

Chapter 34 WATER AND SEWERS*

***Charter references:** Authority of city to acquire and maintain property for water and sewer systems, § 3, par. 13(1), (23); powers with respect to sanitary sewer system, § 3, par. 10; public works department, § 60 et seq.

Cross references: Buildings generally, § 6-1 et seq.; fire prevention, § 11-1 et seq.; flood plains, § 12-1 et seq.; swimming pools, § 15-186 et seq.; standards and specifications for mobile home parks, § 18-61 et seq.; swimming in city parks, § 22-86; fishing in city parks, § 22-101; plumbing, § 24-1 et seq.; streets and sidewalks, § 29-1 et seq.; subdivisions, § 30-1 et seq.; zoning, § 35-1 et seq.

State law references: Authority of home rule cities to enact ordinances more stringent than minimum state standards with respect to water and sewage, Vernon's Ann. Civ. St. art. 4477-1, § 23.

Art. IV. Water Conservation and Reuse, §§ 34-271--34-425

Div. 1. Regulated Activities, §§ 34-271--34-286

Div. 2. Water Waste Enforcement, §§ 34-287--34-300

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ARTICLE IV. WATER CONSERVATION AND REUSE*

***Editor's note:** Ord. No. 80574, § 14, adopted Aug. 4, 1994, repealed former Art.

IV, §§ 34-271--34-283, relative to liquid waste transportation and disposal regulations, which derived from Ord. No. 64987, adopted May 7, 1987; and Ord. No. 69740, adopted June 29, 1989. Said Ord. No. 80574 enacted new provisions regarding similar subject matter which have been included in this chapter as Division 4 of Article V, § 34-511 et seq.

DIVISION 1. REGULATED ACTIVITIES

Sec. 34-271. Definitions.

As used in this article, the following terms shall have the following meanings:

Air conditioning system(s) means a mechanical system generally consisting of a compressor, thermostat and duct work permanently installed in a building for the purpose of controlling humidity and temperature. For the purposes of this division, an air conditioning system does not include window units.

Automatic irrigation controller means a device that automatically activates and deactivates an irrigation system at times selected by the operator.

Blowdown meter means a meter that tracks the amount of water discharged from a cooling tower system.

Commercial dining facility means a business that serves prepared food and beverages to be consumed on the premises.

Concentration means re-circulated water that has elevated levels of total dissolved solids as compared to the original make up water.

Conservation department means the Conservation Department of the San Antonio Water System.

Conductivity controller means a device used to measure the conductivity of total dissolved solids in the water of a cooling system and control the discharge of water in order to maintain efficiency.

Cooling tower means an open water recirculation device that uses fans or natural draft to draw or force air to contact and cool water through the evaporative process.

Director of conservation means the director of the department of conservation of the San Antonio Water System.

Impervious surface means patios, pathways and other areas where firm footing is desired, constructed in such a way that does not allow water to penetrate the ground. Examples include but are not limited to concrete slab patios, sidewalks and driveways, asphalt streets or pavers set with mortar.

Irrigation system means a system with fixed pipes and emitters or heads that apply water to landscape plants or turfgrass, including, but not limited to, in-ground and permanent irrigation systems.

Irrigation system analysis means a zone-by-zone analysis of an irrigation system that, at a minimum, includes a review of the following elements:

- (1) Design appropriateness for current landscape requirements;
- (2) Irrigation spray heads and valves;
- (3) Precipitation rates expressed in inches per hour;
- (4) Annual maintenance plan that includes irrigation system maintenance, landscape maintenance, and a basic summer and winter irrigation scheduling plan.

Large property means a tract of land or several tracts of land managed as a group such as commonly found in neighborhood common areas or medians and street setbacks commonly found associated with commercial development regardless of the number of meters or individual parcel sizes

associated with the property that equals or exceeds five (5) acres in size and has an irrigation system covering all or a portion of the property.

Large use property means any property that uses in 1 million gallons of water or more for irrigation purposes in a single calendar year.

Low-flow toilet means a tank toilet that uses one and sixth-tenths (1.6) gallons or less of water per flush.

Make-up meter means a meter that measures the amount of water entering a cooling tower system.

NPDES/TPDES permit holders means those entities that have valid state or federal permits commonly referred to as NPDES or TPDES [National Pollutant Discharge Elimination System/Texas Pollutant Discharge Elimination System] permits to satisfy requirements of the federal Clean Water Act.

Person means any individual, corporation (including a government corporation), organization, state or federal governmental subdivision or agency, political subdivision of a state, interstate agency or body, business, trust, partnership, limited partnership, association, firm, company, joint stock company, joint venture, commission or any other legal entity.

Pervious hardscape means patios, pathways and other areas where firm footing is desired, constructed in such a way that allows for water to penetrate the ground. Examples include flagstone set in sand and wood plank decks, but exclude concrete slab patios and sidewalks or pavers set with mortar.

Positive shut-off means a valve that is held in a closed position by system pressure until overridden by an outside force.

Power washer means a machine that uses water or a water-based product applied at high pressure to clean impervious surfaces.

Rain sensor means a device designed to stop the flow of water to an automatic irrigation system when rainfall has been detected.

Recycled water means domestic or municipal wastewater which has been treated to a quality suitable for a beneficial use in accordance with applicable law.

Requestor means a customer who requests a variance under this division.

Residential customer means a single or multi-family dwelling unit containing two (2) or fewer family units.

Summer dormancy means the ability of turfgrass to survive without water for a period of sixty (60) consecutive days during the months of May through September. Turfgrass with summer dormancy capabilities approved for use are set forth in the approved low water use plant list. The approved low water use plant list, as may be amended from time to time, shall be available from SAWS and located at www.saws.org/conservation.

Turfgrass means perennial ground cover plants and grasses that are adapted to regular mowing and traffic through management.

Vacuum system means a system, often consisting of a pump, chamber, and tubes, that is used to create a vacuum for any of a variety of purposes, including but not limited to medical, dental and industrial applications.

Variance administrator means staff person in the department of Conservation responsible for administering and hearing variance requests under this division.

Vehicle wash facility. A permanently-located business that washes vehicles with

water or water-based product, including but not limited to self-service car washes, full-service car washes, roll-over/in-bay style car washes, and fleet maintenance wash facilities.

Vehicle wash fundraiser means any special-purpose vehicle wash event for which a fee is charged or donation accepted.

Water flow restrictor means an orifice or other device through which water passes at a restricted rate.

Xeriscape means a landscape consisting of a maximum of fifty (50) percent turfgrass, with the remaining percentage of landscape incorporating low water use plants and/or pervious hardscape. The approved low water use plant list, as may be amended from time to time, shall be available from SAWS and located at www.saws.org/conservation.

Zonal irrigation system means an irrigation system that segregates by station areas of shrubs, ground cover, bedding plants, and turf to accommodate a diversity of watering requirements.

(Ord. No. 100322, § 1(Att. A), 1-20-05)

Sec. 34-272. Activities to be regulated on and after effective dates.

The following activities shall be regulated in the manner set out herein on and after the respective dates indicated in the sections and subsections. A person affected by such regulations may request a variance in the manner set out in section 34-277. A violation of this section and subsections shall be subject to the enforcement provisions set out in section 34-278. It shall be and is hereby declared unlawful for any person to violate, refuse or fail to implement the requirements of this division.

(1) Power washers.

a. Effective January 1, 2006, a person who uses a power washer in any commercial

manner or for compensation shall register with the director of conservation, and obtain a certificate for such use.

b. Exempted from this requirement are persons who use power washers for personal use at their own home and homebuilders who are performing a one-time clean up at a newly constructed house.

c. Holders of NPDES/TPDES permits are deemed certified.

Comment. This comment does not have force of law, but is offered for clarification only. The intent of this registration protocol is to complement and make effective mandates necessary to critical period conservation rules found elsewhere in this Code. The conservation rules in question are intended to prevent water waste under certain circumstances when critical periods are observed. Examples of persons subject to year round registration are those hired, employed or contracted to clean sidewalks, parking lots, commercial/public buildings and other impervious areas associated with commercial or domestic properties; professional painters; businesses using their own in-house power washers such as chain stores, grocery stores, and any other entity, public or private.

(2) Vehicle wash fundraisers. Effective March 1, 2005, any vehicle wash fundraiser shall be conducted at a vehicle wash facility using such facility's equipment. (Ord. No. 100322, § 1(Att. A), 1-20-05)

Sec. 34-273. Activities to be regulated on and after January 1, 2006.

Except as provided by a specific and alternative application date, particularly systems analysis, the following activities shall be regulated in the manner set out herein on and after January 1, 2006. A person affected by such regulations may request a variance in the manner set out in section 34-277. A violation of this section

and subsections shall be subject to the enforcement provisions set out in section 34-278. It shall be and is hereby declared unlawful for any person to violate, refuse or fail to implement the requirements of this division.

(1) Minimum irrigation area and flow direction. Newly installed irrigation systems using pop-up spray or rotor technology shall not be used in landscaped areas which have both:

a. Dimensions less than five (5) feet in length and/or width; and,

b. Impervious pedestrian or vehicular traffic surfaces along two (2) or more perimeters.

Where pop-up sprays and rotor heads are allowed in newly installed irrigation systems, they:

a. Must direct flow away from any adjacent impervious surface; and

b. Shall not be placed within four (4) inches from an impervious surface.

c. Irrigation systems newly installed in single family dwellings may not cover more than 10,000 square feet of landscape with spray or rotor irrigation heads. The use of drip irrigation or micro-sprays may be used to expand the coverage size upon approval of the landscape plan by SAWS.

(2) Annual irrigation system analysis for athletic fields, golf courses, large use and large properties.

a. An annual irrigation system analysis shall be required for all athletic fields, golf courses, large use and large properties and shall be submitted in writing to the San Antonio Water System Conservation Department on or before May 1st of each year. Golf courses, athletic fields, and large properties that meet the definition of large use and large use properties regardless of size including residential properties must have a licensed irrigator sign-off on the annual irrigation system analysis. Golf courses, other than those utilizing recycled water for irrigation in accordance with an agreement with SAWS, shall comply with

residential irrigation requirements on areas other than tee boxes, fairways and greens.

b. Municipal tenants and lessees of golf courses, sports and athletic playing fields, and any other municipally owned properties, shall be responsible for compliance with this section and subsection. The SAWS shall look directly to such tenants and lessees for compliance unless the municipality concedes by contractual agreement with the tenant/lessee to assume the tenant/lessee's responsibility for compliance.

(3) Cooling towers. Effective January 1, 2006:

a. Cooling towers, not utilizing recycled water, shall operate a minimum of four (4) cycles of **concentration**.

b. Newly constructed cooling towers shall be operated with conductivity controllers, as well as make-up and blowdown meters.

(4) Ice machines. Newly installed ice machines shall not be single pass water-cooled.

(5) Commercial dining facilities.

Commercial dining facilities shall:

a. Serve water only upon request.

b. Utilize positive shut-offs for hand-held dish-rinsing wands.

c. Utilize water flow restrictors for all garbage disposals.

(6) Vehicle wash facilities.

a. Vehicle wash facilities, commencing operation on or after January 1, 2006, using conveyORIZED, touchless, and/or rollover in-bay technology shall reuse a minimum of fifty (50) percent of water from previous vehicle rinses in subsequent washes.

b. Vehicle wash facilities, commencing operation on or after January 1, 2006, using reverse osmosis to produce water rinse with a lower mineral content, shall incorporate the unused concentrate in subsequent vehicle washes.

c. Regardless of date of operation commencement, self-service spray wands used shall emit no more than three (3) gallons of water per minute.

(7) Vacuum systems. Vacuum systems shall not be water-cooled with single-pass potable water when alternative systems are available.

(8) Certain Plumbing Fixtures.

When installing certain plumbing fixtures on or after January 1, 2010; gravity flush toilets, bathroom aerators, showerheads, urinals; in any location, residential, commercial, industrial, or institutional, the fixtures will meet or exceed the following performance standards; and where the Environmental Protection Agency has accepted that specific plumbing fixtures by make and model, meet or exceed the WaterSense standards, such fixtures installed will be from the most current listing available at the time of installation:

a. Gravity flush toilets shall have a maximum average water use of no more than 1.28 gallons per flush.

b. Faucet aerators for bathrooms shall have a maximum water flow of 1.5 gallons per minute.

c. Showerheads shall have a maximum water flow of 2.0 gallons per minute. All associated valves must be appropriate to the flows.

d. Urinals shall have a maximum water use of 0.5 gallons per flush.

(9) Coin Operated Washing Machines.

All newly installed coin-operated washing machines, including but not limited to those that might be found in laundry-mats, apartment houses, dorms or communal use situations shall be selected from Consortium for Energy Efficiency (CEE) that meet or exceed the most current Tier 2 water and energy standards as determined by the CEE.

(10) Hot Water Lines.

Buildings without a dedicated hot-water return lines with runs exceeding 20 feet between the heating element and the end use fixture shall be insulated with R-4 sleeve insulation.

(Ord. No. 100322, § 1(Att. A), 1-20-05)

Sec. 34-274. Other activities to be regulated on and after January 1, 2006.

The following activities shall be regulated in the manner set out herein on and after January 1, 2006. A person affected by such regulations may request a variance in the manner set out in section 34-277. A violation of this section and subsections shall be subject to enforcement provisions set out in section 34-278. It shall be and is hereby declared unlawful for any person to violate, refuse or fail to implement the requirements of this division.

(1) *Condensate collection.* Newly constructed commercial buildings installing air conditioning systems on and after January 1, 2006, shall have a single and independent condensate wastewater line to collect condensate wastewater to provide for future utilization as:

- a.** Process water and cooling tower make-up, and/or
- b.** Landscape irrigation water. Condensate wastewater shall not be allowed to drain into a storm sewer, roof drain overflow piping system public way or impervious surface.

(2) *Rain sensors.* Effective January 1, 2006, rain sensors shall be installed and maintained on all irrigation systems equipped with automatic irrigation controllers.

(Ord. No. 100322, § 1(Att. A), 1-20-05)

Sec. 34-275. Landscaping regulations generally applicable on and after January 1, 2006.

Except as specifically provided with alternative effective dates, persons affected by the regulations set out herein below shall comply on and after January 1, 2006, and may request a variance to such regulations in the manner set out in section 34-277. A violation of this section and subsections shall be subject to the enforcement

provisions set out in section 34-278. It shall be and is hereby declared unlawful for any person to violate, refuse or fail to implement the requirements of this division.

(1) *Xeriscape option.* Effective January 1, 2006, homebuilders and/or developers subdividing lots and/or constructing new single family residential homes shall offer a xeriscape option in any series of landscaping options offered to prospective home buyers.

(2) *Model.* Effective January 1, 2006, homebuilders and/or developers who construct model homes for a designated subdivision shall have at least one model home per subdivision landscaped according to a xeriscape design.

(3) *Zonal system.* In-ground irrigation systems installed on and after January 1, 2006, shall be zonal irrigation systems.

(4) *Turfgrass soil support.*

a. Turfgrass installed during or associated with new construction on and after January 1, 2006, shall have a minimum of four (4) inches of soil under the turfgrass.

b. Drainage utility projects, water and power utility projects, public property maintenance or repair, and those governmental activities necessary to NPDES/TPDES compliance with federal or state rules and regulations implementing the federal Clean Water Act; or governmental actions to comply with the Americans with Disabilities Act, shall not be deemed new construction for purposes of this subsection.

(5) *Turfgrass dormancy qualities.* Turfgrass installed after January 1, 2007, shall have summer dormancy capabilities.

(6) *Irrigation system use, setting and schedule recommendations.*

All irrigators installing irrigation systems permitted by the City of San Antonio shall provide to the irrigation system owner a recommended seasonal irrigation schedule and instructions on how to use the irrigation system and set the controller. Seasonal

schedules provided will be approved by SAWS Conservation Director or designee. The schedule will be affixed to the irrigation controller or an adjacent wall.

Legal comment. This comment does not have force of law, but is provided here for informational purposes only. The Texas Property Code, Chapter 202, Section 202.001, et. seq., entitled "Certain Restrictive Covenants," reflects a growing public interest in water conservation and its relationship to the public health, safety, and welfare.

Texas Property Code, Chapter 202, Section 202.007, provides that a property owners association may not include or enforce a provision in a dedicatory instrument that prohibits or restricts a property owner from implementing certain efficient irrigation systems, including underground drip or other drip systems. Any dedicatory instrument provision, attempting to restrict a property owner from installing such efficient systems, is void. Therefore, such restrictions, running counter to certain conservation efforts, cannot be enforced. Texas Real Property Code, Sec. 202.007(b). *Added by Acts 2003, 78 th Legislature, chapter 1024, § 1, Effective, September 1, 2003.*

As used within the Texas Property Code, "dedicatory instrument" means a governing instrument for the establishment, maintenance, and operation of a residential subdivision, planned unit development, condominium, townhouse regime, or any similar planned development. Texas Real Property Code, Sec. 202.007(1).

The Texas Property Code also allows that a property owners' association may restrict the type of turf used by a property owner in the planting of new turf [in the future] in order to encourage or require water conserving turf.

According to the Texas Property Code, property owners' associations may regulate, by dedicatory instrument or other legal means, installation of efficient irrigation systems, including establishing visibility limitations for aesthetic purposes.

The SAWS endorses and advocates the use of dedicatory instruments and other legal obligations among private parties which understandings may support and promote a culture of water conservation.

(Ord. No. 100322, § 1(Att. A), 1-20-05)

Sec. 34-276. Variances.

The authority to grant a variance and an appeal from such variance to the provisions of this division, is hereby delegated to the San Antonio Water System in the manner described herein. A determination by the San Antonio Water System pursuant to this section shall be deemed final for purposes of appeal. Appeal procedures are detailed below.

(1) Variance. A person who is affected by these provisions may seek a variance in the manner set out herein. A person shall request a variance within thirty (30) days of the date a provision becomes apparently applicable to that person's activities and/or properties. For example, a person will have standing to seek a variance within thirty (30) days following receipt of a formal (citation) or informal notice of violation; prior to a notice of violation; or at the discretion of the variance administrator when, in the administrator's judgment, to deny standing to pursue a variance would clearly deny the applicant an opportunity to have justice and equity done for the applicant's case. In the latter situation, for purposes of justice and equity, the standard for allowing a variance application to be heard or considered are the common notions of rightness and fair play.

(2) Time, date, place. A person seeking a variance under these provisions shall make such request in writing to the conservation department. Such request shall be reviewed by the variance administrator. If the

application, on its face, warrants a variance, the administrator may grant the request without hearing. Otherwise, the administrator shall review such request within thirty (30) days of receipt and shall inform the requestor in writing of the time, date and place for variance hearing, if necessary.

(3) *Representation and notice of SAWS' response, first hearing.* The requestor may be represented by a duly authorized representative and may introduce such evidence as the requestor believes to be relevant. The administrator and appropriate conservation department personnel shall hear the request. The requestor shall receive written notification by the administrator within thirty (30) days of the date of the hearing whether such variance is granted or denied.

(4) *Appeal.* In the event the variance is granted, the decision of the administrator shall be final. Should the variance be denied, however, the requestor shall have ten (10) days from receipt of the denial of the variance to seek an appeal in writing. Within thirty (30) days of the written request for an appeal from the denial of a variance, the director shall hear the appeal. The requestor shall be informed in writing of the time, date and place where such appeal shall be heard. The requestor and/or his authorized representatives may present evidence to the director why such appeal should be granted. The director shall inform the requestor within thirty (30) days of the date of the hearing of the appeal whether the appeal has been granted or denied. The determination of the director shall be final and shall be in writing. If a judicial appeal is pursued, applicant must take such appeal to district court or other court of competent jurisdiction within thirty (30) days of the director's final determination, which further appeal shall be pursued under appropriate standards of the substantial evidence rule.

(5) *Variance qualifications.* Variances to the regulated activities in this division 1 may

be issued through the department of conservation's variance administrator provided that the general intent of this division has been met, and compliance with article IV, division 1, is proven to be impracticable to accomplish and to cause unnecessary hardship. The criteria to determine hardship shall include, but not be limited to, a showing of level of capital outlay and technical complexity in relation to conservation benefit to be derived, and time and effort required to accomplish compliance with this division.

(6) *Specific criteria to be used for the granting of variances.* The SAWS director of conservation shall also develop specific criteria to be used for the granting of variances from the provisions of this division, which are appropriate to the provision for which a variance is being sought. Such criteria shall be applied equally to each request for variance under a particular provision. A requestor shall be furnished with the criteria to be utilized by the administrator and/or director prior to his/her variance application and/or appeal being heard.

(Ord. No. 100322, § 1(Att. A), 1-20-05)

Sec. 34-277. Enforcement.

(a) The president/CEO or his designee of the San Antonio Water System is hereby authorized to enforce this division in the manner and to the extent allowed by law, including, but not limited to, filing complaints with the city municipal prosecutor's office for such violations, serving notices of violations of this division and filing civil enforcement actions. Such authorization does not diminish the city attorney's authority in regard to enforcement of chapter 34 provisions.

(b) Presumption and exception. For purposes of this division, it shall be presumed that the person, in whose name a water meter connection is registered with the water purveyor servicing the property, is the

responsible party who has made, caused, allowed, or permitted a violation of the provisions of this division. Proof that the particular premises had a water meter connection registered in the name of the defendant cited in a criminal complaint filed pursuant to this division shall constitute a prima facie presumption that the defendant is a person who made, caused, allowed or permitted a violation pursuant to the provisions of this division. [Exception to this presumption is found in subsection 34-273(2), wherein a city, whose premises are used by a tenant/lessee, is generally not responsible for the tenant/lessee's compliance. In such cases the tenant/lessee of the city is responsible for compliance and the city shall have no duty to enforce against the tenant/lessee except to the extent the city's municipal courts may be fully utilized by the SAWS enforcement officers or other duly authorized governmental personnel charged with enforcement duties.]

(c) The president/CEO or his or her designee is authorized and instructed to commence any action, in law or in equity, including the filing of criminal charges, deemed necessary for the purpose of enforcing this division. The San Antonio Water System president/CEO or the designee may seek civil penalties, as may be allowed by statute, and any other legal or equitable relief available under common law, Chapter 54 of the Texas Local Government Code as it may be amended to address the subject matter of this division, or any other applicable city, state or federal code or statute.

(d) Criminal. Any person violating any provision of this division 1 of article IV shall be guilty of a class C misdemeanor and upon citation and conviction, shall be punished by a fine not less than fifty dollars (\$50.00) and not more than one hundred dollars (\$100.00) for the first offense; a fine not less than two hundred and fifty dollars (\$250.00) and not more than five hundred dollars (\$500.00) for the second offense; a fine of not less than one thousand dollars

(\$1,000.00) and not more than two thousand dollars (\$2,000) for the third and additional offenses. Each violation of a particular section of this division shall constitute a separate offense, and each day an offense continues shall be considered a new violation for purposes of enforcing this division.

(e) Civil. Civil penalties, imposed by courts of competent jurisdiction in civil actions for violations of this division, may also be assessed as may be allowed by applicable state law in any amount to be authorized by the state. Under Chapter 54 of the Texas Local Government Code, the SAWS and the office of the city attorney may presently pursue civil enforcement for injunctive relief and the imposition of one thousand dollars (\$1,000.00) per day civil penalties appropriately imposed by the Court. This statutory remedy is in addition to the city's common law right to bring civil actions for injunctive relief to stop harmful acts, independent of authority found in the Texas Local Government Code.

(f) If, for any reason, any section, sentence, clause or part of this division is held legally invalid, such judgment shall not prejudice, affect, impair or invalidate the remaining sections of this division, but shall be confined to the specific section, sentence, clause, or part of this division held legally invalid.

(Ord. No. 100322, § 1(Att. A), 1-20-05)
Secs. 34-278--34-286. Reserved.

DIVISION 2. WATER WASTE ENFORCEMENT*

***Editor's note:** Ord. No. 92179, § 1, adopted July 27, 2000, amended Div. 2 in its entirety, in effect repealing and reenacting said division to read as herein setout. The former Div. 2, §§ 34-287--34-300 pertained to wasting water and derived from Ord. No. 17390, §§1-8, adopted March 20, 1952; Ord. No. 17692, § 1, adopted May

29, 1952; Code 1959, §§41-30--41-36; Ord. No. 80574, § 7, adopted Aug. 4, 1994; Ord. No. 83703, § 1, adopted Feb. 29, 1996.

Sec. 34-287. Definitions.

As used in this article, the following terms shall have the following meanings:

Beneficial use. The amount of water that is economically necessary for a purpose not otherwise prohibited by the city, state or federal law or regulation, when reasonable intelligence and reasonable diligence is used in applying water for that purpose.

Impervious surface area. Any structure or any street, driveway, sidewalk, patio or other surface area covered with asphalt, concrete, brick, paving, tile or other material preventing water to penetrate the ground.

Landscape watering. Water to any member of the plant kingdom, including any tree, shrub, vine, herb, flower, succulent, groundcover, grass or turf species, that is growing or has been planted out of doors.

Person. Any individual, corporation (including a government corporation), organization, state or federal governmental subdivision or agency, political subdivision of a state, interstate agency or body, business, trust, partnership, limited partnership, association, firm, company, joint stock company, joint venture, commission or any other legal entity.

Prescribed hours for sprinkling. Between the hours of 12:00 a.m. and 10:00 a.m. and 8:00 p.m. and midnight when the Aquifer Management Plan, Article IV, Division 4 is not in effect, and during the hours specified therein when the Aquifer Management Plan is in effect.

SAWS. San Antonio Water System.

Waste. Water without obtaining maximum beneficial use thereof. Waste shall also

include, but not be limited to, causing, suffering, or permitting a flow of water used for landscape watering to run into any river, creek or other natural water course or drain, superficial or underground channel, bayou, or unto any sanitary or storm sewer, any street, road or highway or other impervious surface area, or upon the lands of another person or upon public lands. Waste shall also include, but not be limited to, any discharge of water used for commercial, industrial, municipal or domestic purposes to any storm, sanitary sewer, or septic system without the user first having obtained maximum beneficial use thereof. Waste shall also include, but not be limited to, failure to repair any controllable leak on property owned by any registered meter holder.

Water. Include, but not be limited to potable water supplied by a water purveyor, potable water withdrawn from any groundwater well, surface water from any river, creek, natural watercourse, pond, lake or reservoir, and recycled water supplied by a water purveyor.

(Ord. No. 92179, § 1, 7-27-00; Ord. No. 92503, § 1, 9-14-00)

Sec. 34-288. Violations.

It shall be a violation punishable by city municipal fine for any San Antonio Water System water and/or waste water service customer residing or doing business within the corporate limits of the city and its extraterritorial jurisdiction, to intentionally, knowingly, recklessly, or criminally negligently to allow or cause water waste, to allow or cause landscape watering outside the prescribed hours for landscape watering, or to allow or cause any violation of any provision of this division or of the Aquifer Management Plan, Article IV, Division 4.

(Ord. No. 92179, § 1, 7-27-00; Ord. No. 2008-10-02-0885, § 3(Exh. A), 10-2-08)

Sec. 34-289. Continued violations.

At locations of repeated or continued violations, the President/CEO of the San

Antonio water system shall have the authority to discontinue the supply of potable water to the registered meter holder. (Ord. No. 92179, § 1, 7-27-00)

Sec. 34-290. Enforcement personnel.

The President/CEO or the designee of the San Antonio water system is hereby authorized to enforce this division in the manner and to the extent allowed by law, including, but not limited to, filing complaints with the city municipal prosecutor's office for such violations, serving notices of violations of this division and filing civil enforcement actions. (Ord. No. 92179, § 1, 7-27-00)

Sec. 34-291. Education and enforcement.

As the success of conservation generally, and specifically of this division and the Aquifer Management Plan, Article IV, Division 4, depends largely on public cooperation, San Antonio water system policies shall implement customer education programs as a primary enforcement tool and shall establish and maintain a water conservation "hot line," so that the public may provide the San Antonio water system with information relating to violators. (Ord. No. 92179, § 1, 7-27-00)

Sec. 34-292. Defenses to prosecution.

(a) It shall be a defense to prosecution that landscape watering was performed on 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, generally three weeks.

(b) It shall be a defense to prosecution that landscape watering was performed by a commercial enterprise in the business of growing or maintaining plants for sale, such as plant nurseries; provided, however, that such landscape watering shall be performed solely for the establishment, growth, and maintenance of such plants and not wasted.

(Ord. No. 92179, § 1, 7-27-00; Ord. No. 92503, § 1, 9-14-00)

Sec. 34-293. Registered water meter user presumed liable.

For purposes of this division, in any case where water has been used in a manner contrary to any provision of this division or of the Aquifer Management Plan, Article IV, Division 4, it shall be presumed that the person in whose name a water meter connection is registered with the water purveyor servicing the property, has intentionally, knowingly, recklessly, or negligently made, caused, used or permitted to be used, the water in such a contrary manner. Proof that the particular premises had a water meter connection registered in the name of the defendant cited in a criminal complaint filed pursuant to this division shall constitute *prima facie* presumption that the defendant is a person who made, caused, used or permitted to be used, water in a manner contrary to any provision of this division or of the Aquifer Management Plan, Article IV, Division 4.

(Ord. No. 92179, § 1, 7-27-00)

Sec. 34-294. Additional enforcement remedies.

The President/CEO or his or her designee is authorized and instructed to commence any action, in law or in equity, including the filing of criminal charges, deemed necessary for the purpose of enforcing this division. The San Antonio water system President/CEO or the designee may seek civil penalties and any other legal or equitable relief available under common law, Chapter 54 of the Texas Local Government Code or any other applicable city, state or federal code or statute.

(Ord. No. 92179, § 1, 7-27-00; Ord. No. 92503, § 1, 9-14-00)

Sec. 34-295. Penalties.

Criminal. Any person violating any provision of this division or of the Aquifer Management Plan, Article IV, Division 4,

shall be guilty of misdemeanor and upon citation therefore and conviction thereof, shall be punished by a fine not less than fifty dollars (\$50.00) and not more than one hundred dollars (\$100.00) for the first offense, a fine not less than two hundred and fifty dollars (\$250.00) and not more than five hundred dollars (\$500.00) for the second offense, and a fine not less than one thousand dollars (\$1,000.00) and not more than two thousand dollars (\$2,000.00) for the third or any additional offense. Each violation of a particular section of this division or of the Aquifer Management Plan Article IV, Division 4, shall constitute a separate offense, and each day an offense continues shall be considered a new violation for purposes of enforcing this division.

Civil. Civil penalties for violations of this division or of the Aquifer Management Plan, Article IV, Division 4, may also be assessed as allowed by applicable state law in an amount not to exceed one thousand dollars (\$1,000.00) per violation. Each violation of a particular section of this division or of the Aquifer Management Plan Article IV, Division 4, shall constitute a separate violation, and each day a violation continues shall be considered a new violation for purposes of enforcing this division.
(Ord. No. 92179, § 1, 7-27-00)

Sec. 34-296. Nuisance.

The violation of any part of this division shall be a nuisance which may be abated and enjoined by the San Antonio water system. Any person creating a public nuisance shall be subject to the provision of the Code governing such nuisances, including reimbursing the San Antonio water system for any costs incurred in removing, abating or remedying said nuisance. The owner of any property where said nuisance has occurred shall be liable to the city, acting through and on behalf of the San Antonio water system, for the cost of such abatement and shall pay such cost on demand and the city, acting through and on behalf of the San Antonio water system, shall have a right to

file a lien on the property to secure payment of the cost of such abatement.
(Ord. No. 92179, § 1, 7-27-00)

Sec. 34-297. Access to premises.

The San Antonio water system and all persons or agents employed thereby shall, at all reasonable hours, have free access to premises to ascertain if water is being wasted within the corporate limits of the city or the extent of jurisdictional authority and whether provisions of the Aquifer Management Plan Article IV, Division 4, have been, and are being, complied with in all respects.
(Ord. No. 92179, § 1, 7-27-00)

Sec. 34-298. Access to information.

Any water purveyor operating within the corporate limit of the city shall provide enforcement personnel of the San Antonio water system, upon request, with the identity, mailing address and telephone number of any person in whose name a water meter is registered or customer account is maintained.
(Ord. No. 92179, § 1, 7-27-00)

Sec. 34-299. Severability.

If, for any reason, any section, sentence, clause or part of this division is held legally invalid, such judgement shall not prejudice, affect, impair or invalidate the remaining sections of this division, but shall be confined to the specific section, sentence, clause, or part of this division held legally invalid.
(Ord. No. 92179, § 1, 7-27-00)

Sec. 34-300. This article to prevail if conflict.

In the event any section of this article conflicts in effect or application with any other section of the Code or ordinance, the section(s) of this division shall prevail.
(Ord. No. 92179, § 1, 7-27-00)

DIVISION 3. RESERVED*

***Editor's note:** Ord. No. 92179, § 1, adopted July 27, 2000, repealed Div. 3, §§ 34-301--34-309, which pertained to restrictions on landscape watering, and derived from Ord. No. 80574, § 6, adopted Aug. 4, 1994.

Secs. 34-301--34-315. Reserved.

DIVISION 4. DROUGHT MANAGEMENT PLAN*

***Editor's note:** Ord. No. 2007-02-08-0149, § 1(Exh. A), adopted February 8, 2007, amended division 4 in its entirety to read as herein set out. Formerly, division 4 pertained to the aquifer management plan, and derived from Ord. No. 80574, § 12, adopted August 4, 1994; Ord. No. 82533, § 1, adopted July 20, 1995; Ord. No. 83703, §§ 2--5, adopted February 29, 1996; Ord. No. 83860, §§ 2--7, adopted March 28, 1996; Ord. No. 84082, §§ 1, 2, adopted May 9, 1996; Ord. No. 84286, § 6, adopted July 18, 1996; Ord. No. 85945, § 1, adopted April 24, 1997; Ord. No. 91738, § 1, adopted May 4, 2000; Ord. No. 92179, § 1, adopted July 27, 2000; Ord. No. 92503, § 1, adopted September 14, 2000.

Sec. 34-316. Adoption of a drought management plan, water use reduction measures, and aquifer stage conditions applicable system-wide, including within the corporate limits of the city and its extraterritorial jurisdiction.

The drought management plan, including the water use reduction measures and associated implementation conditions set out therein, is hereby adopted and applicable throughout the San Antonio Water System water and waste water service area, including within the corporate limits of the city and its extraterritorial jurisdiction. All San Antonio

Water System water and/or waste water service customers shall comply with the provisions of this division.
(Ord. No. 2007-02-08-0149, § 1(Exh. A), 2-8-07; Ord. No. 2008-10-02-0885, § 3(Exh. A), 10-2-08)

***Editor's note:** Ord. No. 2008-10-02-0885, § 3(Exh. A), adopted October 2, 2008, changed the title of § 34-316 from "Adoption of a drought management plan, water use reduction measures, and aquifer stage conditions" to "Adoption of a drought management plan, water use reduction measures, and aquifer stage conditions applicable system-wide, including within the corporate limits of the city and its extraterritorial jurisdiction."

Sec. 34-317. Definitions.

Advanced plan means, submitted to and approved by SAWS, an irrigation schedule based on precipitation rates for irrigation systems that allows athletic fields to be irrigated more than one day a week.

Aesthetic use means the use of water for artificially created fountains, waterfalls, lakes, streams, rivers, lagoons, and ponds, where such use is primarily 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.

Athletic field means a sports playing field, the essential feature of which is turf grass, used primarily for organized sports for schools, professional sports, or sanctioned league play.

Base usage means the average monthly total water usage for the three (3) lowest months of November and December and the following January and February during each of the three (3) consecutive twelve-month

periods preceding the commencement of the user's use of water.

Basic plan means, submitted to and approved by SAWS, an irrigation schedule for athletic fields that allows each athletic field at a particular location to be irrigated one day a week.

Bucket means a deep, cylindrical container holding five (5) gallons or less, used singly by one person.

Certified vehicle wash facility means a vehicle wash facility that meets the requirements of SAWS certified vehicle wash program.

Computer controlled irrigation system (CCIS) means a system comprised of a computer controller (digital operating system), software, interface modules, satellite field controllers, soil sensors, weather station, or similar devices that is capable of achieving maximum efficiency and conservation in the application of water for irrigation. A CCIS, at a minimum, should be designed to:

- (1) Prevent over watering, flooding, pooling, evaporation and run-off, and
- (2) Prohibit sprinkler system from applying water at an rate exceeding the soil holding capacity of the land under irrigation.

Conforming means a golf course that has a CCIS in place and is utilizing the system to achieve maximum conservation and the goals of this division. Conforming facilities shall have a conservation plan approved and on file with SAWS.

Drip irrigation means an irrigation system (drip, porous pipe, etc.) that applies water at low-flow levels directly to the roots of the plant.

Drought, for the purposes of this division, is not intended to be limited to any meteorological definition of the term. "Drought" is intended to have broad meaning and refers to any condition,

whether man-made or natural, where the available water supply or resources are not meeting the water demand, or if the water supply or resources are being depicted at a faster rate than they are being replenished.

Evapotranspiration rate (ET rate) means the rate which the combination of evaporation from soil surface and transpiration from vegetation will occur for specific climatic conditions.

Existing landscaping plant means a landscaping plant existing after such period of time as to accomplish an establishment and maintenance of growth.

Fountain means an artificially created jet or stream of water, a structure, often decorative, from which a jet or stream of water issues.

Golf course means an irrigated and landscaped playing area made up of greens, tees, fairways, roughs and related areas used for the playing of golf.

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

Health care facility means any hospital, clinic, nursing home or other health care or medical research facility.

Hose-end sprinkler means a sprinkler that applies water to landscape plants that is piped through a flexible, movable hose.

Household use means 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.

Industrial use means the use of water for or in connection with commercial or industrial activities, including manufacturing, bottling, brewing, food processing, scientific research

and technology, recycling, production of concrete, asphalt, and cement, commercial uses of water for tourism, entertainment, and hotel or motel lodging, generation of power other than hydroelectric, and other business activities.

Irrigation suspension program (ISP) means a program administered by the Edwards Aquifer Authority pursuant to which agricultural irrigators within the Edwards Aquifer Authority's boundaries voluntarily agree to suspend some irrigation use of the underground water from the Edwards Aquifer in consideration for payments voluntarily funded by ISP participants.

Irrigation system, also referred to as an in-ground or permanent irrigation system, means a system with fixed pipes and emitters or heads that apply water to landscape plants.

Lake, lagoon or pond, for the purposes of this division, is an artificially created body of fresh or salt water.

Landscape watering means the application of water to grow or maintain landscaping plants, such as flowers, ground covers, turf or grasses (other than golf courses or athletic fields), shrubs, and trees, but for purposes of this division does not include essential use without waste of water by a commercial nursery to the extent the water is used for production rather than decorative landscaping.

Landscaping plant means any member of the kingdom plantae, including any tree, shrub, vine, herb, flower, succulent, groundcover or grass species, that grows or has been planted out-of-doors.

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

Maintenance level means the level of water in a swimming pool required for proper operation of circulation and filter equipment for the swimming pool.

msl means elevation above mean sea level.

Mulch means any material such as bark, leaves, straw or other materials left loose and applied to the soil surface to reduce evaporation.

New landscape means any contiguous area where new landscape plant(s) are installed where no other planted plants currently exists. A new plant(s) added to an existing landscape is not considered a new landscape for the purposes of an establishment variance.

New landscaping plant 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. Application of gross seed to an existing stand of grass or turf is not considered new landscaping for the purposes of this chapter.

Non-conforming means a golf course that is not conforming. Non-conforming golf courses must follow the reduction measures and guidelines set forth in section 34-332.

Organic material means organic substances in differing stages of decay.

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

Park means a tract of land, other than a golf course, maintained by a city, private organization, or individual, as a place of beauty or public recreation.

Pervious surface means any ground surface which can absorb water or other liquids.

Power production use means the use of water for steam generation and the use of water for cooling and for replenishment of cooling reservoirs.

Precipitation rate means the speed at which a sprinkler or irrigation system applies water. Precipitation rates are measured in inches per hour or inches per minute.

Private residential swimming pool. (See "swimming pool").

Property address means the street address of a property, unless multiple street addresses are served by a single meter, in which case the mailing address will be used.

Public means municipally-owned or operated facilities.

Public swimming pool. (See "swimming pool").

River, stream or brook, for the purposes of this division 4, means an artificially created flow of water in a channel or bed, as a brook, rivulet or small river.

SAWS means the San Antonio Water System.

Soaker hose means a flexible hose that is designed to slowly emit water across the entire length based on water pressure, and connect directly to a flexible hose or spigot. Does not include hose that by design or use send a fine spray in the air.

Soil holding capacity means the amount of moisture in the soil that can occur without becoming saturated.

Sprinkler means an emitter that applies water to the landscape plants in a stream or spray that travels through the air. Sprinkler

irrigation can be applied by an irrigation system or hose-end sprayer or a hose that sprays water in the air.

Swimming pool means any structure, basin, chamber, or tank including hot tubs, containing an artificial body of water for swimming, diving, or recreational bathing, and having a depth of two (2) feet or more at any point.

Private residential swimming pool means any swimming pool located on private property under the control of the homeowner, the use of which is limited to swimming or bathing by the homeowner's family or invited guests.

Public swimming pool means any swimming pool, other than a private residential swimming pool, intended to be used collectively by persons for swimming or bathing, operated by any person as defined herein, whether owner, lessee, operator, licensee, or concessionaire, regardless of whether a fee is charged for such use. The term includes, but is not limited to, apartment community pools, condominium association pools and community association pools.

TDS means total dissolved solids.

Trigger level means the mean sea level of the Edwards Aquifer as indicated by the J-17 index well.

Turf means a surface layer of earth containing mowed grass with roots.

Vehicle wash facility means a place or business intended for the sole purpose of washing cars and/or other motor vehicles. Such establishments shall utilize self service, rollover in-bay or conveyor washing technology with catchments' systems and oil-water separators that are intended to treat wastewater prior to entering the sanitary sewer. Such systems shall be designed and maintained to prevent runoff into streets,

storm drains and/or local creeks and tributaries.

Vegetable garden means any non-commercial vegetable garden planted primarily for household use; "non-commercial" includes incidental direct selling of produce from such a vegetable garden to the public.

Water conservation plan means the water conservation plan must 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 each stage I, II, III, and IV. A plan should also include precipitation rates and irrigation schedules with run times. SAWS may, on a case by case basis, waive the requirements for irrigation efficiency and/or submission of a water conservation plan.

Waterfall, for the purposes of this division, means an artificially created steep descent of water from a height, cascade.

Water utility use means water used for withdrawal, treatment, remediation, transmission and distribution by potable water system.

Watering day means a day designated for landscape watering limited to the standard 24-hour period of 12:00 a.m. to midnight. Thus, if it is stage I and Wednesday is a designated watering day, the period of time referenced is Wednesday morning between midnight to 10:00 a.m., and Wednesday evening between 8:00 p.m. and midnight.

Zonal irrigation system means an irrigation system which segregates by station areas of shrubs, ground cover, bedding plants, and turf to accommodate a diversity of watering requirements.

(Ord. No. 2007-02-08-0149, § 1(Exh. A), 2-8-07)

Sec. 34-318. Bases of water use

reduction measures and aquifer stage conditions.

The water use reduction measures shall be based on the aquifer stage conditions or other condition considerations specified in section 34-319. The aquifer stage conditions shall be based on the Edwards Aquifer water levels in well AY-68-37-203 in the city (also known as "Dodd Field Test Well" or "J-17") as set out in section 34-322, or on aquifer water quality or other aquifer, seasonal or weather conditions not based on water levels in J-17 (set out in section 34-324).

(Ord. No. 2007-02-08-0149, § 1(Exh. A), 2-8-07)

Sec. 34-319. Implementation of water use reduction measures and stages, generally.

When the aquifer falls to six hundred sixty-five (665) feet above msl, city and SAWS staff shall begin preparations for public awareness, education and enforcement of the respective stage provisions. Stage I water use reduction measures shall be declared to be in effect when the aquifer level in the index well J-17 falls to six hundred sixty (660) feet above msl. Stage II water use reduction measures shall be declared to be in effect when the aquifer level in the index well J-17 falls to six hundred fifty (650) feet above msl. Subsequent stages of the water use reduction measures shall be automatically implemented when the conditions set out in sections 34-322 and 34-324 are met, including a condition that if the total supply of water from the Edwards Aquifer and other available sources is insufficient to meet customer demand, while complying with applicable regulations governing water supply withdrawals. The determination whether SAWS is able to comply with the applicable regulations governing water supply withdrawals shall be based upon consideration of pumping trends, seasonal adjustments and current and forecast precipitation. After a monitoring period of thirty (30) days and due

consideration of all of the above described conditions, the city manager, or designee, in consultation with SAWS president/CEO or designee, may declare later stages of drought or delay a later stage of drought. Specific water use reduction measures are set out in section 34-332 and shall cover the categories of regulated uses, applicable stages and corresponding required water use reduction measures.

(Ord. No. 2007-02-08-0149, § 1(Exh. A), 2-8-07)

Sec. 34-320. Declaration of water use reduction measures, stages in effect; notice by publication required.

(a) The city manager, in consultation with SAWS, is hereby authorized to declare that each "trigger level" or other condition has been reached as described in section 34-322 (table I) and that the water use reduction measures and each respective stage are in effect.

(b) Notices of the implementation and termination of the water use reduction measures and each of the various stages, as appropriate, shall be publicly announced and published in a daily newspaper for a minimum of one (1) day. The implementation or termination of the measures and each of the stages shall become effective immediately upon publication of the respective notice.

(Ord. No. 2007-02-08-0149, § 1(Exh. A), 2-8-07)

Sec. 34-321. Water advisory council to be organized.

When the water use reduction measures are declared to be in effect, a water advisory council, composed of water purveyors and other interested jurisdictions, shall meet. This group shall provide a forum for information exchange and cooperation to

ensure that the aquifer management plan is understood and equitably implemented.

(Ord. No. 2007-02-08-0149, § 1(Exh. A), 2-8-07)

Sec. 34-322. Declaration and termination of stages I through IV.

Declaration and termination of stages I through IV shall occur according to the following schedule:

Table I

TABLE INSET:

<i>Stage</i>	<i>Conditions for Declaration</i>	<i>Conditions for Termination</i>
I	When the Edwards Aquifer level in the index well J-17 falls to six hundred sixty (660) feet above msl.	When the Edwards Aquifer levels remain above six hundred sixty (660) msl. for thirty (30) consecutive days and it is determine conditions warrant termination of the measures (Sec. 34-325).
II	When the Edwards Aquifer level in the index well J-17 falls to six hundred fifty (650) feet above msl.	When the Edwards Aquifer levels remain above six hundred fifty (650) msl. for thirty (30) consecutive days and it is determine conditions warrant termination of the measures (Sec. 34-325). Conditions will determine if all restrictions are terminated or if a previous less restrictive stage will apply.
III	A. When the Edwards Aquifer level in the index well J-17 falls to six hundred forty (640) feet above msl. B. The total supply of water from the Edwards Aquifer and other available sources is insufficient to meet customer demand while complying with applicable regulations governing water supply withdrawals.	When the Edwards Aquifer levels remain above six hundred forty (640) msl. for thirty (30) consecutive days and it is determine conditions warrant termination of the measures. Conditions will determine if all restrictions are terminated or if a previous less restrictive stage will apply (Sec. 34-325).
IV	A. When the Edwards Aquifer level in the index well J-17 falls to six hundred thirty (630) feet above msl. B. After a 30-day monitoring period once stage III is declared, the total supply of water from the Edwards Aquifer and other available sources is insufficient to meet customer demand while complying with applicable regulations governing water supply withdrawals.	When the Edwards Aquifer levels remain above six hundred thirty (630) msl. for thirty (30) consecutive days and it is determine conditions warrant termination of the measures. Conditions will determine if all restrictions are terminated or if a previous less restrictive Stage will apply (Sec. 34-325).

(Ord. No. 2007-02-08-0149, § 1(Exh. A), 2-8-07)

Sec. 34-323. Designated landscape irrigation times and days.

During any period when stage restrictions have been declared to be in effect, irrigation with a sprinkler or irrigation system of existing landscape on any property (other than golf courses and

athletic fields, the restrictions for which are set out in section 34-332) may occur only on certain designated days and at certain times, as follows:

(1) For stage I, II, III, and IV the landscape irrigation days for residential and commercial properties will be according to the street address and according to the following schedule. If the last digit of the street address ends in:

- 0 or 1 the irrigation day is Monday,**
- 2 or 3 the irrigation day is Tuesday,**
- 4 or 5 the irrigation day is Wednesday,**
- 6 or 7 the irrigation day is Thursday,**
- 8 or 9 the irrigation day is Friday.**

If there is no street address associated with the property such as a parkway or if there is more than one (1) street address associated with a single contiguous property the irrigation day is Wednesday.

(2) 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 in subsection (1) 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-gallon bucket is allowed at any time on any day.

(3) For stage II the following times and associated irrigation methods apply: Irrigation with a soaker hose, hose-end sprinkler or in-ground irrigation system is allowed on the day specified in subsection (1) between the hours of 3:00 a.m. to 8:00 a.m. and 8:00 p.m. to 10:00 p.m. Landscape irrigation with a drip irrigation system or five-gallon bucket is allowed during stage II hours on any day. Landscape irrigation with a handheld hose is allowed at any time on any day.

(4) For stage III, the following times and associated irrigation methods apply: Irrigation with a soaker hose, hose-end sprinkler or in-ground irrigation system is allowed on the day specified in subsection (1) every other week beginning on the second Monday after the stage III has been declared, between the hours of 3:00 a.m. to 8:00 a.m. and 8:00 p.m. to 10:00 p.m. Landscape irrigation with a drip irrigation system or five-gallon bucket is allowed on every Monday, Wednesday and Friday during stage III hours. Landscape irrigation with a handheld hose is allowed at any time on any day.

(5) For stage IV, stage III landscape irrigation restrictions remain in effect. In addition, a drought surcharge is assessed on all water accounts of SAWS, in accordance with section 34-128. Additional restrictions on water use may be established at the discretion of the city council. (Ord. No. 2007-02-08-0149, § 1(Exh. A), 2-8-07)

Sec. 34-324. Implementation of additional water use reduction measures.

(a) Implementation of additional water use reduction measures may be based on consideration of aquifer water quality or on other aquifer, seasonal or weather conditions not based on water levels in J-17, or other conditions as determined by the city.

(b) Whenever aquifer quality measures thirty (30) percent TDS above historical average and above the maximum TDS value for any public supply water well, the city manager or designee, in consultation with SAWS president/CEO or designee, shall establish appropriate additional measures to protect the aquifer.

(c) Regardless of consideration of aquifer quality, whenever city council may determine that other aquifer, seasonal, or weather conditions not based on water levels in J-17 warrant, the city council may also declare the city impose additional restrictions for all water uses.

(d) A prohibition of sprinkler irrigation may be declared by the city manager, in consultation with the city council, the San Antonio Water System's board of trustees and the Edwards Aquifer Authority's board of directors when the Edwards Aquifer Authority's board of directors have declared a prohibition of all sprinkler irrigation throughout the entire Edwards Aquifer region.

(Ord. No. 2007-02-08-0149, § 1(Exh. A), 2-8-07)

Sec. 34-325. Termination of water use reduction measures, stages.

When the aquifer level at J-17 rises to six hundred sixty (660) feet msl during a period when the water use reduction measures have been declared in effect, the city manager, or his or her designee, in consultation with SAWS president/CEO, or designee, shall monitor consistency of aquifer levels for the next thirty (30) days to determine if conditions warrant termination of the measures, and such determination shall

include consideration of pumpage trends, seasonal adjustments, and current and forecast precipitation unless conditions significantly change to warrant an earlier review for stage termination. After this monitoring period and due consideration of all of the above-described conditions, the city manager, or designee, in consultation with SAWS president/CEO, or designee, may declare the measures terminated.

Notice of the termination of the water use reduction measures and each of its various stages, as appropriate, shall be publicly announced and published in a daily newspaper for a minimum of one (1) day. Termination of the measures and each of its stages shall become effective immediately upon publication of the respective notice.

(Ord. No. 2007-02-08-0149, § 1(Exh. A), 2-8-07)

Secs. 34-326--34-331. Reserved.

Sec. 34-332. Specific water use reduction measures.

Specific water use reduction measures, their corresponding stages and scope are set out in table A stage I, table B stage II, table C stage III and table D stage IV, below

Table A--Stage I Restrictions

TABLE INSET:

<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	Reduction of water use by any means available is encouraged.
I	Live Stock Use	Reduction of water use by any means available is encouraged.
I	Industrial, Commercial, and Other	<p>A. 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 fountains; such restrictions specifically include industrial users, as well as all others.</p> <p>B. 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>C. If one hundred (100) percent use of gray water, treated wastewater or reuse water, condensate water, cooling tower blow 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	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.
I	Aesthetic Water Features	<p>A. Outside and indoor prohibited. The one hundred (100) percent use of treated wastewater, condensate, or cooling tower blow down is defense to prosecution under this paragraph. Alternate on-site reclaimed sources may be approved through variance on a case-by-case basis.</p> <p>B. If one hundred (100) percent use of gray water, treated wastewater or reuse water, condensate water, cooling tower blow will be used signs identifying this property as using</p>

		recycled or reclaimed water source must be posted on site at a location where the general public can view it.
I	Pressure or Power Washing	Use of water to wash any impervious outdoor ground covering, such as a parking lot, driveway, street or sidewalk, is prohibited. The washing of any impervious surfaces for immediate health and safety shall be a defense to prosecution under this paragraph. A variance from SAWS should be obtained for any washing of impervious surfaces. No run-off leading to a storm drain is allowed. Commercial pressure or power washers must be registered to work in the city (section 34-272.1).
I	Vehicle and Equipment Washing	<p>A. Citizens are encouraged to wash their vehicles no more than twice a month.</p> <p>B. Non-commercial washing of vehicles and mobile equipment (e.g., washing vehicle at a residence) is permitted only on assigned residential landscape sprinkling watering days before 10:00 a.m. and after 8:00 p.m. (subsections 34-323(1)--(7)) with a pressure washer, hand-held hose equipped with an automatic shut-off nozzle, or bucket of five (5) gallons or less, but is prohibited between the hours of 10:00 a.m. and 8:00 p.m.</p> <p>C. Fleet managers are encouraged to only wash those vehicles as is necessary for health and safety.</p> <p>D. Use of gray water, condensate water, cooling tower blow down treated wastewater or recycled water is a defense to prosecution and may be use to irrigate any day before 10:00 a.m. and after 8:00 p.m. Alternate on-site reclaimed sources may be approved through variance for the SAWS Conservation Department on a case by case basis.</p>
I	Landscape Irrigation for Existing Plants	<p>A. Landscape watering using sprinkler or irrigation systems is permitted only on designated landscape watering days (subsection 34-323(1)). 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 in subsection 34-323(1) 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>B. A user may file with SAWS 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 SAWS the annual irrigation check up required for properties that are five (5) acres or more and have in-ground irrigation</p>

		<p>(section 34-273.2). 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. SAWS 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.</p> <p>C. The one hundred (100) percent use of gray water, treated wastewater or reuse water, condensate water, cooling tower blow down is a defense to prosecution and may be use to irrigate any day without waste. Alternate on-site reclaimed sources may be approved through variance from the SAWS Conservation Department on a case by case basis.</p> <p>D. If one hundred (100) percent use of gray water, treated wastewater or reuse water, condensate water, cooling tower blow will be used during additional days or hours allowed in subsections 34-323(1)--(7) 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	Landscape Irrigation for New Landscapes	<p>A. Landscape watering permitted to maintain adequate growth until established on newly installed landscapes, generally five (5) weeks. Property owners should submit electronically on-line at www.saws.org to the SAWS Conservation Department their name, address where the new landscape is to be installed and the date of installation in order to receive a confirmation electronic email from SAWS. 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>B. The one hundred (100) percent use of gray water, treated wastewater or reuse water, condensate water, cooling tower blow down is a defense to prosecution and may be use to irrigate any day without waste. Alternate on-site reclaimed sources may be approved through variance from the SAWS Conservation Department on a case by case basis.</p> <p>C. If one hundred (100) percent use of gray water, treated wastewater or reuse water, condensate water, cooling tower blow will be used during additional days or hours allowed in subsections 34-323(1)--(7) signs identifying this property as using recycled or reclaimed water source must be posted on site</p>

		at a location where the general public can view it.
I	Golf Courses	<p>Golf Courses shall be required to submit a water conservation plan and shall have on file with SAWS the annual irrigation check Up as described in section 34-273.2 and shall be defined as "conforming" or "non-conforming" and shall reduce water usage under the following terms:</p> <p>A. All landscape out-of--play areas such as may be found around a club house or entryway shall follow general landscape irrigation restrictions (subsections 34-323(1)--(3)).</p> <p>B. 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> <p>C. Conforming golf courses shall implement a ten (10) percent reduction in the replacement of daily evapotranspiration rate ("ET rate") or daily soil-holding capacity, achieved by use of an existing and properly operating CCIS (as defined) capable of achieving such water conservation goals.</p> <p>D. 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 SAWS for the purpose of establishing acceptable irrigation run times and days as approved by SAWS.</p> <p>E. The one hundred (100) percent use of gray water, treated wastewater or reuse water, condensate water, cooling tower blow down is a defense to prosecution and may be use to irrigate any day without waste. Alternate on-site reclaimed sources may be approved through variance from the SAWS Conservation Department on a case by case basis.</p> <p>F. If one hundred (100) percent use of gray water, treated wastewater or reuse water, condensate water, cooling tower blow will be used during additional days or hours allowed in subsections 34-323(1)--(5) 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	Public Parks	<p>A. Public park owner/operators shall be required to submit a water conservation plan and have on file with the SAWS Conservation Department an irrigation check up as required by section 34-273.2.</p> <p>B. Public parks shall limit irrigation with an irrigation system to those days and times required by subsections 34-323(1)--(3)</p> <p>C. The one hundred (100) percent use of gray water, treated wastewater or reuse water, condensate water, cooling tower blow down is a defense to prosecution and may be use to irrigate any day without waste. Alternate on-site reclaimed</p>

		<p>sources may be approved through variance from the SAWS Conservation Department on a case by case basis.</p> <p>D. If one hundred (1000 percent use of gray water, treated wastewater or reuse water, condensate water, cooling tower blow will be used during additional days or hours allowed in subsections 34-323(1)--(3) 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>A. An athletic field shall either irrigate according to a basic plan or an advance plan. Plans shall be on file and approved by SAWS in advance of use. The advanced plan showing precipitation rates and run times along with a conservation plan shall be submitted and approved by SAWS for the purpose of establishing acceptable irrigation run times and days as approved by SAWS. A basic plan outlines which day of the week (Monday--Friday) which athletic field would be irrigated.</p> <p>B. All landscape out-of--play areas such as may be found around a club house or entryway shall follow general landscape irrigation restrictions (subsections 34-323(1)--(5)).</p>

Table B--Stage II Restrictions

TABLE INSET:

<i>Stage</i>	<i>Measures For</i>	<i>Scope of Restrictions</i>
II	In General	Stage I restrictions remain the same except as added to or replaced below.
II	Agriculture	The escape of irrigation tailwater, as that term is commonly used in the agricultural community, is prohibited. Water loss through percolation in transmission canals is prohibited.
II	Hotels, Motels, Bed and Breakfasts	Hotels, motels and B&B's must offer and clearly notify guests of a "no linen/towel change" program.
II	Swimming Pools, Hot Tubs.	<p>Filling of all new and existing swimming pools prohibited, unless at least thirty (30) percent of water obtained from a source other than Edwards Aquifer. Replenishing to maintenance level permitted. Draining permitted only onto pervious surface, or onto pool deck where the water is transmitted directly to a previous surface, only if:</p> <ol style="list-style-type: none"> 1. Draining excess water from pool due to rain in order to lower water to maintenance level; 2. Repairing, maintaining or replacing pool component that has

		<p>become hazardous; or</p> <p>3. Repairing pool leak</p> <p>Refilling of public swimming pool permitted only if pool has been drained for the repairs, maintenance or replacement set out in items 2 or 3 above.</p>
II	Landscape Irrigation for Existing Landscapes	<p>Landscape watering using sprinkler or irrigation systems is permitted only on designated landscape watering days (subsection 34-323(1)). For stage II the following times and associated irrigation methods apply: Irrigation with a soaker hose, hose-end sprinkler or in-ground irrigation system is allowed on the day specified in subsection 34-323(1) between the hours of 3:00 a.m. to 8:00 a.m. and 8:00 p.m. to 10:00 p.m. Landscape irrigation with a drip irrigation system or five-gallon bucket is allowed during stage II hours on any day. Landscape irrigation with a handheld hose is allowed at any time on any day.</p>
II	Landscape Irrigation for New Landscapes	<p>A. Landscape watering permitted to maintain adequate growth until established on newly installed landscapes, generally three (3) weeks. Property owners should submit electronically on-line at www.saws.org to the SAWS Conservation Department their name, address where the new landscape is to be installed and the date of installation in order to receive a confirmation electronic email from SAWS. 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>B. The one hundred (100) percent use of gray water, treated wastewater or reuse water, condensate water, cooling tower blow down is a defense to prosecution and may be use to irrigate any day without waste. Alternate on-site reclaimed sources may be approved through variance from the SAWS Conservation Department on a case by case basis.</p> <p>C. If one hundred (100) percent use of gray water, treated wastewater or reuse water, condensate water, cooling tower blow will be used during additional days or hours allowed in subsections 34-323(1)--(7) 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>
II	Golf Courses	<p>Golf Courses shall be required to submit a water conservation plan and shall have on file with SAWS the annual irrigation check up as described in section 34-273.2 and shall be defined as "conforming" or "non-conforming" and shall reduce water</p>

		<p>usage under the following terms:</p> <p>A. All landscape out-of--play areas such as may be found around a club house or entryway shall follow general landscape irrigation restrictions (subsections 34-323(1)--(3)).</p> <p>B. 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> <p>C. Conforming golf courses shall implement a twenty (20) percent reduction in the replacement of daily evapotranspiration rate ("ET rate") or daily soil-holding capacity, achieved by use of an existing and properly operating CCIS (as defined) capable of achieving such water conservation goals.</p> <p>D. A non-conforming golf course shall not use more than 1.6 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 SAWS for the purpose of establishing acceptable irrigation run times and days as approved by SAWS.</p> <p>E. The one hundred (100) percent use of 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 SAWS Conservation Department on a case by case basis.</p> <p>F. If one hundred (100) percent use of gray water, treated wastewater or reuse water, condensate water, cooling tower blow will be used during additional days or hours allowed in subsections 34-323(1)--(3) 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>
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Table C--Stage III Restrictions

TABLE INSET:

<i>Stage</i>	<i>Measures For</i>	<i>Scope of Restrictions</i>
III	In General	Stage I, II restrictions remain the same except as added to or replaced below.
III	Industrial, Commercial, and Other	Additional reductions may be imposed by the city council if conditions warrant.
III	Hotels, Motels, Bed and Breakfasts	Hotels, motels, B&B's must limit linen/towel changes to once every three (3) nights or for the entire stay, whichever is shorter, except for health and safety.

III	Landscape Irrigation for Existing Landscapes	Landscape watering using sprinkler or irrigation systems is permitted only on designated landscape watering days (subsection 34-323(1)). For stage III the following times and associated irrigation methods apply: Irrigation with a soaker hose, hose-end sprinkler or in-ground irrigation system is allowed on the day specified in subsection 34-323(1) every other week beginning on the second Monday after the stage III has been declared, between the hours of 3:00 a.m. to 8:00 a.m. and 8:00 p.m. to 10:00 p.m. Landscape irrigation with a drip irrigation system or five-gallon bucket is allowed on every Monday, Wednesday and Friday during stage III hours. Landscape irrigation with a handheld hose is allowed at any time on any day.
III	Landscape Irrigation for New Landscapes	<p>A. Installation of new landscapes is permitted only if not more than fifty (50) percent of the available landscape area is planted with turf, all applicable provisions of section 34-274.2 and section 34-275, including proper horticultural practices such as the use of mulch and zonal irrigation systems if a permanent irrigation system is installed and a minimum of four (4) inches of soil under turf. In addition, drip systems in mulched beds are required.</p> <p>B. A user may file with SAWS a request to install more than fifty (50) percent turf. The request must include: (1) a statement or plan describing the landscaping plan; and (2) a statement indicating how the landscaping plan will achieve the goals of this chapter. Upon the approval of the alternate landscaping plan as set forth herein, the user may be granted an exception.</p>
III	Golf Courses	<p>A. A Conforming golf courses shall implement a thirty (30) percent reduction (or twenty (20) percent reduction, if the conforming golf course is an ISP participant) in replacement of daily ET rate or daily soil holding capacity, achieved by use of an existing and properly operating CCIS (as defined) capable of achieving such water conservation goals.</p> <p>B. A non-conforming golf course shall not use more than 1.4 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 SAWS for the purpose of establishing acceptable irrigation run times and days as approved by SAWS.</p>

Table D--Stage IV Restriction

TABLE INSET:

<i>Stages</i>	<i>Measures For</i>	<i>Scope of Restrictions</i>
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IV	In General	The most restrictive requirements of either Stage I, II, III restrictions remain the same except as added to or replaced below.
IV	Commercial Surcharge	A surcharge is assessed on all irrigation accounts and assumed irrigation (section 34-124) of the San Antonio Water System as described in section 34-128. Surcharge is to remain in effect for a minimum of one (1) complete billing month. The surcharge shall remain in effect if stage IV is still in effect at the beginning of the next billing month.
IV	Residential Surcharge	A surcharge is assessed on all water accounts of the San Antonio Water System as described in section 34-128. Surcharge is to remain in effect for a minimum of one complete billing month. The surcharge shall remain in effect if stage IV is still in effect at the beginning of the next billing month.
IV	Vehicle and Equipment Washing	During Stage IV any vehicle wash facility that is not certified as a SAWS certified vehicle wash facility will not be able to operate. Upon receiving certification vehicle wash facilities may resume operating hours.
IV	Additional Restrictions	Additional restrictions including but not limited to a ban on lawn watering with irrigation systems or hose end sprinklers may be established at the discretion of the city council.

(Ord. No. 2007-02-08-0149, § 1(Exh. A), 2-8-07)

Sec. 34-333. Severability.

If, for any reason, any section, sentence, clause or part of this division is held legally invalid, such judgment shall not prejudice, affect, impair or invalidate the remaining sections of this division, but shall be confined to the specific section, sentence, clause, or part of this division held legally invalid.

(Ord. No. 2007-02-08-0149, § 1(Exh. A), 2-8-07)

Sec. 34-334. This division to prevail if conflict.

In the event any section of this division conflicts in effect or application with any other section of a City Code or ordinance, the section(s) of this division shall prevail.

(Ord. No. 2007-02-08-0149, § 1(Exh. A), 2-8-07)

Secs. 34-335--34-350. Reserved.

DIVISION 5. REUSE

Secs. 34-351--34-425. Reserved.