

TOWN OF FLOWER MOUND

ORDINANCE NO. 19-19

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE CODE OF ORDINANCES, CHAPTER 70: UTILITIES BY REPLACING ARTICLE VI, ENTITLED “WATER CONSERVATION,” IN ITS ENTIRETY WITH A NEW ARTICLE VI, ENTITLED “WATER CONSERVATION;” PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Flower Mound has for many years recognized the need for water conservation and the efficient utilization of water from all sources in order to meet future needs at reasonable costs and has determined that it is in the best public interest of the Town of Flower Mound to amend the water conservation and emergency water demand management plan; and,

WHEREAS, recent improvements in the water system of the Town of Flower Mound make it possible to reduce the scope of some restrictions necessary to assure the availability of adequate supplies of safe drinking water, and bring those restrictions in line with the restrictions applied in other communities; and,

WHEREAS, the proposed standards will allow the Town of Flower Mound to continue to comply with the requirements set forth in the Texas Commission on Environmental Quality’s rules for community water supply systems;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, THAT:

SECTION 1

The Code of Ordinances, Chapter 70: Utilities be and is hereby amended by replacing Article VI, entitled “Water Conservation,” with the following Article VI which reads as follows:

ARTICLE VI. WATER CONSERVATION

DIVISION 1. GENERALLY

§§70-441 – 70-460. Reserved.

DIVISION 2. LONGTERM WATER CONSERVATION PLAN

§70-461. Purpose and Goals.

- (a) The purpose of this long term water conservation plan is to encourage and promote efficient use of water resources, and to outline a strategy for achieving such efficiency.
- (b) Opportunities for conservation exist through public education efforts, plumbing fixture improvements, and the responsible use of water that may allow the Town and its customers to save water. This plan addresses various opportunities to conserve water and establishes specific strategies to realize those opportunities.
- (c) Current Texas Commission on Environmental Quality (TCEQ) rules requires the adoption of specific water conservation 5-year and 10-year goals as part of plan. No enforcement action will be taken against the Town by TCEQ if these proposed goals are not met. The following table summarizes the Town 5-year and 10-year goals using 2014 per capita water usage as the benchmark, since it was the driest in the last five (5) years. This is in compliance with TCEQ guidelines.

Town per Capita Target Water Savings Goals			
Description	Current Average (GPCD)	5-Year Goal (GPCD)	10-Year Goal (GPCD)
Annual Average Per Capita Day Use	203.39	199.32	193.34

§70-462. Conservation Methods.

The objective of water conservation is to permanently reduce the quantity of water required per person per day for living and business activities. The water conservation methods recommended by the Texas Water Development Board (TWDB) Guidelines for Municipal Water Conservation and Emergency Demand Management are as follows:

- (1) Education of the public and provide information to each retail customer;
- (2) Plumbing codes to promote conservation;
- (3) Retrofit of existing plumbing devices where warranted;
- (4) Conservation oriented rate structure;
- (5) Universal metering and meter repair and replacement;
- (6) Water conservation landscaping practices;
- (7) Irrigation practices;

- (8) Water audits and leak detections;
- (9) Recycling and reuse of treated wastewater wherever practical;
- (10) Assumption of water supply corporations that are located within the Town's corporate limits and conversion to surface water supply;
- (11) Pressure control; and
- (12) Encourage water conservation by owners of private water wells.

In addition, various methods recommended by the TWDB for saving water are on file in the office of the Town Secretary, incorporated herein, and will be made available to customers through an organized program.

§70-463 Conservation Program.

This water conservation program is organized according to the conservation methods outlined above, and each method is described below. At the conclusion of this section, the steps involved in implementation and enforcement are outlined.

§70-464. Public Information and Education.

The following shall be done to inform and educate the public concerning long-term water conservation:

- (1) Have a series of Town meetings during the course of each major water and wastewater project to explain the purpose of the project and available alternatives, and explain how growth or usage is affecting the need for the project.
- (2) Have on display at the Town of Flower Mound Offices at least three (3) conservation items, conveniently organized to encourage customer use. Possible booklets or brochures available from the TWDB include:
 - a. "A Homeowners Guide to Water Use and Water Conservation
 - b. "How to Save Water Inside the Home"
 - c. "How to Save Water Outside the Home"
 - d. "Water Saving Ideas for Business & Industry"

- (3) Mail water conservation brochures appropriate for the season to each retail customer. The number of brochures mailed on an annual basis will be adjusted to maintain the effectiveness of the program. The program may include the following:

<u>Item</u>	<u>Frequency</u>
(1) Water conservation message	Annually
(2) Water conservation brochure or bill stuffers	Annually
(3) Information on conservation programs such as leak detection or reuse	As Necessary
(4) Instructions for additional information	Included with Utility Bills
(4) Encourage local media coverage of water conservation issues and the importance water conservation.	
(5) Make information on water conservation available on the Town website and include links to the Texas Smartscape website and to other sites with good information about water conservation, including TWDB and TCEQ.	
(6) Make information on water conservation available on Flower Mound TV (FMTV).	
(7) Notify local organizations, schools, and civic groups that Town staff, and staff of Upper Trinity Regional Water District (UTRWD), are available to make presentations on the importance of water conservation and the best ways to save water.	

§ 70-465. Water conserving Plumbing Fixtures.

The Town of Flower Mound will inform customers about water-conserving plumbing fixtures and encourage the use of such fixtures when replacing fixtures in existing homes and commercial and public buildings. The Town of Flower Mound shall require all plumbing fixtures to meet the water conservation standards established in Texas Health and Safety Code Sec. 372.002, as listed below:

- (1) Toilets: Maximum flush that does not exceed 1.6 gallons of water.
- (2) Urinals: Maximum flush of 1 gallon of water.
- (3) Showerheads: Maximum flow rate of 2.5 gallons per minute at 80 pounds per square inch, except where necessary for safety reasons.

- (4) Faucets: Maximum flow rate of 2.0 gallons per minute at 60 pounds per square inch, for all lavatory, kitchen, and bar sink faucets.

This program will be implemented by code inspectors and monitored by the Town Manager and shall become effective on the effective date of the adoption of this plan. It is not expected to increase the costs of code enforcement.

§70-466. (Omitted)

§70-467. Conservation Oriented Rate Structure.

- (a) The Town of Flower Mound recognizes that an increasing block rate structure will encourage water users to reduce water use and, thereby, increase water conservation. With an increasing block rate, the price per one thousand (1,000) gallons of water increases as the quantity used increases, thereby discouraging excessive and wasteful water use.
- (b) The Town of Flower Mound has an increasing block rate structure as evidenced by the Town's rate structure, which is on file in the office of the Town Secretary.

§70-468. Metering and Meter Testing.

The purpose of metering is to measure the quantity of water being distributed to customers throughout the system, to account for all the water being produced, and to accurately bill for the quantity of water delivered to each customer. The Town of Flower Mound recognizes the need for universal and accurate metering. The Town's schedule for testing meters is as follows:

- (1) Compound meters 2 inches and larger and HPT meters 3 inches and larger – Test, calibrate and repair annually.
- (2) Meters 2 inches or smaller – Test and/or replace every ten (10) years.

These activities can be performed by the Town as a part of its routine operation and maintenance activities. It will be monitored by the Meter Services Section. It is expected that the costs will be offset by more accurate accounting and billing, resulting in enhanced revenues.

§70-469. Water Conservation Landscaping.

Well designed and properly maintained demonstration landscapes located in parks and other highly visible areas will promote the water-conserving landscape concept. As

opportunities occur, the Town of Flower Mound will plan Xeriscape landscaping for its parks and other facilities. Such landscaping should emphasize native species and low water consuming plant types. Also, the Town of Flower Mound will encourage garden clubs, developers and customers to implement water efficient landscaping. The Town will participate with the UTRWD in demonstration gardens developed as part of the regional program. Brochures on water demand of certain grasses and on outdoor water use in general will be mailed to all customers initially and provided to all new customers.

§70-470. Irrigation Practices.

The Town of Flower Mound will explore opportunities for conserving water through improved irrigation practices, including:

- (1) Prohibiting wasteful uses of water from irrigation systems, such as:
 - a. Over-watering lawns and gardens in excess of what is actually required, thereby causing water to escape from irrigated areas or run off into gutters, ditches, streets, sidewalks, and other surface drains;
 - b. watering during the heat of the day when losses due to evaporation are high;
 - c. operating sprinkler systems during periods of rainfall.
- (2) The partitioning of any given irrigation system so as to provide sequential operation of segments of the system rather than simultaneous operation.
- (3) The distribution of a brochure providing helpful tips when a permit is issued for a sprinkler system and periodically thereafter.
- (4) Require all new irrigation systems be in compliance with state design and installation standards (TAC Title 30, Part 1, Chapter 344)

§70-471. Water Audits and Leak Detection.

- (a) The Town of Flower Mound is aware of potential savings from leak detection studies and water audits. The Town is committed to maintain low unaccounted-for water losses in its water system, and in recent years has experienced less than fivepercent (5%) loss because of the responsiveness of the various utility service departments and a relatively new water system. Although the current management practices have been successful in maintaining low water losses, the Town currently does not have an established leak detection and repair program. The 5-year and 10-year water loss goals are 5% and 4%, respectively.
- (b) Audit results will continue to be evaluated.

§70-472 Wastewater Recycling and Reuse

- (a) The leading types of potential recycling and reuse projects are:
 - (1) Use of wastewater effluent for irrigation of parks and/or golf courses.
 - (2) Transmission of wastewater effluent to a surface water reservoir project for treatment and reuse as a public water supply.
 - (3) Installation of gray water (water from the washing machine, showers, and bathtubs) tanks in homes for lawn and landscape watering.
 - (4) Recycling and reuse of treated effluent by, or for, industrial, commercial and institutional customers – as well as for irrigation of open space, such as parks and golf courses.
- (b) The Town of Flower Mound has two reuse water master plans that take advantage of nearby wastewater treatment plant effluent, one was adopted in 2014 and covers the western area of Flower Mound and the other was adopted in 2018 and covers the southeast area of Flower Mound. The treatment of wastewater effluent is recognized as an excellent method of conserving drinking water through the use of reuse water for irrigation purposes.

§70-473. Pressure Control.

The Town of Flower Mound recognizes that adequate pressure control throughout its distribution system can improve water conservation. The transmission system should be sized to maintain a minimum pressure of 40 psi during normal operating conditions and a minimum pressure of 20 psi during extreme operating conditions. In addition, pressures above 90 psi are undesirable and should be avoided. The maximum pressure in extreme conditions should be limited to 120 psi because high operating pressure will result in increased system maintenance and increased operational cost. The transmission system should also be sized to limit maximum velocity in the transmission system to seven cubic feet per second.

§70-474. Enforcement of article provisions.

- (a) The water conservation plan will be implemented and enforced under the general direction of the Town Manager. Methods and costs of implementation are described below:
 - (1) Public Information and Education: The Town of Flower Mound will make copies available of the water conservation plan, including copies of the water conservation methods, to customers, civic groups and other groups

upon request. Also, copies of the plan and literature will be given to the local newspapers for use in writing water conservation articles.

- (3)
 - (5) Water Conserving Landscape: The Town of Flower Mound will cooperate with the UTRWD in informing nurseries and the public of plants and shrubs that are native to the area. The budget for this activity will be included in the budget for public information and education.
 - (6) Leak Detection and Water Audits: The Town of Flower Mound will be alert to leak detection, will emphasize water audits, and will repair leaks to save water and reduce operation costs. Technical assistance for leak detection and water audits is available from the TWDB and from the UTRWD. No budget increase is expected for this water conservation activity.
 - (7) Wastewater Reuse and Recycling: The use of wastewater effluent from the central sewage collection and treatment system for irrigation of parks, golf courses, or forage crops is incorporated in to the Town's Water Master Plan. Other opportunities will be considered. Any such use must be planned and evaluated on an individual basis. Also, opportunities for recycling and reuse of effluent by or for, industrial, commercial and institutional customers will be explored.
- (b) The use of gray water systems in homes for lawn and landscape watering may be possible in some parts of the service area; but may not be acceptable within more densely populated portions of the service area. Gray water systems are most easily installed as homes are being built. Existing homes can be retrofitted with a gray water system at a higher cost. In the case of new homes, gray water tanks, piping, and pumping equipment for a family of four would cost approximately four thousand dollars (\$4,000.00) to install. The costs to install such a system in existing homes may be considerably higher, since piping would need to be modified and pumps added.
 - (c) The Town of Flower Mound encourages water reuse and recognizes that the cost of water reuse will be borne by the beneficiaries. To the extent that water reuse saves water and lowers monthly water bills, the benefits can be used to repay the costs of reuse projects.
 - (d) The Town Manager will be responsible for implementation of the water conservation program. Punitive enforcement measures are not expected to be required. By adoption of this plan, the Town of Flower Mound is directing and authorizing the Town Manager to take all steps reasonably necessary to implement and enforce the plan.

§70-475. Review and Evaluation.

The Town shall maintain a record management system to record water pumped, delivered, sold and lost, which allows the classification of water sold and used by user categories (i.e. residential, commercial, public and institutional, and industrial).

The Town is required to submit an annual water conservation implementation report to TCEQ and TWDB. Said reports must be completed by May1 of the following year for the previous year and used to monitor the effectiveness and efficiency of the Town water conservation program. The results of the report may also be used to plan conservation-related activities for the following year. A copy of the report will also be sent to UTRWD, which will monitor the regional water conservation trends.

As required by TCEQ rules, the Town will review the plan every five (5) years. The plan will be updated, as appropriate, based upon new or updated information. Should the plan be revised during any five-year period, an amended plan must be submitted to TCEQ within 90 days of being adopted.

§70-476. Contracts With Other Political Subdivisions.

The Town sells water to one small Water Supply Corporation for resale

- (a) Customer Data for Wholesale Customer is as follows:

Red Rock Water Supply Corporation

P.O.Box 270103

Flower Mound, TX 75027

Annual usage in 2018: 8.3MG

- (b) Contract Requirements for Successive Customer Conservation

The Town of Flower Mound will include a requirement in every water supply contract entered into or renewed after official adoption of the water conservation plan, and including any contract extension, that each successive wholesale customer develop and implement a water conservation plan or water conservation measures using the applicable elements of Title 30 TAC Chapter 288. If the customer intends to resell the water, then the contract between the initial supplier and customer must provide that the contract for the resale of the water must have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures in accordance with the provisions of 30 TAC Chapter 288.

§70-477. Coordination with Regional Planning Groups.

The Town of Flower Mound will provide a copy of this water conservation plan to the Region C Water Planning Group, which is responsible for developing regional water use information for the planning of future water needs. Flower Mound will cooperate with

regional water agencies by providing information, participating in cooperative conservation programs, and with usage reductions initiated as a result of drought or other conditions. In addition, a copy of this approved plan will be sent to both TCEQ and TWDB.

§§70-478 – 70-500. Reserved.

DIVISION 3. SHORTTERM WATER CONSERVATION PLAN

§70-501. Purpose and Goals.

- (a) The purpose of the annual water conservation plan is to establish the Town's policy and procedures in reference to the use of potable water for outdoor watering and to encourage the prudent application of water to lawns and landscaping plants.
- (b) Waste of water shall be prohibited, including such actions as permitting water to escape from irrigated areas or runoff into gutters, ditches, streets, sidewalks, and other surface drains; failing to promptly repair a controllable leak due to deficient plumbing after discovery; and other obvious wasteful uses.

§70-502. Public Education and Information.

Public information that can make the most immediate impact is the encouragement for proper watering of lawns and landscaping. Proper watering of lawns can further reduce usage while improving the health of the lawns at the same time. Information on outdoor water use will be published in the Town's newsletter.

§70-503. Water Conserving Plumbing Fixtures.

The Town shall require water conserving fixtures on all new construction in the Town.

§§70-504 – 70-520. Reserved.

DIVISION 4. EMERGENCY WATER DEMAND MANAGEMENT PLAN

§70-521. Purpose and Goals.

The purpose of this emergency water demand management plan is to establish an orderly strategy for preserving and managing an adequate supply of water to protect and preserve the public health, safety and welfare of citizens and the general public from situations that threaten to interrupt or otherwise prevent the Town from providing continuous water service.

§70-522. Trigger Conditions.

The following four (4) stages of drought or water storage and pumping conditions shall be used to determine the degree of urgency for initiation and implementation of the management plan measures.

- (1) Stage 1 Triggers – Water Awareness – Water awareness conditions exist upon discovery or notification of potentially serious water management situations that can be managed through voluntary reductions in water use. Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain non-essential water usage as provided in the Emergency Management Measures section of this plan. These conditions include:
 - a. Either wholesale water supplier(s) implement restrictive measures that require customers to implement similar restrictions for reasons such as conserving reservoir levels, maintaining system pressures, water treatment capacity, or other such items requiring cooperation; or
 - b. Total water consumption reaches seventy-five percent (75%) of the Town's water distribution pumping capacity; or,
 - c. The water supply system has a significant limitation due to failure of or damage to important system components.

Stage 1 of the Plan may be terminated when Stage 1 conditions no longer exist and would be unlikely to recur upon termination.

- (2) Stage 2 Triggers – Water Watch – Water watch conditions exist because of a failure in voluntary reduction and public awareness efforts to reduce demand, failures with equipment, inadequate supply, or diminished capacity. Customers shall be requested to adhere to both voluntary and mandatory measures to conserve water and adhere to the prescribed restrictions on certain non-essential water uses provided in the Emergency Management Measures section of this plan. These conditions shall include any of the following:
 - a. Either average daily water demand reaches ninety percent (90%) of available supply for two (2) consecutive days; or
 - b. Average daily water demand reaches ninety percent (90%) of the Town's water distribution system pumping capacity for two (2) consecutive days; or

- c. Failures occur with Town or wholesale supplier equipment or systems that result in a situation where demand reaches ninety percent (90%) of remaining supply or system capacity; or
- d. Wholesale suppliers implement restrictive measures that require customers to implement similar restrictions for reasons such as conserving reservoir levels, maintaining system pressures, water treatment capacity or other items requiring cooperation.

Stage 2 of the Plan may be terminated when Stage 2 conditions no longer exist and would be unlikely to recur upon termination.

- (3) Stage 3 Triggers – Water Warning – A water warning condition exists because of a failure of Stage 2 management measures to reduce demand for water, or failures with equipment, inadequate supply, or diminished system capacity prevents meeting demand for water. Customers shall be required to comply with the requirements and mandatory restrictions on certain non-essential water uses provided in the Emergency Management Measures section of this plan. These conditions shall include any of the following:

- a. Either average daily water demand reaches ninety-five percent (95%) of available supply for two (2) consecutive days; or
- b. Average daily water demand reaches ninety-five percent (95%) of the Town's water distribution system pumping capacity for two (2) consecutive days; or
- c. Failures occur with Town or wholesale supplier equipment or systems that result in a situation where demand reaches ninety-five percent (95%) of remaining supply or system capacity; or
- d. Wholesale suppliers implement restrictive measures that require customers to implement similar restrictions for reasons such as conserving reservoir levels, maintaining system pressures, water treatment capacity or other items requiring cooperation.

Stage 3 of the Plan may be terminated when the Stage 3 conditions no longer exist and would be unlikely to recur upon termination.

- (4) Stage 4 Triggers – Water Emergency – A water emergency condition exists because of a failure of Stage 3 management measures to reduce demand for water. This condition reflects the Town's impaired ability to provide water service as a result of unforeseen failures and inadequacies in equipment and supply. Customers shall be required to comply with the requirements and mandatory restrictions on certain non-essential water

uses provided in the Emergency Management Measures section of this plan. These conditions shall include any of the following:

- a. Either average daily water demand reaches ninety-eight percent (98%) of the Town's water distribution system pumping capacity for one (1) day; or
- b. The water system is contaminated either accidentally or intentionally; or
- c. Major waterline breaks, or pump or system failure occurs causing unprecedented loss of capacity to provide treated water service; or
- d. Wholesale suppliers implement restrictive measures that require customers to implement similar restrictions for reasons such as conserving reservoir levels, maintaining system pressures, water treatment capacity, or other items requiring cooperation.

Stage 4 of the Plan may be terminated when Stage 4 conditions no longer exist and would be unlikely to recur upon termination.

§70-523. Emergency Management Measures.

Adoption of this plan includes authorization for the Town Manager to implement the following emergency management measures in response to the aforementioned trigger conditions for the various levels of severity for drought or emergencies:

- (1) Stage 1 Response – Water Awareness – Water awareness measures involve voluntary reductions in water use and encourage users to conserve water to avoid activation of more limiting management measures. The target of water awareness measures is to achieve a voluntary one percent (1%) reduction in total gallons per capita day (GPCD) usage.

Specific actions to be taken during any drought situation will be determined by the Town Manager. The Town Manager may also take other actions not listed, if deemed necessary. The actions available under this measure include the following Voluntary Water Use Restrictions for Reducing Demand, except for item 1, which provide a menu of possible actions collectively and for different classes of water users as follows:

- (a) All Water Users

1. All users shall refrain from lawn and garden watering, or irrigation, between the hours of 10:00 a.m. to 6:00 p.m.

2. Encourage the reduction of water use through a voluntary day-of-week watering schedule. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays, Tuesdays, and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6, or 8) and for locations without an address. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Saturday, Monday, and Wednesday for water customers with a street address ending in an odd number (1, 3, 5, 7, or 9). Apartments, office building complexes, or other property containing multiple addresses shall be identified by the lowest address number. Irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, faucet-filled bucket, or drip irrigation.
3. Encourage reduction in the frequency of watering new and first year landscaping and foundations.
4. Encourage only initial filling of ornamental fountains or ponds.
5. Encourage reduction in the frequency of washing and rinsing vehicles and recommend the use of bucket/container, hand-held hose with positive shut-off valve or commercial car wash.
6. Encourage reduction in the frequency of draining and refilling of swimming pools.
7. Encourage reduction in recreational water use including the use of faucets, hoses, or hydrants which use water in such a manner as to allow run-off or other waste.

(b) Municipal Government

1. Initiate a public education campaign teaching and encouraging reduced water use practices for both Town water and water from private wells.
2. Notices will be published in local papers, will appear on local cable channel and posted on the Town's web page informing the public of the trigger condition(s) prompting the measure and requesting that water users voluntarily reduce water consumption.

3. Increase public awareness through the distribution of conservation pamphlets, including water conservation tips on utility billings, and including notices and suggestions in newsletters.
4. Weekly status updates on the condition(s) causing activation of the management measure will be displayed on the local cable television channel and appear on the Town's website.
5. Waste of water shall be prohibited by eliminating such actions that allow excessive amounts of water to escape from irrigated areas as runoff into gutters, ditches, streets, and other surface drains; failing to promptly repair a controllable leak; and, other obvious wasteful uses and conditions.
6. Intensify normal leak detection and repair activities on waterlines.
7. Encourage reduction of water use in Town-owned ornamental fountains or ponds.
8. Encourage reduction in water use for landscaping for parks and athletic fields.

(c) Commercial Customers

1. Commercial users, Home Owners Associations, and other non-residential irrigation system owners will be contacted and asked to reduce water use by inspecting their systems. Corrective measures would limit over watering to prevent runoff, repairing broken or damaged sprinkler heads, and repair of any leaks that may be identified.
2. Identify and encourage voluntary reduction measures by high-volume water users through water audits.
3. Encourage reduction in water use for landscaping for commercial landscaping, open space, parks and golf courses.
4. Encourage reduction in water use for landscape nursery stock.

- (2) Stage 2 Response – Water Watch – Water watch measures impose usage restrictions on consumers as a result of ineffective Stage 1 measures, or

because Stage 2 conditions require immediate implementation of Stage 2 measures. The Stage 2 management measures provide for limiting use and enforcement of the restrictions. The target of water watch measures is to achieve a five percent (5%) reduction in total gallons per capita day (GPCD) usage.

Specific actions taken during any drought situation will be determined by the Town Manager. The Town Manager may also take other actions not listed, if deemed necessary. The actions available under this measure include the following Mandatory Water Use Restrictions for Reducing Demand which provide a menu of possible actions collectively and for different classes of water users as follow:

(a) All Water Users

1. Required reduction of water use through mandatory day-of-week landscape watering schedule and required watering only during off-peak hours. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sunday, Tuesday, and Thursday for customers with a street address ending in an even number (0, 2, 4, 6, or 8) and for locations without addresses, and Saturday, Monday, and Wednesday for water customers with a street address ending in an odd number (1, 3, 5, 7, or 9). Irrigation is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 6:00 p.m. and 12:00 midnight on the customers' designated watering days. Apartments, office building complexes, or other property containing multiple addresses shall be identified by the lowest address number. Irrigation of landscaping areas is permitted at anytime if it is by means of a hand-held hose, faucet-filled bucket, or drip irrigation system.
2. Restrict operation of ornamental fountains or ponds to initial filling except where necessary to support aquatic life or where fountains or ponds are equipped with a recirculation system.
3. Prohibit recreational water use including the use of faucets, hoses, or hydrants that use water in such a manner as to allow run-off or other waste.
4. Restrict washing of any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle to the use of a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at

anytime on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleaning, such as garbage trucks, and vehicles used to transport food or perishables.

5. Filling of swimming pools following new construction is allowed during Stage 2 management measures. However, filling of existing swimming pools following maintenance or to maintain water levels is considered outside use and must comply with the schedule outlined in the Stage 2 management measures.
6. Prohibit hosing off of paved areas, buildings, windows, and other surfaces.
7. Watering of new plantings (first year) of trees, shrubs, and turf will require obtaining a variance from the Director of Public Works. The variance will only be given for the length of time needed to establish the planting.
8. Wasting of water shall be prohibited, including such actions as: permitting an excessive amount of water to escape from the irrigated areas or run off into gutters, ditches, streets, and other surface drains; failing to promptly repair a controllable leak after discovery; and other obvious wasteful uses.
9. Certain construction related activities using significant amounts of water, such as new water line flushing and paving construction will not be allowed without prior approval from the Director of Public Works.

(b) Municipal Government

1. Accelerate public education campaign teaching and encouraging reduced water use practices.
2. Reduce frequency of Town vehicle washing or rinsing by fifty percent (50%).
3. Continue intensified leak detection and repair activities on waterlines.

4. Prohibit operation of ornamental fountains and ponds by municipal government.
5. Require reduction of water use for all municipal government landscaping including parks and athletic fields through day of the week landscape watering schedule.

(c) Commercial Customers

1. Identify and encourage voluntary reduction measures by high-volume water users through water use audits.
2. Require reduction of water use through day of the week landscape watering schedule for parks, athletic fields, and golf courses unless water is received from another source.
3. Encourage further reduction of landscape uses for nursery stock.

- (3) **Stage 3 Response – Water Warning** – Water Warning management measures reflect worsening conditions. Outside water use for irrigation purposes will be more strictly limited with active enforcement measures taken to ensure compliance. The target of water watch measures is to achieve a fifteen percent (15%) reduction in total gallons per capita day (GPCD) usage.

Specific actions taken during any drought situation will be determined by the Town Manager. The Town Manager may also take other actions not listed, if deemed necessary. The actions available under this measure include the following Mandatory Water Use Restrictions for Reducing Demand which provide a menu of possible actions collectively and for different classes of water users. All requirements of Stage shall effect during Stage 3 except as follows:

(a) All Water Users

1. Required reduction of water use through mandatory day-of-week landscape watering schedule and required watering only during off-peak hours. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6, or 8) and for locations without addresses, and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9). Irrigation is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 6:00 p.m. and 12:00 midnight on the customers'; designated watering days. Apartments, office building complexes, or other property containing multiple addresses shall be identified by the lowest address number. Irrigation of landscaping areas is permitted at anytime if it is by means of a hand-held hose, faucet-filled bucket, or drip irrigation system.

2. A ten percent (10%) rate increase shall be initiated for high water demand users (customers using greater than 10,000 gallons per month, per account).
3. 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 shall continue to be limited to the use of hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Further, such washing 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.
4. The filling, refilling, or adding of water to swimming pools, wading pools and Jacuzzi type pools is prohibited except between the hours of 6:00 p.m. and 10:00 a.m.
5. Foundations may be watered for a two-hour period between the hours of 6:00 p.m. and 10:00 a.m. with soaker or hand-held hose equipped with a positive shutoff nozzle on the customers' designated day of the week watering schedule.
6. 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.
7. Permitting of new swimming pools, hot tubs, spas, ornamental ponds, and fountain construction is prohibited.
8. Certain construction related to using significant amounts of water such as new line flushing and paving construction will not be allowed without prior authorization from the Director of Public Works.

(b) Municipal Government

1. Town vehicle washing and rinsing is limited to once a week.
2. All Municipal landscape watering is prohibited.

(c) Commercial Customers

1. Watering of golf course greens and tee boxes shall be restricted to off-peak hours of 6:00 p.m. to 10:00 a.m.; watering of other golf course areas and parks is prohibited unless the golf course or park utilizes a water source other than that provided by the Town.
 2. Watering of nursery plant stock shall be restricted to designated off-peak hours and the customers' designated day-of-the-week landscaping water schedule.
- (4) Stage 4 Response – Water Emergency – Water Emergency management measures reflect the most extreme measures taken in protecting the water supply for sanitary and fire protection uses only. Outside water uses shall be limited and active enforcement measures will be taken to ensure compliance. This measure is anticipated to be a short term measure used to protect the integrity of the water system. The target of water emergency measures is to achieve a twenty-five percent (25%) reduction in total gallons per capita day (GPCD) usage.

Specific actions taken during any drought situation, including water allocation will be determined by the Town Manager. The actions available under this measure include the following Mandatory Water Use Restrictions for Reducing Demand which provide a menu of possible actions collectively and for different classes of water users. All requirements of Stage 2 and 3 shall remain in place during Stage 4 except as follows:

(a) All Water Users

The Town Manager may order the implementation of the following and take other reasonable and necessary measures subject to the approval of the Town Council:

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.
3. All rates for usage in excess of 10,000 gallons per month (per single-family residential account), or any other usage amount above 10,000 gallons per month, as deemed appropriate by the Town Manager, may be increased by an additional ten percent (10%), or any other percentage deemed appropriate by the Town Manager as necessary to reduce water consumption.

4. No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher number stage shall be in effect.
5. Commercial and industrial water users shall reduce or stop water consumption to the extent determined by the Town Manager. Water service will be provided, depending on availability, according to the following priority system:
 - a. Hospitals;
 - b. Schools;
 - c. Industrial Users;
 - d. Commercial Users;
 - e. Residential Users;
 - f. Recreational Users.
6. Certain construction related activities using significant amounts of water, such as new water line flushing and paving construction will not be allowed without prior authorization from the Director of Public Works.
7. Exceptions to these mandatory water use restrictions may be authorized by the Director of Public Works for essential water uses such as: health and safety uses; commercial and industrial uses necessary to maintain, but not expand, primary business practices (e.g., commercial car and truck washes, nurseries, water haulers, etc.); and uses pursuant to law and/or regulation.

§70-524. Public Involvement.

Adoption of this plan and subsequent revisions will require the Town to actively inform the public of proposed changes and provide an opportunity for comment regarding the conservation plan. At a minimum, this will include the placement of proposed changes on a Town Council Meeting Agenda with participation by individuals during the Citizen/Visitor Comment portion of the meeting.

§70-525. Initiation Procedures.

The method of initiation of emergency management measures is defined in each level of emergency in §70-523 above.

§70-526. Termination Notification.

For water alert conditions, termination will not occur until the conditions which triggered the emergency have been alleviated. If excessive demand is determined to be the trigger, all initiated actions will remain in effect until September 30 of the year in which they were triggered, or until the Town Manager determines the actions are no longer required. For water warning conditions, all initiated actions will remain in effect until the conditions which triggered the emergency have been alleviated, or until the Town Manager determines that conditions exist which will allow the removal of the water warning actions. For water emergency conditions, all initiated actions will remain in effect until the conditions which triggered the emergency have been alleviated, or until the Town Manager determines that conditions exist which will allow the removal of the water emergency actions. Public notification of the termination of any water emergency management measures will follow the same procedures used in the notification of the initiation of these measures.

§70-527. Implementation and Enforcement of Division Provisions.

The various levels of remedial actions are implemented per the triggers defined in §70-522. The method of implementation is set out in §70-523. Violations of restrictions defined in §70-523 and will result in a warning, after which a citation may be issued with a fine as prescribed in §1-13 of this Code of Ordinances.

§70-528. Penalty.

- (a) Any person, customer and/or user of the Town's water system, except for the Town, who violates or fails to comply with any provision of this Article VI shall be deemed guilty of a misdemeanor and shall be punished by a fine as provided in §1-13 of this Code of Ordinances. Each day any such violation continues shall constitute a separate offense and be punishable as such.
- (b) In addition to proceeding under the authority of subsection (a) of this section, the Town shall be entitled to disconnect or discontinue water services to any such person, customer and/or user of the Town's water system who violates or fails to comply with any provision of this Article VI.

§70-529. Emergency Water Demand Management Plan Review and Update.

The emergency water demand management plan shall be reviewed and updated as needed at least every five (5) years, based upon new or updated information, such as the adoption or revision of the regional water plan.

§70-530. Texas Commission on Environmental Quality (TCEQ) Notification.

The Town shall notify the Executive Director of TCEQ within five (5) business days of the implementation of any mandatory provisions of the Emergency Water Demand Management Plan.

§70-531. Utilization of Alternative Water Sources and/or Alternative Delivery Mechanisms

The Town of Flower Mound utilizes and is under contract with two potable water sources, Dallas Water Utilities and Upper Trinity Regional Water District. The Town also has plans to utilize reuse water in the future from two sources, Trinity River Authority and our wastewater treatment plant effluent.

§70-532. Pro Rata Curtailment

In the event tha the triggering criteria specified in Stage 4 – Water Emergency have been met, the Town Manager is hereby authorized to initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code, §11.039

§70-533. Contract Provisions

Dallas Water Utilities and Upper Trinity Regional Water District will include a provision in every wholesale 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 will be distributed in accordance with Texas Water Code, §11.039.

§70-534 – 70-540. Reserved.**DIVISION 5. UTILITY PROFILE****§70-541. Texas Water Development Board Utility Profile**

The most recent Texas Water Development Board Utility Profile is on file in the office of the Town Secretary.

SECTION 2

That any provision of the Code of Ordinances of the Town of Flower Mound in conflict with the provisions of this Ordinance be, and same is hereby, repealed and all other provisions of the Code of Ordinances of the Town of Flower Mound not in conflict with this ordinance shall remain in full force and effect.

SECTION 3

That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 4

That any person, firm or corporation violating any of the provisions or terms of this Ordinance or the Code of Ordinances as amended hereby shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day such violation shall continue shall constitute a separate offense.

SECTION 5

This ordinance shall take effect and be in full force immediately after its passage and publication as provided by the Revised Civil Statutes of the State of Texas and the Home Rule Charter of the Town of Flower Mound, Texas.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS BY A VOTE OF 5 TO 0 ON THE 20TH DAY OF MAY, 2019.

APPROVED:

Steve Dixon, MAYOR

ATTEST:

Theresa Scott, TOWN SECRETARY