

**TOWN OF WIGGINS
ORDINANCE NO. 07-2022**

**AN ORDINANCE ADOPTING AN UPDATED WATER CONSERVATION POLICY
AND REGULATIONS FOR THE TOWN OF WIGGINS**

WHEREAS, the Board of Trustees previously adopted Ordinance No. 03-2015, which set forth water conservation restrictions for Town residents; and

WHEREAS, the Board of Trustees has determined that Ordinance No. 03-2015 should be updated to reflect new water conservation policy guidelines; and

WHEREAS, such updates are necessary to achieve further water conservation and protect the Town's water supply system and its ability to supply water to its users; and

WHEREAS, the watering schedules and conservation measures set forth in the Water Conservation Policy provide certainty to water users and enable the Town to better control water use, ability to provide adequate supply of water, and to develop and implement water management measures in a fair and orderly manner for the benefit of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF WIGGINS, COLORADO:

Section 1. The Board of Trustees hereby adopts the following ordinance, which shall be known as the "Town of Wiggins Water Conservation Policy and Regulations":

**Town of Wiggins
Water Conservation Policy and Regulations**

- I. Purpose; Intent.
- II. Definitions
- III. Declaration of Extreme Water Conservation Situation.
- IV. Landscape Irrigation Schedule
- V. Extreme Water Conservation Schedule
- VI. Additional Requirements
- VII. Wasting of Water Prohibited
- VIII. Enforcement Officials
- IX. Penalties

I. PURPOSE; INTENT.

- A. It is the purpose and intent of this Ordinance to proactively establish procedures for managing water demand in order to conserve the Town's available water supply and protect the integrity of the Town's water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve

public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergencies.

- B. This Ordinance establishes regulations to be implemented during times of typical water conditions, declared water shortages, or declared water shortage emergencies. It establishes levels of water conservation, with corresponding water conservation measures, which increase in response to worsening drought conditions and decreasing available supplies.

II. DEFINITIONS.

“Address” means the house number of a physical location of a specific property. If a lot number in a mobile home park or similar community is used by the U.S. Postal Service to determine a delivery location, the lot number shall be the property’s address. An “even numbered address” means an address ending in the numbers 0, 2, 4, 6, 8 or the letters B, D, F, H, J, L, N, P, R, T, V, X, Z. An “odd numbered address” means an address ending in the numbers 1, 3, 5, 7, 9 or the letters A, C, E, G, I, K, M, O, Q, S, U, W, Y.

“Person” means any person, firm, partnership, association, corporation, company, business, or organization of any kind.

“Landscape irrigation” means the outside watering of plants in a landscape such as shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens, and other such flora that are situated in such diverse locations as residential areas, public, commercial, and industrial establishments, and public medians and rights-of-way. “Landscape irrigation” does not include the watering of agricultural crops, nursery plants, and vegetation associated with intensive recreational areas such as public playgrounds, football, baseball, and soccer fields.

“Residential landscape irrigation” means the irrigation of landscape associated with any housing unit having sanitary and kitchen facilities designed to accommodate one or more residents, including multiple housing units, and common areas associated with mobile home parks and subdivision (HOA) common areas.

“Non-residential landscape irrigation” means the irrigation of landscape not included within the definition of “residential landscape irrigation,” such as that associated with public, commercial, and industrial property, including commercial or transient housing units, hotel and motel units, and public medians and rights-of-way.

“Landscape irrigation project” means the application of new grass seed or the addition of new sod to a yard or section of yard. Each separate section of the yard (e.g., front yard and back yard) is considered one “Landscape Irrigation Project” if a project is completed by sections.

III. **DECLARATION OF EXTREME WATER CONSERVATION SITUATION.**

- A. In case of an emergency water shortage or potential emergency (i.e., extreme persistent drought, large fire, or water system issue), the Town Manager or Board of Trustees may declare that an “Extreme” water conservation situation (Condition Red) shall apply in the Town of Wiggins. Any declaration of an emergency water shortage situation by the Town Manager shall expire in fourteen (14) days unless extended by resolution of the Board of Trustees.
- B. Upon declaration of Extreme Water Conservation Situation (Condition Red), the Town shall notify its water customers by one or more of the following means:
- Post the declaration at Town Hall; or
 - Post the declaration on the Town’s website and Facebook page; or
 - Send text or email to those who the Town has contact information.
- C. During an Extreme Water Conservation Situation, the water restrictions set forth in Section V, below, apply.

IV. **LANDSCAPE IRRIGATION SCHEDULE.**

- A. Landscape Irrigation shall occur only in accordance with the following schedule:
1. Properties bearing even-numbered street addresses shall water only on Tuesday, Thursday, and Saturday.
 2. Properties bearing odd-numbered street addresses shall water only on Monday, Wednesday, and Friday.
 3. No residential watering is allowed on Sunday.
 4. No outdoor watering shall occur between the hours of 9:00 a.m. and 6:00 p.m. on any given day. The exception to this rule may be granted for the watering of public parks, public ball fields or school owned ball fields.
 5. Watering of flowers and gardens is permitted on non-watering days if done by hand or ground soaker hoses for a maximum of ten minutes per day.
- B. Exception to the Landscape Irrigation Schedule.

Landscape irrigation shall be subject to the following irrigation schedule exceptions

1. Irrigation of new landscape is allowed with a permit provided by the Town Hall, at any time of day on any day for the initial 30 days. The permit may be extended by Town Manager or the Manager’s designee to every other day for the next 30 days for a total of one 60-day period per landscape irrigation

project, provided that the irrigation is limited to the minimum amount necessary for such landscape establishment.

2. Irrigation systems may be operated at any time of day on any day for maintenance and repair purposes not to exceed five (5) minutes per hour per zone.
3. Limited "spot" irrigation using a hand-held hose equipped with an automatic shut-off nozzle is allowed prior to 9:00 a.m. and after 6:00 p.m. on no-watering days.
4. Discharge of water from a water-to-air air-conditioning unit (evaporative/swamp cooler) or other water- dependent cooling system is not limited.
5. The Town of Wiggins may water its public parks and the School District may water its athletic fields at any given time and on any given day.

V. EXTREME WATER CONSERVATION SCHEDULE.

- A. The Extreme Conservation Watering Situation schedule applies in case of an emergency water shortage or potential emergency (i.e., extreme persistent drought, large fire, or water system issue).
- B. During a declared Extreme Conservation Watering Situation, the following watering restrictions shall apply to all customers using water provided by the Town of Wiggins:
 1. Watering of lawns is prohibited. Watering of flowers and gardens is permitted if done by hand (watering can or hose with automatic shutoff only) for a maximum of five (5) minutes per day.
 2. Washing of personal vehicles, vehicle fleets and vehicles in auto dealerships is prohibited.
 3. Temporary permits for new lawns will be revoked.
 4. Watering of school ball fields is prohibited.
 5. Limited watering of Town owned public parks is allowed to provide a space for the public to recreate.
 6. If Extreme Conservation Watering Situation conditions persist, the Town may adopt additional restrictions on domestic, commercial, and industrial use of water.

VI. ADDITIONAL REQUIREMENTS.

- A. Any person who purchases and installs an automatic landscape irrigation system must properly install, maintain, and operate technology that inhibits or interrupts operation of the system during periods of sufficient moisture.
- B. Any person who purchases and installs an automatic landscape irrigation system must properly install a backflow prevention device as pursuant to Town ordinances.

VII. WASTING OF WATER PROHIBITED.

- A. Wasting of water is prohibited, and all consumers shall prevent unnecessary waste of water and keep all water outlets closed when not in actual use.
- B. Wasting of water shall include, but not be limited to, the following uses:
 - 1. Failing to repair a controllable leak, including a broken sprinkler head, leaking valve, or leaking faucet.
 - 2. Operating a permanently installed irrigation system with a broken head, a head that is out of adjustment and spraying more than 10 percent of the spray on a street or parking lot or that is misting.
 - 3. During irrigation,
 - (i) watering of 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; or
 - (ii) allowing water to spray or overflow onto sidewalks, driveways, streets, drainages, or any hard surface.
 - 4. Allowing a hose to be left running on the ground when washing a vehicle.
- C. Hose bibs, hydrants, toilets, bathtubs, and other openings must not be left running for any purpose other than the use for which they were intended.

VIII. ENFORCEMENT OFFICIALS.

- A. Law enforcement officials having jurisdiction in the area governed by this Ordinance are hereby authorized to enforce the provisions of this Ordinance. In addition, the Town Manager may also delegate enforcement responsibility for this ordinance to other departments or personnel of the Town of Wiggins government.

IX. PENALTIES.

- A. Any person violating any provision of this Ordinance may be punished by a minimum fine of two hundred and fifty dollars (\$250.00) and a maximum fine of two thousand six hundred and fifty dollars (\$2,650), as shall be adjusted for inflation from time to time pursuant to C.R.S. § 13-10-113. Each day that a violation of this Ordinance occurs is a separate offense.
- B. Upon a third and each subsequent conviction for such an offense, and in addition to such fine, the Town may discontinue water service to the property served, or the Town may install a flow restriction device, at the expense of the customer, upon the service line to the property served to limit water service to that necessary for health and sanitary purposes only. At least ten days' notice and an opportunity to be heard before the Town Manager shall be given prior to each discontinuance or restriction of water service pursuant to this Ordinance.

Section 2. All previously approved ordinances pertaining to Wiggins Water Conservation Policies, including Ordinance 03-2015, are hereby repealed in their entirety.

Section 3. The Board of Trustees herewith finds, determines and declares that this Ordinance is necessary to the immediate preservation of the public health, safety, and welfare due to widespread drought conditions in the State and in order to reduce water usage to ensure a sustainable water source for the Town. Therefore, the Board of Trustees herewith further finds, determines and declares that it is necessary for this Ordinance to take effect immediately, provided the same has been adopted and signed by the Mayor and approved by three-fourths of the entire Board of Trustees.

Section 4. If any portion of this Ordinance is held to be invalid for any reason, such decisions shall not affect the validity of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 5. The repeal or modification of any portion of any ordinance of the Town of Wiggins by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 6. All other ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED
BY TITLE ONLY, BY THE BOARD OF TRUSTEES OF THE TOWN OF WIGGINS,
COLORADO THIS 25TH DAY OF MAY 2022.**

TOWN OF WIGGINS, COLORADO



Christopher Franzen, Mayor

ATTEST:

Deborah Lee, Town Clerk

I, Deborah Lee, Town Clerk of the Town of Wiggins, Colorado, hereby certify and attest that the foregoing Ordinance No. 07-2022 was introduced, read, adopted, and ordered published by title only, at a regular meeting of the Board of Trustees of the Town of Wiggins, Colorado on the 25th day of May 2022. This Ordinance was published in The Fort Morgan Times on _____, 2022.

ATTEST:

Deborah Lee, Town Clerk