ORDINANCE NO. 7071

AN ORDINANCE AMENDING CHAPTER 51, "GENERAL UTILITY PROVISIONS", OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A PENALTY CLAUSE, A SAVINGS CLAUSE, AND A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1

That Article VIII of Chapter 51, "General Utility Provisions", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"ARTICLE VIII. WATER CONSERVATION PLAN

Sec. 51.116 Declaration of policy, purpose, and intent

In order to conserve the available water supply by providing a consistent mechanism for preventing the waste of water resources, the following regulations and restrictions on the delivery and consumption of water are hereby adopted.

Sec. 51.117 Definitions

In this article:

(1) *Code* means the Code of Ordinances of the City, as amended.

(2) *Conservation* means those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve efficiency in the use of water, or increase the recycling and reuse of water so that an adequate supply of water is conserved and made available for future or alternative uses.

(3) *Customer* means any person (as that term is defined in Section 10.03 of this Code) using or receiving water supplied by the City.

(4) *Director* means the Managing Director of Water, Wastewater, and Water Recycling of the City, his or her designee, or such other individual to whom the City Manager has appointed the duties and authority under this article.

(5) *Drip irrigation* is a method of landscape irrigation involving irrigation tubing that provides water directly to the roots of the plants.

(6) *Institutional use* means the use of water by an entity dedicated to public service, such as a school, university, church, hospital, nursing home, or government facility. All facilities dedicated to public service are considered institutional regardless of ownership.

(7) *Landscape irrigation use* means 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.

(8) *Municipal per capita water use* is the sum total of water diverted into a water supply system for residential, commercial, public, and institutional uses divided by actual population served.

(9) *Municipal use* means the use of potable water provided by a public water supplier as well as the use of treated wastewater effluent for residential, commercial, public, and institutional applications.

(10) *Reclaimed water* means reclaimed municipal wastewater that has been treated to a quality that meets or exceeds the minimum standards of Chapter 210 of the Texas Administrative Code and is used for lawn irrigation, industrial purposes, or other non-potable purposes.

(11) *Residential Gallons Per Capita Per Day ("Residential GPCD")* means the total gallons sold for residential use by a public water supplier divided by the residential population served and then divided by the number of days in the year.

(12) *Reuse* is the authorized use for one or more beneficial purposes 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.

(13) *Soaker hose* is a type of water hose made of porous material that allows water to seep out of the hose without spraying water into the air.

(14) *Total Gallons Per Capita Per Day ("Total GPCD")* means the total amount of water diverted and/or pumped for potable use divided by the total permanent population divided by the days of the year. Diversion volumes of reuse as defined in 30 T.A.C. § 288.1 shall be credited against total diversion volumes for the purposes of calculating Total GPCD for targets and goals.

(15) *Unaccounted-for water* is the difference between the amount of water delivered by the City's wholesale water supplier and the amount of water sold by the City. Unaccounted-for water can include inaccurate or incomplete recordkeeping, meter error, unmetered uses (i.e. firefighting), leaks, and water theft or unauthorized use.

(16) *Water conservation goals* are measures of water consumption on a per capita basis set by the City as a benchmark for evaluating the effectiveness of the water conservation plan.

(17) *Water conservation plan* is 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 is required by Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.2 of the Texas Administrative Code.

Sec. 51.118 Water utility profile

The director shall endeavor to set water conservation goals for the City based on data collected and reported in the water utility profile filed with the Texas Commission on Environmental Quality (or successor agency) as required or provided by law. The profile shall include information regarding population and customer data, water usage data, water supply system data, and wastewater system data. The director shall ensure that a copy of the most current filed report is available for public inspection and copying.

Sec. 51.119 Water conservation goals

Water conservation goals are established to provide for a reduction and/or stabilization in the per capita water use over current water use trends. These goals can be realized from incorporation of water savings measures. The planning goals for the City include the following:

> Total Municipal per capita water use at or below 141.0 Total GPCD by the year 2024 and at or below 138.0 Total GPCD by the year 2029. Municipal per capita water use shall be calculated on an annual basis.

Sec. 51.120 Water conservation savings elements

The following measures shall be implemented as a part of the water conservation plan in an effort to track water use and control water losses.

> (1) Water source metering. The director shall endeavor to take monthly meter readings at each pumping station that pumps water into the City's water distribution system. These meters shall be within an accuracy of plus or minus 5 percent. These readings shall be recorded in a recordkeeping data base.
>
> (2) Enforcement measures. The City has established criminal penalties and provided for the assessment of service fees for tampering with, bypassing, or diverting water distributed by the Water Department.
>
> (3) Universal metering. The director shall endeavor to meter all water connections to the City's water distribution system including all residential, commercial, and industrial users, parks, public areas, and municipal facilities; provided however, that the director need not attempt to meter connections for water uses which are not from permanently metered locations, such as water used in fire protection, new construction, line flushing, maintenance flushing, storm sewer flushing, jet truck filling, fire hydrant flushing, and other required system flushing.
>
> (4) Meter repair and replacement. The director shall endeavor to test and repair meters on an as needed basis. All meters shall be periodically replaced on an as needed basis.

(5) Control of unaccounted-for water. The director shall endeavor to maintain unaccounted-for water below 12 percent, as recommended by the City's water purveyor, the North Texas Municipal Water District (NTMWD). The amount of unaccounted-for water shall be monitored on an annual basis. If the amount of unaccounted-for water exceeds 12 percent, the director shall take appropriate actions to reduce the amount of unaccounted-for water. Actions may include the following:

(a) Meter replacement and/or repair.

(b) Large meter recalibration.

(c) Aggressive leak detection program.

(d) Water audit.

(e) Any other action deemed necessary to reduce the unaccounted-for water use.

(6) Record management. Based on requirements of the Texas Administrative Code, the director shall separate water use into the following categories:

(a) Residential.

(i) Single Family

(ii) Multi-Family

(b) Commercial.

(c) Public/institutional.

(d) Industrial.

(e) Agricultural.

(f) Wholesale.

(7) Leak detection and repair. The director shall endeavor, on a continual basis, to monitor water lines by visual inspection and sound amplifiers for potential water leaks. Water lines shall be upgraded and replaced as necessary to correct any deficiencies.

(8) Public education and information. The director shall endeavor to provide the public with information on water conservation with activities such as:

(a) Publication of information in a newspaper of general circulation in the City; publication in the "City Press"; posting information on the City's website; and including inserts in utility bills highlighting water conservation material;

(b) Water conservation presentations at schools and other meetings at the request of the organization;

(c) Providing water conservation kits to residents who live along replaced water mains;

(d) Providing water conservation material at City public buildings;

(e) Encouraging the use of native, drought-tolerant, or adaptive plants;

(f) Promoting the use of drip irrigation; and

(g) Offering, as funding permits, educational water audits to water customers on a first-come, first-served basis.

(9) Conservation water rate structure. The City has implemented a three-tier increasing block rate structure to discourage waste of water replacing the existing uniform rate type structure.

(10) Water reuse and recycling. Treated wastewater plant effluent is reused at the City's two wastewater treatment facilities for plant wash down, on-site plant irrigation, and chlorination/dechlorination. Additional reuse includes diversion of treated effluent to a local power plant and NTMWD. The Director shall continue to identify additional opportunities for treated effluent reuse.

(11) Water conserving water fixtures. Section 30.80 of this Code adopts the plumbing code, which requires new toilets, showerheads, and faucets that are installed to meet reduced water use requirements. Use of these new fixtures in new construction and in remodeling will reduce water demand.

(a) As funding permits, conservation credits shall be applied to a customer's utility bill when proof of purchase and a signed application has been received for the purchase of up to three (3) new toilets and up to one (1) new clothes washing machine.

(12) Showerhead replacement program. The City provides low-flow showerheads and sink aerators to customers with showerheads with flows greater than 2.5 gpm. The showerheads are provided to customers impacted by mainline replacement at the completion of the project.

(13) Wholesale water customers. Any contract that the director may enter into for the wholesale sale of water after the adoption of the water conservation plan shall include the requirements that the wholesale customer develop and implement a water conservation plan that meets the requirements of title 30, part 1, chapter 288, subchapter A, rule 288.2 of the Texas Administrative Code.

(14) Water service in food service establishments. The City encourages food service establishments to serve water only when requested by the patron.

(15) Reservoir system operation plan. The City purchases all of its water from NTMWD, which utilizes system operation. The City does not have its own surface water supplies for which to implement a system operation plan.

(16) Monitoring effectiveness of the water conservation plan. The City monitors the effectiveness of the Water Conservation Plan on an annual basis through yearly reports.

(17) Conservation measures relating to lawn and landscape irrigation. Lawn and landscape irrigation practices within the City can cause a waste of valuable water resources. The purpose of this subsection is to assure that water be used for lawn and landscape irrigation in a manner that prevents waste and conserves water resources. All new irrigation systems must be in compliance with state design and installation regulations (Title 30, Part 1, Chapter 344 of the Texas Administrative Code).

(a) Lawn and landscape irrigation restrictions; offenses.

(i) Watering with sprinklers or irrigation systems is limited to no more than two days per week (April 1 - October 31), and no more than one day a week (November 1 - March 31) provided no active drought restrictions are in effect. A person commits an offense if he knowingly or recklessly irrigates, waters, or causes or permits the irrigation or watering of a lawn or landscape located on premises owned, leased, or managed by him in a manner which exceeds the weekly watering limitations set forth in this section.

(ii) Except for hand watering using an automatic shutoff nozzle and or the use of soaker hoses or drip irrigation systems, a person commits an offense if, between the hours of 10:00 a.m. and 6:00 p.m. between April 1 - October 31 of any year, he knowingly or recklessly irrigates, waters, or causes or permits the irrigation or watering of a lawn or landscape located on premises owned, leased, or managed by him.

(iii) A person commits an offense if he knowingly or recklessly irrigates, waters or causes or permits the irrigation or watering of a lawn or landscape located on premises owned, leased, or managed by the person in a manner that causes:

A. A substantial amount of water to fall upon impervious areas instead of upon the lawn or landscape, such that a constant stream of water overflows from the lawn or landscape onto a street or other drainage area; or

B. An irrigation system or other lawn or landscape watering device to operate during any form of precipitation.

(iv) A person commits an offense if, on premises owned, leased, or managed by him, he operates a lawn or landscape irrigation system or device that:

A. Has any broken or missing sprinkler head; or

B. Has not been properly maintained in a manner that prevents the waste of water.

(b) Rain sensing devices and freeze gauges.

(i) Any new irrigation system installed within the City on or after June 1, 2007, must be equipped with a rain sensing devices and freeze gauges.

(ii) A person commits an offense if, on premises owned, leased, or managed by him, he:

A. Installs, or causes or permits the installation of, a new irrigation system in violation of subsection (b)(i);

B. Operates, or causes or permits the operation of, an irrigation system that does not comply with subsection (b)(i); or

C. Fails to maintain the rain/freeze sensor in proper functioning order.

(c) At home car washing can be done only when using a water hose with an automatic shut-off nozzle.

(18) The Director shall endeavor to coordinate with the regional water planning group in order to ensure consistency with the approved regional water plan.

(19) Hotels and motels are encouraged to offer a linen reuse water conservation option to customers."

SECTION 2

That, except as otherwise provided in this Ordinance, a violation of any provision of this Ordinance shall be a misdemeanor punishable in accordance with Section 10.05 of the Code of Ordinances of the City of Garland, Texas. The City's authority to seek injunctive relief or other civil relief available under the law is not limited by this section.

SECTION 3

That Chapter 51, "General Utility Provisions", of the Code of Ordinances of the City of Garland, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

SECTION 4

That terms and provisions of this Ordinance are severable and are governed by Section 10.06 of the Code of Ordinances of the City of Garland, Texas.

SECTION 5

That this Ordinance shall be and become effective immediately upon and after its passage and approval.

PASSED AND APPROVED this the 18th day of June, 2019.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary