

ORDINANCE NO. 2409
INTRODUCED BY: Padilla

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO,
AMENDING SECTION 13-4-180 OF THE BRIGHTON MUNICIPAL CODE RELATING TO
WATER USE, PROHIBITIONS, AND CONSERVATION MEASURES

WHEREAS, water resources are limited and water conservation is necessary to continue assuring that all residents can have sufficient water during peak summer demand; and

WHEREAS, the City Council believes it is necessary for the health, welfare, and safety of the residents of Brighton to limit the use of water during certain times to prevent the waste of water and reduce peak demand to conserve this vital resource; and

WHEREAS, in 2022, City Council passed Resolution #2022-65 authorizing the restriction of water use for irrigation and outdoor water use during the summer of 2022 and finds that it is necessary to make these restrictions permanent by adding them to the municipal code and amending Section 13-4-180; and

WHEREAS, City Council believes residents should be fined differently from larger commercial taps that waste more water when irrigating during the hottest daytime hours and finds it is a health and welfare issue to conserve water to assure there is sufficient treated water during the highest use months for all residents; and

WHEREAS, City Council supports amending Section 13-4-180 to protect the City's water resources and finds that this is necessary for the health and welfare of the residents of the City of Brighton.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AS FOLLOWS:

Section 1. Section 13-4-180 is hereby repealed and replaced in its entirety as follows:

Sec. 13-4-180. Water use restrictions, prohibitions, and conservation measures; violations and penalties.

(a) Definitions.

Irrigation means to irrigate, sprinkle, apply or otherwise deliver water from the City's water utility system to any lawn or other area of land with the City, whether or not such area is covered by vegetation. Watering by means of watering can or a hose held by a person shall be expressly exempt from the restrictions, prohibitions, and conservation measures in this Section.

Sod Installation means the installation or replacement of sod 200 square-feet or greater.

Waste of water means the intentional or unintentional use of water from the City's water utility system for a nonbeneficial use, including, by way of illustration but not limitation, irrigation or outdoor water use resulting in pooling, excessive saturation, runoff or the flowing of water into drainage or storm drainage facilities; failure to repair any hose or irrigation system that is leaking; or the application of water intended for irrigation purposes to an impervious surface such as a driveway, sidewalk or street.

Written notification shall mean a notification through U.S. Mail or electronic mail and shall inform the property owner or other responsible party of the specific violation of the restrictions, prohibitions, and water conservation measures in this Section.

(b) The following restrictions, prohibitions, and conservation measures shall be enforced from May 1st to September 30th each year.

- 1) Irrigation shall be allowed a maximum of three days per week and regulated based on the street address of the property.
 - a) Even street address- irrigation allowed Sunday, Tuesday, and Friday only.
 - b) Odd street address- irrigation allowed Monday, Wednesday, and Saturday only.
 - c) If a property has not been issued a specific address, such as landscape tracts within a subdivision, irrigation shall be allowed Monday, Wednesday, and Saturday only.
- 2) Irrigation is prohibited between the hours of 10 AM and 6 PM.
- 3) Sod installation is prohibited between May 1st to September 30th.
- 4) Waste of water shall be prohibited.

(c) Violations and penalties. A written notice shall be sent to the address observed in violation. Documented photographic evidence of any violation of Section 13-4-180(b) shall constitute *prima facie* evidence that a violation has occurred and shall subject the owner or person occupying the premises to the following penalties.

- 1) First offense: Written notification of noncompliance with this Section.
- 2) Second offense: Written notification of noncompliance with this Section.
- 3) Third offense: Written notification of noncompliance with this Section, which shall include notice of the following fines and contact information for disputing the violation. After three weeks of mailing the third notice of non-compliance, the following fines will be added to the utility bill unless the violation is under dispute. Schedule of Fines: a fine of \$125 dollars for a tap size between $\frac{3}{4}$ and one inch ($\frac{3}{4}$ – 1 inch), or a fine of \$500 for a tap size greater than one inch up to four inches (1+ - 4 inch), or a fine of \$1,500 for a tap size greater than four inches (4+ inch). The fine shall be added to the water utility account associated with the property where the offense occurred. The City Manager's designee shall review any dispute submitted and make a final decision.
- 4) Fourth offense: A Municipal Summons shall be issued with a requirement for a mandatory court appearance for noncompliance with this Section and any person convicted may be subject to any penalty as set forth in Section 1-24-10.

(d) Miscellaneous provisions; applicability; education and outreach. The provisions of this Section shall apply to all real property within the City, whether publicly or privately owned, and all land outside the City that is served by the City's water utility system; provided, however, that

the provisions of this Section shall not apply to the periodic and necessary testing of fire hydrants or fire sprinkler systems. In order to further implement the provisions of this Section, the City Council may adopt or establish, from time to time, other reasonable and necessary procedures, guidelines, programs and/or other provisions regarding the conservation of water resources within the City. In doing so, the City Council may provide for the implementation of community outreach efforts and/or educational programs respecting the same.

Section 2. As provided in City Charter Section 5.9(A), this Ordinance, either as presented or as amended, shall be published in full as it was adopted prior to taking final action. This Ordinance shall be in full force and effect five days after its final publication, as provided in City Charter Section 5.8, except as set forth herein.

INTRODUCED, PASSED ON FIRST READING, AND ORDERED PUBLISHED THIS
21st DAY OF FEBRUARY 2023.

PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED BY
TITLE ONLY THIS 7th DAY OF MARCH 2023.

CITY OF BRIGHTON, COLORADO

GREGORY MILLS, Mayor

ATTEST:

NATALIE HOEL, City Clerk

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APPROVED AS TO FORM:

ALICIA CALDERÓN, City Attorney