

**ORDINANCE NO. 21  
(Series of 2018)**

AN ORDINANCE OF THE TOWN OF EAGLE, COLORADO AMENDING CHAPTER 12.07  
OF THE EAGLE MUNICIPAL CODE CONCERNING WATER IRRIGATION  
CONSERVATION

WHEREAS, the Board of Trustees of the Town of Eagle finds and determines that the Town's Municipal Code should be revised as hereinafter set forth.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO:

Section 1. That Chapter 12.07 of the Eagle Municipal Code is hereby repealed and reenacted to read as follows:

**CHAPTER 12.07. WATER IRRIGATION CONSERVATION**

**Section 12.07.010 Purpose.**

The purpose of this Chapter is to conserve water for the protection of the Town's municipal water supply system and to protect the health and quality of nearby Brush Creek, the Town's primary source of potable water supply. Prudent water conservation measures have been shown to extend the life of existing water supply infrastructure by minimizing the stress on the system caused by peak water demand. This Chapter recognizes the importance of water irrigation conservation and promotes the responsible use of water within the Town through reasonable regulation. This Chapter applies to all potable and non-potable water users within the Town's Service Area. Service Area means the corporate limits of the Town, the boundaries and limits of a water district served by the Town's water system, and any extension of the water system to serve structures or improvements which is approved by the Town Board.

**Section 12.07.020 Prohibition of Waste.**

The following uses of water constitute "waste" as used in this Chapter and are prohibited at all times:

- A. *Water Irrigation Season Restrictions:* No water irrigation of lawn or landscape is permitted before April 15<sup>th</sup> or after October 15<sup>th</sup> of each year;
- B. *Water Irrigation Time Restrictions:* Water irrigation is only permitted before 10:00 a.m. or after 5:00 p.m.;
- C. The watering of grass, lawns, ground cover, shrubbery, trees, and open ground in a manner or to an extent which allows on-site ponding or visible flow leaving the

area being irrigated;

- D. Allowing water to run off private property and flow into public rights-of-way or storm water drainage systems;
- E. The escape of water through breaks or leaks within the customer’s water service line, plumbing or water irrigation distribution system is prohibited. A period of one (1) week after the customer or the Town discovers the break or leak is a reasonable time within which to correct the break or leak; and
- F. Water irrigation systems shall be designed and operated to limit the time of irrigation within each zone to reach optimum efficiencies. Design of water irrigation systems in single-family, multi-family developments, commercial, government, schools, churches, parks and larger irrigated areas are required to use smart clock controllers.

**Section 12.07.030 Stage 1, Water Use Restrictions.**

- A. Stage 1, Water Use Restrictions apply to all users in all years, regardless of drought conditions. The following mandatory restrictions shall apply.
  - 1. *Water Irrigation Season Restrictions:* No water irrigation of lawn or landscape is permitted before April 15<sup>th</sup> or after October 15<sup>th</sup> of each year.
  - 2. *Water Irrigation Time Restrictions:* Water irrigation is only permitted before 10:00 a.m. or after 5:00 p.m.
  - 3. *Water Irrigation Day Restrictions:*
    - a. Residential (single family and multi-family): (based on the last digit in your street address)
      - i. There is no residential water irrigation on Mondays;
      - ii. EVEN numbered addresses can water irrigate on Tuesdays, Thursdays and Saturdays; and
      - iii. ODD numbered addresses can water irrigate on Wednesdays, Fridays and Sundays.

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
No Water Irrigation	Even	Odd	Even	Odd	Even	Odd

b. Schools, parks, government, commercial, churches and industrial sites:

i. Allowed to water irrigate on Mondays, Wednesdays and Fridays.

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Yes	No	Yes	No	Yes	No	No

Users may be temporarily exempt from this regulation for a period of thirty (30) consecutive days during the growing season when water irrigation is required for the establishment of new lawn by seed or sod. Users may schedule one (1) water irrigation cycle each day during the hours from 10:00 a.m. to 5:00 p.m. to achieve optimal moisture. Mandatory Notification is required to the Town to start and stop the thirty (30) consecutive days. Town may require new lawn by seed or sod to be planted in late fall or early spring to avoid peak summer.

Hand watering of lawns, gardens and planting areas can be performed on the prescribed ODD/EVEN days during permitted hours. All hand watering devices shall have flow control assemblies.

**Section 12.07.040 Stage 2, Water Shortage Warning and Water Use Restrictions – Dry Year Conditions.**

A. Stage 2, Water Shortage Warning:

Stage 2, Water Shortage Warning applies to all users during drought or near drought conditions defined as follows:

During years that the April 1<sup>st</sup> snowpack water equivalent for the Upper Eagle River basin is at or below 80% of average as shown on [www.coloradoriverdistrict.org/snow-reports/](http://www.coloradoriverdistrict.org/snow-reports/) for the Fremont Pass FMTC2 and Vail Mountain VLMC2.

Due to this, it is expected Brush Creek stream flows will be relatively low beginning on or about July 1. In anticipation of this condition, the Town will issue a Stage 2 Water Shortage Warning informing users of this potential and will request that all users implement water conservation measures. Such public notice shall appear in the Town’s newspaper of record.

B. Stage 2, Water Use Restrictions:

Stage 2, Water Use Restrictions apply to all users. Mitigation measures will be

implemented when one (1) or more of the following events occur:

1. The Town’s water supply treatment facility/facilities is/are operating at 90% + of its total capacity; or
2. Brush Creek stream flows below the Love-White Ditch headgate drop below 16.0 cubic feet per second (cfs);
3. If, in the opinion of the Public Works Director, other such conditions require implementation of conservation.

C. During periods that one or more of the above events occur, the following mandatory restrictions shall apply:

1. *Water Irrigation Season Restrictions:* No water irrigation of lawn or landscape is permitted before April 15<sup>th</sup> or after October 15<sup>th</sup> of each year.
2. *Water Irrigation Time Restrictions:* Water irrigation is only permitted before 10:00 a.m. or after 5:00 p.m.
3. *Water Irrigation Day Restrictions:*
  - a. Residential (single family and multi-family): (based on the last digit in your street address)
    - i. There is no residential water irrigation on Mondays;
    - ii. EVEN numbered addresses can water irrigate on Tuesdays, Thursdays and Saturdays; and
    - iii. ODD numbered addresses can water irrigate on Wednesdays, Fridays and Sundays.

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
No Water Irrigation	<b>Even</b>	<b>Odd</b>	<b>Even</b>	<b>Odd</b>	<b>Even</b>	<b>Odd</b>

- b. Schools, parks, government, commercial, churches and industrial sites:
  - i. Allowed to water irrigate on Mondays, Wednesdays and Fridays.

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Yes	No	Yes	No	Yes	No	No

Users may be temporarily exempt from this regulation for a period of thirty (30) consecutive days during the growing season when water irrigation is required for the establishment of new lawn by seed or sod. Users may schedule one (1) water irrigation cycle each day during the hours from 10:00 a.m. to 5:00 p.m. to achieve optimal moisture. Mandatory Notification is required to the Town to start and stop the thirty (30) consecutive days. Town may require new lawn by seed or sod to be planted in late fall or early spring to avoid peak summer.

Hand watering of lawns, gardens and planting areas can be performed on the prescribed ODD/EVEN days during permitted hours. All hand watering devices shall have flow control assemblies.

4. Spas in excess of 700 gallons and swimming pools will be allowed only one (1) refill within the period beginning when the Stage 2, Water Shortage Warning, has been declared and ending on October 15<sup>th</sup>;
5. Residential car, boat, RV, etc. washing shall have flow control devices and only be done no more than once per week;
6. Town Public Works Director must approve an operation and water irrigation usage plan provided by Commercial nurseries;
7. The Eagle Ranch Golf Course, owned and operated by the Eagle Ranch Metropolitan District, shall curtail water irrigation as outlined in the water right lease agreement entered into between the District and the Town and by the conditions outlined in the Brush Creek Watershed Management Plan dated April 18, 2011 by Resource Engineering; and
8. The Frost Creek Golf Course development plus all Adam’s Rib developments within the Brush Creek Valley will limit the amount of water diverted from its various Brush Creek diversion structures pursuant to “Dry Year” table limits outlined in the Brush Creek Watershed Management Plan dated April 18, 2011 by Resource Engineering.

**Section 12.07.050 Stage 3, Water Shortage Warning and Water Use Restrictions – Critical Dry Year Conditions.**

- A. Stage 3, Water Shortage Warning:

Stage 3, Water Shortage Warning applies to all potable and non-potable water users during drought conditions defined as follows:

During years that the April 1<sup>st</sup> snowpack water equivalent for the Upper Eagle River basin is at or below 60% of average as shown on [www.coloradoriverdistrict.org/snow-reports/](http://www.coloradoriverdistrict.org/snow-reports/) for the Fremont Pass FMTC2 and Vail Mountain VLMC2.

Due to this, it is expected Brush Creek stream flows will be critically low beginning on or about July 1. In anticipation of this condition, the Town will issue a Stage 3 Water Shortage Warning informing water users of this potential and will request that all water users implement water conservation measures. Such public notice shall appear in the Town's newspaper of record.

**B. Stage 3, Water Use Restrictions:**

Stage 3, Water Use Restrictions apply to all users. Mitigation measures will be implemented when one (1) or more of the following events occur:

1. Brush Creek stream flows below the Town's Upper Brush Creek diversion drop below the Colorado Water Conservation Board's decreed in-stream flow water right of 12.0 cubic feet per second (cfs); or
2. Brush Creek stream flows below the Love-White Ditch headgate drop below the Colorado Water Conservation Board's decreed in-stream flow water right of 12.0 cubic feet per second (cfs);
3. If, in the opinion of the Public Works Director, other such conditions require implementation of conservation.

**C. During periods that one (1) or more of the above events occur the following mandatory restrictions shall apply:**

1. *Water Irrigation Season Restrictions:* No water irrigation of lawn or landscape is permitted before April 15<sup>th</sup> or after October 15<sup>th</sup> of each year.
2. *Water Irrigation Time Restrictions:* Water irrigation is only permitted before 10:00 a.m. or after 5:00 p.m.
3. *Water Irrigation Day Restrictions:* Water irrigation days shall be reduced from three (3) days per week to two (2) days per week:
  - a. Residential (single family and multi-family): (based on the last digit in your street address)

- i. There is no residential watering on Mondays, Thursdays and Friday;
- ii. EVEN numbered addresses can water on Tuesdays and Saturdays; and
- iii. ODD numbered addresses can water on Wednesdays and Sundays.

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
No Water Irrigation	<b>Even</b>	<b>Odd</b>	No Water Irrigation	No Water Irrigation	<b>Even</b>	<b>Odd</b>

b. Schools, parks, government, commercial, churches and industrial sites:

- i. Allowed to water irrigate on Mondays and Fridays.

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
<b>Yes</b>	No	No	No	<b>Yes</b>	No	No

Town will require new lawn by seed or sod to be planted in late fall or early spring to avoid Stage 3 Water Use Restrictions.

Hand watering of lawns, gardens and planting areas can be performed on the prescribed ODD/EVEN days. All hand watering devices shall have flow control assemblies.

- 4. Spas in excess of 700 gallons and swimming pools will be allowed only one (1) fill within the period beginning when the Stage 3, Water Shortage Warning has been declared and ending on October 15<sup>th</sup>;
- 5. Residential car, boat, RV, etc. washing shall be prohibited;
- 6. Town Public Works Director must approve an operation and water irrigation usage plan provided by Commercial nurseries;
- 7. All washing of pavement, driveways, sidewalks, etc. shall be prohibited; and
- 8. The Frost Creek Golf Course development plus all of Adam’s Rib developments within the Brush Creek valley will further limit all diversions

from its various diversion structures pursuant to “Critical Dry Year” table limits outlined in the Brush Creek Watershed Management Plan dated April 18, 2011 by Resource Engineering Inc. Such limits include curtailment of all nonessential golf course roughs;

**Section 12.07.060 Stage 4, Water Emergency Restrictions.**

B. Stage 4, Water Emergency Restrictions apply to all water users. Mitigation measures will be implemented when the following event occurs:

Stage 4, Water Emergency Restrictions occur when the Town’s water demand exceeds the water system’s capacity on a reoccurring basis per Public Works Director, thereby creating potential for potable in-house water supply shortages and/or creating conditions for a major water system failure, or if in the opinion of the Public Works Director, other such conditions require implementation of conservation.

C. During periods that the above condition occurs the following mandatory water irrigation restrictions shall apply:

1. Outdoor lawn and water irrigation shall be prohibited;
2. Filling of spas or pools shall be prohibited;
3. Residential car, boat, RV, etc. washing shall be prohibited;
4. Flow through ornamental fountains and similar types of outdoor water features shall be prohibited;
5. Town Public Works Director must approve an operation and water irrigation usage plan provided by Commercial nurseries; and
6. All washing of pavement, driveways, sidewalks, etc. shall be prohibited;

**Section 12.07.070 Violations and Penalties.**

A. Any person or entity violating any of the provisions contained in this Chapter starting on January 1<sup>st</sup> for the calendar year results in the following citations and fines:

Offense	Citation	Municipal Offense	Maximum Fine	Maximum Imprisonment
1	Door Hanger and Phone Call			
2	Door Hanger, Phone Call, and Warning Letter		\$100.00	

Offense	Citation	Municipal Offense	Maximum Fine	Maximum Imprisonment
3	Warning Letter and Site Visit	Non-Criminal	\$500.00	None
4		Class A	\$2,650.00	One Year

- B. Each day, or part thereof, during which a violation occurs, shall constitute a separate and distinct offense.
- C. In the event any person or entity violates any of the provisions contained in this Chapter, the Town shall have the right to enforce compliance with this Chapter by an action in equity for any equitable remedy, including injunction and/or specific performance in the Eagle County District Court.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED at a regular meeting of the Board of Trustees of the Town of Eagle, Colorado, held on June 12, 2018.

TOWN OF EAGLE, COLORADO

By:   
Anne McKibbin, Mayor

ATTEST:  
  
Jenny Rakow, Town Clerk



Publication Date:

July 5, 2018 Eagle Valley Enterprise  
July 3, 5, 6 and 8, 2018 in the Vail Daily

Trustee Solomon introduced, read and moved the adoption of the ordinance titled,

AN ORDINANCE OF THE TOWN OF EAGLE, COLORADO AMENDING CHAPTER 12.07  
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and upon adoption that it be published pursuant to law and recorded in the Book of Ordinances.

The motion was seconded. On roll call, the following Trustees voted "Aye":

SOLOMON	JESSEN	
BRUBECK	KERST	
MCKIBBIN	TURNIPSEED	WITT

Trustees voted "Nay": NONE