

CITY OF WILLOW PARK

ORDINANCE NO. 591-09

AN ORDINANCE AMENDING CHAPTER 11, PUBLIC UTILITIES, ARTICLE 11.209 "EMERGENCY WATER RATIONING PLAN", OF THE CODE OF ORDINANCES, CITY OF WILLOW PARK, TEXAS; AND, PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE.

WHEREAS, the City of Willow Park, Texas ("City") is a municipal corporation organized under the laws of the State of Texas; and

WHEREAS, the City is a general law municipality with specific powers delegated to it to protect the health, safety and general welfare of its citizens; and,

WHEREAS, it is the intent of the City of Willow Park, to provide for the public health, safety and general welfare of citizens and their property; and

WHEREAS, the provision of adequate water resources to the citizens is necessary for health, safety and general welfare; and

WHEREAS, in conditions of drought, certain measures must be put in place to preserve the water resources and to assure the water resources maximum beneficial use and that waste or unreasonable use should be prevented; and.

WHEREAS, when excessive demand of the water resources exceeds the ability to re-supply the existing water storage capacity and thereby prevents an adequate and reasonable storage reserve for the proper beneficial use and protection of the safety, health and general welfare of the citizens and to maintain an adequate pressure in the system, certain restrictions on usage are required including measures to implement the water conservation plan.

NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS:

SECTION 1. AUTHORIZATION

The Mayor, or appropriate City Official or Mayor's

designee is hereby appointed and directed to implement the applicable provisions of this Ordinance.

SECTION 3. AMENDMENT

Chapter 11, *Public Utilities*, Article 11.209, *Emergency Water Rationing Plan*, of the Code of Ordinances of the City of Willow Park, Texas shall be amended as follows:

"Section 2. Applications"

The provisions of this Ordinance shall apply to all persons, customers and property served with the City of Willow Park water, wherever situated. This Article does not apply to a private well except as otherwise provided herein. No customer of the City of Willow Park Water System shall knowingly or negligently make, cause, use or permit the use of water received from the City for residential, commercial, industrial, governmental, or any other purpose, in a manner contrary to any provision of this or other previously enacted ordinances, or in an amount in excess of the use permitted by the conservation stage in effect pursuant to action taken by the Mayor in accordance with the provisions of this or other ordinances.

(a) Declaration of Emergency. When demand on the system exceeds production or storage capability measured over a twenty-four (24) hour period, and refilling of storage facilities is rendered critical as established in subparagraph (e) of this article, the Mayor may declare an emergency to exist and thereafter, ration water in the following manner:

(1) Stage 1 Initial Water Conservation

(a) Notification. A yellow banner will be displayed at the City Municipal Office in a manner that is plainly visible to the public.

(b) Water use restrictions:

- (i) Residents having even numbered addresses are permitted to water outside only on Sunday, Tuesday and Thursday; between the hours of 4:00 a.m. to 9:00 a.m. and 7:00 p.m. to 10 p.m.
- (ii) Residents having odd numbered addresses are permitted to water outside only on Saturday, Monday and Wednesday; between the hours of 4:00 a.m. to 9:00 a.m. and 7:00 p.m. to 10 p.m.
- (iii) Watering is prohibited between the hours of 9:00 a.m. to 7:00 p.m. and 10:00 p.m. to 4:00 a.m.
- (iv) The use of Outdoor sprinkler systems are prohibited on Friday;
- (v) The watering of residential foundations, trees, and shrubs is permissible at any time only by hand watering with a hose equipped with a restrictor nozzle or a soaker hose.

(2) Stage 2 Water Conservation

(a) Notification. A ~~yellow~~ An orange banner will be displayed at the City Municipal Office in a manner that is plainly visible to the public.

(b) Water use restrictions:

- (i) Residents having even numbered addresses are permitted to water outside only on Sunday, Tuesday and Thursday; between the hours of 4:00 a.m. to 9:00 a.m.
- (ii) Residents having odd numbered addresses are permitted to water outside only on Saturday, Monday and Wednesday; between the hours of 4:00 a.m. to 9:00 a.m.
- ~~(iii) Watering as provided in (i) and (ii) above is restricted to the hours of 4:00 a.m. to 9:00 a.m. except as provided in (iv); or other specified hours if approved by the City Council.~~

~~(iii) The use of outdoor sprinkler systems are prohibited on Friday;~~

~~(iv) The watering of residential foundations, trees, and shrubs is permissible at any time only by hand watering with a hose equipped with a restrictor nozzle or a soaker hose.~~

(3) Stage 3 Water Conservation, Restrictive

(a) Notification. ~~An orange~~ A red banner will be displayed at the City Municipal Office in a manner that is plainly visible to the public.

(b) Water use restrictions:

(i) Residents having even numbered addresses are permitted to water outside only on Sunday, and Thursday; between the hours of 4:00 a.m. to 9:00 a.m. and 7:00 p.m. to 10 p.m.

(ii) Residents having odd numbered addresses are permitted to water outside only on Saturday, and Wednesday; between the hours of 4:00 a.m. to 9:00 a.m. and 7:00 p.m. to 10 p.m.

~~(iii) Watering, as provided in (i) and (ii) above, is restricted to the hours of 4:00 a.m. to 9:00 a.m. except as provided in (iv);~~

~~(iii) The use of outdoor sprinkler systems are prohibited on Monday, Tuesday, and Friday;~~

~~(iv) The watering of residential foundations, trees, and shrubs is permissible at any time only by hand watering with a hose equipped with a restrictor nozzle or a soaker hose.~~

(4) Stage 4 Water Crisis Condition

(a) Notification. A red ~~purple~~ banner will be displayed at the City Municipal Office in a manner that is plainly visible to the public.

system.

- (b) Water use restrictions:
- (i) Residents having even numbered addresses are permitted to water outside only on ~~Tuesday~~ Thursday;
 - (ii) Residents having odd numbered addresses are permitted to water outside only on Wednesday;
 - (iii) Watering outside, as provided in (i) and (ii) above, is restricted to the hours of 4:00 a.m. to 9:00 a.m. except as provided in (iv);
 - (iv) Outdoor water use of any kind is prohibited on Saturday, Sunday, Monday, ~~Thursday~~ Tuesday and Friday.
 - (v) Watering ~~as provided permitted in (i) and (ii) above is permitted only for is restricted to building residential foundations, trees and shrubs, and may be Foundations, trees and shrubs shall be watered using only a hand-held hose with restrictor nozzle. during the hours specified.~~
- (5) Stage 5 Water Reserve Disaster Condition.
- (a) Notification. A black banner will be displayed at the City Municipal Office in a manner that is plainly visible to the public.
 - (b) Watering outside is prohibited at all times.
- (6) Watering of livestock is permitted under all stages (1)-(4) above as is reasonably necessary to preserve the livestock.
- (7) All meters shall be read as often as necessary to insure compliance with this program, for the benefit of all customers.
- (8) When any of the above described stages of water use rationing are imposed, water system customers are prohibited from operating a pressure booster pump or other device that is intended to or results in a water flow to that customer greater than the volume that would be supplied by the existing water pressure from the City water

- (b) Notice Requirements. Written notice of the proposed rationing shall be mailed or delivered to each customer or, should an emergency require immediate implementation of the rationing plan, such notice will be given to each customer as may be practicable under the circumstances then prevailing and the rationing will be effective immediately. Should such emergency implementation be necessary, written notice will still be sent to each customer as provided above.

- (1) Contents of Notice. Notice of the imposition of emergency water rationing shall contain the following information:

- (i) The affected service area;
- (ii) The date rationing shall begin;
- (iii) The date rationing shall end (if known);
- (iv) The stage of rationing to be employed and a description of the rationing to be imposed.

(c) Violation of Emergency Rationing Provisions

- (1) It shall be unlawful to violate any term or condition imposed under the Emergency Water Rationing Plan (Water Conservation Plan). A customer who knowingly violates any term or condition imposed by the emergency rationing notice may be issued a citation, for the first violation thereof, the customer shall receive a written warning. Each separate occurrence or day of violation shall be deemed a separate offense. Each offense shall be punished by a fine of not less than \$50 nor more than \$500.
- (2) Any customer who after receiving a citation may upon any subsequent violation of any term or condition imposed by the emergency rationing notice, have water service terminated. The termination shall be by the waterworks of the City of Willow Park, Texas. Termination does not require conviction in a court of jurisdiction and the dismissal, acquittal or other disposition of a citation under above is not an affirmative defense. Termination of water service is in

addition to any other penalty which may be imposed hereunder. The period of termination shall not exceed seven (7) days and restoration shall be as provided in Chapter 11, Article 11.204 including payment of disconnect and reconnect fees. Water service shall be reconnected immediately upon application to the water works and in compliance with provisions of Chapter 11, Art. 11.204. Said reconnection shall not be a defense, bar or mitigation of any offense as alleged in (1) hereof.

- (3) Any appeal by the customer of termination of water service to a location shall be to the Mayor. The Mayor upon a finding of imminent serious health risk, as required herein, may modify the period of termination that is set forth in (2) by the waterworks if provided competent, reliable written documentation of the imminent serious health risk that is life threatening and the unavailability of any other adequate water source. The decision of the Mayor may be appealed by the customer to the Water Review Board. Said appeal shall be under the same standards of proof as set out herein.
- (d) In a separate Emergency Declaration, if the Mayor finds that the drought or other exigent circumstances based on a finding by the Utility Director that the aquifer water table serving municipal water supply is dangerously low and affecting municipal water supply, the Mayor may apply this Article to any private well(s) of any person who is a customer of the City. During the period that the emergency declaration exists under the Emergency Water Rationing Plan, the Mayor may also grant variances in specific cases after evaluation of hardship, need or customer efforts to conserve water. The Mayor can grant variances only under the following circumstances and conditions:
 - (1) The applicant shall sign a compliance agreement on the forms provided by the City and approved by the City Attorney agreeing to use the water only in the amount and manner permitted by the variance.
 - (2) Granting of the variance shall not cause an immediate, significant reduction of the City's water supply.
 - (3) The applicant shall demonstrate extreme hardship or need relating to health, safety or

welfare or show evidence of substantial water conservation efforts.

- (4) The health, safety and welfare of other persons shall not be adversely affected by the granting of the variance.
 - (5) A customer who is refused a variance may appeal such action of the Mayor by written appeal to the Water Review Board.
- (e) Duration of Emergency Declaration.
- (1) The Mayor may declare an emergency to exist under this section which is effective for not more than sixty days from the date of announcement. On recommendation of the director of water works, the Mayor may upgrade or downgrade the stage of water rationing based upon improvement or deterioration of the waterworks system to provide supply in excess of consumption. The Director of the Waterworks and the Mayor shall in all cases comply with the criteria for upgrading or downgrading the stage of water rationing established by the City Council and documented within the latest revision to the Drought Contingency Plan for the City of Willow Park.
 - (2) The City Council may extend or reduce the duration of the emergency declaration. If a recommendation is made to extend the duration, the extension shall not exceed one hundred and twenty (120) days. The Mayor may terminate the declaration of emergency when the director of waterworks determines that the conditions creating the emergency no longer exist.

SECTION 4. REPEAL OF CONFLICTING ORDINANCES

All Ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

SECTION 5. SEVERABILITY

If for any reason any section, paragraph, subdivision, clause, phrase or provision of this Ordinance shall be held invalid, it shall not affect any valid provisions of this or any other Ordinance of the City of Willow Park to which these rules and regulations relate.

SECTION 6. EFFECTIVE DATE

This Ordinance shall take effect from and after its publication one time in the official publication of the City of Willow Park, Texas which publication shall contain the captions stating in substance the purpose of the ordinance and reciting the penalty provision of the ordinance.

/s/ Ken Hawkins
Mayor

ATTEST:

/s/ Joel Hoffman
City Secretary/Clerk

APPROVED AT TO FORM:

/s/ [Signature]
City Attorney

PASSED AND ADOPTED this 20th day of July, 2009

The Willow Park City Council in acting on Ordinance No. 591-09 did on the 20th day of July, 2009, vote as follows:

	<u>FOR</u>	<u>AGAINST</u>
Kenneth Hawkins, Mayor	_____	_____
Barry K. Tatum, Place 1	_____✓	_____
Gene Martin, Place 2	_____✓	_____
Barry Brown, Place 3	_____✓	_____
Mark Hickerson, Place 4	_____✓	_____
Hale Alderman, Mayor Pro Tem, Place 5	_____	_____✓