

ORDINANCE NO. 2025-08

AN ORDINANCE AMENDING THE CITY OF BOERNE, TEXAS, CODE OF ORDINANCES, CHAPTER 22, UTILITIES, AMENDING ARTICLE II. WATER SYSTEM, SEC. 22-55. CRITERIA FOR INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES (EXCEPT WHEN A CRITICAL WATER SHORTAGE EXISTS); SEC. 22-56. DROUGHT RESPONSE STAGES

WHEREAS, it becomes necessary from time to time to make certain changes in ordinances of the City of Boerne, Texas;

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

that the Code of Ordinances, City of Boerne, Texas, Chapter 22, Utilities, Section 22-55. Criteria for initiation and termination of drought response stages (except when a critical water shortage exists); Section 22-56. Drought responses stages:

ARTICLE II. WATER SYSTEM

DIVISION 2. CONSERVATION AND EMERGENCY DROUGHT MANAGEMENT.

Sec. 22-55. Criteria for initiation and termination of drought response stages (except when a critical water shortage exists).

(a) Upon determination that a critical water shortage exists or is imminent as described in section 22-53, or other pertinent conditions indicate that implementation criteria have been met, the utilities director shall report the condition of the water supply to the city manager.

(b) The city manager shall report the water supply conditions to the city council within three (3) days (seventy-two (72) hours) of consultation with the utilities director.

(c) Upon consultation with the mayor and utilities director on water supply conditions, storage and production restraints, the city manager shall determine the implementation date of Stage I and all consequent water use restrictions. Thereafter, each subsequent stage shall take effect after determination by the city manager that the new implementation conditions have been reached and with at least twenty-four (24) hours public notice of the change.

(d) The city manager may terminate emergency water use restrictions or water stage restrictions, when conditions warrant such termination. Public notice of such termination, giving the effective date and listing the restrictions being terminated, shall be posted electronically, if feasible, and in the usual physical location for posting of public notices.

(e) No person, corporation or other entity including, without limitation, any customer utilizing water provided by the city (including reclaimed water) shall knowingly make, cause, use or permit the use of water received from the city for residential, commercial, industrial, agricultural, governmental or any other purpose in a manner contrary to any provision of this ordinance. There shall be four (4) designated stages which incorporate progressive water use restrictions intended to curb non-essential water use to both lower overall water consumption as well as minimize peak demand for water production.

(1) Stage 1 – Mandatory conservation measures with the desired result of a fifteen (15) percent reduction in overall water consumption.

(2) Stage 2 – Mandatory conservation measures with the desired result of a twenty-five (25) percent reduction in overall water consumption.

(3) Stage 3 - Mandatory conservation measures with the desired result of a thirty-five (35) percent reduction in overall water consumption.

(4) Stage 4 - Mandatory conservation measures with the desired result of a forty-five (45) percent reduction in overall water consumption.

(f) The city manager may initiate and terminate emergency water use restrictions on reclaimed water use as a response to limitations on production and/or supply, including implementation of drought response stages shown in section 22-56.

(g) Water Production Capability and Pumping Capacity

1. Surface Water (Boerne City Lake)- The City can produce up to 1.3 million gallons per day (MGD) with high service pumping capacity of 2,600 GPM in addition to onsite treated water storage of 3.0 MG. Production, storage, as well as weather conditions within the watershed draining to Boerne City Lake are monitored on a daily basis. Factors that can limit production are TCEQ withdrawal limits and drought conditions.

2. Groundwater (Boerne City Wells) – The City's withdrawal permit from Cow Creek Groundwater Conservation District allows up to 1,850-acre feet per year or 1.65 MGD. There are nine (9) active wells with a combined pumping capacity of 1,428 GPM. Production is monitored on a daily basis. Factors that can limit production are curtailments from Cow Creek Groundwater Conservation District, and weather conditions such as drought or freezing temperatures.

3. Purchased Wholesale Water (GBRA Western Canyon Regional Water Supply Project) – The City's contracted allotment with GBRA allows up to 3,611-acre feet per year or 3.22 MGD. Annual allocation is based upon anticipated need. This water source is delivered on a constant flow basis. The onsite treated storage capacity is 1.0 MG with a total pumping capacity of 3,150 GPM. A factor that can limit usage is a curtailment from GBRA.

4. Initiation or advancement of drought stages shall occur when demand exceeds the City's combined production capability for at least five (5) consecutive days, and the City is unable to completely replenish storage over a period of two (2) consecutive days. See Section 22-55(g) for a detailed description of City water production capability and how it is evaluated as to the advancement of drought stages.

5. Termination of drought stages will occur when production capability exceeds demand for at least fourteen (14) consecutive days and when the demand model forecast shows this trend anticipated to continue for at least fourteen (14) more days.

6. Due to the combination of water sources, criteria to trigger advancement of water stages is not mandatory.

i. One or more of the following may trigger Stage 1:

- Water storage levels at Boerne City Lake reach 75% full.
- Cow Creek Groundwater Conservation District curtailment of at least 15%.
- Water storage levels in Canyon Lake Reservoir reach 70% full.

ii. One or more of the following may trigger Stage 2:

- Water storage levels at Boerne City Lake reach 65% full.
- Cow Creek Groundwater Conservation District curtailment of 25%.
- Water storage levels in Canyon Lake Reservoir reach 60% full.

iii. One or more of the following may trigger Stage 3:

- Water storage levels at Boerne City Lake reach 55% full.
- Cow Creek Groundwater Conservation District curtailment of 35%.
- Water storage levels in Canyon Lake Reservoir reach 50% full.

iv. One or more of the following may trigger Stage 4:

- Water storage levels at Boerne City Lake reach 45% full.
- Cow Creek Groundwater Conservation District curtailment of 50%.
- Water storage levels in Canyon Lake Reservoir reach 40% full and GBRA imposes curtailments on the City's contracted allotment.

(h) Curtailment Plan for Contracted Annual Commitment of Water - Guadalupe-Blanco River Authority's (GBRA) Drought Contingency Plan requires wholesale customers with contracted supplies from Canyon Reservoir to submit a curtailment plan to address the following:

- I. **City of Boerne Drought Coordinator:** Utilities Regulatory Services Administrator, 447 N. Main St., Boerne, TX 78006.
- II. **Monthly Distribution of Annual Allotment:** City of Boerne's monthly distribution shall be 1/12 of the annual allotment per month.
- III. **Curtailment Measures:** City of Boerne will not withdraw any water in excess of the contracted raw water reservation or annual commitment amounts as set forth in the February 22, 2000, agreement and subsequent executed amendments between the City and GBRA. In the event, GBRA curtails the delivery of wholesale purchase water from Western Canyon, the City will reduce consumption by enforcing drought restrictions or increasing water production from the City's other three sources of water: wells, surface water and reclaimed water. In addition, the City will also restrict landscape watering with an irrigation system to be limited to once per week or less frequently if necessary. The City will continue to comply with all TCEQ drought management planning requirements.

Sec. 22.56. Drought Response Stages

All of the following Drought Response Stages are mandatory compliance.

(a) *Stage I.*

- (1) Formal public notification by the City Manager or duly authorized representative of an existing or impending water supply, production, or quality concern.

- (2) Request public to initiate water use curtailments.
- (3) Increase efforts to educate the public by disseminating information on such subjects as water saving tips, water saving devices, irrigation practices, etc.
- (4) Irrigation utilizing individual sprinklers or sprinkler systems of lawns, gardens, landscaped areas, trees, shrubs, and other plants is prohibited except on one designated outdoor water use days (see section 22-57 Designated outside water use days) and only then during the non-restricted hours of 12:00 midnight to 11:00 a.m. and 7:00 p.m. to 12:00 midnight. However, this restriction does not apply to the irrigation of commercial nurseries, commercial sod farms, and similarly situated commercial establishments. Said establishments will be requested to curtail all nonessential water use. Irrigation of lawns, gardens, landscaped areas, trees, shrubs, or other plants is permitted at any time if:
 - a. A hand-held hose is used with a manual or automatic shutoff nozzle;
 - b. A hand-held, faucet-filled bucket of five (5) gallons or less is used; or
 - c. A properly functioning drip irrigation system is used.
- (5) Request general curtailment of indoor water use.
- (6) Washing of automobiles, trucks, trailers, recreational vehicles, boats, airplanes and other mobile equipment must be done with a hand-held bucket and hand-held hoses must be equipped with a manual or automatic shutoff nozzle.
- (7) Identify and eliminate defective plumbing in a home, business establishment or any location where water is used on the premises to avoid wasting of any water by such defective plumbing.
- (8) Allowing defective plumbing in a home, business establishment or any location where water is used on the premises is prohibited. Wasting of any water by reason of defective plumbing as hereinabove mentioned is prohibited and shall include the existence of out-of-repair water closets, underground leaks, defective faucets and taps. Allowing water to flow constantly through a tap, hydrant, valve or otherwise by any user of water connected to the City system, shall be considered wasting of water and is prohibited.
- (9) The following uses of water are defined as "waste of water" and are prohibited:
 - a. Allowing water to run off into a gutter, ditch, or drain;
 - b. Failing to repair a controllable leak;
 - c. Applying water to impermeable surfaces; or
 - d. Operating an irrigation system with damaged sprinkler heads
- (10) Any use of water for the purposes or in a manner prohibited in this section shall be deemed to be a waste of water; and any person in whose name a water meter connection is registered in the utilities department (including reclaimed water meters), which water connection serves premises upon which a violation occurs, shall constitute in evidence a prima facie presumption that the person in whose name such water connection is registered was the person who permitted or caused the act of waste charged to occur on the premises.
- (11) The City Manager or his duly authorized representative shall consider permit requests of water users for special consideration to be given due to their respective

particular circumstances and shall review and decide such requests. **These special requests are submitted through a variance permit application with the City's Permitting and Code Compliance Department and are issued for a period of thirty (30) days (following approval), or until the effective date of Stage 4 water restrictions, whichever comes first.**

The City Manager is hereby authorized, in special cases, to grant a permit from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done. Should a permit for special exception be granted, it shall be in effect from the time of granting; provided, that the permit is prominently posted on the premises. Should the City Manager receive written protest after granting of any such permit which indicates the conditions of the permit are not being met, the City Manager or his duly authorized representative may reconsider the permit. After the conclusion of reconsideration, the City Manager shall take such action by way of revocation of such permit, or refusal to revoke the same, or modification of such permit as the City Manager may deem proper under the circumstances.

(12) The City Manager shall update members of the City Council on a regular basis of any water supply, production, quality or system issues.

(b) *Stage II.*

- (1) All of the restrictions of Stage I shall apply in addition to those hereinafter set forth.
- (2) Formal notification of the public by city manager or his duly authorized representative through media notice, social media outlets, message boards, and/or direct contact with all customers.
- (3) Continue public education program set forth in Stage I.
- (4) Irrigation utilizing individual sprinklers or sprinkler systems of lawns, gardens, landscaped areas, trees, shrubs, and other plants is prohibited except on the one designated outdoor water use day (see section 22-57, designated outside water use days) and only then during the non-restricted hours of 7:00 a.m. to 11:00 a.m. and 7:00 p.m. to 11:00 p.m. However, this restriction does not apply to the irrigation of commercial nurseries, commercial sod farms, and similarly situated commercial establishments. Said establishments will be requested to curtail all nonessential water use. Irrigation of lawns, gardens, landscaped areas, trees, shrubs, or other plants is permitted at any time if:
 - a. A hand-held hose is used with a manual or automatic shutoff nozzle;
 - b. A hand-held, faucet-filled bucket of five (5) gallons or less is used; or
 - c. A properly functioning drip irrigation system is used.
- (5) Refrain from installation of new or replacement turf grass lawn or other landscape features which require water use.
- (6) Entities operating athletic playing fields must apply for a special use permit to allow irrigation on more than the one (1) designated water use day. The permit must be reviewed and approved by the city manager or designee. The entity must file a conservation plan and satisfy the "Guidelines for Athletic Field Variance on Water Restrictions" (Exhibit A). All reclaimed, rain catchment or

condensate water systems will be used as a first source of water for irrigation if feasible.

- (7) The use of water for dust control is prohibited other than from reclaimed water sources.
- (8) The refilling or adding of water to swimming and/or wading pools is prohibited except on the one (1) designated outdoor water use day during the non-restricted hours of 7:00 a.m. to 11:00 a.m. and 7:00 p.m. to 11:00 p.m. However, this restriction does not apply to public swimming pools which must be maintained pursuant to health regulations.

(c) *Stage III.*

- (1) All of the restrictions of Stages I and II shall apply in addition to those hereafter set forth.
- (2) Irrigation utilizing individual sprinklers or sprinkler systems of lawns, gardens, landscaped areas, trees, shrubs, and other plants is prohibited except every other week beginning on the first Monday after Stage III has been declared on the designated outdoor water use day (see section 22-57, designated outside water use day) and only then during the non-restricted hours of 7:00 a.m. to 11:00 a.m. and 7:00 p.m. to 11:00 p.m. However, this restriction does not apply to the irrigation of commercial nurseries, commercial sod farms, and similarly situated commercial establishments. Said establishments will be requested to curtail all nonessential water use. Irrigation of lawns, gardens, landscaped areas, trees, shrubs, or other plants is permitted on any day between the hours of 7:00 a.m. to 11 a.m. and 7:00 p.m. to 11:00 p.m. if:
 - a. A hand-held hose is used with a manual or automatic shutoff nozzle;
 - b. A hand-held, faucet-filled bucket of five (5) gallons or less is used; or
 - c. A properly functioning drip irrigation system is used.
- (3) Request the discontinued operation of all ornamental fountains, water-falls, and similar amenities drawing water from city supply, except for those fountains/structures with a re-circulating system.
- (4) Curtail all nonessential public and governmental water uses such as City vehicle washing and street cleaning.
- (5) Commercial nurseries, commercial sod farms and other similar establishments must curtail all nonessential water use and shall use only hand held hoses, drip irrigation systems or hand held buckets.
- (6) All restaurants are prohibited from serving water to their customers except when specifically requested by the customer.
- (7) Work with large commercial water customers to develop and implement individual water conservation plans.

(d) *Stage IV.*

- (1) All restrictions of Stages I, II and III shall apply in addition to those hereinafter set forth.

- (2) All variances granted by the city manager under Stage II and III shall become null and void upon implementation of Stage IV and no new permits shall be granted.
- (3) The sprinkling or watering of lawns is prohibited. The city manager or designee may authorize the watering of trees, shrubbery, annual, biennial or perennial plants, vines, gardens, vegetables and flowers through the means of a hand-held hose equipped with a positive shutoff nozzle, properly functioning drip irrigation or a hand-held bucket or watering can. When authorized, such watering shall be done only between the non-restricted hours of 7:00 a.m. to 11:00 a.m. and 7:00 p.m. to 11:00 p.m. on the one (1) designated outside water use day as specified in section 22-57, stage III. Commercial nurseries shall be exempted from this prohibition and shall be permitted to water nursery stock by means of a hand-held hose equipped with a positive shut-off nozzle, drip irrigation or hand-held bucket or watering can on any day during the non-restricted hours of 7:00 p.m. and 11:00 a.m.
- (4) Vehicle washing allowed only at commercial or automatic car wash establishments which utilize water recycling systems.
- (5) Commercial or automatic car wash establishments shall use minimum practical water settings.
- (6) Washing sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas, except to alleviate immediate health or fire hazards are prohibited.
- (7) The washing of building exteriors is prohibited, except in the interest of public health.
- (8) The draining and filling of public swimming pools not equipped with filtration and re-circulation equipment is prohibited; said pools shall be closed.
- (9) The operation of any ornamental fountain or similar structure is prohibited.
- (10) The following water uses are hereby determined to be nonessential and are prohibited:
 - a. The use of water for the expansion of commercial nursery facilities.
 - b. The use of water for scenic and recreational ponds and lakes (except for the minimum amount required to support aquatic life) or for the filling of swimming pools or spas (except where the pool is required by a medical doctor's prescription).
 - c. The use of water to put new agricultural land into production.
 - d. The use of water for new planting or landscaping.
- (11) A drought surcharge, at the rate of five dollars (\$5.00) per one thousand (1,000) gallons for residential water used in excess of ten thousand (10,000) gallons per billing cycle, shall be implemented. The city council of Boerne may implement other surcharges to ensure compliance.

PASSED and APPROVED on this the 24 day of June, 2025.

PASSED, APPROVED and ADOPTED on this the ___ day of _____, 2025.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney