

ORDINANCE NO. G-12-07-12-61

AN ORDINANCE AMENDING CHAPTER 44, ARTICLE VIII, REGARDING DROUGHT CONTINGENCY; CHAPTER 10, SECTION 10-56, REGARDING TEMPORARY CERTIFICATES OF OCCUPANCY; AND CHAPTER 44, SECTION 44-6, REGARDING PROHIBITING WATER WASTE, CODE OF ORDINANCES (2010 EDITION), CITY OF ROUND ROCK, TEXAS; 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, Drought Contingency and Peak Day Water Use Management, Code of Ordinances (2010 Edition), City of Round Rock, Texas, is hereby replaced in its entirety and shall read as follows:

ARTICLE VIII.

DROUGHT CONTINGENCY AND PEAK DAY 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.

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 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.

1 **Sec. 44-224. Application.**

2
3 The provisions of this article shall apply to all persons, customers, and owners of property who
4 use or allow the use of city water, wherever situated. The terms person and customer, as used in this
5 article, include individuals, corporations, partnerships, associations and all other legal entities. The
6 provisions of this article do not apply to (i) persons who use water from private wells, (ii) persons who use
7 water from the city's reuse water system, or (iii) persons who otherwise use water from a source other
8 than the city's water utility system.
9

10 **Sec. 44-225. Public education.**

11
12 The city will periodically provide the public with information about water use, including information
13 about the conditions under which each stage of this Article is to be initiated or terminated and the drought
14 response measures to be implemented in each stage. Drought and water conservation information will be
15 provided by public meeting, press releases, utility bill inserts, the city's website, and/or electronic media
16 notification.
17

18 **Sec. 44-226. Wholesale providers.**

19
20 The city contracts for raw water in Lake Georgetown and Lake Stillhouse Hollow from the Brazos
21 River Authority and Lake Travis from the Lower Colorado River Authority and the Brazos River Authority.
22 The city will comply with and implement any drought contingency requirements that may be set forth in
23 any contracts with these river authorities.
24

25 **Sec. 44-227. Wholesale customers.**

- 26
27 (a) All wholesale water contracts require compliance with the city's drought contingency and water
28 conservation programs. Each contract specifies that the water supplied to the wholesale
29 customer may be reasonably limited by the city on the same basis and to the same extent as the
30 supply of water to any other customers within the city.
31
32 (b) All wholesale contracts entered into, renewed or extended after the adoption of this plan will
33 include provisions for distributing water to the wholesale customer in accordance with V.T.C.A.,
34 Water Code § 11.039.
35

36 **Sec. 44-228. Voluntary water conservation during peak water use periods.**

- 37
38 (a) The City has determined that the peak water use period begins on May 1 of each year and ends
39 on October 31 of each year. During this period of peak water use, the City seeks to encourage
40 water conservation by implementing water rates that increase as consumption increases. (See
41 Sec. 44-29(f) of this Chapter.)
42
43 (b) During the peak water use period of May 1 to October 31 of each year, water customers will be
44 encouraged to voluntarily use water in compliance with all of the Stage I regulations set forth in
45 Sec. 44-233.
46
47 (c) At the beginning of the peak water use period, the City will initiate actions and engage in
48 educational programs designed to increase customer awareness of water conservation and
49 encourage the most efficient use of water.
50
51 (d) Water customers are encouraged to voluntarily limit the use of water for nonessential purposes
52 and to practice water conservation. Voluntary observance of the Stage 1 twice-per-week watering
53 schedule is requested.
54

55 **Sec. 44-229. Stage I triggers.**

- 56
57 (a) Stage I shall be implemented when any of the following triggers occur.
58

- (1) *Supply-based trigger for implementation of stage I is as follows:*
- a. Lake Georgetown Reservoir elevation is below 770 feet above mean sea level (msl) for three consecutive days.
- (2) *Demand or capacity-based triggers for implementation of stage I are as follows:*
- a. Water treatment capacity has reached 85 percent 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 make a written public announcement that he 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 shall terminate when any of the following occurs.
- (1) Stage I will 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
- (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:

| Type of Property | Watering Days | Watering Times |
|--|----------------------|--|
| Commercial | Tuesday & Friday | 12:01 a.m. to 10:00 a.m. and 7:00 p.m. to 11:59 p.m. |
| Industrial/Multifamily | Tuesday & Friday | |
| Residential (Addresses ending in odd numbers) | Wednesday & Saturday | |
| Residential (Addresses ending in even numbers) | Thursday & Sunday | |

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 765 feet above mean sea level (msl) for three consecutive days.
 - (2) *Demand or capacity-based triggers for implementation of Stage II are as follows:*
 - a. Water treatment capacity has reached 90 percent for three consecutive days;
 - 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 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 shall be terminated when any of the following occurs:
- (1) Stage II will 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.
 - (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:

| Type of Property | Watering Days | Watering Times |
|------------------------|---------------|---------------------|
| Commercial | Friday | 12:01 a.m. to 10:00 |
| Industrial/Multifamily | Friday | a.m. |

| | | |
|--|----------|--------------------------------|
| Residential (Addresses ending in odd numbers) | Saturday | and 7:00 p.m. to 11:59 p.m. |
| Residential (Addresses ending in even numbers) | Sunday | |

Sec. 44.233. Stage I and Stage II water conservation regulations.

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

- a. 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.
- b. Vehicle washing. The washing, including charity car washes, 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.

The vehicle washing prohibition does not apply to the following:

1. the washing of vehicles or mobile equipment when conducted on the immediate premises of a commercial carwash or a commercial service station; or
 2. 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.
- c. Power washing. The day and time regulations of outdoor watering do not apply to commercial companies in the business of power washing.
 - d. Foundation watering. The watering of the ground around foundations is prohibited except in compliance with the applicable Stage I or Stage II watering schedule.
 - e. Pools. If either Stage I or Stage II is implemented, the refilling or adding of water to non-government owned swimming pool, wading pools, or ponds is prohibited except in compliance with the Stage I schedule.
 - f. Fountains. The operation of ornamental fountains or other similar structures that do not recirculate the water is prohibited. The operation of ornamental fountains or other similar structures that do recirculate water is prohibited except between the hours of 7:00 a.m. to 10:00 a.m. and between the hours of 7:00 p.m. and 10:00 p.m.
 - g. 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.

- 1 h. Fire hydrants. The use of water from fire hydrants is prohibited except for
2 firefighting-related activities or other activities necessary to maintain the health,
3 safety and welfare of the citizens of the city. Routine flushing of fire hydrants for
4 other than health and safety reasons is prohibited.
5
6 i. Street washing. Street washing is prohibited.
7
8 j. New landscaping. Because of the watering restrictions imposed by this section,
9 landowners are encouraged to postpone the installation of new landscaping until
10 after all mandatory restrictions are lifted. In lieu of installing the required
11 landscaping during mandatory restrictions, owners of new construction may
12 apply for a temporary certificate of occupancy in accordance with section 10-56
13 (d) of this Code.
14

15 (2) The Stage I and Stage II regulations do not apply to the following:
16

- 17 a. The necessary use of water, other than for landscape irrigation, by a
18 governmental entity in pursuit of its governmental functions for the benefit of the
19 public, such as for capital improvement construction projects.
20
21 b. The necessary use of water, other than for landscape irrigation, for land
22 development (such as roadway base preparation, flushing of utility lines, dust
23 control, concrete and asphalt work) and for building construction processes.
24
25 c. The necessary use of water for repair of water distribution facilities, residential
26 and commercial plumbing and landscape irrigation systems.
27
28 d. The necessary use of water for athletic fields for organized youth, amateur, or
29 professional sports such as football, soccer or baseball where the field is in use
30 or will be in use within 60 days of the institution of Stage I or II restrictions.
31

32 (3) Stage I and Stage II regulations are intended to achieve the following target reductions in
33 water consumption:
34

- 35 a. Stage I regulations are intended to achieve a fifteen percent (15%) reduction in
36 daily water consumption.
37
38 b. Stage II regulations are intended to achieve a twenty-five percent (25%)
39 reduction in daily water consumption.
40

41 **Sec. 44-234. Stage III triggers.**
42

43 (a) Stage III shall be implemented when any of the following triggers occur:
44

45 (1) *Demand or capacity-based triggers for implementation of stage III are as follows:*
46

- 47 a. Water treatment capacity has reached 95 percent for three consecutive days;
48
49 b. Total daily demand has reached 95 percent pumping capacity for three
50 consecutive days;
51
52 c. Total daily demand is 95 percent of the storage capacity for three consecutive
53 days; or
54
55 d. Significant production or distribution limitations including, but not limited to
56 system outages and equipment failure.
57

58 (2) *Wholesale water suppliers' triggers:*

- 1
2 a. Pursuant to requirements specified in the city's wholesale water supply
3 contract(s), notification is received from the city's wholesale water supplier(s)
4 requesting implementation of the Stage III restrictions.
5
6 (3) *Public health, safety, and welfare triggers:*
7
8 a. The City Manager makes a written public announcement that he has reasonably
9 determined that one or more reasons exist to initiate Stage III restrictions to
10 protect the health, safety and welfare of the citizens of the city.
11
12 b. The implementation of Stage III by the City Manager pursuant to subsection (4)a.
13 above shall expire 15 days thereafter unless the City Council adopts a resolution
14 ratifying such determination and implementation within such 15 day period.
15
16 (4) *Triggers for termination of Stage III restrictions.*
17
18 a. Stage III may terminate when the City Manager makes a public announcement
19 that all of the conditions listed as triggering events have ceased to exist for a
20 period of three consecutive days; or .
21
22 b. When the City Manager makes a public announcement that it is in the best
23 interest of the City to terminate Stage III.
24

25 **Sec. 44.235. Stage III water conservation regulations.**
26

- 27 (1) When Stage III mandatory water conservation regulations are implemented, the following
28 restrictions and prohibitions shall be in effect:
29
30 (a) Outdoor irrigation. Except as provided below, all outdoor irrigation of vegetation is prohibited.
31 Irrigation by hand held hoses or hand held water cans is permitted in compliance with the Stage II
32 once-per-week watering schedule found in Sec. 44-232. Commercial plant nurseries are
33 permitted to irrigate by hand held hoses or hand held water cans in compliance with the Stage I
34 twice-per-week watering schedule.
35
36 (b) Vehicle washing. The washing of automobiles, trucks, trailers, boats, airplanes, and other types of
37 mobile equipment is prohibited, unless occurring on the immediate premises of a commercial
38 carwash or a commercial service station. If the commercial carwash or commercial service station
39 has a water recycling system it may operate only between the hours of 8:00 a.m. and 5:00 p.m. If
40 the commercial carwash or commercial service station does not have a water recycling system, it
41 may operate only between the hours of 12:00 noon and 5:00 p.m.
42
43 (c) Power washing. Power washing is prohibited.
44
45 (d) Foundation watering. The watering of the ground around foundations is prohibited except by hand
46 held hoses or soaker hoses and in compliance with the Stage II once-per-week watering
47 schedule found in Sec. 44-232.
48
49 (e) Pools. The refilling or adding of water to non-government owned swimming pools, wading pools,
50 or ponds is prohibited.
51
52 (f) Fountains. The operation of ornamental fountains or other similar structures is prohibited.
53
54 (g) Golf Courses. The use of water for irrigation of golf courses is prohibited.
55
56 (h) Fire hydrants. The use of water from fire hydrants is prohibited except for firefighting-related
57 activities or other activities necessary to maintain the health, safety and welfare of the citizens of
58 the city. Routine flushing of fire hydrants for other than health and safety reasons is prohibited.

1 Provided however, when approved in writing by the director, a business may use water from a fire
2 hydrant for land development and building construction processes.

- 3
- 4 (i) Street washing. Street washing is prohibited.
- 5
- 6 (j) New landscaping. All new planting of plants or grass of any type is prohibited.
- 7
- 8 (k) Water served in restaurants. Water may not be served in restaurants unless requested by a
9 customer.

10

11 (2) The Stage III regulations do not apply to the following:

- 12
- 13 a. The necessary use of water, other than for landscape irrigation, by a
14 governmental entity in pursuit of its governmental functions for the benefit of the
15 public, such as for capital improvement construction projects.
- 16
- 17 b. The necessary use of water, other than for landscape irrigation, for land
18 development (such as roadway base preparation, flushing of utility lines, dust
19 control, concrete and asphalt work) and for building construction processes.
- 20
- 21 c. The necessary use of water for repair of water distribution facilities, residential
22 and commercial plumbing and permanently installed landscape irrigation
23 systems.
- 24

25 (3) Stage III regulations are intended to achieve a fifty percent (50%) reduction in daily water
26 consumption.

27

28 **Sec. 44-236. Powers of the City Manager.**

29

30 In the event of unusual operational events, catastrophic occurrences, severe weather events, or
31 other public emergencies, the City Manager may implement mandatory water restrictions in addition to
32 those set out in this Article. The City Manager may implement these mandatory restrictions by public
33 announcement and the restrictions are effective immediately upon the making of such public
34 announcement. The implementation of additional restrictions pursuant to this Sec. 44-236 shall expire 15
35 days thereafter unless the City Council adopts a resolution ratifying such determination and
36 implementation within such 15 day period.

37

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

39

- 40 (a) Stages I, II, and III may be implemented or terminated at any time by resolution adopted by the
41 City Council.
- 42
- 43 (b) When the triggers for implementation of Stages I, II, and III are met, the City Manager shall
44 implement the respective mandatory restrictions by issuing a written public announcement stating
45 at a minimum the following information:
- 46
- 47 (1) The date restrictions will begin; and
- 48
- 49 (2) The circumstances and/or reasons that triggered the restrictions.
- 50
- 51 (c) Notice of the implementation and termination of mandatory restrictions will be given through
52 press releases, cable television announcements, postings in public areas, on the city's web page
53 and/or other electronic means. The notifications for implementation will contain, at a minimum,
54 the following information:
- 55 (1) The date restrictions will begin;
- 56
- 57 (2) The circumstances that triggered the restrictions;
- 58

- 1 (3) The stages of response and explanation of the restrictions to be implemented;
2
3 (4) An explanation of the consequences for violations.
4
5 (d) When the triggers for implementation of Stages I, II, and III are no longer in effect, or the City
6 Manager determines that it is in the best interest of the city to terminate the restrictions, the City
7 Manager may do so by issuing a written order terminating the restrictions.
8
9

10 **Sec. 44-239. Variance; alternative compliance.**
11

- 12 (a) The director may grant any customer a temporary variance from the restrictions when failure to
13 grant such variance would cause an emergency condition adversely affecting the public health,
14 welfare or safety, and if one of the following conditions is met:
15
16 (1) Compliance with this ordinance cannot be technically accomplished during the duration of
17 the water supply shortage or other condition for which the restrictions in effect; or
18
19 (2) Alternative methods can be implemented which will achieve the same or better level of
20 reduction in water use.
21
22 (b) The director shall inform the customer in writing concerning the granting or denial of such
23 variance and any conditions that may accompany such variance, including any timetables for
24 compliance with the restrictions. The city will treat all customers equally concerning variances,
25 and shall not discriminate in granting variances. No variance shall be retroactive or otherwise
26 justify any violation of restrictions occurring prior to the issuance of the variance.
27
28 (c) Customers requesting a variance shall file a petition for variance with the director. All petitions
29 shall include the following information:
30
31 (1) Name and address of the petitioner;
32
33 (2) Purpose of water use;
34
35 (3) Specific provisions of the restrictions from which the petition is requesting relief;
36
37 (4) Detailed statement as to how the specific restriction(s) adversely affects the petitioner or
38 what damage or harm will occur to the petitioner or others if petitioner complies with the
39 restriction(s);
40
41 (5) Description of the relief requested;
42
43 (6) Period of time for which the variance is sought;
44
45 (7) Alternative water use restrictions or other measures the petitioner is taking or proposes to
46 take to meet the intent of this Sec. 44 and the compliance date;
47
48 (8) Other pertinent information.
49
50 (d) If approved, the customer shall keep a copy of the alternative water use requirements in the
51 location accessible and visible to the public.
52
53 (e) If granted, the variance shall expire when the then current Stage of regulations is terminated or
54 the City implements a different Stage. A new petition must be submitted each time the City
55 implements a new higher Stage of regulations.
56

1 **Sec. 44-240. Enforcement and penalty.**

- 2
- 3 (a) For purposes of this Sec. 44, the person or customer in whose name the utility billing office last
- 4 billed or who is receiving the economic benefit of the water supply is presumed to have knowingly
- 5 made, caused, used or permitted the use of water received from the city for residential,
- 6 commercial, industrial, agricultural, governmental or any other purpose in a manner contrary to
- 7 any provision of this Sec. 44 and proof that the violation occurred on the person's or customer's
- 8 property shall constitute a rebuttal presumption that the person or customer committed the
- 9 violation.
- 10
- 11 (b) A person commits an offense if the person performs an act prohibited by this Sec. 44 or fails to
- 12 perform an act required by this Sec. 44. Each instance of a violation of this article is a separate
- 13 offense.
- 14
- 15 (c) Proof of a culpable mental state is not required for a conviction of an offense under this Sec. 44.
- 16
- 17 (d) Parents shall be presumed to be responsible for violations of their minor children and proof that a
- 18 violation, committed by a child, occurred on property within the parent's control shall constitute a
- 19 rebuttal presumption that the parent committed the violation.
- 20
- 21 (e) An offense under this Sec. 44 is a class C misdemeanor, punishable by a fine not to exceed
- 22 \$2,000.00. Prosecution of an offense under any subsection does not preclude other enforcement
- 23 remedies under this Sec. 44. The enforcement of other remedies under this Sec. 44 does not
- 24 prevent prosecution for a violation of this Sec. 44.
- 25
- 26 (f) If a person is convicted for three or more violations of this Sec. 44 within a twelve month period,
- 27 water service may be disconnected or restricted.
- 28
- 29 (g) If a customer is irrigating during a time period or on a day when irrigation is not permitted for that
- 30 customer and a city worker cannot find any person at that street address to turn off the irrigation
- 31 system, the city worker may enter the property and turn off the irrigation system.
- 32
- 33 (h) The city's authority to seek injunctive or other civil relief available under the law is not limited by
- 34 this article.
- 35

36

37 **Secs. 44-241--44-269. Reserved.**

38

39

40 **II.**

41

42 That Chapter 10, Section 10-56, Subsection (d), Code of Ordinances (2010

43 Edition), City of Round Rock, Texas, is hereby amended to read as follows:

44 **Sec. 10-56 Certificates of occupancy**

45

46 (d) *Temporary certificate of occupancy.*

47

- 48 (1) Except as provided in paragraph (3) below, a temporary certificate of occupancy shall not
- 49 be issued for single-family and two-family occupancies.
- 50
- 51 (2) For all occupancies other than single-family and two-family occupancies, a temporary
- 52 certificate of occupancy may be considered for issuance by the building official where all
- 53 of the following conditions are met:
- 54

- 1 a. Site construction is substantially complete in conformance with approved plans;
2
3 b. Any incomplete improvements are not related to the Americans with Disabilities
4 Act (ADA) barrier-free compliance requirements;
5
6 c. The building official determines that such building or structure or portion thereof
7 may be occupied and used safely;
8
9 d. Any site improvements not completed are minor in nature and are related to
10 paving, utility adjustments, or similar features;
11
12 e. A placement/completion schedule is submitted and approved by the city;
13
14 f. A performance guarantee, letter of credit or other form of financial assurance, in
15 a form acceptable to the city attorney, which is equal to 120 percent of the cost of
16 all incomplete site improvements listed in subsection d. above, as estimated by
17 the developer or owner and concurred with by the building official, is submitted
18 with the application for a temporary certificate of occupancy;
19
20 g. The city's fire marshal has concurred with the issuance of the temporary
21 certificate of occupancy; and
22
23 h. The water and wastewater systems serving the building or structure and the
24 water system providing fire protection to the building or structure have been
25 completed, tested and are fully operational.
26
- 27 (3) Except as provided herein, temporary certificates of occupancy shall not be issued in the
28 event the required landscaping is not installed. For all occupancies, including single-
29 family and two-family occupancies, a temporary certificate of occupancy will be
30 considered for issuance by the building official when the required landscaping has not
31 been installed, only if all of the following conditions are met:
32
- 33 a. Mandatory water use restrictions have been implemented in accordance with
34 Chapter 44, Article VIII of this Code;
35
36 b. All conditions for the issuance of a final certificate of occupancy have been met
37 with the sole exception of the installation of the required landscaping; and
38
39 c. A performance guarantee, letter of credit or other form of financial assurance, in
40 a form acceptable to the city attorney, which is equal to 100 percent of the cost of
41 all required landscaping, as estimated by the developer or owner and concurred
42 with by the building official, is submitted with the application for a temporary
43 certificate of occupancy.
44
- 45 A temporary certificate of occupancy issued hereunder shall expire 45 days after all
46 mandatory water restrictions are lifted by the City. If the required landscaping is not
47 installed prior to the expiration of the temporary certificate of occupancy, it shall be
48 unlawful for anyone to occupy the building or structure for which the temporary certificate
49 of occupancy was issued.
50
- 51 (4) Except as provided in (3) above, temporary certificates of occupancy shall be valid for a
52 period of time determined by the building official, but not to exceed 60 days. Said period
53 shall be based upon a reasonable estimate of the time necessary to complete all
54 remaining improvements and to satisfy all remaining requirements.
55
- 56 (5) When circumstances beyond the control of the owner or developer warrant, the building
57 official may grant an extension of the temporary certificate of occupancy for one
58 additional period of time not to exceed 60 days. Any further extension of a temporary

1 certificate of occupancy requires the approval of the city council.

- 2
3 (6) The building official shall maintain a record of all temporary certificates of occupancy.
4
5

6 **III.**
7

8 That Chapter 44, Code of Ordinances (2010 Edition), City of Round Rock, Texas,
9 is hereby amended by adding a section, to be numbered section 44-6, which said
10 section shall read as follows:

11 **44-6. Prohibiting water waste.**
12

13 (a) It shall be unlawful for a person to engage in any conduct that results in the waste of water from
14 the City's water utility system.
15

16 (b) Without limiting the foregoing, the following acts constitute the waste of water:
17

18 (1) It shall be unlawful for a person to fail to repair a controllable leak, including a broken
19 sprinkler head, a leaking valve, leaking or broken pipes, a leaking faucet, or a head that
20 is misting.
21

22 (2) It shall be unlawful for a person to operate, or allow to be operated, an irrigation system
23 with:
24

25 a. A broken head;
26

27 b. A head that is out of adjustment where the arc of the spray head is over a street
28 or parking lot; or
29

30 c. During irrigation, allowing water to run off a property such that there is a trail of
31 water that is running in the street for a distance of 50 feet or greater, or allowing
32 water to pond in the street or parking lot to a depth greater than one-fourth of an
33 inch.
34

35 **Secs. 44-7—44-28. - Reserved**
36
37

38 **IV.**
39

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

42 **B.** The invalidity of any section or provision of this ordinance shall not
43 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 ____ day of _____, 2012.

Alternative 2.

READ and APPROVED on first reading this the 26th day of June, 2012.

READ, APPROVED and ADOPTED on second reading this the 12th day of July, 2012.



ALAN MCGRAW, Mayor
City of Round Rock, Texas

ATTEST:



SARA L. WHITE, City Clerk



City Council Agenda Summary Sheet

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| Agenda Item No. | G1. |
| Agenda Caption: | Consider an ordinance amending Chapter 44, Article VIII, regarding amendments to the drought contingency regulations, Chapter 10, Section 10-56, regarding temporary certificates of occupancy for required landscaping, and Chapter 44, Section 44-6, regarding prohibiting water waste, Code of Ordinances (2010 Edition). (Second Reading) |
| Meeting Date: | July 12, 2012 |
| Department: | Utilities and Environmental Service |
| Staff Person making presentation: | Michael Thane |
| | Utilities and Environmental Services Director |

Item Summary:

The City's current Drought Contingency and Peak Day Water Use Management Plan's purpose is to ensure that an aggressive water conservation and drought contingency program is in place in order to protect the integrity of water supply facilities, prolong the life of existing water sources, and minimize the impacts of water supply shortages. In 2011, the City initiated water restrictions and due to lessons learned from these experiences, the City is proposing an amendment to the Drought Contingency and Peak Day Water Use Management Plan (Chapter 44 of Code of Ordinances) as well as the issuance of temporary certificates of occupancy for landscaping requirements (Chapter 10 of Code). These amendments are in regards to the 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 Manager is authorized and directed to implement the applicable conservation stages upon his determination that the implementation is necessary to protect the public health, safety, and welfare. In addition, the City Manager shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this plan.

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| Cost: | N/A |
| Source of Funds: | N/A |
| Date of Public Hearing (if required): | N/A |
| Recommended Action: | Approval |