

ORDINANCE NO. O-2024-150

AN ORDINANCE AMENDING CHAPTER 44, ARTICLE VIII, CODE OF ORDINANCES (2018 EDITION), CITY OF ROUND ROCK, TEXAS, REGARDING DROUGHT CONTINGENCY AND WATER USE MANAGEMENT; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK, TEXAS:

I.

That Chapter 44, Article VIII, Code of Ordinances (2018 Edition), City of Round Rock, Texas, is hereby amended to read as follows:

ARTICLE VIII. DROUGHT CONTINGENCY AND WATER USE MANAGEMENT

Sec. 44-221. Declaration of policy.

It is declared that, because safe and high-quality drinking water is a precious resource, the general welfare requires 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 on the delivery and consumption of water. Water uses regulated or prohibited under this plan are considered to be nonessential 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.

The city council has also determined that it is its policy that water customers are encouraged to voluntarily limit the use of water for nonessential purposes and to practice water conservation.

Sec. 44-222. Definitions.

For the purpose of this article, the definitions set forth in section 44-5 shall apply, unless the context clearly indicates or requires a different meaning.

Sec. 44-223. Implementation.

The city manager is hereby authorized and directed to implement the applicable conservation stages upon his/her determination that the implementation is necessary to protect the public health, safety and welfare. The city manager shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this article.

Sec. 44-224. Application.

The provisions of this article 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 article, include individuals, corporations, partnerships, associations and other legal entities. The provisions of this article do not apply to: (i) persons who use water from private wells; (ii) persons who use water from the city's reuse water system; or (iii) persons who otherwise use water from a source other than the city's utility system.

Sec. 44-225. Public education.

The city will provide the public with information about water use, including information about the conditions under which each stage of this article is to be initiated or terminated and the drought response measures to be implemented in each stage. Drought and water conservation information will be provided by public meeting, press releases, utility billing inserts, the city's website, direct mailouts and/or electronic media notification.

Sec. 44-226. Wholesale providers.

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

Sec. 44-227. Wholesale customers.

- (a) All wholesale water contracts require compliance with the city's 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.
- (b) 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 V.T.C.A., Water Code § 11.039.

Sec. 44-228. Year-round water conservation.

- (a) When not in an implemented drought stage, it is requested that at all times water customers follow the same two day per week watering schedule as set forth in Section 44-230 if the water customer chooses to irrigate outdoors. Irrigation with an automatic irrigation system, hose end sprinkler, or drip or soaker hoses is discouraged between the hours of 10:00 a.m. and 7:00 p.m. all year round. Watering days shall be on the same schedule as set forth in section 44-230. Watering by hand with a handheld hose may continue to occur at any time.
- (b) The city will engage in educational programs designed to increase customer awareness of water conservation and encourage the most efficient use of water. The City of Round Rock Water Conservation Plan may be referred to for additional details on education and conservation outreach.

Sec. 44-229. Stage I triggers.

- (a) Stage I shall be implemented when any of the following triggers occur:
 - (1) Supply-based trigger for implementation of stage I is as follows:
 - a. Lake Georgetown Reservoir elevation is below 775 feet above mean sea level (msl) for three consecutive days; or

- b. The combined storage of Lake Georgetown, and Lake Stillhouse Hollow is less than 222,398 acre feet of water; and
 - c. The combined storage of Lake Buchanan and Lake Travis is less than 1.1 million acre feet of water.
- (2) Demand or capacity-based triggers for implementation of stage I are as follows:
- a. Total daily demand has reached 85 percent of total water treatment capacity in the water treatment plant, Lake Creek Groundwater Well Site, and the BCRUA Water Treatment Plant for three consecutive days;
 - b. Total daily demand has reached 85 percent of the raw water pumping capacity for three consecutive days;
 - c. Total daily demand is 85 percent of storage capacity for three consecutive days;
 - d. Total daily demand is 85 percent of the treated water pumping capacity for three consecutive days; or
 - e. Production or distribution limitations including, but not limited to system outages or equipment failure.
- (3) Wholesale water suppliers' triggers:
- a. Pursuant to requirements specified in the city's wholesale water supply contract(s), notification is received from the city's wholesale water supplier(s) requesting implementation of the stage I restrictions.
- (4) Public health, safety, and welfare triggers:
- a. The city manager makes a written public announcement that he/she has reasonably determined that one or more reasons exist to initiate stage I restrictions to protect the health, safety, and welfare of the citizens of the city.
 - b. The implementation of stage I by the city manager pursuant to subsection (4)a. above, shall expire 15 days thereafter unless the city council adopts a resolution ratifying such determination and implementation within such 15-day period.
- (b) Stage I may terminate when any of the following occurs:
- (1) When the city manager makes a public announcement that all of the conditions listed as triggering events have ceased to exist for a period of three consecutive days; or
 - (2) When the city manager makes a public announcement that it is in the best interest of the city to terminate stage I.

Sec. 44-230. Stage I twice-per-week watering schedule.

The stage I twice-per-week watering schedule is hereby established as follows:

Property Address Ending Number	Watering Days	Watering Times
4 or 8	Sunday/Thursday	Midnight to 10:00 a.m. and 7:00 p.m. to midnight
0 or 3	Monday/Thursday	
2, 6, or 7	Tuesday/Friday	
1, 5, or 9	Wednesday/Saturday	

Sec. 44-231. Stage II triggers.

- (a) Stage II shall be implemented when any of the following triggers occur:
- (1) Supply-based trigger for implementation of stage II is as follows:
 - a. Lake Georgetown Reservoir elevation is below 770 feet above mean sea level (msl) for three consecutive days; or
 - b. The combined storage of Lake Georgetown, Lake Stillhouse Hollow is less than 178,186 acre feet of water; and
 - c. The total combined storage of Lake Buchanan and Lake Travis is less than 900,000 acre feet of water.
 - (2) Demand or capacity-based triggers for implementation of stage II are as follows:
 - a. Total daily demand has reached 90 percent for three consecutive days of total water treatment capacity in the water treatment plant, Lake Creek Groundwater Well Site, and the BCRUA Water Treatment Plant;
 - b. Total daily demand has reached 90 percent of the raw water pumping capacity for three consecutive days;
 - c. Total daily demand is 90 percent of storage capacity for three consecutive days;
 - d. Total daily demand is 90 percent of the treated water pumping capacity for three consecutive days; or
 - e. Production or distribution limitations including, but not limited to system outages or equipment failure.
 - (3) Wholesale water suppliers triggers:
 - a. Pursuant to requirements specified in the city's wholesale water supply contract(s), notification is received from the city's wholesale water supplier(s) requesting implementation of the stage II restrictions.
 - (4) Public health, safety, and welfare triggers:
 - a. The city manager makes a written public announcement that he/she has reasonably determined that one or more reasons exist to initiate stage II restrictions to protect the health, safety, and welfare of the citizens of the city.
 - b. The implementation of stage II by the city manager pursuant to subsection (4)a. above shall expire 15 days thereafter unless the city council adopts a resolution ratifying such determination and implementation within such 15-day period.
- (b) Stage II may be terminated when any of the following occurs:
- (1) When the city manager makes a public announcement that all of the conditions listed as triggering events have ceased to exist for a period of seven consecutive days; or
 - (2) When the city manager makes a public announcement that it is in the best interest of the city to terminate stage II.

Sec. 44-232. Stage II once-per-week watering schedule.

The stage II once-per-week watering schedule is hereby adopted and established as follows:

Property Address	Watering Days	Watering Times
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Ending Number		
3	Monday	Midnight to 10:00 a.m. and 7:00 p.m. to midnight
2	Tuesday	
1	Wednesday	
0	Thursday	
6 or 7	Friday	
5 or 9	Saturday	
4 or 8	Sunday	

Sec. 44-233. Stage I and stage II water conservation regulations.

- (a) When either stage I or stage II mandatory water conservation regulations are implemented, the following restrictions and prohibitions shall be in effect:

- (1) *Outdoor irrigation.* All outdoor irrigation by automatic irrigation systems, hose end sprinklers, soaker hoses, or drip irrigation is prohibited unless it occurs in compliance with the applicable stage I or stage II watering schedule. Irrigation by hand-held hoses or hand-held buckets is permitted anytime. The outdoor watering day and time restrictions do not apply to outdoor irrigation by commercial plant nurseries.
- (2) *Vehicle washing.* The washing of automobiles, trucks, trailers, boats, airplanes, or other type of mobile equipment is prohibited except in compliance with the applicable stage I or stage II watering schedule. The washing, when allowed, must be done with a hand-held bucket or a hand-held hose with a nozzle shut-off device attached. Charity or fundraising car wash events may only occur on the premises of a commercial car wash facility.

The vehicle washing prohibition does not apply to the following:

- a. The washing of vehicles or mobile equipment when conducted on the immediate premises of a commercial carwash or a commercial service station; or
- b. 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.
- (3) *Power washing.* The day and time regulations of outdoor watering do not apply to commercial companies in the business of power washing. All other water customers shall only engage in power washing on one of their designated watering days.
- (4) *Foundation watering.* The watering of the ground around foundations is prohibited except in compliance with the applicable stage I or stage II watering schedule.
- (5) *Fountains and similar water features.*
 - a. Pursuant to §44-6(b)(3), the operation of ornamental fountains, splash pads, or other similar structures that do not recirculate the water is prohibited.
 - b. During stage I, the operation of ornamental fountains, splash pads, or other similar structures that recirculate water is permitted.
 - c. During stage II, the operation of ornamental fountains, splash pads, or other similar structures that recirculate water is prohibited.
- (6) *Golf courses.* The use of water for irrigation of golf fairways is prohibited except in compliance with the applicable stage I or stage II watering schedule. The irrigation of golf course greens and tees is allowed on an every-other-day schedule if a plan therefor is approved in writing by the director.

- (7) *Fire hydrants.* The use of water from fire hydrants is prohibited except for firefighting-related activities or other activities necessary to maintain the health, safety, and welfare of the citizens of the city. Routine flushing of fire hydrants for other than health and safety reasons is prohibited.
 - (8) *Street washing.* The washing of streets, sidewalks, and driveways is prohibited.
 - (9) *New landscaping.* Because of the watering restrictions imposed by this section, landowners are encouraged to postpone the installation of new landscaping until after all mandatory restrictions are lifted. In lieu of installing the required landscaping during mandatory restrictions, owners of new construction may apply for a temporary certificate of occupancy in accordance with subsection 10-56(d) of this Code. A dedicatory instrument shall not require the installation of irrigation or grass when stage I, II or III restrictions are in effect. For the purposes of this Article, a “dedicatory instrument” shall be defined as a governing instrument for the establishment, maintenance, and operation of a residential subdivision, planned unit development, condominium, townhouse regime, or any similar planned unit development.
- (b) The stage I and stage II regulations do not apply to the following:
- (1) 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.
 - (2) 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.
 - (3) The necessary use of water for repair of water distribution facilities, residential and commercial plumbing and landscape irrigation systems.
 - (4) 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 60 days of the institution of stage I or II restrictions.
- (c) Stage I and stage II regulations are intended to achieve the following target reductions in water consumption:
- (1) Stage I regulations are intended to achieve a 10 percent reduction in daily water consumption.
 - (2) Stage II regulations are intended to achieve a 20 percent reduction in daily water consumption.

Sec. 44-234. Stage III triggers.

- (a) Stage III shall be implemented when any of the following triggers occur:
- (1) Supply-based trigger for implementation of stage III is as follows:
 - a. Lake Georgetown Reservoir elevation is below 765 feet above mean sea level (msl) for three consecutive days; or
 - b. The combined storage of Lake Georgetown, and Lake Stillhouse Hollow is less than 133,975 acre feet of water; and
 - c. The total combined storage of Lake Buchanan and Lake Travis is less than 750,000 acre feet of water.
 - (2) Demand or capacity-based triggers for implementation of stage III are as follows:
 - a. Total daily demand has reached 95 percent of total water treatment capacity in the water treatment plant, Lake Creek Groundwater Well Site, and the BCRUA Water Treatment Plant for three consecutive days;
 - b. Total daily demand has reached 95 percent pumping capacity for three consecutive days;

- c. Total daily demand is 95 percent of the storage capacity for three consecutive days; or
 - d. Significant production or distribution limitations including, but not limited to, system outages and equipment failure.
- (3) Wholesale water suppliers' triggers:
- a. Pursuant to requirements specified in the city's wholesale water supply contract(s), notification is received from the city's wholesale water supplier(s) requesting implementation of the stage III restrictions.
- (4) Public health, safety, and welfare triggers:
- a. The city manager makes a written public announcement that he/she has reasonably determined that one or more reasons exist to initiate stage III restrictions to protect the health, safety, and welfare of the citizens of the city.
 - b. The implementation of stage III by the city manager pursuant to subsection (a)(1) above shall expire 15 days thereafter unless the city council adopts a resolution ratifying such determination and implementation within such 15-day period.
- (5) Triggers for termination of stage III restrictions:
- a. Stage III may terminate when the city manager makes a public announcement that all of the conditions listed as triggering events have ceased to exist for a period of three consecutive days; or
 - b. When the city manager makes a public announcement that it is in the best interest of the city to terminate stage III.

Sec. 44-235. Stage III water conservation regulations.

- (a) When stage III mandatory water conservation regulations are implemented, the following restrictions and prohibitions shall be in effect:
- (1) *Outdoor irrigation.* Except as provided below, all outdoor irrigation of vegetation is prohibited. Irrigation by hand-held hoses or hand-held water cans is permitted in compliance with the stage II once-per-week watering schedule found in section 44-232. Commercial plant nurseries are permitted to irrigate by hand-held hoses or hand-held water cans Monday through Friday only.
 - (2) *Vehicle washing.* 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 Monday through Friday only.
 - (3) *Power washing.* Power washing is prohibited, except by commercial power/pressure washing businesses Monday through Friday only.
 - (4) *Foundation watering.* The watering of the ground around foundations is prohibited except by hand-held hoses or soaker hoses and in compliance with the stage II once-per-week watering schedule found in section 44-232.
 - (5) *Pools.* Except as provided below, the refilling or adding of water to nongovernment owned swimming pools, hot tubs, wading pools, or ponds is prohibited. For new swimming pools, hot tubs, wading pools, and ponds, the initial filling of said new water features and the refilling or adding of water in existing water features in accordance with the stage II schedule is permitted if necessary to prevent damage to the pool or equipment.
 - (6) *Fountains and similar water features.* The operation of ornamental fountains, splash pads, or other similar structures is prohibited.
 - (7) *Golf courses.* The use of potable water for irrigation of golf courses is prohibited.

- (8) *Fire hydrants.* The use of water from fire hydrants is prohibited except for firefighting-related activities or other activities necessary to maintain the health, safety, and welfare of the citizens of the city. Routine flushing of fire hydrants for other than health and safety reasons is prohibited. Provided however, when approved in writing by the director, a business may use water from a fire hydrant for land development and building construction processes.
 - (9) *Street washing.* The washing of streets, sidewalks, and driveways is prohibited.
 - (10) *New landscaping.* All new planting of plants or grass of any type is prohibited.
- (b) The stage III regulations do not apply to the following:
- (1) 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.
 - (2) 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.
 - (3) The necessary use of water for repair of water distribution facilities, and residential and commercial plumbing systems.
- (c) Stage III regulations are intended to achieve a 30 percent reduction in daily water consumption.

Sec. 44-236. Powers of the city manager.

In the event of unusual operational events, catastrophic occurrences, severe weather events, or other public emergencies, the city manager may implement mandatory water restrictions in addition to those set out in this article. The city manager may implement these mandatory restrictions by public announcement and the restrictions are effective immediately upon the making of such public announcement. The implementation of additional restrictions pursuant to this section 44-236 shall expire 15 days thereafter unless the city council adopts a resolution ratifying such determination and implementation within such 15-day period.

Sec. 44-237. Procedures for the implementation and termination of mandatory restrictions.

- (a) Stages I, II, and III may be implemented or terminated at any time by resolution adopted by the city council.
- (b) When the triggers for implementation of stages I, II, and III are met, the city manager shall implement the respective mandatory restrictions by issuing a written public announcement stating at the minimum the following information:
 - (1) The date restrictions will begin; and
 - (2) the circumstances and/or reasons that triggered the restrictions.
- (c) Notice of the implementation and termination of mandatory restrictions will be given through press releases, cable television announcements, postings in public areas, on the city's web page and/or other electronic means. The notifications for implementation will contain, at a minimum, the following information:
 - (1) The date the restrictions will begin;
 - (2) The circumstances that triggered the restrictions;
 - (3) The stages of response and explanation of the restrictions to be implemented;
 - (4) An explanation of the consequences for violations.

- (d) When the triggers for implementation of stages I, II, and III are no longer in effect, or the city manager determines that it is in the best interest of the city to terminate the restrictions, the city manager may do so by issuing a written order terminating the restrictions.

Sec. 44-238. Reserved.

Sec. 44-239. Variance; alternative compliance.

- (a) The director may grant any customer a temporary variance from the restrictions 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 is met:
 - (1) Compliance with this article cannot be technically accomplished during the duration of the water supply shortage or other condition for which the restriction is in effect; or
 - (2) Alternative methods can be implemented which will achieve the same or better level of reduction in water use.
- (b) 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 restrictions. The city will treat all customers equally concerning variances, and shall not discriminate in granting variances. No variances shall be retroactive or otherwise justify any violation of restrictions occurring prior to the issuance of the variance.
- (c) Customers requesting a variance shall file a petition for variance with the director. All petitions shall include the following information:
 - (1) Name, address, and contact information of the petitioner;
 - (2) Purpose of water use;
 - (3) Specific provisions of the restrictions from which the petition is requesting relief;
 - (4) Detailed statement as to how the specific restriction(s) adversely affect the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with the restriction(s);
 - (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 article and the compliance date;
 - (8) Other pertinent information.
- (d) If approved, the customer shall keep a copy of the alternative water use requirements in a location accessible and visible to the public.
- (e) If granted, the variance shall expire when the then current stage of regulations is terminated or the city implements a different stage. A new petition must be submitted each time the city implements a new higher stage of regulation.

Sec. 44-240. Enforcement and penalty.

- (a) For purposes of this article, the person or customer in whose name the utility billing office 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 in a manner contrary to any provision of this article 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.

- (b) A person commits an offense if the person performs an act prohibited by this article or fails to perform an act required by this article. Each instance of a violation of this article is a separate offense.
- (c) Proof of a culpable mental state is not required for a conviction of an offense under this article.
- (d) 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 a parent committed the violation.
- (e) An offense under this article is a class C misdemeanor, punishable by a fine not to exceed \$2,000.00. Prosecution of an offense under any section does not preclude other enforcement remedies under this article. The enforcement of other remedies under this article does not prevent prosecution for a violation of this article.
- (f) If a person is convicted for three or more violations of this article within a 12-month period, water service may be disconnected or restricted.
- (g) If a customer is irrigating during a time period or on a day when irrigation is not permitted for that customer and a city worker cannot find a person at the street address to turn off the irrigation system, the city worker may enter the property and turn off the irrigation system at the master valve, the backflow prevention device, or the dedicated irrigation meter.

II.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Alternative 1.

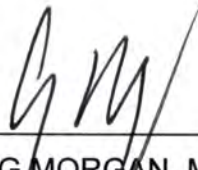
By motion duly made, seconded and passed with an affirmative vote of all the Council members present, the requirement for reading this ordinance on two separate days was dispensed with.

READ, PASSED, and ADOPTED on first reading this 13th day of JUNE, 2024.

Alternative 2.

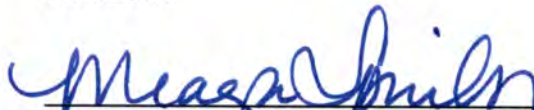
READ and **APPROVED** on first reading this the ____ day of _____, 2024.

READ, APPROVED and ADOPTED on second reading this the ____ day of _____, 2024.



CRAIG MORGAN, Mayor
City of Round Rock, Texas

ATTEST:



MEAGAN SPINKS, City Clerk