essential needs of the community; and

H. 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 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 measures designed to restrict water use and reduce water waste during 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 or long-term conservation programs. 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:

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 § 6-10.

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 micro-sprays.

EXPECTED YIELD: The projected amount of water available for delivery to Utilities' local storage for subsequent delivery to water customers. This projected amount is Utilities' best estimate of water availability and is based on an analysis of historic yield trends, current and expected weather conditions, snowpack levels, system modeling and engineering judgment as well as other relevant factors.

HAND WATERING: The use, expenditure, or application of water supplied to a water customer through a hand-held hose connected to a piping system where the water is used for any exterior purposes or is otherwise expended outside any dwelling, building or structure.

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.

LANDSCAPE: Any combination of living plants, such as trees, shrubs, vines, ground covers, flowers or turf grass.

LOCAL STORAGE: Water storage reservoirs in and around the City of Colorado Springs from which water may be directly conveyed to treatment plants for subsequent delivery to water customers. Some of these reservoirs also serve as terminal storage for the major raw water delivery systems.

NONPOTABLE WATER: Water not meeting state drinking water standards that can include, but not be limited to, water from streams, rivers, lakes, ground water or reclaimed water.

POND: Artificially constructed outdoor pond used for decorative or aesthetic purposes.

POTABLE WATER: Water suitable or intended for human consumption.

PROJECTED DEMAND: The expected levels of water demand placed upon the water supply system assuming no additional water shortage restrictions. This projected amount is Utilities' best estimate based on an analysis of historic consumption trends, economic growth forecasts, current and expected weather conditions, system modeling and engineering judgment, as well as other relevant factors.

SHORTAGE: The actual demand for water placed upon the water supply system by water customers exceeds the actual yield, where the actual yield of water is the amount of water available for delivery from Utilities' local storage for subsequent delivery to water customers.

STAGE I SHORTAGE: The lowest level of water restrictions intended to reduce water demand placed upon the water supply system.

STAGE II SHORTAGE: The intermediate level of water restrictions intended to reduce water demand placed upon the water supply system.

STAGE III SHORTAGE: The highest level of water restrictions intended to reduce water demand placed upon the water supply system.

TURF GRASS: Continuous plant coverage of grasses that, when regularly mowed, form a dense growth of leaf blades and roots.

WATER: All potable and nonpotable water supplied from the water supply system to any water customer.

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 at the premises being served, or any person of lawful age who uses water at the premises served.

WATER FEATURE: Any fountain or waterfall used for decorative or aesthetic purposes.

12.4.1304: WASTE OF WATER PROHIBITED:

A. No water customer shall allow, permit or cause the waste of water, which shall include any use of water in violation of this Part.

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:

A. Utilities is authorized to enforce this Part.

B. The Chief Executive Officer may propose additional restrictions (beyond those contained in this Part) or modify existing restrictions as deemed necessary. However, the City Council must formally approve of proposed additional or modified restrictions.

12.4.1306: STAGE I SHORTAGE:

A Stage I shortage may be declared when the Chief Executive Officer determines that: (i) the projected demand for water exceeds the expected yield of water by up to five percent (5%); or (ii) proactive measures should be taken to avoid or reduce the severity of a shortage. During a Stage I shortage, Utilities will increase public communication and education efforts aimed at water conservation, will encourage the community to conserve water wherever possible and will evaluate the development of water rates that promote the efficient use of water. In addition, the following restrictions on the use of water by water customers shall be in effect during a Stage I shortage:

All City and Utilities facilities less than five (5) acres will restrict irrigation of turf grass to Monday, Wednesday and Friday.

12.4.1307: STAGE II SHORTAGE:

A Stage II shortage may be declared when the Chief Executive Officer determines that: (i) the projected demand for water exceeds the expected yield of water by at least five percent (5%) but not more than forty percent (40%); or (ii) proactive measures should be taken to avoid or reduce the severity of a shortage. However, the City Council must formally approve the declaration of a Stage II shortage by resolution which shall include the applicable level of outdoor landscape watering as set forth in § 12.4.1307(A)(1). In addition to the Stage I restrictions set forth above, the following restrictions on the use of water by water customers shall be in effect during a Stage II shortage, except that in the event of a conflict the following restrictions shall prevail:

A. Outdoor landscape watering

1. Except as provided in § 12.4.1307(A)(4), below, 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, local storage, expected yield and water rights. However, the City Council must formally approve the applicable level of outdoor landscape watering, whether for potable and/or nonpotable water, by resolution.

LEVEL A

Outdoor landscape watering shall only be allowed three (3) days per week on designated days as follows: (i) residential users with even numbered addresses may only irrigate on Sunday, Wednesday and Friday; (ii) residential users with odd numbered addresses may only irrigate on Tuesday, Thursday and Saturday; and (iii) commercial users may only irrigate on Monday, Wednesday and Friday.

All City and Utilities facilities less than five (5) acres will restrict irrigation of turf grass to Monday and Friday.

LEVEL B

Outdoor landscape watering shall only be allowed two (2) days per week on designated days as follows: (i) residential users with even numbered addresses may only irrigate on Sunday and Wednesday; (ii) residential users with odd numbered addresses may only irrigate on Tuesday and Saturday; and (iii) commercial users may only irrigate on Monday and Friday.

All City and Utilities facilities less than five (5) acres will restrict irrigation of turf grass to Friday.

LEVEL C

Outdoor landscape watering shall only be allowed one (1) day per week on designated days 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 Friday.

All City and Utilities facilities less than five (5) acres will restrict irrigation of turf grass to the second (2nd) and fourth (4th) Friday of the month.

LEVEL D

Outdoor landscape watering shall only be allowed two (2) days per month on designated days as follows: (i) residential users with even numbered addresses may only irrigate on the second (2nd) and fourth (4th) Sunday of the month; (ii) residential users with odd numbered addresses may only irrigate on the second (2nd) and fourth (4th) Saturday of the month; and (iii) commercial users may only irrigate on the second (2nd) and fourth (4th) Friday of the month.

All City and Utilities facilities less than five (5) acres will restrict irrigation of turf grass to the fourth (4th) Friday of the month.

LEVEL E

Outdoor landscape watering shall only be allowed one (1) day per month 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) Friday of the month.

From October 1 to April 30, in the event there is inclement weather and outdoor landscape watering is precluded on a designated watering day, then outdoor landscape watering shall be allowed for the affected water customers as follows: (i) residential users with even numbered addresses may only irrigate on the fourth (4th) Sunday of the month; (ii) residential users with odd numbered addresses may only irrigate on the fourth (4th) Saturday of the month; and (iii) commercial users may only irrigate on the fourth (4th) Friday of the month.

2. Outdoor landscape watering shall not exceed: (i) for residential users, three (3) hours each designated watering day; and (ii) for commercial users, twenty (20) minutes per zone or area for pop-up fixed spray sprinklers and forty-five (45) minutes per zone or area for pop-up rotary type sprinklers (including but not limited to impact or gear drive).

3. From April 15 through October 15, outdoor landscape watering shall only be allowed on designated days as set forth in this Section between midnight and 9:00 a.m. or between 6:00 p.m. and midnight.
4. Outdoor landscape watering with a drip irrigation system or hand-held container is allowed at any time.
5. If there is no street address associated with the premises, such as a parkway or median (private or public), the outdoor landscape watering schedule for commercial users shall be followed.

B. In a Stage II shortage, irrigation with nonpotable water shall not exceed six (6) times per week per zone or area during Level A; five (5) times per week per zone or area during Level B; four (4) times per week per zone or area during Level C; three (3) times per week per zone or area during Level D; and two (2) times per week per zone or area during Level E. The foregoing shall not apply to the watering of tees and greens at golf courses. 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.

C. No water customer shall: (i) apply water to any turf grass, sodded or landscape area resulting in the pooling or flowing of water across the ground or into drainage ways, including but not limited to, gutters and storm sewers; (ii) fail to repair any irrigation system that is leaking; or (iii) apply water intended for landscape irrigation to an impervious surface, such as a street, sidewalk, driveway, patio or deck.

D. Motor vehicles, trailers, boats and other types of equipment shall be washed only during a water customer's designated watering days as set forth in § 12.4.1307(A)(1) above and only with a hand-held hose equipped with a positive shutoff nozzle for quick rinses or with a bucket, except that washing of vehicles, trailers, boats and equipment may be done by a commercial car wash. Each commercial car wash must develop, maintain on-site and comply with a best 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.

E. There shall be no hose washing of 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.

F. The use of water in all public and private water features is prohibited except those using recirculating water. The use of recirculating water in all public and private water features shall be limited to no more than fourteen (14) hours per day. A sign shall be posted near the water feature stating designated operating hours and that it uses recirculating water. The foregoing shall not apply to the use of water essential to the support of existing exotic fish.

G. Ponds shall be filled or refilled only during a water customer's designated watering day as set forth in § 12.4.1307(A)(1) above, and only with a hand-held hose equipped with a positive shutoff nozzle. The foregoing shall not apply to the use of water essential to the support of existing exotic fish.

H. No restaurant, hotel, café, cafeteria or other public place where food is sold, served or offered for sale, shall serve drinking water unless expressly requested by a patron and shall display a notice to that effect.

I. The owner or manager of every hotel, motel, inn, guesthouse, bed and breakfast facility and short-term commercial lodging shall post a notice of the existence of a declared shortage.

J. Hydrant permits shall be limited to approved uses established by Utilities and shall be subject to all applicable laws, ordinances, codes, rules and regulations related to temporary water service. Utilities will maintain a list of the then-current approved uses.

K. Plants for commercial sale may be watered under a best management practices plan in lieu of compliance with restrictions contained in §§ 12.4.1307(A) and (B). The commercial user must develop, maintain on-site and comply with a best 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.

L. Any commercial user operating a golf course may irrigate under a best management practices plan in lieu of compliance with restrictions contained in §§ 12.4.1307(A) and (B), and 12.4.1311(B). The commercial user must develop, maintain on-site and comply with a best 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.

12.4.1308: STAGE III SHORTAGE:

A Stage III shortage may be declared when the Chief Executive Officer determines that: (i) the projected demand for water exceeds the expected yield of water by at least forty percent (40%); or (ii) proactive measures should be taken to avoid or reduce the severity of a shortage. However, the City Council must formally approve the declaration of a Stage III shortage by resolution. In addition to the Stage I and Stage II restrictions set forth above, the following restrictions on the use of water by water customers shall be in effect during a Stage III shortage, except that in the event of a conflict the following restrictions shall prevail:

A. 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 fifteen percent (15%).

B. No additional water connections to the water system will be allowed.

C. The use of water for cooling or air conditioning spaces for the purpose of personal comfort shall be restricted to that amount of water necessary to maintain a minimum air temperature of seventy-eight degrees (78° F.) Fahrenheit, and all thermostats controlling the use of water for cooling within a building or structure shall be set at seventy-eight degrees Fahrenheit (78° F.) or higher.

D. Outdoor watering shall be prohibited except for limited irrigation to sustain large trees with trunks of at least six inches (6") in diameter, measured at the base of the tree.

E. Washing of motor vehicles, trailers, boats and other types of equipment shall be prohibited, except that washing may be done by a commercial car wash. Operating days for commercial car washes shall be restricted to Sunday, Tuesday, Thursday and Saturday.

F. The use of water in all public and private water features shall be prohibited.

G. Filling or refilling any pond shall be prohibited.

12.4.1309: DURATION OF WATER USE RESTRICTIONS:

Utilities will regularly evaluate the expected yield and projected demand 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 §§ 12.4.1306, 1307 and 1308 and, if water supply conditions warrant, the Chief Executive Officer may either downgrade or withdraw a declaration of a Stage II or Stage III shortage, subject to City Council approval by resolution.

12.4.1310: 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. Additionally, Utilities intends to acknowledge previously implemented water conservation measures.

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 previously approved by Utilities will be withdrawn effective April 15, 2003.

C. Approval. No alternative water management plan shall be approved unless the water customer affirmatively demonstrates that: (i) proposed water reduction measures achieve at least the same level of demand reduction as the applicable restrictions of this Part; or (ii) recently implemented water conservation measures achieve at least the same level of demand reduction or efficiency as the applicable restrictions of this Part (shall not apply to City and Utilities as they are committed to lead by example and have already implemented conservation measures); or (iii) the water customer has a critical need, which may include, but not be limited to, the watering of heavily used athletic or playing fields. 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 Section. 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.

12.4.1311: EXCEPTIONS:

A. Water customers may use water essential to protect the general public health, safety or welfare.

B. 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 § 12.4.1307. Applications for establishment permits shall be submitted to Utilities on a form supplied by Utilities, and shall include all necessary supporting documentation. Applications shall be accompanied by a fifty dollar (\$50.00) 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 B of a Stage II water shortage, from July 15 through August 15, there shall be no outdoor landscape watering for establishment except as set forth in § 12.4.1307, regardless of whether a water customer holds an establishment permit. During Levels C, D and E 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 § 12.4.1307, 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.

C. Irrigation systems may be operated at any time for cleaning and maintenance purposes, but this limited operation shall not exceed ten (10) minutes per zone per week. On a residential user's premises, an attendant must be on site and visible throughout the entire maintenance operation. On a commercial user's premises, an attendant must be on site and a sign indicating maintenance is being performed must be posted and visible from a public street throughout the entire maintenance operation.

12.4.1312: WATER CONSERVATION FUND:

Utilities shall place all funds collected pursuant to this Part in excess of the cost to administer this Part in a water conservation fund. All monies in the water conservation

fund shall be used for water conservation activities, including creating incentives as well as educational programs.

12.4.1313: ACCESS TO PREMISES:

Whenever necessary for the purposes of investigating any alleged violation of this Part, Utilities shall have the power, upon the presentation of proper credentials, to enter and inspect at any reasonable time and in any reasonable manner the exterior of a water customer's premises.

If entry to or inspection of the premises is denied or not promptly permitted, Utilities is authorized to make application to any Judge of the Municipal Court of the City for the issuance of an inspection warrant. The application shall identify the premises upon which entry is sought and the purpose for which entry is desired, shall state the facts giving rise to the belief that a condition which is dangerous to the public health, safety or welfare exists at the premises and shall otherwise conform to the requirements of C.M.C.R. 241 and City Code § 11.3.112. Any warrant issued pursuant to the application shall command the owner or occupant to permit entry by Utilities for the purpose stated.

12.4.1314: LIABILITY:

Each water customer shall be responsible for compliance with this Part with respect to the water customer's premises, and shall be responsible for applicable charges for noncompliance with this Part. In the event of an alleged violation of this Part, proof of the existence of a declared water shortage and proof of any violation of any restriction set forth in this Part, together with proof that the violation originated at any water customer's premises, shall constitute a rebuttable presumption that the water customer is responsible for the violation.

12.4.1315: VIOLATIONS AND CHARGES:

A. In the event a violation of this Part occurs on a water customer's premises, the water customer is subject to imposition of the following:

1. For a first violation of a Stage I or Stage II restriction as set forth in §§ 12.4.1306, 1307 or 1311(C) 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 violation of a Stage I or Stage II restriction as set forth in §§ 12.4.1306, 1307 or 1311(C) within a calendar year, Utilities shall notify the water customer in writing of the violation and add a one hundred dollar (\$100.00) charge to the water bill for the premises.

3. For a third violation of a Stage I or Stage II restriction as set forth in §§ 12.4.1306, 1307 or 1311(C), within a calendar year, Utilities shall notify the water customer in writing of the violation and add a two hundred fifty dollar (\$250.00) charge to the water bill for the premises.
4. For a fourth or any subsequent violation of a Stage I or Stage II restriction as set forth in §§ 12.4.1306, 1307 or 1311(C) within a calendar year, Utilities shall notify the water customer in writing of the violation and add a five hundred dollar (\$500.00) charge to the water bill for the premises.
5. For a violation of a Stage III restriction as set forth in § 12.4.1308 within a calendar year, Utilities shall notify the water customer in writing of the violation and add a charge to the water bill for the premises equal to the following: (i) for a first violation, a one hundred dollar (\$100.00) charge; (ii) for a second violation, a five hundred dollar (\$500.00) charge; and (iii) for a third violation, and for any subsequent violation, a one thousand dollar (\$1,000.00) charge.
6. For a fourth violation, and for any subsequent violation, during any Stage II or III shortage, Utilities may, in its discretion: (i) disconnect water service to the premises on which the violations occurred in accord with the tariffs of the Utilities; or (ii) 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.

B. Whenever a water customer is found by Utilities to be in violation of this Part, a notice of violation must be issued. The notice of violation must be on a form prescribed by Utilities.

C. The notice of violation must be served upon the water customer by fixing the notice to the premises of the water customer in a conspicuous place, by personal delivery or sent by U.S. mail. If by mail, service shall be deemed complete upon mailing. Service of the notice of violation by affixation has the same force and effect and is subject to the same penalties for disregarding a notice, as if the notice of violation were personally served on the water customer. For purposes of this Part, a person who is of full legal age and who resides at the premises is deemed to be the agent of the water customer to receive a notice of violation.

D. Any charge assessed pursuant to this Part shall be collectible in the same manner as a water charge under the tariffs of the Utilities.

E. Whenever a water customer fails to correct a violation within the correction period set forth on a notice of violation, this failure to correct shall constitute an additional violation.

F. Except for any charge assessed pursuant to § 12.4.1310, any charge assessed a commercial user pursuant to this Part shall be equal to two (2) times the applicable charge.

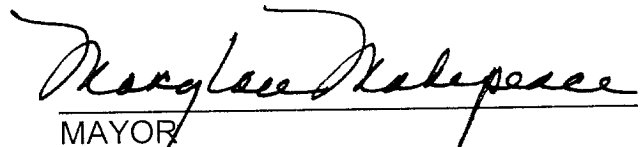
12.4.1316: DISPUTE RESOLUTION:

Any water customer's dispute with Utilities concerning this Part shall be resolved in accord with the dispute resolution procedure set forth in the tariffs of the Utilities. Requests for informal review or mediation must be received by the Utilities within ninety (90) days from the date of the notice of violation.

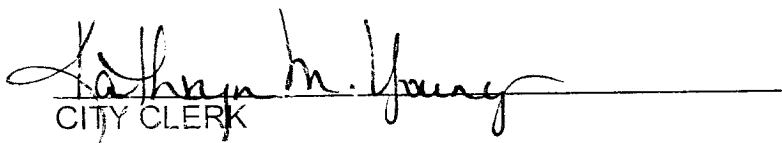
Section 2. This ordinance shall be in full force and effect from and after April 15, 2003.

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.

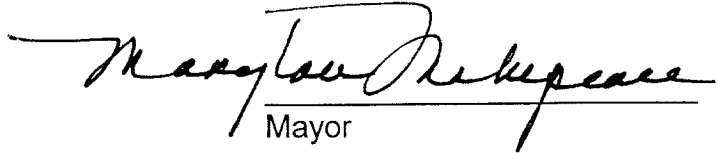
Introduced, read, passed on first reading and ordered published this 11th day of March, 2003.


MAYOR

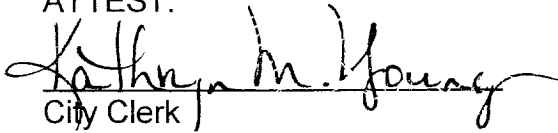
ATTEST:


CITY CLERK

Finally passed, adopted and approved this 25th day of March 2003.

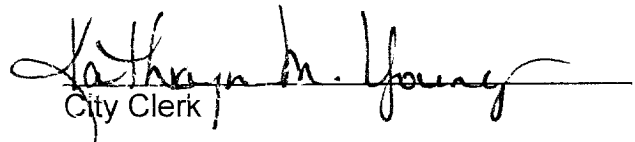

Mayor

ATTEST:


City Clerk

I HEREBY CERTIFY, that the foregoing ordinance entitled “AN ORDINANCE REPEALING AND REORDAINING 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 March 11, 2003; that said ordinance was passed at a regular meeting of the City Council of said City, held on the 25th day of March, 2003, and that the same was published by title and summary, in accordance with Section 3-80 of Article III of the Charter, in the Daily Transcript, 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 25th day of March, 2003.


City Clerk

CITY ATTY'S OFFICE
 CODE CHANGE REVIEW
 ATTY INIT AKS
 DATE 6/10/03
 COOR INIT _____
 DATE _____

ORDINANCE NO. 03-85

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 OUTDOOR WATER USE

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

Section 1. That Section 1303 (Definitions) of 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 hereby amended to read as follows:

12.4.1303: DEFINITIONS:

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

LANDSCAPE: Any combination of living plants, such as trees, shrubs, vines, ground covers, flowers, **vegetables**, **gardens** or turf grass.

Section 2. That Section 1307 (Stage II Shortage) of 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 hereby amended to read as follows:

12.4.1307: STAGE II SHORTAGE:

* * *

A. Outdoor landscape watering

* * *

4. Outdoor landscape watering with a drip irrigation system or hand-held container is allowed at any time. **Outdoor landscape watering with a hand-held hose equipped with a positive shutoff nozzle is allowed at any time for landscape, excluding turf grass. Notwithstanding the foregoing, during Levels D and E of a Stage II water shortage, from April 15 through October 15, outdoor landscape watering with a hand-held hose equipped with a positive shutoff nozzle is allowed at any time for trees and shrubs only.**

* * *

Section 3. That Section 1311 (Exceptions) of 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 hereby amended to read as follows:

12.4.1311: EXCEPTIONS:

* * *

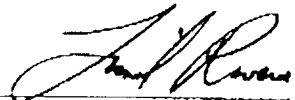
B. During any level of a declared Stage II shortage, a water customer installing landscape material, may obtain an establishment permit for the purpose of irrigating the installed landscape material at times other than as set forth in § 12.4.1307. Applications for establishment permits shall be submitted to Utilities on a form supplied by Utilities, and shall include all necessary supporting documentation. Applications shall be accompanied by a fifty dollar (\$50.00) 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 B of a Stage II water shortage, from July 15 through August 15, there shall be no outdoor landscape watering for establishment except as set forth in § 12.4.1307, regardless of whether a water customer holds an establishment permit.~~ During Levels C, D and E 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 § 12.4.1307, 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.

Section 4. This ordinance shall be in full force and effect from and after its passage and publication as provided by the Charter.

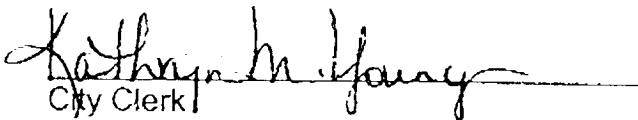
Section 5. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the Office of the City Clerk.

Introduced, read, passed and ordered published this 10th day of June, 2003.



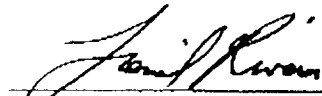
Mayor

ATTEST:



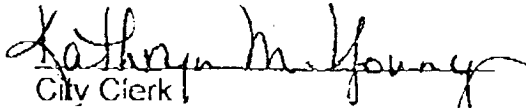
City Clerk

Finally passed, adopted and approved this 24th day of June 2003.



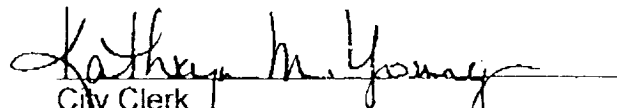
Mayor

ATTEST:


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 OUTDOOR WATER USE" was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on June 10, 2003; that said ordinance was passed at a regular meeting of the City Council of said City, held on the 24th day of June, 2003, and that the same was published by title and summary, in accordance with Section 3-80 of Article III of the Charter, in the Daily Transcript, 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 24th day of June, 2003.



City Clerk