



Texas Commission on Environmental Quality

Water Availability Division

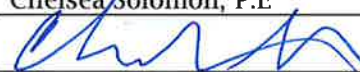
MC-160, P.O. Box 13087 Austin, Texas 78711-3087

Telephone (512) 239-4600, FAX (512) 239-2214

Drought Contingency Plan for a Retail Public Water Supplier

This form is provided as a model of a drought contingency plan for a retail public water supplier. If you need assistance in completing this form or in developing your plan, please contact the Conservation Staff of the Resource Protection Team in the Water Availability Division at (512) 239-4600.

Drought Contingency Plans must be formally adopted by the governing body of the water provider and documentation of adoption must be submitted with the plan. For municipal water systems, adoption would be by the city council as an ordinance. For other types of publicly-owned water systems (example: utility districts), plan adoption would be by resolution of the entity's board of directors adopting the plan as administrative rules. For private investor-owned utilities, the drought contingency plan is to be incorporated into the utility's rate tariff. Each water supplier shall provide documentation of the formal adoption of their drought contingency plan.

Name:	<u>City of Georgetown Texas</u>	
Address:	<u>808 Martin Luther King Jr. Street, Georgetown, TX 78626</u>	
Telephone Number:	<u>(512) 930-3652</u>	Fax: () <u> </u>
Water Right No.(s):	<u>N/A</u>	
Regional Water Planning Group:	<u>Region G Brazos</u>	
Form Completed by:	<u>Chelsea Solomon, P.E.</u>	
Title:	<u>Water Utility Director</u>	
Person responsible for implementation:	<u>Chelsea Solomon, P.E</u>	Phone: (512) 930-6116
Signature:	<u></u>	Date <u>04/11/2023</u>

CITY OF GEORGETOWN, TEXAS

DROUGHT CONTINGENCY PLAN

Last adopted by 041123-6.B
City Council Resolution No. _____ on April 11, 2023

Section I: Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Georgetown, Texas hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this Drought Contingency Plan (the Plan) are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section X of this Plan.

Section II: Public Involvement

Opportunity for the public to provide input into the preparation of the Plan was provided by the City of Georgetown, Texas by means of posting and scheduling the Plan for discussion and input at a City Council meeting. A copy of the Resolution adopting the Plan is attached as **Attachment 1**.

Section III: Public Education

The City of Georgetown, Texas 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. This information will be provided by means of public service announcements or press releases to local media, posting on the City's website and social media, and utility bill inserts.

Section IV: Coordination with Regional Water Planning Groups

The water service area of the City of Georgetown, Texas is located within the Region G Brazos Regional Water Planning Group and a copy of this Plan has been provided to the Chair of the Region G Brazos Regional Water Planning Group.

Section V: Authorization

The City Manager, or his/her designee 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, and welfare. The City Manager or his/her designee shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

Section VI: Application

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

Section VII: Criteria for Initiation and Termination of Drought Response Stages

The City Manager or his/her designee shall monitor water supply and/or demand conditions on a monthly basis, or more frequently if needed, 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 primarily based on the following factors.

A. Water supply conditions:

The Brazos River Authority (BRA) manages all of the surface water resources in the Brazos River Basin, including BRA’s three existing water storage lakes, and the US Army Corps of Engineers’ eight flood control and water supply reservoirs.¹ BRA currently holds water rights issued by the State of Texas for this system of reservoirs and manages them under its Systems Operations Permit. Collectively, these rights authorize BRA to supply approximately 1 million acre-feet of water from the Brazos River Basin annually for municipal, industrial, agricultural, and mining purposes.²

BRA also operates two pipeline systems to transport water from reservoir storage to areas where it is needed. The Williamson County Regional Raw Water Line (WCRRWL) links Lake Stillhouse Hollow in Bell County and Lake Georgetown in Williamson County. The East Williamson County Water Transmission Line moves water supply from Lake Granger to a potable water treatment plant.

The City of Georgetown has eight contracts with BRA pursuant to which it has contractual rights to divert a total of 45,707 acre-feet of water per year from the Brazos River Basin from water stored by BRA in Lake Georgetown, Lake Stillhouse Hollow, and Lake Belton. Currently, all of the City of Georgetown’s Brazos River Basin water is withdrawn from Lake Georgetown. The Lake Stillhouse Hollow water transported directly to Lake Georgetown via the WCRRWL. BRA is operating all water storage reservoirs in the Brazos River Basin as a system, allowing the City of Georgetown to also pump its Lake Belton water allotment from Lake Georgetown.

The City of Georgetown also has rights to an additional 1,200 acre-feet of water per year made available to BRA via interbasin transfer from the Colorado River Basin, which the City of Georgetown receives at the Brushy Creek Regional Utility Authority plant.

In addition, the City of Georgetown owns and operates six groundwater wells which collectively have the capacity to produce 6,888 acre-feet of water per year from the Edwards Aquifer.³

In summary, the City of Georgetown has contractual rights to 46,907 acre-feet per year of surface water, and the ability to produce 6,888 acre-feet per year of groundwater from the Edwards Aquifer, for a total of approximately 53,795 acre-feet per year.

B. Water Demand Conditions.

The City of Georgetown’s historical annual water use, per BRA and LCRA, is shown on **TABLE I** below:

¹ BRA leases water supply storage space in US Army Corps of Engineers’ eight reservoirs from the federal government. Lake Georgetown, Lake Stillhouse Hollow, and Lake Belton are US Army Corps of Engineers’ reservoirs. See <https://brazos.org/About-Us/Water-Supply>

² See <https://brazos.org/About-Us/Water-Supply>

³ Although the City of Georgetown holds certificates of adjudication issued by the predecessor agency of the Texas Commission on Environmental Quality, those water rights do not authorize the use of water for municipal water supply purposes. The City of Georgetown holds Certificate of Adjudication No. 3738 authorizing the diversion of 11 acre-feet of water from the San Gabriel River authorizing it to maintain a dam and reservoir for recreational purposes known locally as “Blue Hole,” with no right of diversion. The City of Georgetown also holds Certificate of Adjudication No. 3742 authorizing the use of 16.25 acre feet of water for Agriculture/Irrigation purposes.

TABLE 1

YEAR	Brazos River Authority USAGE IN ACRE-FEET	Colorado Basin USAGE IN ACRE-FEET
2022	20,878	1,200
2021	19,493	
2020	17,646	
2019	5,308 + 10,038 = 15,346	
2018	15,301	
2017	15,163	
2016	12,583	
2015	7,924	
2014	8,220	

The City of Georgetown's population (based on its SMSA) during this same period has increased from approximately 77,000 in 2014 to approximately 128,000 in 2021. The City of Georgetown's projected population in 2023 is 155,000. The City of Georgetown also serves customers outside of its SMSA.

C. Water System Conditions.

The City of Georgetown currently serves approximately 56,430 customer connections within a 465 square mile area using over 1,084 miles of water mains.

The City of Georgetown currently owns and operates four water treatment facilities, which collectively are currently permitted to treat up 41.1 to million gallons per day (MGD). In addition, the City of Georgetown is in the process of expanding its existing North Lake Water Treatment Plant and constructing a new water treatment plant, the South Lake Water Treatment Plant. On the completion of these projects, the City will have the permitted capacity to treat 93.9 MGD of raw water. This information is summarized on **TABLE 2** below:

TABLE 2

Plant Name	Current Water Treatment Capacity <i>in Million Gallons per Day (MGD)</i>	Water Treatment Capacity after System Expansion <i>in Million Gallons per Day (MGD)</i>
Lake Water Treatment Plant	28.6	37.4
Park Water Treatment Plant	6.3	6.3
Southside Water Treatment Plant	3.2	3.2
Domel Water Treatment Plant	3.0	3.0
South Lake Water Treatment Plant		44.0
Total Water Treatment System Capacity	41.1 MGD	93.3 MGD

In addition, the City of Georgetown is in the process of expanding its existing North Lake Water Treatment Plant by 8.8 MGD from 28.6 MGD to 37.4 MGD. The City is also in the process of constructing a new water treatment plant, the South Lake Water Treatment Plant, which is permitted to treat 44 MGD. On the completion of these projects, the City will have the permitted capacity to treat 93.9 MGD of raw water.

The City's current, constructed, total wastewater treatment system capacity is 8.5 MGD.

D. Utilization of alternative water sources and/or alternative delivery mechanisms:

The City of Georgetown currently has four interconnection agreements with neighboring cities, two of which relate to treatment by others Georgetown's BRA-contracted raw surface water, and two of which are for temporary water supplies (totaling 4 MDG for a period less than 10 years).

Section VIII. Minimum Water Conservation Measures

The City of Georgetown has established minimum, year-round water conservation measures that apply to its retail water customers. These measures include a schedule that provides more efficient outdoor irrigation methods more time to water, but limit watering to certain days and hours based on address. These year-round measures are codified in Chapter 13.15 of the City Code of Ordinances, a copy of which is attached to this Plan as **ATTACHMENT 2**. The City Council may amend Chapter 13.15 of the City Code of Ordinances from time to time, and the most current copy can be found by navigating to this link and selecting Title 13, Chapter 13.15: https://library.municode.com/tx/georgetown/codes/code_of_ordinances .

Section IX. Additional Water Conservation Measures - Drought and Emergency Response Stages

Additional water conservation measures may be implemented based on factors related to water supply, water demand, water treatment system capacity, and similar factors. Regarding water supply conditions, the City of Georgetown relies on BRA to monitor the supply of surface water in the Brazos River Basin. BRA notifies the City of Georgetown when any of the triggers in its drought contingency plan have been reached and whether it has reached a drought stage. Regarding groundwater supply factors, the City monitors water levels in its wells and uses one of those wells (which is representative of the other five wells) to determine whether a groundwater supply factor warrants triggering of a drought stage.

Regarding water demand, water treatment system capacity, and other non-water-supply related factors, the City monitors this information on a regular basis as the owner and operator of its water treatment system and retail and wholesale customer usage information.

These and any other relevant factors are analyzed by the City Manager to determine when to consider ordering implementation of a drought stage requiring additional water conservation/demand reduction actions by the City's retail water customers, and when to terminate such an order.

The City of Georgetown's information relating to its Drought and Emergency Response Stages are listed in **TABLE 3** below:

TABLE 3

Drought Response Stage				
Triggering Condition	Drought Response Stage 1	Drought Response Stage 2	Drought Response Stage 3	Emergency Drought Response Stage 4
Groundwater Availability Factors (from City's 6 groundwater wells)	The water level in the City's No. 1 well drops to, or stabilizes below, 50 feet above the pump suction for a period of more than 5 consecutive days	The water level in the City's No. 1 well drops to, or stabilizes below, 40 feet above the pump suction for a period of more than 5 consecutive days.		
Surface Water Availability Factors (from BRA System)	When declared by BRA per BRA's DCP	When declared by BRA per BRA's DCP	When declared by BRA per BRA's DCP	When declared by BRA per BRA's DCP
Surface Water Operational Factors (Williamson County Regional Raw Water Line (WCRRWL) Pumping Operations)	When sustained pumping operations through the WCRRWL continue for longer than the period stated in BRA's DCP	When sustained pumping operations through the WCRRWL continue for longer than period stated in BRA's DCP	When sustained pumping operations through the WCRRWL continue for longer than period stated in BRA's DCP	When sustained pumping operations through the WCRRWL continue for longer than period stated in BRA's DCP
Water Treatment System Capacity Factors	When City's total water treatment capacity has exceeded 85 % for 3 or more consecutive days. (Goal = 10% reduction in usage) EXAMPLE: Trigger = 44.1 mgd total treatment capacity x 85% = 37,485 mgd actual treatment Usage Reduction Goal = 37,485 x 90% = 33,7365 mgd	When City's total water treatment capacity has exceeded 90 % for 3 or more consecutive days. (Goal = 15% reduction in usage) EXAMPLE: Trigger = 44.1 mgd total treatment capacity x 90% = 39.69 mgd actual treatment Usage Reduction Goal = 39.69 x 85% = 33.721 mgd	When City's water treatment capacity has exceeded 95 % for 3 or more consecutive days. (Goal = 20% reduction in usage) EXAMPLE: Trigger = 44.1 mgd total treatment capacity x 95% = 41.895 mgd actual treatment Usage Reduction Goal = 41.895 x 80% = 33.516 mgd	
Other Factors	The City Manager may also issue an order declaring any Drought Stage based on an assessment of all relevant circumstances and conditions such as system outage, equipment failure, structural failure, sabotage, natural disaster, contamination of water source, or other reasons or emergencies.			

DEMAND REDUCTION GOALS:			
Drought Stage 1	Drought Stage 2	Drought Stage 3	Emergency Drought Stage 4
Reduce demand by 10% of prior year's usage by implementing Stage 1 Regulations in City Code of Ordinances Ch. 13.16.	Reduce demand by 15% of prior year's usage by implementing Stage 2 Regulations in City Code of Ordinances Ch. 13.16.	Reduce demand by 20% of prior year's usage by implementing Stage 3 Regulations in City Code of Ordinances Ch. 13.16.	Reduce demand by more than 50% of prior year's usage (domestic indoor use only) by implementing Emergency Drought Stage 4 Regulations in City Code of Ordinances Ch. 13.16.
REQUIREMENTS FOR TERMINATION:			
Drought Stage 1	Drought Stage 2	Drought Stage 3	Emergency Drought Stage 4
Evaluated monthly based on system capacity, national drought monitor, projected lake levels, operational needs.	Evaluated monthly based on system capacity, national drought monitor, projected lake levels, operational needs.	Evaluated monthly based on system capacity, national drought monitor, projected lake levels, operational needs.	Evaluated monthly based on system capacity, national drought monitor, projected lake levels, operational needs.

A. Procedures to be Followed for Initiation and Termination of Drought Stage

Per City of Georgetown Code of Ordinances Chapter 13.16, the City Manager is authorized to issue an order to implement a Drought Response Stage when one or more triggering condition has been met, and to terminate a Drought Response Stage when the terminating condition has been met.

When a Drought Response Stage is initiated or terminated, the public will be notified via means such as:

- Notice on the City of Georgetown Website (<https://georgetown.org/>),
- Public Service Announcements and/or press releases in the local media and on GTV Channel 10 (<https://georgetown.org/communications-department/channel-10/>),
- Postings on the City's social media accounts
- Signs and flyers in public places

Customers will be notified using their contact information on file with the City of Georgetown (e.g., text, email, telephone, regular mail) and/or via utility bill inserts.

BRA, Region G Brazos, and the TCEQ will also be notified when and as required by law and TCEQ regulation.

The City Manager will also use all reasonable efforts notify the following individuals and entities directly of the implementation or termination of any declaration regarding Drought Stage 2 or higher:

- City Mayor and City Council Members
- Fire Chief
- City Department Heads
- 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)

B. Regulations Applicable During Drought Response Stages

The City of Georgetown has adopted a detailed ordinance describing additional restrictions on water usage to reduce water demand and use during each Drought Response Stage, which are codified in the City Code of Ordinances at Chapter 13.16, a copy of which is attached to this Plan as ATTACHMENT 3. The City Council may amend Chapter 13.16 of the City Code of Ordinances from time to time, and the most current copy can be found by navigating to this link and selecting Title 13, Chapter 13.16: https://library.municode.com/tx/georgetown/codes/code_of_ordinances. By this reference, all requirements of Chapter 13.16 are hereby incorporated into this Plan and made applicable to all Customers regardless of their location, as the provisions of Chapter 13.16 are amended from time to time by the City Council.

C. Variances

Procedures for granting variances are contained in the City of Georgetown Code of Ordinances at Chapters 13.15 and 13.16.

D. Enforcement

Violations are subject to administrative, civil, and criminal penalties, as detailed in the City of Georgetown Code of Ordinances at Chapters 1.15, 13.15, and 13.16 up to the amounts authorized by State law. A copy of Chapter 1.15 is attached as **ATTACHMENT 4**.

Section X. Wholesale Contract Provisions

New wholesale contracts include standard language requiring that the customer adhere to the City's Code of Ordinances, including Chapters 13.15 and 13.16. Generally, wholesale customers in a new contract are also required to establish a water conservation program similar to the one administered by the City of Georgetown.

Customers with older contracts not requiring water conservation provisions are requested to voluntarily implement water conservation measures similar to those imposed by the City.

Pro rata curtailment shall be done in accordance with Texas Water Code §11.039. All new, renewed, or extended wholesale supply contracts will also include a provision that water shall be distributed on a pro rata basis in the event of a water shortage resulting from drought. Enforcement actions for non-compliance with either the Water Conservation Code or pro rata water reductions by wholesale customers will vary according to the specifics of each wholesale customer's contract.

ATTACHMENT 1
CITY OF GEORGETOWN
ADOPTING RESOLUTION

RESOLUTION NO. 041123-6-B

AN RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS, ADOPTING THE CITY OF GEORGETOWN DROUGHT CONTINGENCY PLAN UNDER TEXAS WATER CODE CHAPTER 11 AND TITLE 30 TEXAS ADMINISTRATIVE CODE CHAPTER 288; REPEALING CONFLICTING RESOLUTIONS AND ORDINANCES; INCLUDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, under Texas Water Code Chapter 11, and Title 30 Texas Administrative Code Chapter 288, retail public water suppliers with 3,300 or more connections are required to develop, implement, and submit updated Drought Contingency Plans to the Texas Commission on Environmental Quality every five years; and

WHEREAS, the purpose of a Drought Contingency Plan is to help the City identify and cope with temporary shortages in water supply due to factors related to water availability, water use or demand, water treatment capacity, and other factors such as system outages, natural disasters, and other emergencies or conditions that warrant implementation of temporary reductions in water usage; and

WHEREAS, the City re-adopted its Drought Contingency Plan in 2019 as required by state law, but given the City's recent amendments to its Code of Ordinances affecting Chapters 1.15, 13.15 and 13.16, and changes in the Brazos River Authority's Drought Contingency Plan that affect the City but were not clearly stated in the 2019 update, there is a need to update the City's Drought Contingency Plan at this time ; and

WHEREAS, the City Council has determined that approving and adopting the attached Drought Contingency Plan will comport with state law and reflect current conditions; and

WHEREAS, the City Council finds that adopting the attached Drought Contingency Plan will be in the best interest of the public and compliant with applicable State law, as set out herein.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS:

Section 1. The meeting at which this resolution was approved was conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 2. The facts and recitations contained in the preamble of this resolution are hereby found and declared to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim.

Section 3. The Drought Contingency Plan attached hereto as Exhibit A is hereby adopted.

Resolution Number: 041123-6-B
Subject: Updating Drought Contingency Plan
Date Approved: April, 2023

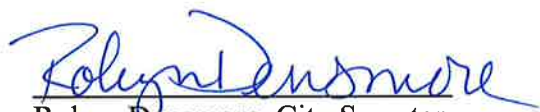
Section 4. All resolutions and ordinances that conflict with the provisions of this resolution are hereby repealed, and all other resolutions and ordinances of the City not in conflict with the provisions of this resolution shall remain in full force and effect.

Section 5. If any provision of this resolution, or application thereof, to any person or circumstance, shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this resolution, which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are hereby declared to be severable.

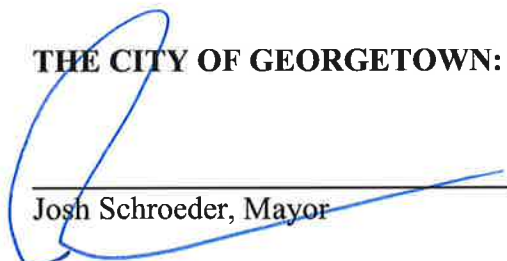
Section 6. The Mayor is hereby authorized to sign this resolution and the City Secretary to attest. This resolution shall become effective and be in full force and effect immediately in accordance with the provisions of the City Charter of the City of Georgetown.

PASSED AND APPROVED on the 11th of April, 2023.

ATTEST:


Robyn Densmore, City Secretary

THE CITY OF GEORGETOWN:


Josh Schroeder, Mayor

APPROVED AS TO FORM:


Skye Masson, City Attorney

ATTACHMENT 2

CITY OF GEORGETOWN

CITY CODE OF ORDINANCES CHAPTER 13.15

EXHIBIT B

CHAPTER 13.15. WATER CONSERVATION

Sec. 13.15.010. Definitions.

In this Chapter, the following definitions shall apply, unless the context clearly indicates otherwise or requires a different meaning.

"Automatic irrigation system" means an assembly of component parts installed for the controlled distribution and conservation of water to irrigate a landscape site, reduce dust, or control erosion. The term does not include a system used on or by an agricultural operation as defined by Section 251.002, Agriculture Code. the pipes, tanks, backflow prevention device, valves, controllers, spray heads, and appurtenances installed after the point of delivery and used to irrigate landscape with potable water.

"City potable water system" means all components of the system the City uses to produce and distribute treated water to customers. This system includes all equipment, facilities and appurtenances between the City's raw water sources and the Customer's potable water system, including intakes, valves, pumps, wells, pipes, lines, conduits, tanks, receptacles, equipment and all other fixtures and appurtenances used to produce, convey, treat or store potable water for public consumption or use.

"City's water service area" means the area within the corporate limits of the City, within the City's water Certificate of Convenience and Necessity, and any other location where the City provides retail potable water service.

"Customer" means any individual, partnership, association, joint stock company, trust, or corporation that receives or uses potable water from the City potable water system, or operates, repairs or maintains a customer's potable water system, whether or not the individual or entity is a City water utility account holder means the person, company or entity contracting with the City utility to receive potable water service.

"Customer's potable water system" means all water pipes, lines, conduits, tanks, receptacles, fixtures, equipment and appurtenances located between the service connection (water meter) and the customer's point of use on the customer's lot.

"Director" means the City of Georgetown's Director of Water Utilities.

"Foundation footprint" means the square footage of the structure that includes the house or facility and garage area of land measured at finished ground level from the outside of all external walls or supporting columns of a building, but does not include driveways, sidewalks, or unenclosed porches, decks, ramps, patios, carports, or other unenclosed parking areas.

"Hydrozone" means grouping plants with similar water requirements together in an effort to conserve water.

"Landscape site" means an area of a lot where landscaping is installed.

"*Landscape*" or "*landscaping*" means the soil or sod, vegetation or plant materials, mulch, lawn or turf grass, and/or hardscape features planted, placed, or constructed on a lot.

"*Lawn or turf grass*" means a layer of a particular species of grass and roots used to grow or assemble a lawn.

"*Lot*" means either a lot recorded on a subdivision plat filed in the Official Public Records of Williamson County, Texas, or an unplatted tract or parcel of land that existed in its present configuration prior to May 10, 1977 or is otherwise exempt from platting under the UDC.

"*New automatic irrigation system installation*" means the connection or set up of an automatic irrigation system that was not previously existing at a specific location and requiring a permit in order to perform the work. This includes the addition to or expansion of an existing automatic irrigation system to cover a new or additional landscape site on a lot, and a complete replacement of an automatic irrigation system, but does not include the routine maintenance and repair of an existing automatic irrigation system.

"*New construction*" means the building or installing of a new structure on an otherwise vacant lot or portion of a lot.

"*Non-residential lot*" means a lot that is not a residential lot. The term includes, but is not limited to, a lot used for more than two dwelling units, or for commercial, retail, industrial, manufacturing, governmental, green space, open space, parkland, medians, buffer areas, landscaped areas, or any use other than as for one or two dwelling units.

"*Notice of Violation*" means a notice to a Violator provided pursuant to Section 13.15.160.

"*Plant materials*" means living vegetation such as grasses, trees, shrubs, vines, ground covers, sod, and flowering annuals, biennials and perennials.

"*Potable water*" means water that is satisfactory for drinking, culinary and domestic purposes and meets the standards for potable water established by requirements of the TCEQ.

"*Residential lot*" means a lot used or to be used for one or two dwellings that is or will be occupied for domestic purposes.

"*Seasonal irrigation schedule*" means a watering schedule that changes when the local weather changes in order to irrigate landscaping using the least amount of water.

"*Service connection*" means the water meter located at the point where the City's potable water system connects to the Customer's potable water system. A customer may have more than one service connection.

"*Soil depth*" means the vertical distance into the soil from the surface to a layer that essentially stops the downward growth of plant roots. The barrier layer may be rock, sand, gravel, heavy clay, or a cemented layer (e.g. caliche).

"*Summer dormancy capabilities*" means the ability of lawn or turf grass to survive without water for a period of 60 consecutive days between the months of May 1 through and September 30.

"*TCEQ*" means the Texas Commission on Environmental Quality or its successor agency.

"UDC Development Manual" means the companion document to the UDC, containing forms, templates, and other information relevant to development including, but not limited to, templates for tree surveys, tree preservation plans, landscape and tree calculations, and the preferred plant list.

"UDC" refers means to the City's Unified Development Code.

"Violator" means a person charged with violating a provision of this Chapter.

"Water Waste" means an indiscriminate, unreasonable, or excessive use, running, or dissipation of water. The term includes, but is not limited to, waste caused by leaks, breaks, malfunctions, mis-programming, or improper operation of an automatic irrigation system or component of a customer potable water system; permitting water to run off of a landscape site or on hardscape; watering during periods when soil is saturated and the water applied to the landscape could runoff or pool on-site; and landscape watering during any day or time of day when such use is not permitted by this Chapter, Chapter 13.16, the UDC, or a written agreement with the City. The term also includes operation of fountains, ponds, lakes, or other ornamental or solely aesthetic use of potable water that is not recycled, and unmetered use of fire hydrant water by individuals other than for fire suppression.

"Zonal irrigation" means an automatic irrigation system that can isolate and manage the irrigation needs of sections of landscape or hydrozones with similar watering requirements, allowing independent operation of each section or zone of the automatic irrigation system.

Sec. 13.15.020. General provisions.

A. **Declaration of Policy.** It is declared the policy of the City to preserve the public health, safety and welfare of the City's water supply, in adequate quantities, as stated in the Texas Health and Safety Code, Title 5, Section 341, to operate the City's potable water system per Texas Local Government Code Section 552.017, and conserve water per Texas Local Water Code Section 551.007 by:

1. Implementing the rules for drinking water standards governing drinking water quality and reporting requirements for public water supply systems, promulgated by the State and Federal authorities; and
2. Implementing potable water system connection and usage requirements for customers of the system; and
3. Implementing requirements to permit the location and connection of private groundwater wells within the City's water service area; and
4. Implementing landscaping and irrigation requirements that reflect the use of native and drought resistant plant species with low water requirements and the methods and schedule of irrigation used to conserve the City's potable water supply; and
5. Achieving compliance with the City's water conservation ordinances, water conservation plans, and drought management plans.

B. **Purposes.** This Chapter shall be construed so as to achieve the following objectives:

1. To preserve the public potable water supply of the City by promoting the efficient use of the City's water resources to provide for sustainable development and future growth; and
2. To preserve the underground aquifers used by the City to provide a public water supply by identifying the use of the underground aquifers by private water users within the City's water service area; and
3. To encourage the installation of landscaping with low-water requirements to provide for the efficient use of our natural resources and reduce dependence on irrigation in order to conserve the potable water supply;
4. To maximize the efficiency of landscape irrigation and avoid wasteful and unnecessary use of the City's potable water supply.

C. Applicability. This Chapter shall apply to:

1. all customers, regardless of location, and
2. all private well owners located within the boundaries of the City's water service area.

D. Applicability of other Code provisions. In addition to the requirements of this Chapter, the provisions in Chapter 15.28 (Landscape Irrigation), Chapter 13.16 (*Drought Contingency Plan Regulations*), the UDC, UDC Development Manual, and any other relevant ordinance, order, rule, regulation, policy, penalty or fee schedule shall also apply.

Sec. 13.15.030. Water service.

- A. It is unlawful for any person to receive water service from the City by any means other than:
1. Connection to an approved private well; or
 2. Connection to the City's potable water system.

Sec. 13.15.040. Water use restrictions.

- A. **Water Waste Prohibited.** It is unlawful for any person to cause, suffer, or allow water waste.
- B. **Landscape Watering Schedule.** No landscape watering is permitted on Mondays. Unless otherwise provided in Section 13.15.040(C) (*Exceptions to Landscape Watering Schedule*) or Chapter 13.16 (*Drought Contingency Plan Regulations*) or as authorized in a variance, watering of landscaped areas is only allowed on the days and during the times set forth in Table 13.15.040-1 below:

TABLE 13.15.040-1

Automatic Irrigation Systems, Hose-End Sprinklers, Soaker Hoses, and Drip Irrigation

Last digit of property street address	Allowed watering day(s)	Allowed watering hours
1, 5, 9	Tuesday and Friday	Midnight to 10:00 AM and 7:00 PM - Midnight
2, 4, 6, 8	Wednesday and Saturday	Midnight to 10:00 AM and 7:00 PM - Midnight
0, 3, 7	Thursday and Sunday	Midnight to 10:00 AM and 7:00 PM - Midnight
	Monday	None

C. **Exceptions to Landscape Watering Schedule.** Landscape watering is allowed outside of the days and times stated in Table 13.15.040-1, if it meets one or more of the following criteria:

1. Watering occurs by means of a hand-held hose only;
2. Watering occurs on a different day pursuant to a valid variance;
3. Watering occurs at a commercial plant nursery; or
4. Brief watering occurs during testing of new automatic irrigation system or after repair or adjustment of an existing irrigation system.

D. **Landscape Watering Schedule Variance.**

1. **Available Variances.** A variance may be granted pursuant to provisions below to allow landscape watering on days of the week other than those specified in Table 13.15.040-. No variance allowing landscape watering during times of day other than those specified in in this Chapter (or in Chapter 13.16 (*Drought Contingency Plan Regulations*) if the City Manager has declared a drought stage) will be granted.
2. **Applications.** Applications for a variance shall be filed online at <https://records.georgetown.org/Forms/IrrigationVariance>.
3. **For New Landscaping.** The Director may grant a variance under this Section for a period not to exceed 14 days for newly installed landscaping and sod if:
 - (a) an irrigation inspector licensed by the TCEQ has determined that, due to site specific conditions, a landscape site cannot be watered with an average of 0.5 inches of water within the time limits prescribed by in Table 13.15.040-1, or
 - (b) watering in a manner or at a time inconsistent with a requirement of this Chapter is necessary for treatment of tree diseases or for pest control prescribed by a licensed arborist or pest control professional.
4. **Variance Extension for New Landscaping.** A one-time extension of an approved variance may be granted by the Director only upon the submittal by the applicant of a

written request which demonstrates a clear need for the extension to establish the new landscaping.

5. **For Final Inspection/Connection.** If the landscape installation is required in order to pass a final inspection of a newly constructed single family home, or before connection to the City's potable water system by the end-buyer of a lot, but the landscape installation is not complete or additional watering is required to begin to establish the landscaping outside of the watering schedules in Table 13.15.040-1 (or the watering schedule set forth in Chapter 13.16 (*Drought Contingency Plan Regulations*) if the City Manager has declared a drought stage), the applicant must obtain a variance as allowed by this Section and provide a copy of the valid irrigation variance to the City inspector and/or post any required signage relating to the variance on the lot at least one full business day before the date of request for final inspection or date of connection to the City's potable water system (as applicable).

Sec. 13.15.050. New Automatic Irrigation System Installation.

- A. **Applicability.** The requirements of this Section apply to installations of new automatic irrigation systems on residential lots. Additional requirements for new automatic irrigation systems installed on non-residential lots are addressed in Chapter 8 of the UDC.
- B. **Permit Required.** No new automatic irrigation system shall be installed prior to issuance by the City of an irrigation permit. Applications for a new automatic irrigation system must be submitted by a person licensed under Texas Occupations Code Section 1903.251 and Texas Water Code Chapter 37, unless a statutory exemption to the licensing requirements applies, in which case the reason for the exemption must be clearly stated on the application. An application for an irrigation permit shall only be given to irrigation systems meeting the requirements of this Chapter. The application for an irrigation permit shall include a detailed irrigation system plan meeting the requirements of this Chapter and having the appropriate prescribed settings for the rain sensor or moisture shut-off device or other technology based on the water requirements of the plants and the soil depth at the landscape site.
- C. **Licensed and Registered Installer Required.** New automatic irrigation systems may only be installed by a person licensed under Texas Occupations Code Section 1903.251 and Texas Water Code Chapter 37 (unless a statutory exemption to the licensing requirements applies and the reason for the exemption was stated on the irrigation permit application), and who is also registered with the City.
- D. **Minimum System Requirements.** In addition to the requirements of Title 15 of the City of Georgetown Code of Ordinances, all new automatic irrigation systems shall be zonal irrigation systems and meet the following requirements:
1. Automatic irrigation systems must comply with all applicable regulations and standards required by Chapter 344, Title 30 of the Texas Administrative Code;
 2. Pop-up spray and rotor heads shall direct flow away from any impervious surface and be placed at least four inches from an impervious surface;

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3. All automatic irrigation systems shall include an operational rain or moisture shut-off device or other technology designed to automatically inhibit or interrupt operations of the automatic irrigation system during periods of moisture or rainfall;
 4. Automatic irrigation systems shall be programmed to meet the City's watering schedule then in effect for both required day and time of irrigation;
 5. Automatic irrigation systems installed on residential lots may not irrigate an area larger than two and one-half times the foundation footprint or 10,000 square feet, whichever is the smaller, with spray or rotor irrigation heads;
 6. The use of drip irrigation, bubblers and micro-sprayers may be used to expand the irrigation coverage area, without being included in the area calculation for spray or rotor irrigation heads; and
 7. The new automatic irrigation system must be served by a $\frac{3}{4}$ " water meter. For residential lots, the water meter can serve meter both indoor use and outdoor use. For non-residential lots, there shall be separate meters for indoor and outdoor use so that outdoor use can be measured separately.

E. **Duty to Provide Information to Owner.** All installers of new automatic irrigation systems must provide the following information to the lot owner, and to the occupant of the lot the occupant is different from the lot owner:

1. Instructions for how to use the automatic irrigation system and set the controller. If an irrigation variance is programmed into controller, the instructions must include the variance end date and how to re-program controller to City's water schedule when the variance expires;
 2. A copy of the irrigation system design plan showing the zones; if the lot owner or occupant is not present when the installation is complete, the irrigation design plan shall be affixed to the irrigation controller box or an adjacent wall;
 3. Instructions on where and how to find the City's watering schedule; and
 4. Information regarding lawn and turf maintenance, including amount of water needed to sustain the landscaping after it is established, summer dormancy, and lawn mower blade heights appropriate for the type of lawn or turf installed.
- Sec. 13.15.060. Residential lot landscaping requirements.**

A. **Applicability.** The requirements of this Section shall apply to residential lots for which a City building permit is required, or, if no building permit is required, a service connection (water meter) is required.

B. **Landscape Plan Application and Landscape Plan Approval Required.**

1. An application for a residential landscape plan shall be submitted prior to or with an application for a building permit, or if no building permit is required, at the time of customer's request to receive potable water service from the City.

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2. The application shall include a landscape plan detailing the following information:
 - a. Location and type of proposed new plant materials; and
 - b. Any undisturbed areas; and
 - c. Soil depth in landscape sites; and
 - d. Type of topsoil added if additional soil required; and
 - e. Whether a new automatic irrigation system will be installed. The installation of an automatic irrigation system is not mandatory, but if installed, it must meet the requirements of Section 13.15.050; and
 - f. Documentation of compliance with the standards in Section 13.15.060(C); and
 - g. Any additional information requested by the City to complete its review.
 3. If the applicant is seeking one of the exemptions in Section 13.15.060(D), the application must demonstrate compliance with the exemption requirements in that Section.
 4. Review of the landscape plan application shall follow the following procedures:
 - a. The application shall be reviewed for completeness and the applicant shall be notified of any missing or required information.
 - b. Staff shall review the completed application, considering any applicable criteria for approval and notify the applicant of any necessary corrections.
 - c. Additional procedures may be established for administrative review to ensure compliance with the City's Code of Ordinances and State law or regulations.
 - d. After completion of the review, the landscape plan shall be approved if it meets the following criteria:
 - (1) A complete application and any required fees have been submitted; and
 - (2) The application and content of the application are consistent with provisions of this Chapter and any other applicable City regulations or ordinances.

C. Minimum Residential Lot Landscaping Standards.

1. Landscape sites shall have a soil depth of at least six inches (6") prior to the installation of any landscaping.
2. If it is necessary to add soil to achieve six inches (6") of soil depth, the additional soil shall either be native soil from the site or non-native, or fertile, loose, easily broken into pieces and, blended sand/loam/compost topsoil containing at least 20 percent organic material.

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3. The soil depth requirement does not apply to areas unaffected by construction, uncultivated or remaining in their natural state.
 4. All new plant materials, not including lawn or turf grasses, shall be selected from the City of Georgetown Preferred Plant List and shall be bedded by hydrozone.
 5. Trees shall have at least one bubbler installed per newly installed tree if a new irrigation system is also installed.
 6. Installation of new lawn or turf grasses shall meet the following criteria:
 - a. The lawn or turf grass shall not cover an area larger than two and one-half times the foundation footprint or 10,000 square feet, whichever is the smaller square footage.
 - b. Any lawn or turf grass installed shall be fully sodded or seeded in a warm weather grass variety that has summer dormancy capabilities.
 - c. The installation of Saint Augustine turf grasses is allowed only in an area receiving less than six (6) hours of full sun per day.

D. Exemption from Landscape Plan Requirements. The provisions of Section 13.15.060(C) shall not apply, or apply only in part, when:

1. A residential lot that will remain in its unaltered, natural state or is landscaped 100 percent in plants native to its specific location within the Edwards Plateau or the Blackland Prairies, as applicable, and no automatic irrigation system installed, is exempt from soil depth and turf area restrictions and is eligible to have a $\frac{5}{8}$ " water meter installed.
2. For residential lots that are one (1) acre or larger in size, and only for the portion of such lot that is outside of the area calculated under Section 13.15.060(C)(6), the provisions of Section 13.15.060(C) shall not apply if:
 - a. No other portion of the lot is irrigated with an automatic irrigation system; and
 - b. The remaining landscaping on the lot, not including lawn and turf grasses, is native to the specific site location within the Edwards Plateau or the Blackland Prairies.

Sec. 13.15.070. Inspection and approval of installation.

Except as otherwise provided in Section 13.15.080, all required landscaping and irrigation must normally be completed before issuance of a building permit, or, if no building permit is required, before the lot is connected to the City's potable water system, or if the lot is already connected to City's system by a homebuilder who intends to sell the home to an end-buyer on completion, or before the water account is transferred from the name of the builder/developer to the end-buyer of the lot. Variances from this requirement may be sought pursuant to Section 13.15.040(D).

Sec. 13.15.100. Maintenance responsibility.

A. **Duty to Maintain and Repair.** Failure to properly operate, maintain, and repair an automatic irrigation system is a violation. The customer is responsible for general maintenance and upkeep of their plumbing and automatic irrigation system starting at the service connection. If an owner of a lot leases or rents the dwelling unit or any portion of the lot to a tenant and water utilities are in the tenant's name, as to the City, the lot owner and the water utility account holder are both responsible for maintenance.

B. **Automatic Irrigation System Audits.** Home Owner Associations (HOA's) and non-residential lot owners must cause their automatic irrigation systems to be inspected by a person licensed under Texas Occupations Code Sec. 1903.251 and Texas Water Code Chapter 37 (unless a statutory exemption to the licensing requirements applies, in which case the reason for the exemption must be clearly stated) every two (2) years to verify compliance with this Chapter. The City shall be authorized discontinue water service to the premises if the HOA and non-residential lot owner does not submit proof of the inspection, and completion of any required repairs, to the City on the City's request.

Sec. 13.15.110. Private wells.

- A. The use of a private well for potable water shall be in accordance with the requirements of this Chapter, any groundwater district having jurisdiction, and the TCEQ.
- B. Owners of private wells within the water service area of the City of Georgetown shall submit a copy of the water well driller's report to the City within 30 days after completion of the well.
- C. If a private well is in use on a property where a connection to the City's potable water system is in service, such well shall not be connected to the same plumbing system as that which is supplied by the City's potable water system, and the plumbing system must have a backflow prevention assembly to protect the public supply from contamination in the event of inadvertent connection of the private well to the same plumbing system served by the public water supply. Such backflow prevention assembly installation, maintenance, and testing shall be in accordance with Chapter 13.36 (*Cross Connection Control*).
- D. The owner of the private hydrants or private wells shall maintain records of maintenance that are available for inspection or viewing upon request by the City.
- E. Owners of private wells that are decommissioned in accordance with the requirements of the TCEQ or a groundwater district shall report such decommissioning to the City. Upon submittal of a plugging report to the City, the use of a backflow prevention assembly due to the existence of a private well is no longer required and the backflow prevention assembly may be removed in accordance with Chapter 13.36 (*Cross Connection Control*).

Sec. 13.15.120. Private fire hydrant maintenance.

- A. All private hydrant barrels will be painted red with the bonnet painted the appropriate color based on the hydrant flow coding standards in Section 13.15.120(C) to indicate the expected flow during normal operations. It will be the private hydrant owner's responsibility to test and maintain their private fire hydrant(s).
- B. All private fire hydrants should be tested annually. If the expected flow changes, the hydrant must be repainted in the appropriate color based on the hydrant flow coding standards in Section 13.15.120(C) to indicate the updated expected flow during normal operations.
- C. Hydrant Flow Coding Standards (Bonnet Color).

FLOW	COLOR
Greater than 1500 GPM	BLUE
1000 to 1500 GPM	GREEN
500 to 999 GPM	ORANGE
Less than 500 GPM	RED
NOT WORKING	BLACK OR BAGGED

Sec. 13.15.130. Inspections.

- A. The City may inspect any structure or lot connected or proposed to be connected to the City's potable water system. Such inspections shall include, without limitation and where applicable, a Customer Service Inspection (per TCEQ requirements), Backflow Prevention Assembly Test and Maintenance Report (per TCEQ requirements), plumbing code inspection, cross connection survey, and/or automatic irrigation system controller settings review.
- B. Prior to making a connection to the City's potable water system, the following documents and information must be on file with the City:
 - i. For all connections to the City's potable water system, regardless of location:
 - 1. A Customer Service Inspection Certificate; and
 - 2. A Backflow Prevention Assembly Test and Maintenance Report (if applicable); and
 - 3. Documentation that any Automatic Irrigation System controller settings comply with the City's landscape watering schedule.
 - ii. For connections within the City of Georgetown City limits and extraterritorial jurisdiction:
 - 1. A Customer Service Inspection Certificate; and

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2. A Backflow Prevention Assembly Test and Maintenance Report (if applicable); and
 3. A successful final City Plumbing Inspection; and
 4. Documentation that any Automatic Irrigation System controller settings comply with the City's landscape watering schedule.
- iii. For connections outside the City of Georgetown City limits and outside its extraterritorial jurisdiction:
1. A Customer Service Processing Fee per Section 13.04.220; and
 2. A Backflow Prevention Assembly Test and Maintenance Report (if applicable); and
 3. Plumbing inspection by the entity having jurisdiction over plumbing code compliance; and
 4. Documentation that any Automatic Irrigation System controller settings comply with the City's landscape watering schedule.

Sec. 13.15.140 Offense

- A. A person commits an offense if the person:
1. directs, performs, authorizes, requests, allows, assists, facilitates, or permits an act prohibited by this Chapter;
 2. fails to perform an act required by this Chapter;
 3. makes or transmits to the Director a false registration, log, inspection, report or other document required by this Chapter; or
 4. tampers with a conductivity controller, intake or discharge meter, readout device, read data transmittal equipment, or attached plumbing or electrical connections in a manner that causes inaccurate or false readings or reports of the water use or system operation to meet any inspection, evaluation or assessment required by this Chapter.
- B. Each day or part of the day during which the violation is committed or continued is a separate offense.

Sec. 13.15.150 Enforcement

- A. This Chapter may be enforced in:
1. the administrative enforcement process established in Section 13.15.160;
 2. an administrative hearing process established in Chapter 1.15 (*Administrative Hearings*);
 3. a civil action described in Subsection (B) of Chapter 54 of the Texas Local Government Code; or

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4. a criminal prosecution in Municipal Court.

B. In an administrative hearing process conducted pursuant to Chapter 1.15 (*Administrative Hearings*):

1. a person in whose name a water service account is held is presumed to be responsible for a violation of this Chapter that occurs at the water service account location; and
2. An offense under this Chapter is subject to the penalty provisions prescribed by Chapter 1.15.

C. In a Municipal Court prosecution:

1. an offense under this Chapter is subject to the penalty prescribed by Section 1.08 (*Violation- Penalty*); and
2. a culpable mental state is not required for fines of \$500 or less and need not be proved.

D. Nothing in this Chapter shall preclude the City's pursuit of any and all enforcement remedies to address a violation of this Chapter.

Sec. 13.15.160 Administrative Enforcement Process – Without An Administrative Hearing

A. Administrative Penalty Amounts.

1. This Section shall apply when a Violator desires to resolve a Notice of Violation by admitting liability and waiving (or having been deemed to have waived) an administrative hearing on the Notice of Violation under Chapter 1.15 (*Administrative Hearings*). The City Manager shall establish an administrative penalty schedule establishing the amount of the penalty assessed to a violator for a violation of Chapter 13.15 when the violator admits liability and/or does not timely request an administrative hearing.
2. A penalty established under Subsection 13.15.160(A)(1) by the City Manager must comply with the penalty ranges established in Chapter 1.15 (*Administrative Hearings*) for violations of Chapter 13.15.
3. Prior to assessing an administrative penalty against a violator under this Chapter, the City will provide notice to the violator in accordance with Section 13.15.160(B).
4. The City Manager may include in the administrative penalty schedule established under Subsection 13.15.160(A)(1) a provision allowing issuance of a warning or courtesy

notice, in lieu of a notice of violation, not more than once in a 12 month period for violations of the provisions in this Chapter.

B. Contents of Notice of Violation. A Notice of Violation issued under this Section shall contain the following information:

1. information regarding the general description, date(s), and service address of the alleged violation; and
2. for a Notice of Violation resulting from noncompliant automatic irrigation system controller settings (e.g., wrong day or wrong time landscape watering), or from failure to repair a leaking or malfunctioning automatic irrigation system, a statement that, if a Notice of Violation has not been issued to the Violator within the preceding 12 months, the Notice of Violation may be resolved by submitting documentation to the City on or before the date that is 10 days after the date of the Notice of Violation (together with instructions for submittal) demonstrating that the controller has been reset to limit watering to the days and hours allowed under Chapter 13.15 (*Water Conservation*) or Chapter 13.16 (Drought Contingency Regulations) (*as applicable*) and/or documentation that the automatic irrigation system has been repaired (as applicable), together with a statement that if the Violator notifies the City within the 10-day period that the repair cannot be performed within the 10-day period, an additional 20 days shall be allowed to make the repair, and a statement that if documentation of completion of all repairs has not been submitted to the City on or before the date that is 30 days after the Notice of Violation, the maximum allowable amounts of fines, penalties and costs under Chapter 1.15 (*Administrative Hearings*) will be added to the Violator's water utility bill; and
4. for a Notice of Violation that does not result from incorrect settings on an automatic irrigation system controller or from a failure to repair or maintain an automatic irrigation system, the penalty amount that the Violator can pay to resolve the Notice of Violation without an administrative hearing, under Chapter 1.15 (*Administrative Hearings*), and an option to either make such payment on or before the date that is 10 days after the date of the Notice of Violation or agree to have the penalty amount added to Violator's utility bill and paid with said bill, together with a statement that such payment will be considered an admission of liability for the violation charged; and
5. a statement that the Violator has the right to contest the Notice of Violation in an administrative hearing under Chapter 1.15 (*Administrative Hearings*) if such hearing is requested on or before the date that is 10 days after the date of the Notice of Violation, together with information regarding how to request an administrative hearing; and
6. the penalty ranges for which the Violator may be held liable after an administrative hearing under Chapter 1.15 (*Administrative Hearings*); and

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7. a statement that the Violator's failure to appear at an administrative hearing under Chapter 1.15 (*Administrative Hearings*) will be considered an admission of liability for the violation charged, and will result in the issuance of an Administrative Order assessing the maximum allowable amounts of fines, penalties and costs against the Violator.

C. Issuance of Notice of Violation. Any Notices of Violation issued under this Chapter will be sent to the person(s) named on the water service account for the service address where the violation occurred. The Notice of Violation will be sent via U.S. Mail, email, or text.

ATTACHMENT 3

CITY OF GEORGETOWN

CITY CODE OF ORDINANCES CHAPTER 13.16

EXHIBIT C

CHAPTER 13.16. DROUGHT CONTINGENCY PLAN REGULATIONS

Sec. 13.16.010. Purpose.

The purpose of this Chapter is to implement and enforce the City's Drought Contingency Plan, to conserve and protect the available water supply for domestic water use, sanitation, and fire protection, and to minimize the impact of water shortages during emergency conditions.

Sec. 13.16.020. Authorization to Issue Orders.

The City Manager is hereby authorized to order that the water use regulations for Drought Response Stage 1, Drought Response Stage 2, Drought Response Stage 3, or Emergency Drought Response Stage 4 shall take effect upon the City Manager's determination that the order is necessary to protect the public health, safety, and welfare. The City Manager may base a drought stage or emergency stage declaration or termination on any relevant condition, occurrence, factor, or an assessment of all relevant circumstances that, in the judgment of the City Manager, support such action for any lawful purpose. The City Manager's order is effective immediately following official public notice and remains in effect until the City Manager orders the termination of the drought or emergency stage. Unless a different drought or emergency stage is declared by order of the City Manager, the water use regulations in Section 13.15.040 and Tables 13.15.040-1 of the City's Code of Ordinances shall automatically resume by default immediately upon any ordered termination of any drought stage or emergency stage.

Sec. 13.16.030. Application; Definitions.

- A. The provisions of this Chapter shall apply to all persons who use, direct, or manage the use of potable water supplied by the City of Georgetown. This Chapter does not apply to a person when the person only uses, directs, or manages the use of reclaimed water or water not supplied by the City of Georgetown.
- B. The terms defined in Section 13.15.010 shall have the same meanings when those terms are used in this Chapter.

Sec. 13.16.040. Drought Response Stage 1 Regulations.

- A. Except as otherwise provided in Section 13.16.090 (Exemptions), the provisions of this Section apply during any Drought Stage 1 period ordered by the City Manager in accordance with Section 13.16.020.
- B. A person may not irrigate outdoors using an automatic irrigation system, hose-end sprinklers, soaker hoses and drip irrigation except on the days and during the times designated below:

Automatic Irrigation Systems, Hose-End Sprinklers, Soaker Hoses and Drip Irrigation		
Last digit of property street address	Allowed watering day(s)	Allowed watering hours
1, 5, 9	Tuesday and Friday	Midnight to 9:00 AM AND 7:00 PM - Midnight
2, 4, 6, 8	Wednesday and Saturday	Midnight to 9:00 AM AND

		7:00 PM - Midnight
0, 3, 7	Thursday and Sunday	Midnight to 9:00 AM AND 7:00 PM - Midnight
	Monday	None

Sec. 13.16.050. Drought Response Stage 2 Regulations.

- A. Except as otherwise provided in Section 13.16.090 (*Exemptions*), the provisions of this Section apply during any Drought Stage 2 period ordered by the City Manager in accordance with Section 13.16.020.
- B. A person may not irrigate outdoors using an automatic irrigation system, hose-end sprinklers, soaker hose and drip irrigation except on the days and during the times designated below:

Automatic Irrigation Systems, Hose-End Sprinklers, Soaker Hoses and Drip Irrigation		
Last digit of property street address	Allowed watering day	Allowed watering hours
1	Tuesday	Midnight to 7:00 AM AND 7:00 PM - Midnight
2 or 6	Wednesday	Midnight to 7:00 AM AND 7:00 PM - Midnight
0	Thursday	Midnight to 7:00 AM AND 7:00 PM - Midnight
5 or 9	Friday	Midnight to 7:00 AM AND 7:00 PM - Midnight
4 or 8	Saturday	Midnight to 7:00 AM AND 7:00 PM - Midnight
3 or 7	Sunday	Midnight to 7:00 AM AND 7:00 PM - Midnight
	Monday	None

- C. A person may not use water to wash any motor vehicle, motorbike, boat, trailer, or airplane, or other vehicle or piece of equipment, unless using a hose with a positive shutoff valve or a single, refillable vessel with water. A person commits a separate offence for each vehicle or piece of equipment washed in violation of this subsection. It is an affirmative defense to a violation of this subsection that the water use occurred at a vehicle wash facility for the water use charged in the complaint.
- D. A person may not use water to wash, rinse, or treat any outdoor surface, including but not limited to sidewalks, walkways, driveways, parking lots, tennis and other sport courts, patios, decks, or other paved or hard-surfaced areas. A person commits a separate offence for each outdoor surface washed in violation of this subsection.
- E. A person may not use water to flush gutters or permit potable water to run or accumulate in any gutter, street, or drainage culvert.

- F. A person may not use water to add to an indoor or outdoor swimming pool, splash pad, or hot-tub., unless necessary to maintain the water purification system in service or to maintain structural integrity of the pool.
- G. A person may not use water in an ornamental fountain or pond, except where aeration is necessary to support aquatic life.
- H. A person may not operate a patio mister at a commercial facility except between the hours of 4:00 p.m. and midnight.

Sec. 13.16.060. Drought Response Stage 3 Regulations.

- A. Except as otherwise provided in Section 13.16.090 (*Exemptions*), the provisions of this Section apply during any Drought Stage 3 period ordered by the City Manager in accordance with Section 13.16.020.
- B. A person may not irrigate outdoors.
- C. A person may not install or plant lawn or turf grass or install sod.
- D. A person may not use water to wash any motor vehicle, motorbike, boat, trailer, or airplane, or other vehicle or piece of equipment, unless using a hose with a positive shutoff valve or a single, refillable vessel with water. A person commits a separate offence for each vehicle or piece of equipment washed in violation of this subsection. It is an affirmative defense to a violation of this subsection that the water use occurred at a vehicle wash facility for the water use charged in the complaint.
- E. A person may not use water to wash, rinse, or treat any outdoor surface, including but not limited to sidewalks, walkways, driveways, parking lots, tennis and other sport courts, patios, decks, or other paved or hard-surfaced areas. A person commits a separate offence for each outdoor surface washed in violation of this subsection.
- F. A person may not use water to flush gutters or permit potable water to run or accumulate in any gutter, street, or drainage culvert.
- G. A person may not use water to add to an indoor or outdoor swimming pool, unless necessary to maintain the water purification system in service or to maintain structural integrity of the pool.
- H. A person may not use water in an ornamental fountain or pond, except where aeration is necessary to support aquatic life.
- I. A person may not operate a patio mister at a commercial facility except between the hours of 4:00 p.m. and 8:00 p.m.
- J. A person may not operate a charity car wash. It is not a defense to a violation of this subsection that the charity car wash occurred on a designated watering day for that location.
- K. A person may not fill an outdoor hot tub or spa.
- L. A person may not operate a splash pad or similar aesthetic or recreational use of water.

Sec. 13.16.070. Emergency Stage 4 Regulations.

- A. Except as otherwise provided in Section 13.60.090 (*Exemptions*), the provisions of this Section apply during any Emergency Stage 4 period ordered by the City Manager in accordance with Section 13.16.020.
- B. A person may not irrigate vegetation outdoors.
- C. A person may not use or allow the use of water to test or repair a permanently or temporarily installed automatic irrigation system or drip irrigation system.
- D. A person may not install or plant lawn or turf grass or install sod.
- E. A person may not use water to wash any motor vehicle, motorbike, boat, trailer, or airplane, or other vehicle or piece of equipment. A person commits a separate offense. It is not an affirmative defense to a violation of this subsection that the water use occurred at a vehicle wash facility for the water use charged in the complaint.
- F. A person may not use or allow the use of water to wash, rinse, or treat any outdoor surface, including but not limited to sidewalks, walkways, driveways, parking lots, tennis and other sport courts, patios, decks, or other paved or hard-surfaced areas. A person commits a separate offense for each outdoor surface washed in violation of this subsection.
- G. A person may not use or allow the use of water to flush gutters or permit potable water to run or accumulate in any gutter, street, or drainage culvert.
- H. A person may not use or allow the use of water to add to an indoor or outdoor swimming pool, fill, or to clean, rinse, supplement, operate or maintain a tub, spa, fountain, pond, pool, or other container, feature, or improvement used, designed, maintained, or intended for aesthetic, athletic, or recreational purpose. This does not apply to the filling of non-aerating birdbaths or animal watering containers.
- I. A person may not use or allow the use of water in an ornamental fountain or pond, except where aeration is necessary to support aquatic life.
- J. A person may not operate a patio mister.
- K. A person may not operate a charity car wash. It is not a defense to a violation of this subsection that the charity car wash occurred on a designated watering day for that location.
- L. A person may not fill an outdoor hot tub or spa.
- M. A person may not operate a splash pad or similar aesthetic or recreational use of water.
- N. A person may not use or allow the use of water in or related to a chemical lawn treatment unless specifically authorized by a variance issued under Section 13.16.100.
- O. A person may not use or allow the use of water for watering the ground around a building foundation to prevent or address foundation cracking unless specifically authorized by a variance issued under Section 13.16.100.

Sec. 13.16.080. City Manager's Authority to Order Additional Restrictions.

- A. The City Manager may order mandatory water restrictions in addition to those prescribed in Sections 13.16.040 through 13.16.070 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, disaster situation, or occurrence necessitating additional restrictions.
- B. The City Manager may require municipal wholesale customers to curtail water use on a pro rata basis, in accordance with Section 11.039 (*Distribution of Water During Shortage*) of the Texas Water Code and as determined by any rules or plans adopted pursuant to this chapter or state law.
- C. If the City Manager orders additional mandatory water restrictions, those additional mandatory water use restrictions shall be effective immediately upon official public notice.

Sec. 13.16.090. Exemptions.

- A. The following exemptions apply during Drought Stage 1, Drought Stage 2, Drought Stage 3, and Emergency Stage 4, allowing water use as follows during those periods:
 - 1. The use of water necessary to protect the health, safety, or welfare of the public;
 - 2. The use of reclaimed water that is not mixed with or supplemented with potable water received from the City;
 - 3. Necessary use of water for lawful repair of a water distribution facility, flushing of utility lines, or flushing of residential or commercial plumbing lines;
 - 4. Necessary use of water, other than for landscape irrigation, for a governmental entity performing a governmental function, including a capital improvement project;
 - 5. Use of water, other than for landscape irrigation, necessary to meet express requirements of federal, state, or local permits related to land development that include but are not limited to roadway base preparation, dust control, maintenance of trees subject to preservation restrictions or requirements, concrete or asphalt work, or modification or construction of improvements;
 - 6. Necessary washing or sanitizing to prevent public health or disease transmission risk associated with liquid, solid, or particulate residue on or on vehicles, containers, or equipment lawfully used to maintain, process, or transport food, perishables, garage, liquid or solid waste, organic materials, or recyclables; and
 - 7. Water use immediately necessary for or relate to firefighting, fire prevention, or fire suppression activity or operations conduction because of actual risk to the public or environmental health, safety, or welfare, life, or property associated with the presence of an uncontrolled fire approaching any person or property.
- B. The following exemptions apply during Drought Stage 1, Drought Stage 2, and Drought Stage 3 (but not during Emergency Stage 4), allowing water use as follows during those periods:
 - 1. Outdoor irrigation:

1. using a hand-held hose or refillable watering vessel;
 2. of trees using an automatic bubbler system or soaker hose placed within the drip-line of the tree canopy;
 3. of vegetable gardens using a soaker hose;
 4. of athletic fields used for organized sports practice, competition, or exhibition events when the irrigation is necessary to protect the health and safety of the players, staff, or officials present for the athletic event;
 5. immediately following a commercial lawn treatment application by an applicator who possesses required licensure as applicable for use of such substances including fertilizer, pesticides, and herbicides, provided receipts documenting such application and the applicator's credentials are presented to the City on request; and
 6. of plant material at a commercial nursery.
- C. Water use necessary for the repair or installation of a permanently or temporarily installed automatic landscape irrigation system or drip irrigation system when the person performing the repair or installation is present in the area of the irrigation.
- D. The following exemptions apply during Drought Stage 1 (but not during Drought Stage 2, Drought Stage 3, or Emergency Stage 4) allowing water use as follows:
1. Water use necessary to comply with federal, state or local land development permits requiring installation of new landscaping, between the hours of midnight to 9:00 a.m.

Sec. 13.16.100. Variances

- A. The provisions in Section Sec. 13.15.040.D. (*Variances*) shall apply to requests for variances from Section 13.16.040 (*Drought Stage 1 Regulations*), and Section 13.16.050(*Drought Stage 2 Regulations*),
- B. The following provisions shall apply to requests for variances from Section 13.16.050 (*Drought Stage 2 Regulations*) and Section 13.16.140 (*Emergency Stage 4 Regulations*):
1. Applications. Applications for a variance shall be filed online at <https://records.georgetown.org/Forms/IrrigationVariance>, and must be accompanied by the payment of the required application fee per variance request.
- C. Available Variances. The Director may grant a variance to Section 13.16.050 (*Drought Stage 2 Regulations*) or Section 13.16.070 (*Emergency Stage 4 Regulations*) only when:
1. watering is required to prevent foundation cracking, in which case the variance will specify a designated day for foundation watering prohibit watering except before 6:00 a.m. and after midnight;
 2. watering is necessary for the prescribed treatment of tree diseases or pest control; or
 3. irrigation of athletic fields is necessary to protect the health and safety of the players and game officials.

Sec. 13.16.110. Offense

- A. A person commits an offense if the person:

1. directs, performs, authorizes, requests, allows, assists, facilitates, or permits an act prohibited by this Chapter;
 2. fails to perform an act required by this Chapter;
 3. makes or transmits to the Director a false registration, log, inspection, report or other document required by this Chapter; or
 4. tampers with a conductivity controller, intake or discharge meter, readout device, read data transmittal equipment, or attached plumbing or electrical connections in a manner that causes inaccurate or false readings or reports of the water use or system operation to meet any inspection, evaluation or assessment required by this Chapter.
- B. Each day or part of the day during which the violation is committed or continued is a separate offense.

Sec. 13.16.170.120. Affirmative Defenses

- A. It is an affirmative defense to a violation of this Chapter that the use of water that gave rise to the violation was consistent with the agreed upon terms and conditions of a water service contract between the City and a wholesale water customer, provided that the use did not constitute water waste.
- B. It is an affirmative defense to a violation of this Chapter that the use of water that gave rise to the violation utilized only reclaimed water or water that was not provided by the City of Georgetown, did not endanger public health, safety, or property, and did not constitute water waste.
- C. It is an affirmative defense to a violation of this Chapter that the use of water that gave rise to the violation occurred solely because of a documented emergency that prevented strict compliance, provided that the use did not disrupt the availability of adequate water for other public emergency responses, or for firefighting or fire suppression purposes.

Sec. 13.16.130. Enforcement

- A. This chapter may be enforced in:
 1. the administrative enforcement process established in Section 13.16.140;
 2. an administrative hearing process established in Chapter 1.15 (*Administrative Hearings*);
 3. a civil action described in Subsection (B) of Chapter 54 of the Texas Local Government Code; or
 4. a criminal prosecution in Municipal Court.
- B. In an administrative hearing process conducted pursuant to Chapter 1.15 (*Administrative Hearings*):
 1. a person in whose name a water service account is held is presumed to be responsible for a violation of this chapter that occurs at the water service account location; and
 2. An offense under this chapter is subject to the penalty provisions prescribed by Chapter 1.15 (*Administrative Hearings*).
- C. In a Municipal Court prosecution:

1. an offense under this chapter subject to the penalty prescribed by Section 1.08 (*Violation-Penalty*); and
 2. a culpable mental state is not required for fines of \$500 or less and need not be proved.
- D. Nothing in this chapter shall preclude the City's pursuit of any and all enforcement remedies to address a violation of this chapter.

Sec. 13.16.140 Administrative Enforcement Process – Without An Administrative Hearing

A. Administrative Penalty Amounts.

1. This Section shall apply when a Violator desires to resolve a Notice of Violation by admitting liability and waiving (or having been deemed to have waived) an administrative hearing on the Notice of Violation under Chapter 1.15 (*Administrative Hearings*). The City Manager shall establish an administrative penalty schedule establishing the amount of the penalty assessed to a violator for a violation of Chapter 13.16 when the violator admits liability and/or does not timely request an administrative hearing.
2. A penalty established under Subsection 13.16.140(A)(1) by the City Manager must comply with the penalty ranges established in Chapter 1.15 (*Administrative Hearings*) for violations of Chapter 13.16.
3. Prior to assessing an administrative penalty against a violator under this Chapter, the City will provide notice to the violator in accordance with Section 13.16.140(B).
4. The City Manager may include in the administrative penalty schedule established under Subsection 13.16.140(A)(1) a provision allowing issuance of a warning or courtesy notice, in lieu of a notice of violation, not more than once in a 12 month period for violations of the provisions in this Chapter.

B. Contents of Notice of Violation. A Notice of Violation issued under this Section shall contain the following information:

1. information regarding the general description, date(s), and service address of the alleged violation; and
2. for a Notice of Violation resulting from noncompliant automatic irrigation system controller settings (e.g., wrong day or wrong time landscape watering), or from failure to repair a leaking or malfunctioning automatic irrigation system, a statement that, if a Notice of Violation has not been issued to the Violator within the preceding 12 months, the Notice of Violation may be resolved by submitting documentation to the City on or before the date that is 10 days after the date of the Notice of Violation (together with

instructions for submittal) demonstrating that the controller has been reset to limit watering to the days and hours allowed under Chapter 13.15 (*Water Conservation*) or Chapter 13.16 (*Drought Contingency Regulations*) (*as applicable*) and/or documentation that the automatic irrigation system has been repaired (as applicable), together with a statement that if the Violator notifies the City within the 10-day period that the repair cannot be performed within the 10-day period, an additional 20 days shall be allowed to make the repair, and a statement that if documentation of completion of all repairs has not been submitted to the City on or before the date that is 30 days after the Notice of Violation, the maximum allowable amounts of fines, penalties and costs under Chapter 1.15 (*Administrative Hearings*) will be added to the Violator's water utility bill; and

4. for a Notice of Violation that does not result from incorrect settings on an automatic irrigation system controller or from a failure to repair or maintain an automatic irrigation system, the penalty amount that the Violator can pay to resolve the Notice of Violation without an administrative hearing, under Chapter 1.15 (*Administrative Hearings*), and an option to either make such payment on or before the date that is 10 days after the date of the Notice of Violation or agree to have the penalty amount added to Violator's utility bill and paid with said bill, together with a statement that such payment will be considered an admission of liability for the violation charged; and
5. a statement that the Violator has the right to contest the Notice of Violation in an administrative hearing under Chapter 1.15 (*Administrative Hearings*) if such hearing is requested on or before the date that is 10 days after the date of the Notice of Violation, together with information regarding how to request an administrative hearing; and
6. the penalty ranges for which the Violator may be held liable after an administrative hearing under Chapter 1.15 (*Administrative Hearings*); and
7. a statement that the Violator's failure to appear at an administrative hearing under Chapter 1.15 (*Administrative Hearings*) will be considered an admission of liability for the violation charged, and will result in the issuance of an Administrative Order assessing the maximum allowable amounts of fines, penalties and costs against the Violator.

C. Issuance of Notice of Violation. Any Notices of Violation issued under this Chapter will be sent to the person(s) named on the water service account for the service address where the violation occurred. The Notice of Violation will be sent via U.S. Mail, email, or text.

ATTACHMENT 4
CITY OF GEORGETOWN
CITY CODE OF ORDINANCES CHAPTER 1.15

EXHIBIT A

CHAPTER 1.15 ADMINISTRATIVE HEARINGS

Sec. 1.15.010 Definitions. In this Chapter:

- A. *Administrative Hearing Coordinator* means the Chief Court Clerk, or other assistant or deputy clerk of the City's Municipal Court, who manages the administrative hearing process created by this chapter.
- B. *Administrative Hearing Officer* has the meaning given in Section 1.15.013.
- C. *Administrative Order* means the order issued by the Administrative Hearing Officer at the conclusion of a hearing conducted under this Chapter that includes the disposition of the Notice of Violation and the amount of fee, fines, penalties and costs.
- D. *Chief Code Compliance Officer* means the person who is the head of the City's Code Compliance Department.
- E. *Issuing Officer* means a city employee with the authority to issue Notice of Violations for violations described in Section 1.15.012 (*Violations Subject to Administrative Adjudication*).
- F. *Notice of Violation* means the document providing the required notice to the Violator of the alleged violation and the right to an administrative hearing in accordance with this Chapter.
- G. *Violator* means the person charged with violating an ordinance described in Section 1.15.012 (*Violations Subject to Administrative Adjudication*).

Sec. 1.15.011 Purpose; Administrative Hearing Process.

- A. **Purpose.** The purpose of this Chapter is to protect the health, safety, and welfare of the citizens of the City, by providing for an administrative hearing process for violations of ordinances described in Local Government Code Section 54.032 (*Ordinances Subject to Quasi-Judicial Enforcement*).
- B. **Process.** This chapter establishes a procedure for administrative hearings pursuant to and consistent with Local Government Code Section 54.044 (*Alternative Procedure for Administrative Hearing*).

Sec. 1.15.012 Violations Subject to Administrative Hearing Process.

- A. **Applicability.** The administrative hearing process established in this Chapter may be used to enforce City ordinances of the types listed in Texas Local Government Code Section 54.032, specifically including, without limitation, the following types of City ordinances:

1. for the preservation of public safety, relating to the materials or methods used to construct a building or improvement, including the foundation, structural elements, electrical wiring or apparatus, plumbing and fixtures, entrances, or exits;
2. relating to the fire safety of a building or improvement, including provisions relating to materials, types of construction or design, warning devices, sprinklers or other fire suppression devices, availability of water supply for extinguishing fires, or location, design, or width of entrances or exits;
3. relating to dangerously damaged or deteriorated buildings or improvements;
4. relating to conditions caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents;
5. relating to a building code or to the condition, use, or appearance of property in a municipality;
6. relating to animal care and control, and
7. relating to water conservation measures.

B. Non-Exclusive. Nothing in this Chapter shall prevent the City from also pursuing any and all other or additional remedies allowed under state law pertaining to alleged violations of the types of ordinances described in Section 1.15.012(A) and Texas Local Government Code Section 54.032, including civil, criminal, and equitable remedies.

Sec. 1.15.013 Administrative Hearing Officers.

A. Qualifications. All Administrative Hearing Officers must be licensed to practice law in the State of Texas and be in good standing with the State Bar of Texas.

B. Hiring or Engagement. One or more Administrative Hearing Officers may be hired as employees, or engaged as independent contractors, by the City Manager. The Administrative Hearing Officers shall serve under the direction of the Presiding Judge of the City's Municipal Court and shall administratively adjudicate violations of ordinances described in Section 1.15.012(A) (*Violations Subject to Administrative Hearing Process*). If one Administrative Hearing Officer is hired or engaged, that person shall be the Chief Administrative Hearing Officer. If more than one Administrative Hearing Officer is hired or engaged, the City Manager shall designate one of them as the Chief Administrative Hearing Officer and the others as assistant or deputy Administrative Hearing Officers. The assistant or deputy Administrative Hearing Officers shall have the authority given under Section 1.15.013(C) and shall also assist the Chief Administrative Hearing Officer in performing the other duties of that position.

C. Powers and Duties:

1. An Administrative Hearing Officer may:
 - (a) administer oaths;
 - (b) issue orders that compel the attendance of witnesses and the production of documents;
 - (c) issue an Administrative Order; and
 - (d) act pursuant to the authority granted in Texas Local Government Code Section 54.044 (*Alternative Procedure for Administrative Hearing*).
2. An order of an Administrative Hearing Officer to compel the attendance of witnesses and the production of documents is enforceable by the Municipal Court.
3. An Administrative Order issued by an Administrative Hearing Officer is enforceable by:
 - (a) filing a civil suit for the collection of a penalty assessed against the person; and
 - (b) obtaining an injunction that:
 - (1) prohibits specific conduct that violates the ordinance; or
 - (2) requires specific conduct necessary for compliance with the ordinance.

Sec. 1.15.014 Notice of Violation.

- A. To utilize the Administrative Hearing Process described in this Chapter, the Issuing Officer will provide the Violator with notice of the alleged violation given by Notice of Violation.
- B. An Notice of Violation for a violation of an ordinance of the type listed in Section 1.15.012(A) will include:
 1. the description, date(s), and location of the violation; and
 2. a citation or reference to the applicable section of the City Code of Ordinances allegedly violated; and
 3. a statement that the Violator has the right to an administrative hearing under this Chapter; and
 4. a statement that this Chapter and any rules of practice and procedure promulgated by the Administrative Hearing Coordinator and Presiding Judge pursuant to Section 1.15.015(B) will apply to the administrative hearing; and
 5. the penalty range for which the Violator may be held liable; and

6. an option for the Violator to waive the Violator's right to an administrative hearing by remitting payment of a sum certain (to be set by the Chief Code Compliance Officer or City Manager, but not to exceed the amounts allowed by this Chapter or other applicable law) by a date certain (which shall be clearly stated, but not less than ten (10) business days after the date of the Notice of Violation) and instructions for how to make the payment, together with a statement that such payment will be considered an admission of liability for the violation charged; and
 7. a statement that the Violator's failure to appear at the administrative hearing will be considered an admission of liability for the violation charged, and will result in the issuance of an Administrative Order assessing the maximum allowable amounts of fines, penalties and costs against the Violator; and
 8. the name of the Issuing Officer; and
 9. contact information for the Administrative Hearing Coordinator including, if applicable, information such as website links, payment portal instructions, and document filing instructions.
- C. Filing of Notice of Violation.** The original or a copy of the Notice of Violation shall be filed with a clerk of the Municipal Court and kept in by the Chief Clerk the ordinary course of business. The filed Notice of Violation constitutes rebuttable proof of the facts it states.
- D. Warnings in Lieu of Notice of Violation.** An Issuing Officer may, in the Issuing Officer's sole discretion, issue a written warning to a Violator instead of an Notice of Violation. No more than one warning shall be granted to a Violator; and after the first warning, all violations are subject to issuance of an Notice of Violation, regardless of the type of violation.

Sec. 1.15.015 Administrative Hearing Process

- A. Administrative Hearing Officer to Preside.** A hearing to adjudicate the allegations made in an Notice of Violation issued under Section 1.15.014 (*Notice of Violations*) shall be conducted by an Administrative Hearing Officer selected pursuant to Section 1.15.013 (*Hearing Officers*).
- B. Texas Rules of Evidence; Court Rules.** The Texas Rules of Evidence do not apply to an administrative hearing under this chapter, except that the Administrative Hearing Officer shall take judicial notice of the Notice of Violation, the City of Georgetown Code of Ordinances, the City's adopted manuals and policies, and any other local, state, or federal laws and regulations applicable to the proceeding. The Administrative Court Coordinator and the Presiding Judge may make and enforce rules of practice and procedure that do not conflict with this Chapter or other applicable law if necessary to expedite administrative hearings conducted under this Chapter; and any such rules of practice and procedure shall be published on the City's website.

C. Conduct of the Administrative Hearing.

1. The Administrative Hearing Officer shall hear and consider:
 - (a) Prima facie evidence established by the City Code of Ordinances, this Chapter (the Notice of Violation), and other applicable law;
 - (b) Information and testimony presented by the Violator;
 - (c) Information and testimony presented by the Issuing Officer; and
 - (d) Information and testimony presented by other persons attending the hearing.
2. The testimony at the hearing shall be recorded and copies of all documentary information preserved. If an audio recording is made, each voice shall be identified.
3. The Notice of Violation, together with any recorded testimony and documentary information accepted into evidence before the close of the administrative hearing, shall constitute the record for appeal. The acceptance of testimony and documentary information into evidence shall be noted by the Administrative Hearing Officer in the record.
4. Unless the Violator files a request with the Administrative Hearing Coordinator at least seven (7) business days before the hearing date, the Issuing Officer is not required to attend the Administrative Hearing.
5. At the request of the Violator, the hearing may be rescheduled. A rescheduling request must be in writing and submitted to the Administrative Hearing Coordinator at least fourteen (14) business days before the hearing date. If the Administrative Hearing Coordinator does not respond to a request to reschedule the hearing by contacting the Violator and the Issuing Officer before the date that is seven (7) business days before the hearing date, the request is deemed to be denied and the Violator must appear on the date stated in the Notice of Violation. The Issuing Officer must also appear if timely requested by the Violator in accordance with Section 1.15.015(C)(5).
6. At the conclusion of the Administrative Hearing, the Administrative Hearing Officer shall make a decision based on a preponderance of the evidence, and shall issue an Administrative Order that either:
 - (a) finds the Violator liable for the violation and assesses penalties and costs in accordance with this Chapter; or
 - (b) finds the Violator not liable for the violation, assesses no penalties or costs, and dismisses the Notice of Violation.
7. The Administrative Order shall be filed with the Chief Clerk of the Municipal Court in a separate index and file. The order may be recorded using microfilm, microfiche, or data processing techniques.

D. Failure to Appear at a Hearing. If a Violator fails to attend a scheduled administrative hearing, including an appeal hearing, the Violator is considered to admit liability for the violation charged, and will result in the issuance of an Administrative Order assessing the maximum allowable amounts of penalties and costs against the Violator.

Sec. 1.15.016 Appeals. A Violator who is found by an Administrative Hearing Officer to have violated an ordinance may appeal the Administrative Order by filing a petition in Municipal Court before the 31st day after the date the Administrative Hearing Officer's order is filed. An appeal does not stay enforcement and collection of the judgment unless the Violator, before filing the appeal, posts a bond with an agency designated for that purpose by the City. The Municipal Court's review shall be on the record (not de novo) and limited to a review under the substantial evidence rule. If a Violator found liable for a violation does not timely appeal the Administrative Hearing Officer's order, the Administrative Order shall become a final judgment.

Sec. 1.15.017 Penalty Ranges and Costs.

A. General.

1. **Penalties.** A fine or penalty for the violation of a rule, ordinance, or adopted policy assessed by an Administrative Hearing Officer under this Chapter may not exceed the limits below for each day the violation continues.
2. **Costs.** Unless the Violator is found not liable, the Administrative Hearing Officer shall, in additions to assessing penalties against the Violator, assess costs against the Violator equal to the greater of (i) \$25 per Notice of Violation, or (ii) 10% of the amount of the penalty stated in the Administrative Hearing Officer's order.

B. Administrative Penalties for Non-Water-Related Violations.

1. Except as otherwise provided in Section 1.15.017(C), the administrative penalties that may be assessed against a Violator found liable by an Administrative Hearing Officer shall conform to the penalty schedule set forth below and shall be no more than \$1,000.00 per day per violation. Each day a violation occurs is a separate violation for the purposes of imposing a penalty. The total penalty will be the sum of all individual violation penalties.
 - (a) not less than \$500.00 per day for a first violation;
 - (b) not less than \$750.00 per day for a second violation; and
 - (c) not less than \$1,000.00 per day for a third or subsequent violation.
2. In addition to the administrative penalties assessed, the Administrative Hearing Officer must require a Violator found liable to pay the costs set forth in Section 1.15.017(A)(2).

C. Water Conservation Penalties.

1. Maximum penalty. For violations of Chapter 13.15 of the City Code of Ordinances (*Water Utility Services*), the administrative penalties that may be assessed against a Violator found liable by an Administrative Hearing Officer shall conform to the penalty ranges set forth below and shall be no more than \$1,000.00 per day per violation. Each day a violation occurs is a separate violation for the purposes of imposing a penalty. The total penalty will be the sum of all individual violation penalties.
2. Single-Family Residential Violations. Administrative penalties shall be assessed against a Violator whose service address is a single-family residential lot and who is found liable by an Administrative Hearing Officer for a violation of Chapter 13.15 of the City Code of Ordinances pursuant to the following penalty schedule:
 - a) not less than \$50.00 and not more than \$75.00 for a first violation;
 - b) not less than \$75.00 and not more than \$100.00 for a second violation;
 - c) not less than \$100.00 and not more than \$250.00 for a third violation; and
 - d) not less than \$250.00 and not more than \$500.00 for a fourth or subsequent violation.
3. Non-Single Family Residential Violations. Administrative penalties shall be assessed against a Violator whose service address is not a single family residential lot and who is found liable by an Administrative Hearing Officer for a violation of Chapter 13.15 of the City Code of Ordinances pursuant to the following penalty schedule.
 - a) not less than \$250.00 and not more than \$400.00 for a first violation;
 - b) not less than \$400.00 and not more than \$500.00 for a second violation;
 - c) not less than \$500.00 and not more than \$750.00 for a third violation; and
 - d) not less than \$750.00 and not more than \$1,000.00 for a fourth or subsequent violation.
4. In addition to the administrative penalties assessed, the Administrative Hearing Officer shall order a Violator found liable to pay the costs set forth in Section 1.15.017(A)(2).

D. Administrative Penalties for 13.16 (*Drought Contingency Plan*) Violations. For violations of Chapter 13.16 of the City Code of Ordinances (*Drought Contingency Plan*), the administrative penalties that may be assessed against a Violator found liable by an Administrative Hearing Officer shall conform to the penalty ranges set forth below and shall be no more than \$2,000.00 per day per violation. Each day a violation occurs is a separate violation for the purposes of imposing a penalty. The total penalty will be the sum of all individual violation penalties.

1. Single-Family Residential Violations. Administrative penalties shall be assessed against a Violator whose service address is a single-family residential lot and who is found liable by an Administrative Hearing Officer for each violation of Chapter 13.16 of the City Code of Ordinances pursuant to the following penalty schedule.
 - (a) Violations Occurring During Drought Response Stage 1:
 - (1) not less than \$50.00 and not more than \$75.00 for a first violation;
 - (2) not less than \$75.00 and not more than \$250.00 for a second violation;
 - (3) not less than \$250.00 and not more than \$400.00 for a third violation; and
 - (4) not less than \$400.00 and not more than \$1,000.00 for a fourth or subsequent violation.
 - (b) Violations Occurring During Drought Response Stage 2:
 - (1) not less than \$75.00 and not more than \$150.00 for a first violation;
 - (2) not less than \$150.00 and not more than \$300.00 for a second violation;
 - (3) not less than \$300.00 and not more than \$450.00 for a third violation; and
 - (4) not less than \$450.00 and not more than \$1,000.00 for a fourth or subsequent violation.
 - (c) Violations Occurring During Drought Response Stage 3:
 - (1) not less than \$150.00 and not more than \$300.00 for a first violation;
 - (2) not less than \$300.00 and not more than \$450.00 for a second violation;
 - (3) not less than \$450.00 and not more than \$600.00 for a third violation; and
 - (4) not less than \$600.00 and not more than \$1,000.00 for a fourth or subsequent violation.
 - (d) Violations Occurring During Emergency Drought Response Stage 4:
 - (1) not less than \$200.00 and not more than \$350.00 for a first violation;
 - (2) not less than \$350.00 and not more than \$500.00 for a second violation;
 - (3) not less than \$500.00 and not more than \$650.00 for a third violation; and
 - (4) not less than \$650.00 and not more than \$1,000.00 for a fourth or subsequent violation.
2. Non Single Family Residential Violations. Administrative penalties shall be assessed against a Violator whose service address is not a single-family residential lot and who is found liable by an Administrative Hearing Officer for each violation of Chapter 13.16 of the City Code of Ordinances pursuant to the following penalty schedule.
 - (a) Violations Occurring During Drought Response Stage 1:

- (1) not less than \$250.00 and not more than \$400.00 for a first violation;
- (2) not less than \$400.00 and not more than \$500.00 for a second violation;
- (3) not less than \$500.00 and not more than \$750.00 for a third violation; and
- (4) not less than \$750.00 and not more than \$1,000.00 for a fourth or subsequent violation.

(b) Violations Occurring During Drought Response Stage 2:

- (1) not less than \$500.00 and not more than \$600.00 for a first violation;
- (2) not less than \$600.00 and not more than \$800.00 for a second violation;
- (3) not less than \$800.00 and not more than \$1,000.00 for a third or subsequent violation.

(c) Violations Occurring During Drought Response Stage 3: not less than \$750.00 and not more than \$1,000.00 per day for a first or subsequent violation.

(d) Violations Occurring During Emergency Drought Response Stage 4: not less than \$800.00 and not more than \$1,000.00 for a first or subsequent violation;

2. In addition to the administrative penalties assessed, the Administrative Hearing Officer shall order a Violator found liable to pay the costs set forth in Section 1.15.017(A)(2).

E. Penalty Consideration Factors. In determining the amount of penalty to be assessed within allowed ranges, the Administrative Hearing Officer should consider the following factors:

1. the nature of the violation;
2. the gravity of the violation;
3. any actions taken by the Violator to correct the violation;
4. any previous violations committed by the Violator;
5. actual costs of repairs incurred by the City to cure the violation (supported by documentation);
6. any other relevant information.

F. Payment Due Date.

1. **General.** For Administrative Orders finding a Violator liable, the Administrative Order shall include a specific due date for payment of the assessed penalties and costs, which due date shall not be longer than thirty (30) days from the date of the Administrative Order.

2. **Option for Certain Violations.** A Violator who admits liability or is found liable for a violation described Chapter 13.15 (*Water Utility Services*) or 13.16 (*Drought Contingency Plan*) may request the Administrative Hearing Officer to include a provision in the Administrative Order allowing the Violator to pay the applicable penalty and costs as charge added to the Violator's next monthly utility statement.