

ORDINANCE NO. 713
(Consolidated Emergency Water Management Regulations)

AN ORDINANCE OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, AMENDING AND RESTATING ITS REGULATIONS REGARDING EMERGENCY WATER MANAGEMENT PLANS INTO CHAPTER 51 OF THE PARKER MUNICIPAL CODE OF ORDINANCES; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF \$500.00 FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, drought conditions in North Texas have resulted in diminished water supplies for the use of residents of the City of Parker, Texas, and the surrounding cities; and

WHEREAS, the City of Parker has previously enacted ordinances within Chapter 51 of the Parker Municipal Code of Ordinances (the “Municipal Code”) regulating water preservation and conservation plans; and

WHEREAS, the City of Parker has also adopted the model water conservation and drought contingency and water emergency response plan proposed by the North Texas Municipal Water District; and

WHEREAS, the City of Parker is a Customer City of the North Texas Municipal Water District; and

WHEREAS, the City Council of the City of Parker, Collin County, Texas has determined that further modification to Chapter 51 of the Municipal Code is necessary as a result of the continuing drought existing in North Texas; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS AS FOLLOWS:

SECTION 1. The Model Water Conservation and Drought Contingency and Water Emergency Response Plan (the “Model Plan”) of the North Texas Municipal Water District was approved by the City Council by Resolution No. 2011-346 effective the 11th day of August, 2011, (the “NTMWD Plan”).

SECTION 2. Specific provisions of the NTMWD Plan will be adopted by this Ordinance as specific replacements to existing provisions of Chapter 51 of the Municipal Code, as follows:

A. § 51.77 entitled *Plan Stages: Restrictions* is repealed, and replaced with the following:

“§51.77 LANDSCAPE AND OUTDOOR WATERING

(A) Landscape and outdoor watering as defined below in this Chapter are limited to the following addresses on the following days. Watering may take place once every week under the Stage 3 Restrictions.

<i>Last Digit of Address</i>	<i>Allowed Landscape Water Days</i>
0 or 9	Monday
1 or 8	Tuesday
2 or 7	Wednesday
3 or 6	Thursday
4 or 5	Friday
No outdoor watering on Saturday or Sunday	

(B) In the event NTMWD determines landscape watering should be modified and reduced to once per every two weeks, notice of that requirement and a calendar showing watering weeks will be posted on the City website. Additional notice may be mailed to Parker water customers. The calendar will start each calendar year the first week in May, example shown below. A property owner with an address ending in 0 or 9 would comply with the once every two weeks schedule in the example calendar below by watering on Monday the 5th, and/or Monday the 19th. There would be no outdoor watering at that address on any other day in May in the example given below.

May 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

(C) The following provisions of sections 11.4 through 11.9 of the NTMWD Model Plan are modified, adopted and incorporated within this Ordinance. Definitions are as follows:

“City” means the City of Parker;

“NTMWD” means the North Texas Municipal Water District.

(D) Provisions for Continuing Public Education and Information

The City may inform and educate the public about the drought contingency and water emergency response plan by the following means:

1. Preparing a bulletin describing the plan and making it available at city hall and other appropriate locations.
2. Making the plan available to the public through the City’s web site.
3. Including information about the drought contingency and water emergency response plan on the City’s web site.
4. Notifying local organizations, schools, and civic groups that staff are available to make presentations on the drought contingency and water emergency response plan (usually in conjunction with presentations on water conservation programs).

At any time that the drought contingency and water emergency response plan is activated or the drought stage or water emergency response stage changes, the City may notify local media of the issues, the drought response stage or water emergency response stage (if applicable), and the specific actions required of the public. The information may also be publicized on the City’s web site (if available). Billing inserts will also be used as appropriate.

(E) Initiation and Termination of Drought or Water Emergency Response Stages

1. Initiation of a Drought or Water Emergency Response Stage

The City Administrator, Mayor or official designee may order the implementation of a drought or water emergency response stage when one or more of the trigger conditions for that stage is met. The following actions will be taken when a drought or water emergency response stage is initiated:

- (a) The public will be notified through local media and the City’s web site.
- (b) If any mandatory provisions of the drought contingency and water emergency response plan are activated, the City will notify the Executive Director of the TCEQ and the Executive Director of the NTMWD within 5 business days.

Drought contingency/water emergency response stages imposed by NTMWD action must be initiated by the City. For other trigger conditions internal to a city or water supply entity, the City Administrator, Mayor, or official designee may decide not to order the implementation of a drought response stage or water emergency even though one or more of the trigger criteria for the stage are met. Factors which could influence such a decision include, but are not limited to, the time of the year, weather conditions, the anticipation of replenished water supplies, or the anticipation that additional facilities will become available to meet needs. The reason for this decision should be documented.

2. Termination of a Drought/Water Emergency Response Stage

The City Administrator, Mayor, or official designee may order the termination of a drought or water emergency response stage when the conditions for termination are met or at their discretion. The following actions will be taken when a drought or emergency response stage is terminated:

- (a) The public will be notified through local media and the City's web site.
- (b) Wholesale customers (if any) and the NTMWD will be notified by e-mail with a follow-up letter or fax.
- (c) If any mandatory provisions of the drought contingency and water emergency response plan that have been activated are terminated, the City will notify the Executive Director of the TCEQ and the Executive Director of the NTMWD within 5 business days.

The City Administrator, Mayor, or official designee may decide not to order the termination of a drought or water emergency response stage even though the conditions for termination of the stage are met. Factors which could influence such a decision include, but are not limited to, the time of the year, weather conditions, or the anticipation of potential changed conditions that warrant the continuation of the drought stage. The reason for this decision should be documented.

(F) **Drought Contingency and Water Emergency Response Stages and Measures**

(1) **Stage 1**

(a) Initiation and Termination Conditions for Stage 1

1. The NTMWD has initiated Stage 1, which may be initiated due to one or more of the following:
 - i. The NTMWD Executive Director, with the concurrence of the NTMWD Board of Directors, finds that conditions warrant the declaration of Stage 1.
 - ii. Water demand is projected to approach the limit of the permitted supply.

- iii. The storage in Lavon Lake is less than 65 percent of the total conservation pool capacity.
 - iv. NTMWD's storage in Jim Chapman Lake is less than 65 percent of NTMWD's total conservation pool capacity.
 - v. The Sabine River Authority has indicated that its Upper Basin water supplies used by NTMWD (Lake Tawakoni and/or Lake Fork) are in a Mild drought.
 - vi. NTMWD has concern that Lake Texoma, the East Fork Raw Water Supply Project, or some other NTMWD source may be limited in availability in the next 6 months.
 - vii. NTMWD water demand exceeds 90 percent of the amount that can be delivered to customers for three consecutive days.
 - viii. Water demand for all or part of NTMWD's delivery system approaches delivery capacity because delivery capacity is inadequate.
 - ix. NTMWD's supply source becomes contaminated.
 - x. NTMWD's water supply system is unable to deliver water due to the failure or damage of major water system components.
2. The City's water demand exceeds 90 percent of the amount that can be delivered to customers for three consecutive days.
 3. The City's water demand for all or part of the delivery system approaches delivery capacity because delivery capacity is inadequate.
 4. The supply source becomes contaminated.
 5. The City's water supply system is unable to deliver water due to the failure or damage of major water system components.
 6. The City's individual plan, if adopted, may be implemented if other criteria dictate.

Stage 1 may terminate when NTMWD terminates its Stage 1 condition or when the circumstances that caused the initiation of Stage 1 no longer prevail.

(b) Goal for Use Reduction and Actions Available under Stage 1

Stage 1 is intended to raise public awareness of potential drought or water emergency problems. The goal for water use reduction under Stage 1 is a two percent reduction in the amount of water produced by NTMWD. The City Administrator, Mayor, or official

designee may order the implementation of any of the actions listed below, as deemed necessary:

1. Request voluntary reductions in water use by the public and by wholesale customers.
2. Notify wholesale customers of actions being taken and request implementation of similar procedures.
3. Increase public education efforts on ways to reduce water use.
4. Review the problems that caused the initiation of Stage 1.
5. Intensify efforts on leak detection and repair.
6. Reduce non-essential city government water use. (Examples include street cleaning, vehicle washing, operation of ornamental fountains, etc.)
7. Notify major water users and work with them to achieve voluntary water use reductions.
8. Reduce city government water use for landscape irrigation.
9. Ask the public to follow voluntary landscape watering schedules.

(2) **Stage 2**

(c) Initiation and Termination Conditions for Stage 2

1. The NTMWD has initiated Stage 2, which may be initiated due to one or more of the following:
 - i. The NTMWD Executive Director, with the concurrence of the NTMWD Board of Directors, finds that conditions warrant the declaration of Stage 2.
 - ii. Water demand is projected to approach the limit of the permitted supply.
 - iii. The storage in Lavon Lake is less than 55 percent of the total conservation pool capacity.
 - iv. NTMWD's storage in Jim Chapman Lake is less than 55 percent of NTMWD's total conservation pool capacity.
 - v. The Sabine River Authority has indicated that its Upper Basin water supplies used by NTMWD (Lake Tawakoni and/or Lake Fork) are in a Mild drought.

- vi. NTMWD has concern that Lake Texoma, the East Fork Raw Water Supply Project, or some other NTMWD source may be limited in availability in the next 3 months.
 - vii. NTMWD water demand exceeds 95 percent of the amount that can be delivered to customers for three consecutive days.
 - viii. NTMWD water demand for all or part of the delivery system equals delivery capacity because delivery capacity is inadequate.
 - ix. NTMWD's supply source becomes contaminated.
 - x. NTMWD's water supply system is unable to deliver water due to the failure or damage of major water system components.
2. The City's water demand exceeds 95 percent of the amount that can be delivered to customers for three consecutive days.
 3. The City's water demand for all or part of the delivery system equals delivery capacity because delivery capacity is inadequate.
 4. The supply source becomes contaminated.
 5. The City's water supply system is unable to deliver water due to the failure or damage of major water system components.
 6. The City's individual plan may be implemented if other criteria dictate.

Stage 2 may terminate when NTMWD terminates its Stage 2 condition or when the circumstances that caused the initiation of Stage 2 no longer prevail.

(d) Goal for Use Reduction and Actions Available under Stage 2

The goal for water use reduction under Stage 2 is a five percent reduction in the amount of water produced by NTMWD. If circumstances warrant or if required by NTMWD, the City Administrator, Mayor, or official designee can set a goal for greater water use reduction. The City Administrator, Mayor, or official designee may order the implementation of any of the actions listed below, as deemed necessary. Measures described as "requires notification to TCEQ" impose mandatory requirements on customers. The City must notify TCEQ and NTMWD within five business days if these measures are implemented:

1. Continue or initiate any actions available under Stage 1.
2. Notify wholesale customers of actions being taken and request them to implement similar procedures.

3. Initiate engineering studies to evaluate alternatives should conditions worsen.
4. Further accelerate public education efforts on ways to reduce water use.
5. Halt non-essential city government water use. (Examples include street cleaning, vehicle washing, operation of ornamental fountains, etc.)
6. Encourage the public to wait until the current drought or emergency situation has passed before establishing new landscaping.
7. **Requires Notification to TCEQ** – Limit landscape watering with sprinklers or irrigation systems to no more than two days per week. An exception is allowed for landscape associated with new construction that may be watered as necessary for 30 days from the date of the certificate of occupancy. An exemption is also allowed for registered and properly functioning ET/Smart irrigation systems and drip irrigation systems, which do not have restrictions to the number of days per week of operation.
8. **Requires Notification to TCEQ** – Restrict landscape and lawn irrigation from 10 AM to 6 PM beginning April 1 through October 31 of each year.
9. **Requires Notification to TCEQ** – Prohibit planting of cool season grasses (such as rye grass or other similar grasses) that intensify cool season water requirements.

(3) **Stage 3**

(a) Initiation and Termination Conditions for Stage 3

1. The NTMWD has initiated Stage 3, which may be initiated due to one or more of the following:
 - i. The NTMWD Executive Director, with the concurrence of the NTMWD Board of Directors, finds that conditions warrant the declaration of Stage 3.
 - ii. Water demand is projected to approach or exceed the limit of the permitted supply.
 - iii. The storage in Lavon Lake is less than 45 percent of the total conservation pool capacity.
 - iv. NTMWD's storage in Jim Chapman Lake is less than 45 percent of NTMWD's total conservation pool capacity.

- v. The Sabine River Authority has indicated that its Upper Basin water supplies used by NTMWD (Lake Tawakoni and/or Lake Fork) are in a Moderate drought. (Measures required by SRA under a Moderate drought designation are similar to those under NTMWD’s Stage 3.)
 - vi. The supply from Lake Texoma, the East Fork Raw Water Supply Project, or some other NTMWD source has become limited in availability.
 - vii. NTMWD water demand exceeds 98 percent of the amount that can be delivered to customers for three consecutive days.
 - viii. NTMWD water demand for all or part of the delivery system exceeds delivery capacity because delivery capacity is inadequate.
 - ix. NTMWD’s supply source becomes contaminated.
 - x. NTMWD’s water supply system is unable to deliver water due to the failure or damage of major water system components.
1. The City’s water demand exceeds 98 percent of the amount that can be delivered to customers for three consecutive days.
 2. The City’s water demand for all or part of the delivery system exceeds delivery capacity because delivery capacity is inadequate.
 3. The supply source becomes contaminated.
 4. The City’s water supply system is unable to deliver water due to the failure or damage of major water system components.
 5. The City’s individual plan may be implemented if other criteria dictate.

Stage 3 may terminate when NTMWD terminates its Stage 3 condition or when the circumstances that caused the initiation of Stage 3 no longer prevail.

(b) Goals for Use Reduction and Actions Available under Stage 3

“The goal for water use reduction under Stage 3 is a reduction of ten percent in the amount of water obtained from NTMWD. If circumstances warrant or if required by NTMWD, the City Administrator, Mayor, or official designee can set a goal for a greater water use reduction.

The City Administrator, Mayor, or official designee must implement any action(s) required by NTMWD. In addition, the City Administrator, Mayor, or official designee may order the implementation of any of the actions listed below, as deemed necessary. Measures described as “requires notification to TCEQ” impose mandatory requirements

on customers. The City must notify TCEQ and NTMWD within five business days if these measures are implemented:

1. Continue or initiate any actions available under Stages 1 and 2.
2. Notify wholesale customers of actions being taken and request them to implement similar procedures.
3. Implement viable alternative water supply strategies.
4. **Requires Notification to TCEQ** – Initiate mandatory water use restrictions as follows:
 - i. Prohibit hosing of paved areas, buildings, or windows. (Pressure washing of impervious surfaces is allowed.)
 - ii. Prohibit operation of all ornamental fountains or other amenity impoundments to the extent they use treated water.
 - iii. Prohibit washing or rinsing of vehicles by hose except with a hose end cutoff nozzle.
 - iv. Prohibit using water in such a manner as to allow runoff or other waste.
5. **Requires Notification to TCEQ** – Limit landscape watering with sprinklers or irrigation systems at each service address to once every seven days. Exceptions are as follows:
 - i. Foundations, new landscaping, new plantings (first year) of shrubs, and trees may be watered for up to 2 hours on any day by a hand-held hose, a soaker hose, or a dedicated zone using a drip irrigation system.
 - ii. Golf courses may water greens and tee boxes without restrictions.
 - iii. Public athletic fields used for competition may be watered twice per week.
 - iv. Locations using other sources of water supply for irrigation may irrigate without restrictions.
 - v. Registered and properly functioning ET/Smart irrigation systems and drip irrigation systems may irrigate without restrictions.
6. **Requires Notification to TCEQ** – Limit landscape watering with sprinklers or irrigation systems between November 1 and March 31 to once every two weeks. An exception is allowed for landscape associated with new construction that may be watered as necessary for 30 days from

the date of the certificate of occupancy, temporary certificate of occupancy, or certificate of completion.

7. **Requires Notification to TCEQ** – Prohibit hydroseeding, hydromulching, and sprigging.
8. **Requires Notification to TCEQ** – Existing swimming pools may not be drained and refilled (except to replace normal water loss).
9. **Requires Notification to TCEQ** - Initiate a rate surcharge as requested by NTMWD.
10. **Requires Notification to TCEQ** - Initiate a rate surcharge for all water use over a certain level.
11. **Requires Notification to TCEQ** – If NTMWD has imposed a reduction in water available to the City, impose the same percent reduction on wholesale customers.
12. **Requires Notification to TCEQ** – Prohibit watering of golf courses using treated water, except as needed to keep greens and tee boxes alive.

(4) **Stage 4**

(a) Initiation and Termination Conditions for Stage 4

The NTMWD has initiated Stage 4, which may be initiated due to one or more of the following:

- i. The NTMWD Executive Director, with the concurrence of the NTMWD Board of Directors, finds that conditions warrant the declaration of Stage 4.
- ii. Water demand is projected to approach or exceed the limit of the permitted supply.
- iii. The storage in Lavon Lake is less than 35 percent of the total conservation pool capacity.
- iv. NTMWD's storage in Jim Chapman Lake is less than 35 percent of NTMWD's total conservation pool capacity.
- v. The Sabine River Authority has indicated that its Upper Basin water supplies used by NTMWD (Lake Tawakoni and/or Lake Fork) are in a Severe drought or Emergency.
- vi. The supply from Lake Texoma, the East Fork Raw Water Supply Project, or some other NTMWD source has become severely limited in availability.

- vii. NTMWD water demand exceeds the amount that can be delivered to customers.
 - viii. NTMWD water demand for all or part of the delivery system seriously exceeds delivery capacity because the delivery capacity is inadequate.
 - ix. NTMWD's supply source becomes contaminated.
 - x. NTMWD's water supply system is unable to deliver water due to the failure or damage of major water system components.
1. City's water demand exceeds the amount that can be delivered to customers.
 2. City's water demand for all or part of the delivery system seriously exceeds delivery capacity because the delivery capacity is inadequate.
 3. Supply source becomes contaminated.
 4. City's water supply system is unable to deliver water due to the failure or damage of major water system components.
 5. City's individual plan may be implemented if other criteria dictate.

Stage 4 may terminate when NTMWD terminates its Stage 4 condition or when the circumstances that caused the initiation of Stage 4 no longer prevail.

(b) Goals for Use Reduction and Actions Available under Stage 4

The goal for water use reduction under Stage 4 is a reduction of whatever amount is necessary in the amount of water obtained from NTMWD. If circumstances warrant or if required by NTMWD, the City Administrator, Mayor, or official designee can set a goal for a greater water use reduction.

The City Administrator, Mayor, or official designee must implement any action(s) required by NTMWD. In addition, the City Administrator, Mayor, or official designee may order the implementation of any of the actions listed below, as deemed necessary. Measures described as "requires notification to TCEQ" impose mandatory requirements on the City. The City must notify TCEQ and NTMWD within five business days if these measures are implemented.

1. Continue or initiate any actions available under Stages 1, 2, and 3.
2. Notify wholesale customers of actions being taken and request them to implement similar procedures.
3. Implement viable alternative water supply strategies.

4. **Requires Notification to TCEQ** – Prohibit the irrigation of new landscaping using treated water.
5. **Requires Notification to TCEQ** – Prohibit washing of vehicles except as necessary for health, sanitation, or safety reasons.
6. **Requires Notification to TCEQ** – Prohibit commercial and residential landscape watering, except that foundations and trees may be watered for 2 hours on any day with a hand-held hose, a soaker hose, or a dedicated zone using a drip irrigation system. ET/Smart irrigation systems are not exempt from this requirement.
7. **Requires Notification to TCEQ** – Prohibit golf course watering with treated water except for greens and tee boxes.
8. **Requires Notification to TCEQ** – Prohibit the permitting of private pools. Pools already permitted may be completed and filled with water. Existing private and public pools may add water to maintain pool levels but may not be drained and refilled.
9. **Requires Notification to TCEQ** – Require all commercial water users to reduce water use by a percentage established by the City Administrator, Mayor, or official designee.
10. **Requires Notification to TCEQ** – If NTMWD has imposed a reduction in water available to the City, impose the same percent reduction on wholesale customers.
11. **Requires Notification to TCEQ** - Initiate a rate surcharge for all water use over normal rates for all water use.

(G) Procedures for Granting Variances to the Plan

The City Administrator, Mayor, or official designee may grant temporary variances for existing water uses otherwise prohibited under this drought contingency and water emergency response plan if one or more of the following conditions are met:

1. Failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person or entity requesting the variance.
2. Compliance with this plan cannot be accomplished due to technical or other limitations.
3. Alternative methods that achieve the same level of reduction in water use can be implemented.

Variations shall be granted or denied at the discretion of the City Administrator, Mayor, or official designee. All petitions for variations should be in writing and should include the following information:

4. Name and address of the petitioners
5. Purpose of water use
6. Specific provisions from which relief is requested
7. Detailed statement of the adverse effect of the provision from which relief is requested
8. Description of the relief requested
9. Period of time for which the variance is sought
10. Alternative measures that will be taken to reduce water use
11. Other pertinent information.

(H) Procedures for Enforcing Mandatory Water Use Restrictions

Mandatory water use restrictions may be imposed in Stage 2, Stage 3 and Stage 4 drought contingency and water emergency response stages. The penalties associated with the mandatory water use restrictions will be determined by each entity.

Appendix G contains potential ordinances, resolutions, and orders that may be adopted by the city council, board, or governing body approving the drought contingency plan and water response plan, including enforcement of same.

(I) Coordination with the Regional Water Planning Groups

Appendix F includes a copy of a letter sent to the Chair of the Region C water planning group with this model drought contingency and water emergency response plan.

The Cities will send a draft of its ordinance(s) or other regulation(s) implementing this plan to NTMWD for their review and comment. The City will also send the final ordinance(s) or other regulation(s) to NTMWD.

SECTION 3. Should any sentence, paragraph, Subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Municipal Code, as amended, as a whole.

SECTION 4. All provisions of the ordinances of the City of Parker in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other

provisions of the ordinances of the City of Parker not in conflict with the provisions of this Ordinance shall remain in full force and effect.

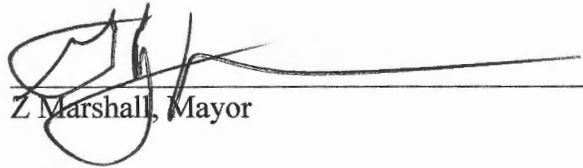
SECTION 5. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Municipal Code of the City of Parker, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of \$500.00 for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 6. In accordance with Section 52.011 of the Local Government Code, the caption of this Ordinance shall be published either (a) in every issue of the official newspaper of the City of Parker for two days, or (b) one issue of the newspaper if the official newspaper is a weekly paper. An affidavit by the printer or the publisher of the official newspaper verifying the publication shall be filed in the office of the City Secretary.

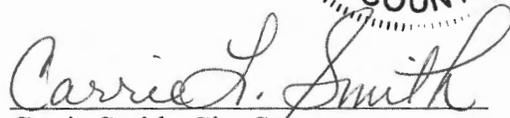
ADOPTED this 2nd day of September, 2014, by the Parker City Council.



APPROVED:


Z Marshall, Mayor

ATTEST:


Carrie Smith, City Secretary

APPROVED AS TO FORM:


James E. Shepherd, City Attorney