

ORDINANCE NO. 2024-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS, ADOPTING THE REVISED WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN; AMENDING CHAPTER 13 "UTILITIES" ARTICLE 13-2 "WATER AND SEWER SERVICE" DIVISION 3 "WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN" OF THE ODESSA CITY CODE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE AND DECLARING AN EFFECTIVE DATE

WHEREAS, the City has been notified by the Texas Commission on Environmental Quality (TCEQ) that revisions to the City's Water Conservation & Drought Contingency Plan are required to bring the City into compliance with Title 30 Texas Administrative Code Chapter 288, more particularly, Section 288.22; and

WHEREAS, the required revisions consist of adding a provision to the Plan regarding pro rata curtailment of water deliveries to or diversions by wholesale water customers as provided in Texas Water Code, §11.039, and adding a provision regarding the inclusion of language in every wholesale water contract entered into or renewed that in the case of water shortage due to a drought, the water to be distributed shall be divided in accordance with Texas Water Code, §11.039; and

WHEREAS, in order to remain compliant with Texas Administrative Code, §288.22, the City of Odessa needs to amend City Code Article 13-2 "Water and Sewer Service";

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

Section 1. That the City Council hereby adopts the revised Water Conservation and Drought Contingency Plan.

Section 2. That the Odessa City Code Chapter 13 “Utilities” Article 13-2 “Water and Sewer Service” Division 3 “Water Conservation and Drought Contingency Plan” is hereby amended by repealing Division 3 “Water Conservation and Drought Contingency Plan” in its entirety and replacing with Division 3 “Water Conservation and Drought Contingency Plan” as follows:

CHAPTER 13 - UTILITIES

ARTICLE 13-2 WATER AND SEWER SERVICE

Division 3. Water Conservation and Drought Contingency Plan

§13-2-71 Purpose.

The Water Conservation and Drought Contingency Plan (Plan) for the City of Odessa, Texas (City) is established in accordance with the requirements of Title 30, Texas Administration Code, Chapter 288, and submitted to the Texas Commission on Environmental Quality. This document will be used by the City in its water conservation efforts and to address various levels of water shortages.

§13-2-72 Administration.

The Director of Utilities is designated as the Administrator for the implementation and enforcement of the Plan and is authorized to adopt any necessary administrative regulations and interpret and enforce the requirements of the Plan.

§13-2-73 Service area.

The service area for the City is within the Region F Water Planning Area. A copy of this Plan has been provided to the Region F Planning Group.

§13-2-74 Application.

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the City as treated by the Water Treatment Plant or provided as un-treated raw water delivered through the Colorado River Municipal Water District (CRMWD) transmission system. Other water sources, such as private wells or Reclaimed Water, as provided by the City’s Bob Derrington Water Reclamation Plant (Derrington Plant) are outside of the scope of this Plan. The terms “person” and “customer” as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

§13-2-75 Water contracts.

(a) Wholesale water contracts. All contracts for the sale of wholesale water, which are entered into, extended, or renewed after the adoption of this Plan, will require the wholesale customer to develop, adopt and implement a water conservation plan which satisfies the requirements set by the State of Texas and this Plan. Wholesale water

contracts shall prohibit the resale of water by the wholesale customer to other public water utilities.

- (b) Other water contracts. Contracts with other public utilities, industrial districts, or customers outside the City limits will include provisions requiring the customers served by these contracts to meet the requirements of this Plan.

§13-2-76 Definitions.

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

Administrator. Director of Utilities or his/her designee.

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, entity, or organization purchasing potable or Reclaimed Water supplied by the City.

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.

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

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

Non-essential water use. Water uses that are neither essential nor required for the protection of public, health, safety, and welfare, include:

- (1) irrigation of landscape areas, including parks, athletic fields and golf courses, except as 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) use of water to flush gutters or permit 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.

Reclaimed or reuse water. Wastewater effluent treated and discharged from the Derrington Plant intended for effluent reuse as defined by the TCEQ.

§13-2-77 **Water conservation plan**

(a) Introduction. This 2024 revision of the Water Conservation Plan (Plan) establishes water conservation measures, encourages water customers to conserve available water supplies, and monitors the effectiveness of the Plan. The Plan is submitted to the Texas Water Development Board as required by Section 13.146 of the Texas Water Code.

(b) System profile.

(1) Source water.

(A) The City receives all of its water, untreated, from the CRMWD. The majority of the water is surface water from Lake Ivie. Other surface water sources include Lake Thomas and Lake Spence when available. When needed, well water can be delivered to supplement surface water supplies. Well water is received from Ward County wells.

(B) The City does not operate any reservoirs or develop any of its source water. Pursuant to the provisions of the contract for raw water between City and CRMWD, CRMWD is responsible for providing the needed raw water resources to the City.

(2) Water treatment.

(A) The City of Odessa operates a conventional water treatment plant (WTP) using coagulation, flocculation, sedimentation, filtration, disinfection and pH adjustment for treatment of the surface water. The WTP's rated capacity is 55 MGD.

(B) The maximum daily volume of water treated since 2000 has not exceeded 40 MGD. The plant capacity is sufficient under current projections to exceed 20 years.

(3) Water service population characteristics.

(A) The City provides potable water to customers inside the city limits as well as to the Ector County Utility District (ECUD), several industrial districts, and by

contract to individual customers outside the city limits. In 2023, the estimated population served by the City's public water system was 159,868.

(B) The following is a summary of the accounts served according to customer classification:

Single Family	35,632
Multi-Family	13,558
Commercial	4234
Industrial	10
Wholesale Customer	1

(4) Wastewater treatment.

(A) The City provides wastewater treatment to its citizens, several industrial district customers, and by individual contracts to customers outside the city limits. Approximately 2.5 MGD of untreated wastewater is provided to the Gulf Coast Authority industrial wastewater treatment plant to assist in the treatment of their wastewater. This wastewater is diverted directly from the wastewater collection system. All other wastewater flow is treated at the Derrington Plant through extended aeration and single-stage nitrification treatment processes. This treatment is followed by clarification, disinfection and filtration. Treated water is either discharged to the Monahans Draw under the conditions of TCEQ Wastewater Discharge Permit No. WQ10238-002 or distributed to reuse customers. Sludge produced by the wastewater treatment process is dewatered and taken to the landfill for final disposal.

(B) The Derrington Plant is rated at 12.7 MGD. The Derrington Plant currently receives between 5.5 to 7.0 MGD dry weather flow rates; therefore, treatment capacity is not an issue.

(5) Ector County Utility District (ECUD). The City of Odessa has provided water to ECUD since approximately 1976. A master meter has been installed and meters flow to ECUD as a wholesale customer. The tracking of water is based on an automated meter infrastructure.

(c) Water reduction goals.

(1) Gallons per capita per day (gpcd) reduction. The currently required method for computing and tracking usage is gallons-per-capita-per-day (gpcd). The City will strive to reduce the gpcd usage by 0.5 gpcd each year for the next 10 years. The beginning gpcd baseline, established in 2019 (116 gpcd), is based on the average gpcd for the last five (5) years. This projection may have to be adjusted based on new or changing industrial users or population, trends in weather, or available water resources.

(2) Water loss reduction. Over the next ten (10) years, the City will strive to maintain its calculated water loss at less than 12%.

(d) Best management implementation schedule.

(1) Schedule.

Description	Currently Implemented	Improve Existing Program	Implement by 2025	Implement by -2030	Implement by -2035
System Water Audit and Water Loss	√				
Water Conservation Pricing	√				
Addressing Nonpayment and Theft Issues	√				
Prohibition of Wasting Water		√			
School Education		√			
Plumbing Code Enforcement	√				
Landscape Irrigation Conservation	√				
Golf Course Conservation	√				
Park Conservation	√				
Athletic Field Conservation	√				
Metering of all Connections	√				
Meter Replacement and Maintenance	√		√		
Wholesale Agency Assistance Program			√		
Effluent Reuse	√				
Public Information		√			
Leak Detection and Line Rehabilitation	√	√			

- (2) System water audit. The City will continue to annually conduct the water loss audit calculations published in the TWDB publication “Water Loss Audit Manual for Texas Utilities”. The results of this annual audit will be used to determine the effectiveness of the City’s water conservation program and whether adjustments to the program need to be made.
- (3) Water billing.
- (A) Water conservation pricing. Currently, the City uses an inclining block rate structure to encourage water conservation. During the annual development of the budget, revenues collected from the rates are evaluated to ensure sufficient funds are available to meet financial obligations, capital requirements, and operation and maintenance needs. The current rate structure is per 1000 gallons and codified and made part of the City’s Code of Ordinances in Chapter 13, Article 13-2, Division 2, entitled “Rates”. There is also a minimum charge for the first 2,000 gallons based on the meter size.
- (B) Cut off for unpaid bills. Customers who do not pay for water service have their water service terminated approximately 20 days after the original due date. Service is not reactivated until payment arrangements are made.
- (C) Water theft. When water theft is determined, service is immediately disconnected and will not be reinstated until all fines and fees are paid.

- (4) Prohibition of wasting water. The City has implemented a nuisance water ordinance and enforcement strategy for the purpose of restricting the improper discharge of water by its discharge into the streets. Imposing hours of irrigation for automated irrigation systems will also be considered.
- (5) Plumbing code enforcement. The City enforces the 2018 International Plumbing Code which requires installation of the following water conserving fixtures in new construction.

Fixture	Maximum Flow Rate
Lavatory, private	2.2 gpm at 60 psi
Lavatory, public, (metering)	0.25 gallon per metering cycle
Lavatory, public (other than metering)	0.5 gpm at 60 psi
Shower head	2.5 gpm at 80 psi
Sink faucet	2.2 gpm at 60 psi
Urinal	1.0 gallon per flushing cycle
Water closet	1.6 gallons per flushing cycle

- (6) School education program.
 - (A) The City makes staff available to assist in teaching the curriculum or making water conservation related presentations at local schools as requested.
 - (B) Tours of the WTP and water education brochures suitable for distribution to school children are also available.
- (7) Landscape Irrigation Conservation.
 - (A) The City establishes minimum standards for installation of irrigation systems within the City and its extraterritorial jurisdiction. This ordinance requires irrigation system designs which must be submitted to the City for review prior to the installation of the system. New irrigation systems must be designed, installed, maintained and repaired in a manner which will promote water conservation. The ordinance requires the irrigation system to:
 - (i) Operate at pressures provided by the distribution system.
 - (ii) Limit water spray over impervious materials.
 - (iii) Have separate zones based on plant material type, microclimate factors, topographic features, soil conditions and hydrological requirements.
 - (iv) Include rain or moisture shutoff device. Repairs to existing automatic irrigation systems require replacement with a controller which has a rain or moisture shutoff device.
 - (B) Beginning in 2010, a licensed irrigator or licensed irrigator technician must be onsite during the installation of the irrigation system unless the system is being installed by the homeowner. Failure to comply with the requirements of the ordinance may result in a fine of up to Two Thousand and no/100 Dollars (\$2,000) per day.

- (8) Golf course conservation. The three golf courses located within the city limits are irrigated with Reclaimed Water. Raw or potable water is only available to the golf courses if Reclaimed Water is unavailable.
- (9) Parks conservation.
- (A) The Parks Department has converted all of its parks irrigation systems, except one, from manual operation to automatic irrigation systems. The last park is currently under design to convert the irrigation system to an automated system. In addition, the following conservation related issues have been or will be incorporated into the City's parks operations:
- (i) All irrigation systems will be equipped with controllers that would allow future conversion to a master control irrigation system.
- (ii) Drip irrigation systems will be located in all planting beds.
- (iii) Plans are under development to convert all bubble systems to drip.
- (iv) Installation of low trajectory irrigation heads at the perimeter of the parks sites to reduce drift. Future irrigation systems will be designed to include the low trajectory irrigation heads along the parks perimeter.
- (v) Irrigation schedules for automated sites are programmed to irrigate at night.
- (vi) Plant materials indigenous to Odessa's climate and soil conditions are used at the park sites.
- (B) One detention pond is located within the Memorial Gardens Park. When the water level in the pond recedes during drought conditions, Reuse Water is used to supplement the runoff water.
- (C) The UTPB Park is irrigated with Reuse Water or raw water when Reuse Water is unavailable. The Memorial Gardens Park is irrigated with a combination of Reuse Water and runoff water.
- (10) Athletic field conservation. All athletic fields operated by the Parks Department are equipped with automated sprinkler systems. The athletic fields at the UTPB Park are irrigated with Reuse Water rather than the potable water supply.
- (11) Metering of all connections.
- (A) Master meters are currently installed at the WTP and are calibrated monthly. An accuracy of plus or minus 5 % is required for these meters.
- (B) The City has implemented automated meter reading of all customer connections, including City-owned and operated facilities. All new construction is also required to be metered. The type of meter installed will be evaluated to ensure an appropriate meter to satisfy the customer's usage.
- (12) Meter replacement and maintenance.

- (A) As part of the City's meter replacement program, the meter installation included the installation of bypasses and test portals which allow testing of the meters. After installation of the large meters, the following test schedule was implemented:
 - (i) 6" and larger meters: Annually
 - (ii) 3 and 4" meters: Once every 4 years
 - (iii) 1 ½ and 2 meters: Once every 6 years
- (B) In addition, 3/4 and 1" meters were placed on a replacement schedule of 10 years or 1,200,000 gallons.
- (C) The above testing and replacement frequencies may be adjusted based on factors such as suspected problems with a meter or meter evaluations which indicate the frequency should be increased or decreased.
- (D) The City completed the installation of AMI meters in 2016. Improved installation has improved metering accuracy and usage accountability.

(13) Wholesale agency assistance program.

- (A) As provided in the wholesale contract with ECUD, ECUD is required to implement a water conservation program which is as stringent as the one adopted by the City.
- (B) Under the requirements of the wholesale contract, ECUD is master metered. ECUD installed AMI meters throughout its service area in 2016, improving metering accuracy and accountability.
- (C) The City will make its public and school education programs available to ECUD's customers.

(14) Reuse water program.

- (A) The City has a very active reuse program. Customers are encouraged to participate in the reuse program by provision of high-quality water sold at a cost which is considerably less than potable water. The customer base includes:
 - (i) Industrial Customers:
 - a. Power plant
 - b. Petrochemical plant*
 - (ii) Irrigation Customers:
 - a. The University of Texas Permian Basin*
 - b. UTPB Park
 - c. Memorial Gardens

- d. Odessa Country Club*
- e. Links Golf Course*
- f. Ratliff Golf Course*
- g. Texas Department of Transportation Right of Way*

*Original customers

- (B) Since much of the Reuse Water is provided for irrigation purposes, the amount of water actually used is highly dependent on the season and rainfall. Therefore, effluent available for reuse that goes unused is generally discharged daily. Due to the high quality and lower cost of the reuse water, other potential customers have requested the reuse water.

(15) Public information.

- (A) The City provides an annual mail out to all customers which contains indoor and outdoor water conservation information. In addition, each new water customer is given a water conservation brochure.
- (B) City staff is available to make water conservation presentations to organizations upon request.
- (C) The local Master Gardeners, Keep Odessa Beautiful organization, and the Texas Agricultural Extension Agent have also been very helpful in providing information to the City and its customers on outdoor water conservation. The City will continue to work with these groups to improve its public outreach in these areas.
- (D) The City provides conservation information through its website. The City will work to update the website and its information and to publicize its availability through the government access channel and other means.

(16) Leak detection and rehabilitation.

- (A) Customer leaks. Through its customer billing system, the City of Odessa monitors water consumption, inspects meters which vary significantly from previously established norms, and assists customers in determining a leak in their system.
- (B) System leaks. Notifications of leaks are taken 24 hours each day. Each leak is investigated as soon as possible, and repaired if the leak is on the City line.
- (C) Distribution system rehabilitation program.
 - (i) Due to aging infrastructure within the City's distribution and collection system, the City of Odessa's City Council has approved approximately 50 million dollars for the rehabilitation of the systems (including large meter change out previously discussed). The City employed an outside consultant to assist in the completion of an infrastructure study which will help determine the priority which should be set in the replacement or rehabilitation of lines.

- (ii) Through the replacement of the distribution lines, it is anticipated that many currently undetermined leaks will be resolved. In addition, the water flushed through the system to maintain water quality and resolve customer complaints will be reduced.

§13-2-78 Drought contingency plan

(a) Introduction.

- (1) This 2024 revision of the Drought Contingency Plan is established to protect the integrity of water supply facilities including domestic uses, sanitation and fire protection, and to protect and preserve public health, welfare and safety and minimize the adverse impacts of water supply shortages or other emergency conditions. Water supplies which fall outside of the raw or potable water supply as furnished by the CRMWD or the City, respectively, fall outside the scope of this Plan, as does the use of water from private water wells. The provision of Reclaimed Water by the Derrington Plant is managed as a separate item and its use is governed outside of this Plan. The Plan is submitted to the Texas Commission on Environmental Quality in compliance with the requirements of Title 30, Texas Administrative Code, Chapter 288.
- (2) Water uses regulated or prohibited under this Drought Contingency Plan (the Plan) are considered to be nonessential and continuation of these uses when the Plan is implemented will constitute a waste of water and will subject the offender to the penalties allowed in subsection (m).

(b) Public involvement. The City, through education and distribution of public information, encourages public involvement and input into water conservation and drought contingency policy and efforts.

(c) Public education.

- (1) The City will periodically provide the public with information about the Plan including the conditions under which each stage of the Plan will be initiated and terminated and the drought response measures to be implemented in each stage. This information will be provided by means of a mail-out and posting on the City's website.
- (2) When trigger conditions requiring mandatory restrictions appear to be approaching, the public will be notified through the local newspaper, media, the City's website and the government access channel.
- (3) When the trigger conditions have passed, the public will be notified through the local newspaper, media, the City's website and the government access channel that the drought contingency measures can be abated or reduced. Measures will be outlined for any reduced measures.
- (4) Through the period of the trigger condition, regular information will be provided to the public to inform them of the cause of the condition and the requirements for water reduction.

(d) Authorization. The Administrator or his/her designee is authorized to implement the applicable provisions of this Plan upon determination that such implementation is

necessary to protect public health, safety or welfare, which shall include the authority to designate irrigation schedules on designated days and hours. The Administrator also has the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

- (e) Criteria of initiation and termination of drought stages. The Administrator or his/her designee shall monitor the water supply based on information obtained from CRMWD and demand conditions on frequency sufficient to determine if the trigger conditions are met to initiate or terminate each stage of the Plan.
- (f) Triggers.
 - (1) Mild conditions.
 - (A) Requirements for initiation. Daily water demands exceed 90% of treatment plant's capacity to produce or pump water for three consecutive days.
 - (B) Requirements for termination. All triggering events have ceased to exist for a time period deemed appropriate by the Administrator.
 - (2) Moderate conditions.
 - (A) Requirements for initiation. Daily water demands exceed 95% of treatment plant's capacity to produce or pump water for three consecutive days.
 - (B) Requirements for termination. All triggering events have ceased to exist for a time period deemed appropriate by the Administrator.
 - (3) Severe conditions.
 - (A) Requirements for initiation. Daily water demands exceed 98% of treatment plant's capacity to produce or pump water for three consecutive days or the moderate conditions have remained in effect for an extended period, as determined by the Administrator.
 - (B) Requirements for termination. All triggering events have ceased to exist for a time period deemed appropriate by the Administrator.
 - (4) Emergency conditions.
 - (A) Requirements for initiation. Emergency conditions can be invoked by the Administrator under the following conditions:
 - (i) Extended duration of severe conditions.
 - (ii) Extreme operational conditions such as major line breaks, pump or system failures which cause loss of capability to provide normal water service.
 - (iii) Natural or man-made contamination of the water source(s).
 - (B) Requirements for termination. All triggering events have ceased to exist for a time period deemed appropriate by the Administrator.

(5) Other triggers.

(A) Requirements for initiation. The Administrator can take the following conditions into consideration in determining if any of the trigger stages should be implemented:

(i) Water distribution pressures.

(ii) Imminent weather conditions.

(iii) Treated water storage reservoir levels.

(iv) Treatment and transmission facilities conditions.

(v) Request of the CRMWD due to limitation in available water supplies or their transmission facilities.

(vi) Other conditions deemed appropriate by the Administrator.

(B) Requirements for termination. All triggering events have ceased to exist for a time period deemed appropriate by the Administrator.

(g) Notification.

(1) Public. The Administrator will notify the public that any of the above trigger conditions have been implemented and the actions to be taken by one or more of the following means:

(A) Posting in the Odessa American.

(B) Public service announcements.

(C) TV and radio news stories.

(D) Posting on City's website and government access channels.

(E) Social media

(F) Other means as deemed appropriate.

(2) Additional notifications.

(A) The Administrator will notify the following entities or individuals as deemed necessary based on the conditions:

(i) Mayor and Council

(ii) City Manager

(iii) Fire Department

(iv) Emergency Management Coordinator

(v) Critical water user list

- (vi) Major water users
- (vii) Ector County Utility District, if applicable
- (viii) TCEQ

Note: The TCEQ must be notified whenever mandatory restrictions are imposed.

- (B) The Administrator will determine the most effective means of notifying the above individuals or entities but the use of phone calls, letters, emails or faxes may be used.

(h) Trigger condition responses.

(1) Mild conditions.

- (A) Target. Achieve a voluntary 1 to 5 percent reduction in daily water demand.

- (B) Best management practices.

- (i) Raise public awareness of need to conserve water supply.

- (ii) Request voluntary reductions in nonessential water use.

- (C) Water use restrictions.

- (i) Inform public through the news media that the trigger condition has been met and customers should look for ways to voluntarily reduce water use and discontinue water use for non-essential purposes.

- (ii) Notify major industrial users of the situation and request voluntary water use reductions.

- (iii) Request that water customers voluntarily limit irrigation of landscaped areas to hours outside of 10:00 am to 6:00 pm. Designated watering days may also be established by the Administrator.

(2) Moderate conditions.

- (A) Target. Achieve a 5 to 10% reduction in daily water demand.

- (B) Best management plan.

- (i) Implement mandatory restrictions on nonessential water uses.

- (ii) Reduce fire hydrant flushing except where needed to maintain water quality.

- (C) Water use restrictions. Since outside irrigation and certain other high uses may comprise 50% or more of total water use during the irrigation season and reductions thereof may result in reaching the targeted reductions during the irrigation season, the Administrator shall have the flexibility of initiating all or

part of the following restrictions as deemed necessary for moderate conditions.

(D) Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

(i) Irrigation of landscaped area with hose-end sprinklers and automatic irrigation systems shall be limited to days designated by the Administrator. No irrigation is allowed during the hours of 10:00 am to 6:00 pm on any day. This shall apply to the irrigation of all outdoor areas. Large tract irrigation, consisting of two (2) or more acres of a single property, shall be limited to 10-hour watering periods on designated days in order to allow the completion of required irrigation cycles.

The use of Reclaimed Water shall be exempt from this regulation. Those entities using Reclaimed Water for irrigation are subject to the supply management as determined by separate contractual and other limitations outside of this Plan.

(ii) 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 Odessa.

(iii) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle must be done with a hand-held bucket or hose equipped with a positive shutoff nozzle or other means to restrict flow when not immediately needed. Such washing is prohibited except on designated water days. No washing is allowed during the hours of 10:00 am to 6:00 pm on any day. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Washing of vehicles by so-called "mobile-wash" vendors is also allowed contingent upon that activity being in compliance with all other applicable rules and local laws. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public are contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

(iv) 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.** use of water for dust control, unless determined to be essential by State or Local Rule/Law;
- d.** flushing gutters or permitting water to run or accumulate in any gutter or street; and

- e. failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).
 - (v) All restaurants are prohibited from serving water to patrons except upon request of the patron.
 - (vi) No filling, refilling, or addition can be made between the hours of 10:00 am to 6:00 pm.
- (3) Severe conditions.
- (A) Target. Achieve a 10 – 15% reduction in daily water demand.
 - (B) Best management practices.
 - (i) Implement ban on certain types of non-essential water uses.
 - (ii) Consider implementation of a surcharge for excess water usage.
 - (iii) Discontinue all fire hydrants flushing except where critical to maintaining water quality.
 - (iv) Reduce or, if necessary, discontinue irrigation of public landscaped areas irrigated with the raw or potable water sources.
 - (C) Water use restrictions.
 - (i) Irrigation of landscaped areas shall be prohibited except on days and hours designated by the Administrator. All watering must be by hand-held hoses, buckets or drip irrigation. Use of permanently installed automatic sprinklers is prohibited at all times.
 - (ii) At the discretion of the Administrator, due to continued or extremely severe conditions, watering of all landscaped areas may be prohibited.
 - (iii) Public water use for the following non-essential uses will be prohibited:
 - a. Street washing;
 - b. Filling swimming pools, wading pools, Jacuzzi-type pools, or other recreational-type pools;
 - c. Operation of any ornamental fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life.
 - d. Washing of cars and other vehicles except required for public health and safety;
 - e. Construction uses from fire hydrants.
 - (iv) Other limits for water use for industrial, commercial, and residential customers as deemed necessary by the Administrator.

- (4) Emergency conditions.
- (A) Target. Reduce water usage as deemed necessary by the Administrator to alleviate the Emergency Conditions, maintain fire flows, and/or State requirements for the maintenance of distribution systems.
 - (B) Best management practices. Implement emergency response procedures appropriate for the type and anticipated duration of the emergency.
 - (C) Water use restrictions.
 - (i) Contact all large water users to require that they cease all landscape irrigation and reduce all other water uses as much as possible.
 - (ii) Implement Severe Condition restrictions as needed and practical in time frame of emergency for all other customers.
 - (iii) Implement Emergency Response Program as appropriate.
- (5) Water allocations. In the event a water shortage threatens public health, safety and welfare, the City Council may implement a surcharge system for water usage over specified volume for residential, commercial and industrial customers.
- (i) Update of trigger conditions. The City of Odessa will periodically examine its water production requirements and its ability to maintain these requirements to determine if trigger conditions should be revised. If it is determined that trigger conditions need to be revised, the Texas Commission on Environmental Quality will be contacted.
 - (j) Pro rata curtailment. In the event that the triggering criteria specified in subsection (f) of the Plan for Severe Conditions have been triggered, the Administrator, or his/her designee, is hereby authorized to initiate allocation of water supplied on a pro rata basis in accordance with Texas Water Code, §11.039.
 - (k) Contract provision. The City of Odessa will include a provision in every wholesale water contract entered into or renewed after adoption of the Plan, including contract extensions, that in case of a shortage of water resulting from drought, the water to be distributed shall be divided in accordance with Texas Water Code §11.039.
 - (l) Variance. The Administrator or his/her designee may, in writing, grant a temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency or hardship 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 this Plan 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.
 - (3) Persons requesting an exemption from the provisions of the Plan shall file a petition for variance with the City within five (5) days after the Plan or a particular drought

response stage has been invoked. All petitions for variances shall be reviewed by the Administrator or his/her designee and shall include the following:

- (A) Name and address of the petitioner(s).
- (B) Purpose of water use.
- (C) Specific provision(s) of the Plan from which the petitioner is requesting relief.
- (D) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Plan.
- (E) Description of the relief requested.
- (F) Period of time for which the variance is sought.
- (G) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (H) Other pertinent information.

- (4) Variances granted by the City shall be subject to the following conditions, unless waived or modified by the Administrator or his/her designee:
- (5) Variances granted shall include a timetable for compliance.
- (6) Variances can be terminated if the terms of the variance are not met by the customer.
- (7) Variances granted shall expire when the Plan is no longer in effect.
- (8) No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

(m) Enforcement and penalties.

- (1) No person shall knowingly or intentionally allow the use of water from the City for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this, the City of Odessa, Texas Water Conservation and Drought Contingency Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the Administrator, in accordance with provisions of this Plan.
- (2) Any person, including a person classified as a water customer of the City, 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.

- (3) Any person who violates this Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not more than Two Thousand and no/100 Dollars (\$2,000). 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 Administrator 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 reconnection charge, established by City policy, and any other costs incurred by the City in discontinuing service and all assessed fines. In addition, suitable assurance must be given to the Administrator 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 district court.

Section 3. That should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance or any other ordinance of the city as a whole or any part thereof, other than the part so declared to be invalid

Section 4. That any person violating the provisions of this ordinance shall be deemed guilty of a Class C misdemeanor and shall be punished by a fine not to exceed two thousand dollars (\$2,000.00) as provided in Odessa City Code Section 1-1-9 “General Penalty”.

Section 5. That the caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Odessa as provided by City Charter Section 65.

Section 6. That this ordinance shall go into effect five (5) days after its publication following adoption on second approval as provided by City Charter Sections 61 and 65.

The foregoing ordinance was first approved on the 23rd day of April, A.D., 2024, by the following vote:

Mark Matta	AYE
Steven P. Thompson	AYE
Gilbert Vasquez	AYE
Greg Connell	AYE
Chris Hanie	AYE
Denise Swanner	AYE
Javier Joven	AYE

The foregoing ordinance was adopted on second and final approval on the 14th day of May, A.D., 2024, by the following vote:

Mark Matta	AYE
Steven P. Thompson	AYE
Gilbert Vasquez	AYE
Greg Connell	AYE
Chris Hanie	AYE
Denise Swanner	AYE
Javier Joven	AYE

Approved this the 14th day of May, A.D., 2024.

Javier Joven, Mayor

ATTEST:

Norma Aguilar, City Secretary

APPROVED AS TO FORM:

Daniel C. Jones, City Attorney