



Water
Utility
Services

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Drought Contingency Plan

Revised 2009

CITY OF WACO WATER UTILITY SERVICES DROUGHT CONTINGENCY PLAN

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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 to domestic water use, to sanitation and fire protection, and to protect and preserve public health, welfare, and safety to minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Waco hereby adopts the following regulations and restrictions on the delivery and consumption of water through Ordinance No. 2009 – 221. A copy is attached as appendix A.

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 IX of this plan.

Section II: Public Involvement

Opportunity for the public to provide input into the preparation of the Plan was provided by the City of Waco by means of a public meeting and by publishing the Plan on the Water Utility Services website (www.wacowater.com). A public notice was provided regarding a public meeting, which was held to accept input on the Plan. Additionally, citizens were invited to send comments electronically after viewing the Plan online.

Section III: Public Education

The City of Waco 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 public events, press releases and/or utility bill inserts.

Section IV: Coordination with Regional Water Planning Groups

The service area of the City of Waco is located within the Brazos G Regional Water Planning Group. The City of Waco has provided a copy of this Plan to the Brazos G Regional Water Planning Group.

Section V: Authorization

The City Manager 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 City Manager 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 VI: Application

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the City of Waco. 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.

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, or organization using water supplied by the City of Waco.

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.

Mean Sea Level (msl): the level of the ocean’s surface, especially the level halfway between high and low tide, used as a standard in reckoning land elevation or sea depths.

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) 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.

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

The City Manager 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.

Criteria triggering the implementation of various stages of the Drought Contingency Plan, include, but are not limited to, the following:

1. General, geographical, or weather related condition or emergency, including but not limited to drought conditions resulting in a decrease in the Lake Waco reservoir level
2. Water system failures/emergencies (i.e., pressure zone deficiencies, chemical spills, broken water mains, power outages, electrical failures, failures of storage tanks or other equipment, treatment plant breakdown, and water contamination)
3. An inability to recover approximately ninety (90) percent of water stored in all Storage facilities within a defined period
4. A catastrophic decrease in the Lake Waco reservoir level and/or delivery capabilities resulting in an inability, presently or in the immediate future, to recover resources sufficient to provide services necessary for the public health and welfare

The level of the Lake Waco reservoir shall be determined based on the official reading by the U.S. Army Corps of Engineers and stated as an elevation above mean sea level (msl).

Triggering Stages

Generally. Upon the occurrence of an emergency, the City Manager may exercise his or her discretion to request special voluntary water restrictions and/or to initiate Stages 1 - 6 mandatory restrictions.

Stage 1 Triggers - Water Watch (Voluntary Reductions)

By May 1 of each year, the city will forecast water supply and potential water demands for May 1 through September 30 of that year. At this stage, citizens are encouraged to practice good water management techniques inside and outside the home, including such practices as cutting back on lawn sprinkler times and developing landscapes that require less water. Criminal penalties do not apply to voluntary reductions during the Water Watch stage.

Stage 2 Triggers – MILD Water Shortage

1. Criteria for implementation of Stage 2 – A decrease in the Lake Waco reservoir level to 452 msl (at which the reservoir is at about 60% of its capacity). Upon recommendation of the City Manager, Stage 2 response procedures shall become effective.
2. Criteria for termination - Stage 2 shall be terminated at the discretion of the City Manager.

Stage 2 Responses

Mandatory restrictions – Upon implementation by the city, the following restrictions shall apply unless specifically exempted:

1. The city shall limit use of water for municipal purposes to those activities necessary to maintain the public health, safety and welfare and any computer-controlled irrigation systems that incorporate evapotranspiration data in setting irrigation run times.
2. The city shall monitor “excessive watering” and issue notifications to customers. “Excessive watering” occurs where run-off extends for a distance greater than ten (10) feet from the customer’s property or where there is washing or hosing down of buildings, sidewalks, driveways, patios, porches, parking surfaces or other paved surfaces. Criminal penalties do not apply during Stage 2 restrictions.

Stage 3 Triggers – MODERATE Water Shortage

1. Criteria for implementation of Stage 3 – A decrease in the Lake Waco reservoir level to 450 msl (at which the reservoir is at about 55% of its capacity) or inability to recover approximately ninety (90) percent of water stored in all storage facilities within a twenty-four (24) hour period.

Upon recommendation of the City Manager, Stage 3 response procedures shall become effective.

2. Criteria for termination - Stage 3 shall be terminated at the discretion of the City Manager.

Stage 3 Responses

Mandatory restrictions – Upon implementation by the city, the following restrictions shall apply unless specifically exempted:

1. All landscape and other outdoor water usage at each service address shall be limited to two days a week based on the last digit in the meter service address or the type of connection.

Last Digit Address Residential:	Allowed Landscape Water Days
Odd	Tuesday and Saturday
Even	Wednesday and Sunday
All Non-Residential accounts	Monday and Friday

Thursday – No Watering, Storage Recovery day

2. Apartments, office building complexes, or other properties containing multiple addresses, will be identified by the lowest physical street address number. Where there are no numbers, a number will be assigned by the Building Official.

Stage 4 Triggers – SEVERE Water Shortage

1. Criteria for implementation of Stage 4 – A decrease in the Lake Waco reservoir level to 446 msl (at which the reservoir is at about 45% of its capacity) or inability to recover approximately ninety (90) percent of water stored in all storage facilities within a thirty (30) hour period. Upon recommendation of the City Manager, Stage 4 procedures shall become effective.
2. Criteria for Termination – Stage 4 shall be terminated at the discretion of the City Manager.

Stage 4 Responses

Mandatory restrictions – Upon implementation by the city, the following restrictions shall apply unless specifically exempted:

1. All landscape and outdoor water usage at each service address shall continue the allowed landscape water days schedule identified in Stage 3; however, landscape and outdoor water usage is prohibited from 5:00 A.M. to 9:00 A.M. and from 4:00 P.M. to 7:00 P.M.

2. Newly constructed swimming pools, Jacuzzis, spas, ornamental ponds, and fountains may be filled once.
3. Watering of newly installed landscaping is exempt from Stage 4 restrictions for no more than one (1) month from the date of planting. After the first month, the landscape water day's schedule and hourly restrictions must be followed.
4. Excessive water run-off from any landscaped area onto streets, alleys, or parking lots is prohibited. Run-off is excessive when it extends for a distance greater than ten (10) feet from the customer's property.
5. Washing or hosing down of buildings, sidewalks, driveways, patios, porches, parking areas, or other paved surfaces is prohibited.
6. Refilling after draining private swimming pools, Jacuzzis, spas, ornamental ponds, and fountains is prohibited. Refilling shall mean to replace more than twenty-five (25) percent of the facility's water capacity.
7. Washing or rinsing vehicles on owner's premises must follow the landscape water days schedule as set out above. A hand-held hose equipped with a positive shut-off nozzle and/or hand-held bucket must be used. (This includes boats, trailers, and other mobile vehicles and equipment.)

Exceptions:

(a) Commercial landscape nurseries are exempt from Stage 4 restrictions, but all such nurseries shall cease using water to clean pavement and sidewalk areas except for health and safety reasons.

(b) Commercial full-service or self-service car wash facilities, including those at service stations and automobile dealership facilities, shall cease using water to clean pavement and sidewalk areas except for health and safety reasons and are exempt from Stage 4 restrictions if they meet one or more of the following conditions:

- (i) Commercial car wash facilities using conveyORIZED, touchless, and / or rollover in-bay technology if they reuse a minimum of fifty percent of water from previous vehicle rinses in subsequent washes.
- (ii) Commercial car wash facilities using reverse osmosis to produce water rinse with a lower mineral content if they incorporate the unused concentrate in subsequent vehicle washes.
- (iii) Self-service spray wands used that emit no more than three gallons of water per minute.

(c) Drip irrigation systems and soaker hoses are exempt from Stage 4 restrictions; however, upon the implementation of Stage 4 restrictions, Stage 3 day and hour restrictions shall apply to such water usage.

(d) Golf course landscape watering is exempt from Stage 4 restrictions so long as golf course irrigation systems are operated with a computer controlled irrigation system that incorporates evapotranspiration data in setting irrigation run times.

Stage 5 Triggers – CRITICAL Water Shortage

1. Criteria for implementation of Stage 5 – A decrease in the Lake Waco reservoir level to 445 msl (at which the reservoir is at about 40% of its capacity) or inability to recover approximately ninety (90) percent in all storage facilities within a forty-eight (48) hour period. Upon recommendation of the City Manager, Stage 5 procedures shall become effective.
2. Criteria for termination - Stage 5 shall be terminated at the discretion of the City Manager.

Stage 5 Responses

Mandatory restrictions – Upon implementation by the city, the following restrictions shall apply unless specifically exempted:

1. The water supply is at the point of a severe water shortage. All landscape and outdoor water usage at each service address shall continue according to the landscape water days schedule identified below; however, landscape and outdoor water usage is prohibited from 5:00 A.M. to 9:00 A.M. and from 4:00 P.M. to 7:00 P.M.

Last Digit Address:	Allowed Landscape Water Day
0, 1	Monday
2, 3	Tuesday
4, 5	Wednesday
6, 7	Thursday
8, 9	Friday
Saturday and Sunday – No Watering, Storage Recovery days	

2. Apartments, office building complexes, or other property containing multiple addresses will be identified by the lowest physical address number. Where there are no numbers, a number will be assigned by the Building Official.
3. Existing swimming pools, hot tubs, spas, ornamental ponds and fountains may be replenished with a hand-held hose to maintain operational purposes only.

4. Permitting of new swimming pools, hot tubs, spas, ornamental ponds or fountain construction is **prohibited**, except that those previously permitted or under construction at the time Stage 5 restrictions are initiated may complete construction and may be filled one time only.
5. Filling occurs when an amount of water equal to at least seventy-five (75) percent of the water capacity is placed in the structure or facility.
6. Excessive water run-off from any landscaped area onto streets, alleys, or parking lots is prohibited. Run-off is excessive when it extends for a distance greater than ten (10) feet from the customer's property.
7. Washing or hosing down of buildings, sidewalks, driveways, patios, porches, parking areas, or other paved surfaces is prohibited.
8. Commercial landscape nurseries are subject to Stage 5 and must apply for any variance. Alternative irrigations schedules may be approved under a variance if the variance meets all of the requirements of Section 26-99 Variances.

Stage 6 Triggers – EMERGENCY Water Shortage

1. Requirements for implementation of Stage 6 – A decrease in the Lake Waco reservoir level to 440 msl (at which the reservoir is at about 30% of its capacity) or determination by the City Manager that the existence of catastrophically decreasing Lake reservoir levels and/or delivery capabilities with an inability to recover to provide services necessary for public health, safety, and welfare.
2. Criteria for termination – Stage 6 shall be terminated at the discretion of the City Manager.

Stage 6 Responses

Mandatory restrictions – Upon implementation by the city, the following restrictions shall apply unless specifically exempted:

1. Any and all outdoor/landscaping water usage is prohibited until the emergency is alleviated. This applies to all metered water users using the city's public water supply and includes all residential (single or multi-family), commercial (car wash, nurseries, business), recreational (public/private golf courses, parks, athletic fields), religious, health care, school and municipal entities.
2. Use of water for municipal purposes shall be limited to only those activities necessary to maintain the public health, safety and welfare, as determined by the city.
3. Use of water from fire hydrants is prohibited except for fire fighting and

related activities.

Section IX: Enforcement

1. No person shall intentionally, knowingly, or recklessly or with criminal negligence allow the use of water from the city for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Division or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the city, in accordance with provisions of this Division.
2. Any person, including a person classified as a water customer of the city, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children, 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. Proof that the notices required under Section 26-94 have been given shall constitute a rebuttal presumption that the person has knowledge of and/or is aware of the declaration of a drought or emergency contingency stage, but such presumption may be rebutted by evidence that the person was out of city at the time of the declaration and could not reasonably have become aware of the declaration since returning to the city.
3. Any person who violates this Division is guilty of a misdemeanor and upon conviction shall be punished by a fine as provided in Section 1-14, General Penalty. Each day that one or more of the provisions in this plan is violated shall constitute a separate offense.
4. If a person is observed violating a Stage 4 or greater, including but not limited to vehicle washing, landscape watering, or construction water use, for a second time, the city shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur.
5. If a person is convicted of three (3) or more distinct violations of this Division, the city shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur.

6. Services discontinued under such circumstances shall be restored only upon payment of reconnection charge established by city policy and any other costs incurred by the city in discontinuing service. In addition, suitable assurance must be given to the city that the same action shall not be repeated while the plan is in effect.
7. The City is entitled to pursue all other criminal and civil remedies to which it is entitled under statutes or other ordinances. Compliance with this Division may also be sought through injunctive relief in the district court.

Section X: Variances

1. A customer may file an application for a variance from this plan for the property receiving water service with the City Manager. The City Manager may determine the proper information and require that the applicant provide such information to evaluate the variance request.
2. The City Manager may grant a variance from the Plan upon his/her determination that special circumstances exist that upon strict enforcement of the plan will adversely affect the health, sanitation, or fire protection for the public or the applicant.
3. Variances granted under this section will expire upon escalation of the plan to the next higher phase or termination of the plan.

APPENDIX A

City of Waco Ordinance No. 2009 – 221

DIVISION 2. WATER CONSERVATION AND DROUGHT/EMERGENCY CONTINGENCY PLAN

Sec. 26-91. Declaration of policy.

(a) Emergencies such as drought or other uncontrollable circumstances can disrupt the normal availability of the city's water supply. Even if an adequate water supply exists, the supply could become contaminated, or a disaster could destroy the supply. The purpose of a drought and emergency contingency plan is to establish the city's policy in the event of shortages or delivery restrictions on the city's water supply, or in the case of equipment failure or similar emergency situations.

(b) In making decisions under this division concerning the allocation of water between conflicting interests, highest priority will be given to allocation necessary to support human life and health; i.e., the minimum amount of water necessary for drinking, prevention of disease, and the like. Second highest priority will be given to allocations that will result in the least loss of employment to persons whose income is essential to their families.

(c) The city manager is hereby authorized and directed to implement the applicable provisions of this article upon his/her determination that such implementation is necessary to protect the public welfare and safety.

(Ord. No. 2005-263, § 2, 4-19-05)

Sec. 26-92. Definitions.

The following words and phrases shall have the following meanings:

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

Commercial and institutional water use shall mean 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 shall mean 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 shall mean any person, company, or organization using water supplied by the City of Waco.

Division shall mean Division 2 of Article IV of Chapter 26 of this Code.

Domestic water use shall mean 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 numbered address shall mean street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

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

Landscape irrigation use shall mean 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.

Mean sea level (msl) shall mean the level of the ocean's surface, especially the level halfway between high and low tide, used as a standard in reckoning land elevation or sea depths.

Non-essential water use shall mean water uses that are neither essential nor required for the protection of public, health, safety, and welfare, including:

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

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

Plan shall mean the 2005 Water Conservation and Drought Contingency Plan, which shall be the water conservation and drought/emergency contingency plan for the city, as adopted above or hereinafter amended.

User shall mean any person connected to the city's water system, including owners and/or occupants of any premises connected to the city's system and wholesale customers.

Water shall mean water taken from any city potable water supply or treated water distribution system.

(Ord. No. 2005-263, § 2, 4-19-05; Ord. No. 2009-221, § 1, 4-21-09)

Sec. 26-93. Plan adoption and application.

(a) By this division, the city approves and adopts the 2005 Water Conservation and Drought Contingency Plan for the City of Waco, Texas. A copy of the Plan adopted by this section is attached to Ord. No. 2005-263 as Exhibit "A" and shall be on file with the director of utilities and city secretary and available for inspection.

(b) It shall be the responsibility of the city manager or his/her designee to review the plan and the provisions within this division at least every five years and make recommendations for any needed changes.

(c) The provisions of the plan and this division shall apply to persons, customers, and property served by the city wherever situated, including customers such as water supply corporations, municipal corporations, and any others that receive water from the city on a contract basis.

(d) Nothing in the plan or this division shall be interpreted to limit the authority of the mayor, the city council, or the city manager to seek emergency relief under the provisions of any state or federal disaster relief regulations.

(Ord. No. 2005-263, § 2, 4-19-05)

Sec. 26-94. Implementation order and notification.

(a) The plan and this division are effective on a year-round basis.

(b) When, in the opinion of the city manager, an emergency exists for the immediate preservation of the public safety, he or she may implement a drought or emergency contingency stage as provided below.

(c) The city manager may upgrade or downgrade the stage of an emergency. The city manager may declare any mandatory restrictions stage specified herein to be effective for a period not to exceed 60 days. Thereafter, the city council may extend the duration of the particular stage for additional periods of time not to exceed 90 days each.

(d) Notification. When trigger conditions and potential emergency contingency measures appear to be necessary, the public will be notified about water conservation methods through the news media and the city's TV access channel. If a trigger condition is reached, the public will be kept informed of the status of the emergency condition through all available news media.

When a trigger condition has been reached, the city manager will order the initiation of a public notification process. This process will include the following items:

(1) A notice of emergency condition will be posted at the city hall, library, post office, major super-markets and shopping centers.

(2) The notice will be distributed to TCEQ, local newspapers, radio and TV stations, and the city's TV access channel.

(e) Termination of the emergency measures will take place when the trigger conditions have subsided for a period of no less than two weeks, if the city manager concludes that the emergency is unlikely to resume. The city will inform the public of the termination.

(Ord. No. 2005-263, § 2, 4-19-05)

Sec. 26-95. Notice of violation.

(a) The city may serve a person or user in violation of this division with a written notice stating the nature of the violation and giving a time limit for compliance. This notice may be in the form of a door hanger.

(b) Any employee of the city, police officer, or other person designated by the city manager, may issue a citation to a person he/she reasonably believes to be in violation of this division. 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 ten days 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 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 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 municipal court before all other cases.

(Ord. No. 2005-263, § 2, 4-19-05)

Sec. 26-96. Violations and penalty.

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

(b) Any person, including a person classified as a water customer of the city, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children, 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. Proof that the notices required under section 26-94 have been given shall constitute a rebuttal presumption that the person has knowledge of and/or is aware of the declaration of a drought or emergency contingency stage, but such presumption may be rebutted by evidence that the person was out of city at the time of the declaration and could not reasonably have become aware of the declaration since returning to the city.

(c) Any person who violates this division is guilty of a misdemeanor and upon conviction shall be punished by a fine as provided in section 1-14. Each day that one or more of the provisions in this plan is violated shall constitute a separate offense.

(d) If a person is observed violating a stage 2, level 2 or greater, including but not limited to vehicle washing, landscape watering, or construction water use, for a second time, the city shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur.

(e) If a person is convicted of three or more distinct violations of this division, the city shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur.

(f) Services discontinued under such circumstances shall be restored only upon payment of reconnection charge established by city policy and any other costs incurred by the city in discontinuing service. In addition, suitable assurance must be given to the city that the same action shall not be repeated while the plan is in effect.

(g) The city is entitled to pursue all other criminal and civil remedies to which it is entitled under statutes or other ordinances. Compliance with this division may also be sought through injunctive relief in the district court.

(Ord. No. 2005-263, § 2, 4-19-05; Ord. No. 2007-221, § 1, 4-3-07)

Sec. 26-97. Triggering criteria.

(a) The city manager 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.

(b) Criteria triggering the implementation of various stages of the water conservation plan include, but are not limited to, the following:

- (1) General, geographical, or weather related condition or emergency, including but not limited to drought conditions resulting in a decrease in the Lake Waco reservoir level;
 - (2) Water system failures/emergencies (i.e., pressure zone deficiencies, chemical spills, broken water mains, power outages, electrical failures, failures of storage tanks or other equipment, treatment plant breakdown, and water contamination);
 - (3) An inability to recover approximately 90 percent of water stored in all storage facilities within a 24-hour period;
 - (4) A catastrophic decrease in the lake reservoir level and/or delivery capabilities resulting in an inability, presently or in the immediate future, to recover resources sufficient to provide services necessary for the public health and welfare.
- (c) The level of the Lake Waco reservoir shall be determined based on the official reading by the U.S. Army Corps of Engineers and stated as an elevation above mean sea level (msl). (Ord. No. 2005-263, § 2, 4-19-05; Ord. No. 2007-221, § 1, 4-3-07; Ord. No. 2009-221, § 1, 4-21-09)

Sec. 26-98. Drought or emergency contingency stages.

(a) *Generally.* Upon the occurrence of an emergency, the city manager may exercise his or her discretion to request special voluntary water restrictions and/or to initiate stages 1--5 mandatory restrictions.

(b) *Stage 1 triggers--Water watch (voluntary reductions).* By May 1 of each year, the city will forecast water supply and potential water demands for May 1 through September 30 of that year. At this stage, citizens are encouraged to practice good water management techniques inside and outside the home, including such practices as cutting back on lawn sprinkler times and developing landscapes that require less water. Criminal penalties do not apply to voluntary reductions during the water watch stage.

(c) *Stage 2 triggers--Mild water shortage.*

(1) *Criteria for implementation of stage 2.* A decrease in the Lake Waco reservoir level to 452 msl (at which the reservoir is at about 60 percent of its capacity). Upon recommendation of the city manager, stage 2 procedures shall become effective.

(2) *Criteria for termination.* Stage 2 shall be terminated at the discretion of the city manager.

(3) *Stage 2 responses: Mandatory restrictions.* Upon implementation by the city, the following restrictions shall apply unless specifically exempted:

a. The city shall limit use of water for municipal purposes to those activities necessary to maintain the public health, safety and welfare and any computer-controlled irrigation systems that incorporate evapotranspiration data in setting irrigation run times.

b. The city shall monitor "excessive watering" and issue notifications to customers. "Excessive watering" occurs where run-off extends for a distance greater than ten feet from the customer's property or where there is washing or hosing down of buildings, sidewalks, driveways, patios, porches, parking surfaces or other paved surfaces. Criminal penalties do not apply during stage 2 restrictions.

(d) *Stage 3--Moderate water shortage.*

(1) *Criteria for implementation of stage 3.* A decrease in the Lake Waco reservoir level to 450 msl (at which the reservoir is at about 55 percent of its capacity) or inability to recover approximately 90 percent in all storage facilities within a 48-hour period. Upon recommendation of the city manager, stage 3 procedures shall become effective.

(2) *Criteria for termination - Stage 3 shall be terminated at the discretion of the City Manager.*

(3) *Stage 3 responses: Mandatory restrictions.* Upon implementation by the city, the following restrictions shall apply unless specifically exempted:

- a. All landscape and other outdoor water usage and each service address shall be limited to two days a week based on the last digit of the meter service address or the type of connection.

TABLE INSET:

Last Digit Address Residential	Allowed Landscape Water Days
Odd	Tuesday and Saturday
Even	Wednesday and Sunday
All non-residential accounts	Monday and Friday
Thursday	No watering, storage recovery day

Apartments, office building complexes, or other property containing multiple addresses will be identified by the lowest physical address number. Where there are no numbers, a number will be assigned by the Building Official.

(e) *Stage 4 triggers--Severe water shortage.*

(1) *Criteria for implementation of stage 4.* A decrease in the Lake Waco reservoir level to 446 msl (at which the reservoir is at about 45 percent of its capacity) or inability to recover approximately 90 percent of water stored in all storage facilities within a 30-hour period. Upon recommendation of the city manager, stage 4 procedures shall become effective.

(2) *Criteria for termination.* Stage 4 shall be terminated at the discretion of the city manager.

(3) *Stage 4 responses--Mandatory restrictions.* Upon implementation by the city, the following restrictions shall apply unless specifically exempted:

- a. All landscape and outdoor water usage at each service address shall continue the allowed landscape water days schedule identified in stage 3; however, landscape and outdoor water usage is prohibited from 5:00 a.m. to 9:00 a.m. and from 4:00 p.m. to 7:00 p.m.
- b. Newly constructed swimming pools, Jacuzzis, spas, ornamental ponds, and fountains may be filled once.
- c. Watering of newly installed landscaping is exempt from Stage 3 restrictions for no more than one month from the date of planting. After the first month, the landscape water day's schedule and hourly restrictions must be followed.
- d. Excessive water run-off from any landscaped area onto streets, alleys, or parking lots is prohibited. Run-off is excessive when it extends for a distance greater than ten feet from the customer's property.
- e. Washing or hosing down of buildings, sidewalks, driveways, patios, porches, parking areas, or other paved surfaces is prohibited.
- f. Refilling after draining private swimming pools, Jacuzzis, spas, ornamental ponds, and fountains is prohibited. Refilling shall mean to replace more than 25 percent of the facility's water capacity.
- g. Washing or rinsing vehicles on owner's premises must follow the landscape water days schedule as set out above. A hand-held hose equipped with a positive shut-off nozzle and/or hand-held bucket must be used. (This includes boats, trailers, and other mobile vehicles and equipment.)

(4) *Exceptions:*

- a. Commercial landscape nurseries are exempt from stage 4 restrictions, but all such nurseries shall cease using water to clean pavement and sidewalk areas except for health and safety reasons.
- b. Commercial full-service or self-service car wash facilities, including those at service stations and automobile dealership facilities, shall cease using water to clean pavement and sidewalk areas except for health and safety reasons and are exempt from stage 4 restrictions if they meet one or more of the following conditions:
 - 1. Commercial car wash facilities using conveyORIZED, touchless, and/or rollover in-bay technology if they reuse a minimum of 50 percent of water from previous vehicle rinses in subsequent washes.
 - 2. Commercial car wash facilities using reverse osmosis to produce water rinse with a lower mineral content if they incorporate the unused concentrate in subsequent vehicle washes.
 - 3. Self-service spray wands used that emit no more than three gallons of water per minute.
- c. Drip irrigation systems and soaker hoses are exempt from stage 3 restrictions; however, upon the implementation of stage 4 restrictions, stage 3 day and hour restrictions shall apply to such water usage.
- d. Golf course landscape watering is exempt from stage 4 restrictions so long as golf course irrigation systems are operated with a computer controlled irrigation system that incorporates evapotranspiration data in setting irrigation run times.
- (f) *Stage 5 triggers--Critical water shortage.*
 - (1) *Criteria for implementation of stage 5.* A decrease in the Lake Waco reservoir level to 445 msl (at which the reservoir is at about 40 percent of its capacity) or inability to recover approximately 90 percent in all storage facilities within a 48-hour period. Upon recommendation of the city manager, stage 5 procedures shall become effective.
 - (2) *Criteria for termination.* Stage 5 shall be terminated at the discretion of the city manager.
 - (3) *Stage 5 responses: Mandatory restrictions.* Upon implementation by the city, the following restrictions shall apply unless specifically exempted:
 - a. The water supply is at the point of a severe water shortage. All landscape and outdoor water usage at each service address shall continue according to the landscape water days schedule identified below; however, landscape and outdoor water usage is prohibited from 5:00 a.m. to 9:00 a.m. and from 4:00 p.m. to 7:00 p.m.

TABLE INSET:

Last Digit Address	Allowed Landscape Water Day
0, 1	Monday
2, 3	Tuesday
4, 5	Wednesday
6, 7	Thursday
8, 9	Friday
Saturday and Sunday	No watering, storage recovery days

- b. Apartments, office building complexes, or other property containing multiple addresses will be identified by the lowest physical address number. Where there are no numbers, a number will be assigned by the building official.
- c. Existing swimming pools, hot tubs, spas, ornamental ponds and fountains may be replenished with a hand-held hose to maintain operational purposes only.
- d. Permitting of new swimming pools, hot tubs, spas, ornamental ponds or fountain construction is prohibited, except that those previously permitted or under construction at the time stage 5 restrictions are initiated may complete construction and may be filled one time only.
- e. Filling occurs when an amount of water equal to at least 75 percent of the water capacity is placed in the structure or facility.
- f. Excessive water run-off from any landscaped area onto streets, alleys, or parking lots is prohibited. Run-off is excessive when it extends for a distance greater than ten feet from the customer's property.
- g. Washing or hosing down of buildings, sidewalks, driveways, patios, porches, parking areas, or other paved surfaces is prohibited.
- h. Commercial landscape nurseries are subject to stage 5 and must apply for any variance. Alternative irrigations schedules may be approved under a variance if the variance meets all of the requirements of section 26-99 Variances.
- (g) *Stage 6 triggers--Emergency water shortage.*
 - (1) *Requirements for implementation of stage 6.* A decrease in the Lake Waco reservoir level to 440 msl (at which the reservoir is at about 30 percent of its capacity) or determination by the city manager that the existence of catastrophically decreasing lake reservoir levels and/or delivery capabilities with an inability to recover to provide services necessary for public health, safety, and welfare.
 - (2) *Criteria for termination.* Stage 6 shall be terminated at the discretion of the city manager.
 - (3) *Stage 6 responses: Mandatory restrictions.* Upon implementation by the city, the following restrictions shall apply unless specifically exempted:
 - a. Any and all outdoor/landscaping water usage is prohibited until the emergency is alleviated. This applies to all metered water users using the city's public water supply and includes all residential (single or multi-family), commercial (car wash, nurseries, business), recreational (public/private golf courses, parks, athletic fields), religious, health care, school and municipal entities.
 - b. Use of water for municipal purposes shall be limited to only those activities necessary to maintain the public health, safety and welfare, as determined by the city.
 - c. Use of water from fire hydrants is prohibited except for fire fighting and related activities. (Ord. No. 2005-263, § 2, 4-19-05; Ord. No. 2007-221, § 1, 4-3-07; Ord. No. 2009-221, § 1, 4-21-09)

Sec. 26-99. Variances.

- (a) A customer may file an application for a variance from this plan for the property receiving water service with the city manager. The city manager may determine the proper information and require that the applicant provide such information to evaluate the variance request.
- (b) The city manager may grant a variance from the plan upon his/her determination that special circumstances exist that upon strict enforcement of the plan will adversely affect the health, sanitation, or fire protection for the public or the applicant.

(c) Variances granted under this section will expire upon escalation of the plan to the next higher phase or termination of the plan.
(Ord. No. 2005-263, § 2, 4-19-05; Ord. No. 2009-221, § 1, 4-21-09)