ORDINANCE NO. 19, Series 2012

INTRODUCED BY: COUNCILOR PETE d'ORONZIO

AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO, TO PROVIDE TEMPORARY MEASURES NECESSARY FOR THE CONSERVATION OF WATER IN THE CITY OF LAFAYETTE BY TEMPORARILY AMENDING CHAPTER 120, ARTICLE I OF THE LAFAYETTE CODE OF ORDINANCES, BY THE TEMPORARY ESTABLISHMENT OF CERTAIN IRRIGATION RESTRICTIONS, AND DECLARING AN EMERGENCY

WHEREAS, the City Council for the City of Lafayette desires to protect and preserve the health, safety and welfare of its citizens in time of drought and impending drought by protecting and preserving, to the greatest extent possible, the water resources of the City of Lafayette; and

WHEREAS, the City Council finds that the Boulder Creek basin provides a portion of the City's water; and

WHEREAS, the City Council finds that March 2012 was the first March on record in which there was no snowfall in Boulder County; and

WHEREAS, the City Council finds that on May 1, 2012, the mountain snowpack that feeds the Boulder Creek basin was at 22% of normal levels; and

WHEREAS, the City Council finds that, thus far, 2012 has been one of the warmest years on record in Colorado, that the month of June, 2012, has been reported to be the warmest June on record in the State of Colorado, and that the month of July 2012 is on track to be the warmest July on record in the State of Colorado; and

WHEREAS, the City Council finds that drought conditions throughout the State of Colorado threaten to put a great strain on water resources generally; and

WHEREAS, the City Council hereby determines that it is necessary to establish temporary measures to encourage the conservation of water and to establish certain restrictions on a temporary basis, all as contained herein, in order to achieve a reduction in outdoor water use and application of irrigation water, and thereby to protect and preserve the health, safety and welfare of the citizens of the City of Lafayette.

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

<u>Section 1</u>. Section 120-13, "Irrigation – Restricted by resolution", is amended to provide as follows:

Sec. 120-13. - Irrigation—Restricted by resolution.

- (a) The use of municipal water for the purposes of irrigation may be restricted as to times of irrigation as set by resolution of the city council.
- (b) Notwithstanding any additional restrictions imposed pursuant to subsection (a) above, 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 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.
 - (2) This entire subsection (b) shall be automatically repealed on October 1, 2012.
- <u>Section 2</u>. 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.
- <u>Section 3</u>. 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.
- <u>Section 5</u>. This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.
- <u>Section 6</u>. Violations of this ordinance shall be punishable in accordance with Section 1-10 of the Municipal Code of the City of Lafayette, Colorado.
- <u>Section 7.</u> This ordinance shall take effect immediately upon its adoption and posting in accordance with Section 7.3 of the Charter of the City of Lafayette.

INTRODUCED, PASSED AND FINALLY ADOPTED, AND POSTING ORDERED, ON THE $25^{\rm TH}$ DAY OF JULY, 2012.

CITY OF LAFAYETTE, COLORADO

Carolyn D. Cutler, Mayor

ATTEST:

APPROVED AS TO FORM:

Susan Koster, CMC

City Clerk

City Attorney