

ORDINANCE NO. 4836

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, AMENDING SECTION 114-222, STYLED DROUGHT CONTINGENCY AND WATER CONSERVATION PLAN, OF ITS CODE OF ORDINANCES TO INCORPORATE THE CHANGES SATISFYING THE REVISED REQUIREMENTS OF CHAPTER 288 OF TITLE 30 OF THE TEXAS ADMINISTRATIVE CODE (TAC); ESTABLISHING CRITERIA FOR THE INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES; ESTABLISHING RESTRICTIONS ON CERTAIN WATER USES; ESTABLISHING PENALTIES FOR THE VIOLATION OF AND PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS; ESTABLISHING PROCEDURES FOR GRANTING VARIANCES; AND PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, the City of Mission, Texas recognizes that the amount of water available to the City and its water utility citizens and customers is limited and subject to depletion during periods of extended drought; and

WHEREAS, the City of Mission, Texas recognizes that natural limitations due to drought conditions and other acts of God cannot guarantee an uninterrupted water supply for all purposes at all times; and

WHEREAS, the City of Mission, Texas desires to conserve water resources and prepare for drought; and

WHEREAS, the City of Mission, Texas desires to comply with Section 11.1271 of the Texas Water Code and applicable rules of the Texas Commission on Environmental Quality, and Chapter 288 of Title 30 of The Texas Administrative Code which requires these plans for all public water supply systems; and

WHEREAS, the City of Mission, Texas desires to comply with the rules of the Texas Water Development Board should it decide to avail itself of various financial assistance programs found in Title 31, Texas Administrative Code Chapter 363; and

WHEREAS, pursuant to Chapter 54 of the Local Government Code and in the best interests of its citizens, the City is authorized to adopt Ordinances it deems are necessary and expedient to preserve and conserve its water resources and to prepare for drought;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION TEXAS THAT:

Section 1. Section 144-222, styled Drought Contingency and Water Conservation Plan, of its Code of Ordinances be amended so that the Drought Contingency and Water Conservation Plan of the City of Mission shall hereafter be the plan attached hereto and made a part hereof for all purposes. All ordinances that are in conflict with the provisions of this Ordinance are hereby repealed.

Section 2. Should any paragraph, sentence, clause, phrase, or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected.

Section 3. The City Secretary is hereby authorized and directed to publish this Ordinance.

Section 4. The City Manager or chief administrative officer or his designee is hereby directed to file a copy of the Plan and this Ordinance with the Texas Water Development Board in accordance with Title 31, Chapter 363 of the Texas Administrative Code.

Section 5. The Ordinance shall take effect after passage and publication.

Passed and approved by the City Council, on this 23rd day of September 2019.


Dr. Armando O'Caña, Mayor

ATTEST:


Anna Carrillo, City Secretary





City of Mission Water Conservation & Drought Contingency Plan

**Updated:
September 2019**

**Public Works Department
City of Mission, Texas
Public Water Supply Number: 1080008**

CITY OF MISSION

WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN

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CITY OF MISSION
1201 East 8th Street
Mission, TX 78572

CCN # 11537
PWS # 1080008

WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN
UPDATED SEPTEMBER 2019

WATER CONSERVATION PLAN – REFER TO CHAPTER 114 ARTICLE V OF
THE CODE OF ORDINANCES OF THE CITY OF MISSION

Section A- Evaluation of Water & Wastewater Systems and Customers Use Characteristics.

INTRODUCTION

The City provides the public with its water and sewer services within its Certificate of Convenience and Necessity area (CCN). The water and wastewater systems are owned and operated by the City, and is governed by a board of elected Mayor and City Council Officials.

The amount of water that the City of Mission water system can store, treat, divert, and distribute to its customers is limited. Mission wants to avoid waste or unreasonable use of water, which could lead to a possible drought and emergency conservation strategies. Therefore, it is imperative that the available water resources be put to the maximum beneficial use to which they are capable, while simultaneously implementing strong conservation measures to eliminate waste. While short-term water shortages and water supply emergencies are often unpreventable, response measures can be determined and implemented in advance, to avoid, minimize, or mitigate the risks and impacts of drought-related water shortages and other emergencies.

The purpose of this plan is to establish a Water Conservation and Drought Contingency Plan for the City in accordance with Texas Admin. Code Title 30, Chapter 288. The basic goal of the plan is to ensure an uninterrupted supply of available water in an amount sufficient to satisfy essential human needs. First, the Water Conservation Plan develops a conservation strategy for reducing the volume of water withdrawn from a water supply source, reducing the loss or waste of water, increasing the recycling and reuse of water, and the prevention of pollution of water. Secondly, the Drought Contingency Plan is a strategy for temporary supply and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies.

- (A) **Demographics.** The City provides water and wastewater services within the City of Mission's limits and extra territorial jurisdiction. The service area is approximately 35.43 square miles. The current 2018 estimated dynamic population is 88,017. This figure does not include people that visit during the

winter season.

(B) Water supply.

(1) *Purchase of raw water.*

- (a) The Rio Grande River is the sole source of water for the citizens of Mission and has delivery contracts with United Irrigation District (UID), as follows:

Adjudicated water rights	5,300.00 acre feet/year
Available Purchased Water Allotment	11,467.34 acre feet/year
TOTAL	16,767.34 acre feet/year
Additional contracted w/UID	unlimited

- (b) The City takes the raw water supply from United Irrigation District (UID) canal system through a gravity pipe into the City's reservoirs. The raw water is stored in two (2) City owned raw water reservoirs which have a maximum storage capacity of approximately 82 million gallons (MG).

(2) *Capacity of water treatment plants.*

- (a) The City of Mission has two (2) Water Treatment Plants, a 17.5 MGD north water treatment plant (NWTP) and an 8.0 MGD south water treatment plant (SWTP) for a total treatment capacity of 25.5 MGD. Water treatment consists of pre-disinfection with chlorine dioxide applied at the raw water pump station. Ammonia and chlorine are injected at the plant intake line to form chloramines throughout the treatment process and as a distribution disinfectant. An aluminum sulfate coagulant and polymer are injected at the intake line to assist with the settling process. The water then runs through the treatment system which consists of aeration, rapid mix, flocculation, sedimentation, and filtration.
- (b) The City's water distribution system is interconnected with the City of McAllen and Agua Special Utility District water systems. Treated water can be diverted during emergencies to supplement demand between systems.

(3) *Pumps and storage capacities.*

- (a) The NWTP has six (6) high service pumps with a total combined

pumping capacity of 26.0 MGD with largest pump out and total of 34.1 MGD with all pumps operating. The high service pumps pump treated water from two 2.0 MG ground storage tanks into the distribution system. The Plant is also equipped with a .5 MG Clear well. The SWTP has four (4) high service pumps with a total combined pumping capacity of 10.8 MGD with largest pump out and 14.4 MGD with all pumps operating. These high service pumps pump from the 2.0 MG treated water ground storage tank. The total combined treated water high service pump capacity is 48.5 MGD and a combined treated water ground storage capacity of 6.0 MG.

- (b) A total of six elevated treated water storage tanks with a combined water storage capacity of 4.0 MG are also in the distribution system. These tanks are located at various quadrants of the City. Therefore, the total combined treated water capacity (ground and elevated) for the City is 10.5 MG.
- (c) The City has a total of 464.78 miles of water lines, of which approximately 30% are 12-inches in diameter or larger. Additionally, there are 2,854 fire hydrants in the distribution system.

(C) Water use characteristics.

- (1) *Water pumpage.* Current total pumpage for 2018 was 5,181 MG, and total metered water sales of 4,161.5 MG. Unaccounted-for water for this 2018 was 10.86 % or 517.5 MG.
- (2) *Water uses and per capita water use.*
 - (a) The City supplies potable water for residential, commercial, industrial, and public uses. The total per capita use for Mission in 2018 was 148 gallons;
 - (b) Municipal per capita water use is total water pumped into the distribution system for residential, commercial, and public uses, divided by the population served. Industrial water use is not included in this calculation. Mission's municipal per capita use for 2018 was 118 gpcd;
 - (c) Mission's industrial users account for approximately 1% of the total active meter accounts. The largest water volume user for 2018 was Texas Citrus Exchange which purchased an approximate total of 62.0 MG of water for 2018; and
 - (d) Mission has a total of 28,330 active meter accounts as of September 30, 2018.

(D) Unaccounted-for water. Mission's unaccounted-for water is due to water breaks, leaks, meter under-registration, main line flushing, plant backwash and unmetered fire hydrants. The amount of unaccounted-for water is determined by the difference between production and metered water sales. The average amount of unaccounted-for water loss for the past three years was 9.78%. The unaccounted-for loss of water for 2018 was 10.86% or 517.5 MG.

(E) Wastewater services

- (1) The City operates a wastewater treatment plant. The treatment plant is based upon an extended aeration activated sludge system, with secondary effluent limitations. Treated effluent is diverted through a UV disinfection system and then discharges into a drain ditch connected to a floodway system thence into the Arroyo Colorado and Laguna Madre Estuary. The annual treated wastewater volume for 2018 was 2,751 MG. The average monthly amount of treated wastewater for that same period was 229.31 MG per month or 7.54 MG per day.
- (2) The City of Mission Wastewater Treatment Plant has a 13.5 MGD design flow. It is currently 56% hydraulically loaded with effluent limitations of 7 mg/L of carbonaceous biochemical oxygen demand, 15 mg/L of total suspended solids, and 2 mg/L of ammonia nitrogen.
- (3) The wastewater collection system consists of 362.33 miles of lines, with line sizes ranging from 6 inches to 24 inches. There are 40 active lift stations and approximately 24,571 active sewer accounts.

Water Conservation Utility Profile (Appendix A)

Section B- Water Conservation Goals

1. The City serves water to a population of approximately 88,017 in 2018.
2. Based on the data found in the utility profile and on careful evaluation of Mission's water consumption and practices, Mission has set the following goals to be achieved through the adoption of this Water Conservation Plan:
 - (a) Verify location and accuracy of raw water meter and water treatment plant high service pumps meter as compared to the distribution system customer meters.
 - (b) Determine unaccounted for water in the system.
 - (c) To reduce daily municipal per capita water use to 146 gpd by the year 2024 and reduce the unaccounted-for water loss to 9.29% by the same year.
 - (d) To implement long term cost-effective recovery measures for major

causes of unaccounted-for water loss due to metering.

- (e) To increase both public and employee awareness regarding water conservation and water related issues. This will especially be encouraged during the summer months when water consumption increases significantly.
- (f) To promote the re-use of treated wastewater effluent for agriculture, industry, and public use.

Water Loss Goals: Current water loss average 2014-2018 was 494,545,697 gallons or 10.29% of Total Treated Water. Therefore proposed goals are:

5 Year	Reduce water loss in the system by 1% to 9.29%
10 Year	Reduce water loss in the system by an additional 0.5% to 8.79%

All Accounts: Gallons per capita per day (gpcd) proposed goals:

5 Year	1% reduction	Reduce consumption from 148 gpcd to 146 gpcd
10 Year	2% reduction	Reduce consumption from 148 gpcd to 145 gpcd

Residential: Gallons per capita per day (gpcd) forecast: Increase in Population

5 Year	1% reduction	Reduce consumption from 118 gpcd to 117 gpcd
10 Year	2% reduction	Reduce consumption from 118 gpcd to 116 gpcd

Section C- Schedule for Implementing the Plan to Achieve Targets and Goals

The City of Mission will adhere to the following schedule, to achieve the targets and goals for water conservation:

1. All customers and water users shall be metered.
2. Periodic meter testing, calibration, and repair.
 - (a) Calibrations of the raw water meter and the treated water leaving the Water Treatment Plant meter shall be conducted annually;
 - (b) Customer meters larger than 1 ½" shall be tested annually; and
 - (c) Customer meters smaller than 1 ½" shall be tested every 10 years on a staggered basis.

3. Real water losses are identified and corrected.
4. Real water losses are minimized by replacement of deteriorating water mains and appurtenances, as is conducted by the City of Mission staff on an on-going basis.
5. The City of Mission will mail out material developed by the staff, materials obtained from the Texas Water Development Board, Texas Commission on Environmental Quality or other sources semi-annually (once in the spring and once in the summer) to all customers.

Section D-Tracking Targets and Goals

The staff shall track targets and goals by utilizing the following procedures:

1. Logs shall be maintained for meter calibration, meter testing, and meter replacement programs.
2. Annual water audits shall be documented and kept in the Utility Department files.
3. Staff shall keep a record of the number of mail-outs distributed semi-annually.
4. Rates are tracked by means of ordinances adopted.
5. Logs shall be maintained for the utility's Leak Detection Program, including but not limited to the following:

Section E- Metering Devices

Flow meters are used to measure and account for all water diverted from Water Wells and all water sales continue to be metered in order to accurately record the amount of water used. The City of Mission has metering in place for all usages including contractor uses. The City is working with the local fire department to account for all emergency fire uses.

Section F- Universal Metering

The City of Mission has a regularly scheduled maintenance program of meter testing, repair and replacement. All production meters located at the water plant are tested and calibrated annually. Meters are maintained within the accuracy of plus or minus 5%, in order to measure and account for the amount of water diverted from the source of supply. Meter replacement recommendations are followed using the manufacturer's guidelines.

After each monthly water meter reading, an evaluation of each customer's usage is made. Zero consumption accounts are checked to see if water is actually being used or not. At this time it is also determined what action, if any, must be taken to reduce water consumption. An additional evaluation is made to determine what the City of Mission

must do to change its conservation plan or policies.

Section G- Unaccounted for Water Loss

The City of Mission shall conduct water loss audits in accordance with the Texas Water Development Board rules (Texas Administrative Code, title 31, chapter 358). Periodic visual inspections along the distribution lines will be completed. An audit of the water system to determine illegal connections, use of forms and accounting for loss due to flushing and fire fighting will be completed annually.

Section H- Leak Detection and Repair

The City will purchase water leak detector equipment to start a leak detection program. Currently, customers and City personnel call in water breaks to the System's Department. Breaks are usually handled within 30 minutes.

Plumbing codes and retrofit program

- (a) The City has adopted the International Code Council. Additionally, the 72nd Texas Legislature passed legislation which requires plumbing fixtures sold in Texas after January 1, 1992, to meet strict standards that incorporate efficient water use and conservation in new structures. This law subsequently affects plumbing fixtures sold and will help eliminate inefficient plumbing fixtures.
- (b) Mission does encourage businesses and homeowner's to replace older water fixtures like low-flow showerheads, faucet aerators, and toilet dams purchased before January 1, 1992, with the newer efficient replacements. Mission will also advocate the use of low demand water appliances instead of older, high use ones in homes and businesses.

Water conservation landscaping

Mission does not plan to require water conservation landscaping; however, it will encourage this type of landscaping.

- (a) Local landscaping architects and nurseries will be asked and encouraged to utilize efficient irrigation systems and native low water-using plants and grasses. Xeriscape gardening and landscaping techniques will also be asked to be promoted.
- (b) Licensed irrigation contractors will be asked to utilize drip irrigation systems, where possible, and to use water conserving irrigation systems like sprinklers that produce large drips instead of a fine mist and a sprinkler layout which accommodates prevailing wind patterns.

Section I- Water Conservation Strategies

1. **Public education.** The City will provide the Water Conservation and Drought Contingency Plans to new customers at the time they apply for water services. Water conservation brochures will be available at City Hall on a continuing basis. Water conservation posters will also be displayed at City Hall and other City facility buildings. Public announcements will be published in the local newspaper, City newsletter, and broadcast on local radio and television stations.
2. **Recycling and reuse.** The City currently will encourage reuse of treated wastewater effluent. Treated wastewater effluent could be used to irrigate the City's Municipal Parks, public and private golf courses, and roadside landscaping. Mission is also exploring the possible use of the treated wastewater effluent for agriculture, industry, and private use.

Section J- Conservation Water Rate Structure

- (1) The City has established a schedule of rates to be charged for the consumption of water supplied through the City water system, as follows:
 - (a) Standard water rate schedule within the City limits for Mission's customers under the City's certificate of convenience and necessity.
 - (b) Standard water rate schedule outside of Mission's City limits.
 - (c) A variable rate that increases for increased water consumption.
- (2) Appendix B shows the standard rate to be charged for water furnished and consumed by single-family residence, multi-family residence, commercial, and industrial customers using the City's water.
- (3) Water and sewer rates are periodically evaluated and updated as needed, so information in Appendix B are subject to future change.

DROUGHT CONTINGENCY PLAN

Section I. 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 of Mission hereby adopts the following regulations and restrictions on the delivery and consumption of water through an ordinance/or resolution.

Water uses regulated or prohibited under this Drought Contingency Plan (the Plan) are

considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section XI of this Plan.

Section II. Public Involvement

Opportunity for the public to provide input into the preparation of the Plan was provided by the City of Mission by means of a Public Notice published in the local Progress Times Newspaper notifying of a Public Hearing at the City of Mission Speer Memorial Library held on September 4, 2019 at 5:00 p.m.

Section III. Public Education and Notification

We will have a Water Conservation Booth at the City of Mission Annual National Night Out at the Leo Peña Park. Staff will show ways to conserve water inside and outside homes and will also hand out our City's Annual Water Quality Report brochure and pencils.

The City of Mission 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 articles in the City Newsletter, flyers and utility bill inserts and our City website: <https://missiontexas.us/news-events/>.

Section IV. Coordination with Regional Water Planning Groups

The service area of the City of Mission is located within the Regional Water Planning Group (RWPG) Region M and City of Mission has provided a copy of this Plan to the RWPG-Region M (Rio Grande).

Section V. 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.

Section VI. Application

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

Section VII. Definitions

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

Aesthetic water use: water use for ornamental or decorative purposes such as fountains,

reflecting pools, and water gardens.

Commercial and institutional water use: water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

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

Customer: any person, company, or organization using water supplied by City of Mission.

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

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

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

Non-essential water use: water uses that are neither essential nor required for the protection of public, health, safety, and welfare, including:

- (a) irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (c) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (d) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (e) flushing gutters or permitting water to run or accumulate in any gutter or street;
- (f) use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
- (g) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (h) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (i) use of water from hydrants for construction purposes or any other purposes other than firefighting.

Quadrangle: The City is divided into 4 Quadrangles divided north/south along Business 83 or Loop 374 and divided east/west by Bryan Road. Therefore the Northeast Quadrangle is north of Business 83 and east of Bryan Road. The Northwest Quadrangle is north of Business 83 and west of Bryan Road. The Southwest Quadrangle is south of Business 83 and west of Bryan Road. The Southeast Quadrangle is south of Business 83 and east of Bryan Road. Normal irrigation shall be done on Sunday, Wednesday, and Friday for the Northeast and Southwest Quadrangles and normal irrigation shall be done on Saturday, Tuesday, and Thursday for the Northwest and Southeast Quadrangles.

Section VIII. 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, that is, when the specified “triggers” are reached.

The triggering criteria described below are based on daily water demand the draw down on the City’s wells, and elevated storage levels.

Stage 1 – Voluntary Conservation. The City requests and encourages all water customers to voluntarily conserve water by using best management practices of water conservation.

Stage 2 – Moderate Water Shortage. The Drought Plan is put into effect when the total daily water demand equals or exceeds 21.0 MG for five consecutive days or 22.0 MG on a single day, and continually falling treated water reservoir levels which do not refill above 65% in a 24-hour period.

Stage 3 – Severe Water Shortage. The Drought Plan is put into effect when the total daily water demand equals or exceeds 22.0 MG for five consecutive days or 23.0 MG on a single day, and continually falling treated water reservoir levels which do not refill above 55% in a 24-hour period.

Stage 4 – Critical Water Shortage. The Drought Plan is put into effect when the total daily water demand equals or exceeds 23.0 MG for five consecutive days or 24.0 MG on a single day, and continually falling treated water reservoir levels which do not refill above 45% in a 24-hour period.

Stage 5 – Emergency Water Shortage. Customers shall be required to comply with the requirements and restriction for Stage 5 of this Plan when City Manager, or his/her designee, determines that a water supply emergency exists based on major waterline breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service or natural or man-made contamination of the water supply source(s) to include any TCEQ mandates or directives.

State 6 – Water Allocation. The Drought Plan is put into effect when the total

daily water demand equals or exceeds 24.5 MG for five consecutive days or 25.5 MG a single day, and continually falling treated water reservoir levels which do not refill above 35% in a 24-hour period or recorded water pressure drops below 30 psi for more than 12 hours throughout the system.

Section IX. 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 VIII of this Plan, shall determine that a mild, moderate, severe, critical, emergency or water shortage condition exists and shall implement the following notification procedures:

Notification

Notification of the Public:

The City Manager or his/ her designee shall notify the public by means of:

- Public Announcement
- Publication in a newspaper of a general circulation, etc.
- Flyers
- City Website and Official Social Media Forums

Additional Notification:

The City Manager or his/her designee shall notify directly, or cause to be notified directly, the following individuals and entities:

- Mayor
- City Council
- Fire Chief
- City Emergency Management Coordinator

Stage 1 Response – Voluntary Conservation

Target: Achieve a voluntary 10 percent reduction in daily water demand.

Best Management Practices for Supply Management:

Announcements will be sent to all customers that are designed to increase customer awareness of water conservation and encourage the most efficient use of water. A copy of the current public announcement on water conservation awareness shall be kept on file available for inspection by the TCEQ. The City of Mission will visually inspect lines and repair leaks on a daily basis. Mission will conduct a monthly review of customer use records and follow up on any that have unusually high usage.

Voluntary Water Use Restrictions for Reducing Demand:

- (a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays, Wednesdays, and Fridays for customers within the Northeast and Southwest Quadrangles and Saturdays, Tuesdays, and Thursdays for water customers within the Northwest and Southeast Quadrangles and to irrigate landscapes only between the hours of midnight and 6:00 a.m. and 8:00 p.m. to midnight on designated watering days.
- (b) All operations of the City of Mission shall adhere to water use restrictions prescribed for Stage 2 of the Plan.
- (c) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

Stage 2 Response -- MODERATE Water Shortage Conditions

Target: Achieve a 20 percent reduction in daily water demand.

Best Management Practices for Supply Management:

Visually inspect lines and repair leaks on a regular basis. Flushing is prohibited except for dead end mains.

Water Use Restrictions for Demand Reduction:

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

- (a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays, Wednesdays, and Fridays for customers within the Northeast and Southwest Quadrangles and Saturdays, Tuesdays, and Thursdays for water customers within the Northwest and Southeast Quadrangles and irrigation of landscaped areas is further limited to between the hours of 8:00 p.m. and 6 a.m. on designated watering days. However, irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 6:00 a.m. and 10:00 a.m. and between 8:00 p.m. and 10:00 p.m. 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 or commercial service station. Further, such washing may be exempted from these regulations if the health, safety,

and welfare of the public are contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

- (c) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 6:00 a.m. and between 8 p.m. and 12:00 midnight.
- (d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (e) Use of water from hydrants 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 of Mission.
- (f) All restaurants are prohibited from serving water to patrons except upon request of the patron.
- (g) The following uses of water are defined as non-essential and are prohibited:
 - 1. Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 - 2. Use of water to wash down buildings or structures for purposes other than immediate fire protection;
 - 3. Use of water for dust control;
 - 4. Flushing gutters or permitting water to run or accumulate in any gutter or street; and
 - 5. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

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 3 consecutive days. Upon termination of Stage 2, Stage 1, or the applicable drought response stage based on the triggering criteria, becomes operative.

Stage 3 Response -- SEVERE Water Shortage Conditions

Target: Achieve a 30 percent reduction in daily water demand.

Best Management Practices for Supply Management:

Visually inspect lines and repair leaks on a regular basis. Flushing is prohibited except for dead end mains.

Water Use Restrictions for Demand Reduction:

All requirements of Stage 2 shall remain in effect during Stage 3 except:

- (a) Irrigation of landscaped areas shall be limited to Sundays and Wednesdays for customers within the Northeast and Southwest Quadrangles and Saturdays and Tuesdays for water customers within the Northwest and Southeast Quadrangles between the hours of 8 p.m. and 6 a.m. and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.

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 3 consecutive days. Upon termination of Stage 3, Stage 2, or the applicable drought response stage based on the triggering criteria, becomes operative.

Stage 4 Response -- CRITICAL Water Shortage Conditions

Target: Achieve a 40 percent reduction in daily water demand.

Best Management Practices for Supply Management:

Visually inspect lines and repair leaks on a regular basis. Flushing is prohibited except for dead end mains and only between the hours of 9:00 p.m. and 3:00 a.m. Emergency interconnects or alternative supply arrangements shall be initiated.

Water Use Restrictions for Reducing Demand:

All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except:

- (a) Irrigation of landscaped areas shall be limited to Sundays for customers within the Northeast and Southwest Quadrangles and Saturdays for water customers within the Northwest and Southeast Quadrangles between the hours of 12:00 a.m. and 6:00 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.
- (b) 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. Further, such vehicle washing at commercial car washes and commercial service stations shall

occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10 p.m.

- (c) The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.
- (d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (e) No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind 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-numbered stage shall be in effect.

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 3 consecutive days. Upon termination of Stage 4, Stage 3, or the applicable drought response stage based on the triggering criteria, becomes operative.

Stage 5 Response -- EMERGENCY Water Shortage Conditions

Target: Achieve a 50 percent reduction in daily water demand.

Best Management Practices for Supply Management:

The utility shall visually inspect lines and repair leaks on a daily basis. Flushing is prohibited except for dead end mains and only between the hours of 9:00 p.m. and 3:00 a.m. Emergency interconnects or alternative supply arrangements shall be initiated. All meters shall be read as often as necessary to insure compliance with this program for the benefit of all the customers.

Water Use Restrictions for Reducing Demand.

All requirements of Stage 2, 3, and 4 shall remain in effect during Stage 5 except:

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

Requirements for termination

Stage 5 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased. Upon termination of Stage 5, Stage 4, or the applicable drought response stage based on the triggering criteria, becomes operative.

Stage 6 Response – WATER ALLOCATION

In the event that water shortage conditions threaten public health, safety, and welfare, the City Manager is hereby authorized to allocate water according to the following water allocation plan:

Single-Family Residential Customers

The allocation to residential water customers residing in a single-family dwelling shall be 6,000 gallons per month.

Residential water customers shall pay the following surcharges:

- \$10.00 for the first 1,000 gallons over allocation.
- \$25.00 for the second 1,000 gallons over allocation.
- \$50.00 for the third 1,000 gallons over allocation.
- \$100.00 for each additional 1,000 gallons over allocation.

Surcharges shall be cumulative.

Master-Metered Multi-Family Residential Customers

The allocation to a customer billed from a master meter which jointly measures water to multiple permanent residential dwelling units (example: apartments, mobile homes) shall be allocated 6,000 gallons per month for each dwelling unit. It shall be assumed that such a customer's meter serves two dwelling units unless the customer notifies the City of Mission of a greater number on a form prescribed by the City Manager. The City Manager shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every such customer. If, however, a customer does not receive such a form, it shall be the customer's responsibility to go to the City of Mission offices to complete and sign the form claiming more than two (2) dwellings. A dwelling unit may be claimed under this provision whether it is occupied or not. New customers may claim more dwelling units at the time of applying for water service on the form prescribed by the City Manager. If the number of dwelling units served by a master meter is reduced, the customer shall notify the City of Mission in writing within two (2) days. In prescribing the method for claiming more than two (2) dwelling units, the City Manager shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of dwelling units served by a master meter or fails to timely notify the City of Mission of a reduction in the number of person in a household shall be fined not less than \$250.00. Customers billed from a master meter under this provision shall pay the following monthly surcharges:

- \$25.00 for 1,000 gallons over allocation up through 1,000 gallons for each dwelling unit.

\$50.00 thereafter, for each additional 1,000 gallons over allocation up through a second 1,000 gallons for each dwelling unit.
\$100.00 thereafter, for each additional 1,000 gallons over allocation up through a third 1,000 gallons for each dwelling unit.
\$250.00 thereafter for each additional 1,000 gallons over allocation.

Surcharges shall be cumulative.

Commercial Customers

A monthly water allocation shall be established by the City Manager, or his/her designee, for each nonresidential commercial customer other than an industrial customer who uses water for processing purposes. The non-residential customer's allocation shall be approximately 75 percent of the customer's usage for corresponding month's billing period for the previous 12 months. If the customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no history exists. Provided, however, a customer, 25 percent of whose monthly usage is less than 5,000 gallons, shall be allocated 5,000 gallons. The City Manager shall give his/her best effort to see that notice of each non-residential customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the City of Mission to determine the allocation. Upon request of the customer or at the initiative of the City Manager, the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the customer's normal water usage, (2) one nonresidential customer agrees to transfer part of its allocation to another nonresidential customer, or (3) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the City Manager. Nonresidential commercial customers shall pay the following surcharges:

Customers whose allocation is 0 gallons through 20,000 gallons per month:

\$25.00 per thousand gallons for the first 1,000 gallons over allocation.
\$50.00 per thousand gallons for the second 1,000 gallons over allocation.
\$100.00 per thousand gallons for the third 1,000 gallons over allocation.
\$250.00 per thousand gallons for each additional 1,000 gallons over allocation.

Customers whose allocation is 20,001 gallons per month or more:

2 times the block rate for each 1,000 gallons in excess of the allocation up through 5 percent above allocation.
4 times the block rate for each 1,000 gallons from 5 percent through 10 percent above allocation.
10 times the block rate for each 1,000 gallons from 10 percent through 15

percent above allocation.
30 times the block rate for each 1,000 gallons more than 15 percent above allocation.

The surcharges shall be cumulative. As used herein, “block rate” means the charge to the customer per 1,000 gallons at the regular water rate schedule at the level of the customer’s allocation.

Industrial Customers

A monthly water allocation shall be established by the City Manager, or his/her designee, for each industrial customer, which uses water for processing purposes. The industrial customer’s allocation shall be approximately 75 percent of the customer’s water usage baseline. Ninety (90) days after the initial imposition of the allocation for industrial customers, the industrial customer’s allocation shall be further reduced to 75 percent of the customer’s water usage baseline. The industrial customer’s water use baseline will be computed on the average water use for the 12 month period ending prior to the date of implementation of Stage 2 of the Plan. If the industrial water customer’s billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists. The City Manager shall give his/her best effort to see that notice of each industrial customer’s allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer’s responsibility to contact the City of Mission to determine the allocation, and the allocation shall be fully effective notwithstanding the lack of receipt of written notice. Upon request of the customer or at the initiative of the City of Mission, the allocation may be reduced or increased, (1) if the designated period does not accurately reflect the customer’s normal water use because the customer had shutdown a major processing unit for repair or overhaul during the period, (2) the customer has added or is in the process of adding significant additional processing Capacity, (3) the customer has shutdown or significantly reduced the production of a major processing unit, (4) the customer has previously implemented significant permanent water conservation measures such that the ability to further reduce water use is limited, (5) the customer agrees to transfer part of its allocation to another industrial customer, or (6) if other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the City Manager. Industrial customers shall pay the following surcharges:

Customers whose allocation is 0 gallons through 20,000 gallons per month:

- \$ 25.00 per thousand gallons for the first 1,000 gallons over allocation.
- \$ 50.00 per thousand gallons for the second 1,000 gallons over allocation.
- \$ 100.00 per thousand gallons for the third 1,000 gallons over allocation.
- \$ 250.00 per thousand gallons for each additional 1,000 gallons over allocation.

Customers whose allocation is 20,001 gallons per month or more:

- 2 times the block rate for each 1,000 gallons in excess of the allocation up through 5 percent above allocation.
- 4 times the block rate for each 1,000 gallons from 5 percent through 10 percent above allocation.
- 10 times the block rate for each 1,000 gallons from 10 percent through 15 percent above allocation.
- 30 times the block rate for each 1,000 gallons more than 15 percent above allocation.

The surcharges shall be cumulative. As used herein, “block rate” means the charge to the customer per 1,000 gallons at the regular water rate schedule at the level of the customer’s allocation.

Requirements for termination

Stage 6 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist. Upon termination of Stage 6, Stage 4, or the applicable drought response stage based on the triggering criteria, becomes operative.

Section X: Enforcement

- (a) No person shall knowingly or intentionally allow the use of water from the City of Mission 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 \$50.00 dollars and not more than \$200.00 dollars. Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three 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 re-connection charge, hereby established by ordinance and any other costs incurred by the City of Mission 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, 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 employee of the City of Mission, police officer, or other City Code Enforcement Employee designated by the City Manager, may issue a citation to a person he/she reasonably believes to be in violation of this Ordinance. 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 the Municipal Court on the date shown on the citation for which the date shall not be less than 3 days nor more than 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 16 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.

Section XI: 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 or more of the following conditions are met:

- (a) 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.

- (b) 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 Ordinance shall file a petition for variance with the City of Mission within 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:

- (a) Name and address of the petitioner(s).
- (b) Purpose of water use.
- (c) Specific provision(s) of the Plan from which the petitioner is requesting relief.
- (d) 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 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 Plan and the compliance date.
- (h) Other pertinent information.

Variances granted by the City of Mission shall be subject to the following conditions, unless waived or modified by the City Manager or his/her designee:

- (a) Variances granted shall include a timetable for compliance.
- (b) 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. 4836)

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