

**ORDINANCE NO. O-2023-128**

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

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

**I.**

That Chapter 44, Article VIII, Section 44-221, Code of Ordinances (2018 Edition), City of Round Rock, Texas, is hereby amended to 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.

The city council has also determined that it is its policy that water customers are encouraged to voluntarily limit the use of water for nonessential purposes and to practice water conservation. The city council encourages voluntary observance of Stage 1 twice per week watering schedule at all times.

II.

That Chapter 44, Article VIII, Sections 44-228 through 44-235, Code of Ordinances (2018 Edition), City of Round Rock, Texas, are hereby amended to read as follows:

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

- (a) ~~The city has determined that the peak water use period begins on May 1 of each year and ends on October 31 of each year. During this period of peak water use, the city seeks to encourage water conservation.~~
- (ba) ~~During the peak water use period of May 1 to October 31 of each year,~~At all times, water customers will be encouraged to voluntarily use water in compliance with all of the stage I regulations set forth in section 44-233.
- (eb) ~~At the beginning of the peak water use period, t~~he city will ~~initiate actions and~~ engage in educational programs designed to increase customer awareness of water conservation and encourage the most efficient use of water.
- ~~(d) Water customers are encouraged to voluntarily limit the use of water for nonessential purposes and to practice water conservation. Voluntary observance of the stage 1 twice per week watering schedule is requested.~~

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

- (a) Stage I shall be implemented when any of the following triggers occur:
  - (1) Supply-based trigger for implementation of stage I is as follows:
    - a. Lake Georgetown Reservoir elevation is below ~~770~~ 775 feet above mean sea level (msl) for three consecutive days; or
    - b. The combined storage of Lake Georgetown, and Lake Stillhouse Hollow is less than 162,752 acre feet of water ~~;~~ and
    - c. The combined storage of Lake Buchanan and Lake Travis is less than 1,502,037 acre feet of water.
  - (2) Demand or capacity-based triggers for implementation of stage I are as follows:
    - a. Total daily demand has reached 85 percent of total ~~W~~water treatment capacity in the water treatment plant, Lake Creek Groundwater Well Site, and the BCRUA Water Treatment Plant 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 makes a written public announcement that he/she has reasonably determined that one or more reasons exist to initiate stage I restrictions to protect the health, safety, and welfare of the citizens of the city.
  - b. The implementation of stage I by the city manager pursuant to subsection (4)a. above, shall expire 15 days thereafter unless the city council adopts a resolution ratifying such determination and implementation within such 15-day period.
- (b) Stage I 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:

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

**Sec. 44-231. Stage II triggers.**

- (a) Stage II shall be implemented when any of the following triggers occur:
  - (1) Supply-based trigger for implementation of stage II is as follows:
    - a. Lake Georgetown Reservoir elevation is below ~~765~~770 feet above mean sea level (msl) for three consecutive days; or
    - b. The combined storage of Lake Georgetown, ~~and~~ Lake Stillhouse Hollow is less than 105,001 acre feet of water; ~~and~~
    - c. The combined storage of Lake Buchanan and Lake Travis is less than 1,302,179 acre feet of water.
  - (2) Demand or capacity-based triggers for implementation of stage II are as follows:
    - a. Total daily demand has reached 90 percent for three consecutive days of total ~~W~~water treatment capacity in the water treatment plant, Lake Creek Groundwater Well Site, and the BCRUA Water Treatment Plant 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<sup>1</sup> triggers:
- a. Pursuant to requirements specified in the city's<sup>2</sup> wholesale water supply contract(s), notification is received from the city's<sup>2</sup> wholesale water supplier(s) requesting implementation of the stage II restrictions.
- (4) Public health, safety<sup>3</sup> and welfare triggers:
- a. The city manager makes a written public announcement that he/she has reasonably determined that one or more reasons exist to initiate stage II restrictions to protect the health, safety<sup>3</sup> 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:

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

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

- (a) When either stage I or stage II mandatory water conservation regulations are implemented, the following restrictions and prohibitions shall be in effect:
- (1) *Outdoor irrigation.* All outdoor irrigation by automatic irrigation systems, hose end sprinklers, soaker hoses, or drip irrigation is prohibited unless it occurs in compliance with the applicable stage I or stage II watering schedule. Irrigation by hand-held hoses or hand-held buckets is permitted anytime. The outdoor watering day and time restrictions do not apply to outdoor irrigation by commercial plant nurseries.

- (2) *Vehicle washing.* The washing, 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 with a nozzle shut-off device attached.

The vehicle washing prohibition does not apply to the following:

- a. The washing of vehicles or mobile equipment when conducted on the immediate premises of a commercial carwash or a commercial service station; or
  - b. The washing of automobiles, trucks, trailers, boats, airplanes, and other types of mobile equipment (such as garbage trucks and vehicles used to transport food and perishables) when the washing is necessary on a more regular and frequent basis in order to protect the health, safety, and welfare of the public.
- (3) *Power washing.* The day and time regulations of outdoor watering do not apply to commercial companies in the business of power washing.
  - (4) *Foundation watering.* The watering of the ground around foundations is prohibited except in compliance with the applicable stage I or stage II watering schedule.
  - (5) *Pools.* If either stage I or stage II is implemented, the initial filling and the refilling or adding of water to nongovernment owned swimming pools, hot tubs, wading pools, or ponds is prohibited except in compliance with the applicable stage I or stage II watering schedule.
  - (6) *Fountains and similar water features.*
    - a. ~~During stages I and II, Pursuant to §44-6(b)(3),~~ the operation of ornamental fountains or other similar structures that do not recirculate the water is prohibited.
    - b. During stage I, the operation of ornamental fountains or other similar structures that recirculate water is permitted.
    - c. During stage II, the operation of ornamental fountains or other similar structures that recirculate water is prohibited.
  - (7) *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.
  - (8) *Fire hydrants.* The use of water from fire hydrants is prohibited except for firefighting-related activities or other activities necessary to maintain the health, safety, and welfare of the citizens of the city. Routine flushing of fire hydrants for other than health and safety reasons is prohibited.
  - (9) *Street washing.* ~~Street washing~~The washing of streets, sidewalks, and driveways is prohibited.
  - (10) *New landscaping.* Because of the watering restrictions imposed by this section, landowners are encouraged to postpone the installation of new landscaping until after all mandatory restrictions are lifted. In lieu of installing the required landscaping during mandatory restrictions, owners of new construction may apply for a temporary certificate of occupancy in accordance with subsection 10-56(d) of this Code.
- (b) The stage I and stage II regulations do not apply to the following:
- (1) The necessary use of water, other than for landscape irrigation, by a governmental entity in pursuit of its governmental functions for the benefit of the public, such as for capital improvement construction projects.
  - (2) The necessary use of water, other than for landscape irrigation, for land development (such as roadway base preparation, flushing of utility lines, dust control, concrete, and asphalt work) and for building construction processes.

- (3) The necessary use of water for repair of water distribution facilities, residential and commercial plumbing and landscape irrigation systems.
  - (4) The necessary use of water for athletic fields for organized youth, amateur, or professional sports such as football, soccer or baseball where the field is in use or will be in use within 60 days of the institution of stage I or II restrictions.
- (c) Stage I and stage II regulations are intended to achieve the following target reductions in water consumption:
- (1) Stage I regulations are intended to achieve a 15 percent reduction in daily water consumption.
  - (2) Stage II regulations are intended to achieve a 25 percent reduction in daily water consumption.

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

- (a) Stage III shall be implemented when any of the following triggers occur:
- (1) Supply-based trigger for implementation of stage III is as follows:
    - a. The combined storage of Lake Georgetown, and Lake Stillhouse Hollow is less than 52,501 acre feet of water; and
    - b. The combined storage of Lake Buchanan and Lake Travis is less than 600,000 acre feet of water.
  - (2) Demand or capacity-based triggers for implementation of stage III are as follows:
    - a. Total daily demand has reached 95 percent of total ~~W~~water treatment capacity in the water treatment plant, Lake Creek Groundwater Well Site, and the BCRUA Water Treatment Plant has reached 95 percent for three consecutive days;
    - b. Total daily demand has reached 95 percent pumping capacity for three consecutive days;
    - c. Total daily demand is 95 percent of the storage capacity for three consecutive days; or
    - d. Significant production or distribution limitations including, but not limited to, system outages and equipment failure.
  - (3) Wholesale water suppliers' triggers:
    - a. Pursuant to requirements specified in the city's wholesale water supply contract(s), notification is received from the city's wholesale water supplier(s) requesting implementation of the stage III restrictions.
  - (4) Public health, safety, and welfare triggers:
    - a. The city manager makes a written public announcement that he/she has reasonably determined that one or more reasons exist to initiate stage III restrictions to protect the health, safety, and welfare of the citizens of the city.
    - b. The implementation of stage III by the city manager pursuant to subsection (a)(1) above shall expire 15 days thereafter unless the city council adopts a resolution ratifying such determination and implementation within such 15-day period.
  - (5) Triggers for termination of stage III restrictions:
    - a. Stage III may terminate when the city manager makes a public announcement that all of the conditions listed as triggering events have ceased to exist for a period of three consecutive days; or
    - b. When the city manager makes a public announcement that it is in the best interest of the city to terminate stage III.

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

- (a) When stage III mandatory water conservation regulations are implemented, the following restrictions and prohibitions shall be in effect:
- (1) *Outdoor irrigation.* Except as provided below, all outdoor irrigation of vegetation is prohibited. Irrigation by hand-held hoses or hand-held water cans is permitted in compliance with the stage II once-per-week watering schedule found in section 44-232. Commercial plant nurseries are permitted to irrigate by hand-held hoses or hand-held water cans in compliance with the stage I twice-per-week watering schedule.
  - (2) *Vehicle washing.* The washing of automobiles, trucks, trailers, boats, airplanes, and other types of mobile equipment is prohibited, unless occurring on the immediate premises of a commercial carwash or a commercial service station and between the hours of 8:00 a.m. and 5:00 p.m.
  - (3) *Power washing.* Power washing is prohibited.
  - (4) *Foundation watering.* The watering of the ground around foundations is prohibited except by hand-held hoses or soaker hoses and in compliance with the stage II once-per-week watering schedule found in section 44-232.
  - (5) *Pools.* Except as provided below, the refilling or adding of water to nongovernment owned swimming pools, hot tubs, wading pools, or ponds is prohibited. For new and existing swimming pools, hot tubs, wading pools, and ponds, the initial filling of said new water features and the refilling or adding of water in existing water features in accordance with the stage II schedule is permitted if necessary to prevent damage to the pool or equipment.
  - (6) *Fountains and similar water features.* The operation of ornamental fountains or other similar structures is prohibited.
  - (7) *Golf courses.* The use of potable water for irrigation of golf courses is prohibited.
  - (8) *Fire hydrants.* The use of water from fire hydrants is prohibited except for firefighting-related activities or other activities necessary to maintain the health, safety, and welfare of the citizens of the city. Routine flushing of fire hydrants for other than health and safety reasons is prohibited. Provided however, when approved in writing by the director, a business may use water from a fire hydrant for land development and building construction processes.
  - (9) *Street washing.* The washing of streets, sidewalks, and driveways ~~Street washing~~ is prohibited.
  - (10) *New landscaping.* All new planting of plants or grass of any type is prohibited.
  - (11) *Water served in restaurants.* Water may not be served in restaurants unless requested by a customer.
- (b) The stage III regulations do not apply to the following:
- (1) The necessary use of water, other than for landscape irrigation, by a governmental entity in pursuit of its governmental functions for the benefit of the public, such as for capital improvement construction projects.
  - (2) The necessary use of water, other than for landscape irrigation, for land development (such as roadway base preparation, flushing of utility lines, dust control, concrete, and asphalt work) and for building construction processes.
  - (3) The necessary use of water for repair of water distribution facilities, residential and commercial plumbing and permanently installed landscape irrigation systems.
- (c) Stage III regulations are intended to achieve a 50 percent reduction in daily water consumption.

**III.**

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

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

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

Alternative 1.

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

**READ, PASSED, and ADOPTED** on first reading this \_\_\_\_ day of \_\_\_\_\_, 2023.

Alternative 2.

**READ and APPROVED** on first reading this the \_\_\_\_ day of \_\_\_\_\_, 2023.

**READ, APPROVED** and **ADOPTED** on second reading this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
CRAIG MORGAN, Mayor  
City of Round Rock, Texas

ATTEST:

\_\_\_\_\_  
MEAGAN SPINKS, City Clerk