

**TOWN OF FRISCO
COUNTY OF SUMMIT
STATE OF COLORADO
ORDINANCE 24 – 07**

AN ORDINANCE AMENDING CHAPTER 171 OF THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, COLORADO, CONCERNING WATER, BY AMENDING ARTICLE V THEREOF, CONCERNING WATER CONSERVATION, TO SIMPLIFY AND STANDARDIZE RESTRICTIONS CONCERNING THE WATERING OR IRRIGATION OF LAWNS AND OTHER AREAS OF LAND.

WHEREAS, the Town of Frisco, Colorado (“Town”) is a home rule municipality, duly organized and existing under Article XX of the Colorado Constitution; and

WHEREAS, this ordinance is adopted pursuant to the Town’s home rule authority in order to protect the public health, safety and welfare by conserving water through the limitation, simplification, and standardization of watering restrictions to be consistent with other, similar limitations within Summit County and the various other municipalities within the County.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FRISCO THAT:

Section 1. Article V of Chapter 171 of the Code of Ordinances of the Town of Frisco (the “Code”), concerning water conservation, is hereby amended to read as follows:

ARTICLE V. WATER CONSERVATION

§ 171-20. Phased water use restrictions.

There is hereby established a four-phase water conservation and water use restriction system for the Town of Frisco. Each water conservation phase, as described in the following sections, is based upon the need to conserve water as determined by the level of water flow from time to time in North Ten Mile Creek, or by the average yield of the town's water wells from time to time, or by a combination of such water flow level and average yield. Phase 1 water use restrictions shall be in effect at all times during which there is no posting of notice, in accordance with this section, that Phase 2, Phase 3, or Phase 4 water use restrictions are in effect. Public notice that Phase 2, Phase 3, or Phase 4 water use restrictions are in effect shall be provided by the posting of such information (i) on the town's web site (www.friscogov.com) and (ii) within the south vestibule of Town Hall at 1 Main Street, Frisco, Colorado and within the United States Post Office at 0035 West Main Street, Frisco, Colorado. For purposes of this article, the Town of Frisco shall be divided into two zones based on address number. ~~that are defined as follows: "North Zone" shall consist of all land that is served by the town's water utility system that is north of Main Street or the center line of Main Street extended east and west; "South Zone" shall consist of all land that is served by the town's water utility system that is south of Main Street or the center line of Main Street extended east and west.~~ Zone 1 shall consist of all properties that have an address in which the last whole number is an odd number, and Zone 2 shall consist of all properties that have an address in which the last whole number is an even number. The provisions of this article shall apply to all real property within the Town of Frisco, whether publicly or privately owned, and all land outside of the Town of Frisco that is served by the town's water utility system. Notwithstanding the foregoing, the following public park and/or recreation areas shall be exempt from the irrigation times of this article: Walter Byron Park, Meadow Creek Park, Peninsula Recreation Area, Lakefront Park,

and the Frisco Historic Park. The provisions of this section may be enforced with respect to land located outside of the Town of Frisco by a suit for injunctive relief in a court of competent jurisdiction.

§ 1701-21. Phase 1 Voluntary Water Use Restrictions.

- A. All of the following Phase 1 water use restrictions shall be voluntary and a failure to comply with any Phase 1 water use restriction shall not result in a violation of this article. No person should, and no owner of any property should cause, permit, suffer or allow any person to, irrigate, sprinkle or otherwise apply water to a lawn or other area of land on which grass is grown, or intended to be grown, except within the following areas and during the following days and ~~within one, but not both in the same day,~~ of the following time periods:

Area	Day(s)	Time(s)
North Zone 1. <u>Last whole number in address is odd</u>	Tuesday, Thursday, Saturday	6:00 a.m. to 9:00 a.m. or 6:00 p.m. to 9:00 p.m. <u>Overnight, 6pm-9am</u>
South Zone 2. <u>Last whole number in address is even</u>	Sunday, Wednesday, Friday	6:00 a.m. to 9:00 a.m. or 6:00 p.m. to 9:00 p.m. <u>Overnight, 6pm-9am</u>

- B. Notwithstanding any of the foregoing, flowers, decorative plants, bushes and trees may be watered at any time and on any day so long as such watering is done by way of drip irrigation or by hand using a watering can or a hose with an automatic shut-off valve.
- C. No person should do any of the following, and no owner of any property should cause, permit, suffer or allow any person to do any of the following on the owner's property:
1. Use a hose to wash any structure, motor vehicle or boat unless the hose is equipped with an automatic shut-off valve;
 2. Wash any paved area with a hose; and
 3. Serve water to a customer of a commercial establishment except upon request of the customer.

§ 170-22. Phase 2 Mandatory Water Use Restrictions.

- A. All of the following Phase 2 water use restrictions are mandatory and shall be in effect (i) when the in-stream flow in North Ten Mile Creek is less than 1.0 cubic feet per second above the bypass flow mandated by the State of Colorado and (ii) after public notice that the Phase 2 water use restrictions are in effect has been provided in accordance with the requirements of section 171-~~19-20~~ above. No person shall, and no owner of any property shall cause, permit, suffer or allow any person to, irrigate, sprinkle or otherwise apply water to a lawn or other area of land on which grass is grown, or intended to be grown, except within the following areas and during the following days and ~~within one, but not both in the same day,~~ of the following time periods:

Area	Day(s)	Time(s)
North Zone 1. <u>Last whole number in address is odd.</u>	Tuesday, Thursday, Saturday	6:00 a.m. to 9:00 a.m. or 6:00 p.m. to 9:00 p.m. <u>Overnight, 6pm-9am</u>

<u>South Zone 2. Last whole number in address is even.</u>	Sunday, Wednesday, Friday	6:00 a.m. to 9:00 a.m. or 6:00 p.m. to 9:00 p.m. <u>Overnight, 6pm-9am</u>
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- B. Notwithstanding any of the foregoing, flowers, decorative plants, bushes and trees may be watered at any time and on any day so long as such watering is done by way of drip irrigation or by hand using a watering can or a hose with an automatic shut-off valve.
- C. It shall be unlawful for any person to do any of the following acts, or for the owner of any property to cause, permit, suffer or allow any person to do any of the following acts on the owner's property:
 - 1. Use a hose to wash any structure, motor vehicle or boat unless the hose is equipped with an automatic shut-off valve;
 - 2. Wash any paved area with a hose; and
 - 3. Serve water to a customer of a commercial establishment except upon request of the customer.

§ 171-23. Phase 3 Mandatory Water Use Restrictions.

- A. All of the following Phase 3 water use restrictions are mandatory and shall be in effect (i) when the in-stream flow in North Ten Mile Creek is less than 1.0 cubic feet per second above the bypass flow mandated by the State of Colorado, or (ii) when the average yield of all town-owned water wells in production at any given time is between 20 percent and 40 percent less than the average yield of all town-owned water wells that were in production, during the previous three years and (iii) after public notice that the Phase 3 water use restrictions are in effect has been provided in accordance with the requirements of section 171-~~19~~ 20 above. No person shall, and no owner of any property shall cause, permit, suffer or allow any person to, irrigate, sprinkle or otherwise apply water to a lawn or other area of land on which grass is grown, or intended to be grown, except within the following areas and during the following days and ~~within one, but not both in the same day, of the following~~ time periods:

Area	Day(s)	Time(s)
<u>North Zone 1. Last whole number in address is odd.</u>	Tuesday, Saturday	6:00 a.m. to 9:00 a.m. or 6:00 p.m. to 9:00 p.m. <u>Overnight, 6pm-9am</u>
<u>South Zone 2. Last full number in address is even.</u>	Sunday, Wednesday	6:00 a.m. to 9:00 a.m. or 6:00 p.m. to 9:00 p.m. <u>Overnight, 6pm-9am</u>

- B. Notwithstanding any of the foregoing, flowers, decorative plants, bushes and trees may be watered at any time and on any day so long as such watering is done by way of drip irrigation or by hand using a watering can or a hose with an automatic shut-off valve.
- C. It shall be unlawful for any person to do any of the following acts, or for the owner of any property to cause, permit, suffer or allow any person to do any of the following acts on the owner's property:
 - 1. Use a hose to wash any structure, motor vehicle or boat unless the hose is equipped with an automatic shut-off valve;
 - 2. Wash any paved area with a hose; and
 - 3. Serve water to a customer of a commercial establishment except upon request of the customer.

§ 171-24. Phase 4 Mandatory Water Use Restrictions.

- A. All of the following Phase 4 water use restrictions are mandatory and shall be in effect (i) when the in-stream flow in North Ten Mile Creek is less than 0.75 cubic feet per second above the bypass flow mandated by the State of Colorado, and (ii) when the average yield of all ~~€~~Town-owned water wells in production at any given time is more than 40 percent less than the average yield of all town-owned water wells that were in production during the previous three years, and (iii) after public notice that the Phase 4 water use restrictions are in effect has been provided in accordance with the requirements of section 171-~~49~~ 20 above.
- B. It shall be unlawful for any person to do any of the following acts, or for the owner of any property to cause, permit, suffer or allow any person to do any of the following acts on the owner's property:
 1. Irrigate, sprinkle or otherwise apply water to any outdoor vegetation;
 2. Use a hose to wash any structure, motor vehicle or boat on a property used for residential purposes;
 3. Wash any paved area with a hose; and
 4. Serve water to a customer of a commercial establishment except upon request of the customer.

§ 171-25. Irrigation restrictions—Penalties.

Any person, firm, partnership or corporation suspected of violating any provision of this article shall, upon the first such suspicion, be issued only a warning citation. Any person, firm, partnership or corporation violating any provision of this article shall, upon first conviction, be punished by a minimum fine of not less than \$100.00, which fine shall not be suspended by the municipal court; upon a second conviction of such person, firm, partnership or corporation for a violation that occurred within one year of the date of the first violation, such person, firm, partnership or corporation shall be punished by a fine of not less than \$250.00, which fine shall not be suspended by the municipal court; upon a third and each subsequent conviction of such person, firm, partnership or corporation for a violation that occurred within one year of the date of the first violation, such person, firm, partnership or corporation shall be punished by a fine of not less than \$500.00, which fine shall not be suspended by the municipal court.

Section 2. Effective Date. This ordinance shall become effective in accordance with the home-rule Charter of the Town of Frisco, Colorado.

INTRODUCED, PASSED ON FIRST READING AND PUBLICATION AND POSTING
ORDERED THIS _____ DAY OF _____, 2024.

ADOPTED ON SECOND AND FINAL READING AND PUBLICATION BY TITLE
ORDERED THIS _____ DAY OF _____, 2024

TOWN OF FRISCO, COLORADO:

Hunter Mortensen, Mayor

ATTEST:

Stacey Nell, Town Clerk