

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 One Thousand Dollars (\$1,000.00), except as set out in Sections 32-144 and 32-147 herein. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense.

PART 4: A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 21 day of April, 19 85, the same being more then twenty-four (24) hours prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 9:00 a.m., on the 25 day of April, 19 85, to permit the public to be heard prior to final consideration of this ordinance. 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.

PASSED ON FIRST READING this 11 day of April, A.D. 19 85.

PASSED ON SECOND AND FINAL READING this 25 day of April, A.D. 19 85.

ATTEST:

Patricia J. Jett
CITY SECRETARY

David Stubbeman
MAYOR

APPROVED:

K. Lee Johnson
CITY ATTORNEY

EXHIBIT A

Amend Chapter 32, by repealing Article VI "Water Conservation" and enacting new Article VI "Drought Contingency Plan," as follows:

ART. VI DROUGHT-CONTINGENCY PLAN

Div. 1 In General.

Sec. 32-140 Scope.

There is hereby established a City of Abilene Drought Contingency 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 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 the aesthetic qualities of Abilene.

Sec. 32-141 Declaration of Policy.

It is hereby declared that, because of the decreasing availability of water resources in the City of Abilene, the general welfare requires that these resources be put to the maximum beneficial use to the extent to which they are capable, and that the waste, unreasonable use, or unreasonable method of use of water be prevented. Conservation is to be for the reasonable and beneficial use in the interest of the people of the City of Abilene and for the public welfare.

Sec. 32-142 Authorization.

The Mayor, or his designee, upon the recommendation of the City Manager and the Director of Water Utilities, is hereby authorized 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, including customers such as water supply corporations, and any others that receive water from the City on a contract basis.

These water use restrictions only apply to water from the City of Abilene water system. Customers are encouraged to develop and use alternate sources of water for outdoor uses and commercial car washes.

Sec. 32-144 Special Provisions.

1. The use of water for mixing of chemicals for pest infestation control is not restricted in any stage of this Drought Contingency Plan.
2. Allowing water to run off through a gutter, ditch or drain for more than 75 feet from the downgrade property line at any time for any reason is considered "waste of water" and is absolutely prohibited at all times and the conviction of such violation is punishable by a fine not to exceed \$200.00 per violation. Upon a third conviction of such violation, the customer's meter will be turned off and there will be a Two Hundred Dollar (\$200.00) reconnect fee.
3. All restaurants are prohibited from serving water to its customers except when specifically requested by the customer.

Div. 2 Drought Contingency Stages.

Sec. 32-145

No person shall make, cause, use or permit the use of water from the City of Abilene Water Treatment System for residential, commercial, industrial, agricultural, governmental or any other purpose in a manner contrary to provisions 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 designee in accordance with the provisions of this Chapter.

The attached guidelines shall set forth the criteria for determining when a particular drought contingency 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 prevent the waste of water.

b. Stage 2. Voluntary Compliance - Water Alert.

Upon announcement and implementation by the Mayor, the following guidelines shall apply to all persons:

- 1(a) Irrigation by all commercial, industrial and residential customers utilizing individual sprinklers or sprinkler systems of lawns, gardens, landscaped areas, trees, shrubs or other plants should be only as reasonably required, 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 acceptable at any time on any day if:

a hand-held hose is used, or
a faucet-filled container of five (5) gallons or less is used, or

a drip irrigation system such as soaker hose, deep root water system, bubbler.

- (b) Lawns that have been recently seeded, sodded or mulched may be watered daily for eight (8) minutes once during each of the following periods: 6:00 a.m. to 10:00 a.m.; 11:00 a.m. to 1:00 p.m.; 2:00 p.m. to 4:00 p.m. and 5:00 p.m. to 7:00 p.m. for a maximum of two (2) weeks. Thereafter, only when reasonably required and only during designated hours.
2. The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment should not occur more than once a week. Such washing, if done at locations other than commercial car washes, should be done with a five (5) gallon container, or a hand-held hose equipped with a quick shut-off nozzle for quick rinses. The nozzle shall be removed when the hose is not in use.
 3. The refilling or adding of water to swimming and/or wading pools should occur only when absolutely necessary.
 4. The operation of any ornamental fountain or other structure making similar use of water is discouraged except for those fountains/structures with a recycling system.
 5. Use of water from fire hydrants should 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 customers are encouraged to prevent their occurrence:
 - failure to repair a controllable leak;
 - washing sidewalks, driveways, parking areas, tennis courts, patios or other paved areas, except to alleviate immediate fire, health and safety hazards, or to prepare an area for pavement repair or application;
 - watering when raining.
- c. Stage 3. Mandatory Compliance-Water Warning.
- Upon announcement and implementation by the Mayor, the following restrictions shall apply to all persons:
- 1(a) Irrigation by all commercial, industrial and residential customers 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 six (6) 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 faucet-filled container of five (5) gallons or less is used, or
 - a drip irrigation system such as soaker hose, deep root water system, bubbler.

(b) Lawns that have been seeded, sodded or mulched less than two weeks prior to the implementation of Stage 3 may continue to be watered daily for eight (8) minutes once during each of the following periods: 6:00 a.m. to 10:00 a.m.; 11:00 a.m. to 1:00 p.m.; 2:00 p.m. to 4:00 p.m. and 5:00 p.m. to 7:00 p.m. for a maximum of two weeks. Two weeks after the implementation of Stage 3, designated irrigation days and hours will apply to all lawns regardless of their installation date.

2(a) The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment is limited to a five (5) gallon container, or a hand-held hose equipped with a quick shut-off nozzle for quick rinses. The nozzle shall be removed when the hose is not in use.

(b) Washing of items listed above in 2a may be done at any time on the immediate premises of a commercial car wash or commercial service station. Commercial car washes not utilizing recycling system shall reduce their consumption of water by 20%. The average usage of the previous period February through August, will be used to calculate the reduction required. If the health, safety and welfare of the public is contingent upon frequent vehicle cleanings, then washing of vehicles such as emergency vehicles, garbage trucks, and vehicles used to transport food and perishables will be allowed.

3. The refilling or adding of water to privately owned residential swimming and/or wading pools is prohibited except on designated irrigation days.

4. The operation of any ornamental fountain or other structure making similar use of water is prohibited except of 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 and related activities. Water for other activities such as industrial/domestic use, may be purchased from the bulk loading station.

6. The following uses of water are defined as "waste of water" and are absolutely prohibited:

failure to repair a controllable leak;

washing sidewalks, driveways, parking areas, tennis courts, patios or other paved areas, except to alleviate immediate fire, health and safety hazards, or to prepare an area for pavement repair or application.

d. Stage 4. Mandatory Compliance-Water Emergency.

Upon announcement and implementation by the Mayor, the following restrictions shall apply to all persons:

1(a) All watering of lawns and grass is prohibited.

(b) Irrigation of gardens, trees and shrubs by all commercial, industrial, and residential customers is permitted at any time on any day if:

a hand-held hose is used, or

a faucet-filled container of five (5) gallons or less is used, or

a drip irrigation system such as soaker hose, deep root water system, bubbler.

2. The washing of all automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment will be permitted at commercial car washes, or at other locations if a container of five (5) gallons or less is used for washing and rinsing.
3. The filling, refilling or adding water to a privately owned residential swimming and/or wading pool is prohibited.
4. The operation of any ornamental fountain or similar structure is prohibited.
5. Use of water from fire hydrants shall be limited to fire-fighting and related activities. Water for domestic use only may be purchased from the bulk loading station.

6. The following uses of water are defined as "waste of water" and are absolutely prohibited:

failure to repair a controllable leak;

washing sidewalks, driveways, parking areas, tennis courts, patios or other paved areas, except to alleviate immediate fire, health or safety hazards, or to prepare an area for pavement repair or application.

7(a) Commercial and industrial users of water shall reduce their monthly consumption of water by the following percentages according to category/priority of use. These monthly water reductions shall occur by means other than the amount being consumed for outside watering. The average usage of the previous period, February through August, will be used to calculate the reduction required.

(1) Car Washes:

If water is recycled - 10%

If not on recycle system - an additional 10% for a total of 30%

(2) All other commercial and industrial users that use water for other than drinking water or restrooms - 10%

An increased fee will be charged for any water consumption that does not comply with the required reductions.

The water fee in addition to regular charges is as follows:

\$5.00 per 1,000 gallons for first 5,000 gallons over allowed amount.

\$10.00 per 1,000 gallons for next 5,000 gallons.

\$20.00 per 1,000 gallons for higher usage.

Further, if a customer uses more than the allowed amount more than once at anytime during Stage 4, then after each such overuse, the above water charges will be added, the customer's water will be turned off and there will be a Two Hundred Dollar (\$200.00) re-connect fee.

Individual allotments may be adjusted by the Director based on historical water usage and conservation practices of customer.

The other restrictions of Stage 4 still apply to commercial and industrial users.

- (b) Each golf course shall be allotted no more than 3,000,000 gallons of raw water from Lake Kirby per calendar month (such allotment is intended primarily to maintain tees and greens).

e. Stage 5. Mandatory Compliance-Water Crisis.

Upon announcement and implementation by the Mayor, the following restrictions shall apply to all persons:

1. All outdoor irrigation of vegetation is prohibited.
2. Only washing of mobile equipment in the critical interest of the public health or safety shall be allowed.
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. Use of water from fire hydrants shall be limited to fire-fighting and related activities. Water for domestic use only may be purchased from the bulk loading station.

6. The following uses of water are defined as "waste of water" and are absolutely prohibited:

failure to repair a controllable leak;

washing sidewalks, driveways, parking areas, tennis courts, patios or other paved areas, except to alleviate immediate fire, health or safety hazards;

- 7 (a) Commercial and industrial users of water (for other than drinking water and restrooms) shall reduce their monthly consumption of water by an additional 10% for a total of 20%. The average usage of the previous period, February through August, will be used to calculate the reduction amount.

An increased fee will be charged for any water consumption that does not comply with the required reductions.

The water fee in addition to regular charges is as follows:

- \$10.00 per 1,000 gallons for first 5,000 gallons over allowed amount.
- \$20.00 per 1,000 gallons for next 5,000 gallons.
- \$30.00 per 1,000 gallons for higher usage.

Further, if a customer uses more than the allowed amount more than once at anytime during Stage 4, then after each such overuse, the above water charges will be added, the customer's water will be turned off and there will be a Five Hundred Dollar (\$500.00) re-connect fee.

Individual allotments may be adjusted by the Director based on historical water usage and conservation practices of the customer.

The other restrictions of Stage 5 still apply to commercial and industrial users.

- (b) Each golf course shall be allotted not more than 3,000,000 gallons of raw water from Lake Kirby per calendar month (such allotment is intended primarily to maintain tees and greens).

- 8. 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. 32-146 Mandatory Drought Contingency Stage Implementation

The Water Utilities Department shall monitor the projected supply and demand for water by its customers on a daily basis and shall recommend to the City Manager the extent of the conservation required through the implementation and/or termination of particular drought contingency stages in order for the Department to prudently plan for and supply water to its customers. Thereafter, the Mayor will order that the appropriate drought contingency stage be implemented or terminated in accordance with the applicable provisions of this Chapter. Said order shall be made by public announcement and shall be publicized until such time as all restrictions are removed and shall become effective immediately upon such announcement.

Sec. 32-147 Fines.

- 1. During Stage 3 herein, the maximum fine shall be Two Hundred Dollars (\$200.00) per violation.
- 2. During Stages 4 and 5 herein, the maximum fine shall be raised to One Thousand Dollars (\$1,000.00) per violation with the following minimum fines:
 - a. Upon conviction of any violation at a residence - Fifty Dollars (\$50.00) per violation.
 - b. Upon conviction of any violation at a commercial (including apartments) or industrial location - Seventy-five Dollars (\$75.00) per violation.

Sec. 32-148 Implementation and Termination Criteria Guidelines.

The Director of Water Utilities, or his designee, shall determine that conditions warrant implementation and termination of the Plan. Changes in water supply conditions due to unanticipated higher water usage, weather, or other developments may necessitate changes in the implementation of different stages. Specifically, the implementation of the stages referred to below may occur when the elevation of the Ft. Phantom reservoir is within four-tenths (4/10) of a foot either side of the suggested elevation for implementation of that stage.

Termination of any stage may occur when all of the conditions listed as implementation criteria for that stage have ceased to exist for a period of five (5) consecutive days. Further, Stages 3, 4, and 5, if in effect, will automatically terminate on October 31 of each year. Upon termination of any stage, the Director will then determine which particular previous stage is indicated by the prevailing conditions.

The minimum criteria 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), operating at 50% of capacity.

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), operating at 38% of capacity.

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), operating at 24% of capacity.

e. Stage 5 Water Crises.

Depletion of the Ft. Phantom Reservoir to the elevation 1612 (twenty-three (23) feet below spillway), operating at 17% of capacity; or, major line breaks, or, pump or system failure which causes unprecedented loss of capability to provide service.

Div. 3 The Calendar Symbol System.

Sec. 32-149

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

(a) A customer's symbol is determined by the LAST NUMBER of his house or property address. Multi-unit properties will use the lowest address number. Customers on rural routes will use the last number of their P. O. Box number or their route number if they do not have a P. O. Box number. Customers at Ft. Phantom Lake will use the last number of their lake lot. Customers in trailer parks will use the last number of their lot number.

If your LAST NUMBER is:

0
1 or 2
3 or 4
5 or 6
7 or 8
9

Your SYMBOL is:

(circle)
(triangle)
(diamond)
(square)
(letter "X")
(star)

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

- (b) The public and private schools, the three colleges,
and the city parks may submit alternate watering
schedules to the Director. Upon his approval, these
entities may follow the approved schedule rather
than the calendar symbol system, and will be held
responsible for all the provisions of this ordinance
based on the approved schedule.

- END -