

# ARTICLE 24.06 WATER RESOURCE MANAGEMENT AND CONSERVATION

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## Table of Contents

24.06.001	Purpose and Intent.....	2
24.06.002	Definitions.....	2
24.06.003	Applicability. ....	5
24.06.004	Implementation and Termination of Drought Response Stages.....	5
24.06.005	Year-Round Water Use Allowances and Restrictions. ....	7
24.06.006	Stage 1 Water Use Allowances and Restrictions. ....	9
24.06.007	Stage 2 Water Use Allowances and Restrictions. ....	11
24.06.008	Stage 3 Water Use Allowances and Restrictions. ....	12
24.06.009	Stage 4 Water Use Allowances and Restrictions. ....	14
24.06.010	Variances and Alternative Compliance.....	16
24.06.011	New Landscape Installation Program. ....	17
24.06.012	Violations. ....	18
24.06.013	Enforcement Personnel. ....	19
24.06.014	Registered Water User Presumed. ....	19
24.06.015	Additional Enforcement Remedies. ....	19
24.06.016	Penalties. ....	19
24.06.017	Liability of Corporate Officers for Penalty.....	20

#### **24.06.001 Purpose and Intent.**

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

#### **24.06.002 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 Car Wash.* Any special event involving the washing of vehicles for a donation.

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

*Commercial Car Wash.* Any permanently located or mobile car wash that washes automobiles, trucks, trailers, boats and other mobile equipment for a fee.

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

*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.

*EAA.* Edwards Aquifer Authority.

*Existing Facility.* A swimming pool, hot tub, aesthetic water feature or any similar facility, installed during any period for which a drought response stage is not in effect.

*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.

*Gray Water.* Water that has previously been used in sinks, showers, bath tubs and clothes washing machines.

*Hand-held Bucket.* A container holding five gallons or less.

*Hand-held 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.

*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.

*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 Car Wash.* A commercial car wash 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 Facility.* A swimming pool, hot tub, aesthetic water feature or any similar facility, installed during any period for which a drought response stage is in effect. When the stage, together with all other stages which precede or succeed that stage in a continuous time period, is rescinded, the new facility will be treated thereafter as an existing facility.

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

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

*Non-Essential 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.

*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.

*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.

*Reclaimed Water.* 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, containing an artificial body of water for swimming, diving, or recreational bathing, and having a depth of two (2) feet or more at any point.

*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

*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; OR
- (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; OR
- (3) 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 man-made water course for a distance of 50 feet or greater; OR
  - 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

**24.06.003      Applicability.**

The requirements set forth under this division apply to all persons and entities using water provided by the City of Buda water utility. These requirements do not apply to alternative sources of water such as rainwater, gray water and reclaimed water. Likewise, these requirements do not apply to private wells. Owners of private wells and customers of other water utilities are encouraged to contact their respective utilities and/or regulatory agencies for any applicable requirements.

**24.06.004      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 shall be implemented when any one of the following conditions occur:
    - i. BSEACD declares an Alarm Stage in accordance with its Drought Contingency Plan;

- ii. 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
  - iii. 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 shall be implemented when any one of the following conditions occur:
  - i. BSEACD declares an Critical Stage in accordance with its Drought Contingency Plan;
  - ii. BSEACD declares an Alarm Stage and GBRA declares Stage II in accordance with their respective Drought Contingency Plans;
  - 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
- b. Stage 2 shall be terminated when the conditions which prompted initiation of Stage 2 no longer exist.

(3) *Stage 3.*

- a. Stage 3 shall be implemented when any one of the following conditions occur:
  - i. BSEACD declares an Exceptional Stage in accordance with its Drought Contingency Plan;
  - ii. BSEACD declares a Critical Stage and GBRA declares Stage III in accordance with their respective Drought Contingency Plans;
  - 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

- b. Stage 3 shall be terminated when the conditions which prompted initiation of Stage 3 no longer exist.

(4) *Stage 4.*

- a. Stage 4 shall be implemented when any one of the following conditions occur:
  - i. BSEACD declares an Emergency Response Stage in accordance with its Drought Contingency Plan;
  - ii. BSEACD declares a Critical Stage and GBRA declares Stage IV in accordance with their respective Drought Contingency Plans;
  - 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. Significant production or distribution limitations including but not limited to system outages and equipment failure; or
  - v. A water quality, supply, distribution system or other emergency exists as determined by the City Manager
- 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.* Notices of implementation and termination of stages shall be posted on the city internet website, released to public media outlets, signs posted in public spaces, fliers available at city facilities, and published in whole or in summary form in at least one newspaper of general circulation within the city.

**24.06.005 Year-Round Water Use Allowances and Restrictions.**

The following allowances and restrictions are in effect at all times; 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. Irrigation with hand-held bucket, hand-held hose, soaker hose and drip irrigation systems is allowed on any day and at any time.
- c. Irrigation of vegetable gardens is allowed on any day and at any time.
- d. Irrigation of golf courses, athletic fields and commercial nurseries with sprinklers is prohibited between the hours of 10:00 a.m. and 7:00 p.m.
- 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.
- f. From and after the effective date of this article, 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 club house will be permitted but must conform to all other requirements for landscape irrigation.

(3) Vehicle Washing.

- a. Charity car washes are allowed, but must be done using a hand-held bucket or a hand-held hose equipped with a positive shutoff device.
- b. Non-commercial vehicle washing is allowed on any day and at any time, but must be done using a hand-held bucket or a hand-held 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 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 allowed but should be limited 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 man-made), sidewalks or streets.

- (8) Other non-essential water uses are allowed but all reasonable measures shall be taken to limit the use
- (9) Newly constructed Commercial, Mixed Use, Multifamily and Industrial Buildings shall comply with the following:
  - a. Newly constructed buildings installing vacuum systems shall not be water-cooled with single-pass potable water when alternative systems are available
  - b. Newly constructed buildings installing air conditioning systems shall have a single and independent condensate wastewater line to collect condensate wastewater to provide for future utilization as:
    - i. Process water and cooling tower make-up, and/or
    - ii. Landscape irrigation water. Condensate wastewater shall not be allowed to drain into a storm sewer, roof drain, overflow piping system, public way or impervious surface

**24.06.006 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. 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 hand-held bucket, hand-held 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 is allowed on any day and at any time.

- d. Outdoor watering use at golf courses, athletic fields and city facilities shall be reduced by ten percent of consumption based on the last month's billing prior to the implementation of any drought stage.
- e. Commercial nurseries are subject to the time restrictions when using automated irrigation systems, but may operate on any day. Use of hand-held bucket, hand-held hose with a positive shutoff device, soaker hose and/or drip irrigation systems are permitted at any time on any day.
- f. Except as provided in Subsections b-d, a person may not irrigate outdoors at a residential facility, multifamily facility, mixed use facility or a commercial facility between the hours of 10:00 a.m. and 7:00 p.m.
- g. A person may not irrigate outdoors at a residential facility except on a designated outdoor water use day, or as provided in Subsection b and c, and time as provided in Subsection f.
- h. 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.

(3) Vehicle Washing.

- a. Charity car washes are allowed, but must be done using a hand-held bucket or a hand-held hose equipped with a positive shutoff device.
- b. Non-commercial vehicle washing is allowed on any day and at any time, but must be done using a hand-held bucket or a hand-held 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 pools be covered while not in use to minimize evaporative losses.

(5) Operation of non-recirculating aesthetic water features is prohibited at all times.

(1) Washing of impervious surfaces is prohibited unless required for health and safety use.

(6) 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 man-made), sidewalks or streets.

(7) Other non-essential water uses are allowed but all reasonable measures shall be taken to limit the use.

**24.06.007 Stage 2 Water Use Allowances and Restrictions.**

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. 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 hand-held bucket, hand-held 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 is allowed any day, but prohibited between the hours of 10:00 a.m. and 7:00 p.m.
  - d. Outdoor watering use at golf courses, athletic fields and city facilities shall be reduced by fifteen percent of consumption based on the last month's billing prior to the implementation of any drought stage.
  - e. Commercial nurseries are subject to the time restrictions when using automated irrigation systems, but may operate on any day. Use of hand-held bucket, hand-held hose with a positive shutoff device, soaker hose and/or drip irrigation systems are permitted at any time on any day.
  - f. Except as provided in Subsections b-d, a person may not irrigate outdoors at a residential facility, multifamily facility, mixed use facility or a commercial facility between the hours of 10:00 a.m. and 7:00 p.m.
  - g. A person may not irrigate outdoors at a residential facility except on a designated outdoor water use day, or as provided in Subsection b and c, and time as provided in Subsection f.

- h. 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.
- (3) Vehicle Washing.
  - a. Charity car washes are prohibited unless held at a commercial car wash.
  - b. Non-commercial 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 hand-held bucket or a hand-held 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. Make-up 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 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 man-made), sidewalks or streets.
- (8) Other non-essential 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, gray water and reclaimed water to the maximum extent available. The City Manager may cap withdrawals from construction meters connected to the City water system.

**24.06.008 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. The above schedule applies to Residential, Commercial, Mixed Use and Multifamily
- b. Outdoor watering with hand-held bucket, hand-held 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 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. Outdoor watering use at golf courses, athletic fields and city facilities shall be reduced by twenty percent of consumption based on the last month's billing prior to the implementation of any drought stage.
- e. Commercial nurseries are subject to the time restrictions when using automated irrigation systems, but may operate on any day. Use of hand-held bucket, hand-held hose with a positive shutoff device, soaker hose and/or drip irrigation systems are permitted at any time on any day.
- f. Except as provided in Subsections b-d, a person may not irrigate outdoors at a residential facility, multifamily facility, mixed use facility or a commercial facility between the hours of 10:00 a.m. and 7:00 p.m.
- g. A person may not irrigate outdoors at a residential facility except on a designated outdoor water use day, or as provided in Subsection b and c, and time as provided in Subsection f.
- h. 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.

### (3) Vehicle Washing.

- a. Charity car washes are prohibited unless held at a commercial car wash.

- b. Non-commercial 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 hand-held bucket or a hand-held 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. Make-up 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 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 man-made), sidewalks or streets.
  - (8) Other non-essential 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, gray water and reclaimed water to the maximum extent available. The City Manager may cap withdrawals from construction meters connected to the City water system.

**24.06.009 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. The above schedule applies to Residential, Commercial, Mixed Use and Multifamily
- b. Outdoor watering with hand-held bucket, hand-held 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 10:00 a.m. and 7:00 p.m.
  - c. Irrigation of vegetable gardens is restricted to the Outdoor Watering Once-Per-Every-Other-Week Schedule and shall be prohibited between the hours of 10:00 a.m. and 7:00 p.m.
  - d. Outdoor watering use at golf courses, athletic fields and city facilities shall be reduced by thirty percent of consumption based on the last month's billing prior to the implementation of any drought stage.
  - e. Commercial nurseries must comply with the Once-Per-Every-Other Week Schedule for automated irrigation systems before 10:00 a.m. and after 7:00 p.m. Use of hand-held bucket, hand-held hose with a positive shutoff device, soaker hose and/or drip irrigation systems are permitted any day before 10:00 a.m. and after 7:00 p.m.
  - f. Except as provided in Subsection b-d, a person may not irrigate outdoors at a residential facility, multifamily facility, mixed use facility or a commercial facility between the hours of 10:00 a.m. and 7:00 p.m.
  - g. A person may not irrigate outdoors at a residential facility except on a designated outdoor water use day, or as provided in Subsection b and c, and time as provided in Subsection f.
  - h. 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.
  - i. The City Council may take action following enactment of Stage IV 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 car washes are prohibited unless held at a commercial car wash.
- b. Non-commercial vehicle washing is prohibited except at a commercial car wash.
- c. Commercial vehicle washing is allowed on any day and at any time.

(4) Filling of new swimming pools is prohibited. Make-up of existing swimming pools is prohibited. Swimming pool surfaces shall be fully-covered when not in use.

(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 man-made), sidewalks or streets.

(8) Other non-essential water uses are prohibited.

(9) *Construction Water.* Construction water used for non-potable needs, such as dust suppression, shall utilize alternative sources of water such as rainwater, gray water and reclaimed water to the maximum extent available. The City Manager may cap withdrawals from construction meters connected to the City water system.

**24.06.010 Variances and Alternative Compliance.**

(1) The City Manager may grant a variance from the requirements of this article if it is determined that special circumstances exist and that:

- a. Compliance with this article adversely affects the health, sanitation, fire protection or safety of the public; or
- b. Compliance with this article cannot be technically accomplished; or
- c. Alternative methods can be implemented that will achieve the same or greater reduction in water use; or
- d. Substantially threatens the applicant's primary source of income; or
- e. Adversely affects pesticide or fertilizer application

- (2) The City Manager may grant a variance 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.
- (3) A person may seek a variance by filing an application with the City Manager. The City Manager may require the applicant to provide information the City Manager determines is necessary to evaluate the variance request. At a minimum, the applicant must provide the following:
  - a. Name and address of the applicant;
  - b. Purpose and location of water use;
  - c. Specific provisions of this division for which the applicant is requesting a variance;
  - d. Detailed explanation of how the specific provisions will adversely affect the applicant;
  - e. Period of time for which the variance is sought;
  - f. Alternative measures the applicant proposes to implement in order to meet the intent of this article; and
  - g. Any other pertinent information as required by the City Manager
- (4) If the City Manager approved a variance, the applicant shall keep a copy of the approval in a location on the affected property that is accessible and visible to the public.
- (5) An approved variance or approved form of alternative compliance shall expire when any of the following occur:
  - a. A more intensive drought stage takes effect; or
  - b. The applicant is convicted of violating this article

**24.06.011 New Landscape Installation Program.**

- (1) *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.

(2) *Outdoor Watering Schedule During Year-Round Conservation.* New landscape installation irrigation shall comply with the following schedule when drought stages are not in effect:

a. Days 1-10: Irrigation permitted any time

(3) *Outdoor Watering Schedule During Drought Stages.* New landscape installation irrigation shall comply with the following schedule when drought stages are in effect:

a. Days 1-10: Irrigation permitted every day and any time

b. Days 11-20: Irrigation permitted Monday, Wednesday and Friday, and only before 10:00 a.m. and after 7:00 p.m.

c. Days 21-30: Irrigation permitted in accordance with the Twice-per-week watering schedule as described in 24.06.006(2)a and 24.06.007(2)a

(4) The applicant shall post a copy of the notice in a location on the affected property that is accessible and visible to the public.

(5) All other aspects of this article shall remain in full effect, including prohibitions on waste of water.

(6) 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 man-made), sidewalks or streets.

#### **24.06.012 Violations.**

(1) It shall be unlawful for any person to intentionally, knowingly, recklessly, or with criminal negligence allow or cause any waste of water, to allow or cause landscape watering at any time other than during a prescribed time for landscape watering, or to allow or cause any violation of any provision or restriction of this article.

(2) The City Manager is authorized and instructed to commence any action, in law or in equity, including the filing of criminal charges, deemed necessary for the purpose of enforcing this article. The City Manager may seek 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.

(3) 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.

**24.06.013 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 filing civil enforcement actions.

**24.06.014 Registered Water User Presumed.**

For the purposes of this article, in any case where water has been used on a 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 has intentionally, knowingly, recklessly, or negligently caused or allowed the violation to occur. 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 division shall constitute prima facie evidence that the defendant caused or allowed the violation to occur.

**24.06.015 Additional Enforcement Remedies.**

- (1) The City Manager is authorized and instructed to commence any action, in law or in equity, including the filing of criminal charges, necessary to enforce this article.
- (2) The City Manager may seek 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 necessary to enforce this article.
- (3) More than three criminal violations of this article by a customer of the city water system in a 12-month period, or failure to pay assessed penalties, may result in installation of a flow control device on the customer's water line, and/or termination of the customer's water service. When possible, termination of the customer's water service may be limited to outdoor use. However, termination of water service may include both indoor and outdoor use. In the event of termination of the customer's water service, the customer shall pay the reconnection fee.

**24.06.016 Penalties.**

- (1) *Criminal Penalties:* A person who violates any provision of this article commits a misdemeanor, and upon conviction, shall be punished by a fine in the respective amounts shown:
  - a. 1<sup>st</sup> offense in a 12 month period – not more than \$100.00

- b. 2<sup>nd</sup> offense in a 12 month period – not more than \$250.00
  - c. 3<sup>rd</sup> offense in a 12 month period – not more than \$500.00
  - d. If the court determines the offense relates to public health or sanitation, or makes a finding of criminal negligence, the maximum fine is \$2,000.00 regardless of the number of offenses.
- (2) Each violation of a particular provision of this article shall constitute a separate offense, and each day a violation occurs or continues shall be considered a new offense.
- (3) *Civil Penalties.* Civil penalties, imposed by courts of competent jurisdiction in civil actions for violations of this article, may also be assessed as may be allowed by applicable state law in any amount to be authorized by the state. 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.
- (4) *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:
- a. 1<sup>st</sup> offense in a 12 month period – warning
  - b. 2<sup>nd</sup> offense in a 12 month period – \$25.00
  - c. 3<sup>rd</sup> offense in a 12 month period – \$100.00
  - d. 4<sup>th</sup> offense in a 12 month period - \$300.00
- (5) Enforcement personnel may issue verbal and/or written warnings prior to issuance of a citation.

**24.06.017 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.