

DIVISION 6. WATER CONSERVATION / DROUGHT CONTINGENCY

Sec. 106-185. Definitions.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this article, have the meanings indicated in this section:

Automatic Sprinkler System -- a system of irrigation components made up of permanently installed underground PVC lines and spray irrigation devices that are controlled from an automatic irrigation controller.

Auxiliary Water: water from a source other than the City of Wichita Falls water supply.

Bucket: a deep, cylindrical container holding five (5) gallons or less, designed to be used by one person.

Car Wash – a place or business equipped for washing cars, trucks, motorbikes, boats, airplanes, other motor vehicles and trailers.

Drip Irrigation -- a method of irrigation that applies water in a dropwise fashion directly to the soil beneath rather than projecting the water in a stream away from its orifice. To be classified in this category, the maximum allowable flow is 6 gallons per hour per emitter.

Drought: for this division “drought” is not intended to be limited to any meteorological definition of the term. "Drought" is intended to have broad meaning and refers to any condition, whether manmade or natural, where the available water supply or resources are not meeting the water demand, or if the water supply or resources are being depleted at a faster rate than they are being replenished.

Essential Water Use: water that is required by Federal, State or Local regulation and/or is attributed to the health and safety of the citizens of Wichita Falls.

Fleet – A group of commercial motor vehicles owned by a single entity that totals more than 5 vehicles.

Foundation Watering: the application of water using a hand-held hose, soaker hose or drip irrigation system placed within 24 inches of the foundation, which does not produce a spray above ground or result in water run-off.

Graywater: wastewater from showers, bathtubs, hand washing lavatories, sinks that are not used for the preparation/disposal of food or hazardous/toxic ingredients, and clothes-washing machines. It does not include wastewater from washing of material, including diapers, soiled with human excreta or wastewater that has come into contact with toilet waste.

Hose-end sprinkler system -- a device on the end of a garden hose that can be set in place and can periodically be moved from one location to another.

Impervious surface: any structure or any street, driveway, sidewalk, patio or other surface area covered with asphalt, concrete, brick, paving, tile or other material preventing water to penetrate the ground.

Indoor Pool –pool located entirely within a fully enclosed, climate controlled structure.

MGD: Million gallons per day

Non-Essential Water Use: water use that does not directly impact the health or safety of the citizens of Wichita Falls, or are a requirement of a Federal, State or Local regulation.

Non-Potable Water: water that is not intended or suitable for drinking and has not been approved for human consumption.

Owner/Operator of a pool – Fee title holder of the property upon which the pool is located, and/or business manager, complex manager, property owners, association manager, rental agent or other individual who is in charge of the day to day operation or maintenance of the property.

Positive Shut-Off: a valve or nozzle that is held in a closed position by system pressure until overridden by an outside force.

Potable Water: water that is suitable for drinking by the public.

Rain Water Harvesting: the practice of capturing, infiltrating or utilizing rainfall from roofs, constructed catchment surfaces, driveways, sidewalks, parking lots and streets.

Residential Pool – A pool that is located on private property under the control of the property owner or the owner's tenant and that is intended for use by not more than two residential families and their guests. It includes a pool serving only a single-family home or duplex.

Single –Pass – A cooling system that removes heat by transferring it to a supply of clean water, once, and releasing it down the drain.

Soaker hose -- an irrigation device made of permeable rubber hose that allows water to be applied slowly and directly to the soil without being sprayed up into the air. Soaker hoses fall into the drip irrigation category. A soaker hose will not spray water regardless of its orientation.

Spa and/or Hot-Tub--a structure that is intended to be filled with water that circulates through an on-site filtration system and is not intended to be drained or refilled after each use.

Spray Irrigate or Spray Irrigation -- a category of irrigation method that utilizes devices that spray water away from the device orifice(s). These include, but are not limited to, pop-up sprays, rotors, oscillating sprinklers, and impact sprinklers. A hand held hose is not Spray Irrigation.

Vehicle – A motor vehicle, car, truck, motorcycle, bicycle, boat, trailer, or other conveyance.

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

Sec. 106-186. Water shortage; authority of department.

(a) *Water conservation measures effective at all times.* It shall be unlawful for any person, firm, corporation or other entity, at any time of the year, to:

(1) Irrigation:

- a) run outside spray-type irrigation on any day of the week between 10:00 a.m. and 7:00 p.m. unless one is using a hand-held hose that is equipped with a positive shut-off nozzle, soaker hose, bucket, watering can, bubbler or drip irrigation system,
- b) fail to repair a controllable leak, including but not limited to a broken sprinkler head, a broken pipe or a leaking valve,
- c) operate an irrigation system with a broken or missing head, or a head that is out of adjustment and the arc of the spray head is over a street, parking area, or other impervious surface,
- d) allow water flow during irrigation that runs, flows, or streams in a way that extends a distance of 50 feet or greater from the area being irrigated.
- e) operate a soaker hose, bubbler or drip irrigation system in a manner that causes the delivery of more water than the hose, bubbler, or system was intended by the manufacturer to deliver, or that allows water to run for a distance of 5 feet or greater from the area being irrigated.

(2) Car Washing

- a) wash a vehicle at any location other than a commercial car wash, car dealership, detail shop or automotive shop unless the hose is equipped with a positive shut-off nozzle that stops the flow of water through the hose when released by the operator,
- b) allow a customer to use a nozzle at a commercial car wash, car dealership, detail shop or automotive shop that discharges more than 3.0 gallons per minute.

- (3) Restaurants/Bars/Clubs/School Cafeterias.
 - a) provide drinking water to customers of restaurants, bars, or clubs unless the customer requests such water.
 - b) use a pre-rinse nozzle that discharges more than 1.6 gallons per minute.
 - c) use a hand-held pre-rinse, or rinsing nozzle without a positive shut-off.
 - (4) Ice Machines
 - a) install new ice machines that are single-pass, water cooled.
 - (5) Hotels/Motels/Short-Term Lodging
 - a) Owners or operators of a hotel, motel short term rental or other establishment that offers or provides lodging or rental accommodations for compensation, to fail to offer a towel and linen reuse water conservation option to its lodgers, renters, or customers, and maintain in each applicable guest room, suite, or property, informational signage to communicate information relating to this requirement and to offer the opportunity for guest participation.
- (b) Discretionary drought restrictions. The Director of Public Works may declare any stage of drought restrictions described in this ordinance to be effective if:
- (1) the system demand exceeds 90% design treatment capacity for three or more consecutive days,
 - (2) the water supply system is unable to deliver water due to mechanical failure or damage of major water system components which are expected to require more than 72 hours to repair, or
 - (3) the water system is contaminated either accidentally or intentionally, or the water system fails from acts of nature or man.

The establishment of a discretionary drought restriction will be effective when publicized in the media and the filing of a written declaration with the City Manager and City Clerk. Upon any declaration of such drought stage, it shall be unlawful for a person to fail to comply with the restrictions applicable to that stage. The Director of Public Works may terminate any of the aforementioned discretionary drought restrictions by filing a written notice of termination with the City Manager and City Clerk.

(c) *Stage 1 - Drought Watch*

- (1) The Director of Public Works shall declare a Stage 1 Drought Watch when the levels of Lakes Arrowhead and Kickapoo reach a combined capacity of 65 percent.

- (2) The following actions shall occur under the direction of the Director of Public Works, with the goal of reducing the amount of water being used by 5%:
 - a) The City Council and other City Departments will be notified of the impending problem and the proposed immediate and future actions.
 - b) The City shall initiate an education program through all available media to:
 - i) Alert the public to the depletion of the reservoirs; current rate of withdrawals and the effect of such withdrawals; current treatment rates; current meteorological conditions; and the long-range weather forecast from the National Weather Service.
 - ii) Alert the public to the drought management program, the various stages and measures, and the possibility of implementation.
 - iii) Keep a constant flow of information to the public to condition them for more stringent measures.
 - c) The Public Works Department will coordinate with other departments on the structure of a program to implement water restrictions.
 - d) The Public Works Department will conduct training necessary to implement the water restriction program.
 - i) The Public Works Department will prepare all administrative processes (forms, affidavits, maps, offices, etc.) for the restriction program.
- (3) Irrigation:
 - a) It shall be unlawful to:
 - i) run outside irrigation systems (including sprinklers, automatic sprinkler systems and unattended hoses) except for two days a week, based on the following physical address schedule where the sprinkler system is located:
 - Addresses ending in an Even Number = Mondays and Thursdays
 - Addresses ending in an Odd Number = Tuesdays and Friday
 - ii) utilize spray irrigation between the hours of 10:00 a.m. to 7:00 p.m., unless one is using a hand-held hose that is equipped with a positive shut-off nozzle, soaker hose, bucket, watering can, bubbler or drip irrigation system,
 - iii) fail to repair a controllable leak, including but not limited to a broken sprinkler head, a broken pipe or a leaking valve,
 - iv) operate an irrigation system with a broken or missing head, or a head that is out of adjustment and the arc of the spray head is over a street, parking area, or other impervious surface,
 - v) allow water flow during irrigation that runs, flows, or streams in a way that extends for a distance of 50 feet or greater from the area being irrigated.
 - vi) operate a soaker hose, bubbler or drip irrigation system in a manner that causes the delivery of more water than the hose, bubbler, or system was intended by the manufacturer to deliver, or that allows water to run for a distance of 5 feet or greater from the area being irrigated.
 - b) Landscape watering is permitted any day at any time with a hand-held hose that is equipped with a positive shut-off nozzle, soaker hose, bucket (five gallons or less), watering can, bubbler or drip irrigation system.

- c) On days other than the days of the week established in (c)(3)a.i, testing and troubleshooting of irrigation systems that involve the release of water is permissible any time, including between the hours of 10:00 a.m. to 7:00 p.m., as long as a licensed plumber or irrigator is present on location during testing (and available to the ticket writer). Testing and troubleshooting of irrigation systems by other than a licensed plumber or irrigator that involves the release of water is otherwise permissible only on the days of the week established in (c)(3)a.i and time of day established in (c)(3)c.ii.
- d) *New Landscape Waiver*. A waiver of this subsection may be granted for the irrigation of new landscaping plants whereby watering would be permitted to maintain adequate growth until the plants are established but not to exceed a 30-day time period. Any person wishing such a waiver must make application to the City Public Works Department and pay a nonrefundable fee as set by separate ordinance. The water rate during this stage shall be the same as the normal rate for that customer for all consumption over 10 CCF as registered by residential meters and all consumption as registered by Irrigation meters or commercial meters.
- e) *Public and Private Golf Courses*.
 - i) Greens: Golf Courses may utilize Spray Irrigation on greens at any time for the purpose of cooling golf course greens when warranted by weather conditions and only with run cycles of less than 5 minutes every 60 minutes. Golf course greens are exempt from the Spray Irrigation days established in (c)(3)a.i., and greens may be Spray Irrigated any day of the week, but will be subject to the prohibition of spray irrigation during the daylight hours between 10:00 a.m. and 7:00 p.m.
 - ii) All other Golf Course Features: It shall be unlawful for golf courses to Spray Irrigate Tee-Boxes, Fairways, Roughs, Trees, Shrubs, etc., except on the day of the week permitted for the area as established in (c)(3)a.i., and will be subject to the prohibition of spray irrigation during the daylight hours between 10:00 a.m. and 7:00 p.m.
- f) Nursery Plant Stock is exempt from the irrigation and landscape watering restrictions of this subsection.

(4) Car Washing:

- a) It shall be unlawful :
 - i) to wash a vehicle at your residence or place of business, unless the hose is equipped with a positive shut-off nozzle that stops the flow of water through the hose when released by the operator.
 - ii) for the owner or operator of a commercial business to allow a customer to use a nozzle at a commercial car wash, car dealership, detail shop or automotive shop that discharges more than 3.0 gallons per minute.

(5) Restaurants/Bars/Clubs/School Cafeterias.

- a) It shall be unlawful to:
 - i) provide drinking water to customers of restaurants, bars, or clubs unless the customer requests such water.

- ii) use a pre-rinse nozzle that discharges more than 1.6 gallons per minute.
- iii) use a hand-held pre-rinse, or rinsing nozzle without a positive shut-off.

(6) Ice Machines

- a) It shall be unlawful, for any person, firm, corporation or other entity, to install new ice machines that are single-pass, water cooled.

(7) Hotels/Motels/Short-Term Lodging.

- a) It shall be unlawful, as the owner or operator of a hotel, motel, short-term rental or other establishment that offers or provides lodging or rental accommodations for compensation, to fail to offer a towel and linen reuse water conservation option to its lodgers, renters, or customers, and maintain in each applicable guest room, suite, or property, informational signage to communicate information relating to this requirement, and to offer the opportunity for guest participation.

(d) *Stage 2 - Drought Warning.*

- (1) The Director of Public Works shall declare a Stage 2 Drought Warning when levels of Lakes Arrowhead and Kickapoo reach a combined capacity of 50 percent.
- (2) The following actions shall occur under the direction of the Director of Public Works, with the goal of reducing the amount of water being used by 15%:
 - a) Form a Drought Emergency Task Force for guidance through the remainder of the drought and to interface with the public.
 - b) Suspend all non-essential operational use of water by City of Wichita Falls, such as flushing water mains, street sweeping, water jet cleaning of sanitary sewer mains, fire fighter training, etc.), except where such use of water is critical to the health and safety of the citizens.
 - c) Notify all wholesale (raw and treated) customers of the situation and inform them of their specific mandatory reduction goals in accordance with Texas Water Code § 11.039.
- (3) Irrigation:
 - a) It shall be unlawful to:
 - i) run outside irrigation systems (including sprinklers, automatic sprinkler systems and unattended hoses) except on the day of the week based on the following physical address schedule where the sprinkler system is located:
 - Addresses ending in 0 or 1 = Monday
 - Addresses ending in 2 or 3 = Tuesday
 - Addresses ending in 4 or 5 = Wednesday
 - Addresses ending in 6 or 7 = Thursday
 - Addresses ending in 8 or 9 = Friday
 - Saturday and Sunday irrigation is prohibited.

- ii) utilize spray irrigation between the hours of 10:00 a.m. and 7:00 p.m., unless one is using a hand-held hose that is equipped with a positive shut-off nozzle, soaker hose, bucket, watering can, bubbler or drip irrigation system,
 - iii) fail to repair a controllable leak, including but not limited to a broken sprinkler head, a broken pipe or a leaking valve,
 - iv) operate an irrigation system with a broken or missing head, or a head that is out of adjustment and the arc of the spray head is over a street, parking area, or other impervious surface,
 - v) allow water flow during irrigation that runs, flows, or streams in a way that extends for a distance of 50 feet or greater from the area being irrigated.
 - vi) Operate a soaker hose, bubbler or drip irrigation system in a manner that causes the delivery of more water than the hose, bubbler, or system was intended by the manufacturer to deliver; or that allows water to run for a distance of 5 feet or greater from the area being irrigated.
- b) Landscape watering is permitted any day at any time with a hand-held hose that is equipped with a positive shut-off nozzle, soaker hose, bucket (five gallons or less), watering can, bubbler or drip irrigation system.
- c) On days other than the day of the week established in (d)(3)a.i., testing and troubleshooting of irrigation systems that involve the release of water is permissible any time, including between the hours of 10:00 a.m. to 7:00 p.m., as long as a licensed plumber or irrigator is present on location during testing (and available on site to the ticket writer). Testing and troubleshooting of irrigation systems by other than a licensed plumber or irrigator that involves the release of water is otherwise permissible only on the day of week established in (d)(3)a.i. and time of day established in (d)(3)a.ii..
- d) *New Landscape Waiver.* A waiver of this subsection may be granted for the irrigation of new landscaping plants whereby watering would be permitted to maintain adequate growth until the plants are established but not to exceed a 30-day time period. Any person wishing such a waiver must make application to the City Public Works Department and pay a nonrefundable fee as set by separate ordinance. The applicant must agree to pay a water rate that is three (3) times the normal rate for that customer for all consumption over 10 CCF as registered by residential meters and all consumption as registered by Irrigation meters or commercial meters.
- e) *Public and Private Golf Courses.*
- i) Greens: Golf Courses may utilize Spray Irrigation on greens at any time for the purpose of cooling golf course greens when warranted by weather conditions and only with run cycles of less than 5 minutes every 60 minutes. Golf course greens are exempt from the Spray Irrigation days established in (d)(3)a.i., and greens may be Spray Irrigated any day of the week, but will be subject to the prohibition of spray irrigation during the daylight hours between 11 a.m. & 6 p.m.

- ii) Tee Boxes and Fairways: It shall be unlawful for golf courses to Spray Irrigate Tee-Boxes and Fairways, except on the day of the week permitted for the area as established in (d)(3)a.i. and will be subject to the prohibition of spray irrigation during the daylight hours between 10:00 a.m. and 7:00 p.m.
 - iii) All other Golf Course Features: It shall be unlawful for golf courses to Spray Irrigate any other landscape features, such as roughs, trees, shrubs, etc.
 - f) Nursery plant stock is exempt from the irrigation and landscape watering restrictions of this subsection.
- (4) Car Washing:
 - a) It shall be unlawful to:
 - i) to wash a vehicle at your residence or place of business, unless the hose is equipped with a positive shut-off nozzle that stops the flow of water through the hose when released by the operator.
 - ii) for the owner or operator of a commercial business to allow a customer to use a nozzle at a commercial car wash, car dealership, detail shop or automotive shop that discharges more than 3.0 gallons per minute.
- (5) Restaurants/Bars/Clubs/School Cafeterias.
 - a) It shall be unlawful to:
 - i) provide drinking water to customers of restaurants, bars, or clubs unless the customer requests such water.
 - ii) use a pre-rinse nozzle that discharges more than 1.6 gallons per minute.
 - iii) use a hand-held pre-rinse, or rinsing nozzle without a positive shut-off.
- (6) Ice Machines
 - a) It shall be unlawful, for any person, firm, corporation or other entity, to install new ice machines that are single-pass, water cooled.
- (7) Hotels/Motels/Short-Term Lodging.
 - a) It shall be unlawful, as the owner or operator of a hotel, motel, short-term rental or other establishment that offers or provides lodging or rental accommodations for compensation, to fail to offer a towel and linen reuse water conservation option to its lodgers, renters, or customers, and maintain in each applicable guest room, suite, or property, informational signage to communicate information relating to this requirement, and to offer the opportunity for guest participation.
- (8) Washing sidewalks, driveways, buildings or concrete slabs.
 - a) It shall be unlawful to wash sidewalks, driveways, buildings or concrete slabs unless an immediate health or safety risk is present.

(9) During a Stage 2 Drought Warning, the following surcharges will be applied to all applicable accounts:

a) For Residential Water Meters:

\$0.50 per hundred cubic feet (CCF) between 10 CCF and 20 CCF,
\$1.00 per CCF between 20 CCF and 40 CCF, and
\$2.00 per CCF over 40 CCF.

b) For Irrigation Water Meters:

\$0.50 per CCF between 0 CCF and 10 CCF,
\$1.00 per CCF between 10 CCF and 20 CCF,
\$2.00 per CCF between 20 CCF and 40 CCF, and
\$4.00 for each CCF over 40 CCF.

(e) *Stage 3 – Drought Emergency:*

(1) The Director of Public Works shall declare a Stage 3 Drought Emergency when the levels of Lakes Arrowhead and Kickapoo reach a combined capacity of 40 percent.

(2) The following actions shall occur under the direction of the Director of Public Works, with the goal of reducing the amount of water being used by 35%:

- a) monitor all Fire Hydrant Meters that are for contractor use, to determine what conservation can be achieved through this type of water usage,
- b) notify all wholesale (raw & treated) water customers of the situation and inform them of their specific mandatory reduction goals in accordance with Texas Water Code § 11.039, and
- c) begin establishing a program for a Drought Disaster, which will allow restriction on the essential uses of water and prepare for implementation.

(3) Irrigation:

a) It shall be unlawful to:

- i) run outside irrigation systems (including sprinklers, automatic sprinkler systems and unattended hoses) except on the day of the week established in (d)(3)a.i..
- ii) utilize spray irrigation during the day specified in (d)(3)a.i., except for the following hours:
 - 2:00 a.m. to 7:00 a.m. for Automatic Sprinkler Systems
 - 7:00 p.m. to 11:00 p.m. for Hose-End Sprinkler Systems
- iii) fail to repair a controllable leak, including but not limited to a broken sprinkler head, a broken pipe or a leaking valve,
- iv) operate an irrigation system with a broken or missing head, or a head that is out of adjustment and the arc of the spray head is over a street, parking area, or other impervious surface,

- v) allow water flow during irrigation that runs, flows, or streams in a way that extends for a distance of 50 feet or greater from the area being irrigated.
- vi) operate a soaker hose, bubbler or drip irrigation system in a manner that causes the delivery of more water than the hose, bubbler, or system was intended by the manufacturer to deliver, or that allows water to run for a distance of 5 feet or greater from the area being irrigated.
- b) New Landscape Waiver: The Public Works Department will not issue any waivers during a Stage 3 Drought Emergency.
- c) *Public and Private Golf Courses.*
 - i) Greens: Golf Courses may utilize Spray Irrigation on greens at any time for the purpose of cooling golf course greens when warranted by weather conditions and only with run cycles of less than 5 minutes every 60 minutes. Golf course greens are exempt from the Spray Irrigation times, and greens may be Spray Irrigated any day of the week, but will continue to be subject to the prohibition of spray irrigation during the daylight hours between 10:00 a.m. and 7:00 p.m..
 - ii) Tee Boxes: It shall be unlawful for golf courses to Spray Irrigate Tee-Boxes, except on the day of the week established in (d)(3)a.i. and will continue to be subject to the prohibition of spray irrigation during the daylight hours between 10:00 a.m. and 7:00 p.m.
 - iii) All other Golf Course Features: It shall be unlawful for golf courses to Spray Irrigate any other landscape features, such as fairways, roughs, trees, shrubs, etc.
- d) Nursery Plant Stock is exempt from the irrigation and landscape watering restrictions of this subsection.

(4) Car Washing:

- a) It shall be unlawful:
 - i) to wash a vehicle at your residence or place of business, unless the hose is equipped with a positive shut-off nozzle that stops the flow of water through the hose when released by the operator.
 - ii) for the owner or operator of a commercial car wash, detail shop or automotive shop to utilize Potable Water for its operations on the day of the week that coincides with the day of the week established in (d)(3)a.i., that the car wash was allowed to irrigate.
 - iii) for the owner or operator of a commercial business to allow a customer to use a nozzle at a commercial car wash, car dealership, detail shop or automotive shop that discharges more than 3.0 gallons per minute.
 - iv) for a car wash to wash any of its bays with water, except on Sunday.

(5) Car Dealers/Fleets.

- a) It shall be unlawful:
 - i) for a car dealer or an entity that maintains a fleet of motor vehicles to wash its inventory of cars on any day other than the day the property is

authorized to spray irrigate in accordance with the days established in (d)(3)a.i..

- ii) to wash Fleets at any location used for residential purposes.
- b) It is an affirmative defense to prosecution that if a car dealer or car rental is preparing a car for pickup, it washed that vehicle (and only that vehicle) on the day of pick up by the customer. Otherwise, all vehicles are subject to (e)(5)a.i. above.
- c) The washing of any vehicle in a fleet may take place only at a commercial car wash or at a location owned by the fleet's owner and that is used solely for commercial uses.

(6) Restaurants/Bars/Clubs/School Cafeterias:

- a) It shall be unlawful:
 - i) to provide drinking water to customers of restaurants, bars, or clubs unless the customer requests such water.
 - ii) to use a pre-rinse nozzle that discharges more than 1.6 gallons per minute.
 - iii) to use a hand-held pre-rinse, or rinsing nozzle without a positive shut-off.
 - iv) for a food establishment to thaw food with water. Food must be thawed by another legal method, such Refrigeration or Cooking Process.
 - v) for a food establishment to clean kitchen or food handling areas with spray hoses.

(7) Ice Machines

- a) It shall be unlawful, for any person, firm, corporation or other entity, to install new ice machines that are single-pass, water cooled.

(8) Pools:

- a) It shall be unlawful:
 - i) to operate a water feature on a Residential Pool, including, but not limited to, fountains, waterfalls, descents, arcs, and slides.
 - ii) if repairing a pool, to drain the water below a level necessary to affect the repair, and no further. Owners of pools that follow this restriction will be allowed to re-fill their pool after the repair.
 - iii) for Owners Operators of pools to drain the pool once it closed for the season.

(9) Hotels/Motels/Short-Term Lodging.

- a) It shall be unlawful, as the owner or operator of a hotel, motel, short-term rental or other establishment that offers or provides lodging or rental accommodations for compensation, to fail to offer a towel and linen reuse water conservation option to its lodgers, renters, or customers, and maintain in each applicable guest room, suite, or property, informational signage to communicate information relating to this requirement, and to offer the opportunity for guest participation.

- (10) Washing sidewalks, driveways, buildings or concrete slabs.
 - a) It shall be unlawful to wash sidewalks, driveways, buildings or concrete slabs unless an immediate health or safety risk is present.

- (11) During a Stage 3 Drought Emergency, the following surcharges will be applied to all applicable accounts:
 - a) For Residential Water Meters;
 - \$1.00 per CCF between 10 CCF and 20 CCF,
 - \$2.00 per CCF between 20 CCF and 40 CCF, and
 - \$4.00 per CCF over 40 CCF.

 - b) For Irrigation Water Meters;
 - \$1.00 per CCF between 0 CCF and 10 CCF,
 - \$2.00 per CCF between 10 CCF and 20 CCF,
 - \$4.00 per CCF between 20 CCF and 40 CCF, and
 - \$8.00 per CCF over 40 CCF.

(f) *Stage 4 - Drought Disaster*

- (1) The Director of Public Works shall declare a Stage 4 Drought Disaster when the levels of Lakes Arrowhead and Kickapoo reach a combined capacity of 30 percent.

- (2) The following actions shall occur under the direction of the Director of Public Works, with the goal of reducing the amount of water being used by 45%.
 - a) Impose further mandatory restrictions on non-essential uses of water and essential uses of water.
 - b) Pull Hydrant Meters and suspend service thereon until conditions return to a Drought Emergency status.
 - c) Continue the aggressive public relations and education program.

- (3) Irrigation:
 - a) *Irrigation Prohibited.* It shall be unlawful to utilize any type of irrigation using potable water produced by the City of Wichita Falls that is distributed through the City's distribution system on any day at any time. This restriction includes all forms of irrigation, including, spray, bubbler, drip, hand-watering, etc.
 - b) *Public and Private Golf Courses.* It shall be unlawful to irrigate any and all vegetated landscape areas on the golf course including greens, tee boxes, fairways, roughs, trees, shrubs, etc.. Golf Courses will be allowed to utilize the remaining water within their pond system, as they see fit; but, will not be allowed to refill the ponds from the City potable or raw water system, while in a Stage 4 Drought Disaster.
 - c) *Nursery Plant Stock.* Nursery Plant Stock is exempt from the irrigation and landscape watering restrictions of this subsection.

- (4) Car Washing:
 - a) It shall be unlawful:
 - i) to wash a vehicle at any location other than a commercial car wash, car dealership, detail shop or automotive shop.
 - ii) for the owner or operator of a commercial car wash, detail shop or automotive shop to utilize Potable Water for its operations on the day of the week that coincides with the day of the week established in (d)(3)a.i., that the car wash was allowed to irrigate.
 - iii). for the owner or operator of a commercial business to allow a customer to use a nozzle at a commercial car wash, car dealership, detail shop or automotive shop that discharges more than 3.0 gallons per minute.
 - iv) Fundraising car washes are prohibited.
 - v) The washing of a vehicle for health and safety reasons, sufficient to remove the hazard, is permitted any time.
 - vi) It shall be unlawful for a car wash to wash any of its bays with water, except on Sundays.

- (5) Car Dealers/Fleets.
 - a) It shall unlawful:
 - i) for a car dealer or an entity that maintains a fleet of vehicles to wash its inventory of cars on any day other than the day the property was authorized to Spray Irrigate in accordance with the days established in (d)(3)a.i..
 - ii) to wash Fleets at any location used for residential purposes.
 - b) It is an affirmative defense to prosecution that if a car dealer or car rental is preparing a car for pickup, it washed that vehicle (and only that vehicle) on the day of pick up by the customer. Otherwise, all vehicles are subject to (f)(5)a.i. above.
 - c) The washing of any vehicle in a fleet may take place only at a commercial car wash or at a location owned by the fleet's owner and that is used solely for commercial uses.

- (6) Restaurants/Bars/Clubs/School Cafeterias:
 - a) It shall be unlawful:
 - i) to provide drinking water to customers of restaurants, bars, or clubs unless the customer requests such water.
 - ii) use a pre-rinse nozzle that discharges more than 1.6 gallons per minute.
 - iii) use a hand-held pre-rinse, or rinsing nozzle without a positive shut-off.
 - iv) thaw food at a food establishment with water. Food must be thawed by another legal method, such Refrigeration or Cooking Process.
 - v) clean kitchen or food handling areas at a food establishment with spray hoses.

- (7) Ice Machines
 - a) It shall be unlawful, for any person, firm, corporation or other entity, to install new ice machines that are single-pass, water cooled.

- (8) Pools:
- a) It shall be unlawful:
 - i) to operate a water feature on a Residential Pool, including, but not limited to, fountains, waterfalls, descents, arcs, and slides.
 - ii) to fill, refill or add potable water to a private or public swimming or wading pool that is not located entirely within a fully-enclosed, climate-controlled structure.
 - b) Indoor pools are exempt from the restrictions of (f)(7)a.i..
- (9) Hotels/Motels/Short-Term Lodging.
- a) It shall be unlawful, as the owner or operator of a hotel, motel, short-term rental or other establishment that offers or provides lodging or rental accommodations for compensation, to fail to offer a towel and linen reuse water conservation option to its lodgers, renters, or customers, and maintain in each applicable guest room, suite, or property, informational signage to communicate information relating to this requirement, and to offer the opportunity for guest participation.
- (10) Large Industries
- a) Large Industries will be notified by the City to initiate a Water Audit of their facilities.
 - b) The Water Audit will include where water is being used within the facilities and where reductions in water usage can be made.
 - c) Large Industries will have 60 days to conduct the Water Audit and submit a written report to the Director of Public Works detailing the findings of the Water Audit and the percent reduction in water consumption that can be achieved.
 - d) Each Large Industry will be required to have all internal modifications to implement the water reduction completed and functioning by the time a Combined Lake Level of 20% is reached.
- (11) Watering Structures
- a) The watering of Home Foundations is restricted to once a week, on the day the property was authorized to irrigate established in (d)(3)a.i..
 - i) Foundations may only be watered between the hours of 7:00 p.m. and 11:00 p.m..
 - ii) Foundations may only be watered with Soaker Hoses.
 - b) It shall be unlawful to wash sidewalks, driveways, buildings, concrete slabs, any structure or any part of a structure during Stage 4 restrictions.
- (12) During a Stage 4 Drought Disaster the following surcharges will be applied to all applicable accounts:
- a) For Residential Water Meters;
\$3.00 per CCF between 10 CCF and 20 CCF,
\$6.00 per CCF between 20 CCF and 40 CCF, and

\$12.00 per CCF over 40 CCF.

- b) For Irrigation Water Meters;
\$3.00 per CCF between 0 CCF and 10 CCF,
\$6.00 per CCF between 10 CCF and 20 CCF,
\$12.00 per CCF between 20 CCF and 40 CCF, and
\$24.00 per CCF over 40 CCF.

(g) *Stage 5: Drought Catastrophe*

- (1) The Director of Public Works shall declare a Stage 5 Drought Catastrophe when the levels of Lakes Arrowhead and Kickapoo reach a combined capacity of 25 percent.
- (2) The following actions shall occur under the direction of the Director of Public Works, with the goal of reducing the amount of water being used by 55%:
 - a) Impose further mandatory restrictions on non-essential uses of water and essential uses of water.
 - b) Continue the aggressive public relations and education program.
- (3) Irrigation:
 - a) *Irrigation Prohibited.* It shall be unlawful to utilize any type of irrigation using potable water produced by the City of Wichita Falls that is distributed through the City's distribution system on any day at any time. This restriction includes all forms of irrigation, including, spray, bubbler, drip, hand-watering, etc.
 - b) *Public and Private Golf Courses.* It shall be unlawful to irrigate any and all vegetated landscape areas on the golf course including greens, tee boxes, fairways, roughs, trees, shrubs, etc. The Golf Courses will be allowed to utilize the remaining water within their pond system, as they see fit; but, will not be allowed to refill the ponds from the City system, while in a Stage 5 Drought Disaster.
 - c) *Nursery Plant Stock.* Nursery Plant Stock is exempt from the irrigation and landscape watering restrictions of this subsection.
- (4) Car Washing:
 - a) It shall be unlawful:
 - i) for any person to wash a vehicle at any location other than a commercial car wash, car dealership, detail shop, automotive shop, or commercial property that is owned by the owner of a Fleet of vehicles.
 - ii) for the owner or operator of a commercial car wash, car dealership, detail shop or automotive shop to utilize potable water for its operations on Sunday or Monday.
 - iii) for the owner or operator of a commercial business to allow a customer to use a nozzle that discharges more than 3.0 gallons per minute.

- iv) It shall be unlawful for a car wash to wash any of its bays with water, except on Fridays.
- v) to conduct a Fundraising car wash.
- b) It shall be an affirmative defense to prosecution pursuant to this subsection
 - i. that a person was washing a vehicle for health and safety reasons, only to an extent sufficient to remove the hazard, is permitted any time.
- c) It shall be an affirmative defense to prosecution pursuant to this subsection
 - i. that a car dealer or car rental company was preparing a vehicle for pickup and washed that vehicle on the day of pick up by the customer.

(5) Restaurants/Bars/Clubs/School Cafeterias:

- a) It shall be unlawful:
 - i) to provide drinking water to customers of restaurants, bars, or clubs unless the customer requests such water.
 - ii) use a pre-rinse nozzle that discharges more than 1.6 gallons per minute.
 - iii) use a hand-held pre-rinse, or rinsing nozzle without a positive shut-off.
 - iv) for a food establishment to thaw food with water. Food must be thawed by another legal method, such as Refrigeration or Cooking Process.
 - v) for a food establishment to clean kitchen or food handling areas with spray hoses.

(6) Ice Machines

- a) It shall be unlawful, for any person, firm, corporation or other entity, to install new ice machines that are single-pass, water cooled.

(7) Pools:

- a) It shall be unlawful:
 - i) to operate a water feature on any pool, including, but not limited to, fountains, water falls, descents, arcs, and slides.
 - ii) to fill, refill or add potable water to a private or public swimming or wading pool that is not located entirely within a fully-enclosed, climate-controlled structure.
 - iii) Indoor pools are exempt from the restrictions of (g)(6).

(8) Hotels/Motels/Short-Term Lodging.

- a) It shall be unlawful, as the owner or operator of a hotel, motel, short-term rental or other establishment that offers or provides lodging or rental accommodations for compensation, to fail to offer a towel and linen reuse water conservation option to its lodgers, renters, or customers, and maintain in each applicable guest room, suite, or property, informational signage to communicate information relating to this requirement, and to offer the opportunity for guest participation.

(9) Watering Structures:

- a) The watering of Home Foundations is restricted to once a week, on the day the property was authorized to irrigate established in (d)(3)a.i.

- i) Foundations may only be watered between the hours of 7:00 p.m. and 11:00 p.m..
- ii) Foundations may only be watered with Soaker Hoses.
- b) It shall be unlawful to wash sidewalks, driveways, buildings, concrete slabs, any structure or any part of a structure.

(10) During a Stage 5 Drought Catastrophe the following surcharges will be applied to all applicable accounts:

- a) For Residential Water Meters:
\$6.00 per CCF between 10 CCF and 20 CCF,
\$12.00 per CCF between 20 CCF and 40 CCF, and
\$24.00 per CCF over 40 CCF.
- b) For Irrigation Water Meters:
\$6.00 per CCF between 0 CCF and 10 CCF,
\$12.00 per CCF between 10 CCF and 20 CCF,
\$24.00 per CCF between 20 CCF and 40 CCF, and
\$48.00 per CCF over 40 CCF.

(h) Surcharges will remain in effect until the City Council announces the end to the restrictions. Water utilized by commercial nurseries for plant stock production shall not be subject to the surcharges established herein.

(i) *Triggering & Terminating Drought Stages.*

- (1) The Director of Public Works shall declare that each "trigger level" has been reached and that the water use restrictions for each respective stage are in effect. The water restrictions will remain in effect until the lakes rise to a level that, when combined with the long-term forecast, assures the city an adequate supply of water.
- (2) When an adequate supply of water is available, the City Council, by majority vote, and after consultation with the Director of Public Works, shall announce the termination of each respective stage of the restrictions that are triggered by lake levels.

(j) *Drought Restrictions only apply to City-supplied Water.*

Water supplied from sources other than the City's water delivery system, including private water wells, aerobic septic systems, wastewater effluent, and potable water imported from other areas, is intended to be exempt from the restrictions of this section. Accordingly, it shall be an affirmative defense to prosecution for violation of any provision of this section that the water used in the alleged violation was not from the City's water delivery system.

(k) Wells and Auxiliary Water Sources

- (1) Registration:
 - a) In an effort to protect the City's potable Water System from contamination, any person or property receiving water or wastewater services from the City of Wichita Falls must register any and all non-potable, wells and auxiliary water sources, used for any purpose, with the Department of Public Works.
 - b) Non-Potable, Auxiliary Water Sources include, but are not limited to;
 - i) Existing, new or planned Water Wells
 - ii) Hauled water from Surface or Groundwater sources,
 - iii) Rainwater Harvesting storing more than 3,000 gallons.
 - iv) Graywater systems producing more than 400 gallons per day.
 - c) The City Department of Public Works shall be responsible for developing and maintaining a governing manual, that regulates the permitting, construction and registration of all water wells and Auxiliary Water Sources.

 - (2) Systems must be in compliance with all Federal, State and City requirements for the following:
 - a) Cross-Connection Control / Backflow Prevention Devices
 - b) Building, Plumbing and Electrical Codes
 - c) Setback requirements from Sewers and Septic Systems.

 - (3) The City of Wichita Falls public water supply system may not be held liable for any adverse health effects allegedly caused by the consumption of water collected by wells or auxiliary water sources.
- (l) Defenses to Prosecution
- a) It shall be a defense to prosecution that:
 - i) The use of water is necessary to protect the health, safety, or welfare of the public;
 - ii) The use of water was necessary for lawful repair of a water distribution facility, flushing of utility lines or residential or commercial plumbing lines;
 - iii) The use of water was necessary to meet express requirements of federal, state, or local laws and requirements.
 - iv) The use of water was necessary to wash or sanitize to prevent disease transmission risk associated with liquid, solid, or particulate residue in or on emergency vehicles, or vehicles, containers or equipment lawfully used to maintain, process, or transport food, perishables, garbage, liquid or solid waste, organic materials, or recyclables; or
 - v) The use of water was immediately necessary for or related to fire fighting, fire prevention, or fire suppression activities or operations conducted because of actual risk to the public or environmental health, safety, or welfare, life, or property associated with the presence of an uncontrolled fire on or approaching any person or property.
- (m) Variance

- (1) The Director of Public Works shall develop specific criteria to be used for the granting of variances from the provisions of this Ordinance, which are appropriate to the provisions for which a variance is being sought. Such criteria shall be applied equally to each request for variance under a particular provision.
- (2) The Director, or his designee, may grant a variance from a requirement of this Chapter if the Director, or designee, determines that strict compliance with the provisions at issue adversely affects the health, safety, welfare or sanitation of the public, the applicant, or the environment.
- (3) Persons requesting a variance from the provisions of this Drought Ordinance shall file a written request for variance with the Director of Public Works. All written requests for variances shall be reviewed by the Director, or his/her designee, and shall include the following:
 - (a) Name and address of the petitioner(s).
 - (b) Purpose of water use.
 - (c) Specific provision(s) of the Drought Ordinance from which the petitioner is requesting relief.
 - (d) Detailed statement as to how the specific provision of the Drought Ordinance adversely affects the health, safety, welfare, or sanitation of the public, 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 Ordinance and the compliance date.
 - (h) Any other pertinent or requested information.
- (4) A variance following its approval by the director may be immediately suspended or revoked if the director or director's designee determines any of the following:
 - (a) a violation of the terms of the variance occurs at the location during the effective period of the variance;
 - (b) the application submitted to the director upon which the variance approval was based included false, misleading, incomplete, or inaccurate information or attachments or
 - (c) the director declares an emergency recall of variances to control use or preserve supply based on protracted drought, unusual operational event, or other public necessity.
- (5) All variances are only in effect during the Drought Plan Stage for which the variance was issued.
- (6) No variance shall be retroactive or otherwise justify any violation of this Drought Plan, occurring prior to the issuance of the variance.

(7) A variance from a requirement of this chapter expires immediately upon the termination, completion, or resolution of the event, occurrence, condition, or activity for which the variance is granted or at a time specified by the director or director's designee.

(n) Access to Premises.

All persons or agents employed by the Department of Public Works shall, at all responsible hours, have access to premises to ascertain if water is being wasted within the corporate city limits of the city or the extraterritorial jurisdiction or the extent of the jurisdictional authority and whether provisions of the Drought Ordinance have been, and are being, complied with in all respects.

(k) *Violation; penalty.*

Any person, firm, corporation or other entity found in violation of any provision of this section shall be punished by a fine of \$25.00 for the first offense; not more than \$500.00 for the second offense; and not more than \$2,000.00 for each offense thereafter. Each day of violation of this section shall constitute a separate offense. Proof of a culpable mental state shall not be required for the first or second offense. In the event that this section is violated by repeated offenses, the Director of Public Works is authorized to order the locking or removal of the customer's meter until all fees and fines are paid.