

# **ARTICLE 11.200 WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN**

## **Sec. 11.201 Purpose**

The purpose of the water conservation and drought contingency plan is to encourage water conservation at all times and to establish a procedure for identifying, classifying and handling a water supply and/or a water demand emergency effectively and efficiently.

(Ordinance adopted 8/26/05)

## **Sec. 11.202 Water Conservation Measures**

The city will utilize the following strategies to encourage, promote and require citizens to conserve water at all times.

- (1) Conservation Plan. The “City of San Angelo Water Conservation Plan,” dated March 22, 2005, which is on file in the office of the city clerk, and available for public inspection, is adopted and incorporated herein.
  - (A) Implementation. The director of water utilities will act as the administrator of the water conservation plan. The administrator will oversee the execution and implementation of all elements of the program and will be responsible for supervising the promulgation and retention of records for program verification.
- (2) Plumbing Code. The city plumbing code has provision for water conserving plumbing devices. The city will enforce the requirements of the code to ensure the use of water saving devices.
- (3) Universal Metering. All users of municipal treated water, except for fire sprinkler lines, will be metered.
- (4) Water Supply Meters. The city metering devices will record water use with an accuracy of plus or minus 5.0% in order to measure and account for the amount of raw water diverted from the source of supply.
- (5) Restaurants. Restaurants shall not serve water to their customers except when specifically requested by the customer.
- (6) Waste of Water. As defined below shall be prohibited.

(A) Allowing treated city water, raw city water or well water to run off property to a gutter, street, alley, ditch or drainage facility and drain for more than 150 feet downgrade of the point of entry into such gutter, street, alley, ditch or drainage facility.

(B) Failure to repair a controllable leak.

(7) Prohibited Watering Hours. The use of treated or raw city water for watering lawns, gardens, landscape areas, trees, golf courses, shrubs or other plants being grown outdoors (not in a nursery) shall be prohibited between the hours of 12:00 noon and 6:00 p.m. daily from April 1 through October 31.

(8) Allowable Watering Days. The use of treated or raw city water for watering lawns, landscape areas, trees, gardens, golf courses (except greens and tee areas), shrubs or other plants being grown outdoors (not in a nursery) shall be allowed at a frequency of twice every seven days for each area being watered during the period of April 1 through October 31 and once every seven days for each area being watered during the period of November 1 through March 31. Golf course greens and tee areas may be watered once per day year round.

(9) New Landscape. Watering of newly seeded or sodded lawns or newly planted trees, shrubs or landscape plants will be allowed at the following frequency provided notification is given to the city code enforcement department of the watering schedule:

Day 1–10 from planting; twice per day every day of such period.

Day 11–20 from planting; once per day every day of such period.

Watering may be done at any time during the day except during the “prohibited watering hours.”

(10) Allowable Application Rates. The maximum amount of treated or raw city water applied to established lawns, landscape plants, golf courses (except greens and tee areas) or shrubs should not exceed 1 inch per week.

(11) Drip Irrigation. Landscape watering with a drip irrigation system shall be permitted on any day and at any time of day provided that the total amount of water applied shall not exceed 1 inch per week. For the purpose of this article, drip irrigation shall mean a water saving irrigation system that uses buried drip pipe or tape.

(12) Excessive Usage Fee. A fee shall be charged for water usage in the amounts set forth below. This fee shall be in addition to the standard fee charged for water usage.

(A) For single-family residential accounts, an additional fee of \$2.50 per 1,000 gallons shall be charged for all usage between 80,000 and 100,000 gallons during a billing period, and an additional fee of \$5.00 per 1,000 gallons shall be charged for all usage over 100,000 gallons during a billing period.

(B) For residential landscape water meters, an additional fee of \$2.50 per 1,000 gallons shall be charged for all usage between 65,000 and 85,000 gallons during a billing period, and an additional fee of \$5.00 per 1,000 gallons shall be charged for all usage over 85,000 gallons during a billing period.

(C) For all other landscape meters, except those at schools, colleges, parks, cemeteries, golf courses or athletic facilities, an additional fee of \$2.50 per 1,000 gallons shall be charged for all usage between 175,000 and 225,000 gallons during a billing period, and an additional fee of \$5.00 per 1,000 gallons shall be charged for all usage over 225,000 gallons during a billing period.

(13) Contracts with Other Political Subdivisions, Water Supply Corporations or Water Suppliers. Any political subdivision, water supply corporation, or water supplier that contracts with the city for the purchase of water shall adopt applicable provisions of the city's water conservation and drought contingency plan. Contracts for the sale of water that are already in effect will be revised to reflect the applicable provisions of the city's most current water conservation and drought contingency plan when the contracts are renewed or extended. To the extent of the city's legal authority, the city shall require the city's wholesale customers to issue a public notice advising their water customers of required drought management measures declared in the city as follows in [Section 11.203](#).

(A) In the event that the triggering criteria specified in [Section 11.203\(e\)](#) of the Plan for Water Supply Stage – Drought Level III – have been met, the city manager is hereby authorized to initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code Section 11.039 and according to the following water allocation policies and procedures.

(B) A wholesale customer's monthly allocation shall be a percentage of the customer's water usage baseline. The percentage will be set by resolution of the San Angelo City Council based on the administrator's assessment of the severity of the water shortage condition and the need to curtail water diversions and/or deliveries and may be adjusted periodically by resolution of the city council as conditions warrant. Once pro rata allocation is in effect, water diversions by or deliveries to each wholesale customer shall be limited to the allocation established for each month.

(C) Upon initiation of pro rata water allocation, water utility director shall provide notice, by certified mail, to each wholesale customer informing them of their monthly water usage allocations and shall notify the news media and the executive director of the Texas Commission on Environmental Quality.

(14) Water Demand Emergency. In the event the quantity of water usage from the city's water distribution system reaches a level that exceeds the amount which may be treated or safely delivered through the system, the water utilities director shall notify the city manager and the city council of such an occurrence. The city council shall be authorized to limit the use of water by passage of a resolution outlining such limitations which shall remain in effect until the water demand emergency can be met. Upon

initiation of a water demand emergency, the water utility director shall provide notice, by certified mail, to the executive director of the Texas Commission on Environmental Quality and shall notify the news media.

(15) **Water Supply Emergency.** In the event of a water system failure or emergency (i.e. pressure zone deficiencies, chemical spills, broken water mains, power outages, failures of storage tanks or other equipment, treatment plant breakdown and/or water contamination) which limits the amount of water which may be treated or safely delivered through the system, the water utilities director shall notify the city manager and city council of such occurrence. The city council shall be authorized to limit the use of water by passage of a resolution outlining such limitations which shall remain in effect until the water supply emergency can be met. Upon initiation of a water supply emergency, the water utility director shall provide notice, by certified mail, to the executive director of the Texas Commission on Environmental Quality and shall notify the news media.

(16) **Public Information.** The water utilities director will provide regular public education and information about the importance of year-round water efficiency as delineated in the plan, and will provide general information about water supply conditions and drought plan provisions on at least an annual basis. The purpose of this effort shall be to keep the citizenry informed about the drought and conservation plans and their importance to the city's water supply.

## **Sec. 11.203 Drought Stages and Water Management Measures**

(a) **Water Supply Sources.** The city has several water supply sources that it can draw upon to meet its needs. Local surface water sources include Lake Nasworthy, Twin Buttes Reservoir, O.C. Fisher Reservoir and the South Concho River. Nonlocal surface water supplies are available to the city from O.H. Ivie Reservoir and Spence Reservoir. The city also owns the rights in an undeveloped groundwater source in the McCulloch county area.

When local reservoirs are full, the city's primary water supply will be from these reservoirs along with nonlocal or underground sources as needed. When local reservoirs are below full but above drought trigger points, the local sources may be utilized along with water brought in from nonlocal sources or underground sources. During drought conditions, the primary source of supply will be nonlocal sources, subject to the maximum amount available from each source, with the remaining amount of water coming from the local sources or underground sources that the city may develop.

(b) **Drought Trigger Point.** Whenever the total amount of water available to the city falls below the minimum criteria established for each water supply stage level, the city shall be deemed to have entered a drought stage for management of its water supplies.

The water utilities director shall notify the city manager and city council upon entering the threshold of a drought stage. The council shall implement each stage by resolution. Such resolution shall be published one time in the local newspaper. The criteria for each stage and the water management measures which shall be enforced are as follows in subsections (d) to (f).

(c) Public Information. The water utilities director will provide reports to the news media with information regarding current water supply conditions, projected water supply and demand conditions if the current drought conditions continue, and consumer information on water conservation measures and practices. Information describing each water supply stage trigger point and drought level restrictions on water use shall be prepared and published on the city's website.

(d) Water Supply Stage – Drought Level I.

(1) The minimum criteria for this drought stage shall be the following.

The total amount of water available, as determined by the water utilities director, to the city from its developed water sources is less than a 24-month supply.

(2) In addition to the conservation measures stated in [Section 11.202](#) of this article, the following additional water conservation measures shall be in force during Water Supply Stage – Drought Level I.

(A) The use of treated or raw city water for watering lawns, gardens, landscape areas, trees, shrubs, golf courses (except greens or tee areas) or other plants being grown outdoors (not in a nursery) shall be prohibited at all times provided however a person may do such watering which shall be once every seven days for each area being watered during the period of April 1 through October 31 and once every 14 days for each area being watered during the period of November 1 through March 31 except during the “prohibited watering hours” as stated in [Section 11.202](#).

(B) Golf courses greens and tee areas may be watered daily except during the “prohibited watering hours” as stated in [Section 11.202](#).

(C) Watering of newly seeded or sodded lawns, newly planted trees, shrubs, landscape plants or golf course greens or tee areas that have been over-seeded with winter grass or that have been replanted, resodded or newly constructed shall be allowed in accordance with the provisions as stated in [Section 11.202](#) for “new landscape.”

(3) A fee shall be charged for water usage in the amounts as set forth below.

This fee shall be in addition to the standard fee charged for water usage and shall be in lieu of the “excessive usage fee” as defined in [Section 11.202](#).

(A) For single-family residential accounts, an additional fee of \$2.50 per 1,000 gallons shall be charged for all usage between 65,000 and 75,000 gallons during a billing period, and an additional fee of \$5.00 per 1,000 gallons shall be charged for all usage over 75,000 gallons during a billing period.

(B) For residential landscape water meters, an additional fee of \$2.50 per 1,000 gallons shall be charged for all usage between 50,000 and 60,000 gallons during a billing period, and an additional fee of \$5.00 per 1,000 gallons shall be charged for all usage over 60,000 gallons during a billing period.

(C) For all landscape meters, except those at schools, colleges, parks, cemeteries, golf courses or athletic facilities, an additional fee of \$2.50 per 1,000 gallons shall be charged for all usage between 175,000 and 200,000 gallons during a billing period, and an additional fee of \$5.00 per 1,000 gallons shall be charged for all usage over 200,000 gallons during a billing period.

(D) For raw water permit holders that are not metered, an additional fee of \$15.00 per month shall be charged.

(e) Water Supply Stage – Drought Level II.

(1) The minimum criteria for this drought stage shall be the following.

The total amount of water available, as determined by the water utilities director, to the city from its developed water sources is less than a 18-month supply.

(2) In addition to the conservation measures stated in [Section 11.202](#) of this article, the following additional water conservation measures shall be in force during Water Supply Stage – Drought Level II.

(A) The use of treated or raw city water for watering lawns, gardens, landscape areas, trees, shrubs, golf courses (except greens or tee areas) or other plants being grown outdoors (not in a nursery) shall be prohibited at all times provided however a person may do such watering which shall be once every ten days for each area being watered during the period of April 1 through October 31 and once every 14 days for each area being watered during the period of November 1 through March 31 except during the “prohibited watering hours” as stated in [Section 11.202](#).

(B) Golf courses greens and tee areas may be watered daily except during the “prohibited watering hours” as stated in [Section 11.202](#).

(C) Watering of newly seeded or sodded lawns, newly planted trees, shrubs, landscape plants, or golf course greens or tee areas that have been over-seeded with winter grass or that have been replanted, resodded or newly constructed shall be allowed in accordance with the provisions as stated in [Section 11.202](#) for “new landscape.”

(3) A fee shall be charged for water usage in the amounts as set forth below.

This fee shall be in addition to the standard fee charged for water usage and in lieu of the water usage fee set out in [Section 11.203](#)(d)(3) the “excessive usage fee” as defined in [Section 11.202](#).

(A) For single-family residential accounts, an additional fee of \$3.50 per 1,000 gallons shall be charged for all usage between 50,000 and 60,000 gallons during a billing period, and an additional fee of \$7.00 per 1,000 gallons shall be charged for all usage over 60,000 gallons during a billing period.

(B) For residential landscape water meters, an additional fee of \$3.50 per 1,000 gallons shall be charged for all usage between 35,000 and 40,000 gallons during a billing period, and an additional fee of \$7.00 per 1,000 gallons shall be charged for all usage over 40,000 gallons during a billing period.

(C) For all landscape meters, except those at schools, colleges, parks, cemeteries, golf courses or athletic facilities, an additional fee of \$3.50 per 1,000 gallons shall be charged for all usage between 150,000 and 175,000 gallons during a billing period, and an additional fee of \$7.00 per 1,000 gallons shall be charged for all usage over 175,000 gallons during a billing period.

(D) For raw water permit holders that are not metered, an additional fee of \$20.00 per month shall be charged.

(f) Water Supply Stage – Drought Level III.

(1) The minimum criteria for this drought stage shall be the following.

The total amount of water available, as determined by the water utilities director, to the city from its developed water sources is less than a 12-month supply.

(2) In addition to the water conservation measures stated in [Section 11.202](#) of this article, the following water conservation measures shall be in force during Water Supply Stage - Drought Level III.

(A) The use of treated or raw city water for watering of lawns, gardens, landscape areas, trees, golf courses (including greens and tee areas), shrubs or other plants being grown outdoors is prohibited.

(B) The use of treated or raw city water to fill, refill or maintain the level of any fountain or swimming pool is prohibited.

(C) Washing of automobiles, trucks, trailers, boats, or other types of vehicles or mobile equipment is prohibited except if the health, safety and welfare of the public is contingent

upon vehicle cleaning, as determined by the director of city health services; then the washing of such vehicles shall be allowed.

(3) A fee shall be charged for water usage in the amounts as set forth below. This fee shall be in addition to the standard fee charged for water usage and shall be in lieu of the water usage fee set out in [Sections 11.203\(d\)\(3\)](#) and [11.203\(e\)\(3\)](#) and the “excessive usage fee” as defined in [Section 11.202](#).

(A) For single-family residential accounts, an additional fee of \$5.00 per 1,000 gallons shall be charged for all usage over 15,000 gallons during a billing period.

(B) For apartment unit accounts, an additional fee of \$5.00 per 1,000 gallons shall be charged for all usage over an amount equal to the number of units in the apartment times 3,000 gallons during a billing period.

(C) For all other water users, an additional fee of \$2.50 per 1,000 gallons shall be charged for all usage.

(Ordinance adopted 2/17/06)

## **Sec. 11.204 Exception and Variance**

(a) Exceptions. There shall be an exception to the prohibitions of this article regarding watering restrictions, as follows:

(1) Use of water for installing, testing and repairing sprinkler systems.

(b) Variance.

(1) A person desiring an exemption from any provision of this article shall file a petition for variance with the city manager. All petitions for variances shall be reviewed and acted upon by the city council. The petition shall include at a minimum the following information:

(A) Name and address of the petitioner(s).

(B) Purpose and estimated amount of water use.

(C) Specific provision(s) of the article from which the petitioner is requesting an exemption.

(D) Detailed statement as to how the specific provision of the article adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this article.

(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 article and the effective date of such other measures.
  - (H) Other pertinent information.
  - (I) Statement that petitioner has not within the last six months intentionally violated the current ordinance for which a variance is sought or, if such violations have occurred, a statement setting out all reasons why such ordinance was violated.
- (2) The city council may grant a variance from the requirements of this article after determining that because of special circumstances applicable to the applicant, compliance with this article:
    - (A) Cannot be technically accomplished during the expected duration of the water supply shortage or other condition for which the article is in effect; or
    - (B) Will cause undue hardship on a program or service offered by a public entity; or
    - (C) Substantially threatens the applicant's primary source of income.
  - (3) Additionally, the city council may grant a variance from the requirements of this article if it determines that the applicant can implement alternative water use restrictions which meet or exceed the intent of this article. The city council shall approve specific alternative water use restrictions.
  - (4) Any variance granted by the city council may be revoked after a determination by the city council that revocation is necessary for the public health and safety or upon a finding that the holder of a variance allowing alternative water use restrictions has not complied with such alternative restrictions.

## **Sec. 11.205 Implementation and Enforcement**

- (a) Implementation:
  - (1) The water utilities director for the city will act as the administrator of the water conservation drought contingency plan. The administrator will oversee the execution and implementation of all elements of the program. He will be responsible for supervising the promulgation and retention of adequate records for program verification.
  - (2) The water conservation plan will be maintained for the duration of the city's financial obligation to the state under the State Revolving Loan Fund program.

(b) **Contracts With Other Political Subdivisions, Water Supply Corporations or Water Suppliers:** Any political subdivision, water supply corporation, or water supplier that contracts with the city for the purchase of water shall adopt applicable provisions of the city's water conservation and drought contingency plan. Contracts for the sale of water that are already in effect will be revised to reflect the applicable provisions of the city's most current water conservation and drought contingency plan when the contracts are renewed.

(c) **Enforcement:** The water conservation and drought contingency plan will be enforced in the following manner:

(1) Water service taps will not be provided to customers not meeting the plan requirements.

(2) The inclining block water rate structure should encourage retrofitting of old plumbing fixtures which use large quantities of water.

(3) Customers who do not pay their water bills will have service discontinued

(4) The building inspection department will not certify new construction which fails to meet the plan requirements.

(5) Persons violating the prohibitions of this article will be subject to prosecution in municipal court.

## **Sec. 11.206      Penalty**

It shall be unlawful to violate any of the prohibitions contained in this article. Any person violating such prohibitions shall be guilty of a misdemeanor and upon conviction shall be fined in accordance with the general penalty provision found in Section 1.106 of this code.

(Ordinance adopted 8/26/05)