

City of Round Rock's Drought Contingency and Peak Day Water Use Management Plan

SECTION 10.800 DROUGHT CONTINGENCY AND PEAK DAY WATER USE MANAGEMENT PLAN

10.801 SCOPE

The regulations adopted in the Section shall be referred to as the Drought Contingency and Peak Day Water Use Management Plan (the Plan).

10.802 DECLARATION OF POLICY

It is declared that, because safe and high-quality drinking water is a precious resource, the general welfare required that the water resources available to the City be put to the maximum beneficial use, and that the waste or unreasonable use of water be prevented, and the conservation of water is to be encouraged with a view to its reasonable and beneficial use in the interests of the people of the City and for the public health, safety, and welfare. The City Council has determined that an aggressive water conservation and drought contingency program will protect the integrity of water supply facilities, prolong the life of existing water sources, and minimize the impacts of water supply shortages, and therefore adopts the following regulations and restrictions of the delivery and consumption of water. Water uses regulated or prohibited under this Plan are considered to be non-essential and continuation of such uses during time of water shortage or other emergency water supply conditions are deemed to constitute a waste of water which may subject the offender to penalties.

10.803 DEFINITIONS

For the purpose of this Section, the definitions set forth in Subsection 10.105 of the Code of Ordinances of Round Rock, Texas shall apply unless the context clearly indicates or requires a different meaning.

10.804 PUBLIC INVOLVEMENT

Opportunity for the public to provide input into the preparation of the Plan or any modifications has been provided by the City by means of scheduling and providing public notice of a public meeting to accept input on the Plan or any modifications. Further, the public is always invited to attend City Council meetings to offer input for future modifications to the Plan. This Plan shall be reviewed and updated at least every five (5) years and shall take into account any revisions to the regional water plan.

10.805 IMPLEMENTATION

The City Manager, or the Manager's designee, upon the recommendation of the Director, is hereby authorized and directed to implement the applicable Conservation Stages upon his or her determination that the implementation is necessary to protect the public health, safety, and welfare. The City Manager or the Manager's designee shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Section.

10.806 APPLICATION

The provisions of this Section shall apply to all Persons, Customers, and owners of property who use or allow the use of City water, wherever situated. The terms "Person" and "Customer" as used in this Section include individuals, corporations, partnerships, associations and all other legal entities.

10.807 PUBLIC EDUCATION

The City will periodically provide the public with information about the Plan, including information about the conditions under which each Stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each Stage. Drought plan and water conservation information will be provided by public meeting, press releases, utility bill inserts and the City's website.

10.808 COORDINATION WITH REGIONAL PLANNING GROUPS

The service area of the City is located within Brazos G Regional Water Planning Group (RWPG). The City has provided a copy of this Plan and any modifications to the RWPG and a City representative regularly attends scheduled meetings of the RWPG to discuss regional water issues.

10.809 WHOLESALE PROVIDERS

The City contracts for raw water in Lake Georgetown and Lake Stillhouse Hollow from the Brazos River Authority and Lake Travis from the Lower Colorado River Authority. The City will comply with and implement any drought contingency requirements that may be set forth in any contracts with these River Authorities.

10.810 WHOLESALE CUSTOMERS

- (1) All wholesale water contracts require compliance with the City's Plan and drought contingency and water conservation programs. Each contract specifies that the water supplied to the wholesale Customer may be reasonably limited by the City on the same basis and to the same extent as the supply of water to any other Customers within the City.
- (2) All wholesale contracts entered into, renewed or extended after the adoption of this Plan will include provisions for distributing water to the wholesale Customer in accordance with the Texas Water Code, Section 11.039.

10.811 COMPLIANCE; CRITERIA FOR INITIATION AND TERMINATION OF RESPONSE STAGES

- (1) No Customer of the City water utility, nor any Person who uses or purchases water from the City water utility, may knowingly make, cause, use, or permit the use of water received from the City for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Section, or in an amount greater than that use permitted by the conservation Stage in effect under action taken by the City Manager, or his or her designee, in accordance with this Section.
- (2) The Director shall monitor water supply and demand conditions on an ongoing basis and shall determine when conditions warrant initiation or termination of each Stage of the Plan. In addition to monitoring the specific triggers listed below, the Director shall promulgate guidelines as needed that set forth additional criteria for determining when conservation Stages are to be implemented and terminated. The Director shall update the guidelines when, in the opinion of the Director, changed conditions of the utility system require the update. The Director shall include in such guidelines a calendar symbol system designating allowed days for outdoor water use by Customer. The guidelines shall be available for inspection at the City Secretary's office and the Utility Billing office during normal business hours.
- (3) The City has identified three levels of conservation and/or drought conditions at which specific actions will be conducted. The triggering criteria described herein are based on a statistical analysis of the vulnerability of the water source under drought of record conditions, or based upon known system capacity.

(4) Stage I Triggers for Initiation and Termination(a) Requirements for initiation

- (i) Stage I Use Management criteria shall be in effect from May 1st to September 30th of each year unless there is an announcement by the City Manager of Stage II or III; or
- (ii) Pursuant to requirements specified in the City's wholesale water supply contracts, notification is received from the City's wholesale water suppliers requesting initiation of the Stage I restrictions.

(b) Requirements for termination

Stage I Use Management criteria may be rescinded when all of the conditions listed as triggering events have ceased. Upon termination of Stage I, Year-Round Water Use Management shall become operative.

(5) Stage II Triggers for Initiation and Termination(a) Supply-Based Triggers for Initiation of Stage II are as follows:

- (i) If for three consecutive days, all of the following occur: Well 4 water table level drops to 40 feet above the pump, Lake Georgetown Reservoir elevation is below 770 feet above Mean Sea Level (msl), and Lake Stillhouse Hollow Reservoir elevation is below 593.5 feet above msl;
- (ii) Supply source contamination which reduces or inhibits the ability to produce potable drinking water;
- (iii) Pursuant to requirements specified in the City's wholesale water supply contracts, notification is received from the City's wholesale water suppliers requesting initiation of the Stage II restrictions; or
- (iv) Any other reason as determined by the Director.

(b) Demand or Capacity-Based Triggers for Stage II are as follows:

- (i) Drinking water treatment capacity has reached ninety percent (90%) for three (3) consecutive days;
- (ii) Total daily demand has reached ninety percent (90%) of the raw water pumping capacity for three (3) consecutive days;
- (iii) Total daily demand is ninety percent (90%) of storage capacity for three (3) consecutive days;
- (iv) Total daily demand is ninety percent (90%) of the treated water pumping capacity for three (3) consecutive days;
- (v) Production or distribution limitations including but not limited to system outages or equipment failure; or
- (vi) Any other reason as determined by the Director.

(c) Requirements for termination of Stage II restrictions.

Stage II of the Plan may end when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of Stage II, Stage I restrictions become operative.

(6) Stage III Triggers for Initiation and Termination(a) Supply-Based Triggers for Stage III are as follows:

- (i) If for three consecutive days, all of the following occur: Well 4 water table level drops to 35 feet above the pump, Lake Georgetown Reservoir elevation is below 765 feet above msl, and Lake Stillhouse Hollow elevation is below 574.1 feet above msl;
- (ii) Supply source contamination which severely reduces or inhibits the ability to produce potable drinking water;
- (iii) Pursuant to requirements specified in the City's wholesale water supply contract, notification is received from the City's wholesale water supplier requesting initiation of the Stage III restrictions; or
- (iv) Any other reason as determined by the Director.

(b) Demand or Capacity-Based Triggers for Stage III are as follows:

- (i) Drinking water treatment capacity has reached ninety-five percent (95%) for three (3) consecutive days;
- (ii) Total daily demand has reached ninety-five percent (95%) pumping capacity for three (3) consecutive days;
- (iii) Total daily demand is ninety-eight percent (98%) of the storage capacity for three (3) consecutive days;
- (iv) Significant production or distribution limitations including but not limited to system outages and equipment failure; or
- (v) Any other reason as determined by Director.

(c) Requirements for termination of Stage III restrictions:

Stage III of the Plan may end when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of Stage III, Stage II restrictions become operative unless also rescinded.

10.812 YEAR-ROUND WATER USE MANAGEMENT

- (1) A Person who obtains water directly or indirectly from the City shall comply with this Subsection at all times.
- (2) The following acts constitute a waste of water and are prohibited:
 - (a) failing to repair a controllable leak, including a broken sprinkler head, a leaking valve, leaking or broken pipes, or a leaking faucet;

- (b) operating a permanently installed irrigation system with:
 - (i) a broken head;
 - (ii) a head that is out of adjustment where the arc of the spray head is over a street or parking lot; or
 - (iii) during irrigation, allowing water to run off a property such that there is a trail of water that is running in the street for a distance of fifty (50') feet or greater, or allowing water to pond in the street or parking lot to a depth greater than 1/4 of an inch.

10.813 CONSERVATION RESPONSE STAGES

(1) Stage I-Voluntary Water Use Management

- (a) Stage I will begin on May 1st and end on September 30th of each year and at all other times when announced by the City Manager or as authorized by this Chapter.
- (b) The Stage I announcement will be designed to increase Customer awareness of water conservation and encourage the most efficient use of water. A copy of the current public announcement on water conservation awareness shall be kept on file at the Utilities Department office for inspection by the Commission.
- (c) Water Customers are requested to voluntarily limit the use of water for non-essential purposes and to practice water conservation. Voluntary observance of the regional five-day watering schedule is requested.
- (d) Target: Raise public awareness of the supply situation and achieve a three percent reduction in the daily water demand that would have occurred in the absence of any drought contingency or conservation measures.

(2) Stage II Mandatory Water Use Management

- (a) When there is an announcement of Stage II by the City Manager, the following restrictions apply to all Customers of, or Persons who use water directly or indirectly from the City (except those Customers who use treated wastewater effluent or raw water), for the uses described below:
 - (i) All outdoor irrigation by hose end sprinklers, soaker hoses, or drip irrigation may occur only on a designated outdoor water use day and only between the hours of 12:00 midnight to 10:00 a.m. and between the hours of 7:00 p.m. to 12:00 midnight. All outdoor irrigation of vegetation by permanently installed automatic irrigation systems may occur only between the hours of 12:00 midnight to 10:00 a.m. on designated outdoor water use days. Irrigation by hand-held hoses or hand-held buckets is permitted anytime. The public is encouraged to wait until Stage II is terminated to establish new landscaping. The time

restrictions do not apply to the irrigation of commercial plant nurseries; however, these establishments shall curtail all nonessential water use.

- (ii) The washing of automobiles, trucks, trailers, boats, airplanes, or other type of mobile equipment is prohibited except on designated outdoor water use days between the hours of 12:00 midnight to 10:00 a.m. and between the hours of 7:00 p.m. and 12:00 midnight. The washing, when allowed, must be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. The nozzle must be removed when the hose is not in use. The washing of each individual automobile, truck, trailer, boat, airplane or any other type of mobile equipment in violation of the terms and conditions of this restriction constitutes a separate violation under this Section. However, this restriction does not apply to the washing of vehicles or mobile equipment when conducted on the immediate premises of a commercial carwash or a commercial service station. Furthermore, this restriction does not apply to the washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment (such as garbage trucks and vehicles used to transport food and perishables) when the washing is necessary on a more regular and frequent basis in order to protect the health, safety and welfare of the public. Charity carwashes are prohibited.
- (iii) The watering of the ground around foundations to prevent foundation cracking is prohibited except on designated outdoor water use days between the hours of 12:00 midnight to 10:00 a.m. and between the hours of 7:00 p.m. and 12:00 midnight.
- (iv) The refilling or adding of water to swimming or wading pools, or ponds, is prohibited. However, this restriction does not apply to public swimming pools and wading pools equipped with filtration and a recirculation system that includes the gutter drains or that are not using water from the City's water distribution system. However, public pools may not be filled if there are unrepaired leaks.
- (v) The operation of any ornamental fountain or other structure making similar use of water is prohibited except where necessary to support aquatic life.
- (vi) The use of water for irrigation of golf fairways is prohibited except on designated outdoor water use days between the hours of 12:00 midnight to 10:00 a.m. and between the hours of 7:00 p.m. and 12:00 midnight. The irrigation of golf course greens and tees is allowed on an every-other-day schedule if a plan is filed detailing such schedule. These restrictions do not apply to the irrigation of any golf course which utilizes wastewater effluent, ground water or raw water.
- (vii) The use of water from fire hydrants shall be limited to firefighting-related activities or other activities necessary to maintain the health, safety, and welfare of the citizens of Round

Rock; however, routine flushing of fire hydrants for other than health and safety reasons is prohibited. This restriction does not apply to businesses which require the use of water for land development and building construction processes. By written approval from the Director, the businesses may purchase and draw water from fire hydrants designated for that use by the Director.

- (viii) Street washing using potable water from hydrants is prohibited. Street washing may occur if reclaimed water is used.
 - (ix) During Stage II restrictions, the City shall visually inspect lines and repair leaks on a daily basis; reduce or discontinue the flushing of water mains; discontinue the routine street cleaning programs; and consider activating inter-connects with other utility providers.
 - (x) Potential alternate water sources for the City are identified as:
 - a. Wells 7 and 9; and
 - b. Inter-connection with the City of Austin or City of Georgetown.
 - (xi) The following uses of water are prohibited:
 - a. Failing to repair a controllable leak, such as broken sprinkler heads and leaking valves or faucets.
 - b. Washing sidewalks, driveways, parking areas, streets, tennis courts, patios, or other paved areas, except to alleviate immediate health or fire hazards.
 - c. Operating a permanently installed irrigation system with broken heads, with heads that are out of adjustment that spray more than ten percent (10%) of the spray on streets or parking lots, or that are misting.
 - d. Allowing water to run off a property during irrigation, in the street or parking lot to a depth greater than 1/4 of an inch.
- (b) The Stage II restrictions do not apply to the following uses of water:
- (i) The necessary use of water, other than for landscape irrigation, by a governmental entity in pursuit of its governmental functions for the benefit of the public, such as for capital improvement construction projects.
 - (ii) The necessary use of water, other than for landscape irrigation, for land development (such as roadway base preparation, flushing of utility lines, dust control, concrete and asphalt work) and for building construction processes.
 - (iii) The necessary use of water for repair of water distribution facilities, residential and commercial plumbing and permanently installed landscape irrigation systems.
 - (iv) The use of water necessary for the establishment of specially permitted landscaping in new, residential and commercial development should be postponed if at all possible. If the installation cannot be postponed, the irrigation schedule for the

first thirty (30) days after installation on notification to the Director may not exceed the following frequency of irrigation:

Days 1-10	Once per day
Days 11-20	Once every other day
Days 21 - 30	Once every third day
After 30 th day	Standard restrictions apply

Watering must take place during the permitted hours and, if the landscape cannot be sustained based on this schedule, installation should be postponed.

- (v) The necessary use of water for athletic fields for organized youth, amateur, or professional sports such as football, soccer or baseball where the field is in use or will be in use within sixty (60) days of the institution of Stage II restrictions.
 - (c) Target: Achieve a five percent (5%) reduction in the daily water demand that would have occurred in the absence of any drought contingency or conservation measures.
- (3) Stage III Emergency Water Use Management:

The City Manager, or his or her designee, may implement the following restrictions to apply to all Customers or the City's water utility or to any Persons who use water directly or indirectly from the City's water utility, and to apply in the areas designated by the City Manager or his or her designee. The restrictions do not apply to any Customer using treated wastewater effluent or raw water for the uses described below. All elements of Stage II remain in effect in Stage III except that:

- (a) All outdoor irrigation of vegetation by hand-held hoses or hand-held watering cans may occur only on designated outdoor water use days and between the hours of 6:00 a.m. to 10:00 a.m. and between 7:00 p.m. to 10:00 p.m. Irrigation is prohibited, including but not limited to foundation watering, using permanently installed irrigation systems, hose end irrigation, or drip irrigation. These restrictions are not applicable to the necessary use of water for irrigation of professional athletic fields.
- (b) The washing of automobiles, trucks, trailers, boats, airplanes, and other types of mobile equipment is prohibited, unless occurring on the immediate premises of a commercial carwash or a commercial service station and unless it is in the immediate interest of the public health, safety, and welfare. The washing of automobiles, trucks, trailers, boats, airplanes, and other types of mobile equipment may occur between 12:00 noon and 5:00 p.m. on the immediate premises of a commercial carwash or a commercial service station if it is in the immediate interest of the public health, safety and welfare.

- (c) Commercial plant nurseries may use only hand-held hoses, hand-held watering cans, or drip irrigation.
- (d) The filling, refilling, or adding of potable water to public swimming or wading pools is prohibited.
- (e) No new landscapes of any type may be established.
- (f) During Stage III restrictions the City shall visually inspect lines and repair leaks on a daily basis and discontinue the flushing of water mains except as needed for health and safety reasons.
- (g) Target: Achieve a seven percent (7%) reduction in the daily water demand that would have occurred in the absence of any drought contingency or conservation measures.

10.814 POWERS OF THE DIRECTOR

The Director may, at any time, implement mandatory water restrictions in addition to those restrictions named in the Plan to protect the public health and safety in the event of unusual operational events, catastrophic occurrences, or severe weather events. The Director may implement mandatory restrictions by public announcement and the restrictions are effective immediately upon the making of such public announcement. In the event the Director implements restrictions pursuant to this Subsection to protect the public health and safety of the public, the notice provisions contained in Section 10.815 do not apply.

10.815 NOTICE REQUIREMENTS

- (1) Written notice will be provided to each wholesale Customer prior to implementation or termination of each Stage of the Plan. Mailed notice must be given to each wholesale Customer seventy-two (72) hours prior to the start of water restriction. If notice is hand-delivered, the City cannot enforce the provisions of the plan for twenty-four (24) hours after notice is provided.
- (2) Notice to all other Customers will be given through press releases, cable television announcements, postings in public areas and on the web. These notices will be made prior to implementation or termination of each Stage of the Plan.
- (3) All notifications will contain, at a minimum, the following information:
 - (a) the date restrictions will begin,
 - (b) the circumstances that triggered the restrictions,
 - (c) the Stages of response and explanation of the restrictions to be implemented,
 - (d) an explanation of the consequences for violations.

- (4) The City will notify the Commission by telephone, or electronic mail prior to initiating Conservation Stages. Written notification will be delivered to the Commission Public Drinking Water Section at MC - 155, P.O. Box 13087, Austin, Texas 78711-3087, within five (5) working days of implementation. Copies of all public notices will be included.
- (5) The City will notify directly, or cause to be notified directly, the following individuals and entities when Stage III is required to be implemented:
 - (a) County Emergency Management Coordinator;
 - (b) County Judge and Commissioners;
 - (c) Round Rock ISD; and
 - (d) Critical and large water users, i.e. hospitals, care centers.
- (6) The City will file a status report of its restriction program with the Commission every thirty (30) days that restriction continues.

10.816 NOTICE OF VIOLATIONS

- (1) The Customer will be given a written notice describing specific violations at least twenty-four (24) hours prior to enforcement by measures authorized in Subsections 10.816(2) and (3).
- (2) After written notice, the City may install a flow restricting device in the line to limit the amount of water which will pass through the meter in a 24 hour period. The City may charge the Customer for the actual cost of installing and removing the flow restricting device, not to exceed Fifty Dollars (\$50.00).
- (3) If a Customer has been convicted of three (3) or more distinct violations of this Plan, the City may, upon due notice to the Customer, discontinue service at the meter for a period of seven (7) days, or until the end of the calendar month, whichever is less. The normal reconnect fee of the City will apply for restoration of service. In addition, suitable assurance must be given to the City that the same action will not be repeated while the Plan is in effect.

10.817 VARIANCE; ALTERNATIVE COMPLIANCE

- (1) The Director may grant any Customer a temporary variance from the Plan when failure to grant such variance would cause an emergency condition adversely affecting the public health, welfare or safety, and if one of the following conditions are met:
 - (a) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect; or

- (b) Alternative methods can be implemented which will achieve the same or better level of reduction in water use.
- (2) The Director shall inform the Customer in writing concerning the granting or denial of such variance and any conditions that may accompany such variance, including any timetables for compliance with the Plan. The City will treat all Customers equally concerning variances, and shall not discriminate in granting variances. No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance. Variances granted shall expire when the particular Stage of the Plan has been terminated.
 - (3) Customers requesting a variance shall file a petition for variance with the Director within five (5) days after the Plan or a particular Stage has been invoked. All petitions shall be reviewed by the Director and shall include the following information:
 - (a) Name and address of the petitioner(s);
 - (b) Purpose of water use;
 - (c) Specific provisions of the Plan from which the petition is requesting relief;
 - (d) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Plan;
 - (e) Description of the relief requested;
 - (f) Period of time for which the variance is sought;
 - (g) 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;
 - (h) Other pertinent information.
 - (4) If approved, the Customer shall keep a copy of the alternative water use requirements in the location accessible and visible to the public.

10.818 ENFORCEMENT AND PENALTY

- (1) For purposes of this Section, the Person or Customer in whose name the water utility of the City last billed or who is receiving the economic benefit of the water supply is presumed to have knowingly made, caused, used or permitted the use of water received from the City for residential, commercial, industrial, agricultural, governmental or any other purpose in a manner contrary to any provision of this Section, or in an amount more than the use permitted by the conservation Stage in effect and proof that the violation occurred on the Person's

or Customer's property shall constitute a rebuttal presumption that the Person or Customer committed the violation.

- (2) A Person commits an offense if the Person performs an act prohibited by this Section or fails to perform an act required by this Section. Each instance of a violation of this Section is a separate offense. A warning may be issued for the first violation.
- (3) Proof of a culpable mental state is not required for a conviction of an offense under this Section.
- (4) Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parent's control shall constitute a rebuttal presumption that the parent committed the violation.
- (5) An offense under this Section is a Class C misdemeanor, punishable by a fine not to exceed Two Thousand Dollars (\$2,000.00). Prosecution of an offense under any subsection does not preclude other enforcement remedies under this Section. The enforcement of other remedies under this Section does not prevent prosecution for a violation of this Section under any subsection of any Section.
- (6) For repeat violations of this Section, water service may be disconnected or restricted.
- (7) If a Customer is irrigating during a time period or on a day when irrigation is not permitted for the street address of that Customer and a City worker cannot find any Person at that street address to turn off the irrigation system, the City worker may enter the property and turn off the irrigation system.
- (8) The City's authority to seek injunctive or other civil relief available under the law is not limited by this Section.

(Ordinance No. G-02-04-11-15A1 of April 11, 2002 as amended by Ordinance No. G-06-06-08-9C1 of June 8, 2006)