

ORDINANCE NO. 1923

AN ORDINANCE AMENDING CHAPTER 30, “FEES”, SECTION 30-35 “WATER AND WASTEWATER SERVICE—MONTHLY RATES”, SECTION 30-37 “MONITORED GROUP CLASS”, CHAPTER 86 “UTILITIES”, ARTICLE II, “WATER AND SANITARY SEWER SYSTEMS”, SECTION 86-26 “RULES, REGULATIONS, POLICIES AND PROCEDURES”; AND SECTION 86-36 “DROUGHT CONTINGENCY PLAN” OF THE EULESS CODE OF ORDINANCES; PROVIDING A PENALTY FOR VIOLATION THEREOF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Euless, Texas, purchases water from the Trinity River Authority and sends wastewater to the Trinity River Authority for treatment; and

WHEREAS, the Trinity River Authority periodically raises the rate it charges the user cities for these services; and

WHEREAS, the Texas Water Development Board’s Best Management Practices for Water Utilities discourages the inefficient use or waste of water; and

WHEREAS, the Texas Water Development Board’s Best Management Practices for Water Utilities encourages water conservation through the adoption of conservation pricing structures which include increasing unit pricing with increased consumption, base rates, and excess use rates; and

WHEREAS, the City of Euless, Texas, finds it necessary to adjust the rates charged to the consumers and encourage water conservation; and

WHEREAS, the City of Euless, Texas, desires to amend its current Water and Sanitary Sewer Systems ordinance to provide for regulations dealing with the use of reclaimed water.

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

SECTION 1

THAT Chapter 30, “Fees”, Section 30-35, “Water and Wastewater Service—Monthly Rates”, be amended to hereafter be and read in its entirety as follows:

Section 30-35. Water and Wastewater service – monthly rates.

The schedule of monthly rates and charges for water and wastewater services furnished or caused to be furnished by the City is as follows:

Water service – Meter Charge. The monthly minimum charge shall be based on meter size as follows:

<u>METER SIZE (INCHES)</u>	<u>MONTHLY CHARGE</u>
5/8 – 3/4*	\$ 7.95
1	\$ 9.29
1 1/2	\$ 13.02
2	\$ 21.57
3	\$ 43.88
4	\$ 77.35
5	\$ 121.97
6	\$ 174.03

*All residential living units and multi-family living units shall be billed a monthly base charge equivalent to the monthly charge for a 5/8-inch meter.

Water service – Volume Charge per 1,000 gallons. The monthly volume charge for water service is as follows:

(1) *Residential:*

0 – 2,000 gallons	\$ 2.48 per 1,000/gallons
3,000 – 8,000 gallons	\$ 3.41 per 1,000/gallons
9,000 – 15,000 gallons	\$ 3.98 per 1,000/gallons
16,000 – 35,000 gallons	\$ 4.36 per 1,000/gallons
Over 35,000 gallons	\$ 4.96 per 1,000/gallons

(2) *Commercial, Industrial and Multi-family:*

Total consumption	\$3.74 per 1,000/gallons
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(3) *Fire Hydrant and Gas Well Meters:*

Total consumption	\$6.60 per 1,000/gallons
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Irrigation service – Volume Charge per 1,000 gallons. The monthly volume charge for water service is as follows:

(1) *Residential, Commercial, Industrial and Multi-family:*

0 – 8,000 gallons	\$3.74 per 1,000/gallons
9,000 – 15,000 gallons	\$3.98 per 1,000/gallons
16,000 – 35,000 gallons	\$4.36 per 1,000/gallons
Over 35,000 gallons	\$4.96 per 1,000/gallons

(2) *Supplemental Irrigation:*

Total consumption	\$6.60 per 1,000/gallons.
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Water service – Other: Water service for municipally owned property and buildings that are part of or connected to form a parcel of at least a minimum of 50 acres shall be \$1.50 per 1,000 gallons.

Water Service – Reclaimed:

Non-boosted		\$1.50 per 1,000/gallons
Boosted	0 – 8,000 gallons	\$3.58 per 1,000/gallons
	9,000 – 15,000 gallons	\$3.81 per 1,000/gallons
	16,000 – 35,000 gallons	\$4.18 per 1,000/gallons
	Over 35,000 gallons	\$4.75 per 1,000/gallons

Wastewater Service – Residential. The wastewater service charge for residential customers shall be based on 90 percent of metered water. Wastewater service charges on 90 percent metered water shall not exceed 12,000 gallons per billing period per living unit. The monthly minimum per living unit shall be as follows:

- (1) *Within corporate limits*, \$6.75, plus \$2.70 per 1,000 gallons of 90 percent of metered water.
- (2) *Outside corporate limits*, \$11.25, plus \$2.70 per 1,000 gallons of 90 percent of metered water.

Wastewater Service – Commercial and Industrial. Commercial and Industrial wastewater charges shall be based on 100 percent of metered water. The monthly minimum shall be as follows:

- (1) *Within corporate limits*, \$6.75, plus \$2.70 per 1,000 gallons of metered water.
- (2) *Outside corporate limits*, \$11.25, plus \$2.70 per 1,000 gallons of metered water.

The following provisions apply to all commercial and industrial customers:

- (1) Customers who show proof that a significant portion of metered water does not enter the wastewater system shall not be billed for that portion that does not enter the wastewater system.
- (2) Monitored group class customers shall be billed according to section 86-51 of this Code.
- (3) Industrial cost recovery group customers shall be billed according to section 86-51 of this code plus the additional charges in section 86-52 as required.

Wastewater service – Other: Wastewater service for all club houses, convention facilities, and restaurants on municipally owned property of a minimum of 50 acres shall be billed at the current city rate of \$6.75 plus \$2.70 per 1,000 gallons of metered water.

The above rates are based upon total costs to the City to operate the system including, but not limited to, cost to purchase treated water from the Trinity River Authority of Texas, cost of wastewater treatment by the Trinity River Authority of Texas, and cost of distribution of water and collection of wastewater by the City. The minimum charge and/or volume charge may be adjusted by the City Council from time to time.

Master deposit- Customers may place a master deposit with the city in the amount of twice the current residential deposit. This deposit will be held on file until the customer request it be refunded. Customers must request service starts and disconnects in writing. All accounts will be charged the current service initiation fees plus sanitation fees in advance on the first billing. No master deposits are allowed on commercial accounts.

SECTION 2

THAT Chapter 30, “Fees”, Section 30-37, “Monitored Group Class”, be amended to hereafter be and read in its entirety as follows:

Section 30-37. Monitored group class.

Customer monthly service charge.	\$ 6.75
Volume charge per 1,000 gallons BOD.	\$ 2.70
Strength charge, per pound of BOD,	\$ 0.06465
TSS per pound of suspended solids\$ 0.06048
Monitoring charge.100% of cost to city

SECTION 3

THAT Chapter 86, “Utilities,” Article II, “Water and Sanitary Sewer Systems”, Section 86-26 “Rules, regulations, policies and procedures”, be amended to hereafter be and read in its entirety as follows:

Sec. 86-26. Rules, regulations, policies and procedures.

(a) The rules, regulations, policies and procedures for the operation, maintenance, improvements and extensions of the municipally owned water and sewerage system on

file in the office of the city secretary are hereby adopted and shall be enforced by the officers of the city.

(b) Sections 3(1) and 3(b) of the rules, regulations, policies and procedures for the operation, maintenance, improvement and extension of the municipally owned water and sewerage system as adopted in subsection (a) of this section are hereby amended by the adoption of the revised city-developer agreement, developers' cash escrow, contractors' performance, payment and maintenance bonds, along with contracts and forms, copies of which revised forms are on file in the office of the city secretary and are by reference incorporated in this section. Such forms adopted hereby shall be those forms required by the city in utility extension procedures.

(c) Outdoor watering, using city provided potable water, through sprinklers or irrigation systems is prohibited between 10:00 a.m. and 6:00 p.m. each day of the week year round. Home foundations, lawns, and new landscape plantings may be watered by handheld hose, drip irrigation or a soaker hose.

SECTION 4

THAT Chapter 86, "Utilities," Article II, "Water and Sanitary Sewer Systems", Section 86-36 "Drought contingency plan", be amended to hereafter be and read in its entirety as follows:

Sec. 86-36. Drought contingency plan.

(a) *Introduction.* The purpose of this drought contingency plan is as follows:

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

(b) *Drought stages—Trigger criteria, actions and termination.* The city manager or his/her designee in consultation with the Trinity River Authority (TRA) will monitor the water supply and shall determine when conditions warrant initiation of each of the following stages:

(1) *Stage 1: Water watch.*

a. *Triggering conditions:*

1. Total combined raw water supply in Tarrant Regional Water District (TRWD) western and eastern division reservoirs drops below 75 percent (25 percent depleted) of conservation storage.

2. Water demand for all or part of the delivery system exceeds delivery capacity because delivery capacity is inadequate.
3. Water demand is projected to approach the limit of permitted supply.
4. Supply source becomes contaminated.
5. Water supply system is unable to deliver water due to the failure or damage of major water system components.
6. The city manager, or his/her designee, with concurrence of TRA, finds that conditions warrant the declaration of a stage 1 drought.

b. *Terminating conditions.* Stage 1 may terminate when raw water supply exceeds 75 percent storage capacity, and/or when the circumstances that caused the initiation of stage 1 no longer prevail, or at the discretion of the city manager, or his/her designee.

c. *Goal for use reduction.* The goal for water use reduction under stage 1, water watch, is to decrease use by five percent. If circumstances warrant, the city manager can set a goal for greater water use reduction.

d. *Actions available under stage 1, water watch.* The city manager may order the implementation of any of the actions listed below, as deemed necessary. Measures imposing mandatory requirements on customers require notification to TCEQ.

1. *All water users.*

i. Initiate mandatory restrictions to prohibit non-essential water use as follows:

- Prohibit hosing of paved areas, such as sidewalks, driveways, parking lots, tennis courts, or other impervious surfaces.

- Prohibit hosing of buildings or other structures for purposes other than fire protection.

- Prohibit using water in such a manner as to allow runoff or other waste, including failure to repair a controllable leak within a reasonable period of time after having been given notice to repair such leak.

ii. Prohibit outdoor watering, using city provided potable water, through sprinklers or irrigation systems between 10:00 a.m. and 6:00 p.m.

iii. Limit landscape watering with sprinklers or irrigation systems at each service address to twice per week. (Exceptions: Foundations, new plantings (first year) of shrubs, and trees may be watered on

any day by handheld hose, drip irrigation, or a soaker hose. Restrictions do not apply to locations using reclaimed water for irrigation).

iv. Washing of any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle shall be limited 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 any time on the premises of a commercial car wash or commercial service station. Further, such washing may be exempt from these requirements 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.

v. Encourage reduction in frequency of draining and refilling swimming pools.

vi. Encourage use of Texas native and drought tolerant plants in landscaping.

2. *Municipal government.* In addition to actions listed above:

i. Review conditions and problems that caused stage 1.

ii. Increase public education efforts on ways to reduce water use.

iii. Intensify leak detection and repair efforts.

iv. Increase enforcement efforts.

v. *Municipal parks and golf courses using potable water restricted to twice per week landscape watering schedule.* (Exceptions: Golf courses may water greens and tee boxes without restrictions; foundations, new plantings (first year) of shrubs, and trees may be watered on any day by handheld hose, drip irrigation, or a soaker hose. Restrictions do not apply to locations using reclaimed water for irrigation).

vi. *Reduce non-essential water use.* As used herein, non-essential water uses are those that do not have any health or safety impact, are not needed to meet the core function of the agency, and are not otherwise contractually obligated.

3. *Commercial or industrial.*

i. Limit landscape watering of parks, golf courses, and sports fields using potable water to twice per week. (Exceptions: Golf courses may water greens and tee boxes without restrictions; foundations, new plantings (first year) of shrubs, and trees may be watered up to two hours on any day by handheld hose, drip irrigation,

or a soaker hose. Restrictions do not apply to locations using reclaimed water for irrigation).

ii. Identify and encourage voluntary reduction measures by high-volume water users through water use audits.

iii. Encourage hotels and restaurants to serve drinking water to patrons on an "on demand" basis.

(2) *Stage 2: Water warning.*

a. *Triggering conditions.*

1. Total raw water supply in TRWD western and eastern division reservoirs drops below 60 percent (40 percent depleted) of conservation storage.
2. Water demand for all or part of the delivery system exceeds delivery capacity because delivery capacity is inadequate.
3. Water demand is projected to approach the limit of permitted supply.
4. Supply source becomes contaminated.
5. Water supply system is unable to deliver water due to the failure or damage of major water system components.
6. The city manager, with concurrence of the TRA, finds that conditions warrant the declaration of a stage 2 drought.

b. *Terminating conditions.* Stage 2 may terminate when raw water supply exceeds 60 percent storage capacity, and/or when the circumstances that caused the initiation of stage 2 no longer prevail, or at the discretion of the city manager.

c. *Goal for use reduction.* The goal for water use reduction under stage 2, water warning, is to decrease use by ten percent. If circumstances warrant, the city manager can set a goal for greater water use reduction.

d. *Actions available under stage 2, water warning.* The city manager may order the implementation of any of the actions listed below, as deemed necessary. Measures imposing mandatory requirements on customers require notification to TCEQ.

1. *All water users:*

- i. Continue actions under stage 1.
- ii. Limit landscape watering with sprinklers or irrigation systems at each service address to once every seven days. (Exceptions: Foundations, new plantings (first year) of shrubs, and trees may be

watered on any day by handheld hose, drip irrigation, or a soaker hose. Restrictions do not apply to locations using reclaimed water for irrigation).

iii. Prohibit use of water for dust control, except as required to protect public health.

iv. Restrict the operation of ornamental fountains or ponds that use potable water except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

v. Encourage the public to wait until the current drought or emergency situation has passed before establishing new landscaping.

2. *Municipal government.* In addition to actions listed above:

i. Continue actions under stage 1.

ii. Increase frequency of media releases on water supply conditions.

iii. Further accelerate public education efforts on ways to reduce water use.

iv. Limit landscape watering at municipal parks and golf courses to once every seven days. Greens and tee boxes may be watered as needed to keep them alive, however watering must be done during off-peak hours, before 10:00 a.m. and after 6:00 p.m. (Exceptions: Foundations, new plantings (first year) of shrubs, and trees may be watered on any day by handheld hose, drip irrigation, or a soaker hose. Restrictions do not apply to locations using reclaimed water for irrigation).

v. Halt non-essential water use. As used herein, non-essential water uses are those that do not have any health or safety impact, are not needed to meet the core function of the agency, and are not otherwise contractually obligated.

vi. Prohibit wet street sweeping.

3. *Commercial or industrial.*

i. Continue actions under stage 1.

ii. Limit landscape watering of parks, golf courses, and sports fields using potable water to once every seven days. Greens and tee boxes may be watered as needed to keep them alive, however watering must be done during off-peak hours, before 10:00 a.m. and

after 6:00 p.m. (Exceptions: Foundations, new plantings (first year) of shrubs, and trees may be watered any day by handheld hose or a soaker hose. Restrictions do not apply to locations using reclaimed water for irrigation).

(3) *Stage 3: water emergency:*

a. *Triggering conditions.*

1. Total raw water supply in TRWD western and eastern division reservoirs drops below 45 percent (55 percent depleted) of conservation storage.
2. Water demand exceeds the amount that can be delivered to customers.
3. Water demand for all or part of the TRWD delivery system exceeds delivery capacity because delivery capacity is inadequate.
4. One or more of TRWD's water supply sources has become limited in availability.
5. Water demand is projected to approach the limit of permitted supply.
6. Supply source becomes contaminated.
7. Water supply system is unable to deliver water due to the failure or damage of major water system components.
8. The city manager, with concurrence of the TRA, finds that conditions warrant the declaration of a stage 3 drought.

b. *Terminating conditions.* Stage 3 may terminate when raw water supply exceeds 45 percent storage capacity, and/or when the circumstances that caused the initiation of stage 3 no longer prevail, or at the discretion of the city manager.

c. *Goal for use reduction.* The goal for water use reduction under stage 3, water emergency, is to decrease use by 20 percent. If circumstances warrant, the city manager can set a goal for greater water use reduction.

d. *Actions available under stage 3, water emergency.* The city manager can order the implementation of any of the actions listed below, as deemed necessary. Measures imposing mandatory requirements on customers require notification to TCEQ.

1. *All water users.*

- i. Continue actions under stage 1 and 2.
- ii. Prohibit landscape watering, except foundations and trees may

be watered for two hours on any day (or on a once per week schedule as set by city government) with a hand-held hose, drip irrigation, or a soaker hose. Restrictions do not apply to locations using Reclaimed Water for irrigation.

iii. Prohibit establishment of new landscaping.

iv. Vehicle washing restricted to commercial car wash or commercial service station and can only be done as necessary for health, sanitation, or safety reasons, including but not limited to the washing of garbage trucks and vehicles used to transport food and other perishables. All other vehicle washing is prohibited.

v. Prohibit the operation of ornamental fountains or ponds that use potable water except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

vi. Prohibit the draining, filling, or refilling of swimming pools, wading pools and Jacuzzi type pools. Existing private and public pools may add water to maintain pool levels.

2. *Municipal government.* In addition to actions listed above:

i. Continue actions under stage 1 and 2.

ii. Implement viable alternative water supply strategies.

iii. Increase frequency of media releases explaining emergency situation.

iv. Reduce municipal water use to maximum extent possible. Restrictions do not apply to locations using reclaimed water for irrigation.

v. Prohibit the permitting of new swimming pools, Jacuzzi type pools, spas, ornamental ponds and fountain construction. Pools already permitted and under construction may be completely filled with water.

3. *Commercial or industrial.*

i. Continue actions under stage 1 and 2.

ii. Prohibit landscape watering, except foundations and trees may be watered for two hours on any day (or once per week schedule as set by city government) with a hand-held hose, drip irrigation, or a soaker hose. Restrictions do not apply to locations using reclaimed water for irrigation.

iii. Prohibit establishment of new landscaping at commercial locations.

iv. Commercial water users required to reduce water use by a set percentage, unless otherwise contractually obligated.

(c) *Procedure for granting variances to the plan.*

(1) The city manager may grant temporary variances for existing water uses otherwise prohibited under this drought contingency plan to a customer if one or more of the following conditions are met:

a. Failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person requesting the variance.

b. Compliance with this plan cannot be accomplished due to technical or other limitations.

c. Alternative methods that achieve the same level of reduction in water use can be implemented.

(2) Variances shall be granted or denied at the discretion of the city manager. All petitions for variances should be in writing and should include the following information:

a. Name and address of petitioner(s).

b. Purpose of water use.

c. Specific provisions from which relief is requested.

d. Detailed statement of the adverse effect of the provision from which relief is requested.

e. Description of the relief requested.

f. Period of time for which the variance is sought.

g. Alternative measures that will be taken to reduce water use.

h. Other pertinent information.

(d) *Implementation and enforcement.* It will be the responsibility of the city manager to implement and enforce the provisions of the drought contingency plan. Persons found in violation of stage 1, stage 2 or stage 3 drought restrictions will be given a notice of violation. Additional violations will result in a citation with a fine not to exceed \$1,000.00 per day.

(e) *Public involvement.* Opportunity for the public to provide input into the preparation of the drought contingency plan was provided at a city council briefing session and

through the city website.

(f) *Notification of initiation and termination.* When a trigger condition has been reached, the public will be notified through publication of news releases to the Star-Telegram, notices on the city's web page and announcements on the city's cable access channel. When trigger conditions have passed, notification will be made in the same manner.

(g) *Public information and education.* The city provides water conservation education opportunities each year. These opportunities include the Euless Water Forum, Arbor Daze and town hall meetings.

(h) *Pro rata water allocation.* In the event that stage 3 trigger conditions are reached, the city will work with the TRA to determine the necessary water delivery needed to insure the health, safety and welfare of the citizens of the City of Euless. In extreme water shortages, TRA may initiate pro rata allocation of water in accordance with V.T.C.A., Water Code § 11.039.

(i) *Coordination with regional water planning groups.* The City of Euless is located within the Region C Regional Water Planning Area. In accordance with TCEQ rules, a copy of the drought contingency plan has been provided to the Region C Water Planning Group.

SAVING CLAUSE. That applicable chapters of the Code of Ordinances, City of Euless, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

PENALTY FOR VIOLATION. Persons found in violation of stage 1, stage 2 or stage 3 drought restrictions will be given a notice of violation. Additional violations will result in a citation with a fine not to exceed \$1,000.00 per day. Each such violation shall be deemed a separate offense and shall be punishable as such hereunder

SEVERABILITY CLAUSE. That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid or unconstitutional phrase, clause, sentence, paragraph or section.

EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage with billing cycles beginning on or after October 1, 2011, and publication as provided by the Euless City Charter and the laws of the State of Texas.

PRESENTED AND GIVEN FIRST AND FINAL READING AND APPROVED at a regular meeting of the Euless City Council on the 30th day of August 2011, by a vote of _____ ayes, _____ nays, and _____ abstentions.

APPROVED:

Mary Lib Saleh, Mayor

ATTEST:

Kim Sutter, TRMC, City Secretary

APPROVED AS TO FORM:

Wayne K. Olson, City Attorney