**ORDINANCE NO. 2029**

**AN ORDINANCE AMENDING CHAPTER 86, "UTILITIES", ARTICLE II, "WATER AND SANITARY SEWER SYSTEMS", DIVISION 1, "GENERALLY", 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.**

**WHERAS,** the City of Euless purchases potable water from the Trinity River Authority (TRA); and

**WHEREAS**, the Trinity River Authority (TRA) purchases raw water from the Tarrant Regional Water District (TRWD); and

**WHEREAS**, the Trinity River Authority (TRA) has adopted a Drought Contingency Plan based on the Tarrant Regional Water District (TRWD) model plan; and

**WHEREAS**, the City of Euless desires to amend its current Drought Contingency Plan to be consistent with the Drought Contingency Plans of the Trinity River Authority and the Tarrant Regional Water District.

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

**SECTION I.**

**THAT,** Chapter 86, "Utilities", Article II, "Water and Sanitary Sewer Systems", Section 86-36, "Drought Contingency Plan", be hereby amended to hereafter be and read 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% (25% 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, Water Watch will be terminated when the total combined raw water supply in TRWD's western and eastern division reservoirs exceeds 95% of conservation storage or remains above 85% for 90 consecutive days, whichever occurs first 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 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

(a) 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

(b) Prohibit outdoor watering with sprinklers or irrigation systems between 10 a.m. and 6 p.m. (City requires this restriction year round.)

(c) Limit landscape watering with sprinklers or irrigation systems at each service address to twice per week. (Exceptions: Foundations, new plantings (first year) may be watered on any day by handheld hose, drip irrigation, or a soaker hose. Restrictions do not apply to locations using treated wastewater effluent for irrigation).

(d) 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.

(e) Encourage reduction in frequency of draining and refilling swimming pools

(f) Encourage use of Texas native and drought tolerant plants in landscaping

(g) Watering of athletic fields (field only, does not include surrounding landscaped areas) used for organized sports practice, competition, or exhibition events may occur as necessary to protect the health and safety of the players, staff, or officials present for athletic events. A water use management plan must be submitted to and approved by the City detailing a proposed watering plan.

2. Municipal Government. In addition to actions listed above:

(a) Review conditions and problems that caused Stage 1

(b) Increase public education efforts on ways to reduce water use

(c) Intensify leak detection and repair efforts

(d) Increase enforcement efforts

(e) 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) may be watered on any day by handheld hose, drip irrigation, or a soaker hose. Restrictions do not apply to locations using treated wastewater effluent for irrigation).

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

3. Commercial or Industrial

(a) Limit landscape watering of parks and golf courses using potable water to twice per week. (Exceptions: Golf courses may water greens and tee boxes without restrictions; foundations, new plantings (first year) 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 treated wastewater effluent for irrigation).

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

(c) 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% (40% 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, Water Warning, will be terminated when the total combined raw water supply in TRWD's western and eastern division reservoirs exceeds

75% of conservation storage or remains at or above 70% for 30 consecutive days, whichever occurs first, 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 10 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

(a) Continue actions under Stage 1

(b) Limit landscape watering with sprinklers or irrigation systems at each service address to once per week. (Exceptions: Foundations, new plantings (first year) may be watered on any day by handheld hose, drip irrigation, or a soaker hose. Restrictions do not apply to locations using treated wastewater effluent for irrigation).

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

(d) 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.

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

(f) Watering of athletic fields (field only, does not include surrounding landscaped areas) used for organized sports practice, competition, or exhibition events may occur as necessary to protect the health and safety of the players, staff, or officials present for athletic events. A water use management plan must be

submitted to and approved by the City detailing a proposed watering plan.

2. Municipal Government. In addition to actions listed above:

   (a) Continue actions under Stage 1

   (b) Increase frequency of media releases on water supply conditions.

   (c) Further accelerate public education efforts on ways to reduce water use.

   (d) 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 a.m. and after 6 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 treated wastewater effluent for irrigation).

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

   (f) Prohibit wet street sweeping

3. Commercial or Industrial

   (a) Continue actions under Stage 1

   (b) Limit landscape watering of parks and golf courses using potable water to once every seven days. Greens and tee boxes maybe watered as needed to keep them alive, however watering must be done during off-peak hours, before 10 a.m. and after 6 p.m. (Exceptions: Foundations, new plantings (first year) may be watered any day by handheld hose or a soaker hose. Restrictions do not apply to locations using treated wastewater effluent 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% (55% 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, Water Emergency, will be terminated when the total combined raw water supply in TRWD's western and eastern division reservoirs exceeds 60% of conservation storage or remains at or above 55% for 30 consecutive days, whichever occurs first, 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

(a) Continue actions under Stage 1 and 2

(b) Prohibit residential 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

(c) Prohibit establishment of new landscaping. Variances may be granted for those landscape projects started prior to the initiation of stage 3 drought restrictions. However, variances will not be granted for the irrigation of new landscape and/or turfgrass installations after the initiation of Stage 3 drought restrictions

(d) Vehicle washing is restricted to commercial car washes, commercial service stations, or professional washing services only. This includes home and charity car washing. The washing of garbage trucks and vehicles used to transport food and/or other perishables may take place as necessary for health, sanitation, or public safety reasons

(e) 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

(f) 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

(g) Watering of athletic fields (field only, does not include surrounding landscaped areas) used for organized sports practice, competition, or exhibition events may occur as necessary to protect the health and safety of the players, staff, or officials present for athletic events. A water use management plan must be

submitted to and approved by the City detailing a proposed watering plan

2. Municipal Government. In addition to actions listed above:

   (a) Continue actions under Stage 1 and 2

   (b) Implement viable alternative water supply strategies

   (c) Increase frequency of media releases explaining emergency situation

   (d) Reduce municipal water use to maximum extent possible. Restrictions do not apply to locations using treated wastewater effluent for irrigation.

   (e) Prohibit the permitting of new public and private 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

   (a) Continue actions under Stage 1 and 2

   (b) Prohibit commercial 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 treated wastewater effluent for irrigation.

   (c) Prohibit establishment of new landscaping at commercial locations

   (d) Commercial water users required to reduce water use by a set percentage

(c) Procedure for Granting Variances to the Plan

   (1) The City Manager or his designee 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, economic 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 $500.00 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 of Euless 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 of Euless 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 Texas Water Code Section 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.

## SECTION II.

**PENALTY FOR VIOLATION.** Any person, firm or corporation violating any of the terms and provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as set forth in accordance with Chapter 1, "General Provisions", Section 1-12, "General Penalty," Euless Code of Ordinances. Each such violation of this section is a separate offense.

## SECTION III.

**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 sections.

## SECTION IV.

**SAVING CLAUSE.** That Chapter 86 of the Code of Ordinances, City of Euless, Texas, as amended, shall be in full force and effect, except as expressly amended hereby.

## SECTION V.

**EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its passage and publication by the 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 22nd day of April 2014 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