

ORDINANCE NO. 4059-04-2014

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, AMENDING CHAPTER 16 (UTILITIES) OF THE CODE OF ORDINANCES OF THE CITY BY DELETING SECTIONS 16-251 THROUGH 16-259 (WATER SHORTAGE RATIONING PROGRAM) AND REPLACING WITH A NEW WATER CONSERVATION AND WATER MANAGEMENT PLAN; PROVIDING A PENALTY CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Lewisville has provided a procedure and program to promote the health, safety, and welfare of its citizens and for the safeguarding of the potable water supply common to all through the passage of an Emergency Water Rationing Plan originally in October, 1985; and,

WHEREAS, said Emergency Water Management Ordinance was most recently modified December 2005; and,

WHEREAS, said Water Conservations and Emergency Water Management Plan was most recently modified in 2009; and,

WHEREAS, it has become necessary to update and modify the existing plan to meet current standards and practices;

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

SECTION 1. SECTIONS TO BE REPEALED. The current provisions of Sections 16-251 through 16-259 of the City of Lewisville Code of Ordinances are hereby repealed.

SECTION 2. AMENDMENTS. The following sections are amended and adopted as follows:

Sec. 16-251. Purpose.

The purpose of this section is to establish the city’s policy and procedures to reduce water consumption, specifically for lawn and landscape irrigation. Water conservation measures are intended to reduce loss and waste of water, improve the efficiency in the use of water and to protect water as a valuable resource on a continuous basis and most essentially in the event of shortages or delivery limitations in the city’s water supply. This section applies to:

1. All persons and premises within the city using water from the water system.
2. All retail service customers outside the city using water from the water system to the extent provided by Section 16-259.
3. All wholesale service customers outside the city to the extent provided by Section 16-259.

Sec. 16-252. Emergency Water Management Plan.

The Emergency Water Management Plan of the city shall be as follows:

1. Stage 1: Water Watch: Mandatory Restrictions

A. Criteria

- 1) *Conservation.* Measures to ensure that the City of Lewisville can continue to deliver safe, dependable drinking water to retail and wholesale customers. *The Target for this first stage is to achieve a 1 percent reduction in total gallons per capita per day (GPCD).*
- 2) *Effective Period* Mandatory year round restrictions shall be in place to reduce water consumption for lawn and landscape irrigation, improve water efficiency and control for the waste and loss of water.

- a. Single-family residential landscape watering shall follow the schedule:

Even: Those residential addresses that are evenly numbered (0, 2, 4, 6, 8), or those customers with no street address, may irrigate landscaped areas with hose-end sprinklers or automatic irrigation systems no more than twice per week on Tuesday and Saturdays. May 1st through September 30 of each year, outdoor irrigating is permitted only between the designated hours of 6 p.m. and 10 a.m.

Odd: Those residential addresses that are oddly numbered (1, 3, 5, 7, 9) may irrigate landscaped areas with hose-end sprinklers or automatic irrigation systems no more than twice per week on Wednesday and Sundays. May 1st through September 30 of each year outdoor irrigating is permitted only between the designated hours of 6 p.m. and 10 a.m.

- b. Commercial landscape, including multi-family residential shall follow the schedule:

Commercial water customers may water on Monday and Thursdays. May 1st through September 30 of each year outdoor irrigating is permitted only between the designated hours of 6 p.m. and 10 a.m.

- c. No landscape watering with hose-end sprinklers or automatic irrigation systems will be allowed on Fridays.
- d. Drip irrigation, soaker hoses and hand-watering are allowed on any day between the hours of 10 a.m. and 6 p.m.
- e. Modifications of restrictions listed may be necessary to address water system irregularities and system delivery issues as determined by the plan administrator.

2. Stage 2: Water Emergency – Mandatory Restrictions

A. Triggering Criteria: (If one or more occurs)

1) Supply.

- a. Total raw water supply in Dallas Water Utilities connected reservoirs exceeds 50 % depletion.
- b. Dallas Water Utilities implements conservation measures and requests wholesale customers to implement similar measures. *The Target for this stage plan is to achieve a 3 percent reduction in total gallons per capita per day (GPCD).*

2) Distribution. Failure of Stage 1 restrictions to reduce usage below supply capacity.

3) Other. Any unanticipated situations that limit distribution of water as determined by the Director of Public Services.

- a. Short-term or long-term equipment failure or failure to maintain 20 psi pressure at up to 500 service locations or up to ten fire hydrants in localized areas.
- b. Short-term deficiencies within a gridded pressure zone.

B. Actions Available: (Implemented in total or applied as necessary)

- 1) Mayor, Mayor Pro Tem, City Manager, or City Manager's designee, as Administrator of the Emergency Water Management Plan, announces the beginning of Stage 2.
- 2) City staff completes projects to resolve supply or distribution problems.
- 3) Restricted water uses may include the following:
 - a. Hosing off of paved areas, buildings, or windows.

- b. Serving of water in restaurants unless requested by the customer.
 - c. Swimming pool draining followed by refilling.
 - d. Washing or rinsing of vehicles by hose.
 - e. Water use that allows runoff or other water waste.
- 4) Commercial car washing is prohibited between the hours of 2 p.m. and 6 p.m. each day.
 - 5) Single-family residential landscape watering is allowed only during the designated hours of 6 p.m. and 10 a.m. following the odd or even schedule-those residential addresses that are evenly numbered (0, 2, 4, 6, 8) may water on Tuesday; odd numbered (1, 3, 5, 7, 9) may water only on Wednesday. Drip irrigation, soaker hoses and hand-watering are allowed only on the designated landscape watering days.
 - 6) Commercial water customers, including multi-family residential may water landscaping only on Thursdays between the designated hours of 6 p.m. and 10 a.m.
 - 7) No landscape watering will be allowed on Monday, Friday, Saturday or Sundays.
 - 8) Modifications of restrictions listed may be necessary to address water system irregularities and system delivery issues as determined by the plan administrator.
 - 9) All commercial water users may be required to reduce water consumption by a percentage.
 - 10) All rates for retail residential water usage in excess of 6,000 gallons per month may be temporarily increased by a percentage.
 - 11) Exceptions:
 - a. Foundations may be watered with a soaker or hand-held hose on the same days as landscape watering.

- b. Golf courses using potable water or treated municipal wastewater must adhere to the following schedule:
 - (i) Greens and tee boxes may be watered only on Monday and Thursdays between the hours of 6 p.m. and 10 a.m.
 - (ii) Fairways may be watered only on Thursdays between the hours of 6 p.m. and 10 a.m.
- c. Nurseries may water plant stock only between the designated hours of 9 a.m. to 4 p.m.
- d. Modifications of actions listed may be necessary to address water system irregularities and system delivery issues as determined by the plan administrator.
- e. New homes and new businesses will receive a 30 day exemption to water new landscape with the initial certificate of occupancy.

3. Stage 3: Water Crisis – Mandatory Restrictions

A. Triggering Criteria: (If one or more occurs)

1) Supply.

- a. Total raw water supply in Dallas Water Utilities connected reservoirs exceeds 70 % depletion.
- b. Dallas Water Utilities implements conservation measures and requests wholesale customers to implement similar measures. *The Target for this third stage of the plan is to achieve a 5 percent reduction in total gallons per capita per day (GPCD).*

- 2) Distribution.* Failure of Stage 2 restrictions to reduce usage below supply capacity.

3) *Other.* Any unanticipated situations that severely limit distribution of water as determined by the Director of Public Services.

- a. Short-term or long-term equipment failure or failure to maintain 20 psi pressure at up to 500 service locations or up to ten fire hydrants in localized areas.
- b. Short-term deficiencies within a gridded pressure zone.

B. Actions Available: (Applied locally or to all customers as necessary)

- 1) Mayor, Mayor Pro Tem, City Manager, or City Manager's designee, as Administrator of the Emergency Water Management Plan, announces the beginning of Stage 3.
- 2) All washing of vehicles is prohibited except at commercial car washes on Monday, Wednesday, and Friday during normal business hours.
- 3) All commercial water users may be required to reduce water consumption by a percentage determined by the Director of Public Services.
- 4) All commercial and residential landscape watering is prohibited.
- 5) Exceptions:
 - a. Nurseries may water plant stock between the hours of 9 a.m. to 4 p.m. only on Monday, Wednesday, and Friday.
 - b. Golf courses may water greens and tee boxes between the hours of 10 p.m. and 6 a.m. only on Monday, and Thursdays. Fairway watering is prohibited.

- 6) All rates for retail residential water usage in excess of 6,000 gallons per month may be temporarily increased by a percentage.

If situations arise which are not outlined in Stages 1 through 3, the Mayor, Mayor Pro Tem, City Manager, or City Manager's designee, as Administrator of the Emergency Water Management Plan, shall establish requirements on a case-by-case basis.

Sec. 16-253. Authority generally.

The Mayor, Mayor Pro Tem, City Manager, or his designee, shall be Administrator of the Emergency Water Management Plan. The Administrator is authorized to implement measures prescribed in the Plan and ensure enforcement of such measures. The Administrator shall not promulgate regulations that are in conflict with this section or state or federal laws in the enforcement of the Plan. All city employees shall assist as needed in the notification and enforcement of the Plan. The Community Development, Public Services and Police Departments shall be authorized to enforce penalties upon violation.

Sec. 16-254. Authority under other laws.

Nothing under this section shall be construed to limit the authority of the Administrator of the Plan to seek emergency relief under the provisions of any state or federal disaster relief act.

Sec. 16-255. Implementation of an emergency.

The Director of Public Services shall advise the Administrator of the Plan when the conditions of a water emergency exist. The Administrator shall order the appropriate stage of emergency as detailed in the Plan be implemented. To be effective immediately, the order shall be made by public media.

Sec. 16-256. Duration of the order; change and extension.

Upon recommendation of the Director of Public Services, the Administrator may upgrade or downgrade the stage of emergency when the conditions triggering the emergency stage change. Any

change in the status of the order shall be made in the same manner prescribed in Section 16-255 for implementing orders.

The Administrator may terminate the order in the manner prescribed in Section 16-255 when the Director of Public Services determines that the conditions creating the emergency no longer exist.

Sec. 16-257. Offenses and Penalties.

A person commits an offense if he or she knowingly makes, causes, or permits a use of water contrary to the measures implemented. Any person who violates or fails to comply with any provision of the Plan shall be deemed guilty of a misdemeanor, and upon conviction thereof in the Municipal Court of the city, shall be subject to a fine of not more than \$2,000.00 for each offense. Each day such offense is continued shall constitute a new and separate offense.

Sec. 16-258. Variances – Conditions for granting and revoking.

During times the Plan is operative, the Administrator may grant variances in special cases after evaluation of hardship, need, or customer efforts to conserve water.

The Administrator may grant variances only when the applicant signs a compliance agreement provided by the Administrator and approved by the City Attorney that permits water use in a specific amount and manner. The applicant must demonstrate extreme hardship or need relating to his health, safety, or welfare to be granted a variance. Granting of the variance shall not cause an immediate significant reduction in the city's water supply nor shall it adversely affect the health, safety, or welfare of other persons. The Administrator may revoke a variance when it is determined that the conditions warranting the variance are no longer being met; the terms of the compliance agreement have been or are being violated; or the health, safety, or welfare of other persons requires revocation.

Sec. 16-259. Wholesale service to customers outside city.

The Administrator of the Plan shall advise retail and wholesale customers receiving retail/wholesale water service from the city of actions taken under the Emergency Water Management Plan.

The Administrator may restrict service to retail and wholesale customers outside the city as permitted under contract and in accordance with state law.

SECTION 3. REPEALER. Every ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

SECTION 4. SEVERABILITY. If any section, sentence, clause, or phrase of this ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect.

SECTION 5. PENALTY. Any person, firm or corporation violating any provision of this Ordinance shall be punished upon conviction by a fine not to exceed \$2,000.00 for each offense, and each and every day such violation shall continue shall constitute a separate offense.

SECTION 6. EFFECTIVE DATE. This ordinance shall become effective immediately upon its passage and publication as required by law.

SECTION 7. EMERGENCY. It being for the public welfare that this ordinance be passed creates an emergency and public necessity, and the rule requiring this ordinance be read on three separate occasions be, and the same is hereby waived, and this ordinance shall be in full force and effect from and after its passage and approval and publication, as the law in such cases provides.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF 5 TO 0, ON THIS THE 7th DAY OF April, 2014.

APPROVED:


DEAN UECKERT, MAYOR

ATTEST:


JULIE HEINZE, CITY SECRETARY

APPROVED AS TO FORM:


LIZBETH PLASTER, CITY ATTORNEY