

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 099-030

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS ADOPTING A DROUGHT CONTINGENCY PLAN; PROVIDING DEFINITIONS; PROVIDING TRIGGERING CRITERIA FOR INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES; PROVIDING Q VARIANCE PROCEDURE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF ONE THOUSAND DOLLARS (\$1,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Addison, Texas (the "City") is a home rule city possessing the full powers of local self government pursuant to Article 11, Section 5, Texas Constitution and its Home Rule Charter; and

WHEREAS, pursuant to such authority and in order to protect the citizens of the City during drought conditions, the City has developed the regulations set forth and adopted herein; and

WHEREAS, prior to the adoption of this Ordinance, the public was given an opportunity to comment regarding the regulations adopted herein at a public hearing held by the City Council; and

WHEREAS, in order 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 water supply shortage or other water supply emergency conditions, the City hereby adopts the following regulations and restrictions on the delivery and consumption of water.

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

+ **Section 1. Incorporation of Premises; Non-Essential Water Uses.**

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

Water uses regulated or prohibited under this Ordinance (hereinafter referred to as the "Drought Contingency Plan" or the "Plan") are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are

deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section 7 of this Plan.

Section 2. Public Education.

The City, by and through its Department of Public Works, shall periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information may be provided by means of utility bill inserts and press releases or such other means as the Director of Public Works may determine.

Section 3. Coordination with Regional Water Planning Groups.

The service area of the City is located within Region C and the Town of Addison, Texas has provided a copy of this Plan to the TNRCC, City of Dallas, and State Planning Region.

Section 4. Authorization.

The City Manager, or his/her designee, is hereby authorized and directed to implement the applicable provisions of the Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The City Manager or his/her designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

Section 5. Application.

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

Section 6. Definitions.

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

Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Commercial and institutional water use: water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels, and motels, restaurants, and office buildings.

Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer: any person, company, or organization using water supplied by the City.

Domestic water use: water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Even number address: street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

Non-essential water use: water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:

- (a) irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
- (b) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (c) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (d) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (e) flushing gutters or permitting water to run or accumulate in any gutter or street;
- (f) use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
- (g) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (h) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (i) use of water from hydrants for construction purposes or any other purposes other than fire fighting.

Odd numbered address: street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

Section 7. Triggering Criteria for Initiation and Termination of Drought Response Stages.

The City purchases 100% of its potable water from the City of Dallas. Therefore, the emergency water management triggering measures will be the same as those of the City of Dallas. Also, Triggering Criteria may be initiated as a result of short term deficiencies and or emergencies specific to the Town of Addison.

Following are the triggering criteria for initiation and termination of drought response stages:

Stage 1: Water Watch

Triggering Criteria: Total raw water supply in connected lakes drops below 55 percent of total conservation storage, demand exceeds 90 percent of deliverable capacity for three consecutive days, or short term deficiencies in distribution system limit supply capability.

Below are examples of the types of triggering criteria that might be used in a drought contingency plan. One or a combination of such criteria may be defined for each drought response stage:

Example 1: When, pursuant to requirements specified in the City wholesale water purchase contract with the City of Dallas, notification is received requesting initiation of Stage 1 of the Drought Contingency Plan.

Example 2: Continually falling treated water reservoir levels which do not refill above 50 percent overnight (e.g., based on an evaluation of minimum treated water storage required to avoid system outage).

Actions Available (applied to all customers as necessary)

- The City Manager or designee requests voluntary reductions in water use.
- Accelerate public information efforts to teach and encourage reduced water use.
- Staff will begin a review of the problems which initiated the Stage 1 actions.
- Notify major water users and work with them to achieve voluntary water use reduction.
- Prohibit city government use of water for street washing, vehicle washing, operation of ornamental fountains and all other non-essential use.
- Request a reduction in landscape watering by city government.

Termination Criteria

- All initiated actions will remain in effect until the conditions which triggered Stage 1 have been alleviated. If Stage 1 is initiated because of excessive demands, all initiated actions will remain in effect through September 30 of the year in which they were triggered, or until the Director of Dallas Water Utilities determines that these measures are no longer required.

Stage 2: Water Warning

Triggering Criteria: Total raw water supply in connected lakes drops below 50 percent of total conservation storage or demand exceeds 95 percent of deliverable capacity for two consecutive days. Stage 2 actions will not ordinarily be taken until Stage 1 actions have first been implemented.

Actions Available (applied to all customers, as necessary)

- Continue public information efforts regarding water supply conditions and conservation efforts.
- Begin mandatory water use restrictions as follows:
- Prohibit hosing off of paved areas, building or windows; operation of ornamental fountains, swimming pool draining followed by refilling washing or rinsing vehicles by hose; using water in such a manner as to allow runoff or other water wastes.

Exceptions: Vehicles may be washed or rinsed with a hose at commercial car washes; vehicles may be washed at any location with a bucket or other container.

- Limit landscape watering at each service address to once every five days based on the last digit of the address per the schedule below.

Last Digit of Address

Allowed Water Dates

0 and 5	5 th , 10 th , 15 th , 20 th , 25 th , 30 th
1 and 6	1 st , 6 th , 11 th , 16 th , 21 st , 26 th
2 and 7	2 nd , 7 th , 12 th , 17 th , 22 nd , 27 th
3 and 8	3 rd , 8 th , 13 th , 18 th , 23 rd , 28 th
4 and 9	4 th , 9 th , 14 th , 19 th , 24 th , 29 th

No watering will be allowed on the 31st. Apartments, office building complexes or other property containing multiple addresses will be identified by the lowest address number.

Where there are no numbers, a number will be assigned by the director. These restrictions also apply to government facilities.

Exceptions: Foundations, azaleas, and new plantings (first year) of trees and shrubs may be watered with a hand-held or soaker hose on any day for up to two hours; nurseries may water plant stock only without restrictions; public gardens, may water without restriction.

Enforcement: Violations of restrictions will result in a warning, and then a citation may be issued with a fine not to exceed \$1,000 per incident.

Termination Criteria:

- All initiated actions will remain in effect until the conditions which triggered Stage 2 have been alleviated. If Stage 2 is initiated because of excessive demands, all initiated actions will remain in effect through September 30 of the year in which they were triggered, or until the Director of Dallas Water Utilities determines that conditions exist which will allow removal of Stage 2 actions.

Stage 3: Water Emergency

Triggering Criteria: Total raw water supply in connected lakes drops below 35 percent of total conservation storage or demand exceeds 95 percent of deliverable capacity for five consecutive days. Stage 3 actions will not ordinarily be taken until Stage 2 actions have first been implemented.

Actions Available (applied to all customers, as necessary)

- Implement recommended engineering alternatives.
- Continue implementation of all restrictions from previous stages.
- Prohibit residential or commercial lawn watering and car washing between the hours of 9 a.m. and 9 p.m.
- Foundations, shrubs, and trees may be watered with soaker or hand-held hose on the same five-day rotational basis and landscapes for up to two hours.
- Public gardens may water only between the hours of 9 p.m. and 9 a.m.
- Nurseries may water plant stock only between the hours of 9 p.m. and 9 a.m.

Enforcement

- Violations of restrictions will result in a warning, and then a citation may be issued with a fine not to exceed \$1,000 per incident.

Termination Criteria

- All initiated actions will remain in effect until the conditions which triggered Stage 3 have been alleviated. If Stage 3 is initiated because of excessive demands, all initiated actions will remain in effect through September 30 of the year in which they were triggered, or until the Director of Dallas Water Utilities determines that conditions exist which will allow removal of Stage 3 actions.

Stage 4: Water Crisis

Triggering Criteria: Total raw water supply in connected lakes drops below 20 percent of total conservation storage or demand exceeds 100 percent of deliverable capacity for two consecutive days. Stage 4 actions will not ordinarily be taken until Stage 3 actions have first been implemented.

Actions Available (applied to all customers, as necessary)

- Continue implementation of all restrictions from previous stages.
- Prohibit all commercial and residential landscape watering including golf courses with the following exceptions:
- Nurseries' plant stock may be watered between the hours of 9 p.m. and 9 a.m. once every five days based on the last digit of their address per the schedule in Stage 2.
- Public gardens, may water between the hours of 9 p.m. and 9 a.m. once every five days based on the last digit of their address per the schedule in Stage 2.
- Foundations may be watered for a two hour period between the hours of 9 p.m. and 9 a.m. with a soaker or hand-held hose on the five-day rotational basis prescribed for landscape watering in Stage 2.
- Any and all washing of vehicles is prohibited.
- All commercial water users may be required to reduce water consumption by a percentage determined by the director.

Enforcement

- Violations of restrictions will result in a warning, and then a citation may be issued with a fine not to exceed \$1,000 per incident.

Termination Criteria

- All initiated actions will remain in effect until the conditions which triggered Stage 4 have been alleviated. If Stage 4 is initiated because of excessive demands, all initiated actions will remain in effect through September 30 of the year in which they were triggered, or until the Director of Dallas Water Utilities determines that conditions exist which will allow removal of Stage 4 actions.

Section 8. Variances.

The City Manager (designated official), or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such a variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance an if one or more of the following conditions are met:

- (a) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
- (b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption for the provisions of this Ordinance shall file a petition for a variance with the City within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the City Manager, or his/her designee, and shall include the following:

- (a) Name and address of the petitioner(s).
- (b) Purpose of water use.
- (c) Specific provision(s) of the Plan from which the petitioner is requesting relief.
- (d) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- (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 Plan and the compliance date.
- (h) Other pertinent information as may be required by the City Manager or his designee.

Variations granted by the City Manager or his designee shall be subject to the following conditions, unless waived or modified by the City Manager (designated official) or his/her designee:

- Variations granted shall include a timetable for compliance.
- Variations granted shall expire when the Plan is not longer in effect, unless the petitioner has failed to meet specified requirements.

No variance shall be retroactive or otherwise justify any violation of the Plan occurring prior to the issuance of the variance.

Section 9. Savings. This Ordinance shall be cumulative of all other ordinances of the City affecting water and water service and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those Ordinances are in direct conflict with the provisions of this Ordinance.

Section 10. Severability. The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 11. Penalty. It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not more than One Thousand Dollars (\$1,000.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

Section 12. Effective Date. This Ordinance shall become effective from and after its date of passage and publication as provided by law.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS,
on this the 24th day of August, 1999.



MAYOR

ATTEST:


CITY SECRETARY

Published
9/24/99

