

Ordinance No. 0066

AN ORDINANCE ADOPTING THE CODE OF ORDINANCES OF THE TOWN OF INDIAN LAKE (THE TOWN), WATER CONSERVATION AND DROUGHT CONTINGENCY WATER CONSERVATION STAGES; PROVIDING FOR SURCHARGE BASED ON WATER USAGE DURING CONSERVATION STAGES; PROVIDING FOR WATER ALLOCATION DURING SHORTAGES; PROVIDING FOR PENALTY OF UP TO \$500; PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER THEREOF.

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WHEREAS, the Town of Indian Lake will benefit from funds requested by the City of Los Fresnos from the Texas Water Development Board to fund improvements for water and sewer in colonia areas under Economically Distressed Areas Program; and

WHEREAS, the Town of Indian Lake is required by the Texas Water Development Board to adopt Water Conservation and Drought Contingency Plan in order to benefit from the said improvements;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF INDIAN LAKE COUNCIL:

SECTION 1. THAT the matters and facts recited in the preamble hereof are hereby found and determined to be true and correct.

SECTION 2. THAT the Town of Indian Lake's Ordinance No. 0066 is created to add Water Conservation and Drought Contingency Plan by the Town Council.

SECTION 3. THAT the Town Secretary is hereby authorized and directed to cause the caption of this Ordinance to be published in a newspaper having general circulation in the Town of Indian Lake, Texas in accordance with the provisions of the Code of Ordinances of the Town of Indian Lake Publication Ordinances.

SECTION 4. THAT if any part of this Ordinance are found to be invalid or unconstitutional by a court having competent jurisdiction, then such invalidity or unconstitutionality shall not affect the remaining part hereof and such remaining parts shall remain in full force and effect, and to that extent this Ordinance is considered severable.

SECTION 5. THAT the Code of Ordinances of the Town of Indian Lake, Texas be amended by adding thereto a new division entitled, "Drought Contingency" which shall read as follows:

UTILITIES

WATER

Drought Contingency

Section 1. Authority

Pursuant to Title 30 of the Texas Administrative Code Chapter 288, the requirements of 31 TAC 363.15, TAC 355, TAC 371 and section 16.054 of the Texas Water Code. Additional, requirements mandated by Senate Bill 1 (75th Texas Legislature) for municipalities with surface water rights in excess of 1,000 acre-feet per year.

Section 2. Conflicts

All Ordinances or parts of Ordinances of the Town of Indian Lake, Texas not consistent with or in conflict with the provisions of this Ordinance are hereby repealed.

Ordinance 0066 passed in January 21, 2000, enacting a Drought Contingency Plan for the Town of Indian Lake and its water customers in and out of the Town of Indian Lake and prescribing sanctions.

Section 3. Area of Jurisdiction

The Rules adopted by this Ordinance shall apply to all of the incorporated areas of the Town of Indian Lake, Texas.

Section 4. Water Conservation Required

No person shall knowingly make, cause, use or permit the use of water received from the Town water and wastewater utilities for residential, commercial, industrial, agricultural, governmental or any other purpose in a manner contrary to any provision of this division, or in an amount in excess of that as permitted by the conservation stage in effect pursuant to action taken by the Lake in accordance with the provisions of this division.

Section 5. Water Monitor

The Mayor or his designee shall monitor the projected supply and demand for water by its customers on a daily basis and shall recommend to the Town Council the extent of the conservation required through the implementation or termination of particular conservation stages in order for the Town to prudently plan for and supply water to its customers.

Section 6. Stages Implemented or Terminated

The Town Council may pass a minute order implementing a conservation measure as recommended by the Mayor, his designee or as otherwise deemed appropriate.

Section 7. Stage Publication

A. Public Notice

Minute order implementing a conservation measure as shall be made by public announcement and shall be published in a newspaper in general circulation. Publication shall continue as necessary until such time as all restrictions are removed.

B. Public Information

For all Conservation Stages, Notice of such request shall be given by the Mayor through appropriate circular, television, radio and newspaper media at the Mayor's discretion. Such notice shall be in both English and Spanish.

Section 8. Conservation Stages Effective Date

Minute order implementing a conservation measure shall become effective ten (10) days after such publication is Section 6 of this division.

Section 9. Conservation Triggers Conditions

Droughts and uncontrollable circumstances can disrupt the normal availability of water supplies. During drought periods, consumer demand is typically 15 to 25 percent higher than under normal conditions. Limitations on the supply of water or on facilities to pump, treat, store or distribute water can also present a public water supply utility with an emergency demand management situation.

Because of the stresses that sustained high peak water demands will place on the Town's water system, the trigger conditions for the Town of Indian Lake Drought Contingency Plan are based on excessive demand, as indicated in Table 1 below.

TABLE 1 - WATER DEMAND TRIGGER CONDITIONS EXISTING USE OF 50,000 GALLONS/DAY		
Water Use in Gallons Per Day	Duration - Consecutive Days	Classification
If water usage falls within the following ranges:		
Total Flow of 45,000 gal./day (90%)	5 days	Mild Drought Conditions
Total Flow of 47,500 gal./day (95%)	5 days	Moderate Drought Conditions
Total Flow of 50,000 gal./day (100%)	3 days	Severe Drought Conditions

In addition to the established trigger conditions based on water demand, the Town of Indian Lake has adopted the "Regional" trigger conditions based upon the percent capacity of U.S. Waters contained within the Amistad and Falcon Reservoirs. Although the South Texas Development Council did not develop regional triggers during Phase 1 of the *South Texas Regional Water Supply Plan*, the Lower Rio Grande Development Council (LRGVDC) has. Both of these Council of Governments (COGs) are in Region 'M' of the TWDB Regional Planning Areas. At a May 13, 1998 Public Meeting, the South Texas Development Council agreed to combine the plans being developed by each of the COGs. Therefore, the Town of Indian Lake has incorporated the trigger conditions presented below into the Drought Contingency Plan.

RECOMMENDED POOL LEVELS FOR IMPLEMENTATION OF VARIOUS WATER CONSERVATION PHASES

Minimum levels of U.S. water storage in Amistad and Falcon Reservoirs at which phases/stages of municipal water conservation plans will be implemented on a regional basis.

PHASE - VOLUNTARY CONSERVATION TRIGGER

When the level of U.S. water stored in Amistad and Falcon Reservoirs reaches 51% or 1.66 Million Acre-Feet (MAF), voluntary stage of conservation may be put into effect. This phase consists of voluntary water conservation action to be taken by the general public, governmental agencies and all water users of waters from the Rio Grande River below Amistad and Falcon Dams on the Rio Grande. Customers of the municipal water systems in the region shall be requested to voluntarily conserve and limit the use of water.

PHASE - MANDATORY CONSERVATION TRIGGER

When the levels of U.S. water stored in Amistad and Falcon Reservoirs reaches 25% or 834,600 Acre-Feet, mandatory conservation may be declared. This phase consists of mandatory restrictions of the use of water and imposing of penalties and sanctions for violations of set restrictions.

PHASE - WATER CURTAILMENT TRIGGER

When the level of U.S. water stored in Amistad and Falcon Reservoirs reaches 15% or 504,600 Acre-Feet, this phase may be implemented. This phase reduces the maximum amounts of monthly water usage for residential and non-residential customers and imposes surcharges, service cut-offs, and other sanctions for violations.

In addition to the established trigger conditions based on either water demand or reservoir levels, the Town's Mayor or his designee will have the authority to declare drought, condition of mild, moderate or severe under the following conditions:

- (1) System-related problems, such as equipment failures and line breaks; and
- (2) Other conditions that may affect or otherwise limit the Town's ability to meet the demand for water for a 48-hour period.

Section 10. Conservation Stages

In accordance with this section, the Mayor or his designee shall recommend and the Town Council may order the implementation of the following conservation stages:

STAGE 1-Voluntary:

1. Triggering Level: Falcon and Amistad conservation level between 51% and 26% or flow capacity at 90% for 5 consecutive days (Table 1).
2. Cumulative Reduction Goal: 5%

Voluntary conservation. Customers of the Town's utility system during Stage 1 are requested to voluntarily limit the amount of water used to that amount absolutely necessary for health, business and irrigation. Notice of such request shall be given by the Mayor or his designee through appropriate circular, television, radio and newspaper media at the Mayor's discretion.

The following uses of water are defined as waste of water and are absolutely prohibited:

1. Allowing irrigation water to run off into a gutter, ditch or drain;
2. Failure to repair a controllable leak;

STAGE 2 - Mandatory:

Mandatory compliance--Water Shortage Advisory.

1. Triggering Level: Falcon and Amistad conservation level between 25% and 20% or flow capacity at 95% for 5 consecutive days (Table 1).
2. Cumulative Reduction Goal: 10%

During Stage 2, the following restrictions shall apply to all persons. Notice of such order shall be given by the Mayor or his designee through appropriate circular, television, radio and newspaper media at the Mayor's discretion. All elements of Stage 1 shall remain in effect except that:

- A. Irrigation utilizing hose-end sprinklers or automatic sprinkler systems for lawns, gardens, landscaped areas, trees, shrubs and other plants is prohibited except during designated hours which shall be between the hours of 8:00 p.m. to 8:00 a.m. Customers with an address ending in an even number (0,2,4,6,8) are only allowed to water between designated hours on Mondays, Wednesdays and Fridays. Customers with an address ending in an odd number (1,3,5,7,9) are only allowed to water between designated hours on Tuesdays, Thursdays and Saturdays.

Irrigation of lawns, gardens, landscaped areas, trees, shrubs or other plants is permitted at any time if:

1. A continuously hand-held is used; or,
2. A drip irrigation system is used.

Exception: Commercial nurseries, commercial sod farmers and similarly situated establishments are exempt from Stage 2 irrigation restrictions, but will be requested to curtail all nonessential water use.

- B. The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment is prohibited except on designated hours between the hours of 8:00 p.m. to 8:00 a.m. Customers with an address ending in an even number (0,2,4,6,8) are only allowed to wash mobile equipment between designated hours on Mondays, Wednesdays and Fridays. Customers with an address ending in an odd number (1,3,5,7,9) are only allowed to wash mobile equipment between designated hours on Tuesdays, Thursdays and Saturdays. 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 rinses.

Exception: Washing may be done at any time on the immediate premises of a commercial carwash or commercial service station. Further, such washing may be exempted from this division if the health, safety and welfare of the public is contingent upon frequent vehicle cleaning, such as garbage trucks and vehicles used to transport food and perishables.

- C. The refilling or adding of water to residential swimming and/or wading pools is prohibited except on designated hours between the hours of 8:00 p.m. to 8:00 a.m. Customers with an address ending in an even number (0,2,4,6,8) are only allowed to use water for this purpose between designated hours on Mondays, Wednesdays and Fridays. Customers with an address ending in an odd number (1,3,5,7,9) are only allowed to water for this purpose between designated hours on Tuesdays, Thursdays and Saturdays.
- D. The operation of any ornamental fountain or other structure making similar use of water is prohibited except for those fountains or structures with a recycling system.
- E. The use of water for irrigation for parks, plazas and squares is prohibited except on designated hours between the hours of 8:00 p.m. to 8:00 a.m. The irrigation of golf course fairway areas is absolutely prohibited. Provided, however, any above-mentioned in this division utilizing wastewater effluent or well water is exempted from the provisions of this division.
- F. Essential and Utility Use:
 - (1) Fire fighting: No restrictions.
 - (2) Medical use by health care facilities: no restrictions.

Water utility use:

 - (1) Reduction of average system pressure to 60 psi is recommended.
 - (2) Leak detection and system repairs is recommended.
 - (3) Stabilizing and equalizing system pressure is recommended.
 - (4) Sewer line flushing: reduction is recommended.
 - (5) Fire hydrant flushing: reduction is recommended.
 - (6) Power production use: reduction of water use for power production is recommended.
- G. The following uses of water are defined as waste of water and are absolutely prohibited:
 - 1. Allowing irrigation water to run off into a gutter, ditch or drain;
 - 2. Failure to repair a controllable leak;

3. Washing sidewalks, streets, driveways, parking areas, tennis courts, or other paved areas, except to alleviate immediate fire hazards.
- H. Irrigation using hose-end sprinklers or automatic sprinkler systems for athletic fields is prohibited except during designated hours which shall be between the hours of 8:00 p.m. to 8:00 a.m. Customers with an address ending in an even number (0,2,4,6,8) are only allowed to water between designated hours on Mondays, Wednesdays and Fridays. Customers with an address ending in an odd number (1,3,5,7,9) are only allowed to water between designated hours on Tuesdays, Thursdays and Saturdays. Irrigation using hand-held hoses or drip irrigation systems are exempt.
- I. No bulk water sales shall be made from the Town or other sources for any purpose when such water will be transported by any tanker truck or similar type vehicle outside the Town.

STAGE 3 - Mandatory:

1. Triggering Level: Falcon and Amistad conservation level between 20% and 15% or flow capacity at 95% for 5 consecutive days (Table 1).
2. Cumulative Reduction Goal: 15%

Mandatory compliance--Water Shortage Alert. During Stage 3, the following restrictions shall apply to all persons. Notice of such order shall be given by the Mayor or his designee through appropriate circular, television, radio and newspaper media at the Mayor's discretion.

All elements of Stage 2 shall remain in effect in Stage 3 except that:

- A. Irrigation utilizing hose-end sprinklers or automatic sprinkler systems for lawns, gardens, landscaped areas, trees, shrubs and other plants is prohibited except during designated hours which shall be between the hours of 8:00 p.m. to 8:00 a.m. Customers with an address ending in an even number (0,2,4,6,8) are only allowed to use water for this purpose between designated hours on Mondays and Fridays. Customers with an address ending in an odd number (1,3,5,7,9) are only allowed to water for this purpose between designated hours on Tuesdays and Saturdays. Irrigation by hand-held hoses or drip irrigation systems is exempt.
- B. Irrigation using hose-end sprinklers or automatic sprinkler systems for athletic fields is prohibited except during designated hours which shall be between the hours of 8:00 p.m. to 8:00 a.m. Customers with an address ending in an even number (0,2,4,6,8) are only allowed to water between designated hours on Mondays and Fridays. Customers with an address

ending in an odd number (1,3,5,7,9) are only allowed to water between designated hours on Tuesdays and Saturdays.

- C. The watering of golf fairway areas is prohibited unless done with treated wastewater, reused water, or well water.
- D. A water use surcharge of \$10.00 shall be levied against all customers that use over 8,000 gallons per month.

STAGE 4 - Mandatory:

- 1. Triggering Level: Falcon and Amistad conservation level between 15% and 10% or flow capacity at 100% for 3 consecutive days (Table 1).
- 2. Cumulative Reduction Goal: 25%

Mandatory compliance--Water Shortage Warning. During Stage 4, the following restrictions shall apply to all persons. Notice of such order shall be given by the Mayor or his designee through appropriate circular, television, radio and newspaper media at the Mayor's discretion. All elements of Stage 3 shall remain in effect in Stage 4 except that:

- A. Irrigation utilizing hose-end sprinklers or automatic sprinkler systems for lawns, gardens, landscaped areas, trees, shrubs and other plants is prohibited except during designated hours which shall be between the hours of 8:00 p.m. to 8:00 a.m. Customers with an address ending in an even number (0,2,4,6,8) are allowed to use water only on Wednesdays of each week during designated hours. Customers with an address ending in an odd number (1,3,5,7,9) are allowed to water only on Saturdays of each week during designated hours. Irrigation with hand-held hoses or irrigation drip systems are exempt.
- B. The washing of automobiles, trucks, trailers, boats, airplanes, and other types of mobile equipment not occurring upon the immediate premises of commercial carwashes and commercial service stations, and not in the immediate interest of the public health, safety and welfare shall be prohibited except during designated hours which shall be between the hours of 8:00 p.m. to 8:00 a.m. and only on the owner's of such vehicles, etc. premises. Customers with an address ending in an even number (0,2,4,6,8) are allowed to wash mobile equipment only on Wednesdays of each week during designated hours. Customers with an address ending in an odd number (1,3,5,7,9) are allowed to wash mobile equipment only on Saturdays of each week during designated hours.
- C. Commercial car washes and commercial service stations in the immediate interest of the public health, safety and welfare shall be limited to five (5%) percent of their monthly average usage based on the last twelve (12)

billing periods for each of such customer. After such usage, the Mayor or his designee shall enforce this subsection by terminating water service.

- D. Commercial nurseries, commercial sod farmers, and similarly situated establishments shall water only on designated days between the hours of 10:00 p.m. and 5:00 a.m. and shall use only hand-held hoses, drip irrigation systems, or hand-held buckets.
- E. The filling, refilling or adding of water, except to maintain the structural integrity of the pool, to swimming and/or wading pools is prohibited.
- F. The operation of any ornamental fountain or similar structure, with or without recirculating features, is prohibited.
- G. Irrigation using hose-end sprinklers or automatic sprinkler systems for athletic fields is prohibited except during designated hours which shall be between the hours of 8:00 p.m. to 8:00 a.m. Customers with an address ending in an even number (0,2,4,6,8) are only allowed to water between designated hours on Wednesdays of each week. Customers with an address ending in an odd number (1,3,5,7,9) are only allowed to water between designated hours on Saturdays of each week.
- H. A water use surcharge of \$15.00 shall be levied against all customers that use over 8,000 gallons per month.

STAGE 5 - Mandatory:

- 1. Triggering Level: Falcon and Amistad conservation level at 10% or less or flow capacity at 100% for 3 consecutive days.
- 2. Reduction Goal: 35%

Mandatory compliance--Water Shortage Emergency. During Stage 5 the following restrictions shall apply to all persons. Notice of such order shall be given by the Mayor or his designee through appropriate circular, television, radio and newspaper media at the Mayor's discretion. All elements of Stage 4 shall remain in effect in Stage 5 except that:

- A. No applications for new, additional, further expanded, or increased - in-size water service connections, meters, service lines, pipeline extensions, mains, or other water service facilities of any kind shall be allowed, approved or installed except as approved by the Town Council.
- B. All allocations of water use to non-essential Industrial and Commercial customers shall be reduced to amounts as established by the Mayor, his designee or the Water Advisory Council.

- C. The maximum monthly water use allocation for residential customers may be established with revised rate schedules and penalties by the Town Council upon recommendation by the Mayor, his designee or the Water Advisory Council.
- D. Irrigation by hose-end sprinklers or automatic sprinkler systems is prohibited. Irrigation is permitted only by continuously hand-held hoses or the use of drip irrigation systems which shall be between the hours of 8:00 p.m. to 8:00 a.m. Customers with an address ending in an even number (0,2,4,6,8) are allowed to use water only on Wednesdays of each week during designated hours. Customers with an address ending in an odd number (1,3,5,7,9) are allowed to water only on Saturdays of each week during designated hours.
- E. The washing of automobiles, trucks, trailers, boats, airplanes, and other types of mobile equipment not occurring upon the immediate premises of commercial carwashes and commercial service stations and not in the immediate interest of the public health, safety and welfare shall be prohibited.
- F. Irrigation for athletic fields is prohibited.
- F. A water use surcharge of \$20.00 shall be levied against all customers that use over 8,000 gallons per month.

Section 11. Penalty for Violation of This Division

- a. Any person violating any provision of this division after order and notice as specified in this division shall be deemed guilty of an offense, and, upon conviction, shall be punished as prescribed in Sections 4-10, by a fine of not to exceed \$5,00. The violation of each provision of this division, and each separate violation thereof, shall be deemed a separate offense, and shall be punished accordingly. Provided, however, compliance may be further sought inductive relief in the District Court.
- b. The Mayor may issue citations for violations of this article, which citations shall be of the same force and effect as a citation issued under ordinance.
- c. The Mayor's designee may issue citations for violations of this division which will provide that if a person fails to answer such a citation, that a Municipal Court Complaint will be sworn upon a failure to respond to the Citation.
- d. Upon continuous violations of any mandated stage, the Mayor and/or or his designee may provide for a notice of discontinuation of water service

for deferred periods. Anyone receiving such notice may appeal the same to the Town Council by giving written notice therefore, within forty-eight (48) hours of receipt of notice of disconnection. Prior to the reconnecting of service, the standard reconnecting fee shall be paid.

Section 12. Effective Date

This ordinance shall become effective immediately upon its passage and execution in accordance with law.

Section 13. Authorization to Publish, Add/Delete

The Town Secretary of the Town of Indian Lake is hereby authorized and directed to cause the contents of Sections 4-11 hereof to be published, added and/or deleted in the appropriate location in the Code of Ordinances of the Town of Indian Lake.

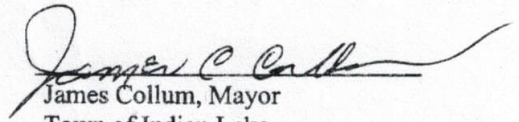
Section 14. Publication of Ordinances

The Town Secretary is hereby authorized and directed to cause the caption of this Ordinance to be published in a newspaper having general circulation in the Town of Indian Lake, Texas in accordance with the provisions of the Code of Ordinances of the Town of Indian Lake, Publication of Ordinances.

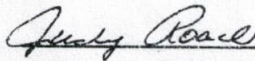
Section 15. Signature

If any part of parts of this Ordinance are found to be invalid or unconstitutional by a court having competent jurisdiction, then such invalidity or unconstitutionality shall not affect the remaining parts hereof and such remaining parts shall remain in full force and effect, and to that extent this Ordinance is considered severable.

CONSIDERED, PASSES and APPROVED this 21th day of January 2000 at a special meeting of the Town Council of the Town of Indian Lake, Texas, at which quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code. SIGNED this 21 day of January 2000.


James Collum, Mayor
Town of Indian Lake

ATTEST:


Judy Roch, Town Secretary
Town of Indian Lake

