

# CITY OF WILLOW PARK

## ORDINANCE NO. 698-14

### AN ORDINANCE AMENDING CERTAIN PROVISIONS OF THE DROUGHT CONTINGENCY PLAN AS ADOPTED BY THE CITY ON APRIL 17, 2001; AND PROVIDING FOR 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**, to further conservation of water the City will establish a Drought Contingency Plan to establish certain goals, plans and strategies to conserve use, reduce loss, improve delivery and providing ongoing public education; and

**WHEREAS**, section VIII "*Criteria for Initiation and Termination of Drought Response Stages*" and section IX "*Drought Response Stages*" of the Drought Contingency Plan should be updated to accommodate new technology and water system monitoring equipment utilized by the City to operate and maintain the municipal water system.

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

#### SECTION 1. AUTHORIZATION

The Mayor or Mayor's designee is hereby appointed and directed to implement the applicable provisions of this Ordinance.

#### SECTION 2. DROUGHT CONTINGENCY PLAN

The Drought Contingency Plan attached hereto as Exhibit A and incorporated herein for all purposes with amendments to Section VIII and Section IX thereof, is hereby adopted in and for the City and the users of the municipal water works system.

#### SECTION 3. RECITALS

The City Council hereby finds and declares all precatory language herein to be true and correct and approves and adopts the same herein as part of this Ordinance.

#### SECTION 4. REPEALER

All Ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.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

PASSED AND ADOPTED this 11<sup>th</sup> day of  
November, 2014

/s/ \_\_\_\_\_  
Mayor

ATTEST:

/s/ \_\_\_\_\_  
City Secretary/Clerk

APPROVED AT TO FORM:

/s/ \_\_\_\_\_  
City Attorney

The Willow Park City Council in acting on Ordinance No. 698-14 did on the 11<sup>th</sup> day of November, 2014,  
vote as follows:

	<u>FOR</u>	<u>AGAINST</u>
Richard Neverdousky, Mayor	_____	_____
Brian Thornburg, Place 1	_____✓	_____
Gene Martin, Place 2	_____✓	_____
Greg Runnebaum, Place 3	_____✓	_____
James E. Mullins, Place 4	_____✓	_____
Tim Griffiths, Place 5	_____✓	_____

**Drought Contingency Plan for  
The City of Willow Park, Texas  
11 November 2014**

**Section I: Declaration of Policy, Purpose, and Intent**

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 of Willow Park, Texas, (hereafter, the "City") hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this Drought Contingency Plan (the Plan) are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section XI of this Plan. The enforceable provisions of this plan are authorized through the Code of Ordinances of the City in Chapter 11 Article 11.209.

**Section II: Public Involvement**

City officials have publicly promoted and attended several Region C meetings and educational seminars. The City hosted one such seminar in the Willow Park Municipal Building. Additional public meetings hosted by the City are expected to provide on-going information and awareness of water conservation issues and solutions.

The initial version of this plan is based on water conservation and management mechanisms previously established by City ordinances and resolutions. Discussions leading to initial creation and periodic modification of these ordinances have always been published and held under formal City Council Meetings. Water rationing stages have been defined by ordinance for over ten years and have been modified several times. An escalating water use rate schedule was incorporated in 1998 specifically to encourage voluntary water conservation.

This plan will also be made available through the City Intranet. The City will review all comments and suggestions received from the public for consideration of ways to improve City policy and planning for water conservation and drought preparedness.

**Section III: 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. Several methods are in place to distribute this information including the following:

- Direct written notification to water system customers through hand delivered or mailed flyers
- Dedicated pages on the City internet Web site
- Press release and notices in newspapers generally in circulation in southeastern Parker County
- Color coded flag system displayed throughout the City
- Seminars and informational meetings hosted by the Willow Park Water Conservation Commission or the City Council

**Section IV: Coordination with Regional Water Planning Groups**

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The service area of the City is located within the Sector C regional water planning area. The City shall provide a copy of this Plan or updates to its content to the Region C regional water planning group immediately following approval by the City Council.

**Section V: Authorization**

The mayor 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 a majority of the City Council shall have the authority to initiate or terminate drought or other water supply emergency response measures described in this Plan.

**Section VI: Application**

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

**Section VII: Definitions**

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

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

Aquifer: Any geological formation supplying water for wells.

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

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

Contingency: Dependence on chance. An uncertain event.

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.

Drought: An extended period of dry weather, especially one injurious to crops.

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

Groundwater: Water supplied from aquifers and that usually requires minor treatment for potable use.

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

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

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

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

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

Plan. A method of doing or proceeding with something formulated beforehand.  
Drought Contingency Plan. A considered and documented methodology to guide appropriate response to expected periods of dry weather.

Potable. Fit for drinking.

Surface Water. Water supplied from a surface reservoir or lake and that usually requires extensive treatment for potable use.

Xeric. Of or adapted to a dry environment

Xeriscaping. Landscaping designed to be tolerant of drought conditions

**Section VIII: Criteria for Initiation and Termination of Drought Response Stages**

The Manager of the City Water Utility or his/her designee shall monitor water supply and/or demand conditions on a *daily* basis and shall report when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified "triggers" are reached.

The triggering criteria described below (see Table 1) should be based on an analysis of the ability of the City to supply water, the demand by the customers on the water system and the ability of City to maintain an adequate reserve of water to meet emergency use that may be created by a structure fire or other declared threat to public safety.

It is imperative that criteria established in Table 1 be reviewed frequently. The City Water department shall monitor well production daily monitor the reserve volume in storage tanks at least hourly during periods of enforced rationing. Data collected shall be provided in a timely manner to the City Council.

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**Stage 0 Triggers -- MILD Water Shortage Conditions**

Requirements for initiation

Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section VII – Definitions, when:

*Annually, beginning on May 1 through September 30.*

**Stage 1 Triggers -- MILD Water Shortage Conditions**

Requirements for initiation

Customers shall be required to conserve water and adhere to the prescribed restrictions on non-essential water uses, defined in Section VII – Definitions, when criteria established in Table 1 are met.

Requirements for termination

As established in Table 1. (15 October 2014)

**Stage 2 Triggers -- MODERATE Water Shortage Conditions**

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on non-essential water uses, defined in Section VII – Definitions, when criteria established in Table 1 are met.

Requirements for termination

As established in Table 1. (15 October 2014)

**Stage 3 Triggers -- SEVERE Water Shortage Conditions**

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on non-essential water uses, defined in Section VII – Definitions, when criteria established in Table 1 are met.

Requirements for termination

As established in Table 1. (15 October 2014)

**Stage 4 Triggers -- CRITICAL Water Shortage Conditions**

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on non-essential water uses, defined in Section VII – Definitions, when criteria established in Table 1 are met.

Requirements for termination

As established in Table 1. (15 October 2014)

**Stage 5 Triggers -- DANGEROUS Water Shortage Conditions**

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on non-essential water uses, defined in Section VII – Definitions, when criteria established in Table 1 are met.

Requirements for termination

As established in Table 1. (15 October 2014)

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<b>Table 1</b>			
	Increase to this Stage	Return to next higher stage	
Stage 0	Voluntary water rationing requested beginning May 1 of each year.	Unless an unforeseen emergency exists, water rationing will be terminated on October 1 of each year.	
Stage 1	Storage tanks fail to restore to an available capacity of 1,200,000 Gallons on three (3) consecutive days	Unless an unforeseen emergency exists, water rationing will be terminated on October 1 of each year.	
Stage 2	Storage tanks fail to restore to an available capacity of 1,000,000 Gallons on three (3) consecutive days	Storage tanks capacity restores to at least an available capacity of 1,200,000 Gallons on five (5) consecutive days.	
Stage 3	Storage tanks fail to restore to an available capacity of 750,000 Gallons on three (3) consecutive days	Storage tanks capacity restores to at least an available capacity of 1,000,000 Gallons on five (5) consecutive days.	
Stage 4	Storage tanks fail to restore to an available capacity of 625,000 Gallons on three (3) consecutive days	Storage tanks capacity restores to at least an available capacity of 800,000 Gallons on five (5) consecutive days.	
Stage 5	Storage tanks fail to restore to an available capacity of 500,000 Gallons on two (2) consecutive days	Storage tanks capacity restores to at least an available capacity of 800,000 Gallons on three (3) consecutive days.	

**Section IX: Drought Response Stages**

The Manager of the City Water Utility, 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 Section VIII of this Plan, shall determine that a mild, moderate, severe, critical, emergency or water shortage condition exists and shall implement the following notification procedures:

**Notification**

Notification of the Public:

The Manager of the City Water Utility or his/her designee shall notify the public by means of:  
*publication in the official City newspaper and other newspapers of general circulation,*  
*telephone messages to water utility customers*  
*direct mail and/or direct distribution of handbills to each water customer,*  
*public service announcements,*  
*banners and/or signs posted in public places.*

Additional Notification:

The Manager of the City Water Utility or his/her designee shall notify directly, or cause to be notified directly, the following individuals and entities:  
*Mayor and members of the City Council*  
*Police and Fire Chiefs*  
*City and/or County Emergency Management Coordinator(s)*  
*Texas Commission on Environmental Quality (TCEQ) (required when mandatory restrictions are imposed)*

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*Major water users*

*Critical water users, i.e. hospitals*

*Note: The plan should specify direct notice only as appropriate to respective drought stages.*

**Stage 0 Response -- Water Conservation Awareness Conditions**

Goal: Promote public awareness and foster support for the voluntary conservation of water and minimize the use of water for purposes of landscape irrigation.

Supply Management Measures: Conduct public awareness seminars to increase understanding of and support for general water conservation needs and techniques.

**Stage 1 Response -- MILD Water Shortage Conditions**

Goal: Maintain at least 240 gallons per person reserve for a population of 5,000 in the City water storage tanks.

Supply Management Measures:

*Monitor water system resources and operate City wells to maximize the water production available to water utility customers.*

*The City shall not issue permits for high water use projects such as in ground swimming pools.*

Mandatory Water Use Restrictions:

- (a) Water customers are required to limit outside use of City supplied water to days and time periods established for stage 1 (Initial Water Conservation) by Willow Park City Ordinance documented in Chapter 11, Section 209.
- (b) All operations of the City shall adhere to water use restrictions prescribed for Stage 2 of the Plan.
- (c) Water customers are requested to practice water conservation and are required to discontinue City provided water use for non-essential purposes as defined in Section VII of this Plan.
- (d) Irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose with a control nozzle, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.

**Stage 2 Response -- MODERATE Water Shortage Conditions**

Goal: Maintain at least 200 gallons per person reserve for a population of 5,000 in the City water storage tanks.

Supply Management Measures:

*Monitor water system resources and operate City wells to maximize the water production available to water utility customers.*

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**Mandatory Water Use Restrictions.** Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

- (a) Water customers are required to limit outside use of City supplied water to days and time periods established for stage 2 (Water Conservation) by Willow Park City Ordinance documented in Chapter 11, Section 209. However, irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose with a control nozzle, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.
- (b) Water customers are required to discontinue City provided water use for non-essential purposes as defined in Section VII of this Plan.
- (c) Use of water from hydrants shall be limited to fire fighting, 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 the City.
- (d) Use of City provided treated water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the City, the facility shall not be subject to these regulations.

**Stage 3 Response -- SEVERE Water Shortage Conditions**

**Goal:** Maintain at least 150 gallons per person reserve for a population of 5,000 in the City water storage tanks.

**Supply Management Measures:**

*All measures under Stages 1 and 2. Monitor water system resources and operate City wells to maximize the water production available to water utility customers. Ensure well production maintains ninety percent (90%) of capacity.*

**Water Use Restrictions.** All requirements of Stage 2 shall remain in effect during Stage 3 except:

- (a) Water customers are required to limit outside use of City supplied water to days and time periods established for stage 3 (Water Conservation) by Willow Park City Ordinance documented in Chapter 11, Section 209. However, irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose with a control nozzle, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.
- (b) The watering of golf course tees is prohibited unless the golf course utilizes a water source other than treated potable water provided by the City.
- (c) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

**Stage 4 Response -- CRITICAL Water Shortage Conditions**

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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. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation.

- (d) Any employee of the City Water Department, City police officer, or other employee designated by the City Council, may issue a citation to a person he/she reasonably believes to be in violation of this Ordinance. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the municipal court on the date shown on the citation for which the date shall not be less than 3 days nor more than 5 days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in the municipal court to enter a plea of guilty or not guilty for the violation of this Plan. If the alleged violator fails to appear in the municipal court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in the municipal court before all other cases.

**Section XI: Variances**

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:

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

Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with the Mayor or City Administrator within 5 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:

- (a) Name and address of the petitioner(s).
- (b) Purpose of water use.
- (c) Specific provision(s) of the Plan from which the petitioner is requesting relief.
- (d) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- (e) Description of the relief requested.
- (f) Period of time for which the variance is sought.
- (g) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (h) Other pertinent information.

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Variations granted by the City shall be subject to the following conditions:

- (a) Variations granted shall include a timetable for compliance.
- (b) Variations granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

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