

City of Cottonwood Shores

ORDINANCE 1100

AN ORDINANCE OF THE CITY OF COTTONWOOD SHORES, TEXAS, ADOPTING A DROUGHT CONTINGENCY PLAN; ESTABLISHING CRITERIA FOR THE INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES; ESTABLISHING RESTRICTIONS ON CERTAIN WATER USES; ESTABLISHING PENALTIES FOR THE VIOLATION OF AND PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS; ESTABLISHING PROCEDURES FOR GRANTING VARIANCES; AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Cottonwood Shores, 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 extended drought;

WHEREAS, the City recognizes that natural limitations due to drought conditions and other acts of God cannot guarantee an uninterrupted water supply for all purposes;

WHEREAS, Section 11.1272 of the Texas Water Code and associated administrative rules of the Texas Commission on Environmental Quality (Title 30, Texas Administrative Code, Chapter 288) require all firm water customers within the LCRA service area to prepare a drought contingency plan; and

WHEREAS, as authorized under law, and in the best interests of the citizens of Cottonwood Shores, Texas, the City Council of the City of Cottonwood Shores deems it expedient and necessary to establish certain rules and policies for the orderly and efficient management of limited water supplies during drought and other water supply emergencies.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF COTTONWOOD SHORES, TEXAS:

Section 1: History:

1. May 03, 2012: Ordinance 1100 adopted, replacing Ordinance 236
2. September 5, 2013 – Amended Ordinance per updated LCRA guidelines
3. November 15, 2018 – Amended Ordinance per updated LCRA guidelines

Section 2: That the City of Cottonwood Shores, Texas Drought Contingency Plan attached hereto as Exhibit "A" and made a part hereof for all purposes be and the same is hereby, adopted as the official policy of the City.

Section 3: That all ordinances that are in conflict with the provisions of this Ordinance be and the same are hereby, repealed and all other Ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.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 4: Should any paragraph, sentence, subdivision, clause, phrase, or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid; the same shall not affect the validity of this

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Ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

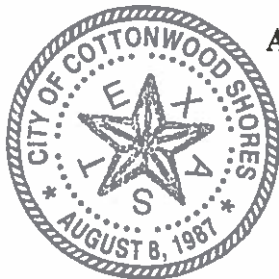
Section 5: It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Local Government Code.

Section 6: This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

AMENDED ORDINANCE PASSED THIS THE 15TH DAY OF NOVEMBER, 2018, AT A MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD SHORES, TEXAS, THERE BEING A QUORUM PRESENT, BY 5 YEAS AND 0 NAYS AND 0 ABSTAINS.



Donald Orr, Mayor



ATTEST:



Sheila C. Moore
City Administrator/City Secretary

EXHIBIT A

Drought Contingency Plan

*City of Cottonwood Shores (CWS)
3808 Cottonwood Drive
Cottonwood Shores, Texas 78657
November 15, 2018*

CN: 6006488877 RN: 101204600 (water) and pending (sewer) PWS# 0270013

Section 1: Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Cottonwood Shores hereby adopts the following regulations and restrictions on the delivery and consumption of water through Ordinance 1100.

Water uses regulated or prohibited under this Drought Contingency Plan (the Plan) are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section XI of this Plan.

Section II: Public Education

The City of Cottonwood Shores will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of posting at City Hall, Police Station, City Website, mail outs, public meeting notices, press releases, and utility bill inserts.

Section III: Coordination with Regional Water Planning Groups

The service area of the City of Cottonwood Shores is located within the LBJ Lake Basin Watershed and City of Cottonwood Shores has provided a copy of this Plan to the LCRA.

Section IV: Authorization

The City Administrator of Cottonwood Shores, or his/her designee is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The City Administrator of Cottonwood Shores or his /her designee shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

Section V: Application

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the City of Cottonwood Shores. The terms person and customer as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

Section VI: Definitions

The following definitions apply only to persons, customers, and property utilizing the CWS supply. Other sources, such as rain water collection, are not considered in this Plan. For the purposes of this Plan, the following definitions shall apply:

Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Commercial and institutional water use: water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer: any person, company, or organization using water supplied by City of Cottonwood Shores.

Domestic water use: water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Drought Contingency Plan (DCP): A program to conserve limited water resources

Even number address: street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use: water used for the irrigation and maintenance of landscaped areas; whether publicly or privately owned including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

Non-essential water use: water uses that are not essential or required for the protection of public, health, safety, and welfare, including:

- (a) irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;

- (b) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (c) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (d) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (e) flushing gutters or permitting water to run or accumulate in any gutter or street;
- (f) use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
- (g) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (h) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (i) use of water from hydrants for construction purposes or any other purposes other than firefighting.

Odd numbered address: street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

Section VII: Criteria for Initiation and Termination of Drought Response Stages

The City Administrator of Cottonwood Shores or his/her designee shall monitor water supply and/or demand conditions on a monthly basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified triggers are reached.

The triggering criteria described below are based on measurable parameters including local lake levels, precipitation accumulation records, and advisory notices from the local governmental entities such as the National Weather Service, the State of Texas, LCRA, and the County of Burnet. This information will be monitored and when drought conditions indicated this Plan will take effect. The triggering criteria will be further sub-divided as either mild, severe, emergency, or water allocation which will lead to different requirements of the persons, customers, and property utilizing the CWS supply.

Stage 1 Triggers - MILD Water Shortage Conditions

Requirements for initiation

Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section VII, Definitions, when:

- 1) The total storage in Lakes Buchanan and Travis is at or below 1.4 million acre- feet (MAF) and interruptible stored water supplied to the Lakeside, Gulf Coast and Pierce Ranch irrigation operations are being controlled.

And/or

- 2) LCRA requests Stage 1 voluntary drought measures by its firm water customers.

Requirements for termination

Stage 1 of the plan may be rescinded when the combined storage of Lakes Buchanan and Travis increase above 1.4 (MAF) resulting in LCRA announcing that voluntary compliance to implement a utility's mandatory water restrictions is no longer needed according to the drought contingency measures of the LCRA WMP.

Stage 2 Triggers – MODERATE Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 2 of this Plan whenever: 1) the total storage in Lakes Buchanan and Travis reaches at or below 900,000 acre-feet, and interruptible stored water supplies to the Lakeside, Gulf Coast and Pierce Ranch irrigation operations are being curtailed, and/or 2) LCRA requests State 2 of the Drought Contingency Plan (DCP)

Requirements for termination

Stage 2 of the Plan may be rescinded when the combined total storage of Lake Buchanan and Travis increase and exceed 900,000 acre-feet resulting in LCRA announcing mandatory water restrictions are no longer needed according to the drought contingency measures of the LCRA DCP. Upon termination of Stage 2, Stage 1 becomes operative unless combined storage of Lake Buchanan and Travis increases above 1.4 million acre-feet.

Stage 3 Triggers - SEVERE Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions for Stage 3 of this Plan and specific notifications from the City Administrator of Cottonwood Shores (designated official), or his/her designee, determines that a water supply emergency exists based on:

- 1) LCRA declares a drought worse than the drought of record or other shortage resulting from emergency.
- 2) Upon notification from LCRA that it is implementing Stage 3 of the LCRA Drought Contingency Plan.

Requirements for termination

Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased and/or LCRA announces mandatory water restrictions for firm water customers are no longer required per Stage 3 of the LCRA DCP. The drought water contingency plan will revert to the appropriate stage based on confirmation and the notification from LCRA. Upon termination of Stage 3, the appropriate stage becomes operative based on defined triggers.

Stage 4 Triggers – EMERGENCY WATER ALLOCATION CONDITIONS

Requirements for initiation

Customers shall be required to comply with the water allocation plan prescribed in Section X of this Plan for Stage 4 when one or a combination of the following trigger actions occurs:

- 1) LCRA declares a drought worse than the drought of record.
- 2) Major water line breaks, or pump or system failures occur, which cause unprecedented Loss of capability to provide water service;
- 3) Natural or man-made contamination of the water supply source(s);
- 4) Any other emergencies as determined and declared by the City and LCRA associated with a drought worse than the drought of record.

Requirements for termination

LCRA announces that mandatory water restrictions are no longer needed under drought contingency measures of the LCRA DCP. Upon termination of Stage 4, the appropriate stage becomes operative based on defined triggers.

Section VIII: Drought Response Stage Notifications

The City Administrator of Cottonwood Shores, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section VIII of this Plan, shall determine that a mild, moderate, severe, critical, emergency or water shortage condition exists and shall implement the following notification procedures:

Section IX. Notification

Notification of the Public:

The City Administrator of Cottonwood Shores (designated official) or his/ her designee shall notify the public by means of:

Stage 1-2

*public service announcements
signs posted in public places
City Website*

Stages 3-4

*publication in a newspaper of general circulation, direct mail to each customer,
public service announcements,
signs posted in public places.
City Website*

Additional Notification:

The City Administrator of Cottonwood Shores or his/ her designee shall notify directly, or cause to be notified directly, the following individuals and entities:

Stage 1-2

- Members of the City Council*
- Fire Chief(s)*
- City Emergency Management Coordinator(s) County Judge & Commissioner(s)*
- Major water users*
- Critical water users, i.e. hospitals*
- Parks / street superintendents & public facilities managers*
- Restaurants*

Stages 3-4

- Members of the City Council*
- Fire Chief(s)*
- City and/or County Emergency Management Coordinator(s) County Judge & Commissioner(s)*
- TCEQ (required when mandatory restrictions are imposed)*
- Major water users*
- Critical water users, i.e. hospitals*
- Parks / street superintendents & public facilities managers*
- Restaurants*

Section X: Responses

Stage 1 Response - MILD Water Shortage Conditions

Target: Achieve a 5 percent reduction in total water use.

Best Management Practices for Supply Management:

The City of Cottonwood Shores will manage limited water supplies and/or reduce water demand by: reduced flushing of water mains, reduced irrigation of public landscaped areas; use of reclaimed water for non-potable purposes.

Water Use Restrictions for Demand Reduction:

Stage 1 is voluntary but residents and businesses will be highly encouraged to participate by:

- (a) Commercial water customers are encouraged to irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems on Tuesdays and Fridays from 6:00a.m. until 10:00 a.m. or between 8:00p.m. and 12:00 midnight.
- (b) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems are encouraged to be limited to Sundays and Thursdays for residential water customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for residential water

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customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the hours of 6:00 a.m. until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at any time if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.

(c) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is encouraged to only occur on designated watering days (commercial and residential) between the hours of 6:00 a.m. and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing should be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses, but water capture/recycling is strongly encouraged. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public are contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

(d) Limit washing/rinsing of paved surfaces, buildings, walls, structures, or other hard surface areas except for safety or fire/fighting purposes.

(e) Check equipment using water for proper operation and maximum efficiency for distribution of water.

Stage 2 Response - MODERATE Water Shortage Conditions

Target: Achieve a 10 - 20 percent reduction in total water use or other LCRA drought contingency plan reduction target for the 900,000 acre-feet trigger.

Best Management Practices for Supply Management:

The City of Cottonwood Shores Water Facility will manage limited water supplies and/or reduce water demand by: reduced or discontinued flushing of water mains, use of an alternative supply source(s) as available; use of reclaimed water for non--potable purposes.

Water Use Restrictions for Demand Reduction: Voluntary requirements of Stage 1 shall become mandatory under threat of penalty for violation. Additionally:

(a) Vehicle washing as described in Stage 1 (c) should be limited to once per week.

(b) Reduce fertilizer rates to limit leaching or application of excess water

Stage 3 Response - SEVERE Water Shortage Conditions

Target: The initial target will be to achieve a 20% reduction in total water usage. Other responses as requested by LCRA may be required.

Best Management Practices for Supply Management:

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The City of Cottonwood Shores Water Facility will manage limited water supplies and/or reduce water demand by restoring service as quickly as repairs or problems can be resolved.

Water Use Restrictions for Reducing Demand. All requirements of Stage 2 shall remain in effect during Stage 3 with changes and additions as noted below

- (a) Irrigation of landscaped areas is prohibited except by use of hand-held hose, hand-held bucket or drip irrigation.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited for the entire system unless a closed-loop recycled water system is used.
- (c) Filling or refilling of indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools should only occur at designated residential watering times as prescribed in Stage 1.
- (d) Reduce overall irrigation to extents possible.
- (e) Overhead spray irrigation of nursery plants will be limited to residential/commercial watering schedule (see Stage 1 for days and times).

Stage 4 Response - EMERGENCY WATER ALLOCATION CONDITIONS

Target: Water use will be prohibited for any portions of the water distribution system affected until further notice. Achieve an increased percent reduction in total water use based on mandatory pro rata curtailment percentages as determined by LCRA.

In the event that water shortage conditions threaten public health, safety, and welfare, the City Administrator of Cottonwood Shores is hereby authorized to allocate water according to the following water allocation plan:

- (a) All non-essential outdoor watering use such as turfgrass and planting beds is prohibited unless water source is from an alternate source such as rain water or reclaimed water.
- (b) Irrigated inventory must be reduced to extent possible or curtailed with a formal watering plan submitted to the City.
- (c) Irrigation of nursery plants only by hand-held hose and/or drip irrigation with positive shut-off devices with a notification provided to the City.
- (d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system. Use of rainwater is highly recommended in these systems.
- (e) Use of water from hydrants shall be limited to fire-fighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the City of Cottonwood

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- (f) All restaurants should refrain from serving water to patrons except upon request of the patron.
- (g) The following uses of water are defined as non-essential and are not allowed:
 1. wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 2. use of water to wash down buildings or structures for purposes other than immediate fire protection;
 3. use of water for dust control;
 4. flushing gutters or permitting water to run or accumulate in any gutter or street; and
 5. failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Section XI: Enforcement

(a) No person shall knowingly or intentionally allow the use of water from the City of Cottonwood Shores for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by City Council of Cottonwood Shores, or his/her designee, in accordance with provisions of this Plan.

(b) Any person who violates this Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than two hundred dollars (\$200.00) and not more than five hundred dollars (\$500.00). Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the City Administrator of Cottonwood Shores 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 re-connection charge, hereby established at \$50.00, and any other costs incurred by the City of Cottonwood Shores in discontinuing service. In addition, suitable assurance must be given to the City Administrator of Cottonwood Shores that the same action shall not be repeated while the Plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.

(c) Any person, including a person classified as a water customer of the City of Cottonwood Shores in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttal presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. 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 parents' control shall constitute a rebuttal presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation.

(d) Any designated employee of the City of Cottonwood Shores, police officer, or other City employee

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designated by the City Administrator of Cottonwood Shores, may issue a citation to a person he/she reasonably believes to be in violation of this Ordinance. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the Municipal Court on the date shown on the citation for which the date shall not be less than 3 days nor more than 5 days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in Municipal Court to enter a plea of guilty or not guilty for the violation of this Plan. If the alleged violator fails to appear in Municipal Court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in Municipal Court.

Section XII: Variances

The City Administrator of Cottonwood Shores, or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

- (a) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
- (b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with the City of Cottonwood Shores within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the City Manager of Cottonwood Shores, or his/her designee, and shall include the following:

- (a) Name and address of the petitioner(s).
- (b) Purpose of water use.
- (c) Specific provision(s) of the Plan from which the petitioner is requesting relief.
- (d) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- (e) Description of the relief requested.
- (f) Period of time for which the variance is sought.
- (g) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (h) Other pertinent information.

Section XIII: Notification to LCRA

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Mandatory provisions of this Drought Contingency Plan will be made available to the LCRA General Manager in writing within five (5) business days of implementation.

Section XIV: Plan Updates

This plan is considered consistent with TCEQ rules and will be updated based on developments in LCRA's water service area. Implementation will occur immediately upon passing of Ordinance 1100. Any future changes will be reported to LCRA.