

CITY OF COCKRELL HILL, TEXAS

ORDINANCE NO. 2014-04222014

AN ORDINANCE OF THE CITY OF COCKRELL HILL, TEXAS, AMENDING THE CITY OF COCKRELL HILL CODE OF ORDINANCES, CHAPTER 5, "WATER" BY AMENDING THE DIVISION ENTITLED "WATER CONSERVATION" BY ADOPTING A NEW WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN; PROVIDING RESTRICTIONS REGARDING THE FREQUENCY AND DAYS FOR WATERING LAWNS AND LANDSCAPE IN THE CITY USING HOSE-END SPRINKLERS AND AUTOMATIC IRRIGATION SYSTEMS; ESTABLISHING A PENALTY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is essential for the City of Cockrell Hill, Texas ("City") to conserve its available water supply and protect the integrity of future water resources needed for the economic growth of the city and for the health, safety, and welfare of the citizens of the city; and

WHEREAS, the City Council of the City of Cockrell Hill finds that it is for the benefit and protection of the public health, safety, and welfare to require all persons and premises using the city's water system to limit the watering of lawns and landscape with hose-end sprinklers or automatic irrigation systems to twice a week and on designated outdoor water use days.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COCKRELL HILL, TEXAS, THAT:

Section 1. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2. The Code of Ordinances of the City of Cockrell Hill is hereby amended by amending the Division entitled "Water Conservation" to Chapter 51, entitled "Water," as follows:

"WATER CONSERVATION"

51.95 WATER CONSERVATION PLAN

A. Purpose and objectives

1) Purpose:

Water has always been a key issue in the development of Texas. In recent years, the increasing population and economic development in the State of Texas Region C water planning group have led to growing demands for water. At the same time, local and less expensive sources of water supply are largely developed. Additional supplies to meet higher demands will be expensive and difficult to develop. Therefore, it is important that we make efficient use of existing supplies and make them last as long as possible. This will delay the need for new supplies, minimize the environmental impacts associated with developing new supplies, and delay the high cost of additional water supply development.

2) Objectives:

- a) To reduce water consumption
- b) To reduce the loss and waste of water
- c) To identify the level of water reuse
- d) To improve efficiency in the use of water
- e) To extend the life of current water supplies by reducing the rate of growth and demand

B. Lawn and landscape irrigation restrictions.

1) Purpose:

Lawn and landscape irrigation practices within the city, especially during the summer months, can cause a waste of valuable water resources. The purpose of this section is to mandate that water be used for lawn and landscape irrigation in a manner that prevents waste, conserves water resources for their most beneficial and vital uses, and protects the public health.

2) Restrictions:

- a) A person commits an offense if, during the period from April 1 through October 31 of any year and between the hours of 10:00 a.m. and 6:00 p.m. on any day during that period, the person irrigates, waters, or causes or permits the irrigation or watering of any lawn or landscape located on premises owned, leased, or managed by the person. It is a defense to prosecution under this

paragraph that the person was only using water from a source other the city's water or wastewater system.

b) A person commits an offense if, at any time during the year, the person irrigates, waters, or causes or permits the irrigation or watering of any lawn or landscape located on premises owned, leased, or managed by the person with a hose-end sprinkler or automatic irrigation system on a day other than a designated outdoor water use day for the property address. It is a defense to prosecution under this paragraph that the person was:

- (1) Using a hand-held hose, drip irrigation device, soaker hose, or hand-held bucket;
- (2) Irrigating during the repair or testing of a new or existing automatic irrigation system;
- (3) Irrigating nursery stock at a commercial plant nursery; or
- (4) Only using water from a source other than the city's water or wastewater system.

c) A person commits an offense if the person knowingly or recklessly irrigates, waters, or causes or permits the irrigation or watering of a lawn or landscape located on premises owned, leased, or managed by the person in a manner that causes:

- (1) a substantial amount of water to fall upon impervious areas instead of upon the lawn or landscape, such that a constant stream of water overflows from the lawn or landscape onto a street or other drainage area; or
- (2) An automatic irrigation system or other lawn or landscape watering device to operate during any form of precipitation.

d) A person commits an offense if, on premises owned, leased, or managed by the person, the person operates a lawn or landscape automatic irrigation system or device that:

- (1) Has any broken or missing sprinkler head; or
- (2) Has not been properly maintained in a manner that prevents the waste of water.

3) Rain and freeze sensing devices.

a) Any automatic irrigation system installed or operated within the city must

be equipped with a working rain and freeze sensing device.

b) A person commits an offense if, on premises owned, leased, or managed by the person, the person:

(1) Installs, or causes or permits the installation of, an automatic irrigation system in violation of Subsection (B.3)(a); or

(2) Operates, or causes or permits the operation of, an automatic irrigation system that does not comply with Subsection (B.3)(a).

C. Additional Required Water Conservation Plan Content

1) Leak Detection and Repair; Pressure Control

a) Measures to control unaccounted water are part of the routine operations of the City of Cockrell Hill. Meter readers watch for and report signs of illegal connections so they can be addressed quickly. Crews and personnel look for and report evidence of leaks in the water distribution system. Maintenance crews respond quickly to repair leaks reported by the public and city personnel. Areas of the water distribution system in which numerous leaks and line breaks occur are targeted for replacement as funds are available.

b) To reduce real water losses, the City of Cockrell Hill will maintain a proactive water loss program. As part of this program, the City will implement the following actions:

(1) Conduct regular inspections of all water main fittings and connections.

(2) Use a leakage modeling program.

(3) Conduct intermittent night-flow measurements.

(4) Control pressure to just above the minimum standard-of-service level including fire requirements.

(5) Limit surges in pressure.

2) Record Management System:

As required by TAC Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.2(a)(2)(B), the record management system for the City of Cockrell Hill records water pumped, water delivered, and water sold; estimates for water losses and allows for the separation of water sales and uses into residential, commercial, public/institutional and industrial categories.

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3) Requirement for Water Conservation Plans by Wholesale Customers:

- a) There are no current whole sale customers.
- b) Future wholesale water customers of the City of Cockrell Hill will be required to develop and implement a water conservation plan meeting the requirements of Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.2 of the Texas Administrative Code. This requirement will also be extended to each successive wholesale customer in the resale of water.

D. Optional Water Conservation Plan

1) Ordinances, Plumbing Codes, or Rules on Water-Conserving Fixtures:

The City of Cockrell Hill adopted the 2000 International Plumbing Code. Similar standards are also required under federal law. These state and federal standards assure that all new construction and renovations in the City of Cockrell Hill will use water-conserving fixtures. In addition, federal rules requiring energy-conserving clothes washers by 2007 are expected to assure that new clothes washers in the City of Cockrell Hill will be water-efficient.

2) Reuse and Recycling of Wastewater:

The City of Cockrell Hill does not treat its own wastewater. All wastewater is conveyed to and treated at the City of Dallas wastewater treatment plant.

3) Monitoring of Effectiveness and Efficiency – Annual Conservation Report

4) Schedule for Implementing the Plan to Achieve Targets and Goals

- a) Calibrations of meters for all treated water deliveries are conducted semi-annually.
- b) The City of Cockrell Hill's meter replacement program is as follows:
 - (1) Meters will continue to be monitored for accuracy annually and replaced on a fifteen-year cycle.
 - (2) Water audits are conducted annually.
 - (3) Real water losses are identified and corrected.
 - (4) Real water losses are minimized by replacement of deteriorating water mains and appurtenances.

(5) Mail out water conservation material obtained from the Texas Water Development Board, Texas Commission on Environmental Quality, or other sources, annually to all customers.

E. Water conserving pricing:

- 1) The City of Cockrell Hill will review rates in 2015 and determine any changes necessary to the City's rate structure.
- 2) The City of Cockrell Hill reviews rates annually to ensure water revenues exceed expenses and replacement costs and to discourage excessive and wasteful use.

F. Tracking, and Goals

1) Tracking:

- a) Logs shall be maintained for meter calibration, meter testing, and meter replacement programs.
- b) Annual water audits shall be documented and kept in the City of Cockrell Hill Public Works Department files.
- c) City staff shall keep a record of the number of mail-outs distributed annually.
- d) Logs shall be maintained for the City's Leak Detection Program, including water usage, fire flows, water line flushing, and other non-metered accounted for flows.

2) Goals:

- a) Per capita municipal water use: 100 GPCD or less (five-year target)
- b) Maintain a meter replacement program.
- c) Reduce unaccounted water (gal) in the system by 2% per year beginning 2015. Target amounts are shown below:

<u>Year</u>	<u>Unaccounted for (GPCD)</u>
2015	17.8
2016	17.5
2017	17.1
2018	16.8
2019	16.3

- d) Raise public awareness of water conservation and encourage responsible public behavior through a public education and information program

G. Variances.

The City Council may, in special cases, grant variances from the provisions to persons demonstrating extreme hardship and need. The City Council may grant variances only under all of the following circumstances and conditions:

- 1) The applicant must sign a compliance agreement on forms provided by the City Council, and approved by the city attorney, agreeing to irrigate or water a lawn or landscape only in the amount and manner permitted by the variance.
- 2) Granting of a variance must not cause an immediate significant reduction in the city's water supply.
- 3) The extreme hardship or need requiring the variance must relate to the health, safety, or welfare of the person requesting it.
- 4) The health, safety, and welfare of other persons must not be adversely affected by granting the variance.

H. Revocation of variances.

The City Council may revoke a variance granted when:

- 1) the conditions of Subsection G are not being met or are no longer applicable;
- 2) the terms of the compliance agreement are being violated; or
- 3) the health, safety, or welfare of other persons requires revocation.

51.96 DROUGHT CONTINGENCY PLAN

A. Purpose and Objectives

1) Purpose:

This Drought Contingency Plan describes the conditions that require short-term water demand management and establishes policies and procedures that offer strategies for a timely and effective response. In general, such a response would be needed when water use in the City of Cockrell Hill approaches the system's supply and delivery capacity. Examples include drought conditions, unusually high water demands, unforeseen equipment or system failure, or contamination of a water supply source.

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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

2) Objectives:

- a) To conserve the available water supply in times of drought
- b) To maintain supplies for domestic water use, sanitation, and fire protection
- c) To protect and preserve public health, welfare and safety
- d) To minimize the adverse impacts of water supply shortages
- e) To minimize the adverse impacts of emergency water supply conditions

B. Public Education and Public Input

1) Public Education:

The City of Cockrell Hill will periodically provide the public 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, but not limited to, an appropriate combination of the following methods:

- a) Mailed water bill inserts
- b) Postings in the city Hall
- c) Notifying local organizations, schools, and civic groups that City of Cockrell Hill staff members
- d) Newspaper and magazine articles and announcements
- e) Preparing a bulletin describing the plan and making it available at City Hall or other appropriate locations.
- f) Notifying local organizations, schools, and civic groups that City of Cockrell Hill staff members are available to make presentations on the drought contingency plan.
- g) Distribution of fact sheets, brochures, and pamphlets

- h) Mass mailings of notification letters
- i) Public meetings and hearings

2) Public Input:

- a) The City of Cockrell Hill provided the opportunity for public input in the development of this drought contingency plan by the following means:
 - b) Posted notice of the proposed plan and the opportunity to comment on the plan.
 - c) Providing the draft plan to anyone requesting a copy.
 - d) Holding a public meeting at the City Hall, 4125 W. Clarendon, Cockrell Hill, Texas, on April 22, 2014 at 6:30 p.m.

C. Initiation and Termination of Drought Response Stages

- 1) Upon receipt of a fax, mail, email, or telephone call from the City of Dallas Director of the Dallas Water Utilities, or his/her designee, informing the City of Cockrell Hill that a Drought stage has been initiated or terminated, the Cockrell Hill City Manager will:
 - a) Post the information for public review within the city hall.
 - b) Using the established drought stage response measures described in paragraph D, below, publish written recommendations for the specific drought stage measures that should be enacted by the City Council for the current set of drought conditions.
 - c) Ensure the Drought Stage measure is placed on the upcoming City Council meeting's agenda.
- 2) Upon the council's enactment of the Drought Stage and measures:
 - (a) Inform the city's water customers with a notification, inserted into the water bill, at the next billing cycle.
 - (b) Inform the Executive Director of the TCEQ within five (5) business by the most expedient means available.
- 3) Customers shall be requested to adhere to voluntary measures.
- 4) A person commits an offense if, after the notification process, the person violates

one or more of the enacted drought measures.

D. Drought and Emergency Response Stages

1) Stage 1 Response

- a) Target: Achieve a 5 percent reduction in total gallons per capita per day (GPCD).
- b) Water Use Restrictions for Demand Reduction:

The following is a menu of possible actions. Specific actions taken during any drought situation will be enacted by the City Council. The council is free to add or deleted from those recommended by the City Manager or those identified in the drought plan.

All Water Users:

(1) Landscape Uses:

- (a) 2-days-per-week landscape watering schedule and require watering only during allowed watering hours as defined by the city code. Irrigation of landscaped areas with hose-end sprinklers and automatic irrigation systems is limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8) and for locations without addresses and limited to Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9). Apartments, office building complexes or other properties containing multiple addresses may be identified by the lowest address number.
- (b) Encourage reduction of water use through voluntary maximum 1-day-per-week landscape watering schedule.
- (c) Discourage planting of new landscapes, including lawns, hydro-seeding and sod.

(2) Swimming Pools and Other Recreational Uses:

- (a) Prohibit recreational water usage, including the use of faucets, hoses or hydrants, which results in water run-off or other prohibited waste of water.
- (b) Reduce frequency of draining and refilling of swimming pools.

(3) Foundations: Foundations may be watered on any day of the week

and at any time. Foundations may be watered with a drip irrigation system, soaker hose or a hand-held hose equipped with a positive shutoff nozzle.

(4) *Vehicle Washing:* Restrict washing of any motor vehicle, motorbike, boat, trailer, airplane or other vehicle to the use of a hand-held bucket or a hand-held hose equipped with a positive shut-off nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial vehicle wash facility or commercial service station. Companies with an automated on-site vehicle washing facility may wash vehicles at any time.

City Government:

(5) Initiate public education campaign teaching and encouraging reduced water use practices.

(6) Intensify normal leak detection and repair activities on water pipes and mains.

(7) Require reduction of water use through mandatory maximum twice weekly landscape watering schedule for city parks.

(8) Encourage reduction of water use in city-owned ornamental fountains.

(9) Encourage additional reduction in landscape uses for parks.

(10) Encourage 25 percent reduction in frequency of wet street sweeping and city vehicle washing and rinsing.

(11) Increase enforcement efforts through proactive code enforcement.

Commercial Customers:

(12) Identify and encourage voluntary reduction measures by high-volume water users through water use audits.

(13) Require reduction of water use through mandatory maximum twice weekly landscape watering schedule for private parks.

(14) Encourage additional reduction in landscape uses for parks.

(15) Encourage reduction in water use for landscape nursery stock.

(16) Encourage area restaurants to serve customers water by request only.

(17) Encourage hotel/motels to request multiple day patrons to reuse linens instead of changing every day.

2) Stage 2 Response

- a) Target: Achieve a 15 percent reduction in total gallons per capita per day (GPCD).
- b) Water Use Restrictions for Demand Reduction:

Following is a menu of possible actions. Specific actions taken during any drought situation will be enacted by the City Council. The council is free to add or deleted from those recommended by the City Manager or those identified in the drought plan. All requirements of Stage 1 shall remain in effect during Stage 2, and the following additional measures will be required:

All Water Users:

(1) *Landscape Uses:*

- (a) 1-day-per-week landscape watering schedule and require watering only during allowed watering hours. Irrigation of landscaped areas with hose-end sprinklers and automatic irrigation systems will be limited to the first trash pick-up day of the week for residential customers and Wednesdays for commercial customers.
- (b) Strongly discourage planting of new landscapes, including lawns, hydro-seeding and sod.

(2) *Swimming Pools and Other Recreational Uses:*

- (a) Encourage further reduction in frequency in draining and refilling of swimming pools.
- (b) Continue to prohibit recreational water usage, including the use of faucets, hoses or hydrants, which results in water run-off or other prohibited waste of water.

(3) *Foundations:* Foundations may be watered on any day of the week and at any time. Foundations may be watered with a drip irrigation system, soaker hose or a hand-held hose equipped with a positive shut-off nozzle.

(4) *Vehicle Washing:* Restrict washing of any motor vehicle, motorbike, boat, trailer, airplane or other vehicle to the use of 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 vehicle wash

facility or commercial service station. Companies with an automated on-site vehicle washing facility may wash vehicles at any time.

(5) High Demand Surcharge:

(a) Residential Customers: A 25 percent rate increase for high water demand users (greater than 15,000 gallons per month per account) shall be initiated to discourage non-essential use.

(b) Commercial Customers: A 25 percent rate increase for high water demand users (greater than 10,000 gallons per month or 1.4 times the monthly, 12 rolling months, average usage per account) shall be initiated to discourage non-essential use.

City Government:

(6) Initiate engineering studies to evaluate alternatives to mitigate drought conditions should conditions worsen.

(7) Accelerate public education campaign teaching and encouraging reduced water use practices.

(8) Continue intensified leak detection and repair activities on water pipes and mains.

(9) Prohibit flushing of new mains not immediately required to provide service.

(10) City government restricted to mandatory maximum once weekly landscape watering schedule.

(11) Require reduction of water use through mandatory once weekly landscape watering schedule for city parks.

(12) Prohibit operation of city-owned ornamental fountains and water features.

(13) Reduce frequency of wet street sweeping and city vehicle washing or rinsing by 50 percent.

(14) Increase enforcement efforts through proactive code enforcement.

Commercial Customers:

(15) Require reduction of water use through mandatory maximum once weekly landscape watering schedule for private parks.

3) Stage 3 Response

a) Target: Achieve a 20 percent reduction in total gallons per capita per day (GPCD).

b) Water Use Restrictions for Reducing Demand:

Following is a menu of possible actions. Specific actions taken during any drought situation will be enacted by the City Council. The council is free to add or deleted from those recommended by the City Manager or those identified in the drought plan. All requirements of Stage 1 and 2 shall remain in effect during Stage 3, and the following additional measures will be required:

All Water Users:

(1) Landscape Uses:

(a) Irrigation of turf, shrubs, perennials, annuals, ground covers and any other landscaped area by any method is absolutely prohibited.

(b) Trees may be irrigated with drip irrigation system, soaker hoses or with a hand-held hose one day per week on the Stage 2 watering schedule and within the permitted watering hours.

(c) Installation of new landscapes or turf areas is prohibited.

(d) Operation of any water feature, ornamental fountain or pond that uses potable water is prohibited except where supporting aquatic life or water quality.

(2) Swimming Pools and Other Recreational Uses:

(a) Prohibit the filling, draining and refilling of existing swimming pools, wading pools, Jacuzzi and hot tubs except to maintain structural integrity, proper operation and maintenance or alleviate a public safety risk.

(b) Existing pools may add water to replace losses from normal use and evaporation.

(c) Permitting of new swimming pools, wading pools, water features, Jacuzzi and hot tubs is prohibited.

(d) Continue to prohibit recreational water usage, including the use of faucets, hoses or hydrants, which results in water run-off or other prohibited waste of water.

(3) *Foundations:* Foundations may be watered one day per week on the Stage 2 watering schedule within the permitted watering hours. Foundations may be watered with a drip irrigation system, soaker hose or a hand-held hose equipped with a positive shutoff nozzle. Water run-off is absolutely prohibited.

(4) *Vehicle washing:*

(a) Use of water to wash any motor vehicle, motorbike, boat, trailer or other vehicle not occurring on the premises of a commercial vehicle wash facility or commercial service stations is prohibited.

(b) Companies with an automated on-site vehicle washing facility shall reduce water consumption by 20%. Except when such washing is a requirements for the health, safety and welfare of the public which are contingent upon frequent vehicle cleansing, such as garbage trucks and commercial vehicles used to transport food and perishables.

(5) *Impervious surface cleaning:* Hosing and washing of paved areas, buildings, structures, windows or other surfaces is prohibited except by variance and performed by a professional service using high efficiency equipment.

(6) *High Demand Surcharge:*

(a) Residential Customers: A 50 percent rate increase for high water demand users (greater than 15,000 gallons per month per account) shall be initiated to discourage non-essential use.

(b) Commercial Customers: A 50 percent rate increase for high water demand users (greater than 10,000 gallons per month or 1.4 times the monthly, 12 rolling months, average usage per account) shall be initiated to discourage non-essential use.

(7) *New Service:* No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

City Government:

(8) Wet street sweeping and city vehicle washing or rinsing is prohibited except for reasons of public health, safety and welfare.

Water Allocation:

Ordinance 2014-04222014 Water Conservation and Drought Contingency Plan.

- (9) Water deliveries may be curtailed or reduced in accordance with the terms and conditions of the Wholesale water contract in place with the City of Dallas.

E. Variances.

The City Council may, in special cases, grant variances from the provisions of persons demonstrating extreme hardship and need. The City Council may grant variances only under all of the following circumstances and conditions:

- 1) The applicant must sign a compliance agreement on forms provided by the City Council, and approved by the city attorney, agreeing to irrigate or water a lawn or landscape only in the amount and manner permitted by the variance.
- 2) Granting of a variance must not cause an immediate significant reduction in the city's water supply.
- 3) The extreme hardship or need requiring the variance must relate to the health, safety, or welfare of the person requesting it.
- 4) The health, safety, and welfare of other persons must not be adversely affected by granting the variance.

F. Revocation of variances.

The City Council may revoke a variance granted when the director determines that:

- 1) The conditions of Subsection E are not being met or are no longer applicable;
- 2) The terms of the compliance agreement are being violated; or
- 3) The health, safety, or welfare of other persons requires revocation.

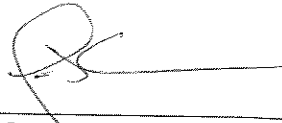
Section 3. If any section, article paragraph, sentence, clause, phrase or word in this Ordinance, or application thereto any persons or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 4. All provisions of the Ordinances of the City of Cockrell Hill, Texas, in conflict with the provisions of this ordinance are hereby amended, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 5. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Cockrell Hill, Texas, shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense. Every day a violation occurs shall constitute a separate offense.

Section 6. This Ordinance shall become effective from and after its date of passage and publication in accordance with law.

PASSED AND APPROVED the 22nd day of April, 2014.



Luis Carrera, Mayor
City of Cockrell Hill, Texas

ATTEST:



Bret Haney
City of Cockrell Hill, Texas

[SEAL]

APPROVED AS TO FORM:



Robert F. Brown, City Attorney
City of Cockrell Hill, Texas