

ARTICLE III. - DROUGHT CONTINGENCY AND WATER CONSERVATION PLANS<sup>[3]</sup>

Footnotes:

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**Cross reference**— Water conservation, § 6-21 et seq.; water usages and rates during periods of drought, § 19.5-41 et seq.

DIVISION 1. - DROUGHT CONTINGENCY PLAN<sup>[4]</sup>

Footnotes:

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**Editor's note**— Ord. No. 2010-04, Exh. A (§§ I—XIII), adopted May 4, 2010, did not specifically amend the Code and has been included herein as superseding the provisions of former division 1 relative to the drought contingency plan, which derived from Ord. No. 00-4, Appendix A, adopted March 21, 2000.

Sec. 12-51. - Declaration of policy, purpose, and intent.

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

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

(Ord. No. 2010-04, Exh. A, § I, 5-4-10; Ord. No. 2016-06, Exh. A, § I, 9-6-16)

Sec. 12-52. - Public involvement.

Opportunity for the public to provide input into the preparation of the plan was provided by the city by means of scheduling and providing public notice of a public meeting to accept input on the plan.

(Ord. No. 2010-04, Exh. A, § II, 5-4-10; Ord. No. 2016-06, Exh. A, § II, 9-6-16)

Sec. 12-53. - Public education.

The city will periodically provide the public with information about the plan, including information about the conditions under which each state of the plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of press releases or utility bill inserts.

(Ord. No. 2010-04, Exh. A, § III, 5-4-10; Ord. No. 2016-06, Exh. A, § III, 9-6-16)

Sec. 12-54. - Coordination with regional water planning group.

The service area of the city is located within Region I, the East Texas Regional Water Planning area and the city has provided a copy of this plan to the East Texas Regional Water Planning Group (Region I).

(Ord. No. 2010-04, Exh. A, § IV, 5-4-10; Ord. No. 2016-06, Exh. A, § IV, 9-6-16)

Sec. 12-55. - Authorization.

The mayor of the city or his designee is hereby authorized and directed to implement the applicable provisions of this plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The mayor of the city or his designee shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this plan.

(Ord. No. 2010-04, Exh. A, § V, 5-4-10; Ord. No. 2016-06, Exh. A, § V, 9-6-16)

Sec. 12-56. - Application.

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

(Ord. No. 2010-04, Exh. A, § VI, 5-4-10; Ord. No. 2016-06, Exh. A, § VI, 9-6-16)

Sec. 12-57. - Definitions.

For the purposes of this plan, the following definitions shall apply:

*Aesthetic water use* means water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

*Commercial and institutional water use* means water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

*Conservation* means those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water, or increase the recycling and re-use of water so that a supply is conserved and made available for future or alternative uses.

*Customer* means any person, company, or organization using water supplied by the city.

*Domestic water use* means water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

*Even-numbered address* means street addresses, box numbers, or rural postal routes ending in 0, 2, 4, 6, or 8 and locations without addresses.

*Industrial water use* means the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

*Landscape irrigation use* means water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

*Non-essential water use* means water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:

- (1) Irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this plan.
- (2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle;
- (3) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (4) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (5) Flushing gutters or permitting water to run or accumulate in any gutter or street;
- (6) Use of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools;
- (7) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (8) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and

- (9) Use of water from hydrants for construction purposes or any other purposes other than fire fighting.

*Odd-numbered address* means street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

(Ord. No. 2010-04, Exh. A, § VII, 5-4-10; Ord. No. 2016-06, Exh. A, § VII, 9-6-16)

Sec. 12-58. - Triggering criteria for initiation and termination of drought response stages.

The mayor of the city or his designee shall monitor water supply and/or demand conditions on a monthly basis and shall determine when conditions warrant initiation or termination of each stage of the plan, public notification of the initiation or termination of drought response stages shall be by means of publication in a newspaper of general circulation.

The triggering criteria described below are based on a statistical analysis of the vulnerability of the water source under drought of record conditions.

- (1) *Stage 1—Mild water shortage conditions.*
  - a. *Requirements for initiation:* Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in section 12-57, definitions, when the static level in the Rachal well is equal to or less than 35 feet below mean sea level.
  - b. *Requirements for termination:* Stage 1 of the plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three consecutive days.
- (2) *Stage 2—Moderate water shortage conditions.*
  - a. *Requirements for initiation:* Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in section 12-57 of this plan when the static level in the Rachal well is equal to or less than 40 feet below mean sea level.
  - b. *Requirements for termination:* Stage 2 of the plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.
- (3) *Stage 3—Severe water shortage conditions.*
  - a. *Requirements for initiation:* Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this plan when the static level in the Rachal well is equal to or less than 45 feet below mean sea level.
  - b. *Requirements for termination:* Stage 3 of the plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three consecutive days. Upon termination of Stage 3, Stage 2 becomes operative.
- (4) *Stage 4—Critical water shortage conditions.*
  - a. *Requirements for initiation:* Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 4 of this plan when the static level in the Rachal well is equal to or less than 50 feet below mean sea level.
  - b. *Requirements for termination:* Stage 4 of the plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three consecutive days. Upon termination of Stage 4, Stage 3 becomes operative.
- (5) *Stage 5—Emergency water shortage conditions.*
  - a. *Requirements for initiation:* Customers shall be required to comply with the requirements and restrictions for Stage 5 of this plan when the mayor of the city or his designee, determines that a water supply emergency exists based on:

1. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or
  2. Natural or man-made contamination of the water supply source(s).
- b. *Requirements for termination:* Stage 5 of the plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three consecutive days.
- (6) *Water rationing.*
- a. *Requirements for initiation:* Customers shall be required to comply with the water allocation plan prescribed in section 12-60 of this plan and comply with the requirements and restrictions for Stage 5 of this Plan when the static level in the Rachal well is equal to or less than 55 feet below mean sea level. The mayor of the city or his designee will monitor the water supply and demand conditions and determine if production from other wells should be increased or the city should pursue an alternate source of water such as but not limited to purchased water or bottled water.
  - b. *Requirements for termination:* Water rationing may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three consecutive days.

(Ord. No. 2010-04, Exh. A, § VIII, 5-4-10; Ord. No. 2016-06, Exh. A, § VIII, 9-6-16)

Sec. 12-59. - Drought response stages.

The mayor of the city or his designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in section 12-58 of the plan, shall determine that a mild, moderate, severe, critical, or emergency condition exists and shall implement the following actions upon publication of notice in a newspaper of general circulation:

- (1) *Stage 1—Mild water shortage conditions.*
  - a. *Goal:* Achieve a voluntary five percent reduction in total water use.
  - b. *Supply management measures:* Measures to be implemented directly by the city, to manage limited water supplies and/or reduce water demand, including reduced flushing of water mains.
  - c. *Voluntary water use restrictions:*
    1. Water customers are requested to voluntarily limit (A) the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6, 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7, 9) and to irrigate landscapes only between the hours of midnight and 10:00 a.m. and 8:00 p.m. to midnight on designated watering days.
    2. All operations of the city shall adhere to water use (B) restrictions prescribed for Stage 2 of the plan.
    3. Water customers are requested to practice water (C) conservation and to minimize or discontinue water use for non-essential purposes.
- (2) *Stage 2—Moderate water shortage conditions.*
  - a. *Goal:* Achieve a ten percent reduction in total water use.
  - b. *Supply management measures:* Measures to be implemented directly by the city to manage limited water supplies and/or reduce water demands, including discontinued flushing of water mains and reduced irrigation of public landscaped areas.
  - c. *Water use restrictions:* Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

1. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6, 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7, 9), and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, a faucet-filled bucket, or watering can of five gallons or less, or drip irrigation system.
  2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m., and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rises. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
  3. Use of water to fill, refill, or add to any indoor or outdoor swimming pools wading pools, or jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight.
  4. Operation of any ornamental fountain or pond for (D) aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
  5. Use of water from hydrants shall be limited to fire fighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the city.
  6. All restaurants are prohibited from serving water to its patrons except when requested.
  7. The following uses of water are defined as non-essential and are prohibited:
    - a. Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surface areas;
    - b. Use of water to wash down buildings or structures for purposes other than immediate fire protection.
    - c. Use of water for dust control.
    - d. Flushing gutters or permitting water to run or accumulate in any gutter or street;
    - e. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).
- (3) *Stage 3—Severe water shortage conditions.*
- a. *Goal:* Achieve a 15 percent reduction in total water use.
  - b. *Supply management measures:* Measures to be implemented directly by the city to manage limited water supplies and/or reduce water demand, including discontinued flushing of water mains and discontinued irrigation of public landscaped areas.
  - c. *Water use restrictions:* All requirements of Stage 2 shall remain in effect during Stage 3 except:
    1. Irrigation of landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand held buckets, drip irrigation, or

permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.

2. The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

(4) *Stage 4—Critical water shortage condition.*

- a. *Goal:* Achieve a 25 percent reduction in total water use.
- b. *Supply management measures:* Measures to be implemented directly by the city to manage limited water supplies and/or reduce water demand, including discontinued flushing of water mains, discontinued irrigation of public landscaped areas, and use of an alternative supply source(s).
- c. *Water use restrictions:* All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except:
  1. Irrigation of landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems are prohibited at all times.
  2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service station and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10:00 p.m.
  3. The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi-type pools is prohibited.
  4. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
  5. No applications for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be allowed or approved.

(5) *Stage 5—Emergency water shortage conditions.*

- a. *Goal:* Achieve a 40 percent reduction in total water use.
- b. *Supply management measures:* Measures to be implemented directly by the city to manage limited water supplies and/or reduce water demand, including discontinued flushing of water mains, discontinued irrigation of public landscaped areas, use of an alternative supply source(s), and use of reclaimed water for non-potable purposes.
- c. *Water use restrictions:* All requirements of Stage 2, 3, and 4 shall remain in effect during Stage 5 except:
  1. Irrigation of landscaped areas is absolutely prohibited;
  2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.

(Ord. No. 2010-04, Exh. A, § IX, 5-4-10; Ord. No. 2016-06, Exh. A, § IX, 9-6-16)

In the event that water shortage conditions threaten public health, safety, and welfare, the mayor of the city is hereby authorized to ration water according to the following water allocation plan:

- (1) *Single-family residential customers.* The allocation to residential water customers residing in a single-family dwelling shall be as follows:

Persons per Household	Gallons per Month
1 or 2	5,000
3 or 4	6,000
5 or 6	8,000
7 or 8	9,000
9 or 10	10,000
11 or more	12,000

Household means the residential premises served by the customer's meter. "Persons per household" includes only those persons currently, physically residing at the premises and expected to reside there for the entire billing period. It shall be assumed that a particular customer's household is comprised of two persons unless the customer notified the city of a greater number of persons per household on a form prescribed by the mayor of the city. The mayor of the city shall give his best effort to see that such forms are mailed, otherwise provided, or made available to every residential customer. If, however, a customer does not receive such a form, it shall be the customer's responsibility to go to the city offices to complete and sign the form claiming more than two persons per household. New customers may claim more persons per household at the time of applying for water service on the form prescribed by the mayor of the city. When the number of persons per household increases so as to place the customer in a different allocation category, the customer may notify the city on such form and the change will be implemented in the next practicable billing period. If the number of persons in a household is reduced, the customer shall notify the city, in writing, within two days. In prescribing the method for claiming more than two persons per household, the mayor of the city shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of persons in a household or fails to timely notify the city of a reduction in the number of persons in a household shall be fined not less than \$100.00.

Residential water customers shall pay the following surcharges:

\$4.00 for the first 1,000 gallons over allocation.

\$4.50 for the second 1,000 gallons over allocation.

\$5.00 for the third 1,000 gallons over allocation.

\$6.00 for each additional 1,000 gallons over allocation.

Surcharges shall be cumulative.

- (2) *Master-metered multi-family residential customers.* The allocation to a customer billed from a master meter which jointly measures water to multiple permanent residential dwelling units (e.g., apartments, mobile homes) shall be allocated 6,000 gallons per month for each dwelling unit. It shall be assumed that such a customer's meter serves two dwelling units unless the customer notifies the city of a greater number on a form prescribed by the mayor of the city. The mayor of the city shall give his best effort to see that such forms are mailed, otherwise provided, or made

available to every such customer. If, however, a customer does not receive such a form, it shall be the customer's responsibility to go to the city offices to complete and sign the form claiming more than two dwellings. A dwelling unit may be claimed under this provision whether it is occupied or not. New customers may claim more dwelling units at the time of applying for water services on the form prescribed by the mayor of the city. If the number of dwelling units served by a master meter is reduced, the customer shall notify the city in writing within two days. In prescribing the method for claiming more than two dwelling units, the mayor of the city shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of dwelling units served by a master meter or fails to timely notify the city of a reduction in the number of persons in a household shall be fined not less than \$150.00. Customers billed from a master meter under this provision shall pay the following monthly surcharges:

\$4.00 for 1,000 gallons over allocation up through 1,000 gallons for each dwelling unit.

\$4.50, thereafter, for each additional 1,000 gallons over allocation up through a second 1,000 gallons for each dwelling unit.

\$5.00, thereafter, for each additional 1,000 gallons over allocation up through a third 1,000 gallons for each dwelling unit.

\$6.00, thereafter, for each additional 1,000 gallons over allocation.

Surcharges shall be cumulative.

- (3) *Commercial customers.* A monthly water usage allocation shall be established by the mayor of the city or his designee, for each non-residential commercial customer other than an industrial customer who uses water for processing purposes. The non-residential customer's allocation shall be approximately 75 percent of the customer's usage for corresponding month's billing period for the previous 12 months. If the customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no history exists. The mayor of the city shall give his best effort to see that notice of each non-residential customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the city to determine the allocation. Upon request of the customer or at the initiative of the mayor of the city the allocation may be reduced or increased if: (1) the designated period does not accurately reflect the customer's normal water usage, (2) one non-residential customer agrees to transfer part of its allocation to another non-residential customer, or (3) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the mayor of the city. Non-residential commercial customers shall pay the following surcharges:

One and one-half times the block rate for each 1,000 gallons in excess of the allocation up through five percent above allocation.

Two times the block rate for each 1,000 gallons from five percent through ten percent above allocation.

Two and one-half times the block rate for each 1,000 gallons from ten percent through 15 percent above allocation.

Three times the block rate for each 1,000 gallons more than fifteen (15%) percent above allocation.

The surcharges shall be cumulative. As used herein, "block rate" means the charge to the customer per 1,000 gallons at the regular water rate schedule at the level of the customer's allocation.



- (4) *Industrial customers.* A monthly water usage allocation shall be established by the mayor of the city or his designee, for each industrial customer, which uses water for processing purposes. The industrial customer's allocation shall be approximately 90 percent of the customer's water usage baseline. Ninety days after the initial imposition of the allocation for industrial customers, the industrial customer's allocation shall be further reduced to 85 percent of the customer's water usage baseline. The industrial customer's water usage baseline will be computed on the average water usage for the 12-month period ending prior to the date of implementation of Stage 2 of the plan. If the industrial water customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists. The mayor of the city shall give his best effort to see that notice of each industrial customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the city to determine the allocation, and the allocation shall be fully effective notwithstanding the lack of receipt of written notice. Upon request of the customer or at the initiative of the mayor, the allocation may be reduced or increased: (1) if the designated period does not accurately reflect the customer's normal water usage because the customer had shutdown a major processing unit for repair or overhaul during the period, (2) the customer has added or is in the process of adding significant additional processing capacity, (3) the customer has shutdown or significantly reduced the production of a major processing unit, (4) the customer has previously implemented significant permanent water conservation measures such that the ability to further reduce usage is limited, (5) the customer agrees to transfer part of its allocation to another industrial customer, or (6) if other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the mayor of the city. Industrial customers shall pay the following surcharges:

One and one-half times the block rate for each 1,000 gallons in excess of the allocation up through five percent above allocation.

Two times the block rate for each 1,000 gallons from five percent through ten percent above allocation.

Two and one-half times the block rate for each 1,000 gallons from ten percent through 15 percent above allocation.

Three times the block rate for each 1,000 gallons more than 15 percent above allocation.

The surcharges shall be cumulative. As used herein, "block rate" means the charge to the customer per 1,000 gallons at the regular water rate schedule at the level of the customer's allocation.

(Ord. No. 2010-04, Exh. A, § X, 5-4-10; Ord. No. 2016-06, Exh. A, § X, 9-6-16)

Sec. 12-61. - Pro rata water allocation.

In the event that the triggering criteria specified in Section 12-59(3) of the Plan for Stage 3 - Severe Water Shortage Conditions have been met, the mayor (designated official) is hereby authorized initiate allocation of water supplies on a pro rata basis in accordance with V.T.C.A., Water Code, § 11.039. Wholesale water supply contracts entered into or renewed after adoption of this plan, including contract extensions, shall state that in the event of a shortage of water resulting from drought, water to be distributed shall be divided in accordance with V.T.C.A., Water Code, § 11.039.

(Ord. No. 2010-04, Exh. A, § XI, 5-4-10; Ord. No. 2016-06, Exh. A, § XI, 9-6-16)

Sec. 12-62. - Enforcement.

- (a) No person shall knowingly or intentionally allow the use of water from the city for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any

provision of this plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the mayor of the city or his designee, in accordance with provisions of this plan.

- (b) Any person who violates this plan is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than \$1.00 and not more than \$500.00. Each day that one or more of the provisions in this plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this plan, the mayor of the city shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a reconnection charge, hereby established at \$200.00, and any other costs incurred by the city in discontinuing service. In addition, suitable assurance must be given to the mayor of the city that the same action shall not be repeated while the plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.
- (c) Any person, including a person classified as a water customer of the city in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he or she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children, and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he or she proves that he or she had previously directed the child not to use the water as it was used in violation of this plan and that the parent could not have reasonably known of the violation.
- (d) Any employee of the city, police officer, or other official designated by the mayor of the city may issue a citation to a person he or she reasonably believes to be in violation of this division. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the city municipal court on the date shown on the citation for which the date shall not be less than three days nor more than five days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in the city municipal court to enter a plea of guilty or not guilty for the violation of this plan. If the alleged violator fails to appear in the city municipal court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant.

(Ord. No. 2010-04, Exh. A, § XII, 5-4-10; Ord. No. 2016-06, Exh. A, § XII, 9-6-16)

Sec. 12-63. - Variances.

- (a) The mayor of the city or his designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the protection for the public or the person requesting such variance and if one or more of the following conditions are met:
  - (1) Compliance with this plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the plan is in effect.
  - (2) Alternative methods can be implemented which will achieve the same level of reduction in water use.
- (b) Persons requesting an exemption from the provisions of this division shall file a petition for variance with the city within five days after the plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the mayor of the city or his designee, and shall include the following:

- (1) Name and address of the petitioner(s).
  - (2) Purpose of water use.
  - (3) Specific provision(s) of the plan from which the petitioner is requesting relief.
  - (4) Detailed statement as to how the specific provision of the plan adversely affects the petitioner or what damage or harm will occur to the petitioner if petitioner complies with this division.
  - (5) Description of the relief requested.
  - (6) Period of time for which the variance is sought.
  - (7) Alternative water use restrictions or other measures the petitioner is taking or proposed to take to meet the intent of this plan and the compliance date.
  - (8) Other pertinent information.
- (c) Variances granted by the city shall be subject to the following conditions, unless waived or modified by the mayor of the city or his designee:
- (1) Variances granted shall include a timetable for compliance.
  - (2) Variances granted shall expire when the plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

No variances shall be retroactive or otherwise justify any violation of this plan occurring prior to the issuance of the variance.

(Ord. No. 2010-04, Exh. A, § XIII, 5-4-10; Ord. No. 2016-06, Exh. A, § XIII, 9-6-16)

Secs. 12-64—12-67. - Reserved.

DIVISION 2. - LONG TERM WATER CONSERVATION PLAN [§](#)

Footnotes:

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**Editor's note**— Ord. No. 2015-07, § 1(Exh. A, § II), adopted July 21, 2015, did not specifically amend the Code and has been included herein as superseding the provisions of former Div. 2 relative to the water conservation plan, which derived from Ord. No. 2010-09, § 1(Exh. A, § II), adopted Oct. 19, 2010.

**Cross reference**— Penalty for noncompliance with drought contingency or water conservation plan, § 12-53.

Sec. 12-68. - Targeted goals for municipal water use conservation.

- (a) The TWDB provides a tool for use in estimating the targeted goals for municipal water use conservation. The water conservation utility profile (TWDB Form WRD-264) was completed and is on file in the office of the city clerk. This form refers to the certificate of convenience and necessity (CCN) and services area map which is on file in the office of the city clerk.
- (b) The city is committed to conservation to avoid waste, save costs, and conserve water. This plan includes goals for long-term conservation including, but not limited to:
  - (1) Periodic meter testing and repair.
  - (2) Install meters at all city facilities.
  - (3) Perform education and information activities (on-going).
- (c) In order to continue water conservation efforts, the city has established five-year and ten-year target goals for reduction in municipal use including a schedule for implementing the plan to targeted reductions and a method of tracking the implementation and effectiveness. The following long-term goals have been adopted by the city:

- (1) Education and information will be provided on a yearly basis to all customers presenting non-wasteful uses of water and techniques that can be employed to conserve water. Based on the TWDB "most likely" scenario, a two percent savings in the average annual per capita use can be realized through education programs. This two percent goal equates to 2.7 gallons per capita per day (gpcpd) reduction (five-year average annual gpcpd of 132.6 multiplied by two percent).
- (2) As part of education measures, customers will be encouraged to retrofit old plumbing fixtures with water conserving units. The TWDB has set a "most-likely" goal of 20.5 gpcpd by replacing old plumbing fixtures. Education will also help in reduction of summer usage. Seasonal water uses from June to September have represented approximately 30 percent of the total annual production over the last five years. This seasonal peak can be offset with an increasing water charge as the usage rises. The seasonal per capita usage is 15.8 gpcpd (calculated by multiplying the five-year average annual gpcpd of 79 by 20 percent for a typical East Texas city). The "most likely" conservation scenario can achieve a seven percent reduction in this use. The resulting gpcpd seasonal use reduction provides approximately 5.53 gpcpd in water savings (79 multiplied by seven percent).
- (3) Unaccounted for water from water production to the consumers on the system will be reduced from the previous five-year average of 6.61 percent. This loss should be reduced to no more than 20 percent. The associated potential savings by reducing unaccounted for water loss is 10.71 gpcpd (derived from multiplying dry-year per capita water use of 80 gpcpd which occurred in 2008 by the difference in reduction of water loss from 6.61 percent to 5.89 percent =  $80 \times (6.61 \text{ percent} - 20 \text{ percent}) = 10.71 \text{ gpcpd}$ ). This goal will require ongoing metering and operational adjustments as well as continual repair of old lines and meters in the distribution system. The result will be a decrease in per capita water consumption thus reducing water demands on the system.

These goals provide a total potential for reducing water use by 10.71 gpcpd. This would reduce the average year annual per capita use from 80 to 69.29 gpcpd. The city intends to meet one-half of this goal within five years of plan adoption (2015) and the second half of this goal within ten years of plan adoption (2020).

(Ord. No. 2015-07, § 1(Exh. A, § II), 7-21-15)

Sec. 12-69. - Unaccounted for water loss reduction,

Unaccounted for water is water that is supplied to the system but is not metered to a user. For example, unaccounted for water occurs when flushing distribution mains or when water is used for fighting fires. Unaccounted for water also involves any losses to the system through faulty meter readings or distribution leaks. These losses to the system should be calculated and reported on an annual basis. To meet this objective, the following concepts should be included in the water loss audit program:

- (1) *Universal metering of customer uses.* It is essential that all customers and water users be metered. All unmetered users must have meters installed to reduce unaccounted for water in system and provide more accurate water use audits.
  - (2) *Periodic meter testing and repair.* A maintenance program of meter testing and repair is essential in gathering accurate data on the water system. To ensure problems detected on a consistent and methodical basis, all meters owned by the city will be tested according to the following schedule:
    - a. Master meters: Test annually.
    - b. Customer meters (larger than 1½ inches): Test every three years.
    - c. Customer meters (smaller than 1½ inches): Test every ten years. (To avoid testing every customer meter in one year, stagger testing should be utilized to ensure that an equal number of meters are tested each year.)
- (b) Monthly meter readings should also be checked versus previous readings to determine if there is a dramatic change in water use. A large variation would indicate that the meter is not operating properly

and should be investigated further. Meter readers should be trained to recognize possible problems, be alert for system leaks, and report abnormal situations.

(Ord. No. 2015-07, § 1(Exh. A, § II), 7-21-15)

Sec. 12-70. - Education and information.

According to the document titled "Guidelines for Municipal Water Conservation and Emergency Water Demand Management" prepared by the TWDB (November 1991), statistics for municipal water uses in the state indicate many areas in which water can be conserved or better utilized. Some of the facts about municipal water uses include:

- (1) Seasonal use (primarily for landscape irrigation) average 20—30 percent of the total annual municipal use.
- (2) Single family homes often use half of the water purchased in the summer months for exterior purposes such as lawn watering and car washing.
- (3) Residential in-home water consumption indicates that 40 percent is used for toilet flushing, 35 percent for bathing, 14 percent for laundry, and 11 percent for kitchen needs.

As can be seen from these water use facts, a great potential exists for reducing water consumption if the public is informed concerning water conservation practices. In fact a municipality can employ low cost investments to educate the public on how to save water inside homes, with landscaping practices, and in recreational activities. The focus of public education, therefore, relies on proper communication.

(b) Various medias exist for effectively communicating water conservation information. Some of these methods include television, radio, and newspaper announcements and advertisements; posters and public displays; exhibits at fairs, contests, and school programs; bill inserts, brochures, pamphlets, and newsletters; and speaker's programs. The vehicle by which information is distributed is dependent on the changing availability of these media types. It is also dependent on the future approaches taken by the city officials in educating the public. At a minimum, the city will provide education and information to its citizens through the following vehicles.

- (1) *Water conservation literature for customers.* The city will maintain water conservation materials available to customers at all times. General water conservation brochures will be available to all customers through displays at City Hall, public events, and large shopping centers. New customer packets will also be developed to deliver the water conservation message when a new connection is made or account is transferred. Various literature is available for distribution to the current and future customers, and Bridge City specific documents can be developed as deemed appropriate and necessary by city officials.
- (2) *School programs.* The city will work in cooperation with the Bridge City Independent School District at regular intervals. At a minimum the city shall provide conservation videos, brochures, and/or lectures/presentations by city representatives.
- (3) *Newspaper advertisement.* The city will publish conservation oriented articles in the local newspaper at regular intervals. At a minimum, articles or advertisements will be placed in the paper at the beginning of each summer to remind all users of the need for water conservation.

(Ord. No. 2015-07, § 1(Exh. A, § II), 7-21-15)

Sec. 12-71. - Non-promotional water rate structure.

The current water rate structure is an increasing block scale for water charges where the cost per unit of water used increases for each unit purchased. Current charges for water service conform to the schedule shown in section 19.5-22.

(Ord. No. 2015-07, § 1(Exh. A, § II), 7-21-15)

Sec. 12-72. - Leak detection and repair programs.

A leak detection, location, and repair program is an important part of reducing water losses in the system. While the city does not currently have a leak detection program, a monthly accounting of the amount of water pumped from the city versus the metered to consumers is currently being maintained. Unaccounted for water can be monitored by examining these records and reduced as sources are located and eliminated. The city will initiate a continual process of repair and replacement of old lines and water meters to reduce unmetered losses.

(Ord. No. 2015-07, § 1(Exh. A, § II), 7-21-15)

Sec. 12-73. - Retrofit program.

Through the education and information program, plumbers and water consumers will be encouraged to retrofit old fixtures (such as plumbing fixtures, lawn watering equipment, and water using appliances) with water saving devices. The education process will focus on the advantages of installing water conservation devices as well as the availability of these items.

(Ord. No. 2015-07, § 1(Exh. A, § II), 7-21-15)

Sec. 12-74. - Means of implementation and enforcement.

The city administrator or his/her duly appointed representative will act as the administrator of the water conservation plan. The administrator will oversee the execution and implementation of all elements of the plan and be responsible to oversee the keeping of adequate records for program verification. As means of implementing and enforcing this plan, all plan elements discussed in this document have been adopted by city ordinance.

(Ord. No. 2015-07, § 1(Exh. A, § II), 7-21-15)

Sec. 12-75. - Schedule for implementing plan to achieve targets and goals.

The city will adhere to the following schedule, to achieve the targets and goals for water conservation:

- (1) Calibrations of meters for all treated water deliveries shall be conducted annually.
- (2) The city meter replacement program shall be as follows:
  - a. Meters will continue to be monitored for accuracy as outlined in section 12-69(a)(2), and replaced on a 15-year cycle.
- (3) Water audits shall be conducted annually.
  - a. Real water losses shall be identified and corrected
  - b. Real water losses shall be minimized by replacement or deteriorating water mains and appurtenances, as is conducted by the city staff on an on-going basis.
- (4) The city will mail out material developed by the staff, materials obtained from the Texas Water Development Board (TWDB), Texas Commission on Environmental Quality (TCEQ) or other sources semi-annually (once in the spring and once in the summer) to all customers.
- (5) The leak detection program described in the plan is currently in use by the city, which reduces real water losses.
  - a. Inspections of all water mains by visual inspection which is conducted monthly.

(Ord. No. 2015-07, § 1(Exh. A, § II), 7-21-15)

Sec. 12-96. - Tracking targets and goals.

The staff shall track targets and goals by utilizing the following procedures:

- (1) Logs shall be maintained for meter calibration, meter testing, and meter replacement programs.
- (2) Annual water audits shall be documented and kept in the utility department files.
- (3) Staff shall keep a record of the number of mail-outs distributed semi-annually.
- (4) Logs shall be maintained for the utility's leak detection program, including but not limited to the following:
  - a. Annual inspections of all water mains fittings and connections.

(Ord. No. 2015-07, § 1(Exh. A, § II), 7-21-15)

Sec. 12-77. - Periodic reviews and evaluations.

The city is obligated to the TWDB (under 31 TAC 363.71) to submit an annual report describing the implementation, status, and quantitative effectiveness of the water conservation program. This annual report is due within 60 days after the anniversary date of the loan closing for each year that the city is under financial obligation to the TWDB. The administrator will undertake the task of completing this annual report.

(Ord. No. 2015-07, § 1(Exh. A, § II), 7-21-15)

Sec. 12-78. - Coordination with the regional water planning group.

The service area of the city is located within the Region I Water Planning Area and the city has provided a copy of the plan to the Region I Water Planning Group. A copy of the letter transmitting the water conservation plan to the chair of the Region I Water Planning Group is on file in the office of the city clerk.

(Ord. No. 2015-07, § 1(Exh. A, § II), 7-21-15)

Secs. 12-79—12-90. - Reserved.