

**DROUGHT CONTINGENCY AND WATER CONSERVATION PLAN FOR
THE CITY OF OAK RIDGE NORTH, TEXAS**

DIVISION 1: INTRODUCTION

Section 82-51: Declaration of Policy, Purpose, and Intent.

The City of Oak Ridge North (the "City") hereby adopts the following regulations and restrictions on the delivery and consumption of water 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.

Water uses regulated or prohibited under this Drought Contingency and Water Conservation 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 82-62 of this Plan.

Section 82-52: 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 a public notice of a public meeting to accept input on the Plan.

Section 82-53: Public Education.

The City will periodically provide the public 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 utility bill inserts.

Section 82-54: Coordination with Regional Water Planning Groups.

The service area of the City is located within the Texas Water Development Board Region H Water Planning Group, and the City shall provide a copy of this Plan, and any subsequent amendments thereto, to the Texas Water Development Board Region H Water Planning Group.

Section 82-55: Authorization.

The City Manager 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 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. The City Manager or his/her designee may determine the extent of the City's participation in the Plan.

Section 82-56: Application.

The provisions of this Plan shall apply to all persons, including but not limited to customers, utilizing water provided by the City.

Section 82-57: 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 and non-profit establishments 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, corporation, partnership, association, organization or other legal entity using water supplied by the City. The term “customer” does not include 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 number address: street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

Household: the residential premises served by a customer's water utility meter.

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.

Non-essential water use: water uses that are not essential or required for the protection of public, health, safety, and welfare, including:

- (a) irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
- (b) use of water to wash any motor vehicle, motorbike, golf cart, all terrain vehicle, boat, trailer, airplane or other vehicle;

- (c) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (d) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (e) use of water for dust control;
- (f) flushing gutters or permitting water to run or accumulate in any gutter or street;
- (g) use of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools;
- (h) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (i) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (j) use of water from hydrants for construction purposes or any other purposes other than fire fighting.

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

Persons per household: persons physically residing at a household who are reasonably expected to reside at the household for an entire water utility billing period.

DIVISION 2: DROUGHT CONTINGENCY PLAN

Section 82-58: Criteria for Initiation and Termination of Drought Response Stages.

On or before May 1st of every year, the City Manager or his/her designee shall conduct an annual evaluation of the City's water supply and/or demand conditions to determine if then existing conditions warrant voluntary initiation of a drought response stage according to Sec. 82-59.

In addition, the City Manager or his/her designee shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified "triggers" are reached.

The triggering criteria described below are based on emergencies such as a fire, flood, hurricane, lightning strike, tornado, windstorm, lowering of the water table serving the City's wells, civil disobedience, or any other similar occurrence which results in the inability of the City to provide potable water to users.

Section 82-58.1: Stage 1 Triggers – MILD Water Shortage Conditions.

Requirements for Initiation:

Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on non-essential water uses, as that term is defined in Section 82-57 entitled “Definitions”, when the average run time for the City’s wells is at or above 12 hours for one (1) day or the City’s pumpage average is over 1.0 million gallons for three (3) consecutive days, as determined by the

Requirements for termination:

The City Manager or his/her designee may rescind Stage 1 of the Plan when all of the conditions listed as triggering events for Stage 1 have ceased to exist.

Section 82-58.2: Stage 2 Triggers – MODERATE Water Shortage Conditions.

Requirements for Initiation:

Customers must comply with the Mandatory Water Use Restrictions as required by Section 82-59.2 of this Plan when the average run time for the City’s wells is at or above 13 hours for one (1) days or the City’s pumpage average is over 1.25 million gallons for three (3) consecutive days, as determined by the

Requirements for termination:

The City Manager or his/her designee may rescind Stage 2 of the Plan when all of the conditions listed as triggering events for Stage 2 have ceased to exist. Upon termination of Stage 2, Stage 1 becomes operative.

Section 82-58.3: Stage 3 Triggers – SEVERE Water Shortage Conditions.

Requirements for Initiation:

Customers must comply with the Mandatory Water Use Restrictions as required by Section 82-59.3 of this Plan when the average run time for the City’s wells is at or above 15 hours for one (1) day or the City’s pumpage average is over 1.50 million gallons for three (3) consecutive days as determined by the

Requirements for termination:

The City Manager or his/her designee may rescind Stage 3 of the Plan when all of the conditions listed as triggering events for Stage 3 have ceased to exist. Upon termination of Stage 3, Stage 2 becomes operative.

Section 82-58.4: Stage 4 Triggers – CRITICAL Water Shortage Conditions.

Requirements for Initiation:

Customers must comply with the Mandatory Water Use Restrictions as required by Section 82.59.4 of this Plan when the average run time for the City's wells is at or above 18 hours for one (1) day or the City's pumpage average is over 1.75 million gallons for three (3) consecutive days as determined by the City's Public Works Director.

Requirements for termination:

The City Manager or his/her designee may rescind Stage 4 of the Plan when all of the conditions listed as triggering events for Stage 4 have ceased to exist. Upon termination of Stage 4, Stage 3 becomes operative.

Section 82-58.5: Stage 5 Triggers – EMERGENCY Water Shortage Conditions.

Requirements for Initiation:

Customers must comply with the Mandatory Water Use Restrictions as required by Section 82.59.5 of this Plan when the City's Public Works Director or his/her designee determines that a water supply emergency exists based on:

- (a) major water line breaks, or pump system failures occur, which cause unprecedented loss of capability to provide water service; or
- (b) natural or man-made contamination of the water supply source(s).

Requirements for termination:

The City Manager or his/her designee may rescind Stage 5 of the Plan when all of the conditions listed as triggering events have ceased to exist.

Section 82-59: Drought Response Stages.

The City Manager or his/her designee shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth under Section 82-58 of this Plan, shall determine that a mild, moderate, severe, critical, or emergency water shortage condition exists and shall implement the following notification procedures:

Section 82-59.1: Stage 1 Response – MILD Water Shortage Conditions.

Goal: Achieve a voluntary fifteen (15) percent reduction in total water use.

Supply Management Measures: The City must reduce the system pressure at the water plant(s) to 55 psi.

Voluntary Water Use Restrictions:

- (a) 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, and Saturdays and Wednesdays for water customers with a street address ending in an odd number, and to irrigate landscapes only between the hours of 12:00 midnight and 10:00 a.m. and 8:00 p.m. to 11:59 p.m. on designated watering days.
- (b) All City operations must adhere to water use restrictions prescribed for Stage 2 of the Plan.
- (c) Water customers are requested to practice water conservation and to minimize or discontinue non-essential water use.

Section 82-59.2: Stage 2 Response – MODERATE Water Shortage Conditions.

Goal: Achieve a twenty-five (25) percent reduction in total water use.

Supply Management Measures: The City must reduce the system pressure at the water plant(s) to 50 psi.

Mandatory Water Use Restrictions: Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

- (a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems must be limited to Sundays and Thursdays for customers with a street address ending in an even number, and Saturdays and Wednesdays for customers with a street address ending in an odd number, 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 11:59 p.m. 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, a watering can of five (5) gallons or less, or drip irrigation system.
- (b) Use of water to wash any motor vehicle, motorbike, golf cart, all terrain vehicle, 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 11:59 p.m. Such washing, when allowed, must be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rises. Vehicle washing may occur 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 are contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
- (c) 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 11:59 p.m.

- (d) 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.
- (e) Use of water from hydrants must be limited to fire fighting or 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.
- (f) All restaurants are prohibited from serving water to patrons except upon request of the patron.
- (g) Non-essential water uses are prohibited.

Section 82-59.3: Stage 3 Response – SEVERE Water Shortage Conditions.

Goal: Achieve a thirty-five (35) percent reduction in total water use.

Supply Management Measures: The City should make all reasonable efforts to reduce the system pressure at the water plant(s) to 50 psi.

Mandatory Water Use Restrictions: All Stage 2 requirements and prohibitions must remain in effect during Stage 3 except:

- (a) irrigation of landscaped areas must 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 11:59 p.m. and must 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.
- (b) All special permits issued by the City for the use of water for construction purposes from designated fire hydrants is suspended.

Section 82-59.4: Stage 4 Response – CRITICAL Water Shortage Conditions.

Goal: Achieve a forty-five (45) percent reduction in total water use.

Supply Management Measures: The City must (1) reduce the system pressure at the water plant(s) to 50 psi, (2) discontinue flushing of water mains unless necessary due to poor water quality, and (3) discontinue irrigation of public landscaped areas.

Mandatory Water Use Restrictions: All requirements of Stage 2 and Stage 3 must remain in effect during Stage 4 except:

- (a) Irrigation of landscaped areas must be limited to designated watering days between the hours of 6:00 a.m. and 10:00 a.m. and between 8:00 p.m. and 11:59 p.m. and must 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 is prohibited at all times.

- (b) Use of water to wash any motor vehicle, motorbike, golf cart, all terrain vehicle, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash or commercial service station and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at a commercial car wash or commercial service stations must 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.
- (c) The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi-type pools is prohibited.
- (d) 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.
- (e) 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 must be approved, and time limits for approval of such applications are hereby suspended for as long as this drought response stage or a higher-numbered stage must be in effect

Section 82-59.5: Stage 5 Response – EMERGENCY Water Shortage Conditions.

Goal: Achieve a fifty (50) percent reduction in total water use.

Supply Management Measures: The City must (1) reduce the system pressure at the water plant(s) to 50 psi, (2) discontinue flushing of water mains unless necessary due to poor water quality, (3) discontinue irrigation of public landscaped areas, and (4) initiate use of alternative supply sources or emergency interconnects.

Mandatory Water Use Restrictions: All requirements of Stage 2, Stage 3 and Stage 4 must remain in effect during Stage 5 except:

- (a) Irrigation of landscaped areas is prohibited.
- (b) Use of water to wash any motor vehicle, motorbike, golf cart, all terrain vehicle, boat, trailer, airplane or other vehicles is prohibited.

Section 82-60: WATER ALLOCATION MEASURES.

If the City Manager determines, in his/her sole discretion, that water shortage or any other conditions threaten public health, safety, and welfare, then the City Manager or his/her designee is hereby authorized to allocate water according to the following water allocation plan.

- (a) 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	6,000
3 or 4	7,000
5 or 6	8,000
7 or 8	9,000
9 or 10	10,000
11 or more	12,000

It shall be assumed that a particular customer's household is comprised of two (2) persons unless the customer notifies the City of a greater number of persons per household on a form prescribed by the Chief of Utility Services. The Chief of Utility Services shall make his/her 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 City Hall to complete and sign the form claiming more than two (2) persons per household. New customers may claim more persons per household at the time of application for water service on the form prescribed by the Chief of Utility Services. 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 City in writing within two (2) business days. In prescribing the method for claiming more than two (2) persons per household, the Chief of Utility Services shall adopt methods to insure the accuracy of the claim. Any person who 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 may be fined not less than \$100.00.

- (1) Surcharges. Residential water customers must pay a surcharge of \$50.00 for each 1 to 1,000 gallons over the customer's single-family residential water allocation.

- (b) Master-Metered Multi-Family Residential Customers: The allocation to a customer billed from a master meter that jointly measures water to multiple permanent residential dwelling units (e.g., apartments, town homes, condominiums, mobile homes) shall be allocated 6,000 gallons per month for each dwelling unit. It shall be assumed that each master meter serves two dwelling units unless a customer notifies the City that a master meter serves a greater number of dwelling units on a form provided by the Chief of Utility Services. The Chief of Utility Services shall make his/her 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 City Hall to complete and sign the form claiming that a master meter serves more than two (2) dwelling units. 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 application for water service on the form prescribed by the Chief of Utility Services. If the number of dwelling units served by a master meter is reduced, a customer shall notify the City in writing within two (2) business days. The Chief of Utility Services must adopt methods for claiming more than two (2) dwelling units to insure the accuracy of a customer's claim. Any person who 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 person in a household may be fined not less than \$100.00.

(1) Surcharges. Multi-family residential customers billed from a master meter under this provision must pay a surcharge of \$50.00 for each 1 to 1,000 gallons over the customer's multi-family residential water allocation for each dwelling unit.

(c) Commercial Customers: A monthly water allocation shall be established by the Chief of Utility Services, or his/her designee, for each commercial customer other than an industrial customer who uses water for an industrial water use. The non-residential customer's allocation shall be approximately 75% percent of the customer's usage for the corresponding month's billing period for the previous twelve (12) months. If the customer's billing history is shorter than twelve (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. However, a customer with 75% percent monthly usage less than 6,000 gallons shall be allocated 6,000 gallons. The Chief of Utility Services shall make his/her best effort to see that notice of each customer's allocation is mailed to each 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 Chief of Utility Services, the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the customer's normal water usage, (2) one commercial customer agrees to transfer part of its allocation to another commercial 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 Manager, or his/her designee.

(1) Surcharges. Commercial customers must pay a surcharge of \$150.00 for each 1 to 1,000 gallons over the commercial customer's water allocation.

(d) Industrial Customers: A monthly water allocation shall be established by the Chief of Utility Services, or his/her designee, for each industrial customer, which uses water for an industrial water use. The industrial customer's allocation shall be approximately 90% percent of the customer's water usage baseline. Ninety (90) 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 useage baseline will be computed based on the average water useage for the twelve (12) month period ending prior to the date of implementation of Stage 2 of the Plan. If the industrial customer's billing history is shorter than twelve (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 Chief of Utility Services shall make his/her 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 Chief of Utility Services, the allocation may be reduced or increased if (1) the designated period does not accurately reflect the customer's normal water use 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 water use 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 City Manager, or his/her designee.

- (1) Surcharges. Industrial customers must pay a surcharge of \$150.00 for each 1 to 1,000 gallons over the industrial customer's water allocation.

Section 82-61: Notification.

Notification to the Public:

Upon the initiation of drought response stages 1 thru 5, the City Manager or his/her designee must notify the public by means of:

- (a) signs posted in public places.

Additional Notification:

Upon the initiation of any water allocation measure, the City Manager or his/her designee must notify directly, or cause to be notified directly, the following individuals and entities:

- (a) Mayor and members of the City Council;
- (b) Fire Chief(s);
- (c) City and/or County Emergency Management Coordinator(s);
- (d) San Jacinto River Authority;
- (e) Lone Star Groundwater Conservation District;
- (f) TCEQ;
- (g) Conroe I.S.D.;
- (h) Other critical water users as defined by the City Manager or his/her designee;
- (i) Parks / street superintendents and public facility managers.

Section 82-62: Enforcement.

- (a) No person shall use water for a residential, commercial, industrial, or agricultural, 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 City Manager or his/her designee in accordance with the provisions of this Plan.
- (b) Any person who violates or causes, allows or permits another to violate any provision of this Plan shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than two thousand dollars (\$2000.00). Each occurrence of any such violation of this Ordinance shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the Chief of Utility Services 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 re-connection charge, hereby established at \$100.00, and any other costs incurred by the City in discontinuing service. 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 premises 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 premises 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.

Section 82-63: Variances.

- (a) The City Manager or his/her designee may, in writing, grant a temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such a variance would cause an emergency condition adversely affecting the health, safety, 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 a variance from the provisions of this Plan shall file a petition for variance with the City within five (5) days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the City Manager 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 and/or harm will occur to the petitioner or others if petitioner complies with this Plan or particular drought response stage being invoked;
 - (5) Description of the relief requested;
 - (6) Period of time for which variance is requested;
 - (7) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan or the particular drought response stage being invoked;
 - (8) Other pertinent information.
- (c) Each variance granted by the City shall be subject to the following conditions, unless specifically waived and/or modified in writing by the City Manager or his/her designee:
- (1) Each granted variance shall include a timetable for compliance with the stage of the plan in effect;
 - (2) Each granted variance shall expire when the stage for which the variance was granted is no longer in effect, unless the petitioner has failed to meet the specified requirements of the variance.
- (d) In no case shall a granted variance be applied retroactively to excuse, justify or serve as an affirmative defense to prosecution for a violation of this Plan or violation of particular drought response stage invoked occurring prior to the issuance of the variance.

DIVISION 3: WATER CONSERVATION PLAN

Section 82-64: Goals.

The City hereby establishes the following targets and goals for water conservation:

- (a) The City will reduce water loss and improve water accountability.
 - (1) Five Year Goal (2014) – The City will continue to work to limit the annual historical water loss to less than ten (10) percent, saving approximately 0.36 gallons per capita day (gcpd). As of the time of the passing of this Ordinance revising Ordinance 03-09 dated March 9, 2009, the 2004-2007 water loss average (baseline) is 10.19 percent.

(2) Ten Year Goal (2019) – The City will continue to work to limit the annual historical water loss to less than ten (10) percent, saving approximately 0.36 gallons per capita day (gpcd).

(b) The City will prohibit wasteful activities including: water waste during irrigation, failure to fix outside faucet leaks, service line leaks (on the customer side of the meter), sprinkler system leaks; once-through use of water in commercial equipment, non-recirculation systems in all new conveyer and in-bay automatic car washes and commercial laundry systems; non-recycling decorative water fountains; and installation of water softeners that do not meet certain regeneration efficiency and waste discharge standards.

(1) Five Year Goal (2014) – Five (5) percent of the population reduces water water by ten (10) gallons per day (gpd) over five (5) years, saving 0.50 gallons per capita day (gpcd).

(2) Ten Year Goal (2019) – Five (5) percent of the population reduces water waste by ten (10) gallons per day (gpd) over the second five (5) years, saving approximately 1.00 gallons per capita day (gpcd).

(c) The City will adopt a retrofit ordinance specific to property ownership changes requiring sellers to retrofit or replace existing toilets using 3.5 gallons or more per flush, reducing each household water usage by approximately 10.5 gallons per day (gpd) per resident.

(1) Five Year Goal (2014) – Five (5) percent of the population updates plumbing fixtures over five (5) years, saving approximately 0.53 gallons per capita day (gpcd).

(2) Ten Year Goal (2019) – Five (5) percent of the population updates plumbing fixtures over the second five (5) years, saving approximately 1.05 gallons per capita day (gpcd).

(d) The following table summarizes the Target and Goals.

Conservation Technique	Historical Annual Water Usage (kgallons)	Possible Ultimate Savings Per Participant (gpd)	Goal Reduction (Percent)	Baseline Savings Per Capita (gpcd)	2014 Savings Per Capita (gpcd)	2019 Savings Per Capita (gpcd)
Water Loss Reduction	157,496	N/A	0.28	0.00	0.24	0.24
Water Waste Reduction	157,496	10.0	5 ¹	0.00	0.50	1.00
Toilet Replacements	157,496	10.0	5 ¹	0.00	0.53	1.05
Baseline Population:	3,435	Total Water Savings (gpcd):		0.00	1.26	2.29
2014 Population:	4,259	Average Water Usage (gpcd):		125.62	124.35	123.33
2019 Population:	4,672	Total Percent Water Savings:		0.00%	98.99%	98.18%

¹ 5% reduction by 5% of population from 2009 to 2014 and an additional 5% reduction from 2014 to 2019.

Section 82-65: Schedule.

The City will adhere to the following schedule, to achieve the goals for water conservation:

- (a) Meters will continue to be monitored for accuracy annually;
- (b) Water audits will continue to be conducted annually.
 - (1) Real water losses are identified and corrected;
 - (2) Real water losses are minimized by replacement of deteriorating water mains and appurtenances, as determined necessary by City staff on an on-going basis.
- (c) The City will mail out material developed by the staff, materials obtained from the Texas Water Development Board, Texas Commission on Environmental Quality or other sources semi-annually (once in the spring and once in the summer) to all customers.
- (d) The City currently uses the leak detection program, which reduces real water losses via on-going inspections and soundings of all water main fitting and connections.
- (e) The City adopted the 2006 International Plumbing Code, and all new construction or renovations in the City use water conserving fixtures.
- (f) The City will prohibit wasteful activities via the following methods:
 - (1) Plan, develop, and pass an ordinance that includes developing a plan for educating customers by 2011;
 - (2) The City will consider incentives for plumbing fixture updates;
 - (3) The City will continue the implementation of an outreach program for customers after passage of ordinance referenced in (f)(3) above, continue compliance education and initiate enforcement programs. Enforcement may include, but is not limited to, citations with fines and service interruption for repeat offenders.
- (g) The City shall adopt a retrofit ordinance triggered when ownership of the property changes by 2011. The ordinance shall require all plumbing fixtures in the house to meet current plumbing standards when the ownership of the property changes.

Section 82-66: Procedures.

The City Manager or his/her designee shall track goals by utilizing the following procedures:

- (a) The City shall maintain logs for meter calibration, meter testing, and meter replacement programs;

- (b) The City shall document annual water audits and keep a record of audits in the Utility Department files;
- (c) The City staff shall keep a record of the number of mail-outs distributed semi-annually;
- (d) The water utility rates are tracked by means of ordinances adopted;
- (e) The City shall maintain logs for the utility's Leak Detection Program, including but not limited to the following:
 - (1) Annual inspections and soundings of all water main fittings and connections;
 - (2) Annual intermittent night-flow measurements.

Section 82-67: Metering Program.

The City shall implement and/or otherwise maintain a program for:

- (1) the metering of both customer and public uses of water;
- (2) meter testing;
- (3) meter repair; and
- (4) periodic meter replacement.

Section 82-68: Water Accountability Measures.

- (a) The City shall take measures to determine and control unaccounted-for uses of water. Acceptable measures include, but are not limited to:
 - (1) periodic visual inspections along distributions lines; or
 - (2) Monthly and/or annual audit of water system to determine illegal connections and/or abandoned services.

Section 82-69: Water Accountability Program.

The City shall implement a continuous program of leak detection, repair, and water loss accounting for the water transmission, delivery, and distribution system in order to control water loss.

Section 82-70: Education and Information.

- (a) The City hereby institutes an educational program, to be implemented to promote water conservation, which may include the following:
 - (1) Publication of articles providing information on water conservation in a newspaper or newsletter of general circulation in the City;

- (2) Distribution of information to customers of the City's water system explaining the City's water conservation and drought contingency Plan;
- (3) Distribution to water customers of educational and informational material regarding water conservation;
- (4) Distribution of information to new customers of the City's water system regarding water conservation when applying for service;
- (5) Distribution of education and informational material to water customers explaining the benefits of retrofitting with water-saving appliances and devices.

Section 82-71: Rate Structure.

The City shall have a water rate structure which is not "promotional" but which encourages water conservation (i.e., a rate structure which is cost-based and which does not encourage the excessive use of water).

Sections 82-72 thru 82-80: Reserved