

ORDINANCE NO. O-5-24

AN ORDINANCE OF THE CITY OF LAMESA, TEXAS AMENDING CHAPTER 13, ENTITLED "UTILITIES", ARTICLE 13.04 WATER SUPPLY EMERGENCY MANAGEMENT AND ARTICLE 13.05 "CROSS CONNECTIONS OF THE CODE OF ORDINANCES OF THE CITY OF LAMESA, TEXAS ADOPTING A DROUGHT CONTINGENCY PLAN; ESTABLISHING CRITERIA FOR THE INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES; ESTABLISHING RESTRICTIONS ON CERTAIN WATER USES; ESTABLISHING PENALTIES FOR THE VIOLATION OF ANY PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS; ESTABLISHING PROCEDURES FOR GRANTING VARIANCES; AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

On the 19th day of March, 2024, there came on and was held at the regular meeting place, the City Hall, an open meeting of the City Council of the City of Lamesa, Texas, held pursuant to the provisions of the Texas Open Meetings Act (Govt. Code, Chapter 551) there being a quorum present and acting throughout the meeting, the following ordinance was formally submitted by motion and duly seconded for the consideration and action of the meeting, to-wit:

WHEREAS, the City of Lamesa, Texas 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;

WHEREAS, the City recognizes that natural limitations due to drought conditions and other acts of God cannot guarantee an uninterrupted water supply for all purposes;

WHEREAS, Section 11.1272 of the Texas Water Code and applicable rules of the Texas Natural Resource Conservation Commission require all public water supply systems in Texas to prepare a drought contingency plan; and

WHEREAS, opportunity for the public to provide input into the preparation of the Plan was provided by the City of Lamesa by means of a public hearing held on March 19, 2024. The public was informed about the preparation of the plan and provided opportunities for input.

WHEREAS, as authorized under law, and in the best interests of the citizens of the City of Lamesa, Texas, the City Council deems it expedient and necessary to establish certain rules and policies for the orderly and efficient management of limited water supplies during drought and other water supply emergencies.

NOW, THEREFORE, BE IT ORDAINED BY the City Council of the City of

Lamesa: SECTION 1. That Chapter 13, entitled "Utilities", Article 13.04 Water Supply

Emergency

Management of the Code of Ordinances of the City of Lamesa, Texas, is hereby amended in its entirety to read as follows:

ARTICLE 13.04 WATER SUPPLY EMERGENCY MANAGEMENT

DIVISION 1. GENERALLY

Secs. 13.04.001-13.04.030 Reserved

DIVISION 2. Drought

Contingency Plan Part 1. Generally

Sec. 13.04.031 Policy; purpose and intent; scope

Declaration of Policy. 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 and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Lamesa hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Purpose and Intent. Water uses regulated or prohibited under this Water Supply Emergency Management Ordinance are considered to be non-essential and the continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section 72.138 of this Subchapter.

Drought Contingency Plan. This Subchapter shall serve as the Drought Contingency Plan as required under the provisions of Section 11.1272 of the Water Code of the State of Texas.

Public Involvement. Opportunity for the public to provide input into the preparation of the Plan was provided by the City of Lamesa by means of a public hearing prior to the meeting.

Public Education. The City of Lamesa will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. The information will be provided by means of a press release or utility bill inserts.

Coordination with Regional Water Planning Groups. The service area of the City of Lamesa is located within the Llano Estacado Planning Group (Region "O") and Canadian River Municipal Water Authority. The City Secretary is hereby authorized and directed to provide a copy of the plan to same.

References

State Law: Texas Water Code, Section 11.1272; Drought contingency plans for certain applicants and water rights holders.

Sec. 13.04.032. Authority of Mayor and City Manager

(a) Officers designated. The following officers of the City of Lamesa shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Subchapter:

- (1) the Mayor, acting under authority granted as Emergency Management Director in Section 81.023(a) of the Code of Ordinances of the City of Lamesa; or
- (2) the City Manager acting under the authority granted as Emergency Management

Coordinator in Section 81.023(b) of the Code of Ordinances of the City of Lamesa.

- (b) Implementation authorized. These officers are hereby authorized and directed to implement the applicable provisions of this Subchapter upon determination that such implementation is necessary to protect public health, safety and welfare.

References:

City Code of Ordinances: § 81.023; authority of mayor and emergency management coordinator to declare an emergency.

Sec. 13.04.033. Applicability

The provisions of this Subchapter shall apply to all persons, customers, and property utilizing water provided by the City of Lamesa. The terms "person" and "customer" as used in the Subchapter include individuals, corporations, partnerships, associations, and all other legal entities.

Sec. 13.04.034. Definitions

For the purposes of this Subchapter, the following definitions shall apply:

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

Commercial and institutional water use: water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer: any person, company, or organization using water supplied by the City of Lamesa.

Domestic water use: water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation or for cleaning a residence, business, industry, or institution.

Even number address: street addresses, box numbers or rural postal route numbers ending in 0, 2, 4, 6 or 8 and locations without addresses.

Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

Non-essential water use: water uses that are not essential or required for the protection of public, health, safety, and welfare, including:

- (1) irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
- (2) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (3) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (4) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (5) flushing gutters or permitting water to run or accumulate in any gutter or street;
- (6) use of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools.
- (7) Use of water in a fountain or pond for aesthetic or scenic purposes, except where necessary to support aquatic life;
- (8) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (9) Use of water from hydrants for construction purposes or any other purposes other than firefighting.

Odd numbered address: street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7 or 9.

Secs. 13.04.035-13.04.060 Reserved

Part II. Drought and Emergency Contingency Stages and Procedures

Sec. 13.04.061 Water Emergency Contingency Stage Implementation.

- (a) **Responsibility.** The Director of Utilities or his/her designee shall monitor the water supply and water demand for stage implementation under this Subchapter. Public notification of the initiation or termination of drought response stages shall be by means of publication of drought conditions on a daily basis and shall determine when conditions warrant initiation or termination of each response stage in the official newspaper of the City, on local radio and through any local organization television channel.
- (b) **Triggering criteria.** The triggering criteria described below are based on analysis of the vulnerability of the water source under drought of record conditions and any identifiable limitations of production and/or delivery systems.

Stage 1 - Mild Water Shortage Conditions

- (a) **Requirements for initiation.** Customers shall be requested to comply with the requirements and restrictions on certain non-essential water uses provided in Section 72.134(9) of the Code of Ordinances of the City of Lamesa when the water supply available is less than eighty percent (80%) of flow capabilities, or when the Director of Utilities determines that a "mild shortage condition" ("Stage 1") exists.
- (b) **Requirements for termination.** Stage 1 may be rescinded when all of the conditions listed as triggering events have ceased to exist as determined by the Director of Utilities.

Stage 2 - Moderate Water Shortage Conditions

- (a) Goal: Achieve a twenty-five percent (25%) reduction in daily water demand.
- (b) Requirements for initiation. Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section 72.134(9) of the Code of Ordinances of the City of Lamesa when the water supply available is less than seventy five percent (75%) of flow capabilities, or when the Director of Utilities determines that a "moderate water condition" ("Stage 2") exists based upon:
- (c) Water Use Restrictions: Under threat of penalty for violation, the following water use restrictions shall apply to all persons:
 - (i) Irrigation of landscape areas with hose-end sprinklers or automatic irrigation system shall be limited to even numbered days for customers with a street address ending in an even number (0,2,4,6 or 8), and odd number days for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9). Irrigation of landscape areas is limited to the hours between 6:00 a.m. and 10:00 a.m. and between the hours of 8:00 p.m. and 12:00 midnight. However, irrigation of landscaped areas is permitted at any time if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or a drip irrigation system.
 - (ii) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rises. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
 - (iii) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated watering days between the hours of 6:00 a.m. and 10:00 a.m. and between the hours of 8:00 p.m. and 12:00 midnight.
 - (iv) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited, except where necessary to support aquatic life or where such fountains or ponds are equipped with a re-circulation system.
 - (v) Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the City of Lamesa
 - (vi) The following uses of water are defined as non-essential and are prohibited:
 - a. wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 - b. use of water to wash down buildings or structures for purposes other than immediate fire protection.

- c. Flushing of gutters or permitting water to run or accumulate in any gutter or street; and
- d. failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

(d) Requirements for termination- Stage 2 may be rescinded when all of the conditions listed as triggering events have ceased to exist as determined by the Director of Utilities. Upon termination of Stage 2, Stage 1 becomes operative.

Stage 3 - Severe Water Shortage Conditions

(a) Requirements for initiation- Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Severe Water Shortage Conditions (“Stage 3”) of this plan when the water supply is less than 65% of flow capabilities or when the Director of Utilities determines that a "severe water crisis condition" exists based upon:

- (i) an analysis of water supply availability under drought of record conditions may indicate that there is an immediate risk of water supply shortage; or
- (ii) that there exist severe facility capacity limitations; or
- (iii) emergency conditions such as supply source contamination exists.

(b) Requirements for termination - Stage 3 may be rescinded when all of the conditions listed as triggering events have ceased to exist as determined by the Director of Utilities. Upon termination of Stage 3, Stage 2 becomes operative.

Stage 4- CRITICAL Water Shortage Conditions

(a) Requirements for initiation - Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for CRITICAL Water Shortage Conditions (“Stage 4”) of this Plan when the water supply is less than 50% of flow capabilities or when the Director of Utilities determines that a critical water condition exists.

(b) Requirements for termination - Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist or as determined by the Director of Utilities. Upon termination of Stage 4, Stage 3 becomes operative.

Stage 5 -EMERGENCY Water Shortage Conditions

(a) Requirement for initiation - Customers shall be required to comply with the requirements and restrictions for CRITICAL Water Shortage Conditions (“Stage 5”) of this Plan when the Director of Utilities or his/her designee, determines that a water supply emergency exists based upon

- a. Major water line breaks or pump or system failures occur, which causes unprecedented loss of capability to provide water service; or

b. Natural or man-made contamination of the water supply source(s).

(b) Requirements for termination - Stage 5 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist or as determined by the Director of Utilities. Upon termination of Stage 5, Stage 4 becomes operative.

Stage 6 - WATER ALLOCATION

Requirements for initiation. Customers shall be required to comply with the water allocation plan prescribed in Section 72.134(9) of the Code of Ordinances of the City of Lamesa of this Plan and comply with the requirements and restrictions for Stage 5 of the plan when:

Water Rationing. In that the water shortage conditions threaten public health, safety, and welfare, the Director of Utilities is hereby authorized to ration water according to the following water allocation plan:

(i) Single-Family Residential Customers

The allocation to residential water customers residing in a single-family dwelling shall be as follows:

Persons per Household	Gallons per Month
1 or 2	6,000
3 or 4	7,000
5 or 6	8,000
7 or 8	9,000
9 or 10	10,000
11 or more	12,000

"Household: means the residential premises served by the customer's "Persons per household" includes only those persons currently physically residing at the premises and expected to reside there for the entire billing period. It shall be assumed that a particular customer's household is comprised of two (2) persons unless the customer notifies the City of Lamesa of a greater number of persons per household on a form prescribed by the Director of Utilities. The Director of Utilities shall make his/her best effort to see that such forms are mailed or otherwise provided or made available to every residential customer. If, however, a customer does not receive such a form, it shall be the customer's responsibility to go to the City of Lamesa offices to complete and sign the form claiming more than two (2) persons per household. New customers may claim more persons per household at the time of applying for water service on the form prescribed by the Director of Utilities.

When the number of persons per household increases so as to place the customer in a different allocation category, the customer may notify the City of Lamesa on such form and the change will be implemented in the next practicable billing period. If the number of persons in a household is reduced, the customer shall notify the City of Lamesa in writing within two (2) days. In prescribing the method

for claiming more than two (2) persons per household, the City Secretary shall adopt methods to ensure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of persons in a household fails to timely notify the City of Lamesa of a reduction in the number of persons in a household shall be fined not less than \$25.00. Residential water customers shall pay the following surcharge:

- \$10.00 for the first 1,000 gallons over allocation.
- \$25.00 for the second 1,000 gallons over allocation.
- \$75.00 for the third 1,000 gallons over allocation.
- \$100.00 for each additional 1,000 gallons over allocation.

Surcharges shall be cumulative.

The allocation to Commercial

Customers shall be as follows:

A monthly water usage allocation shall be established by the Director of Utilities, or his/her designee, for each nonresidential commercial customer other than the industrial customer who uses water for processing purposes. The non-residential customer's allocation shall be approximately 75% of the customer's usage for the corresponding month's billing period for the previous 12 months. If the customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no history exists. Provided, however, a customer, whose monthly usage is less than 1000 gallons, shall be allocated 750 gallons.

The Director of Utilities shall make the best effort to see that notice of each non-residential customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the City to determine the allocation. Upon request of the customer or at the initiative of the Director of Utilities, the allocation may be reduced or increased if the designated period does not accurately reflect the customer's normal water usage, one nonresidential customer agrees to transfer part of its allocation to another nonresidential customer, or other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Mayor and City Council. Nonresidential commercial customers shall pay the following surcharges:

Allocation.

- \$20.00 per thousand gallons for the first 1,000 gallons over allocation.
- \$50.00 per thousand gallons for the second 1,000 gallons over allocation.
- \$150.00 per thousand gallons for a third 1,000 gallons over allocation.
- \$200.00 per thousand gallons for each additional 1,000 gallons over the surcharges shall be cumulative.

Requirement for termination - Water allocation may be rescinded when all of the conditions listed as triggering events have ceased to exist or determined by the Director of Utilities.

Sec. 13.04.062 Drought Response Stages

The Director of Utilities or his/her designee, shall monitor the water supply and water demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section 13.04.061 of this Plan, shall determine that a mild, moderate, severe, critical emergency or water shortage condition exists and shall implement the following actions upon publication of notice in a newspaper of general circulation.

(1) Stage 1 - Mild Water Shortage Conditions

Goal: Achieve a voluntary reduction in total water use.

Supply Management Measures: Measures, if any, to be implemented to manage limited water supplies and/or reduce water demand may include reduced or discontinued flushing of water mains, activation and use of an alternative supply source(s); and use of reclaimed for non-potable purposes.

Voluntary Water Use restrictions:

1. Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only between the hours of 6:00 am. and 10:00 a.m. and between the hours of 8:00 p.m. and 12:00 midnight on designated watering days.
2. All operations of the City of Lamesa adhere to water use restrictions prescribed for Stage 2.
3. Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

(2) Stage 2- MODERATE Water Shortage Conditions

Goal: Achieve a 25% percent reduction in daily water demand, etc.).

Supply Management Measures: Measures, if any, to be implemented to manage limited water supplies and/or reduce water demand may include reduced or discontinued flushing of water mains, activation and use of an alternative supply source(s); reduced or discontinued irrigation of public landscaped areas, and use of reclaimed water for non-potable purposes.

Water Use Restrictions for Demand Reduction: Under the Threat of penalty for violation, the following water use restrictions shall apply to all persons:

- (i) Irrigation of landscape areas with hose-end sprinklers or automatic irrigation system shall be limited to even numbered days for customers with a street address ending in an even number (0,2,4,6,8), and odd number days for water customers with a street address ending in an odd number (1, 3, 5, 7

or 9). Irrigation of landscape areas is limited to the hours of 6:00 a.m. until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. However, irrigation of landscaped areas is permitted at any time if it is by means of hand-held hose a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.

- (ii) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 6:00 a.m. until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rises. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
- (iii) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated watering days between the hours of 6:00 a.m. until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight.
- (iv) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a re-circulation system.
- (v) Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the City of Lamesa
- (vi) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 6:00 a.m. until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the City of Lamesa, the facility shall not be subject to these regulations.
- (vii) All restaurants are prohibited from serving water to patrons except upon request of the patron.
- (viii) The following uses of water are defined as non-essential and are prohibited:
 - (a) wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 - (b) use of water to wash down buildings or structures for purposes other than immediate fire protection.
 - (c) flushing gutters or permitting water to run or accumulate in any gutter or street; and
 - (d) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

(3) Stage 3 - - SEVERE Water Shortage Conditions

Goal: Achieve a 35% percent reduction in daily water demand.

Water Use Restrictions for Demand Reduction: All requirements of Stage 2 shall remain in effect during Stage 3 except:

- (i) Irrigation of landscaped areas shall be limited to designate watering days between the hours of 6:00 a.m. and 10:00 a.m. and between the hours of 8:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.
- (ii) The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the City of Lamesa.
- (iii) The use of water for construction purposes from designated fire hydrants under a special permit is to be discontinued.

Stage 4 - CRITICAL Water Shortage Conditions

Goal: Achieve a 50% percent reduction in daily water demand.

Water Use Restrictions for Demand Reduction: All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except:

- (i) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6:00 a.m. and 10:00 a.m. and between the hours of 8:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held bucket or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems are prohibited at all times.
- (ii) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6:00 a.m. and 10:00 a.m. and between the hours of 6:00 p.m. and 10:00 p.m.
- (iii) No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facility of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

Stage 5 -EMERGENCY Water Shortage Conditions

Goal: Achieve a 75% percent reduction in daily water demand.

Water Use Restrictions for Demand Reduction: All requirements of Stages 2, 3 and 4 shall remain in effect during Stage 5, except:

- (i) Irrigation of landscaped areas is absolutely prohibited.

- (ii) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.

Stage 6-WATER ALLOCATION

In the event that water shortage conditions threaten public health, safety and welfare, the Director of Utilities is hereby authorized to allocate water according to the following water allocation plan:

Single-Family Residential Customers

- (i) The allocation to residential water customers residing in a single-family dwelling shall be as follows:

Persons per Household	Gallons per
1 or 2	6,000
3 or 4	7,000
5 or 6	8,000
7 or 8	9,000
9 or 10	10,000
11 or more	12,000

- (ii) "Household" means the residential premises served by the customer's meter. "Persons per household" includes only those persons currently physically residing at the premises and expected to reside there for the entire billing period. It shall be assumed that a particular customer's household is comprised of two (2) persons unless the customer notifies the City of Lamesa of a greater number of persons per household on a form prescribed by the Director of Utilities. The Director of Utilities shall use best efforts to see that such forms are mailed or otherwise provided or made available to every residential customer. If, however, a customer does not receive such a form, it shall be the customer's responsibility to go to the Director of Utilities' office to complete and sign the form claiming more than two (2) persons per household. New customers may claim more persons per household at the time of applying for water service on the form prescribed by the Director of Utilities. When the number of persons per household increases so as to place the customer in a different allocation category, the customer may notify the Director of Utilities on such form and the change will be implemented in the next practicable billing period. If the number of persons in a household is reduced, the customer shall notify the Director of Utilities in writing within two (2) days. In prescribing the method of claiming more than two (2) persons per household, the Director of Utilities shall adopt methods to ensure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of persons in a household or fails to timely notify the City of Lamesa, Director of Finance of a reduction in the number of persons in a household shall be fined not less than \$100.00 and not more than \$500.00.

(iii) Residential water customers shall pay the following surcharge:

\$ 10.00 for the first 1,000 gallons over allocation.

\$ 25.00 for the second 1,000 gallons over allocation.

\$ 75.00 for the third 1,000 gallons over allocation.

\$100.00 for each additional 1,000 gallons over allocation.

(iv) Surcharges shall be cumulative.

Commercial Customers

A monthly water allocation shall be established by the Director of Utilities or his/her designee for each non-residential commercial customer other than an industrial customer who uses water for processing purposes. The non-residential customer's allocation shall be approximately 75% percent of the customer's usage for corresponding month's billing period for the previous 12 months. If the customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any month period for which no history exists. Provided, however, a customer whose monthly usage is less than 1000 gallons, shall be allocated 750 gallons. The Director of Utilities shall give his/her best effort to see that notice of each non-residential customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the Director of Utilities to determine the allocation. Upon request of the customer or at the initiative of the Director of Utilities, the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the customer's normal water usage, (2) one nonresidential customer agrees to transfer part of its allocation to another nonresidential customer, or (3) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Mayor or City Manager. Nonresidential commercial customers shall pay the following surcharges:

\$ 20.00 per thousand gallons for the first 1,000 gallons over allocation.

\$ 50.00 per thousand gallons for the second 1,000 gallons over allocation.

\$150.00 per thousand gallons for the third 1,000 gallons over allocation.

\$200.00 per thousand gallons for each additional 1,000 gallons over allocation.

Surcharges shall be cumulative.

Industrial Customers

A monthly water allocation shall be established by the Director of Finance, or his/her designee, for each industrial customer, which uses water for processing purposes. The industrial customer's allocation shall be approximately 90% percent of the customer's water usage baseline. Ninety (90) days after the initial imposition of the allocation for industrial customers, the industrial customer's allocation shall be further reduced to 80% percent of the customer's water usage baseline. The industrial customer's water baseline will be computed on the average water use for the 12-month period ending prior to the date of implementation of Stage 2 of the Plan. If the industrial water customer's billing history is shorter than 12 months, the monthly average for the period for which

there is a record shall be used for any monthly period for which no billing history exists. The Director of Finance shall give his/her best effort to see that notice of each industrial customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the Director of Finance to determine the allocation, and the allocation shall be fully effective notwithstanding the lack of receipt of written notice. Upon request of the customer or at the initiative of the Director of Utilities, the allocation may be reduced or increased, (1) if the designated period does not accurately reflect the customer's normal water use because the customer had shut down a major processing unit for repair or overhaul during the period, (2) the customer has added or is in the process of adding significant additional processing capacity, (3) the customer has previously implemented significant permanent water conservation measures such that the ability to further reduce water use is limited, (4) the customer agrees to transfer part of its allocation to another industrial customer, or (5) if other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Director of Finance. Industrial customers shall pay the following surcharges:

- (i) \$ 20.00 per thousand gallons for the first 1,000 gallons over allocation.
- (ii) \$ 50.00 per thousand gallons for the second 1,000 gallons over allocation.
- (iii) \$150.00 per thousand gallons for the third 1,000 gallons over allocation.
- (iv) \$200.00 per thousand gallons for each additional 1,000 gallons over allocation.

Surcharges shall be cumulative. As used herein, "black rate" means the charge to the customer per 1,000 gallons at the regular water rate schedule at the level of the customer's allocation.

Part III. ENFORCEMENT AND VARIANCES

Sec. 13.04.063 - 13.04.090 Reserved

Sec. 13.04.091 Enforcement

(a) No person shall knowingly or intentionally allow the use of water from the City of Lamesa for residential, commercial, industrial, agricultural, governmental or any other purpose in a manner contrary to any provision of this Subchapter or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by City Manager or his/her designee, in accordance with provisions of this Subchapter.

(b) Any person who violates this Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (500.00). Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the Director of Finance shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, hereby established at one hundred and fifty

dollars (\$150.00), and any other costs incurred by the City of Lamesa in discontinuing service. In addition, suitable assurance must be given to the Director of Finance that the same action shall not be repeated while the Plan is in effect. Compliance with this plan may also be sought through injunctive relief in the direct court.

(c) Any person, including a person classified as a water customer of the City of Lamesa, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation.

(d) Any police officer, or any other law enforcement employee of the City of Lamesa, may issue a citation to a person he/she reasonably believes to be in violation of this Ordinance. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the municipal court on the date shown on the citation for which the date shall not be less than 3 days nor more than 5 days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of the violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in the municipal court to enter a plea of guilty or not guilty for the violation of this Subchapter. If the alleged violator fails to appear in the municipal court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in the municipal court before all other cases.

Sec. 13.04.092. Variances

The City Manager or the City Manager's designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Subchapter if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

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

Persons requesting an exemption from the provisions of this Subchapter shall file a petition for variance with the City Manager within 5 days after the particular drought response stage has been invoked. All petitions for variances shall be reviewed by the City Manager, or his/her designee, and shall include the following:

- (1) Name and address of the petitioner(s).
- (2) Purpose of water use.
- (3) Specific provision(s) of the Subchapter from which the petitioner is requesting relief.
- (4) Detailed statement as to how the specific provisions of the Subchapter adversely affect the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with the Subchapter.
- (5) Description of the relief requested.
- (6) Period of time for which the variance is sought.
- (7) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Subchapter and the compliance date.
- (8) Other pertinent information.

Variances granted by the City of Lamesa shall be subject to the following conditions, unless waived or modified by the City Manager or his/her designee:

- (1) Variances granted shall include a timetable for compliance.
- (2) Variances granted shall expire when the provisions of this Subchapter are no longer in effect, unless the petitioner has failed to meet specified requirements.

No variance shall be retroactive or otherwise justify any violation of this Subchapter occurring prior to the issuance of the variance.

Secs. 13.04.093-13.04.120 Reserved.

Division 3. Water Conservation Plan

Sec. 13.04.121 Introduction

- (a) The City owns, operates and manages the public water supply system. The City Council approves all operating expenditures and improvements annually. Operations personnel take care of the day-to-day management and operational requirements.
- (b) The City waterworks system serves approximately 5,150 connections. The majority of these connections are within the city limits of the City. However, a few of the customers live outside the corporate limits of the City. The waterworks system covers approximately 4.426 square miles.
- (c) Over the past several years the City has experienced very moderate growth. However, the City's water works system has not been exceeded in its available capacity to supply the customers' demand. Purchased supply through the Canadian River Municipal Water Authority, along with groundwater capacity has served the city and its citizens quite well.
- (d) Wastewater is currently treated to primary standards and applied to agricultural land as irrigation water.

(e) In the South Plains of Texas, wastewater is often disposed on land as irrigation water to conserve the groundwater sources in the area. The area, being heavily agricultural, relies on irrigation water to provide crop production. The South Plains Underground Water District has provided research and assistance to the farmers in the district to show them efficient water use techniques to conserve the underground water resources. Both supply, pumping and application techniques have been instituted and the Ogallala aquifer has seen saturated thicknesses increase over recent years due to the improved conservation techniques.

(f) The City is aware of the need to conserve water and has been instrumental in providing water use reduction methods within the city. The city, in implementing this plan, will, in effect, increase the life of their existing groundwater supply and increase the treatment capacity of their wastewater treatment facility.

(g) The City has set a goal of per capita water use reduction of 5%. This shall be an annual goal for the City. The peak water use occurs in the summer when people are irrigating crops and watering yards and gardens. An educational program shall be initiated to show how to achieve the results of irrigation without wasting the water being applied.

Sec. 13.04.122 Public involvement

The City holds regular council meetings on the third Tuesday of every month at 5:30 p.m. These meetings are open to the public and the public is encouraged to attend and participate in the City's government process. Persons are encouraged to present concerns and comments to the council at these meetings, to help the councilmembers in their decision-making process. In addition, the city is a member of the Canadian River Municipal Water Authority which holds regular board meetings.

Sec. 13.04.123 Conservation goals

The water conservation plan outlined has the overall objective of reducing water consumption in the City's service area. It has the added advantage of reducing the amount of wastewater needing treatment and disposal. Although regional planning for the water supply is an important aspect of water conservation planning, it also focuses on measures that specifically reduce the amount of water used and, ultimately, on the amount of wastewater produced. Such measures will have the effect of extending the time until additional water and wastewater treatment capacity must be provided. The City has set a 5% per capita water usage reduction as an annual goal.

Sec. 13.04.124 Water conservation plan

(a) Education and information. The City shall adopt a two-phase education and information program. The program will be a two-year design that will emphasize the educational and informational aspects within the first year. During the second year, annual reminders will be given to the public, school children and civic groups. The City will provide water conservation materials to inform the system users of the ways to conserve water. The following are methods for informing the system users:

(1) First year program.

(A) Educational materials will be provided to all users of the system at City Hall when their monthly water bill is paid. In addition, the City will have one (1) mail out of material during the first-year program. The mail out will be a fact sheet about the adoption of the water conservation plan.

(B) Newspaper releases shall be published in the local newspaper of general circulation in the City as part of the first-year plan. Two (2) news releases each year shall be published to inform the public of the City's water conservation plan. If emergency conditions occur and/or supply problems are encountered, these news releases shall be published immediately, and the public will be informed of the situation.

(C) Other water conservation activities such as water education programs in the school will be promoted by the City. In addition, the City will provide speakers, information, handouts and other materials needed to promote water conservation within the city and surrounding area. Tips for water conservation shall be printed on the monthly water bills at least two (2) times per year.

(D) All new connections shall be provided with information on water conservation methods and water saving devices for the home.

(E) Contracts with other political subdivisions.

(i) Should the opportunity ever present itself for the City to provide water under contractual agreement to another political subdivision, the accepting subdivision shall adopt this water conservation plan prior to receiving any water. Otherwise, the accepting political subdivision shall already have in effect a plan of their own that has been approved by the state water development board.

(ii) The City shall include similar provisions for any existing contracts in effect at the time of the writing and for acceptance of this plan. Currently, the city has no contracts with other political subdivisions.

(F) Water conservation literature. Information concerning water conservation literature is available from the state water development board. Included in the literature are subject areas of agricultural and municipal conservation as well as state water resources and planning literature and audio-visual materials. This pre-printed information will be the basis for public education and is available from the following agency:

Texas Water Development Board
P.O. Box 13231, Capitol Station
Austin, Texas 78711-3231

(2) Second and subsequent years activities; long-term public information.

(A) During the second and subsequent years, the City shall include information on the customer's utility bill reminding the users of the need for conserving water at least three (3) times per year. During the year, the City shall have available to all metered customers information informing them of the status of the water conservation activities and the current status of the efforts exhibited by the users for the most previous past six (6) months.

(B) Water conservation material shall be made available to schools, secondary and elementary, for the children to take home. Public speakers shall be made available to various organizations to promote water conservation.

(C) As previously stated, newspaper articles shall appear at least twice per year informing the public of the water conservation plan in the city.

(b) Plumbing codes. The City has adopted a plumbing code which has several provisions pertaining to water conservation. This code is strictly enforced by the inspection and water department.

(c) Retrofit program. Customers in existing buildings, which do not have water saving devices, should be encouraged to replace their old plumbing fixtures. The informational material provided to them will help acquaint them with the types of devices and the advantages of installing them in their buildings. The City will encourage local plumbing suppliers to stock water saving devices for new and retrofit installations.

(d) Water rate structures. The City is exploring a water rate schedule that encourages water conservation practices. Currently the rate structure has a base rate for the 1st 1,000 gallons used and a step rate per thousand gallons charge for all water used over the 2nd 1,000 gallons. A 3rd step rate charge per thousand gallons is calculated for all water used after 3,000 gallons. The rate structure shall be adjusted as the requirements for operating the system and capital improvement costs increase. Monthly bills are prepared from meter readings in the system and the excess rate is calculated based on the amount of water metered.

(e) Meters. The current water system meters approximately 100% of the water used. Operations personnel are equipped to test all meters that appear to be excessively high or low based on the previous months' readings. Incorporated into the water conservation plan, is a case-by-case meter testing system. The City recently completed an AMR meter change out program of all City accounts, with options to convert to a fixed based system. All production meters are tested and calibrated annually.

(f) Water conservation landscaping. In order to reduce the demands placed on the water system by landscape and garden watering, the City, through its information and education program, will encourage customers and local landscaping companies to utilize water saving practices during installation of landscaping and gardens for residential and commercial institutions.

(g) Leak detection and repair. The current system has a leak detection program which will be maintained. The program includes the following:

- (1) Monthly water use is recorded, and previous months are compared to the existing readings to confirm excessively high increases or decreases from the previous month. Monitoring of elevated tanks and ground storage tanks which would indicate a major break in the distribution system.
- (2) Visual inspection of wells, ground storage tanks, and water meters by operations personnel, to watch for situations that would indicate leaks in the system.
- (3) An adequate maintenance staff available for repair of leaks.

(h) Recycling and reuse. The City currently reuses their wastewater as irrigation water on agricultural land adjacent to the wastewater treatment plant. With the construction of our new activated sludge treatment plant, the City has the option of irrigating public parks and golf courses with the treated effluent, as well as stream discharge.

Sec. 13.04.125 Implementation and enforcement

The water conservation plan will be enforced by the following methods:

- (1) Service taps will not be allowed for customers who do not meet the requirements of the water conservation plumbing fixtures. An inspector for the City will be responsible for verifying that the new customer complies with the plumbing ordinance.
- (2) The informational material provided to customers will show the cost saving advantages to those who retrofit their buildings with water saving fixture.
- (3) The City Inspector will not approve new construction unless it has met the proposed plumbing code.
- (4) The Water and Wastewater Superintendent shall assume the role of inspector and the City Inspector shall be in charge of enforcement of the plan.

Sec. 13.04.126 Conservation plan monitoring

Consumption data and status of water conservation will be reviewed annually.

Sec. 13.04.127 Public information suggestions

Suggestion on ways to save water which may be included in public information are listed below:

(1) Bathroom.

- (A) Take a shower instead of filling the tub and taking a bath. Showers usually use less water than tub baths.
- (B) Install a low-flow showerhead which restricts the quantity of flow at 60 psi to no more than 3.0 gallons per minute.
- (C) Do not use hot water when cold will do. Water and energy can be saved by washing hands with soap and cold water; hot water should only be added when hands are especially dirty.
- (D) Reduce the level of the water being used in a bathtub by one or two inches if a shower is not available.
- (E) Turn water off when brushing teeth until it is time to rinse.
- (F) Do not let the water run when washing hands. Instead, scrub and then turn back on again to rinse. A cut-off valve may also be installed on the faucet.
- (G) Shampoo hair in the shower. Shampooing in the shower takes only a little more water than is used to shampoo hair during a bath and much less than shampooing and bathing separately.
- (H) Hold hot water in the basin when shaving instead of letting the faucet continue to run.
- (I) Test toilets for leaks. To test for a leak, a few drops of food coloring can be added to the water in the tank. The toilet should not be flushed. The customer can then watch to see if the coloring appears in the bowl within a few minutes. If it does, the fixture needs adjustment or repair.
- (J) Use a toilet tank displacement device. A one-gallon plastic milk bottle can be filled with stones or with water, recapped, and placed in the toilet tank. This will reduce the amount of water in the tank but still provides enough for flushing. (Bricks which some people use for this purpose are not recommended since they crumble eventually and could damage the working mechanism, necessitating a call to the plumber). Displacement devices should never be used with new low-volume flush toilets. Install a new low-volume flush toilet that uses 3.5 gallons or less per flush when building a new home or remodeling a bathroom.
- (K) Install faucet aerators to reduce water consumption.
- (L) Never use the toilet to dispose of cleansing tissues, cigarette butts, or other trash. This can waste a great deal of water and also places an unnecessary load on sewage treatment plant or septic tank.

(2) Kitchen.

(A) Use a pan of water (or place a stopper in the sink) for rinsing pots and pans and cooking implements when cooking rather than turning on the water faucet each time a rinse is needed.

(B) Never run the dishwasher without a full load. In addition to saving water, expensive detergent will last longer, and a significant energy saving will appear on the utility bill.

(C) Use the sink disposal sparingly, and never use it for just a few scraps.

(D) Keep a container of drinking water in the refrigerator. Running water from the tap until it is cool is wasteful. Better still, both water and energy can be saved by keeping cold water in a picnic jug on a kitchen counter to avoid opening the refrigerator door frequently.

(E) Use a small pan of cold water when cleaning vegetables rather than letting the faucet run.

(F) Use only a little water in the pot and put a lid on it for cooking most food. Not only does this method save water, but food is more nutritious since vitamins and minerals are not poured down the drain with the extra cooking water.

(G) Use a pan of water for rinsing when handwashing dishes rather than running a faucet.

(H) Always keep water conservation in mind and think of other ways to save in the kitchen. Small kitchen savings from not making too much coffee or letting ice cubes melt in a sink can add up in a year's time.

(3) Laundry.

(A) Wash only a full load when using an automatic washing machine (32 to 59 gallons are required per load).

(B) Use the lowest water level setting on the washing machine for light loads whenever possible.

(C) Use cold water as often as possible to save energy and to conserve the hot water for uses which cold water cannot serve. (This is also better for clothing made of today's synthetic fabrics).

(4) For appliances and plumbing.

(A) Check water requirements of various models and brands when considering purchasing any new appliance that uses water. Some use less water than others.

(B) Check all water line connections and faucets for leaks. If the cost of water is \$1.00 per 1,000 gallons, one could be paying a large bill for water that simply goes down the drain because of leakage. A slow drip can waste as much as 170 gallons of water each day, or 5,000 gallons per month, and can add as much as \$15.00 per month to the water bill.

(C) Learn to replace faucet washers so that drips can be corrected promptly. It is easy to do, costs very little, and can represent a substantial amount saved in plumbing and water bills.

(D) Check for water leakage that the customer may be entirely unaware of, such as a leak between the water meter and the house. To check, all indoor and outdoor faucets should be turned off, and the water meter should be checked. If it continues to run or tum, a leak probably exists and needs to be located.

(E) Insulate all hot water pipes to avoid the delays (and wasted water) experienced while waiting for the water to "run hot."

(F) Be sure the hot water heater thermostat is not set too high. Extremely hot settings wastewater and energy because the water often has to be cooled with cold water before it can be used.

(G) Use a moisture meter to determine when house plants need water. More plants die from over-watering than from being on the dry side.

(5) Out-of-door use.

(A) Water lawns early in the morning during the hotter summer months. Much of the water used on the lawn can simply evaporate between the sprinkler and the grass.

(B) Use a sprinkler that produces large drops of water, rather than a fine mist, to avoid evaporation.

(C) Turn soaker hoses so the holes are on the bottom to avoid evaporation.

(D) Water slowly for better absorption, and never water in high winds.

(E) Forget about watering the streets or walks or driveways. They will never grow a thing.

- (F) Condition the soil with compost before planting grass or flower beds so that water will soak in rather than run off.
- (G) Fertilize lawns at least twice a year for root stimulation. Grass with a good root system makes better use of less water.
- (H) Learn to know when grass needs watering. If it has turned a dull gray-green or if footprints remain visible, it is time to water.
- (I) Do not water too frequently. Too much water can overload the soil so that air cannot get to the roots and can encourage plant diseases.
- (J) Do not over-water. Soil can absorb only so much moisture and the rest simply runs off. A timer will help, and either a kitchen timer or an alarm clock will do. An inch and one-half of water applied once a week will keep most Texas grasses alive and healthy.
- (K) Operate automatic sprinkler systems only when the demand on the town's water supply is lowest. Set the system to operate between four and six a.m.
- (L) Do not scalp lawns when mowing during hot weather. Taller grass holds moisture better. Rather, grass should be cut fairly often so that only 1/2 to 3/4 inch is trimmed off. A better-looking lawn will result.
- (M) Use water can or hand water with the hose in small areas of the lawn that need more frequent watering (those near walks or driveways or in especially hot, sunny spots.)
- (N) Learn what types of grass, shrubbery, and plants do best in the area and in which parts of the lawn, and then plant accordingly. If one has a heavily shaded yard, no amount of water will make roses bloom. In West Texas, attractive arrangements of plants that are adapted to arid or semi-arid climates should be chosen.
- (O) Consider decorating areas of the lawn with rocks, gravel, wood chips, or other materials now available that require no water at all.
- (P) Do not "sweep" walks and driveways with the hose. Use a broom or rake instead.
- (Q) Use a bucket of soapy water and use the hose only for rinsing when washing the car.

Sec. 13.04.128 Public utility profile

The utility profile and other documentation pertaining to the Water Conservation Plan shall be kept on file in the office of the City Secretary. (Ordinance adopting Code)

SECTION 2 That Chapter 13 entitled “Utilities”, Article 13.05.005 Customer Classifications of the Code of Ordinances of the City of Lamesa, Texas, be, and is hereby, amended in its entirety to read as follows.

Sec. 13.05.005 Customer classifications

(a) Commercial connections.

- (1) A reduced pressure zone assembly (“RPZ”) shall be the minimum protection for all new or existing commercial connections which utilize the City's potable water supply unless approved by the Water Superintendent.
- (2) Additional assemblies may be required at point-of-use according to the degree of hazard as the city deems it necessary.

(b) Fire hydrant connection. An approved RPZ shall be the minimum protection for fire hydrant water meters which are being used for a temporary water supply during any construction or other uses which would pose a potential hazard to the public water supply.

- (I) It is the responsibility of all persons engaging in the use and rental of a fire hydrant water meter to abide by the conditions of this article. All fire hydrant water meter rentals shall meet the current requirements as provided for by the city.
- (2) Only City fire hydrant water meters with approved backflow prevention assemblies are allowed to be used within the City's boundaries.
- (3) Deposit fee for fire hydrant water meter with backflow prevention assembly. The deposit fee for fire hydrant water meters with backflow assemblies shall be \$1,000 .00 (one thousand dollars).
- (4) All nonapproved fire hydrant meters which are found to be in use in the City will be confiscated and enforcement action taken against the responsible party.
- (5) Before use of a fire hydrant water meter an inspection of the connection shall be performed by the City.

(c) Fire suppression systems. All new or existing fire lines which utilize the city's potable water supply shall have installed an approved backflow prevention assemblies according to the degree of hazard. An approved Double Check Assembly (“DC”) or RPZ shall be the minimum protection for fire sprinkler systems.

- (1) It is the responsibility of all property owners and persons in charge of any premises to abide by the conditions of this article. In the event of any changes to the plumbing

system, it is the responsibility of the property owner to notify the City. All costs associated with the purchase, installation, testing and repair of a DC or RPZ assembly is the responsibility of the property owner or person in charge of the premises.

- (2) All assemblies required on fire line suppression systems shall abide by the rules and regulations found in this article, with the exception that all testing on fire line suppression systems shall be completed by a licensed and registered fire line tester.

(d) Irrigation systems. All commercial irrigation systems that contain mechanical injection stations shall be required to have an RPZ. Residential irrigation systems shall be required to have a minimum of DC.

(e) Mobile units. The connection of a mobile unit to any potable water system is prohibited unless such connection is protected by an air gap or an RPZ. Prior approval and annual testing of any backflow prevention assembly shall be provided to the City before connection to any potable water system.

(f) Multiple connection . Any premises requiring multiple service connections for adequacy of supply and/or fire protection will be required to install a backflow assembly on all service lines to the premises. The type of assembly will be determined by the degree of hazard in the event of an interconnection between services.

(g) Recreational vehicles.

- (1) An HBVB shall be the minimum protection for all new or existing RV connections which utilize the city's potable supply.
- (2) All connections to a public or private line shall be a nontoxic supply line.

(h) Residential service connections. Any person who owns or controls any residential property which has been determined to have an actual or potential cross connection shall be required to eliminate the actual or potential cross connection and may be required to have an approved backflow assembly installed in accordance with this article.

(i) Grounds to disconnect. Any cross-connection control assembly that is not tested annually by a qualified tester with the results of the test provided to the city shall be ground to disconnect water service to an assembly.

(Ordinance O -02-13 adopted 1/22/13)

Secs. 13.04.093-13.04.120 Reserved

SECTION 3. Severability. It is hereby declared to be the intention of the City Council of the City of Lamesa, Texas, that the sections, paragraphs, sentences, clauses, and phrases of this

Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Plan shall be declared unconstitutional by the valid judgment of decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan, since the same would not have been enacted by the City Council of the City of Lamesa, Texas, without the incorporation into the Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 4. Effective Date. That this Ordinance adopted hereby, shall become effective 25th day of April, 2024.

SECTION 6. Public Education. The City of Lamesa will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of press releases and /or utility bill inserts.

SECTION 7. Coordination with Regional Water Planning Groups. The service area of the City of Lamesa is located within the Llano Estacada Regional Water Planning Group ("Region "O") and the Canadian River Municipal Water Authority. The City Secretary is hereby authorized and directed to provide a copy of this Plan to same.

SECTION 8. Publication. That the City Secretary is hereby authorized and directed to cause publication of the descriptive caption of the Ordinance as an alternative method of publication as provided by law.

Upon being put to a vote, the foregoing ordinance was Passed, on First Reading on the 19th day of March, 2024, by a majority vote; and then on the 16th day of April, 2024, there came on and was held at the regular meeting place, the City Hall, an open meeting of the City Council of the City of Lamesa, Texas held pursuant to the provisions of the Texas Open Meetings Act (Govt. Code, Chapter 551). There being a quorum present and acting throughout the meeting, the foregoing ordinance was formally submitted by motion and duly seconded for the consideration and action of the meeting, and upon being put to a vote, the foregoing ordinance was Passed on Second and Final Reading and Adopted this 16th day of April, 2024 by a majority vote and ordered to be spread upon the minutes of the City Council of the City of Lamesa, Texas, and recorded in the ordinance book thereafter.

ATTEST:

APPROVED:

Betty Conde
City Secretary

Josh Stevens
Mayor