

ARTICLE 13.05
WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN

DIVISION 1
Water Conservation Plan

§ 13.05.001. Adopted.

The water conservation plan, as amended, is included at the end of this chapter as exhibit A [sic].

(Ordinance 21-0601 adopted 6/1/21)

§ 13.05.002. through § 13.05.030. (Reserved)

**DIVISION 2
Drought Contingency Plan**

§ 13.05.031. Declaration of policy, purpose, and intent.

- (a) To conserve the available water supply and protect the integrity of water supply facilities, with 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.
- (b) Water uses regulated or prohibited under this division are nonessential 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 13.05.040 hereof.

(Ordinance 21-0601 adopted 6/1/21)

§ 13.05.032. Public involvement.

Opportunity for the public to provide input into the preparation of this plan was provided by the city by means of public comment during a public meeting.

(Ordinance 21-0601 adopted 6/1/21)

§ 13.05.033. Public education.

The city will periodically provide the public with information about this plan, including information about the conditions under which each stage of this 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, social media notifications, utility bill inserts, and/or website postings.

(Ordinance 21-0601 adopted 6/1/21)

§ 13.05.034. Coordination with regional water planning groups.

The service area of the city is located within the region K water planning group, and the city has provided a copy of this plan to the region K water planning group.

(Ordinance 21-0601 adopted 6/1/21)

§ 13.05.035. Authorization.

The chief administrative officer (CAO), or his/her 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 CAO 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.

(Ordinance 21-0601 adopted 6/1/21)

§ 13.05.036. 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 this plan, include individuals, corporations, partnerships, associations, and all other legal entities. (Ordinance 21-0601 adopted 6/1/21)

§ 13.05.037. Definitions.

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

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

Commercial and institutional water use. Water use which is integral to the operations of commercial, nonprofit, and governmental entities, such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation. 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 reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer. Any person, company, or organization using water supplied by the city.

Domestic water use. 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. Street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

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

Landscape irrigation use. 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.

Nonessential water use. 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 firefighting.

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

(Ordinance 21-0601 adopted 6/1/21)

§ 13.05.038. Criteria for initiation and termination of drought response stages.

- (a) The public works director or his/her designee shall monitor water supply and/or demand conditions daily and shall determine when conditions warrant initiation or termination of each stage of this plan, that is, when the specified "triggers" are reached.
- (b) Utilization of alternative water sources and/or alternative delivery mechanisms. The city has no other alternative water source(s).
- (c) The triggering criteria described below are based on the draw down levels of city water wells and system capacity.
 - (1) Stage 1 triggers – 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 13.05.037 definitions, when the city's well(s) draw down level is equal to or less than 80 percent of the well's original capacity and/or when pumping time from wells meets or exceeds 50% of one day (24 hrs.) or 12 hrs. for three consecutive days.
 - (B) Requirements for termination. Stage 1 of this plan may be rescinded when all the conditions listed as triggering events have ceased to exist for a period of 5 consecutive days.
 - (2) Stage 2 triggers – Moderate water shortage conditions.
 - (A) Requirements for initiation. Customers shall be required to comply with the requirements and restrictions on certain nonessential water uses, defined in section 13.05.037 definitions, when the city's well(s) draw down level is equal to or less than 70 percent of the well's original capacity and/or when pumping time from wells meets or exceeds 70% of

one day (24 hrs.) or 14.5 hours for three consecutive days.

- (B) Requirements for termination. Stage 2 of this plan may be rescinded when all the conditions listed as triggering events have ceased to exist for a period of 5 consecutive days. Upon termination of stage 2, stage 1, or the applicable drought response stage based on the triggering criteria, becomes operative.
- (3) Stage 3 triggers – Severe water shortage conditions.
- (A) Requirements for initiation. Customers shall be required to comply with the requirements and restrictions on certain nonessential water uses, defined in section 13.05.037 definitions, when the city's well(s) draw down level is equal to or less than 60 percent of the well's original capacity and/or when pumping time from wells meets or exceeds 75% of one day (24 hrs.) or 17 hours for three consecutive days.
- (B) Requirements for termination. Stage 3 of this plan may be rescinded when all the conditions listed as triggering events have ceased to exist for a period of 5 consecutive days. Upon termination of stage 3, stage 2, or the applicable drought response stage based on the triggering criteria, becomes operative.
- (4) Stage 4 triggers – Critical water shortage conditions.
- (A) Requirements for initiation. Customers shall be required to comply with the requirements and restrictions on certain nonessential water uses, defined in section 13.05.037 definitions, when the city's well(s) draw down level is equal to or less than 50 percent of the well's original capacity and/or when pumping time from wells meets or exceeds 80% of one day (24 hrs.) or 20 hours for three consecutive days.
- (B) Requirements for termination. Stage 4 of this plan may be rescinded when all the conditions listed as triggering events have ceased to exist for a period of 5 consecutive days. Upon termination of stage 4, stage 3, or the applicable drought response stage based on the triggering criteria, becomes operative.
- (5) Stage 5 triggers – 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 public works director, or his/her designee, determines that a water supply emergency exists based on:
- (B) Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or
- (C) Natural or manmade contamination of the water supply source(s).
- (D) Requirements for termination. Stage 5 of this plan may be rescinded

when all the conditions listed as triggering events have ceased to exist for a period of 5 consecutive days.

(6) Stage 6 triggers – Water allocation.

- (A) Requirements for initiation. Customers shall be required to comply with the water allocation plan, prescribed in section 13.05.039 hereof, and the requirements and restrictions for stage 5 of this plan when the capacity of the city's wells is equal to or less than 40 percent of original capacity.
- (B) Requirements for termination. Water allocation may be rescinded when all the conditions listed as triggering events have ceased to exist for a period of 5 consecutive days.

(Ordinance 21-0601 adopted 6/1/21)

§ 13.05.039. Drought response stages.

- (a) The public works director, or his/her designee, shall monitor water supply and/or demand conditions daily and, in accordance with the triggering criteria set forth in section 13.05.038 hereof, shall determine that a mild, moderate, severe, critical, emergency, or water allocation condition exists. The public works director shall inform the CAO, who shall implement the following notification procedures:
- (1) Notification of the public. The CAO or his/her designee shall notify the public by means of:
- (A) Publication in a newspaper of general circulation;
 - (B) Direct mail to each customer or information included with utility billings;
 - (C) Announcements on the city's website and social media sites;
 - (D) Public service announcements; and/or
 - (E) Signs posted in public places.
- (2) Additional notification. The CAO or his/her designee shall notify directly, or cause to be notified directly, the following individuals and entities:
- (A) Mayor and members of the city council;
 - (B) Fire chief;
 - (C) County emergency management coordinator;
 - (D) TCEQ;
 - (E) Major water users; and
 - (F) Critical water users.
- (b) Responses.

- (1) Stage 1 response – Mild water shortage conditions.
 - (A) Target. Achieve a voluntary 5 percent reduction in daily demand.
 - (B) Voluntary water use restrictions for reducing demand.
 - (i) Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 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.
 - (ii) All operations of the city shall adhere to water use restrictions prescribed for stage 1 of the plan.
 - (iii) Water customers are requested to practice water conservation and to minimize or discontinue water use for nonessential purposes.
- (2) Stage 2 response – Moderate water shortage conditions.
 - (A) Target. Achieve a 10 percent reduction in daily demand.
 - (B) Water use restrictions for demand reduction. Under threat of penalty for violation, the following water use restrictions shall apply to all persons:
 - (i) 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 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 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. However, irrigation of landscaped areas is permitted at any time if it is by means of a handheld hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.
 - (ii) 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 midnight and 10:00 a.m. and 8:00 p.m. to midnight. Such washing, when allowed, shall be done with a handheld bucket or a handheld hose equipped with a positive shutoff nozzle. Vehicle washing may be done at any time on the immediate premises of a commercial carwash 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.

- (iii) 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 midnight and 10:00 a.m. and 8:00 p.m. to midnight.
- (iv) 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.
- (v) Use of water from hydrants shall be limited to firefighting, 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.
- (vi) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours of midnight and 10:00 a.m. and 8:00 p.m. to midnight. However, if the golf course utilizes a water source other than that provided by the city, the facility shall not be subject to these regulations.
- (vii) All restaurants are prohibited from serving water to patrons, except upon request of the patron.
- (viii) The city will reduce or discontinue irrigation of public landscaped areas and reduce or discontinue flushing of water mains.
- (ix) The following uses of water are defined as nonessential and are prohibited:
 - a. Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced 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; and
 - 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 response – Severe water shortage conditions.

- (A) Target. Achieve a 20 percent reduction in demand.

- (B) Water use restrictions for demand reduction. Under threat of penalty for violation, the following water use restrictions shall apply to all persons. All requirements of stage 2 shall remain in effect during stage 3 except:
- (i) Irrigation of landscaped areas shall be limited to designated watering days between the hours of midnight and 10:00 a.m. and 8:00 p.m. to midnight and shall be by means of handheld hoses, handheld buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.
 - (ii) The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the city.
 - (iii) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.
- (4) Stage 4 response – Critical water shortage conditions.
- (A) Target. Achieve a 50 percent reduction in demand.
- (B) Water use restrictions for reducing demand. Under threat of penalty for violation, the following water use restrictions shall apply to all persons. All requirements of stage 2 and 3 shall remain in effect during stage 4 except:
- (i) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6:00 a.m. and 10:00 a.m. and 8:00 p.m. and midnight and shall be by means of handheld hoses, handheld buckets, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems are prohibited at all times.
 - (ii) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle not occurring on the premises of a commercial carwash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial carwashes and commercial service stations shall occur only between the hours of 6:00 a.m. and 10:00 a.m. and 6:00 p.m. and 10:00 p.m.
 - (iii) The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.
 - (iv) 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.
 - (v) No application 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 approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

(5) Stage 5 response – Emergency water shortage conditions.

(A) Target. Achieve a 60 percent reduction in demand.

(B) Water use restrictions for reducing demand. Under threat of penalty for violation, the following water use restrictions shall apply to all persons. All requirements of stage 2, 3, and 4 shall remain in effect during stage 5 except:

(i) Irrigation of landscaped areas is absolutely prohibited.

(ii) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle is absolutely prohibited.

(6) Stage 6 response – Water allocation. If water shortage conditions threaten public health, safety, and welfare, the CAO is hereby authorized to order water rationing and/or terminate service to selected uses of the system in accordance with the following sequence:

(A) Irrigation users;

(B) Recreation users;

(C) Commercial users;

(D) School users;

(E) Residential users; and

(F) Hospitals and public safety facilities.

(Ordinance 21-0601 adopted 6/1/21)

§ 13.05.040. 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 more than that permitted by the drought response stage in effect at the time pursuant to action taken by the CAO, or his/her 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 two dollars (\$200.00) and not more than two thousand dollars (\$2,000.00). 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 CAO 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 and any other costs incurred by the city in discontinuing service. In addition, suitable assurance must be given to the CAO 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/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/she proves that he/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 city employee designated by the CAO, may issue a citation to a person he/she reasonably believes to be in violation of this article. 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 municipal court on the date shown on the citation for which the date shall not be less than 3 days nor more than 5 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 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 municipal court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in municipal court before all other cases.

(Ordinance 21-0601 adopted 6/1/21)

§ 13.05.041. Variances.

- (a) The CAO, or his/her 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 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 article shall file a petition for variance with the city within 5 days after the plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the CAO, or his/her 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 or others if petitioner complies with this article.
 - (5) Description of the relief requested.
 - (6) Period for which the variance is sought.
 - (7) Alternative water use restrictions or other measures the petitioner is taking or proposes 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 CAO or his/her 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.
 - (d) No variance shall be retroactive or otherwise justify any violation of this plan occurring prior to the issuance of the variance.
- (Ordinance 21-0601 adopted 6/1/21)