

ORDINANCE #257

AN ORDINANCE ADOPTING A CONTINGENCY PLAN DURING PERIODS OF WATER SHORTAGE DUE TO DROUGHT, PUBLIC DISASTER, WELL FAILURE AND/OR EQUIPMENT FAILURE, AUTHORIZING IMPLEMENTATION OF RESTRICTIONS AND CONDITIONS ON USE OF WATER AND FIXING PENALTIES FOR VIOLATION.

WHEREAS, there is likelihood that a drought or similar period of low rainfall will occur in this area, resulting in reduced water supplies despite normal or increased demand for water by the citizens of Mason; and

WHEREAS, reduced water supplies could occur as a result of a tornado, hurricane, or similar public disaster, or by failure of the City's water well(s) and/or equipment, or by increased water usage; and

WHEREAS, such conditions could result in water shortages and hardships for citizens and businesses in the City of Mason unless remedial and/or conservation measures are implemented by the City of Mason to conserve and protect its water supply and pumping capability;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MASON, TEXAS:

SECTION 1. AUTHORIZATION

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

SECTION 2. APPLICATION

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

SECTION 3. DEFINITIONS

For the purposes of this Ordinance, 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 used 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 Mason.

Domestic water use: water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Industrial water use: the use of water in processes designed to convert materials of lower value into having greater usability and value.

Landscape irrigation use; water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

Non-essential water use: water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:

- (a) Irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
 - (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
 - (c) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 - (d) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
 - (e) Flushing gutters or permitting water to run or accumulate in any gutter or street;
 - (f) Use of water to fill, refills, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
 - (g) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
 - (h) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
 - (i) Use of water from hydrants for construction purposes or any other purposes other than fire fighting.
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SECTION 4. TRIGGERING CRITERIA FOR INITIATION OF DROUGHT RESPONSE STAGES.

LEVEL 1 (MODERATE) TRIGGER CONDITIONS. The City Administrator may declare and direct the Water Superintendent to initiate **LEVEL 1 MODERATE DROUGHT CONTINGENCY PLANS** (as provided in Section 5 below) under appropriate existing conditions, including, but not limited to, the following conditions:

- (a) When recent and projected climatic conditions are considered to be conducive to excessive water system demands; and/or
- (b) When average day total water consumption equals or exceeds 80% of system design capacity 3 consecutive days; and/or
- (c) When the static water level of any operating well drops and remains more than 5' below the average seasonal water level of that well for 10 consecutive days.
- (d) When water system components, (including production, storage, pumping and distribution) are operating at or above normal design limits.

LEVEL 2 (CRITICAL) TRIGGER CONDITIONS. The City Administrator may declare an emergency and direct the Water Superintendent to initiate **LEVEL 2 CRITICAL DROUGHT CONTINGENCY PLANS** (as provided in Section 5 below) under appropriate existing conditions, including, but not limited to, the following conditions;

- (a) When water system components, (including production, storage, pumping and distribution) are operating outside of normal design limits due to component failure or diminished capacity; and/or
- (b) When average daily total water consumption equals 100% of system design capacity for 5 consecutive days; and/or
- (c) When the static water level of any operating well drops and remains more than 10' below the average seasonal water level of that well for 10 consecutive days.
- (d) When diminished service to any consumers results in service levels outside of regulatory limits; and/or
- (e) When an imminent threat to water systems components exists due to natural or manmade disaster or imminent threat of component failure due to service levels or physical condition; and/or
- (f) When there is a partial or complete failure of water systems component.

LEVEL 3 (WATER RATIONING) TRIGGER CONDITIONS. The Mayor may declare an emergency and direct the City Administrator to initiate **LEVEL 3 WATER RATIONING PLANS** (as provided in Section 5 below) under appropriate existing conditions, including, but not limited to, the following condition(s):

- (a) When water system components, (including production, storage, pumping and distribution) are operating at or above 115% of normal design limits; and/or
 - (b) When average daily total water consumption equals 110% of system design capacity 3 consecutive days; and/or
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- (c) When the static water level of any operating well drops and remains more than 15' below the average seasonal water level of that well for 10 consecutive days.
- (d) When there is a partial or complete failure of a water systems component that creates an immediate threat to providing consumers with safe water,

SECTION 5. DROUGHT RESPONSE PLANS

LEVEL 1 (MODERATE) BROUGHT PLANS. Upon declaration by the City' Administrator that a LEVEL I MODERATE TRIGGER CONDITION exists, the Water Superintendent shall:

- (a) Implement appropriate water restrictions as necessitated by the particular existing conditions, including the restriction of the use of water for outdoor sprinkling, water of lawns, shrubs, driveways and automobiles to certain areas of the City by days *and* to certain hours.
- (b) Inform the public through the news media that a LEVEL I MODERATE TRIGGER CONDITION has been reached, and that they should look for ways to conserve water and to voluntarily reduce water use. Specific steps, which can be taken, will be provided through the news media.
- (c) Notify major commercial water users of the situation and request voluntary water use reductions.
- (d) Impose the following lawn watering schedules: Customers whose house faces north or east may water on odd calendar days. Customers whose house faces south or west may water on even calendar days. Watering shall occur only between the hours of 6:00 p.m. and 10:00 a.m.
- (e) During winter months, request water users to insulate pipes rather than running water to prevent freezing.

LEVEL 2 (CRITICAL) DROUGHT CONTINGENCY PLANS. Upon declaration of the City Administrator that a LEVEL 2 (CRITICAL) TRIGGER CONDITION exists, the Water Superintendent shall:

- (a) Have the authority to implement appropriate water restrictions as necessitated by the particular existing conditions, including, without limitation, banning the use of water totally for outdoor sprinkling, watering lawns, shrubs, driveways, and automobiles. Said restrictions will remain in effect until the Water Superintendent lifts the ban.
 - (b) Continue implementation of all LEVEL I restrictions unless superseded by these restrictions.
 - (c) Prohibit the following public water uses, unless essential for public health or safety;
 - (I) Street washing;
 - (II) Water hydrant flushing;
 - (III) Filling pools;
 - (IV) Golf course watering;
 - (V) Athletic field watering;
 - (VI) Commercial car/truck washes.
 - (VII) Aesthetic water use
 - (VIII) Non-essential water use
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LEVEL 3 WATER RATIONING FLANS. In the event that water shortage conditions threaten public health, safety, and welfare, **LEVEL 3 (WATER RATIONING) TRIGGER CONDITION**, the Mayor is authorized to ration water according to the following water allocation plan:

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 Mason of a greater number of persons per household on a form prescribed by the City Administrator. The City Administrator 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 Mason offices to complete and sign the form claiming more than two (2) persons per household. In prescribing the method for claiming more than two persons per household, the City Administrator shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of in a household shall be fined not less than \$250.00.

Residential water customers shall pay the following surcharges:

\$25.00 for the first 1,000 gallons over allocation, plus...

\$35.00 for the second 1,000 gallons over allocation, plus...

\$50.00 for the third 1,000 gallons over allocation, plus...

\$75.00 for each additional 1,000 gallons over allocation...

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 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 Mason of a greater number on a form prescribed by the City Administrator. The City Administrator 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 Mason offices to complete and sign the form claiming more than two dwellings. A dwelling unit may be claimed under this provision only if it is occupied. If the number of dwelling units served by a master meter is reduced, the customer shall notify the City of Mason in writing within two (2) days. In prescribing the method for claiming more than two (2) dwelling units, the City

Administrator 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 to the City off shall be fined not less than \$250.00. Customers billed from a master meter under this provision shall pay the following monthly surcharges:

- \$25.00 for the first 1,000 gallons over allocation, plus...
- \$35.00 for the second 1,000 gallons over allocation, plus...
- \$50.00 for the third 1,000 gallons over allocation, plus...
- \$75.00 for each additional 1,000 gallons over allocation...

Commercial Customers

A monthly water usage allocation shall be established by the City Administrator, or his/her designee, for each non-residential commercial customer other than an industrial customer who uses water for processing purposes. The non-residential customer's allocation shall be approximately 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 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. The City Administrator 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 Mason** to determine the allocation. Upon request of the customer, or at the initiative of the City Administrator, the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the customer's normal water usage, or (2) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the City Administrator.

Non-residential commercial customers shall pay the following surcharges:

- \$30 for the first 1,000 gallons over allocation, plus...
- \$40 for the second 1,000 gallons over allocation, plus...
- \$60 for the third 1,000 gallons over allocation, plus...
- \$100 for each additional 1,000 gallons over allocation.

Industrial Customers

A monthly water usage allocation shall be established by the City Administrator, or his/her designee, for each industrial customer, which uses water for processing purposes. The industrial customer's allocation shall be approximately 75 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 65 percent of the customer's water usage baseline. The industrial customer's water usage baseline will be computed on the average water usage for the 12-month period ending prior to the date of implementation. If the industrial water customer's billing history is shorter than 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 Administrator 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 Mason is 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 Administrators the allocation may be reduced or increased, (1) if the designated period does not accurately reflect the customer's normal water usage, (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 usage is limited, or (5) 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 Administrator. Industrial customers shall pay the following surcharges:

\$35.00 for the first 1,000 gallons over allocation, plus...

\$45.00 for the second 1,000 gallons over allocation, plus...

\$70.00 for the third 1,000 gallons over allocation, plus...

\$125.00 for each additional 1,000 gallons over allocation...

SECTION 6: CURTAILMENT.

Any curtailment will be effective upon the City Administrators' giving notice of curtailment to the customers within the City by posting a notice of curtailment at the door of the City Hall and notifying the local news media of curtailment

SECTION 7:

TERMINATION OF DROUGHT CONTINGENCY MEASURES.

Termination of the drought contingency measures will take place when the trigger conditions, which initiated the drought measures, have subsided, and an emergency situation no longer exists. The City Administrator shall inform the public of the termination of the drought measures in the same manner that they were informed of the initiation of the drought measures or in such other manner as the city Water Superintendent deems necessary or appropriate.

SECTION 8: AMENDMENT.

The City of Mason City Council can amend, add or delete any of these Rules and Regulations by ordinance.

SECTION 9: VIOLATION AND PENALTY.

No person or entity shall knowingly or intentionally allow the use of water, supplied from the City of Mason for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Ordinance, or an amount in excess of that permitted by the drought response stage in effect at the time.

Any person or entity violating any provision of this ordinance for water use or water conservation shall be guilty of a misdemeanor, and upon conviction, shall be fined as follows:

- (a) sum of not more than \$75.00 for the first conviction; (b) a sum of not more than \$150.00 for a
- (b) second conviction; and (c) a sum of not more than \$200.00 for the third or subsequent conviction.
- (c) Each day that one or more of the provisions in this Ordinance is violated shall constitute a separate
- (d) offense.

In addition, if a person or entity is convicted of three or more distinct violations of this ordinance, the City Administrator and/or his designee, shall, upon due notice to the customer, be authorized to Discontinue water service to the premises where such violations occur. Services disconnected under such circumstances shall be restored only upon payment of a reconnection charge, together with any other cost incurred by the City of Mason in discontinuing or restoring service. Compliance with this Ordinance may also be sought through a suit for injunction filed in any court of competent jurisdiction, and this remedy is in addition to any other penalty provision.

SECTION 10 SEVERABILITY.

If any provision, section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to any person or set of circumstances if for any reason held to be unconstitutional, void, or invalid (or for any reason unenforceable), the validity of the remaining portions of this ordinance shall not be affected thereby, it being the intent of the City Council of the City of Mason, Texas, in adopting and of the Mayor in approving this ordinance, that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision or regulation, and to this end all provisions of this ordinance are declared to be severable.

SECTION 11: EFFECTIVE DATE

PASSED and APPROVED this the 13th day of ~~March~~, A.D., 2000

/s/ Connie Stockbridge, Mayor Pro-Tem

/s/ Pattie Grote, City Secretary

City of Mason- Water Contingency Plan
Revised 9-13-2011 section 9