

ORDINANCE NO. 2019-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LEAGUE CITY BY AMENDING CHAPTER 114, ENTITLED “UTILITIES” BY REPEALING ARTICLE VI ENTITLED “DROUGHT CONTINGENCY PLAN” AND INCORPORATING A NEW PLAN; PROVIDING FOR A PENALTY, CODIFICATION, PUBLICATION, AND AN EFFECTIVE DATE

WHEREAS, on June 11, 1987, the City Council of the City of League City, Texas (the “Council”) adopted Ordinance No. 87-30 establishing the City’s Drought Contingency Plan; and

WHEREAS, on April 23, 2002, the Council adopted Ordinance No. 2002-26 amending Art. VI in its entirety, in effect repealing and reenacting said article to ensure that all required provisions are included as required per the TNRCC guidelines, and to provide for more standardized drought contingency plan and codifying said plan as Sections 114-221 through 114-231 of the Code of Ordinances; and

WHEREAS, on August 16, 2011, the Council adopted Ordinance No. 2011-46, amending Art. VI, Section 114-228 and Section 114-229; and

WHEREAS, on May 22, 2012, the Council adopted Ordinance No. 2012-09, which repealed Article VI in its entirety and replaced it with an new drought contingency plan; and

WHEREAS, the Council deems it necessary and in the best interest of the citizens to update the Drought Contingency Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS, as follows:

**Section 1.** The facts and opinions in the preamble of this ordinance are true and correct.

**Section 2.** The Code of Ordinances is hereby amended to AMEND Chapter 114 entitled “Utilities” by repealing and replacing Article VI entitled “Drought Contingency Plan” as follows:

**Sec. 114-221. – Declaration of policy, purpose, and intent.**

- (a) The City of League City has prepared this Drought Contingency and Water Emergency Management Plan in accordance with the requirements established by the Texas Commission on Environmental Quality (TCEQ) and the City of Houston (Houston) and the Gulf Coast Water Authority (GCWA). This Plan addresses all of

the current TCEQ requirements for a drought contingency plan which are included in Appendix B.1 This Plan replaces the Plan included in Ordinance No. 2002, 2, 4-23-2002; Ord. No. 2012, 2 (Exh. A), dated May 22, 2012.

- (b) The measures included in this Drought Contingency and Water Emergency Management Plan are intended to provide short-term water savings during drought or emergency conditions. Water savings associated with ongoing, long-term strategies are discussed in the Water Conservation Plan for The City of League City.
- (c) League City is geographically located in the Harris-Galveston Subsidence District's (HGSD) Regulatory Area 1 and is required to limit its use of groundwater to 10 percent of annual usage, due to the effects that subsidence has had on the region. Groundwater usage greater than 10 percent of the total annual volume can be utilized but will result in disincentive fees of \$8.75 per thousand gallons from the HGSD. As such, League City receives the majority of its treated water from surface water treatment facilities. One facility is the City of Houston's Southeast Water Purification Plant (SEWPP) and the other from the Thomas Mackey Surface Water Treatment Plant in Texas City that is owned and operated by the Gulf Coast Water Authority (GCWA).
- (d) League City provides treated potable water to local customers of League City only. The City of League City provided retail water service to approximately 106,000 people in 2018. The service area consists of residential, commercial and industrial developments as well as open spaces such as community parks, golf courses and cemeteries. Commercial use areas are concentrated along I-45, State Highway 3, FM 518, FM 646, and FM 2094. League City does not have any wholesale customers.
- (e) In 2018, League City purchased an average of 310 million gallons of treated water from the City of Houston on a monthly basis, purchased an average of 42 million gallons of treated water from the GCWA on a monthly basis, as well as produced an average of 3 million gallons of self-supplied groundwater on a monthly basis.
- (f) League City has no water treatment plants, as treated water is purchased from the City of Houston and GCWA. League City's two wastewater treatment plants are permitted to discharge up to 16 MGD total.
- (g) The purpose of this Drought Contingency and Water Emergency Management Plan is as follows:

- (1) To conserve the available water supply in times of drought, water supply shortage, and emergency.
  - (2) To maintain supplies for domestic water use, sanitation, and fire protection.
  - (3) To protect and preserve public health, welfare, and safety.
  - (4) To minimize the adverse impacts of water supply shortages.
  - (5) To minimize the adverse impacts of emergency water supply conditions.
  - (6) To satisfy the requirements set forth by TCEQ and other agencies.
- (h) A drought is defined as an extended period of time when an area receives insufficient rainfall to replenish the water supply, causing water supply shortages. In the absence of drought response measures, water demands tend to increase during a drought due to increased outdoor irrigation. The severity of a drought depends on the degree of depletion of supplies and on the relationship of demand to available supplies.

**Sec. 114-222. – Public involvement.**

The City of League City provided opportunity for public input in the development of this Drought Contingency and Water Emergency Management Plan by the following means:

- (a) Providing written notice of the proposed Plan and the opportunity to comment on the Plan by newspaper, posted notice, and notice on the City's web site ([www.leaguecity.com](http://www.leaguecity.com)).
- (b) Making the draft Plan available on the City's web site ([www.leaguecity.com](http://www.leaguecity.com)).
- (c) Providing the draft Plan to anyone requesting a copy.
- (d) Providing opportunity for public comment on the Plan at a City Council meeting held on August 13, 2019.

**Sec. 114-223. – Public Education.**

The City 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. The City of League City will inform and educate the public about the Drought Contingency and Water Emergency Management Plan by the following means:

- (a) Making the Plan available to the public through the City's web site ([www.leaguecity.com](http://www.leaguecity.com)).
- (b) Including information about the Drought Contingency and Water Emergency Management Plan on the City's web site ([www.leaguecity.com](http://www.leaguecity.com)).

- (c) Including information about the Drought Contingency and Water Emergency Management Plan on the City's Facebook Page.
- (d) Notifying local organizations, schools, and civic groups that staff are available to make presentations on the Drought Contingency and Water Emergency Management Plan (usually in conjunction with presentations on water conservation programs).
- (e) At any time that the Drought Contingency and Water Emergency Management Plan is activated or the Drought Contingency and Water Emergency Management Plan changes, League City will notify local media of the issues, the Drought Response Stage or Water Emergency Response Stage (if applicable), and the specific actions required of the public. The information will also be publicized on the City's web site ([www.leaguecity.com](http://www.leaguecity.com)). Billing inserts will also be used as appropriate.

**Sec. 114-224. – Coordination with regional water planning groups.**

The City of League City's retail service area is located entirely within the Region H water planning area. The City has provided a copy of this Plan to the Region H Water Planning Group, Houston and GCWA. A copy of each letter is included in Appendix C.

**Sec. 114-225. – Authorization and termination.**

- (a) *Authorization of a drought response stage and water emergency stage.*
  - (1) League City's City Manager or his/her official designee may order the implementation of a Drought Response Stage or Water Emergency Response Stage when one or more of the trigger conditions for that stage is met. The following actions will be taken when a Drought/Water Emergency Response Stage is initiated:
    - i. The public will be notified through local media and the City's web site as described in Section 114-223.
    - ii. Houston and GCWA will be notified by e-mail with a follow-up letter that provides details of the reasons for initiation of the Drought/Water Emergency Response Stage.
    - iii. If any mandatory provisions of the Drought Contingency and Water Emergency Management Plan are activated, League City will notify the Executive Director of the TCEQ, the Deputy Director of Houston, and the General Manager of GCWA within 5 business days.
    - iv. In addition, the City Manager or his/her official designee will notify directly, or cause to be notified directly, the following individuals

and entities: Mayor and members of the City Council, Fire Chief/Fire Marshall, City and/or County Emergency Management Coordinator(s), County Judge & Commissioner(s), State Disaster District/Department of Public Safety, Major water users, Critical water users, i.e., hospitals, Parks/street superintendents & public facilities managers.

- (2) If Response Stages are initiated by the City of Houston or GCWA, the City of League City will consider implementing the similar stage of this Drought Contingency and Water Emergency Management Plan. For other trigger conditions internal to the City, League City's City Manager or his/her official designee may decide not to order the implementation of a Drought/Water Emergency Response Stage even though one or more of the trigger criteria for the stage are met. Factors which could influence such a decision include, but are not limited to, the time of the year, weather conditions, the anticipation of replenished water supplies, or the anticipation that additional facilities will become available to meet needs. The reason for this decision should be documented.

*(b) Termination of a drought response stage and water emergency stage.*

- (1) League City's City Manager or his/her official designee may order the termination of a Drought/Water Emergency Response Stage when the conditions for termination are met or at his/her discretion. The following actions will be taken when a Drought/Water Emergency Response Stage is terminated:
  - i. The public will be notified through local media and the City's web site as described in Section 114-223.
  - ii. Houston and GCWA will be notified by e-mail with a follow-up letter.
  - iii. If any mandatory provisions of the Drought Contingency and Water Emergency Management Plan that have been activated are terminated, League City will notify the Executive Director of the TCEQ, the Deputy Director of Houston, and the General Manager of GCWA within 5 business days.
  - iv. In addition, the City Manager or his/her official designee will notify directly, or cause to be notified directly, the following individuals and entities: Mayor and members of the City Council, Fire Chief/Fire Marshall, City and/or County Emergency Management Coordinator(s), County Judge & Commissioner(s), State Disaster District/Department of Public Safety, Major water users, Critical water users, i.e., hospitals, Parks/street superintendents & public facilities managers.

- (2) League City's City Manager or his/her official designee may decide not to order the termination of a Drought/Water Emergency Response Stage even though the conditions for termination of the stage are met. Factors which could influence such a decision include, but are not limited to, the time of the year, weather conditions, or the anticipation of potential changed conditions that warrant the continuation of the drought stage. The reason for this decision should be documented.

**Sec. 114-226. – Application.**

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

**Sec. 114-227. – Definitions.**

*aquatic life* means a vertebrate organism dependent upon an aquatic environment to sustain its life.

*athletic field* means a public sports competition field, the essential feature of which is turf grass, used primarily for organized sports practice, competition or exhibition events for schools; professional sports and league play sanctioned by the utility providing retail water supply.

*commercial vehicle wash facility* means a permanently-located business that washes vehicles or other mobile equipment with water or water-based products, including but not limited to self-service car washes, full service car washes, roll-over/in-bay style car washes, and facilities managing vehicle fleets or vehicle inventory.

*conservation* means those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve 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* means any person, corporation, or organization using water supplied by the City of League City.

*designated outdoor water use day* means a day prescribed by rule on which a person is permitted to irrigate outdoors.

*domestic water use* means 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.

*drip irrigation* is a type of micro-irrigation system that operates at low pressure and delivers water in slow, small drips to individual plants or groups of plants through a network of plastic conduits and emitters; also called trickle irrigation.

*drought*, for the purposes of this report, means an extended period of time when an area receives insufficient amounts of rainfall to replenish the water supply, causing water supply sources (in this case reservoirs) to be depleted.

*drought contingency and water emergency response* means a strategy or combination of strategies for temporary supply management and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies required by Texas Administrative Code Title 30, Chapter 288, Subchapter B. This is sometimes called a drought contingency plan.

*foundation watering* means an application of water to the soils directly abutting (within 2 feet) the foundation of a building, structure.

*interactive water features* means water sprays, dancing water jets, waterfalls, dumping buckets, shooting water cannons, inflatable pools, temporary splash toys or pools, slip-n-slides, or splash pads that are maintained for recreation.

*irrigation system* means a permanently installed, custom-made, site-specific system of delivering water generally for landscape irrigation via a system of pipes or other conduits installed below ground.

*landscape* means any plant material on a property, including any tree, shrub, vine, herb, flower, succulent, ground cover, grass or turf species, that is growing or has been planted out of doors.

*new landscaping* means: (a) vegetation installed at the time of the construction of a residential or commercial facility; (b) installed as part of a governmental entity's capital improvement project; or (c) installed to stabilize an area disturbed by construction.

*non-essential water use* means water uses that are not essential, nor required for the protection of public, health, safety, and welfare, including:

- irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
- use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle, except with an attended hand-held hose with positive shut-off device (no open-ended hoses or unattended hoses); an exception is allowed for Commercial Vehicle Wash Facilities.
- use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard- surfaced areas;

- use of water to wash down buildings or structures for purposes other than immediate fire protection;
- flushing gutters or permitting water to run or accumulate in any gutter or street;
- use of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools;
- use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- use of water from hydrants for construction purposes or any other purposes other than firefighting.

*ornamental fountain* means an artificially created structure from which a jet, stream, or flow of treated water emanates and is not typically utilized for the preservation of aquatic life.

*pond* is a still body of water with a surface area of 500 square feet or more, filled with non-potable water and not a swimming pool.

*soaker hose* means a perforated or permeable garden-type hose or pipe that is laid above ground that provides irrigation at a slow and constant rate.

*swimming pool* means any structure, basin, chamber, or tank including hot tubs, containing an artificial body of water for swimming, diving, or recreational bathing, and having a depth of two (2) feet or more at any point.

#### **Sec. 114-228. – Criteria for initiation and termination of drought response stages.**

##### **(a) Stage 1 (Voluntary)**

(1) The City may initiate Stage 1 (Voluntary) if any one of the following conditions are met:

- i. The City total daily water demand equals or exceeds 75 percent of the available contracted surface water sources for three consecutive days. Water demand could be citywide or in a specified portion of the system.
- ii. The City total daily water demand equals or exceeds 85 percent of the available contracted surface water sources on a single day. Water demand could be citywide or in a specified portion of the system.
- iii. League City's City Manager or his/her official designee feels that the initiation of Stage 1 (Voluntary) is appropriate.

iv. The City of Houston or GCWA have initiated Stage 1.

- (2) Stage 1 (Voluntary) may terminate when Houston or GCWA terminates its Stage 1 condition or when the circumstances that caused the City of League City's initiation of Stage 1 (Voluntary) no longer prevail for a period of seven consecutive days. Stage 1 (Voluntary) may terminate if League City's City Manager or his/her official designee feels that the termination of Stage 1 (Voluntary) is appropriate.

(b) Stage 2 (Mandatory)

- (1) The City may initiate Stage 2 (Mandatory) if any one of the following conditions are met:

- i. The City total daily water demand equals or exceeds 85 percent of the available contracted surface water sources for three consecutive days. Water demand could be citywide or in a specified portion of the system.
- ii. The City total daily water demand equals or exceeds 95 percent of the available contracted surface water sources on a single day. Water demand could be citywide or in a specified portion of the system.
- iii. League City's City Manager or his/her official designee feels that the initiation of Stage 2 (Mandatory) is appropriate.

iv. The City of Houston or GCWA have initiated Stage 2.

- (2) Stage 2 (Mandatory) may terminate when Houston or GCWA terminate its Stage 2 condition or when the circumstances that caused the City of League City's initiation of Stage 2 (Mandatory) no longer prevail for a period of seven consecutive days. Stage 2 (Mandatory) may terminate if League City's City Manager or his/her official designee feels that the termination of Stage 2 (Mandatory) is appropriate.

(c) Stage 3 – Severe (Mandatory)

- (1) The City may initiate Stage 3 – Severe (Mandatory) if any one of the following conditions are met:

- i. The City total daily water demand equals or exceeds 90 percent of the available contracted surface water sources for three consecutive days. Water demand could be citywide or in a specified portion of the system.

- ii. The City total daily water demand equals or exceeds 98 percent of the available contracted surface water sources on a single day. Water demand could be citywide or in a specified portion of the system.
- iii. League City's City Manager or his/her official designee feels that the initiation of Stage 3 is appropriate.
- iv. The City of Houston or GCWA have initiated Stage 3.

(2) Stage 3 – Severe (Mandatory) may terminate when Houston or GCWA terminate its Stage 3 condition or when the circumstances that caused the City of League City's initiation of Stage 3 – Severe (Mandatory) no longer prevail for a period of seven consecutive days. Stage 3 – Severe (Mandatory) may terminate if League City's City Manager or his/her official designee feels that the termination of Stage 3 – Severe (Mandatory) is appropriate.

(d) Stage 4 – Emergency Water Shortage (Mandatory)

(1) The City may initiate a Stage 4 – Emergency Water Shortage (Mandatory) condition for all of the City or the affected part of the City if any one of the following conditions are met:

- i. The City experiences major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service.
- ii. The City experiences natural or man-made contamination of the water supply source(s).
- iii. The City's total daily water demand equals or exceeds 91 percent of the available contracted surface water sources for three consecutive days and/or the system pressure falls below 35 psi on any single occasion.
- iv. League City's City Manager or his/her official designee feels that the initiation of a Stage 4 - Emergency Water Shortage is appropriate.
- v. The City of Houston or GCWA have initiated emergency water shortage.

(2) Stage 4 – Emergency Water Shortage (Mandatory) may terminate when Houston or GCWA terminate its emergency water shortage condition or when the circumstances that caused the City of League City's initiation of Stage 4 – Emergency Water Shortage (Mandatory) no longer prevail. Stage

4 – Emergency Water Shortage (Mandatory) may terminate if League City’s City Manager or his/her official designee feels that the termination of Stage 4 – Emergency Water Shortage (Mandatory) is appropriate.

**Sec. 114-229. – Drought response.**

(a) The City Manager or his/her official designee shall monitor water supply and demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section 114-228 of this Plan, shall determine that a Stage 1 (Voluntary), Stage 2 (Mandatory), Stage 3 – Severe (Mandatory), or Stage 4 – Emergency Water Shortage (Mandatory) condition exists and shall implement the following notification procedures:

(1) Notification

i. Notification of the Public. The City Manager or his/her official designee shall notify the public by means of:

1. Publication in a newspaper of general circulation
2. Public service announcements
3. Signs posted in public places
4. Take-home fliers at schools

ii. Additional Notification. The City Manager or his/her official designee shall notify directly, or cause to be notified directly, the following individuals or entities: Mayor and members of the City Council, Fire Chief/Fire Marshall, City and/or County Emergency Management Coordinator(s), County Judge & Commissioner(s), State Disaster District/Department of Public Safety, TCEQ (required when mandatory restrictions are imposed), Major water users, Critical water users, i.e., hospitals, Parks/street superintendents & public facilities managers

(2) Stage 1 Response – Voluntary

i. Goal: The goal for water use reduction under Stage 1 (Voluntary) is a two percent (2%) reduction in the amount of water sold from the previous annual period prior to drought restrictions. Measures identified below are voluntary:

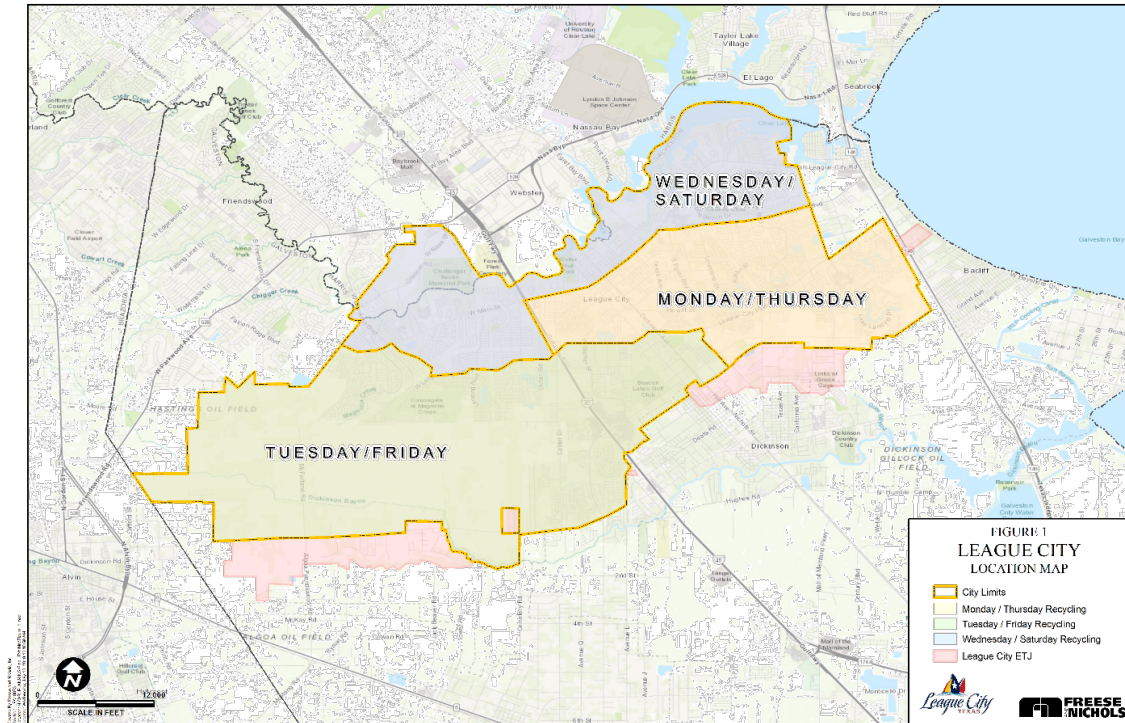
ii. Supply Management Measures:

1. Reduced flushing of water mains.
2. Review the problems that caused the initiation of Stage 1 (Voluntary).
3. Identify alternative water sources and/or alternative delivery systems.
4. Initiate engineering studies to evaluate alternatives should conditions worsen.

iii. Voluntary Water Use Restrictions:

1. Residential and non-residential water customers are requested to voluntarily limit outdoor watering between 9:00 AM and 7:00 PM, voluntarily limited to twice per week on the days that align with League City customers' trash days, or if the customer doesn't have a trash day whichever day is illustrated in Figure 1. Residential and non-residential water customers in the western portion of the ETJ are requested to voluntarily limit outdoor watering between 9:00 AM and 7:00 PM, voluntarily limited to Tuesday and Friday. Residential and non-residential water customers in the eastern portion of the ETJ are requested to voluntarily limit outdoor watering between 9:00 AM and 7:00 PM, voluntarily limited to Monday and Thursday. Excessive pooling and/or run-off from foundation watering is discouraged and is requested to not be allowed to run off of property and form a stream of water in a street for a distance of 50 feet or greater; or pool in a street or parking lot to a depth greater than one-quarter of an inch.
2. Water customers are requested to practice water conservation and to minimize or discontinue non-essential water use.
3. Increase public education efforts on ways to reduce water use.
4. Intensify efforts on leak detection and repair.
5. Notify major water users and work with them to achieve voluntary water use reductions.
6. Further accelerate public education efforts on ways to reduce water use.
7. Encourage the public to wait until the current drought or emergency situation has passed before establishing new landscaping

**Figure 1: Stage 1 Voluntary Limits on Outdoor Watering Days**



### (3) Stage 2 Response – Mandatory

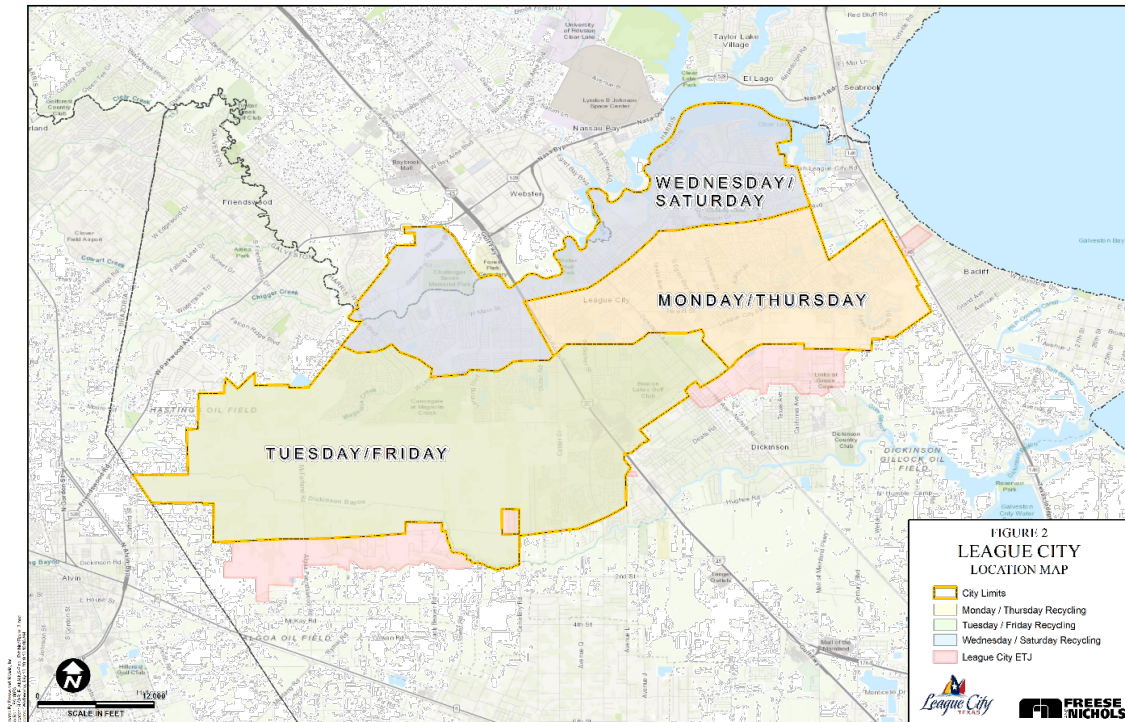
- i. **Goal:** The goal for water use reduction under Stage 2 (Mandatory) is a reduction of ten percent (10%) in the amount of water sold from the previous annual period prior to drought restrictions. League City's City Manager or his/her official designee will consider implementing any action(s) required by the City of Houston or GCWA. In addition, League City's City Manager or his/her official designee may order the implementation of any or all of the actions listed below, as deemed necessary to achieve the specified percent reduction. League City must notify TCEQ, Houston and GCWA within five business days if these measures are implemented.
- ii. **Supply Management Measures:**
  1. Reduced or discontinued irrigation of public landscaped areas.
  2. Reduced or discontinued flushing of water mains.
  3. Fix or repair all reported and known leaks in the system within twelve (12) hours of notification or detection.
  4. Implement viable alternative water supply strategies.
- iii. **Mandatory Water Use Restrictions:**
  1. Continue or initiate any actions available under the Water Conservation Plan and Stage 1 (Voluntary).

2. Prohibit using water in such a manner as to allow runoff or other waste.
3. Prohibit residential and non-residential outdoor watering between 9:00 AM and 7:00 PM, limited to twice per week on the days that align with League City customers' trash days, or if the customer doesn't have a trash day whichever day is illustrated in Figure 2. Residential and non-residential water customers in the western portion of the ETJ are prohibited from outdoor watering between 9:00 AM and 7:00 PM, limited to Tuesday and Friday. Residential and non-residential water customers in the eastern portion of the ETJ are prohibited from outdoor watering between 9:00 AM and 7:00 PM, limited to Monday and Thursday. Excessive pooling and/or run-off from foundation watering is prohibited and shall not be allowed to run off of property and form a stream of water in a street for a distance of 50 feet or greater; or pool in a street or parking lot to a depth greater than one-quarter of an inch. Exceptions are as follows:
  - a. New landscaping (first year), and new plantings of shrubs and trees (first year) may be watered for up to 2 hours on any day by attended hand-held hose with positive shut-off device (no open-ended hoses or unattended hoses), a soaker hose, or a dedicated zone using a drip irrigation system.
  - b. Locations using other sources of water supply for irrigation may irrigate without restrictions. If a golf course utilizes a water source other than the potable water provided by the City, then the facility shall not be subject to these regulations. The use of treated effluent recycled from the City's wastewater treatment facility (non-potable/reuse water) is permissible.
  - c. Registered and properly functioning ET/Smart irrigation systems and drip irrigation systems may irrigate without restrictions.
4. Irrigation of landscaped areas or commercial plant nurseries is permitted at any time by means of a faucet filled bucket or water can of five (5) gallons or less, a drip irrigation system, soaker hose, or by attended hand-held hose with positive shut-off device (no open-ended hoses or unattended hoses). Excessive pooling and/or run-off from automatic or drip irrigation systems is prohibited and shall not be allowed to run off of property and form a stream of water in a street for a distance of 50 feet or greater; or pool in a street or parking lot to a depth greater than one-quarter of an inch.

5. Use of water to wash any motor vehicle, 4-wheeler, boat, trailer, airplane, or other vehicle is prohibited except on designated outdoor watering days. Washing is allowed at any time on designated watering days for applicable residential address. Such washing, when allowed, shall be done with a hand-held bucket and attended hand-held hose with positive shut-off device (no open-ended hoses or unattended hoses). Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station.
6. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountain or pond is equipped with a recirculation system.
7. Use of water from fire hydrants shall be limited to the firefighting 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 League City.
8. Use of water to stabilize foundations is prohibited except on designated outdoor watering and is prohibited on any day between 9:00 AM and 7:00 PM. Watering is permitted by means of an attended hand-held hose with positive shut-off device (no open-ended hoses or unattended hoses); or using a soaker hose or drip irrigation system placed within 24 inches of the foundation that does not produce a spray of water above the ground. Excessive pooling and/or run-off from foundation watering is prohibited and shall not be allowed to run off of property and form a stream of water in a street for a distance of 50 feet or greater; or pool in a street or parking lot to a depth greater than one-quarter of an inch.
9. The following uses of water are defined as nonessential and are prohibited:
  - a. Washing down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard surfaced area;
  - b. Washing down buildings or structures for purposes other than immediate fire protection;
  - c. Use of water for dust control;
  - d. Flushing of gutters or permitting water to run or accumulate in any gutter or street;
  - e. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).
10. Prohibit hydroseeding, hydromulching, and sprigging.

11. Prohibit the filling, draining and refilling of existing swimming pools, wading pools, Jacuzzi and hot tubs except to maintain structural integrity, proper operation and maintenance or to alleviate a public safety risk. Existing pools may add water to replace losses from normal use and evaporation.
12. Consider initiating a rate surcharge for all water use over a certain level

**Figure 2: Stage 2 Mandatory Limits on Outdoor Watering Days**



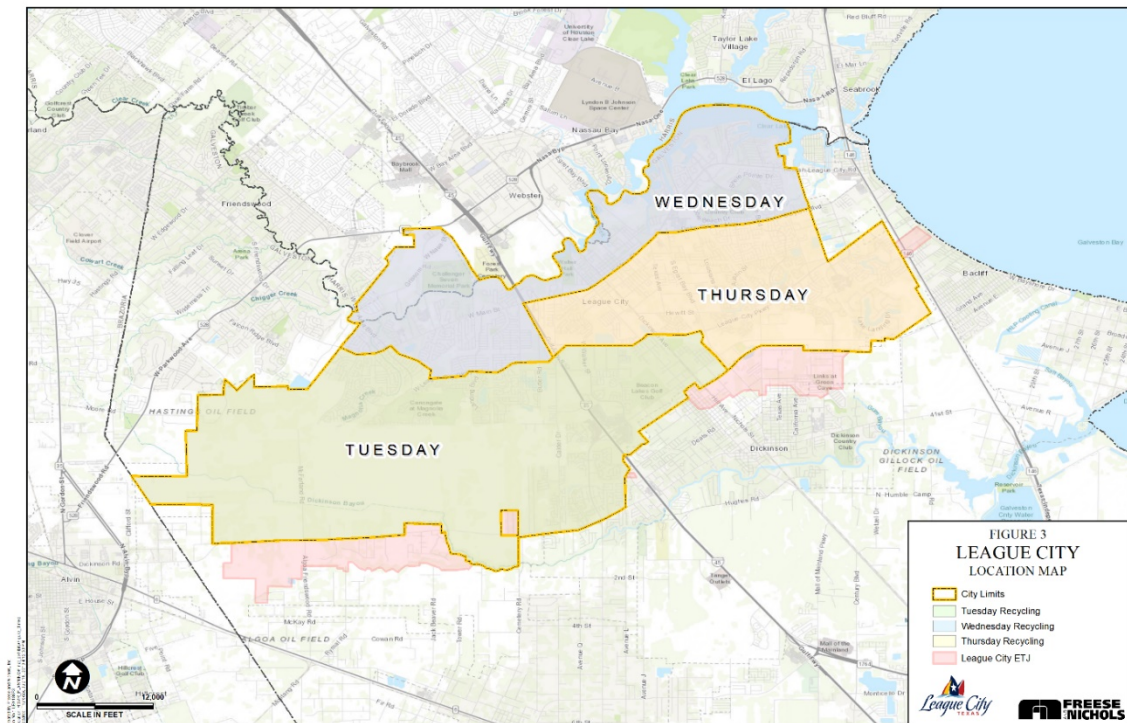
#### (4) Stage 3 Response – Mandatory

- i. Goal: The goal for water use reduction under Stage 3 - Severe (Mandatory) is a reduction of twenty percent (20%) in the amount of water sold from the previous annual period prior to drought restrictions, or a greater reduction if deemed necessary by League City's City Manager or his/her official designee. League City's City Manager or his/her official designee will consider implementing any action(s) required by the City of Houston or GCWA. In addition, League City's City Manager or his/her official designee may order the implementation of any or all of the actions listed below, as deemed necessary to achieve the specified percent reduction. League City must notify TCEQ, Houston and GCWA within five business days if these measures are implemented.

- ii. Supply Management Measures:
  - 1. Reduced or discontinued irrigation of public landscaped areas.
  - 2. Reduced or discontinued flushing of water mains.
  - 3. Fix or repair all reported and known leaks in the system within twelve (12) hours of notification or detection.
- iii. Mandatory Water Use Restrictions:
  - 1. Continue or initiate any actions available under the Water Conservation Plan and Stage 1 (Voluntary) and Stage 2 (Mandatory).
  - 2. Implement viable alternative water supply strategies.
  - 3. Prohibit washing of vehicles except at a Commercial Vehicle Wash Facility, or as necessary for health, sanitation, or safety reasons.
  - 4. Prohibit residential and non-residential outdoor watering between 9:00 AM and 7:00 PM, limited to once per week on the days illustrated in Figure 3. Residential and non-residential water customers in the western portion of the ETJ are prohibited from outdoor watering between 9:00 AM and 7:00 PM, limited to Tuesday. Residential and non-residential water customers in the eastern portion of the ETJ are prohibited from outdoor watering between 9:00 AM and 7:00 PM, limited to Thursday. Excessive pooling and/or run-off from foundation watering is prohibited and shall not be allowed to run off of property and form a stream of water in a street for a distance of 50 feet or greater; or pool in a street or parking lot to a depth greater than one-quarter of an inch. Exceptions are as follows:
    - a. New landscaping (first year), and new plantings of shrubs and trees (first year) may be watered for up to 2 hours on any day by attended hand-held hose with positive shut-off device (no open-ended hoses or unattended hoses), a soaker hose, or a dedicated zone using a drip irrigation system.
    - b. Locations using other sources of water supply for irrigation may irrigate without restrictions. If a golf course utilizes a water source other than the potable water provided by the City, then the facility shall not be subject to these regulations. The use of treated effluent recycled from the City's wastewater treatment facility (non-potable/reuse water) is permissible.
    - c. Registered and properly functioning ET/Smart irrigation systems and drip irrigation systems may irrigate without restrictions.

5. Prohibit the permitting of private pools. Pools already permitted may be completed and filled with water. Existing private and public pools may add water to maintain pool levels but may not be drained and refilled.
6. Require all commercial water users to reduce water use by a percentage established by League City's City Manager or his/her official designee.
7. Landscape watering of parks, golf courses, and athletic fields with potable water is prohibited. Exception for parks, golf course greens and tee boxes, and athletic fields, which may be watered by attended hand-held hose with positive shut-off device (no open-ended hoses or unattended hoses) as needed. Variances may be granted by the water provider under special circumstances.
8. Prohibit the operation of interactive water features such as water sprays, dancing water jets, waterfalls, dumping buckets, shooting water cannons, or splash pads that are maintained for public recreation.

**Figure 3: Stage 3 Mandatory Limits on Outdoor Watering Days**



**(5) Stage 4 Response – Mandatory**

- i. Goals: The goal for water use reduction under a Stage 4 - Emergency Water Shortage (Mandatory) is a reduction of thirty five percent (35%) in the amount of water sold from the previous annual period

prior to drought restrictions, or whatever amount is deemed necessary. If circumstances warrant or if required by the City of Houston or GCWA, League City's City Manager or his/her official designee can set a goal for a greater water use reduction. League City's City Manager or his/her official designee will consider implementing any action(s) required by the City of Houston or GCWA. In addition, League City's City Manager or his/her official designee may order the implementation of any of the actions listed below, as deemed necessary. Measures can be initiated for all or part of the City, as appropriate. Measures described as "requires notification to TCEQ" impose mandatory requirements on member cities and customers. The supplier must notify TCEQ, the City of Houston and GCWA within five business days if these measures are implemented.

ii. Supply Management Measures:

1. Reduced or discontinued irrigation of public landscaped areas.
2. Reduced or discontinued flushing of water mains.
3. Fix or repair all reported and known leaks in the system within twelve (12) hours of notification or detection.

iii. Mandatory Water Use Restrictions:

1. Continue or initiate any actions available under the Water Conservation Plan and Stage 1 (Voluntary), Stage 2 (Mandatory), and Stage 3 - Severe (Mandatory).
2. Implement viable alternative water supply strategies. The City of League City will deliver water to central distribution points throughout the City.
3. All landscape irrigation use is prohibited.
4. All non-essential water use is prohibited.
5. All aesthetic water use is prohibited.
6. All commercial and institutional water use customers are encouraged to practice conservation measures and may be required to cease certain operations as directed by League City's City Manager or his/her official designee.

**Sec. 114-230. – Enforcement.**

- (a) Generally. No person shall knowingly or intentionally allow the use of water from the City of League City for residential, commercial, industrial, agricultural, governmental, or any other purposes 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 Director, or his/her designee, in accordance with provisions of this Plan.

(b) Criminal Penalties.

- (1) Any person who violates this Plan is guilty of a Class C misdemeanor and, upon conviction, shall be punished by a fine of not less than \$100 and not more than \$2,000. Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. Service may be discontinued upon issuance of a citation for the second violation. Service discontinued under such circumstances shall be restored only upon payment of a re-connection charge, hereby established at an amount of \$150.00 (or as adjusted by City ordinance), and any other costs incurred by the City of League City in discontinuing service. Repeat offenses shall be subject to reconnect fees of twice the amount stated above. Severity considered warnings may be given at any time for informational purposes. Warnings are an attempt to inform the violator and do not count as a citable offense. In addition, suitable assurance by the violator must be given to the Director that the same action will not be repeated while the Plan is in effect. Compliance with this Plan may also be sought through injunctive relief in the district court.
- (2) Any person, including a person classified as a water customer of the City of League City, 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 used in violation of this Plan and that the parent could not have reasonably known of the violation.
- (3) Any employee of the City of League City, police officer, or other employee designated by the City Manager or his designee, 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 5 days nor more than 15 days from the date the citation was issued. The alleged violator shall be served a copy of the citation, which the City may deliver by certified mail to the address, if known, of the alleged violator. 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 before all other cases.

(c) Administrative Remedies.

- (1) The city may elect to exercise the following administrative remedies for violations of the city plan in lieu of pursuing criminal penalties against non-single family water account holders, such as business and professional parks, homeowners' associations, apartments, home builders, land developers, and entities other than customers residing at single family homes.
- (2) Administrative fees. The following administrative fees that will be added to the customer's regular monthly city utility bill shall apply:
  - i. First offense ..... \$200.00
  - ii. Second offense ..... 400.00
  - iii. Third offense ..... 600.00
  - iv. Fourth and subsequent offenses ..... 2,000.00
- (3) Contesting violations. A non-single family water customer as defined above may request a hearing before a hearing officer(s) appointed by the City Manager within fifteen (15) business days after the date on the notice. The hearing officer(s) shall evaluate all information offered by the petitioner at the hearing. The customer shall bear the burden of proof to show why, by preponderance of the evidence, the administrative fee should not be assessed. The hearing officer(s) will render a decision in writing within three (3) business days of the conclusion of the hearing. A customer may appeal the decision from the hearing officer(s) in writing to the City Manager within three (3) business days of the conclusion of the hearing. The decision by the City Manager is final and binding.
- (4) Paying assessed fees. If, after the expiration of the fifteen (15) business days from the date on the notice, the customer has not requested an administrative hearing to contest the assessment of an administrative fee or paid the administrative fee, the city shall apply and charge the assessed administrative fee to the customer's next city utility bill. Unpaid assessed administrative fees related to violations of water use restrictions under the city plan shall incur late payment penalties and may result in termination of water service.

**Sec. 114-231. – Variances**

- (a) The City Manager, or his/her designee, may, in writing, grant a temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such a variance would cause an emergency condition to adversely

affect health, sanitation or fire protection/business consideration, for the public or the person requesting such variance and if one or more of the following conditions are met:

- (1) 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; or
  - (2) Alternative methods can be implemented which will achieve the same level of reduction in water use.
- (b) Petition: Persons requesting an exemption from the provisions of this section shall file a petition for variance with the City within five (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, or his/her designee, and shall include the following:
- (1) Name, address and phone number of the petitioner(s);
  - (2) Purpose of water use;
  - (3) Specific provision(s) of the Plan from which the petitioner is requesting relief;
  - (4) Description of specific relief requested;
  - (5) Period of time for which the variance is sought.
- (c) Conditions: Variances granted hereunder shall be subject to the following conditions, unless waived by the City Manager or his/her designee:
- (1) Variances shall include a timetable for compliance;
  - (2) Variances shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specific requirements;
  - (3) No variance shall be retroactive or otherwise justify any violation of this Plan that occurred prior to the issuance of the variance.

**Sec. 114-232. – Texas Commission on Environmental Quality Rules.**

- (a) The TCEQ rules governing development of drought contingency plans for public water suppliers are contained in Title 30, Part 1, Chapter 288, Subchapter B, Rule 288.20 of the Texas Administrative Code, a current copy of which is included in Appendix B. For the purpose of these rules, a drought contingency plan is defined as “a strategy or combination of strategies for temporary supply and demand

management responses to temporary and potentially recurring water supply shortages and other water supply emergencies.”

(b) TCEQ’s minimum requirements for drought contingency plans are addressed in the following subsections of this report:

- (1) 288.20(a)(1)(A) - Provisions to Inform the Public and Provide Opportunity for Public Input - Section 114-222
- (2) 288.20(a)(1)(B) - Provisions for Continuing Public Education and Information - Section 114-223
- (3) 288.20(a)(1)(C) - Coordination with the Regional Water Planning Group - Section 114-224
- (4) 288.20(a)(1)(D) - Criteria for Initiation and Termination of Drought Contingency and Water Emergency Response Stages - Section 114-228
- (5) 288.20(a)(1)(E) - Drought Contingency and Water Emergency Response Stages - Section 114-229
- (6) 288.20(a)(1)(F) - Specific, Quantified Targets for Water Use Reductions - Section 114-229
- (7) 288.20(a)(1)(G) - Water Supply and Demand Management Measures for Each Stage - Section 114-229
- (8) 288.20(a)(1)(H) - Procedures for Initiation and Termination of Drought Contingency and Water Emergency Response Stages - Section 114-225 & Section 114-229
- (9) 288.20(a)(1)(I) - Procedures for Granting Variances - Section 114-231
- (10) 288.20(a)(1)(J) - Procedures for Enforcement of Mandatory Restrictions - Section 114-230
- (11) 288.20(a)(3) - Consultation with Wholesale Supplier - Section 114-224 & Section 114-225
- (12) 288.20(b) - Notification of Implementation of Mandatory Measures - Section 114-225 & Section 114-229
- (13) 288.20(c) - Review and Update of Plan - Section 114-233

**Sec. 114-233. – Review and Update on Drought Contingency and Water Emergency Management Plan.**

As required by TCEQ rules, the City of League City must review the Drought Contingency and Water Emergency Management Plan every five years. The Plan will be updated as appropriate based on new or updated information.

**Section 3.** Savings. All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

**Section 4.** Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise

unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 5.** Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

**Section 6.** Codification. It is the intent of the City Council of the City of League City, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

**Section 7.** Publication and Effective Date. The City Secretary shall cause this Ordinance, or its caption, to be published in the official newspaper of the City of League City, upon passage of such Ordinance. The Ordinance shall become effective immediately upon passage.

PASSED first reading the \_\_\_\_ day of \_\_\_\_\_, 2019.

PASSED second reading the \_\_\_\_ day of \_\_\_\_\_, 2019.

PASSED AND ADOPTED the \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
PAT HALLISEY  
Mayor

ATTEST:

\_\_\_\_\_  
DIANA M. STAPP  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
NGHIEM V. DOAN  
City Attorney