

CITY OF BELLMEAD

ORDINANCE 2023-03

AN ORDINANCE OF THE CITY OF BELLMEAD, TEXAS, ADOPTING A DROUGHT CONTINGENCY PLAN; AMENDING CHAPTER 22 – WATER, SEWERS AND SEWAGE DISPOSAL, DIVISION 2. – DROUGHT CONTINGENCY PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Bellmead, 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; and,

WHEREAS, the city recognizes that limitations due to drought conditions cannot guarantee an uninterrupted water supply for all purposes; and,

WHEREAS, Section 11.1272 of the Texas Water Code and Texas Administrative Code 288.30 require all public water supply systems with 3,300 or more connects shall submit a drought contingency plan; and,

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

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

SECTION 1

Sec. 22-33. – 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 Bellmead hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this drought contingency plan (the plan) are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in section 22-43 of this plan.

SECTION 2

Sec. 22-34. – Public Involvement.

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Opportunity for the public to provide input into the preparation of the Plan was provided by the City of Bellmead by means of a scheduled public hearing to accept input on the proposed plan.

SECTION 3

Sec. 22-35. – Public Education.

The city will periodically provide the public with information about the plan, including information about the conditions under which each stage of the plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of City website, City Hall postings, and press releases.

SECTION 4

Sec. 22-36. – Coordination with regional water planning groups.

The service area of the city is located within the Brazos Region and City of Bellmead has provided a copy of this plan to the Brazos River Authority, P.O. Box 755, Waco, Texas 76714.

SECTION 5

Sec. 22-37. – Authorization.

The City Manager or his 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 designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this plan.

SECTION 6

Sec. 22-38. – Application.

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

SECTION 7

Sec. 22-39. – Definitions.

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

Even number address: street addresses, box numbers, or rural postal route numbers

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ending in 0, 2, 4, 6, or 8 and locations without addresses.

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

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

City Manager: City Manager or designee.

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 Bellmead.

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.

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 areas;

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- (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 firefighting.

SECTION 8

Sec. 22-40. – Triggering criteria for initiation and termination of drought response stages.

The City Manager, or his 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. Public notification of the initiation or termination of drought response stages shall be by means of City website and social media.

The triggering criteria described below are based on analysis of the entire water system emphasizing the importance of water supply at each well location.

Stage 1—Moderate Water Shortage Conditions

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

- (a) A decrease in the Lake Waco reservoir to 455 msl (at which the reservoir is about 72 percent of its capacity), or;
- (b) Inability to recover 90 percent of water stored in all storage tanks within a 24-hour period.
- (c) When two (2) water wells are inoperative, or wells are in a degraded state.
- (d) When the static water level in the City of Bellmead ground storage tanks are 75% or less.

Requirements for termination - Stage 1 of the Plan may be rescinded at the discretion of the City Manager. The City shall issue public notice of termination.

Stage 2—Severe Water Shortage Conditions

Requirements for initiation. Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 2 of this plan when any of the two (2) conditions occur for a period of twenty-four (24) hours.

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- (a) A decrease in the Lake Waco reservoir to 452 msl (at which the reservoir is about 60 percent of its capacity), or:
- (b) Inability to recover 90 percent of water stored in all storage tanks within a 48-hour period, or:
- (c) When two (2) water wells are inoperative or wells are in a degraded state, or:
- (d) When the static water level in the City of Bellmead ground storage tanks are 60% or less.

Requirements for termination. Stage 2 of the plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of Stage 2, Stage 1 becomes operative. The City shall issue public notice of termination.

Stage 3—Critical Water Shortage Conditions

Requirements for initiation. Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this plan when all three (3) of the conditions occur for a period of twenty-four (24) hours.

- (a) A decrease in the Lake Waco reservoir to 449 msl (at which the reservoir is about 50 percent of its capacity), or:
- (b) Inability to recover 90 percent of water stored in all storage tanks within a 48-hour period, or:
- (c) When three (3) water wells are inoperative or operating in a degraded capacity, or:
- (d) When the static water level in the City of Bellmead ground storage tanks are 50% or less.

Requirements for termination. Stage 3 of the plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of Stage 3, Stage 2 becomes operative. The City shall issue public notice of termination.

Stage 4—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 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 source(s).

Requirements for termination. Stage 4 of the plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3)

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consecutive days. The City shall issue public notice of termination.

SECTION 9

Sec. 22-41. – Drought response stages.

The City Manager or his designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in section 22-40 of the plan, shall determine that a mild, moderate, severe, critical, or emergency condition exists and shall implement the following actions publication notification.

Stage 1—Moderate Water Shortage Conditions

Goal: Achieve a five (5) percent reduction in daily water demand.

Supply Management Measures: Reduced or discontinued flushing of water mains, reduced or discontinued irrigation of public landscaped areas; use of an alternative supply source.

Voluntary Water Use Restrictions.

- (a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to
 - i) Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8).
 - ii) Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9).
 - iii) irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days.
 - iv) However, irrigation of landscaped areas is permitted at any time 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 discouraged except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. 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 rises.
- (c) Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, washing may be exempted from these regulations if the health, safety, and welfare of the

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public is contingent upon frequent vehicle cleansing, such as ambulances, garbage trucks and vehicles used to transport food and perishables.

- (d) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or jacuzzi-type pools is discouraged except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight.
- (e) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is discouraged except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (f) Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the City of Bellmead.
- (g) The following uses of water are defined as non-essential and are discouraged:
 - i) wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 - ii) use of water to wash down buildings or structures for purposes other than immediate fire protection;
 - iii) use of water for dust control;
 - iv) flushing gutters or permitting water to run or accumulate in any gutter or street; and
 - v) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Stage 2—Severe Water Shortage Conditions

Goal: Achieve a twenty (20) percent reduction in total water demand.

Supply Management Measures: Reduced or discontinued flushing of water mains, reduced or discontinued irrigation of public landscaped areas; use of an alternative supply source.

Mandatory Water Use Restrictions.

- (a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to
 - i) Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8),
 - ii) Saturdays and Wednesdays for water customers with a street address

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- ending in an odd number (1, 3, 5, 7 or 9).
- iii) irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days.
 - iv) **However, irrigation of landscaped areas is permitted at any time 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 between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. 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 rises.
- (c) Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as ambulances, garbage trucks and vehicles used to transport food and perishables.
- (d) 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 between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight.
- (e) 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.
- (f) Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the City of Bellmead.
- (g) The following uses of water are defined as non-essential and are prohibited:
- i) wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas.
 - ii) use of water to wash down buildings or structures for purposes other than immediate fire protection.
 - iii) use of water for dust control.
 - iv) flushing gutters or permitting water to run or accumulate in any gutter

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or street; and

- v) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Stage 3—Critical Water Shortage Conditions

Goal: Achieve a thirty (30) percent reduction in daily water demand.

Supply Management Measures: Reduced or discontinued flushing of water mains, reduced or discontinued irrigation of public landscaped areas; use of an alternative supply source.

Water Use Restrictions. All requirements of Stage 1 and 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 6:00 a.m. and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems are prohibited at all times.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited.
- (c) Vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10 p.m.
- (d) The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi-type pools is limited to designated watering days only.
- (e) 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.
- (f) No applications for new, additional, expanded, or increased-in-size water service connections, service lines, pipeline extensions, mains, or water service facilities of any kind shall be allowed or approved.

Stage 4—Emergency Water Shortage Conditions

Goal: Achieve a forty (40) percent reduction in daily water demand.

Supply Management Measures: Reduced or discontinued flushing of water mains, reduced or discontinued irrigation of public landscaped areas; use of an alternative supply source.

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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.

SECTION 10

Sec. 22-42. – Enforcement

- (a) No person shall knowingly or intentionally 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 plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the City Manager, or his designee, in accordance with provisions of this plan.
- (b) Any person who violates this plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than one hundred dollars (\$100.00) and not more than two thousand dollars (\$2000.00).. Each day that one or more of the provisions in this plan is violated shall constitute a separate offense. If a person is convicted of three (3) or more distinct violations of this plan, the City Manager or designee shall be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored upon payment of a re-connection charge on file in the Master Fee Schedule of the City of Bellmead. In addition, suitable assurance must be given to the City Manager that the same action shall not be repeated while the plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.
- (c) 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 and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this plan and that the parent could not have reasonably known of the violation.
- (d) Any employee of the City of Bellmead, police officer, or other employee designated by the City Manager, may issue a citation to a person he reasonably believes to be in violation of this Ordinance. The citation 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 (10) days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over fourteen (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.

SECTION 11

Sec. 22-43. – Variances.

The City Manager, or his 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:

- (1) 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.
- (2) 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 plan shall file a petition for variance with the City of Bellmead within five (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 designee, and shall include the following:

- (1) Name and address of the petitioner(s).
- (2) Purpose of water use.
- (3) Specific provision(s) of the plan from which the petitioner is requesting relief.
- (4) 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 division.
- (5) Description of the relief requested.
- (6) Period of time for which the variance is sought.
- (7) 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.

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(8) Other pertinent information.

Variations granted by the City of Bellmead shall be subject to the following conditions, unless waived or modified by the City Manager or his designee:

(1) Variations granted shall include a timetable for compliance.

(2) Variations granted shall expire when the plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

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

SECTION 12

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

SECTION 13

That all ordinances 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.

PASSED AND APPROVED ON FIRST READING MAY 16, 2023 .

PASSED AND APPROVED ON SECOND READING JUNE 13, 2023 .

PASSED AND APPROVED ON THIRD READING JUNE 13, 2023 .



Mayor, Travis Gibson

ATTEST:



City Secretary, Holly Owens

APPROVED AS TO FORM & LEGALITY:



City Attorney, Charlie Buenger





Regular 6/13/2023

Item# 10E

CCM/O 2023-03

CITY COUNCIL MEMORANDUM FOR ORDINANCE

Prepared By: Herb Blomquist

Approval: Yousry Zakhary

Drought Contingency Plan

DESCRIPTION:

Consider a memorandum/ordinance adopting the City of Bellmead Drought Contingency Plan and amending Chapter 22 – Water, Sewers and Sewage Disposal, Division 2. – Drought Contingency Plan; Providing for severability; Providing for an effective date.

BACKGROUND:

Texas municipalities are required to update their Drought Contingency Plan every 5 years. City staff updated the Drought Contingency Plan in April 2022. With this summer's drought and the City's well issues, City staff has once again reviewed the plan to ensure it realistically fits current drought conditions. Based on the changes, TCEQ required a new review and completed their final review on 4-11-2023. This update will fulfill the City's requirements with TCEQ until April 2028.

The first reading for the Drought Contingency Plan was held on May 16, 2023 with a unanimous vote of 5-0. This is the second and third final reading and if approved will be effective immediately.

FISCAL IMPACT / FUNDING SOURCE:

NA

STAFF RECOMMENDATION:

Staff recommends that the City Council adopt the City of Bellmead Drought Contingency Plan and amend Chapter 22 – Water, Sewers and Sewage Disposal, Division 2. – Drought Contingency Plan; Providing for severability; Providing for an effective date.

ATTACHMENT(S):

Ordinance 2023-03
Drought Contingency Plan

**DROUGHT CONTINGENCY PLAN
FOR THE
CITY OF BELLMEAD, TEXAS**

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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 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 Bellmead hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this Drought Contingency Plan (the Plan) are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section X 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 Bellmead by means of a scheduled public hearing to accept input on the proposed plan.

Section III: Public Education

The City of Bellmead 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 City website, City Hall postings, and press releases.

Section IV: Coordination with Regional Water Planning Groups

The service area of the City of Bellmead is located within the Brazos Region and City of Bellmead has provided a copy of this Plan to the Brazos River Authority, P.O. Box 755, Waco, Texas 76714.

Section V: Authorization

The City Manager or his 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 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 Bellmead. 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:

Addresses:

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

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City Manager: City Manager or designee.

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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 Bellmead.

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.

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 areas;
- (d) use of water to wash down buildings or structures for purposes other than immediate fire protection;
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- (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 firefighting.

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

The City Manager, or his 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. Public notification of the initiation or termination of drought response stages shall be by City website and social media.

The triggering criteria described below are based on analysis of the entire water system emphasizing the importance of

water supply at each well location.

Stage 1 - Moderate Water Shortage Conditions

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- a. A decrease in the Lake Waco reservoir to 455 msl (at which the reservoir is about 72 percent of its capacity), or:
- b. Inability to recover 90 percent of water stored in all storage tanks within a 24-hour period.
- c. When two (2) water wells are inoperative, or wells are in a degraded state.
- d. When the static water level in the City of Bellmead ground storage tanks are 75% or less.

Requirements for termination - Stage 1 of the Plan may be rescinded at the discretion of the City Manager. The City shall issue public notice of termination.

Stage 2 - Severe Water Shortage Conditions

Requirements for initiation - Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 2 of this Plan when any of the two conditions occur for a period of 24 hours.

- a. A decrease in the Lake Waco reservoir to 452 msl (at which the reservoir is about 60 percent of its capacity), or:
- b. Inability to recover 90 percent of water stored in all storage tanks within a 48-hour period, or:
- c. When two (2) water wells are inoperative or wells are in a degraded state, or:
- d. When the static water level in the City of Bellmead ground storage tanks are 60% or less.

Requirements for termination - Stage 2 of the Plan may be rescinded when all the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative. The City shall issue public notice of termination.

Stage 3 - Critical Water Shortage Conditions

Requirements for initiation - Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this Plan when all three of the conditions occur for a period of 24 hours.

- (a) A decrease in the Lake Waco reservoir to 449 msl (at which the reservoir is about 50 percent of its capacity), or:
- (b) Inability to recover 90 percent of water stored in all storage tanks within a 48-hour period, or:

- (c) When three (3) water wells are inoperative or operating in a degraded capacity, or:
- (d) When the static water level in the City of Bellmead ground storage tanks are 50% or less.

Requirements for termination - Stage 3 of the Plan may be rescinded when all the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days. Upon termination of Stage 3, Stage 2 becomes operative. The City shall issue public notice of termination.

Stage 4 - 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 designee, determines that a water supply emergency exists based on:

- a. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; **or**
- b. Natural or man-made contamination of the water supply source(s).

Requirements for termination - Stage 4 of the Plan may be rescinded when all the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days. The City shall issue public notice of termination.

Section IX: Drought Response Stages

The City Manager or his designee, shall monitor water supply and/or demand conditions daily and, in accordance with the triggering criteria set forth in Section VIII of the Plan, shall determine that a mild, moderate, severe, critical, or emergency condition exists and shall implement the following actions public notification.

Stage 1 - Moderate Water Shortage Conditions

Goal: Achieve a 5 percent reduction in daily water demand. Supply Management Measures:

Reduced or discontinued flushing of water mains; reduced or discontinued irrigation of public landscaped areas; use of an alternative supply source.

Voluntary Water Use Restrictions.

- (a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to
 - i) Sundays and Thursdays for customers with a street address ending in an even number

- (0, 2, 4, 6 or 8),
- ii) Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9),
 - iii) irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days.
 - iv) However, irrigation of landscaped areas is permitted at any time 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 discouraged except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. 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 rises.
- (c) Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as ambulances, garbage trucks and vehicles used to transport food and perishables.
- (d) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or jacuzzi-type pools is discouraged except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight.
- (e) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is discouraged except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (f) Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the City of Bellmead.
- (g) The following uses of water are defined as non-essential and are discouraged:
- i) wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 - ii) use of water to wash down buildings or structures for purposes other than immediate fire protection;
 - iii) use of water for dust control;

- iv) flushing gutters or permitting water to run or accumulate in any gutter or street; and
- v) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Stage 2 - Severe Water Shortage Conditions

Goal: Achieve a 20 percent reduction in total water demand. Supply Management Measures:

Reduced or discontinued flushing of water mains; reduced or discontinued irrigation of public landscaped areas; use of an alternative supply source.

Mandatory Water Use Restrictions.

- (a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to
 - i) Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8),
 - ii) Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9),
 - iii) irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days.
 - iv) However, irrigation of landscaped areas is permitted at any time 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 between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. 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 rises.
- (c) Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as ambulances, garbage trucks and vehicles used to transport food and perishables.
- (d) 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 between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight.
- (e) 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.

- (f) Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the City of Bellmead.
- (g) The following uses of water are defined as non-essential and are prohibited:
 - i) wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas.
 - ii) use of water to wash down buildings or structures for purposes other than immediate fire protection.
 - iii) use of water for dust control.
 - iv) flushing gutters or permitting water to run or accumulate in any gutter or street; and
 - v) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Stage 3 - Critical Water Shortage Conditions

Goal: Achieve a 30 percent reduction in daily water demand. Supply Management Measures:

Reduced or discontinued flushing of water mains; reduced or discontinued irrigation of public landscaped areas; use of an alternative supply source.

Mandatory 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 6:00 a.m. and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems are prohibited at all times.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited.
- (c) Vehicle washing at commercial car washes and commercial service stations shall

occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10 p.m.

- (d) The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi-type pools is limited to designated watering days only.
- (e) 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.
- (f) No applications for new, additional, expanded, or increased-in-size water service connections, service lines, pipeline extensions, mains, or water service facilities of any kind shall be allowed or approved.

Stage 4 - Emergency Water Shortage Conditions

Goal: Achieve a 40 percent reduction in daily water demand.

Supply Management Measures:

Reduced or discontinued flushing of water mains; reduced or discontinued irrigation of public landscaped areas; use of an alternative supply source.

Mandatory 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.

Section X: Enforcement

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

- (b) Any person who violates this Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than one hundred dollars (\$100.00) and not more than two thousand dollars (\$2000.00). Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is found to be in violation of this Plan, the City Manager or designee shall be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge on file in the Master Fee Schedule of the City of Bellmead. In addition, suitable assurance must be given to the City Manager that the same action shall not be repeated while the Plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.
- (c) Any person, including a person classified as a water customer of the City of Bellmead, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation.
- (d) Any employee of the City of Bellmead, police officer, or other employee designated by the City Manager, may issue a citation to a person he reasonably believes to be in violation of this Ordinance. The citation 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 10 days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in 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.

Section XI: Variances

The City Manager, or his 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 Plan shall file a petition for variance with the City of Bellmead 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 designee, and shall include the following:

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

Variances granted by the City of Bellmead shall be subject to the following conditions, unless waived or modified by the City Manager or his 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 XII: Severability

It is hereby declared to be the intention of the City of Bellmead that the sections, paragraphs, sentences, clauses, and phrases of this Plan are severable and, if any phrase, clause, sentence, paragraph, or section of this Plan shall be declared unconstitutional by the valid judgment 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 of Bellmead without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.