

**CITY OF GREELEY, COLORADO  
ORDINANCE \_\_\_\_, 2022**

**AN ORDINANCE AMENDING TITLE 20 OF THE MUNICIPAL CODE OF THE CITY OF GREELEY  
(CONCERNING THE USE OF NON-POTABLE WATER SUPPLIES FOR IRRIGATION)**

WHEREAS, the City of Greeley, Colorado ("City") is a home rule municipality empowered pursuant to Sections 1 and 6 of Article XX of the Colorado Constitution to, inter alia, construct, purchase, acquire, lease, add to, maintain, conduct, and operate water works and everything required therefor, within or without its territorial limits, for the use of the City; and

WHEREAS, Section 17-1 of the Greeley City Charter authorizes the Greeley Water and Sewer Board ("Board") to qualify the Water and Sewer functions and operations as an "enterprise" as that term is contained in Article X, Section 20 of the Colorado Constitution, and to provide for every function and operation of an enterprise, including but not limited to, bond issuance and all other necessary and ordinary functions of the Water and Sewer operations; and

WHEREAS, Section 17-4(c) of the Greeley City Charter and Section 20-30 of the Greeley Municipal Code authorize the Board to acquire, develop, convey, lease and protect the water and sewer assets, supplies and facilities needed to fully use the water supplies decreed, adjudicated or contracted for the City; and

WHEREAS, various Sections within Title 20 of the Greeley Municipal Code set forth the requirements and regulations related to the initiation and use of water and sewer services from the City; and

WHEREAS, City Water and Sewer staff, with feedback and input from the Board, have developed a policy concerning the expanded use of non-potable water supplies for irrigation throughout the City, in the interest of more strategically and efficiently managing the City's water resources portfolio; and

WHEREAS, City Water and Sewer staff and legal counsel subsequently developed revisions to Title 20 of the Greeley Municipal Code to implement the various provisions of this policy; and

WHEREAS, the Water and Sewer Board reviewed the proposed final policy and revisions to Title 20 of the Greeley Municipal Code on November 17, 2021 and recommended that City Council adopt an ordinance to codify the revisions, in the form of the revisions attached hereto and incorporated herein as Appendix A.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GREELEY, COLORADO:**

Section 1. That Subsections (2) through (7) of Section 20-27 of the Greeley Municipal Code be renumbered and amended to read as shown on Appendix A, attached hereto and incorporated herein.

Section 2. That Subsections (1) through (9) of Section 20-28 be renumbered and amended to read as shown on Appendix A.

Section 3. That Section 20-126 be stricken in its entirety as shown on Appendix A.

Section 4. That the reserved Sections of Title 20 (Public Works and Utilities), Chapter 3 (Water and Sanitary Sewer Service), Article III (Water), Division 4 (Water Conservation) be renumbered as shown on Appendix A.

Section 5. That Section 20-252 be renumbered as Section 20-251 and amended to read as shown on Appendix A.

Section 6. That a portion of Section 20-253 be renumbered as Section 20-252 and amended to read as shown on Appendix A.

Section 7. That the remaining portion of Section 20-253 be renumbered and amended to read as shown on Appendix A.

Section 8. That Section 20-254 be amended to read as shown on Appendix A.

Section 9. That Section 20-255 be amended to read as shown on Appendix A.

Section 10. That Section 20-256 be amended to read as shown on Appendix A.

Section 11. That Section 20-257 be amended to read as shown on Appendix A.

Section 12. That Section 20-260 be amended to read as shown on Appendix A.

Section 13. That Section 20-262 be amended to read as shown on Appendix A.

Section 14. That Section 20-263 be amended to read as shown on Appendix A.

Section 15. That Section 20-264 be amended to read as shown on Appendix A.

Section 16. That Chapter 6 (Irrigation) of Title 20 (Public Works and Utilities) be stricken in its entirety, and the reserved Sections thereof renumbered and amended to read as shown on Appendix A.

Section 17. Except as explicitly modified on Exhibit A, all other provisions of Title 20 of the Greeley Municipal Code shall remain in full force and effect.

Section 17. This Ordinance shall take effect on the fifth day following its final publication, as provided by Section 3-16 of the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED ON THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2022.

ATTEST

THE CITY OF GREELEY, COLORADO

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City Clerk

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Mayor

**APPENDIX A**  
**ORDINANCE AMENDING TITLE 20**  
**GREELEY MUNICIPAL CODE**

Section 1. Subsections (2) through (7) of Section 20-27 of the Greeley Municipal Code shall be renumbered and amended to read as follows:

**Sec. 20-27. Duties, fees and charges.**

The water and sewer board shall adopt, by resolution, the following rates, fees and charges:

- (1) Minimum and sufficient potable water rates;
- (2) Minimum and sufficient non-potable water rates;
- ~~(3)~~ (2) Minimum and sufficient sanitary sewer rates;
- ~~(4)~~ (3) Cash-in-lieu fees;
- ~~(5)~~ (4) Raw water surcharges;
- ~~(6)~~ (5) Water plant investment fees;
- ~~(7)~~ (6) Sewer plant investment fees; and
- ~~(8)~~ (7) Water turn-on charges.

Section 2. Subsections (1) through (9) of Section 20-28 shall be renumbered and amended to read as follows:

**Sec. 20-28. Permissible duties; fees and charges.**

The water and sewer board may adopt minimum rates, fees and charges which may include, but need not be limited to, the following:

- ~~(1)~~ ~~Irrigation water rates;~~
- ~~(12)~~ (1) Water rental rates;
- ~~(23)~~ (2) Fees for inspection;
- ~~(34)~~ (3) Fees for testing;
- ~~(45)~~ (4) Fees for meter installation;
- ~~(56)~~ (5) Fees for engineering design review;
- ~~(67)~~ (6) Fees for accepting wastewater hauled to the sewage treatment plant;
- ~~(78)~~ (7) Lift station surcharges; and
- ~~(89)~~ (8) Other fees and charges as the board deems necessary to cover the costs of inspections, tap installations, operations, maintenance and extensions of the water and sanitary sewer systems.

Section 3. Section 20-126 shall be stricken in its entirety.

**~~Sec. 20-126. Buildings with multiple users.~~**

~~Owners of any business block or other building occupied by more than one tenant using or taking water from the same service pipe shall be required to pay the water and sewer rent for~~

~~the whole of such block, building or premises before a license shall be granted for the use of water therein.~~

**Secs. 20-127~~6~~ – 20-150. Reserved.**

Section 4. The reserved Sections of Title 20 (Public Works and Utilities), Chapter 3 (Water and Sanitary Sewer Service), Article III (Water), Division 4 (Water Conservation) shall be renumbered as follows:

**Secs. 20-230—20-250~~1~~. Reserved.**

Section 5. Section 20-252 shall be renumbered as Section 20-251 and amended to read as follows:

**Sec. 20-251~~2~~. Initiation of water service; service commitment agreements.**

- (a) Any person or entity seeking water service from the city shall make a request for such service within the associated land use or development application process required by title 24 of this Code. If the person or entity seeking water service is not pursuing a land use or development application, the request shall be made in writing to the director of water and sewer. ~~It is unlawful for a person or entity to take and use water service from the city without first obtaining authorization from the director of water and sewer.~~
- (b) Requests for water service made through the land use or development application process required by title 24 of this Code shall be forwarded to the director of water and sewer. All requests for water service shall include the information necessary to determine all applicable fees and rates for such service. The director of water and sewer shall not authorize any such water service until all required information is received and all required fees are paid.
- (c) All applicants granted authorization for water service to nonresidential lots and ~~multifamily residential developments~~ lots with more than four units within the city limits shall execute a service commitment agreement to be recorded with the county clerk and recorder setting forth the details and parameters of the potable and non-potable components of such service, including the person or entity to whom service is granted, the date upon which service shall commence, the specific location at which the tap(s) or service connection(s) shall be made, the permitted size of the tap(s) or service connection(s), a description of the property to which service will be provided, ~~and the permissible uses of water on the property, and the annual allotment associated with the water service.~~
- (d) All applicants granted authorization for water service to large parcel single-family residential lots, as described in Section 20-257, that are required to install a separate and additional landscape irrigation tap and service line for the service of non-potable water shall execute a service commitment agreement to be recorded with the county clerk and recorder setting forth the details and parameters of the non-potable component of such service, including the person or entity to whom service is granted, the date upon which service shall commence, the specific location at which the tap(s)

or service connection(s) shall be made, the permitted size of the tap(s) or service connection(s), a description of the property to which service will be provided, the permissible uses of water on the property, and the annual allotment associated with the non-potable component of the water service.

Section 6. A portion of Section 20-253 shall be renumbered as Section 20-252 and amended to read as follows:

**Sec. 20-252. Taps and service lines required; potable and non-potable service line extensions prohibited.**

- (a) Each detached ~~single family~~ residential building, multi-unit ~~family~~ residential building, and nonresidential building shall be served by a minimum of one separate water tap and service line for the service of potable water. Buildings with mixed residential and ~~non-residential~~ nonresidential uses shall be served by separate potable water taps for the residential and non-residential components of the development.
- (b) A separate and additional landscape irrigation tap and service line shall be required for the service of non-potable water to all residential detached estate lots with an area of 13,000 square feet or more.
- (c) A separate and additional landscape irrigation tap and service line shall be required for the service of non-potable water to the irrigated common space associated with all non-residential buildings, nonresidential lots and multi-family residential buildings, lots with more than four units within the city limits, including, without limitation, commercial, industrial, and group housing (apartment buildings, condominiums, nursing homes, hotels, and motels), if such irrigated common space totals two acres in area or more.
- (d) The director of water and sewer, or his designee, has the authority to grant a temporary or permanent variance to the landscape irrigation tap requirements in this section upon a finding in their sole discretion that immediate connection of the subject property to the non-potable water system is not feasible, or that the subject property can be served by a single tap due to minimal landscaping irrigation demand. The grant of such a variance may include any terms and conditions deemed appropriate by the director or his designee in their sole discretion.
- (e) It is unlawful to install a privately-owned non-potable irrigation system on any property to which the city provides water service.

Section 7. The remaining portion of Section 20-253 shall be renumbered and amended to read as follows:

**Sec. 20-253. Service line extensions prohibited.**

- (~~a~~e) It is unlawful for a person or entity to extend a service line to serve any other buildings, lots or premises contrary to the requirements of this section. Notwithstanding the foregoing, the director of water and sewer has the discretionary authority to grant

variances when appropriate for accessory uses on the same property or an adjoining lot.

- (~~b~~d) A prohibited service line extension that was installed prior to September 1, 2019, may remain in effect so long as it does not create a sanitation, public health or public nuisance problem. If, in the discretion of the director of water and sewer, a prohibited service line extension creates a sanitation, public health or public nuisance problem, the subject property owner shall separate the compound tap at their own expense.
- (~~c~~e) The owner of a property to which a new water service line is installed after the associated separation of a compound tap shall be required to pay all fees applicable to the initiation of water service to the subject property, including, without limitation, the costs required to install another water tap and service line. Plant investment fees that would otherwise be due and payable for a new water service line installed pursuant to this section shall be waived upon a written finding of the director of water and sewer that there will be no increase in water service to the subject property.
- (~~d~~f) The use of a common service line by abutting property owners shall not alter the maintenance responsibility of the users of the common service line. The common service shall not constitute a public responsibility and the director of water and sewer shall not perform maintenance or repair on the separate or combined service lines that may serve abutting properties.

Section 8. Section 20-254 shall be amended to read as follows:

**Sec. 20-254. Water rights dedication; amounts and criteria.**

- (a) All applicants for water service within the city limits shall (i) dedicate to the city water rights, if any, that the city, in its sole discretion, can use in its potable water supply system or non-potable irrigation system and (ii) if the applicant cannot satisfy the raw water dedication requirements through the dedication of water rights, shall furnish to the city a cash-in-lieu fee (or satisfy the same pursuant to subsection (e)) to fulfill all or the remainder of the dedication requirement associated with a request for water service as a prerequisite to and as part of the consideration for city water service to the subject ~~property~~lot. All water rights approved for dedication shall be conveyed to the city on or before the date the final plat for the development is approved. All cash-in-lieu fees shall be due and payable to the city no later than the date on which the building permit is issued.
- (b) The city has determined (i) that the water rights represented by shares of stock in the Greeley and Loveland Irrigation Company and the Seven Lakes Reservoir Company, and rights in the Loveland and Greeley Reservoir Company (Lake Loveland) can be used within its potable water supply system and non-potable irrigation system and (ii) that the water rights represented by units of Colorado-Big Thompson Project Water can be used within its potable water supply system. The water rights represented by shares of stock in the Greeley Irrigation Company can only be used within non-potable irrigation systems. Therefore, the city will accept such water rights only in satisfaction of the raw water dedication requirements associated with non-potable water service on

property historically irrigated by the subject water rights. The city shall use the following yield values to determine the amount of raw water transferred by an applicant toward the satisfaction of any raw water dedication requirement:

Company	Yield/Share
The Greeley & Loveland Irrigation Company	8 acre-feet/share
The Seven Lakes Reservoir Company	8 acre-feet/share
The Loveland and Greeley Reservoir Company (Lake Loveland)	20 acre-feet/right
Colorado-Big Thompson Project Water (C-BT)	0.75 acre-feet/unit
Greeley Irrigation Company (Greeley No. 3 Canal)	10.3 acre-feet/share

- (c) Except for water rights represented by units of Colorado-Big Thompson Project Water, the city will not accept the dedication of any water rights under subsection (b) for use within its potable water supply system ~~or non-potable irrigation system~~ unless the director of water and sewer determines that the subject water rights meet the requisite criteria under Colorado law for conversion of the water to municipal use by the city, including, without limitation, that: (i) the water rights have a history of use on the property being developed; (ii) the property being developed was historically and consistently irrigated under the ditch system from which such water rights are being dedicated; (iii) the owner and all lienholders of the property being developed execute a restrictive covenant in a form acceptable to the city requiring the cessation of irrigation on the historically irrigated property with the subject water rights except under conditions authorized by the city; and (iv) the applicant provides any documents and materials reasonably required by the city to ensure consistency with any prior decrees, including but not limited to, decrees adjudicating changes of the Greeley and Loveland Irrigation Company, the Seven Lakes Reservoir Company, the Loveland and Greeley Reservoir Company (Lake Loveland), and the Greeley Irrigation Company water rights.
- (d) An applicant for water service may dedicate any water rights identified in subsection (b) as usable within the city non-potable irrigation system, including water rights that satisfy the requirements of subsection (c), in satisfaction of the applicant's raw water dedication requirement associated with non-potable service. ~~An applicant for water service may request that the city accept or permit the use of (i) water rights other than the water rights identified in subsection (b) or (ii) water rights that do not satisfy the requirements of subsection (c) in partial satisfaction or reduction of the applicant's raw water dedication requirement associated with non-potable service.~~ The city, in its sole discretion, may accept or permit the use of such water rights based on certain terms and conditions set by the director of water and sewer but only in ~~partial satisfaction or reduction~~ of the raw water dedication requirement associated with non-potable water service on property that has been historically irrigated by the subject water rights.
- (e) On or before December 31, 2009, an applicant for water service, who is also the registered owner of a certificate issued by the department to evidence one or more raw water dedication credits, may redeem such credit(s) in whole or in part (but only in



whole numbers) toward the satisfaction of any cash-in-lieu fee obligation associated with the applicant's request for water service in accordance with sections 20-255, 20-256, 20-257, and 20-260. One raw water dedication credit represents the equivalent of, but not an interest in, one acre-foot of raw water that an applicant would otherwise have to satisfy by furnishing to the city a cash-in-lieu fee.

- (f) Applicants for water service to ~~single-family residential and multi-family residential developments~~lots with four units or less within the city limits shall dedicate raw water and, if the applicant cannot dedicate raw water, furnish to the city any applicable cash-in-lieu fee in accordance with section 20-255 in the amount of three acre-feet per acre, or fraction thereof, of property to which water service will be provided. Streets, rights-of-way, driveways, sidewalks, outbuildings, and any other part of the ~~property~~lot that has been or will be developed shall be included in the calculation of the total gross acreage of the property, regardless of whether such areas have been dedicated to public use. The city may, in its sole discretion, exclude area(s) from the total gross acreage, provided that irrigating such area is legally prohibited by plat or deed.
- (g) Applicants for water service to ~~non-residential~~nonresidential lots and ~~multi-family residential developments~~lots with more than four units within the city limits, including, without limitation, commercial, industrial, and group housing (apartment buildings, condominiums, nursing homes, hotels, and motels), shall dedicate raw water and, if the applicant cannot dedicate raw water, furnish to the city the applicable cash-in-lieu fee in accordance with section 20-256 in the amount of the water service demand for the subject ~~development~~lot. The potable water service demand for ~~non-residential nonresidential lots and large multi-family residential developments~~lots with more than four units shall be determined by multiplying the total units proposed by the applicant by the average unit use, as set forth in the business category and water use table below. The potable water service demand for industrial ~~developments~~lots and commercial ~~developments~~lots of a type not specifically identified in the business category and water use table below shall be determined by the director of water and sewer on a case-by-case basis, utilizing the projected volume of total water use by the subject ~~development~~lot.

Business Category and Water Use		
Category	Units	Average Unit Use (Gallons Per Unit Per Year)
Auto service and repair	SF	12
Car wash	Bay	1,350,000
Childcare	SF	47
Church	SF	4.5
Grocery store	SF	20
Gas station without car wash	SF	93
Hospital	SF	21
Hotel/motel	Room	30,300

Medical office	SF	25
<del>Multi-family residential</del> Residential (greater than 4 units)	Unit	35,500
Office	SF	14
Recreation with pool	SF	122
Recreation without pool	SF	25
Restaurant (outdoor seating areas 50%)	SF	188
Retail	SF	16
School	SF	11
Warehouse	SF	5
Industrial and other commercial	Demand determined on case-by-case basis	
"SF" = Square feet of gross floor space within the building area		

- (h) Applicants for water service to ~~non-residential~~ nonresidential lots and ~~multi-family residential developments~~ lots with more than four units within the city limits, including, without limitation, commercial, industrial, and group housing (apartment buildings, condominiums, nursing homes, hotels, and motels), for which a separate and additional landscape irrigation tap and service line is required in accordance with section 20-252~~3~~, shall also dedicate raw water and, if the applicant cannot dedicate raw water, furnish to the city the applicable cash-in-lieu fee in accordance with section 20-256 in the amount of the landscape irrigation demand for the subject ~~development~~ lot. Landscape irrigation demand shall be determined based on (i) the total gross acreage of property to which water service will be provided and (ii) the type of landscape as set forth in the landscape water use table below. Landscape plans with more than 75 percent high water use vegetation are assumed to be entirely high water use and shall be calculated as such. Streets, rights-of-way, driveways, sidewalks, outbuildings and any other impervious part of the ~~property~~ lot that has been or will be developed shall be included in the calculation of the total gross acreage of property, regardless of whether such areas have been dedicated to public use. The city may, in its sole discretion, exclude area(s) from the total gross acreage, provided that irrigating such area(s) is legally prohibited by plat or deed.

Landscape Water Use	
Water Use	Dedication Requirement
High water use (>14 gals/sf annual use)	3 acre-feet/acre
Medium water use (10-14 gal/sf annual use)	2.33 acre-feet/acre
Low water use (<10 gals/sf annual use)	1.67 acre-feet/acre
No irrigation	No raw water requirement for landscape

Section 9. Section 20-255 shall be amended to read as follows:

**Sec. 20-255. Cash in lieu of raw water required; ~~single-family~~detached and small multi-~~unit~~family residential.**

- (a) Any applicant for water service to ~~single-family residential and multi-family residential developments~~lots with four units or less within the city limits that cannot satisfy the requirements of section 20-254 through the dedication of water rights shall furnish to the city a cash-in-lieu fee to fulfill all or the remainder of the dedication requirement associated with the potable and non-potable components of its request for water service.
- (b) The cash-in-lieu fee for ~~single-family residential and multi-family residential developments~~lots with four units or less shall be set by resolution of the water and sewer board and calculated as the cash equivalent of three acre-feet of water per acre, or fraction thereof, of property to which water service will be provided, using the fair market value of water per acre-foot.

Section 10. Section 20-256 shall be amended to read as follows:

**Sec. 20-256. Cash in lieu of raw water required; nonresidential and large multi-~~unit~~family residential.**

- (a) Any applicant for water service to ~~non-residential~~nonresidential lots and ~~multi-family residential developments~~lots with more than four units within the city limits, including, without limitation, commercial, industrial, and group housing (apartment buildings, condominiums, nursing homes, hotels, and motels), that cannot satisfy the requirements of section 20-254 through the dedication of water rights shall furnish to the city a cash-in-lieu fee to fulfill all or the remainder of the dedication requirement associated with the potable and non-potable components of its request for water service.
- (b) The cash-in-lieu fee for ~~non-residential~~nonresidential lots and ~~large multi-family residential developments~~lots with more than four units shall be set by resolution of the water and sewer board and calculated by multiplying the water service demand for the subject ~~property~~lot, as determined in accordance with section 20-254(~~eg~~), and the landscape irrigation demand, as determined in accordance with section 20-254(h), by the fair market value of water per acre-foot.

Section 11. Section 20-257 shall be amended to read as follows:

**Sec. 20-257. Exception for large parcel single-family residential.**

- (a) The water rights dedication and cash-in-lieu fee requirements set forth in sections 20-254 through 20-256 shall not apply to applications for water service to a large parcel single-family residential ~~development~~lot, defined as a parcel, of property exceeding one acre that contains only one detached single-family residence.
- (b) All applicants for water service to a large parcel single-family residential ~~development~~lot shall dedicate raw water and, if the applicant cannot dedicate raw water, furnish to the city the applicable cash-in-lieu fee in accordance with subsection

(c) in the amount of the water service demand for the subject ~~development~~lot. The water service demand for large parcel single-family residential ~~developments~~lots shall be determined by (i) the total gross acreage, or fraction thereof, of property to which water service will be provided and (ii) the type of landscape as set forth in the landscape water use table in section 20-254(h) above. Landscape plans with more than 75 percent high water use vegetation are assumed to be entirely high water use and shall be calculated as such. Streets, rights-of-way, driveways, sidewalks, outbuildings and any other part of the ~~property~~lot that has been or will be developed shall be included in the calculation of the total gross acreage of property, regardless of whether such areas have been dedicated to public use. The city may, in its sole discretion, exclude area(s) from the total gross acreage, provided that irrigating such area(s) is legally prohibited by plat or deed.

- (c) Any applicant for large parcel single-family residential water service pursuant to this section that cannot satisfy the requirement of subsection (b) through the dedication of water rights shall furnish to the city a cash-in-lieu fee to fulfill all or the remainder of the dedication requirement associated with its request for water service.
- (d) The cash-in-lieu fee for large parcel single-family residential water service pursuant to this section shall be set by resolution of the water and sewer board and calculated as the cash equivalent of the calculated water service demand using the fair market value of water per acre-foot.

Section 12. Section 20-260 shall be amended to read as follows:

**Sec. 20-260. Raw water surcharge and supplemental cash in lieu of raw water; exception.**

- (a) ~~A nonresidential or large multifamily residential~~ customer whose metered water use in a calendar year exceeds its annual allotment shall be required to pay a raw water surcharge on the volume of potable or not-potable water used in excess of such allotment, as set forth in its service commitment agreement.
- (b) Nonresidential and large multi-~~unit~~family residential customers who initiated water service prior to the enactment of the ordinance codified in this section and have not executed a service commitment agreement shall be entitled to an annual allotment in accordance with the raw water dedicated or cash in lieu of raw water it paid upon initiation of service. Any such customer whose metered water use in a calendar year exceeds its annual allotment shall be required to pay a raw water surcharge on the volume of water used in excess of such allotment.
- (c) Large parcel single-family residential customers shall be entitled to an annual allotment equal to the water service demand calculated in accordance with section 20-257. Any such customer whose metered water use in a calendar year exceeds its annual allotment shall be required to pay a raw water surcharge on the volume of water used in excess of such allotment.
- (d) The raw water surcharge applicable to customers pursuant to this section shall be set by resolution of the water and sewer board. Any customer whose metered water use in a

calendar year exceeds its annual allotment may also furnish to the city a separate supplemental cash-in-lieu fee to increase its annual allotment. ~~a~~Any such supplemental cash-in-lieu fee shall be calculated using the fair market value of water per acre-foot, as set by the water and sewer board and in place when the raw water surcharge payment is due and payable, and shall result in a corresponding increase to the annual allotment for that customer, whether as determined in accordance with this section or as set forth in its service commitment agreement.

- (e) Any ~~nonresidential, large multifamily residential, or large parcel single-family residential~~ customer who initiates or modifies its water service after the enactment of the ordinance codified in this section and whose metered water use in a calendar year exceeds the annual allotment set forth in its service commitment agreement in any two consecutive calendar years shall be required to pay a supplemental cash-in-lieu fee to increase its annual allotment in the amount of the average volume of water used above the annual allotment over the two consecutive calendar years, as described in subsection (d) of this section.
- (f) Any customer whose metered water use during its first full calendar year of water service exceeds its annual allotment shall be exempt from the raw water surcharge and supplemental cash-in-lieu fee requirements of this section for that first year only.

Section 13. Section 20-262 shall be amended to read as follows:

**Sec. 20-262. Plant investment fees for water service; inside and outside the city.**

- (a) All applicants for water service, whether inside or outside the city limits, shall furnish to the city a water plant investment fee based on the diameter of the potable water tap as a prerequisite to, and as a part of the consideration for, city water service to the subject property. The water plant investment fee shall be the minimum amount set by resolution of the water and sewer board, unless subsequently increased by resolution of the city council. The diameter of a service line water tap installed for fire suppression purposes shall not be considered when calculating plant investment fees due pursuant to this section.
- (b) Upon approval of the director of water and sewer, plant investment fees may be based on the volume of a customer's annual allotment rather than the diameter of the potable water tap. When the director of water and sewer authorizes a plant investment fee based on the volume of a customer's annual allotment, then the schedule of tap fees set by resolution of the water and sewer board shall be applied in accordance with the size of service line.
- (c) The plant investment fee associated with a request for water service shall be reduced by up to fifty (50) percent for the following residential lot types to which separate and additional landscape irrigation taps and service lines are installed and non-potable water service is provided. Reductions are not aggregated for the installation of both common space and house-to-house non-potable water service.

<u>Plant Investment Fee Reduction Percentages</u>			
<u>Residential Building Type</u>	<u>Lot Size</u>	<u>Common Space Non-Potable</u>	<u>House to House Non-Potable</u>
<u>Row House</u>	<u>&gt;1,000 s.f.</u>	<u>50%</u>	<u>N/A</u>
<u>Detached House (Small Format)</u>	<u>1,500-3,000 s.f.</u>	<u>50%</u>	<u>50%</u>
<u>Detached or Multi-Unit House (Small Lot)</u>	<u>3,000-4,500 s.f.</u>	<u>40%</u>	<u>50%</u>
<u>Detached or Multi-Unit House (Medium Lot)</u>	<u>4,500-6,000 s.f.</u>	<u>30%</u>	<u>50%</u>
<u>Detached or Multi-Unit House (Standard Lot)</u>	<u>6,000-13,000 s.f.</u>	<u>25%</u>	<u>50%</u>
<u>Detached House (Estate Lot)</u>	<u>&gt;13,000 s.f.</u>	<u>N/A</u>	<u>50%</u>

Section 14. Section 20-263 shall be amended to read as follows:

**Sec. 20-263. Installation costs for water service.**

- (a) In addition to the water plant investment fee requirement set forth in section 20-262, an applicant for water service shall pay for all meters, labor and other materials required to tap the potable and non-potable water systems~~main~~, to install service pipes, and to trench and repair the street, as such costs are determined by the director of water and sewer.
- (b) All costs shall be paid by the applicant in advance of such work and no later than the time at which a building permit is issued by the city for the subject property.

Section 15. Section 20-264 shall be amended to read as follows:

**Sec. 20-264. Water plant investment fee credits and exchange; renovations.**

- (a) Any customer that seeks to abandon an existing potable water tap in favor of a smaller or larger tap to serve the same property shall be entitled to a credit against the water plant investment fee requirement set forth in section 20-262. ~~Such credit shall be equal to the then current plant investment fee value associated with the abandoned tap but shall not include credit for any fire flow diameter associated with the abandoned tap.~~ Any credit issued for an abandoned tap pursuant to this section shall not exceed the water plant investment fee due and payable for the replacement tap; the city shall not be required to provide cash refunds for any such credit.
- (b) Any tap abandoned pursuant to this section shall be turned off at the main, and the costs associated with turning off the abandoned tap shall be borne by the person or entity requesting the change of service.
- (c) Any customer that renovates one or more residential units that were constructed prior to January 20, 1959, and is accordingly required to replace an existing tap that serves

such residential units to comply with the current minimum tap size requirements established by the water and sewer board shall not be required to furnish an additional water plant investment fee if the renovation does not increase the number or size of the residential units, and the use of the subject property is not changed.

Section 16. Chapter 6 (Irrigation) of Title 20 (Public Works and Utilities) shall be stricken in its entirety, and the reserved Sections thereof renumbered and amended to read as follows:

#### **CHAPTER 6.—IRRIGATION**

##### **~~Sec. 20-701. Regulation of irrigation water.~~**

~~In order to secure an equitable distribution of irrigation water among the irrigation water consumers, the director of water and sewer and his deputy or deputies shall, under the direction of the city manager, regulate the distribution of irrigation water to all the lots and parcels of land within the limits of the city.~~

##### **~~Sec. 20-702. Control of headgates.~~**

~~The headgates of city laterals from Canal No. 3, together with the headgates of sublaterals whereby water is drawn from such canals or laterals, shall be controlled only by the director of water and sewer or his deputies on his order.~~

##### **~~Sec. 20-703. Water levels and checks.~~**

~~The director of water and sewer shall, at all points where it may be found necessary, establish and maintain such water levels and checks as shall ensure to all private parties and to all sublaterals an equitable supply of irrigation water, at a minimum head, with the present established grade of the ditches of the city.~~

##### **~~Sec. 20-704. Interference unlawful.~~**

~~It is unlawful for any person to open any gate or gates or otherwise break and destroy any gate or check or cutting of any of the banks of the ditches, to obstruct the free flow of water by check or otherwise, to willfully allow gates in such ditches to be open and to run water thereby upon their own land or upon any street, alley or public grounds of this city, or in any other way to interfere with the regulations of the director of water and sewer or the provisions of this chapter.~~

##### **~~Sec. 20-705. Irrigation rates fixed by water and sewer board.~~**

~~Irrigation water rates shall be the minimum rate as approved by the water and sewer board, unless increased by resolution of the city council.~~

##### **~~Sec. 20-706. Payment due date; nonpayment.~~**

~~It shall be the duty of the director of finance to collect such tax from all irrigation water consumers before April 20 in each and every year, and all irrigation water consumers~~

~~neglecting or refusing to pay such tax on or before such date shall, until such tax is paid, be deprived of irrigation water by the director of water and sewer, whose duty it shall be to stop the supply of irrigation water to all lots or parcels of land on which the tax is unpaid on such day.~~

**Secs. 20-7017 - 20-725. Reserved.**