

ORDINANCE NO 860

“Repeal and Replace the Drought Contingency Ordinance”

AN ORDINANCE OF THE CITY OF GRANITE SHOALS, TEXAS, REPEALING AND REPLACING 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 (the “Council”) of the City of Granite Shoals, Texas (the “City”) 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(Utilities), Article VIII (Drought Contingency Requirements) of the City of Granite Shoals Code of Ordinances is hereby repealed in its entirety and replaced as follows:

“Section 38-200. Declaration of Policy, Purpose and Intent

The Lower Colorado River Authority (LCRA) provides contracts to firm customers for water supply. In cases of drought, periods of abnormally high usage or system contamination, or extended reduction in ability to supply water due to equipment failure, LCRA may require water customers such as the City of Granite Shoals (City”) 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.

Section 38-201. Authorization

The mayor and/or his or 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 and/or his or her designee shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan. This authorization was designated as part of the Plan's approval by the City Council

Section 38-202. Public Education

The city manager of the City 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.

Section 38-203. Coordination with Regional Planning Groups

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

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Section 38-204. Notice Requirements

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

Section 38-205. Permanent Water Use Restrictions

The following restrictions apply to all City water utility systems 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 8 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.

Section 28-206. Initiation and Termination of Response Stages

The mayor and/or his or her designee 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 in Section 28-207 of this Ordinance shall apply to the City's water utility systems and customer service area.

Section 38-207. Triggering Criteria for Initiation and Termination of Drought Response Stages

(1) Drought Contingency Plan 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:
 - For surface water systems, when total daily water demand equals or exceeds 80% of the total operating system treatment capacity for three consecutive days, or 85% on a single day; 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).

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.

(2) STAGE 2 - Moderate Water Shortage Conditions (Mandatory Measures)

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:
 - For surface water systems, when total daily water demand equals or exceeds 93% of the total operating system treatment capacity for three consecutive days, or 95% on a single day; 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 25th percentile of historical inflows for that three-month period, in accordance with the LCRA DCP;

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.

Upon termination of Stage 2, Stage 1 becomes operative unless the criteria for terminating Stage 1 is also met.

(3) STAGE 3 - Severe Water Shortage Conditions (Mandatory Measures)

- 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:
 - For surface water systems, when total daily water demand equals or exceeds 95% of the total operating system treatment capacity for three consecutive days, or 97% on a single day; or
2. Water Supply:
 - Combined storage of lakes Travis and Buchanan falls below 750,000 acre-feet, in accordance with the LCRA DCP.

- 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.

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

(4) STAGE 4- Critical Water 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.

- 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.

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

(5) STAGE 5- Emergency Water Conditions

A. **Requirements for initiation** - Customers shall be required to adhere to the Stage 5 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:
 - Natural or man-made contamination of the water supply source; or
 - Any other emergency water supply or demand conditions that the LCRA general manager or the LCRA Board determines either constitutes a water supply emergency or is associated with a Drought Worse than Drought of Record declaration requiring the mandatory curtailment of firm water supplies at a level more severe than in Stage 4.

B. **Requirements for termination** - Stage 5 of the Plan may be rescinded when:

1. Treatment Capacity:
 - The water treatment plant capacity condition listed above as a triggering event for Stage 5 has ceased to exist for five consecutive days; or
2. Water Supply:
 - LCRA announces that mandatory water restrictions for firm water customers are no longer required in accordance with the LCRA DCP.

Upon termination of Stage 5, Stage 4 becomes operative.

Section 38-208. Drought Response Measures – Targets for Water-Use Reductions

(1) STAGE 1 - Mild Water Shortage Conditions (Mandatory Measures)

System Capacity Reduction Target: Limit daily water demand to no more than 80% capacity for three consecutive days or 85% for one day.

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

(2) STAGE 2 - Moderate Water Shortage Conditions (Mandatory Measures)

System Capacity Reduction Target: Limit daily water demand to no more than 80% capacity for three consecutive days or 85% for one day.

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

(3) STAGE 3 - Severe Water Shortage Conditions (Mandatory Measures)

System Capacity Reduction Target: Limit daily water demand to no more than 80% capacity for three consecutive days or 85% for one day.

Water Supply Reduction Target: Achieve a 25% reduction in water use.

(4) STAGE 4 - Critical Water Shortage Conditions (Mandatory Measures)

System Capacity Reduction Target: Limit daily water demand to no more than 70% capacity for 3 consecutive days or 75% for one day.

Water Supply Reduction Target: Achieve a 30% reduction in water use (minimum 20%).

(5) STAGE 5 - Emergency Water Shortage Conditions (Mandatory Measures)

System Capacity Reduction Target: Limit daily water demand to no more than 60% capacity for 3 consecutive days or 65% for one day.

Water Supply Reduction Target: As determined by the LCRA Board.

Section 38-209. Drought Response Measures - Retail Customer Measures

(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:

2. 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. Irrigation of commercial landscapes and recreational areas (including public parks) may apply for a variance but must still develop a schedule where no part of the landscape is watered more than once per week. (See Appendix A - City Water System - Watering Schedule.)
3. City will ask customers to comply with the remaining water-use restrictions outlined in Stage 2 of the Plan.
4. City will actively share drought-related information and the need to conserve.
5. If appropriate, 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.

(2) STAGE 2 - Moderate Water Shortage Conditions (Mandatory Measures)

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. 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. City will explore ways to increase use of recycled wastewater to reduce irrigation of public parks with potable water, as appropriate.
4. 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 website.
5. CITY OF GRANITE SHOALS 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 determined by the City. Irrigation of commercial landscapes and recreational areas (including public parks) may apply for a variance but must still develop a schedule where no part of the landscape is watered more than once per week. (*See Appendix A - City Water System - Mandatory Watering Schedule.*)
- b. Outdoor watering hours will be limited to **14 hours** per day before 10 a.m. and after 8 p.m. on designated days as determined by the City (see Mandatory 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.
- b. New landscapes may be installed and revegetation seeding performed under these specific criteria:
 - i. A completed variance form for new landscapes has been submitted to the City and has been approved prior to the installation of the landscape, or re-vegetation seed application.
 2. Irrigation of the new landscape follows the schedule identified in the new landscape variance. The schedule will be developed to minimize water waste.
 3. 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.
 4. 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 permanent water use restrictions under Section 38.212 (variances). Variances will not be granted for seasonal "color bed" or temporary grass installation (overseeding).
 5. New landscapes may only be installed if no more than 50% of the new irrigated landscaped area is water-conserving natural turf and only drought-tolerant or native plants are installed.

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 8 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;
 2. Repairing, maintaining or replacing pool components that have become hazardous; or
 3. 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 except for ornamental fountains with a 4-inch emission or fall of water that are recirculating is prohibited except where such features are used for aeration necessary to sustain aquatic life or maintain water quality. (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 6 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 a CITY OF GRANITE SHOALS 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) 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 OF GRANITE SHOALS 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.

(3) STAGE 3 - Severe Water Shortage Conditions (Mandatory Measures)

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 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**. Irrigation of commercial landscapes and recreational areas (including public parks) may apply for a variance but must still develop a schedule where no part of the landscape is watered more than once per week. (*See Appendix A - City Water System - Mandatory Watering Schedule.*)
- b. Outdoor watering hours for hand watering will be limited to 14 hours a day, before 10 a.m. or after 8 p.m. on designated days as determined by the City (*see Mandatory 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. no more than 50% of the new irrigated landscaped area is natural turf. Turf must be water-conserving;
 - iii. only drought-tolerant or native plants are installed; and
 - iv. sprinkler irrigation is prohibited in planting beds.
- d. Revegetation of disturbed areas due to construction is allowed, if required by local, state, or federal regulations. A temporary watering variance must be granted by the City.

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 8 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 is prohibited.

5. Ponds:

Ponds used for aesthetic use are prohibited, 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 a City utility must either develop a drought contingency plan in accordance with the City Drought Contingency Plan and implement its Stage 3 mandatory restrictions in conjunction with the water provider 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 of this Section, 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.

(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 6 a.m. and 10 a.m. or 8 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 will not 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/department/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 a City utility must either develop a drought contingency plan in accordance with the City 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.

(5) STAGE 5 – Emergency 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 4 are also in effect during Stage 5, with the following modifications and additions:

- A. Irrigation of landscaped areas is prohibited.
- B. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited. This activity is only 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.
- C. Use of water from fire hydrants shall be limited to firefighting and activities necessary to maintain public health, safety and welfare.
- D. No applications for new, additional, expanded or larger water service connections, meters, service lines, pipeline extensions, mains or water service facilities of any kind shall be allowed or approved.

Upon declaration of Stage 5, water use restrictions outlined in Stage 4 shall immediately apply.

If Stage 4 is declared, the City has identified and will initiate the following emergency interconnects and/or alternative water supply arrangements:

- No interconnects are incorporated in City of Granite Shoals infrastructure. Alternate water supply will be transported in.

Section 38-210. 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 Drought Contingency Plan. 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 Drought Contingency Plan.

(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.

(2) STAGE 2 - Moderate Water Shortage Conditions (Mandatory Measures)

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.

(3) STAGE 3 - Severe Water Shortage Conditions (Mandatory Measures)

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.

(4) STAGE 4 - Emergency Water Conditions

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

Section 38.211. Enforcement

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 notice 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:
 1. be criminally responsible for the violation of this Plan, punishable by a fine of \$300, or
 2. be subject to a civil penalty of \$600.
 - C. Following the third documented violation, the violator shall:
 1. be criminally responsible for the violation of this Plan, punishable by a fine of \$500, or
 2. be subject to a civil penalty of \$1000.
 - 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. Services discontinued under such circumstances shall be restored only upon payment of a reconnection charge, hereby established at \$40 and any outstanding charges including late payment fees or penalties. In addition, suitable assurance in the amount of a deposit of \$200 must be given to the City so that the same action shall not be repeated while the plan is in effect. CITY OF GRANITE SHOALS 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.
- (4) The designated city manager and/or his or her designee 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 and/or his or her designee 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 \$500

Third documented violation: Penalty fee up to \$1000

Legal Authority applicable to Municipalities in Regard to Drought Contingency Plan Enforcement

Please note that the following list is not intended to be exhaustive, and statutes listed below may not apply to all municipalities. Citations below may change following the publication date of this DCP template. Each municipality is encouraged to consult with legal counsel in regard to enforcement of drought contingency plans and specific enforcement authority available to each municipality.

Texas Local Government Code sec. 552.001
 Texas Local Government Code Chapter 54
 Texas Government Code Chapter 29

Section 38.212. Variances

- (1) Except as limited in other sections, the city manager or his or her designee may grant variances for:
 - A. Temporary watering schedules for new landscapes that use drought-resistant

landscaping or water-conserving natural turf. Temporary watering schedule variances also are allowed for revegetation of disturbed areas due to construction, or if required by local, state, or federal regulations. Temporary watering schedule variances shall include the following limitations:

- A 30-day temporary watering schedule must be applied for and issued before the irrigation may begin;
- Days 1 thru 10: Automatic irrigation or hose-end sprinklers are allowed every day except between the hours of 10 a.m. and 8 p.m.;
- Days 11-20: Automatic irrigation or hose-end sprinklers are allowed every other day except between the hours of 10 a.m. and 8 p.m.;
- Days 21-30: Automatic irrigation or hose-end sprinklers are allowed every third day except between the hours of 10 a.m. and 8 p.m.; and
- Day 31: User return to the watering schedule as defined in Appendix A.

B. Exemption from specific applications of the outdoor water schedule, providing that the variances do not increase the time allowed for watering but rather alter the schedule for watering.

C. Allowing the use of alternative water sources (i.e., groundwater, reclaimed wastewater) that do not increase demand on potable water sources for outdoor use. Variance requests may be submitted to staff and need not meet the requirements of subsection below.

(2) The city manager, or his/her designee, may grant in writing temporary variances for existing water uses otherwise prohibited under this plan if it is determined that failure to do so would cause an emergency adversely affecting public health, sanitation or fire protection, and if one or more of the following conditions are met:

A. Compliance with this plan cannot be accomplished during the duration of the time the plan is in effect; or

B. Alternative methods can be implemented that will achieve the same level of reduction in water use.

(3) Persons requesting a variance from the provisions of this plan shall file a petition for variance with the City any time the plan or a particular drought response stage is in effect. The city manager or his or her designee will review petitions for variances. The petitions shall include the following:

- Name and address of the petitioner;
- Purpose of water use;
- Specific provision of the plan from which the petitioner is requesting relief;
- Detailed statement as to how the specific provision of the plan adversely affects the petitioner or what damage or harm the petitioner or others will sustain if petitioner complies with this plan;
- Description of the relief requested;
- Period of time for which the variance is sought;
- 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
- Other pertinent information.

(4) Variances granted by the City shall be subject to the following conditions, unless waived or modified by the city manager, or his or her designee:

A. Variances granted shall include a timetable for compliance.

B. Variances granted shall expire when the plan, or its requirements, is no longer in effect, unless the petitioner has failed to meet specified requirements.

(5) No variance shall be retroactive or otherwise excuse any violation occurring

before the variance was issued.

Section 38-213. 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

Permanent mandatory watering schedule

Irrigate outdoors using automatic or manual irrigation systems or hose-end sprinklers no more than **TWICE per week** for up to **14 hours** and only during scheduled days and times as indicated below:

Residential

Odd number addresses: Wednesdays and Saturdays

Even number addresses: Thursdays and Sundays

Commercial (including large landscapes such as HOA common areas and public schools)

Tuesdays and Fridays

Watering Hours

Midnight to 10 a.m. and 8 p.m. to midnight

Stage 1 mandatory winter watering schedule

Irrigate outdoors using automatic or manual irrigation systems or hose-end sprinklers no more than **ONCE per week** for up to **14 hours** only during scheduled days and times as indicated below between the dates of Oct. 1 and April 30.

Residential- automatic irrigation systems

Odd number addresses: Wednesdays

Even number addresses: Thursdays

Residential- hose end irrigation

Odd number addresses: Saturdays

Even number addresses: Sundays

Commercial (including large landscapes such as HOA common areas and public schools)

Even number addresses: Tuesdays

Odd number addresses: Fridays

Public Schools

Mondays

Watering Hours

Midnight to 10 a.m. and 8 p.m. to midnight

Stage 2 mandatory summer watering schedule

Irrigate outdoors using automatic or manual irrigation systems or hose-end sprinklers no more than **ONCE per week** for up to **14 hours** and only during scheduled days and times as indicated below.

Residential automatic irrigation systems

Odd number addresses: Wednesdays

Even number addresses: Thursdays

Residential hose-end irrigation

Odd number addresses: Saturdays

Even number addresses: Sundays

Commercial (including large landscapes such as HOA common areas and public schools)

Even number addresses: Tuesdays

Odd number addresses: Fridays

Watering Hours

Midnight to 10 a.m. and 8 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.

Residential automatic irrigation systems

Odd number addresses: Wednesdays

Even number addresses: Thursdays

Residential hose-end irrigation

Odd number addresses: Saturdays

Even number addresses: Sundays

Commercial (including large landscapes such as HOA common areas)

Even number addresses: Tuesdays

Odd number addresses: Fridays

Public Schools

Mondays

Watering Hours

Automatic irrigation systems: Midnight to 6 a.m.

Hose-end irrigation: 7 a.m. to 10 a.m. and 8 p.m. to 10 p.m.

Hand-held irrigation: Before 10 a.m. and after 8 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.

Residential

Odd number addresses: Saturdays

Even number addresses: Sundays

Commercial (including large landscapes such as HOA common areas)

Even number addresses: Tuesdays

Odd number addresses: Fridays

Public Schools

Mondays

Watering Hours

Soaker hose, hand-held water or bucket irrigation: 7 a.m. to 10 a.m. and 8 p.m. to 10 p.m.

**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**

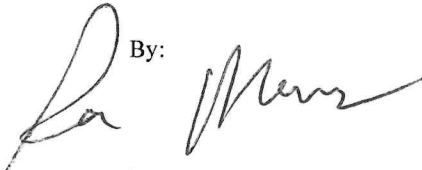
This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

**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 28 DAY OF May, 2024.

Ron Munos, Mayor
ATTEST:

Dawn Wright, City Secretary

By: 

APPROVED AS TO FORM:


Joshua Katz, City Attorney

