

WATER EMERGENCY

Sec. 51.070 Declaration of water emergency.

The City Council may, by resolution, declare that an emergency exists which imperils the water supply of the city and threatens the health, safety, and welfare of the citizens of the city. The adoption of such a resolution declaring such emergency and the publication of the resolution, or a summary thereof, in any newspaper having general circulation in the city immediately invoke the provisions of this chapter, which provisions shall remain active and in full force and effect until such emergency is declared by resolution of the City Council to have ended.

('80 Code, § 9.97)

Sec. 51.071 Limitations on use of water.

Upon the declaration of the existence of an emergency concerning the water supply of the city, as set forth above in § 51.070, the City Council may limit or prohibit the use of city water to any extent deemed necessary in order to preserve an adequate supply of such water for human consumption and sanitation purposes. The limitations or prohibitions include, but are not limited to, the limitations or prohibitions of the use of city water for sprinkling or watering of lawns, shrubbery, and gardens, washing of vehicles, flushing or cleaning business areas, the use of city water for industrial and/or commercial purposes, or any other use which the City Council determines must be limited or prohibited in order to preserve an adequate supply of city water for human consumption and sanitation purposes.

('80 Code, § 9.98)

Sec. 51.072 Investigation of use of water.

Upon the declaration of an emergency as described in § 51.070, the City Council or any authorized city employee or agent is authorized and empowered to investigate the use and necessity for such water consumption for the purpose of ascertaining compliance with this chapter.

('80 Code, § 9.99)

DROUGHT CONTINGENCY PLAN

Sec. 51.073 Declaration of policy, purpose, and intent.

In order to conserve the available water supply and/or to 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 of Rusk adopts the following Drought Contingency Plan (the "plan").

(Ord. 01-14, § 1, passed 12-13-01)

Sec. 51.074 Public involvement.

Opportunity for the public and wholesale water customers to provide input into the preparation of the plan was provided by the City of Rusk by means of conducting a public hearing at City Council Chambers at 5:00 p.m. on December 13, 2001. Written notice of the public hearing was posted at City Hall of the City of Rusk, Texas on the tenth day of December, 2001, at 4:00 p.m.

(Ord. 01-14, § 1, passed 12-13-01)

Sec. 51.075 Wholesale water customer education.

The City of Rusk will periodically provide wholesale water customers with information about the plan, including information about the conditions under which each stage 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 providing a copy of the plan for public inspection at City Hall of the City of Rusk, Texas.

(Ord. 01-14, § 1, passed 12-13-01)

Sec. 51.076 Coordination with Regional Water Planning Groups.

The water service of the City of Rusk is located within the East Texas Regional Water Planning Group "I" and the City of Rusk has provided a copy of the plan to the East Texas Regional Water Planning Group "I".

(Ord. 01-14, § 1, passed 12-13-01)

Sec. 51.077 Authorization.

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

(Ord. 01-14, § 1, passed 12-13-01)

Sec. 51.078 Application.

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

(Ord. 01-14, § 1, passed 12-13-01)

Sec. 51.079 Triggering criteria for initiation and termination of drought response stages.

The City Manager, or his/her designee, shall monitor water supply and/or demand conditions on a basis and shall determine when conditions warrant initiation or termination of each stage of the plan. Customer notification of the initiation or termination of drought response stages will be made by mail or telephone. The news media will also be informed.

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

(A) *Stage 1—Mild water shortage conditions.*

Requirements for initiation. The City of Rusk will recognize that a mild water shortage condition exists when total daily water demand equals or exceeds 1,300,000 gallons for five consecutive days or 1,600,000 gallons on a single day.

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 ten consecutive days. The City of Rusk will notify its wholesale customers and the media of the termination of Stage 1 in the same manner as the notification of initiation of Stage 1 of the plan.

(B) *Stage 2—Moderate water shortage conditions.*

Requirements for initiation. The City of Rusk will recognize that a moderate water shortage condition exists when total daily water demand equals or exceeds 1,600,000 gallons for five consecutive days or 1,900,000 gallons on a single day.

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 ten consecutive days. Upon termination of Stage 2, Stage 1 becomes operative. The City of Rusk will notify its wholesale customers and the media of the termination of Stage 2 in the same manner as the notification of initiation of Stage 1 of the plan.

(C) *Stage 3—Severe water shortage conditions.*

Requirements for initiation. The City of Rusk will recognize that a severe water shortage condition exists when total daily water demand equals or exceeds 1,900,000 gallons for five consecutive days or 2,200,000 gallons on a single day.

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 ten consecutive days. Upon termination of Stage 3, Stage 2 becomes operative. The City of Rusk will notify its wholesale customers and the media of the termination of Stage 2 in the same manner as the notification of initiation of Stage 3 of the plan.

(D) *Stage 4—Emergency water shortage conditions.*

Requirements for initiation. The City of Rusk will recognize that an emergency water shortage condition exists when there exist major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or natural or man-made contamination of the water supply source(s).

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 ten consecutive days. The City of Rusk will notify its wholesale customers and the media of the termination of Stage 4.

(Ord. 01-14, § 1, passed 12-13-01)

Sec. 51.080 Drought response stages.

The City Manager, or his/her designee, shall monitor water supply and/or demand conditions and, in accordance with the triggering criteria set forth in § 51.079, shall determine that mild, moderate, or severe water shortage conditions exist or that an emergency condition exists and shall implement the following actions:

Stage 1—Mild water shortage conditions.

- (1) Goal: Achieve a voluntary 10% reduction in daily water demand.
- (2) Demand management measures:
 - (a) The City Manager, or his/her designee, will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate voluntary measures to reduce water use by implementing Stage 1 of the customer's drought contingency plan.
 - (b) The City Manager, his/her designee, will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

Stage 2—Moderate water shortage conditions.

- (1) Goal: Achieve a 15% reduction in daily water demand.
- (2) Demand management measures:
 - (a) The City Manager, or his/her designee, will initiate weekly contact with wholesale water customers to discuss water supply and/or demand conditions and the possibility of pro rata curtailment of water diversions and/or deliveries.
 - (b) The City Manager, or his/her designee, will request wholesale water customers to initiate mandatory measures to reduce nonessential water use by implementing Stage 2 of the customer's drought contingency plan.
 - (c) The City Manager, or his/her designee, will initiate preparations for the implementation of pro rata curtailment of water diversions and/or deliveries by preparing a monthly water usage allocation baseline for each wholesale customer according to the procedures specified in Section 51.081 of the plan.
 - (d) The City Manager, or his/her designee, will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

Stage 3—Severe water shortage conditions.

- (1) Goal: Achieve a 20% reduction in daily water demand.

- (2) Demand management measures:
- (a) The City Manager, or his/her designee, will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate additional mandatory measures to reduce nonessential water use by implementing Stage 3 of the customer's drought contingency plan.
 - (b) The City Manager, or his/her designee, will initiate pro rata curtailment of water diversions and/or deliveries for each wholesale customer according to the procedures specified in § 51.080 of the plan.
 - (c) The City Manager, or his/her designee, will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer on water conservation measures and practices.

Stage 4—Emergency water shortage conditions. Whenever emergency water shortage conditions exist as defined in § 51.079 of the plan, the City Manager shall:

- (1) Assess the severity of the problem and identify the actions needed and time required to solve the problem.
 - (2) Inform the utility director or other responsible official of each wholesale water customer by telephone or in person and suggest actions, as appropriate to alleviate problems. The first action will be notification of the public to reduce water use until service is restored.
 - (3) If appropriate, notify city, county, and/or state emergency response officials for assistance.
 - (4) Undertake necessary actions, including repairs and/or clean-up as needed.
 - (5) Prepare a post-event assessment report on the incident and critique of emergency response procedures and actions.
- (Ord. 01-14, § 1, passed 12-13-01)

Sec. 51.081 Pro rata water allocation.

In the event that the triggering criteria specified in § 51.079 of the plan for Stage 3—Severe water shortage conditions have been met, the City Manager is hereby authorized to initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code § 11.039 and according to the following water allocation policies and procedures:

- (A) A wholesale customer's monthly allocation shall be a percentage of the customer's water usage baseline. The percentage will be set by resolution of the City Council based on the City Manager's assessment of the severity of the water shortage condition and the need to curtail water diversions and/or deliveries and may be adjusted periodically by resolution of the City Council as conditions warrant. Once pro rata allocation is in effect, water diversions by or deliveries to each wholesale customer shall be limited to the allocation established for each month.

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- (B) A monthly water usage allocation shall be established by the City Manager, or his/her designee, for each wholesale customer. The wholesale customer's water usage baseline will be computed on the average water usage by month for the 1997—2001 period as shown in the example given below. If the wholesale water customer's billing history is less than five years, 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.

EXAMPLE CALCULATION OF MONTHLY ALLOCATION FOR A
HYPOTHETICAL WHOLESALE WATER CUSTOMER

	1997	1998	1999	2000	2001	SUM	AVG	Allocation Percentage	Monthly Allocation
Jan.	133	137	146	148	156	719	144	75%	108
Feb.	115	122	133	133	147	650	130	75%	98
March	130	150	146	149	159	734	147	75%	110
April	130	167	168	157	187	808	162	75%	122
May	160	152	179	183	171	845	169	75%	127
June	226	184	172	205	249	1,035	260	75%	155
July	235	274	232	314	246	1,301	260	75%	195
Aug.	222	203	206	337	309	1,277	255	75%	191
Sept.	199	160	196	229	198	982	196	75%	147
Oct.	165	172	197	165	185	884	177	75%	133
Nov.	139	142	149	153	162	745	149	75%	112
Dec.	142	143	150	156	165	755	151	75%	113
Total	1,995	2,006	2,072	2,330	2,333		2,333		

* Units in acre-feet

- (C) The City Manager shall provide notice, by certified mail, to each wholesale customer informing them of their monthly water usage allocations and shall notify the news media and the executive director of the Texas Natural Resource Conservation Commission upon initiation of pro rata water allocation.
- (D) Upon request of the customer or at the initiative of the City Manager the allocation may be reduced or increased if:
- (1) The designated period does not accurately reflect the wholesale customer's normal water usage;
 - (2) The customer agrees to transfer part of its allocation to another wholesale 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 City Council of the City of Rusk.

(Ord. 01-14, § 1, passed 12-13-01)

Sec. 51.082 Enforcement.

During any period when pro rata allocation of available water supplies is in effect, wholesale customers shall pay the following surcharges on excess water diversions and/or deliveries:

- (A) 1.25 times the normal water charge per acre-foot for water diversions and/or deliveries in excess of the monthly allocation up through 5% above the monthly allocation.
- (B) 1.50 times the normal water charge per acre-foot for water diversions and/or deliveries in excess of the monthly allocation from 5% through 10% above the monthly allocation.
- (C) 1.75 times the normal water charge per acre-foot for water diversions and/or deliveries in excess of the monthly allocation from 10% through 15% above the monthly allocation.
- (D) 2.00 times the normal water charge per acre-foot for water diversions and/or deliveries more than 15% above the monthly allocation.

(Ord. 01-14, § 1, passed 12-13-01)

Sec. 51.083 Variances.

The City Manager, or his/her designee, may, in writing, grant a temporary variance to the pro rata water allocation policies provided by this plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the public health, welfare, or safety and if one or more of the following conditions are met:

- (A) 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.
- (B) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this plan shall file a petition for variance with the City Manager within five days after pro rata allocation has been invoked. All petitions for variances shall be reviewed by the City Council, and shall include the following:

- (A) Name and address of the petitioner(s).
- (B) Detailed statement with supporting data and information as to how the pro rata allocation of water under the policies and procedures established in the plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this section.
- (C) Description of the relief requested.
- (D) Period of time for which the variance is sought.

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- (E) Alternative measures the petitioner is taking or proposes to take to meet the intent of this plan and the compliance date.
- (F) Other pertinent information. Variances granted by the City Council shall be subject to the following conditions, unless waived or modified by the City Council or its 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 variance shall be retroactive or otherwise justify any violation of this plan occurring prior to the issuance of the variance.

(Ord. 01-14, § 1, passed 12-13-01)

RATES AND CHARGES

Sec. 51.085 No free service.

No free service shall be allowed, and to the extent that the city, or any of its agencies or instrumentalities avail themselves of the services and facilities provided by the systems. They shall pay for the same rates and charges prescribed.

(1980 Code, § 9.92; Ord. passed 11-10-64)

Sec. 51.086 Determination of sewer rates.

(A) It is determined and declared to be necessary for the city to levy and collect charges from all persons, firms, and corporations that are using the sanitary sewer system and lines of the city. The monthly charges assessed those customers contributing sanitary sewerage only shall be based on a fixed charge per unit, and those customers contributing industrial waste shall pay an additional charge based on the quantity of wastes, with all charges to be determined according to the schedule set out by the City Council.

(B) Should any type of building or business hereafter come into the city, upon application being made by it for sewerage connections, the City Council shall determine the monthly charge for that particular type of building or business and set up such charge as an amendment to this chapter.

(C) Should any inconsistency arise over the schedule of rates, then the person, firm, or corporation claiming such inconsistency shall make application to the City Council for an interpretation of the schedule of rates as applied in his particular case, and such interpretation by the City Council shall be final.

(1980 Code, § 9.40; Ord. passed 12-18-47)