

Drought Contingency Plan

Water Conservation

Article 1: General provisions

1.01 SCOPE.

This subchapter addresses the establishment of the city’s water conservation ordinance (the “Water Conservation Ordinance” or “Ordinance”) and the City’s drought contingency plan (the “Drought Contingency Plan” or “Plan”). Copies of the Ordinance and Drought Contingency Plan will be available for inspection or reproduction in the office of the city secretary and on the city’s website, www.manortx.gov.

1.02 DECLARATION OF POLICY, PURPOSE, AND INTENT.

- (A) 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 a water supply shortage or other water supply emergency conditions, the city hereby adopts the regulations and restrictions on the delivery and consumption of potable water set forth in this subchapter.
- (B) Water uses regulated or prohibited under this Plan are nonessential, and continuation of such uses constitutes a waste of water, which subjects the offender(s) to penalties as defined in section 2.09 *Enforcement* of this Plan.
- (C) The city operates a reuse station that utilizes wastewater effluent to provide water for landscape irrigation and dust control. This Plan will not affect the use of effluent irrigation water.

1.03 PUBLIC INVOLVEMENT.

The public was able to provide input into preparing this Plan during the public hearing that was held before the City Council considered the Ordinance adopting this Plan.

1.04 PUBLIC EDUCATION.

The city will educate the public about conservation and drought conditions through information from the Public Works Department, 416 Gregg St., or by calling the Public Works Department at (512) 272-5555 ext. 5. As trigger conditions approach, the public will be notified through press releases on the current conditions and water conservation methods on the city’s internet website.

1.05 AUTHORIZATION.

The City Manager is hereby authorized and directed to implement the applicable provisions of this Plan upon a determination that such implementation is necessary to protect public health, safety, and welfare. The City Manager may initiate or terminate drought or other water supply

emergency response measures as described in this Plan (See section **2.01** *Water Conservation Guidelines*).

1.06 APPLICATION.

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

1.07 DEFINITIONS.

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

- 1) **AESTHETIC WATER USE** means water is used for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.
- 2) **AUTOMATIC IRRIGATION SYSTEM** means any irrigation system connected to and operated by a programmable controller, including a permanently or temporarily installed irrigation system.
- 3) **COMMERCIAL AND INSTITUTIONAL WATER USE** means water use is integral to commercial and nonprofit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.
- 4) **COMMERCIAL FACILITY** means a municipal, business, or industrial building and the associated landscaping but does not include a golf course's fairways, greens, or tees.
- 5) **CONSERVATION** means those practices, techniques, and technologies reduce water consumption, reduce the loss or waste of water, improve the efficiency in water use, or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.
- 6) **CUSTOMER** means any person, company, or organization using water supplied by the city.
- 7) **DESIGNATED OUTDOOR WATER USE DAY** means the day a person is permitted to irrigate outdoors as prescribed in section 2.01 *Water Conservation Guidelines*.
- 8) **DIRECTOR** means the Director of the City of Manor Public Works Department.
- 9) **DOMESTIC WATER USE** means water is used for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or cleaning a residence, business, industry, or institution.
- 10) **DRIP IRRIGATION SYSTEM** means small-diameter pressurized lines that are directly buried in the soil to a nominal depth of six inches and contain pressure-reducing emitters to restrict water flow to a meager rate.

- 11) DROUGHT CONTINGENCY PLAN means a strategy or combination of methods for temporary supply management and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies required by Texas Administrative Code Title 30, Chapter 288, Subchapter B.
- 12) FOUNDATION WATERING means applying water to the soils directly abutting the foundation of a building, structure, or improvement on land.
- 13) HOSE-END SPRINKLER means an above-ground water distribution device that may be attached to a garden hose.
- 14) HOUSEHOLD means the residential premises are served by the customer's meter.
- 15) INDUSTRIAL WATER USE means the use of water in processes designed to convert lower-value materials into forms with more excellent usability and value.
- 16) LANDSCAPE IRRIGATION USE means water is used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, athletic fields, parks, and rights-of-way and medians.
- 17) MANUAL IRRIGATION SYSTEM means an irrigation system designed to require the manual operation of valves or the attachment of a quick-coupling device.
- 18) MULTI-FAMILY PROPERTY means property containing five or more dwelling units.
- 19) NEW LANDSCAPE means vegetation:
 - (a) installed at the time of the construction of a residential or commercial facility.
 - (b) installed as part of a governmental entity's capital improvement project.
 - (c) installed to stabilize an area disturbed by construction or that alters more than 500 contiguous square feet of an existing landscape.
- 20) ORNAMENTAL FOUNTAIN means an artificially created structure from which a jet, stream, or water flow emanates, and the water is not used to preserve aquatic life.
- 21) PERMANENTLY INSTALLED IRRIGATION SYSTEM means a custom-made, site-specific system of delivering water generally for landscape irrigation via pipes or underground conduits.
- 22) PERSON means any natural person or legal entity such as an individual, business, partnership, association, firm, corporation, governmental, or other natural, business, or legal entity that receives, requests, manages, uses, maintains, or is responsible for water utility service at a service address, whether the person or entity is a customer or account holder of the City of Manor Water Utilities.
- 23) PERSONS PER HOUSEHOLD means only those persons currently physically residing on the premises and expected to live there for the entire billing period.

- 24) PREMISE means fencing walls or living areas do not enclose the property's outdoor area and do not include areas for storing vehicles or other motorized equipment.
- 25) RESIDENTIAL FACILITY means a site with four or fewer dwelling units.
- 26) SINGLE-FAMILY RESIDENTIAL CUSTOMER means any residential dwelling designed for and inhabited by a single person or family unit.
- 27) TEMPORARILY INSTALLED IRRIGATION SYSTEM means a universally applicable above-ground irrigation system that uses a flexible hose or hardened pipe to deliver water to a movable water distribution device.

1.08 COMPLIANCE REQUIRED.

A person may not use or permit the use of water in a manner that conflicts with the requirements of this chapter or in an amount more significant than permitted by this chapter.

1.09 FEES AND CHARGES.

- (A) Fees and charges assessed according to this subchapter shall be set by the City Council under a separate ordinance or, where permitted, by the Director by rule.
- (B) Fees and charges associated with enforcement of this subchapter shall be identified on the customer's utility billing invoice or on the order assessing the fee or charge, except as where otherwise provided by local ordinance or adopted rule.

1.10 INSPECTIONS AND RIGHT OF ENTRY.

- (A) The Director or Director's designee may:
 - (1) inspect any property, equipment, or improvement to determine compliance with this subchapter; and
 - (2) require an owner, occupant, operator, manager, or user of a property, equipment, or improvement to correct a violation of this subchapter.
- (B) An inspection of a residential property shall be conducted from:
 - (1) areas accessible to the public; or
 - (2) a restricted access area only after the Director or Director's designee has presented official identification to the property manager, owner, occupant, or other representative and obtained consent to enter a restricted access area.
- (C) If consent for entry necessary to inspect to determine compliance with this subchapter is required but denied, withdrawn, limited, or impaired, the Director or Director's designee may seek any recourse available under applicable law to obtain entry and inspection.
- (D) Conducting or failing an onsite inspection does not impose liability on the City, a city officer or employee, or a city representative for damage to a person or property.

Article 2: Drought Contingency Plan and Conservation Stages

2.01 WATER CONSERVATION GUIDELINES.

- (A) The Director shall recommend, and the City Manager shall adopt water conservation guidelines that include:
- (1) policies for compliance by city or other governmental departments; and
 - (2) the criteria for determining when a conservation stage occurs or terminates.
- (B) The City Manager shall update the guidelines if the City Manager determines that changed conditions of the city's water supply system, regulatory obligations, or other environmental or situational factors warrant or necessitate guideline adjustment.
- (C) The City Manager may order that the water use restrictions of Drought Response Stage One Regulations, Drought Response Stage Two Regulations, Drought Response Stage Three Regulations, or Water Rationing take effect after determining that the order is necessary to protect the public health, safety, or welfare. The City Manager may base a conservation, drought, or emergency stage declaration or termination on any condition, occurrence, factor, or an assessment of all relevant circumstances that, in the judgment of the City Manager, support such action for any lawful purpose. The order is effective immediately following official public notice.
- (D) Water use regulations of section 2.06 *Drought Response Stages* remain in effect until the City Manager orders termination of the stage following subsection (C) of section 2.01 *Water Conservation Guidelines*. Unless a drought or emergency stage is expressly declared by order of the City Manager, water use regulations of section 2.06 *Drought Response Stages* automatically resume by default immediately upon any ordered termination of any drought or emergency stage.
- (E) Any outdoor water use subject to the provisions of this subchapter shall occur only on a day designated for the applicable water-use activity, property/facility type, and street number address classification indicated in the following tables. A person may not conduct, authorize, or permit outdoor water use except following the designation schedule in the following tables. In the following tables, "EVEN" or "ODD" correspond to the street number of the physical property address where the outdoor water use occurs. The tables below shall be called the " Outdoor Water Use Schedule."

The watering schedule for the Conservation Stage	
Property type	Watering day
Residential Property - EVEN	Thursday and Sunday
Residential Property - ODD	Wednesday and Saturday
Commercial/Multifamily facilities	Tuesday and Friday
Public/Private Schools	Monday and Friday

Watering Schedule for Drought Response Stage 1 and Stage 2	
Property type	Watering day
Residential Property – addresses ending in 0 or 1	Monday
Residential Property - addresses ending in 2 or 3	Tuesday
Residential Property – addresses ending in 4 or 5	Wednesday
Residential Property – addresses ending in 6 or 7	Thursday
Residential Property - addresses ending in 8 or 9	Friday
Commercial/Multifamily Facilities	Saturday
Public/Private Schools	Sunday

- (F) The Director may order temporary modification or adjustment to the Outdoor Water Use Schedule in the event of an unusual water system operational event, catastrophic occurrence, severe weather event, or other emergency, disaster situation, or occurrence necessitating the adjustment. A temporary modification or adjustment to the Outdoor Water Use Schedule shall be effective immediately upon official public notice. It shall continue in effect for a period not to exceed fifteen (15) consecutive days. The Director shall provide official public notice of the date upon which any temporary modification or adjustment to the Outdoor Water Use Schedule expires and the standard Outdoor Water Use Schedule resumes.
- (G) The Director shall monitor the daily supply and demand for water and make recommendations to the City Manager about whether or when to implement or terminate water use restrictions under the Drought Contingency Plan in effect and kept on file with the City of Manor’s Water Utilities and the City Secretary or when relevant to any other circumstances affecting continuity of service or public health, safety, or welfare.

2.02 EXEMPTIONS.

- (A) Exemptions under this subsection apply to section 2.06 *Drought Response Stages* and are:
- (1) Water use is necessary to protect the public's health, safety, or welfare.
 - (2) The use of reclaimed or auxiliary water not supplemented by or mixed with potable water supplied by the City of Manor Water Utility.
 - (3) Necessary use of water for the lawful repair of a water distribution facility, flushing of utility lines, or residential or commercial plumbing lines.
 - (4) Necessary use of water, other than for landscape irrigation, for a governmental entity performing a governmental function, including a capital improvement construction project.

- (5) Use of water, other than for landscape irrigation, necessary to meet express requirements of federal, state, or local permits related to land development that include but are not limited to roadway base preparation, dust control, maintenance of trees subject to preservation restrictions or requirements, concrete or asphalt work, or modification or construction of improvements.
 - (6) Necessary washing or sanitizing to prevent public health or disease transmission risk associated with liquid, solid, or particulate residue in or on vehicles, containers, or equipment lawfully used to maintain, process, or transport food, perishables, garbage, liquid or solid waste, organic materials, or recyclables; or
 - (7) Water use immediately necessary for or related to firefighting, fire prevention, or fire suppression activity or operations conducted because of actual risk to public or environmental health, safety, or welfare, life, or property associated with the presence of an uncontrolled fire on or approaching any person or property.
- (B) The following activities shall be exempt from the application of section 2.06 *Conservation Stage, Drought Response Stage One Regulations, and Drought Response Stage Two Regulations*.
- (1) Outdoor irrigation:
 - (a) using drip irrigation;
 - (b) of vegetable gardens using a soaker hose;
 - (c) of athletic fields used for organized sports practice, competition, or exhibition events when irrigation is necessary to protect the health and safety of the players, staff, or officials present for the athletic event;
 - (d) immediately following a commercial lawn treatment application by an applicator who possesses required licensure as applicable for the use of such substances including fertilizer, pesticides, and herbicides, provided receipts documenting such application and the applicator's credentials are provided upon request to a designee of the Director; or
 - (e) of plant material at a commercial nursery.
 - (2) Water use:
 - (a) necessary for the repair or installation of a permanently or temporarily installed landscape irrigation system when the person performing the irrigation work is present in irrigation; or
 - (b) necessary for repairing, testing, or installing an ornamental fountain when the person performing the testing, repair, or installation is present.
- (C) The following activities shall be exempt from the application of section 2.06 *Water Conservation Stage and Stage 1 - moderate water shortage conditions* requirements:
- (1) Water use necessary to comply with federal, state, or local land development permits requiring the establishment of new landscaping between the hours of 7:00 p.m. to 10:00 a.m.; and

- (2) Irrigation of areas documented on an approved and released site plan as golf course fairways, greens, or tees.

2.03 WASTE OF WATER PROHIBITED.

This section prohibits the waste of water year-round.

- (A) A person may not:
 - (1) Fail to repair a controllable leak, including a broken sprinkler head, pipe, or a leaking valve.
 - (2) Operate any irrigation system with:
 - (a) A broken head.
 - (b) A head that is out of adjustment and the arc of the spray head is over a street, parking area, or other impervious surface.
 - (c) A head that is misting because of high water pressure
 - (3) Allow water flow during irrigation that:
 - (a) Runs, flows, or streams in a way that extends into a street, parking area, or other impervious surface for 50 feet or greater; or
 - (b) Allows water to the pond to a depth greater than 0.25 inch in a street, parking area, or on another impervious surface.
- (B) It is an affirmative defense to a charge of a violation of subsection 2.03(A) above that the act or omission charged in the complaint occurred during necessary repair, testing, or calibration of a new or existing irrigation or plumbing system, that the person performing the system testing, repair, or calibration was present at the site at the time of the act or omission charged in the complaint, and that the irrigation or plumbing system and its testing, repair, or calibration work at issue complied at the time with all applicable regulations, permit and development approval requirements.
- (C) It is an affirmative defense to a charge of a violation of subsection 2.03(A)(1) above that the property where the leak occurred has been officially accepted into a government-assisted housing repair program, the condition is within the scope of repairs the government has agreed to fund or repair. The person charged with the violation or the property where the violation occurs is not in default of any obligation of the government-assistance housing repair program at the time of the violation charged.

2.04 APPLICABILITY OF REGULATIONS; AFFIRMATIVE DEFENSES.

- (A) This subchapter applies to a person who uses, directs, manages, or allows potable water supplied by the City of Manor. The subchapter does not apply to a person who only uses, requires, controls, or enables the use of auxiliary or reclaimed water.
- (B) It is an affirmative defense to a violation of this subchapter that the use of water that gave rise to the breach was consistent with the agreed-upon terms and conditions of a

water service contract with a wholesale water customer and that the use did not constitute a waste of water.

- (C) It is an affirmative defense to a violation of this subchapter that the use of water that gave rise to the breach properly utilized solely auxiliary water and did not endanger public health, safety, or property.
- (D) It is an affirmative defense to a violation of this subchapter that the use of water that gave rise to the breach properly utilized solely reclaimed water, did not endanger public health, safety, or property, and did not constitute a waste of water in accordance with section 2.03 *Waste of Water Prohibited*.
- (E) It is an affirmative defense to a violation of this subchapter that the act or omission that gave rise to the breach occurred solely because of a documented emergency that prevented strict compliance and that the act or omission did not disrupt the availability of adequate water for other public emergency response or firefighting or fire suppression purposes.

2.05 TRIGGERING CRITERIA FOR INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES.

The triggering criteria described below are based on the statistical analysis of the vulnerability of the city's water source under drought of record conditions.

- (A) Water Conservation Stage -Year round
 - (1) Requirements for initiation. Customers shall comply year-round with the requirements and restrictions defined in subsection 2.06(A).
- (B) Stage 1 - moderate water shortage conditions.
 - (1) Requirements for initiation. Customers shall comply with the requirements and restrictions defined in subsection 2.06(B) of this Plan when the average daily water consumption reaches 80% of production distribution capacity for three consecutive days or when well pumps equal to or greater than 15 hours decrease.
 - (2) Requirements for termination. Stage 1 of this Plan may be rescinded by the City Manager when all conditions listed as triggering events have ceased to exist for three consecutive days or by the City Council if any conditions are listed as triggering events. Other than requirements imposed by the city's wholesale water contract with a wholesale provider has ceased to exist. The City Council finds that terminating the drought response Stage 2 will not adversely affect public health, safety, or welfare. Upon termination of Stage 1, the Water Conservation Stage becomes operative.
- (C) Stage 2 - severe water shortage conditions.
 - (1) Requirements for initiation. Customers shall comply with the requirements and restrictions defined in subsection 2.06(C) of this Plan when the average daily water consumption reaches 90% of production/distribution capacity for three

consecutive days or when well pump hours are equal to or greater than 18 hours, or the City Manager determines that Stage 2 implementation is necessary to protect the city's water supply for essential usages. No variances will be granted during Stage 2 severe water shortage conditions.

- (2) Requirements for termination. Stage 2 of this Plan may be rescinded by the City Manager when all the conditions listed as triggering events have ceased to exist for three consecutive days or by the City Council if any of the conditions listed as triggering events, other than requirements imposed by the city's wholesale water contract with a wholesale provider, has ceased to exist. The City Council finds that terminating the drought response Stage 3 will not adversely affect public health, safety, or welfare. Upon termination of Stage 2, the city will determine what stage will become operative based on storage levels.

(D) Stage 3 - emergency water shortage conditions.

- (1) Requirements for initiation. Customers shall comply with the requirements and restrictions defined in subsection 2.06(D) of this Plan when the City Manager determines that a water supply emergency exists based on:
 - (a) The number of hours well pumps run and tank storage elevation;
 - (b) Major water line breaks or pump or system failures occur and cause an unexpected loss of capability to provide water service;
 - (c) System demand exceeds available high-service pump capacity;
 - (d) There is detection of accidental or intentional contamination of the water system;
 - (e) There is the detection of water system failure from acts of God (e.g., tornados, hurricanes, etc.) or man;
 - (f) A mechanical failure of pumping equipment occurs during a moderate drought and will require more than 12 hours to repair; or
 - (g) A wholesale provider cannot give the City their contractual amount.
- (2) Requirements for termination. Stage 3 of this Plan may be rescinded by the City Manager when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days or the emergency condition no longer exists or by the City Council if any of the conditions listed as triggering events, other than requirements imposed by the city's wholesale water contract with a wholesale provider, has ceased to exist. The City Council finds that terminating the drought response stage 3 will not adversely affect public health, safety, or welfare.

(E) Water rationing.

- (1) Requirements for initiation. Customers must comply with the water rationing and allocation plan prescribed in section 2.07 of this Plan and comply with the requirements and restrictions for Stage 3 of this Plan when the City Manager determines that water rationing is necessary.
- (2) Requirements for termination. Water rationing may be rescinded when all the conditions listed warranting water rationing have ceased to exist for a period of 3 consecutive days.

2.06 DROUGHT RESPONSE STAGES.

The Public Works Department will monitor water supply and/or demand conditions daily and, in accordance with the triggering criteria set forth in section 2.05 of this Plan, will recommend to the City Manager the extent of the conservation required through the implementation or termination of conservation stages for the city to plan for and supply water to its customers prudently. The City Manager may order the appropriate stage of water conservation implemented or terminated in accordance with the applicable provisions of this subchapter by public notification. The conservation stage will take effect immediately upon public notification:

(A) Conservation Stage.

- (1) Goal. Achieve reduction in water usage year-round.
- (2) Supply management measures: The city shall comply with the conservation guidelines year-round.
- (3) Required water use restrictions
 - (a) This section prescribes water conservation regulations and applies during the periods specified by section 2.01 *Water Conservation Guidelines*.
 - (b) A person may not irrigate outdoors at a residential facility or a commercial facility except on a designated outdoor water use day for the location.
 - (c) Outdoor irrigation is permitted if it is by means of a handheld hose equipped with a positive shutoff nozzle, a faucet-filled bucket, or a watering can of five gallons or less.
 - (d) A person may not irrigate outdoors at a residential facility or a commercial facility between the hours of 10:00 a.m. and 7:00 p.m., even if the irrigation occurs on a designated outdoor water use day for the location.
 - (e) A person may not operate a patio mister at a commercial facility except between the hours of 4:00 p.m. and midnight.
 - (f) A person may not use or allow the use of water to wash or rinse an automobile, truck, trailer, boat, airplane, motorcycle, or other mobile equipment or vehicle unless using a hose with a positive shutoff valve or a single, refillable vessel with water. A person commits a separate offense for each vehicle or piece of equipment washed in violation of this subsection. It is an affirmative defense to a violation of this subsection that the water use occurred at a vehicle wash facility for the water use charged in the complaint.
 - (g) A person may not use or allow the use of water to wash, rinse, or treat any outdoor surface, including but not limited to a sidewalk, driveway, parking area, street, tennis court, patio, or other paved area or outdoor building surface, unless using a hose with a positive shutoff valve or a single, refillable vessel with water. A person commits a separate offense for each outdoor surface washed in violation of this subsection.

- (4) Prohibited waste of water. Waste of water (section 2.03) is Prohibited year-round regardless of stage restrictions.
- (5) Notwithstanding the prohibitions in this section, irrigation of new landscape installation is permitted. In that event, irrigation may only occur during the hours permitted under subsection 2.06(A)(3) and in accordance with the following 30-day irrigation schedule:
 - (a) For the first ten days after installation, once a day.
 - (b) For days 11 through 20 after installation, once every other day; and
 - (c) For days 21 through 30 after installation, once every third day.

(B) Stage 1 - moderate water shortage conditions.

- (1) Goal. Achieve a 10 percent reduction in average daily water use (e.g., total water use, daily water demand, etc.).
- (2) Supply management measures. The city will reduce or discontinue flushing of water mains; reduce or discontinue irrigation of public landscaped areas; use an alternative water supply source, where possible; and use reclaimed water for non-potable purposes, where possible. The city will comply with the water use restrictions for Stage 1 when Stage 1 is implemented.
- (3) Water use restrictions.
 - (a) A person may not irrigate outdoors at a residential facility or a commercial facility except on a designated outdoor water use day for the location.
 - (b) Outdoor irrigation is permitted by a permanently installed automatic irrigation system before 8:00 a.m. and after 7:00 p.m. on an outdoor water use day as designated by the city.
 - (c) Outdoor irrigation is permitted if it is by means of a handheld hose equipped with a positive shutoff nozzle, a faucet-filled bucket, or a watering can of five gallons or less on a designated outdoor water use day before 10:00 a.m. or after 7:00 p.m.
 - (d) Outdoor irrigation is permitted by a hose-end sprinkler or a soaker hose before 8:00 a.m. and after 7:00 p.m. on an outdoor water use day as designated by the city.
 - (e) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle is prohibited except on designated watering days before 10:00 a.m. and after 7:00 p.m. When allowed, such washing must be done with a handheld bucket or hose equipped with a positive shutoff nozzle. This restriction does not apply to commercial carwash or a commercial service station or if washing is necessary to protect the health, safety, and welfare of the public. Charity carwashes are prohibited without a permit approved by the city.
 - (f) Watering the ground around a foundation to prevent foundation cracking is permitted.
 - (g) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is permitted.

- (h) 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.
 - (i) A person may not operate a patio mister at a commercial facility except between the hours of 4:00 p.m. and midnight
 - (j) Use of water from hydrants will be limited to firefighting and 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 a permit for construction water from the city.
 - (k) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days before 8:00 a.m. and after 7:00 p.m. However, suppose the golf course utilizes an irrigation water source other than potable water obtained from the utility provider's water distribution system. In that case, the facility will not be subject to these regulations.
 - (l) All restaurants are prohibited from serving water to their customers except upon the customer's request.
 - (m) A person may not use or allow the use of water to wash, rinse, or treat any outdoor surface, including but not limited to a sidewalk, driveway, parking area, street, tennis court, patio, or other paved area or outdoor building surface, unless using a hose with a positive shutoff valve or a single, refillable vessel with water on the person's designated watering day. A person commits a separate offense for each outdoor surface washed in violation of this subsection.
- (4) Prohibited waste of water. Waste of water (section 2.03) is prohibited year-round regardless of stage restrictions.
- (5) Notwithstanding the prohibitions in this section, irrigation of new landscape installation is permitted. In that event, irrigation may only occur during the hours permitted under subsection 2.06(B)(3) and in accordance with the following 30-day irrigation schedule:
- (a) For the first ten days after installation, once a day;
 - (b) For days 11 through 20 after installation, once every other day; and
 - (c) For days 21 through 30 after installation, once every third day.
- (C) Stage 2 - severe water shortage conditions.
- (1) Goal. Achieve a 25 percent reduction in average daily water usage (e.g., total water use, daily water demand, etc.).
 - (2) Supply management measures. The city will reduce or discontinue flushing of water mains; reduce or discontinue irrigation of public landscaped areas; use an alternative water supply source, where possible; and use reclaimed water for non-potable purposes, where possible. The city must comply with the water use restrictions for Stage 2 when Stage 2 is implemented.

(3) Water use restrictions.

- (a) A person may not irrigate outdoors at a residential facility or a commercial facility except on a designated outdoor water use day for the location.
- (b) Outdoor irrigation is permitted by a permanently installed automatic irrigation system before 8:00 a.m. and after 7:00 p.m. on an outdoor water use day as designated by the city.
- (c) Outdoor irrigation is permitted if it is by means of a handheld hose equipped with a positive shutoff nozzle, a faucet-filled bucket, or a watering can of five gallons or less on a designated outdoor water use day before 10:00 a.m. or after 7:00 p.m.
- (d) Outdoor irrigation is permitted by a hose end sprinkler or a soaker hose before 8:00 a.m. and after 7:00 p.m. on an outdoor water use day as designated by the city.
- (e) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle is prohibited. This restriction does not apply to commercial carwash or a commercial service station or if washing is necessary to protect the health, safety, and welfare of the public.
- (f) Charity carwashes are prohibited without a permit approved by the city.
- (g) Watering the ground around a foundation to prevent foundation cracking is only permitted on a resident's designated outdoor water use day before 10:00 a.m. or after 7:00 p.m.
- (h) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is permitted.
- (i) 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.
- (j) A person may not operate a patio mister at a commercial facility is prohibited
- (k) Use of water from hydrants will be limited to firefighting and 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 a permit for construction water from the city.
- (l) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days before 8:00 a.m. and after 7:00 p.m. However, suppose the golf course utilizes an irrigation water source other than potable water obtained from the utility provider's water distribution system. In that case, the facility will not be subject to these regulations.
- (m) All restaurants are prohibited from serving water to their customers except upon the customer's request.
- (n) A person may not use or allow the use of water to wash, rinse, or treat any outdoor surface, including but not limited to a sidewalk, driveway, parking area, street, tennis court, patio, or other paved area or outdoor building surface, unless using a hose with a positive shutoff valve or a single, refillable vessel with water. A person commits a separate offense for each outdoor surface washed in violation of this subsection.

- (4) Prohibited waste of water. Waste of water (section 2.03) is prohibited year-round regardless of stage restrictions.
- (5) Notwithstanding the prohibitions in this section, irrigation of new landscape installation is permitted. In that event, irrigation may only occur during the hours permitted under subsection 2.06(C)(3) and in accordance with the following 30-day irrigation schedule:
 - (a) For the first ten days after installation, once every other day.
 - (b) For days 11 through 20 after installation, once every third day; and
 - (c) For days 21 through 30 after installation, once every third day.

(D) Stage 3 - emergency water shortage conditions.

(1) Goal. Achieve a 30 percent reduction in average daily water use (e.g., total water use, daily water demand, etc.) over a rolling 12-month period.

(2) Supply management measures. The city must reduce or discontinue flushing of water mains; reduce or discontinue irrigation of public landscaped areas; use an alternative water supply source, where possible; and use reclaimed water for non-potable purposes, where possible. The city must comply with the water use restrictions for Stage 3 when the restrictions are implemented.

(3) Water use restrictions.

- (a) All outdoor irrigation is prohibited.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle is prohibited. This restriction does not apply to commercial carwash or a commercial service station or if washing is necessary to protect the health, safety, and welfare of the public.
- (c) Charity carwashes are prohibited.
- (d) Watering the ground around a foundation to prevent foundation cracking is prohibited.
- (e) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited.
- (f) 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.
- (g) A person may not operate a patio mister at a commercial facility
- (h) Use of water from hydrants will be limited to firefighting and 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 a permit for construction water from the city.
- (i) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited. However, if the golf course utilizes an irrigation water source other than potable water obtained from the utility provider's water distribution system, the facility will not be subject to these regulations.
- (j) All restaurants are prohibited from serving water to their customers except upon the customer's request.
- (k) A person may not use or allow the use of water to wash, rinse, or treat

any outdoor surface, including but not limited to a sidewalk, driveway, parking area, street, tennis court, patio, or other paved area or outdoor building surface. A person commits a separate offense for each outdoor surface washed in violation of this subsection.

- (1) No applications for building permits for new pools or irrigation facilities other than drip irrigation systems will be allowed or approved.
- (4) Prohibited waste of water. Waste of water (section 2.03) is prohibited year-round regardless of stage restrictions.
- (5) Irrigation of new landscape installations is prohibited.

2.07 WATER RATIONING.

If water shortage conditions threaten public health, safety, and welfare, the City Manager may ration water according to the following water allocation plan:

(A) Single-family residential customers.

- (1) The allocation to residential water customers residing in a single-family dwelling will be as follows:

<u>Persons per Household</u>	<u>Gallons per Month</u>
1 or 2	6,000
3 or 4	7,000
5 or 6	8,000
7 or 8	9,000
9 or 10	10,000
11 or more	12,000

- (2) It will be assumed that a particular customer’s household is comprised of two people unless the customer notifies the city of a more significant number of persons per household on a form prescribed by the City Manager. The City Manager will use their best efforts to see that the forms are mailed, otherwise provided, or made available to every residential customer. If, however, a customer does not receive such a form, it will be the customer’s responsibility to go to the city utility billing offices to complete and sign the form claiming more than two persons per household. New customers may claim more people

per household at the time of applying for water service on the form prescribed by the City Manager. When the number of people per household increases to place the customer in a different allocation category, the customer may notify the city on such form, and the change will be implemented in the next practicable billing period. If the number of persons in a household is reduced, the customer must notify the city in writing within two days.

- (3) Any person who falsely reports the number of persons in a household or fails to timely notify the city of a reduction in the number of people in a household commits a class C misdemeanor offense and may be fined not less than \$50.00 and more than \$500.00. No culpable mental state is required to prove this offense. However, if it is shown on the trial of the offense that the offense was committed intentionally, knowingly, recklessly, or with criminal negligence, then the person may be fined not more than \$2,000.00.
- (4) Residential water customers who exceed their monthly allocation of water will pay the following surcharges:
 - (a) For every 100 gallons used over the monthly water allocation, customers will pay 150% of the average volume charge for 25,001 gallons and up.
- (5) Surcharges shall be cumulative, added to the monthly utility bill, and subject to late payment penalties, including suspension of services.

(B) Master-metered multifamily residential customers.

- (1) A customer billed from a master meter that jointly measures water to multiple permanent residential dwelling units (e.g., apartments, mobile homes) will be allocated 6,000 gallons per month for each dwelling unit. All master meter customers shall notify the city of the number of dwelling units served from the master meter on a form prescribed by the City Manager. The city will use its best efforts to ensure the forms are mailed, otherwise provided, or made available to every customer. If, however, a customer does not receive a form, it will be the customer's responsibility to go to the city utility billing offices to complete and sign the form claiming the number of dwelling units. A dwelling unit may be claimed under this provision, whether 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 must notify the city in writing within two days. In prescribing the method for claiming more than two dwelling units, the City Manager will adopt strategies to ensure the accuracy of the claim.
- (2) Any person who falsely reports the number of dwelling units served by a master meter or fails to timely notify the city of a reduction in the number of persons in a household commits a class C misdemeanor offense and may be fined not less than \$500.00. No culpable mental state is required to prove this offense. However, if it is shown on the trial of the offense that the offense was committed intentionally, knowingly, recklessly, or with criminal negligence, then the person may be fined not more than \$2,000.00.

- (3) Customers billed from a master meter under this provision who exceed their monthly allocations must pay the following monthly surcharges:
 - (a) For every 100 gallons used over the monthly water allocation, customers will pay 150% of the average volume charge for 25,001 gallons and up for each dwelling unit.
 - (4) Surcharges shall be cumulative, added to the monthly utility bill, and subject to late payment penalties, including suspension of services.
- (C) Commercial customers.
- (1) The city will establish a monthly water usage allocation for each nonresidential commercial customer other than an industrial customer who uses water for processing purposes. The nonresidential customer's allocation will be 75% of the customer's usage for the corresponding month's billing period for the immediately preceding 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 will be used for any monthly period for which no history exists. Provided, however, that a customer, 75% of whose monthly usage is less than 6,000 gallons, will be allocated 6,000 gallons. The city will make its best efforts to see that notice of each nonresidential customer's allocation is mailed to each customer. If, however, a customer does not receive the notice, it will be the customer's responsibility to contact the city utility billing offices to determine the allocation. Upon request of the customer or at the initiative of the city, the allocation may be reduced or increased if: (a) the designated period does not accurately reflect the customer's average water usage; (b) one nonresidential customer agrees to transfer part of its allocation to another nonresidential customer in a binding agreement satisfactory to the city; or (c) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal the request for allocation decision to the City Manager.
 - (2) Nonresidential commercial customers who exceed monthly allocation must pay the following surcharges:
 - (a) Customers whose allocation is 0 gallons through 10,000 gallons per month:
 - (i) For every 100 gallons used over the monthly water allocation, customers will pay 150% of the average volume charge for 25,001 gallons and up.
 - (b) Customers whose allocation is 10,001 gallons per month or more:
 - (i) For every 100 gallons used over the monthly water allocation, customers will pay 200% of the average volume charge for 25,001 gallons and up.
 - (3) Surcharges shall be cumulative, added to the monthly utility bill, and subject to late payment penalties, including suspension of services.

(D) Industrial customers.

(1) The city will establish a monthly water usage allocation for each industrial customer. The industrial customer's allocation will be approximately 90% of the customer's water usage baseline, as defined below. Ninety days after the initial imposition of the allocation for industrial customers, the industrial customer's allocation will be further reduced to 80% of the customer's water usage baseline. The industrial customer's water usage baseline will be computed on the average water usage for the immediately preceding 12-month period. 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 will be used for any monthly period for which no billing history exists. The city will make its best efforts to see that notice of each industrial customer's allocation is mailed to each customer. If, however, a customer does not receive the notice, it will be the customer's responsibility to contact the city utility billing offices to determine the allocation, and the allocation will be fully effective, notwithstanding the lack of receipt of written notice. Upon request of the customer or at the initiative of the city, the allocation may be reduced or increased if: (a) the designated period does not accurately reflect the customer's average water usage because the customer had shut down a significant processing unit for repair or overhaul during the period; (b) the customer has added or is in the process of adding significant additional processing capacity; (c) the customer has shut down or significantly reduced the production of a major processing unit; (d) the customer has previously implemented significant permanent water conservation measures such that the ability to reduce usage further is limited; (e) the customer agrees to transfer part of its allocation to another industrial customer in a binding document satisfactory to the city; or (f) 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.

(2) Industrial customers who exceed monthly allocation must pay the following surcharges:

- (a) Customers whose allocation is 0 gallons through 20,000 gallons per month:
 - (i) For every 100 gallons used over the monthly water allocation, customers will pay 200% of the average volume charge for 25,001 gallons and up.
- (b) Customers whose allocation is 20,001 gallons per month or more:
 - (i) For every 100 gallons used over the monthly water allocation, customers will pay 250% of the average volume charge for 25,001 gallons and up.

(3) Surcharges shall be cumulative, added to the monthly utility bill, and subject to late payment penalties, including suspension of services.

2.08 OFFENSE.

(A) A person commits an offense if the person:

- (1) directs, performs, authorizes, requests, allows, assists, facilitates, or permits an act prohibited by this subchapter;

- (2) fails to perform an act required by this subchapter; or
 - (3) uses water in a manner contrary to any provision of this subchapter.
- (B) Each day or part of the day during which the violation is committed or continued is a separate offense.
- (C) An offense under this chapter is punishable by a fine not exceeding \$2,000.00.

2.09 ENFORCEMENT.

- (A) For purposes of this article, the person or customer in whose name the utility billing office last billed or who is receiving the economic benefit of the water supply is presumed to have knowingly made, caused, used, or permitted the use of water obtained from the city for residential, commercial, industrial, agricultural, governmental or any other purpose in a manner contrary to any provision of this article and proof that the violation occurred on the person's or customer's property shall constitute a rebuttal presumption that the person or customer committed the violation.
- (B) Each act of city water use in violation of this article shall constitute and be punishable as a separate offense. Each day that any violation continues shall include and be punishable as a separate offense. Unless another penalty is expressly provided by this code or by state law, the penalty for breach of any provision of this article shall be as follows:
- (1) For subsection 2.06(A) Conservation Stage violations, the City of Manor's Water Utility may issue a fine of up to \$500.00.
 - (2) For violations of subsection 2.06(B) Stage 1 Restrictions, the City of Manor's Water Utility may issue a fine of \$500.00 to \$1000.00.
 - (3) For subsection 2.06(C) Stage 2 Restrictions violations, the City of Manor's Water Utility may issue a fine of \$1000.00 to \$1500.00.
 - (4) For violations of subsection 2.06(D) Stage 3 Restrictions, the City of Manor's Water Utility may issue a fine of \$1500.00 to \$2000.00.
- (C) If a person is convicted for three or more violations of this article within a 12-month period, water service may be disconnected or restricted.
- (D) If the violation constitutes a waste of water and the waste of water is not and will not become a hazard to public safety, a city worker shall leave a notice of the violation at the customer's residence and attempt to contact the customer by phone, email, or at their residence. If the waste of water continues for more than 24 hours after the waste of water violation notice has been delivered, a city worker may enter the customer's property to turn off the customer's water. A notice that the water has been turned off shall be left at the customer's residence.
- (E) If the violation constitutes a waste of water, a city worker shall attempt to contact the

customers by phone, email, or at their residence. If the waste of water is or soon will be a hazard to public safety, a city employee may enter the customer's property to turn off the customer's water. A notice that the water has been turned off shall be left at the customer's residence.

- (F) Under this article, proof of a culpable mental state is not required for a conviction of an offense.

2.10 VARIANCES.

- (A) A review board consisting of the city staff members appointed by the City Manager will be established on May 1 of each year. The review board will review hardship and special cases that cannot strictly comply with this subchapter to determine whether the cases warrant a variance, permit, or compliance agreement (collectively, "variance").
- (B) All applications for a variance must be submitted to the review board on an "application for variance/permit/compliance agreement" form and must include a non-refundable fee of \$200.00 and the following:
 - (1) Name and address of the petitioner(s);
 - (2) Purpose of water use;
 - (3) Specific provision(s) of this Plan from which the petitioner is requesting relief;
 - (4) Detailed statement as to how the specific provision of this Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if the petitioner complies with this subchapter;
 - (5) Description of the relief requested;
 - (6) Period for which the variance is sought;
 - (7) 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; and
 - (8) Other pertinent information.
- (C) The review board will decide no later than the 5th working day after receipt of a properly completed "application for variance/permit/compliance agreement" form, and the non-refundable administrative fee of \$200.00 is received by the review board.
- (D) Until the review board has acted on an application, the applicant must comply with all provisions of this subchapter. The review board may not approve a variance if the terms and conditions do not meet or exceed the purpose and intent of this subchapter.
- (E) A variance may be granted only for reasons of economic hardship or health conditions substantiated by a licensed physician. In this section, "economic hardship" means an imminent threat to a person's or entity's primary source of income. If the review board determines there is an economic hardship, it may authorize the implementation of

alternative water use restrictions that further the purposes of this Plan. Alternative water use restrictions must be set forth on the face of the variance, and the customer must keep a copy of the variance in a location that is accessible by and visible to the public. Inconvenience or the potential for damage to landscaping does not constitute an economic hardship under this section. **NO VARIANCES MAY BE GRANTED WHILE THE CITY IS IN STAGE 2 OF THIS PLAN OR HIGHER.**

- (F) The review board may, in writing, grant a temporary variance for existing water uses otherwise prohibited under this Plan if it determines 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 either of the following conditions are met:
 - (1) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which this Plan is in effect; or
 - (2) Alternative methods that will achieve the same level of reduction in water use can be implemented.

- (G) Variances in the city grants are subject to the following conditions unless waived or modified by the review board.
 - (1) Variances must include a timetable for compliance; and
 - (2) Variances expire when this Plan is no longer in effect unless the petitioner has failed to meet specified requirements.

- (H) A variance may not be retroactive or otherwise justify any violation of this Plan occurring before the variance is issued.