

ORDINANCE 21-20

AN ORDINANCE OF THE CITY OF KENEDY, TEXAS LIFTING STAGE II WATER RESTRICTIONS AND IMPLEMENTING STAGE I WATER RESTRICTIONS; PROVIDING A REPEALER; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Kenedy, as a general law city, has the authority as provided under the state constitution and statutes to create and adopt a draught contingency plan providing for the conservation and protection of its water supply; and

WHEREAS, on March 9, 2021 the City Council of the City of Kenedy approved and implemented Stage II water restrictions; and

WHEREAS, the City of Kenedy has determined that water levels and water usage permit the lifting of Stage II water restrictions and implementing Stage I water restrictions.

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

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as finding of fact, as if expressly set forth herein.

That The City Council hereby lifts the Stage II water restrictions and implements Stage I water restrictions as attached as Exhibit "A".

2. REPEALER

To the extent reasonably possible, ordinances are to be read together in harmony. However, all ordinances, or parts thereof, that are in conflict or inconsistent with any provisions of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

3. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

4. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage as provided by law.

PASSED AND APPROVED this, the 14th, day of December 2021 by the City Council of the City of Kenedy, Karnes County, Texas;



Joe Baker, Mayor

ATTEST:



Ruby Beaven, City Secretary

EXHIBIT "A"

Table A--Stage I
Restrictions

<i>Stage</i>	<i>Measures For</i>	<i>Scope of Restrictions</i>
I	Essential Services	Fire-fighting and medical uses-no restrictions. Reductions in fire hydrant and sewer line flushing encouraged.
I	Water Utility Use	Water utilities are encouraged to implement voluntary measures, such as improving leak detection surveys and repair programs and stabilizing and equalizing system pressure.
I	Power Production	Water used for power production shall be voluntarily reduced.
I	Military	Compliance with mandatory reduction measures for those uses in the outdoor, essential and utility categories.
I	Agriculture	The escape of irrigation tail water, as that term is commonly used in the agricultural community, is prohibited. Water loss through percolation in transmission canals is prohibited.
I	Live Stock Use	Reduction of water use by any means available is encouraged.
I	Industrial, Commercial, and Other	<p>Reduction of water use by any means available is encouraged. Compliance with the mandatory demand reduction measures is required for those uses in the outdoor category, including landscape watering, swimming pools, hot tubs and similar facilities, golf courses, aesthetic uses such as water features; such restrictions specifically include industrial users, as well as all others.</p> <p>Use of gray water, treated wastewater or reuse water, cooling tower blow down, condensate water is a defense to prosecution. Alternate on-site reclaimed sources may be approved through variance on a case by case basis.</p> <p>If one hundred (100) percent use of treated wastewater (recycled water), reuse water, reclaimed water, gray water, condensate, or cooling tower blow down will be used, signs identifying this property as using recycled or reclaimed water source must be posted on site at a location where the general public can view it.</p>

I	Hotels, Motels, Bed and Breakfasts	Hotels, motels, and B&B's encouraged to voluntarily offer the option of a "no linen/towel change" program.
I	Households	Reduction of water use by any means available is encouraged. Compliance with the mandatory demand reduction measures shall be achieved for those uses in the outdoor category, such as landscape watering, swimming pools, hot tubs, pressure washing and similar facilities.
I	Swimming Pools, Hot Tubs	<p>A. All swimming pools other than public swimming pools must be covered with an effective evaporation cover or screen or evaporation shields covering at least twenty-five (25) percent of the surface of the pool when the pool is not in active use. Active use includes necessary maintenance that requires removal of the cover, screen, or shields. Active use of public, commercial and apartment pools is whenever the pool is not officially closed.</p> <p>B. Auto fill feature turned off.</p>
I	Water Features	<p>Residential: All residential water features are allowed without prohibition.</p> <p>Non-Residential: City of Kenedy may verify the condition of a water feature to determine if it is in good working order.</p> <p>All indoor water features in good working order allowed without prohibition.</p> <p>All water features that meet the definition of Wildlife Habitat water features in good working order allowed without prohibition with basic variance approved by City of Kenedy.</p> <p>All outdoor water features that have a water surface area of less than 1000 square feet prior to Stage I declarations and in good working order with an approved basic variance from City of Kenedy are allowed without prohibition.</p> <p>All water features confirmed by City of Kenedy to be using one hundred (100) percent treated wastewater (recycled water), reuse water, reclaimed water, gray water, condensate, or cooling tower blow down or other on-site reclaim water and in good working order with a basic variance approved by City of Kenedy are</p>

		<p>allowed without prohibition. Signs identifying this property as using recycled or reclaimed water source must be posted on site at a location where the general public can view it.</p> <p>All outdoor water features that do not meet the conditions described in B 1-4 above must have a basic variance and outdoor water feature conservation plan approved by City of Kenedy that includes limiting hours of operation to a maximum of 8 hours of 24 hour period before they are allowed to operate in Stage I or Stage II.</p> <p>Outdoor water features that do not meet the conditions described in B 1-4 and would like to be considered for expanded operated hours from 8 hours in a 24 hour period to 12 hours of operation in a 24 hour period during Stage I and II may apply for an Advanced variance to the City of Kenedy prior to implementation of the extended hours.</p>
I	Pressure or Power Washing	<p>Residential: Residential property owners may personally pressure wash their property without a variance for health and safety or in preparation of maintenance such as for house painting if they perform the work themselves. Water is never allowed to run into the street or otherwise off the property.</p> <p>Non- Residential: Pressure washing of non-residential property allowed for health and safety by a properly registered employee or a pressure washing company. A variance from the City of Kenedy is required prior to work and all conditions of the variance must be followed.</p>
I	Vehicle and Equipment Washing	<p>Citizens are encouraged to wash their vehicles no more than twice a month.</p> <p>Residential: washing of vehicles and mobile equipment (e.g., washing vehicle at a residence) is permitted only on Saturday or Sunday with a pressure washer, hand-held hose equipped with an automatic shut-off nozzle, or bucket of five (5) gallons or less, without waste.</p> <p>Fleet managers are encouraged to only wash those vehicles as is necessary for health and safety.</p> <p>Use of treated wastewater (recycled water), reuse water, reclaimed water, gray water, condensate, or cooling tower blow down is a defense to prosecution and may be used for vehicle washing any day. Alternate on-site reclaimed sources may be approved through</p>

		variance for the City of Kenedy on a case by case basis.
I	Landscape Irrigation for Existing Plants	<p>Landscape watering using sprinkler or irrigation systems is permitted only on designated landscape watering days. For Stage I the following times and associated irrigation methods apply: Irrigation with a hose-end sprinkler or in-ground irrigation system is allowed on the day specified between the hours of 12:00 a.m. to 10:00 a.m. and 8:00 p.m. to midnight. Landscape irrigation with a soaker hose, handheld hose, drip irrigation system or five (5) gallon bucket is allowed at any time on any day.</p> <p>A user may file with City of Kenedy a request for an exception to the designated days and times. The request must include: (1) a statement indicating compelling reasons why the user is unable to meet the specific designated watering times and days; (2) a water conservation plan demonstrating a significant overall reduction of water use, and (3) evidence of having filed with the City of Kenedy the annual irrigation checkup required for properties that are five (5) acres or more and have in-ground irrigation. The water conservation plan must also include proof of irrigation efficiency of sixty (60) percent or greater and demonstrate specific measures to be taken to reduce consumption to meet the reduction goal established for Stage I, II, III, and IV. City of Kenedy may, on a case by case basis, waive the requirements for irrigation efficiency and/or submission of a water conservation plan. Upon the approval of the water conservation plan as set forth herein, the user may be granted an exception. The one hundred (100) percent use of treated wastewater (recycled water), reuse water, reclaimed water, gray water, condensate, or cooling tower blow down is a defense to prosecution and may be used to irrigate any day without waste, which includes allowing water to run down the street, parking lot, or adjacent property. Alternate on-site reclaimed sources may be approved through variance from the City of Kenedy on a case by case basis.</p> <p>If one hundred (100) percent use of treated wastewater (recycled</p>

		<p>water), reuse water, reclaimed water, gray water, condensate, or cooling tower blow down will be used during additional days allowed in identifying this property as using recycled or reclaimed water source must be posted on site at a location where the general public can view it.</p>
I	Landscape Irrigation for New Landscapes	<p>Installation of new landscapes is permitted with a variance which shall only be granted if all applicable provisions including section verified by City of Kenedy, including zonal irrigation systems if a permanent irrigation system is installed, a minimum of four (4) inches of soil under turf, model home with xeriscape and xeriscape option offered by builder on file with City of Kenedy.</p> <p>Landscape watering permitted to maintain adequate growth until established on newly installed landscapes, generally five (5) weeks. Property owners should submit to the City of Kenedy their name, address where the new landscape is to be installed and the date of installation in order to receive a confirmation letter from the City of Kenedy. A copy of the confirmation must be posted at a place visible from the street at the property the variance was received at.</p> <p>Thereafter, landscape watering using sprinkler or irrigation systems for landscaping plants is permitted only on the day and times associated with the current stage in effect at the termination of the variance.</p> <p>The one hundred (100) percent use of gray water, treated wastewater or reuse water, condensate water, cooling tower blow down may be used to irrigate any day between the hours of 8:00 p.m. and 10:00 a.m. without waste, that include allowing water to run down the street, parking lot, or adjacent property. Alternate on-site reclaimed sources may be approved through variance from the City of Kenedy on a case by case basis.</p> <p>If one hundred (100) percent use of treated wastewater (recycled water), reuse water, reclaimed water, gray water, condensate, or cooling tower blow down will be used during additional days allowed in identifying this property as using recycled or reclaimed water</p>

		source must be posted on site at a location where the general public can view it.
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I	Golf Courses	<p>Golf Courses shall be required to submit a water conservation plan and shall have on file with the City of Kenedy the annual irrigation checkup as described and shall be defined as "conforming" or "non-conforming" and shall reduce water usage under the following terms:</p> <ul style="list-style-type: none"> • All landscape out-of-play areas such as may be found around a club house or entryway shall follow general landscape irrigation restrictions. • All in-play areas may be irrigated with a sprinkler or irrigation system between the hours of 12:00 a.m. to 10:00 a.m. and 8:00 p.m. to midnight. <p>Conforming golf courses shall implement a ten (10) percent reduction in the replacement of daily evapotranspiration rate ("ET rate") or soils daily water holding capacity, achieved by use of an existing and properly operating CCIS (as defined) capable of achieving such water conservation goals.</p> <p>A non-conforming golf course shall not use more than 1.8 times the base usage. If not separately metered an irrigation audit showing precipitation rates and run times along with a conservation plan shall be submitted and approved by City of Kenedy for the purpose of establishing acceptable irrigation run times and days as approved by the City of Kenedy.</p> <p>The one hundred (100) percent use of treated wastewater (recycled water), reuse water, reclaimed water, gray water, condensate, or cooling tower blow down, gray water, treated wastewater or reuse water, condensate water, cooling tower blow down is a defense to prosecution and may be used to irrigate any day without waste. Alternate on-site reclaimed sources may be approved through variance from the City of Kenedy on a case by case basis.</p> <p>If one hundred (100) percent use of treated wastewater (recycled water), reuse water, reclaimed water, gray water, condensate, or cooling tower blow down, gray water, treated wastewater or reuse water, condensate water, cooling tower blow will be used during additional days or hours identifying this property as using recycled or reclaimed water source must be posted on site at a location where the general public can view it.</p>
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I	Public Parks	<p>Public park owner/operators shall be required to submit a water conservation plan and have on file with the City of Kenedy an irrigation checkup as required.</p> <p>Public parks shall limit irrigation with an irrigation system to those days and times required.</p> <p>The one hundred (100) percent use of treated wastewater (recycled water), reuse water, reclaimed water, gray water, condensate, or cooling tower blow down is a defense to prosecution and may be used to irrigate any day between the hours of 8:00 pm and 10:00 am without waste, that include allowing water to run down the street, parking lot, or adjacent property. Alternate on-site reclaimed sources may be approved through variance from the City of Kenedy on a case by case basis.</p> <p>If one hundred (100) percent use of treated wastewater (recycled water), reuse water, reclaimed water, gray water, condensate, or cooling tower blow down will be used during additional days allowed in signs identifying this property as using recycled or reclaimed water source must be posted on site at a location where the general public can view it.</p>
I	Athletic Fields	<p>An athletic field shall either irrigate according to a basic plan or an advanced plan. Plans shall be on file and approved by the City of Kenedy in advance of use. The advanced plan showing precipitation rates and run times along with a conservation plan shall be submitted and approved by the City of Kenedy for the purpose of establishing acceptable irrigation run times and days as approved by the City of Kenedy. A basic plan outlines which day of the week (Monday--Friday) which athletic field would be irrigated.</p> <p>All landscape out-of-play areas such as may be found around a clubhouse or entryway shall follow general landscape irrigation restrictions.</p>