

AN ORDINANCE PROVIDING FOR THE ADOPTION OF A DROUGHT CONTINGENCY PLAN; PROVIDING FOR DEFINITIONS; PROVIDING FOR CRITERIA FOR THE INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES; PROVIDING FOR TRIGGERS FOR DROUGHT RESPONSE STAGES ONE THROUGH FIVE; PROVIDING FOR CITY'S RESPONSE AND ACTION TO EACH STAGE, FROM STAGE ONE THROUGH STAGE FIVE; PROVIDING FOR ENFORCEMENT BY FINE NOT TO EXCEED TWO THOUSAND DOLLARS AND/OR INJUNCTIVE RELIEF BY A COURT OF COMPETENT JURISDICTION; PROVIDING FOR REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE.

## **PREAMBLE**

**WHEREAS**, the City Council of the City of Florence ("City Council") finds that due to the current state of water demand and usage among its customers, that it is in the best interest of the citizens to adopt a drought contingency plan. and

**WHEREAS**, the City Council finds that violation of the terms of this drought contingency plan shall endanger the health, safety, welfare, public health and sanitation, so that immediate action may be crucial and compliance necessary for the maintenance of a public water supply, as well as for the public health; and

**WHEREAS**, the City Council finds that 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 protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, that the adoption of the following regulations and restrictions on the delivery and consumption of water is necessary; and

**WHEREAS**, the City Council has informed the public by means of a public hearing held on the 29th day of July, 2008, called for the purpose of informing the public of the provisions and requirements of this drought contingency plan;

**NOW, THEREFORE, BE ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLORENCE, WILLIAMSON COUNTY, TEXAS:**

### **I. ADOPTION OF PREAMBLE**

That the matters set forth in the preamble to this ordinance are adopted herein verbatim.

### **II. 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 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 Florence hereby adopts 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 XI 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 Florence by means of Public Meeting.

## **Section III: Public Education**

The City of Florence 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: Utility bill inserts, press releases, or public meetings.

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

The service area of the City of Florence is located within the Brazos River Authority and City of Florence has provided a copy of this Plan to the Brazos River Authority.

## **Section V: Authorization**

The Mayor 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 Mayor 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 Florence. 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 the 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 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 Florence.

-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.

Even number address: street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6 or 8 and locations without addresses.

-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, golf courses, parks and rights-of-way and medians.

-Non-essential water use: water uses that are neither essential nor required for the protection of public, health, safety and welfare, including:

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

Odd numbered addresses: street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

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

The Mayor or his/her designee shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified “triggers” are reached.

The triggering criteria described below are based on known system capacity limits.

## **Stage 1 Triggers – MILD Water Shortage Conditions**

### **Requirements for initiation**

Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section VII—Definitions, When total daily water demand equals or exceeds 55 percent of the City of Florence water production pumping capacity for 3 consecutive days or 60 percent on a single day.

### **Requirements for termination**

Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 14 consecutive days.

## **Stage 2 Triggers – MODERATE Water Shortage Conditions**

### **Requirements for initiation**

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section IX of this Plan, When total daily water demand equals or exceeds 65 percent of the City of Florence water production pumping capacity of 3 consecutive days or 70 percent on a single day.

### **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 14 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.

## **Stage 3 Triggers – 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 75 percent of the City of Florence water production pumping capacity for 3 consecutive days or 80 percent on a single day.

### **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 14 consecutive days. Upon termination of Stage 3, Stage 2 becomes operative.

## **Stage 4 Triggers – 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 85 percent of the City of Florence water production pumping capacity for 3 consecutive days or 90 percent on a single day.

### **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 21 consecutive days. Upon termination of Stage 4, Stage 3 becomes operative.

## **Stage 5 Triggers – 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 Mayor or his/her designee, determines that a water supply emergency exists based on:

1. Water use is over 95 percent of the City of Florence water production pumping capacity and a 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 for period of 7 consecutive days.

## **Section IX: Drought Response Stages**

The Mayor 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 this Plan, shall determine that a mild, moderate, severe, critical, emergency or water shortage condition exists and shall implement the following notification procedures:

### **Notification of the Public:**

The Mayor or his/her designee shall notify the public by means of:

Publication in a newspaper of general circulation, Direct mail to each customer, Signs posted in public places

### **Additional Notification:**

The Mayor or his/her designee shall notify directly, or cause to be notified directly, the following individuals and entities:

TCEQ (required when mandatory restrictions are imposed) Major water users.

## **Stage 1 Response – MILD Water Shortage Conditions**

Goal: Achieve a voluntary 10 percent reduction in total water use.

Voluntary Water Use Restrictions:

(a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays, Tuesdays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays, Mondays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only between the hours of midnight and 10:00 a.m. and 8:00 p.m. to midnight on designated watering days.

(b) All operations of the City of Florence shall adhere to water use restrictions prescribed for Stage 2 of the Plan.

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

## **Stage 2 Response – MODERATE Water Shortage Conditions**

Goal: Achieve a 15 percent reduction in total water use.

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

(a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, a faucet filled bucket or water can of five (5) gallons or less, or drip irrigation system.

(b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. 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 rinses. 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 is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

(c) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight.

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

(e) 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 Florence.

(f) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated water days between the hours 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the City of Florence, the facility shall not be subject to these regulations.

(g) All restaurants are prohibited from serving water to patrons except upon request of the patron.

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

1. Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard surfaced areas;

2. Use of water to wash down buildings or structures for purposes other than immediate fire protection;

3. Use of water for dust control;

4. Flushing gutters or permitting water to run or accumulate in any gutter or street; and

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

### **Stage 3 Response – SEVERE Water Shortage Conditions**

Goal: Achieve a 15 percent reduction in total water use.

Water Use Restrictions: All requirements of Stage 2 Shall remain in effect during Stage 3 except:

(a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.

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



## **Stage 4 Response – CRITICAL Water Shortage Conditions**

Goal: Achieve a 20 percent reduction in total water use.

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

a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6:00 a.m. and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight and shall be means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems are prohibited at all times.

(b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premise 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 occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10:00 p.m.

(c) The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.

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

(e) No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought responses stage or a higher-numbered stage shall be in effect.

## **Stage 5 Response – EMERGENCY Water Shortage Conditions**

Goal: Achieve a 20 percent reduction in total water use.

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

(a) Irrigation of landscaped areas is absolutely prohibited.

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

### **Section X: Enforcement**

(a) No person shall knowingly or intentionally allow the use of water from the City of Florence for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by Mayor or his/her designee, in accordance with provisions of this Plan.



(b) Any person who violates this plan is guilty of a misdemeanor and, upon convictions shall be punished by fine not less than ONE DOLLAR (\$1.00) and not to exceed TWO THOUSAND DOLLARS (\$2,000.00). Each day that one of 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 Water Department shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connections charge, hereby established at \$40.00, and any other costs incurred by the City of Florence in discontinuing service. In addition, suitable assurance must be given to the City of Florence that the same action shall not be repeated while this Plan is in effect. Compliance with this Plan may also be sought through injunctive relief in a court of competent jurisdiction.

(c) Any person, including a person classified as a water customer of the City of Florence, 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 rebuttal 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 rebuttal presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably know of the violation.

(d) Any employee of the City of Florence, police officer, or other City employee designated by the Mayor 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 the date shown on the citation for which the date shall not be less than 3 days nor more than 5 days 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 the violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in municipal court to enter a plea of guilty or not guilty for the violation of this Plan. If the alleged violator fails to appear in municipal court a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in municipal court before all other cases.

## **Section XI: Variances**

1. The Mayor or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

(a) Compliance with this plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the plan is in effect.

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

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

(1) Name and address of the petitioner(s).

(2) Purpose of water use.

(3) Specific provision(s) of the Plan from which the petitioner is requesting relief.

(4) 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.

(5) Description of the relief requested.

(6) Period of time for which the variance is sought.

(7) 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.

(8) Other pertinent information.

2. Variances granted by the City of Florence shall be subject to the following conditions, unless waived or modified by the Mayor or his/her designee:

(a) Variances granted shall include a timetable for compliance.

(b) Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

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

### **III. CONFLICT**

That any ordinances in conflict with this ordinance, in whole or in part, are repealed to the extent of the conflict.

### **IV. PUBLICATION**

The City Secretary is hereby authorized and directed to publish the caption of this Ordinance, in the manner and for the length of time provided by law.

### **V. EFFECTIVE DATE**

This Ordinance shall take effect on the date of its publication in accordance with state law.

PRESENTED, PASSED and APPROVED on first reading this the 5<sup>th</sup> day of May, 2020 by 5 affirmative votes at a meeting of the City Council of the City of Florence, Texas.

THE CITY OF FLORENCE

BY: Mary Condon  
MARY CONDON, MAYOR

ATTEST:

Amy L. Crane  
AMY L. CRANE, CITY SECRETARY



PRESENTED, PASSED and APPROVED on second reading this the 2 of June, 2020 by 5 affirmative votes at a meeting of the City Council of the City of Florence, Texas.

THE CITY OF FLORENCE

BY: Mary Condon  
MARY CONDON, MAYOR

ATTEST:

Amy L. Crane  
AMY L. CRANE, CITY SECRETARY



### CERTIFICATE OF POSTING

STATE OF TEXAS §

COUNTY OF WILLIAMSON §

I, AMY L. CRANE, being the current City Secretary of the City of Florence, Texas, do hereby certify that the attached is a true and correct copy of Ordinance No. 05052020-02, passed and approved by the City Council of the City of Florence, Texas, on the 2 day of June, 2020, and such Ordinance was duly adopted at a meeting open to the public and notice of said meeting, giving the date, place, and subject thereof, was posted as prescribed by Government Code Section 551.043.

Witness my hand and seal of office this 8 day of June, 2020.

Amy L. Crane  
AMY L. CRANE, City Secretary