ORDINANCE NO. 27 , Series 2013
INTRODUCED BY: COUNCILOR STACI LUPBERGER

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO, REPEALING, REENACTING, AND RETITLING IN ITS ENTIRETY SECTION 120-13 OF THE CODE OF ORDINANCES OF LAFAYETTE, COLORADO, REGARDING IRRIGATION RESTRICTIONS

WHEREAS, Section 120-13, "Irrigation – restricted by resolution," of the Code of Ordinances of Lafayette, Colorado, was enacted to permit City Council to promptly enact time restrictions on irrigation to protect the health, safety, and welfare of citizens in times of drought; and

WHEREAS, City Council in response to the drought conditions earlier this year enacted Ordinance No. 07, Series 2013 which established a wide range of irrigation restrictions all of which expired on October 1, 2013; and

WHEREAS, City Council has determined that a number of the irrigation restrictions set forth in Ordinance No. 07, Series 2013 are sound conservation practices, which should be enacted by ordinance to assist in the preservation of the City's water resources, and minimize the impact of any future drought conditions.

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

Section 1. Section 120-13, "Irrigation – restricted by resolution," of the Code of Ordinances of the Lafayette, Colorado, is repealed and reenacted and retitled to provide as follows:

Sec. 120-13. Irrigation—Restricted.

(a) It shall be unlawful for any consumer or other person, or for the owner of any property to cause, permit, suffer, or allow any person to irrigate, sprinkle, or otherwise apply water from the municipal water utility system to any outdoor vegetation, including, but not limited to, lawns and gardens, between the hours of 10:00 a.m., and 6:00 p.m.

(1) The foregoing restriction shall not apply to:

i. Irrigation of land used for commercial agriculture; or

ii. Watering by hand of any outdoor vegetation using a manually operated hose equipped with an automatic shut-off valve; or

iii. Watering by hand of any community gardens using a manually operated hose equipped with an automatic shut-off valve; or

iv. Irrigation of, short grass on city-owned or operated golf courses and city owned athletic fields.

(b) It shall be unlawful for any consumer or other person, or for the owner of any property to cause, permit, suffer or allow any person to irrigate, sprinkle, or otherwise apply water from the municipal water utility system to any lawn, garden, or other area

of land in a manner that allows water to be cast upon a paved area or onto any other area not covered by vegetation.

(c) It shall be unlawful for any consumer or other person, or for the owner of any property to cause, permit, suffer, or allow any person to wash any paved area with a hose using water from the municipal water utility system.

(d) The provisions of this section shall apply to all real property within the city, whether publicly or privately owned, and all land outside of the city that is served by the municipal water utility system. The provisions of this section may be enforced with respect to land located outside of the city by a suit for injunctive relief in a court of competent jurisdiction. Notwithstanding the foregoing, the testing of fire hydrants or fire sprinkler systems shall be exempt from the provisions of this section.

(e) In addition to the restrictions set forth herein, city council may by resolution impose time restrictions on the use of municipal water for irrigation purposes.

(f) Water conservation enforcement personnel, as designated by the city's public works director, shall be authorized to enforce the provisions of this section, including the issuance of municipal court summons and complaints.

(g) Prior to the issuance of a summons and complaint any consumer or person alleged to have violated any provision of this section shall first have received two written warnings from water conservation, code or law enforcement personnel. Thereafter a ny consumer or other person convicted of violating any of the provisions of this section, shall upon first conviction be punished by a fine of not less than one hundred dollars ($100.00), which fine shall not be suspended by the court; upon a second conviction of such consumer or other person there shall be imposed a fine of not less than two hundred fifty dollars ($250.00), which fine shall not be suspended by the court; upon a third and each subsequent conviction of such consumer or other person, there shall be imposed a fine of not less than five hundred dollars ($500.00), which fine shall not be suspended by the court.

Section 2. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof is hereby repealed to the extent of such inconsistency or conflict.

Section 4. The repeal or modification of any provision of the Code of Ordinances of Lafayette, Colorado 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. 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 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 5. This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section 6. Violations of this ordinance shall be punishable as set forth in this ordinance and in accordance with Section 1-10 of the Municipal Code of the City of Lafayette, Colorado.

Section 7. This ordinance shall become effective upon the latter of the 10th day following enactment, or the day following final publication of the ordinance.

INTRODUCED AND PASSED ON FIRST READING THE 15TH DAY OF OCTOBER, 2013.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THE 6TH DAY OF NOVEMBER, 2013.

CITY OF LAFAYETTE, COLORADO

_____
Carolyn D. Cutler, Mayor

ATTEST:

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Susan Barker, CMC
Deputy City Clerk

APPROVED AS TO FORM:

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David S. Williamson,
City Attorney