

Ordinance No. 19-99 which involved revisions to the Water Shortage Ordinance (WSO) was passed on second reading by City Council on December 19, 2019 and became effective on December 26, 2019. The revised WSO has not been officially codified. This version of the revised WSO is provided for informational purposes only. In case of any discrepancy between this version and the official version of Ordinance 19-99, the Ordinance shall prevail.

CHAPTER 12 UTILITIES  
ARTICLE 4 WATER CODE  
PART 13 WATER SHORTAGE

SECTION:

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**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. 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;
- E. Abnormally high demand, together with drought conditions and/or system constraints, may reduce the water available to Utilities' water supply system to the point of creating a water shortage;
- F. Utilities has proactively developed a drought response plan that is a 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 and measures designed to temporarily limit water use in response to a system constraint or drought-related shortage. The procedures listed in this part 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.

**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.

**HAND WATERING:** The use, expenditure, or application of water supplied to a water customer through a hose or container held by a person where the water is used for any exterior purposes or is otherwise expended outside any dwelling, building or structure.

**HIGH USE SPORTS FIELD:** A playing field where sporting events take place on a regular basis, that is available for use by the public, 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.

**HOSE END SPRINKLER:** A device used to irrigate that is attached to the end of a hose that can be set in place and periodically moved from one location to another.

**IRRIGATE:** To apply or to expend water onto land by sprinkling or other means, 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, vegetables, gardens or turf grass.

**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.

**OBSERVED VIOLATION:** A violation of this part that is observed by a designated Utilities' employee.

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

**POP UP FIXED SPRAY SPRINKLER:** A type of fixed spray sprinkler that pops up from underground and waters a set pattern, usually from 5 to 15 feet in range.

**POP UP ROTARY TYPE SPRAY SPRINKLER:** A type of spray sprinkler that rotates 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.

**POTABLE WATER:** Water suitable or intended for human consumption.

**SHORTAGE:** A condition that exists when the estimated supplies of water available from Utilities' water system are not projected to meet customer demands within an acceptable safety margin. Shortage conditions may be the result of a prolonged drought, unplanned outages of major delivery systems, or other factors affecting water supply.

**SPRAY IRRIGATION:** Irrigation utilizing hose end sprinklers, pop up fixed spray sprinklers, and pop up rotary type spray sprinklers.

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

**SPRINKLER ZONE:** Section of an irrigation system served by a single control valve.

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

**STAGE II SHORTAGE (WARNING):** The second level of water shortage response measures intended to reduce water demand placed upon the water supply system.

**STAGE III SHORTAGE (SEVERE):** The third level of water shortage response measures intended to reduce water demand placed upon the water supply system.

**STAGE IV SHORTAGE (CRITICAL):** The fourth level of water shortage response measures 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:** 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.

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

**WATER SHORTAGE RESPONSE MEASURES:** Measures, such as restrictions on the use of water and short-term water conservation measures, implemented to achieve temporary water savings that should not be confused with ongoing water conservation efforts, which are intended to achieve long-term savings. Water shortage response measures may be severe and affect different customer classes, businesses, and industries to differing degrees.

**12.4.1304: WASTE OF WATER PROHIBITED:**

A. No water customer shall at any time allow, permit or cause the waste of water, which 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.

**12.4.1305: AUTHORIZATION:**

A. Utilities is authorized to enforce this part.

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 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.

2. Emergency Shortage - An emergency shortage exists when emergency conditions such as infrastructure failure, natural disaster, regulatory issue or other factors hinder Utilities' ability to meet customer water demands.

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.

D. During a declared shortage, the City Council shall have the authority to approve the implementation of a water shortage tariff as part of an overall program to increase customer awareness of the shortage severity and the importance of saving water. All water shortage tariffs must be set by City Council pursuant to section 12.1.107 of this Code.

**12.4.1306: STAGE I SHORTAGE (WATCH):**

A Stage I shortage may be declared when the Chief Executive Officer determines 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 awareness efforts aimed to increase understanding of the shortage and reduce water demands while encouraging the community to save water wherever possible. During a Stage I shortage, water customers 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).

**12.4.1307: STAGE II SHORTAGE (WARNING):**

A Stage II shortage may be declared when the Chief Executive Officer determines 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. 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. 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 approve the Chief Executive Officer's determination of the applicable level of outdoor landscape watering by resolution in accord with section 12.4.1305(B).

Level A:

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.

Level B:

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.

2. Outdoor landscape watering shall not exceed: twenty (20) minutes per sprinkler zone or area for pop up fixed spray sprinklers and forty five (45) minutes per zone or area for 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. 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 three (3) times per week per zone or area during Level A; and two (2) times per week per zone or area during Level 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). 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. Motor vehicles, trailers, boats and other types of equipment shall be washed only with a handheld hose equipped with an active positive shutoff nozzle. It is more efficient to wash motor vehicles, trailers, boats and other types of equipment at a commercial car wash which treats and recycles wash water. Each commercial car wash 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 optimal use of water.

D. The use of water in all public and private water features and ponds is prohibited except those using recirculating water.

E. No restaurant, hotel, cafe, cafeteria or other public place where food is sold, served or offered for sale, shall serve drinking water unless expressly requested by a patron.

F. Temporary water service 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.

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.

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(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 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.

**12.4.1308: STAGE III SHORTAGE (SEVERE):**

A Stage III shortage may be declared when the Chief Executive Officer determines 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.

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 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. In addition to the penalties described in section 12.4.1315 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.

D. 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 Fahrenheit (78°F), 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.



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 or allocation 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 optimal use of water.

F. 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 which treats and recycles wash water.

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 commercial car wash which treats and recycles wash water.

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

I. Filling or refilling any pond shall be prohibited.

J. Power washing shall only be used for protection of public health, safety or welfare.

**12.4.1309: STAGE IV SHORTAGE (CRITICAL):**

A Stage IV shortage may be declared when the Chief Executive Officer determines 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 of the month.

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

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 twenty percent (20%).

**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 on December 31 of the year in which it was declared.

**12.4.1311: EXCEPTIONS:**

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

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).

D. 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 12.4.1304 of this part. Applications for establishment permits shall be submitted to Utilities on a form supplied by Utilities and shall meet all permit requirements. Applications may be accompanied by a permit fee of up to a fifty-dollars (\$50.00) upon approval by the Utilities Board. 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. In the event a water customer violates any of the requirements set forth in this section, the establishment permit will be revoked. Establishment permits shall not be allowed during a Stage III or Stage IV shortage.

E. 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: SPECIAL CONTRACT SERVICE:**

All contracts for water service entered into pursuant to section 12.4.304 of this Code shall expressly provide that any use of water provided from Utilities' water supplies pursuant to such a contract is subject to the restrictions set forth in this part.

#### **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 CMCR 241 and chapter 11 of this Code. 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. 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.

B. In the event Utilities determines that an observed violation of this part has occurred on a water customer's premises, the water customer shall 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 12.4.1311(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) 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 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 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.

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 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 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.

D. 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.

E. 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 by sending the notice electronically or by U.S. mail. If sent electronically or by mail, service shall be deemed complete upon sending or 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.

F. Any charge assessed pursuant to this part shall be collectible in the same manner as a water charge under the tariffs of Utilities and if unpaid, water service for the premises may be discontinued in accord with the tariffs of Utilities.

G. 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.

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: DISPUTE RESOLUTION:**

Any water customer's dispute with Utilities concerning this part shall first be addressed through review by Utilities' management. If the review by Utilities' management does not resolve the dispute, the dispute shall be resolved in accord with the dispute resolution process set forth in the tariffs of Utilities. Requests for dispute resolution must be received by Utilities from the water customer within sixty (60) days from the date of the notice of violation or addition of a charge to a water bill, whichever comes last.