

ADMINISTRATION MEMORANDUM

12-18

DATE: June 25, 2012
TO: Honorable Mayor Joyce Downing & City Council Members
FROM: William Simmons, City Manager *WAS*
SUBJECT: Waste of Water Rules and Regulations Review

BACKGROUND

Article 24 of Chapter 16 of the Northglenn Municipal Code prohibits the waste of water. In order to prevent the waste of water Section 16-24-3 authorizes the City Manager to promulgate rules and regulations intended to prevent the waste of water. These rules and regulations apply to all customers of the Northglenn water system.

The rules and regulations promulgated by the City Manager may include regulating outdoor watering as to times of day, days of week or month and months of year. The first set of rules and regulations were established by the City Manager effective July 24, 2003. A resolution, 03-56 was adopted concurrently by the City Council establishing a waste of water penalty fee schedule. Given the current dry conditions and the resultant below normal water supplies, affecting Northglenn, the City is asking all its customers voluntarily reduce outdoor water use by at least 10%.

Pursuant to these efforts an amendment has been added (I.b) to the waste of water regulations providing that watering of lawns or landscaping between the hours of 10:00 a.m. and 6:00 p.m. is a water wasting activity and is prohibited. Additionally, a telephone number and department identification have been updated for citizens seeking a private well exemption.

The waste of water penalty fee schedule adopted on July 24, 2002 remains unchanged.

These amended and restated regulations become effective on June 25, 2012 and notification as required in Section 16-24-5 will begin promptly.

STAFF REFERENCE:

If Council members have any comments or questions, they may contact Bill Simmons at 303.450.8709 or wsimmons@northglenn.org.

City of Northglenn Waste of Water Rules and Regulations

Pursuant to Section 16-24-3 of the Northglenn Municipal Code, the City Manager has the authority to establish the following **Rules and Regulations** governing the waste of water by all customers of the Northglenn water system.

These rules and regulations amend and restate the rules and regulations promulgated on July 24, 2003.

- I. **WASTE OF WATER PROHIBITED.** The following water wasting activities and practices are prohibited:
- a. Violating mandatory watering restrictions as established by the City Manager pursuant to the determination, by City Council, of the stage of a water shortage and desired level of water conservation for the benefit of the community;
 - b. Watering of lawn or landscaping between the hours of 10:00 a.m. and 6:00 p.m.
 - c. Watering landscaping in a single irrigation zone at a rate and/or quantity that allows water to accumulate on the surface of the ground and then runoff into the public right-of-way in a steady stream for an unreasonable period of time;
 - d. Watering in a single irrigation zone so that water falls directly onto impervious surfaces and enters the public right-of-way in a steady stream (does not apply to an incidental amount of water that may come in contact with sidewalks and driveways but does not result in run off to the public right-of-way in a steady stream);
 - e. Washing of cars and other vehicles without an automatic shutoff nozzle and/or with a sufficient quantity of water to cause water to flow to the public right-of-way in a steady stream;
 - f. Power-washing or hosing down of patios, housing, gutters on building, fences, windows, decks or other impervious surfaces so that water flows into the public right-of-way in a steady stream;
 - g. Hosing down or power-washing of sidewalks or driveways except for reasons of health and safety, in which case, runoff entering the public right-of-way must be minimized;
 - h. Exceeding recommended irrigation practices for the installation of new lawns;
 - i. Failing to repair indoor plumbing and outdoor irrigation systems and/or devices, connections or fixtures thereto within two weeks of the discovery of a leak or break in the system, device, connection or fixture;
 - j. Failing to comply with established regulations or the use of water for construction purposes;
 - k. Failing to comply with other water usage practices determined to be necessary to prevent the waste of water as they may be promulgated from time to time.

II. PENALTIES FOR VIOLATION

Penalties for wasting water will be assessed through the City utility bill for the responsible party's billing account. The responsible party is defined as the owner, manager, supervisor or person who

receives the water utility bill, or the person in charge of the property, facility or operation during the period of time when the violation is observed.

Penalties must be paid within the normal payment period allowed by the City utility billing system.

The penalty warning and fee schedule is subject to the approval of City Council. The current schedule is attached herewith.

III. APPEALS

For any observed violation in which a penalty fee is assessed, the customer of record or the registered agent of the owner may, in writing, appeal the imposition of the penalty fee, provided such request for an appeal is postmarked no later than ten (10) days from the date the notice of the assessment of the penalty fee is received. Such appeal, if requested, shall be conducted by an Appeal Board appointed by the City Manager.

IV. PERMITS FOR PRIVATE WELLS

Though voluntary compliance with measures intended to avoid the waste of water is encouraged by those parties utilizing private wells, private well water may be exempt from the enforcement of these provisions upon proof that the residential or commercial property has a permitted private well from the State of Colorado. City of Northglenn posting requirements must be followed for private wells. Posting requirements and an application for a private well exemption can be obtained from the Department of Public Works/Water Resources Division. Previous private well exemption permits must be renewed by calling 303-450-4070.

V. GENERAL PROVISIONS

Modifications. These Rules and Regulations may be amended as necessary by the City Manager to prevent the waste of water.

Notification. The City Manager shall publish, post, issue notice to individuals observed to be engaged in the waste of water, or otherwise make available copies of the Rules and Regulations in a manner determined by the City Manager or his/her designee as most appropriate to prevent the waste of water.

Interpretation. The City Manager may render interpretations of these Rules and Regulations consistent with their content and with the provisions of Chapter 16, Article 24 of the Northglenn Municipal Code.

Approved by:

William A. Simmons, City Manager
Effective June 25, 2012

SPONSORED BY: COUNCIL EN BANC

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-57
Series of 2003

03-56
Series of 2003

A RESOLUTION ADOPTING A WASTE OF WATER PENALTY FEE SCHEDULE PURSUANT TO CHAPTER 16, ARTICLE 24, SECTION 16-24-6, OF THE NORTHGLENN MUNICIPAL CODE.

WHEREAS, the City Council of the City of Northglenn desires to prevent the waste of water resulting from excess watering, inefficient water use or release of excess water into the public right-of-way; and

WHEREAS, the City Council desires to reduce irrigation water usage without compromising landscape quality by re-enforcing improved watering practices; and

WHEREAS, the City Council desires to reduce the waste of water by reason of neglect of indoor plumbing and outdoor irrigation systems and/or devices, connections or fixtures thereto; and

WHEREAS, the City Council desires to maximize the useful benefits of water for Northglenn citizens and reduce the need for future capital investment to purchase and store additional water; and

WHEREAS, it is deemed necessary to implement a penalty fee schedule for purposes of assuring compliance with Article 24 of Chapter 16 of the Northglenn Municipal Code which prohibits the waste of water.

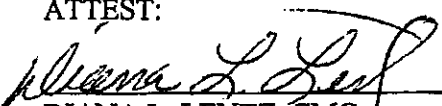
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

The Waste of Water Penalty Fee Schedule attached hereto as Exhibit A shall become effective immediately upon approval of this Council Resolution.

DATED at Northglenn, Colorado, this 24th day of July, 2003.


KATHLEEN M. NOVAK
Mayor

ATTEST:


DIANA L. LENTZ, CMC
City Clerk

APPROVED AS TO FORM:

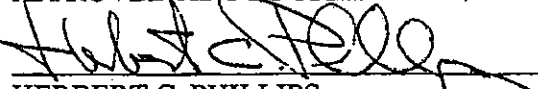

HERBERT C. PHILLIPS
City Attorney

Exhibit A
CR-57

WASTE OF WATER
PENALTY FEE SCHEDULE

I. General

Penalties for violations of Article 24 of Chapter 16 of the Northglenn Municipal Code, prohibiting the waste of water, shall be assessed through the City utility bill for the responsible party's billing account. The responsible party is defined as the owner, manager, supervisor or person who receives the water utility bill, or the person in charge of the property, facility or operation during the period of time when the violation(s) is/are observed.

Penalties must be paid within the normal payment period allowed by the City utility billing system.

The customer of record or the registered agent of the owner (pursuant to 20-2-1 of the Municipal Code) will receive a copy of all penalty notices.

II. Penalty Fee Schedule

First observed violation shall result in a warning notice. No penalty is assessed for the first violation. A five day grace period is granted to allow the responsible party, who may or may not be the customer, to come into compliance before a second violation is issued.

NOTE: The warning notice remains in effect for a period of one (1) year from the date of issuance.

Second observed violation shall result in a \$100.00 penalty for residential accounts and a \$500.00 penalty for commercial accounts. No grace period is granted and subsequent violations may be observed and recorded on a daily basis.

Third observed violation shall result in a \$500.00 penalty for residential accounts and a \$999.00 penalty for commercial accounts. No grace period is granted and subsequent violations may be observed and recorded on a daily basis.

Fourth and subsequent observed violations shall result in a \$999.00 penalty for each violation for residential and commercial accounts. No grace period is granted and subsequent violations may be observed and recorded on a daily basis.

III. Effective Date

This fee schedule is effective as of July 24, 2003 pursuant to City Council approval by Resolution No. 03-56.