

## ORDINANCE NO. 1111

### AN ORDINANCE AMENDING THE EXISTING CHAPTER 18, "WATER SYSTEM" CODE OF THE CITY OF FORT MORGAN, (2010)

WHEREAS, this Ordinance is intended to amend Chapter 18 of the *Code of the City of Fort Morgan, (2010)*.

**THEREFORE, BE IT ORDAINED BY THE COUNCIL OF FORT MORGAN,**

**Section 1.** Chapter 18, "Water System" is reorganized as follows:

#### CHAPTER 18 WATER SYSTEM

##### Article I General

- Sec. 18-1-10. Water Works and Distribution Enterprise**
- Sec. 18-1-20. Water Works established and owned by City**
- Sec. 18-1-30. Water Purchase**
- Sec. 18-1-40. Right of entry**
- Sec. 18-1-50. Rules and regulations; part of contracts**
- Sec. 18-1-60. Administrative remedies**
- Sec. 18-1-70. General penalty for continuing violations**

##### Article II *Taps, Development and Regulations*

###### *Division 1* **Taps and Water Supply**

- Sec. 18-2-10. Application for water generally**
- Sec. 18-2-20. Statement of use intended**
- Sec. 18-2-30. Tapping water mains, construction and excavation**
- Sec. 18-2-40. Taps; Joining and Subdividing Lots**
- Sec. 18-2-50. Additional taps**
- Sec. 18-2-60. Turning on water**
- Sec. 18-2-70. Shutting off water**
- Sec. 18-2-80. Use of water by consumer only**
- Sec. 18-2-90. Water line responsibilities**
- Sec. 18-2-100. Reserved.**

***Division 2***  
***Annexation and Development***

- Sec. 18-2-200. General**
- Sec. 18-2-210. Annexation and Domestic Water Wells**
- Sec. 18-2-220. Water Right Transfer and Equivalent Home Requirements (EHR)**
- Sec. 18-2-230. System Development Fee.**
- Sec. 18-2-240. Cessation of Operations; Abandonment.**
- Sec. 18-2-250. Remodels; expansions**
- Sec. 18-2-260. Non-potable Water**

***Division 3***  
***Regulations and Restrictions on Water Usage***

- Sec. 18-2-300. Proper use of fixtures, liability**
- Sec. 18-2-310. Damage of water works equipment**
- Sec. 18-2-320. Use of water hose**
- Sec. 18-2-330. Protection of pipes**
- Sec. 18-2-340. Use of fire hydrants**
- Sec. 18-2-350. Wrenches for opening hydrants**
- Sec. 18-2-360. Sprinkling during time of fire**
- Sec. 18-2-370. Waste or leakage**
- Sec. 18-2-380. Restrictions on outside use of water**

**Article III**  
**Rates**

- Sec. 18-3-10. Charges established**
- Sec. 18-3-20. Building purposes**
- Sec. 18-3-30. Metered users**
- Sec. 18-3-40. Meters set by City or user**
- Sec. 18-3-50. Reserved**
- Sec. 18-3-60. No reduction for frozen pipe**
- Sec. 18-3-70. Reduction of rates for disconnected pipe**
- Sec. 18-3-80. Penalty for failure to pay**
- Sec. 18-3-90. Owner's liability**
- Sec. 18-3-100. Lien on property**
- Sec. 18-3-110. Collection**
- Sec. 18-3-120. Refunds**
- Sec. 18-3-130. Controlling water user responsible**
- Sec. 18-3-140. Tariff or rates generally**
- Sec. 18-3-150. Certain rates fixed by City Council**

**Article IV**

## **Water Systems Cross-Connection and Backflow Control**

### **Sec. 18-4-10. Adoption of code**

### **Sec. 18-4-20. Violations and penalties**

**Section 2.** Chapter 18, "Water System" is hereby amended to be restated and read as follows:

## **ARTICLE I**

### **Administration**

#### **Sec. 18-1-10. Water Works and Distribution Enterprise.**

(a) The Council of the City shall serve as the Board of the Water Works and Distribution Enterprise, and the officers of the Council and of the City shall serve as officers of the Board and the Enterprise.

(b) The Enterprise shall have, and in connection with the undertaking and completion of any Water Works' project may exercise, the following powers: to hold meetings concurrently with regular or special meetings of the Council, to adopt ordinances in the manner in which City ordinances may be adopted, to issue revenue bonds in the manner in which City revenue bonds may be issued without voter approval in advance, to pledge any revenues of the Water Works and Distribution System to the payment of such revenue bonds and to pay such revenue bonds therefrom, to enter into contracts relating to the System in the manner in which City contracts may be entered into, to make representations, warranties and covenants on behalf of the City relating to the System and to bind the City to perform any obligation relating to the System other than any multiple-fiscal year direct or indirect debt or other financial obligation whatsoever without adequate present cash reserves pledged irrevocably and held for payments in all future years.

(c) Any inconsistency between the ordinance codified herein and the statutes of the State is intended by the Council. The ordinance codified herein is enacted pursuant to Art. XX, Sec. 6 of the Colorado Constitution and, to the extent of any such inconsistency, the ordinance codified herein shall supersede such statutes.

(d) All action not inconsistent with the provisions of the ordinance codified herein heretofore taken by the City or its officers and otherwise directed toward the authorization of the Enterprise to have and in connection therewith to exercise certain powers is hereby ratified, approved and confirmed.

(e) All ordinances, resolutions, bylaws, orders and other instruments, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw, order or other instrument, or part thereof, heretofore repealed. (Ord. 788)

**Sec. 18-1-20.****Water Works established and owned by City.**

(a) A system of water works for fire and domestic purposes shall be erected and constructed by the City Council of such capacity, extent and magnitude as the City Council may deem necessary for the needs of the inhabitants of the City, such system to be owned, managed and operated by the City.

(b) In keeping with its obligation under law to provide for the residents of the City and users of municipal water a safe, reliable, adequate supply of potable water, the City has invested substantial public assets in water rights, a pipeline system and treatment facilities to provide users with water of superior quality.

**Sec. 18-1-30.****Water Purchase**

The City of Fort Morgan Water Works and Distribution Enterprise has the necessary water to provide services to our existing water users, and any future water purchases by the City shall be purchased through the Water Works and Distribution Enterprise. Water shall be purchased from time to time from that supply administered by Northern Colorado Water Conservancy District (NCWCD), or an alternate source as approved by City Council, in order to ensure sufficient water is available to meet the needs of our existing customers and provide for future growth.

**Sec. 18-1-40.****Right of entry.**

Every person taking water through the water system of the City shall permit the City Manager or his or her duly authorized agent, at all reasonable hours of the day, to enter his or her premises or buildings to observe the pipes and fixtures and the manner in which the water is used, and must at all times, frankly and without concealment, answer all questions relative to its consumption. (1949 Comp., §13.0310; Ord. 1058, §2)

**Sec. 18-1-50.****Rules and regulations; part of contracts.**

The rules, regulations and water rates set out in this Article shall be taken and held to be a part of the contract with every person who is supplied with water through the waterworks of the City, and every such person by taking water shall be considered and held to consent to be bound thereby. (1949 Comp., §13.0301)

**Sec. 18-1-60.****Administrative remedies.**

When any of the provisions of this Chapter or any other ordinance, or any rules, regulations and rates adopted pursuant thereto pertaining to the use and consumption of water are violated, in addition to any other fines and penalties provided in such case, the City Manager shall have authority to discontinue service. Once service is so discontinued, it shall not be resumed except by order of the City Manager, after payment of the actual expenses or costs for such discontinuance and resumption of service, and upon compliance with such terms and conditions as shall be necessary to

assure that there will be no further cause for complaint against the offending consumer. (Ord. 613, §4; Ord. 1058, §2)

**Sec. 18-1-70. General penalty for continuing violations.**

(a) Whenever in this Chapter any act is prohibited or declared to be unlawful or an offense or misdemeanor or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or misdemeanor, where no specific penalty is provided therefor, any person who shall be convicted of the violation of any provision or section of this Chapter shall be punished as provided in Article IV, Chapter 1.

(b) Every day any violation of this Chapter shall occur or shall continue shall constitute a separate offense. (Ord. 613, §8)

## **ARTICLE II**

### **Taps, Development and Regulations**

#### *Division 1* **Taps and Water Supply**

**Sec. 18-2-10. Application for water generally.**

Every person desiring a supply of water must make application therefor to the City Manager, upon forms to be furnished by him or her for that purpose. (1949 Comp., §13.0302; Ord. 1058, §2)

**Sec. 18-2-20. Statement of use intended.**

The application for water must state fully and truly all the uses to which the water is to be applied, and no different or additional use will be allowed except by the City Manager, given in writing. (1949 Comp., §13.0302; Ord. 1058, §2)

**Sec. 18-2-30. Tapping water mains, construction and excavation.**

The tapping of water mains for the purpose of attaching supply pipes thereto for potable water services, and the laying of such supply pipes, digging the trenches therefor from the main to the property line / right-of-way line and placing meter pits therein, whenever the same shall be required, shall be done only by persons employed by the City engaged for that purpose. No contract shall be made with or permission given to any person or company to tap the water mains or lay the supply pipes, or to run or operate the waterworks otherwise than as provided in this Article. Except in special circumstances as determined by the City Manager, all taps shall be made between 8:00 a.m. and 4:00 p.m. of the day, and pipes must in all cases be tapped at or near the top

and not in any case nearer than fifteen (15) inches of either end of the pipe. (1949 Comp., §§13.0108, 13.0328)

## Sec. 18-2-40. Taps; Joining and Subdividing Lots.

(a) Only one (1) service line and tap shall be permitted per lot, unless a property owner, developer, and/or builder obtains a special permit from the City Manager. All permits for an additional service line or tap shall be in writing.

(b) Should a property owner, developer, and/or builder join or subdivide a lot, he or she shall consolidate or purchase additional taps in order to comply with subdivision (a). Nothing herein shall be read to exclude multiple meters should a property owner, developer, and/or builder desire to install a meter for each building unit located on the individual lot.

## Sec. 18-2-50. Additional taps.

After water is introduced into any building or upon any premises, it shall be unlawful for any person to make, or employ any plumber or other person to make, any additional tap to the water works unless he or she obtains special permit from the City Manager as required under Section 18-2-40.

## Sec. 18-2-60. Turning on water.

Water shall not be turned into any house or private service pipe, except upon the order of the City Manager, nor until the applicant shall have paid the water rent due for the current term as set out in Sec. 18-3-140 and plumbers are strictly prohibited from turning the water into any service pipe, except on the order or permission of the City Manager. This rule shall not be construed to prevent any plumber admitting water to test pipes and for that purpose only. This exception shall not be construed to permit any plumber access to meter pits or hydrants to assist in the testing of the pipes. (1949 Comp., §13.0304; Ord. 1058, §2)

## Sec. 18-2-70. Shutting off water.

When water has been turned off by the City, the consumer shall not turn it on nor permit it to be turned on without the consent of the City Manager. (1949 Comp., §13.0309; Ord. 1058, §2)

## **Sec. 18-2-80. Use of water by consumer only.**

No consumer shall supply water to other families nor suffer others to take water from his or her premises. (1949 Comp., §13.0305)

**Sec. 18-2-90.****Water line responsibilities.**

(a) Municipal water users are responsible for any problems to their water line, including frozen pipes, from the meter to the house or building served by any given tap. The City will be responsible for the water line from the main to the meter and including the meter.

(b) Any time a water line is frozen or requires a form of maintenance and City staff is called out to thaw or maintain the section for which the City is responsible, the first request for service shall be done at no cost to the customer for any given six-month period. Thereafter, the City Manager shall assess a reasonable charge for the cost of thawing, defrosting and otherwise maintaining the portion of water line for which the City is responsible. (Ord. 1052; Ord. 1058, §2)

**Sec. 18-2-100.****Reserved.**

***Division 2***  
***Annexation and Development***

**Sec. 18-2-200.****General**

(a) Definitions. All terms identified in this Chapter shall have the same meaning as those set forth in Chapter 20, Land Use Code.

(b) As used in this section, one (1) equivalent home requirement (EHR) shall be the equivalent to 144,000 gallons of water annually.

(c) All water transfers made pursuant to this Chapter shall be irrevocable.

**Sec. 18-2-210.****Annexation and Domestic Water Wells**

(a) On annexed parcels where a domestic water well is in service prior to annexation, the property owner shall be allowed to continue to use the domestic well only for outside irrigation purposes following the annexation. Property owners shall not sell or distribute irrigation water to any property other than his or her own.

(b) If the domestic well used for outside irrigation should become inoperable following the annexation and the well would require to be re-drilled to become operable again, then the City shall require the property owner to be supplied water for all demands by the City. No domestic water well shall be drilled after annexation unless authorized by Ordinance passed by City Council.

(c) At the time of annexation, property owners shall transfer all other water rights associated with the property to be annexed. Notwithstanding the foregoing, property owners, who are annexing property where the water rights were severed prior to the

annexation petition, shall transfer to the City water rights from a source approved by City Council in an amount equivalent to the duty of water associated with the property to be annexed. This transfer shall not be credited toward any future development of the property. The property owner shall also purchase water from a source that can be integrated into the City's potable water system sufficient to meet the needs of the property development or the current use of the property.

(d) All potable water shall be supplied by the City following annexation.

**Sec. 18-2-220. Water Right Transfer and EHR**

(a) EHR by use.

(1) Single family or two-family residences. All Single family or two-family residences shall require one (1) EHR.

(2) Multi-Family Residences. All multi-family residences shall require one (1) EHR for the first unit; one-half (0.5) EHR shall be required for each additional housing unit. If the total number of units required is a partial unit, then the total is rounded-up to the nearest whole unit.

(3) EHR Schedule. For all other uses, the EHR requirements shall be in accordance with the EHR Schedule as set by the City Manager.

(4) Commercial, Industrial and Dual Water System Users. All commercial, industrial or dual water system users not identified, or those uses that are not adequately addressed, in the EHR Schedule, the initial EHR estimate shall be made by the City Manager.

(b) Development of a single family or two-family residence or Multi-family units.

(1) For the development of a single lot and up to fifty lots, the property owner, developer, and/or builder may either purchase the required water on the open market and to transfer the rights to that water to the City or have the City acquire the water on his or her behalf. Should the property owner, developer, and/or builder choose to have the City acquire water on his or her behalf, the property owner, developer, and/or builder shall be charged the purchase price plus a service fee as established from time to time by City Council.

(2) For the development of more than fifty lots, the property owner, developer, and/or builder shall purchase the required water and transfer the rights to the City.

(3) Property owners, developers, and/or builders shall pay the tap fees, as established from time to time by the City Council, and pay for all costs incurred by the City for the labor and materials required to install all service lines from the water main to

the meter pit and to install water meters, meter pits and other appurtenances as necessary.

(4) Should any development require the extension of a water main or service line, the cost of such extension, including any easement acquisition, shall be paid by the developer. Notwithstanding this requirement, the following provisions shall apply to any developer furnished extension:

- a. The construction shall conform to standards established by the City Manager;
- b. In the event that the City determines the need for a pipeline larger than that which is needed to service the new development, the City shall pay the difference in cost of upsizing the new pipeline and its fittings;
- c. Any developer who installs a pipeline at his or her expense, which can be utilized by others at a later time, will be eligible for a reimbursement by future developers. The reimbursement amount shall be calculated by the City Manager based on a percentage of their respective use. Any eligibility for reimbursement under this subsection shall expire ten (10) years from the date of installation of the qualifying pipeline.

(c) Commercial and Industrial Businesses.

(1) For all commercial businesses, where the EHR estimate is greater than fifty units, the property owner, developer, and/or builder shall purchase the required water and transfer the rights to the City. In all other instances, the property owner, developer, and/or builder may either purchase the required water and to transfer the rights to that water to the City or have the City acquire the water on his or her behalf. Should the property owner, developer, and/or builder choose to have the City acquire the required water on his or her behalf, the property owner, developer, and/or builder shall be charged the current market price and a per transaction fee as adopted from time to time by City Council.

(2) The City shall monitor all commercial user's usage and if it is determined that the initial or current number of EHR units are insufficient to supply the volume of water actually used, the City will notify the user by certified mail of the actual number of additional EHR units water that the user will be required to be purchased and/or transferred to the City. The user shall make arrangements for the purchase and transfer of any such additional EHR units within forty-five (45) days of receipt of the notification by the City. Failure to obtain the necessary EHR units within the specified time frame shall be cause for termination of water service by the City Water Works.

(3) After a commercial or industrial user's first year of water usage is established, any increase or decrease in EHR will be rounded up to the nearest one-half (½) or

whole EHR unit, and in no case will the final equivalency be less than one-half (1/2) unit of water.

(4) If there is a reduction in EHR from the City Manager's initial estimate, the purchaser may request a refund. However, there will be no refund granted under the following circumstances:

- a. If the decrease in EHR is less than one EHR;
- b. The EHR is set by EHR Schedule; or
- c. The decrease occurs in any year after the first full year of operation.

(5) Property owners, developers, and/or builders shall pay the regular tap fee, as established from time to time by the City Council, and pay for all costs incurred by the City for labor and materials required to install a service line from the water main to the meter pit and to install a water meter, meter pit and other appurtenances as necessary.

(6) Should any development require the extension of a water main or service line, the cost of such extension, including any easement acquisition, shall be paid for by the developer. Notwithstanding this requirement, the following provisions shall apply to any developer furnished extension:

- a. The construction shall conform to standards established by the City Manager;
- b. In the event that the City determines the need for a pipeline larger than that which is needed to service the new development, the City shall pay the difference in cost in upsizing the new pipeline and its fittings;
- c. Any developer who installs a pipeline at his or her expense, which can be utilized by others at a later time, will be eligible for a reimbursement by future developers. The reimbursement amount shall be calculated by the City Manager based on a percentage of their respective use. Any eligibility for reimbursement under this subsection shall expire ten (10) years from the date of installation of the qualifying pipeline.

#### **Sec. 18-2-230. System Development Fee.**

Notwithstanding anything in this Chapter to the contrary, any water consumer who elects or is required to obtain a two (2) inch meter tap or greater, whether due to new construction or upsizing, shall be assessed a system development fee as determined by the City Manager.

#### **Sec. 18-2-240. Cessation of Operations; Abandonment.**

(a) No refund shall be given if, after transferring water to the City, the operation of a multi-family housing project, commercial business, or an industrial use is terminated. In

the event that a use is terminated, no EHR units attributable to the property shall be transferable from property to property or assignable by or between persons, firms or corporations.

(b) All users, who voluntarily or involuntarily discontinue water services, shall be subject to a monthly service charge. Payment of such monthly service charge is required to retain the right to the water attributed to a specific property. All users who discontinue use and payment of the monthly service charge for a period of twenty (24) months, shall be required to purchase a new tap and the required EHR attributable to the use of the property upon reestablishing water services. Should the user be in arrears for a period of time less than twenty (24) months, the user may pay the amount in arrears, plus any interest and associated fees, and reestablish water service to the subject property without having to purchase a new tap.

## **Sec. 18-2-250. Remodels; expansions.**

All Multi-family developments and commercial and industrial users seeking to expand or remodel the improvements on the subject property shall notify the City Manager of any potential changes to the water usage prior to any remodel or expansion. If building permits are sought and the City Building Department determines that additional water may be necessary, no permit shall be issued until the City Manager has made a reassessment of the user's water requirements.

Dual water systems providing non-potable water for landscape purposes may be permitted upon written application to the City Council and upon a determination that permitting the dual system is in the best interest of the City.

## ***Division 3***

### ***Regulations and Restrictions on Water Usage***

## **Sec. 18-2-300. Proper use of fixtures, liability.**

All persons using water shall keep all taps, hose, hose bibs, water closets, urinals, bath or other fixtures allotted to their use closed, except when obtaining water for use, and shall be responsible for any damage or injury that may result to others from the improper use of the water. (1949 Comp., §13.0307)

**Sec. 18-2-310.      Damage of Water Works equipment.**

No person shall willfully or carelessly break, injure, deface, interfere with or disturb any building, machinery, apparatus, fixture, attachment or appurtenances to the water works of the City or any hydrant, hose or stopcock, meter, water supply or service pipe or any part thereof. Nor shall any person deposit anything in any stopcock box or

commit any act tending to obstruct or impair the intended use of any of the above-mentioned property without permission of the City Manager or except in cases otherwise regulated by ordinance. (1949 Comp., §13.0333; Ord. 1058, §2)

**Sec. 18-2-320.**

## **Use of water hose.**

It shall be unlawful to use or permit a water hose or irrigation system to be used without a nozzle or choke, and the nozzle or choke shall not exceed three-sixteenths (3/16) inch in diameter at its place of discharge; and all hose and system apparatus used shall be kept in good repair and free from leaks. (Ord. 613, §1)

**Sec. 18-2-330.**

## Protection of pipes.

Water consumers shall keep their own service pipes and attachments in good order to prevent freezing. (1949 Comp., §13.0332)

**Sec. 18-2-340.**

## **Use of fire hydrants.**

All hydrants erected in the City, whether located on public or private property, for the purpose of extinguishing fire are hereby declared to be public hydrants and no persons, other than members of the Fire Department or person especially authorized by the City Council or City Manager, and then only in the exercise of the authority delegated by the City Council or City Manager, shall open any of the hydrants or attempt to draw water from the same or at any time uncover or remove any portion from any of the hydrants or in any manner interfere with them. (1949 Comp., §13.0334; Ord. 1058, §2)

**Sec. 18-2-350.**

## **Wrenches for opening hydrants.**

No person authorized to open hydrants shall delegate his or her authority to another or let out or suffer any person to take the wrenches furnished him or her, or suffer the same to be taken from any house in the City, except for purposes strictly connected with the Fire Department or to accompany hose carts on occasions of fire. (1949 Comp., §13.0335)

**Sec. 18-2-360.**

## **Sprinkling during time of fire.**

It shall be unlawful for any person to sprinkle or use water outside the house during the time of fire or during the time fire pressure is maintained in the water system. (Ord. 613, §2)

**Sec. 18-2-370.**

### Waste or leakage.

It shall be unlawful for any person to commit or permit waste, leakage or unnecessary profusion in the use of water, and whosoever shall be convicted thereof shall be subject to the penalties prescribed in Section 18-1-70. In addition, the City Manager shall, in

accordance with Section 18-1-60 have the authority to discontinue service in the event of a violation hereof. (Ord. 613, §3; Ord. 1058, §2)

**Sec. 18-2-380.**

**Restrictions on outside use of water.**

(a) It shall be unlawful and an offense for any person to allow municipally supplied water for outside sprinkling or irrigation or other outside usages to be run or used at hours and days other than permitted by the provisions of this Chapter as then in effect as provided by Resolution of City Council.

(b) Any person who violates the restrictions imposed by this Section shall be punished by a fine of not less than fifty dollars (\$50.00), but not more than one thousand dollars (\$1,000.00) for each offense. Fines shall be progressive for repeat offenders with a prior conviction or convictions after September 1, 2002.

(c) By Resolution or Resolutions passed from time to time, City Council may declare a Response to the then-existing conditions concerning future water supplies and implement one (1) of the following Staged Responses.

**Stage 0.** No restrictions on outside watering, whether by hose or some other form of automated sprinkler system.

**Stage 1.** Outside watering, whether by hose or some form of automated sprinkler system, is limited to three (3) days per week in accordance with the following schedule:

All premises, residential, commercial and public buildings, bearing even-numbered street addresses, shall water only on Tuesday, Thursday and Saturday;

All premises, residential, commercial and public buildings, bearing odd-numbered street addresses, shall water only on Wednesday, Friday and Sunday;

No outdoor watering shall be allowed on Monday;

Properties without specific addresses may water only on Wednesday, Friday and Sunday.

From June 1 to August 31 of the calendar year, customers may water only before 9:00 a.m. and after 6:00 p.m. in accordance with the foregoing schedule; before June 1 and after August 31, customers may water at any time during their designated watering days.

**Stage 2.** Outside watering, whether by hose or some form of automated sprinkler system, shall be limited to three (3) days per week in accordance with the following schedule:

All premises, residential, commercial and public buildings, bearing even-numbered street addresses, shall water only on Tuesday, Thursday and Saturday;

All premises, residential, commercial and public buildings, bearing odd-numbered street addresses shall water only on Wednesday, Friday and Sunday;

No outdoor watering shall be allowed on Monday;

Properties without specific addresses may water only on Wednesday, Friday and Sunday.

Total watering time for each address shall be limited to three (3) hours each watering day and must occur before 9:00 a.m. or after 6:00 p.m. (from June 1 to August 31) on the designated watering days. Drip irrigation systems, bubblers or soaker hoses may be used for up to two (2) additional hours for each address on the same day and hours designated for hand or sprinkler outdoor watering.

**Stage 3.** Outside watering, whether by hose or some form of automated sprinkler system, shall be limited to three (3) days per week in accordance with the following schedule:

All premises, residential, commercial and public buildings, bearing even-numbered street addresses, shall water only on Tuesday, Thursday and Saturday;

All premises, residential, commercial and public buildings, bearing odd-numbered street addresses, shall water only on Wednesday, Friday and Sunday;

No outdoor watering shall be allowed on Monday;

Properties without specific addresses may water only on Wednesday, Friday and Sunday.

Total watering time for each address shall be limited to two (2) hours each watering day and must occur before 9:00 a.m. or after 6:00 p.m. (from June 1 to August 31) on the designated watering days. Drip irrigation systems, bubblers or soaker hoses may be used for up to one (1) additional hour for each address on the same day and hours designated for hand or sprinkler outdoor watering.

Other restrictions: Personal vehicles may be washed only on the watering day designated for the address of the registered owner. Vehicle fleets and vehicles in auto dealerships may not be washed more than once each week. The washing of sidewalks, driveways, patios or similar hardscapes with water is prohibited, unless required by public health regulations. Restaurants may only serve water upon request. Failure to shut off or repair a leaking irrigation system within one (1) hour shall result in a violation.

**Stage 4.** No outside watering of lawns or turf. No outdoor fountains or residential pools may be filled. Trees, shrubs, perennials and vegetable gardens may be watered by hand or through a drip irrigation system only three (3) days per week in accordance with the Stage 3 Schedule and time restrictions. *Hand watering* means holding a hose in hand or doing watering with a watering can; it does not allow any form of sprinkling. Other restrictions shall be the same as Stage 3.

**Stage 5.** No outside use of water for any purpose.

(d) A nonrenewable special exemption permit to use municipally supplied water to sprinkle newly seeded or newly sodded grass lawns each day before 9:00 a.m. or after 6:00 p.m. for twenty (20) consecutive days may be issued by the City Manager or his or her designee. For such permit a fee in the amount of twenty-five dollars (\$25.00) shall be charged to reimburse the City for its expenses in issuing such permit.

(e) Publicly or privately owned buildings and grounds, swimming pools, parks, golf courses and cemeteries or other large sites shall be exempt from the watering restrictions imposed under Stages 1, 2, 3 and 4 of Subparagraph (c) hereof, regardless of the source of water supplied by the City, provided that appropriate watering restrictions are adopted for such properties by the owners thereof. Such restrictions may be more or less restrictive than those in effect under Subparagraph (c) hereof and shall be approved by the City Manager.

(f) Warnings to persons found to be in violation of this Section may be issued by a law enforcement officer, a code enforcement officer or other persons employed by the City. At least one (1) warning shall be issued to a specific property address before a Summons is issued. A Summons or a Summons and Complaint shall only be issued by a law enforcement officer or a code enforcement officer of the Fort Morgan Police Department.

(g) If there are continuing violations of any of the provisions of this Section, in addition to the fines provided for in such cases, the City Manager may order that a flow restrictor be installed on the water supply line to the property or that water service to the property be discontinued as provided in Section 18-2-180. Once service is restricted or discontinued, it shall not be fully restored except by order of the City Manager, after payment of the actual expenses or costs for such restriction or discontinuance and resumption of service, and upon compliance with such terms and conditions as shall be necessary to assure that there will be no further cause for complaint against the offending consumer. (Ord. 956, §1; Ord. 981, §1; Ord. 1058, §2)

## **ARTICLE III**

### **Rates**

**Sec. 18-3-10. Charges established.**

All water rates and charges shall be payable as from time to time established by resolution of the City Council and shall be payable, billed and collected in such manner and upon such terms as in such resolution shall be provided. (1949 Comp. §13.0303; Ord. 464 §3; Ord. 869 §3)

**Sec. 18-3-20. Building purposes.**

Water rates and charges for building purposes shall be payable on demand. (1949 Comp. §13.0303)

**Sec. 18-3-30. Metered users.**

All water distributed through the Water Works and Distribution Enterprise shall be metered. The amount of water used, as measured by a meter, shall determine the amount payable monthly and all bills must be paid monthly. (1949 Comp. §13.0303)

**Sec. 18-3-40. Meters set by City or user.**

(a) The City reserves the right to set meters at the expense of the user, meter any water delivery to such user and charge for service at the applicable meter rate whenever any user shall have been adjudged in the Municipal Court guilty of waste or leakage under the provisions of Section 18-2-370, or guilty of unlawful sprinkling under the provisions of Section 18-2-90 and Section 18-2-380, whenever the City Manager, independently of a court adjudication, has established waste, leakage or sprinkling or other use contrary to the provisions of this Code.

(b) Any water consumer shall have the right to take water through a meter upon furnishing an approved meter paid for by the user and paying the cost of setting the same. (Ord. 613, §9; Ord. 1058, §2)

**Sec. 18-3-50. Reserved.**

**Sec. 18-3-60. No reduction for frozen pipe.**

No reduction in rates or charges for water shall be made for the time any service pipe may be frozen or out of use from any cause. (1949 Comp. §13.0332)

**Sec. 18-3-70. Reduction of rates for disconnected pipe.**

If any part of the service pipe or fixture is not wanted for use, the consumer shall notify the City Manager at once and have the same disconnected and shall pay the

expense of so doing, and a proper reduction in rates shall be made from that date. (1949 Comp. §13.0332; Ord. 1058, §2)

**Sec. 18-3-80.**

## **Penalty for failure to pay.**

Ten percent (10%) of the amount due on the water rates and charges shall be added if the rates and charges are not paid within five (5) days after the same became due. All officers of the City are expressly prohibited from allowing credit to anyone. (1949 Comp. §13.0303; Ord. 464 §5; Ord. 896)

**Sec. 18-3-90.**

## **Owner's liability.**

The owner of every building, lot, house or other premises shall be liable for payment of all water rates, charges and penalties for all water delivered to or taken and used upon his or her premises; provided, however, that in case any tenant in possession of the premises shall pay the water rates, charges and the penalties, the owner shall not be required to pay the same, but the City shall not be required to demand of or seek payment from any other persons whomsoever except the owner of the premises for the payment of the water rates and charges. (1949 Comp. §13.0303)

**Sec. 18-3-100.**

## **Lien on property.**

All rates for the use of water, and all other charges in connection therewith, shall be a charge and lien upon the real estate to which the water was delivered, from the date the same became due until paid. (1949 Comp. §13.0303)

**Sec. 18-3-110.**

## Collection.

Water rates and charges levied pursuant to the provisions of this Article shall be charged against the property owner, or with the consent of the property owner, any tenant in possession of the premises. In addition to the right of disconnection and discontinuance of such water service, upon the failure or refusal of any owner or tenant of the property to pay when due the water rates, charges or penalties levied pursuant to this Article, the City Clerk may, after ten (10) days' written notice to the owner of the property, certify such unpaid charges to the County Treasurer, to be placed by him or her on the tax list for the current year, to be collected in the same manner as other taxes are collected, with ten percent (10%) of the amount thereof and penalties due thereon in addition thereto to defray the cost of collection. The lien of such delinquent water rates, charges and penalties when so certified by the City Clerk as aforesaid shall be on a parity with the lien of the general taxes on the property. (1949 Comp. §13.0303; Ord. 869 §4)

**Sec. 18-3-120. Refunds.**

No rebates, refunds or transfers shall be made of any water rates or charges paid by either the owner of property or a tenant therein in advance and no credit shall be given on account of the vacancy of any property. (1949 Comp. §13.0303; Ord. 464 §6)

## **Sec. 18-3-130. Controlling water user responsible.**

In case one (1) service pipe is used to supply two (2) or more distinct premises or tenements, and only one (1) stop is used, the person controlling the same must pay the water rent of all parties thus supplied and separate bills shall not be made. (1949 Comp. §13.0308)

**Sec. 18-3-140. Tariff or rates generally.**

The tariff or rate for the consumption of water purchased from the City waterworks shall be as is from time to time established and made effective by resolution of the City Council; provided that the City shall, at all times, post a schedule of such tariff or rates in a conspicuous place for public inspection in or about the City Hall. (1949 Comp. §13.0330; Ord. 464 §7; Ord. 504 §1)

**Sec. 18-3-150. Certain rates fixed by City Council.**

When water is used for purposes not specified in the preceding Section, the rate shall be fixed by the City Council. (1949 Comp., §13.0330; Ord. 464, §8)

## ARTICLE IV

## Water Systems Cross-Connection and Backflow Control

**Sec. 18-4-10. Adoption of code.**

That certain document, one (1) copy of which is on file in the office of the City Clerk, marked and designated *Water Distribution Cross-Connection and Backflow Control Code of Fort Morgan, Colorado, 2005 Edition*, published by the City, is hereby adopted as the applicable code of the City to protect the public water systems from the possibility of contamination or pollution by isolating within its customer's internal distribution system(s) or its customers' private water system(s), such contaminants or pollutants which could backflow or back siphon into the public water system. To promote the elimination or control of existing cross-connections, actual or potential, between its customers' in-plant potable water system(s) and non-potable water systems, plumbing fixtures and industrial piping systems. To provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of the potable water systems. (Ord. 679, §1(part); Ord. 1036)

**Sec. 18-4-20.        Violations and penalties.**

(a) Any person violating any provision of the *Water Systems Cross-Connection and Backflow Control Code of Fort Morgan, Colorado*, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not to exceed three hundred dollars (\$300.00) or by imprisonment not to exceed ninety (90) days or both fine and imprisonment. Each separate day or any portion thereof, during which any violation of said code occurs or continues, shall be deemed to constitute a separate offense and, upon conviction thereof, shall be punishable as herein provided. The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of said code. No permit presuming to give authority to violate or cancel the provisions of said code shall be valid, except insofar as the work or use which it authorized is lawful.

(b) The issuance or granting of a permit or approval of plans shall not prevent the City Manager or his or her duly authorized representative from thereafter requiring the correction of errors in said plans and specifications or from preventing construction operations being carried on thereunder when in violation of said code or of any certificate of approval when issued in error. (Ord. 679, §1(part); Ord. 1058, §2)

**Section 3. Validity.** If any part or parts or this Ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each part hereof irrespective of the fact that any one part or parts be declared invalid.

**Section 4. Repeal.** All or parts of Ordinances covering the same matters as embraced in this Ordinance are hereby repealed and all Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any Ordinance hereby repealed prior to the effective date of this Ordinance. In addition, all or parts of Council Policies covering the same matters as embraced in this Ordinance are hereby repealed and all Council Policies or parts of Council Policies inconsistent with the provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any Council Policies hereby repealed prior to the effective date of this Ordinance. This shall include, but is not limited to, the Policy Regarding Annexation and Domestic Water Wells (adopted November 3, 1998); the Water Development Policy (adopted June 4, 2002 and revised by motion July 29, 2003); and the Policy for CBT Water Purchases (adopted December 20, 1994).

**Section 5. Interpretation.** This Ordinance shall be so interpreted and construed as to effectuate its general purpose. Article and section headings of the Ordinance shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent

of the provisions of any Article or Section thereof.

**Section 6. Certification.** The City Clerk shall certify to the passage of this Ordinance and make not less than three copies of the adopted Code available for inspection by the public during regular business hours.

**Section 7. Severability.** In the event any part of this Ordinance is found to be unenforceable by a Court of competent jurisdiction, it shall not affect the enforceability of the other portions of the Ordinance.

**Section 8. Effective date.** The City Council hereby finds, determines, and declares that this ordinance is necessary for the immediate preservation of the public peace, health, and safety. This Chapter 18, "Water" shall be effective as to all violations of the Code committed five (5) days after final publication.

READ, PASSED ON FIRST READING AND ORDERED PUBLISHED the 15th day of February 2011.

THE CITY COUNCIL OF THE CITY  
OF FORT MORGAN, COLORADO

/s/ Terry L. McAlister  
Mayor Terry McAlister

**ATTEST:**

*/s/ John J. Brennan*

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## City Clerk

PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED  
PUBLISHED the 1st day of March, 2011.



THE CITY COUNCIL OF THE CITY  
OF FORT MORGAN, COLORADO

Mayor Terry McAlister

ATTEST:

*Joluf Bunn*  
City Clerk

STATE OF COLORADO )  
COUNTY OF MORGAN )  
CITY OF FORT MORGAN )

## **CERTIFICATE**

I, John Brennan, the duly appointed, qualified and acting Clerk of the City of Fort Morgan, Colorado, do hereby certify and attest that the foregoing **ORDINANCE NO. 1111** was, as a proposed Ordinance duly and legally presented to the City Council of the City of Fort Morgan, Colorado, at a regular meeting on the 15th day of February, 2011. Said Ordinance, as proposed, was duly read at length at said regular meeting, and thereafter the same was, on the 18th day of February, 2011, published in the *Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado. Said proposed Ordinance was again taken up and read a second time, duly and legally passed, approved and adopted at a regular meeting of the City Council held on the 1st day of March, 2011. Within five (5) days after its final passage, said Ordinance was published in the *Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado.



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John Brennan  
City Clerk