

## ORDINANCE NO. 2024-20

**AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET ORDINANCE NO. 2019-10 AND SECTION 110-40 DROUGHT CONTINGENCY PLAN; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Burnet, Texas recognizes that the amount of water available to the city and its water utility customers is limited and subject to depletion during periods of extended drought; and

**WHEREAS**, the City recognizes that natural limitations due to drought conditions and other acts of God cannot guarantee an uninterrupted water supply for all purposes; and

**WHEREAS**, Section 12.1272 of the Texas Water Code and applicable rules of the Texas Natural Resource Conservation Commission require all public water supply systems in Texas to prepare a drought contingency plan; and

**WHEREAS**, The Lower Colorado River Authority (LCRA) requires all the firm customers who draw water from the basin to adopt a drought contingency plan that complies with their rules and regulations; and

**WHEREAS**, City Council, finds, determines, and declares that publication of notice of this Ordinance, as required by Section 3.14 of the City Charter and the laws of the State of Texas, was made by the City Secretary within the period prescribed by Section 3.14; and

**WHEREAS**, City Council, finds, determines, and declares that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given as required by Chapter 551 of the Texas Government Code.

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

**Section One. Plan.** That the City of Burnet, Texas, Drought Contingency Plan attached hereto and made part hereof for all purposes, is hereby amended in its entirety and adopted as the official policy of the City of Burnet:

**Section One. Ordinances in Conflict.** That all ordinances that are in conflict with the provisions of this ordinance are, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

**Section One. Code Amendment.** That the City of Burnet, Texas Drought Contingency Plan attached hereto as Exhibit "A" and made part hereof for all purposes, is hereby amended in its entirety and adopted as the official policy of the City of Burnet.

**Section Two. Findings.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

**Section Three. Penalty.** A violation of this ordinance is unlawful and subject to City Code of Ordinances Sec. 1-6 (entitled "general penalty") and Appendix B or this Ordinance (entitled Enforcement Provisions).

**Section Four. Cumulative.** This ordinance shall be cumulative of all provisions of all ordinances and codes, or parts thereof, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event Section 5, (entitled "Repealer") shall be controlling.

**Section Five. Repealer.** All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

**Section Six. Severability.** If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.


**Section Seven. Publication.** The publishers of the City Code are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing Code.

**Section Eight. Effective Date.** This Ordinance shall be effective upon the last day of the same month of final adoption hereof.


**PASSED, APPROVED, AND ADOPTED** on this 13<sup>th</sup> day of August 2024



**CITY OF BURNET, TEXAS**

  
\_\_\_\_\_  
Gary Wideman, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Maria Gonzales, City Secretary

**Exhibit "A"**  
**Drought Contingency Plan**

**City of Burnet**  
**Drought Contingency Plan**



**August 13, 2024**

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# **DROUGHT CONTINGENCY PLAN FOR MUNICIPAL WATER USE**

## **1.0 Declaration of Policy, Purpose and Intent**

The City of Burnet (the "City") receives a portion of its water supply for the Lower Colorado River Authority (LCRA) and the remaining portion from wells located throughout the City that are subject to the jurisdiction of the Central Texas Groundwater District. In cases of drought, periods of abnormally high usage or system contamination, or extended reduction in ability to supply water due to equipment failure, the LCRA and/or the Central Texas Groundwater District may require water customers to institute temporary restrictions to limit nonessential water usage. This Drought Contingency Plan (Plan) is designed to protect the available water supply and protect the integrity of water supply facilities, with regard for domestic water use, sanitation and fire protection during these periods or other water supply emergencies.

Water uses regulated or prohibited under this Plan are considered nonessential and continuation of such uses during times of water shortage or other emergency water supply conditions is deemed to constitute a waste of water.

## **2.0 Authorization**

The City Manager and/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 public health, safety and welfare. The City Manager shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

## **3.0 Public Education**

The City Manager will periodically provide its employees, members, and the public with information about this Plan, including the importance of the Plan, information about the conditions under which each stage of the Plan is to be initiated, processes used to reduce water use, and impending or current drought conditions.

## **4.0 Coordination with Regional Planning Groups**

The City will provide a copy of this Plan to the Lower Colorado Regional Planning Group (Region K).

## **5.0 Notice Requirements**

The City shall notify the executive director of the Texas Commission on Environmental Quality and LCRA General Manager in writing within five (5) business days of the implementation of any mandatory provisions of the Drought Contingency Plan.

## **6.0 Normal Water Use Restrictions**

The following restrictions apply to all City water utility system(s) on a year-round basis, regardless of water supply or water treatment plant production conditions. According to the restrictions, a water user must not:

- 1) Irrigate outdoors using an automatic or manual irrigation systems or hose-end sprinklers more than twice per week or outside scheduled days and times as indicated in Appendix A.
- 2) Fail to repair a controllable leak, including a broken sprinkler head, a leaking valve, leaking or broken pipes, or a leaking faucet.
- 3) Operate an irrigation system:
  - with a broken head;
  - with a head that is out of adjustment and the arc of the spray head is over a street or parking area;
  - with a head that is fogging or misting because of excessive water pressure; or
  - between the hours of 10 a.m. and 7 p.m.
- 4) During irrigation, allow water:
  - to run off a property and form a stream of water in a street for a distance of 50 feet or greater; or
  - to pool in a street or parking lot to a depth greater than one-quarter of an inch.

## **7.0 Initiation and Termination of Response Stages**

The City Manager shall monitor water supply and demand conditions on a regular basis and shall determine when conditions warrant initiation and termination of each stage of this Plan in accordance with LCRA's Water Management Plan. Water supply conditions will be determined by the source of supply, system capacity and weather conditions. Water demand will be measured by the peak daily demands on the system.

Public notification of the initiation or termination of drought response stages shall be by a variety of ways (e.g., bill inserts, email, automated telephone calls, signs posted at entry points to the service area, social media posts, website content or a combination of these methods).

The following triggering criteria shall apply to the City's water utility system(s) and customer service area.

## 7.1 Stage 1 - Mild Water Shortage Conditions

A. **Requirements for initiation** - Customers shall be requested to adhere to the Stage 1 Drought Response Measures when one or more these criteria occur:

1. Treatment Capacity:

- When total daily water demand equals or exceeds 80% of the total operating system treatment capacity for three consecutive days; or

2. Water Supply:

- Combined storage of lakes Travis and Buchanan falls below 1.1 million acre-feet, in accordance with the LCRA Drought Contingency Plan for Firm Water Customers (DCP).
- A reduction in groundwater production is required to achieve restrictions imposed by the Central Texas Groundwater District.

3. Other Factors:

- Any other system demand or supply factors that in the opinion of the City Manager, could jeopardize the health, safety, and welfare of the public.

B. **Requirements for termination** - Stage 1 of the Plan may be rescinded when:

1. Treatment Capacity:

- The water treatment plant capacity condition listed above as a triggering event for Stage 1 has ceased to exist for five consecutive days; or

2. Water Supply:

- Combined storage of lakes Travis and Buchanan reaches 1.2 million acre-feet.
- A reduction in groundwater production is no longer required to achieve restrictions imposed by the Central Texas Groundwater District.



C. **Water Supply Reduction Target:** Achieve a 10% reduction in water use.

*Upon termination of Stage 1, Normal Water Use Restrictions become operative.*

## 7.2 Stage 2 - Moderate Water Shortage Conditions

A. **Requirements for initiation** - Customers shall be required to adhere to the Stage 2 Drought Response Measures when one or more of these criteria occur:

1. Treatment Capacity:

- When total daily water demand equals or exceeds 90% of the total operating system treatment capacity for three consecutive days; or

2. Water Supply:

- Combined storage of lakes Travis and Buchanan falls below 900,000 acre-feet, in accordance with the LCRA DCP; or
- On March 1 or July 1, the combined storage of lakes Travis and Buchanan is below 1.1 million acre-feet and the prior three-months of inflows cumulative total is less than the 25<sup>th</sup> percentile of historical inflows for that three-month period, in accordance with the LCRA DCP.
- A reduction in groundwater production is required to achieve restrictions imposed by the Central Texas Groundwater District.

3. Other Factors:

- Any other system demand or supply factors that in the opinion of the City Manager, could jeopardize the health, safety, and welfare of the public.

B. **Requirements for termination** - Stage 2 of the Plan may be rescinded when:

1. Treatment Capacity:

- The water treatment plant capacity condition listed above as a triggering event for Stage 2 has ceased to exist for five consecutive days; or

2. Water Supply:

- Combined storage of lakes Travis and Buchanan reaches 1.1 million acre-feet.
- A reduction in groundwater production is no longer required to achieve restrictions imposed by the Central Texas Groundwater District.

C. **Water Supply Reduction Target:** Achieve a 20% reduction in water use.

*Upon termination of Stage 2, Stage 1 becomes operative unless the criteria for*

*terminating Stage 1 is also met.*

### 7.3 Stage 3 - Severe Water Shortage Conditions

- A. **Requirements for initiation** - Customers shall be required to adhere to the Stage 3 Drought Response Measures when one or more of these criteria occur:
1. Treatment Capacity:
    - When total daily water demand equals or exceeds 95% of the total operating system treatment capacity for three consecutive days; or
  2. Water Supply:
    - Combined storage of lakes Travis and Buchanan falls below 750,000 acre-feet, in accordance with the LCRA DCP.
    - Production restriction compliance with the Central Texas Groundwater District conservation requirements.
  3. Other Factors:
    - Any other system demand or supply factors that in the opinion of the City Manager, could jeopardize the health, safety, and welfare of the public.
- B. **Requirements for termination** - Stage 3 of the Plan may be rescinded when:
1. Treatment Capacity:
    - The water treatment plant capacity condition listed above as a triggering event for Stage 3 has ceased to exist for five consecutive days; or
  2. Water Supply:
    - Combined storage of lakes Travis and Buchanan reaches 825,000 acre-feet.
    - Production restriction compliance with the Central Texas Groundwater District conservation requirement.
- C. **Water Supply Reduction Target**: Achieve a 25% reduction in water use.

*Upon termination of Stage 3, Stage 2 becomes operative unless the criteria for terminating Stage 2 is also met.*

## 7.4 Stage 4 - Critical Water Shortage Conditions

A. **Requirements for initiation** - Customers shall be required to adhere to the Stage 4 Drought Response Measures when one or more of these criteria occur:

1. Treatment Capacity:

- Major water line breaks, loss of distribution pressure or pump system failures that cause substantial loss in the ability to provide water service.

2. Water Supply:

- Combined storage of lakes Travis and Buchanan reaches 600,000 acre-feet; or
- The LCRA Board of Directors declares a Drought Worse than Drought of Record or other water supply emergency and orders the mandatory curtailment of firm water supplies.
- A reduction in groundwater production is required to achieve restrictions imposed by the Central Texas Groundwater District.

3. Other Factors:

- Any other emergency situation and/or system demand/supply factors that in the opinion of the City Manager, could jeopardize the health, safety, and welfare of the public.

B. **Requirements for termination** - Stage 4 of the Plan may be rescinded when:

1. Treatment Capacity:

- The water treatment plant capacity condition listed above as a triggering event for Stage 4 has ceased to exist for five consecutive days; or

2. Water Supply:

- LCRA announces that mandatory Stage 4 water restrictions for firm water customers are no longer required in accordance with the LCRA DCP.
- A reduction in groundwater production is no longer required to achieve restrictions imposed by the Central Texas Groundwater District.

C. **Water Supply Reduction Target:** Achieve a 30% reduction in water use.

*Upon termination of Stage 4, Stage 3 becomes operative unless the criteria for terminating Stage 3 is also met.*

## 8.0 Drought Response Measures: Retail Customers

### 8.1 Stage 1 - Mild Water Shortage Conditions

#### A. Supply Management Measures:

1. The City will review system operations and identify ways to improve system efficiency and accountability.
2. The City will review this document and associated enforcement mechanisms and prepare for an increased level of enforcement.

#### B. Demand Management Measures:

1. Irrigation of Landscaped Areas. Irrigation of landscaped areas shall be limited to a no more than ONCE weekly watering schedule from Oct. 1 to April 30 and no more than TWICE weekly watering schedule from May 1 to Sept. 30. Irrigation of commercial landscapes and recreational areas (including public parks) may apply for a variance but must still develop a schedule which will achieve the same level of reduction in water usage. (See Appendix A – City of Burnet Water System - Watering Schedule.)
2. The City will ask customers to comply with the remaining water-use restrictions outlined in Stage 2 of the Plan.
3. The City will actively share drought-related information and the need to conserve.
4. If appropriate, the City will explore ways to implement permanent water efficiency ordinances relating to uses such as vehicle washing facilities, pressure washing equipment, drought-tolerant landscaping for all new landscapes and irrigation evaluations for large properties.

### 8.2 Stage 2 - Moderate Water Shortage Conditions

#### A. Supply Management Measures:

1. Apply all water-use restrictions prescribed for Stage 2 of the Plan for City utility-owned facilities and properties.
2. The City will explore ways to reduce system water loss by measures such as fixing leaks, replacing old meters and recycling line flush water, as appropriate.
3. The City will explore ways to increase use of recycled wastewater to reduce irrigation of public parks with potable water, as appropriate.
4. The City will actively share drought-related information, including current and projected water supply conditions, water supply restrictions and the need to conserve to its retail customers, including

publicly posting notice of entering or exiting Stage 2 on the City's website.

5. The City will actively enforce the irrigation watering restrictions.

B. Demand Management Measures:

Under threat of penalty, the following water-use restrictions shall apply to all retail water customers:

1. Irrigation of Landscaped Areas:

- a. Irrigation of landscaped areas with hose-end sprinklers or automatic or manual irrigation systems shall be limited to no more than ONCE weekly as provided for herein. Irrigation of commercial landscapes and recreational areas (including public parks) may apply for a variance but must still develop a schedule which will achieve the same level of reduction in water usage. (*See Appendix A – City of Burnet Water System - Mandatory Watering Schedule.*)

- b. Outdoor watering hours will be limited to **15 hours** per day before 10 a.m. and after 7 p.m. on designated days as determined by the City (see watering schedule in Appendix A). This prohibition does not apply to irrigation of landscaped areas if it is by means of:

- i. a hand-held hose with a positive shut-off device; or
- ii. a faucet-filled bucket or watering can of 5 gallons or less.

- c. New landscapes may be installed and revegetation seeding performed under these specific criteria:

- i. a 30-day watering schedule variance has been applied for and accepted;
- ii. only drought-tolerant or native plants/turf are installed;
- iii. Irrigation of the new landscape follows the schedule identified in the new landscape variance. The schedule will be developed to minimize water waste.
- iv. Areas being revegetated for soil stabilization must also comply with the (i) and (ii) specific criteria above. Alternative options to revegetation such as mulch may be available in times of low water supply. Additional information regarding options is available in the LCRA Highland Lakes Watershed Ordinance Technical Manual.
- v. Variances for new landscapes may be issued for a period of no more than 30 days from the day of issuance. A variance is not an exemption from compliance with the normal water



use restrictions of this Plan. Variances will not be granted for seasonal "color bed" or temporary grass installation (overseeding).

2. Vehicle Washing:

Use of water to wash any motor vehicle, such as a motorbike, boat, trailer or airplane, is prohibited except on designated watering days before 10 a.m. or after 7 p.m. Such activity, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shut-off nozzle. A vehicle may be washed anytime at a commercial car wash facility or commercial service station. This activity is exempt from these regulations if the health, safety and welfare of the public are served by washing the vehicle, such as a truck used to collect garbage or used to transport food and perishables.

3. Pools:

- a. Draining and refilling is permitted only onto pervious surfaces or onto a surface where water will be transmitted directly to a pervious surface, and only if:
  - i. Draining excess water from pool due to rain in order to lower water to maintenance level;
  - ii. Repairing, maintaining or replacing pool components that have become hazardous; or
  - iii. Repair of a pool leak.
- b. Public/community swimming pools are allowed to fill or replenish water in order to maintain safe levels of water quality for human contact and for maintenance as outlined above.

4. Outside Water Features:

- a. Operation of outside water features is prohibited except where such features are used for aeration necessary to sustain aquatic life or maintain water quality, and except for ornamental fountains that are recirculating. (This provision includes recirculating fountains associated with aesthetic ponds and swimming pools unless required for filtration).
- b. Operation of outdoor misting systems at a commercial facility is allowed only between 4 p.m. and midnight.
- c. Splash pad type fountains must be recirculating and should have an automatic timer shut-off feature when not in use unless public health and safety is compromised by installing a shut-off feature.

5. Ponds:

Ponds used for aesthetic, amenity and/or storm water purposes may maintain water levels only as necessary to preserve the integrity of the liner and operating system. The City may request specific design documentation regarding a pond and the intended purpose.

6. Golf Courses:

Golf courses receiving any amount of treated water from the City utility must either develop a drought contingency plan that meets the minimum water reduction target set for Stage 2, or adopt the LCRA sample golf course drought contingency plan.

7. Events:

Events involving the use of water such as: car washes, festivals, parties, water slides and other activities involving the use of water are permitted if the water being used drains to a recirculating device or onto a pervious surface to prevent water waste. A charity car wash may not be conducted unless it occurs at a commercial vehicle washing facility.

8. Restaurants:

Restaurants, bars and other commercial food or beverage establishments are encouraged not to provide drinking water to customers unless a specific request is made by the customer for drinking water.

9. Hotels/motels:

The owner or operator of a hotel, motel, short-term rental or other establishment that offers or provides lodging or rental accommodations for compensation are encouraged to offer a towel and linen reuse water conservation option to its lodgers, renters or customers and maintain signage about the opportunity to participate in each guest room, suite, or property.

10. Fire Hydrants:

Use of water from fire hydrants shall be prohibited for landscape irrigation, filling pools, operating fountains and car washing. Water should be transported only for the purpose of firefighting or providing minimal water needed for indoor use where auxiliary sources are inadequate and activities necessary to maintain public health, safety

and welfare, or for construction use. Transport of water other than for firefighting requires a variance and a meter.

#### 11. Athletic fields

Watering should follow a no more than once-per-week schedule per irrigated area unless the athletic fields are actively used for organized sports practice, competition or exhibition events when irrigation outside of the standard weekly schedule is necessary to protect the health and safety of the players, staff or officials present for the athletic event.

- a. All ornamental landscape areas around facilities with athletic fields shall follow general landscape irrigation restrictions.
- b. A variance must be filed with the City for watering outside of the once per week irrigation schedule stated in Appendix A.

#### 12. Water Waste

The following nonessential uses of water are prohibited during periods in which restrictions are in effect:

- a. Washing sidewalks, walkways, driveways, parking lots, street, tennis courts and other impervious surfaces is prohibited except for immediate health and safety.
- b. Use of water to wash buildings, houses or structures with a pressure washer is restricted to equipment that is fitted with a water recycling unit and a spray nozzle using no more than 3.5 gallons of water per minute and employing a working trigger shut-off with a protective weep mechanism. Use of water to wash buildings with a hand-held hose with a positive shut-off nozzle is allowed.
- c. Use of water to control dust is prohibited, unless there is a demonstrated need to do so for reasons of public health and safety, or as part of an approved construction plan.

### **8.3 Stage 3 - Severe Water Shortage Conditions**

#### A. Supply Management Measures:

1. The City will aggressively reduce system water loss by measures such as fixing leaks, replacing old meters and recycling line flush water, as appropriate for the utility system.
2. The City will actively share drought-related information, including the current and projected water supply conditions, water supply

restrictions and the need to conserve to its retail customers including publicly posting notice of entering or exiting Stage 3 on the City's website.

3. In addition to measures implemented in the preceding stages of the Plan, the City will explore additional emergency water supply options.

B. Demand Management Measures: Under threat of penalty, all retail customers are required to further reduce nonessential water uses as follows. All requirements of Stage 2 shall remain in effect during Stage 3, with the following modifications and additions.

1. Irrigation of Landscaped Areas:

- a. Irrigation of landscaped areas with automatic or manual irrigation systems or hose-end sprinklers shall be limited to a maximum ONCE a week watering schedule for no more than **6 hours** as provided for herein. Irrigation of commercial landscapes and recreational areas (including public parks) may apply for a variance but must still develop a schedule which will achieve the same level of reduction in water usage. (*See Appendix A – City of Burnet Water System - Mandatory Watering Schedule.*)
- b. Outdoor watering hours for hand watering will be limited to 15 hours a day, before 10 a.m. or after 7 p.m. on designated days as determined by the City (*see watering schedule in Appendix A*). The allowed methods of irrigation of landscaped areas are:
  - i. a hand-held hose with a positive shut-off device;
  - ii. a faucet-filled bucket or watering can of 5 gallons or less;
  - iii. a soaker hose; or
  - iv. tree gator watering bags.
- c. New landscapes may only be installed if:
  - i. a 30-day watering schedule variance has been applied for and accepted;
  - ii. only drought-tolerant or native plants/turf are installed;
  - iii. Irrigation of the new landscape follows the schedule identified in the new landscape variance. The schedule will be developed to minimize water waste.
  - iv. Areas being revegetated for soil stabilization must also comply with the (i) and (ii) specific criteria above. Alternative options to revegetation such as mulch may be available in times of low water supply. Additional information regarding options is available in the LCRA Highland Lakes Watershed Ordinance Technical Manual.
  - v. Variances for new landscapes may be issued for a period

of no more than 30 days from the day of issuance. A variance is not an exemption from compliance with the normal water use restrictions of this Plan. Variances will not be granted for seasonal "color bed" or temporary grass installation (overseeding).

- d. A temporary watering variance may be granted by the City for the revegetation of disturbed areas due to construction is allowed, if required by local, state, or federal regulations.

2. Vehicle Washing:

Use of water to wash any motor vehicle, such as a motorbike, boat, trailer or airplane, is prohibited except on designated watering days between 7 a.m. and 10 a.m. and between 7 p.m. and 10 p.m. Such activity, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shut-off nozzle. A vehicle can be washed at any time at a commercial car wash facility or commercial service station that recycles its water. This activity is exempt from these regulations if the health, safety and welfare of the public are served by washing the vehicle, such as a truck used to collect garbage or used to transport food and perishables.

3. Pools:

Installation of swimming pools is prohibited except when equipped with an automatic pool cover. Public/community swimming pools may be exempt from this prohibition to maintain safe levels of water quality for human contact.

4. Outside Water Features:

- a. Operation of ornamental fountains is prohibited.
- b. Operation of outside water features, is only allowed when such features are used for aeration necessary to sustain aquatic life or maintain water quality. (This provision includes fountains associated with aesthetic ponds and swimming pools.)
- c. Operation of residential aesthetic or recreational devices such as water slides is prohibited.
- d. Operation of outdoor misting systems at a commercial facility is allowed only between 4 and 8 p.m.

5. Ponds:

Ponds used for aesthetic, amenity and/or stormwater purposes may maintain water levels only necessary to preserve the integrity of the

liner and operating system and meet the LCRA Highland Lakes Watershed Ordinance or other applicable non-point source pollution regulation. The City may request specific design documentation regarding a pond and the intended purpose.

6. Golf Course:

Golf courses receiving any amount of treated water from the City utility must either develop a drought contingency plan that meets the minimum water reduction target set for Stage 3, or adopt the LCRA sample golf course drought contingency plan.

7. Events:

Events involving the use of water such as car washes, festivals, parties, water slides, and other activities involving the use of water are prohibited.

8. Recreational areas (includes municipal parks and common areas):

Irrigation of recreational areas with potable water must follow the six-hour weekly irrigation schedule outlined in section B1, and watering of recreational areas should be prioritized by frequency of use. Unnecessary foot traffic should be discouraged. Watering using an auxiliary source such as recycled water is exempt from these restrictions.

9. Athletic fields:

A variance including a map of active play areas that must be irrigated with automatic sprinkler systems for sports practice and competition must be filed with the City if irrigation falls outside of the normal watering schedule listed in Appendix A. The irrigation must be necessary to protect the health and safety of the players, staff, and officials present for athletic events.

- a) All ornamental landscape areas around facilities with athletic fields shall follow general landscape irrigation restrictions.
- b) All athletic fields that are not actively used for sports practice and competition shall follow general landscape irrigation restrictions.

10. Water Waste:

The following additional nonessential uses of water are prohibited at all times during periods in which restrictions have gone into effect.

- a) Pressure washing is prohibited but variances may be granted by the City on the designated watering day for health and safety purposes only. Pressure washing equipment must be fitted with a spray nozzle that does not use more than 3.5 gallons of water per minute and has a trigger shut-off.

## 8.4 Stage 4 - Critical Water Shortage Conditions

Under threat of penalty for violation, all retail customers are required to reduce nonessential water uses during an emergency. All requirements of stages 1 through 3 are also in effect during Stage 4, with the following modifications and additions:

- A. Irrigation of ornamental turfgrass is prohibited. The use of hose-end sprinklers and automatic irrigation systems, including drip irrigation, are prohibited except as provided under item B below.
- B. Irrigation of foundations, trees and vegetable gardens is allowed with a hand-held hose with a working on/off nozzle, bucket, drip irrigation or soaker hoses irrigation only for **six hours** between the hours of 7 a.m. and 10 a.m. or 7 p.m. and 10 p.m. one day per week on the designated outdoor water use day as determined by the City.
- C. New landscapes irrigated with spray irrigation are prohibited. New irrigated turf grass is prohibited. The City may issue new landscape variances for planting beds installed with drought-tolerant or native plants specified in the Grown Green Plant Guide as having low or very low water needs (<http://austintexas.gov/departments/grow-green/plant-guide>) and irrigated with point source drip irrigation or hand-held hose.
- D. Use of water to operate outside water features, including fountains, outdoor misting systems and splash pads, is prohibited.
- E. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited, except as required for public health and safety purposes. Commercial car washing facilities, except facilities that recycle water, may operate for health and safety purposes only.
- F. Golf courses receiving any amount of treated water from the City must either develop a drought contingency plan in accordance with the City's Drought Contingency Plan and implement its Stage 4 mandatory restrictions in conjunction with the water provider or adopt the LCRA sample golf course drought contingency plan.

- G. The filling or replenishing of single-family residential swimming pools is only allowed if the pool is covered with a pool cover when not in use.
- H. Public/community swimming pools are allowed to fill or replenish water in order to maintain safe levels of water quality for human contact.

*Upon declaration of Stage 4, water use restrictions outlined in Stage 3 shall immediately apply.*

## **9.0 Drought Response Measures: Wholesale Treated Customers**

All City wholesale treated water customers are required to develop and formally adopt drought contingency plans for their own systems in accordance with Title 30 Texas Administrative Code Sections 288.20 and 288.22. The water supply triggers, and target reduction goals must be consistent with the LCRA DCP. In addition, the measures of this Plan must be at least as stringent as the drought response measures required by the City for its retail customers. Wholesale treated water customers must include in their wholesale water supply contracts the requirement that each successive wholesale customer develop and formally adopt a drought contingency plan, consistent with the LCRA DCP.

### **9.1 Stage 1 - Mild Water Shortage Conditions**

The City will contact wholesale treated water customers to discuss supply and demand conditions. The City will provide a limited supply of consumer information and materials on water conservation measures and practices to wholesale customers.

### **9.2 Stage 2 - Moderate Water Shortage Conditions**

The City will keep wholesale treated water customers informed about demand and current and projected water supply conditions. The City will initiate discussions with wholesale treated water customers about potential curtailment and the implementation of mandatory measures to reduce all nonessential water uses.

### **9.3 Stage 3 - Severe Water Shortage Conditions**

The City will contact its wholesale treated water customers to initiate mandatory measures to control water demand and to ensure capacity for emergency response requirements. Mandatory measures will include the curtailment of nonessential water uses in accordance with the wholesale treated water customer's drought contingency plan.

In addition, if the Stage 4 triggering criteria is based on a water supply



shortage, LCRA will initiate the curtailment of water provided to wholesale treated water customers on a pro rata basis. The wholesale treated water customer's monthly allocation of water shall be based on a percentage of the customer's baseline water use. The percentage will be determined by the LCRA Board and may be adjusted as conditions warrant.

#### **9.4 Stage 4 - Critical Water Shortage Conditions**

All requirements of Stage 3 shall remain in effect during Stage 4. Additional measures may be added as needed.

### **10.0 Enforcement Provisions**

The enforcement provisions provided for in Appendix B shall apply to all City water customers:

#### **10.1 Variances**

The City Manager may, in writing, grant a variance for new or existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, primary business, or fire protection for the public or the person requesting such variance or if one or more of the following conditions are met:

- 1) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
- 2) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting a variance from the provisions of this article shall file a petition for variance with the City Manager after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the City Manager and shall include the following:

- 1) Name and address of the petitioner(s);
- 2) Purpose of water use;
- 3) Specific provision(s) of the Plan from which the petitioner is requesting relief;
- 4) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Plan;
- 5) Description of the relief requested;
- 6) Period of time for which the variance is sought;
- 7) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date; and
- 8) Other pertinent information.

Variations granted by the City Manager shall be subject to the following conditions, unless waived or modified by the City Manager:

- 1) Variations granted shall include a start and end date for compliance;
- 2) Variance requests must be submitted no more than two (2) months prior to the requested start date, and no less than 48 hours prior to the requested start date; and
- 3) Variations granted shall expire on the date set at the time when the application was granted.

Additionally, variations may be granted when a Customer is using Efficient Irrigation Technology for outdoor irrigation purposes. In order to receive this variance the requestor must have a master valve or flow sensor, the irrigation controller must have a cycle and soak capability, and will be subject to annual random irrigation checks by the City.

## **10.2 Plan Updates**

The Plan will be reviewed and updated as needed to meet both TCEQ and LCRA drought contingency plan rules.

## Appendix A – Mandatory Watering Schedules

### Normal Water Use Watering Schedule

Irrigate outdoors using automatic or manual irrigation systems or hose-end sprinklers no more than **TWICE per week** for up to **15 hours** and only during scheduled days and times as indicated below:

#### Twice–Per-Week Watering Schedule

	Mon/Thur	Tue/Fri	Wed/Sat
Address Ending with #:	1,2, 5 or 6	3,4, 7 or 8	9 or 0

#### **Watering Hours**

Midnight to 10 a.m. and 7 p.m. to midnight

### Stage 1 mandatory watering schedule

Irrigate outdoors using automatic or manual irrigation systems or hose-end sprinklers no more than **ONCE per week** for up to **15 hours** only during scheduled days and times as indicated below between the dates of Oct. 1 and April 30.

#### Once-Per-Week Watering Schedule (Oct. 1-April 30)

	Monday	Tuesday	Wednesday	Thursday	Friday
Address Ending with #:	1 or 2	3 or 4	5 or 6	7 or 8	9 or 0

#### Twice–Per-Week Watering Schedule (May 1 – Sept. 30)

	Mon/Thur	Tue/Fri	Wed/Sat
Address Ending with #:	1,2, 5 or 6	3,4, 7 or 8	9 or 0

#### **Watering Hours**

Midnight to 10 a.m. and 7 p.m. to midnight

## Stage 2 mandatory watering schedule

Irrigate outdoors using automatic or manual irrigation systems or hose-end sprinklers no more than **ONCE per week** for up to **15 hours** and only during scheduled days and times as indicated below.

### Once-Per-Week Watering Schedule

	Monday	Tuesday	Wednesday	Thursday	Friday
Address Ending with #:	1 or 2	3 or 4	5 or 6	7 or 8	9 or 0

#### **Watering Hours**

Midnight to 10 a.m. and 7 p.m. to midnight

## Stage 3 mandatory watering schedule

Irrigate outdoors using automatic or manual irrigation systems or hose-end sprinklers no more than **ONCE per WEEK** for up to **six hours** during scheduled days and times as indicated below.

### Once-Per-Week Watering Schedule

	Monday	Tuesday	Wednesday	Thursday	Friday
Address Ending with #:	1 or 2	3 or 4	5 or 6	7 or 8	9 or 0

#### **Watering Hours**

Automatic irrigation systems: Midnight to 10 a.m. and 7 p.m. to midnight

Hose-end irrigation: 7 a.m. to 10 a.m. and 7 p.m. to 10 p.m.

Hand-held irrigation: Before 10 a.m. and after 7 p.m.

## Stage 4 mandatory watering schedule

Irrigate outdoors using only a soaker hose, point-source drip irrigation, tree gator watering bags, hand-held watering or a bucket for areas not defined as ornamental landscaping no more than **ONCE per week** for up to **six hours** only during scheduled days and times as indicated below.

### Once-Per-Week Watering Schedule

	Monday	Tuesday	Wednesday	Thursday	Friday
Address Ending with #:	1 or 2	3 or 4	5 or 6	7 or 8	9 or 0

#### **Watering Hours**

Soaker hose, hand-held water or bucket irrigation: 7 a.m. to 10 a.m. and 7 p.m. to 10 p.m.

## Watering Schedule Summary

### Watering Schedule Summary

Address Ends with #	Normal Conditions	STAGE 1 Oct 1 – April 30	STAGE 1 May 1 – Sept. 30	STAGE 2	STAGE 3	STAGE 4 (Hand held only)
1 or 2	Mon/Thur	Monday	Mon/Thur	Monday	Monday	Monday
3 or 4	Tue/Fri	Tuesday	Tue/Fri	Tuesday	Tuesday	Tuesday
5 or 6	Mon/Thur	Wednesday	Mon/Thur	Wednesday	Wednesday	Wednesday
7 or 8	Tue/Fri	Thursday	Tue/Fri	Thursday	Thursday	Thursday
9 or 0	Wed/Sat	Friday	Wed/Sat	Friday	Friday	Friday
Irrigation Hours	12 AM to 10 AM 7 PM to 12 AM	12 AM to 10 AM 7 PM to 12 AM	12 AM to 10 AM 7 PM to 12 AM	12 AM to 10 AM 7 PM to 12 AM	12 AM to 10 AM 7 PM to 12 AM	See DCP Plan
Irrigation Duration	15 hours	15 hours	15 hours	15 hours	6 hours	6 hours

## Appendix B – Enforcement Provisions

### Enforcement for Retail Customers

The following enforcement provisions shall apply to all City retail water customers:

- (1) No person shall knowingly or intentionally use or allow the use of water from the City for residential, commercial, industrial, agricultural, governmental or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time.
- (2) Any person who violates this Plan shall be subject to the following fines, penalties and/or conditions of service:
  - A. Following the first documented violation, the violator shall be given a written warning specifying the type of violation, the date and time it was observed, and fines and restrictions on service that may result from additional violations.
  - B. Following the second documented violation, the violator shall be subject to a civil penalty of \$100.00.
  - C. Following the third documented violation, the violator shall be subject to a civil penalty of \$250.00.
  - D. Following the fourth documented violation, the City shall, upon due notice to the customer, discontinue water service to the premises where such violations occur and the violator shall be subject to a civil penalty of \$500.00. Services discontinued under such circumstances shall be restored only upon payment of a reconnection charge, hereby established at \$75.00, and any outstanding charges including late payment fees or penalties. In addition, suitable assurance in the amount of a deposit of \$500.00 must be given to the City so that the same action shall not be repeated while the Plan is in effect. The City may apply the deposit to any surcharges or penalties subsequently assessed under this Plan against a customer. The deposit, if any, shall be returned to the customer at the time of the customer's voluntary disconnection from the utility system.
- (3) Each day that one or more of the provisions in this Plan is violated shall constitute a separate violation. Any person, including one classified as a water customer of the City, in apparent control of the property where a violation occurs or originates, shall be presumed to be the violator. Any such persons, however, shall have the right to show that they did not commit the violation. (*See enforcement process diagram in Appendix E - Drought Response Retail Enforcement Process for Municipalities.*)
- (4) The City Manager shall have the power to enforce the provisions of this Plan.
- (5) The municipal court shall have the power to issue to the City Manager administrative search warrants, or other process allowed by law, where necessary to aid in enforcing this Plan.

- (6) Judicial enforcement of fines and penalties issued pursuant to this Plan may be sought through a municipal court, district court or small claims court having jurisdiction over the matter.
- (7) Compliance with this Plan also may be sought through injunctive relief in state district court.

### **Enforcement for Wholesale Customers**

Wholesale treated water customers shall provide the City with an order, ordinance or resolution to demonstrate adequate enforcement provisions for the wholesale customer's drought contingency plan.

In addition, wholesale treated water customers that fail to comply with the drought contingency measures in this Plan may be subject to the following civil penalties, in addition to any other remedies available to the City by law or under the terms of the wholesale water contracts.

#### **Penalties for wholesale treated water customers:**

First documented violation:	Written notice of violation
Second documented violation:	Penalty fee up to \$1,000.00
Third documented violation:	Penalty fee up to \$5,000.00