

Sec. 27-61—27-64. – Reserved.

Sec. 27-65. – Irrigation—Restricted.

- (a) It shall be unlawful for any consumer or other person, or for the owner or occupant of any property, whether commercial, residential, or otherwise, to cause, permit, suffer, or allow any person to irrigate, sprinkle, or otherwise apply water from the city water utility system to outdoor vegetation, including, but not limited to, lawns and gardens, between the hours of 10:00 a.m. and 7:00 p.m. or such other times established by resolution of the city council. The foregoing restrictions shall not apply to:
- (1) Irrigation of land used for commercial agriculture; or
 - (2) Watering by hand of any outdoor vegetation using a manually operated hose equipped with an automatic shut-off valve; or
 - (3) Watering by hand of any community gardens using a manually operated hose equipped with an automatic shut-off valve; or
 - (4) Irrigation of short grass on city-owned or operated golf courses and city-owned or operated athletic fields.
- (b) Landscape irrigation shall occur only in accordance with the following schedule:
- (1) Residential landscape irrigation at even numbered addresses may occur only on Tuesdays, Thursdays, and Saturdays.
 - (2) Residential landscape irrigation at odd numbered addresses may only occur on Wednesdays, Fridays, and Sundays.
 - (3) Residential landscape irrigation in common areas, mixed addresses, and locations with no address may only occur on Sundays, Tuesdays, and Fridays.
 - (4) Irrigation shall not exceed twenty (20) minutes per irrigation zone on each day that irrigation occurs.
 - (5) For the purposes of determining if an address is watering on a scheduled day, the watering occurs on the day in which the first irrigation cycle begins.
 - (6) This section shall apply to unattended hoses or hose-end devices, but does not apply to watering by continuously attended hand-held hose.
- (c) All landscape irrigation shall be limited in amount to only that necessary to meet landscape needs and in accordance with the schedules and requirements herein.
- (d) Landscape irrigation shall be subject to the following irrigation schedule exceptions:
- (1) Irrigation using a micro spray, microjet, drip or bubbler irrigation system is allowed at any time necessary to meet landscape needs.
 - (2) Irrigation of new landscape, such as new turf from seed or sod, is allowed at any time of day, on any day for the initial thirty (30) days and every other day for the

next thirty (30) days for a total of one sixty (60) day period, provided that the irrigation is limited to the minimum amount necessary for such landscape establishment.

- (3) Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides and herbicides, when required by law, the manufacturer, or best management practices, is allowed at any time of day on any day within twenty-four (24) hours of application. Watering in of chemicals shall not exceed one-quarter (1/4) inch of water per application except as otherwise required by law, the manufacturer, or best management practices.
- (4) Irrigation systems may be operated at any time of day, on any day for irrigation system maintenance and repair purposes not to exceed twenty (20) minutes per hour per zone.
- (5) Watering for new plant material such as flowers, trees, and shrubs on the day of planting.
- (6) Watering to preserve turf subject to heavy public uses.
- (7) Irrigation using a hand-held hose equipped with an automatic shutoff nozzle is allowed at any time of day on any day.
- (8) Discharge of water from a water-to-air air-conditioning unit or other water-dependent cooling system is not limited.
- (9) The use of water from a reclaimed water system is allowed anytime. For the purpose of this subsection, a reclaimed water system includes systems in which the primary source is reclaimed water that is not augmented by public water supply sources.
- (10) The use of recycled water from wet detention treatment ponds for irrigation is allowed anytime provided the ponds are not augmented from any ground or off-site surface water or public supply sources.
- (11) The testing of fire hydrants or fire sprinkler systems.
- (12) The city's use of any water fountain or water feature.
- (13) A variance from the specific landscape irrigation days or day set forth in this section may be granted by the city's utilities director or designee if strict application of the scheduled days or day would lead to unreasonable or unfair results in particular instances, provided that the applicant demonstrates with particularity that compliance with the scheduled days or day will result in a substantial economic, health or other hardship on the applicant requesting the variance or those served by the applicant. Where a contiguous property is divided into different zones, a variance may be granted hereunder so that each

zone may be irrigated on different days or day than other zones of the property. Variance requests under this section must be submitted on a completed application form designated by the city. The decision of the city utilities director or their designee on a variance request under this section shall be final and non-appealable.

- (e) Any consumer or other person who purchases and installs an automatic landscape irrigation system shall properly install, maintain, and operate:
- (1) A water meter dedicated to landscape irrigation which shall be separate and apart from the water meter serving non-irrigation needs of the property. Such landscape irrigation water meter shall provide for billing specifically for irrigation water usage and shall meet the requirements of sections 27-54—27-56 and other applicable city code.
 - (2) A backflow prevention device, compliant with section 27-57 of city code, installed at the point of connection between the landscape irrigation system and the city water system.
 - (3) Technology that inhibits or interrupts operation of the system during periods of sufficient moisture or rainfall.

Consumers or other persons with irrigation systems installed prior to the effective date of this ordinance shall be subject to the requirements of this section upon making significant repairs, upgrades or changes, as determined by the city utilities director or their designee, to the customer's or other person's landscape irrigation system, water meter, backflow device or related technology. Any consumer or other person who fails to meet these requirements shall be subject to enforcement and penalty provisions of this section and each day that such failure continues may constitute a separate violation.

- (f) 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 city water utility system. In addition to other actions and remedies available to the city for the enforcement of this section, the provision of this section may be enforced by a suit for injunctive relief in a court of competent jurisdiction.
- (g) Any consumer or other person issued a municipal court summons and complaint and convicted of violating any of the provisions of this section shall upon first conviction be punished by a fine of not less than fifty dollars (\$50), which fine shall not be suspended by the court; upon a second conviction of such consumer or other person, there shall be a fine imposed of not less than one-hundred dollars (\$100), which fine shall not be suspended by the court; and upon each subsequent conviction of such consumer or other person, there shall be a fine imposed of not less than one-hundred dollars (\$100),

- which fine shall not be suspended by the court, and the court may order suspension or disconnection of the consumer's or other person's city water utility service for irrigation.
- (h) In addition to the restrictions set forth in this section, city council may by resolution impose additional time restrictions on the use of water from the city water utility system to irrigate, sprinkle, or otherwise apply water to any outdoor vegetation.
 - (i) In addition to any other officers, employees, or agents of the city authorized to enforce the ordinances of the city, city water utility personnel, as designated by the city's utilities director, shall be authorized to enforce the provisions of this section, including the issuance of warnings, municipal court summons and complaints, and administrative citations. Consumers or other persons shall allow access for city staff to inspect landscape irrigation systems served by the city water utility system upon request.
 - (j) A consumer or other person alleged to have violated any provision of this section may be issued a warning before issuance of a summons and complaint, administrative citation, or commencement of any other enforcement action by the city; provided, however, that issuance of a warning shall not be considered a prerequisite to, or affect the validity of, any summons and complaint, administrative citation, or other enforcement action by the city, or any subsequent proceedings thereof.

Sec. 27-66—27-70. – Reserved.