

ORDINANCE NO. 2212

AN ORDINANCE AMENDING CHAPTER 19 – WATER AND SEWERS, ARTICLE III – CONSERVATION OF GROUNDWATER TO INCLUDE STAGE INDICATORS FOR GROUNDWATER USE REDUCTION PROGRAM AND GROUNDWATER USE REDUCTION MEASURES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Alamo Heights (the “City”) is a Texas municipality that is an authorized water purveyor and provides a public potable water system to the public within its City limits; and

WHEREAS, the City intends to comply with State of Texas regulations to enhance the health, safety, and general welfare of its residents and the general public; and

WHEREAS, the protection and maintaining of the public water supply contributes to the health, safety and general welfare of its residents and the general public; and

WHEREAS, the City utilizes water resources overseen by the Edwards Aquifer Authority that are shared with other municipal and privately-managed water users; and

WHEREAS, the Edwards Aquifer Authority regulates usage and enacts restrictions when the capacity is low due to drought or usage; and

WHEREAS, the City intends to comply with Edwards Aquifer Authority regulations and use restrictions by adopting Critical Period Triggers, Stages and Withdrawal reductions that require amendment of the Reduction Stages within Chapter 19 – Water and Sewers of the Code of Ordinances; and

WHEREAS, the capacity of the Edwards Aquifer has been impacted by sustained periods of drought and continued use to warrant additional groundwater use reduction measures and require amendment of the reduction measures within Chapter 19 – Water and Sewers of the Code of Ordinances; and

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

SECTION 1. Findings. The recitals are hereby found to be true and correct and are hereby incorporated as part of this Ordinance.

SECTION 2. Amendments. Section 19-51 – *Groundwater management rules for water demand reduction stages declared by the Edwards Aquifer Authority* shall hereinafter be amended at subsections 19-51(a), (b), (c) and (f) to add the underlined text and delete the strike through text to read as follows:

Sec. 19-51. – Groundwater management rules for water demand reduction stages declared by the Edwards Aquifer.

(a) Definitions.

(2.39) Stage. One (1) of ~~four (4)~~ five (5) designated drought stages which may be declared by the authority.

Sec. 19-51. – Groundwater management rules for water demand reduction stages declared by the Edwards Aquifer.

(b) Stage indicators for groundwater use reduction program. The stage indicators for groundwater demand reduction for stages I, II, III, ~~and IV~~, and V are set out in Table 1 below:

<i>Critical Period (Reduction) Stage*</i>	<i>Index Well J-17 Level (MSL)</i>	<i>San Marcos Springs Flow (CFS)</i>	<i>Comal Springs Springs Flow (CFS)</i>	<i>Withdrawal Reduction – San Antonio Pool</i>
I	<660	<96	<225	20%
II	<650	<80	<200	30%
III	<640	N/A	<150	35%
IV	<630	N/A	<100	40%
V	<625	N/A	<45/40	44%

* Implementation of Stage 1 is based on a ten-day average. A change to a critical period stage with higher withdrawal reduction percentages is triggered if the ten-day average of daily spring flows at the Comal Springs or the ten-day average of daily aquifer levels at the J-17 Index Well drops below the lowest number of any of the trigger levels. A change to a critical period stage with lower withdrawal reduction percentages is triggered only when the ten-day average of daily spring flows at the Comal Springs or the San Marcos Springs and the ten-day average of daily aquifer levels at the J-17 Index Well are all above the same stage trigger level.

Sec. 19-51. – Groundwater management rules for water demand reduction stages declared by the Edwards Aquifer.

(c) Groundwater use reduction program.

(1) Procedures for groundwater use reduction program. The City of Alamo Heights shall determine when conditions warrant implementation of the groundwater use reduction program. The program is declared when the Edwards Aquifer indicators fall below the trigger levels shown in Table 1. Regardless of the aquifer's levels, the city may advance stages as needed to effect compliance with pumping limit goals. The various stages shall be declared as follows:

- a. Stage 1. The director of public works may declare stage I of the groundwater use reduction program when the authority declares stage I after one (1) or more of the indicators fall below the trigger levels for stage 1 as shown in Table 1.
- b. Stage 2. The city manager may declare stage II of the groundwater use reduction program when the authority declares stage II after one (1) or more of the indicators fall below the trigger levels for stage II as shown in Table 1.

- c. Stage III. The mayor may declare stage III of the groundwater use reduction program when the authority declares stage III after one (1) or more of the indicators fall below the trigger levels for stage III as shown in Table 1.
 - d. Stage IV. The city council may declare stage IV of the groundwater use reduction program when the authority declares stage IV after one (1) or more of the indicators fall below the trigger levels for stage IV as shown in Table 1.
 - e. Stage V. The city council may declare stage V of the groundwater use reduction program when the authority declares stage V after one (1) or more of the indicators fall below the trigger levels for stage V as shown in Table 1.
- (2) Public notice of declaration of groundwater use reduction program stage. The declaration of a groundwater use reduction stage shall be publicly noticed by posting the declaration on the city's web site and other public notification processes deemed appropriate by the director of public works.
- (3) Restricting the use of groundwater.
- a. Upon the declaration of any groundwater use reduction stage by the director of public works, city manager, mayor or city council, compliance with the groundwater use reduction program measures shall be required and compliance with the voluntary measures shall be encouraged.
 - b. Groundwater use reduction measures ~~are attached as "Appendix A" and incorporated herein for all purposes.~~ for the various stages are as follows:
 - 1) Stage 1 water restrictions
 - i. No resident, person or business shall waste groundwater.
 - ii. Groundwater shall only be used for residential landscape watering by means of an automatic or manual irrigation system between the hours of 7:00 a.m. to 11:00 a.m. and 7:00 p.m. to 11:00 p.m. during one day per week according to the last digit of a resident's, person's or business' address, as follows:
 - Address Ending In Watering Day Each Week
 - 0 or 1 Monday
 - 2 or 3 Tuesday
 - 4 or 5 Wednesday
 - 6 or 7 Thursday
 - 8 or 9 Friday

Multi-family premises, schools, churches and commercial users shall use groundwater for landscape watering only on Wednesdays, and only during the same hours listed above for residential users.

Groundwater may be used for landscape watering by means of drip irrigation, soaker hose, or bucket (5-gallon or less container) during any day of the week but only between the hours of 7:00 a.m. to 11:00 a.m. and 7:00 p.m. to 11:00 p.m. A hand-held hose may be used any day of the week at any time.
 - iii. No resident, person or business shall use groundwater to wash an impervious outdoor ground covering such as a parking lot, driveway, street, or sidewalk, unless for health or safety reasons.
 - iv. No resident, person or business shall allow landscape or irrigation water to escape from that person's land. All leaks shall be repaired.

- v. Restaurants and other eating establishments are prohibited from serving groundwater to customers except upon request of the customer.
 - vi. Every resident, person or business that owns or has possession of a swimming pool must cover the pool with an effective evaporation cover or screen, or evaporation shields covering at least 25% of the surface of the pool, when the pool is not in active use. Inflatable pool toys or floating decorations may be used to shield the water from evaporation. Active use includes necessary maintenance that requires removal of the cover, screen, or shields. Active use of public, commercial and apartment pools is whenever the pool is not officially closed.
 - vii. No resident or person shall wash an automobile at any location except on their designated watering day and during the specified times, and in no event shall groundwater used for automobile washing be allowed to run into the streets or alleys of the city.
 - viii. Charity car washes are prohibited except at a commercial car wash that recycles at least 75% of the groundwater it uses or that is certified as a conservation car wash.
 - ix. The use of commercial vehicle wash facilities is allowed on any day at any time.
 - x. No resident, person or business shall use groundwater for an ornamental outdoor fountain or similar feature, unless the water is recycled, and the only additional groundwater used for the feature is to compensate for loss due to evaporation.
- 2) Stage II water restrictions
- i. No resident, person or business shall waste groundwater.
 - ii. Groundwater shall only be used for residential landscape watering by means of an automatic or manual irrigation system between the hours of 7:00 a.m. to 11:00 a.m. and 7:00 p.m. to 11:00 p.m. during one day per week according to the last digit of a resident's, person's or business' address, as follows:
 - Address Ending In Watering Day Each Week
 - 0 or 1 Monday
 - 2 or 3 Tuesday
 - 4 or 5 Wednesday
 - 6 or 7 Thursday
 - 8 or 9 Friday

Multi-family premises, schools, churches and commercial users shall use groundwater for landscape watering only on Wednesdays, and only during the same hours listed above for residential users.

Groundwater may be used for landscape watering by means of drip irrigation, soaker hose, or bucket (5-gallon or less container) during any day of the week but only between the hours of 7:00 a.m. to 11:00 a.m. and 7:00 p.m. to 11:00 p.m. A hand-held hose may be used any day of the week at any time.
 - iii. All prohibitions (3) through (10) in stage I shall apply to stage II.

3) Stage III water restrictions

- i. No resident, person or business shall waste groundwater.
- ii. Groundwater shall only be used for residential landscape watering by means of an automatic or manual irrigation system only on the one (1) designated water day in every other calendar week, and only between the hours of 7:00 a.m. to 11:00 a.m. and 7:00 p.m. to 11:00 p.m. according to the last digit of a resident's, person's or business' address, as follows:

Address Ending In Watering Day Each Week

0 or 1 Monday

2 or 3 Tuesday

4 or 5 Wednesday

6 or 7 Thursday

8 or 9 Friday

Multi-family premises, schools, churches and commercial users shall use groundwater for landscape watering only on Wednesdays, and only during the same hours listed above for residential users.

Groundwater may be used for landscape watering by means of drip irrigation, soaker hose, or bucket (5-gallon or less container) during any day of the week but only between the hours of 7:00 a.m. to 11:00 a.m. and 7:00 p.m. to 11:00 p.m. A hand-held hose may be used any day of the week at any time.

- iii. Filling of new pools or refilling of existing pools is prohibited unless at least 30% of the water is obtained other than the Edwards Aquifer. In addition, refilling is allowed only if the pool has been drained for repairs.
 - iv. Newly planted landscape does not qualify for a variance in stage III restrictions.
 - v. All prohibitions (3) through (10) in stage I shall apply to stage III.
- 4) Stage IV and Stage V water restrictions

- i. No resident, person or business shall waste groundwater.
- ii. All prohibitions (3) through (10) in stage I and prohibitions (2) through (5) in stage III shall apply to stage IV and V.
- iii. When stage IV or V is in effect, the city council may convene emergency sessions to consider other rules that may be necessary to further restrict groundwater use to allow special uses, such uses including, but not limited to, the following:
 - 1. Use necessary for public health or safety. Notwithstanding any provision of these rules, groundwater may be used when and to the extent it is necessary to prevent danger to public health, safety, or welfare, or to the extent required by state or federal law.
 - 2. Athletic fields. An owner or operator of an athletic field who files with the city a groundwater conservation and reuse plan which has been approved by the city council may apply groundwater to the field in accordance with this section. Athletic fields that are not covered by an approved groundwater conservation and reuse plan must comply

with all maximum allowable and specific restrictions provided in these rules.

- iv. Penalties for any person who violates the provisions of these stages shall be issued with minimal to no warnings.
- c. Groundwater use surcharges may be imposed by the city council during any groundwater use reduction stage as an additional measure to deter water use to aid in achieving pumping restriction goals.

SECTION 5. Conflicting Ordinances or Resolutions. All resolutions or ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby REPEALED to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other resolution, code or ordinance of the City, or parts thereof, the terms and provisions of this ordinance shall govern.

SECTION 6. Severability. If any section, subsection, clause, phrase, or word of this ordinance is declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this ordinance are declared to be severable.

SECTION 7. Open Meetings. 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.

SECTION 8. Effective Date. This ordinance shall be effective from and after its approval and passage in accordance with the Texas Local Government Code and the city charter.

PRESENTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALAMO HEIGHTS, TEXAS THIS 11th DAY OF SEPTEMBER, 2023.

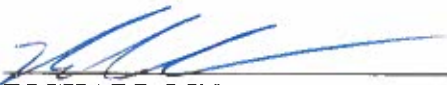


BOBBY ROSENTHAL, MAYOR

ATTEST:


ELSA T. ROBLES, CITY SECRETARY



APPROVED AS TO FORM:


RICHARD LINDNER, CITY ATTORNEY