

### DIVISION 3. - DROUGHT CONTINGENCY AND WATER CONSERVATION PLANS<sup>31</sup>

Footnotes:

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**Editor's note**— Ord. No. 10-1929, adopted Feb. 1, 2010, amended Art. II, Div. 3, by changing the title from "drought contingency plans" to "drought contingency and water conservation plans."

**Editor's note**— Ord. No. 99-1608, §§ 1, 2, adopted Aug. 16, 1999 amended Div. 3, §§ 102-106—102-115 in its entirety to read as herein set out. Former Div. 3, §§ 102-106—102-115 pertained to similar subject matter and derived from 1958 Code, §§ 24-75—24-80; Ord. No. 87-1042, §§ 1(A)—1(F), adopted Oct. 19, 1987; Ord. No. 87-1054, §§ 1(B), 1(C), 1(E), adopted Oct. 19, 1987.

**Cross reference**— Use of plumbing fixtures for water conservation, § 14-191.

Sec. 102-106. - Declaration of policy, purpose, and intent.

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the city hereby adopts the following regulations and restrictions on the delivery and consumption of water, to be known as the drought contingency plan. Further, to ensure that the city's water is used efficiently in order to conserve as much water as possible, the city hereby adopts the water conservation plan. A copy of the water conservation plan is hereby adopted by reference and can be obtained from the city secretary.

Water uses regulated or prohibited under this drought contingency plan (the plan) are considered to be nonessential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in section 102-113 [and section 102-116] of this plan.

(Ord. No. 99-1608, § 1, 8-16-99; Ord. No. 10-1929, § 1, 2-1-2010)

Sec. 102-107. - Public involvement.

- (a) *Public input.* Opportunity for the public to provide input into the preparation of the plan was provided by the city by means of newspaper, and public notice postings.
- (b) *Public education.* The city will periodically provide the public with information about the plan, including information about the conditions under which each stage of the plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of city newsletter, newspaper, and city webpage.
- (c) *Coordination with regional water planning groups.* The service area of the city is located within the Houston Region and the city has provided a copy of this plan to the Houston Region.

(Ord. No. 99-1608, § 1, 8-16-99)

Sec. 102-108. - Authorization.

The city manager or his/her designee is hereby authorized and directed to implement the applicable provisions of this plan upon determination that such implementation is necessary to protect public health,

safety, and welfare. The city manager or his/her designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this plan.

(Ord. No. 99-1608, § 1, 8-16-99)

Sec. 102-109. - Application.

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

(Ord. No. 99-1608, § 1, 8-16-99)

Sec. 102-110. - Definitions.

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

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

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

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

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

*Capacity* means the distribution system capacity, which is the lesser of total available booster pump capacity or the total available water supply (rated groundwater capacity plus purchased water).

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

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

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

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

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

- (1) Irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this plan;
- (2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (3) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (4) Use of water to wash down buildings or structures for purposes other than immediate fire protection;

- (5) Flushing gutters or permitting water to run or accumulate in any gutter or street;
- (6) Use of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools;
- (7) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (8) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (9) Use of water from hydrants for construction purposes or any other purposes other than fire fighting.

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

*Water related recreation/amusement facility* means a heavy user of water for a recreation or amusement facility. Examples of such facilities would include public or private golf course, private water related amusement park or like facility.

(Ord. No. 99-1608, § 1, 8-16-99; Ord. No. 14-2054, § 1, 9-15-2014)

**Sec. 102-111. - Triggering criteria for initiation and termination of drought response stages.**

The city manager, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the plan. Public notification of the initiation or termination of drought response stages shall be by means of newspaper, and webpage.

The triggering criteria described below are based on capacity. Other factors including, but not limited to, special regulatory directives or supplier restrictions may also be considered in addition to the specified triggers.

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

Requirements for initiation customers shall be required to comply with the restrictions on certain nonessential water uses defined in section 102-110 of this plan when total daily water demand equals or exceeds sixty five (65) percent of capacity for three (3) consecutive days or seventy (70) percent of capacity on a single day.

Requirements for termination stage 1 of the plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days.

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

Requirements for initiation customers shall be required to comply with the restrictions on certain nonessential water uses for stage 2 of this plan when total daily water demand equals or exceeds seventy (70) percent of capacity for three (3) consecutive days or eighty (80) percent of capacity on a single day.

Requirements for termination stage 2 of the plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days.

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

Requirements for initiation customers shall be required to comply with the restrictions on certain nonessential water uses for stage 3 of this plan when total daily water demand equals or exceeds eighty (80) percent of capacity for three (3) consecutive days or ninety (90) percent of capacity on a single day.

Requirements for termination stage 3 of the plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days.

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

Requirements for initiation customers shall be required to comply with the restrictions for stage 4 of this plan when the city manager, or his/her designee:

Determines that a water supply emergency exists based on:

- a. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or
- b. Natural or manmade contamination of the water supply source(s). Requirements for termination stage 4 of the plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days.

(Ord. No. 99-1608, § 1, 8-16-99; Ord. No. 14-2054, § 2, 9-15-2014)

Sec. 102-112. - Drought response stages.

The city manager, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in section 102-111 of the plan, shall determine that a mild, moderate, severe, or critical condition exists and shall implement the following actions upon publication of notice in a newspaper of general circulation:

*Stage 1—Mild water shortage conditions.*

*Goal:* Reduce daily water use to less than seventy (70) percent of capacity.

*Supply management measures:* Reduced flushing of water mains, reduced irrigation of public landscaped areas.

*Water use restrictions. The following water use restrictions shall apply to all persons:*

- (1) Water customers are requested to voluntarily limit the irrigation of landscaped areas to alternate days. Even numbered addresses are allowed to water on Sundays, Wednesdays, and Fridays while odd numbered addresses are allowed to water on Tuesdays, Thursdays, and Saturdays. However, irrigation of landscaped areas is permitted at any time if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.
- (2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash, commercial service station, and automobile dealerships or automobile rental agencies that must wash cars for immediate sale or rental. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
- (3) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or jacuzzi-type pools is prohibited except on designated watering days.
- (4) Use of water from hydrants shall be limited to fire fighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the city.

- (5) Use of water for the irrigation of a water related recreation/amusement facility is prohibited except on designated watering days. However, if the facility utilizes a water source other than that provided by the city, the facility shall not be subject to these regulations.
- (6) The following uses of water are defined as nonessential and are prohibited:
  - a. Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
  - b. Use of water to wash down buildings or structures for purposes other than immediate fire protection;
  - c. Use of water for dust control;
  - d. Flushing gutters or permitting water to run or accumulate in any gutter or street; and
  - e. Failure to repair a controllable leak(s) within a forty-eight (48) hour period after having been given notice directing the repair of such leak(s).

*Stage 2—Moderate water shortage conditions.*

*Goal:* Reduce water usage to less eighty (80) percent of capacity.

*Supply management measures:* Reduced flushing of water mains, reduced irrigation of public landscaped areas.

*Water use restrictions.* Under the threat of penalty of violation, all requirements of stage 1 shall remain in effect and become mandatory during stage 2 except:

- (1) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight.
- (2) The use of water for irrigation of water related recreation/amusement facility is prohibited, unless the facility utilizes a water source other than that provided by the city.
- (3) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

*Stage 3—Severe water shortage conditions.*

*Goal:* Reduce water usage to less than ninety (90) percent of capacity.

*Supply management measures:* Discontinued flushing of water mains, discontinued irrigation of public landscaped areas.

*Water use restrictions.* All requirements of stage 1 and 2 shall remain in effect during stage 3 except:

- (1) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6:00 a.m. and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems are prohibited at all times.
- (2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Vehicle washing at commercial car washes and commercial service stations is permitted but shall occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10:00 p.m.
- (3) The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi-type pools is prohibited.

- (4) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

*Stage 4—Critical water shortage conditions.*

*Goal:* Reduce water usage to less than seventy (70) percent of capacity or to a level as dictated by supplier restrictions and/or regulatory directives that may be issued by the Texas Commission on Environmental Quality (TCEQ).

*Supply management measures:* Cease all nonessential water uses.

*Water use restrictions.* All requirements of [stages] 1, 2, and 3 shall remain in effect during stage 4 except:

- (1) Irrigation of landscaped areas is absolutely prohibited.
- (2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited, except at commercial car washes or commercial service station between the hours of 6:00 a.m. and 8:00 a.m. and between 6:00 p.m. and 8:00 p.m.

(Ord. No. 99-1608, § 1, 8-16-99; Ord. N. 14-2054, § 3, 9-15-2014)

Sec. 102-113. - Enforcement.

- (a) No person shall knowingly or intentionally allow the use of water from the city for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by city manager, or his/her designee, in accordance with provisions of this plan.
- (b) Any person who violates this plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25.00) and not more than two hundred dollars (\$200.00). Each day that one (1) or more of the provisions in this plan is violated shall constitute a separate offense. If a person is convicted of three (3) or more distinct violations of this plan, the city manager shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a reconnection charge, hereby established at one hundred fifty dollars (\$150.00), and any other costs incurred by the city in discontinuing service. In addition, suitable assurance must be given to the city manager that the same action shall not be repeated while the plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.
- (c) Any person, including a person classified as a water customer of the city, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this plan and that the parent could not have reasonably known of the violation.
- (d) Any police officer, or other person designated by the city manager, may issue a citation to a person he/she reasonably believes to be in violation of this division. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in municipal court on the date shown on the citation for

which the date shall not be less than three (3) days nor more than five (5) days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over fourteen (14) years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in municipal court to enter a plea of guilty or not guilty for the violation of this plan. If the alleged violator fails to appear in municipal court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in municipal court before all other cases.

(Ord. No. 99-1608, § 1, 8-16-99)

Sec. 102-114. - Variances.

The city manager, or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one (1) or more of the following conditions are met.

- (1) Compliance with this plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the plan is in effect.
- (2) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this division shall file a petition for variance with the city within five (5) days after the plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the city manager, or his/her designee, and shall include the following:

- (1) Name and address of the petitioner(s).
- (2) Purpose of water use.
- (3) Specific provision(s) of the plan from which the petitioner is requesting relief.
- (4) Detailed statement as to how the specific provision of the plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this division.
- (5) Description of the relief requested.
- (6) Period of time for which the variance is sought.
- (7) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this plan and the compliance date.
- (8) Other pertinent information.

Variances granted by the city shall be subject to the following conditions, unless waived or modified by the city manager or his/her designee:

- (1) Variances granted shall include a timetable for compliance.
- (2) Variances granted shall expire when the plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

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

(Ord. No. 99-1608, § 1, 8-16-99)

Sec. 102-115. - Severability.

It is hereby declared to be the intention of the city that the sections, paragraphs, sentences, clauses, and phrases of this division are severable and, if any phrase, clause, sentence, paragraph, or section of this plan shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this plan, since the same would not have been enacted by the city without the incorporation into this plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

It is also noted that a private well must not be connected to a house or building that is furnished water by the city without prior approval from, or review by the city. Also, no private water source or well may be connected in any fashion to the city's potable water supply.

(Ord. No. 99-1608, § 1, 8-16-99)

Sec. 102-116. - Penalty.

Any person, firm, corporation, association or other entity that violates this division shall be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00) for each violation per day.

(Ord. No. 99-1608, § 2, 8-16-99)

Secs. 102-117—102-130. - Reserved.

City measure for drought.

The city will be implementing a Drought 1 in order to control water usage among businesses and residents.

We will monitor usage daily and if we see an increase, we will increase the drought level contingency.

Newspaper release