

## **GENERAL PROVISIONS**

### **§ 51.01 OPENING WATER METER BOX.**

It shall be unlawful for any person other than a duly authorized city employee to open a city water meter box, such city water meter box being the closed box which houses the meter measuring the water to each city water user and consumer.

(75 Code, § 19-1) (Ord. 1996-13, passed 5-7-96; Am. Ord. 1998-11, passed 5-5-98) Penalty, see § 51.99

## **DROUGHT CONTINGENCY PLAN**

### **§ 51.10 POLICY; PURPOSE; INTENT.**

- (A) 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.
- (B) Water uses regulated or prohibited under this Drought Contingency Plan (the Plan) are considered to be nonessential 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 § 51.99 of this chapter.

(Ord. 1999-8, passed 5-4-99; Am. Ord. 1999-19, passed 7-6-99; Am. Ord. 2000-8, passed 4-18-2000; Am. Ord. 2003-21, passed 8-26-03)

### **§ 51.11 PUBLIC EDUCATION.**

The city will 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 will be provided by means of press releases, radio announcements, cable television public announcement channels and utility bill notices.

(Ord. 1999-8, passed 5-4-99; Am. Ord. 1999-19, passed 7-6-99; Am. Ord. 2000-8, passed 4-18-2000; Am. Ord. 2003-21, passed 8-26-03)

### **§ 51.12 COORDINATION WITH REGIONAL WATER PLANNING GROUPS.**

The service area of the city is located within the Brazos Region G Planning Group, and the city has provided a copy of this Plan to the Brazos Region G Regional Planning Group.

(Ord. 1999-8, passed 5-4-99; Am. Ord. 1999-19, passed 7-6-99; Am. Ord. 2000-8, passed 4-18-2000; Am. Ord. 2003-21, passed 8-26-03)

### **§ 51.13 AUTHORIZATION.**

The Mayor, or his/her designee, is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety and welfare. The Mayor, 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.

(Ord. 1999-8, passed 5-4-99; Am. Ord. 1999-19, passed 7-6-99; Am. Ord. 2000-8, passed 4-18-2000; Am. Ord. 2003-21, passed 8-26-03)

## § 51.14 APPLICATION.

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

(Ord. 1999-8, passed 5-4-99; Am. Ord. 1999-19, passed 7-6-99; Am. Ord. 2000-8, passed 4-18-2000; Am. Ord. 2003-21, passed 8-26-03)

## § 51.15 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**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 nonprofit 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 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.

**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, athletic fields, parks and rights-of-way and medians.

**NONESSENTIAL WATER USE.** Water uses that are not essential nor required for the protection of public health, safety and welfare, including the following:

- (1) Irrigation of landscape areas, including parks, athletic fields and golf courses, except otherwise provided under this Plan;
- (2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (3) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts or other hard-surfaced areas;
- (4) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (5) Flushing gutters or permitting water to run or accumulate in any gutter or street;
- (6) Use of water to fill, refill or add to any indoor or outdoor swimming pools or jacuzzi-type pools;
- (7) Use of water in an outside fountain or pond for aesthetic or scenic purposes, except where necessary to support aquatic life;
- (8) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); or

- (9) Use of water from hydrants for construction purposes or any other purposes other than fire fighting.

(Ord. 1999-8, passed 5-4-99; Am. Ord. 1999-19, passed 7-6-99; Am. Ord. 2000-8, passed 4-18-2000; Am. Ord. 2003-21, passed 8-26-03)

## **§ 51.16 TRIGGERING CRITERIA FOR INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES.**

(A) The Mayor, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the Plan. Public notification of the initiation or termination of drought response stages shall be by means of publication in local newspaper, notice on water bills, announcements on radio stations and cable television public announcement channels.

- (B) The triggering criteria described below are based on water supply conditions during past droughts.

(1) *Stage 1 - Mild Water Shortage Conditions.*

(a) *Requirements for initiation.* At the second City Council meeting of April each year, the Mayor shall evaluate the weather conditions and if necessary initiate Stage One-Mild Water Shortage conditions beginning May 1 and that stage will continue until it is rescinded or until other stages become necessary. However, if weather conditions change and water demand dictates, the Mayor can initiate Stage 1 at any time.

- (b) *Requirements for termination.* Stage 1 of the Plan may be rescinded by the Mayor.

(2) *Stage 2 - Moderate Water Shortage Conditions.*

(a) *Requirements for initiation.* Customers shall be required to comply with the requirements and restrictions on nonessential water uses for Stage 2 of this Plan when total daily water demand equals or exceeds four million gallons per day for five consecutive days or 4.8 million gallons per day on any single day.

(b) *Requirements for termination.* Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of ten consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.

(3) *Stage 3 - Severe Water Shortage Conditions.*

(a) *Requirements for initiation.* Customers shall be required to comply with the requirements and restrictions on nonessential water uses for Stage 3 of this Plan when total daily water demand equals or exceeds four million gallons per day for five consecutive days or 4.8 million gallons on a single day and/or continually falling treated water reservoir levels which do not refill overnight.

(b) *Requirements for termination.* Stage 3 of the Plan may be rescinded when weather conditions have changed and all of the conditions listed as triggering events have ceased to exist for a period of ten consecutive days. Upon termination of Stage 3, Stage 2 becomes operative.

(4) *Stage 4 - Emergency Water Shortage Conditions.*

(a) *Requirements for initiation.* Customers shall be required to comply with the requirements and restrictions for Stage 4 of this Plan when the Mayor, or his/her designee, determines that a water supply emergency exists based on:

1. Major water line breaks or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or

2. Natural or man-made contamination of the water supply source.

(b) *Requirements for termination.* Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of seven consecutive days.

(Ord. 1999-8, passed 5-4-99; Am. Ord. 1999-19, passed 7-6-99; Am. Ord. 2000-8, passed 4-18-2000; Am. Ord. 2003-21, passed 8-26-03)

## § 51.17 DROUGHT RESPONSE STAGES.

The Mayor, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in § 51.16, shall determine that a mild, moderate, severe or emergency condition exists and shall implement the following actions upon publication of notice in a newspaper of general circulation.

(A) *Stage 1 - Mild Water Shortage Conditions.*

- (1) *Goal.* Reduce daily water demand to less than four million gallons per day.
- (2) *Supply management measures.* The city will discontinue flushing of fire hydrants and water mains (except as necessary in repair of broken water lines) and will only irrigate landscape areas on designated watering days.
- (3) *Water use restrictions.* Under threat of penalty for violation, the following water use restrictions shall apply to all persons.

(a) Customers are requested to voluntarily conserve water and limit irrigation of landscaped areas to two days per week. The days of the week are left up to the customers.

(b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited, except on designated watering days. Such washing, when allowed, shall be done with a hand-held bucket or a hand held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle 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 cleansing, such as garbage trucks and vehicles used to transport food and perishables.

(c) Use of water to fill, refill or add to any indoor or outdoor swimming pools, wading pools or jacuzzi-type pools is prohibited except on designated watering days.

(d) Operation of any outside 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.

(e) Use of water from hydrants shall be limited to firefighting, 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 special permit from city.

(f) Use of water for the irrigation of golf course greens, tees and fairways and athletic fields is allowed on designated watering days. However, if the golf courses or athletic fields utilize a water source other than that provided by city, the facility shall not be subject to these regulations.

(g) The following uses of water are prohibited:

1. Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts or other hard-surfaced areas;
2. Use of water to wash down buildings or structures for purposes other than immediate fire protection;
3. Use of water for dust control;
4. Flushing street gutters or permitting water to run or accumulate in any street gutter or street or parking lot; and
5. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).
6. The serving of water by restaurants or other businesses without the request of the customer.

(B) *Stage 2 - Moderate Water Shortage Conditions.*

- (1) *Goal.* Reduce daily water demand to less than four million gallons per day.

(2) *Supply management measures.* The city will discontinue flushing of fire hydrants and water mains (except as necessary in repair of broken water lines) and reduce irrigation of public landscaped areas to once every seven days.

(3) *Water use restrictions.* All requirements of Stage 1 shall remain in effect during Stage 2 except the following:

(a) Irrigation of landscaped areas shall be allowed on all days of the week during the hours of 6:00 a.m. to 9:00 a.m. and 6:00 p.m. to 9:00 p.m., except the days of Monday and Thursday. No irrigation of landscaped areas shall be allowed on Mondays or Thursdays;

(b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 6:00 a.m. to 9:00 a.m. and 6:00 p.m. to 9:00 p.m. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle 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 cleansing, such as garbage trucks and vehicles used to transport food and perishables;

(c) Use of water to fill, refill or add to any indoor or outdoor swimming pools, wading pools or jacuzzi-type pools is prohibited except on designated watering days between the hours of 6:00 a.m. to 9:00 a.m. and 6:00 p.m. to 9:00 p.m.;

(d) Operation of any outside 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;

(e) Use of water from hydrants shall be limited to firefighting, 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 special permit from city;

(f) Use of water for the irrigation of golf course greens, tees and fairways, and athletic fields, is allowed on designated watering days. However, if the golf course or athletic fields utilize a water source other than that provided by city, the facility shall not be subject to these regulations; and

(g) The following uses of water are defined as nonessential and are prohibited:

1. Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts or other hard-surfaced areas;
2. Use of water to wash down buildings or structures for purposes other than immediate fire protection;
3. Use of water for dust control;
4. Flushing gutters or permitting water to run or accumulate in any gutter or street; and
5. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).
6. The serving of water by restaurants or other businesses without the request of the customer.

(C) Stage 3 - Severe Water Shortage Conditions.

(1) *Goal.* Reduce daily water demand to less than four million gallons per day.

(2) *Supply management measures.* The city will discontinue flushing of fire hydrants and water mains (except as necessary in repair of broken water lines) and irrigation of landscape areas will be limited to once every ten days. Use of water for Fire Department practices will be discontinued.

(3) *Water use restrictions.* All requirements of Stages 1 and 2 shall remain in effect during Stage 3 except:

(a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6:00 a.m. and 9:00 a.m. and between 6:00 p.m. and 9:00 p.m. and shall be by means of hand-held hoses, hand-held buckets, drip irrigation. The use of permanently installed automatic sprinkler systems and hose-end sprinklers is prohibited at all times. The use of any other method is prohibited at all times.

(b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6:00 a.m. and 9:00 a.m. and between 6:00 p.m. and 9:00 p.m.

(c) The filling, refilling or adding of water to swimming pools, wading pools and jacuzzi- type pools is prohibited.

(d) 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.

(e) No applications for new, additional, expanded or increased-in-size water service connections, meters, service lines, pipeline extensions, mains or water service facilities of any kind shall be allowed or approved.

(D) *Stage 4 - Emergency Water Shortage Conditions.*

(1) *Goal.* Achieve a 50% reduction in daily water demand.

(2) *Supply management measures.* The city will discontinue flushing of fire hydrants and water mains (except as necessary in repair of broken water lines) and all other nonessential water uses, including water for Fire Department practices.

(3) *Water use restrictions.* All requirements of Stages 1, 2 and 3 shall remain in effect during Stage 4 except:

(a) Irrigation of landscaped areas is absolutely prohibited; and

(b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.

(Ord. 1999-8, passed 5-4-99; Am. Ord. 1999-19, passed 7-6-99; Am. Ord. 2000-8, passed 4-18-2000; Am. Ord. 2003-21, passed 8-26-03) Penalty, see § [51.99](#)

## **§ 51.18 ENFORCEMENT.**

(A) No person shall knowingly or intentionally allow the use of water from city for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the Mayor, or his/her designee, in accordance with provisions of this Plan.

(B) Any person who violates this Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than \$10 and not more than \$500. Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the Mayor shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a reconnection charge and any other costs incurred by the city in discontinuing service. In addition, suitable assurance must be given to the city that the same action shall not be repeated while this Plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.

(C) Any person, including a person classified as a water customer of the city, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation.

(Ord. 2000-8, passed 4-18-2000; Am. Ord. 2003-21, passed 8-26-03)

## **§ 51.19 VARIANCES.**

(A) The Mayor, 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 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 one or more 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 the Plan is in effect; or

(2) Alternative methods can be implemented which will achieve the same level of reduction in water use.

(B) Persons requesting an exemption from the provisions of this subchapter shall file a petition for variance with the city within five days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the Mayor, or his/her designee, and shall include the following:

(1) Name and address of the petitioner(s);

(2) Purpose of water use;

(3) Specific provision(s) of the Plan from which the petitioner is requesting relief;

(4) 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 subchapter;

(5) Description of the relief requested;

(6) Period of time 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) Variances granted by the city shall be subject to the following conditions, unless waived or modified by the Mayor or his/her designee:

(1) Variances granted shall include a timetable for compliance; and

(2) Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

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

(Ord. 1999-8, passed 5-4-99; Am. Ord. 1999-19, passed 7-6-99; Am. Ord. 2000-8, passed 4-18-2000; Am. Ord. 2003-21, passed 8-26-03)

## **BACKFLOW PREVENTION**

### **§ 51.30 CUSTOMER SERVICE INSPECTION.**

A customer service inspection certification as required by the Texas Commission on Environmental Quality (TCEQ), 30 Texas Administrative Code, Chapter 290, § 290.46, shall be completed prior to providing continuous water service to new construction or any existing service when the city has reason to believe that cross-connections or other unacceptable plumbing practices exist; or after any material improvement, correction, or addition to the private plumbing facilities. The existence of a serious threat to the integrity of the public water supply shall be considered sufficient grounds for immediate termination of water service.

(Ord. 1999-30, passed 10-5-99)

### **§ 51.31 BACKFLOW ASSEMBLY TESTING AND INSTALLATION.**

(A) All backflow prevention assemblies shall be tested upon installation by a recognized backflow assembly tester and certified to be operating within specifications. Backflow prevention assemblies which are installed to provide protection against high health hazards must also be tested and certified to be operating within specifications at least

annually by a recognized backflow prevention device tester. Backflow assembly testing and installation shall be completed as required by the Texas Commission on Environmental Quality (TCEQ), 30 Texas Administrative Code, Chapter 290, § 290.44h.

(B) It shall be the duty of the customer at any premise where backflow prevention assemblies are installed to have a certified inspection and operational tests conducted annually. In those instances where the city deems the hazard to be deleterious to human health, customer service inspection certifications may be required semiannually. Inspections and tests shall be at this expense of the customer or customer representative and shall be performed by a certified backflow technician.

(C) Assemblies shall be repaired, overhauled, or replaced at the expense of the customer whenever said assemblies are found to be defective. Records of such tests, repairs, and overhaul shall be kept and submitted to the city within five days of the test, repairs or overhaul of each backflow prevention assembly.

(D) No device or assembly shall be removed from use, relocated, or other device or assembly substituted without the approval of the city. Whenever the existing assembly is moved from the present location, requires more than minimum maintenance, or when the city finds that the maintenance constitutes a hazard to health, the unit shall be replaced by a backflow prevention assembly complying with requirements of this section and the current adopted Plumbing Code of the city.

(E) A test report must be completed by the recognized backflow prevention assembly tester for each assembly tested. The signed and dated original must be submitted to the city, Community Development Division, within five days of test.

(F) A recognized backflow prevention assembly tester must have completed a Texas Commission on Environmental Quality (TCEQ) approved course on cross connection control and backflow prevention and pass an examination administered by the TCEQ or its designated agent.

(Ord. 1999-30, passed 10-5-99)

# WATER CONSERVATION PLAN

## § 51.40 DEFINITION; OBJECTIVE.

(A) *Definition.* In the Tex. Water Code, **WATER CONSERVATION** is defined as follows:

- (1) The development of water resources; and those practices, techniques, and technologies that will 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 water supply is made available for future or alternative uses.
- (2) Objective. Based upon these concepts of water conservation, Stephenville's objective is to develop a Water Conservation Plan that increases water use efficiency, thereby reducing water demands, without adversely affecting population and the economic growth potential of its customers.

(Tex. Water Code § 17.001(23)(A), (B)) (Ord. 2003-21, passed 8-26-03)

## § 51.41 GOALS.

(A) The objective of Stephenville's Water Conservation Plan is to promote and publicize water conservation methods that will enable Stephenville to meet its goal of reducing the 2004-2008 five-year average annual per capita water use of 134 gallons per person per day (gpcd) by approximately 19% or 25 gpcd to 109 gpcd by 2013 and by 24% to 100 gpcd by 2018. See Appendix A attached to the approving ordinance for a discussion of how this goal was determined. The municipal per capita water use statistic includes water used within the home for drinking, toilet flushing, bathing, food preparation, dishwashing, laundry, cleaning, and outdoor uses at home, including landscape irrigation, car washing, and outside cleaning. In addition to the water used at homes, the municipal per capita water use statistic includes a person's share of water used in the workplace for toilet flushing, drinking, cleaning, and lawn irrigation of commercial properties. Outside the home uses also include the water used in commercial establishments such as restaurants, laundries, and car washes. Institutional water use, such as water used in schools, churches, recreation centers, and water used by cities for fire protection, sanitation, and public recreation, is also included in the municipal per capita water use statistic. However, the municipal per capita water use statistic does not include use of any water for industrial purposes. The annual per capita water use statistic includes the municipal per capita water use as well as the water used for industrial purposes.

(B) Stephenville plans to accomplish its water conservation goal through the water conservation methods listed and described in this plan.

(Ord. 2003-21, passed 8-26-03; Ord. 2009-8, passed 4-7-09)

## § 51.42 METHODS.

Stephenville's Water Conservation Plan includes the following water conservation methods, which are described in the sections that follow:

- A) Statute;
- B) Public Information and Education;
- C) Universal Metering and Record Management;
- D) Meter Testing, Repair, and Replacement;
- E) Leak Detection, Repair, and Minimization of Conveyance Losses;
- F) Rate Structure;
- G) Low-Flow Plumbing Fixtures;
- H) Water-Conserving Landscaping Education;
- I) Additional Water Conservation Strategies;
- J) Wholesale Water Contracts; and
- K) Implementation, Enforcement, Coordination with the Regional Water Planning Group (RWPG); Updating of the Plan.

(Ord. 2003-21, passed 8-26-03)

## § 51.43 STATUTE.

- (A) Statute. Because landscape watering is believed to be responsible for up to 50% of summer water usage, the reduction of lawn and garden watering will help control peak demands, extend the city's water supplies, maximize the use of existing treatment and capacity systems and reduce the potential for summer watering restrictions. Therefore, it shall be unlawful for any person, firm, corporation, business or other entity other than establishments primarily engaged in (1) growing nursery products, nursery stock, shrubbery, bulbs, fruit stock, sod, and similar vegetation, under cover or in open fields and/or (2) growing short rotation woody trees with a growth and harvest cycle of 10 years or less for pulp or tree stock as defined by the North American Industry Classification System, at any time of the year to;
- (1) Operate an automated in-ground irrigation system on any day of the week between 11:00 a.m. and 6:00 p.m. Landscape watering is permitted any time with a hand held hose, soaker hose, bucket, watering can, bubbler or drip irrigation system. A spray type irrigation system may be used any time for the purposes of cooling golf course tees or putting surfaces with run cycles of less than five minutes.
  - (2) Wash any motor vehicle at any location other than a commercial car wash, car dealership, detail shop or automotive shop unless the hose is equipped with a positive shut off nozzle. Such nozzle shall stop the flow of water through the hose when released by the operator.
  - (3) Install a new irrigation system unless designed by a licensed professional recognized by the state to design water conserving irrigation systems. Each new system shall utilize zonal irrigation, drip irrigation, subsurface irrigation or other water conserving features as appropriate. When application for the irrigation permit is requested by other than a licensed irrigation specialist or landscape architect, the irrigation system plans shall be made available to city building officials.
- (B) A waiver of the above subsection may be granted for the irrigation of new landscaping plants whereby watering would be permitted to maintain adequate growth until plants are established, but not to exceed a 30-day time period. Waivers for other activities may be granted on a case-by-case basis. Waivers will not be available when criteria triggering a drought response have been or are initiated. Any person desiring a waiver must make application to the city Public Works Department and pay a \$50.00 nonrefundable fee. The applicant must agree to pay a water rate that is three times the current rate for all consumption over 12 CCF (1 CCF=748 gallons, therefore 12 CCF = 8,976 gallons) as registered by residential meters and for all consumption as registered by water only meters or commercial meters. Persons desiring a waiver for new landscapes shall exclusively utilize water-use-efficient trees, shrubs, ground covers, ornamental plants and turf; and are to utilize water wise horticultural practices, including proper soil preparation and the use of mulch, compost and zonal irrigation systems. Helpful information regarding plants and practices may be found on links from the City web pages.

(Ord. 2009-8, passed 4-7-09)

## § 51.44 PUBLIC INFORMATION AND EDUCATION.

(A) Stephenville's program of public information and education will be expanded to inform water users of the importance of water conservation, and will provide information to water users as to how this can be accomplished in the home, at work, and in public places where individuals use water. Public information and education can work in two ways to accomplish water conservation.

(1) One way is to inform water users of how to manage and operate existing and new fixtures and appliances so that less water is used.

- (a) The procedures to be used include:
1. Pamphlets on water conservation issued to new water customers;
  2. Toilet leak detection kits issued to new water customers;
  3. Announcements concerning water conservation on the city's news channel; and
  4. Printed water conservation tips on monthly water bills throughout the year.
  5. Additional water conservation information posted on the City web page as well as links to;

- i. Texas Smartscape; [www.txsmartscape.com](http://www.txsmartscape.com)
- ii. Texas Water Development Board (TWDB); [www.twdb.state.tx.us](http://www.twdb.state.tx.us)
- iii. Texas Commission on Environmental Quality (TCEQ); [www.tceq.state.tx.us](http://www.tceq.state.tx.us)

6. City of Stephenville Water Conservation Committee Optimist Park Water Wise Garden;

7. Additional recommended measures include the following:

- i. Limiting operation of outside spray or rotary type irrigation on any day of the week between 10:00 a.m. and 6:00 p.m. Landscape watering is permitted at any time with a hand held hose, soaker hose, bucket, watering can, bubbler or drip irrigation system. A spray type irrigation system may be used at any time for the purposes of cooling golf course tees or putting surfaces with run cycles of less than five minutes.
- ii. Limiting the washing any motor vehicle or boat at any location other than a commercial car wash, car dealership, detail shop or automotive shop unless the hose is equipped with a positive shut off nozzle. Such nozzle shall stop the flow of water through the hose when released by the operator.
- iii. Limiting the installation of new irrigation systems to only those designed by a licensed professional recognized by the state to design such water conserving systems. Each new system shall utilize zonal irrigation, drip irrigation, subsurface irrigation or other water conserving features as appropriate. When application for the irrigation permit is requested by other than a licensed irrigation specialist or landscape architect, plans shall be made available to city building officials.

(b) The public information will include ideas and practices such as:

- 1. Washing full loads of clothes and dishes;
- 2. Using a bucket of water instead of a flowing hose to wash cars and windows;
- 3. Turning the water off while brushing teeth or washing hands; and
- 4. Watering lawns, gardens, and shrubs during evening (as opposed to daytime) hours.

(2) The second way public information and education can work to conserve water is to inform and convince water users to:

- (a) Obtain and use water-efficient plumbing fixtures and appliances;
- (b) Adopt low water-use landscaping plans and plants;
- (c) Find and repair leaks; and
- (d) Take advantage of water conservation incentives where available.

(B) Stephenville will use the resources of the Texas Water Development Board (TWDB), the American Water Works Association, and the American Public Works Association to assist in obtaining publications and materials for the public education program. Individual pamphlets and flyers provided from these entities will be selected for specialized water-conservation needs as they arise.

(Ord. 2003-21, passed 8-26-03)

## **§ 51.45 UNIVERSAL METERING AND RECORD MANAGEMENT.**

All water deliveries within the city are metered and Stephenville uses the information for billing, regulatory reporting requirements, computation of water and wastewater flow trends, and other record management activities. The record management system allows Stephenville to track water pumped, water deliveries, water sales, and water losses. The system allows for the classification of water sales by user class (i.e., residential, commercial, public and institutional, and industrial).

(Ord. 2003-21, passed 8-26-03)

## § 51.46 METER TESTING, REPAIR, AND REPLACEMENT.

(A) The city employs metering devices on all source water diversions. The meters are capable of measuring the amount of water diverted/pumped to within plus or minus 5%. In addition, the city currently meters all water supply connections, using meters that are capable of measuring accurately within plus or minus 5%. In addition, a regularly scheduled maintenance program of meter repair and replacement will be performed in accordance with the following schedule:

- (1) Production (master) meters will be tested annually;
- (2) Meters larger than one inch will be tested annually; and
- (3) Meters one inch or smaller will be tested or replaced once every ten years.

(B) Additionally, computerized water billing reveals above normal water usage at individual connections, allowing staff to identify inaccurate or leaking meters. Meters identified in this manner are investigated, followed by testing, repairs, or replacement as needed. All zero consumption accounts are checked to determine if water is actually being consumed and not recorded.

(Ord. 2003-21, passed 8-26-03)

## § 51.47 LEAK DETECTION, REPAIR, AND MINIMIZATION OF CONVEYANCE LOSSES.

Stephenville operates and maintains the water transmission system within the city. In order to maintain water delivery service and to reduce and control unaccounted for water, Stephenville staff routinely visually inspect the transmission system to identify abnormal conditions indicating leaks. The staff is equipped to respond and repair equipment and pipeline breaks or employ contract assistance as required. As a result of these measures, unaccounted-for water is about 8.90%. The goal is to reduce unaccounted-for water to 15% or below. The TCEQ (formerly TNRCC) considers unaccounted-for water uses of 15% or less acceptable for communities serving more than 5,000 people.

(Ord. 2003-21, passed 8-26-03)

## § 51.48 RATE STRUCTURE.

Stephenville has a non-promotional rate structure for water service. The city's current water rates should be verified through the most current fee schedule.

(Ord. 2003-21, passed 8-26-03)

## § 51.49 LOW-FLOW PLUMBING FIXTURES.

(A) The use of water-efficient plumbing fixtures such as toilets, showerheads, and faucets in new construction, and in replacement of existing plumbing fixtures as maintenance and repair are required can also lower water consumption. Water-efficient plumbing fixtures are designed for low quantities of flow per unit of use. In 1991 the Texas Legislature passed Senate Bill 587 (Tex. Health & Safety Code, §§ 372.001 *et seq.*), establishing minimum standards for plumbing fixtures sold within Texas. The water-efficient "Plumbing Fixture Act" became effective on January 1, 1992 and allowed for wholesalers and retailers to clear existing inventories of pre-standards plumbing fixtures until January 1, 1993. The standards, as specified by Senate Bill 587, are shown in the table below.

### *Minimum Standards for Plumbing Fixtures*

Fixture	Standard
Wall-mounted flushometer toilets	2.00 gallons per flush
All other toilets	1.60 gallons per flush
Shower heads	2.75 gallons per minute at 80 psi
Urinals	1.00 gallon per flush
Faucet aerators	2.20 gallons per minute at 80 psi
Drinking water fountains	Shall be self-closing

(B) The Texas Commission on Environmental Quality (TCEQ) has promulgated rules requiring the labeling of both plumbing fixtures and water-using appliances sold in Texas. The labels must specify the rates of flow for plumbing fixtures and lawn sprinklers, and the amounts of water use per cycle for clothes washers and dishwashers.

(C) The TWDB estimates that the installation of the new plumbing fixtures in dwellings, offices, and public spaces could reduce per capita water use by about 22 gallons per day. The estimated conservation effect is shown in the table below. The TWDB estimates that the installation of the low- flow plumbing fixtures in new construction and in replacement of fixtures in existing structures will phase in most of this conservation effect by the year 2020.

**Estimated Water Savings Associated with New Plumbing Fixtures**

<b>Fixture</b>	<b>Water Savings (gpcd)</b>
Low-flow toilets (1.6 gallons per flush)	14
Shower heads	5.5
Urinals	2.1
Faucet aerators	0.3
Drinking water fountains	0.1
Total	22

(D) In addition to the conservation potential of new plumbing fixtures, a degree of conservation can be accomplished by using more efficient water-using appliances (e.g., dishwashers and washing machines), modifying lawn and landscaping plans to use grasses and plants that require less water, improved leak detection, and educating the public on personal water conservation techniques. Stephenville will make related information available through its public information and education program.

(Ord. 2003-21, passed 8-26-03)

## **§ 51.50 WATER-CONSERVING LANDSCAPING.**

(A) Water-conserving landscaping is a development concept that encourages residents to adopt low- water-using landscaping principles and methods for use around the home. The same concepts can be applied to other landscaped areas as well, including parks and other public places.

(B) One popular method of reducing water use for landscape irrigation is to encourage residents to use xeriscaping techniques for landscaping. There are seven generally adopted principles when planning a xeriscaped yard:

(1) *Planning and design.* During this step an appropriate plan is developed considering such variables as climate, existing vegetation, intended use of the space, and topographic features.

(2) *Soil analysis.* Examine the soil types covering the whole site.

(3) *Appropriate plant selection.* Plants should be selected which are native to the area or are adaptive to the site.

(4) *Practical turf areas.* Plan where turf areas should be located and consider increasing the area of decks, porous paving, paths, and mulched planting beds to reduce turf.

(5) *Efficient irrigation.* Landscaped areas should only be watered as needed and then usually during the early morning or late evening to avoid water lost due to evaporation, keeping in mind some plant species may can experience mold and/or fungus growth if watered at night.

(6) *Use of mulches.* A three- to four-inch layer of mulch should cover all exposed soil areas and be replenished twice a year.

(7) *Appropriate maintenance.* Keep the yard well maintained to reduce the use of fertilizer, chemicals, and water.

(Ord. 2003-21, passed 8-26-03)

## **§ 51.51 ADDITIONAL CONSERVATION STRATEGIES.**

The city will select any combination of the following strategies, in addition to those strategies listed above, if they are necessary to achieve the stated water conservation goals of this Water Conservation Plan. The TCEQ may also require that any of the following strategies be implemented by the city if the TCEQ determines that the strategy is necessary to achieve the goals of this Water Conservation Plan. The additional strategies that may be implemented are:

- (A) Revision of water rates to promote increased water conservation;
- (B) Additional programs to encourage the retrofit of water-conserving plumbing fixtures in existing structures;
- (C) Wastewater reuse and/or recycling of wastewater and/or greywater;
- (D) A program for pressure control and/or reduction in the distribution system and/or for customer connections;
- (E) Any other conservation practice, method, or technique which the city shows to be appropriate to achieving the stated goal or goals of this Water Conservation Plan.

(Ord. 2003-21, passed 8-26-03)

## **§ 51.52 WHOLESALE WATER CONTRACTS.**

For every wholesale water contract entered into or renewed after official adoption of this Water Conservation Plan, including any contract extensions, the wholesale water customer must develop and implement a water conservation plan or water conservation measures according to TCEQ guidelines. If the customer intends to resell the water, then the contract between the initial supplier and customer must provide that the contract for the resale of the water must have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures in accordance with TCEQ guidelines.

(Ord. 2003-21, passed 8-26-03)

## **§ 51.53 IMPLEMENTATION, ENFORCEMENT, COORDINATION WITH THE REGIONAL WATER PLANNING GROUP; UPDATING OF THE PLAN.**

(A) The city Director of Public Works will act as the Administrator of the water conservation program. The Administrator will oversee the execution and implementation of all elements of the program. The Administrator is responsible for maintaining adequate records for program verification.

(B) The Stephenville City Council has approved, by resolution, the Water Conservation Plan. A copy of the resolution is included in Appendix B attached to the approving ordinance. Implementation of the plan shall be on a voluntary basis, supported by the public information and education program.

(C) Stephenville is located within the Region G Regional Water Planning Area. In accordance with the TCEQ rules, Stephenville has provided a copy of this Water Conservation Plan to the Region G Regional Water Planning Group. A copy of the transmittal letter is included in Appendix C attached to the approving ordinance.

(D) The Administrator will monitor the progress of the Water Conservation Plan, using information from water utility records and staff. Additionally, the Administrator will be responsible for submission of an annual report to the TCEQ and TWDB on the progress, and any changes to, the Water Conservation Plan.

(Ord. 2003-21, passed 8-26-03)

## § 51.99 PENALTY.

(A) Whoever violates any provision of this chapter for which another penalty is not specifically provided, shall be punished as set forth in § [10.99](#).

(B) (1) No person shall knowingly or intentionally allow the use of water from city for residential, commercial, industrial, agricultural, governmental or any other purpose in a manner contrary to any provision of §§ [51.10](#) through [51.19](#), or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the Mayor, or his/her designee, in accordance with provisions of §§ [51.10](#) through [51.19](#).

(2) Any person who violates §§ [51.10](#) through [51.19](#) is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than \$10 and not more than \$500. Each day that one or more of the provisions is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of these sections, the Mayor shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a reconnection charge and any other costs incurred by the city in discontinuing service. In addition, suitable assurance must be given to the city that the same action shall not be repeated while the Drought Contingency Plan is in effect. Compliance with this Plan may also be sought through injunctive relief in the district court.

(3) Any person, including a person classified as a water customer of the city, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation.

(Ord. 1999-8, passed 5-4-99; Am. Ord. 1999-19, passed 7-6-99; Ord. 2000-8, passed 4-18-2000; Ord. 2003-21, passed 8-26-03)