



**2019**  
**Water Conservation &**  
**Drought Contingency Plan**

ORDINANCE NO. O2019-12

AN ORDINANCE OF WEATHERFORD CITY COUNCIL AMENDING ORDINANCE 753-2015-42, THE ELEMENTS OF A WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN; PROVIDING THAT THIS AMENDMENT SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Weatherford, Texas ("City"), is a home City acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code;

WHEREAS, the above stated commitments are conditioned on the adoption of a program of water conservation for the efficient use of water that will meet reasonable anticipated local needs and conditions, and which is approved by the Executive Administrator of the Texas Water Development Board;

WHEREAS, the City Council of the City of Weatherford desires to have in place a program of water conservation and a plan to mitigate the effects on the water supply and water system during periods of drought;

WHEREAS, the goal of the water conservation program will be to reduce total retail per capita water consumption by an additional two and one half percent (2.5%) within five (5) years of adopting the 2019 Water Conservation and Drought Contingency Plan and an additional two and one half percent (2.5%) within ten (10) years, for a total of 5%; and to reduce total residential per capita water consumption by an additional one percent (1%) within five (5) years of adopting the 2019 Water Conservation and Drought Contingency Plan and an additional one percent (1%) within ten (10) years, for a total of 2%.

NOW, THEREFORE, BE IT ORDAINED BY THE City Council OF THE CITY OF WEATHERFORD, TEXAS:

SECTION 1.

That the CITY OF WEATHERFORD, Texas adopts the amended Water Conservation and Drought Contingency Plan on this 9 day of April 2019, A.D.

SECTION 2.

The Water Conservation Plan establishes year-round water conservation measures to be taken by the citizens of the City of Weatherford during periods of non-drought conditions.

SECTION 3.

The Drought Contingency Plan establishes certain drought trigger events and actions to be taken by the citizens of the City of Weatherford during the periods of defined drought conditions.

#### SECTION 4.

This ordinance authorizes the Municipal Utility Board, or the appointed Administrator, to define the trigger condition as detailed in the Drought Contingency Plan, to upgrade or downgrade the condition, to initiate the appropriate actions as detailed in the adopted Drought Contingency Plan and to terminate the condition when the emergency has ended.

#### SECTION 5.

The Municipal Utility Board, or the appointed Administrator, shall have the authority to enact any or all of the prescribed procedures, and to adopt and promulgate rules and regulations if necessary to protect health and safety in case of system failure. This also includes the allocation of available water supplies in the event of a water shortage and the provision of an alternative water supply in the event the City's water source is compromised.

#### SECTION 6.

The Municipal Utility Board, or the appointed Administrator, will have the authority to set penalties for violations to the actions prescribed by this ordinance Water Conservation Plan and Drought Contingency Plan. Violations will be classified as Class "C" Misdemeanors.

#### SECTION 7.

This authority established by this ordinance will remain in effect until the ordinance has been repealed or amended by the Weatherford City Council.

#### SECTION 8. Cumulative Clause.

This ordinance shall be cumulative of all ordinances of the City of Weatherford, Texas, as amended except where the provisions of this ordinance are in the direct conflict with such ordinances, in which event the conflicting provisions of such ordinances are here by repealed.

#### SECTION 9. Severability Clause.

It is hereby declared to be the intention of the Weatherford City Council that the phrases, clauses, sentences, paragraphs and section of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the Weatherford City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

#### SECTION 10. Penalty Clause.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than five hundred dollars (\$500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

#### SECTION 11. Savings Clause.

All rights and remedies of the City of Weatherford are expressly saved as to any and all violations of the provisions of the Code of Ordinances of the City of Weatherford, Texas, as

amended, or any other ordinances affecting water conservation and drought contingency plans which may or may not have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by the ordinance but may be prosecuted until final disposition by the courts.

SECTION 12. Pamphlet Form Clause.

The City Secretary of the City of Weatherford is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all court without further proof than the production thereof.

SECTION 13. Publication Clause.

The City Secretary of the City of Weatherford is hereby directed to publish in the official newspaper of the City of Weatherford, the caption, penalty clause, publication clause and effective date clause of this ordinance one (1) time within ten (10) days after the adoption of this ordinance by the Weatherford City Council.

SECTION 14. Effective Date Clause

This ordinance shall be in full force and effect from and after passage and publication as required by law, and it is so ordained.

The foregoing ordinance was introduced, read and passed by a vote of 5 yes and 0 no at a regular meeting of the Weatherford City Council held on the 9 day of April 2019.

  
Craig Swancy, Mayor

ATTEST:

  
Malinda Nowell, City Secretary

APPROVED AS TO FORM

  
Zellers & Zellers, City Attorney

## CHAPTER 1

### Section 1. Introduction

This report outlines the City's water conservation and drought contingency programs. The objective of the conservation program is to reduce the quantity required for each water using activity, as is practical, through the implementation of efficient water practices. The drought contingency program provides procedures for voluntary and mandatory actions to be put in place upon the City's water supply system during a water shortage emergency. Drought contingency procedures include a prohibition of certain uses. Both programs are tools that the City will have available to operate effectively in all situations.

### Section 2. Planning Area and Project Description

The City of Weatherford is located in southeast Parker County. The water and wastewater service area is defined by the City's Certificate of Convenience and Necessity (CCN) boundary. Presently, only a small percentage of the City's water and wastewater customers are located outside the City's corporate limits. The City's current service area is approximately 28.96 square miles, but the potential service area including the CCN and city limits measures approximately 44.3 square miles.

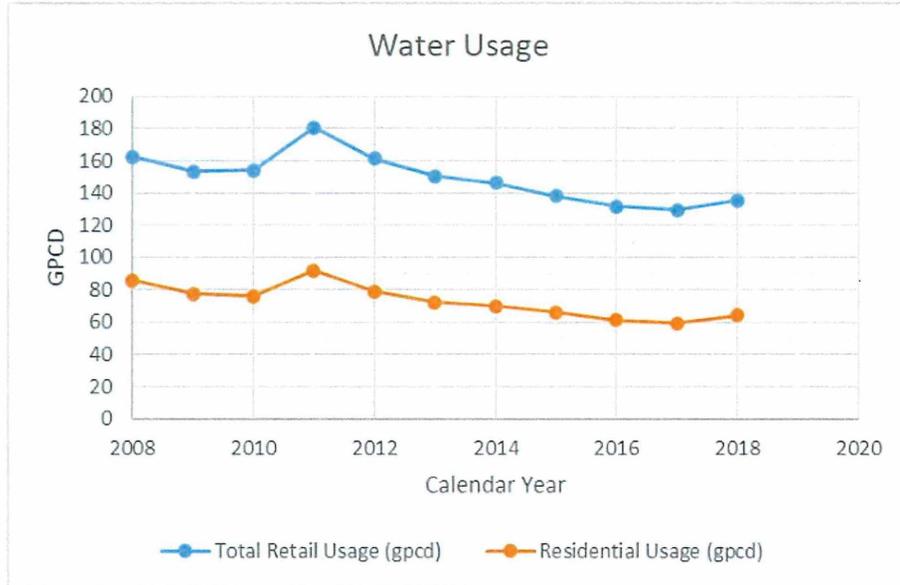
### Section 3. Utility Profile

A detailed summary of utility evaluation data is included in *Appendix A*. This data substantiates the need for implementing a water conservation program along with other improvements.

### Section 4. Water Conservation Goals – 5 & 10 Year Targets

The objective of a water conservation plan is to reduce the per capita consumption of water, a finite resource. Many communities throughout the United States have used conservation measures to successfully cope with various water and wastewater problems. Reductions in water use of as much as twenty-five percent (25%) have been achieved, but the normal range is five percent (5%) to fifteen percent (15%). The goals established in the previous plan included a 5% reduction in the first five years, and an additional 2.5% reduction in the next five years. Annual water consumption for both total retail usage and residential usage is shown in the following graph. To average out weather patterns, staff compared five-year averages in lieu of individual year comparisons. The five-year average in 2013 was 160 gallons per capita per day (gpcd) for total retail consumption. By 2018, the five-year average was 136 gpcd, which

amounts to a 15% reduction over the last five years. It is worth noting that the Texas Water Development Board and the Water Conservation Implementation Task Force recommended a goal of 140 gpcd for retail water consumption. During this same period, the residential use decreased from 79 gpcd to 64 gpcd, which amounts to a 19% reduction.



It is the goal of this Water Conservation Plan to reduce overall retail per capita water consumption by an additional 2.5% within five (5) years of adopting this plan and an additional 2.5% within ten years, for a total of 5%. Because of the already low residential per capita usage, the goal is to reduce residential consumption by 1% within the next five years, and an additional 1% within ten years, for a total of 2%.

These targets will be achieved by tracking water use, control of water loss, continuing water conservation education programs and literature, and implementation of the reclaimed water program. In an effort to minimize real and apparent water loss in the distribution system, meters are installed at dead end mains during flushing to calculate water loss, all water meters were replaced with more accurate meters as part of the Automated Metering System program, and fire hydrant locks have been installed where water loss concerns are present.

## CHAPTER 2 WATER CONSERVATION PLAN

### Section 1. Plan Elements

There are many elements to be considered in developing a water conservation plan. The principal water conservation methods to be considered in preparing this water conservation plan are:

- **Universal Metering and Meter Repair/Replacement** - Accurate metering of water deliveries is an important element in the City of Weatherford's program to control and minimize water loss.
- **Water Audits and Leak Detection** - Leak Detection in the delivery system allows the City of Weatherford ways to improve or eliminate water lost. Routine audits are a tool to inform the City where conservation efforts may be needed.
- **Unaccounted-for Water Use** - Identifying water loss allows the City to take direct action to maximize the efficiency of our water system.
- **Continuing Public Education & Information** - Education and technical assistance programs are important to inform people about the impact of improved water efficiency and water conservation.
- **Non-Promotional Water Rate Structure** - Rate structure evaluation allows the City to provide services needed to our residents while focusing on water conservation.
- **Water Conservation Implementation Report** - This report is required by the TCEQ and lists various water conservation strategies that have been implemented and the date the strategy was implemented. The reporting entity must establish conservation goals and includes accountability measures to track progress of those goals.
- **Record Management System** - A system that allows the City to monitor water loss in the distribution system.

- **Coordination with Regional Water Planning Group** - Gives the City the opportunity to identify regional water supply problems and gives opportunities to address local issues and concerns.
- **Implementation and Enforcement** - Clear implementation and enforcement measures allow the City to ensure an adequate water supply as our population grows.

### **Section 1.1. Universal Metering and Meter Repair/Replacement**

All water users including retail, city and other public facilities are metered. All metering devices must be within an accuracy of plus (+) or minus (-) five percent (5%) in order to measure and account for the amount of water diverted from the source of supply. Master meters for Raw and Finished water are located at the Water Purification Plant.

A regular scheduled maintenance program of meter testing, repair, and replacement will be established in accordance with the following schedule:

1. Meters 4" and larger - test once a year.
2. Meters from 1-1/2" to 3" - test 2% every year.
3. Smart Meters smaller than 1-1/2" – replace as batteries expire.

### **Section 1.2. Water Audits and Leak Detection**

The City will continue their on-going leak detection, location, and repair programs. Water line leaks are detected by utility personnel while reading meters, maintaining the water and wastewater systems and while performing other routine surveillance programs. Utilizing the new Automated Meter System program will also allow staff to monitor customer's water usage to potentially identify and notify customers of potential leaks.

Additionally, water audits shall be utilized to determine if leaks exist which have gone undetected. The City shall conduct water audits at least once a year to compare water purchased versus water sold.

### **Section 1.3. Unaccounted-For Water Use**

Measures to control unaccounted water are part of the routine operations of the City. Unaccounted water use is tracked on a monthly basis with the efforts of multiple departments not limited to: the Water Purification Plant, Water Maintenance Crews, and Finance. Maintenance crews and personnel consistently monitor and inspect for and report evidence of leaks in the water distribution system. City personnel watch for and report signs of illegal connections so they can be addressed quickly.

### **Section 1.4. Continuing Public Education & Information**

The City recognizes that water conservation significantly benefits individuals and communities in terms of long-term program availability and costs. The most readily available and lowest cost method of promoting water conservation is to inform the retail water users about ways to save water in homes and businesses, in landscaping and lawn uses, and in recreational uses. The City will provide the information to retail customers in the following manner:

1. Distribution of educational material in the form of a mail-out or information added to the water bill.
2. Provide information on the City of Weatherford website on Water Conservation. Information to include; currently adopted Water Conservation & Drought Contingency Plan, conservation tips, adopted watering schedule for water customers, etc.
3. Host a booth at various City of Weatherford/Weatherford Chamber of Commerce special events throughout the year (Weatherford Blooms Festival, Parker County Peach Festival, W.I.S.D. Third Grade Tours). Promote water conservation to customers by providing literature/brochures/handouts and giving away free items; moisture meters, rain/sprinkler gauges, hose timers, low flow shower heads, etc.
4. Provide educational materials made available from Take Care of Texas on the City of Weatherford website & Water Utilities Facebook page.
5. Promote WaterIsAwesome to customers for them to sign up to receive text and email reminders with suggestions on what their lawn needs every week. In addition, work on promoting other educational materials that are available through the website at various times throughout the year.
6. Create a brochure that will include water conservation literature for new customers when applying for service.

The Development & Neighborhood Services Department adopted the provisions of HB 1656 as part of the Irrigation System Application. The bill requires cities with populations greater than 20,000 to require plan submittal of new irrigation systems, installation inspection, and a final walk-through. *See Appendix B.*

### **Section 1.5. Non-Promotional Water Rate Structure**

The City will periodically review respective retail water rate structures to ensure that the prevailing rates encourage water conservation while covering the total cost of service and minimizing adverse impacts. The City updated an increasing block rate structure in 2016 to encourage continued water conservation. *See Appendix C.*

### **Section 1.6. Water Conservation Implementation Report**

The TCEQ required Water Conservation Implementation Report is required by rule to be updated and submitted along with the water conservation plan every five years. In addition, this form must be updated when revisions are made to the water conservation plan in between the five-year submittals. This report is an overview of the summary of updates/revisions that have been made to the water conservation plan.

### **Section 1.7 Reuse of Wastewater**

The City of Weatherford recognizes that a major goal of water conservation is beneficial reuse of wastewater. There are four plans for beneficial reuse of wastewater at the City: reuse from the wastewater treatment plant to jet/clean wastewater lines; use of effluent from the water treatment plant backwash lagoons for use by the golf course for irrigation purposes; and the beneficial reuse of effluent from the wastewater treatment plant and water treatment plant backwash lagoons to supplement water supply sources in Lake Weatherford by discharging flow to Lake Weatherford.

### **Section 1.8. Record Management System**

The City will continue the use of its record management system which tracks water diverted, water produced, transmission, metered and un-metered losses, and water sales as required by Title 30 TAC, Part 1, Chapter 288, Subchapter A, Rule 288.2(a)(2)(B). Water sales are further identified into several categories, including but not limited to: Residential, Commercial,

Institutional, and Industrial. This system tracks this information on a monthly basis which allows the City to respond quickly to suspected problems of water loss. Furthermore, the new Automated Meter System has the ability to track water usage on an hourly basis, helping to identify potential water leaks on a more frequent basis.

### **Section 1.9. Year-Round Water Conservation Measures**

The City of Weatherford, in conjunction with other regional DFW cities, has implemented year-round water conservation measures. January 1 through December 31 of each year, the City will limit watering to no more than twice per week according to the odd/even schedule described below. If the City is already under a more restrictive stage of the Plan, the higher-level restrictions shall prevail.

1. Prohibit outdoor watering with sprinklers or irrigation systems between 10a .m. and 6 p.m. every day of the year. Watering with hand-held hoses, drip irrigation, and soaker hoses are allowed.
2. Limit landscape watering with sprinklers or irrigation systems is limited to mandatory twice per week based on the last digit of the service address.
  - Residential and commercial addresses ending in an even number (0, 2, 4, 6, 8) may water on Wednesdays and Saturdays.
  - Residential and commercial addresses ending in an odd number (1, 3, 5, 7, 9) may water on Thursdays and Sundays.
  - City, Local Government, and School District offices may water on Tuesdays and Fridays.
  - Landscape watering will not be permitted on Mondays.

### **Section 1.10. Coordination with Regional Water Planning Group**

The City will continue to maintain an active participation within its Regional Water Planning Group. The City has an elected representative, on the Region C Planning Group, who attends regional planning meetings, workshops, and other events. The City has furnished copies of this water management plan, the ordinance adopting the plan, and the water utility profile to the Chair of the Region C Water Planning Group and the Tarrant Regional Water District.

### **Section 2.0. Implementation and Enforcement**

The Director of Water Utilities will appoint a representative who will be the Water Conservation Coordinator of the Water Conservation and Drought Contingency Plan. The Water Conservation Coordinator will oversee the execution and implementation of all elements of the plan. The coordinator will also be responsible for ensuring that adequate records are kept for program

verification. As a means to implement the Water Conservation and Drought Contingency Plan, the Weatherford City Council will adopt an Ordinance to provide the legal documents necessary to enforce this Water Conservation and Drought Contingency Plan. Included in the legal documents are provisions requiring that wholesale customers and any subsequent wholesale customers develop and implement a water conservation plan and drought contingency plan in accordance with the applicable provisions of the TCEQ rules.

1. Procedures for Enforcing Year-Round Water Conservation Measures- This mandatory year-round water use will be enforced by warnings and penalties as follows:
  - On the first violation, customers will be given a written warning that they have violated the mandatory water use restriction.
  - On the second and subsequent violations is guilty of a misdemeanor and upon, conviction shall be punished by a fine of not less than two hundred dollars (\$200.00) and not more than five hundred dollars (\$500.00). Each day that one or more of the provisions in this Plan is violated, shall constitute a separate offense.
  - After three or more distinct violations of this Plan, the Director of Water Utilities 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 re-connection charge, hereby established at \$250.00, and any other costs incurred by Weatherford Utilities in discontinuing service.
  - In addition, suitable assurance must be given to the Director of Water Utilities that the same action shall not be repeated while the Plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.
2. Any person, including a person classified as a water customer of Weatherford Utilities, 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. 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.
3. Any employee of Weatherford Utilities, police officer, or other City of Weatherford employee designated by the Director of Water Utilities, 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 Weatherford Municipal Court on the date shown on the citation for which the date shall not be more than 30 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 member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in Weatherford 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 Weatherford 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 Weatherford Municipal Court before all other cases.

### **Section 2.1 Requirements for Wholesale Customers**

Every contract for the wholesale sale of water by City of Weatherford that is entered into, renewed, or extended after the adoption of this water conservation plan (by either ordinance, resolution, or tariff) will include a requirement that the wholesale customer and any wholesale customers of that wholesale customer develop and implement a water conservation plan meeting the requirements of Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.2 and 288.5 of the Texas Administrative Code. The requirement will also require that the wholesale customer incorporate the applicable elements in this plan.

The use of reclaimed, reused and/or recycled City water is prohibited. Unless specified in the contract agreement giving the customer rights to resale the water, all water sold to wholesale customers shall be returned.

### **Section 2.2 Request for Variance**

The Director of Water Utilities, or his/her designee, may, grant a temporary variance for water use prohibited under this Plan if it is determined that an emergency condition resulting in an adverse effect to health, sanitation, or fire protection for the public or the person requesting such variance.

1. Outdoor watering at a service address with large multi-station irrigation systems may take place in accordance with a variance granted by the Director of Water Utilities or his/her designee, if it is determined that the property cannot be adequately irrigated in a single day.
2. A temporary variance may also be granted to playing fields which require watering to maintain league standards.
3. Persons requesting an exemption from the provisions of this Plan shall file a petition for variance with the Director of Water Utilities. All petitions for variances shall be reviewed by the Director of Water Utilities or his/her designee, and shall include the following:

- Name and address of the petitioner(s).
  - Purpose of water use.
  - Specific provision(s) of the Plan from which the petitioner is requesting relief.
  - 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 Plan.
  - Description of the relief requested.
  - Period of time for which the variance is sought.
  - 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.
  - Other pertinent information.
4. Variances are granted if new turf (e.g. hydromulch, grass sod, or grass seed) is installed. Persons requesting watering variance must submit a New Turf special permit with the Director of Water Utilities or his/her designee, prior to installing new turf. Permit authorizes no water restrictions for the first thirty (30) days while it is being established. After that, the water restrictions set forth under year-round water conservation measures must apply. (Form 1.1)

**CHAPTER 3  
DROUGHT CONTINGENCY PLAN**

**Section 1. 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 Weatherford Municipal Utility Board of Trustees (WMUB) 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 12 of this Plan.

**Section 2. Public Involvement**

City of Weatherford provided the opportunity for public input/comment of this drought contingency plan during two advertised public meetings prior to adoption.

**Section 3. Public Education**

The WMUB 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 Utility bill inserts and/or press releases.

**Section 4. Coordination with Regional Water Planning Groups**

The service area of Weatherford Municipal Utilities is located within the Region C planning area and WMUB has provided a copy of this Plan to the Region C planning group.

## **Section 5. Authorization**

The Director of Water Utilities, 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 Director of Water Utilities, 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.

## **Section 6. Application**

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

## **Section 7. 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.

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.

Customer: any person, company, organization, corporation, partnership, association or any other legal entity using water supplied by Weatherford Utilities.

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.

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

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.

Non-essential water use: water uses that are neither 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) 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.

Reuse: the authorized use for one or more beneficial purposes of use of water that remains unconsumed after the water is used for the original purpose of use and before the water is either disposed of or discharged or otherwise allowed to flow into a watercourse, lake, or other body of state-owned water.

## **Section 8. Criteria for Initiation and Termination of Drought Response Stages**

The Director of Water Utilities, 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, that is, when the specified “triggers” are reached. In addition, the most recent U.S. Drought Monitor at <https://droughtmonitor.unl.edu/> will be used to monitor drought conditions.

The triggering criteria described below are based on the capacity of Lake Weatherford.

### **Section 8.1 Stage 1 Trigger – Water Watch**

#### Requirements for initiation:

- (a) The lake level in Lake Weatherford reaches 889.0 feet or 61.5% capacity; or
- (b) Water demand reaches 85 percent of the water treatment capacity or
- (c) Any mechanical failure of pumping equipment will require more than 48 hours to repair when dry weather conditions exist and continued dry weather is expected.
- (d) TRWD initiates Stage 1 – Water Watch for one or more of the following reasons:
  1. Total raw water supply in TRWD western and eastern division reservoirs drops below 75% (25% depleted) of conservation storage.
  2. Water demand for all or part of the TRWD delivery system exceeds delivery capacity because delivery capacity is inadequate.
  3. Water demand is projected to approach the limit of TRWD’s permitted supply.
  4. TRWD’s supply source becomes contaminated.
  5. TRWD’s water supply system is unable to deliver water due to the failure or damage of major water system components.
  6. The TRWD General Manager, with the concurrence of the TRWD Board of Directors, finds that conditions warrant the declaration of Stage 1 drought.

#### Requirements for termination

Stage 1 – Water Watch may be rescinded when TRWD terminates its Stage 1 condition or when the circumstances that caused the initiation of Stage 1 no longer prevail or when the lake level in Lake Weatherford is above 889.0 feet or 61.5% capacity.

#### Goal for Use Reduction for Stage 1

The goal for water use reduction under Stage 1, Water Watch, is to decrease use by five percent. If circumstances warrant or if required by TRWD, the Director of Water Utilities, or his/her designee, can set a goal for greater water use reduction.

### Water Use Restrictions for Stage 1, Water Watch

Under threat of penalty for violation, the following water use restrictions shall apply during a Stage 1 Drought Response. Following is a menu of possible actions. Specific actions taken during any drought situation will be determined by the Director or Utilities or his/her designee. The Director of Utilities or his/her designee may also take other actions not listed, if deemed necessary.

- (a) Prohibit outdoor watering with sprinklers or irrigation systems between 10 a.m. and 6 p.m. Watering with hand-held hoses, drip irrigation, and soaker hoses may occur at any time .
- (b) Limit landscape watering with sprinklers or irrigation systems to mandatory twice per week based on the last digit of the service address.
  - Residential and commercial addresses ending in an even number (0, 2, 4, 6, 8) may water on Wednesdays and Saturdays.
  - Residential and commercial addresses ending in an odd number (1, 3, 5, 7, 9) may water on Thursdays and Sundays.
  - City, Local Government, and School District offices may water on Tuesdays and Fridays.
  - Landscape watering will not be permitted on Mondays.
- (c) All other water uses please refer to Table 1.1-City of Weatherford Drought Plan Actions and Measures.

### **Section 8.2 Stage 2 Trigger – Water Warning**

#### Requirements for initiation:

- (a) The lake level in Lake Weatherford reaches 887.5 feet or 54% capacity; or
- (b) Water demand reaches 85 percent of the water treatment capacity or
- (c) Any mechanical failure of pumping equipment will require more than 48 hours to repair when dry weather conditions exist and continued dry weather is expected.
- (d) TRWD initiates Stage 2 – Water Warning for one or more of the following reasons:
  1. Total raw water supply in TRWD western and eastern division reservoirs drops below 60% (40% depleted) of conservation storage.
  2. Water demand for all or part of the TRWD delivery system exceeds delivery capacity because delivery capacity is inadequate.
  3. Water demand is projected to approach the limit of TRWD’s permitted supply.
  4. TRWD’s supply source becomes contaminated.
  5. TRWD’s water supply system is unable to deliver water due to the failure or damage of major water system components.

6. The TRWD General Manager, with the concurrence of the TRWD Board of Directors, finds that conditions warrant the declaration of Stage 2 drought.

Requirements for termination:

Stage 2 – Water Warning may be rescinded when TRWD terminates its Stage 2 condition or when the circumstances that caused the initiation of Stage 2 no longer prevail or when the lake level in Lake Weatherford is above 887.5 or 54% capacity.

Goal for Use Reduction for Stage 2

The goal for water use reduction under Stage 2, Water Warning, is to decrease use by 10 percent. If circumstances warrant or if required by TRWD, the Director of Water Utilities, or his/her designee, can set a goal for greater water use reduction.

Water Use Restrictions for Stage 2

All requirements of Stage 1 Drought Response shall remain in effect during Stage 2. The following is a menu of possible actions. Specific actions taken during any drought situation will be determined by the Director or Utilities or his/her designee. The Director of Utilities or his/her designee may also take other actions not listed, if deemed necessary.

- (a) Prohibit outdoor watering with sprinklers or irrigation systems between 10 a.m. and 6 p.m. Watering with hand-held hoses, drip irrigation, and soaker hoses may occur at any time.
- (b) Limit landscape watering with sprinklers or irrigation systems to mandatory once per week based on the last digit of the service address.
  - Residential and commercial addresses ending in an even number (0, 2, 4, 6, 8) may water on Saturdays.
  - Residential and commercial addresses ending in an odd number (1, 3, 5, 7, 9) may water on Sundays.
  - City, Local Government, and School District offices may water on Fridays.
  - Landscape watering will not be permitted on Mondays.
- (c) Other prohibit water uses.
  - Hosing of paved areas, such as sidewalks, driveways, parking lots, tennis courts, patios, or other impervious surfaces, except to alleviate an immediate health or safety hazard.
  - Swimming pools may not be filled with automatic valves. No refilling may be done between 10 a.m. and 6 p.m. on the designated watering day.
  - Use 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 recirculation system.

### **Section 8.3 Stage 3 Trigger – Water Emergency**

#### Requirements for initiation:

- (a) The lake level in Lake Weatherford reaches 885.5 feet or 45% percent capacity; or
- (b) Water demand reaches 85 percent of the water treatment capacity or
- (c) Major water line breaks, pump or system failures occur, which cause unprecedented loss of capability to provide water service; or
- (d) Natural or man-made contamination of the water supply source(s)
- (e) TRWD initiates Stage 3 – Water Emergency for one or more of the following reasons:
  - 1. Total raw water supply in TRWD western and eastern division reservoirs drops below 45% (55% depleted) of conservation storage.
  - 2. Water demand for all or part of the TRWD delivery system exceeds delivery capacity because delivery capacity is inadequate.
  - 3. Water demand is projected to approach the limit of TRWD’s permitted supply.
  - 4. TRWD’s supply source becomes contaminated.
  - 5. TRWD’s water supply system is unable to deliver water due to the failure or damage of major water system components.
  - 6. The TRWD General Manager, with the concurrence of the TRWD Board of Directors, finds that conditions warrant the declaration of Stage 3 drought.

#### Requirements for termination:

Stage 3 – Water Emergency may be rescinded when TRWD terminates its Stage 3 condition or when the circumstances that caused the initiation of Stage 3 no longer prevail or when the lake level in Lake Weatherford is above 885.5 or 45% capacity.

#### Goal for Use Reduction for Stage 3

The goal for water use reduction under Stage 3, Water Emergency, is to decrease use by 20 percent. If circumstances warrant or if required by TRWD, the Director of Water Utilities, or his/her designee, can set a goal for greater water use reduction.

### Water Use Restrictions for Stage 3

All requirements of Stage 1 and Stage 2 Drought Response shall remain in effect during Stage 3. The following is a menu of possible actions. Specific actions taken during any drought situation will be determined by the Director or Utilities or his/her designee. The Director of Utilities or his/her designee may also take other actions not listed, if deemed necessary.

- (a) All outdoor watering is prohibited.
- (b) Other prohibit water uses.
  - The draining, filling, or refilling of swimming pools and Jacuzzi type pools. Existing private and public pools may add water to maintain pool levels. Swimming pools may not be filled with automatic valves.
  - Vehicle washing is restricted to commercial car wash or commercial service station and can only be done as necessary for health, sanitation, or safety reasons, including but not limited to the washing of garbage trucks and vehicles used to transport food and other perishables. All other vehicle washing is prohibited.

Use of water for construction purposes from designated fire hydrants under a Fire Hydrant Special Permit (Form 1.2) is to be discontinued.

## **Section 9. Drought Response and Notification**

The Director of Water Utilities, 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

- (a) Notification of the Public-The Director of Water Utilities, or his/ her designee, shall notify the public by means of one or more of the following:
  - a. Publication in a newspaper of general circulation,
  - b. Direct mail to each customer,
  - c. Public service announcements,
  - d. Signs posted in public places
  - e. Reverse 911 System
  
- (b) Additional Notification-The Director of Water Utilities, or his/ her designee, shall notify directly, or cause to be notified directly, the following individuals and entities:
  - a. Mayor, Utility Board Chairman and members of the Utility Board and City Council, Fire Chief
  - b. City Emergency Management Coordinator
  - c. TCEQ (required when mandatory restrictions are imposed)

- d. Major water users
- e. Critical water users, i.e. hospitals
- f. Parks Department, Public Works Department, Development & Neighborhood Services Department
- g. Wholesale Customer(s)

## **Section 10. Drought Plan Actions and Measures**

See Table 1.1 - City of Weatherford Drought Plan Actions and Measures

## **Section 11. Allocation and Alternate Portable Water Supply**

- (a) Every wholesale water contract entered and/or renewed after adoption of the plan, including contract extensions, that in the case of shortage of water resulting from drought, source supply contamination, system outage due to the failure of major system components, and or water production or distribution system limitations the water to be distributed shall be divided in accordance with Texas Water Code 11.039. Pro rata curtailment of water deliveries to or diversions by wholesale water customers is authorized by Texas Water Code 11.039.
- (b) In the case of a water shortage due to source water contamination, the City of Weatherford will utilize water from Lake Benbrook which is authorized by Certificate # 08-3356A Amendment to Certificate of Adjudication. In the case of a system outage due to the failure of major water system components, and or water production or system limitations the City of Weatherford will utilize bottled or trucked water.

## **Section 12. Enforcement**

- (a) No person shall knowingly or intentionally allow the use of water from Weatherford Utilities 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 Director of Water Utilities, or his/her designee, in accordance with provisions of this Plan.
- (b) Procedures for Enforcing Mandatory Water Use Measures- Mandatory water use restrictions may be imposed in Stages 1, 2, and 3. These mandatory water use restrictions will be enforced by warnings and penalties as follows:
  - On the first violation, customers will be given a written warning that they have violated the mandatory water use restriction.

- On the second and subsequent violations is guilty of a misdemeanor and upon, conviction shall be punished by a fine of not less than two hundred dollars (\$200.00) and not more than five hundred dollars (\$500.00). Each day that one or more of the provisions in this Plan is violated, shall constitute a separate offense.
  - After three or more distinct violations of this Plan, the Director of Water Utilities 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 re-connection charge, hereby established at \$250.00, and any other costs incurred by Weatherford Utilities in discontinuing service.
  - In addition, suitable assurance must be given to the Director of Water Utilities that the same action shall not be repeated while the Plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.
- (c) Per the contract, wholesale customers will be required to implement the same stage and measures for as long as any part of their total water supply is being furnished by the City of Weatherford. Failure to comply with this ordinance will be considered a breach of contract and will be subject to contract cancelations as well as other enforcement measures stated in (b) of this Section.
- (d) Any person, including a person classified as a water customer of Weatherford Utilities, 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. 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.
- (e) Any employee of Weatherford Utilities, police officer, or other City of Weatherford employee designated by the Director of Water Utilities, 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 Weatherford Municipal Court on the date shown on the citation for which the date shall not be more than 30 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 Weatherford

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 Weatherford 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 Weatherford Municipal Court before all other cases.

### **Section 13. Variances**

- (a) The Director of Water Utilities, 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.
  
- (b) Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with the Director of Water Utilities within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the Director of Water Utilities, 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.
  
- (c) Variances are granted under Stage 1 response-Water Watch if new turf (e.g. hydromulch, grass sod, or grass seed) is installed. Persons requesting watering variance must submit a New Turf special permit with the Director of Water Utilities or his/her designee, prior to installing new turf. Permit authorizes no water restrictions for the first thirty (30) days while it is being established. After that, the water restrictions set forth under Stage 1-Water Watch must apply. (Form 1.1)

- (d) Variances granted by Weatherford Utilities shall be subject to the following conditions, unless waived or modified by the Director of Water Utilities or his/her designee:
  - a. Variances granted shall include a timetable for compliance.
  - b. Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.
- (e) No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.
- (f) No variance shall be required for the use of private water wells. However, a sign must be posted in the area that is being irrigated with such water giving notice of the use of a non-Weatherford Utility water source. The City of Weatherford will supply the signs for home owners and are available through the Utilities Department.

### **Section 13.1 One-time Variances**

The Director of Water Utilities, or his/her designee, may verbally grant a one-time variance to the existing drought response for sanitary reasons. Each day a variance to the drought response is required, a call must be made to Utilities Dispatch at (817) 598-4725 explaining the reason(s) for the variance request. A determination will be made, and the petitioner will receive a verbal approval or denial.

City of Weatherford Drought Plan Actions and Measures				
Use Reduction Goal:		5%	10%	20%
Water User	Water Use or Action Category	Stage 1 - Water Watch	Stage 2 - Water Warning	Stage 3 - Water Emergency
All Water Users	Outdoor Watering	<u>Prohibited</u> Outdoor watering with sprinklers or irrigation systems between 10 00 a m and 6 00 p m	<u>Prohibited</u> Outdoor watering with sprinklers or irrigation systems between 10 00 a m and 6 00 p.m	<u>Prohibited</u> . Outdoor watering
		<u>Limited to twice per week</u> Landscape watering with sprinklers or irrigation systems at each service address is limited to Wednesdays and Saturdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Thursdays and Sundays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9)	<u>Limited to once per week</u> Landscape watering with sprinklers or irrigation systems at each service address is limited to Saturdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Sundays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9)	<u>Prohibited</u> Outdoor watering
	Exceptions to Outdoor Watering	<u>Foundations</u> May be watered up to two hours on any day by handheld hose, or using a soaker hose or drip system placed within 24 inches of the foundation that does not produce a spray of water above the ground	Same as Stage 1	Same as Stage 1
		<u>Selected Landscaping Plants</u> Newly installed shrubs (first year) and trees may be watered up to two hours on any day by handheld hose, drip irrigation, or a soaker hose Tree watering is limited to an area not to exceed the drip line of a tree.	Same as Stage 1	Same as Stage 1
		<u>New Turf</u> Establishing new turf is discouraged Users must obtain a New Turf special permit if new hydromulch, grass sod, or grass seed is installed There are no watering restrictions for the first 30 days while it is being established After that, the watering restrictions set forth in this stage apply (Form-New Turf Special Permit)	Same as Stage 1	Same as Stage 1
		<u>Well water</u> Twice per week watering restrictions do not apply to locations using well water	Same as Stage 1	Same as Stage 1
		<u>Special Irrigation Systems</u> Installation of an ET controller or sub surface irrigation system, restrictions will not apply Irrigation plans must be submitted for approval prior to installing (Form Irrigation System Application)	Same as Stage 1	<u>Prohibited</u> Outdoor watering