

ORDINANCE NO. 2012-015

AN ORDINANCE OF THE CITY OF ROBINSON, TEXAS AMENDING AND REPLACING DIVISION 2 “DROUGHT CONTINGENCY PLAN,” ARTICLE IV “WATER CONSERVATION,” CHAPTER 8 “ENVIRONMENT” OF THE CODE OF ORDINANCES OF THE CITY OF ROBINSON, TEXAS; PROVIDING A PLAN FOR DROUGHT CONTINGENCY; ESTABLISHING STAGES OF WATER SHORTAGE; ESTABLISHING RESTRICTIONS ON THE USE OF WATER; MAKING VIOLATION A CRIMINAL OFFENSE (MISDEMEANOR) PUNISHABLE BY A FINE NOT TO EXCEED \$500; MAKING EACH DAY OF VIOLATION A SEPARATE OFFENSE; PROVIDING FOR ADDITIONAL MEANS OF ENFORCEMENT; PROVIDING A SAVINGS CLAUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROBINSON, TEXAS that:

SECTION I. Change to Code of Ordinances

Division 2, Article IV, of Chapter 8 of the Code of Ordinances of the City of Robinson, Texas “Drought Contingency Plan” is hereby amended and replaced so that it shall read as follows:

8-106. 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 Robinson hereby adopts the following regulations and restrictions on the delivery and consumption of water supplied by its water utility. Water uses regulated or prohibited under this Drought Contingency 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 and/or other enforcement as defined in Section 8-115 of this Plan. This Plan was enacted after notice and a public hearing at which citizens were allowed to provide input.

8-107. Public Education

The City of Robinson Water Utility will periodically provide the public with information and updates 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 at

each stage. This information will be provided by means of press releases and inclusion in the City Newsletter.

8-108. Coordination with Regional Water Planning Groups

The service area of the City of Robinson Water Utility is located within the Brazos G and the City of Robinson Water Utility has provided a copy of this Plan to the Brazos G water planning group.

8-109. Authorization

The City Manager or his/her designee is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect the public health, safety, and welfare. The City Manager or his/her designee shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

The City Manager is authorized to declare that a drought response stage is in effect, and that that stage's response is ordered to be implemented (Implementing Order). The Implementing Order may contain restrictions in addition to those required for the stage declared to the extent determined by the City Manager to be necessary to prevent possible disruption of water services, prepare for shortages based on estimates, protect the water supply and distribution system, and/or to protect public health and safety. All persons must comply with the Implementing Order.

8-110. Application

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

8-111. 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 ponds, and water gardens.

Commercial and Institutional Water. 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 Robinson Water Utility.

Domestic Water. 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.

Implementing Order. The order of the City Manager declaring the stage in effect and implementing the response, including ordering restrictions on water usage.

Industrial Water. The use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape Irrigation. 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. Water uses that are neither essential nor required for the protection of public health, safety, and welfare, including the following:

- a) irrigation of landscape areas, including lawns, common areas, parks, athletic fields, and golf courses, except otherwise provided under this Plan;
- b) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- c) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- d) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- e) flushing gutters or permitting water to run or accumulate in any gutter or street;
- f) use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
- g) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- h) failure to repair a controllable leak(s) within a reasonable time period after having been given notice directing the repair of such leak(s), and
- i) use of water from hydrants for construction purposes or any other purposes other than fire-fighting.

Odd-Numbered Address. Street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

8-112. Criteria for Initiation and Termination of Drought Response Stages

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

The triggering criteria are based on the amount of treated water stored in the total water system. The water storage system taken as a total in all elevated and ground storage facilities is the best indicator of the water system availability.

Stage 1 Response-Water Watch

Goal: Begin informing the community of good water management techniques inside and outside the home, including such practices as cutting back on lawn irrigation times and developing landscapes that require less water.

Supply Maintenance Measures & Trigger Initiation

The City will forecast by the month of May of each year the water supply and potential water demands for May 1 through September 30 of that year. At any such time as deemed necessary, the City Manager may exercise his/her discretion to request special voluntary restrictions and/or to initiate mandatory restrictions.

Stage 2 Response-Mild Water Shortage Condition

Goal: Raise the public awareness of the water supply situation to achieve a voluntary 5 percent reduction in total water use.

Supply Management Measures: Discontinue flushing of water mains except as required for sanitary sewer purposes during this Stage of the Plan.

Voluntary Water Use Restrictions:

- a) 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, and 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7, and 9), and to irrigate landscapes only between the hours of midnight and 10:00 a.m. or 8:00 p.m. to midnight on designated water days.
- b) All operations of the Robinson Water Utility shall adhere to water use restrictions prescribed for Stage 2 of the Plan.
- c) Water Customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

Trigger Requirements for Initiation

Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions of this stage, (1) when continually falling treated water reservoir levels taken as a total which do not refill above 80 percent overnight, or (2) when between May and July 1st, the raw water reservoir is at or below 90 percent of capacity.

Trigger Requirements for Termination

The restrictions of this stage may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 48 hours.

Stage 3 Response-Moderate Water Shortages

Goal: Achieve a 10 percent reduction in total water use.

Supply Management Measures: Discontinue irrigation of public landscaped areas during this Stage of the Plan.

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

- a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6, and 8), and Sundays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7, and 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. 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 vehicles, motorcycle, 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 rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Such washing may be exempted from these regulations if the health, safety, and welfare of the public are contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
- c) Use of water to fill, refill, or add to any indoor or outdoor swimming pool, wading pool, or Jacuzzi-type pool 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.

- d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculating water system.
- e) 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 Robinson Water Utility.
- f) Use of water for the irrigation of golf course greens, tees, and fairways 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. If the golf course utilizes a water source other than that provided by the City of Robinson Water Utility, the facility shall not be subject to these regulations.
- g) All restaurants are prohibited from serving water to patrons except upon request of the patron.
- h) The following non-essential uses of water are prohibited:
 - 1) Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard surfaced areas;
 - 2) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
 - 3) Use of water for dust control;
 - 4) Flushing gutters or permitting water to run or accumulate in any gutter or street; and
 - 5) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Trigger Requirements for Initiation

The restrictions of this stage shall be implemented (1) when continually falling treated water reservoir levels taken as a total which do not refill above 75 percent overnight; (2) when between July and August 1, the raw water reservoir is at or below 80 percent of capacity or (3) any time the total daily water demand exceeds 90 percent of the water systems production capabilities.

Trigger Requirements for Termination

The restrictions of this stage 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 this Stage, Stage 2 becomes operative.

Stage 4 Response-Severe Water Shortages

Goal: Achieve a 25 percent reduction in total water use.

Supply Management Measures. All requirements of Stage 3 remain in effect during this Stage of the Plan.

Water Use Restrictions. All requirements of Stage 3 shall remain in effect during this Stage except for the following:

- a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, permanently installed automatic sprinkler systems with timers, or hose-end sprinklers with timers.
- b) The watering of golf course trees is prohibited unless the golf course utilizes a water source other than that provided by the City of Robinson Water Utility.
- c) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

Trigger Requirements for Initiation

The restrictions of this stage shall be implemented, (1) when continually falling treated water reservoir levels taken as a total which do not refill above 70 percent overnight; (2) when between August and September 1, the raw water reservoir is at or below 60 percent of capacity or (3) any time the total daily water demand exceeds 95 percent of the water system's production capabilities.

Trigger Requirements for Termination

The restrictions of this stage may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 7 consecutive days. Upon termination of this Stage, Stage 3 becomes operative.

Stage 5 Response-Critical Water Shortages

Goal: Achieve a 50 percent reduction in total water use.

Supply Management Measures. All requirements of Stage 4 shall remain in effect during this Stage of the Plan.

Water Use Restrictions. All requirements of Stage 4 shall remain in effect during this stage except for the following:

- 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 station and not in the immediate interest of public health, safety, and welfare is prohibited. Such vehicle washing at 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.
- c) The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.
- d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculating water system
- e) 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 a time as this drought response stage or a higher-numbered stage shall be in effect.

Trigger Requirements for Initiation

The restrictions of this stage shall be implemented (1) when continually falling treated water reservoir levels taken as a total do not refill above 65 percent overnight; (2) when between September and October 1, the raw water reservoir is at or below 40 percent of capacity or (3) any time the total daily water demand exceeds 95 percent of the water system's production capabilities and the Water Treatment Plant is inoperative for any reason.

Trigger Requirements for Termination

The restrictions of this stage may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 7 consecutive days. Upon termination of this Stage, Stage 4 becomes operative.

Stage 6 Response-Extreme Water Shortages

Goal: Achieve a 60 percent reduction in total water use.

Supply Management Measures. All requirements of Stage 5 shall remain in effect during this Stage except for the following:

Mandatory Restrictions. Upon implementation of this stage by the City, the following restrictions shall apply unless specifically exempted:

- a) The water is at a point of a severe water shortage. All landscape and outdoor water usage at each service address shall continue according to the landscape water days schedule identified below:

STAGE 6 OUTDOOR WATERING SCHEDULES

Last Digit of Address:	Allowed Outdoor Watering Days:
0, 1	Monday
2, 3	Tuesday
4, 5	Wednesday
6, 7	Thursday
8, 9	Friday
No Watering, Storage Recovery Days	Saturday & Sunday

(Notice: Watering schedule times: 6:00 a.m. to 10:00 a.m. and 8:00 p.m. to 12:00 midnight)

Trigger Requirements for Implementation

The restrictions of this stage shall be implemented when the reservoir level to 30 percent of capacity or the inability to recover approximately 60 percent in all storage facilities within a forty-eight (48) hour period.

Trigger Requirements for Termination

Termination of Stage 6 shall be at the discretion of the City Manager based on the information available.

Stage 7 Response-Emergency Water Shortage Conditions

Goal: Achieve a 75 percent reduction in total water use.

Supply Management Measures. All requirements of Stage 6 remain in effect during this Stage of the Plan.

Water Use Restrictions. All requirements of Stage 6 shall remain in effect during this Stage of the Plan except for the following:

- a) Irrigation of landscaped areas is absolutely prohibited at any time.
- b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle is absolutely prohibited at any time.

Trigger Requirements for Initiation

Customers shall be required to comply with the requirements and restrictions for this Stage of the Plan when the City Manager, or his/her designee, determines that a water supply emergency exists based on major water line breaks or pump or system failure occurrence which cause unprecedented loss of capacity to provide water service, or natural or man-made contamination of the water supply, or a severe shortage of available water supply exists that requires such measures.

Trigger Requirements for Termination

This Stage of the Plan may be rescinded when all of the conditions listed as “triggering events” have ceased to exist for a period of 10 consecutive days.

Additional Possible Stage 7 Response

The City Council may adopt emergency water rates to encourage conservation.

The City Council may initiate water rationing.

8-113. State Mandate---Stage Declared Restrictions Imposed Regardless of Trigger

If a state agency with jurisdiction over water rights and use lawfully (and with authority to require the City’s compliance) orders that drought response restrictions on water use be imposed, the water use restrictions shall be implemented regardless of whether the trigger for the stage requiring such restrictions under the City’s drought contingency plan has been reached.

8-114. Drought Response Stages

THE CITY MANAGER IS AUTHORIZED TO DECLARE A STAGE AND ITS RESTRICTIONS TO BE IN EFFECT EVEN IF THE APPLICABLE TRIGGERS UNDER THE PLAN ARE NOT MET WHERE SUCH IS, IN THE DISCRETION OF THE CITY MANAGER, AFTER CONSULTATION WITH CITY STAFF AND THE CITY ENGINEER, A PRECAUTION THAT SHOULD BE TAKEN TO PREVENT POSSIBLE DISRUPTION OF SERVICES, TO PREPARE FOR SHORTAGES BASED ON ESTIMATES, OR TO OTHERWISE PROTECT THE WATER SUPPLY, WATER DISTRIBUTION SYSTEM, AND/OR PUBLIC HEALTH AND SAFETY.

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

Notification of the Public.

- a) The City Manager or his/her designee shall notify the public by means of publication in a newspaper of general circulation;

- b) Provide public service announcements on radio and television networks;
- c) Post signs in public places; and
- d) Provide take home fliers at all schools within the City limits.

Notification of Government Individuals and Entities

- a) Mayor & members of the City council;
- b) Police Chief;
- c) Fire Chief;
- d) McLennan County Emergency Management Coordinator;
- e) State Disaster District/Department of Public Safety;
- f) Texas Commission on Environmental Quality;
- g) Major water users;
- h) Critical water users (i.e. hospitals); and
- i) Public facilities managers

8-115. Enforcement/Penalty

A) No person shall intentionally or knowingly use water provided by the City of Robinson Water Utility in a manner contrary to this Plan or in violation of the restrictions of the drought response stage in effect at the time that the action is taken and/or in violation of the Implementing Order of the City Manager. Public notice of the order to implement the restrictions on water usage is presumed once the publication of the Implementing Order in the newspaper has occurred.

B) A violation is an offense (misdemeanor) and, upon conviction shall be punished by a fine of not more than \$500. Each day of violation shall constitute a separate offense. If a person is convicted of three or more distinct violations, the City Manager 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, and any other costs incurred by the City of Robinson Water Utility in discontinuing service. In addition, suitable assurance must be given to the City Manager that the same action shall not be repeated. Compliance with this Plan may also be compelled through an action for injunctive relief in district court.

C) Any person, including a person classified as a water customer of the City of Robinson Water Utility, 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 the 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 Robinson Water Utility, police officer, or other City of Robinson employee designated by the City Manager, may issue a citation to a person he/she reasonably believes to be in violation of this Ordinance.

8-116. Variances

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

- a) Compliance with this Plan as implemented cannot be technically accomplished during the duration of the water supply shortage or other condition.
- 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 and/or an Implementing Order shall file a petition for the variance with the City of Robinson Water Utility within 5 days after the Implementing Order is published. All petitions for variances shall be reviewed by the City Manager, or his/her designee, and shall include the following requirements:

- a) Name and address of the petitioner(s);
- b) Purpose of water use;
- c) Specific provision(s) of the Plan as implemented from which the petitioner is requesting relief;
- d) Detailed statement as to how the specific provision of the Plan as implemented adversely affects the petitioner or what damage or harm will occur to the petitioner or others if the 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; and
- h) Other pertinent information.

Variances granted by the City of Robinson Water Utility shall be subject to the following conditions, unless waived or modified by the City Manager or his/her designee.

- a) Variances granted shall include a timetable for compliance; and

- b) Variances granted shall expire when the applicable response implemented is no longer in effect (unless earlier terminated for failure of the applicant to comply with any conditions of the variance)..

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

Section II. Savings Clause

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict are hereby repealed.

Section III. Meeting Open to the Public

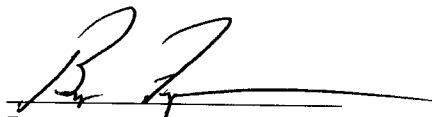
It is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public as required and that public notice of said meeting was given as required by law.

Section IV. Effective Date

This ordinance establishing a Drought Contingency Plan as set forth above shall become effective, once adopted by the City Council, immediately upon publication of the caption of said ordinance.

PASSED AND APPROVED THIS THE 2nd DAY OF OCTOBER, 2012.

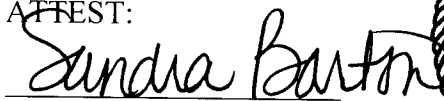
CITY OF ROBINSON, TEXAS



Bryan Ferguson

Mayor

ATTEST:



Sandra Barton

City Secretary

