

**ORDINANCE NO 692**

**"Drought Contingency Plan"**

**AN ORDINANCE OF THE CITY OF GRANITE SHOALS, TEXAS, AMENDING CHAPTER 38 (UTILITIES), ARTICLE VIII (DROUGHT CONTINGENCY REQUIREMENTS) OF THE CITY OF GRANITE SHOALS CODE OF ORDINANCES; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, SAVINGS, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING**

**WHEREAS**, the City Council of the City of Granite Shoals, Burnet County, Texas ("Council") seeks to provide for the public health, safety and welfare of its citizens; and

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

**WHEREAS**, a Water Conservation and Drought Contingency Plan for the City of Granite Shoals has been established in accordance with the requirements of Title 30, Texas Administrative Code, Chapter 288;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRANITE SHOALS, TEXAS:**

**SECTION I  
FINDINGS OF FACT**

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Granite Shoals and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

**SECTION II  
AMENDMENT**

Chapter 38 (Utilities), Article VIII (Drought Contingency Requirements) of the City of Granite Shoals Code of Ordinances is hereby amended according to the attached Exhibit A.

**SECTION III  
SAVINGS**

The amendment of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this ordinance.

**SECTION IV  
SEVERABILITY**

If any provision, section, sentence, clause or phrase of this ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Granite Shoals in adopting, and of the Mayor in approving this ordinance, that no portion thereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

**SECTION V  
REPEALER**

The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinance or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

**SECTION VI  
EFFECTIVE DATE**

This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

**SECTION VII  
PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

READ, PASSED, AND ADOPTED THIS 24<sup>TH</sup> DAY OF MAY, 2016.

By: Carl Brugger  
Carl Brugger, Mayor

ATTEST:

Elaine Simpson

Elaine Simpson, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Brad Young, City Attorney

**Ord. 692**

**Exhibit 'A'**

**ARTICLE VIII. - DROUGHT CONTINGENCY REQUIREMENTS**

**Sec. 38-200. - Declaration of policy, purpose, and intent.**

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Granite Shoals adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this drought contingency plan (the plan) are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in enforcement section of this plan.

**Sec. 38-201. - Authorization.**

The mayor 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 mayor or his/her designee shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this plan.

**Sec. 38-202. - Public education.**

The City of Granite Shoals 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 shall be provided by means of public meetings, press releases, utility mass mailings, city web site postings and/or other means of public communication.

**Sec. 38-203. - Coordination with regional planning groups.**

The City of Granite Shoals will provide a copy of this plan to the Lower Colorado Regional Planning Group (Region K) and to the Central Texas Groundwater Conservation District.

**Sec. 38-204. - Application.**

The provisions of this plan shall apply to all persons, customers and property utilizing treated water provided by the City of Granite Shoals regardless of the source of raw water. The terms "person" and "customer" as used in this plan include individuals, partnerships, associations and all other legal entities.

**Sec. 38-205. - Permanent water use restrictions—Responsible conservation.**

The following restrictions apply to all customers of the City of Granite Shoals Water Utility Systems on a year round basis, regardless of the water supply or water treatment plant production

conditions. The intent of these restrictions is to avoid and prevent the wasting of water. These restrictions require a water customer to take action within a reasonable time to:

- (1) Repair a controllable leak including leaking or broken pipes, a leaking valve, a broken sprinkler head or a severely leaking faucet.
- (2) Repair or adjust an irrigation system so as to:
  - a. Prevent watering of roads, parking lots sidewalks or other impervious surfaces.
  - b. Prevent run off from a property or forming a stream or pool of water in a road or drainage ditch.

(3) Landscape water use restrictions:

- a. To limit the irrigation of landscaped areas by irrigating landscapes only between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated outdoor water use days.
  1. Customers with even number street addresses may water with sprinklers or other means on Thursday and Sunday between the hours of 12:00 midnight and 10:00 a.m. and between the hours of 8:00 p.m. and 12:00 midnight only.
  2. Customers with odd number street addresses may water with sprinklers or other means on Wednesday and Saturday between the hours of 12:00 midnight and 10:00 a.m. and between the hours of 8:00 p.m. and 12:00 midnight only.
  3. Irrigation of landscapes is permitted at any time with a hand-held hose or a faucet-filled bucket or water can of five gallons or less.

~~(4)~~ Prevent any other senseless waste of water.

**Sec. 38-206. - Definitions.**

For the purposes of this plan, the following definitions shall apply:

- (1) Water uses:
  - a. Aesthetic water use: Water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.
  - b. Commercial and institutional water use: Use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.
  - c. Domestic water use: Water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.
  - d. Industrial water use: Use of water in processes designed to convert materials of lower value into forms having greater usability and value.

- e. Landscape irrigation use: Water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.
- f. Non-essential water use: Water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:
  - 1. Irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this plan;
  - 2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
  - 3. Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas excluding porches;
  - 4. Use of water to wash down buildings or structures for purposes other than immediate fire protection;
  - 5. Flushing gutters or permitting water to run or accumulate in any gutter or street;
  - 6. Use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
  - 7. Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
  - 8. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
  - 9. Use of water from hydrants for construction purposes or any other purposes other than fire fighting.
- (2) Conservation: Those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.
- (3) Customer: Any individual, partnership, association, company, or other legal entity using water supplied by City of Granite Shoals.
- (4) Even number address: street addresses or rural postal route numbers ending in 0, 2, 4, 6 or 8 and locations without addresses.
- (5) Odd number address: street addresses or rural postal route numbers ending in 1, 3, 5, 7 or 9.

**Sec. 38-207. - Drought response stages.**

The mayor or his/her designee, shall monitor water supply and/or demand conditions on a daily/weekly basis and, in accordance with the trigger requirement criteria set forth in this plan, shall determine that a mild (stage 1), moderate (stage 2), severe (stage 3), or emergency (stage 4), water shortage condition exists and shall initiate or terminate the appropriate stage by implementing the notification procedures defined in section 38-213

below. Stage 1 response measures and restrictions are voluntary. Stage 2, 3, and 4 response measures and restrictions are mandatory.

**Sec. 38-208. - Criteria for initiation and termination of drought response stages.**

The mayor or his/her designee shall initiate or terminate a particular stage of this plan when the trigger requirements for that stage as specified below are reached. The water use reduction goals, supply measures, and water use restrictions for each stage are defined below.

The trigger requirements described below are based on the levels of the raw water supply and current production levels and capacities of the water plant(s) and the distribution system(s).

In general, the declared drought stage will be the same for all water customers supplied by the City of Granite Shoals. Under some circumstances, however, it may be reasonable and prudent to have different stage levels for different portions, areas or regions of the Granite Shoals water supply systems.

**Sec. 38-209. - Stage 1—Mild water shortage conditions (voluntary measures) initiation, termination, and response measures.**

- (a) Stage 1 trigger requirements for initiation. Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses defined in section 38-206 determined by the mayor or his/her designee.
  - (1) When, pursuant to requirements specified in the City of Granite Shoals wholesale water purchase contract with L.C.R.A. notification is received requesting initiation of stage 1 of the drought contingency plan or if initiation of stage 1 is requested by the Central Texas Ground Water Conservation District.
  - (2) When total daily water demand equals or exceeds 80 percent of plant capacity for three consecutive days or 85 percent of plant capacity on a single day.
  - (3) When continually falling treated water reservoir levels that do not refill above 90 percent overnight
  - (4) When, for groundwater systems, maximum daily usage exceeds 70 percent of the pumping system withdrawal capacity for three consecutive days.
- (b) Stage 1 trigger requirements for termination. Stage 1 of the plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three consecutive days for groundwater systems; for surface water systems, the request will be withdrawn on a schedule determined by the LCRA Board; or as determined by the mayor or his/her designee.
- (c) Stage 1 drought response measures—Mild water shortage.
  - (1) Goal: Achieve a voluntary five ten percent reduction in daily water demand, compared to non-drought levels.

- (2) Stage 1 supply management measures: In order to manage limited water supplies and/or reduce water demand, the City of Granite Shoals will:
  - a. Reduce or discontinue flushing of water mains.
  - b. Audit utility system for water loss and repair leaks.
- (3) Stage 1 voluntary water use restrictions:
  - a. All water uses defined in section 38-206 above are permitted in stage 1 but water customers are requested to voluntarily exercise water conservation measures.
  - b. ~~Water customers are requested to voluntarily limit the irrigation of landscaped areas by irrigating landscapes only between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated outdoor water use days. Customers with even numbered street addresses may water on even numbered days of the month, and customers with odd number street addresses may water on odd number days of the month.~~
  - c. Landscape water use restrictions:
    - (i) To limit the irrigation of landscaped areas by irrigating landscapes only between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated outdoor water use days.
      1. Customers with even number street addresses may water with sprinklers or other means on Thursday and Sunday between the hours of 12:00 midnight and 10:00 a.m. and between the hours of 8:00 p.m. and 12:00 midnight only.
      2. Customers with odd number street addresses may water with sprinklers or other means on Wednesday and Saturday between the hours of 12:00 midnight and 10:00 a.m. and between the hours of 8:00 p.m. and 12:00 midnight only.
      3. Irrigation of landscapes is permitted at any time with a hand-held hose or a faucet-filled bucket or water can of five gallons or less.

**Sec. 38-210. - Stage 2—Moderate water shortage conditions (mandatory measures) initiation, termination, and response measures.**

- (a) Stage 2 trigger requirements for initiation. Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in this plan when (either, any of) the following condition(s) exist; or as determined by the mayor or his/her designee.
  - (1) When, pursuant to requirements specified in the City of Granite Shoals wholesale water purchase contract with LCRA notification is received requesting initiation of stage 2 of the drought contingency plan or if initiation of stage 2 is requested by the Central Texas Ground Water Conservation District.
  - (2) When total daily water demands equals or exceeds 93 percent of plant capacity for three consecutive days or 95 percent of plant capacity on a single day.

- (3) When continually falling treated water reservoir levels that do not refill above 80 percent overnight.
  - (4) When, for groundwater systems, maximum daily usage exceeds 85 percent of the pumping system withdrawal capacity for three consecutive days.
- (b) Stage 2 trigger requirements for termination. Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three consecutive days for groundwater systems; for surface water systems, the request will be withdrawn on a schedule determined by the LCRA Board; or as determined by the mayor or his/her designee. Upon termination of stage 2, stage 1 becomes operative.
- (c) Stage 2 drought response measures—Moderate water shortage.
- (1) Goal: Achieve a 20 percent reduction in daily water demand, compared to non-drought levels.
  - (2) Supply management measures: In order to manage limited water supplies and/or reduce water demand, the City of Granite Shoals will:
    - a. Reduce or discontinue flushing of water mains.
    - b. Audit utility system for water loss and repair leaks.
    - c. Limit irrigation of public landscaped areas to one day per week except with hand held hose or bucket.
  - (3) Stage 2 mandatory water use restrictions: Under threat of penalty for violation, the following water use restrictions shall apply to all persons:
    - a. Mandatory lawn watering schedule effective. Customers are restricted to irrigation of ornamental landscaped areas (such as lawns) with hose end sprinklers or automatic irrigation systems other than drip irrigation to no more than one day per week, except as provided in subsection (c)(4) of this Article. Customers with odd number street addresses may water with sprinklers or other means on Wednesday between the hours of 12:00 midnight and 10:00 a.m. and between the hours of 8:00 p.m. and 12:00 midnight only. Customers with even number street addresses may water with sprinklers or other means on Thursday between the hours of 12:00 midnight and 10:00 a.m. and between the hours of 8:00 p.m. and 12:00 midnight only. Irrigation of landscapes is permitted at any time with a hand-held hose or a faucet-filled bucket or water can of five gallons or less.
    - b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated outdoor water use days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

- c. Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated outdoor water use days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight.
  - d. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a re-circulation system.
  - e. Use of water from hydrants shall be limited to fire fighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the City of Granite Shoals.
  - f. Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated outdoor water use days between the hours 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the City of Granite Shoals, the facility shall not be subject to these regulations.
  - g. All restaurants are prohibited from serving water to patrons except upon request of the patron.
  - h. The following uses of water are defined as non-essential and are prohibited:
    1. Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas excluding porches;
    2. Use of water to wash down buildings or structures for purposes other than immediate fire protection;
    3. Use of water for dust control;
    4. Flushing gutters or permitting water to run or accumulate in any gutter or street; and
    5. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).
- (4) Criteria for initiation and termination of twice a week watering under Stage 2 drought response measures. In the event that LCRA permits twice a week outdoor watering by lakefront property owners pursuant to LCRA's domestic use water sale agreements, the mayor or the mayor's designee may elect to allow City of Granite Shoals residents to water their ornamental landscape areas twice a week, without terminating stage 2 of the city's drought response plan and without altering all other stage 2 drought restrictions found in the city's drought response plan. If the mayor or the mayor's designee elects to allow twice a week watering, city customers are restricted to irrigation of ornamental landscaped areas (such as lawns) with hose end sprinklers or automatic irrigation systems other than drip irrigation to no more than two days per week. Customers with odd number street addresses may water with sprinklers or other means on Wednesday and Saturday between the hours of 12:00 midnight and 10:00 a.m. and between the hours of 8:00 p.m. and 12:00 midnight only. Customers with even number street

addresses may water with sprinklers or other means on Thursday and Sunday between the hours of 12:00 midnight and 10:00 a.m. and between the hours of 8:00 p.m. and 12:00 midnight only. Irrigation of landscapes is permitted at any time with a hand-held hose or a faucet-filled bucket or water can of five gallons or less.

**Sec. 38-211. - Stage 3—Severe water shortage conditions (mandatory measures) initiation, termination, and response measures.**

- (a) Stage 3 trigger requirements for initiation. Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for stage 3 of this plan when (either, any of) the following condition(s) exist; or as determined by the mayor or his/her designee.
- (1) When, pursuant to requirements specified in the City of Granite Shoals wholesale water purchase contract with L.C.R.A. notification is received requesting initiation of stage 3 of the drought contingency plan or if initiation of stage 3 is requested by the Central Texas Ground Water Conservation District.
  - (2) When total daily water demands equals or exceeds 95 percent of plant capacity for three consecutive days or 97 percent of plant capacity on a single day.
  - (3) Continually falling treated water reservoir levels that do not refill above 75 percent overnight.
  - (4) When, for groundwater systems, maximum daily usage exceeds 90 percent of the pumping system withdrawal capacity for three consecutive days.
- (b) Stage 3 trigger requirements for termination. Stage 3 of the plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three consecutive days for groundwater systems; for surface water systems, the request will be withdrawn on a schedule determined by the LCRA Board; or as determined by the mayor or his/her designee. Upon termination of stage 3, stage 2 becomes operative.
- (c) Stage 3 drought response measures—Severe water shortage.
- (1) Goal: Achieve a 30 percent reduction in daily water demand, compared to non-drought levels.
  - (2) Stage 3 supply management measures: In order to manage limited water supplies and/or reduce water demand, the City of Granite Shoals will:
    - a. Reduce or discontinue flushing of water mains;
    - b. Audit utility system for water loss and repair leaks;
    - c. Discontinue irrigation of public landscaped areas except by hand held hose or bucket.
  - (3) Stage 3 mandatory water use restrictions: All requirements of stage 2 shall remain in effect during stage 3 except:

- a. Watering of landscaped areas is prohibited except with a hand-held hose or a faucet-filled bucket or watering can of five gallons or less. Customers with odd number street addresses may water on Wednesday and Saturday between the hours of 12:00 midnight and 10:00 a.m. and between the hours of 8:00 p.m. and 12:00 midnight only. Customers with even number street addresses may water on Thursday and Sunday between the hours of 12:00 midnight and 10:00 a.m. and between the hours of 8:00 p.m. and 12:00 midnight only. The use of hose-end sprinklers, soaker hoses, drip irrigation systems and/or sprinkler systems of any type is prohibited at all times.
- b. No new landscapes may be installed.
- c. The watering of golf course tees is prohibited unless the golf course utilizes effluent from waste water treatment.

**Sec. 38-212. - Stage 4—Critical water shortage conditions (mandatory measures) initiation, termination, and response measures.**

- (a) Stage 4 trigger requirements for initiation. Customers shall be required to comply with the requirements and restrictions for stage 4 of this plan when the mayor or his/her designee determines that a water supply emergency exists based on:
  - (1) When, pursuant to requirements specified in the City of Granite Shoals wholesale water purchase contract with L.C.R.A. notification is received requesting initiation of stage 4 of the drought contingency plan or if initiation of stage 4 is requested by the Central Texas Ground Water Conservation District.
  - (2) Major water line breaks, or pump or system failures occur, which cause critical loss of capability to provide water service; or
  - (3) Natural or man-made contamination of the water supply source.
  - (4) Any other emergency water supply or production/demand condition that the mayor or his/her designee determines that either constitutes a water supply emergency or is associated with a declaration of a drought worse than the drought of record.
  - (5) When, for groundwater systems, maximum daily usage exceeds 95 percent of the pumping system withdrawal capacity for three consecutive days.
- (b) Stage 4 trigger requirements for termination. Stage 4 of the plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three consecutive days for groundwater systems; for surface water systems, the request will be withdrawn on a schedule determined by the LCRA Board; or as determined by the mayor or his/her designee.
- (c) Stage 4 drought response measures—Critical water shortage.
  - (1) Goal: Achieve a 40 percent reduction in daily water demand, compared to non-drought levels.

- (2) Stage 4 supply management measures: In order to manage limited water supplies and/or reduce water demand, the City of Granite Shoals will:
  - a. Reduce or discontinue flushing of water mains.
  - b. Audit utility system for water loss and repair leaks.
  - c. Discontinue watering of public landscaped areas.
- (3) Stage 4 mandatory water use restrictions: All requirements of stages 2 and 3 shall remain in effect during stage 4 except:
  - a. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 12:00 noon and 5:00 p.m.
  - b. The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.
  - c. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a re-circulation system.
  - d. No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.
  - e. The watering of landscaped areas is totally and absolutely prohibited.

**Sec. 38-213. - Notification requirements.**

- (a) Notification of the public. The mayor or his/her designee shall notify the public by means of:
  - (1) Publication in a newspaper of general circulation.
  - (2) Direct mail to each customer.
  - (3) Public service announcements.
  - (4) Signs posted in public places.
  - (5) City web site posting.
  - (6) Signs, legible from a passing vehicle, posted at the entrance to city limits and/or on main thoroughfares which state the stage of water restriction that the City of Granite Shoals is observing.
- (b) Additional notification. The mayor or his/her designee shall notify directly, or cause to be notified directly, the following individuals and entities:

- (1) Mayor/~~chairman~~ and members of the city council/~~utility board~~;
- (2) Fire chief(s);
- (3) City and/or county emergency management coordinator(s);
- (4) County judge and commissioner(s);
- (5) State disaster district/department of public safety;
- (6) TCEQ (required when mandatory restrictions are imposed);
- (7) Major water users;
- (8) Critical water users, i.e. hospitals;
- (9) Parks/street superintendents and public facilities managers;
- (10) Wholesale supplier (notify when mandatory restrictions are imposed).

**Sec. 38-214. - Enforcement and penalties.**

- (a) No person shall knowingly or intentionally allow the use of water from the City of Granite Shoals 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 pursuant to action taken by mayor, or his/her designee, in accordance with provisions of this plan.
- (b) Any person who violates the stage 2 or stage 3 water restrictions of this plan is guilty of a misdemeanor and, after one warning written notice, upon conviction of a second violation, shall be assessed a fine of not less than \$100.00 and not more than \$1,000.00. Any person who violates the stage 4 water restrictions of this plan is guilty of a misdemeanor and will be provided no warning notice and shall, upon conviction, be assessed a fine of not less than \$100.00 and not more than \$1,000.00. Each day that one or more of the provisions in this plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this plan, the mayor or (designated official) shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, hereby established at \$50.00, and any other costs incurred by the City of Granite Shoals in discontinuing service. In addition, suitable assurance must be given to the mayor or (designated official) that the same action shall not be repeated while the water restrictions are in effect. Compliance with this plan may also be sought through injunctive relief in the district court.
- (c) Any person, including a person classified as a water customer of the City of Granite Shoals, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously

directed the child not to use the water as it was used in violation of this plan and that the parent could not have reasonably known of the violation.

- (d) Any employee of the City of Granite Shoals, designated by the mayor, may issue a notice to a person he/she reasonably believes to be in violation of this article. The notice shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known and the offense charged. The alleged violator shall be served a copy of the notice. Service of the notice shall be complete upon delivery of the notice to the alleged violator, to an agent or employee of a violator, or to a person over 17 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The employee who issues the notice of violation shall also file a complaint in municipal court. These cases shall be expedited and given preferential setting in municipal court before all other cases.

**Sec. 38-215. - Variances.**

- (a) The mayor or his/her designee, may, in writing, grant temporary variance for 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, or fire protection for the public or the person requesting such variance and 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.
- (b) Persons requesting an exemption from the provisions of this article shall file a petition for variance with the City of Granite Shoals anytime after the plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the mayor or his/her designee, 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 article.
  - (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.
  - (8) Other pertinent information.
- (c) Variances granted by the City of Granite Shoals shall be subject to the following conditions, unless waived or modified by the mayor or his/her designee:
  - (1) Variances granted shall include a timetable for compliance.

- (2) Variances granted shall expire when the plan, or its requirements, is no longer in effect, unless the petitioner has failed to meet specified requirements.
- (d) No variance shall be retroactive or otherwise justify any violation of this plan occurring prior to the issuance of the variance.