

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS REPEALING THE CITY OF WILLOW PARK'S CURRENT WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN; AMENDING THE CITY OF WILLOW PARK CODE OF ORDINANCES BY AMENDING ARTICLE 13.11 TO ESTABLISH A NEW WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN; PROVIDING A PENALTY FOR VIOLATIONS OF THIS ORDINANCE IN AN AMOUNT NOT TO EXCEED \$2,000.00; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Willow Park (the "City") finds that conservation of water and protection of its water supply is in the best interest of its citizens; and

WHEREAS, the City is required to submit updated water conservation and drought contingency and emergency water management plans to the Texas Commission on Environmental Quality (TCEQ) and the Texas Water Development Board in accordance with Title 30 of the Texas Administrative Code, Chapter 288; and

WHEREAS, the City has entered into a wholesale water purchase agreement with the City of Fort Worth to purchase up to 3.4 MGD and that agreement requires that the City adopt a drought contingency and emergency water plan that is consistent with and follows the same water conservation restrictions as the City of Fort Worth; and

WHEREAS, staff recommends that the City Council adopt the amended drought contingency and emergency water management plan as contained in Article 13.11 of the City's Code of Ordinances that is consistent with and follows the same water conservation restrictions as the City of Fort Worth and is in compliance with the requirements of Title 30 of the Texas Administrative Code, Chapter 288; and

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

SECTION I. INCORPORATION OF PREMISES

The above and foregoing premises to this Ordinance are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION II. ENACTMENT

A. Article 13.11 of the City's Code of Ordinances is repealed in its entirety.

B. The City's new Drought Contingency and Emergency Water Management Plan as set forth in the revised Article 13.11 is set forth herein as follows:

“Article 13.11. Drought Contingency and Emergency Water Management

Division 1. Generally

13.11.001 Definitions

Aesthetic water use. Water used for ornamental or decorative features such as fountains, reflecting pools and water gardens.

Alternative Water Source. Water produced by a source other than a water treatment plan and is not considered potable. These sources can include but are not limited to:

- (a) reclaimed/recycled water,
- (b) collected rainwater,
- (c) collected grey water,
- (d) private well water.

Athletic field. A sport playing field, the essential feature of which is turf grass, used primarily for organized sports for schools, professional sports, or sanctioned league play.

Automatic Irrigation System. A site-specific system of delivering water generally for landscaping via a system of pipes or other conduits installed below ground that automatically cycles water use through water emitters to a present program, whether on a designed timer or through manual operation.

Aquatic Life. Vertebrate organisms that are dependent upon an aquatic environment to sustain its life.

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

Conservation Coordinator. Coordinates water utility staff, data from various departments, and other resources as necessary for the purpose of developing, implementing, and evaluating the effectiveness of the utility’s water conservation plan. The designated conservation coordinator shall be the Public Works Director or their appointed designee.

Customer. Any person, company, or organization using water supplied by the City or through an entity supplied by the City.

Drip irrigation. An irrigation system (drip, porous pipe, etc.) that applies water at a predetermined controlled low-flow levels directly to the roots of the plant.

Drought Contingency Plan. Means a strategy or combination of strategies for temporary supply management and demand management responses to temporary or potentially recurring water supply shortages and other water supply emergencies.

Fountain. An artificially created jet, stream or flow of water, a structure, often decorative, from which a jet, stream or flow of water issues.

Golf Course. Means an irrigated and landscaped playing area made up of greens, tees, fairways, roughs and related areas used for the playing of golf.

Hand-held hose. A hose physically held by one person, fitted with a manual or automatic shutoff nozzle.

Hand Watering. The application of water for irrigation purposes through a hand-held watering hose, watering can, or bucket.

Hose-end Sprinkler. A device through which water flows from a hose to a sprinkler to water any lawn or landscape.

Hosing. To spray, water, or wash with a water hose.

Industrial water use. Means the use of water for or in connection with commercial or industrial activities, including but not limited to, manufacturing, bottling, brewing, food processing, scientific research and technology, recycling, production of concrete, asphalt, and cement, commercial uses of water for tourism, entertainment, and hotel or motel lodging, generation of power other than hydroelectric and other business activities.

Irrigation system. Means a system of fixed pipes and water emitters that apply water to landscape plants or turfgrass, including but not limited to in-ground and permanent irrigation systems.

Lake, lagoon or pond. An artificially created body of fresh or salt water.

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, rights-of-way, medians and entry ways.

“New landscape.” Landscape plants or turfgrass installed during construction of a new house, multi-family dwelling or commercial building; installed as part of a governmental entity’s capital improvement project; or alters more than one-half the area of an existing landscape.

Non-essential water use. Water uses that are not required for the protection of public health, safety and welfare, such as:

- (a) Irrigating landscape areas, including parks, athletic fields, and golf courses, except as otherwise provided under this plan;

- (b) Washing any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas; except to alleviate a public health and safety issue;
- (c) Washing any automobile, motorbike, boat (and/or trailer), airplane, or other vehicle except where required by law for safety and sanitary purposes.
- (d) Washing buildings or structures for purposes other than immediate fire protection, or other uses provided under this plan;
- (e) Filling, refilling, or adding to any swimming pools or Jacuzzi-type pools, except to maintain safe operating levels;
- (f) Filling or operation of a fountain or pond for aesthetic or scenic purposes except when necessary to support aquatic life;
- (g) Failure to repair a controllable leak within a reasonable time period after being directed to do so by formal notice; and
- (h) Drawing from hydrants for construction purposes or any other purpose other than firefighting or protection of public drinking water supplies.

Park. A non-residential or multifamily tract of land, other than a golf course, maintained by a city, private organization, or individual, as a place of beauty or public recreation and available for use to the general public.

Power/Pressure washer. Machine that uses water or a water-based product applied at high pressure to clean impervious surfaces.

Pressure washer (High-Efficiency). A machine that uses water or a water-based product applied at 1500 pounds per square inch (PSI) or greater.

Reclaimed Water. Municipal wastewater effluent that is given additional treatment and distributed for reuse in certain applications. Also referred to as recycled water.

Soaker hose. A flexible hose that is designed to slowly emit water across the entire length and connect directly to a flexible hose or spigot. Does not include hose that by design or use sends a fine spray in the air. It is not considered drip irrigation.

Splash Pad/Spray Park. An area for water play that has no standing water. Typically, they utilize various spray nozzles which spray water in multiple directions.

Swimming pool. Any structure, basin, chamber, or tank including hot tubs, containing an artificial body of water for swimming, diving, or recreational bathing, and having a depth of two (2) feet or more at any point.

Vegetable garden. Any noncommercial vegetable garden planted primarily for household use; "noncommercial" includes incidental direct selling of produce from such a vegetable garden to the public.

Well Water. Water that has been, or is, obtained from the ground by digging, boring, or drilling to access an underground aquifer.

13.11.002 Introduction and Objectives

The purpose of this Drought Contingency and Emergency Water Management Plan (subsequently referred to as the Plan) is as follows:

- (a) To conserve the available water supply in times of drought and emergency
- (b) To maintain supplies for domestic water use, sanitation, and fire protection
- (c) To protect and preserve public health, welfare, and safety
- (d) To minimize the adverse impacts of water supply shortages
- (e) To minimize the adverse impacts of emergency water supply conditions.

13.11.003 Texas Commission on Environmental Quality Rules

TCEQ rule Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.1 (4) defines a drought contingency plan as “a strategy or combination of strategies for temporary supply and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies.”

TCEQ rules governing development of and minimum requirements for drought contingency plans for municipal water suppliers and wholesale water suppliers are contained in Texas Administrative Code Title 30, Part 1, Chapter 288, Subchapter B, Rule 288.20 and Rule 288.22, respectively.

13.11.004 Water System Profile

As of July 2023, the city has a groundwater well system of 24 wells that produce water from both the Paluxy and Trinity aquifers. The capacity of the groundwater system is approximately 1.5 MGD. The city also has entered into a joint agreement with Hudson Oaks to purchase water from the City of Fort Worth. The City of Fort Worth has agreed to provide up to 3.4 MGD. The City of Fort Worth purchases water from the Tarrant Regional Water District (TRWD).

The City of Willow Park also has a connection in place and can purchase up to 200,000 gpd of water from the City of Weatherford in an emergency.

As of July 2023, The City of Willow Park has approximately 105 commercial connections and 2000 residential connections and maintains approximately 60 miles of distribution pipelines. The city expects to add approximately 150 connections per year over the next 10 years.

In accordance with Section 2.3 of the wholesale water contract with Fort Worth, the City of Willow Park, as a wholesale customer, will be required to institute and apply the same rationing, conservation measures or restrictions to the use of water by their customers for so long as any part of their total water supply is being furnished by Fort Worth. This drought contingency plan is modeled after the City of Fort Worth's plan.

13.11.005 Public Involvement

The public has had an opportunity to provide input into the plan.

- (a) A public meeting soliciting comments was held on April 23, 2024. The meeting was advertised on the city Web site.
- (b) The draft plan was posted on the City of Willow Park's Web site (www.willowpark.org) for one month prior to City Council adoption.
- (c) Copies are available to anyone upon request.

13.11.006 Public Education

The city through the Conservation Coordinator will inform and educate the public about the Drought Contingency/Emergency Water Management Plan by the following means:

- (a) Preparing fact sheets describing the plan and making these available online and at various city sites.
- (b) Mailing out fact sheets to all water customers.
- (c) Posting a copy of the Plan on the city's Web site.
- (d) Notifying local organizations, schools, and civic groups that staff are available to make presentations on the plan.
- (e) Various social media platforms, including email and text messaging as applicable.

At any time that the Drought Contingency/Emergency Water Management Plan is activated or the stage changes, the City will notify local media of the issues, the current response stage, and the specific actions required of the public. The information will also be publicized on the city's Web site. Bill inserts will also be used as appropriate.

Division 2. Initiation and Termination of Drought and Emergency Response Stages

13.11.020 Applicability.

The provisions of this Plan shall apply to all persons, customers, and property utilizing potable water provided by the City of Willow Park. The terms “person” and “customer” as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities. The Plan does not apply to locations using treated wastewater effluent or private wells, however, any pond, impoundment, body of water, or other water source that is supplemented, or has the ability to supplement supply, with potable water shall adhere to the provisions of this plan.

The Plan may be applied to the entire city or geographic portions of the city as necessary. If the Plan is applied only to a limited sector, the boundaries will be defined in terms of roadways, creeks and other easily distinguishable features, such as city limits.

13.11.021 Initiation of Drought/ Emergency Water Management Stage

The City administrator or their official designee may order the implementation of a drought response or water emergency stage when one or more of the trigger conditions for that stage is met. The following actions will occur when a stage is initiated.

- (a) The public will be notified through local media and the City of Willow Park Web site, as described in 13.11.006.
- (b) The City of Willow Park Water Department will notify the Executive Director of the TCEQ within 5 business days when mandatory provisions of the Plan are activated.

Stages imposed by the City of Fort Worth’s action must be initiated by the City of Willow Park.

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

13.11.022 Termination of a Drought Stage

The City administrator or their official designee may order the termination of a drought response or water emergency stage when the conditions for termination are met or at their discretion. The following actions will be taken when a drought stage is terminated:

- (a) The public will be notified through local media and the City of Willow Park Web site, as described in 13.11.006.

- (b) If any mandatory provisions of the drought contingency/emergency water management plan that have been activated are terminated, the City of Willow Park Water Department will notify the Executive Director of the TCEQ within 5 business days.

The City administrator or their official designee may decide not to order the termination of a drought response stage or water emergency even though the conditions for termination of the stage are met. The City administrator or their designee may choose to implement a phased-out approach when exiting various stages to protect the integrity of the system. Factors which could influence such a decision include, but are not limited to, the time of the year, weather conditions, or the anticipation of potentially changed conditions that warrant the continuation of the drought stage. The reason for this decision should be documented.

Division 3. Drought and Emergency Response Stages

13.11.040 Stage 1- Water Watch

(a) Triggering Conditions

- (1) City of Willow Park Water demand reaches or exceeds 90% of reliable delivery capacity for three (3) consecutive days. The delivery capacity could be citywide or in a specified portion of the system.
- (2) City of Willow Park water treatment or distribution system becomes contaminated.
- (3) City of Willow Park's water demand for all or part of the delivery system approaches delivery capacity because delivery capacity is inadequate.
- (4) City of Willow Park's water supply system is unable to deliver water due to the failure or damage of major water system components.
- (5) To initiate the updated Drought Contingency plan, on or around May 1, 2019, the City of Willow Park will begin in Stage 1 Drought Conditions and will terminate Stage 1 at the discretion of the City Administrator or their designee.

(b) Terminating Conditions for Stage 1

At the discretion of the City Administrator or his designee, Stage 1 will terminate when the conditions triggering Stage 1 have ceased to exist for a period of 3 consecutive days for any initiation due to Willow Park water supply or upon notification from Fort Worth that they are terminating Stage 1 for their wholesale customers.

(c) Goal for Use Reduction for Stage 1

The goal for water use reduction under Stage 1, Water Watch, is five percent (5%). If circumstances warrant or if required by the City of Fort Worth, the Willow Park City Administrator or their official designee can set a goal for greater water use reduction.

(d) Actions Available for Stage 1

The Willow Park City Administrator or their official designee may order the implementation of any of the actions listed below, as deemed necessary. The Willow Park City Administrator or their official designee must follow the action(s) required by the City of Fort Worth.

(e) All Water Users

Initiate mandatory restrictions to prohibit non-essential water use as follows:

- (1) Discourage hosing of paved areas, such as sidewalks, driveways, parking lots, tennis courts, patios, or other impervious surfaces, except to alleviate an immediate health or safety hazard. This may include premises with raw or processed food, pharmaceutical or vaccine processing, storage or vending establishments including restaurants and grocery stores may be washed to the extent necessary for sanitary purposes. These areas may also include:
 - (A) Trash and dumpster areas
 - (B) Areas around fuel pumps
 - (C) Store front cleaning of areas with accumulated bird droppings, feathers and debris
 - (D) Localized spot cleaning of parking areas to remove oil, grease buildup that may pose a health and safety issue.
- (2) Discourage hosing of buildings or other structures for purposes other than fire protection or surface preparation prior to painting.
- (3) Prohibit using water in such a manner as to allow runoff or other waste, including:
 - (A) failure to repair a controllable leak, including a broken sprinkler head, a leaking valve, leaking or broken pipes, or a leaking faucet.
 - (B) operating a permanently installed irrigation system with: (a) a broken head; (b) a head that is out of adjustment and the arc of the spray head is over a street or parking lot; or (c) a head that is misting because of high water pressure; or
 - (C) during irrigation, allowing water to (a) to run off a property and form a stream of water in a street for a distance of 50 feet or greater; or (b) to pond in a street or parking lot to a depth greater than one-quarter of an inch.
 - (D) Allowing or causing an irrigation system or other lawn watering device to operate during any form of precipitation or when temperatures are at or below 32 degrees Fahrenheit.

- (4) Prohibit outdoor watering with sprinklers or irrigation systems between 10 a.m. and 6 p.m.
- (5) Limit landscape watering with sprinklers or irrigation systems at each service address to a twice per week schedule as outlined below. This includes landscape watering of parks, golf courses, and sports fields.
 - (A) Residential addresses ending in an even number (0, 2, 4, 6, or 8) may water on Wednesdays and Saturdays.
 - (B) Residential addresses ending in an odd number (1, 3, 5, 7 or 9) may water on Thursdays and Sundays.
 - (C) All non-residential locations (apartment complexes, businesses, industries, parks, medians, etc.) may water on Tuesdays and Fridays.
 - (D) No watering on Mondays.
- (6) Encourage signage for customers drawing water from private wells or using recycled water in order to facilitate proper enforcement.
- (7) Exceptions:
 - (A) Watering on any day by handheld hose, drip irrigation, a soaker hose or tree bubbler. This exception is exclusively for trees, shrubs and foundations.
 - (B) Water use necessary for the repair of an irrigation system, plumbing line, fountain, etc. in the presence of the person making the repair.
 - (C) Outdoor watering at service addresses with large multi-station irrigation systems may take place in accordance with a variance granted by Willow Park City Administrator or their designee, if the City Administrator determines that a property cannot be completely irrigated with an average of three-quarters of an inch of water in a single day, and that the property should be divided into sections to be irrigated on different days. If approved, no station will be watered more than twice per week.
 - (D) If hydromulch, grass sod, or grass seed is installed for the purpose of establishing a new lawn, there are no watering restrictions for the first 30 days while it is being established. Residents and commercial users need to notify the City of Willow Park upon installation of new grass hydromulch, grass sod, or grass seed. After that, the watering restrictions set forth in this stage apply. (This does not include over seeding with rye, or seasonal grasses since turf already exists.)

- (E) If golf courses using City of Willow Park water for irrigation may water greens and tee boxes as necessary, however watering must be done before 10 a.m. and after 6 p.m. Encouraged to reduce water use by five percent (5%).
 - (F) Skinned areas of sports fields may be watered as needed for dust control.
 - (G) Watering of athletic fields (fields only, does not include surrounding landscaped areas) used for organized sports practice, competition, or exhibition events may occur as necessary to protect the health and safety of the players, staff, or officials present for athletic events. Encouraged to reduce water use by five percent (5%).
 - (H) Public areas that are open to the public at-large and have a high –impact from frequent use may be allowed additional watering, with a variance granted by the Willow Park City Administrator, if it is deemed to be beneficial to serve and protect the community amenity. Examples may include but are not limited to: outdoor amphitheaters, demonstration gardens, public art exhibitions, outdoor learning areas, arboretums, etc.
 - (I) All users are encouraged to use native and adapted drought tolerant plants in landscaping.
 - (J) Washing of any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle shall be limited to the use of a hand-held bucket or a hand-held hose equipped with a positive-pressure shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the premises of a commercial car wash or commercial service station. Companies with an automated on-site vehicle washing facility may wash their vehicles at any time. Further, such washing may be exempt from these requirements if the health, safety, and welfare of the public are contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
 - (K) Discourage the filling, draining, or refilling of swimming pools, wading pools, hot tubs, and Jacuzzi type pools except to maintain adequate water levels for structural integrity, proper operation, and maintenance, and/or to alleviate an issue that poses a public safety risk. Users of these types of activities must notify the City of Willow Park beforehand.
- (7) City and Local Governments- In addition to the actions listed above:
- (A) Review conditions and problems that caused Stage 1. Take corrective action.
 - (B) Increase public education efforts on ways to reduce water use.
 - (C) Increase enforcement efforts.

- (D) Intensify leak detection and repair efforts.
 - (E) Audit all city and local government irrigation systems to ensure proper condition, settings, and operation.
 - (F) Identify and encourage voluntary reduction measures by high-volume water users through water use audits.
 - (G) Reduce non-essential water use. As used herein, non-essential water uses are those that do not have any health or safety impact and are not needed to meet the core function of the agency.
 - (H) Review data received through Sensus Analytics as a method of identifying potential water use violations and wasteful water practices. This may lead to more targeted patrols of areas with identified non-compliance.
- (8) Commercial or Industrial- All actions listed above for all water users apply to commercial and industrial users.
- (A) Stock at commercial plant nurseries is exempt from Stage 1 watering restrictions.
 - (B) Hotels, restaurants, and bars are encouraged to serve drinking water to patrons on an “on demand” basis.
 - (C) Hotels are encouraged to implement laundry conservation measures by encouraging patrons to reuse linens and towels.
 - (D) Car wash facilities must keep equipment in good working order, which should include regular inspections to be sure there are no leaks, broken or misdirected nozzles, and that all equipment is operating efficiently.
 - (E) All commercial and industrial customers are encouraged to audit irrigation systems

13.11.041 Stage 2- Water Warning

- (a) Triggering Conditions for Stage 2
 - (1) City of Willow Park water demand reaches or exceeds 95% of reliable treatment capacity for three consecutive days. The delivery capacity could be citywide or in a specified portion of the system.
 - (2) City of Willow Park’s water distribution system becomes contaminated.

- (3) City of Willow Park’s water demand for all or part of the delivery system equals or exceeds delivery capacity because delivery capacity is inadequate.
- (4) Water supply system is unable to deliver water due to the failure or damage of major water system components.
- (5) City of Fort Worth initiates Stage 2.

(b) Terminating Conditions for Stage 2

Stage 2 will terminate when the City of Fort Worth terminates its Stage 2 condition or when the circumstances that caused the initiation of Stage 2 no longer prevail.

(c) Goal for Use Reduction for Stage 2

The goal for water use reduction under Stage 2 – Water Warning is to decrease use by ten percent (10%). If circumstances warrant or if required by the City of Fort Worth, the Willow Park City Administrator or their official designee can set a goal for greater water use reduction.

(d) Actions Available for Stage 2

The Willow Park City Administrator or their official designee may order the implementation of any of the actions listed below, as deemed necessary. The City Administrator or their official designee must implement any action(s) required by the City of Fort Worth.

- (1) Continue actions under Stage 1.
- (2) Initiate engineering studies to evaluate water supply alternatives should conditions worsen.

(e) All Water Users

- (1) Limit landscape watering with sprinklers or irrigation systems to a once per week schedule at each service address as outlined below. This includes landscape watering at parks, golf courses, and sports fields.
 - (A) Residential addresses ending in an even number (0, 2, 4, 6, or 8) may water on Saturday
 - (B) Residential addresses ending in an odd number (1, 3, 5, 7 or 9) may water on Thursday
 - (C) All non-residential locations (apartment complexes, businesses, industries, parks, medians, etc.) may water on Tuesday
 - (D) No watering on Sunday, Monday, Wednesday, and Friday.

- (2) Discourage the operation of ornamental fountains or ponds that use potable water except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (3) Discourage the filling, draining, or refilling of swimming pools, wading pools, hot tubs and Jacuzzi type pools except to maintain adequate water levels for structural integrity, proper operation and maintenance, and/or to alleviate an issue that poses a public safety risk. Users of these types of activities must notify the City of Willow Park beforehand.
- (4) Encourage the use of covers for all types of pools, hot tubs, and Jacuzzi type pools when not in use.
- (5) Encourage signage for customers drawing water from private wells or using recycled water in order to facilitate proper enforcement.
- (6) Exceptions
 - (A) Watering on any day by handheld hose, drip irrigation, a soaker hose or tree bubbler. (The intent of this measure is to allow for the protection of structural foundations, trees, and other high value landscape materials.)
 - (B) Outdoor watering at service addresses with large multi-station irrigation systems may take place in accordance with a variance granted by the director of public works, if the director determines that a property cannot be completely irrigated with an average of three-quarters of an inch of water in a single day, and that the property should be divided into sections to be irrigated on different days. If approved, no station will be watered more than once per week.
 - (C) If Golf courses using City of Willow Park water for irrigation may water greens and tee boxes as needed to keep them alive, however watering must be done before 10 a.m. and after 6 p.m. Fairways are restricted to once per week watering as outlined above. Golf course rough cannot be watered. (No golf courses on city water.)
 - (D) Watering of athletic fields (fields only, does not include surrounding landscaped areas) used for organized sports practice, competition, or exhibition events may occur as necessary to protect the health and safety of the players, staff, or officials present for athletic events. Encouraged to reduce water use by ten percent (10%).
 - (E) All users are encouraged to wait until the current drought or emergency has passed before establishing new landscaping and turf. After that, the watering restrictions set forth in this stage apply. (This does not include over seeding with rye (or other seasonal grass) since turf already exists.)

- (F) Discourage the operation of ornamental fountains or ponds that use potable water except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (G) Discourage the filling, draining, or refilling of swimming pools, wading pools, hot tubs and Jacuzzi type pools except to maintain adequate water levels for structural integrity, proper operation and maintenance, and/or to alleviate an issue that poses a public safety risk.
- (H) Encourage the use of covers for all types of pools, hot tubs, and Jacuzzi type pools when not in use.

(6) City and Local Governments

- (A) Review conditions or problems that caused Stage 2. Take corrective action.
- (B) Increase frequency of media releases on water supply conditions.
- (C) Further accelerate public education efforts on ways to reduce water use.
- (D) Eliminate non-essential water use. As used herein, non-essential water uses are those that do not have any health or safety impact and are not needed to meet the core function of the agency.
- (E) Prohibit wet street sweeping.
- (F) Review data received through Sensus Analytics as a method for identifying potential water use violations and wasteful water practices.

(7) Commercial or Industrial

- (A) All actions listed above for all water users apply to commercial and industrial users.
- (B) Use of water from fire hydrants for any purpose other than firefighting related activities or other activities necessary to maintain public health, safety and welfare requires a variance issued by the Willow Park City Administrator or their official designee. Fire hydrant use may be limited to only designated hydrants. Upon declaration of this drought stage, all holders or applicants of a Water

Fire Hydrant Meter Agreement are required to apply for a variance as set forth in this plan. If conditions allow, as determined by the Public Works Director, the use of water from hydrants may continue until the Public Works Director or their designee issues a determination on the petition for variance. If conditions do not allow, the Public Works Director may require all fire hydrant meters be immediately returned from the field, pending determination of each petition for variance.

13.11.042 Stage 3- Emergency Water Use

(a) Triggering Conditions

- (1) City of Willow Park water demand has reached or exceeds 98% of reliable treatment capacity for a 24-hour period. The delivery capacity could be citywide or in a specified portion of the system.
- (2) City of Willow Park's water distribution system becomes contaminated.
- (3) City of Willow Park's water demand for all or part of the delivery system exceeds delivery capacity because delivery capacity is inadequate.
- (4) Willow Park's water supply system is unable to deliver water due to the failure or damage of major water system components, supply source becomes contaminated, power outage, grid failure, natural disaster, or extreme weather event.
- (5) City of Fort Worth has initiated Stage 3 – Emergency Water Use

(b) Terminating Conditions for Stage 3

Stage 3 will terminate when the City of Fort Worth terminates its Stage 3 condition or when the circumstances that caused the initiation of Stage 3 no longer prevail.

(c) Goals for Use Reduction for Stage 3

The goal for water use reduction under Stage 3, Emergency Water Use, is to decrease use by twenty percent (20%). If circumstances warrant or if required by the City of Fort Worth, the Willow Park City Administrator or their official designee can set a goal for a greater water use reduction.

(d) Actions Available for Stage 3

The Willow Park City Administrator or their official designee may order the implementation of any of the actions listed below, as deemed necessary. The City of Willow Park Administrator or their official designee must implement any action(s) required by the City of Fort Worth.

- (1) Continue or initiate any actions available under Stages 1 and 2.
- (e) All Water Users
- (1) Prohibit landscape watering, including at parks, golf courses, and sports fields.

Exceptions:
 - (A) Watering with hand-held hose, soaker hose or drip irrigation system may occur any day and anytime. (The intent of this measure is to allow for the protection of structural foundations, trees, and other high value landscape materials).
 - (B) If golf courses that use City of Willow Park water for irrigation: greens only may be watered by hand-held hose as needed to keep them alive.
 - (C) Watering of athletic fields (fields only, does not include surrounding landscaped areas) used for organized sports practice, competition, or exhibition events may occur as necessary to protect the health and safety of the players, staff, or officials present for athletic events may be allowed to water by variance. A water management plan must be submitted to the Willow Park City Administrator detailing how each area will comply with stage 3 drought measures.
 - (2) Prohibit establishment of new landscaping. Variances may be granted for those landscape projects started prior to the initiation of stage 3 drought restrictions.
 - (3) Vehicle washing restricted to commercial car wash, commercial service station or a private on-site vehicle washing facility and can only be done as necessary for health, sanitation, or safety reasons, including but not limited to the washing of garbage trucks and vehicles used to transport food and other perishables. All other vehicle washing is prohibited.
 - (4) Prohibit the operation of ornamental fountains or ponds that use potable water except where necessary to support aquatic life.
 - (5) Prohibit the draining, filling, or refilling of swimming pools, wading pools, and Jacuzzi type pools. Existing private and public pools may add water to maintain pool levels; however, they may not be refilled using automatic fill valves. Users of these types of activities must notify the City of Willow Park beforehand.
 - (6) Prohibit hosing of buildings or other structures for purposes other than fire protection or surface preparation prior to painting with high-pressure equipment. Must be performed by a professional power washing service utilizing high efficiency equipment and a vacuum recovery system where possible.

- (7) Require all customers drawing water from private wells or using recycled water to post signs on their property saying so, in order to facilitate proper enforcement.
- (f) City and Local Governments- In addition to actions listed above:
- (1) Continue or initiate any actions available under Stages 1 and 2.
 - (2) Review conditions or problems that caused Stage 3. Take corrective action.
 - (3) Implement viable alternative water supply strategies.
 - (4) Increase frequency of media releases explaining emergency situation.
 - (5) Reduce city and local government water use to the maximum extent possible.
 - (6) Prohibit the permitting of new swimming pools, Jacuzzi type pools, spas, ornamental ponds, and fountain construction. Pools already permitted and under construction may be filled with water.
 - (7) Review data received through Sensus Analytics as a method for identifying potential water use violations and wasteful water practices.
 - (8) If the City of Fort Worth has imposed a reduction in water available to customers, then the same percent reduction is required.
- (g) Commercial or Industrial
- (1) All actions listed above for all water users apply to commercial and industrial users.
 - (2) Hotels, restaurants, and bars required to serve drinking water to patrons on an “on demand” basis.
 - (3) Hotels are required to implement laundry conservation measures by encouraging patrons to reuse linens and towels.
 - (4) Stock at commercial plant nursery may be watered only with a hand-held hose, hand-held watering can, or drip irrigation system.
 - (5) Commercial and industrial water users required to reduce water use by a set percentage determined by the Willow Park City Administrator or their official designee.
 - (6) Use of water from hydrants for any purpose other than firefighting related activities or other activities necessary to maintain public health, safety and welfare requires a special permit issued by the Willow Park City Administrator or their official designee. Fire hydrant use may be limited to only designated hydrants.

13.11.043 Procedures for Granting Variances to the Plan

- (a) The Willow Park City Administrator or their official designee may grant temporary variances for existing water uses otherwise prohibited under this plan if one or more of the following conditions are met:
 - (1) Failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person requesting the variance.
 - (2) Compliance with this plan cannot be accomplished due to technical or other limitations.
 - (3) Alternative methods that achieve the same level of reduction in water use can be implemented.
- (b) Variances shall be granted or denied at the discretion of the Willow Park City Administrator or their official designee. All petitions for variances should be in writing, using the forms provided, and must include the following information:
 - (1) Name and address of the petitioner(s)
 - (2) Purpose of water use
 - (3) Specific provisions from which relief is requested
 - (4) Detailed statement of the adverse effect of the provision from which relief is requested
 - (5) Description of the relief requested
 - (6) Period of time for which the variance is sought
 - (7) Detailed schedule of irrigation that shows a reduction in use over the 30-day period for new lawns and landscapes. Schedule should be designed so that at the end of the 30-day period, lawn and landscaped areas can adhere to the twice per week schedule defined in Stage 1.
 - (8) Alternative measures that will be taken to reduce water use
 - (9) Other pertinent information.
- (c) Applicants must adhere to the current restrictions and current watering schedule until the City has approved the variance. Once an approved variance has expired applicants must

resort back to the current watering schedule. Reasons for a variance can include one or more of the following:

- (1) Water used outside of the water schedule is a primary source of income
- (2) Health, safety, well-being, or cleanliness of the public or environment is in jeopardy.
- (3) An endangered plant, animal, aquatic species, or critical environmental feature is at risk.
- (4) Property is too large to be completely watered under the current watering schedule and must be watered in sections (excluding new landscape/ xeriscape projects).
- (5) Newly installed xeriscape landscape designs requires an alternative watering schedule.

13.11.044 Procedures for Enforcing Mandatory Water Use Measures

Mandatory water use restrictions may be imposed in Stages 1, 2, and 3. The penalties associated with the mandatory water use restrictions are explained below and included in the ordinance enacting this plan. The City reserves the right to issue citations in lieu of administrative fees.

(a) Stage 1

- (1) Violations must be observed by the City Manager or their designee. Violations will be documented by electronic photographs and filed for review.
- (2) First-time violations will be notified of their violation and be warned of the actions that will be imposed after additional violations.
- (3) For the second violation, a \$100.00 administrative fee will be included on the next available water bill. The \$100.00 administrative fee will be waived or credited after the completion of a free irrigation check-up of the violating system, performed by a licensed irrigator contracted with the City.
- (4) For additional violations, the sprinkler system will be disconnected, with a \$200.00 administrative fee included on the next available water bill after the third violation, followed by a \$300.00 administrative fee after the fourth and any subsequent violations. All administrative fees will be waived or credited after completion of a free irrigation check-up of the violating system, performed by a licensed irrigator contracted with the City. In the event that the City disconnects the sprinkler system, the City may assess additional administrative fees.

- (5) Unpaid assessed administrative fees related to violations of water use restrictions shall incur late payment penalties and may result in termination of water service.

(b) Stage 2

- (1) Violations must be observed by the City Manager or their designee. Violations will be documented by electronic photographs and filed for review.
- (2) First-time violations will have the sprinkler system disconnected and a \$100.00 administrative fee included on the next available water bill. The \$100.00 administrative fee will be waived or credited after the completion of a free irrigation check-up of the violating system, performed by a licensed irrigator contracted with the City. In the event that the City disconnects the sprinkler system, the City may assess additional administrative fees.
- (3) For the second violation, a \$200.00 administrative fee will be included on the next available water bill. For additional violations, the sprinkler system will be disconnected, with a \$200.00 administrative fee included on the next available water bill after the third violation, followed by a \$300.00 administrative fee after the fourth and any subsequent violations. In the event that the City disconnects the sprinkler system, the City may assess additional administrative fees.
- (4) Unpaid assessed administrative fees related to violations of water use restrictions shall incur late payment penalties and may result in termination of water service.

(c) Stage 3

- (1) Violations must be observed by the City Manager or their designee. Violations will be documented by electronic photographs and filed for review.
- (2) First-time violations will have the sprinkler system disconnected and a \$100.00 administrative fee included on the next available water bill. The \$100.00 administrative fee will be waived or credited after the completion of a free irrigation check-up of the violating system. In the event that the City disconnects the sprinkler system, the City may assess additional administrative fees.
- (3) For the second violation, a \$200.00 administrative fee will be included on the next available water bill. For additional violations, the sprinkler system will be disconnected, with a \$200.00 administrative fee included on the next available water bill after the third violation, followed by a \$300.00 administrative fee after the fourth and any subsequent violations. In the event that the City disconnects the sprinkler system, the City may assess additional administrative fees.

- (4) Unpaid assessed administrative fees related to violations of water use restrictions shall incur late payment penalties and may result in termination of water service.

(d) Optional Administrative Remedies – Contesting Administrative Fees

A customer may appeal the assessment of an administrative fee by requesting in writing to the City Manager or their designee that the fee to be waived, providing all information to support the removal of the fee. The customer shall bear the burden of proof to show why the administrative fee should not be assessed. The City Manager or their designee shall send written notice within three business days after receiving the first packet of information, and that decision shall be final and binding.

13.11.045 Review and Update of Plan

As required by TCEQ rules, the City of Willow Park will review this plan at least every five (5) years. The plan will be updated as appropriate based on new or updated information.”

SECTION III. MISCELLANEOUS

(A) Penalty. Any person, firm or corporation who violates any provision of this Ordinance shall be subject to a fine not to exceed the sum of \$500.00 for each offense, and each and every day any such offense shall continue shall be deemed to constitute a separate offense, provided, however, that in all cases involving violation of any provision of this Ordinance governing public health shall be subject to a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense as allowed by law, and each and every day any such offense shall continue shall be deemed to constitute a separate offense.

(B) Cumulative Repealer Clause. This ordinance shall be cumulative of all other ordinances of the City, and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this ordinance; provided, however, that any complaint, action, claim or lawsuit that has been initiated or has arisen under or pursuant to any of the ordinances or sections thereof that have been specifically repealed on the date of adoption of this ordinance shall continue to be governed by the provisions of such ordinance or sections thereof and for that purpose the ordinance or sections thereof shall remain in full force and effect.

(C) Severability Clause. If any article, paragraph or subdivision, clause or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than part so decided to be invalid or unconstitutional.

(D) Effective Date. This ordinance shall take effect immediately upon its adoption and publication in accordance with and as provided by Texas law.

PASSED, APPROVED AND ADOPTED on this the ____ day of April, 2024.

Doyle Moss, Mayor

ATTEST:

Crystal Dozier, City Secretary

APPROVED AS TO FORM:

William P. Chesser, City Attorney

The Willow Park City Council, acting on Ordinance No. _____, did on the _____ day of April, 2024 vote as follows:

	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>
Doyle Moss	_____	_____	_____
Eric Contreras, Place 1	_____	_____	_____
Chawn Gilliland, Place 2	_____	_____	_____
Greg Runnebaum, Place 3	_____	_____	_____
Lea Young, Place 4	_____	_____	_____
Nathan Crummel Place 5	_____	_____	_____