

**CITY OF LAGO, VISTA, TEXAS**

**ORDINANCE NO. 11-04-07-01**

**AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS, REPLACING ARTICLE 13.1100, DROUGHT CONTINGENCY AND EMERGENCY WATER DEMAND MANAGEMENT ; ESTABLISHING A PENALTY; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY, AND OPEN MEETINGS; AND PROVIDING FOR RELATED MATTERS**

**WHEREAS**, warm weather conditions and the lack of rainfall will create drought conditions and an increased water demand in the region; and

**WHEREAS**, the City of Lago Vista, Texas (the “City”) participates with other entities in the conservation of the natural resource of water during times of drought conditions; and

**WHEREAS**, LCRA rules require LCRA customers have drought contingency plans and water use restrictions during times of drought; and

**WHEREAS**, LCRA has adopted new “trigger” standards for the various stages of water conservation measures that are different than the current ordinance adopted in 2006 which necessitates a revised Drought Contingency and Emergency Water Demand Management ordinance; and

**WHEREAS**, LCRA has provided all its customers with a model plan that is incorporated in this ordinance;

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

**Section 1. Findings.** The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

**Section 2. Adoption of Drought Contingency and Emergency Water Demand Management Ordinance.** The city council hereby replaces Article 13.1100 with a new Article 13.1100, attached hereto as Exhibit “A” and incorporated in this ordinance as though fully transcribed herein for all purposes.

**Section 3. Amendment of 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 4. Severability.** If any section, subsection, sentence or phrase of this Ordinance is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance shall not be affected. It is the intent of the city council in adopting this Ordinance, that no provision or regulation contained herein shall become inoperative, or fail by reason of the unconstitutionality or invalidity of any other section, subsection, sentence or phrase of this Ordinance.

**Section 5. Effective Date.** This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of Chapter 52 of the Texas Local Government Code and the City Charter.

**Section 6. Open Meetings.** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required 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.

**PASSED AND APPROVED THIS 7<sup>th</sup> DAY OF APRIL, 2011.**

**CITY OF LAGO VISTA**

\_\_\_\_\_  
Randy Kruger, Mayor

ATTEST:

\_\_\_\_\_  
Christina Buckner, City Secretary

On a motion by Council Member D'Anne Gloris, seconded by Mayor Randy Kruger, the above and foregoing instrument was passed and approved.

**EXHIBIT “A”**

**ARTICLE 13.1100 DROUGHT CONTINGENCY AND  
EMERGENCY WATER DEMAND MANAGEMENT ORDINANCE**

**Sec. 13.1101 Introduction**

The goal of this Article is to cause a reduction in water use in response to drought or emergency conditions so that the water availability can be maintained. Since emergency conditions can occur rapidly, responses must also be enacted quickly. This Article has been prepared in advance considering conditions that will initiate and terminate temporary water conservation measures to conserve water in times of drought.

The City Manager shall monitor usage patterns and public education efforts and shall make recommendations to the city council on future conservation efforts, demand management procedures or any changes to this Article. The City Manager shall 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, not just during a drought or emergency. The City Manager will also review and evaluate any needed amendments or major changes to this Article, capital improvement plans, and utility operation procedures that may be needed due to changes in the City of Lago Vista service area, population, distribution system or supply. This review and evaluation will be done at least every five years unless conditions necessitate more frequent amendments.

The Article is to be implemented according to the four drought response stages as determined by the city council.

**Sec. 13.1102 Public Involvement**

Opportunity for the public to provide input into the adoption of this Article was provided by the city council by scheduling and providing public notice of a public meeting to accept input on the Plan. In the adoption of this Article the city council considered all comments from customers.

**Sec. 13.1103 Definitions**

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

Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Alternate water source: water not distributed by the CLV, including rain water, reclaimed water, gray water and water pumped from the lake.

Commercial and institutional water use: water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels, motels, restaurants and office buildings. This does not include water used strictly for aesthetic purposes.

Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer: any CLV resident, person, company, or organization using water supplied by the City of Lago Vista.

Domestic water use: water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence.

Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, recreation areas, and rights-of-way and medians.

Non-essential water use: water uses that are not essential nor required for the protection of public health, safety, and welfare including:

- (a) irrigation of landscape areas, including parks, athletic fields, recreation areas, and golf courses, except otherwise provided under this Plan;
- (b) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (c) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (d) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (e) flushing gutters or permitting water to run or accumulate in any gutter or street;
- (f) use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, and jacuzzi-type pools;
- (g) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (h) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (i) use of water from hydrants for construction purposes or any other purposes other than fire fighting.

The city: the city of Lago Vista, Texas.

### **Sec. 13.1104 Permanent Water Use Restrictions**

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

- (a) Fail to repair a controllable leak, including a broken sprinkler head, a leaking valve, leaking or broken pipes, or a leaking faucet;
- (b) Operate an irrigation system with:
  - a broken head;

- a head that is out of adjustment and the arc of the spray head is over a street or parking area; or
  - a head that is fogging or misting because of excessive water pressure.
- (c) 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.

**Sec. 13.1105 Initiation and Termination of Response Stages. Restrictions.**

(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 Article advise the city council of same. The city council will initiate conservation measures and terminate 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.

(b) Notification. Public notification of the initiation or termination of drought response stages shall be by a variety of ways, examples include: bill inserts, e-mail and automated telephone calls, signs posted at entry points to the service area or a combination of these methods.

(c) Triggering criteria and restrictions. The following triggering criteria for initiation and termination of water conservation measures and restrictions shall apply to the City of Lago Vista water utility system, its customers, and its customer service area:

**STAGE 1 - Mild Water Shortage Conditions (Voluntary Measures)**

(1) Requirements for initiation. - When one or a combination of such triggering criteria occurs:

- a. Treatment Capacity: When total daily water demand equals or exceeds 80 percent of the total operating system treatment capacity for three consecutive days, or 85 percent on a single day; or
- b. Water Supply: Combined storage of Lakes Travis and Buchanan reaches 1.4 million acre-feet.

(2) Requirements for termination: - Stage 1 may be rescinded when:

- a. 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
- b. Water Supply: LCRA announces that voluntary restrictions by its firm raw water customers are no longer needed in accordance with the LCRA DCP.

(3) Water conservation measures and restrictions:

- a. Customers shall be **requested** to adhere to the watering schedule in Appendix A.

- b. The city manager will review system operations and identify ways to improve system efficiency and accountability.
- c. The city will actively promote drought related issues and the need to conserve.

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

- (1) Requirements for initiation: - Customers may be **required** to adhere to the Stage 2 Drought Response Measures when one or a combination of such triggering criteria occurs:
  - a. Treatment Capacity: When total daily water demand equals or exceeds 93 percent of the total operating system treatment capacity for three consecutive days, or 95 percent on a single day; or
  - b. Water Supply: When combined storage of Lakes Travis and Buchanan reaches 900,000 acre-feet.
- (2) Requirements for termination: - Stage 2 may be rescinded when:
  - a. Treatment Capacity: When the water treatment plant capacity condition listed above as a triggering event for Stage 2 has ceased to exist for five consecutive days; and
  - b. Water Supply: When LCRA announces that voluntary compliance to implement a utility's mandatory water restrictions are no longer needed.

*Upon termination of Stage 2, Stage 1 becomes operative.*

- (3) Water Conservation Measures and Restrictions: Customers shall be required to comply with the following:
  - a. Irrigation of Landscaped Areas:
    - 1. If the combined water storage of lakes Buchanan and Travis are less than 900,000 acre feet but greater than 750,000 acre feet. Irrigation of landscaped areas with hose-end sprinklers or in-ground irrigation systems shall be limited to a no more than a TWICE weekly watering schedule determined by the city manager and based on the nature of the current drought or water emergency. Irrigation of commercial landscapes and recreational areas may apply for a variance but must still develop a schedule where no part of the landscape is watered more than twice per week. Irrigation shall be according to Appendix A.
    - 2. If the combined water storage of lakes Buchanan and Travis are less than or equal to 750,000 acre feet. Irrigation of landscaped areas with hose-end sprinklers or in-ground irrigation systems shall be limited to a no more than a ONCE weekly watering schedule as determined by the city manager and based on the nature of the current drought or water emergency. Irrigation of

commercial landscapes and recreational areas may apply for a variance but must still develop a schedule where no part of the landscape is watered more than once per week.

3. Outdoor watering hours will be limited to between midnight and 10 a.m. and between 7 p.m. and midnight on designated days. This prohibition does not apply to irrigation of landscaped areas if it is by means of:
    - i. a hand-held hose; or
    - ii. a faucet-filled bucket or watering can of five gallons or less.
  4. The city council may limit new landscape installation and re-vegetation seeding be performed under these specific criteria:
    - i. A completed variance form for new landscapes has been submitted to the city manager and has been approved prior to the installation of the landscape, or re-vegetation seed application
    - ii. Irrigation of the new landscape follows the schedule identified in the new landscape variance. The schedule will be developed to minimize water waste.
    - iii. Areas being re-vegetated for soil stabilization must also comply with the (i) and (ii) specific criteria above. Options for re-vegetation may be available in times of low water supply. Specific information regarding options is available in the LCRA Highland Lakes Watershed Ordinance Technical Manual.
    - iv. 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 9.2 of this plan. Variances will not be granted for seasonal “color bed” or temporary grass installation (over seeding).
- b. Vehicle and Boat Washing: Use of water to wash any motor vehicle, such as a motorbike, boat, trailer, or airplane may be prohibited by the except on designated watering days between the hours of midnight and 10 a.m. and between 7 p.m. and midnight. Such activity, when allowed, 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:
- i. Draining excess water from pool due to rain in order to lower water to maintenance level;
  - ii. Repairing, maintaining or replacing pool components that have become hazardous; or
  - iii. Repair of a pool leak.

- iv. 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 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. Golf Courses: Golf courses receiving any amount of treated water from the city of Lago Vista utility must develop a drought contingency plan that meets the minimum water reduction target set for Stage 2.
- g. 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.
- h. Restaurants: All restaurants are encouraged to serve water to their patrons only upon request.
- i. Fire Hydrants: Use of water from fire hydrants shall be limited to firefighting and activities necessary to maintain public health, safety, and welfare. Use of 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.
- j. 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.
- k. Water Waste: The city council may restrict the following non-essential uses of water at all times during periods in which restrictions have gone into effect:
  - 1. Washing sidewalks, walkways, driveways, parking lots, street, tennis courts, and other impervious surfaces may be prohibited except for immediate health and safety;
  - 2. 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;
  - 3. Flushing gutters or flooding gutters may be prohibited except for

immediate health and safety; and

4. 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.

(4) The city shall discontinue water line flushing unless necessary for public health reasons

(5) The city shall keep customers informed about issues regarding current and projected water supply and demand conditions.

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

(1) Requirements for initiation. Customers shall be required to adhere to the Stage 3 Drought Response Measures when one or a combination of such triggering criteria occurs:

- a. Treatment Capacity: When total daily water demand equals or exceeds 95 percent of the total operating system treatment capacity for three consecutive days, or 97 percent on a single day; or
- b. Water Supply: When combined storage of Lakes Travis and Buchanan reaches 600,000 acre-feet, in accordance with the LCRA DCP, or when the LCRA Board declares a drought worse than the Drought of Record or other water supply emergency and orders the mandatory curtailment of firm water supplies.

(2) Requirements for termination. Stage 3 may be rescinded when:

- a. Treatment Capacity: When the water treatment plant capacity condition listed above as a triggering event for Stage 3 has ceased to exist for five consecutive days; or
- b. Water Supply: When LCRA announces that mandatory water restrictions for firm water customers are no longer required.

*Upon termination of Stage 3, Stage 2 becomes operative.*

(3) Supply Management Measures: In addition to measures implemented in the preceding stages of the plan, the city will explore additional emergency water supply options.

(4) Water conservation measures and restrictions. Customers shall be required to comply with the following:

- a. All requirements of Stage 2 shall remain in effect during Stage 3, with the following modifications and additions.
- b. Irrigation of Landscaped Areas:
  1. 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 at all times during Stage 3.

2. New landscapes may be prohibited from instillation.
  - c. Vehicle and Boat Washing: The city council may restrict the use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle is prohibited. A vehicle can be washed at any time at a commercial car wash facility or commercial service station that recycles its water. 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.
  - d. Pools: The city council may prohibit the installation of new swimming pools. The filling or replenishing of water to swimming pools, hot tubs, wading pools, and other types of pools is prohibited. Public/community swimming pools may be exempt from this prohibition to maintain safe levels of water quality for human contact.
  - e. Golf Course: Golf courses receiving any amount of treated water from the city must develop a drought contingency plan in accordance with and consistent with this Article, that meet water reduction targets of this Article, and shall implement its Stage 3 mandatory restrictions in conjunction with the city.
  - f. Events: Events involving the use of water such as: car washes; festivals; parties; water slides; and other activities involving the use of water may be prohibited by the city council.
  - g. 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.
  - h. All retail customers are required to further reduce non-essential water uses.

#### **STAGE 4- Emergency Water Conditions**

- (1) Requirements for initiation. - Customers may be required to adhere to the Stage 4 Drought Response Measures when one or a combination of such triggering criteria occurs:
  - a. 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.
  - b. 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 that either constitutes a water supply emergency or is associated with the LCRA Board declaration of a drought worse than the drought of record.
- (2) Requirements for termination: - Stage 4 of the Plan may be rescinded when:

- a. 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
- b. Water Supply: LCRA announces that mandatory water restrictions for firm water customers are no longer required.

*Upon termination of Stage 4, Stage 3 becomes operative.*

- (3) Water Conservation Measures and Restrictions: The city council may require that customers be required to comply with the following:
  - a. All requirements of Stages 1 through 3 are also in effect during stage 4, with the following modifications and additions:
    - 1. Irrigation of landscaped areas is prohibited.
    - 2. Use of water from fire hydrants shall be limited to firefighting and activities necessary to maintain public health, safety, and welfare only.
    - 3. 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 4 - Emergency Water Conditions, water use restrictions outlined in Stage 4 Emergency Response Measures shall immediately apply.*

- b. In the event that Stage 4 is declared, the city manager will initiate emergency interconnects and/or alternative water supply arrangements.

## **Sec .13.1106 Drought Response Measures**

### (a) Targets for Water-Use Reductions

#### (1) Stage 1. Mild Water Shortage Conditions (Voluntary Measures)

- a. System Capacity Reduction Target: Limit daily water demand to no more than 80% capacity for three days or 85% for one day.
- b. Water Supply Reduction Target: Achieve a 5% reduction in water use.

#### (2) Stage 2. Moderate Water Shortage Conditions (Mandatory Measures)

- a. System Capacity Reduction Target: Limit daily water demand to no more than 80% capacity for three days or 85% for one day.
- b. Water Supply Reduction Target: Achieve a 10-20% reduction in water use.

#### (3) Stage 3. Severe Water Shortage Conditions (Mandatory Measures)

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

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

(4) Stage 4. Severe Water Shortage Conditions (Mandatory Measures)

a. System Capacity Reduction Target: As determined by the city manager..

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

### **Sec.13.1107 Wholesale Treated Customers**

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

(a) Stage 1 - Mild Water Shortage Conditions (Voluntary Measures)

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.

(b) 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 non-essential water uses.

(c) 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 own drought contingency plan.

In addition, if the Stage 3 triggering criteria is based on a water supply shortage, the city will initiate the curtailment of water provided to wholesale treated water customers on a pro rata basis, in accordance with the LCRA DCP.

(d) Stage 4 - Emergency Water Conditions

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

### **Sec. 11.1108 Enforcement**

The following enforcement provisions shall apply to all City of Lago Vista water customers:

- (1) No person shall knowingly or intentionally use or allow the use of water from the city 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.

- (2) Any person who violates this Article 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 and the date and time it was observed. 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 Article, punishable by a minimum fine of \$100.00 and a maximum fine not to exceed \$500.00.;
    2. And may be subject to a civil penalty not to exceed \$1000.00
  - c. Following the third documented violation, the violator shall:
    1. Be criminally responsible for the violation of this Plan, punishable by a minimum fine of \$250.00 and a maximum fine of \$500.00;
    2. And may be subject to a civil penalty of not to exceed \$1000.00.
  - d. Following the fourth documented violation, the city 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 city so that the same action shall not be repeated while this Article is in effect. The city 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.
- (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 person, however, shall have the right to show that he did not commit the violation.
- (4) The city manager or his designee shall have the power to enforce the provisions of this Article.
- (5) 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 Plan.
- (6) 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.

(7) Compliance with this Article also may be sought through injunctive relief in state district court.

(8) Enforcement for Wholesale Customers

- a. Wholesale treated water customers shall provide the city with an order, ordinance, or resolution to demonstrate adequate enforcement provisions for the wholesale customer's own drought contingency plan.
- b. In addition, wholesale treated 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 city by law or under the terms of the wholesale water contracts:
  1. First documented violation: Written notice of violation
  2. Second documented violation: Penalty fee of a minimum of \$2,500.00 and a maximum fee of \$10,000.00.
  3. Third documented violation: Penalty fee of a minimum of \$5,000.00 and a maximum fee of \$10,000.00.
- c. Penalties for wholesale treated water customers:
  1. First documented violation: Written notice of violation
  2. Second documented violation: Penalty fee of a minimum of \$2,500.00 and a maximum fee of \$10,000.00.
  3. Third documented violation: Penalty fee of a minimum of \$5,000.00 and a maximum fee of \$10,000.00.

**Sec.13.1109 Variances**

- (a) The city manager may grant variances:
  - (1) 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; and
  - (2) Allowing the use of alternative water sources (i.e., ground water, 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.
- (b) The city manager may grant in writing temporary variances for existing 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 plan cannot be accomplished during the duration of the time the plan is in effect; or
  2. Alternative methods can be implemented that will achieve the same level of reduction in water use.
- (c) 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 designee will review petitions for variances. The petitions shall include the following:

1. Name and address of the petitioner.
2. Purpose of water use.
3. Specific provision of the plan 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 plan.
5. Description of the relief requested.
6. Period of time for which the variance is sought.
7. Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this plan and the compliance date.
8. Other pertinent information.

(d) Variances granted by the city 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.

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

### **Sec. 13.1010 Drought Contingency Planning Updates**

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

## APPENDICES

### Appendix A – Watering Schedule, No More Than Twice Per Week

#### City of Lago Vista Water System

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:

#### **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