

ORDINANCE NO. 2014-20

DROUGHT CONTINGENCY PLAN

AN ORDINANCE OF THE CITY OF TAYLOR, TEXAS, REGULATING THE USE AND DISTRIBUTION OF WATER SUPPLY RESOURCES IN RESPONSE TO DROUGHT AND EMERGENCY SHORTAGE CONDITIONS; ADDRESSING RETAIL AND WHOLESALE CUSTOMERS; PRESCRIBING COORDINATION WITH REGIONAL WATER PLANNING GROUPS; PROVIDING DEFINITIONS; PRESCRIBING CRITERIA FOR THE INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES, INCLUDING SUPPLY REDUCTIONS, PRODUCTION/DISTRIBUTION SYSTEM LIMITATIONS, SUPPLY SOURCE CONTAMINATION, AND SYSTEM OUTAGE; PRESCRIBING NOTIFICATION PROCEDURES; PRESCRIBING SUPPLY/DEMAND MANAGEMENT RESPONSE MEASURES IMPLEMENTED DURING EACH STAGE TO INCLUDE CURTAILMENT OF NON-ESSENTIAL WATER USES; PRESCRIBING FOR ALTERNATIVE WATER SOURCES IN RESPONSE TO EMERGENCY SHORTAGE CONDITIONS; PRESCRIBING ALLOCATION PROCEDURES INCLUDING PRO RATA CURTAILMENT; CONTAINING ENFORCEMENT PROVISIONS; PRESCRIBING CRITERIA FOR THE GRANTING OF VARIANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR PUBLICATION.

WHEREAS, it is deemed necessary to meet, and be in full compliance with, state regulatory agency(s) requirements regarding drought and emergency contingency planning; and

WHEREAS, it is deemed in the best interest of the City of Taylor for the health, safety, and welfare of its citizens and wholesale customers that an ordinance be established to regulate the use and distribution of water supply resources; and

WHEREAS, this Ordinance shall be known and cited as the “Drought Contingency Plan” for the City of Taylor, Texas. The provisions of this ordinance shall apply to all customers of the City of Taylor, both retail and wholesale.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAYLOR:

Section 1.0 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 Taylor 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 conditions are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section X of this Plan.

Section 2.0 Public Involvement

Provisions were made by the City of Taylor to inform the public and thereby to actively involve the public in the preparation of the Drought Contingency Plan. Opportunity for input was affirmatively provided by means of a public meeting at a time and location convenient to the public, and written notice was provided to the public concerning the proposed Plan and the meeting.

Section 3.0 Public and Wholesale Water Customer Education

The City of Taylor 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 press releases, utility bill inserts, general mailings, City of Taylor web-site, etc.

The City of Taylor will periodically provide wholesale water customers 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. A copy of this Plan will be provided to each wholesale customer and periodic updates will be provided.

Section 4.0 Coordination with Regional Water Planning Groups

Located within the Brazos River Region Planning Area (Region G), the City of Taylor has provided a copy of this Plan to the Brazos Regional Planning Group. A copy of the transmittal letter to the planning group is provided.

Section 5.0 Authorization

The City Manager, Director of Public Works, 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, Director of Public Works, or his/her designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

Section 6.0 Application

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

Section 7.0 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 Taylor.

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:

- 1) irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
- 2) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- 3) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- 4) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- 5) flushing gutters or permitting water to run or accumulate in any gutter or street;

- 6) use of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools;
- 7) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- 8) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- 9) use of water from hydrants for construction purposes or any other purposes other than fire fighting.

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

Section 8.0 Criteria for Initiation and Termination of Drought Response Stages

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

The triggering criteria described below are based on a statistical analysis of the vulnerability of the water system relative to the system’s production/distribution capacity limitations.

Stage 1 Triggers -- MILD Water Shortage Conditions

Requirements for initiation - Customers will be requested to voluntarily comply with the requirements and restrictions on certain non-essential water uses for Stage 1 of this Plan when the average daily water consumption reaches seventy (70%) percent of production/distribution capacity for a period of three (3) consecutive days.

Requirements for termination - Stage 1 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.

Stage 2 Triggers -- MODERATE Water Shortage Conditions

Requirements for initiation - Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section IX of this Plan when the average daily water consumption reaches eighty (80) percent of production/distribution capacity for a period of three (3) consecutive days.

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 3 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.

Stage 3 Triggers -- 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 3 of this Plan when the average daily water consumption reaches eighty-five (85%) percent of production/distribution capacity for a period of three (3) consecutive days.

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.

Stage 4 Triggers – 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 4 of this plan when the average daily water consumption reaches ninety (90%) percent of production/distribution capacity for three (3) consecutive days.

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) consecutive days. Upon termination of Stage 4, Stage 3 becomes operative.

Stage 5 Triggers -- EMERGENCY Water Shortage Conditions

Requirements for initiation - Customers shall be required to comply with the requirements and restrictions for Stage 5 of this Plan when the City Manager, Director of Public Works, 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.
2. Natural or man-made contamination of the water supply source(s),
3. There is detection of water systems failure from acts of God (tornadoes, hurricanes, etc.) ,or man,
4. System demand exceeds available high service pump capacity, or
5. Any situation or circumstance in which the City Manager, Director of Public Works, or his/her designee determines an emergency to exist.

Requirements for termination – Stage 5 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, or the emergency condition no longer exists.

Stage 6 Triggers -- WATER ALLOCATION

Requirements for initiation - Customers shall be required to comply with the water allocation plan prescribed in Section IX of this Plan and comply with the requirements and restrictions for Stage 6 of this Plan when the average daily water consumption reaches ninety-five (95%) percent of production/distribution capacity for a period of three (3) consecutive days.

Requirements for termination - Water allocation may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days.

Section 9.0 Drought Response Stages

The City Manager, Director of Public Works, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section VIII of this Plan, shall determine that a mild, moderate, severe, critical, emergency or water shortage condition exists and shall implement the following notification procedures:

9.1 Notification

Notification of the Public - The City Manager, Director of Public Works, or his/ her designee shall notify the public by means of:

- publication in a newspaper of general circulation,
- direct mailings to customers and concerned parties,
- public service announcements,
- signs posted in public places, and/or
- City of Taylor web-site,
- etc.

Additional Notification - The City Manager, Director of Public Works, or his/ her designee shall notify directly, or cause to be notified directly, the following individuals and entities:

- Mayor and Council members,
- Fire and Police Chiefs,
- Utility, Streets, and Parks Superintendents,
- County Judge and Commissioners,
- City and County Emergency Management Coordinators,
- Major and Critical water users, and/or
- Texas Commission on Environmental Quality, when required,
- etc.

The City of Taylor shall notify the executive director of the Texas Commission on Environmental Quality within five (5) business days of the implementation of any mandatory provisions of the Drought Contingency Plan.

Stage 1 Response -- MILD Water Shortage Conditions

Goal - Achieve a voluntary five (5) percent reduction in average daily water use.

Supply Management Measures - The city will reduce or discontinue flushing of water mains and will reduce or discontinue irrigation of public landscaped lands. The city will comply with the voluntary water use restrictions for Stage 1 when Stage 1 is implemented.

Voluntary Water Use Restrictions:

1. Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only between the hours of 12:00 midnight and 10:00 a.m. and 8:00 p.m. to 12:00 midnight on designated watering days.
2. All operations of the City of Taylor shall adhere to water use restrictions prescribed for Stage 1 of the Plan.
3. 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

Goal - Achieve a 10 percent reduction in average daily water use.

Supply Management Measures - The city will reduce or discontinue flushing of water mains and reduce or discontinue irrigation of public landscaped areas. The city will comply with the water use restrictions for Stage 2 when Stage 2 is implemented.

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

1. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and 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. However, 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.
2. 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. 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.

3. 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.
4. 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.
5. Use of water from hydrants shall be limited to fire fighting, 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 Taylor.
6. (Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the City of Taylor, the facility shall not be subject to these regulations.
7. All restaurants are prohibited from serving water to patrons except upon request of the patron.
8. The following uses of water are defined as non-essential and are prohibited:
 - a. wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 - b. use of water to wash down buildings or structures for purposes other than immediate fire protection;
 - c. use of water for dust control;
 - d. flushing gutters or permitting water to run or accumulate in any gutter or street; and
 - e. 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 Response -- SEVERE Water Shortage Conditions

Goal - Achieve a fifteen (15) percent reduction in average daily water use.

Supply Management Measures - The city will reduce or discontinue flushing of water mains and reduce or discontinue irrigation of public landscaped areas. The city will comply with the water use restrictions for Stage 3 when Stage 3 is implemented.

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

1. 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.
2. The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the City of Taylor.
3. The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

Stage 4 Response -- CRITICAL Water Shortage Conditions

Goal - Achieve a 20 percent reduction in average daily water use.

Supply Management Measures - The city will reduce or discontinue flushing of water mains and reduce or discontinue irrigation of public landscaped areas. The city will comply with the water use restrictions for Stage 4 when Stage 4 is implemented.

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

1. 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.
2. 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. Further, such 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 10:00 p.m.
3. The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi-type pools is prohibited.
4. 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.
5. 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.

Stage 5 Response -- EMERGENCY Water Shortage Conditions

Goal - Achieve a seventy-five (75%) percent reduction in average daily water use.

Supply Management Measures - The City, if deemed necessary by the City Manager, Director of Public Works, or his/her designee, may utilize an alternative water source(s) to include, but not to be limited to:

1. The purchase, delivery, and distribution of bottled waters,
2. The use and delivery/distribution of waters from City wells.

The city will reduce or discontinue flushing of water mains and reduce or discontinue irrigation of public landscaped areas. The city will comply with the water use restrictions of Stage 5 when Stage 5 is implemented.

Water Use Restrictions - All requirements of Stage 2, 3, and 4 shall remain in effect during Stage 5 except:

1. Irrigation of landscaped areas is absolutely prohibited.
2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.

Stage 6 Response -- WATER ALLOCATION

In the event that water shortage conditions threaten public health, safety, and welfare, the City Manager, Director of Public Works, or his/her designee is hereby authorized to allocate water according to the following water allocation plan:

9.2 Single-Family Residential Customers

The allocation to residential water customers residing in a single-family dwelling shall be as follows:

<u>Persons per Household</u>	<u>Gallons per Month</u>
1 or 2	6,000
3 or 4	7,000
5 or 6	8,000
7 or 8	9,000
9 or 10	10,000
11 or more	12,000

“Household” means the residential premises served by the customer’s meter.

“Persons per household” includes only those persons currently physically residing at the premises and expected to reside there for the entire billing period. It shall be assumed that a particular customer’s household is comprised of two (2) persons unless the customer notifies the City of Taylor of a greater number of persons per household on a form prescribed by the City Manager, Director of Public Works, or his/her designee. The City Manager, Director of Public Works, or his/her designee shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every residential customer. If, however, a customer does not receive such a form, it shall be the customer’s responsibility to go to the City of Taylor offices to complete and sign the form claiming more than two (2) persons per household. New customers may claim more persons per household at the time of applying for water service on the form prescribed by the City Manager, Director of Public Works, or his/her designee.

When the number of persons per household increases so as to place the customer in a different allocation category, the customer may notify the City of Taylor on such form and the change will be implemented in the next practicable billing period. If the number of persons in a household is reduced, the customer shall notify the City of Taylor in writing within two (2) days. In prescribing the method for claiming more than two (2) persons per household, the City Manager, Director of Public Works, or his/her designee shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of persons in a household or fails to timely notify the City of Taylor of a reduction in the number of person in a household shall be fined not less than fifty (\$50.00) dollars.

Residential water customers shall pay the following surcharges:

- \$25.00 for the first 1,000 gallons over allocation.
- \$50.00 for the second 1,000 gallons over allocation.
- \$75.00 for the third 1,000 gallons over allocation.
- \$100.00 for each additional 1,000 gallons over allocation.

Surcharges shall be cumulative.

9.3 Master-Metered Multi-Family Residential Customers

The allocation to a customer billed from a master meter which jointly measures water to multiple permanent residential dwelling units (e.g., apartments, mobile homes) shall be allocated 6,000 gallons per month for each dwelling unit. It shall be assumed that such a customer’s meter serves two dwelling units unless the customer notifies the City of Taylor of a greater number on a form prescribed by the City Manager, Director of Public Works, or his/her designee. The City Manager, Director of Public Works, or his/her designee shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every such customer. If, however, a customer does not receive such a form, it shall be the customer’s responsibility to go to the City of Taylor offices to complete and sign the form claiming more than two (2) dwellings. A dwelling unit may be claimed under this provision whether it is occupied or not. New customers may claim more dwelling units at the time of applying for water service on the form prescribed by the City Manager, Director of Public Works, or his/her designee. If the number of dwelling units served by a master meter is reduced, the customer shall notify the City of Taylor in writing within two (2) days. In prescribing the method for

claiming more than two (2) dwelling units, the City Manager, Director of Public Works, or his/her designee shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of dwelling units served by a master meter or fails to timely notify the City of Taylor of a reduction in the number of person in a household shall be fined not less than five hundred (\$500.00) dollars. Customers billed from a master meter under this provision shall pay the following monthly surcharges:

- \$25.00 for 1,000 gallons over allocation up through 1,000 gallons for each dwelling unit.
- \$50.00, thereafter, for each additional 1,000 gallons over allocation up through a second 1,000 gallons for each dwelling unit.
- \$75.00, thereafter, for each additional 1,000 gallons over allocation up through a third 1,000 gallons for each dwelling unit.
- \$100.00, thereafter, for each additional 1,000 gallons over allocation.

Surcharges shall be cumulative.

9.4 Commercial Customers

A monthly water allocation shall be established by the City Manager, Director of Public Works, or his/her designee, for each nonresidential commercial customer other than an industrial customer who uses water for processing purposes. The non-residential customer's allocation shall be approximately seventy-five (75%) percent of the customer's usage for corresponding month's billing period for the previous 12 months. If the customer's billing history is shorter than twelve (12) months, the monthly average for the period for which there is a record shall be used for any monthly period for which no history exists. Provided, however, a customer, seventy-five (75%) percent of whose monthly usage is less than six (6,000) thousand gallons, shall be allocated six (6,000) thousand gallons.

The City Manager, Director of Public Works, or his/her designee shall give his/her best effort to see that notice of each non-residential customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the City of Taylor to determine the allocation. Upon request of the customer or at the initiative of the City Manager, Director of Public Works, or his/her designee, the allocation may be reduced or increased if,

- (1) the designated period does not accurately reflect the customer's normal water usage,
- (2) one nonresidential customer agrees to transfer part of its allocation to another nonresidential customer, or
- (3) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions.

A customer may appeal an allocation established hereunder to the City Manager, Director of Public Works, or his/her designee, or to any special water allocation review committee that may have been established. Nonresidential commercial customers shall pay the following surcharges:

Customers whose allocation is zero (0) gallons through ten (10,000) thousand gallons per month:

- Fifty dollars (\$50.00) per thousand gallons for the first one (1,000) thousand gallons over allocation.
- Seventy-five dollars (\$75.00) per thousand gallons for the second one (1,000) thousand gallons over allocation.
- One hundred dollars (\$100.00) per thousand gallons for the third one (1,000) thousand gallons over allocation.
- One hundred twenty-five dollars (\$125.00) per thousand gallons for each additional one (1,000) thousand gallons over allocation.

Customers whose allocation is ten thousand one (10,001) gallons per month or more:

- Seventy-five dollars (\$75.00) per one (1,000) thousand gallons in excess of the allocation up through five (5%) percent above allocation.
- One hundred fifty dollars (\$150.00) per one (1,000) thousand gallons from five (5%) percent through ten (10%) percent above allocation.
- Two hundred twenty-five dollars (\$225.00) per one (1,000) thousand gallons from ten (10%) percent through fifteen (15%) percent above allocation.
- Three hundred dollars (\$300.00) per one (1,000) thousand gallons more than fifteen (15%) percent above allocation.

The surcharges shall be cumulative.

9.5 Industrial Customers

A monthly water allocation shall be established by the City Manager, Director of Public Works, or his/her designee, for each industrial customer, which uses water for processing purposes. The industrial customer's allocation shall be approximately ninety (90%) percent of the customer's water usage baseline. Ninety (90) days after the initial imposition of the allocation for industrial customers, the industrial customer's allocation shall be further reduced to eighty (80%) percent of the customer's water usage baseline. The industrial customer's water use baseline will be computed on the average water use for the twelve (12) month period ending prior to the date of implementation of Stage 2 of the Plan. If the industrial water customer's billing history is shorter than twelve (12) months, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists. The City Manager, Director of Public Works, or his/her

designee, shall give his/her best effort to see that notice of each industrial customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the City of Taylor to determine the allocation, and the allocation shall be fully effective notwithstanding the lack of receipt of written notice. Upon request of the customer or at the initiative of the City Manager, Director of Public Works, or his/her designee, the allocation may be reduced or increased,

- (1) if the designated period does not accurately reflect the customer's normal water use because the customer had shutdown a major processing unit for repair or overhaul during the period,
- (2) the customer has added or is in the process of adding significant additional processing capacity,
- (3) the customer has shutdown or significantly reduced the production of a major processing unit,
- (4) the customer has previously implemented significant permanent water conservation measures such that the ability to further reduce water use is limited,
- (5) the customer agrees to transfer part of its allocation to another industrial customer, or
- (6) if other objective evidence demonstrates that the designated allocation is inaccurate under present conditions.

A customer may appeal an allocation established hereunder to the City Manager, Director of Public Works, or his/her designee, or to any special water allocation review committee that may have been established. Industrial customers shall pay the following surcharges:

Customers whose allocation is zero (0) gallons through twenty thousand (20,000) gallons per month:

- Fifty dollars (\$50.00) per thousand gallons for the first one (1,000) thousand gallons over allocation.
- Seventy-five dollars (\$75.00) per thousand gallons for the second one (1,000) thousand gallons over allocation.
- One hundred dollars (\$100.00) per thousand gallons for the third one (1,000) thousand gallons over allocation.
- One hundred twenty-five dollars (\$125.00) per thousand gallons for each additional one (1,000) thousand gallons over allocation.

Customers whose allocation is twenty thousand one (20,001) gallons per month or more:

- Seventy-five dollars (\$75.00) per one (1,000) thousand gallons in excess of the allocation up through five (5%) percent above allocation.

- One hundred fifty dollars (\$150.00) per one (1,000) thousand gallons from five (5%) percent through ten (10%) percent above allocation.
- Two hundred twenty-five dollars (\$225.00) per one (1,000) gallons from ten (10%) percent through fifteen (15) percent above allocation.
- Three hundred dollars (\$300.00) per one (1,000) thousand gallons more than fifteen (15%) percent above allocation

The surcharges shall be cumulative.

9.6 Wholesale Customers

All new, renewed, or extended wholesale supply contracts entered into after official adoption of this plan, including contract extensions, shall include a provision that in case of a shortage of water resulting from a drought, or shortage due to any emergency condition, the water to be distributed shall be divided on a pro rata curtailment basis in accordance with Texas Water Code §11.039.

Section 10.0 Pro Rata Water Allocation

In the event that the triggering criteria specified in Section VIII of the Plan for Stage 6-Water Allocation conditions have been met, the City Manager, Director of Public Works, or his/her designee is hereby authorized to initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code Section 11.039 and according to the following water allocation policies procedures:

- (1) A wholesale customer's monthly allocation shall be a percentage of the customer's water usage baseline. The percentage will be set by resolution of the City Council based on the City Manager's, Director of Public Work's, or his/her designee's assessment of the severity of the water shortage condition and the need to curtail water diversions and/or deliveries and may be adjusted periodically by resolution of the City Council as conditions warrant. Once pro rata allocation is in effect, water diversions by or deliveries to each wholesale customer shall be limited to the allocation established for each month.
- (2) A monthly water usage allocation shall be established by the City Manager, Director of Public Works, or his/her designee, for each wholesale customer. The wholesale customer's water usage baseline will be computed on the average water usage by the month for the 1996-2000 period. If the wholesale water customer's billing history is less than five (5) years, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists.
- (3) The City Manager, Director of Public Works, or his/her designee shall provide notice, by certified mail, to each wholesale customer informing them of their monthly water usage allocations and shall notify the news media and the executive director of the Texas Natural Resource Conservation Commission upon initiation of pro rata water allocation.

- (4) Upon request of the customer or at the initiative of the City Manager, Director of Public Works, or his/her designee, the allocation may be reduced or increased if, (a) the designated period does not accurately reflect the wholesale customer's normal water usage; (b) the customer agrees to transfer part of its allocation to another wholesale customer; or (c) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the City Council of the City of Taylor.

Section 11.0 Enforcement

No person shall knowingly or intentionally allow the use of water from the City of Taylor 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, Director of Public Works, or his/her designee, in accordance with provisions of this Plan.

Any person who violates this Plan is guilty of a Class C misdemeanor and, upon conviction shall be punished by a fine of not less than one dollar (\$1.00) and not more than five-hundred dollars (\$500.00). Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the City Manager, Director of Public Works, or his/her designee shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, hereby established twenty-five dollars (\$25.00), and any other costs incurred by the City of Taylor in discontinuing service. In addition, suitable assurance must be given to the City Manager, Director of Public Works, or his/her designee 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.

Any person, including a person classified as a water customer of the City of Taylor, 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.

Any employee of the City of Taylor, police officer, or other City of Taylor employee designated by the City Manager, Director of Public Works or his/her designee, may issue a citation to a person he/she reasonably believes to be in violation of this Ordinance. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the City of Taylor municipal court on the date shown

on the citation for which the date shall not be less than three (3) days nor more than five (5) 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 City of Taylor 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 City of Taylor municipal court a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in the City of Taylor municipal court before all other cases.

Section 12.0 Variances

The City Manager, Director of Public Works, 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:

- (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 Ordinance shall file a petition for variance with the City of Taylor 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, Director of Public Works, or his/her 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 Ordinance.
- 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.

8) Other pertinent information.

Variations granted by the City of Taylor shall be subject to the following conditions, unless waived or modified by the City Manager, Director of Public Works, or his/her 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 13.0 Severability Clause

If any provision, word, sentence, paragraph, clause, phrase, or section of this Ordinance or its application to any person or circumstances is adjudged or held invalid, void or unconstitutional, the invalid, void or unconstitutional portion shall not affect the validity of the remaining portions of this Ordinance which shall remain in full force and effect.

Section 14.0 Repealing Clause

All provisions in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

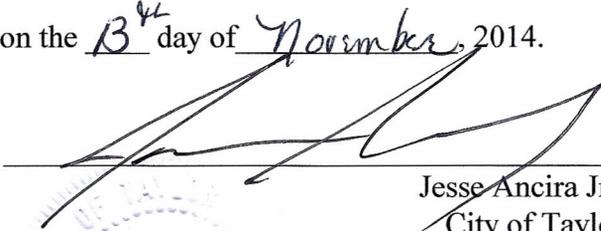
Section 15.0 Publication

The City Clerk is hereby authorized and directed to publish the caption of this Ordinance in the manner and for the length of time prescribed by law.

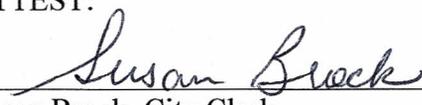
Section 16.0 Introduction

In accordance with Article VIII, Section 1 of the City Charter, this Ordinance was introduced before the City Council on the 23rd day of October, 2014.

PASSED, APPROVED and ADOPTED on the 13th day of November, 2014.



Jesse Ancira Jr., Mayor
City of Taylor, Texas

ATTEST:


Susan Brock, City Clerk

