

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 51, "GENERAL UTILITY PROVISIONS", OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A PENALTY CLAUSE, A SAVINGS CLAUSE, AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City recognizes that the amount of water available to the City and its water utility customers is limited and subject to depletion during periods of extended drought; and

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

WHEREAS, the public has been given an opportunity to provide input into the preparation of the Water Conservation Plan by means of a public hearing before the City Council during the consideration of this Ordinance; and

WHEREAS, the service area of the City is located within the Region C Water Planning Area and the Region C Water Planning Area has been provided a copy of this Ordinance prior to its adoption; and

WHEREAS, as authorized under law, and in the best interests of the citizens of Garland, Texas, the City Council deems it expedient and necessary to establish certain rules minimizing the waste of water;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS:

SECTION 1

That Chapter 51, "General Utility Provisions", of the Code of Ordinances of the City of Garland, Texas, is hereby amended by adding a new article, Article VIII, to read as follows:

"ARTICLE VIII. WATER CONSERVATION PLAN

Sec. 51.116. Declaration of Policy, Purpose, and Intent.

In order to conserve the available water supply by providing a consistent mechanism for preventing the waste of water resources, the following regulations and restrictions on the delivery and consumption of water are hereby adopted.

Sec. 51.117. Definitions.

In this article:

- (A) *Code* means the Code of Ordinances of the City of Garland, Texas, as amended.

- (B) *Conservation* means 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 an adequate supply of water is conserved and made available for future or alternative uses.
- (C) *Customer* means any person (as that term is defined in Sec. 10.03 of this Code) using or receiving water supplied by the City.
- (D) *Director* means the Managing Director of Water, Wastewater, and Water Recycling of the City of Garland, his or her designee, or such other individual to whom the City Manager has appointed the duties and authority under this article.
- (E) *Landscape irrigation use* means 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.
- (F) *Municipal per capita water use* is the sum total of water diverted into a water supply system for residential, commercial, public, and institutional uses divided by actual population served.
- (G) *Municipal water use* is the amount of water used for residential, commercial, public, and institutional applications.
- (H) *Reuse* is the authorized use for one or more beneficial purposes of water that remains unconsumed after the water is used for the original purpose of use and before that water is either disposed of or discharged or otherwise allowed to flow into a watercourse, lake, or other body of state-owned water.
- (I) *Unaccounted-for water* is the difference between the amount of water delivered by the City's wholesale water supplier and the amount of water sold by the City. Unaccounted-for water can include inaccurate or incomplete record keeping, meter error, unmetered uses (i.e. fire fighting), leaks, and water theft or unauthorized use.
- (J) *Water conservation goals* are measures of water consumption on a per capita basis set by the City as a benchmark for evaluating the effectiveness of the water conservation plan.
- (K) *Water conservation plan* is a strategy or combination of strategies for reducing the volume of water withdrawn from a water supply source, for reducing the loss or waste of water, for maintaining or improving the efficiency in the use of water, for increasing the recycling and reuse of water, and for preventing the pollution of water. A water conservation plan is required by Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.2 of the Texas Administrative Code.

Sec. 51.118. Water Utility Profile

The Director shall endeavor to set water conservation goals for the City based on data collected in the Water Utility Profile attached hereto as "Appendix A" (of which Appendix A1 and A2 are a part). The profile shall include information regarding

population and customer data, water use data, water supply system data, and wastewater system data. The Water Utility Profile is herewith adopted and incorporated herein by reference. One (1) copy is to remain on file in the City Secretary's Office.

Sec. 51.119. Water Conservation Goals.

Water conservation goals are established to provide a reduction in the per capita water use over current water use. These goals can be realized from incorporation of water savings measures. The planning goals for the City include the following:

- (A) Municipal per capita water use at or below 157.0 gallons per capita per day (gpcd) by the year 2010 and at or below 151.0 gpcd by the year 2015. Municipal per capita water use shall be calculated on an annual basis.

Sec. 51.120. Water Conservation Savings Elements.

The following measures shall be implemented as a part of the water conservation plan in an effort to track water use and control water losses.

- (A) Water Source Metering

The Director shall endeavor to take monthly meter readings at each pumping station that pumps water into the City's water distribution system. These meters shall be within an accuracy of plus or minus 5 percent. These readings shall be recorded in a record-keeping data base.

- (B) Enforcement Measures

The City has established criminal penalties and provided for the assessment of service fees for tampering with, bypassing, or diverting water distributed by the Water Department.

- (C) Universal Metering

The Director shall endeavor to meter all water connections to the City's water distribution system including all residential, commercial, and industrial users, parks, public areas, and municipal facilities; provided however, that the Director need not attempt to meter connections for water uses which are not from permanently metered locations, such as water used in fire protection, new construction, line flushing, maintenance flushing, storm sewer flushing, jet truck filling, fire hydrant flushing, and other required system flushing.

- (D) Meter Repair and Replacement

The Director shall endeavor to test all large meters once every five years and all small meters on an as needed basis. All meters shall be replaced on a 15 year cycle.

- (E) Control of Unaccounted-for Water

The Director shall endeavor to maintain unaccounted-for water below the 12 percent, as recommended by the City's water purveyor, the North Texas Municipal Water District (NTMWD). The amount of unaccounted-for water shall be monitored on an annual basis. If the amount of unaccounted-for water

exceeds 12 percent, the Director shall take appropriate actions to reduce the amount of unaccounted-for water. Actions may include the following:

- (1) Meter replacement and/or repair.
- (2) Large meter recalibration.
- (3) Aggressive leak detection program.
- (4) Water audit.
- (5) Any other action deemed necessary to reduce the unaccounted-for water use.

(F) Record Management

Based on requirements of the Texas Administrative Code, the Director shall separate water use into the following categories:

- (1) Residential.
- (2) Commercial.
- (3) Public/Institutional.
- (4) Industrial.

(G) Leak Detection and Repair

The Director shall monitor water lines by visual inspection and sound amplifiers on a daily basis for potential water leaks. Water lines shall be upgraded and replaced as necessary to correct any deficiencies.

(H) Public Education and Information

The Director shall endeavor to provide the public with information on water conservation by:

- (1) Publication of information in a newspaper of general circulation in the City; publication in the "City Press"; posting information on the City's Internet website; and including inserts in utility bills highlighting water conservation material.
- (2) Water conservation presentations at schools and other meetings at the request of the organization.
- (3) Providing water conservation kits to residents who live along replaced water mains.
- (4) Providing water conservation material and the *Texas Smartscape CD* at City public buildings.

(I) Conservation Water Rate Structure

The Director shall implement an increasing block rate structure to replace its existing uniform rate type structure, which will discourage waste of water.

(J) Water Reuse and Recycling

Treated wastewater plant effluent is reused at the City's two wastewater treatment facilities for plant wash down, on-site plant irrigation, and chlorination/dechlorination. Additional reuse includes diversion of treated effluent to a local power plant. The Director shall continue to identify additional opportunities for treated effluent reuse.

(K) Water Conserving Water Fixtures

Section 30.80 of this Code adopts the Plumbing Code, which requires new toilets, showerheads, and faucets sold to meet reduced water use requirements. Use of these new fixtures in new construction and in remodeling will reduce water demand.

(L) Wholesale Water Customers

Any contract that the Director may enter into for the wholesale sale of water after the adoption of the water conservation plan shall include the requirements that the wholesale customer develop and implement a water conservation plan that meets the requirements of Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.2 of the Texas Administrative Code.

(M) Water Service in Food Service Establishments.

It is an offense for an owner or employee of a food service establishment to serve water to a patron unless requested by the patron.

(N) Conservation Measures Relating to Lawn and Landscape Irrigation.

Lawn and landscape irrigation practices within the City can cause a waste of valuable water resources. The purpose of this subsection is to assure that water be used for lawn and landscape irrigation in a manner that prevents waste and conserves water resources.

1) Lawn and Landscape Irrigation Restrictions; Offenses.

a. Except for hand watering and the use of soaker hoses, a person commits an offense if, between the hours of 10:00 a.m. and 6:00 p.m, he knowingly or recklessly irrigates, waters, or causes or permits the irrigation or watering of a lawn or landscape located on premises owned, leased, or managed by him.

b. A person commits an offense if he knowingly or recklessly irrigates, waters or causes or permits the irrigation or watering of a lawn or landscape located on premises owned, leased, or managed by the person in a manner that causes:

i.a substantial amount of water to fall upon impervious areas instead of upon the lawn or landscape, such that a constant stream of

water overflows from the lawn or landscape onto a street or other drainage area; or

ii. an irrigation system or other lawn or landscape watering device to operate during any form of precipitation.

c. A person commits an offense if, on premises owned, leased, or managed by him, he operates a lawn or landscape irrigation system or device that:

i. has any broken or missing sprinkler head; or

ii. has not been properly maintained in a manner that prevents the waste of water.

(2)Rain Sensing Devices and Freeze Gauges.

a. Any new irrigation system installed within the City on or after June 1, 2007 must be equipped with a rain sensing devices and freeze gauges approved as to number and type by the Director.

b. A person commits and offense if, on premises owned, lease, or managed by him, he:

i. installs, or causes or permits the installation of, a new irrigation system in violation of Subsection 2(a);

ii. operates, or causes or permits the operation of, an irrigation system that does not comply with Subsection 2(a).

SECTION 2

That, except as otherwise provided in this Ordinance, a violation of any provision of this Ordinance shall be a misdemeanor punishable in accordance with Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas. The City's authority to seek injunctive or other civil relief available under the law is not limited by this section.

SECTION 3

That Chapter 51, "General Utility Provisions", of the Code of Ordinances of the City of Garland, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

SECTION 4

That terms and provisions of this Ordinance are severable and are governed by Sec. 10.06 of the Code of Ordinances of the City of Garland, Texas.

SECTION 5

The City Manager or his designee is hereby directed to file a copy of the Plan and this Ordinance with the Texas Commission on Environmental Quality in accordance with Title 30, Chapter 288 of the Texas Administrative Code.

SECTION 6

That this Ordinance shall be and become effective immediately upon and after its passage and approval.

PASSED AND APPROVED this the ____ day of _____, 2007.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary