

The Water Commission will meet in a regular session on Tuesday, March 18, 2025, at 6:00 PM in the City Council Chambers, 9400 Municipal Parkway, Garden Ridge, Texas. This is an open meeting, open to the public, subject to the Open Meetings Law of the State of Texas, and as required by law, notice is hereby posted providing time, place, date, and agenda thereof. The meeting facility is wheelchair accessible and accessible parking spaces are provided. Requests for accommodations or interpretative services must be made to the City Secretary 48 hours prior to this meeting.

1. Call to Order/Roll Call

2. Pledge of Allegiance

3. Citizen Comment Period - limited to 30 minutes total

Rules for Citizens' Participation: The Commission welcomes citizen participation and comments at all Commission Meetings. The Commission offers citizens the opportunity to address them by signing up to speak prior to the meeting. If you speak, you must follow these guidelines:

a) Respect and courtesy:

1. Direct your comments to the entire Commission, not to an individual member, nor to the audience.
2. Show the Commission the same respect that you would like to be shown.
3. End your speaking at the time allotted below.

b) Speaking:

1. First citizen comment period

- 1.1. You are required to sign up to speak and you are limited to one 3-minute period.

2. Second citizen comment period

- 2.1. You are not required to sign up and you are limited to one 2-minute period.

3. State your name and address before your comments begin.

4. You are only allowed to speak once per topic, unless also speaking during a posted Public Hearing.

NOTE: The Texas Open Meetings Act permits a member of the public or a member of the governmental body to raise a subject that has not been included in the notice for the meeting. However, any discussion of the subject must be limited to a proposal to place the subject on the agenda for a future meeting and any response to a question posed to the City Council is limited to either a statement of specific factual information or a recitation of existing policy. TEX. GOV'T CODE § 551.042.

4. Business Items

The following items are for discussion, consideration, and/or action.

a. Approvals

1. Approval of Minutes for February 18, 2025, Water Commission Regular Meeting.

b. Discussions/Reports/Updates

1. Utility Department Monthly Activity Report.

- i. Water Pumping/usage from City wells, Water system infrastructure maintenance, repairs and/or projects, and Water and/or Drought Management (current Watering Stage).

2. Items applicable to the Water Commission discussed at City Council Meetings.
3. Ordinance No. 61-Drought Management Plan.
4. Presentation of Wastewater Tank functions and current use.
- c. Recommendations
 1. Request to appeal water loss adjustment denial for 8914 Comanche Path for the billing period of December 20, 2024 - January 23, 2025.
 - i. Review and make recommendations regarding the appeal.
- d. Future Agenda Items

5. **Citizen Comment Period**

6. **Adjournment**

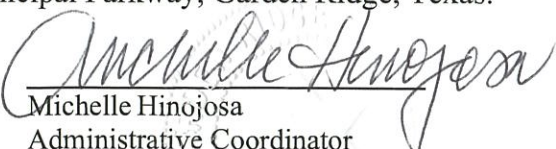
AGENDA NOTICES:

Decorum Required: Any disruptive behavior, including shouting or derogatory statements or comments may be ruled out of order by the Presiding Officer. Continuation of this type of behavior could result in a request by the Presiding Officer that the individual leave the meeting, and if refused, an order of removal.

Action by Commission Authorized: The Commission may vote or act upon any item within this Agenda.

Attendance By Other Elected or Appointed Officials: It is anticipated that members of the City Council, other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the City Council, other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.

This is to certify that I, Michelle Hinojosa, posted this Agenda at 10:50 a.m. on March 11, 2025, on the bulletin board located at the entrance to the Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas.


Michelle Hinojosa
Administrative Coordinator



MINUTES

WATER COMMISSION

REGULAR MEETING

TUESDAY, FEBRUARY 18, 2025 | 6:00 P.M.

Commissioners Present:

Chair William Pohl
Vice-Chair Nathan Dorsey
Commissioner Don Stone
Commissioner Keven Harshbarger
Commissioner Steven Stedman
Commissioner Dr. Richard Carmichael
Mayor Robb Erickson, Ex-Officio

Commissioners Absent:

Commissioner James Mueller

City Staff, City Councilmembers, and Other Commissioners Present:

Marisa Spencer, City Secretary
Michelle Hinojosa, Administrative Coordinator
Sandra Izquierdo, Utility Clerk
Steven Steinmetz, Public Works Director
Jesús Valdez, Jr., City Councilmember

1. Call to Order

With a quorum of the Water Commissioners present, Chair Pohl called the regular meeting of the Garden Ridge Water Commission to order at 6:00 p.m. on Tuesday, February 18, 2025, in the City Council Chambers of the Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas 78266.

2. Roll Call: See above.

3. Pledge of Allegiance

Chair Pohl led the Pledge of Allegiance.

4. Citizen Comment Period

No one signed up to speak.

5. Business Items

The following items are for discussion, consideration, and/or action.

a) Approvals

1. Minutes for November 19, 2024, Water Commission Regular Meeting.

Motion: A motion was made by Commissioner Stedman, seconded by Vice-Chair Dorsey, to approve the Minutes for the November 19, 2024, Water Commission Regular Meeting. The Commission voted five (5) for and none (0) opposed. The motion carried unanimously.

b) Discussions/Reports/Updates

1. Utility Department Monthly Activity Report.

i. Water Pumping/usage from City wells, Water system infrastructure maintenance, repairs and/or projects, and Water and/or Drought Management (current Watering Stage).

Steven Steinmetz, Public Works Director, reviewed the monthly activity report and answered questions from the Commission.



2. Items applicable to the Water Commission discussed at the City Council Regular Meetings.

Chair Pohl provided the Commission with an update on items applicable to the Water Commission discussed at City Council Meetings.

3. Ordinance No. 61-Drought Management Plan.

The Commission discussed Ordinance No. 61-Drought Management Plan.

4. Water Master Plan.

Steven Steinmetz, Public Works Director, updated the Commission regarding the Water Master Plan.

5. Educational Water Conservation/Storm Water Fair.

Michelle Hinojosa, Administrative Coordinator, updated the Commission regarding the Educational Water Conservation/Stormwater Fair.

c) Recommendations

None at this time.

d) Future Agenda Items

1. Commissioners input on agenda items.

Commissioner Dr. Carmichael requested presentation of the Wastewater Tank functions and current use.

2. Announce the date, time, and location for next meeting (Tuesday, March 18, 2025, at 6:00 p.m. at City Hall).

Chair Pohl announced the next Water Commission Regular Meeting will be held on Tuesday, March 18, 2025, at 6:00 p.m. at City Hall in the City Council Chambers.

6. Citizen Comment Period

No one wished to speak.

7. Adjournment

There being no further business, the Tuesday, February 18, 2025, Water Commission Regular Meeting was adjourned at 6:48 p.m. by Chair Pohl.

William Pohl
Chair

ATTEST

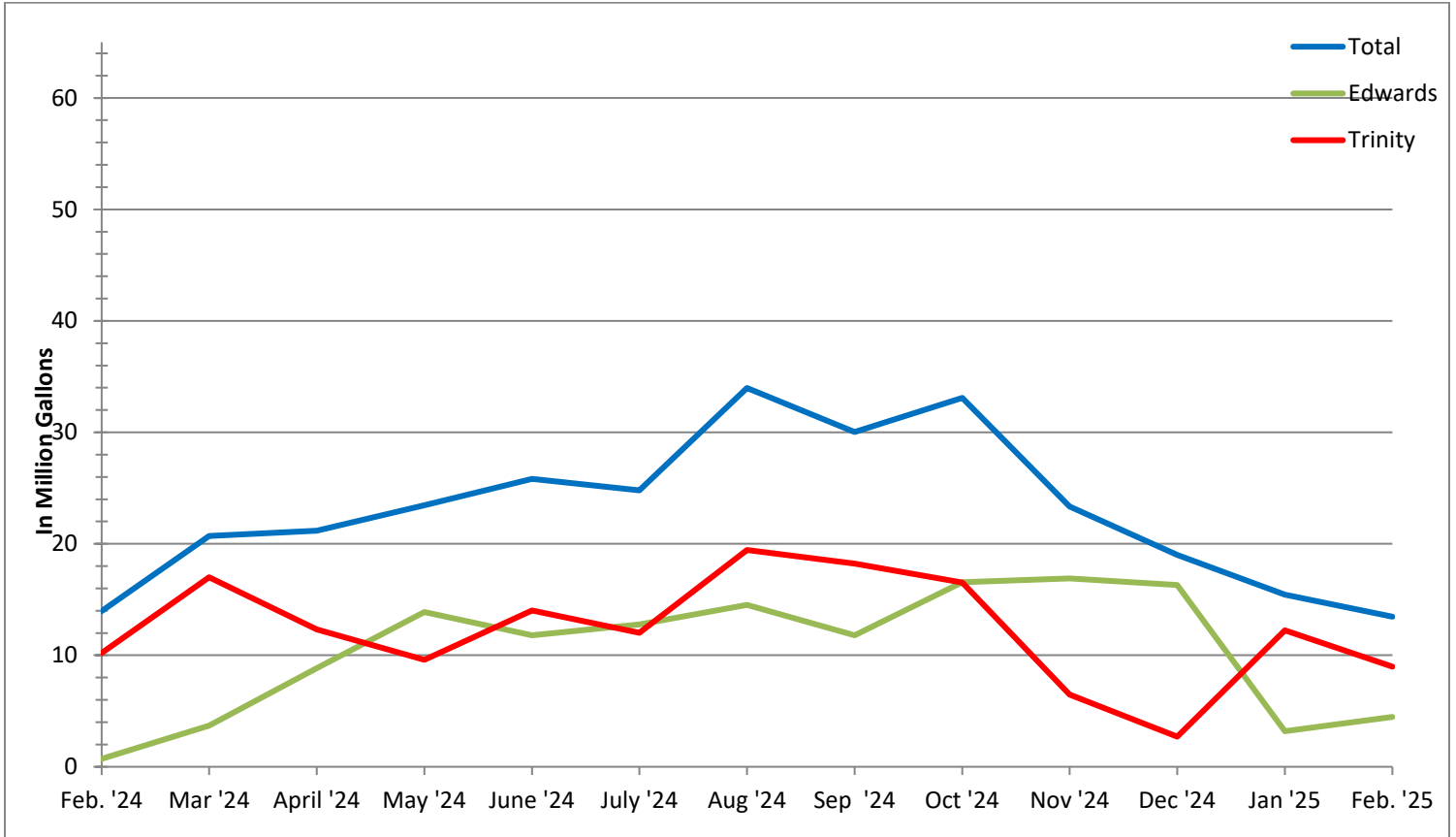
Michelle Hinojosa
Administrative Coordinator



Utilities Department Report

As of February 28, 2025

City of Garden Ridge Aquifer Usage

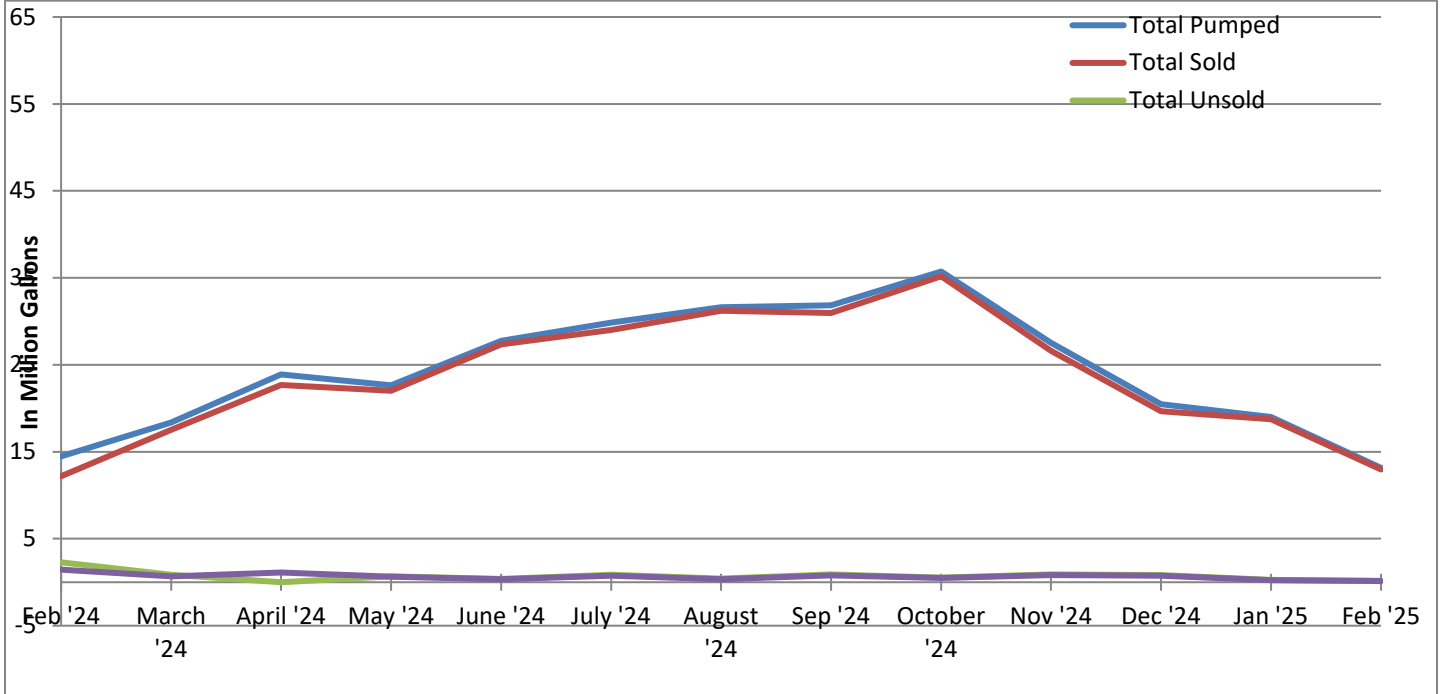


	Month:	Year:	Available:	Stage:
Edwards Well Usage AC/FT:	13.76	23.58	587.46	4
Trinity Well Usage AC/FT:	27.55	65.14	N/A	0

Water Quality

Bacteriological Samples:	Due:	Missed:	Passed:	Failed:
Distribution samples:	6	0	6	0
Chlorine Residual test:	28	0	28	0
Special Samples:	1	0	1	0

2024 – 2025 Pumping Report



	Total Pumped (Thousands)	Total Sold (Thousands)	Total Unsold (Thousands)	Unaccountable Unsold (Thousands)	Unaccountable Unsold %
Feb '24	14,476	12,191	2,285	1,445	10.0%
March '24	18,375	17,527	8,480	679	3.7%
April '24	23,884	22,677	1,207	111	4.6%
May '24	22,660	22,018	692	592	2.9%
June '24	27,746	27,355	391	331	1.2%
July '24	29,853	29,010	843	744	2.5%
August '24	31,637	31,223	404	328	1.0%
September '24	30,972	31,860	888	792	2.5%
Oct '24	35,730	35,186	544	484	1.4%
Nov '24	27,536	26,636	900	813	2.9%
Dec '24	20,478	19,657	821	734	3.6%
Jan '25	19,014	18,175	269	219	1.2%
Feb '25	13,146	12,971	175	135	1.0%
Yearly Average	24,270	23,576	1,377	570	3.0%
Yearly national average					16%

Utilities Department Monthly Activities:

New Installed Meters	0	Work Orders	279
Meter Replacements	2	Locates	73
City Owned Leaks	0	Irrigations Permits Issued	1
Meters Read	1701	Total Rebates	0
Meter Tests	0		0

AMI Information

Total Portal Customers: 891 up 13 from January 25

Meter Daily Readability Percentage: 99.63% for 1,641 assigned meters (current bill cycle)

Main Breaks/City Repairs: 0

Estimated Water Loss (gallons):

Location:

Explanation:

Leak Adjustments

New Requests	0	Waiting for Customer	0	Approved	0	Amount Approved	\$	Denied	1	Sent to Water Commission	0
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Employee Training/certifications

Mark Schick received a Class C Groundwater License

Ruben Macias placed 13 out of 130 in the Equipment Rodeo held by the Texas Public Works Association.

ORDINANCE NO. 61-082022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN RIDGE, TEXAS, ESTABLISHING THE DROUGHT MANAGEMENT PLAN FOR THE CITY OF GARDEN RIDGE; ESTABLISHING TRIGGER POINTS AND DEMAND REDUCTION MEASURES; PROVIDING A VARIANCE PROCEDURE; PROVIDING A PENALTY FOR VIOLATIONS OF THIS ORDINANCE; PROVIDING A CUMULATIVE AND SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Garden Ridge is a Type A, General Law Municipality located in Comal County, Texas; and

WHEREAS, the Edwards Aquifer Authority is a regional authority managing water pumped out of the Edwards Aquifer by the City of Garden Ridge and has set standards for the Emergency Water Use Reduction Program in the region; and

WHEREAS, the City of Garden Ridge uses both water from the Edwards Aquifer and from the Trinity Aquifer to provide water to residents of the City of Garden Ridge as well as persons residing within the Certificate of Convenience and Necessity (CCN) of the City of Garden Ridge; and

WHEREAS, the Trinity Aquifer is currently an unregulated water source; and

WHEREAS, the level of the Trinity well affects the ability of the city to provide unrestricted water sources; and

WHEREAS, pursuant to Chapter 54 of the Local Government Code, the City is authorized to adopt such ordinances necessary to preserve and conserve its water resources; and

WHEREAS, the City Council finds that the proposed revisions promote the health, safety and welfare of the City and Ordinance No. 61 is amended as contained herein.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARDEN RIDGE, TEXAS, THAT:

SECTION 1. FINDINGS.

The findings set out herein are found to be true and correct and are hereby adopted by the City Council and made a part of this Ordinance for all purposes.

SECTION 2. DEFINITIONS.

The following words and terms, when used in this plan, shall have the following meanings unless the context clearly indicates otherwise:

Act is the Act creating the Edwards Aquifer Authority, namely the Edwards Aquifer Authority Act of May 30, 1993, 73rd Leg.R.S. Ch. 626, 1993 Texas General Laws 2353, as amended.

Aesthetic Use is the use of water for fountains, waterfalls, and landscape lakes and ponds where such use is entirely ornamental and serves no other functional purpose.

Agricultural Irrigation means irrigation for the purpose of growing crops commercially for human consumption or to use as feed for livestock or poultry.

Bucket means a bucket or other container holding five gallons or less, used singly by one person.

Connection is a metered or unmetered delivery point to a customer or other receiver of water from an organized water distribution system.

Conservations are those practices, techniques, and technologies that will reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water, or increase the recycling and reuse of water so that a water supply is made available for future or alternative uses.

Demand Reduction Measure is a specific action to be taken by defined categories of users to reduce the pump age demand on the Edwards Aquifer during a drought.

Domestic Type Use is the use of water, other than uses in the outdoor category, for personal needs or for household purposes, such as drinking, bathing, heating, cooking, sanitation or cleaning, whether the use occurs in a residence or in a commercial or industrial facility.

Drought is a period of shortage of precipitation of seasonal or longer duration.

Edwards Aquifer means that portion of an arcuate belt of porous, water-bearing limestones composed of the Edwards Group Limestone and Associated Formations trending from west to east to northeast through Kinney, Uvalde, Medina, Bexar, Comal and Hays Counties.

Hand-Held Hose is a hose physically held by one person, fitted with a manual or automatic shutoff nozzle.

Healthcare Facility is any hospital, clinic, nursing home or other healthcare or medical research facility.

Impervious Surface Area is any structure, or any street, driveway, sidewalk, patio, or other surface area covered with brick, paving, tile or other impervious material.

Industrial Use is the use of water integral to the production of primary goods and services provided by industrial or commercial facilities, Industrial facilities include facilities which perform such process-specific activities as cooling, boiler feed, cleaning and washing, pollution control, extraction and separation of desirable material from products and waste materials and the incorporation of water into final products, Commercial facilities include, but are not limited to, food service facilities, hotels, retail facilities and nursery operations.

Industrial User is an industrial or commercial water user whose use of water is integral to the production of primary goods and services provided by industrial or commercial facilities.

Industrial Well User is an industrial user who owns one or more wells that produce water used for industrial or commercial facilities.

Irrigator is a well owner who uses water to irrigate land for growing commercial crops.

Landscape Watering means the application of water to grow landscaping plants.

Landscape Plant is any member of the plant kingdom, including any tree, shrub, vine, herb, flower, succulent, groundcover or grass species that grows or has been planted out-of-doors and is used for landscaping purposes or for the support of intensive recreational areas such as playgrounds and playing fields.

Livestock is cattle, sheep, goats, hogs, poultry, horses and game, domestic, exotic and other animals and birds, including zoo animals, used for commercial or personal purposes.

Livestock Use is the use of water for drinking by or washing of livestock.

MSL is mean sea level.

Municipality is a city or other governmental unit with the authority to make and enforce ordinances.

Order is a written order of the City Council or Mayor of the City of Garden Ridge, Texas.

Other Outside Use means the use of water outdoors for the maintenance, cleaning and washing of structures and mobile equipment, including automobiles and boats, the washing of streets, driveways, sidewalks, patios and other similar areas.

Person means any individual, firm, entity, corporation, municipal corporation, governmental or proprietary body, including the United States or the State of Texas, or association of persons.

Reduction Goal means the amount of reduction in pumpage volume, expressed in a percentage from baseline pumpage volume for each drought stage.

Reuse is the use by any user of Edwards Aquifer water that has been recycled or reclaimed for any beneficial purpose, after such water has been previously used for any beneficial purpose, whether or not any treatment of such groundwater may be required in connection with such recycling or reclamation.

Stage means one of the five designated drought stages, which may be declared by the City or the Edwards Aquifer Authority.

Supplier is any person who supplies water to customers for residential, commercial, industrial, military or other uses, including a public or private water company, water supply corporation, municipality and water district.

Trigger Conditions means those specific conditions of rainfall amounts, Edwards Aquifer water level elevations, spring discharges and water quality which the Authority will monitor and use as indicators of the occurrence of drought conditions for purposes of declaring the various stages.

Trigger Points are special conditions experienced by the City of Garden Ridge, which authorize the city to initiate Stage 1 through 5 of the City of Garden Ridge Drought Management Plan.

Trinity Aquifer Well is a source of water for the City of Garden Ridge which is located in the Cow-Creek formation of the Trinity Aquifer.

Use for a Beneficial Purpose means water which is used, without regard to priority, for:

- a) agricultural, commercial, domestic, gardening, industrial, manufacturing, mining, municipal, pleasure, recreational, or stock raising purposes; or

- b) exploring for, producing, handling, or treating oil, gas, sulfur, or other materials; or
- c) any other purpose that is useful and beneficial to the user.

User is a person, public or private, who produces, distributes, or uses water from an Edwards Aquifer well or from the Trinity Aquifer well.

Variance is an authorized exception from compliance by the user with any provision of the Rules granted by this Ordinance.

Waste is:

- a) The flowing or producing of groundwater from wells in the Edwards Aquifer or Trinity Aquifer if the water flowing or produced is not used for a beneficial purpose by any user,
- b) The unreasonable loss of groundwater through faulty design or negligent operation of a well or water delivery or application system; or
- c) Using quantities of groundwater for a purpose that otherwise would be considered beneficial in excess of quantities reasonably necessary for that purpose.

Water Utility Use is water used for withdrawal, treatment, transmission, and distribution by potable water systems.

SECTION 3. DEMAND REDUCTION MEASURES.

The demand reduction measures for all water uses for Stages 1, 2, 3, 4, and 5 are set out in Appendix A. For clarification, certain permitted and exempt water uses are listed. Listed below are the trigger points for the various stages of the Drought Management Plan.

TABLE 1	
Reduction Stage	J-17 Well Level
1	660' (10 day rolling average)
2	650' (10 day rolling average)
3	640' (10 day rolling average)
4	630' (10 day rolling average)
5	625' (10 day rolling average)

SECTION 4. EMERGENCY WATER USE REDUCTION.

- a) **Declaration of Emergency Stages:** The Mayor of Garden Ridge is authorized to order, by proclamation, implementation of provisions of Stages 1 through 5 of the City of Garden Ridge Drought Management Plan when the appropriate trigger points as established in this Ordinance are met.

The City of Garden Ridge shall determine when conditions warrant implementation of the Emergency Water Use Reduction Program. The program is implemented when any one of the below Trigger Points is reached. The City of Garden Ridge may advance stages, as needed to effect compliance with pumping limit goals. The various stages may be declared as shown in Appendix A.

b) Trigger Points:

1. Declaration of Stages 1 through 5 by the Edwards Aquifer Authority and/or at the discretion of the Mayor, City of Garden Ridge, based upon consideration of water supplies, pumping trends, seasonal adjustments, current and forecast precipitation, and other relevant factors impacting the City's water supply.
2. The level of the Edwards Aquifer Authority Test Well J-17 reaches a level of Stages 1 through 5 Emergency Water Use Reduction as defined by Edwards Aquifer Authority.
3. When the pumping ability of the Trinity Aquifer well drops to 600 GPM or Draw down level of the well reaches seventy-five (75) feet above the transponder.
4. When the City's pumping capacity is reduced by infrastructure damage or equipment failure.

c) Public Issuance of Drought Stage Declaration: The Declaration of a critical use stage will be publicly issued by the City of Garden Ridge. Such declaration shall be placed on the City sign, distributed through the Garden Ridge Emergency Alert System, posted on the City's website, posted on the City's social media pages, and/or published in the official City newspaper.

d) Restricting the Use of Water:

1. Upon declaration of a critical use stage by the City of Garden Ridge, compliance with the Emergency Water Use Reduction Program demand reduction measures shall be required and compliance with the voluntary measures shall be encouraged.
2. Demand reduction measures are attached as Appendix A and are herein incorporated for all purposes.
3. Upon declaration of a critical use stage by the City of Garden Ridge, the sale of water to a temporary user for use outside the City shall be prohibited. The sale of water to a temporary user for use within the City shall be at the discretion of the Public Works Director.

e) Water Rate Surcharges:

1. Critical Period Surcharges will be implemented in accordance with the following schedule:
 - i. Stage 3: Customers will be charged the current water rate plus a 100% surcharge for use over 40,000 gallons.
 - ii. Stage 4: Customers will be charged the current water rate plus a 200% surcharge for use over 40,000 gallons.
 - iii. Stage 5: Customers will be charged the current water rate plus a 200% surcharge for use over 40,000 gallons.
2. Water rate surcharges will remain in effect only so long as the City is in Stages 3, 4, or 5 of the Drought Management Plan.
3. Water rate surcharges shall coincide with the normal billing cycle of the Garden Ridge Water Department. Surcharges shall be applied to the next billing cycle following the implementation of Stages 3, 4, or 5.
4. Surcharge revenues shall be deposited in the Water Fund and such revenue is to be used for Water Company Operations.

f) End of Emergency Use Restrictions:

1. Trinity Aquifer: The program and/or each stage may be terminated or changed at the discretion of the Mayor, City of Garden Ridge, after the trigger condition of a stage has been exceeded and after considering the 10 day rolling average of the appropriate index well level, pumping trends, current precipitation, and the outlook for additional precipitation.
2. Edwards Aquifer: The program and/or each stage may be terminated or changed upon declaration of the Edwards Aquifer Authority (EAA) and/or at the discretion of the Mayor, City of Garden Ridge.

SECTION 5. PENALTIES.

- a) A person who knowingly or intentionally violates the provisions of this Ordinance shall be deemed guilty of a misdemeanor offense and upon conviction be punished by a fine of not less than ten dollars (\$10.00) and not more than two thousand dollars (\$2,000). Each day's violation constitutes a separate offense. Compliance may also be sought through injunctive relief in the District Court.
- b) No violation, definition, or penalty under this section shall have bearing on any violation, definition, or penalty under any other section of this Ordinance.

SECTION 6. ENFORCEMENT.

- a) **Applicable to Resident and Non-Resident Customers:** The enforcement provisions of this Ordinance shall apply to all persons, customers, and property utilizing water purchased from and provided by the City. For purposes of this Ordinance, it shall be presumed that any person, corporation, or association in whose name a water meter connection is registered with the City of Garden Ridge Water Company, has knowingly made, caused, used, or permitted to use the water received from the City and that use of said water in a manner contrary to the provisions of Ordinance No. 61, or in an amount in excess of the use permitted by the conservation stage in effect, is considered a violation of Ordinance No. 61 by that resident person, non-resident person, corporation, or association. Proof that the particular premises have a water meter connection registered in the name of the defendant named in a complaint issued under the auspices of Ordinance No. 61 shall constitute in evidence a prima facie presumption that the person in whose name such water connection was registered was the person who permitted the illegal use of water to occur on the premises.

SECTION 7. VARIANCES.

- a) **Request For Variance:** A person may file a written request for a variance from these rules with the City of Garden Ridge. The request must contain the following information:
 1. The specific nature of the variance requested; and
 2. A detailed explanation of why the person believes they should be granted the variance, including any supporting documentation; and
 3. A signed statement that the facts contained in the request are true and within the person's personal knowledge.
- b) **Additional Information:** The City of Garden Ridge may request the variance requester to provide additional information, which must be filed within ten (10) calendar days of the request or as otherwise directed in the request.

- c) **When Variance May Be Granted:** A variance may be granted only when the variance is not contrary to the public interest and is in harmony with the general purpose and intent of this Ordinance so that the public health, safety, and welfare may be secured and that substantial justice may be done. The Water Commission shall recommend to City Council a variance from these regulations when, due to special conditions, an undue hardship will result from requiring compliance. The City Council is the final authority on variances. The variance, if granted, would be the minimum necessary relief required to alleviate the undue hardship, with the following considerations:
1. That the requested variance does not violate the intent of the drought regulations; and
 2. That the relief sought will not cause significant harm to any other person or group of persons or result in the City of Garden Ridge being in violation of regulatory requirements; and
 3. That the granting of a variance will be in harmony with the spirit and purpose of these regulations; and
 4. That the hardship is in no way the result of the applicant's own actions.
- d) **Terms and Conditions of the Variance:**
1. The City Council may grant a variance for such a term and in accordance with any conditions they deem appropriate.
 2. It shall be a term of every variance granted by the City Council that the variance may be rescinded based on changed circumstances, new information, or failure of the holder of the variance to abide by the terms and conditions of the variance or to comply with these rules or any other order or rule of the City of Garden Ridge.
 3. The City Council may require a person granted a variance to file reports with the City of Garden Ridge containing such information as the City believes relevant to monitoring the continuing appropriateness of the variance.

SECTION 8. SEVERABILITY.

If any section, paragraph, subdivision, clause, or phrase of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part of any provision thereof other than the part so decided to be invalid or unconstitutional.

SECTION 9. EFFECTIVE DATE.

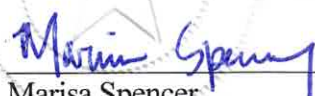
This ordinance shall take effect immediately upon its passage, approval, and publication according to law.

PASSED AND APPROVED ON this 29th day of August, 2022.



Robb Erickson
Mayor

ATTEST:



Marisa Spencer
City Secretary

APPENDIX A
DEMAND REDUCTION MEASURES

Watering by automated irrigation systems is restricted year-round between the hours of 10 am and 8 pm.

STAGE 1

Stage One Alert begins when the Edwards Aquifer Authority Test Well J-17 level reaches **660** feet mean sea level (10 day rolling average) at the monitored well and is declared by the Edwards Aquifer Authority (EAA) and/or at the discretion of the Mayor of the City of Garden Ridge.

1. Water waste is prohibited to include, allowing water to run off onto a gutter, ditch, drain, into the street, or failing to repair a controllable leak.
2. Watering with an irrigation system or sprinkler, permitted only during the hours of 12 a.m. to 10 a.m. and 8 p.m. to 12 a.m.
3. Watering with an irrigation system or sprinkler, permitted only once a week on the designated watering day.

Last Digit of Address	Day
0	Monday
1&2	Tuesday
3&4	Wednesday
5&6	Thursday
7&8	Friday
9	Saturday

Areas without a street address such as medians, neighborhood entryways, or common areas water as if their address ended in a 2.

4. Watering with hand-held hose or drip irrigation permitted any day, any time.
5. Residential, commercial, industrial, and agricultural Edwards Aquifer water users should reduce water consumption by any means available.
6. Washing impervious cover such as parking lots, driveways, streets, or sidewalks is prohibited.
7. Non-commercial washing of vehicles and mobile equipment (e.g. washing vehicles at a residence) is permitted any day at any time over landscape or other surface where run off is minimized and with the use of a hose using an automatic shut-off nozzle or bucket of 5 gallons or less.
8. No building permits will be issued to homeowners or pool contractors for the construction of new swimming pools unless verification is provided that 100% of water for filling of pool will be brought in from a water source outside of the City.

This does not apply to non-potable water, gray water, or treated effluent.

Stage 1 restrictions continue until there is an announcement that Stage 1 has been canceled or that Stage 2 is in effect.

STAGE 2

Stage Two Alert begins when the Edwards Aquifer Authority Test Well J-17 level reaches **650** feet mean sea level (10 day rolling average) at the monitored well and is declared by the Edwards Aquifer Authority (EAA) and/or at the discretion of the Mayor of the City of Garden Ridge.

1. Water waste is prohibited to include, allowing water to run off onto a gutter, ditch, drain, into the street, or failing to repair a controllable leak.
2. Watering with an irrigation system or sprinkler, permitted only once a week on the designated watering day during the hours of 4 a.m. to 8 a.m. and 8 p.m. to 11 p.m.

Last Digit of Address	Day
0	Monday
1&2	Tuesday
3&4	Wednesday
5&6	Thursday
7&8	Friday
9	Saturday

Areas without a street address, such as medians, neighborhood entryways, or common areas water as if their address ended in a 2.

3. Watering with drip irrigation or a 5-gallon bucket permitted during the hours of 4 a.m. to 8 a.m. and 8 p.m. to 11 p.m. any day.
4. Watering with a handheld hose permitted any day, any time.
5. Residential, commercial, industrial, and agricultural Edwards Aquifer water users should reduce water consumption by any means available.
6. Washing impervious cover such as parking lots, driveways, streets, or sidewalks is prohibited.
7. Non-commercial washing of vehicles and mobile equipment (e.g. washing vehicles at a residence) is permitted any day at any time over landscape or other surface where run off is minimized and with the use of a hose using an automatic shut-off nozzle or bucket of 5 gallons or less.
8. No building permits will be issued for the construction of new swimming pools. The City Administrator may grant a variance for the construction of a swimming pool with proof that water for construction and filling of the pool will be brought in from a water source outside of the City.

This does not apply to non-potable water, gray water, or treated effluent.

Stage 2 restrictions continue until there is an announcement that Stage 2 has been canceled or that Stage 3 is in effect.

STAGE 3

Stage Three Alert begins when the Edwards Aquifer Authority Test Well J-17 level reaches **640** feet mean sea level (10 day rolling average) at the monitored well and is declared by the Edwards Aquifer Authority (EAA) and/or at the discretion of the Mayor of the City of Garden Ridge.

1. Water waste is prohibited to include, allowing water to run off onto a gutter, ditch, drain, into the street, or failing to repair a controllable leak.
2. Watering with an irrigation system, soaker hose or sprinkler is permitted every other week beginning on the second Monday after Stage 3 has been declared and only on designated watering day from 4 a.m. to 8 a.m. and 8 p.m. to 11 p.m.

A watering day calendar based upon the last digit of each address will be prepared, distributed, and posted monthly during Stage 3 watering restrictions with the following watering schedule.

Last Digit of Address	Day
0	Monday
1&2	Tuesday
3&4	Wednesday
5&6	Thursday
7&8	Friday
9	Saturday

Areas without a street address, such as medians, neighborhood entryways, or common areas water as if their address ended in a 2.

3. Watering with a drip irrigation or 5-gallon bucket permitted during the hours of 4 a.m. to 8 a.m. and 8 p.m. to 11 p.m. on Monday, Wednesday, and Friday.
4. Watering with a handheld hose permitted any day, any time.
5. Watering newly planted landscapes permitted only with a variance from City Council.
6. Washing cars at home is permitted any day at any time over landscape or other surface where run off is minimized and with the use of hose using automatic shut-off nozzle or bucket of 5 gallons or less. Water runoff from property is prohibited.
7. No person may use groundwater or City provided water for an ornamental outdoor fountain or similar feature.
8. No building permits will be issued for the construction of new swimming pools. The City Administrator may grant a variance for the construction of a swimming pool with proof that water for construction and filling of the pool will be brought in from a water source outside of the City.
9. Water customers subject to a 100% surcharge for use over 40,000 gallons.

This does not apply to non-potable water, gray water, or treated effluent.

Stage 3 restrictions continue until there is an announcement that Stage 3 has been canceled or that Stage 4 is in effect.

STAGE 4

Stage Four Alert begins when the Edwards Aquifer Authority Test Well J-17 level reaches **630** feet mean sea level (10 day rolling average) at the monitored well and is declared by the Edwards Aquifer Authority (EAA) and/or at the discretion of the Mayor of the City of Garden Ridge.

1. All restrictions in Stage 3.
2. Water customers subject to a 200% surcharge for use over 40,000 gallons.
3. The Mayor may establish interim restrictions until the City Council is able to meet to establish additional restrictions.

This does not apply to non-potable water, gray water, or treated effluent.

Stage 4 restrictions continue until there is an announcement that Stage 4 has been canceled or that Stage 5 is in effect.

STAGE 5

Stage Five Alert begins when the Edwards Aquifer Authority Test Well J-17 level reaches **625** feet mean sea level (10 day rolling average) at the monitored well and is declared by the Edwards Aquifer Authority (EAA) and/or at the discretion of the Mayor of the City of Garden Ridge.

1. All restrictions in Stage 4.
2. Conditions as directed by the Mayor and City Council.
3. Use Necessary for Public Health or Safety.
4. Notwithstanding any provision of these rules, groundwater may be used when and to the extent it is necessary to prevent danger to public health, safety, or welfare or to the extent required by State or Federal law.
6. Water customers subject to a 200% surcharge for use over 40,000 gallons.

This does not apply to non-potable water, gray water, or treated effluent.

ORDINANCE NO. 61- MARKED DRAFT

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN RIDGE, TEXAS, ESTABLISHING THE DROUGHT MANAGEMENT PLAN FOR THE CITY OF GARDEN RIDGE; ESTABLISHING TRIGGER POINTS AND DEMAND REDUCTION MEASURES; PROVIDING A VARIANCE PROCEDURE; PROVIDING A PENALTY FOR VIOLATIONS OF THIS ORDINANCE; PROVIDING A CUMULATIVE AND SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Garden Ridge is a Type A, General Law Municipality located in Comal County, Texas; and

WHEREAS, the Edwards Aquifer Authority is a regional authority managing water pumped out of the Edwards Aquifer by the City of Garden Ridge and has set standards for the Emergency Water Use Reduction Program in the region; and

WHEREAS, the City of Garden Ridge uses both water from the Edwards Aquifer and from the Trinity Aquifer and potentially other sources to provide water to residents of the City of Garden Ridge as well as persons residing within the Certificate of Convenience and Necessity (CCN) of the City of Garden Ridge; and

WHEREAS, the Trinity Aquifer is currently an unregulated water source; and

WHEREAS, the level of the Trinity well affects the ability of the city to provide unrestricted water sources; and

WHEREAS, pursuant to Chapter 54 of the Local Government Code, the City is authorized to adopt such ordinances necessary to preserve and conserve its water resources; and

WHEREAS, the City Council finds that the proposed revisions promote the health, safety and welfare of the City and Ordinance No. 61 is amended as contained herein.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARDEN RIDGE, TEXAS, THAT:

SECTION 1. FINDINGS.

The findings set out herein are found to be true and correct and are hereby adopted by the City Council and made a part of this Ordinance for all purposes.

SECTION 2. DEFINITIONS.

The following words and terms, when used in this plan, shall have the following meanings unless the context clearly indicates otherwise:

Act is the Act creating the Edwards Aquifer Authority, namely the Edwards Aquifer Authority Act of May 30, 1993, 73rd Leg.R.S. Ch. 626, 1993 Texas General Laws 2353, as amended.

Aesthetic Use is the use of water for fountains, waterfalls, and landscape lakes and ponds where such use is entirely ornamental and serves no other functional purpose.

Agricultural Irrigation means irrigation for the purpose of growing crops commercially for human consumption or to use as feed for livestock or poultry.

Bucket means a **hand held** bucket or other container **including sprinkling cans** holding five gallons or less, used singly by one person.

Connection is a metered or unmetered delivery point to a customer or other receiver of water from an organized water distribution system.

Conservations are those practices, techniques, and technologies that will reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water, or increase the recycling and reuse of water so that a water supply is made available for future or alternative uses.

Demand Reduction Measure is a specific action to be taken by defined categories of users to reduce the **usage** demand on the Edwards Aquifer, **the Trinity Aquifer or other sources** during a drought.

Domestic Type Use is the use of water, other than uses in the outdoor category, for personal needs or for household purposes, such as drinking, bathing, heating, cooking, sanitation or cleaning, whether the use occurs in a residence or in a commercial or industrial facility.

***Drip irrigation* means an installed irrigation system (drip, porous pipe, etc.) designed to emit water at low pressures directly onto or below the soil surface without airborne streams or droplets.**

Drought is a period of shortage of precipitation of seasonal or longer duration.

Edwards Aquifer means that portion of an arcuate belt of porous, water-bearing limestones composed of the Edwards Group Limestone and Associated Formations trending from west to east to northeast through Kinney, Uvalde, Medina, Bexar, Comal and Hays Counties.

***Emergency Water Use Reduction* means actions taken by the City of Garden Ridge due to a sudden, significant and unpredicted change or failure in water availability, water quality, water demand or water system infrastructure.**

Hand-Held Hose is a hose physically held by one person, fitted with a manual or automatic shutoff nozzle.

Healthcare Facility is any hospital, clinic, nursing home or other healthcare or medical research facility.

Impervious Surface Area is any structure **exterior, or any** street, driveway, sidewalk, patio, or other surface area covered with brick, paving, tile or other impervious material.

Industrial Use is the use of water integral to the production of primary goods and services provided by industrial or commercial facilities, Industrial facilities include facilities which perform such process-specific activities as cooling, boiler feed, cleaning and washing, pollution control, extraction and separation of desirable material from products and waste materials and the incorporation of water into final products, Commercial facilities include, but are not limited to, food service facilities, hotels, retail facilities and nursery operations.

Industrial User is an industrial or commercial water user whose use of water is integral to the production of primary goods and services provided by industrial or commercial facilities.

Industrial Well User is an industrial user who owns one or more wells that produce water used for industrial or commercial facilities.

Irrigator is a well owner who uses water to irrigate land for growing commercial crops.

Landscape Watering means the application of water to grow landscaping plants.

Landscape Plant is any member of the plant kingdom, including any tree, shrub, vine, herb, flower, succulent, ground cover or grass species that grows or has been planted out-of-doors and is used for landscaping purposes or for the support of intensive recreational areas such as playgrounds and playing fields.

Livestock is cattle, sheep, goats, hogs, poultry, horses and game, domestic, exotic and other animals and birds, including zoo animals, used for commercial or personal purposes.

Livestock Use is the use of water for drinking by or washing of livestock.

MSL is mean sea level.

Municipality is a city or other governmental unit with the authority to make and enforce ordinances.

Order is a written order of the City Council or Mayor of the City of Garden Ridge, Texas.

Other Outside Use means the use of water outdoors for the maintenance, cleaning and washing of structures and mobile equipment, including automobiles and boats, the washing of streets, driveways, sidewalks, patios and other similar areas.

Person means any individual, firm, entity, corporation, municipal corporation, governmental or proprietary body, including the United States or the State of Texas, or association of persons.

Pervious surface means any surface which can absorb water or allow it to pass through.

Reduction Goal means the amount of reduction in pumping volume, expressed in a percentage from baseline pumping volume for each drought stage.

Reuse is the use by any user of Edwards Aquifer water that has been recycled or reclaimed for any beneficial purpose, after such water has been previously used for any beneficial purpose, whether or

not any treatment of such groundwater may be required in connection with such recycling or reclamation.

Soaker hose means a portable porous hose that emits water along its entire length based directly onto plants or soil.

Sprinkler means any portable hose connected device that operates unattended to spray water over landscaping.

Stage means one of the five designated drought stages, which may be declared by the City or the Edwards Aquifer Authority.

Supplier is any person who supplies water to customers for residential, commercial, industrial, military or other uses, including a public or private water company, water supply corporation, municipality and water district.

Trigger Conditions means those specific conditions of rainfall amounts, Edwards Aquifer water level elevations, spring discharges and water quality which the Authority will monitor and use as indicators of the occurrence of drought conditions for purposes of declaring the various stages.

Trigger Points are special conditions experienced by the City of Garden Ridge, which authorize the city to initiate Stage 1 through 5 of the City of Garden Ridge Drought Management Plan.

Trinity Aquifer Well is a source of water for the City of Garden Ridge which is located in the Cow-Creek formation of the Trinity Aquifer.

Use for a Beneficial Purpose means water which is used, without regard to priority, for:

- a) agricultural, commercial, domestic, gardening, industrial, manufacturing, mining, municipal, pleasure, recreational, or stock raising purposes; or
- b) exploring for, producing, handling, or treating oil, gas, sulfur, or other materials; or
- c) any other purpose that is useful and beneficial to the user.

User is a person, public or private, who produces, distributes, or uses water from an Edwards Aquifer well or from the Trinity Aquifer well.

Variance is an authorized exception from compliance by the user with any provision of the Rules granted by this Ordinance.

Waste is:

- a) The flowing or producing of groundwater from wells in the Edwards Aquifer or Trinity Aquifer if the water flowing or produced is not used for a beneficial purpose by any user,
- b) The unreasonable loss of groundwater through faulty design or negligent operation of a well or water delivery or application system; or

- c) Using quantities of groundwater for a purpose that otherwise would be considered beneficial in excess of quantities reasonably necessary for that purpose.

Water Utility Use is water used for withdrawal, treatment, transmission, and distribution by potable water systems.

SECTION 3. DEMAND REDUCTION MEASURES.

The demand reduction measures for all water uses for Stages 1, 2, 3, 4, and 5 are set out in Appendix A. For clarification, certain permitted and exempt water uses are listed. Listed below are the **Edwards Aquifer** trigger points for the various stages of the Drought Management Plan. **These and other factors will be considered when implementing a demand reduction measure. The Mayor of Garden Ridge is authorized to order, by proclamation, implementation of demand reduction measures and activation provisions of Stages 1 through 5 of the City of Garden Ridge Drought Management Plan.**

Factors to be considered in implementing demand reduction measures include condition of current water supplies, pumping trends, seasonal adjustments, current and forecast precipitation, and other relevant factors impacting the City's water supply.

TABLE 1	
Reduction Stage	J-17 Well Level
1	660' (10 day rolling average)
2	650' (10 day rolling average)
3	640' (10 day rolling average)
4	630' (10 day rolling average)
5	625' (10 day rolling average)

- a) **Public Issuance of Drought Stage Declaration:** The Declaration of a critical use stage will be publicly issued by the City of Garden Ridge. Such declaration shall be placed on the City sign, distributed through the Garden Ridge Emergency Alert System, posted on the City's website, posted on the City's social media pages, and/or published in the official City newspaper.
- b) **Restricting the Use of Water:**
1. Upon declaration of a critical use stage by the City of Garden Ridge, compliance with the Emergency Water Use Reduction Program demand reduction measures shall be required ~~and compliance with the voluntary measures shall be encouraged.~~
 2. Demand reduction measures are attached as Appendix A and are herein incorporated for all purposes.

3. Upon declaration of a critical use stage by the City of Garden Ridge, the sale of water to a temporary user for use outside the City shall be prohibited. The sale of water to a temporary user for use within the City shall be at the discretion of the Public Works Director.

e) Water Rate Surcharges:

1. Critical Period Surcharges will be implemented in accordance with the following schedule:
 - i. Stage 3: Customers will be charged the current water rate plus a 100% surcharge for use over 40,000 gallons.
 - ii. Stage 4: Customers will be charged the current water rate plus a 200% surcharge for use over 40,000 gallons.
 - iii. Stage 5: Customers will be charged the current water rate plus a 200% surcharge for use over 40,000 gallons.
2. Water rate surcharges will remain in effect only so long as the City is in Stages 3, 4, or 5 of the Drought Management Plan.
3. Water rate surcharges shall coincide with the normal billing cycle of the Garden Ridge Water Department. Surcharges shall be applied to the next billing cycle following the implementation of Stages 3, 4, or 5.
4. Surcharge revenues shall be deposited in the Water Fund and such revenue is to be used for Water Company Operations.

f) Modification of Current Demand Reduction Measures:

The demand reduction measure may be terminated or changed at the discretion of the Mayor of Garden Ridge when the conditions and factors creating the current measure have changed.

1. ~~Trinity Aquifer: The program and/or each stage may be terminated or changed at the discretion of the Mayor, City of Garden Ridge, after the trigger condition of a stage has been exceeded and after considering the 10 day rolling average of the appropriate index well level, pumping trends, current precipitation, and the outlook for additional precipitation.~~
2. ~~Edwards Aquifer: The program and/or each stage may be terminated or changed upon declaration of the Edwards Aquifer Authority (EAA) and/or at the discretion of the Mayor, City of Garden Ridge.~~

SECTION 4. EMERGENCY WATER USE REDUCTION.

~~The Mayor of Garden Ridge is authorized to order, by proclamation, implementation of provisions of Stages 1 through 5 of the City of Garden Ridge Drought Management Plan or~~

~~other measures necessary to respond to an emergency water use reduction. Likewise, the Mayor is authorized to rescind these actions.~~

- a) ~~**Declaration of Emergency Stages:** The Mayor of Garden Ridge is authorized to order, by proclamation, implementation of provisions of Stages 1 through 5 of the City of Garden Ridge Drought Management Plan when the appropriate trigger points as established in this Ordinance are met.~~

~~The City of Garden Ridge shall determine when conditions warrant implementation of the Emergency Water Use Reduction Program. The program is implemented when any one of the below Trigger Points is reached. The City of Garden Ridge may advance stages, as needed to effect compliance with pumping limit goals. The various stages may be declared as shown in Appendix A.~~

- b) ~~Trigger Points:~~
- ~~1. Declaration of Stages 1 through 5 by the Edwards Aquifer Authority and/or at the discretion of the Mayor, City of Garden Ridge, based upon consideration of water supplies, pumping trends, seasonal adjustments, current and forecast precipitation, and other relevant factors impacting the City's water supply.~~
 - ~~2. The level of the Edwards Aquifer Authority Test Well J-17 reaches a level of Stages 1 through 5 Emergency Water Use Reduction as defined by Edwards Aquifer Authority.~~
 - ~~3. When the pumping ability of the Trinity Aquifer well drops to 600 GPM or Draw down level of the well reaches seventy five (75) feet above the transponder.~~
 - ~~4. When the City's pumping capacity is reduced by infrastructure damage or equipment failure.~~
- c) ~~Public Issuance of Drought Stage Declaration: The Declaration of a critical use stage will be publicly issued by the City of Garden Ridge. Such declaration shall be placed on the City sign, distributed through the Garden Ridge Emergency Alert System, posted on the City's website, posted on the City's social media pages, and/or published in the official City newspaper.~~
- d) ~~Restricting the Use of Water:~~
- ~~1. Upon declaration of a critical use stage by the City of Garden Ridge, compliance with the Emergency Water Use Reduction Program demand reduction measures shall be required and compliance with the voluntary measures shall be encouraged.~~
 - ~~2. Demand reduction measures are attached as Appendix A and are herein incorporated for all purposes.~~
 - ~~3. Upon declaration of a critical use stage by the City of Garden Ridge, the sale of water to a temporary user for use outside the City shall be prohibited. The sale of water to a temporary user for use within the City shall be at the discretion of the Public Works Director.~~

e) ~~Water Rate Surcharges:~~

1. ~~Critical Period Surcharges will be implemented in accordance with the following schedule:~~
 - i. ~~Stage 3: Customers will be charged the current water rate plus a 100% surcharge for use over 40,000 gallons.~~
 - ii. ~~Stage 4: Customers will be charged the current water rate plus a 200% surcharge for use over 40,000 gallons.~~
 - iii. ~~Stage 5: Customers will be charged the current water rate plus a 200% surcharge for use over 40,000 gallons.~~
2. ~~Water rate surcharges will remain in effect only so long as the City is in Stages 3, 4, or 5 of the Drought Management Plan.~~
3. ~~Water rate surcharges shall coincide with the normal billing cycle of the Garden Ridge Water Department. Surcharges shall be applied to the next billing cycle following the implementation of Stages 3, 4, or 5.~~
4. ~~Surcharge revenues shall be deposited in the Water Fund and such revenue is to be used for Water Company Operations.~~

f) ~~End of Emergency Use Restrictions:~~

1. ~~Trinity Aquifer: The program and/or each stage may be terminated or changed at the discretion of the Mayor, City of Garden Ridge, after the trigger condition of a stage has been exceeded and after considering the 10 day rolling average of the appropriate index well level, pumping trends, current precipitation, and the outlook for additional precipitation.~~
2. ~~Edwards Aquifer: The program and/or each stage may be terminated or changed upon declaration of the Edwards Aquifer Authority (EAA) and/or at the discretion of the Mayor, City of Garden Ridge.~~

SECTION 4. EMERGENCY WATER USE REDUCTION.

The Mayor of Garden Ridge is authorized to order, by proclamation, implementation of provisions of Stages 1 through 5 of the City of Garden Ridge Drought Management Plan or other measures necessary to respond to an emergency water use reduction. Likewise, the Mayor is authorized to rescind these actions.

SECTION 5. PENALTIES.

- a) A person who knowingly or intentionally violates the provisions of this Ordinance shall be deemed guilty of a misdemeanor offense and upon conviction be punished by a fine of not less than ten dollars (\$10.00) and not more than two thousand dollars (\$2,000). Each day's violation constitutes a separate offense. Compliance may also be sought through injunctive relief in the District Court.

- b) No violation, definition, or penalty under this section shall have bearing on any violation, definition, or penalty under any other section of this Ordinance.

SECTION 6. ENFORCEMENT.

- a) **Applicable to Resident and Non-Resident Customers:** The enforcement provisions of this Ordinance shall apply to all persons, customers, and property utilizing water purchased from and provided by the City. For purposes of this Ordinance, it shall be presumed that any person, corporation, or association in whose name a water meter connection is registered with the City of Garden Ridge Water Company, has knowingly made, caused, used, or permitted to use the water received from the City and that use of said water in a manner contrary to the provisions of Ordinance No. 61, or in an amount in excess of the use permitted by the conservation stage in effect, is considered a violation of Ordinance No. 61 by that resident person, non-resident person, corporation, or association. Proof that the particular premises have a water meter connection registered in the name of the defendant named in a complaint issued under the auspices of Ordinance No. 61 shall constitute in evidence a prima facie presumption that the person in whose name such water connection was registered was the person who permitted the illegal use of water to occur on the premises.

SECTION 7. VARIANCES.

- a) **Request For Variance:** A person may file a written request for a variance from these rules with the City of Garden Ridge. The request must contain the following information:
 - 1. The specific nature of the variance requested; and
 - 2. A detailed explanation of why the person believes they should be granted the variance, including any supporting documentation; and
 - 3. A signed statement that the facts contained in the request are true and within the person's personal knowledge.
 - 4. During Drought Stages 1, 2 and 3, Appendix A provides special variance instructions for the purposes of new landscape planting and washing of impervious surface areas.
- b) **Additional Information:** The City of Garden Ridge may request the variance requester to provide additional information, which must be filed within ten (10) calendar days of the request or as otherwise directed in the request.
- c) **When Variance May Be Granted:** A variance may be granted only when the variance is not contrary to the public interest and is in harmony with the general purpose and intent of this Ordinance so that the public health, safety, and welfare may be secured and that substantial justice may be done. the Water Commission shall recommend to City Council a variance from these regulations when, due to special conditions, an undue hardship will result from requiring compliance. The City Council is the final authority on variances. The variance, if granted, would be the minimum necessary relief required to alleviate the undue hardship, with the following considerations:
 - 1. That the requested variance does not violate the intent, purpose or spirit of the drought regulations; and

City of Garden Ridge

2. That the relief sought will not cause significant harm to any other person or group of persons or result in the City of Garden Ridge being in violation of regulatory requirements; and
3. ~~That the granting of a variance will be in harmony with the spirit and purpose of these regulations; and~~
4. That the hardship is in no way the result of the applicant's own actions.

d) Terms and Conditions of the Variance:

1. The City Council may grant a variance for such a term and in accordance with any conditions they deem appropriate.
2. It shall be a term of every variance granted by the ~~City or~~ City Council that the variance may be rescinded based on changed circumstances, new information, or failure of the holder of the variance to abide by the terms and conditions of the variance or to comply with these rules or any other order or rule of the City of Garden Ridge.
3. The City Council may require a person granted a variance to file reports with the City of Garden Ridge containing such information as the City believes relevant to monitoring the continuing appropriateness of the variance
4. ~~The City Manager shall provide a summary to City Council on the disposition of all variance requests as pending, approved, denied or forwarded for Water Commission recommendation. Details will be provided as requested by City Council.~~

SECTION 8. SEVERABILITY.

If any section, paragraph, subdivision, clause, or phrase of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part of any provision thereof other than the part so decided to be invalid or unconstitutional.

SECTION 9. EFFECTIVE DATE.

This ordinance shall take effect immediately upon its passage, approval, and publication according to law.

PASSED AND APPROVED ON this 29th day of August, 2022.

XXXXXXXXXX

Mayor

ATTEST:

Marisa Spencer
City Secretary

APPENDIX A

DEMAND REDUCTION MEASURES

Unless restricted by specific stage requirements, the following general requirements apply.

Watering by ~~automated~~ an irrigation systems, (defined in Ordinance 159), soaker hose or sprinkler is not permitted ~~year-round~~ between the hours of 10 am and 8 pm.

Watering with an irrigation system, soaker hose or sprinkler, is permitted ~~only once a week~~ as follows on the designated watering day.

Last Digit of Address	Day
0	Monday
1&2	Tuesday
3&4	Wednesday
5&6	Thursday
7&8	Friday
9	Saturday

Areas without a street address such as medians, neighborhood entryways, or common areas water as if their address ended in a 0 or 9.

Watering with a bucket is permitted any day, any time.

Non-commercial washing of vehicles and mobile equipment (e.g. washing vehicles at a residence) is permitted any day at any time. Water must run onto a pervious surface. ~~over landscape or other surface where run off is minimized and with the use of~~ Any hoses used must have an automatic shut-off nozzle. ~~or bucket of 5 gallons or less.~~

Stage requirements do not apply to non-potable water, gray water, or treated effluent.

Wasting water waste is prohibited including but not limited to, allowing water to run off onto a gutter, ditch, drain, into the street, or failing to repair a controllable leak.

STAGE 1

~~Stage One Alert begins when the Edwards Aquifer Authority Test Well J-17 level reaches 660 feet mean sea level (10 day rolling average) at the monitored well and is declared by the Edwards Aquifer Authority (EAA) and/or at the discretion of the Mayor of the City of Garden Ridge.~~

1. Watering with an irrigation system, ~~soaker hose~~ or sprinkler, permitted only ~~once per week on the designated watering day~~ during the hours of 12 a.m. to 10 a.m. and 8 p.m. to 12 a.m.

2. ~~Watering with an irrigation system, soaker hose or sprinkler, permitted only once a week on the designated watering day.~~

Last Digit of Address	Day
0	Monday
1&2	Tuesday
3&4	Wednesday
5&6	Thursday
7&8	Friday
9	Saturday

~~Areas without a street address such as medians, neighborhood entryways, or common areas water as if their address ended in a 2.~~

3. Watering with hand-held hose or drip irrigation ~~is~~ permitted any day, any time.
4. ~~Residential, commercial, industrial, and agricultural Edwards Aquifer water users should reduce water consumption by any means available.~~
5. Washing impervious ~~surfaces such as parking lots, driveways, streets, or sidewalks~~ is prohibited ~~except as approved by special variance described below.~~
6. ~~Non-commercial washing of vehicles and mobile equipment (e.g. washing vehicles at a residence) is permitted any day at any time. Water must run onto a pervious surface. over landscape or other surface where run off is minimized and with the use of A hose must have an automatic shut off nozzle. or bucket of 5 gallons or less.~~
7. ~~No building permits will be issued to homeowners or pool contractors for the construction of new swimming pools unless verification is provided that 100% of water for filling of pool will be brought in from a water source outside of the City.~~

~~This does not apply to non-potable water, gray water, or treated effluent.~~

Stage 1 restrictions continue until there is a announcement that ~~the Stage level has been changed. Stage 1 has been canceled or that Stage 2 is in effect.~~

STAGE 2

~~**Stage Two Alert** begins when the Edwards Aquifer Authority Test Well J-17 level reaches **650** feet mean sea level (10 day rolling average) at the monitored well and is declared by the Edwards Aquifer Authority (EAA) and/or at the discretion of the Mayor of the City of Garden Ridge.~~

1. Watering with an irrigation system, ~~soaker hose~~ or sprinkler, permitted only once a week ~~on the designated watering day~~ during the hours of 4 a.m. to 8 a.m. and 8 p.m. to 11 p.m.

Last Digit of Address	Day
0	Monday
1&2	Tuesday
3&4	Wednesday
5&6	Thursday
7&8	Friday
9	Saturday

~~Areas without a street address, such as medians, neighborhood entryways, or common areas water as if their address ended in a 2.~~

2. ~~Watering with drip irrigation or a 5-gallon bucket permitted during the hours of 4 a.m. to 8 a.m. and 8 p.m. to 11 p.m. any day.~~
3. ~~Watering with a handheld hose or drip irrigation is permitted any day during the hours of 12 a.m. to 10 a.m. and 8 p.m. to 12 a.m.~~
4. ~~Residential, commercial, industrial, and agricultural Edwards Aquifer water users should reduce water consumption by any means available.~~
5. ~~Washing impervious surfaces cover such as parking lots, driveways, streets, or sidewalks is prohibited except as approved by special variance described below..~~
6. ~~Non-commercial washing of vehicles and mobile equipment (e.g. washing vehicles at a residence) is permitted any day at any time. Water must run onto a pervious surface. over landscape or other surface where run off is minimized and with the use of A hose must have an automatic shut-off nozzle. or bucket of 5 gallons or less.~~
7. ~~No building permits will be issued for the construction of new swimming pools. The City Administrator may grant a variance for the construction of a swimming pool with proof that water for construction and filling of the pool will be brought in from a water source outside of the City.~~

~~This does not apply to non-potable water, gray water, or treated effluent.~~

~~Stage 2 restrictions continue until there is an announcement that the Stage level has been changed. that Stage 2 has been canceled or that Stage 3 is in effect.~~

STAGE 3

~~**Stage Three Alert** begins when the Edwards Aquifer Authority Test Well J-17 level reaches 640 feet mean sea level (10 day rolling average) at the monitored well and is declared by the Edwards Aquifer Authority (EAA) and/or at the discretion of the Mayor of the City of Garden Ridge.~~

1. Watering with an irrigation system, soaker hose or sprinkler is permitted every other week beginning on the second Monday after Stage 3 has been declared and only on a designated watering day from 4 a.m. to 8 a.m. and 8 p.m. to 11 p.m.

~~A watering day calendar based upon the last digit of each address will be prepared, distributed, and posted monthly during Stage 3 watering restrictions with the following watering schedule.~~

~~Last Digit of Address Day~~

0	Monday
1&2	Tuesday
3&4	Wednesday
5&6	Thursday
7&8	Friday
9	Saturday

~~Areas without a street address, such as medians, neighborhood entryways, or common areas water as if their address ended in a 2.~~

- ~~2. Watering with a drip irrigation or 5 gallon bucket permitted during the hours of 4 a.m. to 8 a.m. and 8 p.m. to 11 p.m. on Monday, Wednesday, and Friday.~~
- ~~8. Watering with a handheld hose or drip irrigation permitted during the hours of 4 a.m. to 8 a.m. and 8 p.m. to 11 p.m. on Monday, Wednesday, and Friday.~~
- 3.
- ~~4. Washing impervious surfaces cover such as parking lots, driveways, streets, or sidewalks is prohibited~~
- ~~5. Watering newly planted landscapes permitted only with a variance from City Council.~~
- ~~6. Non-commercial washing of vehicles and mobile equipment (e.g. washing vehicles at a residence) is permitted any day at any time. Water must run onto a pervious surface. over landscape or other surface where run off is minimized and with the use of A hose must have an automatic shut off nozzle. or bucket of 5 gallons or less.~~
- ~~7. Aesthetic use of City provided water is not permitted. No person user may use groundwater or City provided water for an ornamental outdoor fountain or similar feature.~~
8. No building permits will be issued for the construction of new swimming pools. Construction and filling of pools with city water may continue for pools permitted during drought stages 1-2. The City Administrator may grant a variance for the construction of a swimming pool with proof that water for construction and filling of the pool will be brought in from a water source outside of the City.
9. Water customers subject to a 100% surcharge for use over 40,000 gallons.

~~This does not apply to non-potable water, gray water, or treated effluent.~~

Stage 3 restrictions continue until there is an announcement that ~~the Stage level has been changed. Stage 3 has been canceled or that Stage 4 is in effect.~~

STAGE 4

~~Stage Four Alert begins when the Edwards Aquifer Authority Test Well J-17 level reaches 630 feet mean sea level (10 day rolling average) at the monitored well and is declared by the Edwards Aquifer Authority (EAA) and/or at the discretion of the Mayor of the City of Garden Ridge.~~

1. All restrictions in Stage 3.
2. ~~No building permits will be issued for the construction of new swimming pools. The City Administrator may grant a variance for the construction of a swimming pool with proof that water for construction and filling of the pool will be brought in from a water source outside of the City.~~
3. Water customers subject to a 200% surcharge for use over 40,000 gallons.
4. The Mayor may establish interim restrictions until the City Council is able to meet to establish additional restrictions.

~~This does not apply to non-potable water, gray water, or treated effluent.~~

Stage 4 restrictions continue until there is an announcement that ~~the Stage level has been changed. Stage 4 has been canceled or that Stage 5 is in effect.~~

STAGE 5

~~Stage Five Alert begins when the Edwards Aquifer Authority Test Well J-17 level reaches 625 feet mean sea level (10 day rolling average) at the monitored well and is declared by the Edwards Aquifer Authority (EAA) and/or at the discretion of the Mayor of the City of Garden Ridge.~~

1. All restrictions in Stage 4.
2. Conditions as directed by the Mayor and City Council.
3. Use Necessary for Public Health or Safety.
4. Notwithstanding any provision of these rules, groundwater may be used when and to the extent it is necessary to prevent danger to public health, safety, or welfare or to the extent required by State or Federal law.
6. Water customers subject to a 200% surcharge for use over 40,000 gallons.

~~This does not apply to non-potable water, gray water, or treated effluent.~~

~~Stage 5 restrictions continue until there is an announcement that the Stage level has been changed. Stage 4 has been canceled or that Stage 5 is in effect.~~

For Stages 1, 2 and 3, the City Manager or their designated representative, following the criteria described below, may directly approve a special variance for the purposes of establishing new landscape plants.

1. From November through March, daily watering with an Irrigation system for up to three (3) weeks is allowed for for the establishment of new landscape plants.

2. The variance request must be completed using the form shown in Appendix B. and be approved prior to start of work. Plant and turf types and ground preparation and other actions must follow the requirements of Ordinance 159 in effect at the time. Work must occur during either the drought stage in effect when the variance was approved or a lower or no drought stage.

3. Watering must follow the daily watering times for the current Drought Stage and usage will be charged at the rates in effect for that stage.

4. In Stage 3, the variance will only permit Irrigation system watering for a maximum of 6,500 square feet.

5. If the special variance is not approved by the city, a person may submit a Variance Request as described in Section 7 of this Ordinance.

For Stages 1 and 2, the City Manager or their designated representative, following the criteria described below, may directly approve a special variance for the purpose of washing impervious surfaces on residential properties. Non-residential properties are excluded from this special variance.

1. The variance request must be completed using the form shown in Appendix B. and be approved prior to start of work. Work must occur during either the drought stage in effect when the variance was approved or a lower or no drought stage.

2. A request may be approved once every 2 years per residence.

3. Runoff must go onto a pervious surface.

4. Usage will be charged at the rates in effect for that stage.

5. If the special variance is not approved by the city, a person may submit a Variance Request as described in Section 7 of this Ordinance.

**APPENDIX B
SPECIAL VARIANCE REQUEST
FOR WATERING NEW LANDSCAPE PLANTING OR WASHING IMPERVIOUS
SURFACES**

Property Owner _____

Property Address _____

Phone Number _____ **Email Address** _____

New Landscaping Planting -

Type of Landscape Planting - If helpful attach drawings or pictures

Approximate total square footage of installed Irrigation System _____

Approximate total square footage of New Landscape Planting _____

Washing Impervious Surfaces -

Type of Washing to be Performed - If helpful attach drawings or pictures

Time Frame for work to be performed _____

Requested date for variance to start _____

Owner signature _____ **Date submitted** _____

City acknowledgment of receipt _____ **Date** _____

City approval - Yes__ No__ Signature _____ **Date** _____

City approved variance Start date _____ **End Date** _____

City comments and additional actions _____

The detailed requirements for this Special Variance Request are contained in Ordinance 61 - Drought Management Plan Appendix A and Ordinance 159 - Landscape and Irrigation System Requirements. Please review these and contact the City if you have questions.

ORDINANCE NO. 61- CLEAN DRAFT

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN RIDGE, TEXAS, ESTABLISHING THE DROUGHT MANAGEMENT PLAN FOR THE CITY OF GARDEN RIDGE; ESTABLISHING TRIGGER POINTS AND DEMAND REDUCTION MEASURES; PROVIDING A VARIANCE PROCEDURE; PROVIDING A PENALTY FOR VIOLATIONS OF THIS ORDINANCE; PROVIDING A CUMULATIVE AND SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Garden Ridge is a Type A, General Law Municipality located in Comal County, Texas; and

WHEREAS, the Edwards Aquifer Authority is a regional authority managing water pumped out of the Edwards Aquifer by the City of Garden Ridge and has set standards for the Emergency Water Use Reduction Program in the region; and

WHEREAS, the City of Garden Ridge uses both water from the Edwards Aquifer and from the Trinity Aquifer and potentially other sources to provide water to residents of the City of Garden Ridge as well as persons residing within the Certificate of Convenience and Necessity (CCN) of the City of Garden Ridge; and

WHEREAS, the Trinity Aquifer is currently an unregulated water source; and

WHEREAS, the level of the Trinity well affects the ability of the city to provide unrestricted water sources; and

WHEREAS, pursuant to Chapter 54 of the Local Government Code, the City is authorized to adopt such ordinances necessary to preserve and conserve its water resources; and

WHEREAS, the City Council finds that the proposed revisions promote the health, safety and welfare of the City and Ordinance No. 61 is amended as contained herein.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARDEN RIDGE, TEXAS, THAT:

SECTION 1. FINDINGS.

The findings set out herein are found to be true and correct and are hereby adopted by the City Council and made a part of this Ordinance for all purposes.

SECTION 2. DEFINITIONS.

The following words and terms, when used in this plan, shall have the following meanings unless the context clearly indicates otherwise:

Act is the Act creating the Edwards Aquifer Authority, namely the Edwards Aquifer Authority Act of May 30, 1993, 73rd Leg.R.S. Ch. 626, 1993 Texas General Laws 2353, as amended.

Aesthetic Use is the use of water for fountains, waterfalls, and landscape lakes and ponds where such use is entirely ornamental and serves no other functional purpose.

Agricultural Irrigation means irrigation for the purpose of growing crops commercially for human consumption or to use as feed for livestock or poultry.

Bucket means a hand held bucket or other container including sprinkling cans holding five gallons or less, used singly by one person.

Connection is a metered or unmetered delivery point to a customer or other receiver of water from an organized water distribution system.

Conservations are those practices, techniques, and technologies that will reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water, or increase the recycling and reuse of water so that a water supply is made available for future or alternative uses.

Demand Reduction Measure is a specific action to be taken by defined categories of users to reduce the usage demand on the Edwards Aquifer, the Trinity Aquifer or other sources during a drought.

Domestic Type Use is the use of water, other than uses in the outdoor category, for personal needs or for household purposes, such as drinking, bathing, heating, cooking, sanitation or cleaning, whether the use occurs in a residence or in a commercial or industrial facility.

Drip irrigation means an installed irrigation system (drip, porous pipe, etc.) designed to emit water at low pressures directly onto or below the soil surface without airborne streams or droplets.

Drought is a period of shortage of precipitation of seasonal or longer duration.

Edwards Aquifer means that portion of an arcuate belt of porous, water-bearing limestones composed of the Edwards Group Limestone and Associated Formations trending from west to east to northeast through Kinney, Uvalde, Medina, Bexar, Comal and Hays Counties.

Emergency Water Use Reduction means actions taken by the City of Garden Ridge due to a sudden, significant and unpredicted change or failure in water availability, water quality, water demand or water system infrastructure.

Hand-Held Hose is a hose physically held by one person, fitted with a manual or automatic shutoff nozzle.

Healthcare Facility is any hospital, clinic, nursing home or other healthcare or medical research facility.

Impervious Surface Area is any structure exterior, ~~or any~~ street, driveway, sidewalk, patio, or other surface area covered with brick, paving, tile or other impervious material.

Industrial Use is the use of water integral to the production of primary goods and services provided by industrial or commercial facilities, Industrial facilities include facilities which perform such process-specific activities as cooling, boiler feed, cleaning and washing, pollution control, extraction and separation of desirable material from products and waste materials and the incorporation of water into final products, Commercial facilities include, but are not limited to, food service facilities, hotels, retail facilities and nursery operations.

Industrial User is an industrial or commercial water user whose use of water is integral to the production of primary goods and services provided by industrial or commercial facilities.

Industrial Well User is an industrial user who owns one or more wells that produce water used for industrial or commercial facilities.

Irrigator is a well owner who uses water to irrigate land for growing commercial crops.

Landscape Watering means the application of water to grow landscaping plants.

Landscape Plant is any member of the plant kingdom, including any tree, shrub, vine, herb, flower, succulent, ground cover or grass species that grows or has been planted out-of-doors and is used for landscaping purposes or for the support of intensive recreational areas such as playgrounds and playing fields.

Livestock is cattle, sheep, goats, hogs, poultry, horses and game, domestic, exotic and other animals and birds, including zoo animals, used for commercial or personal purposes.

Livestock Use is the use of water for drinking by or washing of livestock.

MSL is mean sea level.

Municipality is a city or other governmental unit with the authority to make and enforce ordinances.

Order is a written order of the City Council or Mayor of the City of Garden Ridge, Texas.

Other Outside Use means the use of water outdoors for the maintenance, cleaning and washing of structures and mobile equipment, including automobiles and boats, the washing of streets, driveways, sidewalks, patios and other similar areas.

Person means any individual, firm, entity, corporation, municipal corporation, governmental or proprietary body, including the United States or the State of Texas, or association of persons.

Pervious surface means any surface which can absorb water or allow it to pass through.

Reduction Goal means the amount of reduction in pumping volume, expressed in a percentage from baseline pumping volume for each drought stage.

Reuse is the use by any user of Edwards Aquifer water that has been recycled or reclaimed for any beneficial purpose, after such water has been previously used for any beneficial purpose, whether or

not any treatment of such groundwater may be required in connection with such recycling or reclamation.

Soaker hose means a portable porous hose that emits water along its entire length based directly onto plants or soil.

Sprinkler means any portable hose connected device that operates unattended to spray water over landscaping.

Stage means one of the five designated drought stages, which may be declared by the City or the Edwards Aquifer Authority.

Supplier is any person who supplies water to customers for residential, commercial, industrial, military or other uses, including a public or private water company, water supply corporation, municipality and water district.

Trigger Conditions means those specific conditions of rainfall amounts, Edwards Aquifer water level elevations, spring discharges and water quality which the Authority will monitor and use as indicators of the occurrence of drought conditions for purposes of declaring the various stages.

Trigger Points are special conditions experienced by the City of Garden Ridge, which authorize the city to initiate Stage 1 through 5 of the City of Garden Ridge Drought Management Plan.

Trinity Aquifer Well is a source of water for the City of Garden Ridge which is located in the Cow-Creek formation of the Trinity Aquifer.

Use for a Beneficial Purpose means water which is used, without regard to priority, for:

- a) agricultural, commercial, domestic, gardening, industrial, manufacturing, mining, municipal, pleasure, recreational, or stock raising purposes; or
- b) exploring for, producing, handling, or treating oil, gas, sulfur, or other materials; or
- c) any other purpose that is useful and beneficial to the user.

User is a person, public or private, who produces, distributes, or uses water from an Edwards Aquifer well or from the Trinity Aquifer well.

Variance is an authorized exception from compliance by the user with any provision of the Rules granted by this Ordinance.

Waste is:

- a) The flowing or producing of groundwater from wells in the Edwards Aquifer or Trinity Aquifer if the water flowing or produced is not used for a beneficial purpose by any user,
- b) The unreasonable loss of groundwater through faulty design or negligent operation of a well or water delivery or application system; or

- c) Using quantities of groundwater for a purpose that otherwise would be considered beneficial in excess of quantities reasonably necessary for that purpose.

Water Utility Use is water used for withdrawal, treatment, transmission, and distribution by potable water systems.

SECTION 3. DEMAND REDUCTION MEASURES.

The demand reduction measures for all water uses for Stages 1, 2, 3, 4, and 5 are set out in Appendix A. For clarification, certain permitted and exempt water uses are listed. Listed below are the Edwards Aquifer trigger points for the various stages of the Drought Management Plan. These and other factors will be considered when implementing a demand reduction measure. The Mayor of Garden Ridge is authorized to order, by proclamation, implementation of demand reduction measures and activation provisions of Stages 1 through 5 of the City of Garden Ridge Drought Management Plan.

Factors to be considered in implementing demand reduction measures include condition of current water supplies, pumping trends, seasonal adjustments, current and forecast precipitation, and other relevant factors impacting the City's water supply.

TABLE 1	
Reduction Stage	J-17 Well Level
1	660' (10 day rolling average)
2	650' (10 day rolling average)
3	640' (10 day rolling average)
4	630' (10 day rolling average)
5	625' (10 day rolling average)

- a) **Public Issuance of Drought Stage Declaration:** The Declaration of a critical use stage will be publicly issued by the City of Garden Ridge. Such declaration shall be placed on the City sign, distributed through the Garden Ridge Emergency Alert System, posted on the City's website, posted on the City's social media pages, and/or published in the official City newspaper.
- b) **Restricting the Use of Water:**
1. Upon declaration of a critical use stage by the City of Garden Ridge, compliance with the Emergency Water Use Reduction Program demand reduction measures shall be required.
 2. Demand reduction measures are attached as Appendix A and are herein incorporated for all purposes.

3. Upon declaration of a critical use stage by the City of Garden Ridge, the sale of water to a temporary user for use outside the City shall be prohibited. The sale of water to a temporary user for use within the City shall be at the discretion of the Public Works Director.

e) Water Rate Surcharges:

1. Critical Period Surcharges will be implemented in accordance with the following schedule:
 - i. Stage 3: Customers will be charged the current water rate plus a 100% surcharge for use over 40,000 gallons.
 - ii. Stage 4: Customers will be charged the current water rate plus a 200% surcharge for use over 40,000 gallons.
 - iii. Stage 5: Customers will be charged the current water rate plus a 200% surcharge for use over 40,000 gallons.
2. Water rate surcharges will remain in effect only so long as the City is in Stages 3, 4, or 5 of the Drought Management Plan.
3. Water rate surcharges shall coincide with the normal billing cycle of the Garden Ridge Water Department. Surcharges shall be applied to the next billing cycle following the implementation of Stages 3, 4, or 5.
4. Surcharge revenues shall be deposited in the Water Fund and such revenue is to be used for Water Company Operations.

f) Modification of Current Demand Reduction Measures:

The demand reduction measure may be terminated or changed at the discretion of the Mayor of Garden Ridge when the conditions and factors creating the current measure have changed.

SECTION 4. EMERGENCY WATER USE REDUCTION.

The Mayor of Garden Ridge is authorized to order, by proclamation, implementation of provisions of Stages 1 through 5 of the City of Garden Ridge Drought Management Plan or other measures necessary to respond to an emergency water use reduction. Likewise, the Mayor is authorized to rescind these actions.

SECTION 5. PENALTIES.

- a) A person who knowingly or intentionally violates the provisions of this Ordinance shall be deemed guilty of a misdemeanor offense and upon conviction be punished by a fine of not less than ten dollars (\$10.00) and not more than two thousand dollars (\$2,000). Each day's violation constitutes a separate offense. Compliance may also be sought through injunctive relief in the District Court.

- b) No violation, definition, or penalty under this section shall have bearing on any violation, definition, or penalty under any other section of this Ordinance.

SECTION 6. ENFORCEMENT.

- a) **Applicable to Resident and Non-Resident Customers:** The enforcement provisions of this Ordinance shall apply to all persons, customers, and property utilizing water purchased from and provided by the City. For purposes of this Ordinance, it shall be presumed that any person, corporation, or association in whose name a water meter connection is registered with the City of Garden Ridge Water Company, has knowingly made, caused, used, or permitted to use the water received from the City and that use of said water in a manner contrary to the provisions of Ordinance No. 61, or in an amount in excess of the use permitted by the conservation stage in effect, is considered a violation of Ordinance No. 61 by that resident person, non-resident person, corporation, or association. Proof that the particular premises have a water meter connection registered in the name of the defendant named in a complaint issued under the auspices of Ordinance No. 61 shall constitute in evidence a prima facie presumption that the person in whose name such water connection was registered was the person who permitted the illegal use of water to occur on the premises.

SECTION 7. VARIANCES.

- a) **Request For Variance:** A person may file a written request for a variance from these rules with the City of Garden Ridge. The request must contain the following information:
 - 1. The specific nature of the variance requested; and
 - 2. A detailed explanation of why the person believes they should be granted the variance, including any supporting documentation; and
 - 3. A signed statement that the facts contained in the request are true and within the person's personal knowledge.
 - 4. During Drought Stages 1, 2 and 3, Appendix A provides special variance instructions for the purposes of new landscape planting and washing of impervious surface areas.
- b) **Additional Information:** The City of Garden Ridge may request the variance requester to provide additional information, which must be filed within ten (10) calendar days of the request or as otherwise directed in the request.
- c) **When Variance May Be Granted:** A variance may be granted only when the variance is not contrary to the public interest and is in harmony with the general purpose and intent of this Ordinance so that the public health, safety, and welfare may be secured and that substantial justice may be done. the Water Commission shall recommend to City Council a variance from these regulations when, due to special conditions, an undue hardship will result from requiring compliance. The City Council is the final authority on variances. The variance, if granted, would be the minimum necessary relief required to alleviate the undue hardship, with the following considerations:
 - 1. That the requested variance does not violate the intent, purpose or spirit of the drought regulations; and

2. That the relief sought will not cause significant harm to any other person or group of persons or result in the City of Garden Ridge being in violation of regulatory requirements; and
3. That the hardship is in no way the result of the applicant's own actions.

d) Terms and Conditions of the Variance:

1. The City Council may grant a variance for such a term and in accordance with any conditions they deem appropriate.
2. It shall be a term of every variance granted by the City or City Council that the variance may be rescinded based on changed circumstances, new information, or failure of the holder of the variance to abide by the terms and conditions of the variance or to comply with these rules or any other order or rule of the City of Garden Ridge.
3. The City Council may require a person granted a variance to file reports with the City of Garden Ridge containing such information as the City believes relevant to monitoring the continuing appropriateness of the variance
4. The City Manager shall provide a summary to City Council on the disposition of all variance requests as pending, approved, denied or forwarded for Water Commission recommendation. Details will be provided as requested by City Council.

SECTION 8. SEVERABILITY.

If any section, paragraph, subdivision, clause, or phrase of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part of any provision thereof other than the part so decided to be invalid or unconstitutional.

SECTION 9. EFFECTIVE DATE.

This ordinance shall take effect immediately upon its passage, approval, and publication according to law.

PASSED AND APPROVED ON this 29th day of August, 2022.

XXXXXXXXXX

Mayor

ATTEST:

Marisa Spencer
City Secretary

APPENDIX A DEMAND REDUCTION MEASURES

Unless restricted by specific stage requirements, the following general requirements apply.

Watering by an irrigation systems, (defined in Ordinance 159), soaker hose or sprinkler is not permitted ~~year-round~~ between the hours of 10 am and 8 pm.

Watering with an irrigation system, soaker hose or sprinkler, is permitted ~~only once a week~~ as follows on the designated watering day.

Last Digit of Address	Day
0	Monday
1&2	Tuesday
3&4	Wednesday
5&6	Thursday
7&8	Friday
9	Saturday

Areas without a street address such as medians, neighborhood entryways, or common areas water as if their address ended in a 0 or 9.

Watering with a bucket is permitted any day, any time.

Non-commercial washing of vehicles and mobile equipment (e.g. washing vehicles at a residence) is permitted any day at any time. Water must run onto a pervious surface. Any hoses used must have an automatic shut-off nozzle.

Stage requirements do not apply to non-potable water, gray water, or treated effluent.

Wasting water waste is prohibited including but not limited to, allowing water to run off onto a gutter, ditch, drain, into the street, or failing to repair a controllable leak.

STAGE 1

1. Watering with an irrigation system, soaker hose or sprinkler, permitted only once per week on the designated watering day during the hours of 12 a.m. to 10 a.m. and 8 p.m. to 12 a.m.
2. Watering with hand-held hose or drip irrigation is permitted any day, any time.
3. Washing impervious surfaces is prohibited except as approved by special variance described below.

Stage 1 restrictions continue until there is a announcement that the Stage level has been changed.

STAGE 2

1. Watering with an irrigation system, soaker hose or sprinkler, permitted only once a week on the designated watering day during the hours of 4 a.m. to 8 a.m. and 8 p.m. to 11 p.m.
2. Watering with a handheld hose or drip irrigation is permitted any day during the hours of 12 a.m. to 10 a.m. and 8 p.m. to 12 a.m.
3. Washing impervious surfaces is prohibited except as approved by special variance described below..

Stage 2 restrictions continue until there is an announcement that the Stage level has been changed.

STAGE 3

1. Watering with an irrigation system, soaker hose or sprinkler is permitted every other week beginning on the second Monday after Stage 3 has been declared and only on a designated watering day from 4 a.m. to 8 a.m. and 8 p.m. to 11 p.m.
4. Watering with a handheld hose or drip irrigation permitted during the hours of 4 a.m. to 8 a.m. and 8 p.m. to 11 p.m. on Monday, Wednesday, and Friday.
 - 2.
3. Washing impervious surfaces is prohibited
4. Aesthetic use of City provided water is not permitted.
5. No building permits will be issued for the construction of new swimming pools. Construction and filling of pools with city water may continue for pools permitted during drought stages 1-2. The City Administrator may grant a variance for the construction of a swimming pool with proof that water for construction and filling of the pool will be brought in from a water source outside of the City.
6. Water customers subject to a 100% surcharge for use over 40,000 gallons.

Stage 3 restrictions continue until there is an announcement that the Stage level has been changed.

STAGE 4

1. All restrictions in Stage 3.
2. Water customers subject to a 200% surcharge for use over 40,000 gallons.
3. The Mayor may establish interim restrictions until the City Council is able to meet to establish additional restrictions.

Stage 4 restrictions continue until there is an announcement that the Stage level has been changed.

STAGE 5

1. All restrictions in Stage 4.
2. Conditions as directed by the Mayor and City Council.
3. Use Necessary for Public Health or Safety.
4. Notwithstanding any provision of these rules, groundwater may be used when and to the extent it is necessary to prevent danger to public health, safety, or welfare or to the extent required by State or Federal law.
6. Water customers subject to a 200% surcharge for use over 40,000 gallons.

Stage 5 restrictions continue until there is an announcement that the Stage level has been changed.

Special Variance Instructions

For Stages 1, 2 and 3, the City Manager or their designated representative, following the criteria described below, may directly approve a special variance for the purposes of establishing new landscape plants.

1. From November through March, daily watering with an Irrigation system for up to three (3) weeks is allowed for for the establishment of new landscape plants.
2. The variance request must be completed using the form shown in Appendix B. and be approved prior to start of work. Plant and turf types and ground preparation and other actions must follow the requirements of Ordinance 159 in effect at the time. Work must occur during either the drought stage in effect when the variance was approved or a lower or no drought stage.
3. Watering must follow the daily watering times for the current Drought Stage and usage will be charged at the rates in effect for that stage.

4. In Stage 3, the variance will only permit Irrigation system watering for a maximum of 6,500 square feet.

5. If the special variance is not approved by the city, a person may submit a Variance Request as described in Section 7 of this Ordinance.

For Stages 1 and 2, the City Manager or their designated representative, following the criteria described below, may directly approve a special variance for the purpose of washing impervious surfaces on residential properties. Non-residential properties are excluded from this special variance.

1. The variance request must be completed using the form shown in Appendix B. and be approved prior to start of work. Work must occur during either the drought stage in effect when the variance was approved or a lower or no drought stage.

2. A request may be approved once every 2 years per residence.

3. Runoff must go onto a pervious surface.

4. Usage will be charged at the rates in effect for that stage.

5. If the special variance is not approved by the city, a person may submit a Variance Request as described in Section 7 of this Ordinance.

**APPENDIX B
SPECIAL VARIANCE REQUEST
FOR WATERING NEW LANDSCAPE PLANTING OR WASHING IMPERVIOUS
SURFACES**

Property Owner _____

Property Address _____

Phone Number _____ **Email Address** _____

New Landscaping Planting -

Type of Landscape Planting - If helpful attach drawings or pictures

Approximate total square footage of installed Irrigation System _____

Approximate total square footage of New Landscape Planting _____

Washing Impervious Surfaces -

Type of Washing to be Performed - If helpful attach drawings or pictures

Time Frame for work to be performed _____

Requested date for variance to start _____

Owner signature _____ **Date submitted** _____

City acknowledgment of receipt _____ **Date** _____

City approval - Yes__ No__ Signature _____ **Date** _____

City approved variance Start date _____ **End Date** _____

City comments and additional actions _____

The detailed requirements for this Special Variance Request are contained in Ordinance 61 - Drought Management Plan Appendix A and Ordinance 159 - Landscape and Irrigation System Requirements. Please review these and contact the City if you have questions.

ORDINANCE NO. 159-~~052015~~DRAFT

AN ORDINANCE ESTABLISHING LANDSCAPE AND IRRIGATION SYSTEM REQUIREMENTS FOR RESIDENTIAL AND COMMERCIAL PROPERTIES IN THE CITY OF GARDEN RIDGE FOR THE PURPOSE OF WATER CONSERVATION; PROVIDING FOR VARIANCES AND PROVIDING A PENALTY FOR VIOLATION OF SAID ORDINANCE.

WHEREAS, the City of Garden Ridge is a growing community with limited water sources; and

WHEREAS, one water source from which the city pumps water from is legislatively regulated and therefore over pumping from the water source can result in significant fines and levies; and,

WHEREAS, due to weather conditions in south Texas droughts are common and can result in mandatory drought and water conservation restrictions and rules which limit the amount and times at which water can be used by residents and businesses in the city; and

WHEREAS, lot sizes in Garden Ridge are a minimum of $\frac{3}{4}$ acres and landscape and sprinkler systems consume approximately 50% *or more* of the water metered at residences and businesses in the city and therefore the city has determined that there are means by which this type of water usage can be reduced; and,

WHEREAS, implementing water conservation standards for landscaping and irrigation systems are necessary to preserve and protect the health and safety of the city's residents to ensure an ample water supply for the City of Garden Ridge.

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

Section 1. Definitions.

Ground cover vegetation – means perennial vegetation that spreads along the ground that is adaptive to traffic and requires minimal maintenance and irrigation

Irrigation system - an underground or above ground system of pipes, fittings and sprinkler heads which when in operation dispenses water onto lawns and landscape

Natural state – means an area or areas of a property on which trees, grasses and other vegetation which are native to the area have remained in their natural state

New landscaping plants - means any plant or seed planted in or transplanted to an area within such period of time as to accomplish a reasonable establishment and maintenance of growth. This definition includes the removal and replacement of existing landscape plants and turf grass with new landscape plants or turf. Application of grass seed, mulch, soil top dressing or fertilizer to an existing stand of grass or turf is not considered new landscaping.

State licensed irrigator – an individual licensed by the State of Texas to design and install irrigation systems

Summer Dormancy – means the ability of turf grass to survive without water for a period of sixty consecutive days during the months of May through September

Turf grass - means perennial grasses that are adapted to regular mowing and traffic through management

Variance - means an exception to any provisions of this ordinance

Xeriscape – a landscape consisting of a maximum of fifty percent turf grass, with the remaining percentage of landscape incorporating low water use plants and/or pervious hardscape

Section 2. Drought Tolerant Grasses and Ground Cover.

- a) All lawns for new residential and commercial properties and developments **and as required by c)** must be planted with drought tolerant grasses or other drought tolerant ground cover vegetation that has a period of summer dormancy of sixty consecutive days without water during the months of May through September. Drought Tolerant Lawn Turf Grasses are limited to:

St. Augustine varieties:	Floritam variety only
Bermuda varieties:	Celebration GN1 Tex Turf Tifway 419 Common Grimes EXP Tif Sport
Buffalo varieties:	All varieties
Zoysia varieties:	El Toro Empire Jamur Palisades

~~No more than 13,068 square feet of the pervious ground cover can be irrigated.—~~

- b) Irrigation Limits

No more than 13,068 square feet of the pervious ground cover can be irrigated, regardless of lot size. Irrigation systems installed prior to **May 6, 2015** (date of enactment) are not subject to the 13,068 square feet limitation.

- c) Damaged, ~~or~~ Replacement **or New** Turf

Existing residential or commercial properties may restore or replace turf. Turf damage or replacement not exceeding 50 percent of the **existing turf lawn** area may be replaced with the same turf.

Damaged or replacement turf exceeding 50 percent of the **existing turf lawn** area must be replanted with acceptable drought tolerant grasses as listed in Section 2 (a) above.

d) Turf Grass Soil Support

Under any new or replacement turfgrass, there shall be a minimum of four (4) inches of soil including a minimum of .25 inches of Soil Organic Matter (SOM) laid or equivalent amount blended with the balance of the soil. Enriched topsoil or other enriched and finely screened landscaping material should be applied to meet the total depth and SOM requirement.—

Lawn area does not include any area or areas on a property that been allowed to remain in its native state.

Section 3. Xeriscape Landscape.

- a) New residential and commercial properties and developments must use xeriscape landscaping on all areas of the yard that are not planted in turf. Builders and developers are restricted to offering Xeriscape landscape plans which meet this ordinance. All new residential and commercial developments must incorporate xeriscape landscape requirements into subdivision covenants. Lawn area does not include any area or areas on a property which have been allowed to remain in its native state.
- b) Replacement landscaping on existing residential and commercial properties must incorporate xeriscape landscaping consistent with this ordinance.

Section 4. Irrigation Systems.

- a) Installation, whether by state licensed irrigator or by property owner:
New system, the replacement of existing systems and any extension of any existing system greater than 50 percent of the original system requires approval from the City Water Department prior to beginning installation.
- b) Approval Requirements:
 - 1. A scale (1" to 30') schematic and detailed plan of the proposed installation. Plans must be drawn in ink.
 - 2. All systems must comply with Texas Administrative Code Title 30, Part 1, Chapter 334, Subchapter C, paragraph (h) and this ordinance.
 - 3. Connection of the irrigation system to the water supply must be done by a licensed irrigator and the backflow device inspected by a licensed backflow tester.
 - 4. The plan must be designed according to Texas Administrative Code Title 30, Part 1, Chapter 344, Landscape irrigation, Subchapter F and include complete coverage of the area to be irrigated.
 - 5. The irrigation plan must include, at minimum, the following information:
 - i. The irrigator's seal, signature and date of signing or the property owner's signature and date of signing.
 - ii. All major physical signatures and the boundaries of the area(s) to be watered

- iii. A North arrow
 - iv. A legend
 - v. The zone flow measurement for each zone
 - vi. Location and type of controller and rain sensor
 - vii. Location, type and size of each
 - a. Water source, such as but not limited to, a water meter and point(s) of connection
 - b. Backflow prevention device
 - 1. Must be a minimum of 1" or size of meter if larger
 - c. Water emission device including, but not limited to, spray heads, rotary sprinkler heads, quick-couplers, bubblers, drip or micro sprays
 - d. Valves including, but not limited to zone valves, master valves and isolation valves
 - e. Pressure regulation component
 - 1. Must be same size as meter and rated for 15 – 150 psi (not 25 – 75 psi)
 - f. Main line and lateral piping
 - g. The design pressure, which cannot exceed manufacturer's recommendation
- c) The design of all new, refurbished or extensions of existing sprinkler systems should include water conservation features, such as sprinkler heads which emit large drops of water rather than a fine mist, the use of drip irrigation where possible and sprinkler system layouts that limit the impact of wind.
- d) Irrigation systems must comply with any and all other requirements for such systems as regulated through City of Garden Ridge Ordinance numbers 19, 54 and 61.
- e) Completion of Irrigation System
- (1) Upon completion of the irrigation system, there must be a final inspection with the installer, the City Water Department and, if possible, the home owner.
 - (2) The City is to be furnished a copy of the final plan, noting any changes, if any, from the original plan submitted.

Section 5. Gray Water Recycling Systems for Irrigation.

A Gray Water Recycling System MUST be installed per the International Plumbing Code and Texas Administrative Code, Title 30, Part 1, Chapter 285, On-Site Sewage Facilities, Subchapter H, Disposal of Gray Water, Subparagraphs 285.80 and 285.81

Section 6. Rainwater Harvesting.

Rainwater harvesting should follow the guidelines in the Texas Manual on Rainwater Harvesting by the Texas Water Development Board, most current edition.

Section 7. Variance.

A variance to the ordinance is available to any person or entity if they can demonstrate to the City of Garden Ridge City Council after recommendation from the City Water Commission that they possess an alternative plan and seek permitting for an alternative plan that does not meet

the specifications of this ordinance but does have the same conservation impact to the property in question. The determination of what constitutes "the same conservation impact to the property in question" shall be in the sole discretion of the governing body and their determination shall be legislative in nature and final. Such determination of a variance shall be based on the information provided to the Council at the time of the requested variance. All such materials must be provided to the City at least 30 days prior to any requested action by the Commission, and after Commission action, shall be set for City Council consideration at its next meeting. If supplemental information is presented, such application for variance must return to the Commission for action, prior to Council Action.

Section 8. Penalty.

A violation of this ordinance by act, or omission, including the failure to comply with any requirement of this Ordinance shall be considered a Class C misdemeanor and the municipal court shall have jurisdiction over such offense. Any person, firm, or corporation violating any provision of this ordinance shall be fined not less than one-hundred dollars (\$100) and not more than five-hundred dollars (\$500.00) for each offense. Each day such act or omission occurs, and each section of the ordinance violated constitutes a separate and independent offense.

In addition to misdemeanor prosecution, the City may seek civil penalties pursuant to Chapter 54 of the Texas Local Government Code for any violation and obtain injunction, attorney's fees, costs of court and civil penalties of up to either \$1,000 per day or \$5,000 per day as provided by State Law. Civil penalties are cumulative to criminal penalties.

Section 9. Severability.

If any section, paragraph, subdivision, clause or phrase of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part of any provision thereof other than the part so decided to be invalid or unconstitutional.

Section 10. Effective Date.

This ordinance shall take effect immediately upon its passage, approval and publication according to law.

PASSED AND APPROVED THIS 6th DAY OF MAY, 2015.

Nadine L. Knaus, Mayor

ATTEST:

Shelley Goodwin, TRMC
City Secretary

Future Agenda Items

Water Commission

April 15, 2025, Regular Meeting

- 14** days before Meeting (04/01/2025) Water Commission and Staff items are due.
- 11** days before Meeting (04/04/2025) Water Commission Chair reviews agenda.
- 7** days before Meeting (04/08/2025) Post agenda on bulletin board. Water Commission receives packet (allowing a day for corrections/request additional information be added)
- 5** days before Meeting (04/10/2025) Post agenda packet to City Website.
- 4** days before Meeting (04/11/2025) (72 hours) – Local Government Code requirement for posting

City Council = Red
 Planning & Zoning = Green
 Water Commission = Blue
 Municipal Court = Dark Gray
 City Holiday = Orange
 City Event = Yellow

Sun	Mon	Tues	Wed	Thur	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

May 20, 2025, Regular Meeting

- 14** days before Meeting (05/06/2025) Water Commission and Staff items are due.
- 11** days before Meeting (05/09/2025) Water Commission Chair reviews agenda.
- 7** days before Meeting (05/13/2025) Post agenda on bulletin board. Water Commission receives packet (allowing a day for corrections/request additional information be added)
- 5** days before Meeting (05/15/2025) Post agenda packet to City Website.
- 4** days before Meeting (05/16/2025) (72 hours) – Local Government Code requirement for posting

City Council = Red
 Planning & Zoning = Green
 Water Commission = Blue
 Municipal Court = Dark Gray
 City Holiday = Orange
 City Event = Yellow

Sun	Mon	Tues	Wed	Thur	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

PENDING FUTURE AGENDA ITEMS