

TOWN OF GYPSUM, COLORADO

ORDINANCE NO. 09 SERIES 2026

AN ORDINANCE AMENDING AND REPLACING SECTION 13.01.070(1), AND REPEALING SECTIONS 13.01.310 (3) AND (4) AND AMENDING SECTION 13.01.310 TO CLARIFY SECTION 13.01.340(1)(E), ADD NEW SECTIONS 13.01.310 (3) CREATING A NEW PHASE IIA, A NEW SECTION 13.01.310 (4) CREATING A NEW PHASE IIB, AND NEW SECTIONS (5) AND (6) CONSISTING OF FORMER SECTIONS 13.01.310 (3) AND (4), RESPECTIVELY

WHEREAS, the Town of Gypsum ("Town") is a home rule municipality duly organized and existing under Articles XX of the Colorado Constitution and the Town's Home Rule Charter effective October 21, 1982; and

WHEREAS, the Town's water supplies are finite and constrained by drought and other factors; and

WHEREAS, the Town wishes to establish water conservation tools and restrictions to assure adequate water supplies exist for its customers during times of drought and shortage.

NOW, THEREFORE, be it ordained by the Town Council of the Town of Gypsum, Colorado that:

Section 1. Findings. The Town has considered the impacts to its portfolio of water rights during different stages of drought from moderate to extreme and has been advised to control water usage during periods of low streamflow and administrative curtailment of water rights. Based on these factors and to generally promote the health, safety, and welfare of the community, it is in the best interests of the municipality to make certain changes to the Municipal Code as set forth herein.

Section 2. SECTION 13.01.070(1) IS HEREBY REPEALED AND REPLACED AS FOLLOWS:

- (1) *Metered uses—Inside and outside the town:* The town encourages the use of privately owned nonpotable (raw water) irrigation systems approved by the town for the irrigation of lawns, gardens and greenbelt areas. In pursuit thereof, a credit for the use of privately owned nonpotable (raw water) irrigation systems, for which there is no outside use, is contained in sections 13.02.050 and 13.02.200.

The monthly charge includes a service fee per service connection ("service fee") and a per gallon of use charge ("usage charge"), which is based on the total number of gallons above the amount included in the base service fee which are used within the billing period. In addition, while phase II, IIA, IIB, III, or IV water use restrictions are in effect, as provided in section 13.01.310, customers shall also

incur charges ("drought surcharge") for water usage exceeding the number of gallons per ECU included in the service fee. Drought surcharges will be billed in addition to the service fee and usage charge. The per gallon rates will be applied per ECU designated for the use per ECU assigned in the town's discretion. The amount included in the base service fee is described below:

Section 3. SECTION 13.01.310(1)(e) IS HEREBY REPEALED AND REPLACED AS FOLLOWS:

e) Restrictions (a) through (d) are mandatory for the town except where such restrictions would substantially degrade air quality. Uses by the town will be restricted by administrative order to set an example and also to effect water savings. Areas in which the town should restrict its own use of water include:

- (i) Irrigation of town lawns, open space and parks.
- (ii) Washing of town vehicles, equipment, etc.
- (iii) Street general maintenance.
- (iv) Hydrant testing and sewer line cleaning other than what is required to meet state health standards.

Section 4. SECTION 13.01.310(3) IS HEREBY REPEALED AND REPLACED AS FOLLOWS:

(3) Phase IIA: *Critical Dry Year Restrictions*

- (a) Applicability: This phase is authorized, in the Town Manager's discretion, when: 1) Gypsum Creek below the Stratton Ditch headgate drops to a flow below 6.0 cfs; The administrative call on Gypsum Creek drops to the Stratton Priority No. 41 for a period lasting more than three days; or when the Town Manager, on the advice of the Town's water consultants, deems conditions require further conservation.
- (b) Restrictions: All restrictions on treated and raw water use imposed under Phase II shall apply in this phase. Additional restrictions on the use of treated water from the Town's municipal water system are:
 - (i) No irrigation water from the Gypsum municipal treatment system shall be applied in the period between November 1 and March 31.
 - (ii) No treated water from the Gypsum municipal system shall be used for irrigation except between the hours of 6:00 p.m. and 8:00 a.m.

(iii) Irrigation of residential lawns and gardens is limited to two days per week, as follows:

- Monday, Thursday, Friday: No watering
- Properties with an odd street address: Watering is allowed only on Tuesday and Saturday
- Properties with an even street address: Watering is allowed only on Wednesday and Sunday

Residential watering days are:

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
No irrigation	Odd	Even	No irrigation	No irrigation	Odd	Even

(iv) Institutional/Commercial (schools, parks, churches, government, industrial properties:

- Irrigation allowed on Monday and Friday; No irrigation allowed on any other day
- Hand watering allowed on assigned days with flow-controlled devices
- New lawns may only be planted after November 1 and before April 1

Institutional, commercial watering days are:

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Allowed	No irrigation	No irrigation	No irrigation	Allowed	No irrigation	No irrigation

- (v) Pools, Hot Tubs, and Spas: One fill per season allowed. No refilling from declaration through October 31)
- (vi) Moratoriums: Residential washing of vehicles, cars, boats and RVs is prohibited. Washing of pavement, driveways and sidewalks is prohibited.
- (vii) Commercial nurseries may submit water use plans. These plans may be approved, rejected, or approved with conditions.
- (viii) Drought surcharges on customer water use will be billed to each customer class based on usage and amounts specified in section 13.01.070. Drought surcharges are billed in addition to the customer's applicable monthly service fee and usage charge.
- (c) Institute fines and penalties for water use violations per Section 13.01.070.

Section 5. SECTION 13.01.310(4) IS HEREBY REPEALED AND REPLACED AS FOLLOWS:

(4) Phase IIB: – *Enhanced Critical Dry Year Restrictions*

- (a) Applicability: This phase is authorized, in the Town Manager's discretion, when: 1) the administrative call on Gypsum Creek drops to the Daggett and Parker Ditch Priority No. 36; 2) when water treatment plant operations have reached 80% of available capacity as a result of either source water availability or actual treatment capacity; or 3) when the Town Manager, on the advice of the Town's water consultants, deems conditions require further conservation,
- (b) Restrictions: All restrictions on treated and raw water use imposed under Phase IIA shall apply in this phase. Additional restrictions on the use of treated water from the Town's municipal water system are:
 - (i) Construction Water Moratorium use of treated water is imposed which includes use of treated water for construction related activities such as, but not by way of limitation: Dust suppression, soil compaction, material processing, or any similar temporary use for construction activities.
 - (ii) The prohibition of construction treated water use is mandatory and subject to the same enforcement, penalties, and drought surcharge provisions applicable to Phase IIA.
- (c) Drought surcharges on customer water use will be billed to each customer class based on usage and amounts specified in section 13.01.070. Drought surcharges are billed in addition to the customer's applicable monthly service fee and usage charge.
- (d) Institute fines and penalties for water use violations per Section 13.01.070.

Section 6. SECTION 13.01.310 IS AMENDED TO ADD A NEW SECTION 13.01.310(5) AS FOLLOWS:

(5) Phase III: Mandatory restrictions on water use.

- (a) Moratorium on lawn irrigation.
- (b) Moratorium on car/motor vehicle and/or off-road vehicle/equipment washing, including commercial car washes.
- (c) Moratorium on sale of new water taps.

- (d) Moratorium on evaporative cooling of commercial buildings.
- (e) Moratorium on use of any water for private swimming pools and spas.
- (f) Voluntary in-house restrictions. Encourage water efficiency.
- (g) Voluntary industrial/commercial restrictions. Goal is no water waste.
- (h) Institute fines and penalties for water use violations per Section 13.01.070.
- (i) Moratorium on treated water and raw water use for all construction related activities such as, but not by way of limitation: Dust suppression, soil compaction, material processing, or any similar temporary use for construction activities.
- (j) Drought surcharges on customer water use will be billed to each customer class based on usage and amounts specified in section 13.01.070 for Tier 1, 2, and 3 users. Drought surcharges are billed in addition to the customer's applicable monthly service fee and usage charge.

Section 7. SECTION 13.01.310 IS AMENDED TO ADD A NEW SECTION 13.01.310(6) AS FOLLOWS:

- (6) Phase IV: Curtailment of nonessential water use.
 - (a) Restriction of all water supplies for domestic and commercial users to sanitary use inside.
 - (b) Restriction prohibiting water for any landscape uses, including commercial nurseries.
 - (c) Drought surcharges on customer water use will be billed to each customer class based on usage and amounts specified in section 13.01.070 for Tier 1, 2, and 3 users. Drought surcharges are billed in addition to the customer's applicable monthly service fee and usage charge.
 - (d) Institute fines and penalties for water use violations per Section 13.01.070.

Section 8. SECTION 13.01.310 IS AMENDED TO ADD A NEW SECTION 13.01.310 (7) AS FOLLOWS:

(7) Restrictions on Municipal Golf Course Watering.

The Town shall maintain records of all water applied for irrigation use on any golf course owned in whole, or in part, by the Town. The Town shall use a rolling average of water use on such courses for years in which reductions under Phases II, IIA, IIB, III, and IV have not been mandated. Notwithstanding any other provision within this Section, using these rolling averages (RA), the Town shall use reasonable efforts to reduce golf course irrigation as follows:

(a) Under Phase II Restrictions: The Town shall reduce water use by 20% of the RA.

(b) Under Phase IIA Restrictions: The Town shall reduce water use by 25% of the RA.

(c) Under Phase IIB Restrictions: The Town shall reduce water use by 30% of the RA.

Section 9. Public Inspection. Copies of this ordinance are available for public inspection at the office of the Gypsum Town Clerk.

Section 10. Public Hearing: A public hearing on this Ordinance shall be held on the 28th day of July, 2026, at 7:00 p.m. at the Town of Gypsum Town Hall, 50 Lundgren Boulevard, Gypsum, Colorado.

Section 11. Effective Date. This Ordinance shall become effective as a permanent Ordinance five (5) days after publication, following final adoption after a public hearing held on the 28th day of July, 2026, at 7:00 p.m., at the Town of Gypsum Town Hall, 50 Lundgren Blvd., Gypsum, Colorado.

Section 12. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.