

Drought Contingency Plan



City of Wichita Falls

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1.0 INTRODUCTION AND OBJECTIVE

Following the recent drought of record, the City of Wichita Falls (City) has made a concerted effort to ensure its water resources are used responsibly and efficiently to preserve them through any future periods of drought. This Drought Contingency Plan (DCP or Plan) is predicated on maintaining a minimum reservoir storage capacity and a finite treatment capacity by using pre-planned, progressive measures to alter demand and to augment supply. The total objective is to extend the water supply from all supply reservoirs to the fullest extent possible.

In 2018, the City implemented an indirect potable reuse (IPR) system to transport treated wastewater effluent from the Wichita Falls Resource Recovery Facility (WFRRF) to Lake Arrowhead for future water supply use. The IPR system is permitted to supply up to 16 MGD per day. Currently the IPR system is supplying an average of 8 MGD to Lake Arrowhead which would otherwise be discharged into the Wichita River downstream of the City's water supply system and become unavailable. The IPR system reduces the demand for new water on Lake Arrowhead and the Little Wichita River system which includes Lake Kickapoo. Through the IPR system, the City can artificially maintain the storage levels in Lake Arrowhead to help preserve the quantity and quality of the water supply.

The City constructed the Reverse Osmosis (RO) facility at the Cypress Water Treatment Plant (WTP) to develop the Lake Kemp system into a drinking water supply. The RO plant was designed to provide up to 10 million gallons (MG) of drinking water each day (approximately 13% of total treatment capacity), which is the amount required to sustain basic sanitary needs during a summer drought condition. Therefore, because the RO treatment capacity is such a small contributor to the overall City treatment capacity, the City has elected not to utilize the Lake Kemp storage capacity in its calculation for the triggering of the various drought stages. The City determined this was a more conservative approach to maintaining an adequate supply of source water for the citizens of the City.

The purpose of this DCP is as follows:

- To conserve the available water supply in times of drought and emergency;
- To maintain supplies for domestic water use, sanitation, and fire protection;
- To protect and preserve public health, welfare, and safety;

- To minimize the adverse impacts of water supply shortages; and
- To minimize the adverse impacts of emergency water supply conditions.

The Director of Public Works is the responsible official for the coordination, expansion, and implementation of this drought contingency plan. All other City departments provide support as requested by the Director of Public Works.

Abbreviations

Abbreviation	Full Nomenclature
CCF	Hundred Cubic Feet = 748 gallons
City	City of Wichita Falls
DCP or Plan	Drought Contingency Plan
IPR	Indirect Potable Reuse
MG	Million Gallons
MGD	Million Gallons per Day
RO	Reverse Osmosis
RWPG	Regional Water Planning Group
TCEQ	Texas Commission on Environmental Quality
TWDB	Texas Water Development Board
WCWID #2	Wichita County Water Improvement District #2
WFRRF	Wichita Falls Resource Recovery Facility
WRC	Wichita Falls Water Resources Commission
WTP	Water Treatment Plant

2.0 REGULATORY BASIS FOR DROUGHT CONTINGENCY PLANS

2.1 TCEQ RULES GOVERNING DROUGHT CONTINGENCY PLANS

The TCEQ rules governing development of drought contingency plans for public water suppliers are contained in Title 30, Part 1, Chapter 288, Subchapter B, Rule 288.20 of the Texas Administrative Code, which is included in Appendix B. For the purpose of these rules, a drought contingency plan is defined as “[a] strategy or combination of strategies for temporary supply and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies.” 30 Tex. Admin. Code § 288.1(6). The elements in the TCEQ water drought contingency rules covered in this Plan are listed below.

Minimum Drought Contingency Plan Requirements for Public Water Suppliers

The minimum requirements in the Texas Administrative Code for Drought Contingency Plans for Public Water Suppliers are covered in this report as follows:

- 288.20(a)(1)(A) – Provisions to Inform Public and Provide Opportunity for Public Input – Section 3.0
- 288.20(a)(1)(B) – Program for Continuing Public Education and Information – Section 3.0
- 288.20(a)(1)(C) – Coordination with Regional Water Planning Groups – Section 3.0
- 288.20(a)(1)(D) – Description of Information to be Monitored and Criteria for the Initiation and Termination of Water Resource Management Stages – Section 4.11
- 288.20(a)(1)(E) – Stages for Implementation of Measures in Response to Situations – Sections 4.4 to 4.8
- 288.20(a)(1)(F) – Specific, Quantified Targets for Water Use Reductions during Water Shortages – Sections 4.4 to 4.8
- 288.20(a)(1)(G) – Specific Water Supply or Water Demand Measures to be Implemented at Each Stage of the Plan – Sections 4.4 to 4.8
- 288.20(a)(1)(H) – Procedures for Initiation and Termination of Drought Stages – Section 4.11
- 288.20(a)(1)(I) – Description of Procedures to be Followed for Granting Variances to the Plan – Section 7.0
- 288.20(a)(1)(J) – Procedures for Enforcement of Mandatory Water Use Restrictions - Section 8.0
- 288.20(b) – TCEQ Notification of Implementation of Mandatory Provisions – Sections 4.4 to 4.8
- 288.20(c) – Review of Drought Contingency and Water Emergency Response Plan Every Five (5) Years – Section 9.0

In addition to being a public water supplier under TCEQ rules, the City also acts as a wholesale provider to multiple wholesale customers; thus, the TCEQ drought contingency rules for wholesale providers are also addressed in this Plan.

The TCEQ rules governing development of drought contingency plans for wholesale water suppliers are contained in Title 30, Part 1, Chapter 288, Subchapter B, Rule 288.22 of the Texas Administrative Code, which is included in Appendix B. The elements in the TCEQ drought contingency rules for wholesale water suppliers addressed in this Plan are listed below.

Minimum Drought Contingency Plan Requirements for Wholesale Water Suppliers

The minimum requirements in the Texas Administrative Code for drought contingency plans for wholesale water suppliers are covered in this Plan as follows:

- 288.22(a)(1) – Provisions to Inform the Public and Provide Opportunity for Public Input – Section 3.0
- 288.22(a)(2) – Coordination with the Regional Water Planning Groups – Section 3.0
- 288.22(a)(3) – Criteria for Initiation and Termination of Drought Stages – Sections 4.4 to 4.8
- 288.22(a)(4) – Drought and Emergency Response Stages – Sections 4.4 to 4.8
- 288.22(a)(5) – Procedures for Initiation and Termination of Drought Stages – Section 4.11
- 288.22(a)(6) – Specific, Quantified Targets for Water Use Reductions during Water Shortages – Sections 4.4 to 4.8
- 288.22(a)(7) – Specific Water Supply or Water Demand Management Measures to be Implemented during Each Drought Stage – Sections 4.4 to 4.8
- 288.22(a)(8) – Provision in Wholesale Contracts to Require Water Distribution According to Texas Water Code Section §11.039 – Section 2.2
- 288.22(a)(9) – Procedures for Granting Variances to the Plan – Section 7.0
- 288.22(a)(10) – Procedures for Enforcement of Mandatory Restrictions – Section 8.0
- 288.22(b) – TCEQ Notification of Implementation of Mandatory Measures – Sections 4.4 to 4.8
- 288.22(c) – Review and Update of the Plan – Section 9.0

The City holds water right permits for four of its water supply reservoirs (Lakes Arrowhead, Kickapoo, Kemp, and Diversion) to divert water for multiple uses, including irrigation. The City's water rights in Lakes Kemp and Diversion are shared jointly with Wichita County Water Improvement District #2 (WCWID #2), who supplies water from the lakes for irrigation purposes to its customers. The City works closely with WCWID #2 to manage the water supplies from Lakes Kemp and Diversion. Drought management restrictions for irrigation water use from Lakes Kemp and Diversion are outlined in the latest version of the WCWID #2 Drought Contingency Plan. The City also holds water rights for irrigation purposes from its Little Wichita River system (Lakes Arrowhead and Kickapoo); however, there currently is no irrigation use from these reservoirs. If the City begins to supply irrigation water, this Plan will be updated to address such use.

2.2 PROCEDURE FOR CURTAILMENT OF WATER SUPPLIES TO WHOLESALE CUSTOMERS

If any mandatory reductions of water supplies from the City to its wholesale customers are required due to drought, or other water emergency, the supplies shall be distributed as required by Texas Water Code Section 11.039 (Appendix C). Additionally, all wholesale contracts entered into or renewed after adoption of this Plan must include a provision that water supplies will be distributed in accordance with Texas Water Code Section 11.039 in the case of drought or other water emergency.

3.0 PUBLIC INVOLVEMENT, EDUCATION, AND REGIONAL COORDINATION

The City will provide the opportunity for public input in the development of this drought contingency plan by the following means:

- Providing written notice of the proposed Plan and the opportunity to comment on the Plan by posted notice and notice on the City's website (www.wichitafallstx.gov);
- Making the draft plan available on the City's website; and
- Providing the draft plan to anyone requesting a copy.

The Region B Regional Water Planning Group (RWPG) was invited to comment and received a copy of the Plan for coordination with the Region B Regional Water Plan. Public education of drought contingency issues may include public reference materials at the Utility Collections Offices and the Wichita Falls Library, the annual Consumer Confidence Report, press releases to the local media, and public service announcements on the City's public access channel.

4.0 DROUGHT MANAGEMENT PROGRAMS

4.1 DEFINITIONS

The City has set the following definitions within its Drought Ordinance, unless otherwise expressly stated within a specific section of the Drought Ordinance:

Automatic Sprinkler System: a system of irrigation components made up of permanently installed underground PVC lines and spray irrigation devices that are controlled from an automatic irrigation controller.

Auxiliary Water: water from a source other than the City of Wichita Falls water supply.

Bucket: a deep, cylindrical container holding five (5) gallons or less, designed to be used by one person.

Car Wash: a place or business equipped for washing cars, trucks, motorbikes, boats, airplanes, other motor vehicles and trailers.

Drip Irrigation: a method of irrigation that applies water in a dropwise fashion directly to the soil beneath rather than projecting the water in a stream away from its orifice. To be classified in this category, the maximum allowable flow is 6 gallons per hour per emitter.

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

natural, where the available water supply or resources are not meeting the water demand, or if the water supply or resources are being depleted at a faster rate than they are being replenished.

Essential Water Use: water that is required by Federal, State, or Local regulation and/or is attributed to the health and safety of the citizens of Wichita Falls.

Fleet: A group of commercial motor vehicles owned by a single entity that totals more than five (5) vehicles.

Foundation Watering: the application of water using a hand-held hose, soaker hose or drip irrigation system placed within 24 inches of the foundation, which does not produce a spray above ground or result in water run-off.

Graywater: wastewater from showers, bathtubs, hand washing lavatories, sinks that are not used for the preparation/disposal of food or hazardous/toxic ingredients, and clothes-washing machines. It does not include wastewater from washing of material, including diapers soiled with human excreta or wastewater that has come into contact with toilet waste.

Hose-end sprinkler system: a device on the end of a garden hose that can be set in place and can periodically be moved from one location to another.

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

Indoor Pool: pool located entirely within a fully enclosed, climate-controlled structure.

MGD: Million gallons per day.

Non-Essential Water Use: water use that does not directly impact the health or safety of the citizens of Wichita Falls, or is a requirement of a Federal, State, or Local regulation.

Non-Potable Water: water that is not intended or suitable for drinking and has not been approved for human consumption.

Owner/Operator of a pool: Fee title holder of the property upon which the pool is located, and/or business manager, complex manager, property owners, association manager, rental agent or other individual who is in charge of the day-to-day operation or maintenance of the property.

Positive Shut-Off: a valve or nozzle that is held in a closed position by system pressure until overridden by an outside force.

Potable Water: water that is suitable for drinking by the public.

Rain Water Harvesting: the practice of capturing, infiltrating or utilizing rainfall from roofs, constructed catchment surfaces, driveways, sidewalks, parking lots and streets.

Residential Pool: A pool that is located on private property under the control of the property owner or the owner's tenant and that is intended for use by not more than two residential families and their guests. It includes a pool serving only a single-family home or duplex.

Single-Pass: A cooling system that removes heat by transferring it to a supply of clean water, once, and releasing it down the drain.

Soaker hose: an irrigation device made of permeable rubber hose that allows water to be applied slowly and directly to the soil without being sprayed up into the air. Soaker hoses fall into the drip irrigation category. A soaker hose will not spray water regardless of its orientation.

Spa and/or Hot-Tub: a structure that is intended to be filled with water that circulates through an on-site filtration system and is not intended to be drained or refilled after each use.

Spray Irrigate or Spray Irrigation: a category of irrigation method that utilizes devices that spray water away from the device orifice(s). These include, but are not limited to, pop-up sprays, rotors, oscillating sprinklers, and impact sprinklers. A hand-held hose is not Spray Irrigation.

Vehicle: A motor vehicle, car, truck, motorcycle, bicycle, boat, trailer, or other conveyance.

Water Well: water that has been, or is, obtained from the ground by digging, boring, or drilling to access an underground aquifer.

4.2 PERMANENT “YEAR-ROUND” RESTRICTIONS

These are *water conservation measures that are in effect at all times*. It shall be unlawful for any person, firm, corporation, or other entity, at any time of the year, to:

(1) Irrigation:

- a) run outside spray-type irrigation on any day of the week between 10:00 a.m. and 7:00 p.m. unless one is using a hand-held hose that is equipped with a positive shut-off nozzle, soaker hose, bucket, watering can, bubbler or drip irrigation system;
- b) fail to repair a controllable leak, including but not limited to a broken sprinkler head, a broken pipe, or a leaking valve;
- c) operate an irrigation system with a broken or missing head, or a head that is out of adjustment and the arc of the spray head is over a street, parking area, or other impervious surface;
- d) allow water flow during irrigation that runs, flows, or streams in a way that extends a distance of 100 feet or greater from the area being irrigated; and/or

e) operate a soaker hose, bubbler or drip irrigation system in a manner that causes the delivery of more water than the hose, bubbler, or system was intended by the manufacturer to deliver, or that allows water to run for a distance of five feet or greater from the area being irrigated.

(2) Car Washing:

- a) wash a vehicle at any location other than a commercial car wash, car dealership, detail shop or automotive shop unless the hose is equipped with a positive shut-off nozzle that stops the flow of water through the hose when released by the operator; and/or
- b) allow a customer to use a nozzle at a commercial car wash, car dealership, detail shop or automotive shop that discharges more than 3.0 gallons per minute.

(3) Restaurants/Bars/Clubs/School Cafeterias:

- a) provide drinking water to customers of restaurants, bars, or clubs unless the customer requests such water;
- b) use a pre-rinse nozzle that discharges more than 1.6 gallons per minute; and/or
- c) use a hand-held pre-rinse or rinsing nozzle without a positive shut-off.

(4) Ice Machines:

- a) install new ice machines that are single-pass, water cooled.

(5) Hotels/Motels/Short-Term Lodging:

- a) Owners or operators of a hotel, motel short term rental, or other establishment that offers or provides lodging or rental accommodations for compensation, to fail to offer a towel and linen reuse water conservation option to its lodgers, renters, or customers, and maintain in each applicable guest room, suite, or property, informational signage to communicate information relating to this requirement and to offer the opportunity for guest participation.

4.3 DISCRETIONARY DROUGHT RESTRICTIONS

The Director of Public Works may declare any stage of drought restrictions described in this ordinance to be effective if:

- (1) the water supply system demand exceeds 90% design treatment capacity for three or more consecutive days;
- (2) the water supply system is unable to deliver water due to mechanical failure or damage of major water system components that is expected to require more than 72 hours to repair; or
- (3) the water system is contaminated either accidentally or intentionally, or the water system fails from acts of nature or man.

The establishment of a discretionary drought restriction will be effective when publicized in the media and upon the filing of a written declaration with the City Manager and City Clerk. Upon any declaration of such drought stage, it shall be unlawful for a person to fail to comply with the restrictions applicable to that stage. The Director of Public Works may terminate any of the aforementioned discretionary drought restrictions by filing a written notice of termination with the City Manager and City Clerk.

4.4 STAGE 1: DROUGHT WATCH

- (1) The Director of Public Works shall declare a Stage 1 Drought Watch when the levels of Lakes Arrowhead and Kickapoo reach a combined capacity of 65 percent.
- (2) The following actions shall occur under the direction of the Director of Public Works, with the goal of reducing the amount of water used by five percent:
 - a) The City Council and other City Departments will be notified of the impending problem and the proposed immediate and future actions.
 - b) The City shall initiate an education program through all available media to:

- i) Alert the public to the depletion of the reservoirs; current rate of withdrawals and the effect of such withdrawals; current treatment rates; current meteorological conditions; and the long-range weather forecast from the National Weather Service.
- ii) Alert the public to the drought management program, the various stages and measures, and the possibility of implementation.
- iii) Keep a constant flow of information to the public to condition them for more stringent measures.

- c) The Public Works Department will coordinate with other departments on the structure of a program to implement water restrictions.
- d) The Public Works Department will conduct any training necessary to implement the water restriction program.

- i) The Public Works Department will prepare all administrative processes (forms, affidavits, maps, offices, etc.) for the drought restriction program.

(3) Irrigation (requires notification to TCEQ):

- a) It shall be unlawful to:
 - i) run outside irrigation systems (including sprinklers, automatic sprinkler systems, and unattended hoses) except for two days a week, based on the following physical address schedule where the sprinkler system is located:

Addresses ending in an Even Number = Mondays and Thursdays

Addresses ending in an Odd Number = Tuesdays and Friday
 - ii) utilize spray irrigation between the hours of 10:00 a.m. to 7:00 p.m., unless one is using a hand-held hose that is equipped with a positive shut-off nozzle, soaker hose, bucket, watering can, bubbler or drip irrigation system;
 - iii) fail to repair a controllable leak, including but not limited to a broken sprinkler head, a broken pipe, or a leaking valve;

- iv) operate an irrigation system with a broken or missing head, or a head that is out of adjustment and the arc of the spray head is over a street, parking area, or other impervious surface;
- v) allow water flow during irrigation that runs, flows, or streams in a way that extends for a distance of 100 feet or greater from the area being irrigated; and/or
- vi) operate a soaker hose, bubbler or drip irrigation system in a manner that causes the delivery of more water than the hose, bubbler, or system was intended by the manufacturer to deliver, or that allows water to run for a distance of five feet or greater from the area being irrigated.

b) Landscape watering is permitted any day at any time with a hand-held hose that is equipped with a positive shut-off nozzle, soaker hose, bucket (five gallons or less), watering can, bubbler or drip irrigation system.

c) On days other than the days of the week established in Section 4.4(3)(a)(i), testing and troubleshooting of irrigation systems that involve the release of water is permissible any time, including between the hours of 10:00 a.m. to 7:00 p.m., as long as a licensed plumber or irrigator is present on location during testing (and available to the ticket writer). Testing and troubleshooting of irrigation systems by other than a licensed plumber or irrigator that involves the release of water is otherwise permissible only on the days of the week established in Section 4.4(3)(a)(i) and time of day established in Section 4.4(3)(c)(ii).

d) *New Landscape Waiver.* A waiver of this subsection may be granted for the irrigation of new landscaping plants whereby watering would be permitted to maintain adequate growth until the plants are established but not to exceed a 30-day time period. Any person wishing such a waiver must make an application to the City Public Works Department and pay a nonrefundable fee as set by separate ordinance. The water rate during this stage shall be the same as the normal rate for that customer for all consumption over 10 CCF as registered

by residential meters and all consumption as registered by irrigation meters or commercial meters.

e) *Public and Private Golf Courses.*

i) Greens: Golf Courses may utilize Spray Irrigation on greens at any time for the purpose of cooling golf course greens when warranted by weather conditions and only with run cycles of less than 5 minutes every 60 minutes. Golf course greens are exempt from the Spray Irrigation days established in Section 4.4(3)(a)(i), and greens may be Spray Irrigated any day of the week, but will be subject to the prohibition of Spray Irrigation during the daylight hours between 10:00 a.m. and 7:00 p.m.

ii) All other Golf Course Features: It shall be unlawful for golf courses to Spray Irrigate Tee-Boxes, Fairways, Roughs, Trees, Shrubs, etc., except on the day of the week permitted for the area as established in Section 4.4(3)(a)(i), and will be subject to the prohibition of Spray Irrigation during the daylight hours between 10:00 a.m. and 7:00 p.m.

f) Nursery Plant Stock is exempt from the irrigation and landscape watering restrictions of this subsection.

(4) Car Washing (**requires notification to TCEQ**):

a) It shall be unlawful to:

i) to wash a vehicle at your residence or place of business, unless the hose is equipped with a positive shut-off nozzle that stops the flow of water through the hose when released by the operator; and/or

ii) for the owner or operator of a commercial business to allow a customer to use a nozzle at a commercial car wash, car dealership, detail shop or automotive shop that discharges more than 3.0 gallons per minute.

(5) Restaurants/Bars/Clubs/School Cafeterias (**requires notification to TCEQ**):

a) It shall be unlawful to:

- i) provide drinking water to customers of restaurants, bars, or clubs unless the customer requests such water;
- ii) use a pre-rinse nozzle that discharges more than 1.6 gallons per minute; and/or
- iii) use a hand-held pre-rinse or rinsing nozzle without a positive shut-off.

(6) Ice Machines (requires notification to TCEQ):

- a) It shall be unlawful for any person, firm, corporation, or other entity, to install new ice machines that are single-pass, water cooled.

(7) Hotels/Motels/Short-Term Lodging (requires notification to TCEQ):

- a) It shall be unlawful, as the owner or operator of a hotel, motel, short-term rental, or other establishment that offers or provides lodging or rental accommodations for compensation, to fail to offer a towel and linen reuse water conservation option to its lodgers, renters, or customers, and maintain in each applicable guest room, suite, or property, informational signage to communicate information relating to this requirement, and to offer the opportunity for guest participation.

4.5 STAGE 2: DROUGHT WARNING

- (1) The Director of Public Works shall declare a Stage 2 Drought Warning when levels of Lakes Arrowhead and Kickapoo reach a combined capacity of 50 percent.
- (2) The following actions shall occur under the direction of the Director of Public Works, with the goal of reducing the amount of water used by 15%:
 - a) Form a Drought Emergency Task Force for guidance through the remainder of the drought and to interface with the public.
 - b) Suspend all non-essential operational use of water by City, such as flushing water mains, street sweeping, water jet cleaning of sanitary sewer mains, fire fighter training, etc.), except where such use of water is critical to the health and safety of the citizens.

c) Notify all wholesale (raw and treated) customers of the situation and inform them of their specific mandatory reduction goals in accordance with Texas Water Code § 11.039.

(3) Irrigation (requires notification to TCEQ):

a) It shall be unlawful to:

i) run outside irrigation systems (including sprinklers, automatic sprinkler systems and unattended hoses) except on the day of the week based on the following physical address schedule where the sprinkler system is located:

Addresses ending in 0 or 1 = Monday

Addresses ending in 2 or 3 = Tuesday

Addresses ending in 4 or 5 = Wednesday

Addresses ending in 6 or 7 = Thursday

Addresses ending in 8 or 9 = Friday

Saturday and Sunday irrigation is prohibited.

ii) utilize spray irrigation between the hours of 10:00 a.m. and 7:00 p.m., unless one is using

a hand-held hose that is equipped with a positive shut-off nozzle, soaker hose, bucket,

watering can, bubbler or drip irrigation system;

iii) fail to repair a controllable leak, including but not limited to a broken sprinkler head, a

broken pipe, or a leaking valve;

iv) operate an irrigation system with a broken or missing head, or a head that is out of

adjustment and the arc of the spray head is over a street, parking area, or other

impervious surface;

v) allow waterflow during irrigation that runs, flows, or streams in a way that extends for

a distance of 100 feet or greater from the area being irrigated; and

vi) Operate a soaker hose, bubbler or drip irrigation system in a manner that causes the

delivery of more water than the hose, bubbler, or system was intended by the

manufacturer to deliver; or that allows water to run for a distance of five feet or greater from the area being irrigated.

b) Landscape watering is permitted any day at any time with a hand-held hose that is equipped with a positive shut-off nozzle, soaker hose, bucket (five gallons or less), watering can, bubbler or drip irrigation system.

c) On days other than the day of the week established in Section 4.5(3)(a)(i), testing and troubleshooting of irrigation systems that involve the release of water is permissible any time, including between the hours of 10:00 a.m. to 7:00 p.m., as long as a licensed plumber or irrigator is present on location during testing (and available on site to the ticket writer). Testing and troubleshooting of irrigation systems by other than a licensed plumber or irrigator that involves the release of water is otherwise permissible only on the day of week established in Section 4.5 (3)(a)(i) and time of day established in Section 4.5 (3)(a)(ii).

d) *New Landscape Waiver.* A waiver of this subsection may be granted for the irrigation of new landscaping plants whereby watering would be permitted to maintain adequate growth until the plants are established but not to exceed a 30-day time period. Any person wishing such a waiver must submit an application to the City Public Works Department and pay a nonrefundable fee as set by separate ordinance. The applicant must agree to pay a water rate that is three (3) times the normal rate for that customer for all consumption over 10 CCF as registered by residential meters and all consumption as registered by Irrigation meters or commercial meters.

e) *Public and Private Golf Courses.*

i) Greens: Golf Courses may utilize Spray Irrigation on greens at any time for the purpose of cooling golf course greens when warranted by weather conditions and only with run cycles of less than 5 minutes every 60 minutes. Golf course greens are exempt from the Spray Irrigation days established in Section (4.5)(3)(a)(i), and greens may be Spray

Irrigated any day of the week, but will be subject to the prohibition of spray irrigation during the daylight hours between 10 a.m. and 7 p.m.

ii) Tee Boxes and Fairways: It shall be unlawful for golf courses to Spray Irrigate Tee -Boxes and Fairways, except on the day of the week permitted for the area as established in Section (4.5)(3)(a)(i) and will be subject to the prohibition of spray irrigation during the daylight hours between 10:00 a.m. and 7:00 p.m.

iii) All other Golf Course Features: It shall be unlawful for golf courses to Spray Irrigate any other landscape features, such as roughs, trees, shrubs, etc.

f) Nursery plant stock is exempt from the irrigation and landscape watering restrictions of this subsection.

(4) Car Washing (requires notification to TCEQ):

a) It shall be unlawful to:

i) to wash a vehicle at your residence or place of business, unless the hose is equipped with a positive shut-off nozzle that stops the flow of water through the hose when released by the operator; and/or

ii) for the owner or operator of a commercial business to allow a customer to use a nozzle at a commercial car wash, car dealership, detail shop or automotive shop that discharges more than 3.0 gallons per minute.

(5) Restaurants/Bars/Clubs/School Cafeterias (requires notification to TCEQ):

a) It shall be unlawful to:

i) provide drinking water to customers of restaurants, bars, or clubs unless the customer requests such water;

ii) use a pre-rinse nozzle that discharges more than 1.6 gallons per minute; and/or

iii) use a hand-held pre-rinse or rinsing nozzle without a positive shut-off.

(6) Ice Machines (requires notification to TCEQ):

a) It shall be unlawful for any person, firm, corporation, or other entity, to install new ice machines that are single-pass, water cooled.

(7) Hotels/Motels/Short-Term Lodging (**requires notification to TCEQ**):

a) It shall be unlawful, as the owner or operator of a hotel, motel, short-term rental or other establishment that offers or provides lodging or rental accommodations for compensation, to fail to offer a towel and linen reuse water conservation option to its lodgers, renters, or customers, and maintain in each applicable guest room, suite, or property, informational signage to communicate information relating to this requirement, and to offer the opportunity for guest participation.

(8) Washing sidewalks, driveways, buildings, or concrete slabs (**requires notification to TCEQ**):

a) It shall be unlawful to wash sidewalks, driveways, buildings, or concrete slabs unless an immediate health or safety risk is present.

(9) During a Stage 2 Drought Warning, the following surcharges will be applied to all applicable accounts (**requires notification to TCEQ**):

a) For Residential Water Meters;

\$0.50 per hundred cubic feet (CCF) between ten CCF and 20 CCF;

\$1.00 per CCF between 20 CCF and 40 CCF; and

\$2.00 per CCF over 40 CCF.

b) For Irrigation Water Meters;

\$0.50 per CCF between 0 CCF and 10 CCF;

\$1.00 per CCF between ten CCF and 20 CCF;

\$2.00 per CCF between 20 CCF and 40 CCF; and

\$4.00 for each CCF over 40 CCF.

4.6 STAGE 3: DROUGHT EMERGENCY

(1) The Director of Public Works shall declare a Stage 3 Drought Emergency when the levels of Lakes Arrowhead and Kickapoo reach a combined capacity of 40 percent.

(2) The following actions shall occur under the direction of the Director of Public Works, with the goal of reducing the amount of water used by 35%:

- a. Monitor all Fire Hydrant Meters that are for contractor use to determine what conservation can be achieved through this type of water usage;
- b. Notify all wholesale (raw & treated) water customers of the situation and inform them of their specific mandatory reduction goals in accordance with Texas Water Code § 11.039; and
- c. Begin establishing a program for a Drought Disaster, which will allow restriction on the essential uses of water and prepare for implementation.

(3) Irrigation (requires notification to TCEQ):

- a) It shall be unlawful to:
 - i) run outside irrigation systems (including sprinklers, automatic sprinkler systems and unattended hoses) except on the day of the week established in Section 4.5 (3)(a)(i);
 - ii) utilize spray irrigation during the day specified in Section 4.5(3)(a)(i), except for the following hours:

2:00 a.m. to 7:00 a.m. for Automatic Sprinkler Systems

7:00 p.m. to 11:00 p.m. for Hose-End Sprinkler Systems

- iii) fail to repair a controllable leak, including but not limited to a broken sprinkler head, a broken pipe, or a leaking valve;
 - iv) operate an irrigation system with a broken or missing head, or a head that is out of adjustment and the arc of the spray head is over a street, parking area, or other impervious surface ;
 - v) allow water flow during irrigation that runs, flows, or streams in a way that extends for a distance of 100 feet or greater from the area being irrigated; and/or

- vi) operate a soaker hose, bubbler or drip irrigation system in a manner that causes the delivery of more water than the hose, bubbler, or system was intended by the manufacturer to deliver, or that allows water to run for a distance of 5 feet or greater from the area being irrigated.
- b) New Landscape Waiver: The Public Works Department will not issue any waivers during a Stage 3 Drought Emergency.
- c) *Public and Private Golf Courses.*
 - i) Greens: Golf Courses may utilize Spray Irrigation on greens at any time for the purpose of cooling golf course greens when warranted by weather conditions and only with run cycles of less than 5 minutes every 60 minutes. Golf course greens are exempt from the Spray Irrigation times, and greens may be Spray Irrigated any day of the week, but will continue to be subject to the prohibition of spray irrigation during the daylight hours between 10:00 a.m. and 7:00 p.m.
 - ii) Tee Boxes: It shall be unlawful for golf courses to Spray Irrigate Tee-Boxes, except on the day of the week established in Section 4.5(3)(a)(i) and will continue to be subject to the prohibition of spray irrigation during the daylight hours between 10:00 a.m. and 7:00 p.m.
 - iii) All other Golf Course Features: It shall be unlawful for golf courses to Spray Irrigate any other landscape features, such as fairways, roughs, trees, shrubs, etc.
- d) Nursery Plant Stock is exempt from the irrigation and landscape watering restrictions of this subsection.

(4) Car Washing (**requires notification to TCEQ**):

- a) It shall be unlawful:
 - i) to wash a vehicle at your residence or place of business, unless the hose is equipped with a positive shut-off nozzle that stops the flow of water through the hose when released by the operator;

- ii) for the owner or operator of a commercial car wash, detail shop or automotive shop to utilize Potable Water for its operations on the day of the week that coincides with the day of the week established in Section 4.5(3)(a)(i), that the car wash was allowed to irrigate;
- iii) for the owner or operator of a commercial business to allow a customer to use a nozzle at a commercial car wash, car dealership, detail shop or automotive shop that discharges more than 3.0 gallons per minute; and/or
- iv) for a car wash to wash any of its bays with water, except on Sunday.

(5) Car Dealers/Fleets (requires notification to TCEQ):

- a) It shall be unlawful:
 - i) for a car dealer or an entity that maintains a fleet of motor vehicles to wash its inventory of cars on any day other than the day the property is authorized to spray irrigate in accordance with the days established in Section 4.5(3)(a)(i);
 - ii) to wash Fleets at any location used for residential purposes;
- b) If a car dealer or car rental is preparing a car for pickup, it can wash that vehicle (and only that vehicle) on the day of pick up by the customer. Otherwise, all vehicles are subject to Section 4.6(5)(a)(i) above.
- c) The washing of any vehicle in a fleet may take place only at a commercial car wash or at a location owned by the fleet's owner and that is used solely for commercial uses.

(6) Restaurants/Bars/Clubs/School Cafeterias (requires notification to TCEQ):

- a) It shall be unlawful:
 - i) to provide drinking water to customers of restaurants, bars, or clubs unless the customer requests such water;
 - ii) to use a pre-rinse nozzle that discharges more than 1.6 gallons per minute;
 - iii) to use a hand-held pre-rinse or rinsing nozzle without a positive shut-off;

- iv) for a food establishment to thaw food with water (food must be thawed by another legal method, such as Refrigeration or Cooking Process); and/or
- v) for a food establishment to clean kitchen or food handling areas with spray hoses.

(7) Ice Machines (**requires notification to TCEQ**):

- a) It shall be unlawful, for any person, firm, corporation, or other entity, to install new ice machines that are single-pass, water cooled.

(8) Pools (**requires notification to TCEQ**):

- a) It shall be unlawful:
 - i) to operate a water feature on a Residential Pool, including, but not limited to, fountains, waterfalls, descents, arcs, and slides;
 - ii) if repairing a pool, to drain the water below a level necessary to affect the repair, and no further. Owners of pools that follow this restriction will be allowed to re-fill their pool after the repair; and/or
 - iii) for Owners Operators of pools to drain the pool once it closed for the season.

(9) Hotels/Motels/Short-Term Lodging (**requires notification to TCEQ**):

- a) It shall be unlawful, as the owner or operator of a hotel, motel, short-term rental, or other establishment that offers or provides lodging or rental accommodations for compensation, to fail to offer a towel and linen reuse water conservation option to its lodgers, renters, or customers, and maintain in each applicable guest room, suite, or property, informational signage to communicate information relating to this requirement, and to offer the opportunity for guest participation.

(10) Washing sidewalks, driveways, buildings, or concrete slabs (**requires notification to TCEQ**):

- a) It shall be unlawful to wash sidewalks, driveways, buildings, or concrete slabs unless an immediate health or safety risk is present.

(11) During a Stage 3 Drought Emergency, the following surcharges will be applied to all applicable

accounts (**requires notification to TCEQ**):

a) For Residential Water Meters;

\$1.00 per CCF between 10 CCF and 20 CCF;

\$2.00 per CCF between 20 CCF and 40 CCF; and

\$4.00 per CCF over 40 CCF.

b) For Irrigation Water Meters;

\$1.00 per CCF between 0 CCF and 10 CCF;

\$2.00 per CCF between 10 CCF and 20 CCF;

\$4.00 per CCF between 20 CCF and 40 CCF; and

\$8.00 per CCF over 40 CCF.

4.7 STAGE 4: DROUGHT DISASTER

(1) The Director of Public Works shall declare a Stage 4 Drought Disaster when the levels of Lakes Arrowhead and Kickapoo reach a combined capacity of 30 percent.

(2) The following actions shall occur under the direction of the Director of Public Works, with the goal of reducing the amount of water used by 45%.

a) Impose further mandatory restrictions on non-essential uses of water and essential uses of water.

b) Pull Hydrant Meters and suspend service thereon until conditions return to a Drought Emergency status.

c) Continue the aggressive public relations and education program.

(3) Irrigation (**requires notification to TCEQ**):

a) *Irrigation Prohibited.* It shall be unlawful to utilize any type of irrigation using potable water produced by the City that is distributed through the City's distribution system on any day at any

time. This restriction includes all forms of irrigation, including spray, bubbler, drip, hand-watering, etc.

- b) *Public and Private Golf Courses.* It shall be unlawful to irrigate any and all vegetated landscape areas on the golf course including greens, tee boxes, fairways, roughs, trees, shrubs, etc. Golf Courses will be allowed to utilize the remaining water within their pond system, as they see fit; but will not be allowed to refill the ponds from the City potable or raw water system while in a Stage 4 Drought Disaster.
- c) *Nursery Plant Stock.* Nursery Plant Stock is exempt from the irrigation and landscape watering restrictions of this subsection.

(4) Car Washing (requires notification to TCEQ):

- a) It shall be unlawful:
 - i) to wash a vehicle at any location other than a commercial car wash, car dealership, detail shop or automotive shop;
 - ii) for the owner or operator of a commercial car wash, detail shop or automotive shop to utilize Potable Water for its operations on the day of the week that coincides with the day of the week established in Section 4.5(3)(a)(i), that the car wash was allowed to irrigate;
 - iii) for the owner or operator of a commercial business to allow a customer to use a nozzle at a commercial car wash, car dealership, detail shop or automotive shop that discharges more than 3.0 gallons per minute;
 - iv) to conduct a Fundraising car wash; and/or
 - v) for a car wash to wash any of its bays with water, except on Sundays.
- b) It shall be an affirmative defense to prosecution pursuant to this subsection (i) if that person was washing a vehicle for health and safety reasons, only to an extent sufficient to remove the hazard, and is permitted at any time.

(5) Car Dealers/Fleets (requires notification to TCEQ):

- a) It shall be unlawful:
 - i) for a car dealer or an entity that maintains a fleet of vehicles to wash its inventory of cars on any day other than the day the property was authorized to Spray Irrigate in accordance with the days established in Section 4.5(3)(a)(i)
 - ii) to wash Fleets at any location used for residential purposes.
- b) If a car dealer or car rental is preparing a car for pickup, it can wash that vehicle (and only that vehicle) on the day of pick up by the customer. Otherwise, all vehicles are subject to Section 4.7(5)(a)(i) above.
- c) The washing of any vehicle in a fleet may take place only at a commercial car wash or at a location owned by the fleet's owner and that is used solely for commercial uses.

(6) Restaurants/Bars/Clubs/School Cafeterias (requires notification to TCEQ**):**

- a) It shall be unlawful:
 - i) to provide drinking water to customers of restaurants, bars, or clubs unless the customer requests such water;
 - ii) use a pre-rinse nozzle that discharges more than 1.6 gallons per minute;
 - iii) use a hand-held pre-rinse or rinsing nozzle without a positive shut-off;
 - iv) thaw food at a food establishment with water (food must be thawed by another legal method, such as Refrigeration or Cooking Process); and/or
 - v) clean kitchen or food handling areas at a food establishment with spray hoses.

(7) Ice Machines (requires notification to TCEQ**):**

- a) It shall be unlawful for any person, firm, corporation, or other entity, to install new ice machines that are single-pass, water cooled.

(8) Pools (requires notification to TCEQ**):**

- a) It shall be unlawful:

- i) to operate a water feature on a Residential Pool, including, but not limited to, fountains, waterfalls, descents, arcs, and slides; and/or
- ii) to fill, refill or add potable water to a private or public swimming or wading pool that is not located entirely within a fully-enclosed, climate-controlled structure.

b) Indoor pools are exempt from the restrictions of Section 4.7(7)(a)(i).

(9) Hotels/Motels/Short-Term Lodging (requires notification to TCEQ):

a) It shall be unlawful, as the owner or operator of a hotel, motel, short-term rental or other establishment that offers or provides lodging or rental accommodations for compensation, to fail to offer a towel and linen reuse water conservation option to its lodgers, renters, or customers, and maintain in each applicable guest room, suite, or property, informational signage to communicate information relating to this requirement, and to offer the opportunity for guest participation.

(10) Large Industries (requires notification to TCEQ):

- a) Large Industries will be notified by the City to initiate a Water Audit of their facilities.
- b) The Water Audit will include where water is being used within the facilities and where reductions in water usage can be made.
- c) Large Industries will have 60 days to conduct the Water Audit and submit a written report to the Director of Public Works detailing the findings of the Water Audit and the percent reduction in water consumption that can be achieved.
- d) Each Large Industry will be required to have all internal modifications to implement the water reduction completed and functioning by the time a Combined Lake Level of 20% is reached.

(11) Watering Structures (requires notification to TCEQ):

- a) The watering of Home Foundations is restricted to once a week, on the day the property was authorized to irrigate established in Section (4.5)(3)(a)(i).
 - i) Foundations may only be watered between the hours of 7:00 p.m. and 11:00 p.m. ; and/or

- ii) Foundations may only be watered with Soaker Hoses.
- b) It shall be unlawful to wash sidewalks, driveways, buildings, concrete slabs, any structure , or any part of a structure during Stage 4 restrictions.

(12) During a Stage 4 Drought Disaster the following surcharges will be applied to all applicable accounts **(requires notification to TCEQ):**

- a) For Residential Water Meters;
 - \$3.00 per CCF between 10 CCF and 20 CCF;
 - \$6.00 per CCF between 20 CCF and 40 CCF; and
 - \$12.00 per CCF over 40 CCF.
- b) For Irrigation Water Meters;
 - \$3.00 per CCF between 0 CCF and 10 CCF;
 - \$6.00 per CCF between 10 CCF and 20 CCF;
 - \$12.00 per CCF between 20 CCF and 40 CCF; and
 - \$24.00 per CCF over 40 CCF.

4.8 STAGE 5: DROUGHT CATASTROPHE

(1) The Director of Public Works shall declare a Stage 5 Drought Catastrophe when the levels of Lakes Arrowhead and Kickapoo reach a combined capacity of 25 percent.

(2) The following actions shall occur under the direction of the Director of Public Works, with the goal of reducing the amount of potable water provided by the City to less than 14 MGD:

- a. Impose further mandatory restrictions on non-essential uses of water and essential uses of water.
- b. Continue the aggressive public relations and education program.

(3) Irrigation **(requires notification to TCEQ):**

- a) *Irrigation Prohibited.* It shall be unlawful to utilize any type of irrigation using potable water produced by the City that is distributed through the City's distribution system on any day at any

time. This restriction includes all forms of irrigation, including spray, bubbler, drip, hand-watering, etc.

- b) *Public and Private Golf Courses.* It shall be unlawful to irrigate any and all vegetated landscape areas on the golf course including greens, tee boxes, fairways, roughs, trees, shrubs, etc. The Golf Courses will be allowed to utilize the remaining water within their pond system, as they see fit; but will not be allowed to refill the ponds from the City system while in a Stage 5 Drought Disaster.
- c) *Nursery Plant Stock.* Nursery Plant Stock is exempt from the irrigation and landscape watering restrictions of this subsection.

(4) Car Washing (requires notification to TCEQ):

- a) It shall be unlawful:
 - i) for any person to wash a vehicle at any location other than a commercial car wash, car dealership, detail shop, automotive shop, or commercial property that is owned by the owner of a Fleet of vehicles;
 - ii) for the owner or operator of a commercial car wash, car dealership, detail shop or automotive shop to utilize potable water for its operations on Sunday or Monday;
 - iii) for the owner or operator of a commercial business to allow a customer to use a nozzle that discharges more than 3.0 gallons per minute;
 - iv) for a car wash to wash any of its bays with water, except on Fridays; and/or
 - v) to conduct a Fundraising car wash.
- b) It shall be an affirmative defense to prosecution pursuant to this subsection if that person was washing a vehicle for health and safety reasons, only to an extent sufficient to remove the hazard, and is permitted at any time.
- c) It shall be an affirmative defense to prosecution pursuant to this subsection that a car dealer or car rental company was preparing a vehicle for pickup and washed that vehicle on the day of pick up by the customer.

(5) Restaurants/Bars/Clubs/School Cafeterias (**requires notification to TCEQ**):

- a) It shall be unlawful:
 - i) to provide drinking water to customers of restaurants, bars, or clubs unless the customer requests such water;
 - ii) use a pre-rinse nozzle that discharges more than 1.6 gallons per minute;
 - iii) use a hand-held pre-rinse or rinsing nozzle without a positive shut-off;
 - iv) for a food establishment to thaw food with water (food must be thawed by another legal method, such as Refrigeration or Cooking Process); and/or
 - v) for a food establishment to clean kitchen or food handling areas with spray hoses.

(6) Ice Machines (**requires notification to TCEQ**):

- a) It shall be unlawful for any person, firm, corporation, or other entity, to install new ice machines that are single-pass, water cooled.

(7) Pools (**requires notification to TCEQ**):

- a) It shall be unlawful:
 - i) to operate a water feature on any pool, including, but not limited to, fountains, waterfalls, descents, arcs, and slides; and/or
 - ii) to fill, refill or add potable water to a private or public swimming or wading pool that is not located entirely within a fully-enclosed, climate-controlled structure.
- b) Indoor pools are exempt from the restrictions of Section 4.8(7).

(8) Hotels/Motels/Short-Term Lodging (**requires notification to TCEQ**):

- a) It shall be unlawful, as the owner or operator of a hotel, motel, short-term rental or other establishment that offers or provides lodging or rental accommodations for compensation, to fail to offer a towel and linen reuse water conservation option to its lodgers, renters, or customers, and maintain in each applicable guest room, suite, or property, informational signage

to communicate information relating to this requirement, and to offer the opportunity for guest participation.

(9) Watering Structures (requires notification to TCEQ**):**

- a) The watering of Home Foundations is restricted to once a week on the day the property was authorized to irrigate established in Section 4.5(3)(a)(i).
 - i) Foundations may only be watered between the hours of 7:00 p.m. and 11:00 p.m.
 - ii) Foundations may only be watered with Soaker Hoses.
- b) It shall be unlawful to wash sidewalks, driveways, buildings, concrete slabs, any structure , or any part of a structure.

(10) During a Stage 5 Drought Catastrophe the following surcharges will be applied to all applicable accounts (requires notification to TCEQ**):**

a) For Residential Water Meters;

\$6.00 per CCF between 10 CCF and 20 CCF;
\$12.00 per CCF between 20 CCF and 40 CCF; and
\$24.00 per CCF over 40 CCF.

b) For Irrigation Water Meters;

\$6.00 per CCF between 0 CCF and 10 CCF;
\$12.00 per CCF between 10 CCF and 20 CCF;
\$24.00 per CCF between 20 CCF and 40 CCF; and
\$48.00 per CCF over 40 CCF.

4.9 RESTRICTIONS FOR RAW WATER WHOLESALE INDUSTRIAL CUSTOMERS

The following water use restrictions shall be placed on any wholesale customers that purchase raw water from the Lake Kemp/ Lake Diversion System for industrial purposes under the City's jointly owned water right with WCWID #2. The restrictions are based on the storage capacity in Lake Kemp. Wholesale

industrial customers (Customers) are required to achieve the following water use percentage reductions corresponding to different thresholds for the reservoir capacity in Lake Kemp:

1. Customers must reduce their water usage by 10 percent if Lake Kemp reaches a storage capacity of 50 percent or less.
2. Customers must reduce their water usage by 25 percent if Lake Kemp reaches a storage capacity of 40 percent or less.
3. Customers must reduce their water usage by 50 percent if Lake Kemp reaches a storage capacity of 30 percent or less.
4. Customers must halt all water use from Lake Kemp if the storage capacity reaches 20 percent or less.

In addition to the restrictions stated above, wholesale customers that purchase raw water for industrial use from the Lake Kemp/ Lake Diversion System must agree that once the storage capacity reaches 50,000 acre-feet or less in the Lake Kemp/ Lake Diversion System, that 50,000 acre feet is solely for the purpose of use by the City for municipal purposes.

4.10 SURCHARGES

Surcharges will remain in effect until the City Council announces the end to the restrictions. Water utilized by commercial nurseries for plant stock production shall not be subject to the surcharges established herein.

4.11 TRIGGERING & TERMINATING DROUGHT STAGES

- (1) The Director of Public Works shall declare that each "trigger level" has been reached and that the water use restrictions for each respective stage are in effect. The water restrictions will remain in effect until the lakes rise to a level that, when combined with the long-term forecast, assures the City an adequate supply of water.
- (2) When an adequate supply of water is available, the City Council, by majority vote, and after consultation with the Director of Public Works, shall announce the termination of each respective stage of the restrictions that are triggered by lake levels.

4.12 EXEMPTION FOR NON-CITY-SUPPLIED WATER

Water supplied from sources other than the City's water delivery system, including private water wells, aerobic septic systems, wastewater effluent, and potable water imported from other areas, is intended to be exempt from the restrictions of this section. Residents with non-city-supplied water sources are required to register any such water sources with the Department of Public Works, as described in Section 4.13. Accordingly, it shall be an affirmative defense to prosecution for violation of any provision of this section that the water used in the alleged violation was not from the City's water delivery system.

4.13 WELLS AND AUXILIARY WATER SOURCES

(1) Registration:

- a) In an effort to protect the City's potable Water System from contamination, any person or property receiving water or wastewater services from the City must register any and all non-potable, wells and auxiliary water sources, used for any purpose, with the Department of Public Works.
- b) Non-Potable, Auxiliary Water Sources include, but are not limited to:
 - i) Existing, new or planned Water Wells;
 - ii) Hauled water from Surface or Groundwater sources;
 - iii) Rainwater Harvesting storing more than 3,000 gallons; and
 - iv) Graywater systems producing more than 400 gallons per day.
- c) The City Department of Public Works shall be responsible for developing and maintaining a governing manual that regulates the permitting, construction and registration of all water wells and Auxiliary Water Sources.

(2) Systems must comply with all Federal, State, and City requirements for the following:

- a) Cross-Connection Control / Backflow Prevention Devices;
- b) Building, Plumbing and Electrical Codes; and/or

- c) Setback requirements from Sewers and Septic Systems.
- (3) The City public water supply system may not be held liable for any adverse health effects allegedly caused by the consumption of water collected by wells or auxiliary water sources.

4.14 DEFENSES TO PROSECUTION

- 1) It shall be a defense to prosecution that:
 - a) The use of water is necessary to protect the health, safety, or welfare of the public;
 - b) The use of water was necessary for lawful repair of a water distribution facility, flushing of utility lines or residential or commercial plumbing lines;
 - c) The use of water was necessary to meet express requirements of federal, state, or local laws and requirements;
 - d) The use of water was necessary to wash or sanitize to prevent disease transmission risk associated with liquid, solid, or particulate residue in or on emergency vehicles, or vehicles, containers or equipment lawfully used to maintain, process, or transport food, perishables, garbage, liquid or solid waste, organic materials, or recyclables; or
 - e) The use of water was immediately necessary for or related to firefighting, fire prevention, or fire suppression activities or operations conducted because of actual risk to the public or environmental health, safety, or welfare, life, or property associated with the presence of an uncontrolled fire on or approaching any person or property.

4.15 VARIANCE

- (1) The Director of Public Works shall develop specific criteria to be used for the granting of variances from the provisions of this Ordinance, which are appropriate to the provisions for which a variance is being sought. Such criteria shall be applied equally to each request for variance under a particular provision.

(2) The Director, or his/her designee, may grant a variance from a requirement of this Chapter if the Director, or designee, determines that strict compliance with the provisions at issue adversely affects the health, safety, welfare or sanitation of the public, the applicant, or the environment.

(3) Persons requesting a variance from the provisions of this Drought Ordinance shall file a written request for variance with the Director of Public Works. All written requests for variances shall be reviewed by the Director, or his/her designee, and shall include the following:

- (a) Name and address of the petitioner(s);
- (b) Purpose of water use;
- (c) Specific provision(s) of the Drought Ordinance from which the petitioner is requesting relief;
- (d) Detailed statement as to how the specific provision of the Drought Ordinance adversely affects the health, safety, welfare, or sanitation of the public, or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance;
- (e) Description of the relief requested;
- (f) Period of time for which the variance is sought;
- (g) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Ordinance and the compliance date; and
- (h) Any other pertinent or requested information.

(4) A variance following its approval by the Director may be immediately suspended or revoked if the Director, or Director's designee, determines any of the following:

- (a) a violation of the terms of the variance occurs at the location during the effective period of the variance;
- (b) the application submitted to the Director upon which the variance approval was based included false, misleading, incomplete, or inaccurate information or attachments; or
- (c) the Director declares an emergency recall of variances to control use or preserve supply based on protracted drought, unusual operational event, or other public necessity.

- (5) All variances are only in effect during the Drought Plan Stage for which the variance was issued.
- (6) No variance shall be retroactive or otherwise justify any violation of this Drought Plan, occurring prior to the issuance of the variance.
- (7) A variance from a requirement of this chapter expires immediately upon the termination, completion, or resolution of the event, occurrence, condition, or activity for which the variance is granted or at a time specified by the Director or Director's designee.

4.16 ACCESS TO PREMISES

All persons or agents employed by the Department of Public Works shall, at all responsible hours, have access to premises to ascertain if water is being wasted within the corporate city limits of the city or the extraterritorial jurisdiction or the extent of the jurisdictional authority and whether provisions of the Drought Ordinance have been, and are being, complied with in all respects.

4.17 VIOLATION; PENALTY

Any person, firm, corporation, or other entity found in violation of any provision of this section shall be punished by a fine of \$25.00 for the first offense; not more than \$500.00 for the second offense; and not more than \$2,000.00 for each offense thereafter. Each day of violation of this section shall constitute a separate offense. Proof of a culpable mental state shall not be required for the first or second offense. In the event that this section is violated by repeated offenses, the Director of Public Works is authorized to order the locking or removal of the customer's meter until all fees and fines are paid.

5.0 SYSTEM PRIORITIES

During the planning portions of Stages 2, 3, 4 and 5 the following system priorities will be established and utilized in decision making processes during drought conditions. Those users with the highest priority will be the last to have their water use restricted. The system priority is as follows:

1. Hospitals and essential Health Care Facilities
2. Residential
3. Educational Institutions (Schools, Colleges, Universities, etc.)
4. Retail Industrial

5. Raw Water Wholesale Industrial
6. Commercial
7. Irrigation
8. Recreational

6.0 GOALS FOR USE REDUCTION

The goals for water use reduction vary according to the stage of the drought condition and have been detailed in Section 4.0 above. If circumstances warrant, the City Manager or his/her official designee can set a goal for greater water use reduction.

7.0 PROCEDURES FOR GRANTING VARIANCES/EXEMPTIONS

There are exemptions/variances from water restrictions provided for in the City's Code of Ordinances (see Appendix E). These exemptions primarily apply to commercial home building for the installation of new yards. To qualify for the waiver, a new yard is defined as turf (not trees, shrubs, or flowers) that has been installed within the last 60 days.

The applicant must follow a permitting process that includes:

1. Making application to the City Public Works Department (see Appendix F);
2. Pay a \$50.00 non-refundable fee;
3. Agree to pay a water rate three (3) times the normal rate; and
4. Display the brightly colored permit in a location that is easily seen from the street.

Permittees are still bound by certain requirements to assist in water conservation, such as:

- a. Irrigation cannot occur between 10 a.m. and 7p.m.

Patrolling employees are provided a list of permits, so they are not issued a citation for restricted water usage.

8.0 PROCEDURES FOR ENFORCEMENT

Adoption of the Plan and Drought Contingency Ordinance has enabled the City to implement and carry out enforcement of enacted ordinances to make the Plan effective and workable. The Ordinance adopting the Drought Contingency Plan and the Ordinance allowing for enforcement of the Plan are included in

Appendix E. Users of City water who do not comply with the requirements of the drought contingency measures will be subject to a penalty and fine as described in the City Code of Ordinances for each day of non-compliance. These users will also be subject to disconnection or discontinuance of City water services.

9.0 ADOPTION OF DROUGHT CONTINGENCY PLAN; PERIODIC REVIEW AND UPDATE OF PLAN

Opportunity for public comment on the plan was provided at a City of Wichita Falls City Council meeting on April 16, 2024. Appendix E contains a copy of the minutes of the April 16, 2024 City Council meeting at which this Drought Contingency Plan was adopted.

TCEQ requires that drought contingency plans be reviewed and, if necessary, updated every five years to coincide with the regional water planning process. This Plan will be updated as required by TCEQ and, in addition, will be continually reassessed for opportunities to improve the City's drought and water emergency response and management based on new or updated information.

APPENDIX A
LIST OF REFERENCES



1. Title 30 of the Texas Administrative Code, Part 1, Chapter 288, Subchapter B, Rules 288.20, 288.21, and 288.22, downloaded from:
[https://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac_view=4&ti=30&pt=1&ch=288](https://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=4&ti=30&pt=1&ch=288), January 2023.
2. City of Wichita Falls, "Water Conservation and Drought Contingency Plans" August 2018.
https://www.wichitafallstx.gov/DocumentCenter/View/37252/Water-Conservation-Plan_2019-Update_Council-Approved?bidId=

APPENDIX B

TEXAS COMMISSION OF ENVIRONMENTAL QUALITY RULES ON DROUGHT CONTINGENCY PLANS

<u>TITLE 30</u>	ENVIRONMENTAL QUALITY
<u>PART 1</u>	TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
<u>CHAPTER 288</u>	WATER CONSERVATION PLANS, DROUGHT CONTINGENCY PLANS, GUIDELINES AND REQUIREMENTS
<u>SUBCHAPTER B</u>	DROUGHT CONTINGENCY PLANS
<u>RULE §288.20</u>	Drought Contingency Plans for Municipal Uses by Public Water Suppliers

(a) A drought contingency plan for a retail public water supplier, where applicable, must include the following minimum elements.

(1) Minimum requirements. Drought contingency plans must include the following minimum elements.

(A) Preparation of the plan shall include provisions to actively inform the public and affirmatively provide opportunity for public input. Such acts may include, but are not limited to, having a public meeting at a time and location convenient to the public and providing written notice to the public concerning the proposed plan and meeting.

(B) Provisions shall be made for a program of continuing public education and information regarding the drought contingency plan.

(C) The drought contingency plan must document coordination with the regional water planning groups for the service area of the retail public water supplier to ensure consistency with the appropriate approved regional water plans.

(D) The drought contingency plan must include a description of the information to be monitored by the water supplier, and specific criteria for the initiation and termination of drought response stages, accompanied by an explanation of the rationale or basis for such triggering criteria.

(E) The drought contingency plan must include drought or emergency response stages providing for the implementation of measures in response to at least the following situations:

- (i) reduction in available water supply up to a repeat of the drought of record;
- (ii) water production or distribution system limitations;
- (iii) supply source contamination; or

(iv) system outage due to the failure or damage of major water system components (e.g., pumps).

(F) The drought contingency plan must include specific, quantified targets for water use reductions to be achieved during periods of water shortage and drought. The entity preparing the plan shall establish the targets. The goals established by the entity under this subparagraph are not enforceable.

(G) The drought contingency plan must include the specific water supply or water demand management measures to be implemented during each stage of the plan including, but not limited to, the following:

- (i) curtailment of non-essential water uses; and
- (ii) utilization of alternative water sources and/or alternative delivery mechanisms with the prior approval of the executive director as appropriate (e.g., interconnection with another water system, temporary use of a non-municipal water supply, use of reclaimed water for non-potable purposes, etc.).

(H) The drought contingency plan must include the procedures to be followed for the initiation or termination of each drought response stage, including procedures for notification of the public.

(I) The drought contingency plan must include procedures for granting variances to the plan.

(J) The drought contingency plan must include procedures for the enforcement of mandatory water use restrictions, including specification of penalties (e.g., fines, water rate surcharges, discontinuation of service) for violations of such restrictions.

(2) Privately-owned water utilities. Privately-owned water utilities shall prepare a drought contingency plan in accordance with this section and incorporate such plan into their tariff.

(3) Wholesale water customers. Any water supplier that receives all or a portion of its water supply from another water supplier shall consult with that supplier and shall include in the drought contingency plan appropriate provisions for responding to reductions in that water supply.

(b) A wholesale or retail water supplier shall notify the executive director within five business days of the implementation of any mandatory provisions of the drought contingency plan.

(c) The retail public water supplier shall review and update, as appropriate, the drought contingency plan, at least every five years, based on new or updated information, such as the adoption or revision of the regional water plan.

Source Note: The provisions of this §288.20 adopted to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544; amended to be effective October 7, 2004, 29 TexReg 9384

<u>TITLE 30</u>	ENVIRONMENTAL QUALITY
<u>PART 1</u>	TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
<u>CHAPTER 288</u>	WATER CONSERVATION PLANS, DROUGHT CONTINGENCY PLANS, GUIDELINES AND REQUIREMENTS
<u>SUBCHAPTER B</u>	DROUGHT CONTINGENCY PLANS
<u>RULE §288.22</u>	Drought Contingency Plans for Wholesale Water Suppliers

(a) A drought contingency plan for a wholesale water supplier must include the following minimum elements.

(1) Preparation of the plan shall include provisions to actively inform the public and to affirmatively provide opportunity for user input in the preparation of the plan and for informing wholesale customers about the plan. Such acts may include, but are not limited to, having a public meeting at a time and location convenient to the public and providing written notice to the public concerning the proposed plan and meeting.

(2) The drought contingency plan must document coordination with the regional water planning groups for the service area of the wholesale public water supplier to ensure consistency with the appropriate approved regional water plans.

(3) The drought contingency plan must include a description of the information to be monitored by the water supplier and specific criteria for the initiation and termination of drought response stages, accompanied by an explanation of the rationale or basis for such triggering criteria.

(4) The drought contingency plan must include a minimum of three drought or emergency response stages providing for the implementation of measures in response to water supply conditions during a repeat of the drought-of-record.

(5) The drought contingency plan must include the procedures to be followed for the initiation or termination of drought response stages, including procedures for notification of wholesale customers regarding the initiation or termination of drought response stages.

(6) The drought contingency plan must include specific, quantified targets for water use reductions to be achieved during periods of water shortage and drought. The entity preparing the plan shall establish the targets. The goals established by the entity under this paragraph are not enforceable.

(7) The drought contingency plan must include the specific water supply or water demand management measures to be implemented during each stage of the plan including, but not limited to, the following:

(A) pro rata curtailment of water deliveries to or diversions by wholesale water customers as provided in Texas Water Code, §11.039; and

(B) utilization of alternative water sources with the prior approval of the executive director as appropriate (e.g., interconnection with another water system, temporary use of a non-municipal water supply, use of reclaimed water for non-potable purposes, etc.).

(8) The drought contingency plan must include a provision in every wholesale water contract entered into or renewed after adoption of the plan, including contract extensions, that in case of a shortage of water resulting from drought, the water to be distributed shall be divided in accordance with Texas Water Code, §11.039.

(9) The drought contingency plan must include procedures for granting variances to the plan.

(10) The drought contingency plan must include procedures for the enforcement of any mandatory water use restrictions including specification of penalties (e.g., liquidated damages, water rate surcharges, discontinuation of service) for violations of such restrictions.

(b) The wholesale public water supplier shall notify the executive director within five business days of the implementation of any mandatory provisions of the drought contingency plan.

(c) The wholesale public water supplier shall review and update, as appropriate, the drought contingency plan, at least every five years, based on new or updated information, such as adoption or revision of the regional water plan.

Source Note: The provisions of this §288.22 adopted to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544; amended to be effective October 7, 2004, 29 TexReg 9384

APPENDIX C
TEXAS WATER CODE SECTION 11.039



APPENDIX C
TEXAS WATER CODE SECTION 11.039

§ 11.039. DISTRIBUTION OF WATER DURING SHORTAGE.

(a) If a shortage of water in a water supply not covered by a water conservation plan prepared in compliance with Texas Natural Resource Conservation Commission or Texas Water Development Board rules results from drought, accident, or other cause, the water to be distributed shall be divided among all customers pro rata, according to the amount each may be entitled to, so that preference is given to no one and everyone suffers alike.

(b) If a shortage of water in a water supply covered by a water conservation plan prepared in compliance with Texas Natural Resource Conservation Commission or Texas Water Development Board rules results from drought, accident, or other cause, the person, association of persons, or corporation owning or controlling the water shall divide the water to be distributed among all customers pro rata, according to:

- (1) the amount of water to which each customer may be entitled; or
- (2) the amount of water to which each customer may be entitled, less the amount of water the customer would have saved if the customer had operated its water system in compliance with the water conservation plan.

(c) Nothing in Subsection (a) or (b) precludes the person, association of persons, or corporation owning or controlling the water from supplying water to a person who has a prior vested right to the water under the laws of this state.

Amended by Acts 1977, 65th Leg., p. 2207, ch. 870, § 1, eff. Sept. 1, 1977; Acts 2001, 77th Leg., ch. 1126, § 1, eff. June 15, 2001.

APPENDIX D
LETTER TO REGION B WATER PLANNING GROUP



PUBLIC WORKS DEPARTMENT

April 9, 2024

Mr. Kyle Miller
Chair, Region B Water Planning Group
Wichita County Water Improvement District #2
402 E Scott Ave
Wichita Falls, TX 76301

Dear Mr. Miller,

The enclosed 2024 Water Conservation and Drought Contingency Plans for the City of Wichita Falls are provided to you to meet the requirements set forth by the Texas Administrative Code. These plans are being submitted to coordinate water conservation and drought planning with the Region B Water Planning Group, and ensure consistency with the approved regional water plans.

If you have any questions on the enclosed plans or would like additional conservation planning information, please let me know.

Sincerely,

Mark Southard
Utilities Operations Manager
City of Wichita Falls

CC: Water Conservation Plan and Drought Contingency Plan Appendix D

Enclosure: City of Wichita Falls 2024 Water Conservation Plan and Drought Contingency Plan

CITY OF WICHITA FALLS

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www.wichitafallstx.gov

APPENDIX E
ADOPTION OF WATER CONSERVATION PLAN

Ordinance No. 12-2024

Ordinance adopting the Water Conservation and Drought Contingency Plans, and amending Chapter 106 of the Code of Ordinances by amending Article II; providing the updated water conservation and drought restrictions

WHEREAS, state law requires specified water providers to adopt water conservation and drought contingency plans at Texas Water Code §§ 11.1271 and 11.272, and the rules of the Texas Commission on Environmental Quality (TCEQ) require adoption of water conservation and drought contingency plans at 30 TAC §§ 288.2 & 288.20; and,

WHEREAS, water conservation and drought contingency plans must be updated on a 5-year interval; and,

WHEREAS, the City Council finds the attached Water Conservation and Drought Contingency Plan complies with all state laws and regulations relating thereto, including, but not limited to Texas Water Code §§ 11.1271 & 11.127 and 30 TAC §§ 288.2 & 288.20.

NOW, THEREFORE, BE ORDAINED BY THE CITY COUNCIL OF THE CITY OF WICHITA FALLS, TEXAS, THAT:

The City of Wichita Falls hereby:

1. adopts the Water Conservation and Drought Contingency Plans for the City of Wichita Falls, and
2. amends Chapter 106 of the Code of Ordinances by amending Article II Division 6 Section 106-186, as shown via yellow highlight for demonstrative purposes only. Such modifications are to be codified. The Director of Public Works is authorized to modify formatting and pagination prior to submission to the TCEQ.

PASSED AND APPROVED this the 16th day of April, 2024.



M A Y O R

ATTEST:



Marie Babthorpe
City Clerk

DIVISION 6. WATER CONSERVATION / DROUGHT CONTINGENCY

§ 106-185. Definitions

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this division, have the meanings indicated in this section:

Automatic Sprinkler System: a system of irrigation components made up of permanently installed underground PVC lines and spray irrigation devices that are controlled from an automatic irrigation controller.

Auxiliary Water: water from a source other than the City of Wichita Falls water supply.

Bucket: a deep, cylindrical container holding five (5) gallons or less, designed to be used by one person.

Car Wash: a place or business equipped for washing cars, trucks, motorbikes, boats, airplanes, other motor vehicles and trailers.

Drip Irrigation: a method of irrigation that applies water in a dropwise fashion directly to the soil beneath rather than projecting the water in a stream away from its orifice. To be classified in this category, the maximum allowable flow is 6 gallons per hour per emitter.

Drought: for this division “drought” is not intended to be limited to any meteorological definition of the term. “Drought” is intended to have broad meaning and refers to any condition, whether manmade or natural, where the available water supply or resources are not meeting the water demand, or if the water supply or resources are being depleted at a faster rate than they are being replenished.

Essential Water Use: water that is required by Federal, State, or Local regulation and/or is attributed to the health and safety of the citizens of Wichita Falls.

Fleet: A group of commercial motor vehicles owned by a single entity that totals more than five (5) vehicles.

Foundation Watering: the application of water using a hand-held hose, soaker hose or drip irrigation system placed within 24 inches of the foundation, which does not produce a spray above ground or result in water run-off.

Graywater: wastewater from showers, bathtubs, hand washing lavatories, sinks that are not used for the preparation/disposal of food or hazardous/toxic ingredients, and clothes-washing machines. It does not include wastewater from washing of material, including diapers soiled with human excreta or wastewater that has come into contact with toilet waste.

Hose-end sprinkler system: a device on the end of a garden hose that can be set in place and can periodically be moved from one location to another.

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

Indoor Pool: pool located entirely within a fully enclosed, climate-controlled structure.

MGD: Million gallons per day.

Non-Essential Water Use: water use that does not directly impact the health or safety of the citizens of Wichita Falls, or is a requirement of a Federal, State, or Local regulation.

Non-Potable Water: water that is not intended or suitable for drinking and has not been approved for human consumption.

Owner/Operator of a pool: Fee title holder of the property upon which the pool is located, and/or business manager, complex manager, property owners, association manager, rental agent or other individual who is in charge of the day-to-day operation or maintenance of the property.

Positive Shut-Off: a valve or nozzle that is held in a closed position by system pressure until overridden by an outside force.

Potable Water: water that is suitable for drinking by the public.

Rain Water Harvesting: the practice of capturing, infiltrating or utilizing rainfall from roofs, constructed catchment surfaces, driveways, sidewalks, parking lots and streets.

Residential Pool: A pool that is located on private property under the control of the property owner or the owner's tenant and that is intended for use by not more than two residential families and their guests. It includes a pool serving only a single-family home or duplex.

Single –Pass: A cooling system that removes heat by transferring it to a supply of clean water, once, and releasing it down the drain.

Soaker hose: an irrigation device made of permeable rubber hose that allows water to be applied slowly and directly to the soil without being sprayed up into the air. Soaker hoses fall into the drip irrigation category. A soaker hose will not spray water regardless of its orientation.

Spa and/or Hot-Tub: a structure that is intended to be filled with water that circulates through an on-site filtration system and is not intended to be drained or refilled after each use.

Spray Irrigate or Spray Irrigation: a category of irrigation method that utilizes devices that spray water away from the device orifice(s). These include, but are not limited to, pop-up sprays, rotors, oscillating sprinklers, and impact sprinklers. A hand-held hose is not Spray Irrigation.

Vehicle: A motor vehicle, car, truck, motorcycle, bicycle, boat, trailer, or other conveyance.

Water Well: water that has been, or is, obtained from the ground by digging, boring, or drilling to access an underground aquifer.

§ 106-186. Water shortage; authority of department

(a) These are *water conservation measures that are in effect at all times*. It shall be unlawful for any person, firm, corporation, or other entity, at any time of the year, to:

(1) Irrigation:

- a) run outside spray-type irrigation on any day of the week between 10:00 a.m. and 7:00 p.m. unless one is using a hand-held hose that is equipped with a positive shut-off nozzle, soaker hose, bucket, watering can, bubbler or drip irrigation system;
- b) fail to repair a controllable leak, including but not limited to a broken sprinkler head, a broken pipe, or a leaking valve;

- c) operate an irrigation system with a broken or missing head, or a head that is out of adjustment and the arc of the spray head is over a street, parking area, or other impervious surface;
- d) allow water flow during irrigation that runs, flows, or streams in a way that extends a distance of 100 feet or greater from the area being irrigated; and/or
- e) operate a soaker hose, bubbler or drip irrigation system in a manner that causes the delivery of more water than the hose, bubbler, or system was intended by the manufacturer to deliver, or that allows water to run for a distance of five feet or greater from the area being irrigated.

(2) Car Washing:

- a) wash a vehicle at any location other than a commercial car wash, car dealership, detail shop or automotive shop unless the hose is equipped with a positive shut-off nozzle that stops the flow of water through the hose when released by the operator; and/or
- b) allow a customer to use a nozzle at a commercial car wash, car dealership, detail shop or automotive shop that discharges more than 3.0 gallons per minute.

(3) Restaurants/Bars/Clubs/School Cafeterias:

- a) provide drinking water to customers of restaurants, bars, or clubs unless the customer requests such water;
- b) use a pre-rinse nozzle that discharges more than 1.6 gallons per minute; and/or
- c) use a hand-held pre-rinse or rinsing nozzle without a positive shut-off.

(4) Ice Machines:

- a) install new ice machines that are single-pass, water cooled.

(5) Hotels/Motels/Short-Term Lodging:

- a) Owners or operators of a hotel, motel short term rental, or other establishment that offers or provides lodging or rental accommodations for compensation, to fail to offer a towel and linen reuse water conservation option to its lodgers, renters, or customers, and maintain in each applicable guest room, suite, or property, informational signage to communicate information relating to this requirement and to offer the opportunity for guest participation.

(b) Discretionary Drought Restrictions

The Director of Public Works may declare any stage of drought restrictions described in this ordinance to be effective if:

- (1) the water supply system demand exceeds 90% design treatment capacity for three or more consecutive days;
- (2) the water supply system is unable to deliver water due to mechanical failure or damage of major water system components that is expected to require more than 72 hours to repair; or

- (3) the water system is contaminated either accidentally or intentionally, or the water system fails from acts of nature or man.

The establishment of a discretionary drought restriction will be effective when publicized in the media and upon the filing of a written declaration with the City Manager and City Clerk. Upon any declaration of such drought stage, it shall be unlawful for a person to fail to comply with the restrictions applicable to that stage. The Director of Public Works may terminate any of the aforementioned discretionary drought restrictions by filing a written notice of termination with the City Manager and City Clerk.

(c) Stage 1: Drought Watch

- (1) The Director of Public Works shall declare a Stage 1 Drought Watch when the levels of Lakes Arrowhead and Kickapoo reach a combined capacity of 65 percent.
- (2) The following actions shall occur under the direction of the Director of Public Works, with the goal of reducing the amount of water used by five percent:
 - a) The City Council and other City Departments will be notified of the impending problem and the proposed immediate and future actions.
 - b) The City shall initiate an education program through all available media to:
 - i) Alert the public to the depletion of the reservoirs; current rate of withdrawals and the effect of such withdrawals; current treatment rates; current meteorological conditions; and the long-range weather forecast from the National Weather Service.
 - ii) Alert the public to the drought management program, the various stages and measures, and the possibility of implementation.
 - iii) Keep a constant flow of information to the public to condition them for more stringent measures.
 - c) The Public Works Department will coordinate with other departments on the structure of a program to implement water restrictions.
 - d) The Public Works Department will conduct any training necessary to implement the water restriction program.
 - i) The Public Works Department will prepare all administrative processes (forms, affidavits, maps, offices, etc.) for the drought restriction program.

(3) Irrigation (**requires notification to TCEQ**):

- a) It shall be unlawful to:
 - i) run outside irrigation systems (including sprinklers, automatic sprinkler systems, and unattended hoses) except for two days a week, based on the following physical address schedule where the sprinkler system is located:

Addresses ending in an Even Number = Mondays and Thursdays

Addresses ending in an Odd Number = Tuesdays and Friday

- ii) utilize spray irrigation between the hours of 10:00 a.m. to 7:00 p.m., unless one is using a hand-held hose that is equipped with a positive shut-off nozzle, soaker hose, bucket, watering can, bubbler or drip irrigation system;
- iii) fail to repair a controllable leak, including but not limited to a broken sprinkler head, a broken pipe, or a leaking valve;
- iv) operate an irrigation system with a broken or missing head, or a head that is out of adjustment and the arc of the spray head is over a street, parking area, or other impervious surface;
- v) allow water flow during irrigation that runs, flows, or streams in a way that extends for a distance of 100 feet or greater from the area being irrigated; and/or
- vi) operate a soaker hose, bubbler or drip irrigation system in a manner that causes the delivery of more water than the hose, bubbler, or system was intended by the manufacturer to deliver, or that allows water to run for a distance of five feet or greater from the area being irrigated.

- b) Landscape watering is permitted any day at any time with a hand-held hose that is equipped with a positive shut-off nozzle, soaker hose, bucket (five gallons or less), watering can, bubbler or drip irrigation system.
- c) On days other than the days of the week established in Section (c)(3)(a)(i), testing and troubleshooting of irrigation systems that involve the release of water is permissible any time, including between the hours of 10:00 a.m. to 7:00 p.m., as long as a licensed plumber or irrigator is present on location during testing (and available to the ticket writer). Testing and troubleshooting of irrigation systems by other than a licensed plumber or irrigator that involves the release of water is otherwise permissible only on the days of the week established in Section (c)(3)(a)(i) and time of day established in Section (c)(3)(c)(ii).
- d) *New Landscape Waiver.* A waiver of this subsection may be granted for the irrigation of new landscaping plants whereby watering would be permitted to maintain adequate growth until the plants are established but not to exceed a 30-day time period. Any person wishing such a waiver must make an application to the City Public Works Department and pay a nonrefundable fee as set by separate ordinance. The water rate during this stage shall be the same as the normal rate for that customer for all consumption over 10 CCF as registered by residential meters and all consumption as registered by irrigation meters or commercial meters.

- e) *Public and Private Golf Courses.*
 - i) Greens: Golf Courses may utilize Spray Irrigation on greens at any time for the purpose of cooling golf course greens when warranted by weather conditions and only with run cycles of less than 5 minutes every 60 minutes. Golf course greens are exempt from the Spray Irrigation days established in Section (c)(3)(a)(i), and greens may be Spray Irrigated any day of the week, but will be subject to the prohibition of Spray Irrigation during the daylight hours between 10:00 a.m. and 7:00 p.m.

- ii) All other Golf Course Features: It shall be unlawful for golf courses to Spray Irrigate Tee-Boxes, Fairways, Roughs, Trees, Shrubs, etc., except on the day of the week permitted for the area as established in Section (c)(3)(a)(i), and will be subject to the prohibition of Spray Irrigation during the daylight hours between 10:00 a.m. and 7:00 p.m.
- f) Nursery Plant Stock is exempt from the irrigation and landscape watering restrictions of this subsection.

(4) **Car Washing (requires notification to TCEQ):**

- a) It shall be unlawful to:
 - i) to wash a vehicle at your residence or place of business, unless the hose is equipped with a positive shut-off nozzle that stops the flow of water through the hose when released by the operator; and/or
 - ii) for the owner or operator of a commercial business to allow a customer to use a nozzle at a commercial car wash, car dealership, detail shop or automotive shop that discharges more than 3.0 gallons per minute.

(5) **Restaurants/Bars/Clubs/School Cafeterias (requires notification to TCEQ):**

- a) It shall be unlawful to:
 - i) provide drinking water to customers of restaurants, bars, or clubs unless the customer requests such water;
 - ii) use a pre-rinse nozzle that discharges more than 1.6 gallons per minute; and/or
 - iii) use a hand-held pre-rinse or rinsing nozzle without a positive shut-off.

(6) **Ice Machines (requires notification to TCEQ):**

- a) It shall be unlawful for any person, firm, corporation, or other entity, to install new ice machines that are single-pass, water cooled.

(7) **Hotels/Motels/Short-Term Lodging (requires notification to TCEQ):**

- a) It shall be unlawful, as the owner or operator of a hotel, motel, short-term rental, or other establishment that offers or provides lodging or rental accommodations for compensation, to fail to offer a towel and linen reuse water conservation option to its lodgers, renters, or customers, and maintain in each applicable guest room, suite, or property, informational signage to communicate information relating to this requirement, and to offer the opportunity for guest participation.

(d) Stage 2: Drought Warning

- (1) The Director of Public Works shall declare a Stage 2 Drought Warning when levels of Lakes Arrowhead and Kickapoo reach a combined capacity of 50 percent.

(2) The following actions shall occur under the direction of the Director of Public Works, with the goal of reducing the amount of water used by 15%:

- a) Form a Drought Emergency Task Force for guidance through the remainder of the drought and to interface with the public.
- b) Suspend all non-essential operational use of water by City, such as flushing water mains, street sweeping, water jet cleaning of sanitary sewer mains, fire fighter training, etc.), except where such use of water is critical to the health and safety of the citizens.
- c) Notify all wholesale (raw and treated) customers of the situation and inform them of their specific mandatory reduction goals in accordance with Texas Water Code § 11.039.

(3) Irrigation (**requires notification to TCEQ**):

a) It shall be unlawful to:

- i) run outside irrigation systems (including sprinklers, automatic sprinkler systems and unattended hoses) except on the day of the week based on the following physical address schedule where the sprinkler system is located:

Addresses ending in 0 or 1 = Monday

Addresses ending in 2 or 3 = Tuesday

Addresses ending in 4 or 5 = Wednesday

Addresses ending in 6 or 7 = Thursday

Addresses ending in 8 or 9 = Friday

Saturday and Sunday irrigation is prohibited.

- ii) utilize spray irrigation between the hours of 10:00 a.m. and 7:00 p.m., unless one is using a hand-held hose that is equipped with a positive shut-off nozzle, soaker hose, bucket, watering can, bubbler or drip irrigation system;
- iii) fail to repair a controllable leak, including but not limited to a broken sprinkler head, a broken pipe, or a leaking valve;
- iv) operate an irrigation system with a broken or missing head, or a head that is out of adjustment and the arc of the spray head is over a street, parking area, or other impervious surface;
- v) allow water flow during irrigation that runs, flows, or streams in a way that extends for a distance of 100 feet or greater from the area being irrigated; and
- vi) Operate a soaker hose, bubbler or drip irrigation system in a manner that causes the delivery of more water than the hose, bubbler, or system was intended by the manufacturer to deliver; or that allows water to run for a distance of five feet or greater from the area being irrigated.

- b) Landscape watering is permitted any day at any time with a hand-held hose that is equipped with a positive shut-off nozzle, soaker hose, bucket (five gallons or less), watering can, bubbler or drip irrigation system.
- c) On days other than the day of the week established in Section (d)(3)(a)(i), testing and troubleshooting of irrigation systems that involve the release of water is permissible any time, including between the hours of 10:00 a.m. to 7:00 p.m., as long as a licensed plumber or irrigator is present on location during testing (and available on site to the ticket writer). Testing and troubleshooting of irrigation systems by other than a licensed plumber or irrigator that involves the release of water is otherwise permissible only on the day of week established in Section (d)(3)(a)(i) and time of day established in Section (d)(3)(a)(ii).
- d) *New Landscape Waiver.* A waiver of this subsection may be granted for the irrigation of new landscaping plants whereby watering would be permitted to maintain adequate growth until the plants are established but not to exceed a 30-day time period. Any person wishing such a waiver must submit an application to the City Public Works Department and pay a nonrefundable fee as set by separate ordinance. The applicant must agree to pay a water rate that is three (3) times the normal rate for that customer for all consumption over 10 CCF as registered by residential meters and all consumption as registered by Irrigation meters or commercial meters.
- e) *Public and Private Golf Courses.*
 - i) Greens: Golf Courses may utilize Spray Irrigation on greens at any time for the purpose of cooling golf course greens when warranted by weather conditions and only with run cycles of less than 5 minutes every 60 minutes. Golf course greens are exempt from the Spray Irrigation days established in Section (d)(3)(a)(i), and greens may be Spray Irrigated any day of the week, but will be subject to the prohibition of spray irrigation during the daylight hours between 10 a.m. and 7 p.m.
 - ii) Tee Boxes and Fairways: It shall be unlawful for golf courses to Spray Irrigate Tee-Boxes and Fairways, except on the day of the week permitted for the area as established in Section (d)(3)(a)(i) and will be subject to the prohibition of spray irrigation during the daylight hours between 10:00 a.m. and 7:00 p.m.
 - iii) All other Golf Course Features: It shall be unlawful for golf courses to Spray Irrigate any other landscape features, such as roughs, trees, shrubs, etc.
- f) Nursery plant stock is exempt from the irrigation and landscape watering restrictions of this subsection.

(4) **Car Washing (requires notification to TCEQ):**

- a) It shall be unlawful to:
 - i) to wash a vehicle at your residence or place of business, unless the hose is equipped with a positive shut-off nozzle that stops the flow of water through the hose when released by the operator; and/or
 - ii) for the owner or operator of a commercial business to allow a customer to use a nozzle at a commercial car wash, car dealership, detail shop or automotive shop that discharges more than 3.0 gallons per minute.

(5) Restaurants/Bars/Clubs/School Cafeterias (**requires notification to TCEQ**):

- a) It shall be unlawful to:
 - i) provide drinking water to customers of restaurants, bars, or clubs unless the customer requests such water;
 - ii) use a pre-rinse nozzle that discharges more than 1.6 gallons per minute; and/or
 - iii) use a hand-held pre-rinse or rinsing nozzle without a positive shut-off.

(6) Ice Machines (**requires notification to TCEQ**):

- a) It shall be unlawful for any person, firm, corporation, or other entity, to install new ice machines that are single-pass, water cooled.

(7) Hotels/Motels/Short-Term Lodging (**requires notification to TCEQ**):

- a) It shall be unlawful, as the owner or operator of a hotel, motel, short-term rental or other establishment that offers or provides lodging or rental accommodations for compensation, to fail to offer a towel and linen reuse water conservation option to its lodgers, renters, or customers, and maintain in each applicable guest room, suite, or property, informational signage to communicate information relating to this requirement, and to offer the opportunity for guest participation.

(8) Washing sidewalks, driveways, buildings, or concrete slabs (**requires notification to TCEQ**):

- a) It shall be unlawful to wash sidewalks, driveways, buildings, or concrete slabs unless an immediate health or safety risk is present.

(9) During a Stage 2 Drought Warning, the following surcharges will be applied to all applicable accounts (**requires notification to TCEQ**):

- a) For Residential Water Meters:

\$0.50 per hundred cubic feet (CCF) between ten CCF and 20 CCF;

\$1.00 per CCF between 20 CCF and 40 CCF; and

\$2.00 per CCF over 40 CCF.

- b) For Irrigation Water Meters:

\$0.50 per CCF between 0 CCF and 10 CCF;

\$1.00 per CCF between ten CCF and 20 CCF;

\$2.00 per CCF between 20 CCF and 40 CCF; and

\$4.00 for each CCF over 40 CCF.

(e) Stage 3: Drought Emergency

(1) The Director of Public Works shall declare a Stage 3 Drought Emergency when the levels of Lakes Arrowhead and Kickapoo reach a combined capacity of 40 percent.

(2) The following actions shall occur under the direction of the Director of Public Works, with the goal of reducing the amount of water used by 35%:

- a) Monitor all Fire Hydrant Meters that are for contractor use to determine what conservation can be achieved through this type of water usage;
- b) Notify all wholesale (raw & treated) water customers of the situation and inform them of their specific mandatory reduction goals in accordance with Texas Water Code § 11.039; and
- c) Begin establishing a program for a Drought Disaster, which will allow restriction on the essential uses of water and prepare for implementation.

(3) Irrigation (**requires notification to TCEQ**):

a) It shall be unlawful to:

- i) run outside irrigation systems (including sprinklers, automatic sprinkler systems and unattended hoses) except on the day of the week established in Section (d)(3)(a)(i);
- ii) utilize spray irrigation during the day specified in Section (d)(3)(a)(i), except for the following hours:

2:00 a.m. to 7:00 a.m. for Automatic Sprinkler Systems

7:00 p.m. to 11:00 p.m. for Hose-End Sprinkler Systems
- iii) fail to repair a controllable leak, including but not limited to a broken sprinkler head, a broken pipe, or a leaking valve;
- iv) operate an irrigation system with a broken or missing head, or a head that is out of adjustment and the arc of the spray head is over a street, parking area, or other impervious surface;
- v) allow water flow during irrigation that runs, flows, or streams in a way that extends for a distance of 100 feet or greater from the area being irrigated; and/or
- vi) operate a soaker hose, bubbler or drip irrigation system in a manner that causes the delivery of more water than the hose, bubbler, or system was intended by the manufacturer to deliver, or that allows water to run for a distance of 5 feet or greater from the area being irrigated.

b) New Landscape Waiver: The Public Works Department will not issue any waivers during a Stage 3 Drought Emergency.

c) *Public and Private Golf Courses.*

- i) **Greens:** Golf Courses may utilize Spray Irrigation on greens at any time for the purpose of cooling golf course greens when warranted by weather conditions and only with run cycles

of less than 5 minutes every 60 minutes. Golf course greens are exempt from the Spray Irrigation times, and greens may be Spray Irrigated any day of the week, but will continue to be subject to the prohibition of spray irrigation during the daylight hours between 10:00 a.m. and 7:00 p.m.

- ii) Tee Boxes: It shall be unlawful for golf courses to Spray Irrigate Tee-Boxes, except on the day of the week established in Section (d)(3)(a)(i) and will continue to be subject to the prohibition of spray irrigation during the daylight hours between 10:00 a.m. and 7:00 p.m.
- iii) All other Golf Course Features: It shall be unlawful for golf courses to Spray Irrigate any other landscape features, such as fairways, roughs, trees, shrubs, etc.
- d) Nursery Plant Stock is exempt from the irrigation and landscape watering restrictions of this subsection.

(4) Car Washing (requires notification to TCEQ):

- a) It shall be unlawful:
 - i) to wash a vehicle at your residence or place of business, unless the hose is equipped with a positive shut-off nozzle that stops the flow of water through the hose when released by the operator;
 - ii) for the owner or operator of a commercial car wash, detail shop or automotive shop to utilize Potable Water for its operations on the day of the week that coincides with the day of the week established in Section (d)(3)(a)(i), that the car wash was allowed to irrigate;
 - iii) for the owner or operator of a commercial business to allow a customer to use a nozzle at a commercial car wash, car dealership, detail shop or automotive shop that discharges more than 3.0 gallons per minute; and/or
 - iv) for a car wash to wash any of its bays with water, except on Sunday.

(5) Car Dealers/Fleets (requires notification to TCEQ):

- a) It shall be unlawful:
 - i) for a car dealer or an entity that maintains a fleet of motor vehicles to wash its inventory of cars on any day other than the day the property is authorized to spray irrigate in accordance with the days established in Section (d)(3)(a)(i);
 - ii) to wash Fleets at any location used for residential purposes;
- b) If a car dealer or car rental is preparing a car for pickup, it can wash that vehicle (and only that vehicle) on the day of pick up by the customer. Otherwise, all vehicles are subject to Section (e)(5)(a)(i) above.
- c) The washing of any vehicle in a fleet may take place only at a commercial car wash or at a location owned by the fleet's owner and that is used solely for commercial uses.

(6) Restaurants/Bars/Clubs/School Cafeterias (requires notification to TCEQ):

- a) It shall be unlawful:
 - i) to provide drinking water to customers of restaurants, bars, or clubs unless the customer requests such water;
 - ii) to use a pre-rinse nozzle that discharges more than 1.6 gallons per minute;
 - iii) to use a hand-held pre-rinse or rinsing nozzle without a positive shut-off;
 - iv) for a food establishment to thaw food with water (food must be thawed by another legal method, such as Refrigeration or Cooking Process); and/or
 - v) for a food establishment to clean kitchen or food handling areas with spray hoses.

(7) Ice Machines (**requires notification to TCEQ**):

- a) It shall be unlawful, for any person, firm, corporation, or other entity, to install new ice machines that are single-pass, water cooled.

(8) Pools (**requires notification to TCEQ**):

- a) It shall be unlawful:
 - i) to operate a water feature on a Residential Pool, including, but not limited to, fountains, waterfalls, descents, arcs, and slides;
 - ii) if repairing a pool, to drain the water below a level necessary to affect the repair, and no further. Owners of pools that follow this restriction will be allowed to re-fill their pool after the repair; and/or
 - iii) for Owners Operators of pools to drain the pool once it closed for the season.

(9) Hotels/Motels/Short-Term Lodging (**requires notification to TCEQ**):

- a) It shall be unlawful, as the owner or operator of a hotel, motel, short-term rental, or other establishment that offers or provides lodging or rental accommodations for compensation, to fail to offer a towel and linen reuse water conservation option to its lodgers, renters, or customers, and maintain in each applicable guest room, suite, or property, informational signage to communicate information relating to this requirement, and to offer the opportunity for guest participation.

(10) Washing sidewalks, driveways, buildings, or concrete slabs (**requires notification to TCEQ**):

- a) It shall be unlawful to wash sidewalks, driveways, buildings, or concrete slabs unless an immediate health or safety risk is present.

(11) During a Stage 3 Drought Emergency, the following surcharges will be applied to all applicable accounts (**requires notification to TCEQ**):

- a) For Residential Water Meters:

\$1.00 per CCF between 10 CCF and 20 CCF;

\$2.00 per CCF between 20 CCF and 40 CCF; and

\$4.00 per CCF over 40 CCF.

b) For Irrigation Water Meters:

\$1.00 per CCF between 0 CCF and 10 CCF;

\$2.00 per CCF between 10 CCF and 20 CCF;

\$4.00 per CCF between 20 CCF and 40 CCF; and

\$8.00 per CCF over 40 CCF.

(f) Stage 4: Drought Disaster

(1) The Director of Public Works shall declare a Stage 4 Drought Disaster when the levels of Lakes Arrowhead and Kickapoo reach a combined capacity of 30 percent.

(2) The following actions shall occur under the direction of the Director of Public Works, with the goal of reducing the amount of water used by 45%.

a) Impose further mandatory restrictions on non-essential uses of water and essential uses of water.

b) Pull Hydrant Meters and suspend service thereon until conditions return to a Drought Emergency status.

c) Continue the aggressive public relations and education program.

(3) Irrigation (**requires notification to TCEQ**):

a) *Irrigation Prohibited.* It shall be unlawful to utilize any type of irrigation using potable water produced by the City that is distributed through the City's distribution system on any day at any time. This restriction includes all forms of irrigation, including spray, bubbler, drip, hand-watering, etc.

b) *Public and Private Golf Courses.* It shall be unlawful to irrigate any and all vegetated landscape areas on the golf course including greens, tee boxes, fairways, roughs, trees, shrubs, etc. Golf Courses will be allowed to utilize the remaining water within their pond system, as they see fit; but will not be allowed to refill the ponds from the City potable or raw water system while in a Stage 4 Drought Disaster.

c) *Nursery Plant Stock.* Nursery Plant Stock is exempt from the irrigation and landscape watering restrictions of this subsection.

(4) Car Washing (**requires notification to TCEQ**):

a) It shall be unlawful:

- i) to wash a vehicle at any location other than a commercial car wash, car dealership, detail shop or automotive shop;
- ii) for the owner or operator of a commercial car wash, detail shop or automotive shop to utilize Potable Water for its operations on the day of the week that coincides with the day of the week established in Section (d)(3)(a)(i), that the car wash was allowed to irrigate;
- iii) for the owner or operator of a commercial business to allow a customer to use a nozzle at a commercial car wash, car dealership, detail shop or automotive shop that discharges more than 3.0 gallons per minute;
- iv) to conduct a Fundraising car wash; and/or
- v) for a car wash to wash any of its bays with water, except on Sundays.

b) It shall be an affirmative defense to prosecution pursuant to this subsection (i) if that person was washing a vehicle for health and safety reasons, only to an extent sufficient to remove the hazard, and is permitted at any time.

(5) Car Dealers/Fleets (requires notification to TCEQ):

- a) It shall be unlawful:
 - i) for a car dealer or an entity that maintains a fleet of vehicles to wash its inventory of cars on any day other than the day the property was authorized to Spray Irrigate in accordance with the days established in Section (d)(3)(a)(i)
 - ii) to wash Fleets at any location used for residential purposes.
- b) If a car dealer or car rental is preparing a car for pickup, it can wash that vehicle (and only that vehicle) on the day of pick up by the customer. Otherwise, all vehicles are subject to Section 4.7(5)(a)(i) above.
- c) The washing of any vehicle in a fleet may take place only at a commercial car wash or at a location owned by the fleet's owner and that is used solely for commercial uses.

(6) Restaurants/Bars/Clubs/School Cafeterias (requires notification to TCEQ):

- a) It shall be unlawful:
 - i) to provide drinking water to customers of restaurants, bars, or clubs unless the customer requests such water;
 - ii) use a pre-rinse nozzle that discharges more than 1.6 gallons per minute;
 - iii) use a hand-held pre-rinse or rinsing nozzle without a positive shut-off;
 - iv) thaw food at a food establishment with water (food must be thawed by another legal method, such as Refrigeration or Cooking Process); and/or
 - v) clean kitchen or food handling areas at a food establishment with spray hoses.

(7) Ice Machines (**requires notification to TCEQ**):

- a) It shall be unlawful for any person, firm, corporation, or other entity, to install new ice machines that are single-pass, water cooled.

(8) Pools (**requires notification to TCEQ**):

- a) It shall be unlawful:
 - i) to operate a water feature on a Residential Pool, including, but not limited to, fountains, waterfalls, descents, arcs, and slides; and/or
 - ii) to fill, refill or add potable water to a private or public swimming or wading pool that is not located entirely within a fully-enclosed, climate-controlled structure.
- b) Indoor pools are exempt from the restrictions of Section (f)(7)(a)(i).

(9) Hotels/Motels/Short-Term Lodging (**requires notification to TCEQ**):

- a) It shall be unlawful, as the owner or operator of a hotel, motel, short-term rental or other establishment that offers or provides lodging or rental accommodations for compensation, to fail to offer a towel and linen reuse water conservation option to its lodgers, renters, or customers, and maintain in each applicable guest room, suite, or property, informational signage to communicate information relating to this requirement, and to offer the opportunity for guest participation.

(10) Large Industries (**requires notification to TCEQ**):

- a) Large Industries will be notified by the City to initiate a Water Audit of their facilities.
- b) The Water Audit will include where water is being used within the facilities and where reductions in water usage can be made.
- c) Large Industries will have 60 days to conduct the Water Audit and submit a written report to the Director of Public Works detailing the findings of the Water Audit and the percent reduction in water consumption that can be achieved.
- d) Each Large Industry will be required to have all internal modifications to implement the water reduction completed and functioning by the time a Combined Lake Level of 20% is reached.

(11) Watering Structures (**requires notification to TCEQ**):

- a) The watering of Home Foundations is restricted to once a week, on the day the property was authorized to irrigate established in Section (d)(3)(a)(i).
 - i) Foundations may only be watered between the hours of 7:00 p.m. and 11:00 p.m.; and/or
 - ii) Foundations may only be watered with Soaker Hoses.
- b) It shall be unlawful to wash sidewalks, driveways, buildings, concrete slabs, any structure, or any part of a structure during Stage 4 restrictions.

(12) During a Stage 4 Drought Disaster the following surcharges will be applied to all applicable accounts (**requires notification to TCEQ**):

a) For Residential Water Meters;

\$3.00 per CCF between 10 CCF and 20 CCF;

\$6.00 per CCF between 20 CCF and 40 CCF; and

\$12.00 per CCF over 40 CCF.

b) For Irrigation Water Meters;

\$3.00 per CCF between 0 CCF and 10 CCF;

\$6.00 per CCF between 10 CCF and 20 CCF;

\$12.00 per CCF between 20 CCF and 40 CCF; and

\$24.00 per CCF over 40 CCF.

(g) Stage 5: Drought Catastrophe

(1) The Director of Public Works shall declare a Stage 5 Drought Catastrophe when the levels of Lakes Arrowhead and Kickapoo reach a combined capacity of 25 percent.

(2) The following actions shall occur under the direction of the Director of Public Works, with the goal of reducing the amount of potable water provided by the City to less than 14 MGD:

a) Impose further mandatory restrictions on non-essential uses of water and essential uses of water.

b) Continue the aggressive public relations and education program.

(3) Irrigation (**requires notification to TCEQ**):

a) *Irrigation Prohibited.* It shall be unlawful to utilize any type of irrigation using potable water produced by the City that is distributed through the City's distribution system on any day at any time. This restriction includes all forms of irrigation, including spray, bubbler, drip, hand-watering, etc.

b) *Public and Private Golf Courses.* It shall be unlawful to irrigate any and all vegetated landscape areas on the golf course including greens, tee boxes, fairways, roughs, trees, shrubs, etc. The Golf Courses will be allowed to utilize the remaining water within their pond system, as they see fit; but will not be allowed to refill the ponds from the City system while in a Stage 5 Drought Disaster.

c) *Nursery Plant Stock.* Nursery Plant Stock is exempt from the irrigation and landscape watering restrictions of this subsection.

(4) Car Washing (**requires notification to TCEQ**):

a) It shall be unlawful:

- i) for any person to wash a vehicle at any location other than a commercial car wash, car dealership, detail shop, automotive shop, or commercial property that is owned by the owner of a Fleet of vehicles;
- ii) for the owner or operator of a commercial car wash, car dealership, detail shop or automotive shop to utilize potable water for its operations on Sunday or Monday;
- iii) for the owner or operator of a commercial business to allow a customer to use a nozzle that discharges more than 3.0 gallons per minute;
- iv) for a car wash to wash any of its bays with water, except on Fridays; and/or
- v) to conduct a Fundraising car wash.

- b) It shall be an affirmative defense to prosecution pursuant to this subsection if that person was washing a vehicle for health and safety reasons, only to an extent sufficient to remove the hazard, and is permitted at any time.
- c) It shall be an affirmative defense to prosecution pursuant to this subsection that a car dealer or car rental company was preparing a vehicle for pickup and washed that vehicle on the day of pick up by the customer.

(5) Restaurants/Bars/Clubs/School Cafeterias (**requires notification to TCEQ**):

- a) It shall be unlawful:
 - i) to provide drinking water to customers of restaurants, bars, or clubs unless the customer requests such water;
 - ii) use a pre-rinse nozzle that discharges more than 1.6 gallons per minute;
 - iii) use a hand-held pre-rinse or rinsing nozzle without a positive shut-off;
 - iv) for a food establishment to thaw food with water (food must be thawed by another legal method, such as Refrigeration or Cooking Process); and/or
 - v) for a food establishment to clean kitchen or food handling areas with spray hoses.

(6) Ice Machines (**requires notification to TCEQ**):

- a) It shall be unlawful for any person, firm, corporation, or other entity, to install new ice machines that are single-pass, water cooled.

(7) Pools (**requires notification to TCEQ**):

- a) It shall be unlawful:
 - i) to operate a water feature on any pool, including, but not limited to, fountains, waterfalls, descents, arcs, and slides; and/or
 - ii) to fill, refill or add potable water to a private or public swimming or wading pool that is not located entirely within a fully-enclosed, climate-controlled structure.

b) Indoor pools are exempt from the restrictions of Section (g)(7).

(8) Hotels/Motels/Short-Term Lodging (**requires notification to TCEQ**):

a) It shall be unlawful, as the owner or operator of a hotel, motel, short-term rental or other establishment that offers or provides lodging or rental accommodations for compensation, to fail to offer a towel and linen reuse water conservation option to its lodgers, renters, or customers, and maintain in each applicable guest room, suite, or property, informational signage to communicate information relating to this requirement, and to offer the opportunity for guest participation.

(9) Watering Structures (**requires notification to TCEQ**):

a) The watering of Home Foundations is restricted to once a week on the day the property was authorized to irrigate established in Section (d)(3)(a)(i).

- i) Foundations may only be watered between the hours of 7:00 p.m. and 11:00 p.m.
- ii) Foundations may only be watered with Soaker Hoses.

b) It shall be unlawful to wash sidewalks, driveways, buildings, concrete slabs, any structure, or any part of a structure.

(10) During a Stage 5 Drought Catastrophe the following surcharges will be applied to all applicable accounts (**requires notification to TCEQ**):

a) For Residential Water Meters:

\$6.00 per CCF between 10 CCF and 20 CCF;

\$12.00 per CCF between 20 CCF and 40 CCF; and

\$24.00 per CCF over 40 CCF.

b) For Irrigation Water Meters:

\$6.00 per CCF between 0 CCF and 10 CCF;

\$12.00 per CCF between 10 CCF and 20 CCF;

\$24.00 per CCF between 20 CCF and 40 CCF; and

\$48.00 per CCF over 40 CCF.

(h) Restrictions for Raw Water Wholesale Industrial Customers

(1) The following water use restrictions shall be placed on any wholesale customers that purchase raw water from the Lake Kemp/ Lake Diversion System for industrial purposes under the City's jointly owned water right with WCWID #2. The restrictions are based on the storage capacity in Lake Kemp. Wholesale industrial customers (Customers) are required to achieve the following water use

percentage reductions corresponding to different thresholds for the reservoir capacity in Lake Kemp:

- a) Customers must reduce their water usage by 10 percent if Lake Kemp reaches a storage capacity of 50 percent or less.
- b) Customers must reduce their water usage by 25 percent if Lake Kemp reaches a storage capacity of 40 percent or less.
- c) Customers must reduce their water usage by 50 percent if Lake Kemp reaches a storage capacity of 30 percent or less.
- d) Customers must halt all water use from Lake Kemp if the storage capacity reaches 20 percent or less.

(2) In addition to the restrictions stated above, wholesale customers that purchase raw water for industrial use from the Lake Kemp/ Lake Diversion System must agree that once the storage capacity reaches 50,000 acre-feet or less in the Lake Kemp/ Lake Diversion System, that 50,000 acre feet is solely for the purpose of use by the City for municipal purposes.

(i) **Surcharges.** Surcharges will remain in effect until the City Council announces the end to the restrictions. Water utilized by commercial nurseries for plant stock production shall not be subject to the surcharges established herein.

(j) **Triggering & Terminating Drought Stages**

- (1) The Director of Public Works shall declare that each "trigger level" has been reached and that the water use restrictions for each respective stage are in effect. The water restrictions will remain in effect until the lakes rise to a level that, when combined with the long-term forecast, assures the City an adequate supply of water.
- (2) When an adequate supply of water is available, the City Council, by majority vote, and after consultation with the Director of Public Works, shall announce the termination of each respective stage of the restrictions that are triggered by lake levels.

(k) **Exemption for Non-City-Supplied Water.** Water supplied from sources other than the City's water delivery system, including private water wells, aerobic septic systems, wastewater effluent, and potable water imported from other areas, is intended to be exempt from the restrictions of this section. Residents with non-city-supplied water sources are required to register any such water sources with the Department of Public Works, as described in Section (l). Accordingly, it shall be an affirmative defense to prosecution for violation of any provision of this section that the water used in the alleged violation was not from the City's water delivery system.

(l) **Wells and Auxiliary Water Sources**

(1) **Registration:**

- a) In an effort to protect the City's potable Water System from contamination, any person or property receiving water or wastewater services from the City must register any and all non-

potable, wells and auxiliary water sources, used for any purpose, with the Department of Public Works.

- b) Non-Potable, Auxiliary Water Sources include, but are not limited to:
 - i) Existing, new or planned Water Wells;
 - ii) Hauled water from Surface or Groundwater sources;
 - iii) Rainwater Harvesting storing more than 3,000 gallons; and
 - iv) Graywater systems producing more than 400 gallons per day.
- c) The City Department of Public Works shall be responsible for developing and maintaining a governing manual that regulates the permitting, construction and registration of all water wells and Auxiliary Water Sources.

(2) Systems must comply with all Federal, State, and City requirements for the following:

- a) Cross-Connection Control / Backflow Prevention Devices;
- b) Building, Plumbing and Electrical Codes; and/or
- c) Setback requirements from Sewers and Septic Systems.

(3) The City public water supply system may not be held liable for any adverse health effects allegedly caused by the consumption of water collected by wells or auxiliary water sources.

(m) Defenses to Prosecution

(1) It shall be a defense to prosecution that:

- a) The use of water is necessary to protect the health, safety, or welfare of the public;
- b) The use of water was necessary for lawful repair of a water distribution facility, flushing of utility lines or residential or commercial plumbing lines;
- c) The use of water was necessary to meet express requirements of federal, state, or local laws and requirements;
- d) The use of water was necessary to wash or sanitize to prevent disease transmission risk associated with liquid, solid, or particulate residue in or on emergency vehicles, or vehicles, containers or equipment lawfully used to maintain, process, or transport food, perishables, garbage, liquid or solid waste, organic materials, or recyclables; or
- e) The use of water was immediately necessary for or related to firefighting, fire prevention, or fire suppression activities or operations conducted because of actual risk to the public or environmental health, safety, or welfare, life, or property associated with the presence of an uncontrolled fire on or approaching any person or property.

(n) Variance

- (1) The Director of Public Works shall develop specific criteria to be used for the granting of variances from the provisions of this Ordinance, which are appropriate to the provisions for which a variance is being sought. Such criteria shall be applied equally to each request for variance under a particular provision.
- (2) The Director, or his/her designee, may grant a variance from a requirement of this Chapter if the Director, or designee, determines that strict compliance with the provisions at issue adversely affects the health, safety, welfare or sanitation of the public, the applicant, or the environment.
- (3) Persons requesting a variance from the provisions of this Drought Ordinance shall file a written request for variance with the Director of Public Works. All written requests for variances shall be reviewed by the Director, or his/her designee, and shall include the following:
 - (a) Name and address of the petitioner(s);
 - (b) Purpose of water use;
 - (c) Specific provision(s) of the Drought Ordinance from which the petitioner is requesting relief;
 - (d) Detailed statement as to how the specific provision of the Drought Ordinance adversely affects the health, safety, welfare, or sanitation of the public, or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance;
 - (e) Description of the relief requested;
 - (f) Period of time for which the variance is sought;
 - (g) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Ordinance and the compliance date; and
 - (h) Any other pertinent or requested information.
- (4) A variance following its approval by the Director may be immediately suspended or revoked if the Director, or Director's designee, determines any of the following:
 - (a) a violation of the terms of the variance occurs at the location during the effective period of the variance;
 - (b) the application submitted to the Director upon which the variance approval was based included false, misleading, incomplete, or inaccurate information or attachments; or
 - (c) the Director declares an emergency recall of variances to control use or preserve supply based on protracted drought, unusual operational event, or other public necessity.
- (5) All variances are only in effect during the Drought Plan Stage for which the variance was issued.
- (6) No variance shall be retroactive or otherwise justify any violation of this Drought Plan, occurring prior to the issuance of the variance.
- (7) A variance from a requirement of this chapter expires immediately upon the termination, completion, or resolution of the event, occurrence, condition, or activity for which the variance is granted or at a time specified by the Director or Director's designee.

- (o) Access to Premises. All persons or agents employed by the Department of Public Works shall, at all responsible hours, have access to premises to ascertain if water is being wasted within the corporate city limits of the city or the extraterritorial jurisdiction or the extent of the jurisdictional authority and whether provisions of the Drought Ordinance have been, and are being, complied with in all respects.
- (p) Violation; penalty. Any person, firm, corporation, or other entity found in violation of any provision of this section shall be punished by a fine of \$25.00 for the first offense; not more than \$500.00 for the second offense; and not more than \$2,000.00 for each offense thereafter. Each day of violation of this section shall constitute a separate offense. Proof of a culpable mental state shall not be required for the first or second offense. In the event that this section is violated by repeated offenses, the Director of Public Works is authorized to order the locking or removal of the customer's meter until all fees and fines are paid.

APPENDIX F
LANDSCAPING WAIVER APPLICATION AND PERMIT



PUBLIC WORKS DEPARTMENT

IRRIGATION PERMIT

THIS IRRIGATION IS CONDUCTED UNDER

PERMIT NUMBER _____

HOUSE NUMBER _____

STREET NAME _____

VALID FROM _____ TO _____

This permit allows the recipient to water 30 days straight within the valid dates above. There is no watering from 10am – 7 pm. Doing so could result in a fine to the Municipal Court. This permit should be placed in a window or on the door visible to City employees from the street. If you have any questions please call Public Works at 940-761-7477.

DIRECTOR OF PUBLIC WORKS _____