

## **ORDINANCE NO. 443**

### **AN ORDINANCE AMENDING THE CITY OF BANDERA CODE OF ORDINANCES CHAPTER 13 UTILITIES ARTICLE 13.09.069 DROUGHT RESPONSE STAGE RESPONSES AND WATER USE RESTRICTIONS; PROVIDING A REPEALING SECTION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Bandera (City) has previously adopted an ordinance to raise public awareness of the water supply situation and initiate voluntary conservation measures; and,

**WHEREAS**, the City Council has determined that some drought water use restrictions are far more restrictive than comparable Cities and may lead to adverse damage to homes and structures within the City; and,

**WHEREAS**, the City Council hereby finds it to be in the best interest of the citizens of Bandera to amend the City Code as set forth herein.

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

#### **SECTION 1. AMENDMENT.**

This Ordinance amends Chapter 13 Utilities, Article 13.09.069, Drought Response Stage Responses and Water Use Restrictions, of the City of Bandera Code of Ordinances as set forth in the attached Exhibit A

#### **SECTION 2. EFFECTIVE DATE.**

This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

#### **SECTION 3. CUMULATIVE.**

The provisions of this ordinance shall be cumulative of all ordinances not repealed by this ordinance and ordinances governing or regulating the same subject matter as that covered herein. This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

#### **SECTION 4. SEVERABILITY.**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance be severable, and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared invalid by judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance and the remainder of this ordinance shall be enforced as written.

#### **SECTION 5. PROPER NOTICE AND MEETING**

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

**PASSED AND APPROVED**, this, the 25<sup>h</sup> day of June, 2024.

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Rebeca Gibson, Mayor

ATTEST:

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Jill Shelton, City Secretary

DRAFT

## Exhibit A

### § 13.09.069. Drought response state responses and water use restrictions.

The mayor, or his/her designee, shall monitor water supply and/or demand condition on a weekly basis and, in accordance with the triggering criteria set forth in section 13.09.068, shall determine that a mild, moderate, severe, critical, or emergency condition exists and shall implement the following action upon publication of notice in a newspaper of general circulation:

- (1) Stage 1: Mild water shortage conditions.
  - (A) Goal. Raise public awareness of the supply situation and initiate voluntary conservation measures.
  - (B) Supply management measures. The city will manage limited water supplies and/or reduce water demand. Examples of water reduction include: reduced or discontinued flushing of water mains, immediate repairs of any water leak, and use of reclaimed water for non-potable purposes.
  - (C) Voluntary water use restrictions.
    - (i) Water customers are requested to voluntarily limit the irrigation of landscaped areas to between the hours 8:00 p.m. to 8:00 a.m.
    - (ii) All operations of the city shall adhere to water use restrictions prescribed for Stage 2 of the plan.
    - (iii) Water customers are requested to practice water conservation and to minimize or discontinue water use for nonessential purposes.
- (2) Stage 2: Moderate water shortage conditions
  - (A) Goal. Achieve a 20 percent reduction in total water use per day.
  - (B) Water use restrictions. Under threat of penalty for violation, the following water use restrictions shall apply to all persons:
    - (i) Irrigation of landscaped areas and turf shall be limited to the designated watering hours between 8:00 p.m. to 8:00 a.m. 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 a drip irrigation system. Watering of Trees via a hand-held hose is allowed, watering of gardens for the use of private nourishment and watering in a foundation to avoid structural damage is permitted.
    - (ii) Use of water to wash any motor vehicle, motorbike, boat, trailer, other vehicle is allowed if done before 8:00 am or after 8:00 pm. 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 carwash 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.

- (iii) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or jacuzzi-type is allowed if done before 8:00 am or after 8:00 pm.
- (iv) Use of water from hydrants shall be limited to firefighting, 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.
- (v) The following uses of water are defined as nonessential and are prohibited:
  - a. Washdown of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas.
  - b. Use of water to wash down buildings or structures for purposes other than immediate fire protection.
  - c. Use of water for dust control except for properties under current construction with valid permit;
  - d. Flushing street gutters or permitting water to run or accumulate in any gutter or street; and
  - e. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

(3) Stage 3: Severe water shortage conditions.

- (A) Goal. Achieve a 30 percent reduction in daily water use.
- (B) Water use restrictions. All requirements of Stage 2 shall remain in effect during Stage 3 except:
  - (i) Irrigation of landscaped areas shall be limited to designated watering days (Tuesday and Sunday for residents with even number addresses and Wednesday and Saturday for residents with odd number addresses) between the hours of 8:00 am and after 8:00 pm and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or a permanently installed automatic sprinkler system only; watering of Trees via a hand-held hose is allowed, watering of gardens for the use of private nourishment and watering in a foundation to avoid structural damage is permitted The use of hose-end sprinklers is prohibited at all times.
  - (ii) The filling of newly constructed swimming pools from a City of Bandera water source is prohibited; however, pool levels may be maintained because of evaporation.

(4) Stage 4. Critical water shortage conditions.

- (A) Goal. Achieve a 40 percent reduction in daily water use.
- (B) Water use restrictions. All requirements of Stages 2 and 3 shall remain in effect during

State 4 except:

- (i) Irrigation of landscaped areas shall be limited to designated watering days (Tuesday and Sunday for residents with even number addresses and Wednesday and Saturday for residents with odd number addresses between the hours of 8:00 p.m. and 8:00 a.m. and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. ; watering of Trees via a hand-held hose is allowed, and watering of gardens for the use of private nourishment and watering in a foundation to avoid structural damage is permitted. The use of hose-end sprinklers or permanently installed automatic sprinkler systems is prohibited at all times.
- (ii) Use of water to wash any motor vehicle, motorbike, boat, trailer, or other vehicle not occurring on the premises of a commercial carwash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial carwashes and commercial service stations shall occur only between the hours of 9:00 a.m. and 4:00 p.m. and between 10:00 p.m. and 4:00 a.m.
- (iii) 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.

(5) Stage 5: Emergency water shortage conditions.

- (A) Goal. Achieve a 50 percent reduction in daily water use.
- (B) Water use restriction. All requirements of Stages 2, 3, and 4 shall remain in effect during Stage 5 except:
  - (i) Irrigation of landscaped areas is absolutely prohibited; However, watering of Trees via a hand-held hose is allowed, watering of gardens for the use of private nourishment and watering in a foundation to avoid structural damage is permitted during designated watering days (Tuesday and Sunday for residents with even number addresses and Wednesday and Saturday for residents with odd number addresses) between the hours of 8:00 p.m. and 8:00 a.m.

(6) Stage 6: Complete water loss.

In the event that all water production has ceased due to massive pump failures, power outages or any other natural or man-made causes [resulting in] complete water loss due to contamination of all water sources, the mayor, or his/her designee, is hereby authorized to notify the public by a newspaper of general circulation, radio announcements and/or a black flag to be flown at 511 Main Street that no water from the system will be available for use.