

ORDINANCE NO. 71-1984

AN ORDINANCE AMENDING CHAPTER 32, "Utilities BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 32, "Utilities" of the Abilene Municipal Code be amended as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Two Hundred Dollars (\$200.00). Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper as provided by Section 19 of the Charter of the City of Abilene, Texas.

PASSED ON FIRST READING this 28 day of June, A.D.

19 84.

PASSED ON SECOND AND FINAL READING this 12 day of July, A.D. 19 84.

ATTEST:

*Patricia Pittor*  
CITY SECRETARY

*David Stubbeman*  
MAYOR

APPROVED:

*Mary Landers*  
CITY ATTORNEY

ORDINANCE NO. 71-1984  
EXHIBIT A

Amend Chapter 32, by adding a new Article VI "Water Conservation" beginning with Section 32-140, as follows:

ART. VI. WATER CONSERVATION  
Div. 1 In General.

Sec. 32-140 Scope.

There is hereby established a City of Abilene Emergency Conservation Plan with objectives as follows:

1. Decrease the magnitude of seasonal peaks by reducing peak demand and the duration of peak periods.
2. Eliminate the waste of water.
3. Decrease the daily consumption to levels consistent with available raw water supplies during drought or other critical periods.
4. Ensure all customers served by the water and wastewater system a safe and uniformly adequate level of service.
5. Ensure adequate fire flows throughout the system.
6. Provide all customers with the opportunity to voluntarily reduce their demand.
7. Implement the Plan fairly and in a manner that preserves, to the greatest extent possible, and aesthetic qualities of Abilene.

Sec. 32-141 Declaration of Policy.

It is hereby declared that, because of the conditions prevailing in the City of Abilene, the general welfare requires that the water resources available to the City be put to the maximum beneficial use to the extent to which they are capable, and that the waste or unreasonable use, or unreasonable method of use of water be prevented, and the conservation of such water is to be extended with a view to the reasonable and beneficial use thereof in the interests of the people of the City of Abilene and for the public welfare.

Sec. 32-142 Authorization.

The Mayor, or his designates, upon the recommendation of the City Manager and the Director of Water Utilities is hereby authorized and directed to implement the applicable provisions of this Chapter upon their determination that such implementation is necessary to protect the public welfare and safety.

Sec. 32-143 Application.

The provisions of this Chapter shall apply to all persons, customers, and property served by the Department of Water Utilities wherever situated.

Div. 2. Water Conservation Stages.

Sec. 32-144 No customer of the City of Abilene Water Utilities shall make, cause, use or permit the use of water from the City for residential, commercial, industrial, agricultural, governmental or any other purpose in a manner contrary to any provision of this Chapter, or in an amount in excess of that use permitted by the conservation stage in effect pursuant to action taken by the Mayor or his designate in accordance with the provisions of this Chapter.

The attached guidelines shall set forth the criteria for determining when a particular conservation stage is to be implemented and terminated. Such guidelines shall be updated when, in the opinion of the Director, the conditions of the utility system have changed so as to necessitate such updating. The Director shall include in such guidelines a calendar symbol system designating allowed days for irrigation by customers. Said guidelines shall be available for inspection at the City Secretary's office and the Water Administration office during normal business hours.

a. Stage 1. Voluntary Conservation.

Customers of the utility of the City of Abilene are requested to voluntarily limit the amount of water used to that amount absolutely necessary for health, business, and irrigation, and to make every effort to prevent the waste of water.

b. Stage 2. Voluntary Compliance - Water Alert.

Upon implementation by the Mayor and publication of notice, the following restrictions shall apply to all persons:

1. Irrigation utilizing individual sprinklers or sprinkler systems of lawns, gardens, landscaped areas, trees, shrubs or other plants is prohibited except on a designated day which shall be once every five (5) days, and only then during the hours of 1:00 a.m. to 10:00 a.m. and 9:00 p.m. to 12:00 midnight. Provided, however, irrigation of gardens, trees and shrubs is permitted at any time on any day if:
  - a hand-held hose is used, or
  - a hand-held, faucet-filled bucket of five (5) gallons or less is used, or
  - a drip irrigation system is used.

EXCEPTION: New lawns that have been seeded, sodded or mulched may water each section daily for fifteen (15) minutes once during each of the following periods: 9:00 p.m. and 10:00 p.m.; 6:00 a.m. and 10:00 a.m. and 2:00 p.m. and 4:00 p.m. for a maximum of two (2) weeks. Thereafter, designated irrigation days and hours will apply.

2. The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment is prohibited except on designated irrigation days between the hours of 1:00 a.m. to 10:00 a.m. and 9:00 p.m. to 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket, or a hand-held hose equipped with a positive shut-off nozzle for quick rinses. The nozzle shall be removed when the hose is not in use.

EXCEPTION: Washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety and welfare of the public is contingent upon frequent vehicle cleanings, such as garbage trucks and vehicles to transport food and perishables.

3. The refilling or adding of water to swimming and/or wading pools is prohibited except on designated irrigation days between the hours of 1:00 a.m. to 10:00 a.m. and 9:00 p.m. to 12:00 midnight.
4. The operation of any ornamental fountain or other structure making similar use of water is prohibited except for those fountains/structures with a recycling system. The use of treated water to fill, refill or maintain the level of any fountain is prohibited.
5. Use of water from fire hydrants shall be limited to fire fighting, related activities and/or other activities necessary to maintain the health, safety and welfare of the citizens of Abilene.
6. The following uses of water are defined as "waste of water" and are absolutely prohibited:
  - allowing water to run off to a gutter, ditch or drain for more than 75 feet from the downgrade property line;
  - failure to repair a controllable leak;
  - washing sidewalks, driveways, parking areas, tennis courts, patios or other paved areas, except to alleviate immediate fire hazards.
7. All restaurants are prohibited from serving water to its customers except when specifically requested by the customer.

c. Stage 3. Mandatory Compliance-Water Warning.

Upon implementation by the Mayor and publication of notice, the following restrictions shall apply to all persons. All elements of Stage 2 shall be in effect in Stage 3 on a mandatory basis except that:

1. The new lawn exemption allowing daily irrigation will terminate two weeks from the date of Stage 3 implementation.

d. Stage 4. Mandatory Compliance-Water Emergency.

Upon implementation by the Mayor and publication of notice, the following restrictions shall apply to all persons. All elements of Stage 3 shall remain in effect in Stage 4 except that:

1. All outdoor irrigation of vegetation shall be allowed only between the hours of 5:00 a.m. and 7:00 a.m. on designated days.

EXCEPTION: Commercial nurseries may water stock daily between the hours of 9:00 a.m. and 12:00 noon provided a hand-held hose or bucket is used.

2. The washing of all automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment shall be prohibited.

EXCEPTION: The washing of automobiles, trucks, trailers, or other types of mobile equipment in the immediate interest of the public health, safety and welfare shall be allowed as needed. Commercial car washes utilizing recycled water systems and/or hand-held spray nozzles of 2 gpm or less may be allowed to operate Tuesday through Saturday during the hours of 8:00 a.m. to 6:00 p.m.

3. The filling, refilling or adding of water to swimming and/or wading pools is prohibited.
4. The operation of any ornamental fountain or similar structure is prohibited.
5. Industrial and commercial users of large volumes of water shall make every effort to reduce usage to the minimum amount necessary to operate at minimum levels of production.

e. Stage 5. Mandatory Compliance-Water Crisis.

Upon implementation by the Mayor and publication of notice, the following restrictions shall apply to all persons. All elements of Stage 4 shall remain in effect in Stage 5 except that:

1. All outdoor irrigation of vegetation is prohibited.
2. Only washing of mobile equipment in the critical interest of the public health shall be allowed.
3. Water used for industrial purposes not in the immediate interest of the public health, safety and welfare will be curtailed to the extent necessary.

Sec. 32-145 Mandatory Conservation Phase Implementation

The Water Utilities Department shall monitor the projected supply and demand for water by its customers on a dialy basis during the months of May, June, July, August and September, and shall recommend to the City Manager the extent of the conservation required through the implementation and/or termination of particular conservation stages in order for the Department to prudently plan for and supply water to its customers. Thereafter, the Mayor may order that the appropriate phase of water conservation be implemented or terminated in accordance with the applicable provisions of this Chapter. Said order shall be made by public announcement and shall be published a minimum of one (1) time in a daily newspaper of general circulation and continue to be published until such time as all restrictions are removed and shall become effective immediately upon such publications.

Section 32-146

TRIGGERING AND TERMINATING CONDITIONS FOR THE  
EMERGENCY WATER CONSERVATION PLAN

The Director of Water Utilities, or his designate, shall determine that condition warrant implementation and termination of the Plan. The triggering events for each stage shall be as follows:

a. Stage 1 - Voluntary Conservation

Voluntary conservation shall be requested annually.

b. Stage 2 - Water Alert

Combined treatment plant pumpage in excess of 45 mgd for three (3) consecutive days; or, pumpage in excess of 50 mgd for one (1) day; or continually falling ground and elevated storage levels which do not fill above 70% overnight; or depletion of the Ft. Phantom Reservoir to the elevation 1624 (eleven (11) feet below spillway).

Requirements for Termination of Stage 2:

Stage 2 shall terminate when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days.

Upon the termination of Stage 2, State 1 becomes operative.

c. Stage 3 - Water Warning

Combined treatment plant pumpage in excess of 50 mgd for two (2) consecutive days; or, continually falling ground and elevated reservoir levels which do not refill above 50% overnight; or, depletion of the Ft. Phantom Reservoir to the elevation 1620 (fifteen (15) feet below spillway).

Requirements for Termination of Stage 3:

Stage 3 shall be terminated when all of the conditions listed as triggering events have ceased to exist for a period of five (5) consecutive days.

Upon termination of Stage 3, Stage 2 becomes operative.

d. Stage 4 - Water Emergency

Combined treatment plant pumpage in excess of 52 mgd; or, depletion of the Ft. Phantom Reservoir to the elevation 1615 (twenty (20) feet below spillway).

Requirements for Termination of Stage 4:

Stage 4 shall be terminated when all of the conditions listed as triggering events have ceased to exist for a period of five (5) consecutive days.

Upon termination of Stage 4, Stage 3 becomes operative.

e. Stage 5 - Water Crises

Depletion of the Ft. Phantom Reservoir to the elevation 1612 (twenty-three (23) feet below spillway); or, major line breaks, or, pump or system failure which causes unprecedented loss of capability to provide service.

Requirements for Termination of Stage 5:

Stage 5 shall terminate when all the conditions listed as triggering events have ceased to exist.

Upon termination of Stage 5, Stage 4 becomes operative.

Section 32-147

Any of the above conditions may be adjusted to reflect changes in the water and wastewater system at the discretion of the Water Utilities Director and with the concurrence of the City Manager.

Div. 3 The Calendar Symbol System

Sec. 32-148 HOW?

The Plan is based upon a calendar symbol system. Although your calendar symbol is especially important for yard watering, it also determines many other water conservation activities.

Your symbol is determined by the LAST NUMBER of your house or property address.

IF your LAST NUMBER is:	Your SYMBOL is:
0 or 1	(circle)
2 or 3	(triangle)
4 or 5	(diamond)
6 or 7	(square)
8 or 9	(letter "X")

For example, if an address is 904 North 16th Street, the LAST NUMBER is 4; a diamond.

For your calendar symbol, YOU CAN ONLY WATER ONCE EVERY 5 DAYS. The times and ways you can water are determined by the water conservation stage in effect.

So, memorize your symbol; it's important! The calendars that will be published show you what days you can water (for multi-unit properties, the lowest address number determines your symbol).