

ORDINANCE NO. 3302

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 16 OF THE CODE OF ORDINANCES OF THE CITY TO ADD SECTION 16-10 THEREBY ADOPTING A NEW WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN; REPEALING THE EMERGENCY WATER CONSERVATION PLAN ADOPTED ON JULY 30, 1998, PURSUANT TO ORDINANCE NO. 3237; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Mesquite on July 30, 1998, declared a water supply emergency and implemented procedures pursuant to an emergency water conservation plan in accordance with Ordinance No. 3237 establishing certain restrictions necessary for the safety and welfare of the public;

WHEREAS, it has been determined that the City's ability to maintain water storage reserves, pressure and adequate fire protection capabilities may, from time to time, require restrictions and/or prohibitions be again placed on use of outside water; and

WHEREAS, the City of Mesquite desires to reduce yearly per capita water consumption in order to increase the service capacity of the water and wastewater systems.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS;

**SECTION 1.** That the Code of the City of Mesquite is hereby amended by adding Section 16-10 to read as follows, in all other respects said Code and Chapter to remain in full force and effect:

**Sec. 16-10. Water Conservation and Drought Contingency Plan adopted.**

- (a) The Water Conservation and Drought Contingency Plan, dated June 7, 1999, is hereby adopted and incorporated herein by reference.
- (b) A copy of the Water Conservation and Drought Contingency Plan adopted herein shall be maintained in the office of the city secretary.
- (c) The Water Conservation and Drought Contingency Plan may be amended from time to time, or a new Water Conservation and Drought Contingency Plan may be adopted from time to time by city council action.

**SECTION 2.** That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, including specifically Ordinance No. 3237 passed by the City Council on July 30, 1998, to the extent of such conflict are hereby repealed.

SECTION 3. That should any word, sentence, clause, paragraph, or provision of this ordinance be held to be invalid or unconstitutional, the remaining portions of this ordinance shall remain in full force and effect.

SECTION 4. That where the Water Conservation and Drought Contingency Plan implemented pursuant to this ordinance includes mandatory restrictions or prohibitions, any person, firm, or corporation violating any of the restrictions or prohibitions of such Water Conservation and Drought Contingency Plan, and thus the provisions or terms of this ordinance, shall be deemed to be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense.

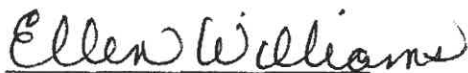
SECTION 5. That the present ordinances of the City of Mesquite are inadequate to provide for and insure an adequate water supply, pressure and fire protection which creates an urgency and emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately upon its passage.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 7th day of June, 1999.



Mike Anderson  
Mayor

ATTEST:



Ellen Williams  
City Secretary

APPROVED:



B.J. Smith  
City Attorney

# **WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN FOR THE CITY OF MESQUITE June 7, 1999**

## **INTRODUCTION**

The objective of this conservation plan is to reduce total water consumption, required for each water-using activity, through the implementation of efficient water use practices. In addition, the Drought Contingency Plan also provides procedures for voluntary and mandatory actions to be placed into effect to temporarily reduce the demand placed upon the City's water supply system during a water shortage emergency.

### **PLANNING AREA AND PROJECT DESCRIPTION**

The City of Mesquite is located on the eastern edge of Dallas County and has a current population of 119,600. The City also has a large business and industrial base with planned residential, commercial, and industrial zoned areas.

The City of Mesquite water supply is currently derived from the North Texas Municipal Water District (NTMWD). Mesquite currently operates 3 pumping facilities at Barnes Bridge (North), Rosabella (Central), and South Mesquite (South). The ground storage capacity is 22 million gallons. The City also utilizes elevated storage tanks to meet peak-day water demands, replenishing the storage when the demand is lower. These towers are located at Town East, Big Town, and Peachtree and have a storage capacity of 6.5 million gallons. The total combined system has a pumping capacity of 44 million gallons.

### **GOALS OF THE PROGRAM**

It is the goal of the City to achieve a minimum overall water consumption per capita reduction of five percent (5%). This decrease in water consumption will effectively reduce water demands, thereby increasing the service capacity of the water and wastewater systems.

Another goal of the program is to reduce unaccounted for "water loss" in the City's water distribution system. This will create a more efficient use of the water supplied to the City from the North Texas Municipal Water District.

## **WATER CONSERVATION PLAN**

### **PLAN ELEMENTS**

There are many elements to be considered in developing a water conservation plan. The elements that are most critical to the development of a water conservation plan for the City include: indoor water conservation practices, outdoor water conservation practices, water conserving landscaping practices, and water conserving plumbing retrofit. The principal water conservation methods to be considered in preparing this water conservation plan are:

- Public Education and Information Program
- Water Conservation Plumbing Code Requirements
- Water Conservation Plumbing Retrofit
- Universal Metering and Meter Repair/Replacement Program
- Water Conserving Landscaping
- Water Audits and Leak Detection
- Recycling and Reuse
- Plan Implementation

### **EDUCATION AND INFORMATION**

The City will promote water conservation by informing the public of methods to conserve water. The overall public education program will be divided into three segments: initial program, long term and new customer program. This information will be provided to all organizations that request information pertaining to water conservation. These groups include but are not limited to school, church groups, neighborhood associations, and civic clubs.

#### **INITIAL PROGRAM**

The initial program will include the distribution of educational materials including brochures and/or newsletters to all customers. The information will explain the water conservation program in addition to methods of conserving water. This initial distribution will be accompanied by a news release in order to distribute the information to a broader audience. The educational materials and news releases will promote water conservation by informing water users about ways to save water inside homes, in landscaping and lawn uses, and in recreational uses. The water conservation methods to be emphasized by the City will include:

- Bathroom water saving hints
- Kitchen water saving hints
- Laundry water saving hints
- Appliance and plumbing practices
- Outdoor water conservation

#### **LONG TERM PROGRAM**

The long-term program will include semi-annual distribution of educational materials and news releases corresponding to seasonal peak demand periods. The news releases will be used to provide information on water conserving practices, encourage water conservation and report progress on achieving the City's water conservation goal. Other news releases may be used if conditions warrant.

#### **NEW CUSTOMER PROGRAM**

New customers will receive the initial conservation education material that describes the conservation program and other general conservation information when they apply for service. This information will be included in the newcomer packet.

#### **WATER CONSERVATION PLUMBING CODE**

The City of Mesquite utilizes regulations that include water saving plumbing requirements. The standards for residential and commercial fixtures are established as summarized below:

- Tank-type toilets      No more than 1.6 gallons per flush
- Flush valve toilets    No more than 1.6 gallons per flush

- Tank-type urinals No more than 2.0 gallons per flush
- Flush valve urinals No more than 1.0 gallons per flush
- Shower heads No more than 2.7 gallons per minute
- Lavatory and kitchen No more than 2.2 gallons per minute
- Faucets Flow Restricting Type
- All hot water lines Insulated
- Swimming pool New pools must have re-circulating filtration equipment

### **WATER CONSERVATION PLUMBING RETROFIT**

Customers and owners of buildings that do not have water conserving plumbing devices will be encouraged to retrofit their old fixtures. The educational and advertising program will help inform them of the advantages of installing water saving devices as well as the availability of these items. A long-term program goal will provide incentives for homeowners to retrofit plumbing fixtures.

### **UNIVERSAL METERING AND METER REPAIR/REPLACEMENT PROGRAM**

The City is currently requiring water meters for most fire hydrant uses to measure water usage of the distribution system. There are some water uses from fire hydrants, however, that go undetected. The City will implement a plan to meter uses from fire hydrants including Fire Department uses, main flushing, and contractor connections for construction. This plan will improve the accuracy of information used in the water audit and leak detection program.

Currently, the City has a water accounting program that is implemented by computerized water consumption tracking. Each metered connection is monitored for consistency in water use. If water consumption increases or decreases dramatically, the meter becomes suspect and is tested and repaired or replaced as necessary.

In addition to meters identified by the water accounting program, the City has already established a meter testing and replacement program. Meter repair and replacement, coupled with the ongoing water accounting or auditing, will be used in conjunction with other programs such as leak detection and repair to potentially save significant quantities of water.

### **WATER CONSERVING LANDSCAPING**

The public education program will include suggestions on landscaping and irrigation procedures, which will result in, reduced water consumption and reduced water bills. These practices will be implemented as much as possible on public grounds in order to set an example for the general public. A long-term program goal will be to provide incentives for businesses and homeowners to install water saving irrigation systems and retrofit existing systems with rain and moisture detectors.

### **WATER AUDITS AND LEAK DETECTION**

The City currently has a continuous leak detection, location, and repair program, that includes an annual water audit. When a source of unaccounted-for water loss is located, corrective repairs or other actions are taken. Additionally, the plan to implement metering of fire hydrants and the meter-testing program will aid in reducing unaccounted-for water losses.

### **RECYCLING AND REUSE**

At the present time the City of Mesquite has very few water recycling and reuse processes. A long-term goal of the water conservation program will be to encourage and provide incentives for the utilization of water reuse for certain types of activities.

### **IMPLEMENTATION**

The City Manager or his/her duly appointed representative will act as the Administrator of the Water Conservation and Drought Contingency Plan. The Administrator will oversee the execution and implementation of all elements of the plan. They will also be responsible to oversee the keeping of adequate records for program verification.

As a means to implement the Water Conservation and Drought Contingency Plan, the City has recently implemented the following documents:

*An Ordinance by the City to implement the legal documents necessary to enact this Water Conservation and Drought Contingency Plan.*

*Enforcement of current Plumbing Code requirements to utilize Water Conservation fixtures and devices.*

## **DROUGHT CONTINGENCY PLAN**

### **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 Mesquite hereby implements the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this Drought Contingency Plan (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 X of this Plan.

### **Section II: Public Involvement**

Opportunity for the public to provide input into the preparation of the Plan was provided by the City of Mesquite by means of forming a Water Advisory Committee, made up of residents, small and large businesses and large water consumers.

### **Section III: Public Education**

The City of Mesquite 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 public notices, press releases, direct mailings and utility bill inserts.

#### **Section IV: Coordination with Regional Water Planning Groups**

The service area of the City of Mesquite is located within the North Texas Municipal Water District and the City of Mesquite has provided a copy of this Plan to the North Texas Municipal Water District.

#### **Section V: Authorization**

The City Manager or his/her designee is hereby authorized and directed to implement the applicable provisions of this 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**

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the City of Mesquite. 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 this Plan, the following definitions shall apply:

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

Commercial and institutional water use: water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer: any person, company, or organization using water supplied by the City of Mesquite.

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.

Non-essential water use: water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:

- irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
- use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- use of water to wash down buildings or structures for purposes other than immediate fire protection;
- flushing gutters or permitting water to run or accumulate in any gutter or street;
- use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
- use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- use of water from hydrants for construction purposes or any other purposes other than fire fighting.

### **Section VIII: Triggering Criteria for Initiation and Termination of Drought Response Stages**

The City Manager, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis during the months of May, June, July, August and September 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 a newspaper of general circulation, direct mail to each customer, cable access, web site, phone message and/or signs posted in public places.

The triggering criteria described below are based on historic pumping levels of the water system and available supply from the North Texas Municipal Water District. The City of Mesquite's water system has a maximum daily pumping capacity that limits the amount of water delivered to water customers. During extended periods of drought and high temperatures, consumption levels may surpass the systems ability to deliver water. Also, the supply of water delivered by the North Texas Municipal Water District may be reduced due to overall demand of their system.

#### **(a) Stage 1A - Mild Water Shortage Conditions**

Requirements for initiation – City Parks and School Facilities will be requested to conserve water and adhere to the prescribed restrictions on certain water uses, when total daily water demand equals or exceeds 37 million gallons for 7 consecutive days.

-or-

Continually falling treated water reservoir levels do not refill above 70 percent overnight for 7 consecutive days.

-or-

Continually falling treated water overhead storage levels do not refill above 70 percent overnight for 3 consecutive days.

Requirements for termination - Stage 1A of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 7 consecutive days.



**Stage 1B - Mild Water Shortage Conditions**

Requirements for initiation - Customers shall be requested to conserve water and adhere to the prescribed restrictions on certain non-essential water uses for Stage 1B of this plan when total daily water demand equals or exceeds 37 million gallons for 14 consecutive days or 40 million gallons for 7 consecutive days.

-or-

Continually falling treated water ground reservoir levels do not refill above 60 percent overnight for 7 consecutive days.

-or-

Continually falling treated water overhead storage levels do not refill above 60 percent overnight for 3 consecutive days.

Requirements for termination - Stage 1B of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 7 consecutive days.

**(b) Stage 2 - Moderate 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 2 of this Plan when total daily water demand equals or exceeds 40 million gallons for 7 consecutive days or 42 million gallons for 3 consecutive days.

-or-

Continually falling treated water ground reservoir levels do not refill above 50 percent overnight for 4 consecutive days.

-or-

Continually falling treated water overhead storage levels do not refill above 50 percent overnight for 3 consecutive days.

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 7 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.

**(c) Stage 3 - 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 this Plan when total daily water demand equals or exceeds 42 million gallons for 3 consecutive days or 44 million gallons on a single day

-or-

When the available water supply available to the City of Mesquite is equal to or less than 44 million gallons per day

-or-

Continually falling treated water ground reservoir levels do not refill above 40 percent overnight for 3 consecutive days.

-or-

Continually falling treated water overhead storage levels do not refill above 40 percent overnight for 3 consecutive days.

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 7 consecutive days. Upon termination of Stage 3, Stage 2 becomes operative.

**(d) Stage 4 - Critical 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 4 of this Plan when total daily water demand equals or exceeds 42 million gallons for 7 consecutive days or 44 million gallons for 3 consecutive days

-or-

when the available water supply available to the City of Mesquite is equal to or less than 35 million gallons per day

-or-

Continually falling treated water ground and overhead storage levels do not refill above 30 percent overnight for 2 consecutive days.

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 7 consecutive days. Upon termination of Stage 4, Stage 3 becomes operative.

**(e) Stage 5 - Emergency Water Shortage Conditions**

Requirements for initiation - Customers shall be required to comply with the requirements and restrictions for Stage 5 of this Plan when the City Manager or his/her designee determines that a water supply emergency exists based on:

1. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or
2. Natural or man-made contamination of the water supply/source(s).

Requirements for termination - Stage 5 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist as determined by the City Manager or his/her designee.

**Section IX: 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 a mild, moderate, severe, critical, or emergency condition exists and shall implement the following actions upon publication of notice in a newspaper of general circulation and other means of communicating with the public:

**Residential**

**Stage 1A - Mild Water Shortage Conditions**

Goal: Reduce the total daily demand and reduce consumption during peak times.

Supply Management Measures:

City Parks and School Facilities along with large water consumers will coordinate a watering schedule to reduce total daily demand and set systems to avoid peak demand times. Fire Hydrant testing will be eliminated during all phases of the plan. Flushing of mains will occur as

needed for line repairs. Installation of new landscaping in all new residential and commercial developments will be postponed throughout the plan until Stage 1A is rescinded.

### **Stage 1B - Mild Water Shortage Conditions**

**Goal:** Achieve a voluntary 5 percent reduction in the total daily water demand and reduce consumption during peak times.

#### Supply Management Measures:

Flushing of mains will occur in non-peak times. Use of water from hydrants for construction purposes or any other purpose will be permitted only during non-peak times.

#### Voluntary Water Use Restrictions:

- Water customers are requested to voluntarily limit the irrigation of landscaped areas to non-peak watering times. Outdoor water use is prohibited between the hours of 4 p.m. and 9:00 p.m. and all day Sunday. Use of automatic irrigation systems will be limited to the hours of 1 a.m. to 6 a.m. and prohibited on Sundays.
- Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.
- Use of soaker hoses is permitted at all times for foundations only.

### **Stage 2 - Moderate Water Shortage Conditions**

**Goal:** Achieve a 10 percent reduction in daily water demand.

#### Supply Management Measures:

The same measures apply as in Stage 1A and 1B.

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

- Irrigation of landscaped areas with hose-end sprinklers shall be prohibited between the hours of 4 p.m. and 9 p.m. Use of automatic irrigation systems will be limited to the hours of 1 a.m. to 6 a.m.. All watering is prohibited on Sundays.
- Use of soaker hoses is permitted at all times for foundations only.
- Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited between the hours of 4 p.m. and 9 p.m. and all day Sunday. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rises. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public are contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
- Use of water to maintain proper levels for any indoor or outdoor swimming pools, wading pools, or jacuzzi-type pools is prohibited between the hours of 4 p.m. and 9 p.m. and Sunday. Draining and refilling of pools is prohibited at all times.
- Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life.
- Use of water from hydrants shall be limited to fire fighting, 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 Mesquite.

- Use of water for the irrigation of golf course greens, tees, and fairways is prohibited between the hours 7 a.m. and 9 p.m. However, if the golf course utilizes a water source other than that provided by the City of Mesquite, the facility shall not be subject to these regulations.
- The following uses of water are defined as non-essential and are prohibited at all times:
  - wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas (such washing may be exempted from these regulations if the health, safety and welfare of the public is contingent upon the cleaning of the surface);
  - use of water to wash down buildings or structures for purposes other than immediate fire protection (such washing may be exempted from these regulations if the health, safety and welfare of the public is contingent upon the cleaning of the structure);
  - use of water for dust control;
  - flushing gutters or permitting water to run or accumulate in any gutter or street; and
  - 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 - Severe Water Shortage Conditions**

Goal: Achieve a 20 percent reduction in daily water demand.

#### Supply Management Measures:

City Parks and School Facilities along with other large water consumers will be restricted to a one day per week schedule for landscape irrigation. Athletic fields where injury may occur will be permitted additional watering times. Water used for construction purposes will be limited to off peak hours and remain by special permits issued by the City of Mesquite.

Mandatory Water Use Restrictions - All requirements of Stage 2 shall remain in effect during Stage 3 except:

- Irrigation of landscaped areas shall be limited to Monday, Wednesday, and Friday. Irrigation of landscape areas is prohibited between the hours of 1 p.m. and 9 p.m. on designated watering days. The use of automatic irrigation systems is permitted only between 3 a.m. and 6 a.m.
- The City of Mesquite prohibits the watering of golf course fairways unless the golf course utilizes a water source other than the City of Mesquite.
- The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.
- The use of soaker hoses is permitted only for foundations only on designated watering days.

### **Stage 4 - Critical Water Shortage Conditions**

Goal: Achieve a 30 percent reduction in daily water demand.

#### Supply Management Measures:

City Parks and School Facilities will be limited to irrigating 1 day per week every other week. Large irrigators will comply with similar schedules.

**Mandatory Water Use Restrictions:**

- Irrigation of landscaped areas shall be limited to Monday, Wednesday, and Friday and shall be by means of hand-held hoses with positive shut off nozzles. Irrigation of landscape areas is prohibited between the hours of 1 p.m. and 9 p.m. on watering days.
- Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall be prohibited between the hours of 1 p.m. and 9 p.m.
- The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi-type pools is limited to between 6:00 a.m. and 11:00 a.m. on designated watering days.
- Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life.
- 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.
- The use of soaker hoses is permitted only for foundations and only on designated watering days.

**Stage 5 - Emergency Water Shortage Conditions**

Goal: Achieve a 50 percent reduction in daily water demand in order to maintain water supply and pressure levels for sustaining fire fighting capabilities.

**Supply Management Measures:**

City and School Facilities will no longer irrigate any facility. All flushing of water mains will be eliminated except as need for health regulations. All available water will be reserved in overhead storage tanks for fire protection.

**Mandatory Water Use Restrictions.** All requirements of Stage 2, 3, and 4 shall remain in effect during Stage 5 except:

- Irrigation of landscaped areas is absolutely prohibited.
- Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited. All commercial car wash facilities will be restricted from operation.
- The use of soaker hoses is prohibited.

**Business/Commercial**

**Stage 1 - Mild Water Shortage Conditions**

Goal: Achieve a voluntary 5 percent reduction in the total daily water demand and reduce consumption during peak times.

**Supply Management Measures:**

Use of water from hydrants for construction purposes or any other purpose will be permitted only during non-peak times.

**Voluntary Water Use Restrictions:**

- Commercial water customers are requested to voluntarily limit the irrigation of landscaped areas to non-peak watering times. Outdoor water use is permitted Tuesday, Thursday and Saturday. Irrigation is prohibited between the hours of 1 p.m. and 9:00 p.m. The use of automatic irrigation systems will be limited to the hours of 1 a.m. to 6 a.m. on designated watering days.
- Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

**Stage 2 - Moderate Water Shortage Conditions**

Goal: Achieve a 10 percent reduction in daily water demand.

**Supply Management Measures:**

The same measures apply as in Stage 1.

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

- Irrigation of landscaped areas is permitted on Tuesday, Thursday and Saturday. Irrigation shall be prohibited between the hours of 1 p.m. and 9 p.m. Use of automatic irrigation systems will be limited to the hours of 1 a.m. to 6 a.m. on designated watering days.
- Use of soaker hoses is permitted at all times for foundations only.
- Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days and is prohibited between the hours of 1 p.m. and 9 p.m. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rises. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public are contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
- Use of water to maintain proper levels for any indoor or outdoor swimming pools, wading pools, or jacuzzi-type pools is prohibited between the hours of 4 p.m. and 9 p.m. and Sunday. Draining and refilling of pools is prohibited at all times.
- Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life.
- Use of water from hydrants shall be limited to fire fighting, 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 Mesquite.
- Use of water for the irrigation of golf course greens, tees, and fairways is prohibited between the hours 7 a.m. and 9 p.m. However, if the golf course utilizes a water source other than that provided by the City of Mesquite, the facility shall not be subject to these regulations.
- The following uses of water are defined as non-essential and are prohibited:

- wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas (such washing may be exempted from these regulations if the health, safety and welfare of the public is contingent upon the cleaning of the surface);
- use of water to wash down buildings or structures for purposes other than immediate fire protection (such washing may be exempted from these regulations if the health, safety and welfare of the public is contingent upon the cleaning of the structure);
  - use of water for dust control;
  - flushing gutters or permitting water to run or accumulate in any gutter or street; and
  - 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 - Severe Water Shortage Conditions**

Goal: Achieve a 20 percent reduction in daily water demand.

#### Supply Management Measures:

Water used for construction purposes will be limited to off peak hours and remain by special permits issued by the City of Mesquite.

Mandatory Water Use Restrictions - All requirements of Stage 2 shall remain in effect during Stage 3 except:

- Irrigation of landscaped areas shall be limited to Tuesday and Thursday. Irrigation of landscape areas is prohibited between the hours of 1 p.m. and 9 p.m. on watering days. The use of automatic irrigation systems is permitted only between 1 a.m. and 6 a.m.
- The City of Mesquite prohibits the watering of golf course fairways unless the golf course utilizes a water source other than the City of Mesquite.
- The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.
- The use of soaker hoses is permitted only for foundations only and on designated watering days.

### **Stage 4 - Critical Water Shortage Conditions**

Goal: Achieve a 30 percent reduction in daily water demand.

#### Supply Management Measures:

Water used for construction purposes will be limited to off peak hours and remain by special permits issued by the City of Mesquite.

Mandatory Water Use Restrictions:

- Irrigation of landscaped areas shall be limited to Thursday and shall be by means of hand-held hoses with positive shut off nozzles. Irrigation of landscape areas is prohibited between the hours of 1 p.m. and 9 p.m. on watering days. The use of automatic irrigation systems is permitted only between 1 a.m. and 6 a.m. on designated watering day.
- Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service

stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall be prohibited between the hours of 1 p.m. and 9 p.m.

- The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi-type pools is limited to between 6:00 a.m. and 11:00 a.m. on designated watering days.
- Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life.
- 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.
- The use of soaker hoses is permitted only for foundations and only on designated watering days.

### **Stage 5 - Emergency Water Shortage Conditions**

Goal: Achieve a 50 percent reduction in daily water demand in order to maintain water supply and pressure levels for sustaining fire fighting capabilities.

Supply Management Measures:

City and School Facilities will no longer irrigate any facility. All flushing of water mains will be eliminated except as need for health regulations. All available water will be reserved in overhead storage tanks for fire protection.

Mandatory Water Use Restrictions. All requirements of Stage 2, 3, and 4 shall remain in effect during Stage 5 except:

- Irrigation of landscaped areas is absolutely prohibited.
- Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited. All commercial car wash facilities will be restricted from operation.
- The use of soaker hoses is prohibited.

### **Section X: Enforcement**

No person shall knowingly or intentionally allow the use of water from 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.

Any person who violates the mandatory water use restrictions of this Plan is guilty of a Class C misdemeanor and, upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand Dollars for each offense. Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the City Manager shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a reconnection charge, as established by the City of Mesquite, and any other costs incurred by the City of Mesquite in discontinuing service. In addition, suitable assurance must be given to the City



Manager 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.

Any person, including a person classified as a water customer of the City of Mesquite, 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 reputable 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 reputable presumption that the parent committed the violation.

Any employee of the City of Mesquite, police officer, or other employee designated by the City Manager, 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 address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the Municipal Court on or before the 12<sup>th</sup> day from 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.

### **Section XI: 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:

- 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.
- Alternative methods can be implemented which will achieve the same level of reduction in water use.
- The physical condition of the customer prevents proper compliance with the particular drought response stage.

Persons requesting an exemption from the provisions of this Ordinance shall file an application for variance with the City of Mesquite within 5 days after the Plan or a particular drought response stage has been invoked. All applications for variances shall be reviewed by the City Manager, or his/her designee, and shall include the following:

- (a) Name and address of the applicant(s).
- (b) Purpose of water use/physical condition.
- (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 Mesquite shall be subject to the following conditions, unless waived or modified by the City Manager or his/her designee:

- Variances granted shall include a timetable for compliance.
- 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 XII: Severability**

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this 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 this Plan, since the same would not have been enacted by the City Council without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.