

ORDINANCE NO. 7522

AN ORDINANCE OF THE CITY OF GARLAND, TEXAS, AMENDING ARTICLE VI, "WATER RESOURCE EMERGENCY MANGEMENT PLAN", AND ARTICLE VIII, "WATER CONSERVATION PLAN", OF CHAPTER 51, "GENERAL UTILITY PROVISIONS", OF THE CODE OF ORDINANCES OF THE CITY; PROVIDING A PENALTY CLAUSE, A SAVINGS CLAUSE, AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1

That Article VI, "Water Resource Emergency Management Plan", of Chapter 51, "General Utility Provisions", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"ARTICLE VI. WATER RESOURCE EMERGENCY MANAGEMENT PLAN

Sec. 51.90 Declaration of policy, purpose, and intent

(A) In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection; and to protect and preserve public health, welfare, and safety; minimize the adverse impacts of a water supply shortage or other water supply emergency conditions, the City of Garland hereby adopts ;, the following regulations and restrictions on the delivery and consumption of water.

(B) Water uses regulated or prohibited under this Water Resource Emergency Management Plan (the "plan") are considered to be non-essential and the continuation of such uses during times of a water shortage or other emergency water supply conditions are deemed to constitute a waste of water that will subject offenders to both civil and criminal fines and penalties.

Sec. 51.91 Definitions

In this article:

Aesthetic water use means water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Aquatic life means a vertebrate organism dependent upon an aquatic environment to sustain its life.

Athletic field means a sports competition field used primarily for organized sports practice, competition or exhibition events for schools, professional sports or sanctioned league play.

Automatic shutoff nozzle means a device which permits water to flow through it only when outside pressure is applied.

Cool season grasses are varieties of turf grass that grow best in cool climates primarily in northern and central regions of the United States (i.e. perennial and annual rye grass, Kentucky blue grass and fescues).

Commercial users means commercial, institutional and industrial customers using water that is integral to its operations.

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.

Customer means any person (as that term is defined in [section 10.03](#) of this Code) using or receiving water supplied by the City.

Director means the Managing Director of Water, Wastewater, and Water Recycling of the City, his or her designee, or such other individual to whom the City Manager has appointed the duties and authority under this article.

Drip irrigation (also known as micro irrigation) means the application of small quantities of water as drops, small streams or miniature sprays through emitters or applicators placed along a water delivery line. The drip method encompasses a number of systems or concepts such as bubbler, dripper, trickle, line source mist or miniature spray.

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.

Landscaped areas mean areas of decorative plantings of vegetation generally consisting of shrubs, vines, groundcovers, trees, ornamental trees, and decorative grass species that are planted to

improve aesthetic qualities or natural beauty of a site and/or to stabilize the soil conditions, thereby minimizing water runoff. These areas may also include vegetation planted in containers intended to supplement or highlight areas of the landscape or garden.

Lawns mean an open area covered by closely mown and cultivated perennial turf grass.

Soaker hose is a type of water hose made of porous material that allows water to seep out of the hose without spraying water into the air.

Sec. 51.92 Triggering criteria for initiation and termination of emergency response stages

(A) The director shall monitor water supply or demand conditions on a daily basis and will determine when conditions warrant the initiation or termination of any emergency response stage of the plan. The director shall endeavor to provide public notification of the initiation or termination of an emergency response stage by means of publication of notice in a newspaper of general circulation in the City, the "City Press," and the City's website, by posting notices on the City's public access CATV channel and social media channels, through customer mailings when applicable, and by posting signs in City buildings. The director shall endeavor to notify any wholesale water customers and the North Texas Municipal Water District ("NTMWD") by telephone and a follow-up letter, e-mail, or fax when an emergency response stage is initiated. The director shall notify the executive director of the TCEQ within 5 business days when any mandatory provisions of the plan are activated.

(B) When the director determines that a water shortage or water supply emergency requires activation of the plan, the provisions of the plan shall go into effect immediately upon the first publication of notice and shall remain in effect until terminated by the director.

(C) The director may order the termination of an emergency response stage or water emergency when the conditions for termination are met or at his discretion. The director may decide not to order the termination of an emergency response stage or water emergency 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 emergency response stage. The director shall endeavor to take the following actions when an emergency response stage is terminated:

(1) Notify the public by means of publication of notices in a newspaper of general circulation in the City; publication in the "City press"; posting notices on the City's website, social media channels and on the City's public access CATV channel; through customer mailings if applicable, and by posting signs in City buildings.

(2) Notify any wholesale water customers and the NTMWD in a timely manner.

(3) Notify the executive director of the TCEQ within five (5) business days that activated mandatory provisions of the plan are terminated.

(D) Depending on the circumstances prevailing at the time the plan is put into effect, the director may determine that a water shortage or other water supply emergency exists under one of the following stages:

(1) Stage 1.

(a) Requirements for initiation. The director may initiate restrictions on certain nonessential water uses applicable to a Stage 1 water shortage when:

(i) The City's wholesale water provider, NTMWD, notifies the director of delivery or source shortages, requests initiation of Stage 1 of the plan, and the director concurs;

(ii) Total daily water demand exceeds 95 percent of the amount that can be delivered to customers for three consecutive days;

(iii) Water demand for all or part of the delivery system equals delivery capacity because delivery capacity is inadequate;

(iv) Supply source becomes contaminated;

(v) Water system is unable to deliver water due to the failure or damage of major water system components; or

(vi) The water system experiences continually falling treated water storage levels that do not refill above 65 percent overnight.

(b) Requirements for termination. Stage 1 may terminate when the circumstances that caused the initiation of Stage 1 no longer prevail and the director authorizes.

(2) Stage 2.

(a) Requirements for initiation. The director may initiate restrictions on certain nonessential water uses applicable to a Stage 2 water shortage when:

(i) The City's wholesale water provider, NTMWD, notifies the director of delivery or source shortages, requests initiation of Stage 2 of the plan, and the director concurs;

(ii) Total daily water demand exceeds 98 percent of the amount that can be delivered to customers for three consecutive days;

(iii) Water demand for all or part of the delivery system exceeds delivery capacity because delivery capacity is inadequate;

(iv) Supply source becomes contaminated;

(v) Water system is unable to deliver water due to the failure or damage of major water system components; or

(vi) The water system experiences Continually falling treated water storage levels that do not refill above 50 percent overnight.

(b) Requirements for termination. Stage 2 may terminate when the circumstances that caused the initiation of Stage 2 no longer prevail and the director authorizes.

(3) Stage 3.

(a) Requirements for initiation. The director may initiate restrictions on certain nonessential water uses applicable to a Stage 3 water shortage when:

(i) The City's wholesale water provider, NTMWD, notifies the director of delivery or source shortages, requests initiation of Stage 3 of the plan, and the director concurs;

(ii) Total daily water demand exceeds the amount that can be delivered to customers;

(iii) Water demand for all or part of the delivery system seriously exceeds delivery capacity because delivery capacity is inadequate;

(iv) Supply source becomes contaminated;

(v) Water supply system is unable to deliver water due to the failure or damage of major water system components; or

(vi) The water system experiences continually falling treated water storage levels that do not refill above 20 percent overnight.

(b) Requirements for termination. Stage 3 may terminate when the circumstances that caused the initiation of Stage 3 no longer prevail and the director authorizes.

Sec. 51.93 Emergency Response Stages

Based upon an analysis of water supply and demand conditions and in accordance with the triggering criteria set forth above, the director may implement the following emergency response stages as appropriate to the water shortage or water emergency being experienced.

(1) Stage 1. The goal for water use reduction under Stage 1 is a two percent (2%) reduction in the use that would have occurred in the absence of emergency management measures. During a Stage 1 shortage:

(a) The City will, in the manner it deems necessary and appropriate, endeavor to:

(i) Accelerate public education efforts on ways to reduce water use.

(ii) Halt nonessential city government water use.

(iii) Encourage the public to wait until the current drought or emergency situation has passed before establishing new landscaping.

(iv) The City will, in the manner it deems necessary and appropriate, endeavor to implement viable alternative supply strategies.

(v) Allow irrigation in Stage 1 as follows:

A. Between April 1 and October 31, irrigation of landscape areas, foundations, trees and lawns with hose-end sprinklers or automatic irrigation systems is prohibited except on Tuesdays and Saturdays; and from November 1 to March 31 the irrigation of landscape areas, foundations, trees and lawns with hose-end sprinklers or automatic irrigation systems is limited to once per week as approved by the Director. An exception is allowed where establishment of vegetation is required by TCEQ for stormwater permits on new construction.

B. Irrigation of landscape areas, foundations, and trees is allowed on any day provided it is accomplished using a handheld hose equipped with an automatic shutoff nozzle, a hose filled bucket or watering can of five (5) gallons or less, a soaker hose, or a drip irrigation system. Excessive runoff is prohibited.

C. The City and School District may water parks, sports fields, landscaped and lawn areas of medians and parkways, or other municipal facilities throughout the week in a manner that achieves the equivalent of two water days between April 1 and October 31 and from November 1 to March 31 the equivalent of once a week as approved by the Director.

D. Except for hand watering with an automatic shutoff nozzle, or the use of soaker hoses or drip irrigation systems, irrigation of lawns or

landscape areas is prohibited between the hours of 10:00 a.m. and 6:00 p.m. from April 1 through October 31.

(vi) Discourage over seeding of cool season turf grasses (such as rye grass or other similar grasses) that intensify cool season water requirements, except where establishment of vegetation is required by TCEQ for stormwater permits on new construction.

(2) Stage 2. The goal for water use reduction under Stage 2 is a reduction of five percent (5%) in the use that would have occurred in the absence of emergency management measures. During a Stage 2 shortage:

(a) The City will endeavor to continue or initiate actions available under Stage 1.

(b) The City will, in the manner it deems necessary and appropriate, endeavor to implement viable alternative water supply strategies.

(c) The operation of any ornamental fountain or pond for aesthetic or scenic purposes, if it uses potable water, is prohibited except when necessary to support aquatic life.

(d) The use of water to wash down sidewalks, walkways, driveways, parking lots, tennis courts, or other hard surfaces areas is prohibited except for human health and safety purposes. Use of water for dust control on construction projects is permitted to the extent allowed or required by law or regulation.

(e) Use of water to wash any vehicle, including without limitation a motor vehicle, motorcycle, boat, trailer, or airplane, is prohibited unless the source of water is equipped with an automatic shutoff nozzle that will stop the flow of water when that flow is not needed to rinse the vehicle being washed.

(f) Use of water in such a manner as to allow runoff or other waste is prohibited. Water runoff is excessive when it extends for a distance greater than ten (10) feet from the property's boundary lines; onto an adjacent property; or ten (10) feet past the targeted irrigation area for commercial sites. Excessive water runoff can be cause for termination of water service.

(g) Irrigation is allowed in Stage 2 as follows:

(i) Between April 1 and October 31, irrigation of landscape areas, foundations, trees and lawns with hose-end sprinklers or automatic irrigations systems is limited to one day per week on the day designated for residential trash pickup in customer's area; and from November 1 to March 31 the irrigation of landscaped areas, foundations, trees and lawns with hose-end sprinklers or automatic irrigation systems is limited to one day every other week on the day designated for collection of recyclable materials in customer's area.

(ii) The City and School District may water parks, sports fields, landscaped and lawn areas of medians and parkways, or other municipal facilities throughout the week in a manner that achieves the equivalent of one water day between April 1 and October 31 and from November 1 to March 31 the equivalent of once every other week as approved by the Director.

(iii) Irrigation of landscaped areas, trees, lawns or foundations is permitted at any time if it is done by means of a handheld hose equipped with an automatic shutoff nozzle, soaker hoses, or by drip irrigation. Water runoff (Paragraph 2(f) continues to be prohibited.

(iv) Golf courses using potable water may water fairways on designated watering days only, but may water greens and tee boxes as necessary. Athletic fields may be watered as necessary to insure the safety and well-being of the public.

(v) An exception is allowed where establishment of vegetation is required by TCEQ for stormwater permits on new construction.

(vi) Irrigation systems may be run for ten (10) minutes per station to test and repair the system and insure proper operation.

(vii) Except for hand watering with a handheld hose equipped with an automatic shutoff nozzle, or the use of soaker hoses or drip irrigation systems, irrigation of lawns or landscape areas is prohibited between the hours of 10:00 a.m. and 6:00 p.m. from April 1 - October 31.

(h) Existing swimming pools, wading pools, hot tubs or spa-type pools may not be drained and refilled; provided, however, that water may be added to swimming pools to replace losses during normal use or may be refilled immediately after repair by a commercial pool company.

(i) Discourage hydroseeding, hydromulching, and sprigging, except where establishment of vegetation is required by TCEQ for stormwater permits on new construction.

(j) Tenants of a rental property may not be required to plant or irrigate turfgrass. The Landlord, Home Owner's Association or designated representative, may hand water the turfgrasses for a maximum of two hours per day. If a Landlord chooses to hand water, they agree to deduct 75% of the retail public utility's master meter bill for water and sewer service before allocating it to the tenants (in accordance with Texas Administrative Code, Public Utility Commission of Texas, Chapter 24, Subchapter I, Rule 24.281, ii).

(3) Stage 3. The goal for water use reduction under Stage 3 is a reduction thirty percent (30%) in the use that would have occurred in the absence of emergency management measures. During a Stage 3 shortage:

(a) The City may continue or initiate any actions available under Stages 1 and 2.

(b) The City will, in the manner it deems necessary and appropriate, endeavor to implement viable alternative water supply strategies.

(c) Use of water to wash any vehicle at any location other than a commercial vehicle washing facility, including without limitation a motor vehicle, motorcycle, boat, trailer, or airplane, is prohibited unless for health, sanitation or safety reasons and for essential governmental purposes. A hose-end automatic shutoff nozzle must be used for this exception.

(d) Irrigation of landscape areas, foundations, trees and lawns with hose-end sprinklers or automatic irrigation systems is prohibited. Landscape areas, foundations, and trees may be watered for up to 2 hours on any day by a handheld hose equipped with an automatic shutoff nozzle, a soaker hose, or a drip irrigation system. Athletic fields may be watered

as necessary to insure the safety and well-being of the public. Excessive run-off continues to be prohibited.

(e) Permitting of pools is prohibited. Pools already permitted may be completed and filled with water. Existing pools may add water to maintain pool levels but may not be drained and refilled.

(f) Discourage the establishment of new landscaping. An exception is allowed where establishment of vegetation is required by TCEQ for stormwater permits on new construction.

(g) Prohibit golf course watering with potable water except for greens and tee boxes.

(h) Require all commercial users to reduce water use by a percentage established by the City Manager or his designee.

(i) The operation of any ornamental fountain or pond for aesthetic or scenic purposes, if it uses potable water, is prohibited except where necessary to support aquatic life.

Sec. 51.94 Water rationing surcharges

Surcharges on water consumption may be imposed and collected during any emergency response stage approved by the Council.

Sec. 51.95 Enforcement

Water use restrictions imposed in Stage 1, 2 and 3 emergency response stages may be enforced as follows:

(1) Upon the first or a subsequent violation, a customer may be issued a citation, with minimum and maximum fines as established by ordinance.

(2) Upon the second or a subsequent violation, the City may terminate water service to the customer. Services discontinued pursuant to this subsection will be restored only upon payment of a reconnection charge as set forth in [section 50.30](#)(D)(1)(b) of this Code.

(3) Any person in apparent control of the premises where a violation occurs or originates is presumed to be the violator, and proof that the violation occurred on the person's premises constitutes a rebuttal presumption that the person in apparent control of the property committed the violation. Parents are

presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on the premises under the parent's control constitutes a rebuttal presumption that the parent committed the violation. The presumption may be rebutted by proof that the parent had previously directed the child not to use the water as it was used in violation of the plan and that the parent could not have reasonably known of the violation.

Sec. 51.96 Variances

(A) The director may, in writing, grant a temporary variance of existing water uses otherwise prohibited under the plan if the director determines that the failure to grant such a variance would cause an emergency condition adversely affecting the public health, safety or welfare, or the person requesting the variance would suffer an undue hardship and the person demonstrates that:

- (1) Compliance with the plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the plan is in effect; or
- (2) Alternative methods can be implemented which will achieve a similar level of reduction in water use.

(B) A petition for a variance must include the following:

- (1) The name and address of petitioners;
 - (2) The purpose of the intended water use;
 - (3) The specific requirement of the plan from which the petitioner is requesting relief;
 - (4) A detailed statement as to how the specific requirement creates a hardship unique to the petitioner or adversely affects the petitioner, and a statement as to what damage or harm will occur to the petitioner or others if the petitioner complies with this article;
 - (5) A description of the relief requested;
 - (6) The period of time for which the variance is sought;
- and

(7) A description of what alternative water use restrictions or other measures the petitioner is taking or proposes to take in order to meet the intent of this plan.

(C) Unless waived or modified in writing by the director, a variance granted under this section shall include a timetable for compliance and shall contain a condition terminating the variance if the petitioner fails to meet a specified requirement of the variance.

(D) No variance will be retroactive or otherwise justify any violation of this plan that occurs prior to the issuance of the variance.

Sec. 51.97 Provisions to inform the public and opportunity for public comment

The City will provide the opportunity for public input in the development of this water resource emergency plan by the following means:

(1) Providing written notice of the proposed plan and opportunity to comment on the plan by newspaper, posted notice and/or notice on the City's website.

(2) Providing the draft plan to anyone requesting a copy.

(3) Holding a public meeting to give the public the opportunity to provide input on the plan. The meeting will be held at a time and location convenient to the public.

Sec. 51.98 Provisions for continuing public education and information

(A) The City will inform and educate the public about the water resource emergency 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 website.

(3) Including information about the water resource emergency plan on the City's website.

(4) Notifying local organizations, schools, and civic groups that staff are available to make presentations on the plan (usually in conjunction with presentations on water conservation programs).

(B) At any time that the plan is activated or the emergency response stage changes, the City will notify local media of the issues, the current emergency response stage, and the specific actions required of the public. The information will also be publicized on the City's website and on social media channels. Billing inserts will also be used as appropriate.

Sec. 51.99 Coordination with the regional water planning group

A letter will be sent to the chair of the region C water planning group with a copy of this water resource emergency plan. The city will also send a copy of this water resource emergency plan to NTMWD.

Sec. 51.99.1 Review and update of water resource emergency plan

As required by TCEQ rules, the City will review and update the water resource emergency plan every five years. The plan will be updated as appropriate based on new or updated information."

Section 2

That Article VIII, "Water Conservation Plan", of Chapter 51, "General Utility Provisions", of the Code of Ordinances of the City of Garland, Texas, is hereby amended 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:

Advanced Metering Infrastructure (AMI) means an integrated system that enables secure two-way communication between City of Garland

utilities and customers. The system collects, stores, and presents utility usage data in real time identifying use trends that can be used to improve efficiency.

Code means the Code of Ordinances of the City, as amended.

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.

Customer means any person (as that term is defined in [section 10.03](#) of this Code) using or receiving water supplied by the City.

Dedicatory instrument means each document governing the establishment, maintenance, or operation of a residential subdivision, planned unit development, condominium or townhouse regime, or any similar planned development. (i.e. a Home Owners Association (HOA)).

Director means the Managing Director of Water, Wastewater, and Water Recycling of the City, his or her designee, or such other individual to whom the City Manager has appointed the duties and authority under this article.

Drip irrigation is a method of landscape irrigation involving irrigation tubing that provides water directly to the roots of the plants.

Institutional use means the use of water by an entity dedicated to public service, such as a school, university, church, hospital, nursing home, or government facility. All facilities dedicated to public service are considered institutional regardless of ownership.

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.

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.

Municipal use means the use of potable water provided by a public water supplier as well as the use of treated wastewater effluent

for residential, commercial, public, and institutional applications.

Reclaimed water means reclaimed municipal wastewater that has been treated to a quality that meets or exceeds the minimum standards of Chapter 210 of the Texas Administrative Code and is used for lawn irrigation, industrial purposes, or other non-portable purposes.

Regulated irrigation property means any commercial property that uses one million gallons of water or more for irrigation purposes in a single calendar year.

Residential Gallons Per Capita Per Day ("Residential GPCD") means the total gallons sold for residential use by a public water supplier divided by the residential population served and then divided by the number of the days in the year.

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.

Soaker hose is a type of water hose made of porous material that allows water to seep out of the hose without spraying water into the air.

Total Gallons Per Capita Per Day ("Total GPCD") means the total amount of water diverted and/or pumped for potable use divided by the total permanent population divided by the days of the year. Diversion volumes of reuse as defined in 30 T.A.C. 288.1 shall be credited against total diversion volumes for the purposes of calculating Total GPCD for targets and goals.

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 recordkeeping, meter error, unmetered uses (i.e. firefighting), leaks, and water theft or unauthorized use.

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.

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 and reported in the water utility profile filed with the Texas Commission on Environmental Quality (or successor agency) as required or provided by law. The profile shall include information regarding population and customer data, water usage data, water supply system data, and wastewater system data. The director shall ensure that a copy of the most current filed report is available for public inspection and copying.

Sec. 51.119 Water conservation goals

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

Total Municipal per capita water use at or below 130.0
Total GPCD by the year 2029 and at or below 125.0
Total GPCD by the year 2034. 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.

(1) 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 recordkeeping data base.

(2) 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.

(3) 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.

(4) Meter repair and replacement. The Director shall endeavor to test and repair meters on an as needed basis. All meters shall be periodically replaced on an as needed basis.

(5) Control of unaccounted-for water. The Director shall endeavor to maintain unaccounted-for water below 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:

- (a) Meter replacement and/or repair.
- (b) Large meter recalibration.
- (c) Aggressive leak detection program.
- (d) Water audit.

(e) Any other action deemed necessary to reduce the unaccounted-for water use.

(6) Record management. Based on requirements of the Texas Administrative Code, the Director shall separate water use into the following categories:

- (a) Residential.
 - (i) Single-family
 - (ii) Multifamily
- (b) Commercial.
- (c) Public/institutional.
- (d) Industrial.
- (e) Agricultural.
- (f) Wholesale.

(7) Leak detection and repair. The Director shall endeavor, on a continual basis, to monitor water lines by visual inspection and sound amplifiers on a daily basis for potential water leaks. Satellite inspection shall be used on an as needed basis. Water lines shall be upgraded and replaced as necessary to correct any deficiencies. AMI shall be used to provide the public with information regarding their water usage.

(8) Public education and information. The Director shall endeavor to provide the public with information on water conservation with activities such as:

- (a) 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; posting information on the City's social media channels; and including inserts in utility bills highlighting water conservation material;
- (b) Water conservation presentations at schools and other meetings at the request of the organization;
- (c) Providing water conservation material at City public buildings;
- (d) Encouraging the use of AMI to monitor leaks and water usage when available;
- (e) Encouraging the use of native, drought-tolerant, or adaptive plants;

(f) Promoting the use of drip irrigation and rain barrels;

(g) Offering, as funding permits, educational water audits to water customers on a first-come, first-served basis.

(h) Promoting the use of regional evapotranspiration-based weekly watering advice through the online platforms "Water My Yard" and "Water is Awesome".

(9) Conservation water rate structure. The City has implemented a three-tier increasing block rate structure to discourage waste of water replacing the existing uniform rate type structure.

(10) 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 and NTMWD. The Director shall continue to identify additional opportunities for treated effluent reuse.

(11) Water conserving water fixtures. [Section 30.80](#) of this Code adopts the plumbing code, which requires new toilets, showerheads, and faucets that are installed to meet reduced water use requirements. Use of these new fixtures in new construction and in remodeling will reduce water demand.

(a) As funding permits, conservation credits shall be applied to a customer's utility bill when proof of purchase and a signed application has been received for the purchase of up to three (3) new toilets and up to one (1) new clothes washing machine.

(12) 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.

(13) 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.

(14) Reservoir system operation plan. The City purchases all of its water from NTMWD, which utilizes system operation. The City does not have its own surface water supplies for which to implement a system operation plan.

(15) Monitoring effectiveness of the water conservation plan. The City monitors the effectiveness of the Water Conservation Plan on an annual basis through yearly reports and updates the plan every five (5) years.

(16) 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. All new irrigation systems must be in compliance with state design and installation regulations (Title 30, Part 1, Chapter 344 of the Texas Administrative Code).

(a) Lawn and landscape irrigation restrictions; offenses.

(i) Watering with sprinklers or irrigation systems is limited to no more than two days per week (during April 1 - October 31), and no more than one day a week (during November 1 - March 31) provided no active drought restrictions are in effect. 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 him or a dedicatory instrument in a manner which exceeds the weekly watering limitations set forth in this section.

(ii) Except for hand watering using an automatic shutoff nozzle and or the use of soaker hoses or drip irrigation systems, 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 or a dedicatory instrument.

(iii) 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:

a. 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

b. An irrigation system or other lawn or landscape watering device to operate during any form of precipitation or freeze event.

(iv) 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:

a. Has any broken or missing sprinkler head; or

b. Has not been properly maintained in a manner that prevents the waste of water.

(v) A person commits an offense if he requires the installation of turfgrass or the irrigation of turfgrass, on a lawn or landscape of the premises owned, leased, or managed by him or a dedicatory instrument.

(vi) Except for golf courses and athletic fields, a person commits an offense if he knowingly allows the overseeding, sodding, sprigging, broadcasting or plugging with cool season grasses or watering of cool season grasses on a lawn or landscape of the premises owned, leased, or managed by him or a dedicatory instrument.

(b) Rain sensing devices and freeze gauges.

i. Any new irrigation system installed within the City on or after June 1, 2007, must be equipped with rain sensing devices and freeze gauges.

ii. A person commits an offense if, on premises owned, leased, or managed by him, he:

a. Installs, or causes or permits the installation of, a new irrigation system in violation of subsection (b) (i);

b. Operates, or causes or permits the operation of, an irrigation system that does not comply with subsection (b) (i); or

c. Fails to maintain the rain/freeze sensor in proper functioning order.

(c) Regulated irrigation premises.

A person commits an offense if, on a regulated irrigation premises owned, leased, or managed by him, he:

(i) Installs, or causes or permits the installation of a new irrigation system that has not been inspected at the same time as the initial backflow preventer inspection.

(ii) Does not regularly obtain and submit the results of an irrigation evaluation conducted by a licensed Texas irrigator.

(d) At home car washing can be done only when using a water hose with an automatic shut-off nozzle.

(17) The Director shall endeavor to coordinate with the regional water planning group in order to ensure consistency with the approved regional water plan.

(18) Hotels and motels are encouraged to offer a linen reuse water conservation option to customers."

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 Section 10.05 of the Code of Ordinances of the City of Garland, Texas. The City's authority to seek injunctive relief 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 Section 10.06 of the Code of Ordinances of the City of Garland, Texas.

Section 5

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

PASSED AND APPROVED this the _____ day of _____, 2024.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

Deputy City Secretary