

**ORDINANCE NO. 2018-03**

**AN ORDINANCE AMENDING CHAPTER 24, CODE OF ORDINANCES, CITY OF BUDA, TEXAS BY REPEALING AND REPLACING 24.06, ESTABLISHING REGULATIONS FOR WATER RESOURCE MANAGEMENT AND CONSERVATION; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING FOR A PENALTY; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; PROVIDING AN EFFECTIVE DATE; AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS**

**WHEREAS**, the City has reviewed its Code of Ordinances and conducted public hearings regarding the need and desirability of amendments, revisions, deletions, and modifications; and

**WHEREAS**, the City desires to establish regulations for water conservation in a manner consistent with its User Drought Contingency Plan in order to provide for the health, safety and general welfare of the citizens of the City and surrounding areas, and to comply with requirements of Section 11.1272 of the Texas Water Code and Chapter 288 of the Texas Administrative Code; and

**WHEREAS**, this ordinance was passed and approved at a meeting of the City Council of the City of Buda held in compliance with the Texas Open Meetings Act at which a quorum of the City Council Members were present and voting.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BUDA, TEXAS, THAT:**

**Section 1.** That the City of Buda hereby adopts the revised Water Resources Management and Drought Response plan as attached as Exhibit "A".

**Section 2.** That Chapter 24, Code of Ordinances, City of Buda, Texas, is hereby amended by repealing Article 24.06 and replacing it with the following as attached as Exhibit "A".

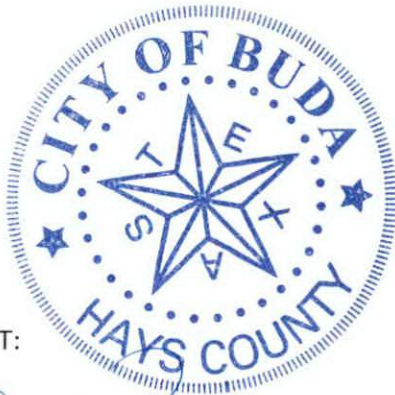
**Section 3.** This ordinance shall be cumulative of all other ordinances of the City of Buda, and this ordinance shall not operate to repeal or affect any other ordinances of the City of Buda except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, are hereby repealed.

**Section 4.** The sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

**Section 5.** This Ordinance shall be effective immediately from and after its final passage and any publication in accordance with the requirements of the City of Buda and the laws of the State of Texas.

**PASSED AND APPROVED** on first reading by an affirmative vote of the City Council of the City of Buda, this **6th** day of **February, 2018**.

**PASSED, APPROVED AND ADOPTED** on second reading by an affirmative vote of the City Council of the City of Buda, this **20th** day of **February, 2018**.



**CITY OF BUDA, TEXAS:**

A handwritten signature in blue ink, appearing to read "George Haehn", is written over a horizontal line.

Mayor George Haehn

ATTEST:

A handwritten signature in blue ink, appearing to read "Alicia Ramirez", is written over a horizontal line.

Alicia Ramirez, City Clerk

## EXHIBIT A

### ARTICLE 24.06 WATER RESOURCE MANAGEMENT AND DROUGHT RESPONSE

#### Sec. 24.06.001 Purpose and intent

The purpose of this article is to provide for the health, safety, and general welfare of the citizens of city, as well as protect the environment and limited regional water sources through the effective management and conservation of the public water supply. This article establishes methods to conserve and manage the public water supply year-round and in times of drought.

#### Sec. 24.06.002 Public Involvement

Opportunity for the public to provide input into the preparation of the Plan was provided by the City of Buda by means of a providing a public notice of a public meeting to accept input on the plan.

#### Sec. 24.06.003 Public Education

The City of Buda will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided at a minimum by means of a notice published on the City of Buda's website and a press release.

#### Sec. 24.06.004 Coordination with Regional Water Partners

The service area of the City of Buda is located within the Region K and Region L water planning areas. The City of Buda has provided a copy of this plan to the Region K, Region L, Barton Springs Edwards Aquifer Conservation District, Alliance Regional Water Authority, and Guadalupe-Blanco River Authority.

#### Sec 24.06.005 Authorization

The City Manager or his/her designee is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect the public health, safety, and welfare. The City Manager or his/her designee shall have the authority to initiate or terminate drought of other water supply emergency response measures as described in this Plan.

#### Sec. 24.06.006 Applicability

The provision of this Plan shall apply to all Persons, customers, and property utilizing water provided by the City of Buda. The terms "Person" and "customer" as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities. The requirements do not apply to alternative water sources such as rainwater, Graywater, Reclaimed Water, and private wells. Owners of private wells and customers of other water utilities are encouraged to contact their respective utility provider and/or regulatory agency for applicable requirements.

## Sec. 24.06.007 Definitions

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them in this definitions section, except when the context otherwise requires. Whenever any words and phrases used herein are not defined herein but are defined in the federal and state laws regulating public water supplies and drought management, any such definition therein shall be deemed to apply to such words and phrases used herein, except when the context otherwise requires.

*Aesthetic Water Feature.* A fountain, waterfall, landscape lake or pond, or another decorative feature where the use is entirely ornamental and serves no other functional purpose.

*Aquifer.* The Edwards Aquifer.

*Automatic Sprinkler Irrigation System.* A system of fixed pipes and sprinkler heads that apply water to landscape plants or turf.

*BSEACD.* The Barton Springs Edwards Aquifer Conservation District.

*Cfs.* Cubic feet per second.

*Charity Carwash.* Any special event involving the washing of vehicles for a requested or suggested donation.

*City Manager.* The City Manager of the city, or a Person designated by the City Manager to act in his or her behalf.

*Commercial, Mixed Use or Multifamily Customer.* For the purposes of this article, a water customer being charged using the commercial rate structure. Thus includes irrigation meters not associated with a companion residential water account (i.e. landscape lots maintained by home owners associations).

*Commercial Carwash.* Any permanently located or Mobile Carwash that washes automobiles, trucks, trailers, boats and other mobile equipment for a fee.

*Drip Irrigation System.* A system of fixed pipes or hoses with emitters designed to apply water to plants slowly and under pressurized conditions at or below the soil surface.

*Existing Landscape.* Landscaping Plants and/or turf on which installation was completed more than 21 days from the current date.

*Foundation Watering.* Use of a Soaker Hose or similar device placed within 24 inches of a building foundation for the purpose of providing moisture to the foundation soils in an effort to prevent cracking or shifting.

*GBRA.* The Guadalupe Blanco River Authority.

*Graywater.* Defined as Wastewater from showers, bathtubs, handwashing lavatories, sinks not used for the disposal of hazardous or toxic ingredients, sinks not used for food preparation or disposal. Graywater

does not include Wastewater from the washing of material, including diapers, soiled with human excreta or Wastewater that has come into contact with toilet Waste. Graywater does not include municipally treated Reclaimed Water.

*Handheld Bucket.* A container holding five gallons or less.

*Handheld Hose.* A hose equipped with a Positive Shutoff Device.

*Health and Safety Use.* Use of water for any purpose that is necessary to protect human health and safety.

*Hose-end Sprinkler.* Any lawn irrigation device that attaches to the end of a water hose and is not equipped with an integrated Positive Shutoff Device.

*Impervious Surface.* A type of surface that prevents water from penetrating directly into the ground. Impervious Surfaces include, but are not limited to, sidewalks, driveways, paved streets, and pavers or stones set with mortar.

*Irrigation System.* See Automatic Sprinkler Irrigation System.

*Landscape Watering.* The application of water to grow Landscaping Plants.

*Landscaping Plant.* Any plant, including any tree, shrub, vine, herb, flower, vegetable, fruit, succulent, ground cover or grass species that is used for landscaping purposes or for the support of intensive recreational areas including playgrounds and playing fields.

*Makeup.* Partial refilling of a Swimming Pool or hot tub or Aesthetic Water Feature to replace water lost through evaporation or backwashing.

*Mobile Carwash.* A Commercial Carwash equipped with a vehicle or trailer-mounted self-contained washing system with any of the following: water or detergent solution, storage tank, high pressure/low-flow pumping equipment, hoses, spray wand and related appurtenances.

*New Landscape.* Landscaping Plants and/or turf on which installation was completed within the last 21 days.

*Noncommercial Vehicle Washing.* The washing of automobiles, trucks, trailers, boats, and other mobile equipment at a private residence.

*Nonessential Water Use.* Any usage of water that is not required for:

- (1) A Health and Safety Use;
- (2) Personal needs such as drinking, bathing, cooling, heating, cooking, food preparation, cleaning or sanitation;
- (3) Medical or industrial processes; or

(4) Watering of livestock.

Not In Use. As it relates to Swimming Pools, hot tubs and similar facilities, a facility which is not used during any 24-hour period.

Outdoor Splash Pad. A permanent recreational water feature that sprays, pours, and/or dumps water onto individuals.

Person. With respect to this article, any individual, corporation, partnership, or other legal entity within the corporate limits of the city, or any individual, corporation, partnership, or other legal entity outside the corporate limits of the city who is a city water customer.

Patio Mister. A device which sprays fine water particles for outdoor cooling.

Positive Shutoff Device. A device which permits water to flow through it only when a continuous pressure is applied to a handle, trigger, or similar portion of the device.

Protected Tree. A tree greater than eight (8) caliper inches.

Rainwater Harvesting System. Systems used to collect and store rainwater for consumption, irrigation, or other purposes.

Reclaimed Water. Municipally treated Wastewater that is recycled or reused after it has been used for another purpose.

Residential Customer. For the purposes of this article, a water customer being charged using the residential rate structure. This includes irrigation meters associated with a companion residential water account (i.e. a separate irrigation meter at a residence supplying an automated sprinkler system for the residence).

Soaker Hose. A portable hose with small openings that applies water slowly to plants at the soil surface with no vertical spray.

Swimming Pool. Any structure, basin, chamber, or tank including hot tubs that contains an artificial body of water for swimming, diving, or recreational bathing, and having a depth of two (2) feet or more at any point.

Tree Watering Bag. A watering device that holds water and is attached to a tree to slowly drain providing irrigation for a tree.

Vegetable Garden. A defined area cultivated primarily to grow vegetables, herbs and other plants useful for human consumption. A defined area in which such plants are grown together with aesthetic plants (also known as a 'potager') shall be treated as a "Vegetable Garden" for the purposes of the article if at least 60 percent of the plants are vegetables, herbs and other plants useful for human consumption.

Water Waste. Any activity which causes or results in excessive water usage, including but not limited to the following:

- (1) Failing to repair a controllable leak, including a broken sprinkler head, a leaking valve, leaking or broken pipes, or a leaking faucet;
- (2) Operation of a permanently installed Irrigation System with a broken head, a head that is out of adjustment and the arc of the spray head is over a street or parking lot, or a head that is misting because of high water pressure;
- (3) Operation of a permanently installed Irrigation System, or use of a Hose-end Sprinkler, hand-held hose, Handheld Bucket, or Soaker Hose outside of the permitted days and times established by City ordinance; or
- (4) Any irrigation that allows water to:
  - (A) Run off a property and form a stream of water in a street, gutter, ditch, drain, creek or any other natural or manmade water course for a distance of 50 feet or greater;
  - (B) Pond in a street or parking lot to a depth greater than one-quarter of an inch; or
  - (C) Run off from a property onto adjacent properties.

**Sec. 24.06.008 Implementation and termination of drought response stages**

The City Manager shall monitor water supply conditions on a daily basis. The City Manager shall issue notices to implement or terminate drought response stages as follows:

(1) Stage 1.

- (A) Stage 1 may be implemented by the City Manager when any one of the following conditions occur and shall be implemented if two or more conditions are present unless otherwise noted:
  - (i) BSEACD declares an alarm stage in accordance with its drought contingency plan;
  - (ii) GBRA declares a stage 1 drought in accordance with their drought contingency plan;
  - (iii) Daily demand reaches 75 percent of available supply, based on the city's current water supply resulting from any curtailments implemented by water suppliers, for five consecutive days; or
  - (iv) A water quality, supply, distribution system or other emergency exists as determined by the City Manager.
- (B) Stage 1 shall be terminated when the conditions which prompted initiation of stage 1 no longer exist.

(2) Stage 2.

- (A) Stage 2 may be implemented by the City Manager when any one of the following conditions occur and shall be implemented if two or more conditions are present unless otherwise noted:
  - (i) BSEACD declares a critical stage in accordance with its drought contingency plan;
  - (ii) GBRA declares stage 2 drought in accordance with their drought contingency plan;
  - (iii) Daily demand reaches 80 percent of available supply, based on the

city's current water supply resulting from any curtailments implemented by water suppliers, for five consecutive days; or

- (iv) A water quality, supply, distribution system or other emergency exists as determined by the City Manager.
- (v) A stage 2 drought is declared if BSEACD declares an alarm stage and GBRA declares stage 2 or BSEACD declares a critical stage and GBRA declares stage 1 in accordance with their respective drought contingency plans.

- (B) Stage 2 shall be terminated when the conditions which prompted initiation of stage 2 no longer exist.

(3) Stage 3.

- (A) Stage 3 may be implemented when any one of the following conditions occur and shall be implemented if two or more conditions are present unless otherwise noted:

- (i) BSEACD declares an exceptional stage in accordance with its drought contingency plan;
- (ii) GBRA declares stage 3 drought in accordance with their drought contingency plan;
- (iii) Daily demand reaches 85 percent of available supply, based on the city's current water supply resulting from any curtailments implemented by water suppliers, for five consecutive days; or
- (iv) A water quality, supply, distribution system or other emergency exists as determined by the City Manager.
- (v) A stage 3 drought is declared if BSEACD declares a critical stage and GBRA declares stage 3 or BSEACD declares an exceptional stage and GBRA declares stage 2 in accordance with their respective drought contingency plans.

- (B) Stage 3 shall be terminated when the conditions which prompted initiation of stage 3 no longer exist.

(4) Stage 4.

- (A) A stage 4 drought may be declared by the City Manager when any one of the following conditions occur and shall be declared if two or more of the below conditions:

- (i) BSEACD declares an emergency response stage in accordance with its drought contingency plan;
- (ii) GBRA declares stage 4 drought in accordance with their drought contingency plan;
- (iii) Daily demand reaches 90 percent of available supply, based on the city's current water supply resulting from any curtailments implemented by water suppliers, for five consecutive days; or
- (iv) A water quality, supply, distribution system or other emergency exists



as determined by the City Manager.

- (v) A stage 4 drought is declared if BSEACD declares an exceptional stage and GBRA declares stage 4 or BSEACD declares an emergency responses stage and GBRA declares stage 3 in accordance with their respective drought contingency plans.

- (B) Stage 4 shall be terminated when the conditions which prompted initiation of stage 4 no longer exist.

- (5) Notice of implementation and termination of stages. The City will make reasonable efforts to provide customers with notices of implementation and termination of drought stages. At a minimum, the City shall post notices on the City's internet website and in the official newspaper of record of the City.

**Sec. 24.06.009 Year-round water use allowances and restrictions**

The following allowances and restrictions are in effect always; however, the allowances and restrictions may be superseded by more stringent restrictions upon implementation of a drought response stage.

- (1) Waste of water is prohibited at all times.
- (2) Irrigation.
  - (A) Irrigation with Hose-end Sprinklers and automatic sprinkler systems is prohibited between the hours of 10:00 a.m. and 7:00 p.m.
  - (B) Customers are encouraged to voluntarily abide by the year-round voluntary irrigation schedule:
    - (i) Outdoor watering twice-per-week schedule:
      - (a) Odd-numbered residential: Wednesday and Saturday.
      - (b) Even-numbered residential: Thursday and Sunday.
      - (c) Commercial, mixed use and multifamily: Tuesday and Friday.
  - (C) Irrigation with Handheld Bucket, Handheld Hose, Soaker Hose or Drip Irrigation Systems is allowed on any day and at any time.
  - (D) Irrigation of Vegetable Gardens with a Handheld Bucket, Handheld Hose, Soaker Hose or Drip Irrigation System is allowed on any day and at any time.
  - (E) Date and time restrictions for irrigation do not apply during repair or testing of a new or existing Irrigation System if the Person performing the testing is present. The Irrigation System shall only be operated as long as is necessary to diagnose and complete repairs.
  - (F) No golf courses shall be allowed to irrigate the greens, tees, roughs or fairways with potable water. Use of potable water for landscape irrigation in and around the clubhouse is permitted if conducted in conformance with all other

requirements for landscape irrigation.

- (G) Outdoor watering using potable water at athletic fields and city facilities shall follow the same watering schedule as commercial accounts.

(3) Vehicle washing.

- (A) Charity Carwashes are allowed, but must be done using a Handheld Bucket or a Handheld Hose equipped with a Positive Shutoff Device. Charity car washes shall not create Water Waste as defined herein.
- (B) Noncommercial Vehicle Washing is allowed on any day and at any time, but must be done using a Handheld Bucket or a Handheld Hose equipped with a Positive Shutoff Device.
- (C) Commercial Vehicle Washing is allowed on any day and at any time.
- (D) New Commercial Carwashes shall reuse at least 50 percent of rinse water and reuse all reverse osmosis concentrate.

- (4) Swimming Pools are allowed to operate and be filled as normal. It is recommended that Swimming Pools be covered while Not In Use to minimize evaporative losses.
- (5) Operation of non-recirculating Outdoor Splash Pads shall be prohibited at all times.
- (6) Operation of non-recirculating Aesthetic Water Features is prohibited at all times.
- (7) Washing of Impervious Surfaces is allowed but should be limited unless required for Health and Safety Use.
- (8) Foundation Watering is allowed on any day and at any time. However, Foundation Watering shall not result in saturation to the point it causes pooling in the yard or runoff onto Impervious Surfaces, adjacent property, drainage facilities (natural or manmade), sidewalks or streets.
- (9) Other Nonessential Water Uses are allowed but all reasonable measures shall be taken to limit the use.

**Sec. 24.06.010 Stage 1 water use allowances and restrictions**

The following measures are in effect for any period when stage 1 of the drought response plan has been implemented:

- (1) Waste of water is prohibited.
- (2) Outdoor irrigation shall be restricted as follows:
  - (A) Outdoor watering twice-per-week schedule:
    - (i) Odd-numbered residential: Wednesday and/or Saturday.
    - (ii) Even-numbered residential: Thursday and/or Sunday.
    - (iii) Commercial, mixed use and multifamily: Tuesday and/or Friday.

- (iv) Outdoor watering must start and stop within the 24-hour period of the designated water day as determined by address.
  - (v) It is recommended that outdoor watering be limited to one of the permitted watering days each week in order to promote conservation.
- (B) Outdoor watering with Handheld Bucket, Handheld Hose with a Positive Shutoff Device, Soaker Hose and/or Drip Irrigation Systems are permitted at any time on any day.
  - (C) Irrigation of Vegetable Gardens with a Handheld Bucket, Handheld Hose, Soaker Hose or Drip Irrigation System is allowed on any day and at any time.
  - (D) Irrigation of Protected Trees by a Soaker Hose, automatic bubbler, Tree Watering Bag, or similar device placed within the tree's dripline is allowed on any day and at any time.
  - (E) Commercial nurseries are subject to the time restrictions when using automated Irrigation Systems, but may operate on any day. Use of Handheld Bucket, Handheld Hose with a Positive Shutoff Device, Soaker Hose and/or Drip Irrigation Systems are permitted at any time on any day.
  - (F) Date and time restrictions for irrigation do not apply during repair or testing of a new or existing Irrigation System if the Person performing the testing is present. The Irrigation System shall only be operated as long as is necessary to diagnose and complete repairs.
- (3) Vehicle Washing.
- (A) Charity Carwashes are allowed, but must be done using a Handheld Bucket or a Handheld Hose equipped with a Positive Shutoff Device. Charity car washes shall not create Water Waste as defined herein.
  - (B) Noncommercial Vehicle Washing is allowed on any day and at any time, but must be done using a Handheld Bucket or a Handheld Hose equipped with a Positive Shutoff Device.
  - (C) Commercial Vehicle Washing is allowed on any day and at any time.
- (4) Swimming Pools are allowed to operate and be filled as normal. It is recommended that Swimming Pools be covered while Not In Use to minimize evaporative losses.
  - (5) Operation of non-recirculating Aesthetic Water Features is prohibited at all times.
  - (6) Washing of Impervious Surfaces is prohibited unless required for Health and Safety Use.
  - (7) Foundation Watering is allowed on any day and at any time. However, Foundation Watering shall not result in saturation to the point it causes pooling in the yard or runoff onto Impervious Surfaces, adjacent property, drainage facilities (natural or manmade), sidewalks or streets.
  - (8) Other Nonessential Water Uses are allowed but all reasonable measures shall be taken to limit the use.

The following measures are in effect for any period when stage 2 of the drought response plan has been implemented:

- (1) Waste of water is prohibited.
- (2) Outdoor irrigation shall be restricted as follows:
  - (A) Outdoor watering twice-per-week schedule:
    - (i) Odd-numbered residential: Wednesday and/or Saturday.
    - (ii) Even-numbered residential: Thursday and/or Sunday.
    - (iii) Commercial, mixed use and multifamily: Tuesday and/or Friday.
    - (iv) Outdoor watering must start and stop within the 24 hour period of the designated water day as determined by address.
    - (v) It is recommended that outdoor watering be limited to one of the permitted watering days each week in order to promote conservation.
  - (B) Outdoor watering with Handheld Bucket, Handheld Hose with a Positive Shutoff Device, Soaker Hose and/or Drip Irrigation Systems is restricted to the outdoor watering twice-per-week schedule and shall be prohibited between the hours of 10:00 a.m. and 7:00 p.m.
  - (C) Irrigation of Vegetable Gardens with a Handheld Bucket, Handheld Hose, Soaker Hose or Drip Irrigation System is allowed any day but is prohibited between the hours of 10:00 a.m. and 7:00 p.m.
  - (D) Irrigation of Protected Trees by a Soaker Hose, automatic bubbler, Tree Watering Bag, or similar device placed within the tree's dripline is allowed any day but prohibited between the hours of 10:00 a.m. and 7:00 p.m.
  - (E) Commercial nurseries are subject to the time restrictions when using automated Irrigation Systems, but may operate on any day. Use of Handheld Bucket, Handheld Hose with a Positive Shutoff Device, Soaker Hose and/or Drip Irrigation Systems are permitted at any time on any day.
  - (F) Date and time restrictions for irrigation does not apply during repair or testing of a new or existing Irrigation System if the Person performing the testing is present. The Irrigation System shall only be operated for the minimum amount of time that is reasonably necessary to diagnose, complete any repairs and test the system.
- (3) Vehicle Washing.
  - (A) Charity Carwashes are prohibited unless held at and using a Commercial Carwash facility to wash vehicles.
  - (B) Noncommercial Vehicle Washing is allowed but must comply with the twice-per-week outdoor watering schedule before 10:00 a.m. and after 7:00 p.m. and use a Handheld Bucket or a Handheld Hose equipped with a Positive Shutoff Device.
  - (C) Commercial Vehicle Washing is allowed on any day and at any time.

- (4) Filling of new Swimming Pools using the municipal water supply is prohibited. Makeup of existing Swimming Pools is allowed. Swimming Pool surfaces shall be covered at least 25 percent when not in use.
- (5) Operation of Non-recirculating Aesthetic Water Features are prohibited at all times.
- (6) Washing of Impervious Surfaces is prohibited unless required for Health and Safety Use.
- (7) Foundation Watering is allowed on any day and at any time. However, Foundation Watering shall not result in saturation to the point it causes pooling in the yard or runoff onto Impervious Surfaces, adjacent property, drainage facilities (natural or manmade), sidewalks or streets.
- (8) Other Nonessential Water Uses are allowed but all reasonable measures shall be taken to limit the use.
- (9) Construction Water. Construction Water used for non-potable needs, such as dust suppression, shall utilize alternative sources of water such as rainwater, Graywater and Reclaimed Water to the maximum extent available. The City Manager may cap withdrawals from construction meters connected to the city water system.

**Sec. 24.06.012 Stage 3 water use allowances and restrictions**

The following measures are in effect for any period when stage 3 of the drought response plan has been implemented:

- (1) Waste of water is prohibited.
- (2) Outdoor irrigation shall be restricted as follows:
  - (A) Outdoor watering once-per-week schedule:
    - (i) Address ending in 0 or 1: Monday.
    - (ii) Address ending in 2 or 3: Tuesday.
    - (iii) Address ending in 4 or 5: Wednesday.
    - (iv) Address ending in 6 or 7: Thursday.
    - (v) Address ending in 8 or 9: Friday.
    - (vi) Outdoor watering must start and stop within the 24 hour period of the designated water day as determined by address.
    - (vii) The above schedule applies to residential, commercial, mixed use and multifamily.
  - (B) Outdoor watering with Handheld Bucket, Handheld Hose with a Positive Shutoff Device, Soaker Hose and/or Drip Irrigation Systems is restricted to the outdoor watering once-per-week schedule and shall be prohibited between the hours of 10:00 a.m. and 7:00 p.m.
  - (C) Irrigation of Vegetable Gardens with a Handheld Bucket, Handheld Hose, Soaker Hose or Drip Irrigation System is restricted to the outdoor watering once-per-week schedule and shall be prohibited between the hours of 10:00 a.m. and 7:00 p.m.
  - (D) Irrigation of Protected Trees by a Soaker Hose, automatic bubbler, Tree Watering Bag, or similar device placed within the tree's dripline is restricted to the outdoor

watering once-per-week schedule and shall be prohibited between the hours of 10:00 a.m. and 7:00 p.m.

- (E) Commercial nurseries are subject to the time restrictions when using automated Irrigation Systems, but may operate on any day. Use of Handheld Bucket, Handheld Hose with a Positive Shutoff Device, Soaker Hose and/or Drip Irrigation Systems are permitted at any time on any day.
- (F) Date and time restrictions for irrigation do not apply during repair or testing of a new or existing Irrigation System if the Person performing the testing is present. The Irrigation System shall only be operated as long as is necessary to diagnose and complete repairs.

(3) Vehicle Washing.

- (A) Charity Carwashes are prohibited.
- (B) Noncommercial Vehicle Washing is allowed but must comply with the once-per-week outdoor watering schedule before 10:00 a.m. and after 7:00 p.m. and use a Handheld Bucket or a Handheld Hose equipped with a Positive Shutoff Device.
- (C) Commercial Vehicle Washing is allowed on any day and at any time.

- (4) Filling of new Swimming Pools is prohibited. Makeup of existing Swimming Pools is allowed. Swimming Pool surfaces shall be covered at least 50 percent when Not In Use. Outdoor Splash Pads may be operated no more than three days per week. Operation of government-owned Swimming Pools and Outdoor Splash Pads are exempted.
- (5) Operation of Non-recirculating Aesthetic Water Features are prohibited at all times.
- (6) Washing of Impervious Surfaces is prohibited unless required for Health and Safety Use.
- (7) Foundation Watering is allowed on any day and at any time. However, Foundation Watering shall not result in saturation to the point it causes pooling in the yard or runoff onto Impervious Surfaces, adjacent property, drainage facilities (natural or manmade), sidewalks or streets.
- (8) Other Nonessential Water Uses are allowed but all reasonable measures shall be taken to limit the use.
- (9) Construction Water. Construction Water used for non-potable needs, such as dust suppression, shall utilize alternative sources of water such as rainwater, Graywater and Reclaimed Water to the maximum extent available. The City Manager may cap withdrawals from construction meters connected to the city water system.

**Sec. 24.06.013 Stage 4 water use allowances and restrictions**

The following measures are in effect for any period when stage 4 of the drought response plan has been implemented:

- (1) Waste of water is prohibited.
- (2) Outdoor irrigation shall be restricted as follows:
  - (A) Outdoor watering once-per-every-other-week schedule:

- (i) Address ending in 0 or 1: Monday, on the week of recycling pick up for that address.
- (ii) Address ending in 2 or 3: Tuesday, on the week of recycling pick up for that address.
- (iii) Address ending in 4 or 5: Wednesday, on the week of recycling pick up for that address.
- (iv) Address ending in 6 or 7: Thursday, on the week of recycling pick up for that address.
- (v) Address ending in 8 or 9: Friday, on the week of recycling pick up for that address.
- (vi) Outdoor watering must start and stop within the 24 hour period of the designated water day as determined by address.
- (vii) The above schedule applies to residential, commercial, mixed use and multifamily.
- (viii) Outdoor irrigation is prohibited between 8:00 a.m. and 8:00 p.m.

- (B) Outdoor watering with Handheld Bucket, Handheld Hose with a Positive Shutoff Device, Soaker Hose and/or Drip Irrigation Systems is restricted to the outdoor watering once-per-every-other-week schedule and shall be prohibited between the hours of 8:00 a.m. and 8:00 p.m.
- (C) Irrigation of Vegetable Gardens with a Handheld Bucket, Handheld Hose, Soaker Hose or Drip Irrigation System is restricted to the outdoor watering once-per-every-other-week schedule and shall be prohibited between the hours of 8:00 a.m. and 8:00 p.m.
- (D) Irrigation of Protected Trees by a Soaker Hose, automatic bubbler, Tree Watering Bag, or similar device placed within the tree's dripline is restricted to the outdoor watering once-per-week schedule and shall be prohibited between the hours of 8:00 a.m. and 8:00 p.m.
- (E) Commercial nurseries must comply with the once-per-every-other week schedule for automated Irrigation Systems before 8:00 a.m. and after 8:00 p.m. Use of Handheld Bucket, Handheld Hose with a Positive Shutoff Device, Soaker Hose and/or Drip Irrigation Systems are permitted any day before 8:00 a.m. and after 8:00 p.m.
- (F) Date and time restrictions for irrigation does not apply during repair or testing of a new or existing Irrigation System if the Person performing the testing is present. The Irrigation System shall only be operated as long as is necessary to diagnose and complete repairs.
- (G) The City Council may take action following enactment of stage 4 to prohibit all outdoor irrigation if it determines there is a direct threat to health, safety and the general welfare.

(3) Vehicle Washing.

- (A) Charity Carwashes are prohibited.
- (B) Noncommercial Vehicle Washing is prohibited except at a Commercial Carwash.

- (C) Commercial Vehicle Washing is allowed on any day and at any time.
- (4) Filling of all Swimming Pools is prohibited. Swimming Pool surfaces shall be fully covered when Not In Use. Operation of Outdoor Splash Pads are prohibited. Operation of government-owned Swimming Pools and Outdoor Splash Pads are exempted.
- (5) Operation of Non-recirculating Aesthetic Water Features is prohibited at all times.
- (6) Washing of Impervious Surfaces is prohibited unless required for Health and Safety Use.
- (7) Foundation Watering is allowed on any day and at any time. However, Foundation Watering shall not result in saturation to the point it causes pooling in the yard or runoff onto Impervious Surfaces, adjacent property, drainage facilities (natural or manmade), sidewalks or streets.
- (8) The use of Patio Misters for outdoor cooling is prohibited.
- (9) Other Nonessential Water Uses are prohibited as established by the City Council.
- (10) Construction Water. Construction Water used for non-potable needs, such as dust suppression, shall utilize alternative sources of water such as Rainwater, Graywater and Reclaimed Water to the maximum extent available. The City Manager may cap withdrawals from construction meters connected to the city water system.

**Sec. 24.06.014 Exceptions and alternative compliance**

- (a) The City Manager may grant an exception from the requirements of this article if it is determined that special circumstances exist and that:
  - (1) Compliance with this article adversely affects the health, sanitation, fire protection or safety of the public;
  - (2) Compliance with this article cannot be technically accomplished;
  - (3) Alternative methods can be implemented that will achieve the same or greater reduction in water use;
  - (4) Substantially threatens the applicant's primary source of income; or
  - (5) Adversely affects pesticide or fertilizer application.
- (b) The City Manager may grant an exception pertaining to the time of day allowed and/or permitted watering day calendar for outdoor water use if the City Manager determines that a property cannot be completely watered with an average of three-quarters of an inch of water per week and that the property should be divided into sections to be watered on different days.
- (c) A Person may seek an exception by filing an application with the City Manager. The City Manager may require the applicant to provide information to the City Manager if necessary to evaluate the exception request. At a minimum, the applicant must provide the following:
  - (1) Name and address of the applicant;
  - (2) Purpose and location of water use;
  - (3) Specific provisions of this article for which the applicant is requesting an exception;
  - (4) Detailed explanation of how the specific provisions will adversely affect the applicant;
  - (5) Time period for which the exception is sought;
  - (6) Alternative measures the applicant proposes to implement in order to meet the intent of this article; and



(7) Any other pertinent information as required by the City Manager.

- (d) If the City Manager approves an exception, the applicant shall keep a copy of the approval letter in a location on the affected property that is accessible and visible to the public.
- (e) An approved exception or approved form of alternative compliance shall expire on its own terms, or when any of the following occur:
  - (1) A more intensive drought stage takes effect; or
  - (2) When a citation is issued alleging the applicant violated this article.

Any Person holding an exception or approved form of alternative compliance may make a request for reinstatement to the City Manager within 72 hours of the issuance of a citation. All requests for reinstatement are denied unless they are approved within three (3) business days of receipt by the City Manager's Office. The City Manager may delegate the responsibility of approving reinstatements to an appropriate Department Head or Assistant City Manager if deems appropriate to do so under the circumstances.

**Sec. 24.06.015 New Landscape installation program**

- (a) Noticed New Landscape authorization. Expressed approval from the city is not required. Rather, an applicant will submit a New Landscape installation authorization form. Upon receipt of the completed form, the city will confirm its receipt with the applicant. The submission will reflect compliance with New Landscape installation irrigation requirements as described below. Irrigation of the New Landscaping may then commence in accordance with the dates as indicated by the applicant on the New Landscape installation authorization. Any modification will require submittal of a new and completed New Landscape installation authorization.
- (b) Outdoor watering schedule during year-round conservation. New Landscape installation irrigation shall comply with the following schedule when drought stages are not in effect:
  - (1) Days 1–21: Irrigation permitted any day before 10:00 am or after 7:00 pm.
  - (2) After 21 days, the irrigation schedule shall be adjusted to follow the current schedule as dictated by current drought stage.
- (c) Outdoor watering schedule during drought stages. New Landscape installation irrigation shall comply with the following schedule when drought stages are in effect:
  - (1) Stage 1 through Stage 3:
    - (A) Days 1–21: Irrigation permitted any day before 10:00 am or after 7:00 pm.
    - (B) After 21 days, the irrigation schedule shall be adjusted to follow the current schedule as dictated by current drought stage.
  - (2) Stage 4:
    - (A) Days 1–14: Irrigation permitted any day before 8:00 am or after 8:00pm.
    - (B) After 14 days, the irrigation schedule shall be adjusted to follow the current schedule as dictated by current drought stage.

- (d) The applicant shall post a copy of the notice in a location on the affected property that is accessible and visible to the public.
- (e) All other aspects of this article shall remain in full effect, including prohibitions on Waste of water.
- (f) Watering shall not result in saturation to the point it causes pooling in the yard or runoff onto Impervious Surfaces, adjacent property, drainage facilities (natural or manmade), sidewalks or streets.

**Sec. 24.06.016 Violations**

- (a) Any Person who violates any of the provisions of this Article shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than One-hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$ 500.00).
- (b) If upon the trial, the State proves that the offense relates to public health or sanitation or there is a finding made that the offense was committed with criminal intent, whether it be criminal negligence, recklessness, knowingly or intentionally, the minimum fine is \$1,000 and the maximum fine is \$2,000.00 per offense.
- (c) Each hour or portion thereof after the first hour of each day that a violation continues to exist shall constitute a separate offense.
- (d) The City Manager or their designee is authorized shall commence any action, in law or in equity, including the filing of criminal charges, deemed necessary to enforce this article. Civil penalties and any other legal or equitable relief available under common law, chapter 54 of the Texas Local Government Code or any other applicable city, state or federal code or statute are authorized, in addition to any criminal penalties. Under Local Government Code, chapter 54, the city may presently pursue civil enforcement for injunctive relief and the imposition of up to \$1,000.00 per day civil penalties appropriately imposed by the court. This statutory remedy is in addition to the city's common law right to bring civil actions for injunctive relief to stop harmful acts, independent of authority found in the Texas Local Government Code. A civil penalty assessed against a utility customer for violation of this article may be collected through the utility billing system as part of the consolidated billing system.
- (e) It is not a defense to prosecution under any provision of the article that the violation charged is no longer occurring or no longer exists. A judge of the municipal court may not dismiss a complaint or enter a finding of not guilty on the grounds that the violation is no longer occurring or no longer exists.
- (f) Surcharges. Any Person who violates the watering restriction provisions of this article will be held strictly liable and the punishment for such violation may include the imposition of punitive surcharges. The city is authorized to assess one or more surcharges on the water bill of any Person presumed to have been the one who violated this article. In the event the city determines a violation has occurred, the Person assessed the punitive surcharge by the city is prima facie presumed to have violated this article for the purpose of assessment of surcharges. Punitive surcharges may be assessed as follows:
  - (1) 1st offense in a 12-month period: Warning.
  - (2) 2nd offense in a 12-month period: \$25.00.
  - (3) 3rd offense in a 12-month period: \$100.00.
  - (4) 4th offense in a 12-month period: \$300.00.
- (g) Enforcement Personnel may issue verbal and/or written warnings prior to issuance of a citation.

**Sec. 24.06.017 Enforcement Personnel**

In addition to all peace officers, code enforcement officers, and other Persons authorized to enforce city ordinances, the City Manager is authorized to enforce this article by issuing citations to violators, filing complaints in the municipal court, and by directing the City Attorney to file and pursue civil enforcement actions.

Citizens that witness a violation of this ordinance are encouraged to notify the City's Code Enforcement Officer.

**Sec. 24.06.018 Registered water user presumed**

For the purposes of this article, in any case where water has been used on property in violation of this article, it shall be presumed that the Person in whose name a water meter connection is registered with the city for the property committed the violation. Proof that the particular premises had a water meter connection registered in the name of the defendant cited in a criminal or civil complaint filed under this article shall constitute prima facie evidence that the defendant committed the violation.

**Sec. 24.06.019 Additional enforcement remedies**

When a Person is charged with more than three criminal violations of this article within a 12-month period, or a Person fails to timely pay assessed penalties, the City Manager or his designee may direct the installation of a flow control device on the customer's water line, the partial or complete termination of the customer's water service, or both, as appropriate. Partial termination of the customer's water service (discontinued outdoor use) may be attempted as an intermediate step prior to complete termination, if it reasonably appears that it will ensure compliance with this Article. However, complete termination of all water service is authorized. In the event of termination of the customer's water service and water service is subsequently authorized, the customer shall pay any and all fees, including a reconnection fee.

**Sec. 24.06.020 Liability of corporate officers for penalty**

Whenever a corporation or association violates any provision of this article or in a drought response order issued under this article, the president, vice-president, secretary, treasurer, manager or any agent or employee of the corporation or association who is responsible for the violation shall be subject to the penalty prescribed for the violation.

**THIS PAGE INTENTIONALLY LEFT BLANK.**