ORDINANCE NO. 09-F-21

AN ORDINANCE OF THE CITY OF SCHERTZ, TEXAS AMENDING THE CITY'S DROUGHT CONTINGENCY AND WATER EMERGENCY RESPONSE PLAN; AND PROVIDING SEVERABILITY, DECLARING AN EMERGENCY AND AN EFFECTIVE DATE.

WHEREAS, the City of Schertz, Texas (the "City") recognizes that the amount of water available to the City and its water utility customers is limited and subject to depletion during periods of extended drought;

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

WHEREAS, the City Council has previously adopted Ordinance No. 09-F-17, establishing a Drought Contingency and Water Emergency Response Plan (the "Drought Contingency Plan") and a Water Conservation Plan;

WHEREAS, City Staff recommends certain clarifications to part IX of the Drought Contingency Plan;

WHEREAS, in the best interests of the citizens of the City, the City Council deems it expedient and necessary to amend the Drought Contingency Plan as recommended by City Staff;

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

SECTION 1.

The City Council hereby amends Ordinance No. 09-F-17 by adopting the amended City of Schertz Drought Contingency and Water Emergency Response Plan attached hereto as Exhibit A and made part hereof for all purposes, and the same is hereby adopted as the official policy of the City.

SECTION 2.

All ordinances that are in conflict with the provisions of this Ordinance, including but not limited to Ordinance No. 09-F-17, are and the same are hereby repealed to the extent of such conflict, and all other ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect. Ordinance No. 09-F-17 is hereby ratified to the extent not amended hereby.

SECTION 3.

Should any paragraph, sentence, subdivision, clause, phrase, or section of this Ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the

validity of this Ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal, or unconstitutional.

SECTION 4.

Pursuant to Section 4.09(e) of the City Charter, by vote of not less than two-thirds of the members of the City Council present at the meeting at which this Ordinance was first considered, the City Council has determined that an emergency exists which requires immediate action, and this Ordinance is hereby adopted on a single reading and shall be effective upon the date hereof and any publication required by law.

PASSED, APPROVED, AND ADOPTED on first and final reading this 23rd day of June, 2009.

Mayor, City of Schertz, Texas

(SEAL OF THE CITY)

ATTEST:

City Secretary, City of Schertz, Texas

ORDINANCE NO. 13-F-26

AN ORDINANCE OF THE CITY OF SCHERTZ, TEXAS, AMENDING THE CITY'S DROUGHT CONTINGENCY ORDINANCE BY ADDING SECTION XI.2: SINGLE-PASS COOLING SYSTEM CONNECTIONS AND NON-RECIRCULATING SYSTEMS PROHIBITED; ESTABLISHING PENALTIES FOR THE VIOLATION OF AND PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS; ESTABLISHING PROCEDURES FOR GRANTING VARIANCES; AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Schertz, Texas (the "City") recognizes that the amount of water available to the City and its water utility customers is limited and subject to depletion during periods of extended drought;

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

WHEREAS, the City Council had previously adopted Ordinance No. 09-F-21, establishing a Drought Contingency and Water Emergency Response Plan;

WHEREAS, Section 11.1272 of the Texas Water Code and applicable rules of the Texas Commission of Environmental Quality along with requirements of 30 TAC Chapter 288 require all public water supply systems in Texas to prepare a drought contingency and water conservation plan; and

WHEREAS, all required public hearings have been held; and

WHEREAS, as authorized under law, and in the best interests of the citizens of Schertz, Texas, the City Council deems it expedient and necessary to amend the City's rules and policies for the orderly and efficient management of limited water supplies continually and more aggressively during drought and other water supply emergencies;

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

Section 1. That the City Council hereby amends Ordinance No. 09-F-21 by adding and adopting the following new Section XI.2 to the City's Drought Contingency and Water Emergency Response Plan:

> **"Section XI.2: Single-Pass Cooling System Connections and Non-Recirculating Systems Prohibited**
> Single-pass cooling system connections and non-recirculating systems for commercial laundry facilities, carwash facilities, and other business activities shall be prohibited in all facilities built or remodeled after the effective date of this Section XI.2."

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 3. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 4. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 7. This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.

PASSED ON FIRST READING, the 13th of August 2013.

PASSED, APPROVED, AND ADOPTED ON SECOND READING the 27th day of August 2013.

APPROVED:

Michael Carpenter, Mayor

ATTESTED TO:

Brenda Dennis, City Secretary

(Seal of City)

Drought Contingency and Water Emergency Response Plan
For
The City of Schertz

Public Water Supply

DROUGHT CONTINGENCY AND WATER EMERGENCY RESPONSE PLAN
FOR THE
CITY OF SCHERTZ

Section I: Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Schertz hereby adopts the following Drought Contingency and Water Emergency Response Plan (the Plan).

Water uses regulated or prohibited under the Plan are considered to be non-essential, and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section XII and XIII of the Plan.

Section II: Public Involvement

Opportunity for the public to provide input into the preparation of the Plan was provided by the City of Schertz by means of scheduling and providing public notice of a public meeting to accept input on the Plan.

Section III: Public Education

The City of Schertz will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of the City web site, newsletter and utility bill messages.

Section IV: Coordination with Regional Water Planning Groups

The service area of the City of Schertz is located within the Schertz Seguin Local Government Corporation (SSLGC) and Edwards Aquifer Authority. The City of Schertz has provided a copy of this Plan to the Edwards Aquifer Authority, Texas Water Development Board, SSLGC and San Antonio River Authority representing Region "L" for the State.

Section V: Authorization

The City Manager or his/her designee is hereby authorized and directed to implement the applicable provisions of the Plan upon determination that such implementation is necessary to protect public

health, safety and welfare. The City Manager, or his/her designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

Section VI: Application

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

Section VII: Definitions

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

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

Athletic Field: A sports play field including playgrounds whose essential feature is a grass turf, other than a golf course.

(a) Conforming athletic field – An athletic field with an approved groundwater conservation plan under section XI of this Plan.

(b) Non-conforming athletic field – Any other athletic field that is not a conforming athletic field.

Commercial and Institutional Water Use: Water use which is integral to the operations of commercial and non-profit establishments and governmental entities, public or private schools, retail establishments, hotels and motels, restaurants, office buildings and Homeowner/Neighborhood Associations.

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 City of Schertz.

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.

Golf Course: An area of land used for the game of golf.

(a) Conforming Golf Course – A golf course with an approved groundwater conservation plan pursuant to Section X of this Plan.

(b) Non-conforming golf course – Any other golf course that is not a conforming golf course.

Hand-held Watering: A hose or bucket physically attended by a person, fitted with a manual or automatic shutoff nozzle.

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, but does not include:

(a) Non-discretionary use without waste of groundwater by a commercial nursery to the extent the water is used for production rather than decorative landscaping;

(b) Application of groundwater without waste to a non-commercial family garden or orchard, the produce of which is for household consumption only;

(c) Application of groundwater by means of hand-held bucket, hand-held hose; soaker hose or properly installed drip irrigation system; and

(d) Application of groundwater by means of a soaker hose, hand-held hose, or properly installed drip irrigation system immediately next to a concrete foundation solely for the purpose of preventing, to the extent the watering is necessary, substantial damage to the foundation of the structure caused by movement of the foundation.

Mobile Home Communities: Property owned by an individual or commercial establishment who rents such property for mobile or manufactured homes placement; must comply with the requirements and restrictions as a "Customer" in this section.

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

(a) Irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
(b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
(c) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
(d) use of water to wash down buildings or structures for purposes other than immediate fire protection;
(e) flushing gutters or permitting water to run or accumulate in any gutter or street;

(f) use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
(g) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
(h) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
(i) use of water from hydrants for construction purposes or any other purposes other than fire fighting.

Private Water Well: Well on private property that is not inter-connected with the City's water.

Re-Use Water: A treated non-potable water source used for irrigation.

Wasting Water: Watering a non-pervious surface or landscape watering that goes beyond a customer's property. Waste of water also includes, but is not limited to, allowing water to run off into a gutter, ditch or drain, or failing to repair a controllable leak.

Section VIII: Triggering Criteria for Initiation and Termination of Drought Restriction Stages

The City Manager, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the Plan. Public notification of the initiation or termination of drought response stages shall be by means of publication in local newspaper and/or signs posted in public places.

The triggering criteria described below are based on the analysis of system capability and the rules of the Gonzales Underground Water Conservation District (GCUWCD) and SSLGC. In the event that SSLGC can not provide water, the City of Schertz will immediately implement Stage 4 restrictions.

Stage 1 – Restrictions—MILD Water Shortage Conditions

Requirements for Initiation – It is mandatory that customers conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section VII – Definitions, when one or all of the following are reached

(a) City of Schertz receives notification from the General Manager of SSLGC of Stage 1 conditions.
(b) Water demand is projected to approach 100% of the monthly limit of the GCUWCD permitted supply.
(c) Annual Monthly Average Drawdown as measured by GCUWCD rules equals 85% of allowable.
(d) The City's water system has malfunctioned, but is still able to keep up with demand.

Requirements for Termination - Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of thirty (30) consecutive days or when rescinded by the City Manager or his/her designee.

Stage 2 – Restrictions -- MODERATE Water Shortage Conditions

Requirements for Initiation - Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section VII of the Plan when one or all of the following are reached:

(a) City of Schertz receives notification from the General Manager of SSLGC of Stage 2 conditions.
(b) Water demand is projected to approach 110% of the monthly limit of the GCUWCD permitted supply.
(c) Annual Monthly Average Drawdown as measured by GCUWCD rules equals 95% of allowable.
(d) The City's water system has malfunctioned, and cannot keep up with demand.

Requirements for Termination - Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of thirty (30) consecutive days or when rescinded by the City Manager or his/her designee. Upon termination of Stage 2, Stage 1 becomes operative.

Stage 3 – Restrictions -- SEVERE Water Shortage Conditions

Requirements for Initiation - Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of the Plan when one or all of the following are reached:

(a) City of Schertz receives notification from the General Manager of SSLGC of Stage 3 conditions.
(b) Water demand is projected to approach 120% of the monthly limit of the GCUWCD permitted supply.
(c) Annual Monthly Average Drawdown as measured by GCUWCD rules equals 100% of allowable.
(d) Water quality is less than normal or is polluted. Health and safety standards may be jeopardized.
(e) The imminent or actual failure of a major component of the City's water system would cause immediate health and safety hazard.

Requirements for Termination - Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of thirty (30) consecutive days or when rescinded by the City Manager or his/her designee. Upon termination of Stage 3, Stage 2 becomes operative.

Stage 4 – Emergency Restrictions -- CRITICAL Water Shortage Conditions Including System or Water Quality Failure

Requirements for Initiation - Customers shall be required to comply with the requirements and restrictions for Stage 4 of the Plan when the Mayor, or his/her designee, determines that a water supply emergency exists based on:

(a) The General Manager of SSLGC, with concurrence of the SSLGC Executive Committee or Board of Directors, finds that conditions warrant the declaration of Stage 4.
(b) Water demand exceeds 125% of the monthly limit of the GCUWCD permitted supply.
(c) Annual Monthly Average Drawdown as measured by GCUWCD rules exceeds 115% of allowable.
(d) Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability of the City to provide water service.
(e) Natural or man-made contamination of the water supply source(s).

Requirements for Termination – Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of thirty (30) consecutive days, or when items (d) and (e) above have been repaired.

Water Rationing

Requirements for Initiation - Customers shall be required to comply with the water rationing allocation plan prescribed in Section XIII of the Plan when the Mayor and City Council determine that the water supply emergency exists and comply with the requirements and restrictions for Stage 4 of the Plan when:

(a) Extreme drought conditions exist;

(b) Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; **or**

(c) Natural or man-made contamination of the water supply source occurs.

Requirements for Termination – Water rationing may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of thirty (30) consecutive days or when rescinded by the City Manager or his/her designee.

Section IX:

1. **Wasting Water:**

(a) It shall be unlawful for any person or customer to waste water.

(b) Year round outdoor watering between 10:00 am – 8:00 pm is prohibited.

(c) It shall be a violation if a person or customer allows water to run off into a non-pervious ditch, or failure to repair a controllable leak.

(d) Re-use water usage is exempt from the plan.

(e) Customers using water from a private water well must comply with all requirements of the plan.

2. Drought Response Stages

The City Manager, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section VIII of the Plan, shall determine that Stage 1, 2, 3 or 4 conditions exist and shall implement the following actions upon publication of notice in a newspaper of general circulation and/or signs posted in public places and city web site:

Stage 1 – Restrictions -- MILD Water Shortage Conditions

Goal: Achieve a mandatory ten percent (10%) reduction in daily water demand.

Supply Management Measures:

Director of Public Works shall be responsible for overseeing the reduction or discontinued flushing of water mains, activation and use of an alternative supply source(s), use of reclaimed water for non-potable purposes, and blending of alternate sources.

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

(a) Water customers shall comply with mandatory limits of irrigation of landscape areas. Watering days will be based on the last digit of the address:

0-1 - Monday
2-3 - Tuesday
4-5 - Wednesday
6-7 - Thursday
8-9 - Friday

(b) Athletic Fields and Golf Courses –
Conforming 10% reduction in watering as per Section X & XI.
Non-conforming 15% reduction in watering as per Section X & XI.

(c) Commercial/Industrial/Schools/Institutional landscape watering is permitted on Wednesday only.

(d) Watering of landscape is permitted only between the hours of 12:00 am to 10:00 am and 8:00 pm to midnight on designated watering days.

(e) All operations of the City of Schertz shall adhere to water use restrictions prescribed for Stage 1 of the Plan.

(f) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

(g) Handheld, bucket or drip system is allowed.

(h) New landscape may have 3 weeks variance for establishment. All variances must be reviewed and approved by the City Manager or Director of Public Works or their designee.

(i) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a re-circulation system.

Stage 2 – Restrictions -- MODERATE Water Shortage Conditions

Goal: Achieve a fifteen percent (15%) reduction in daily water demand.

Supply Management Measures:

Director of Public Works shall see that reduced or discontinued flushing of water mains, reduced or discontinued irrigation of public landscaped areas; use of blending an alternative supply source(s); use of reclaimed water for non-potable purposes.

Water Use Restrictions: Under threat of penalty for violation, the following water use restrictions shall apply to all persons, along with previous restrictions from Stage 1:

(a) Water customers shall comply with mandatory limits of irrigation of landscape areas. Watering days will be based on the last digit of the address:

0-1- Monday
2-3 - Tuesday
4-5 - Wednesday
6-7 - Thursday
8-9 - Friday

(b) Athletic Fields and Golf Courses-
Conforming 15% reduction watering as per Section X & XI.
Non-conforming 20% reduction watering as per Section X & XI.

(c) Commercial/Industrial/Schools/Institutional landscape watering is permitted on Wednesday only.

(d) Watering of landscape is permitted only between the hours of 3:00 am to 8:00 am and 8:00 pm to 10:00 pm.

(e) Filling of all new and existing swimming pools is prohibited, unless at least 30% of the water is obtained from a source other than the aquifer. Groundwater may be used to replenish swimming pools to maintenance levels. Draining of swimming pools is permitted only onto a pervious surface or onto a pool deck where the water is transmitted directly to a pervious surface, and only if necessary to:

(1) Remove excess water from the pool due to rain to lower the water to the maintenance level;
(2) Repair, maintain, or replace a pool component that has become hazardous; or
(3) Repair a pool leak.

(f) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

(g) Use of water from fire hydrants shall be limited to fire fighting and 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 Schertz.

(h) All restaurants are prohibited from serving water to its patrons except when requested.

(i) The following uses of water are defined as non-essential and are prohibited:

1. Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
2. Use of water to wash down buildings or structures for purposes other than immediate fire protection;
3. Use of water for dust control;
4. Flushing gutters or permitting water to run or accumulate in any gutter or street; and

5. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Stage 3 – Restrictions -- SEVERE Water Shortage Conditions

Goal: Achieve a twenty-five percent (25%) reduction in daily water demand.

Supply Management Measures:

Director of Public Works shall see that reduced or discontinued flushing of water mains, reduced or discontinued irrigation of public landscaped areas; use of blending an alternative supply source(s); use of reclaimed water for non-potable purposes.

Water Use Restrictions: All requirements of Stages 1 & 2 shall remain in effect during Stage 3 except:

(a) Landscape watering is prohibited except by handheld watering or drip irrigation during designated watering days as described in Stage 1 & 2.

(b) The watering of golf course is prohibited unless the golf course utilizes a reuse water source.

(c) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

(d) The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi-type pools are prohibited.

(e) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

(f) No applications for additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be allowed or approved.

(g) Application of groundwater in the morning before 8:00 am and in the evening after 8:00 pm by means of a handheld bucket, handheld hose, soaker hose or properly installed drip irrigation system, immediately next to a concrete foundation solely for the purpose of preventing, and to the extent the watering is necessary to prevent, substantial damage to the foundation or the structure caused by movement of the foundation.

(h) Athletic field - Conforming 25% reduction watering as in Section XI

Non-conforming 30% reduction watering as in Section XI.

Stage 4 – Emergency Restrictions -- CRITICAL Water Shortage Conditions

Goal: Achieve a forty percent (40%) reduction in daily water demand.

Supply Management Measures:

Director of Public Works shall see that reduced or discontinued flushing of water mains, reduced or discontinued irrigation of public landscaped areas; use of blending an alternative supply source(s); use of reclaimed water for non-potable purposes.

Water Use Restrictions: All requirements of Stages 1,2, and 3 shall remain in effect during Stage 4 except:

(a) Irrigation of landscaped areas is absolutely prohibited.

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

(c) Implementation of additional drought contingency measures may be applied at the direction of the City of Schertz.

Section X: Golf Courses

Notwithstanding any other language in the Plan, the owners of golf courses that are applicants or customers of an applicant shall be required to submit a groundwater conservation plan and shall be defined as "conforming" and "non- conforming" and shall reduce usage of aquifer groundwater under the following terms:

1. It shall be unlawful to water any golf course between the hours of 10:00 am and 8:00 pm.

2. A conforming golf course is one that achieves enhanced conservation by utilizing a computer controlled irrigation system ("CCIS"), or similar system, which may be comprised of a computer controller (digital operating system), software, interface modules, satellite, field controller, soil sensors, weather station, or similar devices, which is capable of achieving maximum efficiency and conservation in the application of water to the golf course, must accomplish the following restrictions listed in subparagraphs (A)-(C) of this paragraph:

(A) Stage 1 Restrictions – 10% reduction in the replacement of daily evapotranspiration rate ("ET rate") or daily soil holding capacity; or use of not more than 95% of the metered amount for that corresponding month.

(B) Stage 2 Restrictions – 15% reduction in the replacement of daily (ET) rate or daily soil holding capacity; or use of not more than 90% of the metered amount for that corresponding month.

(C) Stage 3 Restrictions - 25% reduction in the replacement of daily (ET) rate or daily soil holding capacity, or use of not more than 75% of the metered amount for that corresponding month.

(D) Stage 4 Restrictions – 40% reduction in the replacement of daily ET rate or daily soil holding capacity not to exceed 60% of metered amount.

(3) A non-conforming golf course shall comply with the following reduction measures listed in paragraphs (A)-(C) of this subsection:

(A) Stage 1 Restrictions - 15% reduction in the replacement of daily ET rate as monitored by a properly operating CCIS or use of not more than 95% of the metered amount for that corresponding month for golf courses that are not equipped with a CCIS;

(B) Stage 2 Restrictions - 20% reduction in the replacement of daily ET rate as monitored by a properly operating CCIS or use of not more than 90% of the metered amount for that corresponding month for golf courses that are not equipped with a CCIS;

(C) Stage 3 Restrictions - 30% reduction in the replacement of daily ET rate as monitored by a properly operating CCIS or use of not more than 85% of the metered amount for that corresponding month for golf courses that are not equipped with a CCIS.

(D) Stage 4 Restrictions – 40% reduction in the replacement of daily ET rate as monitored by a properly operating CCIS or use of not more than 60% of the metered amount for that corresponding month for golf courses that are not equipped with a CCIS;

(4) The owner or operator of a golf course must comply with all rules relating to Stage 3 and 4.

(5) The owner or operator of a golf course must maintain daily water use records which must be available for inspection upon request.

(6) The owner or operator of a conforming golf course or a golf course with a CCIS must maintain daily water use records of their ET rate or daily soil holding capacity, which must be available for inspection upon request.

(7) All daily records must be kept on site.

Section XI: Athletic Fields

Notwithstanding any other language in the Plan, the owners of athletic fields that are applicants or customers of an applicant shall be required to submit a groundwater conservation plan and shall be defined as "conforming" or "non- conforming" and shall reduce usage of City supplied groundwater under the following terms:

1. It shall be unlawful to water any athletic field between the hours of 10:00 am and 8:00 pm

2. A conforming athletic field is one that achieves enhanced conservation by utilizing a CCIS, or similar system, which may be comprised of a computer controller (digital operating system), software, interface modules, satellite, field controller, soil sensors, weather station, or similar devices, which is capable of achieving maximum efficiency and conservation in the application of water to the athletic field, must accomplish the following restrictions listed in subparagraphs (A)-(C) of this paragraph:

(A) Stage 1 Restrictions – 10% reduction in the replacement of daily evapotranspiration rate ("ET rate") or daily soil holding capacity, or use of not more than 95% of the metered amount for that corresponding month.

(B) Stage 2 Restrictions – 15% reduction in the replacement of daily ET rate or daily soil holding capacity; or use of not more than 90% of the metered amount for that corresponding month,

(C) Stage 3 Restrictions - 25% reduction in the replacement of daily ET rate or daily soil holding capacity, or use of not more than 75% of the metered amount for that corresponding month.

(D) Stage 4 Restrictions – 40% reduction in the replacement of daily ET rate or daily soil holding capacity, not to exceed 60% of metered amount.

(3) A non-conforming athletic field shall comply with the foI1owing reduction measures listed in paragraphs (A)-(C) of this subsection:

(A) Stage 1 Restrictions - 15% reduction in the replacement of daily ET rate as monitored by a properly operating CCIS, or use of not more than 95% of the metered amount for that corresponding month for athletic fields that are not equipped with a CCIS;

(B) Stage 2 Restrictions - 20% reduction in the replacement of daily ET rate as monitored by a properly operating CCIS, or use of not more than 90% of the metered amount for that corresponding month for athletic fields that are not equipped with a CCIS;

(C) Stage 3 Restrictions - 30% reduction in the replacement of daily ET rate as monitored by a properly operating CCIS, or use of not more than 85% of the metered

amount for that corresponding month for athletic fields that are not equipped with a CCIS.

(D) Stage 4 Restrictions – 40% reduction in the replacement of daily ET rate as monitored by a properly operating CCIS or use of not more than 60% of the metered amount for that corresponding month for athletic fields that are not equipped with a CCIS.

(4) The owner or operator of an athletic field must comply with all rules relating to Stage 3 and 4.

(5) The owner or operator of an athletic field must maintain daily water use records, which must be available for inspection upon request.

(6) The owner or operator of a conforming athletic field or an athletic field with a CCIS must maintain daily water use records of their ET rate or daily soil holding capacity, which must be available for inspection upon request.

(7) All daily records must be kept on site.

Section XI.2: Single-Pass Cooling System Connections and Non-Recirculating Systems Prohibited

Single-pass cooling system connections and non-recirculating systems for commercial laundry facilities, carwash facilities, and other business activities shall be prohibited in all facilities built or remodeled after the effective date of this Section XI.2.

Section XII: Water Rationing

In the event that water shortage conditions threaten public health, safety, and welfare, the Mayor is hereby authorized to require water ration watering according to the following water allocation plan:

Single-Family Residential Customers

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

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

"Household" means the residential premises served by the customer's meter. "Persons per household" includes only those persons currently physically residing at the premises and expected to reside there for the entire billing period. It shall be assumed that a particular customer's household is comprised of two (2) persons unless the customer notifies the City of Schertz of a greater number of persons per household on a form prescribed by the Director of Public Works. The Director of Public Works shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every residential customer. If, however, a customer does not receive such a form, it shall be the customer's responsibility to go to the City of Schertz offices to complete and sign the form claiming more than two (2) persons per household. New customers may claim the number of persons per household at the time of applying for water service on the form prescribed by the Director of Public Works. When the number of persons per household increases so as to place the customer in a different allocation category, the customer may notify the City of Schertz on such form and the change will be implemented in the next practicable billing period. If the number of persons in a household is reduced, the customer shall notify the City of Schertz in writing within two (2) days. In prescribing the method for claiming more than two (2) persons per household, the Director of Public Works shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of persons in a household or fails to timely notify the City of Schertz of a reduction in the number of person in a household shall be fined not less than $200.00. Residential water customers shall pay the following surcharges:

$2.00 for the first 1,000 gallons over allocation.
$3.00 for the second 1,000 gallons over allocation.
$4.00 for the third 1,000 gallons over allocation.
$5.00 for each additional 1,000 gallons over allocation.

Surcharges shall be cumulative.

Master-Metered Multi-Family Residential Customers

The allocation to a customer billed from a master meter which jointly measures water to multiple permanent residential dwelling units (e.g., apartments, mobile homes) shall be allocated 6,000 gallons per month for each dwelling unit. It shall be assumed that such a customer's meter serves two dwelling units unless the customer notifies the City of Schertz of a greater number on a form prescribed by the Director of Public Works. The Director of Public Works shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every such customer. If, however, a customer does not receive such a form, it shall be the customer's responsibility to go to the City of Schertz offices to complete and sign the form claiming more than two (2) dwellings. A dwelling unit may be claimed under this provision whether it is occupied or not. New customers may claim only those occupying the dwelling unit at the time of applying for water service on the form prescribed by the Director of Public Works. If the number of dwelling units served by a master meter is reduced, the customer shall notify the City of Schertz in writing within two (2) days. In prescribing the method for claiming more than two (2) dwelling units, the Director of Public Works shall adopt

methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of dwelling units served by a master meter or fails to timely notify the City of Schertz of a reduction in the number of person in a household shall be fined not less than $200.00. Customers billed from a master meter under this provision shall pay the following monthly surcharges:

$2.00 for the first 1,000 gallons over allocation.
$3.00 for the second 1,000 gallons over allocation.
$4.00 for the third 1,000 gallons over allocation.
$5.00 for each additional 1,000 gallons over allocation.

Surcharges shall be cumulative.

Commercial Customers

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

$2.00 per thousand gallons for the first 1,000 gallons over allocation.
$3.00 per thousand gallons for the second 1,000 gallons over allocation.
$4.00 per thousand gallons for the third 1,000 gallons over allocation.
$5.00 per thousand gallons for each additional 1,000 gallons over allocation.

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

Industrial Customers and Commercial Nurseries

A monthly water usage allocation shall be established by the Director of Public Works, or his/her designee, for each industrial customer, which uses water for processing purposes. The industrial customer's and commercial nurseries allocation shall be approximately ninety percent (90%) of the customer's water usage baseline. Ninety (90) days after the initial imposition of the allocation for industrial customers and commercial nurseries, the industrial customer's and commercial nurseries allocation shall be further reduced to 85% percent of the customer's water usage baseline. The industrial customer's and commercial nurseries water usage baseline will be computed on the average water usage for the 12 month period ending prior to the date of implementation of Stage 2 of the Plan. If the industrial water customer's and commercial nurseries billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists. The Director of Public Works shall give his/her best effort to see that notice of each industrial customer and commercial nurseries allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the City of Schertz to determine the allocation, and the allocation shall be fully effective notwithstanding the lack of receipt of written notice. Upon request of the customer or at the initiative of the Director of Public Works, the allocation may be reduced or increased, (1) if the designated period does not accurately reflect the customer's normal water usage because the customer had shutdown a major processing unit for repair or overhaul during the period, (2) the customer has added or is in the process of adding significant additional processing capacity, (3) the customer has shutdown or significantly reduced the production of a major processing unit, (4) the customer has previously implemented significant permanent water conservation measures such that the ability to further reduce usage is limited, (5) the customer agrees to transfer part of its allocation to another industrial customer and commercial nurseries, or (6) if other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the City Manager. Industrial customers and commercial nurseries shall pay the following surcharges:

Customers whose allocation is 90% of their twelve month average.

$ 2.00 per thousand gallons for the first 1,000 gallons over allocation.
$ 3.00 per thousand gallons for the second 1,000 gallons over allocation.
$ 4.00 per thousand gallons for the third 1,000 gallons over allocation.
$ 5.00 per thousand gallons for each additional 1,000 gallons over allocation.

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

Section XIII: Enforcement

(a) No person shall knowingly or intentionally allow the use of water from the City of Schertz for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this 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 City Manager, or his/her designee, in accordance with provisions of this Plan.

(b) Any person who violates this Plan is guilty of a misdemeanor and, upon conviction, shall be punished by a fine up to $200.00. Each day that one or more of the provisions in the Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the Director of Public Works shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, hereby established at $150.00, and any other costs incurred by the City of Schertz in discontinuing service. In addition, suitable assurance must be given to the Director of Public Works 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.

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

(d) Any police officer, code enforcement officer, or other City of Schertz employee designated by the Director of Public Works, may issue a citation to a person he/she reasonably believes to be in violation of this Ordinance. The citation shall be prepared in duplicate and shall contain the name and addresss of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the municipal court on or before the 14th day following the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in municipal court to enter a plea of guilty or not guilty for the violation of this Plan. If the alleged violator fails to appear in municipal court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in municipal court before all other cases.

Section XIV: Variances

The City Manager, or his/her designee, may, in writing, grant 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 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:

(a) 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.

(b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with the City of Schertz within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the Director of Public Works, 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 Ordinance.
(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.

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

(a) Variances granted shall include an acceptable timetable for compliance.
(b) Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

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

Section XV: Severability

It is hereby declared to be the intention of the City of Schertz that the sections, paragraphs, sentences, clauses, and phrases of this Plan are severable and, if any phrase, clause, sentence, paragraph, or

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