

STATE OF TEXAS

Ordinance No. _____

CITY OF SEGUIN

AN ORDINANCE OF THE SEGUIN CITY COUNCIL AMENDING THE SEGUIN CODE OF ORDINANCES, CHAPTER 102, UTILITIES, ARTICLE VII, EMERGENCY WATER DEMAND MANAGEMENT PLAN TO UPDATE THE PLAN TO COVER DROUGHT CONTINGENCIES AND TO SET OPERATIONALLY RELEVANT STAGE TRIGGERS; PROVIDING FOR PUBLICATION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND AUTHORIZING CITY STAFF TO PREPARE THIS ORDINANCE FOR SUBMISSION AS A SUPPLEMENT TO THE CODE OF ORDINANCES.

WHEREAS, the City is required to regularly review and update its drought contingency and water emergency plans; and

WHEREAS, upon review of the plan, it became apparent that the triggers for the various conservation stages did not match current operations as those operations are applied to each of the city's water sources; and

WHEREAS, the current city code did not contain any mechanism for granting a variance if one was requested; and

WHEREAS, notice of a public hearing to consider the Drought Contingency and Water Emergency Response Plan was published in the local newspaper; and

WHEREAS, on May 6, 2014, a public hearing was conducted to consider the changes outlined below.

NOW THEREFORE BE IT ORDAINED by the City Council of Seguin, Texas:

SECTION ONE. Chapter 102, Utilities, Article VII, Emergency Water Demand Management Plan, of the Seguin City Code is amended as follows (underlining indicates added text, ~~strikethrough~~ indicates deleted text):

Article VII. Drought Contingency and Water Emergency Response Plan ~~Emergency Water Demand Management Plan~~

Sec. 102-293. Objective.

The objective of the emergency water demand management plan is to provide procedures for voluntary and mandatory actions to be placed into effect to temporarily reduce the demand placed upon the City of Seguin's water supply system during a water shortage emergency. Emergency demand procedures not only include conservation but also includes prohibition of certain uses.

Sec. 102-294. Purpose.

The purpose of this plan is to provide a means in which to regulate the consumption of potable water in the event that the source water supply becomes inadequate to meet demand.

~~Sec. 102-295. Elements of plan.~~

~~This water demand management plan includes the following five parts:~~

- ~~1. Year round conservation~~
- ~~1. Trigger conditions.~~
- ~~2. Information and education.~~
- ~~3. Initiation procedures.~~
- ~~4. Termination notification actions.~~
- ~~5. Means of Implementation and Variances.~~

Sec. 102-295 296. Definitions.

The following definitions shall apply to this article:

Aesthetic use: The use of water for fountains, waterfalls and landscape lakes and ponds where such use is entirely ornamental and serves no other functional purpose.

CFS: CFS means cubic feet per second.

Domestic-type use: The use of water, other than uses in the outdoor category, for personal needs or for household purposes, such as drinking, bathing, cooling, heating, cooking, sanitation or cleaning, whether the use occurs in a residence or in a commercial or industrial facility.

Existing facility: A swimming pool, hot tub or any similar facility, including residential and private facilities, installed before stage 2. This term does not include pools specifically maintained to provide habitat for aquatic life.

Existing landscape plant: A landscaping plant planted prior to Stage 2.

GCUWCD: GCUWCD means the Gonzales County Underground Water Control District.

Impervious surface: Any structure or any street, driveway, sidewalk, patio or other surface covered with brick, paving, tile or other impervious material.

Industrial-type use: The use of water integral to the production of primary goods and services provided by industrial or commercial facilities. Industrial facilities include facilities which perform such process-specific activities as cooling, oiler feed, cleaning and washing, pollution control, extraction and separation of desirable material from products and waste materials and the incorporation of water into

final products. Commercial facilities include, but are not limited to, food service facilities, hotel, retail facilities and nursery operations.

Landscape watering: The application of water to grow landscaping plants.

Landscaping plant: Any plant including any tree, shrub, vine, herb, flower, succulent, ground cover or grass species that is used for landscaping purposes or for the support of recreational areas such as playgrounds and playing fields.

Makeup: Partial refilling due to evaporative water loss and back washing.

New facility: A swimming pool, hot tub or any similar facility, including residential and private facilities, installed during any current emergency water demand management plan stage, except stage 1. When the stage is rescinded, the new facility will be treated thereafter as an existing facility. This term does not include wading pools or pools specifically maintained to provide habitat for aquatic life.

New landscaping plant: A landscaping plant planted after stage 1. When the stage 2 is rescinded, the new landscaping plant will be treated thereafter as an existing landscaping plant.

Other outside use: The use of water outdoors for the maintenance, cleaning and washing of structures and mobile equipment, including automobiles and boats, and the washing of streets, driveways, sidewalks, patios and other similar areas.

Pervious surface: Any area on the ground, which is not a structure or any street, driveway, sidewalk or surface covered with brick, paving tile or other material.

Reuse water: Water that has been recycled or reclaimed after it has been used for any beneficial purpose.

SSLGC: SSLGC means the Schertz Seguin Local Government Corporation.

Waste includes, but is not limited to, allowing water to run off into a gutter, ditch drain or street, or failing to repair a controllable leak.

Sec. 102- ~~296~~ ~~297~~ Trigger conditions.

The City of Seguin has established a set of trigger or threshold conditions that indicates when contingency measures need to be put into effect. The trigger levels indicated in stages have been set to include normal/awareness, mild/watch, alert, severe/risk and total system failure conditions. In addition to the requirements set forth below, the city manager may determine the levels of restrictions in each stage as required to protect the health and safety of the citizens of Seguin.

(A) Year Round, Both Ground Water and Surface Water Systems

(a). Watering outdoor between the hours of 10:00 a.m. through 8:00 p.m. is prohibited year round, except for the use of a handheld hose or handheld watering device or a drip irrigation system, which can be used at any time.

(B) **Stage 1.** The normal/awareness stage:

(1) Ground Water System. Occurs when one or more of the following conditions exist:

- a. The City of Seguin receives notification from the SSLGC General Manager that the system water demand approaches 100% of the allotted amount of the monthly limit of the GCUWCD permitted supply. The river flow is 300 CFS or above. The river flow provides an adequate supply of water.
- b. The storage reservoirs are recovered daily to 100% capacity.
- c. The water system is able to keep up with demand.

(2) Surface Water System. Occurs when one or more of the following conditions exist:

- (a) The T.C.E.Q. average monthly authorized diversion rate approaches 100
- (b) The storage reservoirs are recovered daily to 100% capacity.
- (c) The water system is able to keep up with demand.

(3) Water conservation practices should always be followed.

- a. All landscaping watering will be allowed only during the hours of 8:00 p.m. to 10:00 a.m. Watering with reuse water or rainwater is exempt from reduction measures.

(4). The civil penalty for wasting water, as determined by the City Manager or appointed designee, at any time other than those designated during specific Stages is \$25 to \$50 per day or water services disconnection. All applicable water service disconnection and reconnection service charges shall also apply.

(C) **Stage 2.** The mild/watch stage.

(1) Ground Water System - Occurs when one or more of the following conditions exist:

- a. The City of Seguin receives notification from the SSLGC General Manager that the water demand approach 110% of the allotted amount of the monthly limit of the GCUWCD permitted supply. The river flow is 200 to 299 CFS for three consecutive days.
- b. Water demand is approaching the safe capacity of the system.
- c. The system reservoirs are recovered daily to only 80% capacity for three (3) consecutive days. The water levels are low enough that there is a real possibility that the supply situation may become jeopardized.
- d. The water system has malfunctioned, but is still able to keep up with demand.
- (e) The water levels are low enough that there is a real possibility that the supply situation may become jeopardized.

(2) Surface Water System – occurs when one or more of the following conditions exist:

(a) The T.C.E.Q. average monthly authorized diversion rate approaches 110% for a period of two consecutive months or a reduction order is issued by T.C.E.Q. South Texas Water Master.

(32) When conditions reach this stage, the City of Seguin staff will begin preparations for public awareness, education and enforcement for stage 2 provisions. Specific steps to reduce water consumption will be provided through the news media and government access cable channel and shall include:

- a. City staff will inform the public, commercial and residential users through the local paper and radio station that they should look for ways to voluntarily reduce water consumption.
- b. City staff will notify directly major commercial water users of the situation and request voluntary water use reductions.
- c. All landscape watering will be allowed only during the hours of 8:00 p.m. to 10:00 a.m. Watering with reused water or rainwater is exempt from reduction measures.
- d. The waste of water is prohibited.

(3) The penalty for wasting water or any violation of stage 2 conditions, as determined by the city manager or his appointed designee ~~designate~~, is \$50.00 to \$100.00 per day and/or water service disconnection. All applicable water service disconnection and reconnection service charges also apply.

(4) The city manager has the authority to utilize ~~the~~ any available alternate water source, when necessary.

(D) Stage 3. The alert stage:

(1) Ground Water System. Occurs when one or more of the following conditions exist:

- a. The City of Seguin receives notification from the SSLGC General Manager that the water demand approaches 120% of the allotted amount of the monthly limit of the GCUWCD permitted supply. ~~river flow is 100 to 199 CFS for three consecutive days. Water levels are still adequate, but they are declining at such a rapid rate that a more serious problem will result in the very near future if some type of formal action is not taken.~~
- b. The system storage reservoirs are recovered daily to only 60% capacity for three (3) consecutive days. ~~The river level drops to what has been determined to be the safe limit of the water operating system, beyond which the failure of a pump or some other piece of equipment could cause a serious disruption of service to part or all of the system.~~
- c. The water system has malfunctioned and cannot keep up with demand.

(2) Surface Water System. Occurs when one or more of the following conditions exist:

- a. The T.C.E.Q average monthly authorized diversion rate approaches 120% for a period of two consecutive months or a reduction order more restrictive than an order issued to enter Stage 2 is issued by T.C.E.Q. South Texas Water Master.

(b). The river level drops to what has been determined to be the safe limit of the water operating system, beyond which the failure of pumps or some other piece of equipment could cause a serious disruption of service to all or part of the system.

(c). The water system has malfunctioned and cannot keep up with demand.

(3.2) When the conditions reach this stage, the City of Seguin will begin preparations for public awareness, education and enforcement for stage 3 provisions including:

a. Continue implementation of all relevant actions in the preceding phase.

b. Commercial and residential landscape watering must water according to the following schedule between the hours of 8:00 p.m. to 10:00 a.m.

1. Residences with their address having an even number shall be allowed to water on Sundays and Thursdays.

2. Residences with their address having an odd number shall be allowed to water on Saturdays and Wednesdays.

3. Commercial and nonresidential watering shall be allowed on Mondays and Fridays.

c. The following public water uses, not essential for public health or safety will be prohibited:

1. Street washing.

2. Filling pools.

d. The following restrictions shall apply for residential and commercial water users:

1. No private washing of automobiles, trucks, recreational vehicles, boats or other vehicles except by commercial businesses.

2. No new landscaping plants or projects are allowed which require watering.

3. No filling of swimming pools. Only makeup water is allowed.

4. No washing of impervious surfaces such as buildings, driveways, sidewalks or streets, except for immediate human health, safety and welfare.

5. Restaurants would cease serving water unless requested directly.

e. All commercial, industrial and residential customers will be asked to reduce water consumption. Voluntary reduction for indoor domestic use by any means available is recommended.

f. The waste of water is prohibited.

(3) The penalty for wasting water or any violation of stage 3 conditions, as determined by the city manager or his appointed ~~designee~~ designate, is \$100.00 to \$200.00 per day and/or water service disconnection. All applicable water service disconnection and reconnection service charges also apply.

(4) The city manager has the authority to utilize ~~the~~ any available alternate water source, when necessary.

(E) **Stage 4.** The severe/risk stage:

1. Ground Water System. Occurs when one or more of the following conditions exist:

a. The City of Seguin receives notification from the SSLGC General Manager that the water demand approaches 125% of the monthly limit of the GCUWCD permitted supply.
~~river flow is below 50 CFS.~~

b. The imminent or actual failure of a major component of the system which would cause an immediate health or safety hazard.

c. The system storage reservoirs are recovered daily to only 50% capacity for three (3) consecutive days. ~~River flow is reaching a level in which pumping may become a problem.~~

d. Water quality is less than normal or is polluted. Health and safety standards may be jeopardized.

e. Water levels are low enough in the distribution system storage reservoirs to hinder adequate fire protection.

f. The water demand is exceeding the system's capacity on a regular basis, thus presenting the real danger of a major system failure.

(2) Surface Water System. Occurs when one or more of the following conditions exist:

(a). The T.C.E.Q average monthly authorized diversion rate approaches 125% for a period of two consecutive months or a reduction order more restrictive than an order issued to enter Stage 3 is issued by T.C.E.Q. South Texas Water Master.

(b). The imminent or actual failure of a major component of the system would cause an immediate health or safety hazard.

(c). The river flow is reaching a level in which pumping may become a problem.

(d). Water quality is less than normal or is polluted wherein health and safety standards may be jeopardized.

(e). Water levels are low enough in the distribution system storage reservoir to hinder adequate fire protection.

(f). Water demand is exceeding the system's capacity on a regular basis; thus presenting a real danger of a major system failure.

(3.2) The public awareness program will be ongoing during stage 4 as the flow declines, but will become more intense when the water supply is supplemented by the alternate water supply. Specific provisions shall include:

a. Continue implementation of all relevant actions in the three preceding stages.

- b. Domestic-type water use only, may become necessary as conditions worsen.
- c. No new facilities such as a swimming pool or hot tub will be installed.
- d. No watering for aesthetic reasons or other outside use as defined, will be allowed.
- e. Commercial car washing will be prohibited.
- f. Water rationing and surcharges for excessive water use may become mandatory for excessive water use.
- g. The city will work directly with commercial and industrial users to reduce consumption. Commercial and industrial uses may become limited.
- h. The city manager may request reduction in hours of operations for commercial, industrial and public users.
- i. The city will coordinate with other public sector users to reduce consumption.
- j. The filling or makeup water for new or existing swimming pools, hot tubs and similar facilities is prohibited. Related drainage is prohibited except onto pervious surfaces only.
- k. The city will determine essential services such as medical, Guadalupe Valley Regional Medical Center ~~Hospital~~, fire protection etc., and coordinate directly with said users to assure adequate water supply is available.
- l. The following public water uses, not essential for public health or safety will be prohibited:
 - 1. Hydrant flushing.
 - 2. Athletic field watering.
 - 3. Watering grassed areas of public property.
- m. The waste of water is prohibited.

(3) The penalty for wasting water or any violation of stage 4 conditions, as determined by the city manager or his appointed designee designate, is \$100.00 to \$500.00 per day and/or water service disconnection. All applicable water service disconnection and reconnection service charges also apply. Disconnect procedures will be in full force for violation of any provisions of stage 4.

(4) The city manager could declare that a possible emergency could exist. The city manager has the authority to take what ever actions that are necessary to protect the health and safety of the citizens of Seguin and its water source.

(5) The city manager has the authority to utilize the any available alternate water source, when necessary.

(F) **Stage 5.** System or water quality failure for groundwater and surface water systems:

(1) Conditions consists with water treatment plant equipment or distribution system failure, untreatable water quality, or no water is available.

a. The city manager will declare a state of emergency and has the authority to take all necessary actions as required to preserve the health and safety of the citizens of Seguin.

b. All uses of the public water supply will be banned except in cases of emergency. In these cases, water use will be limited, and water should be boiled prior to use as the purity may be questionable. Additionally, the city will request assistance from the governor and National Guard for transportable water and will request assistance from area cities for transportable water and fire protection.

(2) The penalty for violation of stage 5 conditions, as determined by the city manager or ~~his~~ appointed ~~designee~~ designate, is \$100.00 to \$1,000.00 per day and/or water service disconnection. All applicable water service disconnection and reconnection service charges also apply.

(G) Reduction Goals.

During specific trigger conditions the initiation of water conservation practice should realize water reduction to stabilize the water system. The Conservation practices should be translated in gallons saved per day.

Ground Water System:

<u>Stage</u>	<u>Water Reduction Goal in Gallons per Day</u>
<u>1</u>	<u>150,000</u>
<u>2</u>	<u>300,000</u>
<u>3</u>	<u>900,000</u>
<u>4</u>	<u>1,200,000</u>

Surface Water System:

<u>Stage</u>	<u>Water Reduction Goal in Gallons per Day</u>
<u>1</u>	<u>150,000</u>
<u>2</u>	<u>300,000</u>
<u>3</u>	<u>900,000</u>
<u>4</u>	<u>1,200,000</u>

Sec. 102-~~297~~ 298. Information and education.

(a) When trigger conditions and potential emergency measures appear to be approaching, the public will be notified through the local newspaper, ~~and~~ the local radio station, the City's website and City social media sites, and may be distributed to local state and county offices and local stores.

(b) Water conservation information will be distributed to the public through the city staff at City Hall. This information will also be announced over the radio, ~~and~~ local newspaper, and government access cable channel.

Sec. 102-~~298~~ 299. Initiation of notification procedures.

When a trigger condition has been reached and the city has been informed that an emergency water demand measure is necessary, the city manager of Seguin ~~or his duly appointed representative~~ will order the initiation of a public notification process. The public notification process will include the following items:

- (1) The city manager will declare the City of Seguin to be officially in each stage depending on river, system equipment or water quality conditions.
- (2) The city manager or designated agent will publish notice in the daily newspaper and local radio station for a minimum of one day regarding the current stage conditions.
- (3) Upon reaching stage 4 ~~and/or~~ stage 5, a notice of emergency water demand condition will be posted at City Hall, the Courthouse, the Post Office and major supermarkets and shopping center(s) in addition to the local radio station, the and newspaper, the City's Website and City social media sites.

Sec. 102-~~299~~ 300. Termination procedures.

- (a) Termination of the emergency water demand conditions will take place when the trigger conditions have subsided and the city manager has determined that conditions have improved for the appropriate period of time in which there is no apparent risk of returning to that stage in the immediate future.
- (b) The public will be informed of the termination of the water conditions through the news media only as approved and authorized by the city manager or duly appointed representative.

Sec. 102-~~300~~ 301. ~~Means of implementation~~ Implementation.

(a) Means of Implementation. The city manager or other representative is authorized by the city council to order the initiation of Drought Contingency and Water Emergency Response Plan ~~emergency water demand contingency measures~~ when a trigger condition occurs that necessitate such measures ~~are necessary.~~

~~(b) In addition, the city has developed the following document as a means to implement the Emergency Water Demand Management Plan: An ordinance approved by the city council adopting this emergency water demand management plan and authorizing the city manager to do whatever is necessary to preserve the water supply in order to protect the health and safety of the City of Seguin and its citizens and to levy penalties to those who violate same.~~

(b). Coordination with Regional Water Planning Group. The City of Seguin will participate in the Regional Water Planning Group and shall model the city's drought contingency and water emergency

response plan to conform with the guidelines set by the Regional Water Planning Group in its regional plan. The City shall provide information to the Regional Water Planning Group that is necessary to document conservation efforts and reductions in use during any declared stage.

Sec. 102-301. Variances

(a) Granting Variances - Authority. The City Manager, or authorized designee, may in writing grant a temporary variance for existing water uses otherwise prohibited under this Article, 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 if the person requesting the variance can meet at least one of the following conditions:

(1) Compliance with this Article cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Article is in effect;

(2) Alternative methods can be implemented which will achieve the same level of reduction in water use.

(b). Procedure for Variance Request. Persons requesting a variance from one or more provisions of this Article shall file a request for a variance with the City of Seguin within 5 days after the plan, or particular drought response stage has been announced. All petitions for variances shall be reviewed by the City Manager or appointed designee and shall include the following information:

(1). Name and address of requestor;

(2). Purpose of water use.

(3). Specific provision(s) of this Article from which the petitioner is requesting relief, and to include the degree of relief requested;

(4) Detailed statement as to how the specific provision of the plan adversely affects the requestor or what damage or harm will occur o the requestor, or others, if the variance is not granted;

(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 requestor is taking or proposes to take to meet the intent of this Article and the compliance date; and,

(8). Other information that may be pertinent to the application.

(c). Limitations and Expiration of Variances. Variances granted by the City of Seguin shall be subject to the following conditions, unless waived or modified, in writing, by the City Manager:

(1). Variances shall include a timetable for compliance of additional terms set forth therein;

(2) Variances shall expire when the Stage or Emergency is no longer in effect;

(3). Variances are subject to revocation for failure to meet the timetable or other requirements set forth in the variance; and,

(4). All variances expire one year after the date the variance is granted.

SECTION TWO. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION THREE. All ordinances and resolution or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION FOUR. City staff is authorized to prepare this Ordinance for submission as a supplement to the Seguin Code of Ordinances.

SECTION FIVE. This ordinance shall be effective upon ten (10) days following passage on second reading.

PASSED AND APPROVED on first reading on the 6th day of May 2014.

PASSED AND APPROVED on second reading on the 20th day of May 2014.

DON KEIL
Mayor

ATTEST:

Thalia Stautzenberger
City Secretary