

## ORDINANCE 378

### AN ORDINANCE AMENDING SECTIONS OF THE MUNICIPAL CODE OF THE TOWN OF BAYFIELD ADOPTING WATER RESTRICTION MEASURES FOR THE TOWN OF BAYFIELD.

**WHEREAS**, The Board of Trustees for the Town of Bayfield recognizes that Bayfield is located in a semi-arid climate and that the benefits to protecting a limited resource are good public policy;

**WHEREAS**, the Board of Trustees desires to reduce demand on the water treatment and distribution system during the irrigation season and achieve financial benefit from lower water treatment supplies, energy costs, and equipment replacement;

**WHEREAS**, less demand on the water treatment system extends the life of the water treatment plant and storage facilities; and

**WHEREAS**, the placement of water restrictions will minimize the Town's need for storage water from Vallecito Reservoir and associated cost.

**BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF BAYFIELD, COLORADO, THAT:**

**Section 1:** The Town of Bayfield Municipal Code is amended by the repeal of Section 15-87, 15-88, and 15-89 and reenactment of a new Chapter 15, Article II, Division 5, Section 15-90, 15-91, 15-92, 15-93, 15-94, 15-95, 15-96 to read as follows:

#### **15.90 Definitions.**

The following terms used in this Division are defined as follows:

*Irrigation season* means the period between May 15 and September 15, inclusive, of each year.

*Owner* means the person or entity who is the owner of the real property receiving utility services, as shown in the public records of the County Assessor; provided, however, that if title is held in representative capacity, or the right to possession, use and control of the property has been judicially vested in another party, such equitable owner(s) shall have the rights and responsibilities afforded and imposed by this Division.

*Program Administrator* means the Town Manager of the Town of Bayfield, or his or her designee.

*Responsible party* means the person or group identified by the owner as such, including property manager or homeowner's association representative.

*Utility bill* means the periodic statement of utility charges issued in accordance with Division 4 of this Article.

*Waste* is defined as applications of potable water which do not result in beneficial use of the water.

#### **15.91 Regulations.**

The following regulations shall apply to the time and date for use of treated water for irrigation, car washing, driveway washing and other similar outdoor use of water during the irrigation season:

A. Permissible irrigation hours shall be from 6:00 PM to 9:00 AM.

B. In order to stagger the demand on the Town's water delivery system during the irrigation season, watering shall be restricted to every other day in accordance with the following procedure:

1. Properties assigned an address with an even number may water during the permissible irrigation hours on days of the calendar ending with an even digit.
2. Properties assigned an address with an odd number may water during the permissible irrigation hours on days of the calendar ending with an odd digit.

#### **15.92 Exemptions.**

A. Use of irrigation water from non-town sources including untreated irrigation systems.

B. Hand watering allowed for small plants, trees and shrubs.

C. Community Gardens.

D. Newly seeded or sodded lawns in accordance with subsection E.

E.. In the event the Program Administrator determines that a hardship/special circumstance exists for any owner, responsible party, or individual or entity in legal possession of a property due to a irrigation requirement which cannot be met under the provisions of this Division, alternative schedules may be approved by the Program Administrator.

1. The owner shall complete and file with the Town an application for such exemption. Such application shall contain the applicant's name, the address of the premises requiring the exemption, the reason and hardship requiring the exemption, the approximate square footage requiring irrigation and a description of the type and form of material requiring irrigation.
2. If, upon review, the Program Administrator determines that granting of the exemption will not significantly impact the water system the Program Administrator may issue an exemption certificate, stating appropriate conditions thereon, specifically including the effective date and the expiration date.
3. An administrative fee for issuance of the permit in an amount established by the Board of Trustees, which may be amended from time to time.

**15.93 Waste prohibited.**

Waste of potable water shall not be permitted.

**15.94 Enforcement.**

A. The owner, responsible party or individual or entity in legal possession of property, including a tenant, shall be responsible for compliance with the provisions of this Division and will be subject to surcharges for noncompliance, as approved by the Board of Trustees, and which may be amended from time to time or for any other penalties imposed herein or as otherwise authorized by the Municipal Code for violations.

B. The Town reserves the ability to take immediate action to administer this Section up to and including termination of water service for violations, with the Program Administrator's approval, and not to be reinstated until the system or use comes into compliance with this Division.

**15.95 Appeals.**

Appeals of such penalties described in section 15.95 may be brought before the Town Manager or such other person designated by the Town Manager to hear such appeals.

**15.96 Other actions authorized.**

Nothing contained herein shall preclude the Town or its officials from imposing additional restrictions on the use of treated water outside houses or other buildings within the town in the event the capacity of the town's water treatment facilities, storage facilities, or rights to water are deemed to be inadequate for any reason. Additional restrictions on the time of use or on the dates of use may be imposed at the discretion of the Town Manager.

Nothing contained herein shall preclude the Town or its officials from issuing citations, or pursuing other legal remedies from any court with jurisdiction, including injunctive relief, requesting the court to issue a restraining order or injunction precluding an offender from further use of the Town's potable water system for outside irrigation, during the balance of the irrigation season.

ADOPTED AND ORDERED PUBLISHED THIS 16<sup>th</sup> DAY OF April, 2013.

MAYOR:

  
Dr. Rick K. Smith

ATTEST:

  
Kathleen S. Cathcart, Town Clerk