



## **Water Resource Management Plan**

**August 22, 2011**



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## **SECTION 1: INTRODUCTION**

### **1.1 INTRODUCTION AND OBJECTIVES**

Having a dependable water supply has always been a key issue in the development of Texas. The growing population and economic expansion occurring in North Central Texas are placing increased demands on our water supplies. The latest population projections predict the number of people residing in Texas to more than double between the years 2000 and 2060, growing from about 21 million to nearly 46 million within that time span. The Texas Water Development Board predicts water demands to increase by 27 percent. In order to meet the challenge of providing for our current and future needs we must learn to use the water we already have more efficiently. By stretching our existing supplies we can delay the need for new supplies, minimize the environmental impacts associated with developing new water resources, and postpone the high cost of building the infrastructure (dams, treatment facilities, and pipelines) necessary to capture, treat, and transport the additional water into our homes and businesses.

Recognizing the need for efficient use of existing water supplies, the Texas Commission on Environmental Quality (TCEQ) has developed guidelines and requirements governing the development of water conservation and drought contingency plans for public water suppliers. TCEQ guidelines and requirements are included in Appendix A.

The objectives of this water conservation and drought contingency plan are as follows:

- To conserve the available water supply in normal, drought and emergency times.
- To maintain supplies for domestic use, sanitation and fire protection
- To protect and preserve public health, welfare and safety
- To reduce water consumption from the levels that would prevail without conservation efforts.
- To reduce the loss and waste of water.
- To improve efficiency in the use of water.
- To extend the life of current water supplies by reducing the rate of growth in demand.
- To minimize the adverse impacts of shortage and emergency water supply conditions.

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

City manager. The city manager of the town, or designee.

Commercial 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 Town of Pantego.

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: 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.

Town: Town of Pantego

## 1.2 TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES

The TCEQ rules governing development of water conservation and drought contingency plans for public water suppliers are contained in Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.2 and Subchapter B, Rule 288.20 of the Texas Administrative Code, which is included in Appendix A. For the purpose of these rules, a water conservation plan is defined as “A strategy or combination of strategies for reducing the volume of water withdrawn from a water supply source, for reducing the loss or waste of water, for maintaining or improving the efficiency in the use of water, for increasing the recycling and reuse of water, and for preventing the pollution of water.” The elements in the TCEQ water conservation rules covered in this conservation plan are listed below.

## 1.3 WATER UTILITY PROFILE

Appendix B to this water conservation plan is a modified water utility profile based on the format recommended by the TCEQ. Some additional sections were added in order to gather the information necessary to assess the effectiveness of the Town water conservation plan.

## **SECTION 2: WATER CONSERVATION PLAN**

### 2.1 SPECIFICATION OF WATER CONSERVATION GOALS

Current TCEQ rules require the adoption of specific water conservation goals for a water conservation plan. As part of plan adoption, the Town will develop 5-year and 10-year goals for per capita municipal use, following TCEQ procedures described in the water utility profile (Appendix B). The goals for this water conservation plan include the following:

- Keep the per capita municipal water use below the specified amount in gallons per capita per day. Municipal use for 2010 was 225 GPCD.

| Target Goal Year  | 2017 | 2022 |
|---|------|------|
| Target Goal for Municipal Use GPCD (gallons per capita day) | 214  | 203  |

The goals are based on the recommendations of the Texas Water Conservation Implementation Task Force which suggest a 1% reduction in gallons per capita per day per year. A water consumption level of 140 gallons per person per day is the statewide recommendation of the Task Force. The Task Force was established per Senate Bill 1094 in 2004 to evaluate matters concerning water conservation.

It should be noted that all the performance indicators outlined above are developed assuming a year of average rainfall.

- Keep the level of unaccounted water in the system below 15% annually in 2012 and subsequent years, as discussed in Section 2.2.4.
- Implement and maintain a program of universal metering and meter replacement and repair, as discussed in Section 2.2.2.
- Decrease waste in lawn irrigation by implementation and enforcement of landscape water management regulations, as discussed in Section 2.5.4.
- Raise public awareness of water conservation and encourage responsible public behavior by a public education and information program, as discussed in Section 2.3.
- Develop a system specific strategy to conserve water during peak demands, thereby reducing the peak use.

## **2.2 METERING, WATER USE RECORDS, CONTROL OF UNACCOUNTED WATER, AND LEAK DETECTION AND REPAIR**

One of the key elements in water conservation is careful tracking of water use and control of losses through illegal diversions and leaks. Careful metering of water deliveries and water use, detection and repair of leaks in the distribution system and regular monitoring of unaccounted water are important in controlling losses.

### **2.2.1 Accurate Metering of Well Water Produced**

The Town is supplied with water from six water wells. Each of these wells has a meter that is read daily to track the amount of water produced. These meters are replaced on a regular cycle to maintain required accuracy.

### **2.2.2 Metering of Customer and Public Uses and Meter Testing, Repair, and Replacement**

All connections to the water system are metered connections. All meters will be maintained with acceptable operating accuracy range as defined by the manufacturer or AWWA Standard for meter accuracy, whichever is more stringent. The Town has implemented a meter replacement program to insure meters are maintained and accurate. A dead meter list is maintained on a monthly basis to detect stopped meters. The Town does not conduct meter testing; instead these meters are replaced on a 10 to 15 year replacement cycle.

### **2.2.3 Record Management System**

TAC Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.2(a)(2)(B), does not require a Town our size to have a record management system which allows for the separation of water sales and uses into residential, commercial, public/institutional, and industrial categories. However, the Town does have the ability to separate between residential and commercial categories. This information is maintained and tracked by the Utility Billing Coordinator.

### **2.2.4 Determination and Control of Unaccounted Water**

Unaccounted water is the difference between water delivered to customers and metered deliveries to customers plus authorized but unmetered uses. (Authorized but unmetered uses would include use for fire fighting, releases for flushing of lines, and uses associated with new construction.) Unaccounted water can include several categories:

- Inaccuracies in customer meters.
- Accounts which are being used but have not yet been added to the billing system.
- Losses due to water main breaks and leaks in the water distribution system.
- Losses due to illegal connections and theft. (Included in Appendix D)
- Other.

Measures to control unaccounted water are part of the routine operations of the Town. Maintenance crews and personnel are asked to look for and report evidence of leaks in the water distribution system. The leak detection and repair program is described in Section 2.2.5 below. Meter readers are asked to watch for and report signs of illegal connections, so they can be addressed quickly.

Unaccounted water is calculated in Appendix B. With the measures described in this plan, the Town intends to maintain the unaccounted water below 15% in 2010 and subsequent years. If unaccounted water exceeds this goal, the Town will implement a more intensive audit to determine the source(s) of and reduce the unaccounted water. The annual conservation report described below is the primary tool used to monitor unaccounted water.

### **2.2.5 Leak Detection and Repair**

As described above, public works personnel are asked to look for and report evidence of leaks in the water distribution system. Areas of the water distribution system in which numerous leaks and line breaks occur are targeted for replacement as funds are available.

### **2.2.6 Monitoring of Effectiveness and Efficiency - Annual Water Conservation Report**

Appendix B is a water utility profile form that will be used in the development of an annual water conservation report for the Town. This form will be completed by May 1 of the following year and will be used to monitor the effectiveness and efficiency of the water conservation program and to plan conservation-related activities for the next year. The form records the water use by category, per capita municipal use, and unaccounted water for the current year and compares them to historical values.

## **2.3 CONTINUING PUBLIC EDUCATION AND INFORMATION CAMPAIGN**

The continuing public education and information campaign on water conservation includes the following elements:

- Insert water conservation information with water bills. Inserts will include material developed by Town staff and material obtained from the TWDB, TCEQ, and other sources.
- Notify local organizations, schools, and civic groups that Town staff is available to make presentations on the importance of water conservation and ways to save water.
- Make information on *Texas Smartscape* principles, water conservation brochures, and other water conservation materials available to the public at Town Hall and other public places.
- Continue to update the information on water conservation available on the Town website and include links to the *Texas Smartscape* Web site and to information on water conservation on the TWDB, TCEQ and other websites.

## **2.4 WATER RATE STRUCTURE**



The Town has adopted conservation rate structure for summer months. The Town will also, annually or in conjunction with any water rate study, review these rates to insure that water conservation is being promoted. Listed below is the current water rate structure.

| Water service  |         |          |
|--|---------|----------|
| Minimum (includes 3,000 gallons):                                  |         |          |
| Meter Size:  | Inside  | Outside  |
| 3/4" or 5/8"   | \$8.89  | \$13.30  |
| 1"   | \$22.73 | \$34.07  |
| 1' - 1/2"  | \$51.29 | \$76.96  |
| 2"   | \$90.86 | \$136.31 |
| Volume:  |         |          |
| November through June, per 1,000 gallons<br>3001 + gallons         | \$2.08  | \$3.11   |
| July through October, per 1,000 gallons<br>3,001 to 25,000 gallons | \$2.08  | \$3.11   |
| 25,001 + gallons   | \$2.73  | \$4.09   |

## 2.5 OTHER WATER CONSERVATION MEASURES

### 2.5.1 Reservoir System Operation Plan

The Town is supplied with water from wells that are owned by the Town. The Town does not have surface water supplies for which to implement a reservoir system operation plan.

### 2.5.2 Reuse and Recycling of Wastewater

The Town of Pantego transports its wastewater to both the City of Fort Worth and the City of Arlington for treatment.

### 2.5.3 Ordinances, Plumbing Codes, or Rules on Water-Conserving Fixtures

The State of Texas has required water-conserving fixtures in new construction and renovations since 1992. The state standards call for flows of no more than 2.5 gallons per minute (gpm) for faucets, 3.0 gpm for showerheads, and 1.6 gallons per flush for toilets. Similar standards are now required nationally under federal law. These state and federal standards assure that all new construction and renovations will use water-conserving fixtures.

### 2.5.4 Landscape Water Management Regulations

The following landscape water management regulations are adopted as part of the development of this water conservation plan. These regulations are intended to minimize waste in landscape irrigation. The regulations include the following elements:

- Prohibition of outdoor watering with sprinklers from 10:00 a.m. to 6:00 p.m. every day. (Resetting of watering times in sprinkler systems is recommended to comply with the water schedule. Watering with handheld hoses, soaker hoses, or dispensers is allowed.)

- Requirement that all new irrigation systems include rain and freeze sensors capable of multiple programming. Existing irrigation systems are encouraged to be retrofitted with similar rain and freeze sensors.
- Prohibition of irrigation systems that spray directly onto impervious surfaces or onto other non-irrigated areas. (Wind driven water drift will be taken into consideration.)
- Prohibition of use of poorly maintained sprinkler systems that waste water.
- Prohibition of outdoor watering during any form of precipitation.
- Enforcement of the regulations by a system of warnings followed by fines for continued or repeat violations.

## **2.6. IMPLEMENTATION AND ENFORCEMENT OF THE WATER CONSERVATION PLAN**

Appendix C contains a copy of the ordinance adopted by the Town Council that designates responsible officials to implement and enforce the water conservation plan.

Appendix D contains a copy of an ordinance related to tampering and water theft.

## **SECTION 3: DROUGHT CONTINGENCY PLAN**

### **3.1 PUBLIC INFORMATION AND OPPORTUNITY FOR PUBLIC INPUT**

The Town will provide opportunity for public input in the development of this drought contingency plan by the following means:

- Providing written notice of proposed plan and the opportunity to comment by posted notice and notice on the Town website.
- Making the draft plan available on the Town website.
- Providing the draft plan to anyone requesting a copy.
- Holding a public meeting.

### **3.2 PUBLIC EDUCATION AND INFORMATION**

The Town will inform and educate the public about the drought contingency plan by the following means:

- Making the plan available to the public through the Town website.
- Including information about the drought contingency plan on the Town website.
- Notifying local organizations, schools, and civic groups that staff are available to make presentations on the drought contingency plan (usually in conjunction with presentations on water conservation programs).

At any time that the drought contingency plan is activated or the drought stage changes, the Town will notify the public of the issues, the drought response stage, and the specific actions required. The information will also be publicized through email/text/phone, marquee postings and the Town website. Utility billing inserts will also be used as appropriate.

### **3.3 INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES**

The provisions of this plan shall apply to all persons, customers, and property utilizing potable water provided by the Town. The terms “person” and “customer” as used in this plan include individuals, corporations, partnerships, associations, and all other legal entities. The plan does not apply to private wells.

#### Initiation/Termination of a Drought Response Stage

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

- The public will be notified through email/text/phone, marquee postings and the Town website, as described in Section 3.2.
- If any mandatory provisions of the drought contingency plan are initiated/terminated, the Public Works Department shall notify the TCEQ within 5 business days.

For other trigger conditions, the City Manager or official designee may decide not to order the implementation/termination of a drought response stage or water emergency even though one or more of the trigger criteria for the stage are met. Factors which could influence such a decision include, but are not limited to, the time of the year, weather conditions, the anticipation of replenished water supplies, or the anticipation that additional facilities will become available to meet needs.

### **3.4 DROUGHT AND EMERGENCY RESPONSE STAGES**

#### **3.4.1 Stage 1: Water Watch**

##### Triggering and Terminating Conditions for Stage 1: Water Watch

When water demands exceed eighty (80) percent of pumping capacity for three (3) consecutive days, or the Town is unable to recover water to approximately one hundred (100) percent in all storage facilities within a twenty-four (24) hour period.

##### Actions Available under Stage 1, Water Watch

The City Manager or official designee may implement any of the action(s) listed below, as appropriate.

##### All Water Users

- Initiate mandatory restrictions to prohibit non-essential water use as follows:
  - Prohibit hosing of paved areas, such as sidewalks, driveways, parking lots, tennis courts, patios, or other impervious surfaces, except to alleviate an immediate health or safety hazard.
  - Prohibit hosing of buildings or other structures for purposes other than fire protection.
  - Prohibit using water in such a manner as to allow runoff or other waste, including failure to repair a controllable leak within a reasonable period of time after having been given notice to repair such leak. Types of leaks include a broken sprinkler head, a leaking valve, leaking or broken pipes, or a leaking faucet.

- Limit landscape watering with sprinklers or irrigation systems at each service address to twice per week.
  - Residential addresses ending in an even number (0, 2, 4, 6, or 8) may water on Tuesdays and Saturdays.
  - Residential addresses ending in an odd number (1, 3, 5, 7, or 9) may water on Thursdays and Sundays.
  - All non-residential locations (apartment complexes, businesses, industries, parks, medians, etc.) may water on Wednesdays and Fridays.

Exceptions:

Foundations may be watered up to two hours on any day using a handheld hose, soaker hose or drip irrigation system placed within 240 inches of the foundation that does not produce a spray of water above the ground.

Newly installed shrubs (first year) and trees (two years) may be watered up to two hours on any day by handheld hose, drip irrigation, a soaker hose or tree bubbler. Tree watering is limited to an area not to exceed the drip line of a tree.

Skinned areas of sports fields may be watered as needed for dust control.

- Washing of any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle shall be limited to the use of a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the premises of a commercial car wash or commercial service station. Further, such washing may be exempt from these requirements 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.
- Encourage reduction in frequency of draining and refilling swimming pools.
- Encourage use of Texas native and drought tolerant plants in landscaping.

Town and Local Governments

In addition to actions listed above:

- Review conditions and problems that caused Stage 1.
- Inspect treatment facilities and distribution system; make repairs where necessary.
- Increase public education efforts on ways to reduce water use.
- Intensify leak detection and repair efforts.
- Increase enforcement efforts.
- Municipal parks are restricted to twice per week landscape watering schedule. (Exceptions: foundations, new plantings (first year) of shrubs, and trees may be watered on any day by handheld hose, drip irrigation, or a soaker hose).
- Reduce non-essential water use.

Commercial or Industrial

- All actions listed above for all water users apply to commercial and industrial users.

- Identify and encourage voluntary reduction measures by high-volume water users through water use audits.
- Encourage restaurants to serve drinking water to patrons on an “on demand” basis.

### **3.4.2 Stage 2: Water Warning**

#### Triggering and Terminating Conditions for Stage 2: Water Warning

When water demands exceed ninety (90) percent of pumping capacity for three (3) consecutive days, or the Town is unable to recover water to approximately seventy-five (75) percent in all storage facilities within a twenty-four (24) hour period.

#### Actions Available under Stage 2: Water Warning

The City Manager or official designee may implement any of the action(s) listed below, as appropriate.

#### All Water Users

- Continue or initiate any actions available under Stage 1.
- Limit landscape watering with sprinklers or irrigation systems at each service address to once every seven days.
  - Residential addresses ending in an even number (0, 2, 4, 6, or 8) may water on Saturdays.
  - Residential addresses ending in an odd number (1, 3, 5, 7, or 9) may water on Sundays.
  - All non-residential locations (apartment complexes, businesses, industries, parks, medians, etc.) may water on Wednesdays.

#### Exceptions:

Foundations may be watered up to two hours on any day using a handheld hose, soaker hose or drip irrigation system placed within 240 inches of the foundation that does not produce a spray of water above the ground.

- Prohibit use of water for dust control, except as required to protect public health.
- Restrict the operation of ornamental fountains or ponds that use potable water except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- Encourage the public to wait until the current drought or emergency situation has passed before establishing new landscaping.

#### Town and Local Governments

In addition to actions listed above:

- Increase frequency of media releases and notifications on water supply conditions.
- Further accelerate public education efforts on ways to reduce water use.
- Limit landscape watering at municipal parks once every seven days. (Exceptions: Foundations, new plantings (first year) of shrubs, and trees may be watered on any day by handheld hose, drip irrigation, or a soaker hose)

- Halt non-essential water use. As used herein, non-essential water uses are those that do not have any health or safety impact and are not needed to meet the core function of the agency.
- Prohibit wet street sweeping.

#### Commercial or Industrial

- All actions listed above for all water users apply to commercial and industrial users.
- Use of water from fire hydrants for any purpose other than firefighting related activities or other activities necessary to maintain public health, safety and welfare requires written permission from the Public Works Director. Fire hydrant use may be limited to only designated hydrants.

### **3.4.3 Stage 3: Emergency Water Use**

#### Triggering and Terminating Conditions

- When water demands exceed one hundred (100) percent of pumping capacity for three (3) consecutive days, or the Town is unable to recover water to approximately fifty (50) percent in all storage facilities within a twenty-four (24) hour period.
- Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service;
- Natural or man-made contamination of the water supply source(s); **or**
- Natural disasters, such as tornadoes, floods, brush fires, etc.

#### Actions Available under Stage 3: Emergency Water Use

The City Manager or official designee may implement any action(s) as appropriate.

#### All Water Users

- Continue or initiate any actions available under Stages 1 and 2.
- Prohibit residential landscape watering, except foundations and trees may be watered for two hours on any day with a hand-held hose, drip irrigation, or a soaker hose. Trees may be watered up to two hours on any day by handheld hose, drip irrigation, or a soaker hose. Tree watering is limited to an area not to exceed the drip line of a tree.
- Vehicle washing restricted to commercial car wash or commercial service station and can only be done as necessary for health, sanitation, or safety reasons, including but not limited to the washing of garbage trucks and vehicles used to transport food and other perishables. All other vehicle washing is prohibited.
- Prohibit the operation of ornamental fountains or ponds that use potable water except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- Prohibit the draining, filling, or refilling of swimming pools, wading pools and Jacuzzi type pools. Existing private and public pools may add water to maintain pool levels.

#### Town and Local Governments

In addition to actions listed above:

- Implement viable alternative water supply strategies.
- Increase frequency of media releases explaining emergency situation.
- Reduce municipal water use to maximum extent possible.
- Prohibit the permitting of new swimming pools, Jacuzzi type pools, spas, ornamental ponds and fountain construction. Pools already permitted and under construction may be completely filled with water.
- Institute a mandated reduction in deliveries to all customers. Such a reduction will be distributed as required by Texas Water Code §11.039.

#### Commercial or Industrial

- All actions listed above for all water users apply to commercial and industrial users.
- Restaurants and bars required to serve drinking water to patrons on an “on demand” basis.
- Prohibit commercial landscape watering, except foundations and trees may be watered for two hours on any day (or once per week schedule as set by the Town) with a hand-held hose, drip irrigation, or a soaker hose.
- Prohibit establishment of new landscaping at commercial locations.
- Commercial water users required to reduce water use by a set percentage determined by the Public Works Director.

### **3.5 VARIANCES TO THE PLAN**

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

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

Variances shall be granted or denied at the discretion of the City Manager or official designee. All petitions for variances should be in writing and should include the following information:

- Name and address of the petitioner(s)
- Purpose of water use
- Specific provisions from which relief is requested
- Detailed statement of the adverse effect of the provision from which relief is requested
- Description of the relief requested
- Period of time for which the variance is sought
- Alternative measures that will be taken to reduce water use
- Other pertinent information.

### **3.6 ENFORCEMENT OF MANDATORY WATER USE RESTRICTIONS**

Mandatory water use restrictions may be imposed in Stages 1, 2, and 3 drought stages. These mandatory water use restrictions will be enforced by warnings and penalties as follows:

- On the first violation, customers will be given a written warning that they have violated the mandatory water use restriction.

- On the second and subsequent violations, citations may be issued to customers, with minimum and maximum fines established by ordinance.
- After three violations have occurred, the utility may cut off water service to the customer.

Appendix D contains a copy of the Town ordinance adopting this plan and the enforcement actions and penalties.

### **3.7 COORDINATION WITH REGIONAL WATER PLANNING GROUPS**

The service area of the Town of Pantego is located within the Texas Water Development Board, Region C and Northern Trinity Groundwater Conservation District and the town has provided a copy of this Plan to the Texas Water Development Board, Region C and Northern Trinity Groundwater Conservation District.

### **3.8 REVIEW AND UPDATE OF DROUGHT CONTINGENCY PLAN**

As required by TCEQ rules, the Town will review this drought contingency plan every five years. The plan will be updated as appropriate based on new or updated information.



**APPENDIX A**

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES ON  
MUNICIPAL WATER CONSERVATION AND DROUGHT CONTINGENCY PLANS**



## Texas Administrative Code

|                            |   |
|----------------------------|---|
| <b><u>TITLE 30</u></b>     | ENVIRONMENTAL QUALITY   |
| <b><u>PART 1</u></b>       | TEXAS COMMISSION ON ENVIRONMENTAL QUALITY   |
| <b><u>CHAPTER 288</u></b>  | WATER CONSERVATION PLANS, DROUGHT CONTINGENCY PLANS,<br>GUIDELINES AND REQUIREMENTS |
| <b><u>SUBCHAPTER A</u></b> | WATER CONSERVATION PLANS  |
| <b><u>RULE §288.1</u></b>  | <b>Definitions</b>  |

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The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Agricultural or Agriculture--Any of the following activities:
  - (A) cultivating the soil to produce crops for human food, animal feed, or planting seed or for the production of fibers;
  - (B) the practice of floriculture, viticulture, silviculture, and horticulture, including the cultivation of plants in containers or non-soil media by a nursery grower;
  - (C) raising, feeding, or keeping animals for breeding purposes or for the production of food or fiber, leather, pelts, or other tangible products having a commercial value;
  - (D) raising or keeping equine animals;
  - (E) wildlife management; and
  - (F) planting cover crops, including cover crops cultivated for transplantation, or leaving land idle for the purpose of participating in any governmental program or normal crop or livestock rotation procedure.
- (2) Agricultural use--Any use or activity involving agriculture, including irrigation.
- (3) 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 water supply is made available for future or alternative uses.
- (4) Drought contingency plan--A strategy or combination of strategies for temporary supply and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies. A drought contingency plan may be a separate document identified as such or may be contained within another water management document(s).
- (5) Industrial use--The use of water in processes designed to convert materials of a lower order of value into forms having greater usability and commercial value, commercial fish production, and the development of power by means other than hydroelectric, but does not include agricultural use.
- (6) Irrigation--The agricultural use of water for the irrigation of crops, trees, and pastureland, including, but not limited to, golf courses and parks which do not receive water through a municipal distribution system.

- (7) Irrigation water use efficiency--The percentage of that amount of irrigation water which is beneficially used by agriculture crops or other vegetation relative to the amount of water diverted from the source(s) of supply. Beneficial uses of water for irrigation purposes include, but are not limited to, evapotranspiration needs for vegetative maintenance and growth, salinity management, and leaching requirements associated with irrigation.
- (8) Mining use--The use of water for mining processes including hydraulic use, drilling, washing sand and gravel, and oil field repressuring.
- (9) Municipal per capita water use--The sum total of water diverted into a water supply system for residential, commercial, and public and institutional uses divided by actual population served.
- (10) Municipal use--The use of potable water within or outside a municipality and its environs whether supplied by a person, privately owned utility, political subdivision, or other entity as well as the use of sewage effluent for certain purposes, including the use of treated water for domestic purposes, fighting fires, sprinkling streets, flushing sewers and drains, watering parks and parkways, and recreational purposes, including public and private swimming pools, the use of potable water in industrial and commercial enterprises supplied by a municipal distribution system without special construction to meet its demands, and for the watering of lawns and family gardens.
- (11) Municipal use in gallons per capita per day--The total average daily amount of water diverted or pumped for treatment for potable use by a public water supply system. The calculation is made by dividing the water diverted or pumped for treatment for potable use by population served. Indirect reuse volumes shall be credited against total diversion volumes for the purpose of calculating gallons per capita per day for targets and goals.
- (12) Nursery grower--A person engaged in the practice of floriculture, viticulture, silviculture, and horticulture, including the cultivation of plants in containers or nonsoil media, who grows more than 50% of the products that the person either sells or leases, regardless of the variety sold, leased, or grown. For the purpose of this definition, grow means the actual cultivation or propagation of the product beyond the mere holding or maintaining of the item prior to sale or lease, and typically includes activities associated with the production or multiplying of stock such as the development of new plants from cuttings, grafts, plugs, or seedlings.
- (13) Pollution--The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.
- (14) Public water supplier--An individual or entity that supplies water to the public for human consumption.
- (15) Regional water planning group--A group established by the Texas Water Development Board to prepare a regional water plan under Texas Water Code, §16.053.
- (16) Retail public water supplier--An individual or entity that for compensation supplies water to the public for human consumption. The term does not include an individual or entity that supplies water to itself or its employees or tenants when that water is not resold to or used by others.

- (17) Reuse--The authorized use for one or more beneficial purposes of use of water that remains unconsumed after the water is used for the original purpose of use and before that water is either disposed of or discharged or otherwise allowed to flow into a watercourse, lake, or other body of state-owned water.
- (18) Water conservation plan--A strategy or combination of strategies for reducing the volume of water withdrawn from a water supply source, for reducing the loss or waste of water, for maintaining or improving the efficiency in the use of water, for increasing the recycling and reuse of water, and for preventing the pollution of water. A water conservation plan may be a separate document identified as such or may be contained within another water management document(s).
- (19) Wholesale public water supplier--An individual or entity that for compensation supplies water to another for resale to the public for human consumption. The term does not include an individual or entity that supplies water to itself or its employees or tenants as an incident of that employee service or tenancy when that water is not resold to or used by others, or an individual or entity that conveys water to another individual or entity, but does not own the right to the water which is conveyed, whether or not for a delivery fee.

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**Source Note:** The provisions of this §288.1 adopted to be effective May 3, 1993, 18 TexReg 2558; amended to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544; amended to be effective August 15, 2002, 27 TexReg 7146; amended to be effective October 7, 2004, 29 TexReg 9384



## Texas Administrative Code

|                            |   |
|----------------------------|---|
| <b><u>TITLE 30</u></b>     | ENVIRONMENTAL QUALITY   |
| <b><u>PART 1</u></b>       | TEXAS COMMISSION ON ENVIRONMENTAL QUALITY   |
| <b><u>CHAPTER 288</u></b>  | WATER CONSERVATION PLANS, DROUGHT CONTINGENCY PLANS,<br>GUIDELINES AND REQUIREMENTS |
| <b><u>SUBCHAPTER A</u></b> | WATER CONSERVATION PLANS  |
| <b><u>RULE §288.2</u></b>  | <b>Water Conservation Plans for Municipal Uses by Public Water Suppliers</b>        |

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- (a) A water conservation plan for municipal water use by public water suppliers must provide information in response to the following. If the plan does not provide information for each requirement, the public water supplier shall include in the plan an explanation of why the requirement is not applicable.
- (1) Minimum requirements. All water conservation plans for municipal uses by public drinking water suppliers must include the following elements:
- (A) a utility profile including, but not limited to, information regarding population and customer data, water use data, water supply system data, and wastewater system data;
  - (B) until May 1, 2005, specification of conservation goals including, but not limited to, municipal per capita water use goals, the basis for the development of such goals, and a time frame for achieving the specified goals;
  - (C) beginning May 1, 2005, specific, quantified five-year and ten-year targets for water savings to include goals for water loss programs and goals for municipal use, in gallons per capita per day. The goals established by a public water supplier under this subparagraph are not enforceable;
  - (D) metering device(s), within an accuracy of plus or minus 5.0% in order to measure and account for the amount of water diverted from the source of supply;
  - (E) a program for universal metering of both customer and public uses of water, for meter testing and repair, and for periodic meter replacement;
  - (F) measures to determine and control unaccounted-for uses of water (for example, periodic visual inspections along distribution lines; annual or monthly audit of the water system to determine illegal connections, abandoned services, etc.);
  - (G) a program of continuing public education and information regarding water conservation;
  - (H) a water rate structure which is not "promotional," i.e., a rate structure which is cost-based and which does not encourage the excessive use of water;

- (I) a reservoir systems operations plan, if applicable, providing for the coordinated operation of reservoirs owned by the applicant within a common watershed or river basin in order to optimize available water supplies; and
  - (J) a means of implementation and enforcement which shall be evidenced by:
    - (i) a copy of the ordinance, resolution, or tariff, indicating official adoption of the water conservation plan by the water supplier; and
    - (ii) a description of the authority by which the water supplier will implement and enforce the conservation plan; and
  - (K) documentation of coordination with the regional water planning groups for the service area of the public water supplier in order to ensure consistency with the appropriate approved regional water plans.
- (2) Additional content requirements. Water conservation plans for municipal uses by public drinking water suppliers serving a current population of 5,000 or more and/or a projected population of 5,000 or more within the next ten years subsequent to the effective date of the plan must include the following elements:
- (A) a program of leak detection, repair, and water loss accounting for the water transmission, delivery, and distribution system in order to control unaccounted-for uses of water;
  - (B) a record management system to record water pumped, water deliveries, water sales, and water losses which allows for the desegregation of water sales and uses into the following user classes:
    - (i) residential;
    - (ii) commercial;
    - (iii) public and institutional; and
    - (iv) industrial; and
  - (C) a requirement in every wholesale water supply contract entered into or renewed after official adoption of the plan (by either ordinance, resolution, or tariff), and including any contract extension, that each successive wholesale customer develop and implement a water conservation plan or water conservation measures using the applicable elements in this chapter; if the customer intends to resell the water, then the contract between the initial supplier and customer must provide that the contract for the resale of the water must have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures in accordance with applicable provisions of this chapter.
- (3) Additional conservation strategies. Any combination of the following strategies shall be selected by the water supplier, in addition to the minimum requirements in paragraphs (1) and (2) of this subsection, if they are necessary to achieve the stated water conservation goals of the plan. The commission may require that any of the following strategies be implemented by the water supplier if the commission determines that the strategy is necessary to achieve the goals of the water conservation plan:



- (A) conservation-oriented water rates and water rate structures such as uniform or increasing block rate schedules, and/or seasonal rates, but not flat rate or decreasing block rates;
  - (B) adoption of ordinances, plumbing codes, and/or rules requiring waterconserving plumbing fixtures to be installed in new structures and existing structures undergoing substantial modification or addition;
  - (C) a program for the replacement or retrofit of water-conserving plumbing fixtures in existing structures;
  - (D) reuse and/or recycling of wastewater and/or greywater;
  - (E) a program for pressure control and/or reduction in the distribution system and/or for customer connections;
  - (F) a program and/or ordinance(s) for landscape water management;
  - (G) a method for monitoring the effectiveness and efficiency of the water conservation plan; and
  - (H) any other water conservation practice, method, or technique which the water supplier shows to be appropriate for achieving the stated goal or goals of the water conservation plan.
- (b) A water conservation plan prepared in accordance with 31 TAC §363.15 (relating to Required Water Conservation Plan) of the Texas Water Development Board and substantially meeting the requirements of this section and other applicable commission rules may be submitted to meet application requirements in accordance with a memorandum of understanding between the commission and the Texas Water Development Board.
- (c) Beginning May 1, 2005, a public water supplier for municipal use shall review and update its water conservation plan, as appropriate, based on an assessment of previous five-year and ten-year targets and any other new or updated information. The public water supplier for municipal use shall review and update the next revision of its water conservation plan not later than May 1, 2009, and every five years after that date to coincide with the regional water planning group.

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**Source Note:** The provisions of this §288.2 adopted to be effective May 3, 1993, 18 TexReg 2558; amended to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544; amended to be effective October 7, 2004, 29 TexReg 9384



**Texas Administrative Code**

**TITLE 30**

ENVIRONMENTAL QUALITY

**PART 1**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

**CHAPTER 288**

WATER CONSERVATION PLANS, DROUGHT CONTINGENCY PLANS,  
GUIDELINES AND REQUIREMENTS

**SUBCHAPTER B**

DROUGHT CONTINGENCY PLANS

**RULE §288.20**

**Drought Contingency Plans for Municipal Uses by Public Water  
Suppliers**

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(a) A drought contingency plan for a retail public water supplier, where applicable, must provide information in response to each of the following.

(1) Minimum requirements. Drought contingency plans must include the following minimum elements.

- (A) Preparation of the plan shall include provisions to actively inform the public and affirmatively provide opportunity for public input. Such acts may include, but are not limited to, having a public meeting at a time and location convenient to the public and providing written notice to the public concerning the proposed plan and meeting.
- (B) Provisions shall be made for a program of continuing public education and information regarding the drought contingency plan.
- (C) The drought contingency plan must document coordination with the Regional Water Planning Groups for the service area of the retail public water supplier to insure consistency with the appropriate approved regional water plans.
- (D) The drought contingency plan shall include a description of the information to be monitored by the water supplier, and specific criteria for the initiation and termination of drought response stages, accompanied by an explanation of the rationale or basis for such triggering criteria.
- (E) The drought contingency plan must include drought or emergency response stages providing for the implementation of measures in response to at least the following situations:
  - (i) reduction in available water supply up to a repeat of the drought of record;
  - (ii) water production or distribution system limitations;
  - (iii) supply source contamination; or
  - (iv) system outage due to the failure or damage of major water system components (e.g., pumps).

- (F) The drought contingency plan must include specific, quantified targets for water use reductions to be achieved during periods of water shortage and drought. The entity preparing the plan shall establish the targets. The goals established by the entity under this subparagraph are not enforceable.
  - (G) The drought contingency plan must include the specific water supply or water demand management measures to be implemented during each stage of the plan including, but not limited to, the following:
    - (i) curtailment of non-essential water uses; and
    - (ii) utilization of alternative water sources and/or alternative delivery mechanisms with the prior approval of the executive director as appropriate (e.g., interconnection with another water system, temporary use of a non-municipal water supply, use of reclaimed water for nonpotable purposes, etc.).
  - (H) The drought contingency plan must include the procedures to be followed for the initiation or termination of each drought response stage, including procedures for notification of the public.
  - (I) The drought contingency plan must include procedures for granting variances to the plan.
  - (J) The drought contingency plan must include procedures for the enforcement of any mandatory water use restrictions, including specification of penalties (e.g., fines, water rate surcharges, discontinuation of service) for violations of such restrictions.
- (2) Privately-owned water utilities. Privately-owned water utilities shall prepare a drought contingency plan in accordance with this section and incorporate such plan into their tariff.
- (3) Wholesale water customers. Any water supplier that receives all or a portion of its water supply from another water supplier shall consult with that supplier and shall include in the drought contingency plan appropriate provisions for responding to reductions in that water supply.
- (b) A wholesale or retail water supplier shall notify the executive director within five business days of the implementation of any mandatory provisions of the drought contingency plan.
- (c) The retail public water supplier shall review and update, as appropriate, the drought contingency plan, at least every five years, based on new or updated information, such as the adoption or revision of the regional water plan.

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**Source Note:** The provisions of this §288.20 adopted to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544; amended to be effective October 7, 2004, 29 TexReg 9384

**APPENDIX B**

**2010 UTILITY PROFILE & WATER RESOURCE  
MANAGEMENT PLAN INFORMATION FORM**





**UTILITY PROFILE & WATER RESOURCE**

**MANAGEMENT PLAN INFORMATION**

**2010**

**I. POPULATION AND CUSTOMER DATA**

**A. Population and Service Area Data**

- 1. Service area size (square miles): 0.99
- 2. Current population of service area: 2394

**B. Active Connections**

- 1. Current number of active connections.
  - a. Residential 885
  - b. Commercial 326
- 2. New connections per year for last three years.

|             | <u>2010</u> | <u>2009</u> | <u>2008</u> |
|-------------|-------------|-------------|-------------|
| Residential | 4           | 2           | 5           |
| Commercial  | 0           | 0           | 3           |

**C. High Volume Customers**

| <u>Customer</u>                       | <u>Annual Use (x1,000 Gal.)</u> |
|---------------------------------------|---------------------------------|
| 1. Carrizo Oil and Gas                | 25,178                          |
| 2. Shady Valley Square Apartments LLC | 12,172                          |
| 3. Quick Wash Laundromat              | 5,598                           |

|  |       |
|--|-------|
| 4. Waterford at Pantego                    | 2,464 |
| 5. The Woods Office Park                   | 2,290 |
| 6. New JBK Corp.(Schlotzsky's/Subway/etc.) | 1,952 |
| 7. Waterford at Pantego Sprinkler          | 1,927 |
| 8. Braum's                                 | 1,919 |
| 9. Aldi Sprinkler                          | 1,752 |
| 10. El Chico                               | 1,657 |

## II. WATER USE DATA FOR SERVICE AREA

### A. Water Accounting Data

1. Amount of water use for the previous five years (x1,000 gallons)

|                  | 2010    | 2009    | 2008    | 2007    | 2006    |
|------------------|---------|---------|---------|---------|---------|
| <b>January</b>   | 10,159  | 12,101  | 11,643  | 10,638  | 15,914  |
| <b>February</b>  | 12,285  | 11,529  | 10,654  | 10,340  | 11,474  |
| <b>March</b>     | 10,546  | 13,066  | 10,804  | 13,837  | 14,224  |
| <b>April</b>     | 13,496  | 13,699  | 11,764  | 12,021  | 17,400  |
| <b>May</b>       | 17,165  | 14,454  | 14,889  | 12,769  | 21,890  |
| <b>June</b>      | 25,147  | 20,856  | 21,367  | 15,598  | 26,649  |
| <b>July</b>      | 20,921  | 27,210  | 26,009  | 17,434  | 27,760  |
| <b>August</b>    | 27,727  | 24,686  | 23,620  | 22,951  | 32,664  |
| <b>September</b> | 17,610  | 15,915  | 19,068  | 19,279  | 19,895  |
| <b>October</b>   | 17,758  | 11,720  | 17,145  | 18,401  | 18,178  |
| <b>November</b>  | 12,684  | 11,165  | 13,898  | 15,514  | 13,459  |
| <b>December</b>  | 12,479  | 11,986  | 11,831  | 12,051  | 11,938  |
| <b>TOTAL</b>     | 197,977 | 188,387 | 192,692 | 180,833 | 231,445 |

2. Amount of water delivered for the past five years (x1,000 gallons)

| Year        | Residential | Commercial | Total   |
|-------------|-------------|------------|---------|
| <b>2010</b> | 121,355     | 82,139     | 203,494 |
| <b>2009</b> | 103,749     | 70,179     | 173,928 |
| <b>2008</b> | 110,147     | 62,371     | 172,518 |
| <b>2007</b> | 90,371      | 51,159     | 141,530 |
| <b>2006</b> | 118,858     | 53,238     | 172,096 |





|                  | <b>2010</b> | <b>2009</b> | <b>2008</b> | <b>2007</b> | <b>2006</b> |
|------------------|-------------|-------------|-------------|-------------|-------------|
| <b>January</b>   | 7,551       | 7,723       | 9,365       | 8,495       | 6,818       |
| <b>February</b>  | 9,144       | 7,410       | 9,026       | 6,920       | 7,099       |
| <b>March</b>     | 9,816       | 8,738       | 11,280      | 8,320       | 8,463       |
| <b>April</b>     | 10,380      | 8,118       | 12,322      | 8,247       | 7,575       |
| <b>May</b>       | 10,917      | 8,996       | 12,517      | 10,232      | 8,141       |
| <b>June</b>      | 10,021      | 8,837       | 10,156      | 12,364      | 6,915       |
| <b>July</b>      | 11,004      | 8,668       | 9,807       | 11,779      | 6,825       |
| <b>August</b>    | 9,099       | 8,683       | 8,965       | 10,433      | 6,710       |
| <b>September</b> | 10,916      | 9,274       | 7,439       | 9,362       | 6,359       |
| <b>October</b>   | 8,873       | 10,459      | 7,291       | 9,484       | 6,708       |
| <b>November</b>  | 9,661       | 3,051       | 7,174       | 10,380      | 6,219       |
| <b>December</b>  | 8,867       | 7,564       | 7,254       | 10,303      | 6,990       |
| <b>TOTAL</b>     | 116,249     | 97,521      | 112,596     | 116,319     | 84,822      |

**APPENDIX C**  
**ADOPTION OF WATER CONSERVATION PLAN**  
**ORDINANCE NO. 11-652**



**ORDINANCE NO. 11-652**

**AN ORDINANCE AMENDING THE TOWN OF PANTEGO CODE OF ORDINANCES ARTICLE 13.05 DROUGHT CONTINGENCY PLAN BY UPDATING, REVISING, AND DELETING VARIOUS SECTIONS AS NOTED WITHIN THE BODY OF THIS ORDINANCE; DECLARING A PENALTY; CONTAINING A SAVINGS CLAUSE; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS,** In view of recent and historical heat and drought conditions of long duration, the Town of Pantego recognizes that the amount of water available to its water customers is not unlimited, and therefore to protect the water supply for use in fire emergencies and to safeguard the water supply for public health and sanitation this ordinance is reasonable and necessary; and

**WHEREAS,** the Water Code and the regulations of the Texas Commission on Environmental Quality, Texas Administrative Code, Title 30, Part 1, Chapter 288, Subchapter B, Rule 288.20, requires that the Town adopt a Drought Contingency Plan and Water Conservation Plan; and

**WHEREAS,** pursuant to Chapter 54 of the Local Government Code, the Town of Pantego is authorized to adopt such policies necessary to preserve and conserve the available water supplies; and

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PANTEGO, TEXAS:**

**SECTION 1. the Town of Pantego Code of Ordinances Article 13.05 Drought Contingency Plan, Sections 13.05.001, 13.05.002 and 13.05.003 are hereby amended to provide as follows:**

**ARTICLE 13.05 WATER RESOURCE MANAGEMENT PLAN**

**13.05.001 Purpose**

The purpose of this Article is to establish the Town’s policy on water conservation, and, in the event of shortages or delivery limitations, establish water restriction conditions.

**13.05.002 Adoption of Water Resource Management Plan**

The Town of Pantego Water Resource Management Plan dated August 22, 2011, a true and correct copy of which is attached hereto as Exhibit A, is hereby accepted and adopted by the Town Council of the Town of Pantego, Texas.

**13.05.003 Violations**

(a) The city manager or his designee shall have the authority to discontinue water service to any residence, business or property which is in violation of any action or prohibition of this Article or the Water Resource Management Plan adopted pursuant to this Article. In the event water service is disconnected to any location as a result of such violation(s), water service shall not be resumed until all normal penalties and charges are paid, including an additional penalty charge of twenty-five dollars for cutting off the water due to such violation.

(b) A violation of this article or any provision of the Water Resource Management Plan adopted pursuant to this Article is hereby declared to be a violation of a rule, ordinance or police regulation that governs fire safety, or public health and sanitation within the meaning of Town of Pantego Code Section 1.01.009(b) and all penalties and enforcement mechanisms provided by this Town Code including Section 1.01.009, or provided by Texas law for such a violation shall be available to the Town.

**SECTION 2:** Town Code Sections 13.05.004 and 13.05.005 are hereby repealed.

**SECTION 3.** This Ordinance shall be and is hereby declared to be cumulative of all other Ordinances of the Town of Pantego, and this Ordinance shall not operate to repeal or affect the Code of Ordinances of the Town of Pantego or any Ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such Code or Ordinance are hereby repealed.

**SECTION 4.** Should any provision of this Ordinance be held invalid or unconstitutional, the remainder of such Ordinance shall not be deemed to affect the validity of any other provision of said Ordinance.

**SECTION 5.** This ordinance shall take effect immediately from and after its passage and publication in accordance with the laws of the State of Texas.

**PRESENTED AND PASSED** on this First and Final Reading this the 22<sup>nd</sup> day of August, 2011, by a vote of 5 ayes, 0 nays, and 0 abstentions, at a regular meeting of the Town Council of the Town of Pantego, Texas.

**APPROVED:**

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**Melody Paradise, Mayor**

**ATTEST:**

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**Lindsay Wells, City Secretary**

**APPROVED AS TO FORM:**

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**James T. Jeffrey, Jr., City Attorney**

**APPENDIX D**  
**TAMPERING AND THEFT OF WATER**  
**ORDINANCE NO. 11-651**





**ORDINANCE NO. 11-651**

**AN ORDINANCE AMENDING THE TOWN OF PANTEGO CODE OF ORDINANCES ARTICLE 13.01 GENERAL PROVISIONS BY UPDATING AND REVISING VARIOUS SECTIONS AS NOTED WITHIN THE BODY OF THIS ORDINANCE; DECLARING A PENALTY; CONTAINING A SAVINGS CLAUSE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS,** In view of recent and historical heat and drought conditions of long duration, the Town of Pantego recognizes that the amount of water available to its water customers is not unlimited, and therefore to protect the water supply for use in fire emergencies and to safeguard the water supply for public health and sanitation this ordinance is reasonable and necessary; and

**WHEREAS,** pursuant to Chapter 54 of the Local Government Code, the Town of Pantego is authorized to adopt such policies necessary to preserve and conserve the available water supplies; and

**WHEREAS,** the Town of Pantego seeks to protect its infrastructure, minimize water losses to its supply of water from illegal connections and theft through the adoption of an ordinance pertaining to illegal water connections and theft of water.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PANTEGO, TEXAS:**

**SECTION 1. the Town of Pantego Code of Ordinances Article 13.01 General Provisions Sections 13.01.001 and 13.01.003 are hereby amended to provide as follows:**

**13.01.001 Tampering With or Theft From the Water System**

A person commits an offense of tampering with Town property or theft of water by any of the following actions:

- (a) A person may not knowingly tamper, connect to, or alter any component of the Town's water system including valves, meters, meter boxes, meter box lids, hydrants, lines, pump stations, ground storage tanks and elevated storage tanks. This shall include direct or indirect efforts to initiate or restore water service without the approval of the Town.
- (b) If, without the written consent of the City Manager or the City Manager's designee, the person knowingly causes, suffers or allows the initiation or restoration of water service to the property after termination of service(s). For purposes of this section, it shall be assumed that the owner, occupant or person in control of the property cause, suffered or allowed the unlawful initiation or restoration of service(s).
- (c) A person may not knowingly make or cause a false report to be made to the Town of a reading of a water meter installed for metered billing.
- (d) A person commits a separate offense each day that the person performs an act prohibited by this section or fails to perform an act required by this section.

**13.01.003 Penalties**

Any violations of Section 13.01.001 or Section 13.01.002 of this Article are hereby declared to be a violation of a rule, ordinance or police regulation that governs fire safety, or public health and sanitation within the meaning of Town of Pantego Code Section 1.01.009(b) and all penalties and enforcement mechanisms provided by this Town Code including Section 1.01.009, or provided by Texas law for such a violation shall be available to the Town.

**SECTION 2. This Ordinance shall be and is hereby declared to be cumulative of all other Ordinances of the Town of Pantego, and this Ordinance shall not operate to repeal or affect the Code of Ordinances of the Town of Pantego or any Ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such Code or Ordinance are hereby repealed.**

**SECTION 3. Should any provision of this Ordinance be held invalid or unconstitutional, the remainder of such Ordinance shall not be deemed to affect the validity of any other provision of said Ordinance.**

**SECTION 4. This ordinance shall take effect immediately from and after its passage and publication in accordance with the laws of the State of Texas.**

**PRESENTED AND PASSED** on this First and Final Reading this the 22<sup>nd</sup> day of August, 2011, by a vote of 5 ayes, 0 nays, and 0 abstentions, at a regular meeting of the Town Council of the Town of Pantego, Texas.

**APPROVED:**

\_\_\_\_\_  
**Melody Paradise, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Lindsay Wells, City Secretary**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**James T. Jeffrey, Jr., City Attorney**