

CHAPTER 19 – DROUGHT RESPONSE

19.01 **Application of this Chapter.** Denver Water has adopted a Drought Response Plan that provides a framework for addressing droughts. Three levels of drought severity have been defined, based on the predicted percentage of storage in Denver Water’s reservoirs at the end of the run-off season on July 1. The basic response to a Stage 1 drought is voluntary measures; to a Stage 2 drought, mandatory restrictions; and to a Stage 3 drought, prohibitions on lawn watering. To adopt a particular drought response, the Board of Water Commissioners declares a drought level and adopts an effective date for applicable restrictions. Because Stage 2 and Stage 3 drought restrictions are mandatory, they are incorporated into the Operating Rules where they become enforceable pursuant to the Denver Charter, the Denver Revised Municipal Code and provisions in Denver Water’s water service agreements and water leases. This chapter contains the Operating Rules that apply during a Stage 2 or Stage 3 drought, as declared by the Board. Other aspects of drought response will be contained in other documents such as administrative and enforcement guidelines.

19.01.1 **Application of Drought Response within Master Meter Districts:** Water service furnished by Denver Water within master meter districts is governed by the Operating Rules, including this Chapter 19. Under master meter water service agreements, master meter districts retain the right to make and enforce their own rules that are not inconsistent with the Operating Rules, and also agree to exercise their powers to assist Denver Water in enforcing the Operating Rules.

19.02 **Stage 2 Drought Response.**

19.02.1 **Irrigation Watering Restrictions:** All customers (owners or occupants of the licensed premises) shall comply with the following watering restrictions from May 1 to October 1, unless exempted by special permission or by means of a water budget:

- a. Watering shall be limited to two days per week in accordance with the following schedule.

Single-family residential properties with odd-numbered addresses

Saturday and Wednesday

Single-family residential properties with even-numbered addresses

Sunday and Thursday

All others (multi-family, HOA’s commercial, industrial, government)

Tuesday and Friday

b. Each area of turf shall receive no more than 15 minutes of irrigation on the assigned watering day. All irrigation control systems must be programmed or operated manually to limit irrigation to 15 minutes per zone. Any area covered by a sprinkler attached to a moveable hose (zone) shall also be limited to 15 minutes of watering on the assigned watering day. The Board of Water Commissioners may by formal action establish a maximum total amount of time during which 15-minutes-per-zone irrigation at a premise may occur. This subsection (b) will not apply to athletic or playing fields, so long as irrigation of such fields is accomplished without waste of water.

c. Watering is prohibited between the hours of 10:00 a.m. and 6:00 p.m. and on Mondays.

d. Between October 1 and May 1, outdoor lawn watering shall be prohibited. The watering of turf areas heavily used by the community, such as athletic and playing fields, and tees and greens at golf courses, is not prohibited, but must be conducted without waste of water.

e. Permissible watering shall be conducted without any water waste, as defined in Rule 12.0l.

19.02.2 Exemptions from Irrigation Restrictions: Denver Water may in its discretion grant exemptions from the watering restrictions in Rule 19.02.1, as directed by the Board of Water Commissioners. The Board may approve exemptions for specific uses of irrigation. The Board may approve the use of water budgets for large volume irrigators, which will establish a maximum allowable amount of water, within which the irrigators will be permitted flexibility to choose how and which landscapes to water. In addition to the penalties described in Rule 19.02.10(c), violation of any term or condition of an exemption may result in immediate rescission of the exemption.

19.02.3 Irrigation of Trees and Shrubs: Trees and shrubs may be watered by means of a hand-held hose or low-volume non-spray irrigation on the assigned watering days in Rule 19.02.1(a). From May 1 to October 1, such non-spray irrigation may not occur between the hours of 10:00 a.m. and 6:00 p.m.

19.02.4 Irrigation of Flowers and Vegetables: Flowers, vegetables, and plantings in community gardens may be watered any day except Monday by means of a hand-held hose or low-volume non-spray irrigation. From May 1 to October 1, such non-spray irrigation may not occur between the hours of 10:00 a.m. and 6:00 p.m.

19.02.5 Irrigation System Installation, Operation and Repair: An irrigation system may be operated outside the watering schedule in Rule 19.02.1 for installation, repair or reasonable maintenance, so long as the system is attended throughout the period of operation and water waste does not occur. All irrigation control systems must be reprogrammed for operation in compliance with the schedule in Rule 19.02.1 or must be operated manually.

19.02.6 Outdoor Water Features:

- a. Fountains and Waterfalls. Customers shall be prohibited from operating any existing outdoor fountain or waterfall that sprays water into the air.

- b. Outdoor Misting Devices. Operation of outdoor misting devices shall be prohibited.

19.02.7 Washing of Vehicles:

- a. Personal Vehicles. Personal vehicles may be washed using only a bucket or a hand-held hose equipped with a positive shutoff nozzle. From May 1 to October 1, personal vehicles may be washed only on the days indicated in the schedule in Rule 19.02.1(a) and not between the hours of 10:00 a.m. and 6:00 p.m. From October 1 to May 1, personal vehicles may be washed without day-of-the-week or time-of-day restrictions.

- b. Fleet Vehicles. Vehicles contained in commercial operations or fleets may be washed no more often than once per week, unless public safety requires more frequent washing, and only by means of a car wash or washing equipment certified by Denver Water.

- c. Commercial Car Washes. Commercial car washes are subject to a certification program that will require implementation of industry best management practices or achieve a 30% water savings as compared to a non-recycling car wash. Any commercial car wash that is not certified or in the process of becoming certified, shall be deemed to be in violation of this provision.

19.02.8 Washing of Impervious Surfaces:

a. Power Washing by Individuals. Use of water instead of a broom or mop to clean outdoor impervious surfaces such as sidewalks, driveways and patios is prohibited, except when cleaning with water is necessary for public health or safety reasons or when other cleaning methods are impractical. Cleaning with water as permitted by this section, except for immediate health or safety reasons, may occur only on the assigned watering days indicated in Rule 19.02.1(a) and not between the hours of 10:00 a.m. and 6:00 p.m.

b. Commercial Power Washing. Commercial enterprises for whom cleaning with water is an essential element of their business are not subject to day-of-the-week or time-of-day restrictions, but shall use only high efficiency equipment certified by Denver Water and assure that water waste does not occur.

19.02.9 Food and Lodging Establishments.

a. Restaurants. Restaurants and catering businesses shall not serve water automatically with meals, but may serve water upon the customer's request. Restaurants must comply with Denver Water's signage program.

b. Lodging. Lodging establishments shall not change sheets more often than every four days for guests staying more than one night, except for health or safety reasons. Food service operations in lodging establishments shall not serve water automatically with meals, but may serve water upon the customer's request. Lodging establishments must comply with Denver Water's signage program.

19.02.10 Enforcement of Drought Restrictions: The customer (owner or occupant of the licensed premises) shall be responsible for complying with these drought restrictions, and also with the terms of any exemption granted under Rule 19.02.2. Those who violate any of these Stage 2 drought restrictions will be subject to the penalties in this provision.

a. For a first violation of any Stage 2 drought restriction, the owner or occupant will be advised in writing and informed that a monetary charge will be added to the water bill for subsequent violations.

b. For a second violation of any Stage 2 drought restriction at the same premises, the owner or occupant will be advised in writing, and a \$250 charge may be added to the water bill.

c. For a third violation of any Stage 2 drought restriction at the same premises, the owner or occupant will be advised in writing, and a \$500 charge may be added to the water bill.

d. For a fourth violation of any Stage 2 drought restriction at the same premises, for violation of any term or condition of an exemption granted under 19.02.2, or for willful violation of any drought restriction, the owner or occupant will be advised in writing, and a \$1000 charge may be added to the water bill. In addition, Denver Water may install a flow restrictor on the service line that will remain in place during the irrigation season or may suspend service temporarily until the cause of the violation is corrected and all outstanding penalty and water service charges have been paid.

19.02.11 Fixed-Amount Water Contracts: Water deliveries to customers who receive raw water, nonpotable water or potable water under fixed-amount contracts will be restricted as follows:

a. For agreements with provisions for reduction in deliveries under drought conditions, the amount delivered shall be reduced by 30%.

b. For agreements with provisions requiring the lessee to adopt the same or similar water use restrictions as Denver Water, the lessee shall implement the water use restrictions contained in this Rule 19.02.

c. For agreements without the provisions described in either subsection (a) or (b), the Board of Water Commissioners may adopt drought surcharges or other methods to achieve reduction in water consumption outside Denver as necessary to provide an adequate supply of water to the people of Denver .

d Any water delivered by Denver Water between May 1 and October 1 shall not be used for spray irrigation on Mondays or between the hours of 10:00 a.m. and 6:00 p.m.

19.03 **Stage 3 Drought Response**.

19.03.1 Prohibition on Irrigation: Irrigation of landscaping shall be prohibited, except as

specifically provided in this Rule or unless exempted by special permission or by means of a water budget:

- a. The watering of turf areas heavily used by the community such as athletic and playing fields is not prohibited, but shall be limited to Tuesdays and Fridays. Irrigation of such fields shall be accomplished without waste of water.

- b. Between May 1 and October 1, otherwise permissible watering is prohibited between the hours of 10:00 a.m. and 6:00 p.m.

- c. Permissible watering shall be conducted without any water waste, as defined in Rule 12.0l.

19.03.2 Exemptions from Irrigation Prohibition: Denver Water may in its discretion grant exemptions from the watering prohibition in Rule 19.03.1, as directed by the Board of Water Commissioners. The Board may approve exemptions for specific uses of irrigation. The Board may approve the use of water budgets for large volume irrigators, which will establish a maximum allowable amount of water, within which the irrigators will be permitted flexibility to choose how and which landscapes to water. In addition to the penalties described in Rule 19.03.10(c), violation of any term or condition of an exemption may result in immediate rescission of the exemption.

19.03.3 Irrigation of Trees and Shrubs: Existing trees and shrubs may be watered by means of a hand-held hose or low-volume non-spray irrigation no more than once a week in accordance with the following schedule. From May 1 to October 1, such irrigation may not occur between the hours of 10:00 a.m. and 6:00 p.m. No new trees or shrubs may be planted.

Single-family residential properties with odd-numbered addresses	Saturday
Single-family residential properties with even-numbered addresses	Sunday
All others (multi-family, HOA's commercial, industrial, government)	Wednesday

19.03.4 Irrigation of Flowers and Vegetables: Existing flowers, vegetables, and plantings in community gardens may be watered any day except Monday by means of a hand-held hose or low-volume non-spray irrigation. From May 1 to October 1, such irrigation may not occur between the hours of 10:00 a.m. and 6:00 p.m. No new flowers or vegetables may be planted.

19.03.5 Irrigation System Installation, Operation and Repair: An irrigation system may be operated despite the prohibition in Rule 19.03.1 for installation or repair, so long as the system is attended throughout the period of operation and water waste does not occur.

19.03.6 Outdoor Water Features:

- a. Fountains and Waterfalls. Customers shall be prohibited from operating any existing outdoor fountain or waterfall that sprays water into the air. No new outdoor fountain or waterfall may be put into operation during a Stage 3 drought response.
- b. Misting Devices. Operation of outdoor misting devices shall be prohibited.
- c. Swimming Pools. Single-family residential pools shall not be filled or refilled. Operation of other pools will be permitted.

19.03.7 Washing of Vehicles:

- a. Personal Vehicles. Washing of personal vehicles shall be prohibited except at commercial car washes certified as described in subsection (c).
- b. Fleet Vehicles. Vehicles contained in commercial operations or fleets may be washed no more often than once per month, unless public safety requires more frequent washing, and only by means of a car wash or washing equipment certified by Denver Water.
- c. Commercial Car Washes. Commercial car washes are subject to a certification program that will require a 50% water savings as compared to a non-recycling car wash. Any commercial car wash that is not certified or in the process of becoming certified, shall close down its washing operations three days each week as designated by Denver Water in order to save water.

19.03.8 Washing of Impervious Surfaces:

- a. Power Washing by Individuals. Use of water instead of a broom or mop to clean outdoor impervious surfaces such as sidewalks, driveways and patios is prohibited, except when cleaning with water is necessary for immediate public health or safety reasons.

- b. Commercial Power Washing. Commercial enterprises shall clean with water only for health or safety purposes, and shall use only high efficiency equipment certified by Denver Water and assure that water waste does not occur.

- c. Hydrant Permits. Water obtained by means of a hydrant permit shall not be used for cleaning equipment or any other use prohibited during a Stage 3 drought.

19.03.9 Food and Lodging Establishments.

- a. Restaurants. Restaurants and catering businesses shall not serve water automatically with meals, but may serve water upon the customer's request. Restaurants must comply with Denver Water's signage program.

- b. Lodging. Lodging establishments shall not change sheets more often than every four days for guests staying more than one night, except for health or safety reasons. Food service operations in lodging establishments shall not serve water automatically with meals, but may serve water upon the customer's request. Lodging establishments must comply with Denver Water's signage program.

19.03.10 Enforcement: The customer (owner or occupant of the licensed premises) shall be responsible for complying with these drought restrictions, and also with the terms of any exemption granted under Rule 19.03.2. Those who violate any of these Stage 3 drought restrictions will be subject to the penalties in this provision.

- a. For a first violation of any Stage 3 drought restriction, the owner or occupant will be advised in writing and informed that a monetary charge will be added to the water bill for subsequent violations.

b. For a second violation of any Stage 3 drought restriction at the same premises, the owner or occupant will be advised in writing, and a \$1000 charge may be added to the water bill.

c. For a third violation of any Stage 3 drought restriction at the same premises, for violation of any term or condition of an exemption granted under 19.03.2, or for willful violation of any drought restriction, the owner or occupant will be advised in writing, and a \$1500 charge may be added to the water bill. In addition, Denver Water may install a flow restrictor on the service line that will remain in place during the irrigation season or may suspend service temporarily until the cause of the violation is corrected and all outstanding penalty and water service charges have been paid.

19.03.11 Fixed-Amount Water Contracts: Water deliveries to customers who receive raw water, nonpotable water or potable water under fixed-amount contracts will be restricted as follows:

a. For agreements with provisions for reduction in deliveries under drought conditions, the amount delivered shall be reduced by 50%.

b. For agreements with provisions requiring the lessee to adopt the same or similar water use restrictions as Denver Water, the lessee shall implement the water use restrictions contained in this Rule 19.03.

c. For agreements without the provisions described in either subsection (a) or (b), the Board of Water Commissioners may adopt drought surcharges or other methods to achieve reduction in water consumption outside Denver as necessary to provide an adequate supply of water to the people of Denver .

d. Any water delivered by Denver Water between May 1 and October 1 shall not be used for otherwise permissible irrigation on Mondays or between the hours of 10:00 a.m. and 6:00 p.m.

19.04 **Appeal Process**: Any person subject to a charge for violation of a provision of this Chapter 19 may appeal the charge in writing to Denver Water. The appeal must be received by the Customer Service Office within 10 business days of the date of the violation notice.

a. Response by Customer Service. The Customer Service Office must respond to the appealing owner or occupant with 10 business days of receipt of an appeal, or the charge will be removed from the account.

b. Denial of Appeal. If Customer Service denies the appeal, the appealing owner or occupant may submit the appeal in writing to the Sales Administrator. The written appeal must be received by the Sales Administrator within 10 business days of the date of the denial by Customer Service. The decision of the Sales Administrator on the matter shall be final.

c. Payment of Charges During Appeal. The customer must pay the water bill, including the charge imposed under Rule 19.02.10 or Rule 19.03.10 by the due date of the water bill. If the customer's appeal is approved, the disputed charge will be credited on the next water bill.

19.05 **Use of Water Not Controlled or Provided by Denver Water.** Some customers may have available to them sources of water that are not owned, controlled or provided by Denver Water. While the use of such water in a drought is not under the direct control of Denver Water, the following rules apply to the owner or occupant of a licensed premise using non-Denver water. Failure to comply with these rules will be deemed to be a drought restriction violation under either Rule 19.02.10 or 19.03.10, depending on the severity of the drought.

a. To ensure that the water is in fact not Denver Water's, the customer shall provide certification demonstrating the source of the water and that the water is being used in compliance with any legal restrictions on the use of water from that source.

b. To avoid confusing the public, the premise where the non-Denver water is being applied shall display prominent signage indicating that the water is not being supplied by Denver Water.

c. To avoid potential contamination of Denver Water's potable water supply system, any irrigation or other system using non-Denver water shall be physically disconnected from Denver Water's potable system. In addition, the Denver Water service line providing potable water to the premises must include an approved backflow prevention device, and the customer must execute a Dual Water Supply Agreement with Denver Water.

d. To prevent the waste of water, which could increase the customer's need for Denver Water's supplies, irrigation with non-Denver water shall be prohibited during the hours from 10:00 a.m. to 6:00 p.m.

[Operating Rules Table of Contents](#)