

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS, AMENDING TITLE 13, CHAPTER 13.16, TITLED "DROUGHT CONTINGENCY PLAN" OF THE CODE OF ORDINANCES OF THE CITY OF GEORGETOWN, TEXAS REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; INCLUDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the City of Georgetown, Texas recognizes that the amount of water available to the City and its water utility customers is limited and subject to depletion during periods of drought; and,

WHEREAS, Section 11.272 of the Texas Water Code and Title 30, Chapter 288 of the Texas Administrative Code require all Texas public water supply systems providing service to 3,300 or more connections to prepare a drought contingency plan; and,

WHEREAS, elements of the drought contingency plan are being incorporated into the City's water conservation plan.

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

Section 1. The meeting at which this ordinance was approved was in all things conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 2. The facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim. The City Council hereby finds that this ordinance complies with the Vision Statement 4.0(G) of the City of Georgetown 2030 Comprehensive Plan relating to the conservation of water resources.

Section 3. Section 13.16 of the City of Georgetown Code of Ordinances is hereby amended and adopted as shown on Exhibit A.

Section 4. All ordinances that are in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 5. If any provision of this ordinance or application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

Section 6. The Mayor is hereby authorized to sign this ordinance and the City Secretary to attest. This Ordinance shall become effective and be in full force after publication in accordance with the provisions of the Charter of the City of Georgetown.

PASSED AND APPROVED on First Reading on the \_\_ day of April, 2019.

PASSED AND APPROVED on Second Reading on the \_\_ day of April, 2019.

ATTEST:

THE CITY OF GEORGETOWN:

\_\_\_\_\_  
Robyn Densmore, City Secretary

\_\_\_\_\_  
Dale Ross, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Charlie McNabb, City Attorney

# Exhibit A

## CHAPTER 13.16. - DROUGHT CONTINGENCY PLAN

### Sec. 13.16.010. - Purpose.

The purpose of the Drought Contingency Plan ("Plan") is to conserve and protect the available water supply for domestic water use, sanitation, and fire protection, and to minimize the impact of water shortages during emergency conditions.

### Sec. 13.16.020. - Public education.

The City will provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is initiated, the drought response measures to be implemented, and the conditions necessary for termination. The information will be provided through press release, direct mailings, utility bill inserts, water use classes and the City's website.

### Sec. 13.16.030. – Wholesale Water Customer Education.

The City of Georgetown will provide wholesale water customers 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. This information will be providing a copy of this plan annually.

### Sec. 13.16.040. – Coordination with Regional Water Planning Groups.

The service area of the City of Georgetown is located within the Brazos Region (G) and the City of Georgetown has provided a copy of this Plan to the Brazos River Authority.

### Sec. 13.16.050. - Authorization.

The General Manager, or his/her designee, is hereby authorized and directed to implement the applicable provisions of the Plan upon his/her determination that such implementation is necessary to protect the public health, safety, and welfare.

Sec. 13.16.060. - Application.

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the City, except those wholesale water utility customers where a similar Plan exists for their retail customers.

Sec. 13.16.070. – Public Involvement.

Opportunity for public and wholesale water customers to provide input into the preparation of the Plan was provided by the City of Georgetown by means of public notice in the local newspaper and the City website announcing the reading of the Drought Contingency Plan at City Council Meetings.

Sec. 13.16.080. - Utilization of alternative water sources and/or alternative delivery mechanisms:

Alternative water sources for the City of Georgetown are an interconnection with the City of Round Rock, as well as the use of reclaimed water for non-potable uses such as irrigation of parks and golf courses.

Sec. 13.16.090. - Definitions.

- A. “General Manager” means the General Manager of Utilities for the City of Georgetown, or the person otherwise authorized by the General Manager to have the duties and responsibilities under this Chapter.
- B. “Conservation” means those practices and techniques that reduce the consumption of water through increased efficiency, reduced losses, or reuse which results in conservation of the water supply for future use.
- C. “Customer” means any person, company, organization or entity that uses water supplied by the City, except customers that obtain water under a wholesale agreement and that have a Drought Contingency Plan for their customers.
- D. “Notice” means notification by press release or utility bill insert for the implementation of specific phases of this Plan by the City Manager through the news media (local newspaper and radio station) and the City's official bulletin board and web site.
- E. “Industrial water use” means water used in a manufacturing process.
- F. “Landscape irrigation use” means potable water and all untreated water diverted from wells connected to the City's water treatment plants intended for potable water use, excluding reclaimed water from wastewater treatment plant effluent,

used for the irrigation and maintenance of landscaped areas, including residential and commercial lawns, gardens, golf courses, parks, rights-of-way, and medians.

- G. "New landscape" means vegetation installed at the time of new building construction, governmental capital improvement project, or which alters more than half the area of an existing landscape.
- H. "Non-essential water use" means water uses that are not required for the protection of the public health, safety, and welfare, including, but not limited to:
  - 1. Use of water to wash any motor vehicle, motorbike, boat, trailer, or airplane, or other vehicle.
  - 2. Use of water to wash sidewalks, walkways, driveways, parking lots, or other hard-surfaced areas.
  - 3. Flushing of gutters or permitting potable water to run or accumulate in any gutter, street, or drainage culvert.
  - 4. Use of water to add to an indoor or outdoor swimming pool, splash pad, or hot-tub.
  - 5. Use of water in a fountain, or pond, except where necessary to support aquatic life.
- I. "Water waste" means water use that serves no purpose including:
  - 1. Failure to repair a leak within a reasonable period after having been given Notice to repair such leak.
  - 2. Operating an irrigation system that results in water runoff or accumulation in a street or parking lot.

Sec. 13.16.100. - Phase I - Water conservation.

- A. Conditions for Implementation. The water level in the City's No. 1 well drops to, or stabilizes below 50 feet above the pump suction for a period of more than five consecutive days.

AND/OR

Lake Georgetown level drops to 770 feet (above mean sea level), and no rainfall or other inflow predicted, and the Williamson County Raw Water Line is unavailable or is not capable of maintaining Lake Georgetown level above 765 feet at the current level of demand.

AND/OR

The combined storage of Lake Georgetown and Lake Stillhouse Hollow is less than 162,752 acre feet of water.

AND/OR

Water treatment capacity has reached 85 percent for three consecutive days.

AND/OR

An event occurs where water demand exceeds the supply and moderate conservation measures will maintain the ability to provide the proper level of service as determined by the GM, or designee.

B. Demand Reduction Target. Peak demand of 1.6 times the annual average daily usage (20 percent reduction).

C. Customer and City Actions.

1. City will:

- a. Increase efforts to inform the public on water conservation strategies.
- b. Increase detection and repair of water leaks in the distribution system.
- c. Suspend hydrant testing.

2. Prohibit all water waste.

3. Restrict landscape irrigation use to the use of automatic irrigation systems or hose-end sprinklers during the evening (7:00 p.m. to midnight) and morning hours (midnight to noon) in accordance with an irrigation schedule that provides for no landscape irrigation on Monday with landscape irrigation permitted no more than two days per week with the day of week and irrigation start time specified based upon customer address.

4. Landscape irrigation use is permitted at any time, if it is used:

- a. By means of a hand-held hose, soaker hoses, or drip irrigation systems.
- b. At a commercial plant nursery.
- c. During the testing of new irrigation system installation or existing irrigation system repair.

Sec. 13.16.110. - Phase II - Water restrictions.

- A. Conditions for Implementation. The water level in the City's No. 1 well drops to, or stabilizes below 40 feet above the pump suction for a period of more than five consecutive days.

AND/OR

Lake Georgetown level drops to 765 feet (above mean sea level), and no rainfall or other inflow predicted, and the Williamson County Raw Water Line is unavailable or is not capable of maintaining Lake Georgetown Level above 760 feet under the current demand.

AND/OR

The combined storage of Lake Georgetown and Lake Stillhouse Hollow is less than 105,001 acre feet of water.

AND/OR

Water treatment capacity has reached 90 percent for three consecutive days.

AND/OR

An event occurs where water demand exceeds the supply and aggressive conservation measures will maintain the ability to provide the proper level of service as determined by the General Manager.

- B. Demand Reduction Target. Peak demand of 1.3 times the annual average daily usage (35 percent reduction).

- C. Customer and City Actions.

1. City will:
  - a. Increase efforts to inform the public on water conservation strategies.
  - b. Increase detection and repair of water leaks in the distribution system.
  - c. Suspend hydrant testing.
2. Prohibit all water waste.
3. Suspend the use of potable water for the following City municipal operations:
  - a. Vehicle washing.

- b. Street cleaning.
  - c. Landscape irrigation in City parks (does not include athletic fields) except by handheld hose or drip irrigation.
4. Prohibit all non-essential water use except:
- a. The addition of water to a pool or splash pad where necessary to maintain the water purification system in service or to maintain structural integrity of the pool.
  - b. The washing of vehicles or boats at a commercial car wash or service station.
5. Restrict landscape irrigation use to the evening (7:00 p.m. to midnight) and morning hours (midnight to noon) in accordance with an irrigation schedule that provides for no landscape irrigation on Monday with landscape irrigation permitted no more than one day per week with the day of week and irrigation start time specified based upon customer address.

Sec. 13.16.120. - Phase III - Water emergency.

- A. Conditions for Implementation. An event occurs where water demand exceeds the supply and severe conservation measures are required to maintain the ability to provide the proper level of service as determined by the GM, or designee.

AND/OR

The combined storage of Lake Georgetown and Lake Stillhouse Hollow is less than 52,501 acre feet of water.

AND/OR

Water treatment capacity has reached 95 percent for three consecutive days.

- B. Demand Reduction Target. Peak demand equal to the annual average daily usage (50 percent reduction).

- C. Customer and City Actions.

- 1. City will:
  - a. Increase efforts to inform the public on water conservation strategies.
  - b. Increase detection and repair of water leaks in the distribution system.
  - c. Suspend hydrant testing.



2. Prohibit all water waste.
3. Prohibit all non-essential water use.
4. Prohibit landscape irrigation water use.
5. Prohibit or limit as deemed necessary all industrial water use.
6. The City shall arrange for the emergency purchase of water from utilities for which there exists proper agreements for such purchase.

Sec. 13.16.130. – Phase IV - Water system failure.

A. Conditions for Implementation. An event in which one of the following situations occurs:

1. Water demand approaches a reduced delivery capacity for all or part of the system, creating a situation in which water system demand exceeds water system capacity, for an extended length of time, as determined by the General Manager;
2. A major water line break, or a pump or other system failure occurs, which causes a loss in the capability to provide treated water service; or
3. A natural or man-made contamination of the water supply.

B. Demand Reduction Target. Peak demand equal to or surpasses the annual average daily usage (50 percent reduction).

C. Customer and City Actions.

1. Assess the severity of the problem and identify the actions needed and time required to resolve the problem;
2. Implement immediate measures to notify the public as to water system or water source failure;
3. Severely restrict or prohibit, as appropriate, all water system use in the affected service area;
4. Arrange for the emergency purchase of water from alternate sources for which there exists the proper agreements for such purchases; and

5. Customers will discontinue or severely restrict all use of potable water from GUS water system until notified by City that a safe and adequate water for public use is restored.

Sec. 13.16.131. - Pro Rata Curtailment

In the event that the triggering criteria specified in Phase IV have been met, the General Manager is hereby authorized to initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code, §11.039.

Sec. 13.16.135. - Violations.

It shall be a violation of this Chapter for any person to intentionally, knowingly, recklessly or with criminal negligence disregard any provisions, specifications or requirements of this Chapter.

Sec. 13.16.140. - Enforcement.

- A. Any person who violates this Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of up to \$2,000.00 for each day the violation continues, with each day constituting a separate and distinct offense.
- B. If a person is convicted of three or more violations of this Plan in a calendar year, the City Manager, or designee shall, upon due Notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge. In addition, suitable assurance must be given to the City Manager, or his/her designee, that the same action shall not be repeated while the Plan is in effect.
- C. Any City Code Enforcement Officer or Police Officer may issue a warning or citation to a person that is reasonably believed to be in violation of this Plan. The warning or citation shall contain the name and address of the alleged violator, if known, the offense charged, and if a citation, shall direct him/her to appear in the municipal court on the date shown on the citation. The alleged violator shall be served a copy of the warning or citation, with service complete upon delivery of the citation by hand or by certified mail to the alleged violator, and agent or employee, or to a person over 14 years of age who is a family member or resident of the violator's residence.
- D. Any citizen or City employee may initiate a complaint through the Municipal Court concerning violations of this Plan. The complaint shall contain the name and address of the alleged violator, if known, the complaint, and shall submit the complaint to Georgetown Utility Systems Administration. If the complaint is the first violation in the calendar year, then a warning shall be issued and such

warning shall state the specific offense and provide a City contact for assistance with efforts to remediate the violation. If the complaint is the second or subsequent violation in the calendar year, the complaint shall be forwarded to Municipal Court for resolution.

Sec. 13.16.150. - Variances.

- A. A customer may file an application for a variance from this Plan for the property receiving water service with the GM. The GM may determine the proper information and require that the applicant provide such information to evaluate the variance request.
- B. A customer may file an application for a variance from this Plan due to vacation absence and the variance shall remain in effect for the period of the vacation absence if the customer complies with the requirements of Section 13.16.080 Phase I Water Conservation and a telephone contact number has been provided.
- C. The GM may issue written orders varying one or more actions required under a Phase of the Plan if necessary to target particular customers, water systems, or areas.
- D. The GM may grant a variance from the Plan upon his/her determination that special circumstances exist that upon strict enforcement of the Plan will adversely affect the health, sanitation, or fire protection for the public or the applicant.
- E. Variances granted under this Section will expire upon escalation of the Plan to the next higher phase unless granted under Subsection B of this Section or termination of the Plan.

Sec. 13.16.160. Contract Provisions.

The City of Georgetown will include a provision in every wholesale water contract entered into or renewed after adoption of the plan, including contract extensions, that in case of a shortage of water resulting from drought, the water to be distributed shall be divided in accordance with Texas Water Code, §11.039.

Sec. 13.16.170. - Termination.

The City Manager, or his/her designee, is hereby authorized and directed to terminate the applicable provisions of the Plan upon his/her determination that the applicable provisions are no longer necessary to protect the public health, safety, and welfare.