

ORDINANCE NO. 24-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODWAY, TEXAS, ADOPTING THE 2024 WATER CONSERVATION PLAN; ENACTING THE PLAN AS CHAPTER 18, ARTICLE V OF THE CODE OF ORDINANCES OF THE CITY OF WOODWAY, TEXAS; PROVIDING FOR A PENALTY; PROVIDING FOR A SEVERABILITY CLAUSE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED WAS NOTICED AND HAS BEEN OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, in 2007, the 80th Texas Legislature amended Section 13.146 of the Texas Water Code to require each retail public utility that provides potable water service to 3,300 or more connections to submit a Water Conservation Plan to the Texas Water Development Board (TWDB); and

WHEREAS, the City of Woodway provides potable water service to approximately 4,366 connections; and

WHEREAS, the Woodway City Council recognizes that the amount of water available is limited and is subject to increased demands with utility growth; and

WHEREAS, the Woodway City Council recognizes the need for the conscientious utilization of a limited resource and the most efficient use of the available resources; and

WHEREAS, as authorized by law, and in the best interest of the Woodway water utility customers, the City Council deems it necessary and prudent to update the policies established in 2019 for the efficient management of limited water supplies.

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

The Water Conservation Plan attached hereto as Exhibit A and made part hereof for all purposes be and the same is hereby adopted as Chapter 18, Article V of the Code of Ordinances of the City of Woodway, Texas.

The Water Conservation Plan attached hereto as Exhibit A and made part hereof for all purposes shall be and is the official policy of the City of Woodway.

The City Manager or her or his designee is hereby directed to implement, administer, and enforce the Water Conservation Plan.

That Any person who violates the Plan shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than One Hundred Dollars **(\$100.00)** and not more than Five Hundred Dollars **(\$500.00)**. Each day that one or more of the provisions in the Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of the Plan, the City Manager 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 reconnection charge, established by the City Council of the City of Woodway from time to time, and any other costs incurred by the City of Woodway in discontinuing service. In addition, suitable assurance must be given to the City Manager that the same action shall not be repeated while the Plan is in effect. Compliance with the Plan may also be sought through injunctive relief in the district court.

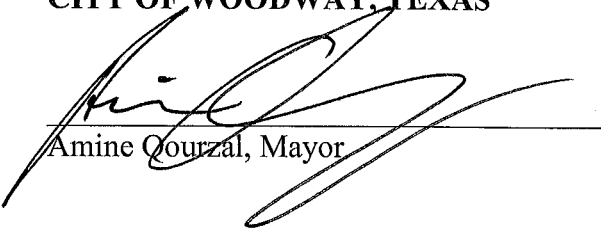
This Ordinance shall take effect immediately upon passage.

If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid by the valid judgment or decree of any court of competent jurisdiction for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of this Ordinance are declared to be severable.

That it is hereby officially found and determined that the meeting at which this Ordinance is adopted was noticed and has been open to the public as required by law.

PASSED AND APPROVED this the 22nd day of April 2024.

CITY OF WOODWAY, TEXAS


Amine Qourzal, Mayor

ATTEST:


Donna Barkley, City Secretary

APPROVED AS TO LEGALITY:

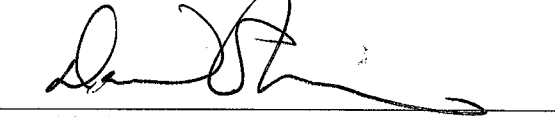
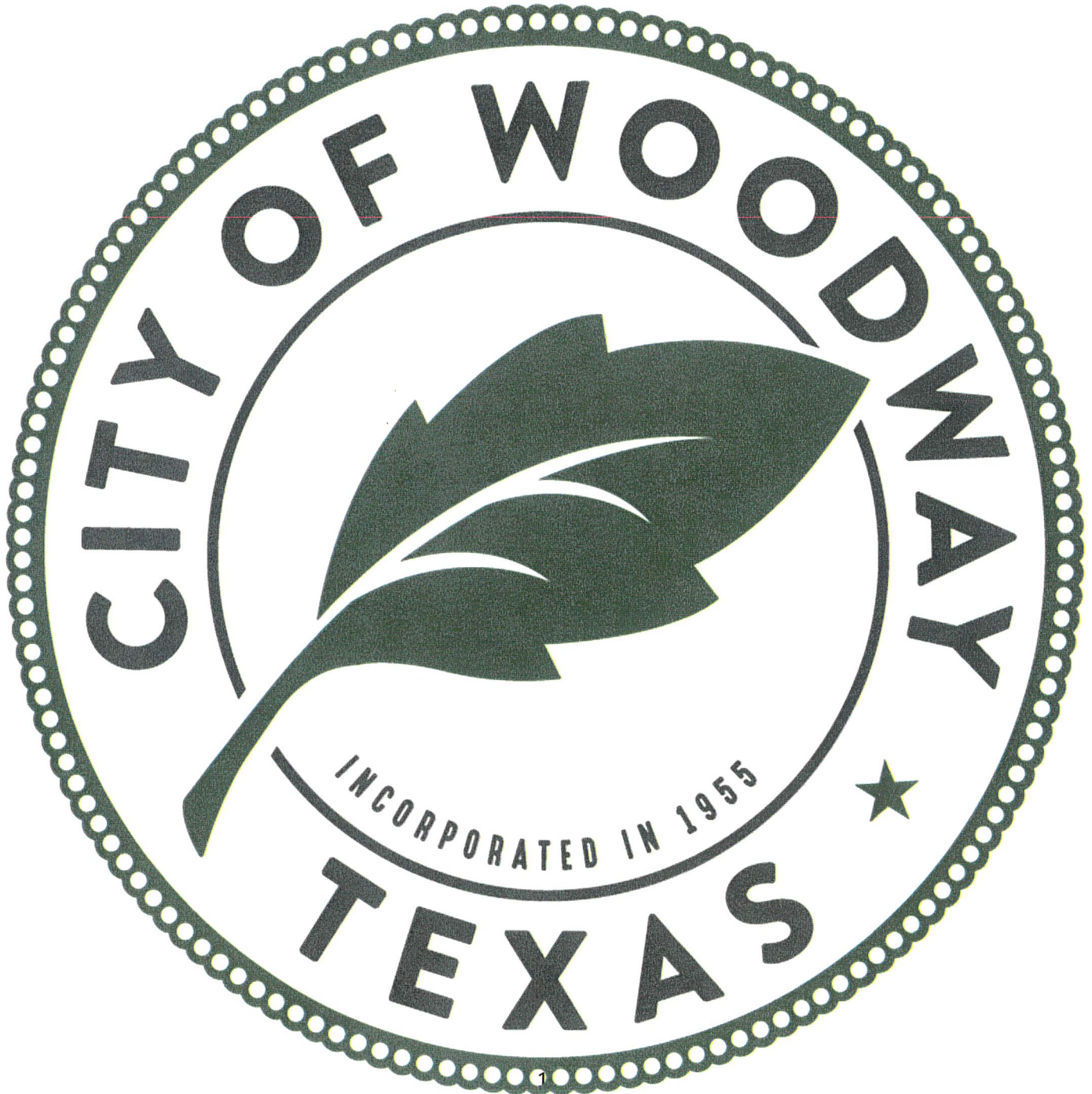

David Shaw, City Attorney

EXHIBIT A

DROUGHT CONTINGENCY PLAN



CHAPTER 18, ARTICLE V
DROUGHT CONTINGENCY PLAN
FOR THE CITY OF WOODWAY

Section 18-105.1: 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 Woodway hereby adopts the following regulations and restrictions on the delivery and consumption of water.

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 conditions are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section 18-105.11 of this Plan.

Section 18-105.2: Public Involvement

Opportunity for the public to provide input into the preparation of the Plan was provided by the City of Woodway by means of open public meeting of the Woodway City Council.

Section 18-105.3: Public Education

The City of Woodway 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 with the drought response measures to be implemented in each stage. This information may be provided by means of City of Woodway newsletter, website, or other similar means, to the water customers of the City of Woodway.

Section 18-105.4: Coordination with Regional Water Planning Groups

The service area of the City of Woodway is located within the Brazos Region and the City of Woodway has provided a copy to the Texas Water Development Board, 1700 North Congress Avenue, Austin, Texas 78701.

Section 18-105.5: Authorization

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

Section 18-105.6: Application

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the City of Woodway. The terms “person” and “customer” as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities. The City of Woodway shall be exempt from application of this Plan when necessary to protect health, safety, and welfare, as determined by the City Manager, or his/her designee.

Section 18-105.7: Definitions

For the purpose 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 government 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 wastewater, 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 the City of Woodway.

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.

Even number address: street address 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 nor 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 a motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (c) use of water to wash down 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).

Odd numbered addresses: street addresses ending in 1, 3, 5, 7, or 9.

Section 18-105.8: Triggering Criteria for Initiation and Termination of Drought Response Stages

The City Manager, or his/her designee, shall monitor water supply and/or demand conditions on daily basis and shall determine when conditions warrant initiation or termination of each stage of the Plan. Public notification of the initiation or termination of drought response stages may be by means of City newsletter, website, notice published in newspaper and/or public service announcements via television or radio.

The triggering criteria described below are based on analysis of the system emphasizing the importance of water supply to each plant.

(a) Stage 1 – 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 18-105.7 – Definitions, when any one plant on the system reaches a demand equal to or greater than 75% of the total production (or refill) capacity for 3 consecutive days.

Requirements for termination – Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 7 consecutive days. Public notification of termination shall not be necessary.

(b) Stage 2 – Moderate Water Shortage Conditions

Requirements for initiation – Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section 18-105.7 of this Plan when any one plant on the system reaches a demand equal to or greater than 100% of the total production (or refill) capacity of such plants, for 3 consecutive days.

Requirements for termination – Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 7 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative. Public notification of termination of this stage shall be issued by the City.

(c) Stage 3 – Severe Water Shortage Conditions

Requirements for initiation – Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section 18-105.7 of this Plan when any one plant on the system reaches a demand equal to or greater than 115% of the total production (or refill) capacity of such plants for 3 consecutive days.

Requirements for termination – Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 7 consecutive days. Upon termination of Stage 3, Stage 2 becomes operative. Public notification of termination of this stage shall be issued by the City.

(d) Stage 4 – Critical Water Shortage Conditions

Requirements for initiation – Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section 18-105.7 of this Plan when any one plant on the system reaches a demand equal to or greater than 118% of the total production (or refill) capacity of such plants for 3 consecutive days.

Requirements for termination – Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 7 consecutive days. Upon termination of Stage 4, Stage 3 becomes operative. Public notification of termination of this stage shall be issued by the City.

(e) Stage 5 – Emergency Water Shortage Conditions

Requirements for initiations – Customers shall be required to comply with the requirements and restrictions of Section 18-105.7 of this Plan when the City Manager, or his/her designee, determines that a water supply emergency exists based on:

1. Major water breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or
2. Natural or man-made contamination of the water supply source(s).

Requirements for termination – Stage 5 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist. Public notification of termination of this stage shall be issued by the City.

Section 18-105.9: Drought Response Stages

The City Manager, 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 18-105.8 of the Plan, shall determine that a mild, moderate, severe, critical, or emergency condition exists and shall implement the provisions outline in Section 18-105.8.

Stage 1 – Mild Water Storage Conditions

Goal: Achieve a voluntary 20 percent reduction in total consumption.

Supply Management Guidelines: No fire hydrant testing; no training with water.

Voluntary Water Use Restrictions:

- (a) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

Stage 2 – Moderate Water Shortage Conditions

Goal: Achieve a 25 percent reduction in total consumption and move to Stage 1.

Supply Management Guidelines: No fire hydrant testing; 50% curtailment of City maintained sprinkler systems. No fire training with water.

Water Use Restrictions – Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

- (a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to the schedule below, with no watering allowed of this type during the hours of 10:00 am to 7:00 pm. However, irrigation of landscaped areas is permitted at any time if it by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.

Single Family Last Digit Address	Allowed Landscape Water Days
Odd	Tuesday and Saturday
Even	Wednesday and Sunday
All Non-Single Family Accounts	Monday and Friday
No Watering Thursday. Storage Recovery Day	

- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days and within the designated watering time. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. 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 is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
- (c) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated watering days during the designated watering times.

- (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.

- (e) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days during the designated watering times. However, if the golf course utilizes a water source other than that provided by the City of Woodway, the facility shall not be subject to these regulations in the use of such other water source,

Stage 3 – Severe Water Shortage Conditions

Goal: Achieve a 15 percent reduction in total consumption and move to Stage 2.

Supply Management Guidelines: No flushing of water lines; no fire hydrant testing; complete curtailment of City maintained sprinkler systems; no fire training with water; and no City vehicle washing

Water Use Restrictions – All requirements of Stage 2 shall remain in effect during Stage 3 except:

- (a) Irrigation of landscaped areas shall be limited to Stage 2 designated watering days and during the designated watering times, and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.

- (b) The watering of golf course greens, tees and fairways is prohibited unless the golf course utilizes a water source other than that provided by the City of Woodway.

Stage 4 – Critical Water Shortage Conditions

Goal: Achieve a 3 percent reduction in total consumption and move to Stage 3.

Supply Management Guidelines: No water flushing; no fire hydrant testing; complete curtailment of City maintained sprinkler systems; no fire training with water; curtailment of employee showers; and no City vehicle washing.

Water Use Restrictions: All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except:

- (a) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such

vehicle washing at commercial car washes and commercial services stations shall occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10:00 p.m.

- (b) The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.
- (c) 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.
- (d) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

Stage 5 – Emergency Water Shortage Conditions

Goal: Achieve a 50 percent reduction in total consumption.

Supply Management Guidelines: No water line flushing; no fire hydrant testing; complete curtailment of City maintained sprinkler systems; no fire training with water; curtailment of employee showers; no City vehicle washing; and limit City water usage to absolutely critical only.

Water Use Restrictions – All requirements of Stage 2, 3, and 4 shall remain in effect during Stage 5 except:

- (a) Irrigation of landscaped areas is absolutely prohibited.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle is absolutely prohibited.

Section 18-105.10: Enforcement

- (a) No person shall allow the use of water from the City of Woodway 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 the City Manager, 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 One Hundred Dollars (***\$100.00***) 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 Manager 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 reconnection charge, established by the City Council of the City of Woodway from time to time, and any other costs incurred by the City of Woodway in discontinuing service. In addition, suitable assurance must be given to the City Manager 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 Woodway, 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 rebuttable 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 rebuttable 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 misused in violation of this Plan and the parent could not have reasonably known of, or prevented, the violation.

- (d) In addition to City of Woodway Police Officers, any employee of the City of Woodway, as designated by the City Manager, 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 the 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 a preferential setting in Municipal Court before all other cases.

Section 18-105.11: Variances

The City Manager, or his/her designee, may, in writing, grant temporary variance for existing water use 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, safety or fire protection of 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 Secretary of the City of Woodway within 5 days after the Plan or particular drought response stage has been invoked. All petitions for variances shall be reviewed by the City Manager, 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 requested.
- (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.

Variances granted by the City of Woodway shall be subject to the following conditions, unless waived or modified by the City Manager or his/her designee:

- (a) Variances granted shall include a timetable for compliance.
- (b) Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.
- (c) Variances granted may be revoked by the City Manager, or his/her designee, at any time and without cause.

No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

Section 18-105.12: Severability

It is hereby declared to be the intention of the City of Woodway that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Plan shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction such unconstitutionally shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan, since the same would not have been enacted by the City of Woodway without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.