

ORDINANCE 2024-O-08A

DROUGHT CONTINGENCY PLAN

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MARBLE FALLS, AMENDING DIVISION 3 (DROUGHT CONTINGENCY PLAN) OF ARTICLE II (WATER) OF CHAPTER 26 (UTILITIES) TO REPLACE THE CITY'S DROUGHT CONTINGENCY PLAN IN ITS ENTIRETY; PROVIDING FOR FINDINGS OF FACT; ESTABLISHING TRIGGERS FOR RESPONSE TO LEVELS OF DROUGHT; SPECIFYING ACTION REQUIREMENTS AND PROVIDING PENALTIES FOR NON-COMPLIANCE OF UP TO TWO THOUSAND DOLLARS AND TERMINATION OF SERVICE; PROVIDING FOR SEVERABILITY; REPEALER; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City of Marble Falls is legally empowered to enact and amend ordinances for the protection of the health, safety and welfare of its residents and the public through the legitimate use of its police powers; and

WHEREAS, pursuant to state law, the City Council hereby replaces its existing Drought Contingency Plan contained in Chapter 26 of its Code of Ordinances with a new Drought Contingency Plan; and

WHEREAS, the City Council has determined that adoption of the Drought Contingency Plan is in the best interest of the City and its citizens;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARBLE FALLS, TEXAS, that:

SECTION I. PREAMBLE. All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Marble Falls and are hereby approved, adopted, and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION II. AMENDMENTS. The City of Marble Falls Code of Ordinances, Chapter 26, is hereby amended by the repeal of the current Division 3 of Article II, Drought Contingency Plan, and replacing it so that it shall hereafter read in its entirety as follows:

DIVISION 3. - DROUGHT CONTINGENCY PLAN

Sec. 26-48. - Declaration of policy, purpose, and intent.

In cases of extreme drought, periods of abnormally high usage or system contamination, or extended reduction in ability to supply water due to equipment failure, the City may require water customers to institute temporary restrictions to limit nonessential water usage. 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 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 nonessential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section 26-53 of this plan.

Sec. 26-49. - Public education.

The city will periodically provide the public and employees 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. This information will be provided by means of town meetings, press releases and utility mass mailings.

Sec. 26-49.1. - Authorization.

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

Sec. 26-49.2. - 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. 26-50. - Definitions.

For the purposes of this plan, the following definitions shall apply:

(a) *Aesthetic water use* means water use for ornamental or decorative purposes

such as fountains, reflecting pools, and water gardens.

- (b) *Commercial and institutional water use* means use which is integral to the operations of commercial and nonprofit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.
- (c) *Conservation* means those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, 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.
- (d) *Customer* means any person, company, or organization using water supplied by city.
- (e) *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.
- (f) *Industrial water use* means the use of water in processes designed to convert materials of lower value into forms having greater usability and value.
- (g) *Landscape irrigation use* means 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.
- (h) *New landscape* is defined as vegetation (1) installed at the time of new construction of a residential or commercial facility; (2) installed as part of a governmental entity's capital improvement project; (3) installed to stabilize an area disturbed by construction; and/or (4) that alters more than 500 contiguous square feet of an existing landscape.
- (i) *Nonessential water use* means water uses that are not essential or required for the protection of public, health, safety, and welfare, including:
 - (1) Irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this plan;
 - (2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
 - (3) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 - (4) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
 - (5) Flushing gutters or permitting water to run or accumulate in any gutter or street;
 - (6) Use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
 - (7) Use of water in a fountain or pond for aesthetic or scenic purposes

except where necessary to support aquatic life;

- (8) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
 - (9) Use of water from hydrants for construction purposes or any other purposes other than firefighting.
- (j) *Ornamental Landscaping* Irrigated turfgrass and other landscaping that is not regularly used for active and programmed recreational purposes such as sports fields, golf course areas used directly for sport (greens, tees, fairways, and practice areas), areas used for food production, maintaining cemeteries, maintaining the integrity of foundations, and preserving trees.

SEC. 26-51. -CRITERIA FOR INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES.

The Mayor or his/her designee shall monitor water supply and/or water demand conditions on a daily/weekly basis and shall determine when conditions warrant initiation or termination of each stage of the plan, that is, when the specified "triggers" are reached.

The triggering criteria described below are based on current capacities of the city's water plant and distribution system.

(1) Stage 1 Triggers-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 26-50, definitions, when (either, any of) the following condition(s) exist or as determined by the Mayor or his/her designee.

- A. When, the combined storage of Lakes Travis and Buchanan falls below 1.1 million acre-feet, pursuant to requirements specified in the city's wholesale water purchase contract with the Lower Colorado River Authority (L.C.R.A.) and notification is received from L.C.R.A. requesting initiation of Stage 1 of the drought contingency plan.
- B. When total daily water demand equals or exceeds eighty percent (80%) of plant capacity for three (3) consecutive days or eighty-five percent (85%) of plant capacity on a single day.
- C. Continually falling treated water reservoir levels that do not refill above ninety percent (90%) overnight.
- D. For ground water systems, when the maximum daily usage equals or exceeds 80% of the pump's withdrawal capacity for 3 consecutive days.

E. Region-wide drought caused by widespread, long-term shortages.

Requirements for termination.

Stage 1 of the plan may be rescinded when:

- A. The water treatment plant capacity condition triggering event for Stage 1 has ceased to exist for five (5) consecutive days.
- B. The ground water pumpage amounts have fallen below 80% threshold, and remained below that level for 5 consecutive days.
- C. The Combined storage of Lakes Travis and Buchanan reaches 1.2 million acre-feet.
- D. The treated water reservoir levels refill above ninety percent (90%) for 3 consecutive days.
- E. Or as determined by the Mayor or his/her designee.

(2) Stage 2 Triggers-MODERATE Water Shortage Conditions

Requirements for initiation.

Customers shall be required to comply with the requirements and restrictions on certain nonessential water uses provided in Section 26-50, definitions, of this plan when any of the following condition(s) exist or as determined by the Mayor or his/her designee.

- A. When, the combined storage of Lakes Travis and Buchanan falls below 900,000 acre-feet; On March 1 or July 1, the combined storage of lakes Travis and Buchanan is below 1.1 million acre-feet and the prior three-months of inflows cumulative total is less than the 25th percentile of historical inflows for that three-month period, pursuant to requirements specified in the city's wholesale water purchase contract with the Lower Colorado River Authority (L.C.R.A.) and notification is received from L.C.R.A. requesting initiation of Stage 1 of the drought contingency plan.
- B. When total daily water demand equals or exceeds ninety-three percent (93%) of plant capacity for three (3) consecutive days or ninety-five percent (95%) of plant capacity on a single day.
- C. Continually falling treated water reservoir levels that do not refill above eighty percent (80%) overnight.
- D. For groundwater systems, when maximum daily usage equals or exceeds 93% of the pump's withdrawal capacity for 5 consecutive days.
- E. Region-wide drought caused by widespread, long-term shortages. Requirements for termination.

Stage 2 of the plan may be rescinded when:

- A. The combined storage of Lakes Travis and Buchanan reaches 1.1 million acre-feet

- B. The water treatment plant capacity condition listed above as a triggering event for Stage 2 has ceased to exist for five (5) consecutive days
- C. The groundwater pumpage amounts have fallen below 93% threshold and remained below that level for 5 consecutive days.
- D. Or as determined by the Mayor or his/her designee.

Upon termination of Stage 2, Stage 1 becomes operative unless the criteria for terminating Stage 1 is also met.

(3) Stage 3 Triggers-SEVERE Water Shortage Conditions

Requirements for initiation.

Customers shall be required to comply with the requirements and restrictions on certain nonessential water uses for Stage 3 of this plan when any of the following condition(s) exist or as determined by the Mayor or his/her designee.

- A. When, combined storage of Lakes Travis and Buchanan falls below 750,000 acre-feet in accordance with the LCRA DCP.
- B. When total daily water demand equals or exceeds ninety-five percent (95%) of plant capacity for three (3) consecutive days of ninety-seven percent (97%) of plant capacity on a single day.
- C. Continually falling treated water reservoir levels that do not refill above seventy-five percent (75%) overnight.
- D. For groundwater systems, when maximum daily usages equals or exceeds 95% of the pump's withdrawal capacity for 3 consecutive days.
- E. Region-wide drought caused by widespread, long-term shortages. Requirements for termination.

Stage 3 of the plan may be rescinded when

- A. Combined storage of Lakes Travis and Bucanan reaches 825,000 acre-feet
- B. The water treatment plant capacity listed as triggering event for Stage 3 has ceased to exist for a period of five (5) consecutive days.
- C. The groundwater pumpage levels have fallen below the 95% threshold and remains below that level for 5 consecutive days;
- D. As determined by the Mayor or his/her designee.

Upon termination of Stage 3, Stage 2 becomes operative, unless the criteria for terminating Stage 2 is also met.

(4) Stage 4 Trigger-CRITICAL Water Shortage Conditions

Requirements for initiation.

Customers shall be required to comply with the requirements and restrictions for Stage 4 of this plan when the Mayor or his/her designee, determines that a water

supply emergency exists based on one or more of these criteria occur:

- A. The combined storage of Lakes Travis and Buchanan reaches 600,000 acre-feet.
- B. The L.C.R.A Board of Directors declares a Drought Worse than Drought of Record, other water supply emergency and orders the mandatory curtailment of fire water supplies. Or when, pursuant to requirements specified in the city's wholesale water purchase contract with L.C.R.A. notification is received requesting initiation of Stage 4 of the drought contingency plan.
- C. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or
- D. Natural or manmade contamination of the water supply source.
- E. Region-wide drought caused by widespread, long term shortages. Requirements for termination:

Stage 4 of the plan may be rescinded when:

- A. When LCRA announces that mandatory Stage 4 water restrictions for fire water customers are no longer required in accordance with the LCRA DCP.
- B. The major water line breaks, or pump or system failures have been resolved and the water treatment and storage capacity has returned to normal operations for three (3) consecutive days;
- C. Or as determined by the Mayor or his/her designee.

Upon termination of Stage 4, Stage 3 becomes operative unless the criteria for terminating Stage 3 is also met.

(5) Stage 5 Trigger-EMERGENCY Water Shortage Conditions

Requirements for initiation.

Customers shall be required to comply with the requirements and restrictions for Stage 5 of this plan when the Mayor or his/her designee, determines that a water supply emergency exists based on:

- A. When, pursuant to requirements specified in the city's wholesale water purchase contract with LCRA notification is received requesting initiation of Stage 5 of the drought contingency plan.
- B. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service;
- C. Natural or manmade contamination of the water supply source.
- D. Region-wide drought caused by widespread, long term shortages; or
- E. Any other emergency water supply or demand conditions that the LCRA general manager or LCRA Board of Directors determines either constitutes a water supply emergency or is associated with a prolonged drought worse than

the Drought of Record requiring the mandatory curtailment of firm water supplies at a level more severe than in Stage 4.

Requirements for termination:

The water treatment plant capacity condition listed above as a triggering event for Stage 5 has ceased to exist for five (5) consecutive days; or if LCRA announces that mandatory water restrictions for firm water customers are no longer required in accordance with the LCRA DCP.

Upon termination of Stage 5, Stage 4 becomes operative. SEC. 26-52. - DROUGHT RESPONSE STAGES.

The Mayor 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 26-51 of this plan, shall determine that a mild, moderate, severe, critical, emergency or water shortage condition exists and shall implement the following notification procedures.

Notification.

A. *Notification of the public:* The City Manager or his/her designee shall notify the public by means of:

1. Publication in a newspaper of general circulation.
2. Direct mail or notification to each customer.
3. Public service announcements.
4. Signs posted in public places.
5. Any other form of usual communications systems.

B. *Additional notification:* The City Manager or his/her designee shall notify directly, or cause to be notified directly, the following individuals and entities:

1. Mayor/chairman and members of the city council/utility board.
2. Fire chief(s).
3. City and/or county emergency management coordinator(s).
4. County judge and commissioner(s).
5. State disaster district/department of public safety.
6. TCEQ (required when mandatory restrictions are imposed).
7. Major water users.
8. Critical water users, i.e. hospitals.
9. Parks/street superintendents and public facilities managers.

10. Wholesale supplier (notify when mandatory restrictions are imposed).

Permanent Watering Schedule

Irrigate outdoors using automatic or manual irrigation systems or hose-end sprinklers no more than **TWICE per week** for up to **15 hours** and only during scheduled days and times as indicated below:

Residential

Odd number addresses: Wednesdays and Saturdays

Even number addresses: Thursdays and Sundays

Commercial (including large landscapes such as HOA common areas and public schools)

Tuesdays and Fridays

Watering Hours

Midnight to 10 a.m. and 7 p.m. to midnight

(1) Stage 1 Response-MILD Water Shortage Conditions

Goal:

- Achieve a ten (10%) percent reduction in daily water demand
- Limit daily water demand to no more than 80% capacity for three consecutive days or 85% for one day.

Supply management measures: In order to manage limited water supplies and/or reduce water demand, the city will:

- Reduce or discontinue flushing of water mains
- Audit the utility system for water loss
- Review system operations and identify ways to improve system efficiency and accountability
- Review this document and associated enforcement mechanisms and prepare for an increase level of enforcement.

Demand Management Measures:

- Irrigation of Landscaped Areas. **If the combined storage of lakes Buchanan and Travis is less than 1.1 million acre-feet**, irrigation of landscaped areas shall be limited to a no more than ONCE weekly watering schedule from Oct. 1 to April 30. Irrigation of commercial landscapes and recreational areas (including public parks) may apply for a variance but must still develop a schedule where no part of the landscape is watered more than once per week.
- Ask customers to comply with the remaining water-use restrictions outlined in Stage 2 of the Plan.
- will actively share drought-related information and the need to conserve.
- If appropriate, explore ways to implement permanent water efficiency ordinances relating to uses such as vehicle washing facilities, pressure washing equipment, drought-tolerant landscaping for all new landscapes and irrigation evaluations for large properties.

Watering Schedule

Irrigate outdoors using automatic or manual irrigation systems or hose-end sprinklers no more than **ONCE per week** for up to **15 hours** only during scheduled days and times as indicated below between the dates of Oct. 1 and April 30.

Residential- automatic irrigation systems

Odd number addresses: Wednesdays

Even number addresses: Thursdays

Residential- hose end irrigation

Odd number addresses: Saturdays

Even number addresses: Sundays

Commercial (including large landscapes such as HOA common areas and public schools)

Even number addresses: Tuesdays

Odd number addresses: Fridays

Public Schools

Mondays

Watering Hours

Midnight to 10 a.m. and 7 p.m. to midnight

(2) Stage 2 Response-MODERATE Water Shortage Conditions

Goal:

- Achieve a twenty (20%) percent reduction in daily water demand
- Limit daily water demand to no more than 80% capacity for three consecutive days or 85% for one day.

Supply management measures: In order to manage limited water supplies and/or reduce water demand, the city will:

- Apply all water-use restrictions prescribed for Stage 2 of the Plan for City owned facilities and properties.
- Reduce or discontinue flushing of water mains,
- Audit its utility system for water loss, explore ways to reduce system water loss by measures such as fixing leaks, replacing old meters and recycling line flush water, as appropriate.
- explore ways to increase use of recycled wastewater to reduce irrigation of public parks with potable water, as appropriate.
- Reduce the amount of water bulk sales for resale purposes
- Reduce irrigation of public landscape areas,

Watering Schedule

Mandatory lawn and landscape areas watering schedule :

Irrigate outdoors using automatic or manual irrigation systems or hose-end sprinklers no more than **ONCE per week** for up to **15 hours** and only during scheduled days and times as indicated below.

Residential automatic irrigation systems

Odd number addresses: Wednesdays

Even number addresses: Thursdays

Residential hose-end irrigation

Odd number addresses: Saturdays

Even number addresses: Sundays

Commercial (including large landscapes such as HOA common areas and public schools)

Even number addresses: Tuesdays

Odd number addresses: Fridays

Watering Hours

Midnight to 10 a.m. and 7 p.m. to midnight

Water use restrictions:

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

A. Irrigation of Landscaped Areas

1. If the combined storage of lakes Buchanan and Travis is less than 900,000 acre-feet or 1.1 million acre-feet and the low inflows trigger applies, irrigation of landscaped areas with hose-end sprinklers or automatic or manual irrigation systems shall be limited to no more than ONCE weekly for no more than **15 hours** respectively as determined by the City. Irrigation of commercial landscapes and recreational areas (including public parks) may apply for a variance but must still develop a schedule where no part of the landscape is watered more than once per week. (See Stage 2 Watering Schedule)

2. Outdoor watering hours will be limited to 15 hours per day before 10 a.m. and after 7 p.m. on designated days as determined by City of Marble Falls (see Stage 2 Watering Schedule). This prohibition does not apply to irrigation of landscaped areas if it is by means of:

- i. a hand-held hose with a positive shut-off device; or
- ii. a faucet-filled bucket or watering can of 5 gallons or less

3. New landscapes may be installed and revegetation seeding performed under these specific criteria:

- i. A completed variance form for new landscapes has been submitted to the City of Marble Falls and has been approved prior to the installation of the landscape, or re-vegetation seed application.
- ii. Irrigation of the new landscape follows the schedule identified in the new landscape variance. The schedule will be developed to minimize water waste.
- iii. Areas being revegetated for soil stabilization must also comply with the (i) and (ii) specific criteria above. Alternative options to revegetation such as mulch may be available in times of low water supply. Additional information regarding options is available in the LCRA Highland Lakes Watershed Ordinance Technical Manual.
- iv. Variances for new landscapes may be issued for a period of no more than 30 days from the day of issuance. A variance is not an exemption from compliance with the permanent water use restrictions under Section 9.2 of this plan. Variances will not be granted for seasonal “color bed” or temporary grass installation (overseeding).
- v. New landscapes may only be installed if no more than 50% of the new irrigated landscaped area is water-conserving natural turf and only drought-tolerant or native plants are installed.

B. Vehicle Washing:

Use of water to wash any motor vehicle, such as a motorbike, boat, trailer

or airplane, is prohibited except on designated watering days before 10 a.m. or after 7 p.m. Such activity, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shut-off nozzle. A vehicle may be washed anytime at a commercial car wash facility or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public are contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

C. Pools:

1. Draining and refilling is permitted only onto pervious surfaces or onto a surface where water will be transmitted directly to a pervious surface, and only if:

- i. Draining excess water from pool due to rain in order to lower water to maintenance level;
- ii. Repairing, maintaining or replacing pool components that have become hazardous; or
- iii. Repair of a pool leak.

2. 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 outdoor water use days between the hours of 12:00 midnight and 10:00 am and between 7:00 pm and 12:00 midnight.

3. Public/community swimming pools are allowed to fill or replenish water in order to maintain safe levels of water quality for human contact and for maintenance as outlined above.

D. Outside Water Features:

1. Operation of outside water features except for ornamental fountains with a 4-inch emission or fall of water that are recirculating is prohibited except where such features are used for aeration necessary to sustain aquatic life or maintain water quality. (This provision includes recirculating fountains associated with aesthetic ponds and swimming pools unless required for filtration).

2. Operation of outdoor misting systems at a commercial facility is allowed only between 4 p.m. and midnight.

3. Splash pad type fountains must be recirculating and should have an automatic timer shut-off feature when not in use unless public health and safety is compromised by installing a shut-off feature.

E. Ponds:

Ponds used for aesthetic, amenity and/or storm water purposes may maintain water levels only as necessary to preserve the integrity of the liner and operating system. The City may request specific design documentation regarding a pond and the intended purpose.

F. Fire Hydrants:

Use of water from fire hydrants shall be prohibited for landscape irrigation, filling pools, operating fountains and car washing. Water

should be transported only for the purpose of firefighting or providing minimal water needed for indoor use where auxiliary sources are inadequate and activities necessary to maintain public health, safety and welfare, or for construction use. Transport of water other than for firefighting requires a variance and a meter.

G. Restaurants:

Restaurants, bars and other commercial food or beverage establishments are encouraged not to provide drinking water to customers unless a specific request is made by the customer for drinking water. Water

Leaks:

Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

H. Events:

Events involving the use of water such as: car washes, festivals, parties, water slides and other activities involving the use of water are permitted, if the water being used drains to a recirculating device or onto a pervious surface to prevent water waste.

1. A charity car wash may not be conducted unless it occurs at a commercial vehicle washing facility.

I. Hotels/Motels/Short-Term Rentals:

The owner or operator of a hotel, motel short-term rental or other establishment that offers or provides lodging or rental accommodations for compensation are encouraged to offer a towel and linen reuse water conservation option to its lodgers, renters or customers and maintain signage about the opportunity to participate in each guest room, suite, or property.

J. Athletic Fields:

Watering should follow a no more than once-per-week schedule per irrigated area unless the athletic fields are actively used for organized sports practice, competition or exhibition events when irrigation outside of the standard weekly schedule is necessary to protect the health and safety of the players, staff or officials present for the athletic event.

1. All ornamental landscape areas around facilities with athletic fields shall follow general landscape irrigation restrictions.

2. A variance must be filed with the for watering outside of the once per week irrigation schedule.

K. Water Waste:

The following uses of water are defined as nonessential and are prohibited:

(1) Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced impervious surface areas except for immediate health and safety;

(2) Use of water to wash buildings, houses or structures with a pressure washer is restricted to equipment that is fitted with a water recycling unit and a spray nozzle using no more than 3.5 gallons of water per

minute and employing a working trigger shut-off with a protective weep mechanism. Use of water to wash buildings with a hand-held hose with a positive shut-off nozzle is allowed.

- (3) Use of water for dust control is prohibited, unless there is a demonstrated need to do so for reasons of public health and safety, or as part of an approved construction plan.

(3) Stage 3 Response-SEVERE Water Shortage Conditions

Goal:

- Achieve a minimum of twenty percent (25%) reduction in daily water demand from a baseline approved by L.C.R.A.
- Limit daily water demand to no more than 80% capacity for three consecutive days or 85% for one day

Supply management measures:

In order to manage limited water supplies and/or reduce water demand, the City will:

- Reduce or discontinue flushing of water mains and recycle line flush water as appropriate for the utility system.
- Audit the utility system for water loss and reduce system water loss by measures such as fixing leaks, replacing old meters and recycling line flush water, as appropriate for the utility system.
- Discontinue all bulk water sales to persons outside the city limits intended for resale purposes.
- Actively share drought-related information, including the current and projected water supply conditions, water supply restrictions and the need to conserve to its retail customers including publicly posting notice of entering or exiting Stage 3 on the City's website.
- explore additional emergency water supply options.

Watering Schedule:

Mandatory lawn and landscaped area watering schedule :

Irrigate outdoors using automatic or manual irrigation systems or hose-end sprinklers no more than **ONCE per WEEK** for up to **six hours** during scheduled days and times as indicated below.

Residential automatic irrigation systems

Odd number addresses: Wednesdays

Even number addresses: Thursdays

Residential hose-end irrigation

Odd number addresses: Saturdays

Even number addresses: Sundays

Commercial (including large landscapes such as HOA common areas)

Even number addresses: Tuesdays

Odd number addresses: Fridays

Public Schools

Mondays

Watering Hours

Automatic irrigation systems: Midnight to 6 a.m.

Hose-end irrigation: 7 a.m. to 10 a.m. and 7 p.m. to 10 p.m.

Hand-held irrigation: Before 10 a.m. and after 7 p.m.

Water use restrictions:

Under threat of penalty for violation, the following water use restrictions shall apply to all persons. All requirements of Stage 2 shall remain in effect during Stage 3 with the following modifications and additions:

A. Irrigation of Landscaped Areas

1. **If the combined storage of lakes Buchanan and Travis is less than or equal to 750,000 acre-feet**, irrigation of landscaped areas with automatic or manual irrigation systems or hose-end sprinklers shall be limited to a maximum once a week watering schedule for no more than **6 hours**. Irrigation of commercial landscapes and recreational areas (including public parks) may apply for a variance but must still develop a schedule where no part of the landscape is watered more than once per week. (See Stage 3 Watering Schedule.)

2. Outdoor watering hours for hand watering will be limited to 15 hours a day, before 10 a.m. or after 7 p.m. on designated days as determined by City of Marble Falls (see Stage 3 watering schedule). The allowed methods of irrigation of landscaped areas are:

- i. a hand-held hose with a positive shut-off device;
- ii. a faucet-filled bucket or watering can of 5 gallons or less;
- iii. a soaker hose; or
- iv. tree gator watering bags.

3. New landscapes may only be installed if:

- i. a 30-day watering schedule variance has been applied for and accepted;
- ii. no more than 25% of the new irrigated landscaped area is natural turf. Turf must be water-conserving;

- iii. only drought-tolerant or native plants are installed; and
 - iv. sprinkler irrigation is prohibited in planting beds.
4. Revegetation of disturbed areas due to construction is allowed, if required by local, state, or federal regulations. A temporary watering variance must be granted by the City.

B. Vehicle Washing

Use of water to wash any motor vehicle, such as a motorbike, boat, trailer or airplane, is prohibited except on designated watering days between 7 a.m. and 10 a.m. and between 7 p.m. and 10 p.m. Such activity, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shut-off nozzle. A vehicle can be washed at any time at a commercial car wash facility or commercial service station that recycles its water. This activity is exempt from these regulations if the health, safety and welfare of the public are served by washing the vehicle, such as a truck used to collect garbage or used to transport food and perishables.

- C. Installation of swimming pools is prohibited except when equipped with an automatic pool cover. Public/community swimming pools may be exempt from this prohibition to maintain safe levels of water quality for human contact.

D. Outside Water Features

1. Operation of ornamental fountains is prohibited.
2. Operation of outside water features, is only allowed when such features are used for aeration necessary to sustain aquatic life or maintain water quality. (This provision includes fountains associated with aesthetic ponds and swimming pools.)
3. Operation of residential aesthetic or recreational devices such as water slides is prohibited.
4. Operation of outdoor misting systems at a commercial facility is allowed only between 4 and 8 p.m.

E. Ponds

Ponds used for aesthetic, amenity and/or stormwater purposes may maintain water levels only necessary to preserve the integrity of the liner and operating system and meet the LCRA Highland Lakes Watershed Ordinance or other applicable non-point source pollution regulation. The City may request specific design documentation regarding a pond and the intended purpose.

F. Golf Course

Golf courses receiving any amount of treated water from a City of Marble Falls utility must either develop a drought contingency plan in accordance with The City's Drought Contingency Plan and implement its Stage 3 mandatory restrictions in conjunction with the water provider or adopt the

LCRA sample golf course drought contingency plan.

G. Events

Events involving the use of water such as car washes, festivals, parties, water slides, and other activities involving the use of water are prohibited.

H. Recreational Areas (including municipal parks and common areas):

Irrigation of recreational areas with potable water must follow the six-hour weekly irrigation schedule outlined Stage 3 Irrigation of Landscape Areas section, and watering of recreational areas should be prioritized by frequency of use. Unnecessary foot traffic should be discouraged. Watering using an auxiliary source such as recycled water is exempt from these restrictions.

I. Athletic Fields

A variance including a map of active play areas that must be irrigated with automatic sprinkler systems for sports practice and competition must be filed with the City if irrigation falls outside of the normal watering schedule listed in Stage 3 Watering Schedule. The irrigation must be necessary to protect the health and safety of the players, staff, and officials present for athletic events.

1. All ornamental landscape areas around facilities with athletic fields shall follow general landscape irrigation restrictions.
2. All athletic fields that are not actively used for sports practice and competition shall follow general landscape irrigation restrictions.

Water Waste

The following additional nonessential uses of water are prohibited at all times during periods in which restrictions have gone into effect

1. Pressure washing is prohibited but variances may be granted by the City on the designated watering day for health and safety purposes only. Pressure washing equipment must be fitted with a spray nozzle that does not use more than 3.5 gallons of water per minute and has a trigger shut-off.

Additional Restrictions:

The Mayor or his/her designee may implement mandatory water restrictions in addition to those detailed in the City of Marble Falls Drought Contingency Plan to protect public health, safety, welfare, infrastructure or available resources in the event of an unusual water system operational event, catastrophic occurrence, severe weather event, or other emergency situation or occurrence necessitating additional restrictions.

The Mayor or his/her designee may implement mandatory water use

restrictions effective immediately upon official public notice.

(4.) Stage 4 Response. CRITICAL Water Shortage Conditions

Goal:

- Achieve a minimum of Twenty percent (20%) and a target of Thirty percent (30%) reduction in daily supply demand.
- Limit daily ground water demand of Twenty percent (20%) to Thirty percent (30%) reduction of daily supply demand or 96% for three days.

Supply management measures:

In order to manage limited water supplies and/or reduce water demand, the city will:

- Discontinue flushing of water mains.
- Audit the utility system for water loss and repair any leaks.
- Discontinue irrigation of public landscaped areas using hose end sprinkler systems and/or automated irrigation systems.

Mandatory lawn watering schedule:

Irrigate outdoors using only a soaker hose, point-source drip irrigation, tree gator watering bags, hand-held watering or a bucket for areas not defined as ornamental landscaping no more than **ONCE per week** for up to **six hours** only during scheduled days and times as indicated below.

Residential

Odd number addresses: Saturdays

Even number addresses: Sundays

Commercial (including large landscapes such as HOA common areas)

Even number addresses: Tuesdays

Odd number addresses: Fridays

Public Schools

Mondays

Watering Hours

Soaker hose, hand-held water or bucket irrigation: 7 a.m. to 10 a.m. and 7 p.m. to 10 p.m.

Water use restrictions.

Under threat of penalty for violation, all retail customers are required to reduce nonessential water uses during an emergency. All requirements of stages 1 through 3 are also in effect during Stage 4, with the following modifications and additions:

- A. Irrigation of ornamental turfgrass is prohibited. The use of hose-end sprinklers and automatic or manual irrigation systems, including drip irrigation, are prohibited except as provided under item B below.
- B. Irrigation of foundations, trees and vegetable gardens is allowed with a hand-held hose with a working on/off nozzle, bucket, drip irrigation or soaker hoses irrigation only for **six hours** between the hours of 7 a.m. and 10 a.m. or 7 p.m. and 10 p.m. one day per week on the designated outdoor water use day as determined by the City.
- C. New landscapes irrigated with spray irrigation are prohibited. New irrigated turf grass is prohibited. The City may issue new landscape variances for planting beds installed with drought-tolerant or native plants specified in the Grown Green Plant Guide as having low or very low water needs (<https://marblefallstx.gov/DocumentCenter/View/6386/Native-and-Adapted-Landscape-Plant-List-PDF>) and irrigated with point source drip irrigation or hand-held hose.
- D. Use of water to operate outside water features, including fountains, outdoor misting systems and splash pads, is prohibited.
- E. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited, except as required for public health and safety purposes. Commercial car washing facilities, except facilities that recycle water, may operate for health and safety purposes only.
- F. Golf courses receiving any amount of treated water from the City utility must either develop a drought contingency plan in accordance with the City's Drought Contingency Plan and implement its Stage 4 mandatory restrictions in conjunction with the water provider or adopt the LCRA sample golf course drought contingency plan.
- G. The filling or replenishing of single-family residential swimming pools is only allowed if the pool is covered with a pool cover when not in use.
- H. Public/community swimming pools are allowed to fill or replenish water in order to maintain safe levels of water quality for human contact.

Upon declaration of Stage 4, water use restrictions outlined in Stage 3 shall immediately apply.

Additional Restrictions:

The Mayor or his/her designee may implement mandatory water restrictions in addition to those detailed in the City of Marble Falls Drought Contingency Plan to protect public health, safety, welfare, infrastructure or available resources in the event of an unusual water system operational event, catastrophic occurrence,

severe weather event, or other emergency situation or occurrence necessitating additional restrictions.

The Mayor or his/her designee may implement mandatory water use restrictions effective immediately upon official public notice.

(5.) Stage 5 Response-EMERGENCY Water Shortage Conditions

Goal:

- Achieve reduction in daily water supply as determined the LCRA Board of Directors
- Limit daily ground water system capacity as determined by Central Texas Ground Water Conservation District.

Supply management measures:

In order to manage limited water supplies and/or reduce water demand, the city will:

- Discontinue flushing of water mains.
- Audit the utility system for water loss.
- Discontinue irrigation of public landscaped areas.

Water use restrictions.

Under threat of penalty for violation, all retail customers are required to reduce nonessential water uses during an emergency. All requirements of Stages 1 through 4 are also in effect during Stage 5, with the following modifications and additions:

- A. Irrigation of landscaped areas is prohibited.
- B. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited. This activity is only exempt from these regulations if the health, safety and welfare of the public are served by washing the vehicle, such as a truck used to collect garbage or used to transport food and perishables.

- C. Use of water from fire hydrants shall be limited to firefighting and activities necessary to maintain public health, safety and welfare.
- D. No applications for new, additional, expanded or larger water service connections, meters, service lines, pipeline extensions, mains or water service facilities of any kind shall be allowed or approved.

Upon declaration of Stage 5, water use restrictions outlined in Stage 4 shall immediately apply.

If Stage 4 is declared, the City has identified and will initiate the following emergency alternative water supply arrangements:

- If determined, the City has plans to truck water in the event of an emergency.

Additional Restrictions:

The Mayor or his/her designee may implement mandatory water restrictions in addition to those detailed in the City of Marble Falls Drought Contingency Plan to protect public health, safety, welfare, infrastructure or available resources in the event of an unusual water system operational event, catastrophic occurrence, severe weather event, or other emergency situation or occurrence necessitating additional restrictions.

The Mayor or his/her designee may implement mandatory water use restrictions effective immediately upon official public notice.

Sec. 26-53. - Enforcement.

No person shall knowingly or intentionally allow the use of water from the city 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 Mayor or his/her designee, in accordance with provisions of this plan.

Any person, including a person classified as a water customer of the 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.

Administrative violation.

Except as otherwise stated herein, each violation of this plan may be enforced as an administrative violation, pursuant to the following:

<u>Violation</u>	<u>Residential Customer</u>	<u>Commercial Customer</u>
First violation	Warning letter	Warning letter
Second violation within 12- month period from date of initial violation	\$50.00	\$400.00
Third violation within 12- month period from date of initial violation	\$300.00	\$1,000.00
Fourth and subsequent violations within 12- month period from date of initial violation	\$600.00	\$2,000.00

First violation. The notice of first violation shall be in writing, contain the name and address of the alleged violator (if known), provide a location and brief description of the alleged violation, provide a warning for this first violation and inform him/her of the administrative fees and consequences for subsequent violations. The notice may be left at the location of the violation and/or be forwarded to the alleged violator's utility billing address via first-class mail.

Second (and/or subsequent) violation(s). If a person or entity has violated this plan again within the 12-month period immediately following the date of a preceding violation, he/she shall be forwarded a notice of second (or subsequent) violation. The notice of second (or subsequent) violation shall be in writing, contain the name and address of the alleged violator (if known), provide a location and brief description of the alleged violation, inform him/her of the administrative fee that will be added to the alleged violator's next monthly utility bill and the administrative fees and consequences for subsequent violations, and be forwarded to the alleged violator's utility billing address via first-class mail.

Criminal violation in lieu of administrative violation; appeal of administrative violation; effect on payment, hearing procedure.

Any alleged violator shall be entitled to request and have any alleged violation treated as a Class C misdemeanor subject to the jurisdiction of the municipal court in lieu of an administrative violation by filing a written request with the City Manager or his/her designee for the same within ten (10) business days of receipt of a notice of violation. Upon receipt of such a letter the City Manager or his/her designee shall promptly transfer the matter to the municipal court, where it shall be handled as a Class C misdemeanor.

If a violator does not request that the administrative violation be treated as a Class C misdemeanor, he or she may appeal an administrative violation under this article by requesting an appeal within fifteen (15) business days of the date of a notice of violation. The appeal shall be in writing and submitted to the City Manager or their designee. Within ten (10) business days of the City Manager's receipt of such request, an appeal hearing ("appeal hearing") shall be held. At the appeal hearing, the alleged violator shall present relevant evidence and bear the burden of proof to show by the preponderance of the evidence why he/she should not be held in violation of the plan or the administrative fee should not be assessed. The City Manager or their designee shall consider all relevant evidence presented and render a decision in within five (5) business days of the conclusion of the appeal hearing ("appeal hearing decision"). A copy of the appeal hearing decision shall be forwarded to the alleged violator's utility billing address via first-class mail and email.

The request for an appeal under this subsection shall not suspend or delay an alleged violator's obligation to pay current outstanding utility fees and/or administrative fines assessed under this article. Upon successful appeal of an alleged administrative violation,

the city shall refund all administrative fines paid by or on behalf of an alleged violator pursuant to this article.

Any appeal under this subsection shall be conducted via scheduled personal or telephone conference. Such conference shall include the alleged offender, his/her representative, if any, and any testifying witnesses. Prior to the commencement of any telephone or personal conference under this subsection, each testifying witness' name, address, telephone number, and relationship to the alleged violator shall be submitted to the City Manager or their designee prior to commencement of such telephone conference, along with any documentary or physical evidence to be presented in such telephone or personal conference. No unidentified witness or un-submitted evidence shall be considered at the hearing.

If the alleged violator shall fail to attend a scheduled appeal or final review hearing for any reason, such failure shall constitute a default, render final the pending administrative violation and any assessed administrative fines, and waive the alleged violator's right to appeal.

Notices. All notices regarding alleged administrative violations under this article, including without limitation notices of violation and appeal hearing decisions, shall be in writing and forwarded to the alleged violator via first-class mail and/or certified mail return receipt requested, to the alleged violator's current billing address. All notices forwarded in such manner shall be deemed received by the alleged violator within three (3) days of the mailing's postmark.

Class C misdemeanor. Alternatively, and at the discretion of the City Manager or his/her designee, fourth and subsequent violations within the 12-month period from the date of the alleged violator's initial violation may be treated as class C misdemeanor offenses. Any person or entity alleged to have violated this plan may be cited to appear in municipal court for such offense, and, upon conviction, shall be punished by a fine of not less than five hundred dollars (\$500.00) and not more than one thousand dollars (\$1,000.00). Each day that one (1) or more of the provisions in this plan is violated shall constitute a separate offense.

Termination of service. Upon a person or entity's fourth or subsequent violation within the 12-month period immediately following the date of the initial violation and upon due notice to the person or entity as set forth herein, the city shall be authorized to discontinue water service to the premises where such violations occur. The city shall be so authorized regardless of whether such violation is being simultaneously enforced administratively, under subsection (c), or criminally, under subsection (f). Services discontinued under such circumstances shall be restored only upon payment of a reconnection charge hereby established at \$100.00 (one-hundred dollars) and all other costs incurred by the city in discontinuing service. In addition, suitable assurance must be given to the city 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 a court of proper jurisdiction. This subsection shall not be construed to reduce, diminish, or in any manner restrict the city's right to terminate utility service for nonpayment of fees and fines.

Sec. 26-54. - Variances.

The City Manager or his/her designee, may, in writing, grant temporary variances for existing water uses 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, or fire protection for the public or the person requesting such variance and if one (1) 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.
- C. Compliance with this plan substantially threatens the applicant's primary source of income, the applicant is employing all reasonable water conservation measures, and approval of the variance will not result in water waste.
- D. Watering in a manner or at a time inconsistent with a requirement of this chapter is necessary for treatment of tree diseases and/or pest control; or if the tree is exhibiting effects of drought related stress to be determined and prescribed by a licensed arborist or pest control professional.
- E. Watering in a manner or a time inconsistent with a requirement of this chapter is necessary as a result of the property having completed the installation of new landscape that use drought-resistant landscaping or water-conserving natural turf as a part of new construction and/or the installation of the new landscape is required to obtain a certificate of occupancy or required by local, state or federal regulations. New Landscape is defined as Vegetation:
 - 1. Installed at the time of new construction of a residential or commercial facility;
 - 2. Installed as part of a governmental entity's capital improvement project;
 - 3. Installed to stabilize an area disturbed by construction; and/or
 - 4. That alters more than 500 contiguous square feet of an existing landscape.
- F. Exemptions from specific applications of the outdoor water schedule, providing that the variances do not increase the time allowed for watering but rather alter the schedule for watering.
- G. Allowing the use of alternative water sources (i.e., groundwater, reclaimed wastewater) that do not increase demand on potable water sources for outdoor use. Variance requests may be submitted and need not meet the requirements of subsection H below.
- H. The irrigation for the establishment of the new landscaping must comply with the following:
 - 1. A 30-day temporary watering schedule must be applied for and issued before

the irrigation may begin.

2. For days 1 thru 10th following installation, irrigation by automatic irrigation or hose-end sprinklers are allow every day is permitted before 10:00 am and after 7:00 pm;
 3. For the 11th through the 30th day following installation, irrigation is permitted twice per week before 10:00 am and after 7:00 pm;
 4. Hand watering is allowed anytime with a hose equipped with a positive shut-off nozzle; and
 5. If the landscape installation is required in order to obtain a certificate of occupancy for a newly constructed single-family home, the applicant shall provide a completed notice of irrigation variance to the City Manager or his/her designee at least three full business day before the landscape is installed.
 6. A one-time extension of the approved variance may be granted by the City Manager or his/her designee only upon the submittal by the applicant of a written request which demonstrates a clear need for the extension to establish the new landscaping. The extension must be approved before irrigation may continue.
- I. Persons requesting an exemption from the provisions of this division shall file a letter requesting a 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 and address of the petitioner(s);
 2. Purpose of water use;
 3. Specific provision(s) of the plan from which the petitioner is requesting relief;
 4. 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 division;
 5. Description of the relief requested;
 6. Period of time for which the variance is sought;
 7. 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;
 8. Any other pertinent information appropriate or requested.
- J. A variance following its approval may be immediately suspended or revoked if the City Manager or his/her designee determines any of the following:
1. A violation of the terms of the variance occurs at the location during the effective period of the variance;
 2. The application submitted to the City Manager or his/her designee upon which

the variance approval was based included false, misleading, incomplete, or inaccurate information or attachments; or

3. The Mayor or his/her designee declares an emergency recall of variances to control use or preserve supply based on protracted drought, an unusual operational event, or other public necessity.
- K. Variances granted by the city shall be subject to the following conditions, unless waived or modified by the City Manager or his/her designee:
1. Variances granted shall include a timetable for compliance;
 2. A variance from a requirement of this chapter expires immediately upon the termination, completion, or resolution of the event, occurrence, condition, or activity or which the variance is granted or at a time specified by the City Manager or his/her designee;
 3. Compliance with the water use regulations is required until specific approval is granted by the City Manager or his/her designee. An application for a variance does not provide reliance that the variance as requested will be approved. All variances are decided on a case by case basis.
 4. No variance shall be retroactive or otherwise justify any violation of this plan occurring prior to the issuance of the variance.
- L. In the event that the City Manager or his/her designee denies an application for a variance, the applicant may appeal the denial by submitting a letter requesting a hearing before the City Council at a regularly scheduled meeting and stating the grounds for the appeal. The applicant and the City Manager or his/her designee shall be allowed to present information regarding the variance request and reasons for denial. The decision of the City Council on the appeal shall be final.

Sec. 26-54- Drought Contingency Plan Updates

The Drought Contingency Plan will be reviewed and updated as needed to meet both TCEQ and LCRA drought contingency plan rules.

Except as herein amended the Marble Falls Code of Ordinances shall remain in full force and effect.

SECTION III. REPEALER. All ordinances or parts of ordinances in force when the provisions of this ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this ordinance are hereby repealed, but only to the extent of any such conflict.

SECTION IV. SEVERABILITY If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsection, clauses, phrases and provisions of this Ordinance, or the application thereof

to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

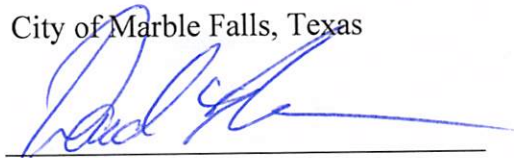
SECTION V. PENALTY. Any person, firm, entity or corporation who violates any provision of this Ordinance as it exists or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined in a sum not exceeding Two Thousand and No/100 Dollars (\$2,000.00). Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City from terminating service as outlined in this Ordinance or filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION VI. EFFECTIVE DATE. This Ordinance shall be and become effective immediately upon and after its passage and publication as provided by law.

SECTION VII. 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 as required 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.

ADOPTED AND APPROVED on this 6th day of August, 2024 by a vote of the City Council of the City of Marble Falls, Texas.


City of Marble Falls, Texas



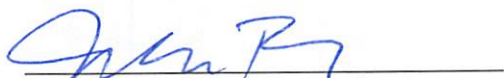
Dave Rhodes, Mayor



ATTEST:


Christina McDonald, City Secretary

APPROVED AS TO FORM ONLY:


Josh Brockman-Weber, City Attorney