

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES, CITY OF LUBBOCK, TEXAS, WITH REGARD TO THE CITY OF LUBBOCK WATER USE MANAGEMENT PLAN – DROUGHT AND EMERGENCY CONTINGENCY PLAN AND WATER CONSERVATION PLAN; TO PROMOTE WISE AND RESPONSIBLE USE OF WATER; PROVIDING FOR TARGET GOALS; SUPPORTING STRUCTURAL CONSERVATION PROGRAMS, AND RECLAIMED WATER REUSE PROGRAMS; PROVIDING FOR ADMINISTRATIVE CHANGES; PROVIDING FOR SUPPORT OF EDUCATIONAL PROGRAMS; ESTABLISHING CRITERIA FOR THE DROUGHT RESPONSE STAGES; ESTABLISHING RESTRICTIONS ON CERTAIN WATER USES RELATED TO DROUGHT OR SHORTAGES; PROVIDING A PENALTY FOR EACH DAY OF NON-COMPLIANCE AND/OR DISCONTINUANCE OR DISCONNECTION OF WATER SERVICE FOR NON-COMPLIANCE WITH THE PROVISIONS OF THE WATER USE MANAGEMENT PLAN – DROUGHT AND EMERGENCY CONTINGENCY PLAN AND WATER CONSERVATION PLAN; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

WHEREAS, the City of Lubbock, Texas (the “City”), recognizes that the amount of water available to the City and its water utility customers is limited:

WHEREAS, the City recognizes that due to natural limitations due to drought conditions, systems failures and other acts of God which may occur, the City cannot guarantee an uninterrupted water supply for all purposes at all times;

WHEREAS, applicable law and the regulations of the Texas Commission on Environmental Quality require that the City adopt a Water Use Management Plan – Drought and Emergency Contingency Plan and Water Conservation Plan (the “Water Use Management Plan”);

WHEREAS, the City has determined there is an urgent need in the best public interest of the City to adopt the Water Use Management Plan; and

WHEREAS, the City adopted by Ordinance Number 2004-O0040, dated on second reading April 6, 2004, a Drought and Emergency Contingency Plan; and by Ordinance Number 2004-O0041, dated on second reading April 6, 2004, a Water Conservation Plan, Section 28-1, Code of Ordinances of the City of Lubbock, and is now desiring to amend Section 28-1 of the Code of Ordinances of the City of Lubbock, and adopt, the Water Use Management Plan; NOW, THEREFORE,

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

SECTION 1. THAT Section 28-1 of the Code of Ordinances of the City of Lubbock, Texas, is hereby amended to read as follows:

(a) The City Council hereby approves and adopts the City of Lubbock Water Use Management Plan – Drought and Emergency Contingency Plan and Water Conservation Plan, as set forth below in Section 28-1 (b). The City commits to implement the program according to the procedures set forth in the adopted Plan.

(b) The purpose of the Water Use Management Plan is to promote the wise and responsible use of water, to enhance the sustainability of long term water supplies, and to minimize the adverse impacts of water supply emergencies by providing and supporting public information and education programs that encourage customers to voluntarily pursue water conservation and protection measures in both residential and business activities; by developing, maintaining, and enforcing water management policies and ordinances; by implementing structural programs that result in quantifiable water conservation results; and by implementing a drought/emergency contingency plan when necessary to ensure adequate water supplies for public health and safety.

The City of Lubbock (the “City”) is the eleventh largest city in the State of Texas and the largest city in West Texas. The City’s population for 2005 is estimated at 211,187 and is projected to reach 216,116 by 2010. Lubbock is situated in a semi-arid region that requires more water per capita for landscape irrigation than many parts of the State. Evidence of landscape irrigation demand is apparent when comparing the average winter usage of 135 gallons per capita per day (gpcd) to the average summer usage of 227 gpcd. Water use is also impacted by rainfall as evidenced during a hot, dry day when water consumption has reached 428 gpcd and during a wet, rainy day when consumption was as low as 115 gpcd.

The City utilizes a record management system which tracks water pumped, water delivered, water sales and water losses. This information is used to evaluate the integrity of the water distribution system and can be used to segregate water use into residential, commercial, irrigation, and public and institutional. The City’s water customers are predominately residential and commercial. Water use by each of the classes is as follows: 62.0% residential, 21.0% commercial, 8.0% irrigation, 6.0% public and institutional.

The City, in each wholesale contract entered into or renewed from and after the date of the adoption of this Water Use Management Plan, (1) requires every wholesale water customer to develop and implement a water conservation plan or other water conservation measures, as well as a drought or emergency contingency program for responding to reductions in water supply; and (2) provides that in case of a shortage of water resulting from drought, water shall be allocated in accordance with Texas Water Code, § 11.039.

The City’s primary source of water is the Canadian River Municipal Water Authority (CRMWA) which delivers raw water from its Lake Meredith reservoir, located about 165 miles north of Lubbock on the Canadian River and

the John C. Williams Groundwater Well Field, located in Roberts County about 35 miles east of Lake Meredith. Typically, CRMWA provides approximately 85 percent of the City's water supply needs, with the balance being supplied by well water from the City's Bailey County Well Field which source as the name suggests is located primarily in Bailey County.

Surface water and the groundwater originating from CRMWA are treated at the Lubbock Water Treatment Plant (the "Plant"). The Plant's capacity is 75 million gallons daily (mgd). Because the City treats water for seven other CRMWA member cities, the City's portion of the treatment capacity is 62.0 mgd. Water treatment processes include disinfection, coagulation, taste and odor control, flocculation, sedimentation, filtration and, as necessary, post-disinfection. The City's Bailey County groundwater supply requires minimal treatment (chlorination) before introduction into the distribution system. Present short-term capacity for water production, using all sources including storage, is 103 mgd.

The Plant has a 1,200 acre-feet open storage reservoir, which enables the storage of raw water during non-peak periods for use during peak periods and emergencies. The Plant also has 8.5 million gallons clear well storage for treated water. In addition, thirteen ground storage reservoirs and five elevated steel storage tanks provide storage capacity of 66,700,000 gallons. The water distribution system extends throughout Lubbock with 1,373 miles of lines and is designed for expansion.

With two supply sources and the water storage reservoir, the City can address emergencies that might impact the CRMWA supply source or the Bailey County Well Field supply source. Both the CRMWA and the Bailey County Well Field supply lines can provide about 40 mgd of water. Winter use can be met with about 26 mgd while summer peak demands have reached over 80 mgd. With this in mind, the City can meet the water demands for essential needs and some irrigation use with just one supply source if some water use restrictions are initiated on outside watering of grass and other plant material.

Using meters that meet at least the minimum standards developed by the American Water Works Association and with metering accuracy range plus or minus 5%, the City individually meters all water usage, except water utilized for fire protection. Combined with an aggressive leak detection and repair program and a computerized billing system, the City's universal metering program has a water delivery accuracy rate of 95 percent, which is well above the national standard of 90 percent.

The City also takes steps to monitor and audit its water system for water loss in an effort to conserve water, manages a replacement program for old water lines that are prone to leaks and breaks, investigates customer complaints of low pressure and possible leaks, visually inspects suspected leaks, and tracks water

delivery to customers to determine illegal connections and abandoned service lines.

The Lubbock City Council and the Lubbock Water Advisory Commission approved a water planning statement that identified three major alternatives for providing a 100-year water supply. The major alternatives included: (1) Lake Alan Henry, which could provide about 22,000 acre-feet (AF) annually or 25 mgd; (2) additional groundwater from CRMWA, which could provide 40,000 AF annually or about 40 mgd; and (3) recycled water from storm water and from wastewater effluent that is treated to stream discharge quality, and this source could provide 20,000 AF annually or about 20 mgd.

Lake Alan Henry is located about 65 miles southeast of Lubbock. A water transmission line, pump stations, and a water treatment facility will be necessary to bring this water supply on line. The CRMWA well field is located about 185 miles north of Lubbock and will require the continued purchase of groundwater rights, the continued development of the well field infrastructure, and the construction of a water transmission line to deliver water to Lubbock. The recycling of water would require the construction of Lakes 7 and 8 in the Canyon Lake System for water storage and the construction of water transmission lines to a water treatment facility.

The City's wastewater treatment system provides for the collection, treatment, and disposal of wastewater. Wastewater is delivered to the Southeast Water Reclamation Plant (SEWRP) through 900 miles of collection lines and 21 lift stations. The SEWRP treats approximately 7.3 billion gallons of wastewater each year or 23.0 mgd. Wastewater treatment processes include one bio-tower process and two activated sludge processes. The SEWRP has an average daily flow design capacity of 31.5 million gallons. Treated effluent is reused by agricultural irrigation on the City's land application sites and as industrial cooling water. A portion of the treated effluent is also disposed of by discharge into the North Fork of the Double Mountain Fork of the Brazos River at FM 400. The City is designing and plans to construct SEWRP improvements that will bring all treated effluent to stream discharge quality in order to make this a viable water supply in the future.

The City's service area is located within the Llano Estacado Regional Planning Area and the City has provided a copy of this plan to the Llano Estacado Regional Planning Group to assure consistency with the regional water plan.

The Water Use Management Plan is presented in the following main sections: (b)(1) Water Conservation Plan, (b)(2) Drought and Emergency Contingency Plan, and (b)(3) additional information and provisions to provide definitions of water terminology and to meet legal requirements.

**(1) Water Conservation Plan**

The City of Lubbock encourages the voluntary conservation of water. Conservation can help ensure that Lubbock citizens have water both now and in the future. Conservation helps lower the amount of water used annually and the amount of water needed to meet peak day water demands.

A community's water use is measured by dividing the average daily amount of water consumed by the community by the number of residents in that community. The measure results in the number of gallons of water used by a community on a per capita per day basis (gpcd). The term does not represent how much water each citizen uses daily. Instead, it represents how much each city uses daily in relationship to the total number of citizens. The City's average is 190 gpcd while the average Lubbock citizen uses 103 gallons per day for home use.

The City's average daily water usage of approximately 190 gpcd is slightly higher than the state average of 167 gpcd. Notwithstanding the need for irrigation, Lubbock citizens and businesses can reduce water usage by implementing water conservation practices. The City's water conservation goals are to:

- Reduce annual per capita water use to 180 gallons per person per day (or by 5 percent) by the year 2011.
- Reduce annual per capita water use to 170 gallons per person per day (or by 10 percent) by the year 2016.
- Reduce annual per capita water use to 160 gallons per person per day (or by 15 percent) by the year 2020.

By establishing a standard for water conservation and by implementing conservation practices, the City can ensure the sustainability of its long-term water supply alternatives for generations to come.

The City has established goals, objectives and programs that support a standard for water use. The City's Water Conservation Program is comprised of five main strategies in the following order of priority: (1) administrative water conservation efforts, (2) water use standards, (3) public education, (4) enforcement, and (5) structural changes.

The City will evaluate and implement certain *administrative changes* to programs, policies, and rules that support water conservation efforts. In 1992, the City moved from a declining block rate to a uniform block rate. The next step proposed is to adopt an increasing block rate to further encourage conservation.

The increasing block rate structure under consideration is based on each customer's individual average winter consumption. This contemplated rate structure categorizes use into three blocks: (1) base use, (2) peak use, and (3) excessive use. Water consumption becomes more expensive as a customer's

consumption moves from one block to the next. Other charges being considered include seasonal rates and excessive use charges.

Other administrative changes may include the review and revision of city codes to determine their affect on the use of water and active enforcement of rules, codes, and regulations affecting water use.

In an effort to manage annual and maximum daily water use, the Water Conservation Program establishes the *water use standard* for outdoor landscape irrigation use as follows:

1. Landscape irrigation is allowed to occur between the hours of 6:00 p.m. – 10:00 a.m. from April 1 through September 30.
2. Summer irrigation should provide a maximum of 1.5 inches per zone per week.
3. Winter irrigation may occur only when temperatures are above 35°F so as not to cause a freezing hazard and should provide a maximum of 1.0 inch per zone per month for dormant grasses (i.e., Bermuda) and 1.0 inch per zone every two weeks for cool season grasses (i.e., Fescue).
4. Irrigation should occur without water runoff. This may be accomplished by correctly cycling the sprinkler system and allowing time for the water to soak into the landscape between irrigation events.

The City will support programs to *educate* the public regarding water conservation activities that support its goals. This includes educating the general public on the need for and practices of water conservation through public service announcements, participation in home and garden shows, coordination efforts with the Chamber of Commerce, West Texas Home Builders Association and Lubbock Apartment Association, and presenting water conservation programs in the Kindergarten through twelfth grade education system.

*Structural changes* that have been and may be adopted by the City are those programs that result in a physical modification of water use devices or practices, such as landscape design and maintenance, rain and freeze sensors on automatic commercial irrigation systems, plumbing retrofit or rehabilitation programs, controlling unaccounted-for water, and by reusing treated wastewater and storm water. It is the intent that these programs result in definable and quantifiable water conservation.

As required by law, the City shall review and update, as appropriate, the Water Conservation Program at least every five (5) years, based on, in part, an assessment of the previous five year goals, new or updated information such as the adoption or revision of the regional water plan, or changes in laws or regulations.

Any water customer or other user of the City's water supply that violates subsection (b)(1), the Water Conservation Plan, of this ordinance, shall be guilty of a misdemeanor and subject to a penalty and fine as set forth in Section 1-4 of the Code of Ordinances of the City of Lubbock for each day of non-compliance. In addition, (i) service shall be discontinued to those customers who do not pay their water bills until all required payments are made; and (ii) new water service taps will be provided to new construction and new construction will be approved only if such construction conforms to adopted ordinances.

## **(2) Drought and Emergency Contingency Plan**

A number of situations may limit the City's ability to deliver a sufficient amount of water to meet the demands of all customers. In those instances the City will take steps to ensure that water is available for essential life and safety needs. This Plan (herein so called) is designed to address the following situations:

- Reduction in available water supply up to a repeat of the drought of record,
- Water production or distribution limitations (peak water supply),
- Supply source contamination, or
- System outages.

There are four stages to address drought and emergency conditions. Each stage has triggers for initiation, for restrictions on water use to assist in reaching water use reduction goals, and has provisions for rescinding the stage once the conditions that caused the drought or emergency have ceased to exist. The stages are defined as:

- Stage 1 – Mild Water Shortage Conditions
- Stage 2 – Moderate Water Shortage Conditions
- Stage 3 – Severe Water Shortage Conditions
- Stage 4 – Emergency Water Shortage Conditions

The City Manager, or his/her designee, shall monitor water supply and demand on a daily basis and shall, based on the objective criteria adopted by the City Council in this Ordinance, determine when to initiate and terminate any stage of this Drought and Emergency Contingency Plan. The requirements for initiation are based upon an evaluation of the historical water system capacities and customer use patterns, and consider the impact of drought, emergencies and high use upon capacities and patterns. The water restrictions set forth for each Stage of the Plan shall be applicable to the use of water obtained, in whole or part, from the City of Lubbock.

## **Stage 1. Mild Water Shortage Conditions**

It is anticipated, and it is the goal of the City, that water use during implementation of Stage 1 be reduced to less than 90% of the City's maximum daily supply capacity.

Stage 1 of the Plan shall be implemented if any of the following conditions arise:

- Maximum day water use exceeds 80% of the city's maximum daily supply capacity for ten consecutive days.
- Water supply available from all sources is only sufficient to meet projected needs.
- Water availability is adequate but lake water levels, reservoir capacities, or groundwater supplies are low enough that some concern exists for future water supplies if the drought or emergency condition continues.

The following restrictions shall apply:

- Landscape irrigation may occur only between the hours of 6:00 p.m. – 10:00 a.m. from April 1 - September 30.
- Landscape irrigation is restricted to two (2) days per week. The City Manager, or his/her designee may, after notice to the citizens of the City of Lubbock, designate irrigation schedules.
- Irrigation should provide a maximum of 1.5 inches per zone per week.
- Winter irrigation may only occur when temperatures are above 35°F so as not to cause a freezing hazard and should provide a maximum of 1.0 inch per zone per month for dormant grasses (i.e., Bermuda) and 1.0 inch per zone every two weeks for cool season grasses (i.e., Fescue).
- Irrigation should occur without significant water runoff, which can be accomplished by correctly cycling the sprinkler system and allowing time for the water to soak into the landscape between irrigation events.
- All City of Lubbock operations will adhere to the water use restrictions.
- Hand watering for landscape irrigation purposes is allowed on a daily basis regardless of the time of the year.
- New plant material may be irrigated on a more frequent basis until the new plant material is established.

Stage 1 restrictions may be rescinded when all initiation conditions have ceased to exist as determined by the City Manager or his/her designee.

## **Stage 2 – Moderate Water Shortage Conditions**



It is anticipated, and it is the goal of the City, that water use during implementation of Stage 2 be reduced to less than 80% of the City's maximum daily supply capacity.

Stage 2 of the Plan shall be implemented if any of the following conditions arise:

- Maximum day water use exceeds 90% of the City's maximum daily supply capacity for ten consecutive days.
- Water supplies available from all sources are reduced by 5% to 10% below projected needs.
- Water availability from lakes and groundwater is below normal and may continue to decline and cause moderate concern for both current and future water supplies; or water supplies have been reduced due to the failure of a water supply system.

The following restrictions shall apply:

- Landscape irrigation may occur only between the hours of 6:00 p.m. – 10:00 a.m. from April 1 - September 30.
- Landscape irrigation is restricted to one day per week. The City Manager, or his/her designee, after notice to the citizens of the City, may designate an irrigation schedule.
- Irrigation shall provide a maximum of 1.5 inches per zone per week.
- Winter irrigation may only occur when temperatures are above 35°F so as not to cause a freezing hazard and shall provide a maximum of 1.0 inch per zone per month for dormant grasses (i.e., Bermuda) and 1.0 inch per zone every two weeks for cool season grasses (i.e., Fescue).
- Irrigation shall occur without significant water runoff, which can be accomplished by correctly cycling the sprinkler system and allowing time for the water to soak into the landscape between irrigation events.
- Water customers will refrain from or significantly limit aesthetic and non-essential water use. Water shall not be used to wash down hard surfaced areas, including without limitation, sidewalks, parking lots, gutters and patios. Water shall not be used for dust control. However, water may be used for road construction or to clean surfaces for painting. Pools and Jacuzzi type pools may not be drained and refilled.
- All City of Lubbock operations will adhere to the water use restrictions.
- Hand watering for landscape irrigation purposes is allowed on a daily basis regardless of the time of the year.
- New plant material may be irrigated on a more frequent basis until the new plant material is established.

Stage 2 restrictions may be rescinded when all initiation conditions have ceased to exist as determined by the City Manager or his/her designee. When Stage 2 is terminated, Stage 1 automatically becomes effective.

### **Stage 3 – Severe Water Shortage Conditions**

It is anticipated, and it is the goal of the City, that water use during implementation of Stage 3 be reduced to less than 70% of the City's maximum daily supply capacity.

Stage 3 of the Plan shall be implemented if any of the following conditions arise:

- Maximum day water use exceeds 100% of the City's maximum daily supply capacity for five consecutive days.
- Water supplies available from all sources are reduced down by 10% or more below projected needs.
- Water availability from lakes and groundwater is well below normal, continue to decline and additional reductions in current or future water supplies are evident; or water supplies have been reduced due to the failure of one or more water supply systems.

The following restrictions shall apply:

- Irrigation shall occur without significant water runoff, which can be accomplished by correctly cycling the sprinkler system and allowing time for the water to soak into the landscape between irrigation events.
- Landscape irrigation shall not occur more than one day per month and not for more than 1.5 inch per zone. The City Manager, or his/her designee, may designate the irrigation schedule.
- Use of water from fire hydrants shall be limited to fire fighting or other related activities necessary to maintain public health, safety and welfare. Under the direction of the City Manager, use of water from fire hydrants for construction purposes may be allowed by permit.
- All City of Lubbock operations will adhere to the water use restrictions.
- Hand watering for landscape irrigation purposes is allowed on a daily basis regardless of the time of the year.

Stage 3 restrictions may be rescinded when all initiation conditions have ceased to exist as determined by the City Manager or his/her designee. Upon cessation of Stage 3, Stage 2 water restrictions become effective.

### **Stage 4 – Emergency Water Shortage Conditions**

It is anticipated, and it is the goal of the City, that water use during implementation of Stage 4 be reduced to less than 50% of the City's maximum daily supply capacity or the emergency situation has been corrected.

Stage 4 of the Plan shall be implemented if any of the following conditions arise:

- Maximum day water use exceeds 105% of the City's maximum daily supply capacity for five consecutive days.
- Water supplies available from all sources are reduced by 30% or more below projected needs.
- There has been a failure in a major water supply source or system, such as the failure of a dam, storage reservoir, pumping system, transmission pipeline, water treatment facility, major power failure, natural disaster that causes a severe and prolonged limit on the ability of the water supply system to meet the water supply demands.

The following restrictions shall apply:

- All aesthetic and non-essential water use, including landscape irrigation use, is prohibited, except where necessary to protect the health, safety, and welfare of the public. No new landscape material may be installed.
- All City of Lubbock operations will adhere to the water use restrictions.
- The City of Lubbock may reduce water system pressure to conserve water.

Stage 4 restrictions may be rescinded when all initiation conditions have ceased to exist as determined by the City Manager or his/her designee. Upon cessation of Stage 4, Stage 3 water restrictions become effective.

### **Public Notice and Information**

The City conducted meetings to inform the public and to receive public input on this Plan as follows: conducted a public hearing prior to the first reading of this ordinance. Notice was provided to the public by public posting of the City Council agenda providing notice of the public hearing. The City will periodically provide the public with information about the Drought and Emergency Contingency Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the water use restrictions to be implemented in each stage. This information will be provided by means necessary to educate and provide information to the public, including but not limited to, public service announcements, newspaper notices, utility bill inserts, and education presentations.

### **Variance Procedures**

The water board of appeals, as established in Section 28-44 of the Code of Ordinances of the City of Lubbock, may grant, in writing, a temporary variance for existing water uses otherwise prohibited under the Drought and Emergency

Contingency 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:

- Compliance with the Drought and Emergency Contingency Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
- 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 water board of appeals. All petitions for variances shall be reviewed by the water board of appeals, and shall include, in addition to the information provided in Section 28-44 of the Code of Ordinances of the City of Lubbock, the following:

1. Purpose of water use.
2. Specific provision(s) of this Plan from which the petitioner is requesting relief.
3. Detailed statement as to how the specific provision of the Drought and Emergency Contingency Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
4. Description of the relief requested.
5. Period of time for which the variance is sought.
6. 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.
7. Other pertinent information.

Variances granted by the water board of appeals shall be subject to the following conditions, unless waived or modified by the water board of appeals:

1. Variances granted shall include a timetable for compliance.
2. Variances granted shall expire on the earlier to occur of (i) the scheduled expiration; (ii) when the Drought and Emergency Contingency Plan is no longer in effect; and (iii) the date upon which the petitioner has failed to meet specified requirements.

No variance shall be retroactive or otherwise justify any violation of the Drought and Emergency Contingency Plan occurring prior to the issuance of the variance.

### **Means of Implementing and Enforcing the Drought and Emergency Contingency Plan**

Any water customer or other user of the City's water supply who violate subsection (b)(2), the Drought and Emergency Contingency Plan, of this ordinance, shall be guilty of a misdemeanor and subject to a penalty and fine as set forth in Section 1-4 of the Code of Ordinances of the City of Lubbock for each day of non-compliance. In addition, in the event (i) the failure to comply with this ordinance creates an imminent threat to public health, safety or welfare; or (ii) the subject person is convicted of three or more distinct violations (as opposed to consecutive multiple day events of the same violation) within a one (1) year period, the City, after ten (10) days notice and opportunity to cure the violation, may discontinue water service until such time as the user shall be in compliance with this ordinance and, in the case of disconnection due to an imminent health, safety or welfare threat, pay the required charges and fees for re-connection or, in the case of disconnection due to three or more district violations within a one (1) year period, pay the required charges and fees for reconnection and provide suitable assurance to the City Manager that the same action will not be repeated while the subject stage of the Drought and Emergency Contingency Plan is in effect.

Any person in apparent control of the property where a violation occurs or originates shall be presumed to be the violator and proof thereof shall constitute a rebuttable presumption that the person in apparent control of such property committed the violation.

The City Manager, or his/her designee, is hereby authorized and directed to implement the applicable provisions of this Drought and Emergency Contingency Plan. The City Manager, or his/her designee, will oversee the execution and implementation of all elements of the Plan to ensure that adequate records are kept for program verification.

### **(3) Additional Information and Provisions**

#### **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.

Annual water supply: the amount of water available to the City of Lubbock within a given year. Normally measured in billions of gallons or acre-feet.

Average winter consumption: the amount of water used by a customer on average during the winter months of December, January and February.

Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve 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 use.

Customer: any individual, corporation, partnership, association, and any other legal entity utilizing water provided by the City of Lubbock.

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, except as provided under the definition of “Non-essential Water Use”, below.

Drought: an extended period of time of below normal precipitation (rainfall, snow, etc.).

Drought of Record: extended period of time below normal precipitation (rainfall, snow, etc.) that exceeds the length of time and impact on water supplies of previous droughts. The drought of record is used to help determine the estimated yield of reservoirs.

Hand watering: the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf course greens, tees, and fairways, parks, athletic fields, street or alley rights-of-way and medians through the use of manual watering devices supplied by a water hose and actively attended to by a person.

Increasing block rate: a water rate structure that has a rate that increases as more water is consumed.

Landscape irrigation or 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 course greens, tees, and fairways, parks, athletic fields, street or alley rights-of-way and medians.

Maximum daily supply: the amount of water available to the City of Lubbock during a given day. The amount may be limited due to the water transmission line size, water pump size, the number of operating wells, the amount of raw and treated water storage, the water rights owned by the City and other related factors.

Non-essential water use: water uses that are neither essential nor required for the protection of public health, safety, and welfare, including without limitation:

(a) Landscape irrigation;

- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle of any kind;
- (c) Use of water to spray or wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (d) Use of water to spray or 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 hot tubs;
- (g) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic and avian life;
- (h) Failure to repair a leak(s) within a reasonable period of time after having been given notice directing the repair of such leak(s).

Per capita water use: a measure of water use for a city or other entity (gpcd). The measure compares water use to the number of citizens in the area. The measure does not reflect the amount used on average by a citizen.

SECTION 2. The City Council finds and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the Council was posted at a designated place convenient to the public at the City Hall for the time required by law preceding this meeting, that such place of posting was readily accessible at all times to the general public, and that all of the foregoing was done as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon.

The City Council further ratifies, approves and confirms such written notice and the contents of posting thereof.

SECTION 3. THAT the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and if any phrase, clause, sentence, paragraph or section shall be declared unconstitutional or illegal by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or illegality shall not affect, in any way, manner or form, any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance.

SECTION 4. THAT the City Secretary is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative method of publication provided by law.

AND IT IS SO ORDERED

Passed by the City Council on the first reading on this \_\_\_\_ day of \_\_\_\_\_, 2006.

Passed by the City Council on the second reading on this \_\_\_\_ day of \_\_\_\_\_, 2006.

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DAVID A. MILLER, MAYOR

ATTEST:

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Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

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Thomas Adams, Deputy City Manager

APPROVED AS TO FORM:

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Richard K. Casner  
First Assistant City Attorney

ml/ccdocs/Water Conserv & Drought Cont-2<sup>nd</sup> Reading.ord  
June 28, 2006