

ORDINANCE NO. 2026-018

AN ORDINANCE AMENDING SECTION 13.15.080 OF THE CASTLE ROCK MUNICIPAL CODE PROHIBITING COMMON INTEREST COMMUNITIES FROM ENFORCING WATERING REQUIREMENTS FOR LANDSCAPING DURING DROUGHT CONDITIONS

WHEREAS, the Town of Castle Rock (the “Town”) is committed to ensuring the public health, safety, and welfare of its residents by maintaining adequate water supplies and a reliable water system; and

WHEREAS, the Town has a Drought Management Plan designed to protect the public water supplies and water system from overuse during times of drought for the benefit of residents; and

WHEREAS, Town staff recommends that the Town Council take the necessary action to ensure that homeowners associations and other common interest communities do not require the irrigation of landscapes during droughts, which irrigation could put the public water supply and water system at risk of failure; and

WHEREAS, the Town Council, after taking into consideration the recommendations of Town staff, finds and determines that it is in the best interest of the residents of the Town to adopt the proposed amendments to Title 13 of the Castle Rock Municipal Code.

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO:

Section 1. Amendment. Section 13.15.080 of the Castle Rock Municipal Code is amended to read as follows:

13.15.080 - Restrictive covenants.

A. Definitions.

Restrictive covenant means any ~~form of~~ COVENANT, RESTRICTION, OR CONDITION INCLUDED IN A DEED, SUBDIVISION PLAT, OR OTHER RECORDED DOCUMENT OR ANY AMENDMENT THERETO, INCLUDING, BUT NOT LIMITED TO, THE ~~declaration, of covenants, design guidelines, policies, conditions, restrictions or similar nongovernmental mechanisms for controlling land use on private property, including~~ OF BYLAWS, OR rules; AND ~~regulations or guidelines implemented under the authority of restrictive covenants~~ OF A COMMON INTEREST COMMUNITY WHICH IS APPLICABLE TO REAL PROPERTY, ~~Restrictive covenants shall~~ BUT DOES not include any COVENANT, RESTRICTION, OR CONDITION IMPOSED ON SUCH REAL PROPERTY BY Town code or regulation.

Turf or turf grass means continuous plant coverage consisting of hybridized grasses that, when regularly mowed, form a dense growth of leaf blades and roots.

- B. ~~No~~ IT SHALL BE UNLAWFUL FOR ANY person ~~shall~~ TO enforce or seek to enforce any ~~provision contained in any~~ SECTION OF A restrictive covenant that PROHIBITS OR LIMITS XERISCAPE, PROHIBITS OR LIMITS THE INSTALLATION OR USE OF DROUGHT-TOLERANT VEGETATIVE LANDSCAPES, ~~has the effect of requiring that an area of any lot, or any minimum percentage of a lot, be landscaped with~~ REQUIRES CULTIVATED VEGETATION TO CONSIST WHOLLY OR PARTIALLY OF turf grass, OR PROHIBITS THE USE OF NONVEGETATIVE TURF GRASS IN THE YARD OF A RESIDENTIAL PROPERTY. ~~However~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION D BELOW, NOTHING IN this ~~prohibition~~ SUBSECTION B shall ~~not~~ preclude the enforcement of A restrictive covenants-requiring the watering and regular maintenance of turf grass.
- C. ~~Any person who violates Subsection 13.15.080.B shall be punished by a fine of not more than \$1,000.00. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation is committed, continued or permitted by any such person.~~
- ~~D. Any new restrictive covenant that prohibits or limits the installation or use of drought-tolerant vegetative landscapes is prohibited.~~
- D. COMMENCING UPON THE DECLARATION OF ANY DROUGHT STAGE BY THE DIRECTOR OF CASTLE ROCK WATER IN ACCORDANCE WITH SECTION 13.12.070 AND CONTINUING FOR THE TIME THAT SUCH DROUGHT STAGE REMAINS IN EFFECT, IT SHALL BE UNLAWFUL FOR ANY PERSON TO ENFORCE OR SEEK TO ENFORCE ANY SECTION OF A RESTRICTIVE COVENANT THAT:
1. REQUIRES THE WATERING AND REGULAR MAINTENANCE OF TURF GRASS;
 2. PROHIBITS THE EXISTENCE OF BROWN OR OTHERWISE DORMANT TURF GRASS;
 3. IMPOSES MINIMUM WATERING REQUIREMENTS FOR TURF GRASS AND OTHER LANDSCAPING; OR
 4. MANDATES MINIMUM LANDSCAPING CONDITIONS THAT ARE INCONSISTENT WITH THE RESTRICTIONS ON WATER USE IMPOSED DURING SUCH DROUGHT STAGE.

NOTHING IN THIS SUBSECTION D SHALL PRECLUDE THE ENFORCEMENT OF ANY RESTRICTIVE COVENANT THAT DOES NOT REQUIRE THE USE OF WATER DURING A DECLARED DROUGHT STAGE OR IS OTHERWISE UNRELATED TO WATER USE OR DROUGHT CONDITIONS.

Section 2. Severability. If any part or provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 3. Safety Clause. The Town Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare and this Ordinance bears a rational relation to the legislative object sought to be obtained.

APPROVED ON FIRST READING this 19th day of May, 2026, by the Town Council of the Town of Castle Rock, Colorado, by a vote of __ for and __ against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this ___ day of _____, 2026, by the Town Council of the Town of Castle Rock, Colorado, by a vote of __ for and __ against.

ATTEST:

TOWN OF CASTLE ROCK

Lisa Anderson, Town Clerk

Jason Gray, Mayor

Approved as to form:

Approved as to content:

Michael J. Hyman, Town Attorney

Mark Marlowe, Director of Castle Rock Water