

CITY OF DRIPPING SPRINGS

ORDINANCE No. 2022-21

AN ORDINANCE AMENDING ARTICLE 20.06 AND ARTICLE 24.02 OF THE DRIPPING SPRINGS CODE OF ORDINANCES; ESTABLISHING REQUIRMENTS CONCERNING DROUGHT CONTINGENCY PLANS AND WATER CONSERVATION PLANS

WHEREAS, pursuant to Texas Local Government Code Section 51.001, a municipality has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the City of Dripping Springs has adopted a Drought Contingency Plan (Resolution No. 2022-R09) and a Water Conservation Plan (Resolution No. 2022-R13); and

WHEREAS, the City of Dripping Springs has entered into the Wholesale Water Services Agreement Between Lower Colorado River Authority and City of Dripping Springs (“Service Agreement”) dated March 11, 2003, as assigned to the West Travis County Public Utility Agency (“WTCPUA Wholesale Agreement”); and

WHEREAS, the WTCPUA Wholesale Agreement requires the City “to adopt and enforce a water conservation and drought contingency plan in compliance with TCEQ Rules, 30 TAC ch. 288,for water use within the areas receiving Wholesale Water Supply [and that] plan shall be at least as stringent as those adopted by [WTCPUA] for its retail customers in the [WTCPUA] Service Area; and

WHEREAS, the City has applied for wholesale water with the West Travis County Public Utility Agency (“WTCPUA”) and the WTCPUA has required in Service availability letters that the City follow[] and compl[y] with all applicable WTCPUA rules and regulations pertaining to water service, as amended from time to time by the WTCPUA Board of Directors; and

WHEREAS, On June 15, 2022, the Lower Colorado River Authority (“LCRA”) has authorized the general manager of the LCRA or his designee to negotiate and execute a firm raw water contract with City of Dripping Springs for municipal use of LCRA’s firm water supply of up to 2,438 acre-feet per year for a term of 40 years, which firm water contract will likely require that the City’s Drought Contingency Plan and Water Conservation Plan be at least as stringent as the Drought Contingency Plan and Water Conservation Plan of the LCRA; and

WHEREAS, the City of Dripping Springs (“City”) owns and operates a water system in accordance with the rules adopted by the Texas Commission on Environmental Quality; and

WHEREAS, the Dripping Springs City Council (“City Council”) consistently strives to achieve a balance between the pressure upon the City to responsibly respond to the influx of new development and new citizens with the City’s longstanding commitment to preserving the region’s vibrant and delicate ecosystem; and

WHEREAS, the City Council seeks to encourage and mandate those practices, techniques, and technologies that will reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water, and increase the recycling and reuse of water so that a water supply is made available for future or alternative uses; and

WHEREAS, the City Council finds that it is necessary and proper to adopt an ordinance providing rules for water use.

NOW, THEREFORE, BE IT ORDAINED by the Dripping Springs City Council:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

Article 20.06 (Retail Water Service) of Chapter 20 (Utilities) of the City of Dripping Springs Code of Ordinances is hereby amended so to read in accordance with Attachment "A" which is attached hereto and incorporated into this Ordinance for all intents and purposes. Any underlined text shall be inserted into the Code and any struck-through text shall be deleted from the Code, as stated on Attachment A.

3. REPEALER

To the extent reasonably possible, ordinances are to be read together in harmony. However, all ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City’s Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication of caption.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this, the 28th day of June 2022, by a vote of 5 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:

Bill Foulds, Jr., Mayor

ATTEST:

Andrea Cunningham, City Secretary

Chapter 20 – UTILITIES

ARTICLE 20.06. - RETAIL WATER SERVICE

DIVISION 1. – GENERALLY

* * *

Sec. 20.06.005. – Water Conservation.

- (a) The City's retail water customers are subject to and must comply with the most stringent requirements from the following: (1) The City's Drought Contingency Plan (as amended from time to time), (2) the City's Water Conservation Plan (as amended from time to time); (3) the WTCPUA's Water Conservation and Drought Contingency Plan; (4) the LCRA's Drought Contingency Plan; or (5) the LCRA's Water Conservation Plan.
- (b) It shall be a violation of this chapter for any retail water customer to violate water use restrictions required through the implementation of any of the following: (1) The City's Drought Contingency Plan (as amended from time to time), (2) the City's Water Conservation Plan (as amended from time to time); (3) the WTCPUA's Water Conservation and Drought Contingency Plan; (4) the LCRA's Drought Contingency Plan; or (5) the LCRA's Water Conservation Plan.

Chapter 24 - BUILDING REGULATIONS

ARTICLE 24.02. - TECHNICAL AND CONSTRUCTION CODES AND STANDARDS

DIVISION 10. - POOL AND SPA CODE

* * *

Sec. 24.02.502. - Permit required.

It is an offense for any person to install any pool or spa within the city without first applying for and receiving a permit. It is also an offense for any person to perform any swimming pool or spa work within the city contrary to a permit that has been issued, or that is in violation of or contrary to any water use restriction required through the implementation of any of the following: (1) The City's Drought Contingency Plan (as amended from time to time), (2) the City's Water Conservation Plan (as amended from time to time); (3) the West Travis County Public Utility Agency's Water Conservation and Drought Contingency Plan; (4) the Lower Colorado River Authority's Drought Contingency Plan; or (5) the Lower Colorado River Authority's Water Conservation Plan.