

**TOWN OF SILT
ORDINANCE NO. 1
SERIES OF 2021**

**AN ORDINANCE OF THE TOWN OF SILT, COLORADO, AMENDING
CHAPTER 13.02 OF THE SILT MUNICIPAL CODE CONCERNING THE
CONSERVATION OF IRRIGATION WATER, THE PREVENTION OF WASTE
OF IRRIGATION WATER AND THE FEES FOR IRRIGATION SERVICE**

WHEREAS, the Town of Silt is a Colorado home rule municipality organized under Article XX of the Colorado Constitution and with the authority of the Silt Home Rule Charter; and

WHEREAS, Chapter 13.02 of the Municipal Code describes the Town's position regarding non-potable irrigation water service provided and maintained by the Town for its residents and businesses, including promoting conservation of irrigation water; setting fees for irrigation service; identifying restrictions on the use of irrigation water; and setting penalty assessments for waste of irrigation water; and

WHEREAS, the Town desires to revise specific sections of Chapter 13.02 to reflect the Town's billing procedures, to give the Town Administrator authority to impose additional watering restrictions and penalties in the event of a drought declaration, and to amend other sections as set forth herein; and

WHEREAS, the Town gave proper and timely published and/or posted notice of the dates and times of the public hearings at which the Board considered this ordinance; and

WHEREAS, the Board has the authority under C.R.S. §31-15-103 and other laws to enact ordinances that provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort and convenience of the Town and its inhabitants; and

WHEREAS, the Board of Trustees has determined that the adoption of this ordinance and the amendments set forth herein are necessary and proper to protect and promote the safety, health, prosperity and order of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF
THE TOWN OF SILT THAT:**

SECTION 1

The following sections of Chapter 13.02 are hereby amended as follows:

13.02.010 - Intent.

The intent of this section is to delineate the town's position relative to non-potable irrigation service provided and maintained by the town for its residents and businesses. The town's non-potable system was installed in the year 1995 in order to reduce the town's cost to deliver irrigation water and to preserve the town's domestic capacity in its water treatment plant. The town prohibits the cultivation of more than 3,500 square feet of irrigable space on each newly constructed residential lot and encourages "xeriscaping" and/or drip irrigation of up to fifty (50) trees/shrubs in order to conserve as much as possible. Note: The Town actively enforced a maximum of 3,500 square feet or less of irrigable space on each residential lot in 2005.

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13.02.060 - Use Restrictions.

The use of irrigation water within the town shall be subject to the following restrictions at all times, effective at the codification of this ordinance:

A. All residents with even-numbered addresses shall water with irrigation water only on Saturday, Monday and Wednesday. All residents with odd-numbered addresses shall water with irrigation water only on Sunday, Tuesday and Thursday. A designated watering day starts at midnight and ends at midnight.

B. All outdoor watering (irrigation) is prohibited in the entire town on Fridays and between the hours of 10:00 A.M. and 5:00 P.M. on all other days;

C. Sprinklers shall be set so that water does not fall on hard surfaces or non-irrigable surfaces, such as sidewalks and driveways;

D. The use of an open hose is prohibited for all residences within the town. All watering shall be conducted with a sprinkler system, a sprinkler attachment, a nozzle or a soaker style hose.

E. Newly constructed homes that receive their certificates of occupancy after April 30, 2006 shall be required to construct an automated pressurized irrigation system (or drip system to all trees and shrubs), complete with "rain-off" sensor in order to utilize the town's irrigation service during the irrigation months.

F. All residences within the town without existing irrigable surface (new lots or other lots with no cultivation) shall be allowed a maximum of 3,500 square feet of irrigable surface served by an automated pressurized irrigation system and up to fifty (50) trees and/or shrubs served by an automated low pressure drip-type irrigation system; the board of trustees may consider requests to irrigate more than 3,500 square feet of irrigable surface on a case-by-case basis, upon submittal by applicant of that evidence and/or materials requested by the town administrator;

G. Allowing irrigation water to run upon or from a lot, yard, garden or landscape in an excessive or wasteful manner is prohibited. Without limiting the

generality of the foregoing, the continuous watering of any one area of a yard, garden or landscape for a period of more than thirty (30) minutes without relocation of the sprinkler or other watering device is hereby deemed to be excessive and wasteful;

H. Cross-connection or commingling of potable water and irrigation water service lines is prohibited;

I. The town encourages large lot native plantings and/or "xeriscaping" or "xeriscaping", and the community development department shall provide upon request a current list of suggested species of trees and shrubs;

J. The town may, in its sole discretion, meter any lot or parcel to monitor for the purpose of determining usage;

13.02.070 - Wasteful practices.

All the following are practices that are hereby determined wasteful, and are forbidden by this section:

A. Permitting or allowing water from the Silt irrigation system to run upon or from his or her premises, building, house, lot, yard, garden or landscape in an excessive or wasteful manner;

B. Upon discovery or upon being informed of such condition, failing to repair immediately any sprinkler head, drip head or other approved water facility that operates in a manner that permits the waste of water to occur;

C. Permitting or allowing water from the Silt irrigation system to run upon or from his or her premises, building, house, lot, yard, garden or landscape for more than the allotted thirty (30) minute time period on any one section of the property;

D. Using irrigation water for any other purpose other than the watering of landscaping and/or gardens.

13.02.080 – Water shortages.

Whenever the town administrator finds that drought conditions exist and/or the availability of irrigation water is insufficient to accommodate consumers' water usage, he/she may ration and limit the usage of irrigation water for such periods of time as he/she deems necessary.

13.02.090 - Violations – shut-off duty and meter installation.

The town administrator or his designee, upon finding any violation of any rule, regulation or order issued pursuant to this chapter, may shut off the irrigation water at the box or other source to prevent the continuation of such violation. After a second violation, the town may require the violator to install, at his/her cost and at a location designated by the town, a water metering device as a condition of service.

13.02.100 Violations – penalty assessment.

Any person caught violating any rule, regulation or order issued pursuant to this chapter shall be subject to the graduated penalty assessments set by the board of trustees. Such fines collected shall be deposited in the irrigation fund. After a third violation, the violator will be issued a summons to appear in municipal court

and shall be punished in accordance with section 1.12 of the municipal code; provided, however, that nothing herein prevents the town from issuing a summons to a violator to appear in municipal court for a first, second or third violation.

SECTION 2

All ordinances heretofore passed and adopted by the Board of Trustees of the Town of Silt, Colorado are hereby repealed to the extent that said ordinances, or parts thereof, are in conflict herewith.

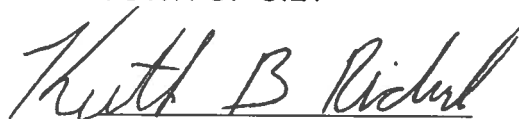
SECTION 3

If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

APPROVED ON FIRST READING this 22nd day of March 2021, 7 p.m. in the Municipal Building of the Town of Silt, Colorado.

PASSED, APPROVED ON SECOND READING, following a continued public hearing, ADOPTED AND ORDERED PUBLISHED this 12th day of April, 2021.

TOWN OF SILT



Mayor Keith B. Richel

ATTEST:



Town Clerk Sheila M. McIntyre, CMC

