

ORDINANCE NO. 18-06-21-06

AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS, AMENDING CHAPTER 13, "UTILITIES," ARTICLE 13.1100 "DROUGHT CONTINGENCY AND EMERGENCY WATER DEMAND MANAGEMENT PLAN," RENAMING THE SAME TO "DOMESTIC WATER DROUGHT CONTINGENCY PLAN," REPEALING ORDINANCE 17-08-10-09 "DROUGHT CONTINGENCY PLAN AND EMERGENCY WATER RESTRICTION PLAN FOR THE MUNICIPAL CUSTOMERS PURCHASED USE," REPEALING ORDINANCE 17-08-10-08 "DROUGHT CONTINGENCY PLAN AND EMERGENCY WATER RESTRICTION PLAN FOR THE LAGO VISTA GOLF COURSE," REPEALING ORDINANCE 17-08-10-07 "DROUGHT CONTINGENCY PLAN AND EMERGENCY WATER RESTRICTION PLAN FOR THE HIGHLAND LAKES GOLF COURSE," REPEALING ORDINANCE 13-10-17-02 "DROUGHT CONTINGENCY PLAN FOR THE HIGHLAND LAKES GOLF COURSE," PROVIDING AN EFFECTIVE DATE, REPEALER, SEVERABILITY, PROPER NOTICE AND OPEN MEETINGS CLAUSE.

WHEREAS, The City of Lago Vista, Texas is a Home Rule City; and

WHEREAS, State law requires all levels - state, regional and local - to undertake plans to address droughts and water conservation; and

WHEREAS, to support such regulatory requirement, municipalities are required to adopt drought contingency plans for municipal water customers; and

WHEREAS, The City Council of the City of Lago Vista wishes to implement this ordinance into the City's code of ordinances; and

WHEREAS, desires to promote the conservation of the natural resource of water at all times but especially during times of drought and emergency conditions and believes in planning for such events.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, THAT:

SECTION 1. FINDINGS. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. MODIFICATION. The City Council of the City of Lago Vista, Texas, does hereby amend Chapter 13, Article 13.1100, Code of Ordinances as shown in Exhibit

“A.”.

SECTION 3. SEVERABILITY. If any provision, section, sentence, clause or phrase of this Ordinance, or the application of 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 Lago Vista in adopting, and of the Mayor in approving this Ordinance, that no portion hereof 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 4. CONFLICTING ORDINANCES. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the city, the terms and provisions of this ordinance shall govern.


SECTION 5. EFFECTIVE DATE. This Ordinance shall be and become effective immediately upon and after its passage as may be required by governing law.

SECTION 6. OPEN MEETING. It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by the Open Meetings Act, *Chapter 551, Tex. Gov't Code*.

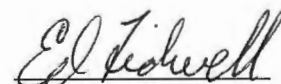
AND, IT IS SO ORDERED.

ADOPTED AND APPROVED on this 21st day of June, 2018 by a vote of the City Council of the City of Lago Vista, Texas.

ATTEST:


Sandra Barton, City Secretary




Ed Tidwell, Mayor

On a motion by Councilman Sullivan, seconded by Councilman Weatherly, the above and foregoing ordinance was passed and approved.

EXHIBIT "A"

CHAPTER 13
UTILITIES

ARTICLE 13.1100 DROUGHT CONTINGENCY AND EMERGENCY WATER DEMAND MANAGEMENT PLAN

The Code of Ordinances, Chapter 13, "Utilities," Article 13.1100 is hereby renamed to "DOMESTIC WATER DROUGHT CONTINGENCY PLAN," and hereby amended to read as follows:

ARTICLE 13.1100 DOMESTIC WATER DROUGHT CONTINGENCY PLAN

Sec. 13.1101 Definitions

- (a) **AF:** an Acre-Foot is a unit of volume equal to the volume of a sheet of water one acre (0.405 hectare) in area and one foot (30.48 cm) in depth; 43,560 cubic feet (1233.5 cu m).
- (b) **Aesthetic Purchased Water Use:** purchased water used for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.
- (c) **Alternate Water Supply:** water not distributed by the CoLV, including rain water, reuse water, and gray water.
- (d) **Automatic Irrigation:** the operation of an irrigation system with no or minimum of manual intervention besides surveillance. This includes drip, sprinkler, and surface irrigation systems that utilize timers, sensors, computers, or mechanical devices.
- (e) **CoLV:** the City of Lago Vista is a city located in Northwest Travis County, Texas, United States.
- (f) **Commercial and Institutional Purchased Water Use:** purchased water use which is integral to the operations of commercial and non-profit establishments and government entities such as retail establishments, hotels, motels, restaurants and office buildings. This does not include purchased water used strictly for aesthetic purposes.
- (g) **Conservation:** those practices, techniques, and technologies that reduce the consumption of purchased water, reduce the loss of purchased water, improve the efficiency in the use of purchased water, or increase the recycling and reuse of purchased water so that the water supply is conserved and made available for future or alternative uses.
- (h) **Customer:** any CoLV resident, person, company, or organization using purchased water supplied by the CoLV.
- (i) **DCP:** a Drought Contingency Plan is a strategy or combination of strategies for monitoring the

progression of a drought and preparing a response to potential water supply shortages resulting from severe droughts or other water supply emergencies.

- (j) **Domestic Water Use:** purchased water used for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence.
- (k) **Drip Irrigation:** is a form of irrigation that saves water and fertilizer by allowing water to drip slowly to the roots of many different plants onto the soil surface thru a network of valves, tubes, pipes, and emitters.
- (l) **Driving Range:** an area where golfers can practice their golf swings.
- (m) **Drought Fee:** a temporary purchased water utility rate surcharge for meeting the CoLV's short term financial requirements caused by a loss of revenues due to extended purchased water restrictions.
- (n) **DWDOR:** The **Drought Worse than Drought Of Record** is any time period drier than the 1947-57 drought previously considered the worst on record. The Highland Lakes include Lakes Travis, Buchanan, Inks, LBJ and Austin. Lakes Travis and Buchanan are surge lakes and serve as the primary water supply for the CoLV and several other Central Texas cities.
- (o) **Fairways:** The area of a golf course between the teeing area and the greens.
- (p) **Greens:** an area of closely trimmed grass surrounding the hole.
- (q) **Hand-watering:** hand-watering refers to the application of purchased water for irrigation purposes through a hand-held hose or watering container. A person must be physically holding the hose or container. Watering by hand cannot occur unattended.
- (r) **HLGC:** The **Highland Lakes Golf Course** refers only to the teeing area, fairways, greens, driving range, and putting green for an eighteen-hole golf course in Lago Vista Texas.
- (s) **HLGC Authorized Representative:** the senior manager for the HLGC, currently the CoLV City Manager.
- (t) **Hose-end Sprinkler:** irrigation of a landscaped area utilizing an above ground hose and a hose-end sprinkler.
- (u) **Industrial Water Use:** the use of purchased water in processes designed to convert materials of lower value into forms having greater usability and value.
- (v) **In-ground Irrigation System:** a system of underground pipes attached to sprinkler heads used to irrigate landscaped areas.
- (w) **LVGC:** the **Lago Vista Golf Course** refers only to the teeing area, fairways, greens, driving range, and putting green for an eighteen-hole golf course in Lago Vista Texas.
- (x) **LVGC Authorized Representative:** the senior manager for the LVGC, currently the CoLV City Manager.

- (y) **Landscape Irrigation Use:** purchased water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, recreation areas, and rights-of-way and medians.
- (z) **LCRA:** the Lower Colorado River Authority is a nonprofit public utility created in November 1934 by the Texas Legislature. LCRA's mission is to enhance the lives of the Texans it serves through water stewardship, energy and community service.
- (aa) **Non-essential Water Use:** purchased water uses that are not essential or required for the protection of public health, safety, and welfare including:
1. irrigation of landscape areas, including parks, athletic fields, recreation areas, and golf courses, except otherwise provided under this Plan.
 2. use of purchased water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle.
 3. use of purchased water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas.
 4. use of purchased water to wash down buildings or structures for purposes other than immediate fire protection.
 5. flushing gutters or permitting purchased water to run or accumulate in any gutter or street;
 6. use of purchased water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, and Jacuzzi-type pools.
 7. use of purchased 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).
 9. use of purchased water from hydrants for construction purposes or any other purposes other than firefighting.
- (bb) **Owner:** the HLGC and LVGC property owner listed on the Travis County Central Appraisal District's tax rolls, currently the CoLV.
- (cc) **Purchased Water:** raw water or potable water purchased from the CoLV.
- (dd) **Putting Green:** an area of closely trimmed grass surrounding practice holes.
- (ee) **Reuse Water:** reclaimed water such as graywater, effluent from a wastewater treatment plant, or flushing water from a water distribution system.
- (ff) **Roughs:** The area between the fairway and the out-of-bounds markers, and also between a

mowed apron surrounding the green and out of bounds; the grass there is cut higher and is often of a coarser strain than on the fairways, making roughs disadvantageous areas from which to hit.

(gg) **TCEQ:** the Texas Commission for Environmental Quality is the environmental agency for the state of Texas and the fourth largest environmental agency in the United States. TCEQ strives to protect Texas' public health and natural resources consistent with sustainable economic development.

(hh) **Teeing area:** is an area where a player starts the hole by striking the ball.

(ii) **Water Curtailment Plan:** a plan to reduce the supply of water being provided by LCRA through a diversion contract by reducing the amount of water served under the contract for a specific period of time. Curtailment may occur during drought or other emergency conditions.

(jj) **Wholesale Purchased Water Customer:** an entity that purchases bulk water for construction purposes or resale to agricultural, residential, commercial, industrial, or governmental end users.

Sec. 13.1102 Declaration of Policy, Purpose, and Intent

LCRA provides contracts to customers for water supply. In cases of extreme drought, periods of abnormally high usage, system contamination, or extended reduction in ability to supply water due to equipment failure, LCRA may require water customers to institute temporary restrictions to limit non-essential purchased water usage. The goal of any DCP is to cause a reduction in water use in response to drought or emergency conditions so that water availability can be maintained. Since emergency conditions can occur rapidly, responses must also be enacted quickly. This plan has been prepared in advance considering conditions that will initiate and terminate the Emergency Management program.

The purpose of the Municipal Customers DCP is to encourage a reduction of purchased water use by the municipal customers, including golf courses, in order to maintain supply, storage, pressure or to comply with the requirements of a court, government agency or other authority.

All LCRA firm water users 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 for the municipal customers, including HLGC and LVGC, must be consistent with the LCRA DCP. The CoLV must develop and formally adopt a revised Municipal Customers DCP every 5 years consistent with the LCRA DCP. Further, being located within the regional water planning area of Region K, a copy of the DCP has been provided to each Region K Water Planning Group member.

Sec. 13.1103 Public Involvement/Public Education

Opportunity for the public to provide input into the preparation of the DCP was provided by the City Council by scheduling and providing public notice of a public meeting to accept input on the DCP. Notice of the public meeting was posted continuously in a location accessible to the public at least 72 hours prior to the public meeting. In the adoption of this DCP, the City Council considered any and all comments offered from the public.

(a) The CoLV, HLGC, and LVGC:

1. The CoLV, or owner, will periodically provide its employees, members, and the general public with information about this DCP, including the importance of the plan, information about the conditions under which each stage of the plan is to be initiated, processes to reduce purchased water usage, and impending or current drought conditions.
2. Drought plan information will be provided by means of: meetings with staff, newsletter articles, brochures at City Hall, bill stuffers, social media, clubhouse (where applicable), and on the entity web site.

Sec. 13.1104 Permanent Purchased Water Use Restrictions

The following restrictions apply to all CoLV purchased water customers on a year-round basis, regardless of water supply or water treatment plant production conditions. According to the restrictions, a purchased water user shall not:

(A) Fail to repair a controllable leak including:

1. a broken sprinkler head.
2. a leaking valve.
3. leaking or broken pipes.
4. a leaking faucet.

(B) Operate an irrigation system with:

1. a broken sprinkler head.
2. a sprinkler head that is out of adjustment and the arc of the spray head is over a street or parking area.
3. a sprinkler head that is fogging or misting because of excessive water pressure.

(C) During irrigation, allow purchased water to:

1. run off a property and form a stream of purchased water in a street for a distance of 50 feet or greater.
2. pool in a street or parking lot to a depth greater than one-quarter of an inch.

Sec. 13.1105 Initiation, Restrictions, & Termination of Drought Response Stages

(a) Monitoring. 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 water conservation measures in accordance with this DCP and advise the City Council of same. 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.

1. The City Council shall be responsible for the initiation and termination of the four Supply Triggers drought stages based on the criteria as outlined in Section 13.1112 and Section 13.1113, and in accordance with LCRA's DCP.

2. The City Manager shall be responsible for the initiation and termination of any Demand Triggers or Emergency Triggers responses based on the criteria as outlined in Section 13.1112 and Section 13.1113, and in accordance with LCRA's DCP.
- (b) Notification. CoLV public notification of the initiation or termination of drought response stages shall be by a variety of ways, examples include: brochures at City Hall, bill stuffers, e-mail and automated telephone calls, CoLV web site, social media, signs posted at entry points to the service area or a combination of these methods.
- (c) Triggering Criteria for Initiation and Termination of the Municipal Customers Drought Response Stages: The following triggering criteria for initiation and termination of water conservation measures and restrictions shall apply to the CoLV water utility system, its customers, and its customer service area including the Golf Courses and Parks.

1. Normal Water Storage Conditions

- (A) **Requirements for Initiation**: Normal Water Storage Conditions exist when the combined storage of Lakes Travis and Buchanan exceeds 900,000 AF for 30 consecutive days.
- (B) **Requirements for Termination**: The City Council shall implement Stage 1 when the combined storage of Lakes Travis and Buchanan equals or falls below 900,000 AF for 30 consecutive days.
- (C) **Irrigation Restrictions**: TWICE per week as outlined in Section 13.1112 and summarized in Section 13.1113. Hand-watering allowed daily between midnight and 10:00 AM or between 7:00 PM and midnight.
- (D) **Target Purchased Water Use Reduction**: None.
- (E) **Purchased Water Use Response Measures**: Limit irrigation with purchased water of landscaped turf grass and planting beds around buildings to no more than TWICE per week on authorized irrigation days.
- (F) **Drought Fee (\$/LUE per month)**: None.

2. STAGE 1 Moderate Water Shortage Conditions (Mandatory Measures)

- (A) **Requirements for Initiation**: The City Council shall implement Stage 1 Moderate Water Shortage Conditions when the combined storage of Lakes Travis and Buchanan equals or falls below 900,000 AF for 30 consecutive days.
- (B) **Requirements for termination**: The City Council shall implement Normal Water Storage Conditions when the combined storage of Lakes Travis and Buchanan exceeds 900,000 AF for 30 consecutive days.

- (C) **Irrigation Restrictions:** TWICE per week as outlined in Section 13.1112 and summarized in Section 13.1113. Hand-watering allowed daily between midnight and 10:00 AM or between 7:00 PM and midnight.
- (D) **Target Purchased Water Use Reduction:** Achieve a 10% reduction in total purchased water use.
- (E) **Purchased Water Use Reduction Response Measures:** Select as many response measures, as appropriate to the Municipal Customers, and golf course operations, which will achieve the target reduction indicated.
 - a. Limit irrigation with purchased water of landscaped turf grass and planting beds to no more than the CoLV's mandatory outdoor watering schedule.
 - b. Limit irrigation with purchased water of all practice areas (putting and driving ranges) to no more than LCRA's recommended outdoor watering schedule.
 - c. Reduce irrigation with purchased water of all play-areas (greens, teeing area, and fairways) to achieve reduction target.
 - d. Discontinue irrigation with purchased water of all roughs and other non-play areas.
 - e. Discontinue using purchased water for washing/rinsing of buildings, walls, structures, paved and other hard-surfaced areas including sport courts.
 - f. Discontinue aesthetic purchased water use.
 - g. Drought Fee (\$/LUE per month): None.
- (F) **Drought Fee (\$/LUE per month):** None.

3. STAGE 2 Moderate Water Shortage Conditions (Mandatory Measures)

- (A) **Requirements for Initiation:** The City Council shall implement Stage 2 Moderate Water Shortage Conditions when the combined storage of Lakes Travis and Buchanan equals or falls below 750,000 AF for 30 consecutive days.
- (B) **Requirements for termination:** The City Council shall implement Stage 1 Moderate Water Shortage Conditions when the combined storage of Lakes Travis and Buchanan exceeds 750,000 AF for 30 consecutive days.
- (C) **Irrigation Restrictions:** ONCE per week as outlined in Section 13.11.12 and summarized in Section 13.1113. Hand-watering allowed daily between midnight and 10:00 AM or between 7:00 PM and midnight.
- (D) **Target Purchased Water Use Reduction:** Golf courses to Achieve 30%

purchased water use reduction, all other cases to achieve a 20% reduction in total purchased water use.

(E) **Purchased Water Use Reduction Response Measures:** Select as many response measures, as appropriate to the Municipal Customers golf course operation, which will achieve the target reduction indicated.

- a. Watering of landscaped turf grass and planting beds with purchased water restricted to one day per week, except by use of hand-held hose, hand-held bucket, or drip irrigation. Customers wishing to install new landscaping or revegetating an established area may apply for a variance as outlined in Section 13.1108.
- b. Vehicle and Boat Washing: Use of purchased water to wash any motor vehicle, such as a motorbike, boat, trailer, or airplane is prohibited except on the designated irrigation day during normal irrigation hours. Such activity shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle. A vehicle may be washed any time at a commercial car wash facility or commercial service station. Further, 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.
- c. Pools: The City Council may limit the filling of all new and existing swimming pools, hot tubs, wading pools. Replenishing to maintenance level is permitted. Draining may be permitted only onto pervious surfaces or onto a surface where water will be transmitted directly to a pervious surface, and only if:
 - a) Draining excess water from pool due to rain in order to lower water to maintenance level.
 - b) Repairing, maintaining or replacing pool components that have become hazardous.
 - c) Repair of a pool leak.
 - d) Refilling of public/community swimming pools is permitted only if the pool has been drained for repairs, maintenance, or replacement as outlined in above.
- d. Outside Water Features: The City Council may limit the operation of outside purchased water features, such as, but not limited to, fountains, splash pad type fountains or outdoor misting systems, except where such features are used to sustain aquatic life or maintain water quality. This provision includes fountains associated with aesthetic ponds and swimming pools.
- e. Ponds: Ponds used for aesthetic, amenity, and/or storm water purposes may maintain water levels only necessary to preserve the integrity of the liner and operating system. The City Manager or his designee may

request specific design documentation regarding a pond and the intended purpose.

- f. Events: Events involving the use of purchased water such as: car washes, festivals, parties, water slides, and other activities involving the use of purchased water are permitted, if the purchased water being used drains to a recirculating device, or onto a pervious surface to prevent water waste.
- g. Restaurants: All restaurants are encouraged to serve purchased water to their patrons only upon request.
- h. Fire Hydrants: Use of purchased water from fire hydrants shall be limited to firefighting and activities necessary to maintain public health, safety, and welfare. Use of purchased water from designated fire hydrants for construction purposes may be allowed under special conditions and requires a meter; a variance application must be submitted with an explanation of the special conditions.
- i. Recreational areas (includes parks and athletic fields): The areas can only be used for designated or scheduled events or activities. Unnecessary foot traffic must be discouraged. Watering must follow a no more than twice per week schedule. A variance can be obtained if watering cannot be completed on the designated two-day schedule.
- j. Purchased Water Waste: The City Council may restrict the following non-essential uses of purchased water at all times during periods in which restrictions have gone into effect:
 - a) Washing sidewalks, walkways, driveways, parking lots, street, tennis courts, and other impervious surfaces may be prohibited except for immediate health and safety.
 - b) Washing buildings, houses or structures with a pressure washer or garden hose may be prohibited for aesthetic purposes but allowable for surface preparation of maintenance work to be performed.
 - c) Flushing gutters or flooding gutters may be prohibited except for immediate health and safety.
 - d) Controlling dust may be 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.
- k. The CoLV shall discontinue water line flushing unless necessary for public health reasons.
- l. The CoLV shall keep customers informed about issues regarding current

and projected purchased water supply and demand conditions.

- m. Reduce irrigation with purchased water of all play-areas (greens, teeing area, and fairways) to achieve reduction target.
- n. Irrigation with purchased water of all roughs and other non-play areas prohibited.
- o. Reduce irrigation with purchased water of all practice areas (putting and driving ranges).
- p. Using purchased water for washing/rinsing of buildings, walls, structures, paved, and other hard-surfaced areas including sport courts prohibited.
- q. Aesthetic purchased water use prohibited.

(F) **Drought Fee (\$/LUE per month):** Ten dollars (\$10).

4. **STAGE 3 Severe Water Shortage Conditions (Mandatory Measures)**

- (A) **Requirements for Initiation:** The City Council shall implement Stage 3 Severe Water Shortage Conditions when the combined storage of Lakes Travis and Buchanan equals or falls below 600,000 AF for 30 consecutive days.
- (B) **Requirements for termination:** The City Council shall implement Stage 2 Moderate Water Shortage Conditions when the combined storage of Lakes Travis and Buchanan exceeds 600,000 AF for 30 consecutive days.
- (C) **Irrigation Restrictions:** No automatic or hose-end irrigation with purchased water. All other non-essential outdoor water use is prohibited unless water source is from an alternate supply, such as reuse water, rainwater, or graywater. Hand-watering allowed for 6 hours daily between midnight and 10:00 AM or between 7:00 PM and midnight.
- (D) **Target Purchased Water Use Reduction:** Achieve a 30% reduction in total purchased water use or in accordance with LCRA DCP.
- (E) **Purchased Water Use Reduction Response Measures:**
 - a. Irrigation of Landscaped Areas:
 - a) Irrigation of landscaped areas is prohibited, except with hand-held hoses, hand-held buckets, or drip irrigation. The use of hose-end sprinklers or in-ground irrigation systems are prohibited.
 - b) New landscape installation is prohibited.

- b. Vehicle and Boat Washing: Use of purchased water to wash any motor vehicle, such as a motorbike, boat, trailer, or airplane is prohibited except on the designated irrigation day during normal irrigation hours. Such activity shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle. A vehicle may be washed any time at a commercial car wash facility or commercial service station. Further, 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.
- c. Pools: The installation of new swimming pools may be prohibited unless the pool is built with a pool cover. The filling or replenishing of swimming pools with purchased water is prohibited unless the swimming pool is covered with a pool cover when not in use. The filling or replenishing of hot tubs, wading pools, and other types of pools with purchased water is prohibited. Public/community swimming pools may be exempt from this prohibition to maintain safe levels of water quality for human contact.
- d. Events: Events involving the use of purchased water such as car washes, festivals, parties, water slides, and other activities involving the use of purchased water may be prohibited.
- e. Recreational areas (includes parks and athletic fields): The areas can only be used for designated or scheduled events or activities. Unnecessary foot traffic must be discouraged. Watering is prohibited except with a hand-held hose.
- f. All purchased water customers are required to further reduce non-essential purchased water uses.
- g. Limit irrigation with purchased water of greens and teeing area to no more than LCRA's recommended outdoor watering schedule and to hand-watering only.
- h. Irrigation with purchased water of landscaped turf grass and planting beds prohibited.
- i. Irrigation with purchased water of all roughs and other non-play areas prohibited.
- j. Limit irrigation with purchased water of all practice areas (putting and driving ranges) to once per week.
- k. Irrigation with purchased water of all fairways prohibited.
- l. Using purchased water for washing/rinsing of buildings, walls, structures, paved, and other hard-surfaced areas including sport courts prohibited.

m. Aesthetic purchased water use prohibited.

(G) **Drought Fee (\$/LUE per month):** Twenty dollars (\$20).

5. STAGE 4 Severe Water Shortage Conditions (Mandatory Measures)

(A) **Requirements for Initiation:** The City Council shall implement Stage 4 Severe Water Shortage Conditions when one or a combination of such triggering criteria occurs:

a. The LCRA Board declares a Drought Worse than the Drought of Record (DWDOR) or other water supply emergency and orders the mandatory curtailment of firm water supplies.

b. Upon notification from LCRA that it is declaring a DWDOR.

(B) **Requirements for Termination:** The City Council shall implement Stage 3 Severe Water Shortage Conditions when the LCRA announces that the DWDOR mandatory water restrictions for firm water customers are no longer required.

(C) **Irrigation Restrictions:** All irrigation with purchased water prohibited. All other non-essential outdoor water use is prohibited unless water source is from an alternate supply, such as reuse water, rainwater, or graywater. No hand-watering allowed.

(D) **Target Purchased Water Use Reduction:** Reduce purchased water use in accordance with LCRA DCP.

(E) **Purchased Water Use Reduction Response Measures:**

a. Irrigation of Landscaped Areas is Prohibited.

b. Vehicle and Boat Washing is Prohibited.

c. Pools: The installation of new swimming pools is prohibited. The filling or replenishing of existing swimming pools, hot tubs, wading pools, and other types of pools with purchased water is prohibited. Public/community swimming pools may be exempt from this prohibition to maintain safe levels of water quality for human contact.

d. Events: Events involving the use of purchased water such as car washes, festivals, parties, water slides, and other activities involving the use of purchased water is prohibited.

e. Recreational areas (includes parks and athletic fields): Watering with purchased water is prohibited.

f. All purchased water customers are required to further reduce non-

essential purchased water uses.

- g. Use of purchased water from fire hydrants shall be limited to firefighting and activities necessary to maintain public health, safety, and welfare only.
- h. Irrigation with purchased water of greens and teeing area prohibited.
- i. Irrigation with purchased water of landscaped turf grass and planting beds prohibited.
- j. Irrigation with purchased water of all roughs and other non-play areas prohibited.
- k. Irrigation with purchased water of all practice areas (putting and driving ranges) prohibited.
- l. Irrigation with purchased water of all fairways prohibited.
- m. Using purchased water for washing/rinsing of buildings, walls, structures, paved, and other hard-surfaced areas including sport courts prohibited.
- n. Aesthetic purchased water use prohibited.

(F) **Drought Fee (\$/LUE per month):** Twenty dollars (\$20).

6. **STAGE 5 Emergency Water Conservation Conditions**

(A) **Requirements for Initiation:** The City Manager shall implement Stage 5 Emergency Water Conservation Conditions when one or a combination of such triggering criteria occurs:

- c. LCRA declares a natural or man-made contamination of the water supply source.
- d. Any other emergency water supply or demand conditions that the LCRA General Manager or the LCRA Board determines that either constitutes a water supply emergency.
- e. The CoLV declares a water demand emergency.
- f. The CoLV declares a Water Plant emergency.
- g. The CoLV declares a water distribution system outage.

(B) **Requirements for Termination:** When the LCRA and/or City Manager announce that the Stage 5 Emergency Water Conservation Conditions water restrictions are no longer required.

- (C) **Irrigation Restrictions:** All irrigation with purchased water prohibited. All other non-essential outdoor water use is prohibited unless water source is from an alternate supply, such as reuse water, rainwater, or graywater. No hand-watering allowed.
- (D) **Target Purchased Water Use Reduction:** Reduce purchased water use for affected area to minimum possible purchased water use.
- (E) **Purchased Water Use Reduction Response Measures:**
- a. Irrigation of landscaped areas is prohibited.
 - b. Use of purchased water from fire hydrants shall be limited to firefighting and activities necessary to maintain public health, safety, and welfare only.
 - c. Irrigation with purchased water of greens and teeing area prohibited.
 - d. Irrigation with purchased water of landscaped turf grass and planting beds prohibited.
 - e. Irrigation with purchased water of all roughs and other non-play areas prohibited.
 - f. Irrigation with purchased water of all practice areas (putting and driving ranges) prohibited.
 - g. Irrigation with purchased water of all fairways prohibited.
 - h. Using purchased water for washing/rinsing of buildings, walls, structures, paved, and other hard-surfaced areas including sport courts prohibited.
 - i. Aesthetic purchased water use prohibited.
- (F) **Drought Fee (\$/LUE per month):** TBD by the City Manager.

Sec. 13.1106 Wholesale Purchased Water Customers

All CoLV wholesale purchased water customers are required to develop and formally adopt DCPs 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 both the CoLV and LCRA DCPs. In addition, the measures of this plan must be at least as stringent as the drought response measures required by this Article for its retail customers. Wholesale purchased water customers must include in their wholesale water supply contracts the requirement that each successive wholesale customer develop and formally adopt a revised DCP every 5 years, subject to CoLV approval, consistent with the LCRA DCP.

(a) **Normal Water Storage Conditions**

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

(b) **STAGE 1 Moderate Water Shortage Conditions (Mandatory Measures)**

The CoLV will keep wholesale purchased water customers informed about ongoing demand, as well as current and projected water supply conditions. The CoLV will initiate discussions with wholesale purchased water customers about potential curtailment and the implementation of mandatory measures to reduce all non-essential purchased water uses.

(c) **STAGE 2 Moderate Water Shortage Conditions (Mandatory Measures)**

The CoLV will contact its wholesale purchased water customers to initiate mandatory measures to control purchased water demand to ensure adequate water supply for emergency response requirements. Mandatory measures shall include the curtailment of nonessential purchased water uses in accordance with the wholesale purchased water customer's own DCP.

(d) **STAGE 3 Severe Water Storage Conditions**

The CoLV will contact its wholesale purchased water customers to initiate mandatory measures to control purchased water demand to ensure adequate water supply for emergency response requirements. Mandatory measures shall include the curtailment of automatic or hose-end irrigation in accordance with the wholesale purchased water customer's own DCP.

(e) **STAGE 4 Emergency Water Conditions**

The CoLV will contact its wholesale purchased water customers to initiate mandatory measures to control purchased water demand to ensure adequate water supply for emergency response requirements. Mandatory measures shall include the curtailment of all irrigation in accordance with the wholesale purchased water customer's own DCP.

(f) **STAGE 5 Emergency Water Conditions**

The CoLV will contact its wholesale purchased water customers to initiate mandatory measures to control purchased water demand to ensure adequate water supply for emergency response requirements. Mandatory measures shall include the curtailment of all irrigation in accordance with the wholesale purchased water customer's own DCP.

Sec. 13.1107 Enforcement

The following enforcement provisions shall apply to all CoLV purchased water customers:

(a) No person shall knowingly or intentionally use or allow the use of purchased water from the CoLV water utility system for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Article, or in an amount in excess of that permitted by the drought response stage in effect at the time.

(b) Any person who violates this Article shall be subject to the following fines, penalties and/or conditions of service:

1. Following the first documented purchased water violation, the violator shall be given a

notice specifying the type of violation and the date and time it was observed. Fines and restrictions on service that may result from additional violations.

2. Following the second documented purchased water violation, the violator shall:
 - (A) Be criminally responsible for the violation of this Article, punishable by a minimum fine of \$100.00 and a maximum fine not to exceed \$500.00.
 - (B) And may be subject to a civil penalty not to exceed \$1000.00.
 3. Following the third documented purchased water violation, the violator shall:
 - (A) Be criminally responsible for the violation of this Plan, punishable by a minimum fine of \$250.00 and a maximum fine of \$500.00.
 - (B) And may be subject to a civil penalty of not to exceed \$1000.00.
 4. Following the fourth documented purchased water violation, the CoLV may, 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 \$500.00, and any outstanding charges including late payment fees or penalties. In addition, suitable assurance in the amount of a deposit of \$1000.00 must be given to the CoLV so that the same action shall not be repeated while this Article is in effect. The CoLV may apply the deposit to any surcharges or penalties subsequently assessed under this Article 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.
- (c) Each day that one or more of the provisions in this plan is violated shall constitute a separate purchased water violation. Any person, including one classified as a purchased water customer of the CoLV, in apparent control of the property where a violation occurs or originates, shall be presumed to be the violator. Any such person, however, shall have the right to show that he did not commit the violation.
- (d) The City Manager or his designee shall have the power to enforce the provisions of this Article.
- (e) The municipal court shall have the power to issue to the City Manager or his designee administrative search warrants, or other process allowed by law, where necessary to aid in enforcing this DCP.
- (f) Judicial enforcement of fines and penalties issued pursuant to this Article may be sought through a municipal court, district court or small claims court having jurisdiction over the matter.
- (g) Compliance with this Article also may be sought through injunctive relief in state district court.
- (h) Enforcement for Wholesale Customers:
1. Wholesale purchased water customers shall provide the CoLV with an order, ordinance, or resolution to demonstrate adequate enforcement provisions for the wholesale purchased

water customer's own DCP.

2. In addition, wholesale purchased water customers who fail to comply with the drought contingency measures in the plan may be subject to the following civil penalties, in addition to any other remedies available to the CoLV by law or under the terms of the wholesale water contracts.
3. Penalties for wholesale purchased water customers:
 - (A) First documented violation: written notice of violation.
 - (B) Second documented violation: penalty fee of a minimum of \$2,500.00 and a maximum fee of \$10,000.00.
 - (C) Third documented violation: penalty fee of a minimum of \$5,000.00 and a maximum fee of \$10,000.00.

Sec. 13.1108 Variances

- (a) The City Manager may grant variances:
 1. From specific applications of the outdoor purchased water schedule, providing that the variances do not increase the time allowed for watering but rather alter the schedule for watering.
 2. Allowing the use of alternative water supply that does 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.
- (b) The City Manager may grant in writing temporary variances for existing purchased water uses otherwise prohibited under this article if it is determined that failure to do so would cause an emergency adversely affecting the public health, sanitation, or fire protection, and if one or more of the following conditions are met:
 1. Compliance with this DCP cannot be accomplished during the duration of the time the DCP is in effect.
 2. Alternative methods can be implemented that will achieve the same level of reduction in purchased water use.
- (c) Persons requesting a variance from the provisions of this DCP shall file a petition for variance with the CoLV any time the DCP or a applicable drought response stage is in effect. The City Manager or his designee will review petitions for variances. The petitions shall include the following:
 1. Name and address of the petitioner.
 2. Purpose of purchased water use.
 3. Specific provision of the DCP from which the petitioner is requesting relief.

4. Detailed statement as to how the specific provision of this Article adversely affects the petitioner or what damage or harm the petitioner or others will sustain if petitioner complies with this DCP.
5. Description of the relief requested.
6. Period of time for which the variance is sought.
7. Measures the petitioner is taking or proposes to take to meet the intent of this DCP and the compliance date.
8. Other pertinent information.

(d) Variances granted by the CoLV shall be subject to the following conditions, unless waived or modified by the City Manager, or his designee:

1. Variances granted shall include a timetable for compliance.
2. Variances granted shall expire when this Article or its requirements are no longer in effect, unless the petitioner has failed to meet specified requirements.

(e) No variance shall be retroactive or otherwise excuse any violation occurring before the variance was issued.

Sec. 13.1109 DCP Updates

This Article and other operational measures to conserve purchased water in times of drought will be reviewed and updated as needed to meet both TCEQ and LCRA DCP rules.

Sec. 13.1110 Notification to LCRA

Notification of any mandatory provisions of the Municipal Customers DCP shall be made to the LCRA General Manager by the City Manager in writing within five (5) business days of implementation.

Sec. 13.1111 Implementation

By signing this ordinance, the CoLV authorized representative warrants and represents that: (1) the City Council has approved this plan; and, (2) the representative is authorized by the City Council to implement this plan.

As noted herein, the City Manager shall monitor usage patterns and public education efforts and will make recommendations to the City Council on any possible future conservation efforts, demand management procedures or any change to this DCP. The City Manager will develop public awareness notices, bill stuffers and other methods that will begin and continue as a

constant type of reminder that water should be conserved at all times. In compliance with the laws and regulations, the City Manager will also review and evaluate any needed amendments or major changes to this DCP that may be needed due to changes in the CoLV service area population, distribution system or supply.

In a shortage of water not covered by the LCRA Water Management Plan or other conservation plan approved by TCEQ applicable to LCRA's firm water supply, a water contract customer who fails to implement its applicable DCP is subject to curtailment of firm water supply by LCRA based on the customer's pro rata share less the amount of water the customer would have saved if the customer had operated its water system in compliance with the DCP.

Sec. 13.1112 CoLV Purchased Water Irrigation Schedule

(a) STAGE 1 Moderate Water Shortage Conditions (Mandatory Measures)

Irrigate outdoors using an in-ground irrigation system or hose-end sprinkler no more than **TWICE per week** and only during scheduled days and times as indicated below. Hand-watering allowed daily between midnight and 10:00 AM or between 7:00 PM and midnight.

Residential

Odd number addresses: Wednesdays and Saturdays

Even number addresses: Thursdays and Sundays

Commercial (including large landscapes such as HOA common areas):

Tuesdays and Fridays

Watering Hours:

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

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

Irrigate outdoors using an in-ground irrigation system or hose-end sprinkler no more than **ONCE per week** and only during scheduled days and times as indicated below. Hand-watering allowed daily between midnight and 10:00 AM or between 7:00 PM and midnight.

Residential

Odd number addresses: Saturdays

Even number addresses: Sundays

Commercial (including large landscapes such as HOA common areas):

Fridays

Watering Hours:

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

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

Residential

No hose-end sprinkler or automatic irrigation. Hand-watering allowed for 6 hours daily between midnight and 10:00 AM or between 7:00 PM and midnight.

Commercial (including large landscapes such as HOA common areas): No hose-end sprinkler or automatic irrigation. Hand-watering allowed for 6 hours daily between midnight and 10:00 AM or between 7:00 PM and midnight.

Watering Hours:

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

- (d) **STAGE 4 Severe Water Shortage Conditions (Mandatory Measures) / STAGE 5 Emergency Water Conservation Conditions:**

Residential

All irrigation prohibited. No hand-watering allowed.

Commercial (including large landscapes such as HOA common areas): All irrigation prohibited. No hand-watering allowed.

Watering Hours: None.

Sec. 13.1113 Summary of CoLV Water Demand, Supply, and Emergency Restriction Stages

	Trigger	Action	Purchased Water Irrigation Restriction	Goal	Drought Fee (\$/LUE/Mo)	End Condition
Demand Triggers	When total daily water demand equals or exceeds 97% in a single day	City Manager implements Stage 4 Severe Water Shortage Condition Restrictions	Prohibited	Reduce purchased water use for affected area to minimum possible water usage	/	City Manager ends Stage 4 Severe Water Shortage Condition Restrictions when triggering events has ceased to exist for 5 consecutive days
	When total daily water demand equals or exceeds 95% for 3 consecutive days	City Manager implements Stage 4 Severe Water Shortage Condition Restrictions	Prohibited	Reduce purchased water use for affected area to minimum possible water usage	/	City Manager ends Stage 4 Severe Water Shortage Condition Restrictions when triggering event has ceased to exist for 5 consecutive days
Supply Triggers	Combined lake storage > 900,000 AF	/	2-Days per Week	/	/	/
	Combined lake storage falls below 900,000 AF	City Council implements Stage 1 Moderate Water Shortage Condition Restrictions	2-Days per Week	Reduce average purchased water use by 10% (use appropriate historical baseline).	\$0	Stage 1 Moderate Water Shortage Condition Restrictions ends when combined lake storage rises above 900,000 AF for 30 days
	Combined lake storage falls below 750,000 AF	City Council implements Stage 2 Moderate Water Shortage Condition Restrictions	1-Day per Week	Reduce average purchased average water use by 20% (use appropriate historical baseline)	\$10	City Council ends Stage 2 Moderate Water Shortage Condition Restrictions when combined lake storage rises above 750,000 AF for 30 days
	Combined lake storage falls below 600,000 AF	City Council implements Stage 3 Severe Water Shortage Condition Restrictions	No Automatic or hose-end irrigation. Hand-watering allowed for 6-hrs per day	Reduce average purchased water use by 30% (use appropriate historical baseline) or in accordance LCRA DCP	\$20	City Council ends Stage 3 Severe Water Shortage Condition Restrictions when combined lake storage rises above 600,000 AF for 30 days
	LCRA declares Drought Worse than Drought of Record	City Council implements Stage 4 Severe Water Condition Restrictions	Prohibited	Reduce purchased water use in accordance with LCRA DCP	\$20	City Council ends Stage 4 Severe Water Condition Restrictions when LCRA rescinds DWDOR restrictions
Emergency Triggers	Declared by City Manager because of a CoLV Water Plant failure, a CoLV water distribution system outage, or an LCRA water supply emergency	City Manager implements Stage 5 Emergency Water Conservation Condition Restrictions	Prohibited	Reduce purchased water use for affected area to minimum possible water usage	TBD	City Manager ends Stage 5 Emergency Water Condition Restrictions once CoLV or LCRA emergency water supply event has been resolved