

RESOLUTION FOR ADOPTION OF AN ORDINANCE FOR
DROUGHT CONTINGENCY PLAN AND EMERGENCY WATER DEMAND
MANAGEMENT PLAN

THAT CHAPTER 11 OF THE CODE OF ORDINANCES, CITY OF ROCKDALE, TEXAS IS HEREBY AMENDED BY ADDING A SECTION, TO BE NUMBERED ARTICLE 11.800, WHICH SAID ARTICLE SHALL READ AS FOLLOWS:

AN ORDINANCE OF THE CITY OF ROCKDALE, TEXAS, ADOPTING A DROUGHT CONTINGENCY PLAN; ESTABLISHING CRITERIA FOR THE INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES; ESTABLISHING RESTRICTIONS ON CERTAIN WATER USES; ESTABLISHING PENALTIES FOR THE VIOLATION OF AND PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS; ESTABLISHING PROCEDURES FOR GRANTING VARIANCES; AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Rockdale, Texas recognizes that the amount of water available to the City and its water utility customers is limited and subject to depletion during periods of extended drought;

WHEREAS, the City recognizes that natural limitations due to drought conditions and other acts of God cannot guarantee an uninterrupted water supply for all purposes;

WHEREAS, Section 12.1272 of the Texas Water Code and applicable rules of the Texas Natural Resource Conservation Commission require all public water supply systems in Texas to prepare a drought contingency plan; and

WHEREAS, as authorized under law, and in the best interests of the citizens of Rockdale, Texas, the City Council deems it expedient and necessary to establish certain rules and policies for the orderly and efficient management of limited water supplies during drought and water supply emergencies;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF ROCKDALE, TEXAS:

SECTION 1.

That the City of Rockdale, Texas Drought Contingency Plan attached hereto as Exhibit "A" and made part hereof for all purposes be, and the same is hereby, adopted as the official policy of the City.

SECTION 2.

That all ordinances that are in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3.

Should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

SECTION 4.

This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

DULY PASSED AT THE SECOND READING BY THE CITY COUNCIL OF THE CITY OF ROCKDALE, TEXAS,
on the 11th day of September, 2000.

ATTEST:

Carol Meiske
Carol Meiske, City Secretary

APPROVED:

Wallace Jones
Wallace Jones, Mayor

**DROUGHT CONTINGENCY AND EMERGENCY WATER DEMAND
MANAGEMENT PLAN
FOR THE
CITY OF ROCKDALE
August, 2000**

Section I: Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the **CITY OF ROCKDALE** hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this Plan are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section XI of this Plan.

Section II: Public Involvement

Opportunity for the public to provide input into the preparation of the Plan was provided by the **CITY OF ROCKDALE** by means of scheduling and providing public notice of public meeting to accept input on the Plan.

Section III: Public Education

The **CITY OF ROCKDALE** will periodically provide the public with information about the Plan, including information about the conditions under which each state of the Plan is to be initiated or terminated and the drought response measures to be implemented in each state. This information will be provided by means of press releases via radio broadcasts on **KRXT FM 98.5** and notices in the local weekly newspaper, the **Rockdale Reporter**.

Section IV: Coordination with Regional Water Planning Groups

The service area of the **CITY OF ROCKDALE** is located within the Group G, Brazos Region in Waco, Texas and the **CITY OF ROCKDALE** has provided a copy of this Plan to them.

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** of 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 ROCKDALE**. 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 ROCKDALE**.

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 not essential nor required for the protection of public, health, safety, and welfare, including:

- (a) irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
- (b) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (c) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced area;
- (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 States

The City Manager or his/her designee shall monitor water supply and/or demand conditions on a weekly basis and shall determine when conditions warrant initiation or termination of each state of the Plan, that is, when the specified “triggers” are reached.

The triggering criteria described below are based on known system capacity limits.

Stage 1 Triggers – MILD Water Shortage Conditions

Requirements for initiation

Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section VII – Definitions, other measures may be implemented when one or more of the following conditions exist:

- 1) Water consumption has reached 80 percent of daily maximum supply for three (3) consecutive days.
- 2) There is an extended period (at least eight (8) weeks) of low rainfall.

Stage 2 Triggers – MODERATE Water Shortage Conditions

Requirements for initiation

Stage 2 water allocation measures may be implemented if when one of the following conditions exist:

- 1) Water consumption has reached 90 percent of the amount available for three consecutive days.
- 2) The water level in any of the water storage tanks cannot be replenished for three (3) consecutive days.

Stage 3 Triggers – SEVERE Water Shortage Conditions

Requirements for initiation

Stage 3 water allocation measures may be implemented when one of the following conditions exist:

- 1) Water consumption of 95 percent or more of the maximum available for three (3) consecutive days.
- 2) Water consumption of 100 percent of the maximum available and the water storage levels in the system drop during one 24-hour period.

Stage 4 Triggers – EMERGENCY Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions for Stage 4 of this Plan when the City Manager, or his/her designee, determines that a water supply emergency exists based on:

- 1) Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or
- 2) Natural or man-made contamination of the water supply sources(s); or
- 3) Failure of a major component of the system or an event which reduces the minimum residual pressure in the system below 20 psi; or
- 4) Other unforeseen events which could cause imminent health or safety risks to the public.

Section IX: Drought Response Stages

The **City Manager**, 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, or emergency water shortage condition exists and shall implement the following notification procedures:

Notification

Notification of the Public:

The **City Manager** or his/her designee shall notify the public by means of:
Publication in the local weekly newspaper – Rockdale Reporter
Public service announcements on local radio – KRXT – FM98.5

Additional Notification

The **City Manager** or his/her designee shall notify directly, or cause to be notified directly, the following individuals and entities:

- Mayor and members of the City Council
- Fire Chief
- County Emergency Management Coordinator(s)
- TNRCC
- Critical water users, i.e. hospitals, nursing home facilities and public schools

Stage 1 Response – MILD Water Shortage Conditions

Supply Management Measures:

The City of Rockdale will reduce flushing of water mains.

Voluntary Water Use Restrictions:

- (a) Water customers are requested to voluntarily limit the irrigation of landscaped areas.
- (b) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

Stage 2 Response – MODERATE Water Shortage Conditions

Supply Management Measures:

The City of Rockdale will discontinue flushing of water mains, and reduce irrigation of public landscaped areas.

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

- (a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to even numbers, (0, 2, 4, 6, or 8) and odd numbered days for customers with street addresses ending with odd numbers (1, 3, 5, 7 or 9). Irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.

- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
- (c) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or jacuzzi-type pools is prohibited except on designated watering days.
- (d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (e) Use of water from hydrants shall be limited fire fighting, related activities, or other activities necessary to maintain public health, safety, and welfare.
- (f) The following uses of water are defined as non-essential and are prohibited:
 - 1. wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 - 2. use of water to wash down buildings or structures for purposes other than immediate fire protection;
 - 3. use of water for dust control;
 - 4. flushing gutters or permitting water to run or accumulate in any gutter or street; and
 - 5. failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

State 3 Response – SEVERE Water Shortage Conditions

Supply Management Measures:

The City of Rockdale will discontinue flushing of water mains and irrigation of public landscaped areas.

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

- (a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.

State 4 Response – EMERGENCY Water Shortage Conditions

Water Use Restrictions: All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except:

- (a) Irrigation of landscaped areas is absolutely prohibited.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.
- (c) The filling, refilling or adding of water to swimming pools, wading pools, and jacuzzi-type pools is prohibited.

- (d) Operations of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

Section X: Termination Procedures

When the trigger condition no longer exists then the responsible official may terminate the water restrictions provided that such an action is based on sound judgement. Public notice of the end of the restrictions shall be given to customers.

Section XI: Enforcement and Penalties for Violations

No person shall knowingly or intentionally allow the use of water from the **CITY OF ROCKDALE** 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 state in effect at the time pursuant to action taken by the City Manager, or his/her designee, in accordance with provisions of this Plan.

- (a) **First Violation** – The customer will be issued a written warning of their specific violation.
- (b) **Second Violation** – The customer water usage rate will be doubled for the monthly bill for the month when the violation occurred for all excess water used above the existing water use average calculated for the sewer rate.
- (c) **Subsequent Violation** – Shall be considered unlawful of an offense or a misdemeanor and penalty for violation will be under the guidelines as prescribed by Chapter 1: General Provisions, Art. 1.100 Code of Ordinances, Sec. 1.106 General Penalty for Code Violations and shall be punished by a fine not to exceed five hundred dollars (\$500.00). Each day any violation of this code or of any ordinance shall continue shall constitute a separate offense.
- (d) **In the event violation notices are ignored the City will discontinue water service for up to seven (7) days. All fines, penalties and reconnect fee shall be paid before water service is restored.**

Section XII: Variances

The **City Manager**, or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

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

Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with the **CITY OF ROCKDALE** within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the **City Manager**, 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.

- (d) Operations of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

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discontinue service for up to 7 days & recoup fee

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- (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.

Variances granted by the **CITY OF ROCKDALE** shall be subject to the following conditions, unless waived or modified by the **City Manager** 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.

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

Section XIII: Severability

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