

ORDINANCE NO. 2014-434

AN ORDINANCE OF THE CITY OF WACO, TEXAS ADOPTING AND AMENDING THE CITY'S 2014 WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN AT CHAPTER 26, UTILITIES, ARTICLE IV, DIVISION 2, OF SAID CODE, MODIFYING CONSERVATION TRIGGERING CONDITIONS, DECREASING THE NUMBER OF DROUGHT RESPONSE STAGES TO FOUR, ESTABLISHING GOALS FOR EACH OF THE FOUR STAGES; PROVIDING A SAVINGS CLAUSE; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR A PENALTY; PROVIDING FOR INCLUSION IN THE CODE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WACO, TEXAS:

Section 1. That Article IV, Division 2 in Chapter 26, Utilities, of the Code of Ordinances of the City of Waco, Texas, shall be amended to read as follows: (additions; ~~deletions~~)

Sec. 26-93 Plan adoption and application.

(a) By this division, the city approves and adopts the 2014 Water Conservation and Drought Contingency Plan for the City of Waco, Texas. A copy of the Plan adopted by this section is attached to Ord. No. 2014- as Exhibit "A" and shall be on file with the director of utilities and city secretary and available for inspection.

Sec. 26-96 Violations and penalty.

If a person is observed violating a stage 2 or greater, restriction including but not limited to vehicle washing, landscape watering, or construction water use, for a second time, the city shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur.

Sec. 26-98. Drought or emergency contingency stages.

(a) *Generally.*

- (1) Upon the occurrence of a water ~~shortage~~ storage emergency, the city manager may exercise his or her discretion to (1) request special voluntary water restrictions , (2) initiate stages 1—4 mandatory restrictions and/or (3) prohibit wastage and restrict certain uses of water deemed nonessential during the emergency. Initiation of a specific State is dependent on climatic and water system conditions, and does NOT necessarily require a progression from Stage 1 through Stage 3 to reach Stage 4.

- (2) In the “Response” section of each of the four Stages, specific water supply or water demand management measures to be implemented are discussed.
- (3) Pro rata curtailment of water delivery to or diversions by wholesale water customers may be implemented during any Stage of the Plan in accordance with Texas Water Code § 11.039.
- (4) Currently the City of Waco has no alternative source of water from which to draw or make use of as a water supply management measure during a water shortage. At any Stage of the Plan, the City of Waco may utilize any future available alternative water source with the prior approval of the executive director as appropriate.

(b) *Stage 1 triggers—Mild water shortage.*

(1) *Criteria for implementation of stage 1.*

- a. A decrease in the Lake Waco reservoir level to **455** msl (at which the reservoir is at about **72** percent of its capacity). Upon recommendation of the city manager, stage **1** procedures shall become effective.
- b. Weather forecasts and stream flow conditions, in the opinion of the city manager, warrant restrictions on the use of water.

(2) *Criteria for termination.* Stage **1** shall be terminated at the discretion of the city manager.

(3) *Stage 1 responses: Mandatory restrictions.* Upon implementation by the city, the following restrictions shall apply unless specifically exempted:

- a. The city shall limit use of water for municipal purposes to those activities necessary to maintain the public health, safety and welfare and any computer-controlled irrigation systems that incorporate evapotranspiration data in setting irrigation run times.
- b. The city shall monitor "excessive watering" and issue notifications to customers. "Excessive watering" occurs where run-off extends for a distance greater than ten feet from the customer's property or where there is washing or hosing down of buildings, sidewalks, driveways, patios, porches, parking surfaces or other paved surfaces. Criminal penalties do not apply during stage **1** restrictions.

(4) *Stage 1 Goal.* Reduction of previous three-year average daily use by 1 percent.

(c) *Stage 2 triggers – Moderate water shortage.*

(1) *Criteria for implementation of stage 2.*

- a. A decrease in the Lake Waco reservoir level to **452** msl (at which the reservoir is at about **60** percent of its capacity) or inability to recover approximately 90 percent in all storage facilities within a **24** hour period. Upon recommendation of the city manager, stage **2** procedures shall become effective.
- b. Weather forecasts and stream flow conditions, in the opinion of the city manager, warrant restrictions on the use of water.

(2) *Criteria for termination* - Stage **2** shall be terminated at the discretion of the City Manager.

(3) *Stage 2 responses: Mandatory restrictions.* Upon implementation by the city, the following restrictions shall apply unless specifically exempted:

- a. All landscape and other outdoor water usage and each service address shall be limited to two days a week based on the last digit of the meter service address or the type of connection, however, landscape and outdoor usage is prohibited from 6:00 a.m. to 7:00 p.m.

Last Digit Address Residential	Allowed Landscape Water Days
Odd	Tuesday and Saturday
Even	Wednesday and Sunday
All non-residential accounts	Monday and Friday
Thursday	No watering, storage recovery day

Apartments, office building complexes, or other property containing multiple addresses will be identified by the lowest physical address number. Where there are no numbers, a number will be assigned by the Building Official. **Criminal penalties do apply during stage 2 restrictions.**

- b. Watering of newly installed landscaping is exempt from Stage 2 restrictions for no more than one month from the date of planting. After the first month, the landscape water day's schedule and hourly restrictions must be followed.

(4) *Stage 2 Goal*. Reduction of previous three-year average daily use by 5 percent.

(d) *Stage 3 triggers—Severe water shortage.*

(1) *Criteria for implementation of stage 3.*

- a. A decrease in the Lake Waco reservoir level to **449** msl (at which the reservoir is at about **50** percent of its capacity) or inability to recover approximately 90 percent of water stored in all storage facilities within a 30-hour period. Upon recommendation of the city manager, stage **3** procedures shall become effective.

- b. Weather forecasts and stream flow conditions, in the opinion of the city manager, warrant restrictions on the use of water.

- c. The total amount of water available to the city from its developed water sources—as determined by the water utilities director—is less than a 24-month supply.

(2) *Criteria for termination*. Stage **3** shall be terminated at the discretion of the city manager.

(3) *Stage 3 responses—Mandatory restrictions*. Upon implementation by the city, the following restrictions shall apply unless specifically exempted:

- a. All landscape and outdoor water usage at each service address shall continue the allowed landscape water days schedule identified **below**; however, landscape and outdoor water usage is prohibited from 6:00 a.m. to 7:00 p.m.

Last Digit Address	Allowed Landscape Water Day
0, 1	Monday

2, 3	Tuesday
4, 5	Wednesday
6, 7	Thursday
8, 9	Friday
Saturday and Sunday	No watering, storage recovery days

Apartments, office building complexes, or other property containing multiple addresses will be identified by the lowest physical address number. Where there are no numbers, a number will be assigned by the Building Official.

b. Existing swimming pools, hot tubs, spas, ornamental ponds and fountains may be replenished with a hand-held hose to maintain operational purposes only.

c. Permitting of new swimming pools, hot tubs, spas, ornamental ponds, or fountain construction is **prohibited**, except that those previously permitted or under construction at the time Stage 3 restrictions are initiated may complete construction and may be filled one time only. Filling occurs when an amount of water equal to at least 75 percent of the water capacity is placed in the structure or facility.

d. Excessive water run-off from any landscaped area onto streets, alleys, or parking lots is prohibited. Run-off is excessive when it extends for a distance greater than ten feet from the customer's property.

e. Washing or hosing down of buildings, sidewalks, driveways, patios, porches, parking areas, or other paved surfaces is prohibited.

(4) *Exceptions:*

a. Commercial landscape nurseries are exempt from stage 3 restrictions (except for restrictions on hours when watering may occur), but all such nurseries shall cease using water to clean pavement and sidewalk areas except for health and safety reasons.

b. Commercial full-service or self-service car wash facilities, including those at service stations and automobile dealership facilities, shall cease using water to clean pavement and sidewalk areas except for health and safety reasons and are exempt from stage 3 restrictions if they meet one or more of the following conditions:

1. Commercial car wash facilities using conveyORIZED, touchless, and/or rollover in-bay technology if they reuse a minimum of 50 percent of water from previous vehicle rinses in subsequent washes.
2. Commercial car wash facilities using reverse osmosis to produce water rinse with a lower mineral content if they incorporate the unused concentrate in subsequent vehicle washes.
3. Self-service spray wands used that emit no more than three gallons of water per minute.

c. Golf course landscape watering is exempt from stage 3 restrictions so long as golf course irrigation systems are operated with a computer controlled irrigation system that incorporates evapotranspiration data in setting irrigation run times.

(5) *Stage 3 Goal*. Reduction of previous three-year average daily use by 7 percent.

(e) *Stage 4 triggers—Emergency water shortage.*

(1) Criteria for implementation of stage 4.

a. A decrease in the Lake Waco reservoir level to 445 msl (at which the reservoir is at about 40 percent of its capacity) or determination by the city manager that the existence of catastrophically decreasing Lake reservoir levels and/or delivery capabilities with an inability to recover to provide services necessary for public health, safety and welfare.

b. Weather forecasts and stream flow conditions, in the opinion of the city manager, warrant restrictions on the use of water.

c. The total amount of water available to the city from its developed water sources—as determined by the water utilities director—is less than a 12-month supply.

(2) *Criteria for termination*. Stage 4 shall be terminated at the discretion of the city manager.

(3) *Stage 4 responses: Mandatory restrictions*. Upon implementation by the city, the following restrictions shall apply unless specifically exempted:

a. Any and all outdoor/landscaping water usage is prohibited until the emergency is alleviated. This applies to all metered water users using the city's public water supply and includes all residential (single or multi-family), commercial (car wash, nurseries, business), recreational (public/private golf courses, parks, athletic fields), religious, health care, school and municipal entities.

b. Use of water for municipal purposes shall be limited to only those activities necessary to maintain the public health, safety and welfare, as determined by the city.

c. Use of water from fire hydrants is prohibited except for fire fighting and related activities.

(4) *Stage 4 Goal*. Reduction of previous three-year average daily use by 10 percent.

Section 2. If any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this ordinance of their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion hereof or provision or regulation contained herein shall be come inoperative or fail by reason of any unconstitutionally, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed, and all other provisions of the ordinances of the City of Waco not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 4. That a violation of this ordinance shall be a Class C misdemeanor and the penalty for violating this ordinance shall be as provided for in Sec. 1-14 of the Code of Ordinances of the City of Waco, which shall be a fine of not less than one dollar (\$1.00) and no more than two thousand dollars (\$2,000.00), and each day a violation exists shall be a separate offense.

Section 5. That it is the intention of the City Council and is hereby ordained that the provisions of this Ordinance shall become and be part of the Code of Ordinances of the City of Waco, Texas, and that sections of this Ordinance and of the Code of Ordinances may be renumbered or relettered to accomplish such intention.

Section 6. That it is hereby officially found and determined that the meeting at which this Ordinance is passed is open to the public and that public notice of the time, place and purpose of said meeting was given as required by law.

PASSED AND APPROVED:

First Reading: the 15th day of July, 2014.

Second Reading: this 5th day of August, 2014.

Malcolm Duncan Jr., Mayor
City of Waco, Texas

ATTEST:

Patricia W. Ervin, City Secretary

APPROVED AS TO FORM & LEGALITY:

Jennifer Richie, City Attorney