

ORDINANCE NO. 088, 2014
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ADOPTING AN UPDATED WATER SUPPLY SHORTAGE RESPONSE PLAN

WHEREAS, the City Council has previously adopted Ordinance No. 048, 2003, which prescribed a four-tier Water Supply Shortage Response Plan and contained restrictions and requirements for conservation of water by persons served by the City's Water Utility, commonly referred to as water restrictions, which ordinance was then updated by the adoption of Ordinance 047, 2013; and

WHEREAS, in light of the continued threat of water shortage conditions in Fort Collins in the future, and the evolving condition of the City's municipal water supply and the information related thereto, and based on the City's experience with implementation of the current Plan in 2013, an updated Water Supply Shortage Response Plan has been developed, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (the "Plan"); and

WHEREAS, elements of the Plan were presented to, and discussed with, the City Council at a work session on January 28, 2014, and input from the City Council received at that time has been incorporated into the Plan; and

WHEREAS, a draft of the Plan was presented to, and discussed with, the Water Board at the Board's March 20, 2014, meeting, and the Water Board recommended adoption of the Plan with some suggested modifications, many of which are reflected in this Ordinance; and

WHEREAS, the Plan includes adjustments to monthly water rates and excess water use surcharge rates, in order to ensure adequate revenue to cover the fixed costs of operating the Water Utility in the event that water restrictions are implemented; and

WHEREAS, it is the desire of the City Council to formally adopt the Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby finds that it is necessary and beneficial for the ratepayers of the City's Water Utility, and in the best interests of the City and its citizens, to adopt the Plan as referenced herein.

Section 2. That the City Council hereby adopts the Fort Collins Water Supply Shortage Response Plan as it is presented in Exhibit "A", and authorizes and directs the City Manager to implement said Plan.

Section 3. That this Ordinance supersedes and replaces Ordinance No. 048, 2003, as amended by Ordinance No. 047, 2013, and such prior ordinances establishing water supply shortage response plans shall be of no further force or effect.

Section 4. That the City Manager is hereby directed to carry out the operations of the City in accordance with the terms of the Plan, as applicable.

Introduced, considered favorably on first reading, and ordered published this 3rd day of June, A.D. 2014, and to be presented for final passage on the 1st day of July, A.D. 2014.

ATTEST:

Wanda Nelson

City Clerk



Karen Weikert
Mayor

Passed and adopted on final reading on the 1st day of July, A.D. 2014.

ATTEST:

Wanda Nelson

City Clerk



Karen Weikert
Mayor

Exhibit "A"

**City of Fort Collins
Water Supply Shortage Response Plan**

The City of Fort Collins Water Supply Shortage Response Plan applies to the use of City treated water and sets out restrictions and requirements intended to achieve progressively higher levels of water savings under various projected water shortage conditions. Ordinance No. 065, 2014, adopting the Water Supply Shortage Response Plan, was passed on second reading by the City Council on May 6, 2014.

A. Definitions.

The following terms shall be defined as set forth herein for the purposes of this Plan.

1. **Dealership vehicle** shall mean any unregistered vehicle on display or awaiting sale by a vehicle dealer or other person holding or selling vehicles in the normal course of business in compliance with any applicable stormwater regulations and City Code § 26-498.
2. **Drip system** shall mean low pressure, low volume irrigation, above or below ground, that delivers water to the root zone of plant material through emitters or porous material at a low pressure. Includes bubbler, drip emitter, in-line tubing, subsurface irrigation or soaker hose.
3. **Essential powerwashing** shall mean cleaning with high pressure, low volume water or steam in an outdoor location or in a manner that discharges flows to the outdoors, in accordance with any applicable stormwater regulations and City Code § 26-498 for health and safety reasons, graffiti abatement, surface preparation for the application of architectural coatings or painting or cleaning of heating, ventilation and air conditioning equipment.
4. **Food production** shall mean the application of water to vegetables, fruits or herbs to be used as a source of food. *Food production* shall not mean landscape or lawn watering, watering of trees, or watering with well or raw water.
5. **Hand watering** shall mean the application of water to plant material while holding a hose in hand; and which has a positive shut-off nozzle. *Hand watering* shall not mean watering with a hose and sprinkler.
6. **Health and safety reasons** shall mean as reasonably necessary to remedy an unsanitary or dangerous condition that poses a health or safety risk or danger to the public or to the occupants of a particular property.
7. **Landscape watering** shall mean the use of treated or potable water obtained from the City to irrigate or water any flowers, shrubs, or other landscape plantings or plants. *Landscape water* shall not mean food production, lawn watering or watering of trees, or watering with well or raw water.
8. **Lawn watering** shall mean the use of treated or potable water obtained from the City to irrigate or water any lawn, grass or turf areas. *Lawn watering* shall not mean food production, landscape watering or watering of trees or watering with well or raw water.

9. **Medical hardship** shall mean an exceptional hardship imposed upon an individual residential customer because of medical reasons by the restrictions set forth in this Plan.
10. **Outdoor swimming pool** shall mean an outdoor structure that is filled with water and used for swimming.
11. **Religious objection** shall mean an objection to the specific application of the requirements of this Plan due to a conflicting religious belief that precludes watering on an assigned day.
12. **Residential shall mean** a single-family or duplex residential property or account.
13. **Splash park** shall mean an interactive water structure in a public space intended for public use and play and managed in accordance with applicable water quality requirements.
14. **Spraying impervious surfaces** shall mean rinsing, washing or spraying with water or steam an impervious interior or exterior surface, including but not limited to surfaces such as garage floors, siding, windows, sidewalks, driveways, or patios, that will discharge flows outdoors, in accordance with any applicable stormwater regulations and City Code § 26-498.
15. **Sprinkler** shall mean an automated or manual system or a piece of equipment added to a hose that is used to spray water into the air so that droplets fall to the ground.
16. **Sprinkler system maintenance** shall mean the operation of a sprinkler system to the extent reasonably necessary for repair or maintenance, as long as a person is on site at all times and testing is limited to verifying proper operation and identifying problems.
17. **Tree** shall mean a woody plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches elevated from the ground.
18. **Vehicle washing at home** shall mean washing a vehicle on a residential premise in compliance with any applicable stormwater regulations and City Code § 26-498.
19. **Water feature** shall mean a device that creates a waterfall or fountain intended only for aesthetic purposes. *Water feature* shall not mean a water feature with a pond or basin that performs a function essential to the support of fish life in that pond or basin, or a water feature in a swimming pool, or a splash park, as defined herein.
20. **Well or raw water** shall mean lawn or landscape watering with privately owned well water or raw water, provided that the user of any such well or raw water for irrigation or watering has posted a public notice of the same in the watering location in a manner visible from the street.

B. Initiation and Implementation.

1. The City Manager shall determine when a declaration of water supply shortage triggering the application of the provisions of this Plan is appropriate in accordance with City Code § 26-167(a), and shall issue a determination and order accordingly. Upon such determination and declaration, the City Manager shall cause to be published in the local newspaper a notice of the restrictions and requirements corresponding to that Water Supply Shortage Response Level, as set forth herein, and the effective date of said restrictions and requirements, which shall be no fewer

than seven (7) days after the date of publication. The City Manager shall inform the City Council promptly of any such determination and declaration.

2. Permits.

a. In the event that the Utilities Executive Director, or his or her delegate, determines that an application for a lawn watering permit filed pursuant to the procedures established for implementation of this Plan meets the applicable eligibility requirements, then he or she shall issue a permit containing such terms and conditions as he or she determines, in his or her reasonable discretion, will allow the minimum watering necessary to carry out the intent of the permit. The Utilities Executive Director may, in determining said permit terms and conditions, consider the impacts of the permitted activity on the City's water supply or water system operations. Any determination of the Utilities Executive Director hereunder shall be issued within five (5) business days of the submission of a complete application, shall be provided in writing to the applicant, and shall include an explanation of the basis for any determination of denial.

b. A written permit determination by the Utilities Executive Director may be appealed to the City Manager, provided that notice of any such appeal shall be filed in writing within five (5) days of issuance of the same and shall include an explanation of the basis for the appeal. The City Manager may conduct such investigations as he or she determines appropriate or necessary to determine whether the decision appealed was arbitrary or capricious or otherwise inconsistent with the terms of this Plan, and shall issue a written explanation of his or her decision on any appeal within ten (10) days of the submission of a sufficient notice of appeal.

c. All permits or required signs must be displayed so that they are visible from street or sidewalk areas.

3. Monthly water rates and Excess Water Use Surcharge as adopted by the City Council and in effect at the time a Water Shortage Response Level has been declared and ordered effective shall be increased by the percentage set forth below for the applicable Water Supply Shortage Response Level for metered usage during the time periods that the related Water Shortage Response Level has been determined to be in effect.

C. Enforcement and Penalties.

1. The use of City treated water in violation of this Plan or in violation of a permit issued hereunder shall constitute a violation of City Code § 26-51, which authorizes the discontinuation of water service in the event of use of water for purposes not authorized.

2. Violation of the terms of this Plan or violation of the terms of a permit issued hereunder shall constitute a civil infraction which, notwithstanding the provisions of City Code § 1-15(f), shall be punishable as follows:

a. Residential Violations

i. A violation on or for a residential property or use shall be punishable by a minimum fine of fifty dollars (\$50) per violation up to a maximum fine of one

thousand dollars (\$1,000) per violation, if the violation occurs during a Response Level 1 or Response Level 2 condition.

ii. A violation on or for a residential property or use shall be punishable by a minimum fine of one hundred dollars (\$100) per violation up to a maximum fine of one thousand dollars (\$1,000) per violation, if the violation occurs during a Response Level 3 or Response Level 4 condition.

b. Non-Residential Violations

i. A violation on or for any property or use other than a residential property or use shall be punishable by a minimum fine of two hundred and fifty dollars (\$250) per violation up to a maximum fine of one thousand dollars (\$1,000) per violation, if the violation occurs during a Response Level 1 or Response Level 2 condition.

ii. A violation on or for any property or use other than a residential property or use shall be punishable by a minimum fine of five hundred dollars (\$500) per violation up to a maximum fine of one thousand dollars (\$1,000) per violation, if the violation occurs during a Response Level 3 or Response Level 4 condition.

c. Each day during which a violation of any provision of this Ordinance or permit issued hereunder occurs or continues shall constitute a separate offense under this Ordinance.

Water Supply Shortage Response Plan Elements

	Response Level 1	Response Level 2	Response Level 3	Response Level 4
Water Supply				
Projected water supply shortage as determined by the City Manager	1-10%	11-20%	21-30%	Greater than 30%
Regulated Water Use Activities	Mandatory			
1. Lawn watering				
a. Non-watering hours	No watering between 10 a.m. to 6 p.m.	No watering between 10 a.m. to 6 p.m.	No watering between 10 a.m. to 6 p.m.	N/A
b. Number of watering days per week (Note: even and odd refers to the last digit of a street address)	Residential (even) – Thurs. & Sun. Residential (odd) – Wed. & Sat. Multi-family & Commercial – Tue. & Fri.	Residential (even) – Sun. Residential (odd) – Sat. Multi-family & Commercial – Fri.	Residential (even) – Sun. Residential (odd) – Sat. Multi-family & Commercial – Fri.	No watering allowed
c. Time limit per day	Unrestricted during watering hours	Unrestricted during watering hours	2 hours during designated watering day	No watering allowed
d. Sprinkler system maintenance	Allowed any time	Allowed any time	Allowed any time	No watering allowed
2. Lawn watering exceptions by permit	All permits must be displayed so they are visible from the street or sidewalk.			
a. Sod and seed for new lawns	Water any time of day and any day of the week for a period not to exceed 3 weeks for sod and 4 weeks for seed	Water any time of day and any day of the week for a period not to exceed 3 weeks for sod and 4 weeks for seed	No exceptions from 5/15 thru 8/15. Water any time of day and any day of the week for a period not to exceed 3 weeks for sod and 4 weeks for seed that is installed from 8/16 thru 5/14	No exceptions
b. Medical hardship	Special watering schedule to accommodate medical hardship. No watering on Monday and between the hours of 10 a.m. and 6 p.m.	Special watering schedule to accommodate medical hardship. No watering on Monday thru Thursday and between the hours of 10 a.m. and 6 p.m.	Special watering schedule to accommodate medical hardship. No watering on Monday thru Thursday and between the hours of 10 a.m. and 6 p.m. Must comply with 2 hr/week restriction	No exceptions
c. Religious objection	Water on two selected days. No watering on Monday and between the hours of 10 a.m. and 6 p.m.	Water on one selected day. No watering Monday thru Thursday and between the hours of 10 a.m. and 6 p.m.	Water on one selected day. No watering Monday thru Thursday and between the hours of 10 a.m. and 6 p.m. Must comply with 2 hr/week restriction	No exceptions

	Response Level 1	Response Level 2	Response Level 3	Response Level 4
d. Turf areas of 4 acres or more (excludes areas defined in 2.e)	Max of 1.00" per week. May select up to 3 watering days. No watering between the hours of 10 a.m. and 6 p.m.	Max of 0.75" per week. May select up to 3 watering days. No watering between the hours of 10 a.m. and 6 p.m.	No exceptions	No exceptions
e. City and school district parks & public athletic/playing fields, golf courses	Max of 1.25" per week. May water any day. No watering between the hours of 10 a.m. and 6 p.m.	Max of 1.00" per week. May water any day. No watering between the hours of 10 a.m. and 6 p.m.	Only for select fields. Max of 0.75" per week. May water any day. No watering between the hours of 10 a.m. and 6 p.m.	No exceptions
f. Well or raw water	Sign required, registration recommended	Sign required, registration recommended	Sign required, registration recommended	Sign required, registration recommended
3. Watering dirt for City Park ball fields and construction sites for dust control	Unrestricted	Unrestricted	Unrestricted	Not allowed
4. Turf installation for new commercial construction	Must apply for new seed/sod permit or request temporary CO	Must apply for new seed/sod permit or request temporary CO	No turf installation from 5/15 thru 8/15. Must apply for new seed/sod permit or request temporary CO	No turf installation. Temporary CO will be allowed
5. Landscape watering	May be watered by sprinkler on any day, other than between 10 a.m. and 6 p.m., and by hand or by drip system at any time	May be watered by sprinkler on any day, other than between 10 a.m. and 6 p.m., and by hand or by drip system at any time	May be watered only by hand, or drip system at any time	Not allowed
6. Trees	May be watered by sprinkler on any day, other than between 10 a.m. and 6 p.m., and by hand, drip system or deep root fork or needle at any time	May be watered by sprinkler on any day, other than between 10 a.m. and 6 p.m., and by hand, drip system or deep root fork or needle at any time	May be watered only by hand, drip system or deep root fork or needle at any time	May be watered only by hand, drip system or deep root fork or needle at any time
7. Food production	May be watered by sprinkler on any day, other than between 10 a.m. and 6 p.m., and by hand or by drip system at any time	May be watered by sprinkler on any day, other than between 10 a.m. and 6 p.m., and by hand or by drip system at any time	May be watered only by hand, or drip system at any time	May be watered only by hand, or drip system at any time
8. Vehicle washing at home	Must use shutoff nozzle	Must use shutoff nozzle	Not allowed from 6/1 thru 8/31. Shutoff nozzle 9/1 thru 5/31	Not allowed
9. City fleet vehicle washing	Once per week or as approved by the City Manager for health or safety reasons	Once per month or as approved by the City Manager for health or safety reasons	Not allowed unless approved by the City Manager for health or safety reasons	Not allowed unless approved by the City Manager for health or safety reasons
10. Dealership vehicle washing	Once per week	Once per week	Upon sale	Upon sale

	Response Level 1	Response Level 2	Response Level 3	Response Level 4
11. Spraying impervious surfaces (siding, garages, sidewalks, driveways, patios)	Not allowed, except for essential powerwashing			
12. Hydrant flushing & testing	Limited to critical situations as approved by the Utilities Executive Director	Limited to critical situations as approved by the Utilities Executive Director	Limited to critical situations as approved by the Utilities Executive Director	Limited to critical situations as approved by the Utilities Executive Director
13. Water feature	Unrestricted	No use allowed	No use allowed	No use allowed
14. Splash park	Unrestricted	Unrestricted	No use allowed	No use allowed
15. Outdoor swimming pool	Unrestricted	Unrestricted	Unrestricted	Unrestricted, if filled before date restrictions were implemented. No filling of empty pools
Enforcement				
1. Residential fines per violation	\$50 to \$1,000	\$50 to \$1,000	\$100 to \$1,000	\$100 to \$1,000
2. Non-residential fines per violation	\$250 to \$1,000	\$250 to \$1,000	\$500 to \$1,000	\$500 to \$1,000
Water Rate Adjustments				
Adjust water rates	No adjustment	15% increase in all current water rates	25% increase in all current water rates	35% increase in all current water rates
Adjust Excess Water Use Surcharge	No adjustment	15% increase in surcharge	15% increase in surcharge	15% increase in surcharge