

ORDINANCE NO. 50-2003

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WICHITA FALLS, TEXAS, AMENDING SECTION 106-186 OF THE WICHITA FALLS CODE OF ORDINANCES, RATIONING THE USE OF OUTSIDE WATER WITHIN THE CITY OF WICHITA FALLS; REPEALING DIVISION 7, DROUGHT EMERGENCY, SECTIONS 106-201 THROUGH 106-206; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, Section 106-186 of the Wichita Falls Code of Ordinances provides for rationing the use of outside water within the City of Wichita Falls; and,

WHEREAS, this section requires the mailing of a copy of the rationing ordinance, water rationing zone map, and a cover letter describing the drought conditions, to each water account when the combined capacity of the lakes reaches 60%; and,

WHEREAS, the City Council has determined that it is more appropriate and beneficial to the citizens of Wichita Falls to amend this section to provide for the mailing of the referenced materials as the lake levels near a combined capacity of 50%.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WICHITA FALLS, TEXAS, THAT:

SECTION 1. Chapter 106, Utilities, of the Wichita Falls Code of Ordinances is hereby amended at Section 106-186, so that such section shall hereafter read as follows:

"Sec. 106-186. Water shortage; authority of department.

(a) It shall be unlawful for any person, firm, corporation or other entity, at any time of the year, to:

1. Run outside spray type irrigation on any day of the week between 11:00 A.M. and 6:00 P.M. Landscape watering is permitted any time with a hand held hose, soaker hose, bucket, watering can, bubbler or drip irrigation system. A spray type irrigation system may be used any time for the purposes of cooling golf course putting surfaces when warranted by weather conditions and only with run cycles of less than five (5) minutes.
2. Wash any motor vehicle at any location other than a commercial car wash, car dealership, detail shop or automotive shop unless the

hose is equipped with a positive shut off nozzle. Such nozzle shall stop the flow of water through the hose when released by the operator.

3. Install new irrigation systems unless they are designed by a licensed professional recognized by the State of Texas to design such systems, and these systems shall be designed so as to be water conserving. Each new system shall utilize zonal irrigation, drip irrigation, subsurface irrigation and other water conserving features as appropriate. When application for the irrigation permit is made by other than a licensed irrigation specialist or landscape architect, the irrigation system designed by a licensed professional recognized by the State of Texas to design such systems plans shall be made available to the City of Wichita Falls Building officials.
4. Provide drinking water to customers of restaurants, bars, or clubs unless the customer requests such water.

(b) When the lake levels reach a combined capacity of 60% (or the demand exceeds design treatment capacity for 3 days, or the demand equals 105% of design treatment capacity) a drought watch will be initiated. The following actions shall occur under the direction of the Director of Public Works:

1. The City Council will be notified of the impending problem and the proposed immediate and future actions.
2. The City shall initiate an education program through all available media to:
 - a. Alert the public to the depletion of the reservoirs; current rate of withdrawals and the effect of such withdrawals; current treatment rates; current meteorological conditions; and the long-range weather forecast from the National Weather Service.
 - b. Alert the public to the drought management program, the various stages and measures, and the possibility of implementation.
 - c. Keep a constant flow of information to the public to condition them for more stringent measures.
3. The Public Works Department will coordinate with other departments on the structure of a program to implement voluntary and non-voluntary water restrictions.
4. The Public Works Department will conduct training necessary to

implement the water restriction program.

5. The Public Works Department will prepare all administrative processes (forms, affidavits, maps, offices, etc.) for the restriction program.

(c) When the lake levels near a combined capacity of 50%, the City shall mail a copy of this ordinance and the water rationing zone map, with a cover letter describing the drought conditions, to each water account.

(d) When the lake levels reach a combined capacity of 50% (or the demand exceeds design treatment capacity for 3 days after a drought watch has been declared, or the demand equals 110% of design treatment capacity) it shall be unlawful for any person, firm, corporation or other entity to:

1. Run outside irrigation systems (including sprinklers, automatic sprinkler systems and unattended hoses) except on the day of the week permitted for the area as identified on the attached water rationing zone map, an official copy of which shall be kept on file in the office of the City Clerk; except that landscape watering is permitted any day with a hand held hose, soaker hose, bucket (5 gallon or less), watering can, bubbler or drip irrigation system. On days other than the day of the week permitted by the water rationing zone map, testing and troubleshooting of irrigation systems that involve the release of water is permissible any time, including between the hours of 11 a.m. to 6 p.m., as long as a licensed plumber or irrigator is present on location during testing (and visible to the ticket writer). Testing and troubleshooting of irrigation systems by other than a licensed plumber or irrigator that involves the release of water is otherwise permissible only on the day of week and time of day permitted by the water rationing zone map. Nursery plant stock is exempt from this provision. Water used for irrigation from private wells, aerobic septic systems, wastewater effluent or other non-potable water will be exempt from all drought-related restrictions but must comply with all other city, state and federal regulations.
2. Run any type of outside watering on any day of the week between 11:00 A.M. and 6:00 P.M.
3. Operate a commercial car wash more than six days per week. Full-service commercial car washes shall not operate more than ten hours on any one day. Self-service commercial car washes shall not operate more than eighteen hours on any one day.

4. Wash any motor vehicle at any location other than a commercial car wash, car dealership, detail shop or automotive shop. The washing of a vehicle for health and safety reasons, sufficient to remove the hazard, is permitted any time (a dirty windshield is not sufficient excuse to wash the entire vehicle). Washing vehicles with a bucket, washing vehicles on the day to water or washing vehicles on the lawn while watering, other than at a commercial car wash, car dealership, detail shop or automotive shop; is prohibited.
5. Conduct fundraising car washes during the time the drought warning is in effect.
6. Wash sidewalks, driveways, or concrete slabs unless an immediate health or safety risk is present.

(e) A waiver of Section (d) 1. may be granted for the irrigation of new landscaping plants whereby watering would be permitted to maintain adequate growth until the plants are established but not to exceed a thirty (30) day time period. This waiver will not be available when the combined lake levels are at or below 40%. Any person wishing such a waiver must make application to the City Public Works Department and pay a \$50.00 non-refundable fee. The applicant must agree to pay a water rate that is three (3) times the normal rate for that customer for all consumption over 12 CCF as registered by residential meters and all consumption as registered by water only meters or commercial meters. Persons who desire a waiver for new landscapes shall utilize exclusively water-use-efficient trees, shrubs, ground covers, ornamental plants and turf; and are to utilize water wise horticultural practices, including proper soil preparation and the use of mulch, compost and zonal irrigation systems. These plants and practices may be found on the Texas A & M University (TAMU) web page at <http://aggie-horticulture.tamu.edu/extension/xeriscape> and in their Xeriscape Bulletin B-1584-7-98, or their replacements. Compost is available from the City of Wichita Falls Organics Recycling Facility located at the landfill daily through a registered vendor network, and periodically to the public on free compost days. Turf, plants and trees with a drought tolerance of good to excellent listed for zones #4 and #7 (as listed by TAMU) meet the requirements of this section. Turf grasses that qualify are Buffalograss, Zoysiagrass and Bermudagrass.

(f) Public and private golf courses may water golf course greens on any day of the week. The watering of tee boxes and fairways is prohibited, except on the day of the week permitted for the area as identified on the water rationing zone map, when the combined lake levels are at or below 50% of capacity. Water used for irrigation from private wells, aerobic septic systems or wastewater effluent will be exempt from all drought-related restrictions but must comply with all other city, state and federal regulations.

- (g) A water conservation surcharge will be applied to all residential accounts

when the 50% and 40% trigger levels are reached. At 50% there will be a \$0.25 per Hundred Cubic Feet (CCF) surcharge for use over 15 CCF but less than 30 CCF. For consumption over 30 CCF but less than 45 CCF the surcharge will be \$0.50. For consumption over 45 CCF the surcharge will be \$1.00. At the 40% trigger level the surcharges will be \$0.50, \$1.00 and \$2.00 respectively. The same surcharges will apply to yard and irrigation meters for consumption over 3 CCF, 18 CCF and 33 CCF respectively. Surcharges will remain in effect until the City Council announces the end to the restrictions. Water utilized by commercial nurseries for plant stock production shall not be subject to the surcharges specified herein.

(h) The Director of Public Works shall declare that each "trigger level" has been reached and that the water use restrictions for each respective stage are in effect. The water restrictions will remain in effect until the lakes rise to a level that, when combined with the long-term forecast, assures the City an adequate supply of water. When an adequate supply of water is available, the City Council, by majority vote, and after consultation with the Director of Public Works, shall announce the end to each respective stage of the restrictions.

(i) Any person, firm, corporation or other entity found in violation of any provision of this ordinance shall be punished by a fine not exceeding Five Hundred (\$500.00) Dollars for the first two (2) offenses and not more than One Thousand (\$1,000.00) Dollars for each offense thereafter. Each day of violation of this ordinance shall constitute a separate offense. Proof of a culpable mental state shall not be required. In the event that this ordinance is flagrantly violated by repeated offenses, the Director of Public Works is authorized to order the pulling of the customer's water meter until all fees and fines are paid."

SECTION 2. Division 7, Drought Emergency, of Chapter 106, containing Sections 106-201 through 106-206, is hereby repealed.

SECTION 3. Sections 106-201 through 106-215 are hereby reserved.

SECTION 4. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

PASSED AND APPROVED this the 20th day of May, 2003.

MAYOR

ATTEST:

City Clerk