

ORDINANCE NO. 1459

AN ORDINANCE OF THE CITY OF ROCKPORT AMENDING CODE OF ORDINANCES CHAPTER 102 'UTILITIES', ARTICLE III. 'WATER SERVICE', DIVISION 4. 'CONSERVATION' BY RENAMING DIVISION TO "WATER CONSERVATION", AMENDING CITY WATER CONSERVATION PLAN TO CURRENT REGULATORY STANDARDS; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AMENDMENT

That Chapter 102 'Utilities', Article III. 'Water Service', Division 4. 'Conservation' is hereby amended to wit:

DIVISION 4. WATER CONSERVATION

Section 102-71. Plan established.

There is hereby established a city water conservation plan.

Section 102-72. Declaration of policy.

- a) It is hereby declared that the general welfare requires that the water resources available to the city be put to the maximum beneficial use to the extent to which they are capable, and that the waste or unreasonable use, or unreasonable method of use of water be prevented, and the conservation of such water is to be extended with a view to the reasonable and beneficial use thereof in the interests of the people of the areas served by the city's water resources and for the public welfare.
- b) In making decisions under this article concerning the allocation of water between conflicting interests, highest priority will be given to allocation necessary to support human life and health; i.e., the minimum amount of water necessary for drinking, prevention of disease, and the like. Second highest priority will be given to allocations, which will result in the least loss of employment to persons whose income is essential to their families.

Section 102-73. Authorization.

The city manager, or his designee, upon the recommendation of the director of utilities, is hereby authorized and directed to implement the applicable provisions of this division upon their determination that such implementation is necessary to protect the public welfare and safety.

Section 102-74. Prohibited uses of water during water shortage periods; exceptions; presumption of violation.

- a) No customer of the city water system shall knowingly make, cause, use or permit the use of water from the city system for residential, commercial, industrial, agricultural, governmental, or any other purposes in a manner contrary to any provisions of this section, or in an amount in excess of that use permitted by the conservation measure in effect pursuant to action taken

by the city manager, or his designee, in accordance with the provision of this section. The provisions of this section shall apply to all uses of water from the city water supply system wherever situated.

- b) The city manager shall promulgate guidelines which shall set forth the criteria for determining when a particular conservation measure is to be implemented and terminated. Such guidelines shall be updated when, in the opinion of the city manager, the conditions of the water system have changed so as to necessitate such update, such guidelines to be published and filed in the office of the city manager.
- c) The use or withdrawal of water from the water supply system of the city for the following purposes of uses is hereby regulated during any period of water shortage commencing with the promulgation of water conservation guidelines and implementation of them by the city manager and continuing until such water conservation measures are no longer deemed necessary by the city manager in accordance with such guidelines.

Section 102-75. Automatic water conservation measures.

- a) It is the goal of the city to achieve a five percent reduction in total water use condition I when capacity is >50%. When combined storage in the Choke Canyon/Lake Corpus Christi Reservoir System (Reservoir System Storage) falls below 50% of Reservoir System Storage capacity it is the goal of the City to achieve a 20% reduction in water use:
 - 1. The City Manager shall issue a public notice informing water users of the Corpus Christi water supply region of voluntary conservation measures that are requested immediately and required drought management measures that must be taken if the amount of water in the reservoirs falls to under 40% of Reservoir System Storage capacity and when the amount of water in the reservoirs falls to under 30% of Reservoir System Storage capacity.
 - 2. Upon implementation by the city manager, customers of the water system of the city are requested to voluntarily conserve and limit their use of water and shall comply with the following mandatory restrictions on the use of water for irrigation of vegetation. All municipal operations are placed on mandatory conservation.
 - a. The water was used, other than during the hours between 10:00 a.m. and 6:00 p.m., for irrigation, at the minimum rate necessary, for the establishment and maintenance of flower gardens, vegetable gardens, fruit gardens, trees, and shrubs, or plants in containers, and applied using:
 - 1. A hand held hose equipped with a positive shutoff nozzle.
 - 2. A drip irrigation system equipped with an automatic shutoff device.
 - 3. A soaker hose, which does not spray water into the air, equipped with an automatic shutoff device.
 - 4. A root feeder equipped with an automatic shutoff device.
 - 5. A hand held bucket or watering can.
 - b. The water was used at any hour for irrigation, at the minimum rate necessary, for the establishment and maintenance of commercial nursery stock and applied using:
 - 1. A hand held hose equipped with a positive shutoff nozzle.
 - 2. A sprinkler system.

3. A drip irrigation system equipped with an automatic shutoff device.
 4. A soaker hose, which does not spray water into the air, equipped with an automatic shutoff device.
 5. A root feeder equipped with an automatic shutoff device.
 6. A hand held bucket or watering can.
- c. The water used, other than during the hours between 10:00 a.m. and 6:00 p.m., for irrigation, at the minimum rate necessary, for the establishment of newly planted materials within thirty (30) days of planting. Water used for this purpose may be applied by any means.
 - d. The water used was well water, wastewater treatment plant effluent, gray water, or other water not obtained from the city water system. The use of other water cannot be mixed with any water from the city's water supply and may be used at any hour if a sign is posted stating that the water used for irrigation is from a private well, wastewater treatment plant effluent, or graywater, or other water that was not obtained from the city's water supply. It is a separate violation to display a sign which falsely claims the water used to be from a private well, wastewater treatment plant effluent, or graywater, or other water that was not obtained from the city's water supply..
 - e. The water was used at any hour for short periods of time for testing related to the installation, maintenance, and repair of sprinkler systems.
 - f. The water was used for the irrigation of vegetation on a large parcel of land or unique botanical institutions, in conformance with a special watering plan, specifically approved for the parcel by the city manager. The official approving any special watering plan shall ensure that the plan achieves similar water conservation goals to the mandatory conservation measures applicable to other customers under this section.
3. No person may:
 - a. Allow water run off yards or plants into gutters or streets.
 - b. Permit or maintain defective plumbing in a home, business establishment or any location where water is used on the premises. Defective plumbing includes out-of-repair water closets, underground leaks, defective or leaking faucets and taps.
 - c. Allow water to flow constantly through a tap, hydrant, valve, or otherwise by any user of water connected to the City system.
 4. To the extent of the City's legal authority, the City Manager shall require the City's wholesale water customers to issue public notice advising their water customers of voluntary conservation measures that are requested immediately and required drought management measures that must be taken if the amount of water in the reservoirs falls to under 40% of the Reservoir System Storage capacity and when the amount of water in the reservoirs falls to under 30% of the Reservoir System Storage capacity.
- b) When combined storage in the Choke Canyon/Lake Corpus Christi Reservoir System (Reservoir System Storage) falls below 40% of Reservoir System Storage capacity it is the

goal of the City to achieve a 15% reduction in total water use, the City Manager shall publish a public notice in a newspaper of general circulation in Aransas County when the City Manager determines that the amount of water in storage has fallen below 40% of Reservoir System Storage capacity. From the date of publication of the notice until the date the notice is rescinded by the City Manager, no person may use water for irrigation of vegetation between the hours of 10:00 a.m. and 6:00 p.m.

1. Upon implementation by the city manager, and publication of notice, the following restrictions shall apply to all persons and the withdrawal of water from the system for the following purposes or uses is hereby prohibited. The city manager, in the exercise of his discretion, may implement any or all of those elements of measures as are deemed necessary at any particular time. All measures when the Reservoir System Storage falls below 50% shall remain in effect when the Reservoir System Storage falls below 40%.
 - a. The sprinkling or watering of lawns is prohibited except as may be expressly authorized by rules or guidelines adopted and in effect by the City of Corpus Christi, Texas, which shall apply and take precedence hereof. Any person may raise as a defense to prosecution for violation of this section the fact that the use of water was in compliance with exceptions passed and in effect by the City of Corpus Christi, Texas, regarding the sprinkling or watering of lawns, at the time of the violation.
 - b. Commercial nurseries shall be excepted from the prohibition of this subparagraph and shall be permitted to water nursery stock by means of a hand held hose equipped with a positive shutoff nozzle, a drip irrigation system, a hand held bucket or watering can, or a sprinkler system which is attended throughout its use and is equipped with an automatic shutoff or recaptures and recirculates irrigation water.
 - c. The allowing of water to run off yards or plants into gutters or streets shall be deemed a waste of water and is prohibited.
 - d. The washing of automobiles, trucks, trailers, boats, airplanes and any other type of mobile equipment except that individuals may wash their private cars or boats if they use a bucket, pail, or normal sized receptacles; and further provide, that filling stations shall wash their customers' cars with a bucket, pan, pail or other receptacles not larger than of five-gallon capacity; however, an individual or filling station, after such washing, shall be permitted to rinse the car or boat off with a hose, using only a reasonable amount of water in so doing. Commercial or automatic car wash establishments shall use minimum practical water settings.
 - e. The washing of building exteriors and interiors, trailers, trailer houses and railroad cars, except as may be authorized by the city manager with the use of commercial high pressure equipment.
 - f. The permitting or maintaining of defective plumbing in a home, business establishment or any location where water is used on the premises. The permitting of the wasting of any water by reason of defective plumbing as herein above mentioned shall include the existence of out-of-repair water closets, underground leaks, defective faucets and taps. The permitting of water to flow constantly through a tap, hydrant, valve or otherwise by any

user of water connected to the city system, shall be considered as a wasting of water and prohibited by this article.

- g. The use of fire hydrants for any purpose other than fire fighting is prohibited; except that the city manager may permit the use of fire hydrant water by the city in the interest of public health.
 - h. The use of water in ornamental fountains or in artificial waterfalls where the water is not reused or recirculated in any manner.
 - i. The use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts or other hard-surfaced area.
 - j. The use of water for dust control.
 - k. The use of potable water by a golf course to irrigate any portion of its grounds except those areas designated as tees and greens and only between the hours of 6:00 a.m. and 10:00 a.m. on the designated watering days.
 - l. Any use of water for the purposes or in a manner prohibited in this section shall be deemed to be a waste of water and any person violating any of the provisions of this article and any person in whose name a water meter connection is registered in the department of public utilities, which water connection serves premises upon which a violation occurs, and proof that the particular premises have a water meter connection registered in the name of the defendant named in the complaint, shall constitute in evidence a prima facie presumption that the person in whom such water connection was registered was the person who permitted or caused the act of waste charged to occur on the premises.
2. Within two months from the implementation of measures when the Reservoir System Storage falls below 40%, the city council shall appoint an allocation and review committee, as hereinafter provided, for the purpose of reviewing water conservation policies and establishing exemptions.
 3. It shall be a defense to prosecution of a violation under this section that the use of water was for one of the following purposes:
 - a. The water was used, other than during the hours of 10:00 a.m. and 6:00 p.m., for irrigation, at the minimum rate necessary, for the establishment and maintenance of flower gardens, vegetable gardens, fruit gardens, trees, and shrubs, or plants in containers, and applied using:
 - i. A hand held hose equipped with a positive shutoff nozzle.
 - ii. A drip irrigation system equipped with an automatic shutoff device.
 - iii. A soaker hose, which does not spray water into the air, equipped with an automatic shutoff device.
 - iv. A root feeder equipped with an automatic shutoff device.
 - v. A hand held bucket or watering can.
 - b. The water was used at any hour for irrigation, at the minimum rate necessary, for the establishment and maintenance of commercial nursery stock and applied using:
 - i. A hand held hose equipped with a positive shutoff nozzle.

- ii. A sprinkler system.
 - iii. A drip irrigation system equipped with an automatic shutoff device.
 - iv. A soaker hose, which does not spray water into the air, equipped with an automatic shutoff device.
 - v. A root feeder equipped with an automatic shutoff device.
 - vi. A hand held bucket or watering can.
- c. The water used, other than during the hours between 10:00 a.m. and 6:00 p.m., for irrigation, at the minimum rate necessary, for the establishment of newly planted materials within thirty (30) days of planting. Water used for this purpose may be applied by any means.
 - d. The water used was well water, wastewater treatment plant effluent, gray water, or other water not obtained from the city water system. The use of other water cannot be mixed with any water from the city's water supply and may be used at any hour if a sign is posted stating that the water used for irrigation is from a private well, wastewater treatment plant effluent, or graywater, or other water that was not obtained from the city's water supply. It is a separate violation to display a sign which falsely claims the water used to be from a private well, wastewater treatment plant effluent, or graywater, or other water that was not obtained from the city's water supply..
 - e. The water was used at any hour for short periods of time for testing related to the installation, maintenance, and repair of sprinkler systems.
 - f. The water was used for the irrigation of vegetation on a large parcel of land or unique botanical institutions, in conformance with a special watering plan, specifically approved for the parcel by the city manager. The official approving any special watering plan shall ensure that the plan achieves similar water conservation goals to the mandatory conservation measures applicable to other customers under this section.
- c) When combined storage in the Choke Canyon/Lake Corpus Christi Reservoir System (Reservoir System Storage) falls below 30% of Reservoir System Storage capacity it is the goal of the City to achieve a 20% reduction in water use and, the City Manager shall publish notice in a newspaper of general circulation in Aransas County when the City Manager determines that the amount of water in reservoirs has fallen below 30% Reservoir System Storage capacity and publish a lawn watering plan that allows customers to water lawns no more than every five days, which maintaining the prohibition on using water for irrigation between 10:00 a.m. and 6:00 p.m.
- 1. From the date of publication of the notice and plan, until the date the notice and plan are rescinded by the City Manager, no person may use water for irrigation of a lawn, except on a day lawn water is authorized under the lawn watering plan.
 - 2. Upon implementation by the city manager and publication of notice, the following restrictions shall apply to all persons. The city manager, in the exercise of his discretion, may implement any or all of those measures when the Reservoir System Storage falls below 30% as are deemed necessary at any particular time. All

measures when the Reservoir System Storage falls below 50% and 40% shall remain in effect when the Reservoir System Storage falls below 30%.

- a. New service connections to the city's water system are prohibited when some other source independent of the city's water system is existing and in use at the time of passage of this article.
 - b. A mandatory limit of normal water use by customers without use penalty, in amount as determined by the city council.
 - c. In connection with the enforcement of subsection b., the city council shall establish a maximum limit beyond which water services will be terminated.
 - d. The use of water to serve a customer in a restaurant unless requested by the customer is prohibited.
 - e. The use of water for the expansion of commercial nursery facilities is prohibited.
 - f. The use of water for scenic and recreational ponds and lakes is prohibited.
 - g. The use of water for private, single-family residential swimming pools, wading pools, Jacuzzi pools, hot tubs and like or similar uses is prohibited, except where such is required by a medical doctor's prescription.
 - h. The use of water for privately owned neighborhood and subdivision swimming pools owned by country clubs, athletic clubs, health clubs, fraternal organizations and other like or similar pools is prohibited.
 - i. The use of water for hotel, motel, condominium, apartment and other multifamily, residential-user swimming pools, including commercial and business swimming pools is prohibited.
 - j. The use of water to put new agricultural land into production is prohibited.
 - k. The use of water for new planting or landscaping is prohibited.
3. Surcharges and termination of service is passed to implement and enforce the mandatory limits on water usage called for when the Reservoir System Storage falls below 40%. The surcharges established in this section are solely intended to regulate and deter the use of water during a period of serious drought in order to achieve necessary water conservation. The city council expressly finds that the drought poses a serious and immediate threat to the general and economic health and welfare of this community, and that the surcharges and other measures adopted in this section are essential to protect the public health and welfare. This subsection are purely an exercise of the city's regulatory and police power, and the surcharges and connection fees in this section are in no way to be considered rates for production of revenue. All monies collected from surcharges shall be placed in a special fund to be used for purposes deemed necessary by the governing body for the city and its water customers.
4. Residential water customers shall pay the following surcharges:
- a. Three dollars for the first 1,000 gallons over allocation.
 - b. Five dollars for the second 1,000 gallons over allocation.
 - c. Ten dollars for the third 1,000 gallons over allocation.
 - d. Twenty-five dollars for each additional 1,000 gallons over allocation.

Allocations to residential customers shall be as follows:

Persons per Household	Gallons per Month
1 or 2	6,000
3 or 4	7,000
5 or 6	8,000
7 or 8	9,000
9 or 10	10,000
11 or more	12,000

The surcharges shall be cumulative.

The term “household” means the residential premises served by the customer’s meter. The term “persons per household” include only those persons currently physically residing at the premises and expected to reside there for the entire billing period. It shall be assumed that a particular customer’s household is comprised of two persons unless the customer notifies the city of a greater number, on a form prescribed by the city manager. New customers may claim more persons at the time of applying for their water service on the form prescribed by the city manager. When the number of person in a household increases so as to place the customer in a different category, the customer may notify the city of the change on such form, and the change will be implement in the next practicable billing period. If the number of persons in a household is reduced, the customer shall notify the city in writing within two days. In prescribing the method for claiming more than two persons, the city manager shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly or with criminal negligence falsely reports the number of persons in a household or fails to timely notify the city of a reduction in the number of persons in a household shall be fined as provided in this section.

5. A customer billed from a master meter which jointly measures water to multiple permanent residential dwelling units (for example, apartments) shall be allocated 6,000 gallons for each dwelling unit. It shall be assumed that such a customer’s meter serves two dwelling units unless the customer notifies the city of a greater number, on a form prescribed by the city manager. A dwelling unit may be claimed under this provision whether it is occupied or not. New customers may claim more dwelling units at the time of applying for their water service on a form prescribed by the city manager. If the number of dwelling units served by a master meter is reduced, the customer shall notify the city in writing within two days. In prescribing the method for claiming more than two dwelling units, the city manager shall adopt methods to ensure the accuracy of the claim. Any person who knowingly, recklessly or with criminal negligence falsely reports a number of dwelling units on a meter or

fails to notify the city of a reduction in the number of dwelling units on a meter shall be fined as provided in this section.

- a. Three dollars for the first 1,000 gallons over allocation.
 - b. Five dollars for the second 1,000 gallons over allocation.
 - c. Ten dollars for the third 1,000 gallons over allocation.
 - d. Twenty-five dollars for each additional 1,000 gallons over allocation.
6. When this division refers to allocation of water usage periods as “month,” “monthly,” “billing period” and the like, such references shall mean the period in the city’s ordinary billing cycle which commences with the reading of a meter one month and commences with the next reading of that meter which is usually the next month. The goal for the length of such period is 30 days, but a variance of two days, more or less, will necessarily exist as to particular meters. If a meter reader is prevented by timely reading of a meter by a dog or other obstacle which is attributable to the customer, the original allocation shall apply to the longer period without modification.
7. It shall be a defense to prosecution of a violation under this section that the use of water was for one of the following purposes:
- a. The water was used, other than during the hours between 10:00 a.m. and 6:00 p.m., for irrigation, at the minimum rate necessary, for the establishment of newly planted lawns within thirty (30) days of planting.
 - b. The water used was well water, wastewater treatment plant effluent, graywater, or other water not obtained from the city water system. The use of other water cannot be mixed with any water from the city’s water supply and may be used at any hour if a sign is posted stating that the water used for irrigation is from a private well, wastewater treatment plant effluent, or graywater, or other water that was not obtained from the city’s water supply.
 - c. The water was used for the irrigation of vegetation on a large parcel of land or unique botanical institutions, in conformance with a special watering plan, specifically approved for the parcel by the city manager. The official approving any special water plan shall ensure that the plan achieves similar water conservation goals to the mandatory conservation measures applicable to other customers under this section.
8. Copies of the notices published by the City Manager under this section shall be filed with the City Secretary. The City Secretary shall send a copy of the notice to each member of the City Council and a certified copy of the notice to the judges of the Municipal Court.
9. Courts shall take judicial notice of the notices published by the City Manager under this section, and the notices may be read into evidence without pleading or proof.

Section 102-76. Water Conservation Measures

- a) It is the goal of the city to achieve a 15 percent reduction in total water use in condition III when capacity is > 40%.
- b) The City Manager shall develop guidelines, based upon the recommendation of the Director of Utilities, which shall set forth the criteria for determining when particular water conservation measures should be implemented when particular water conservation measure should be implemented and terminated based on water available in the City of Corpus Christi's reservoir system, other available water resources, the needs of customers, human life and health concerns, the effect water conservation measures on the jobs of residents of the area, and the effect on the long term viability of local businesses and industries.
 1. The guidelines shall be updated when, in the opinion of the City Manager, the considerations of the water system have changed so as to necessitate such update.
 2. The guidelines shall be published and filed in the office of the City Secretary.
- c) The City Manager, in the exercise of the City Manager's discretion may implement any or all of the water conservation measures the City Manager deems necessary at any particular time.
 1. The City Manager shall publish notice in a newspaper of general circulation in Aransas County when each water conservation measure takes affect.
 2. Copies of the notices published by the City Manager under this section shall be filed with the City Secretary. The City Secretary shall send a copy of the notice to each member of the City Council and a certified copy to the judges of the Municipal Court.
- d) The use of withdrawal of water from the water supply system of the city for the following purposes or uses is hereby regulated during any period of water shortage commencing with the promulgation and implementation of water conservation guidelines by the City Manager and continuing until such water conservation measures are no longer deemed necessary by the City Manager in accordance with the guidelines.
- e) The following water conservation measures may be included in the implementation guidelines developed by the City Manager and implemented by the City Manager.
 1. Request customers of the water system of the City of Corpus Christi through the news media announcements and utility bill inserts to voluntarily conserve and limit their use of water and notify them that they must comply with the implemented restrictions on the use of water for irrigation of vegetation.
 2. Place municipal operations on mandatory conservation.
 3. Prohibit the use of water for irrigation of lawns or lawns and other vegetation between the hours of 10:00 a.m. and 6:00 p.m.

4. Restrict the use of water for irrigation of lawns or lawns and other vegetation, other than between the hours of 10:00 a.m. and 6:00 p.m., to specific dates or frequencies based on street numbers, as may be designated by the city manager. However, any person may raise as a defense to prosecution for violation of this section the fact that the use of water for the following purposes had been specifically authorized by the City Manager, if the City Manager had actually authorized the use of water for that purpose on the date of the violation.
 - a. The water was used, other than during the hours of 10:00 a.m. and 6:00 p.m., for irrigation, at the minimum rate necessary, for the establishment and maintenance of flower gardens, vegetable gardens, fruit gardens, trees, and shrubs, or plants in containers, and applied using:
 - i. A hand held hose equipped with a positive shutoff nozzle.
 - ii. A drip irrigation system equipped with an automatic shutoff device.
 - iii. A soaker hose, which does not spray water into the air, equipped with an automatic shutoff devices.
 - iv. A root feeder equipped with an automatic shutoff device.
 - v. A hand held bucket or watering can.
 - vi. The water was used at any hour for irrigation, at the minimum rate necessary, for the establishment and maintenance of commercial nursery stock and applied using:
 1. A hand held hose equipped with a positive shutoff nozzle.
 2. A drip irrigation system equipped with an automatic shutoff device.
 3. A soaker hose, which does not spray water into the air, equipped with an automatic shutoff devices.
 4. A root feeder equipped with an automatic shutoff device.
 5. A hand held bucket or watering can.
 - b. The water was used, other than during the hours of 10:00 a.m. and 6:00 p.m., for irrigation, at the minimum rate necessary, for the establishment and maintenance of flower gardens, vegetable gardens, fruit gardens, trees, and shrubs, or plants in containers, and applied using:
 - i. A hand held hose equipped with a positive shutoff nozzle.
 - ii. A drip irrigation system equipped with an automatic shutoff device.
 - iii. A soaker hose, which does not spray water into the air, equipped with an automatic shutoff devices.

- iv. A root feeder equipped with an automatic shutoff device.
 - v. A hand held bucket or watering can.
 - vi. The water was used at any hour for irrigation, at the minimum rate necessary, for the establishment and maintenance of commercial nursery stock and applied using:
 - 1. A hand held hose equipped with a positive shutoff nozzle.
 - 2. A drip irrigation system equipped with an automatic shutoff device.
 - 3. A soaker hose, which does not spray water into the air, equipped with an automatic shutoff devices.
 - 4. A root feeder equipped with an automatic shutoff device.
 - 5. A hand held bucket or watering can.
 - c. The water used, other than during the hours between 10:00 a.m. and 6:00 p.m., for irrigation, at the minimum rate necessary, for the establishment of newly planted materials within thirty (30) days of planting. Water used for this purpose may be applied by any means.
 - d. The water used was well water, wastewater treatment plant effluent, graywater other water cannot be mixed with any water from the city's water supply and may be used at any hour if a sign is posted stating that the water used for irrigation is from a private well, wastewater treatment plant effluent, or graywater, or other water that was not obtained from the city's water supply.
 - e. The water was used at any hour for short periods of time for testing related to the installation, maintenance, and repair of sprinkler systems.
 - f. The water was used for the irrigation of vegetation on a large parcel of land or unique botanical institutions, in conformance with a special watering plan, specifically approved for the parcel by the city manager. The official approving any special water plan shall ensure that the plan achieves similar water conservation goals to the mandatory conservation measures applicable to other customers under this section.
5. Restrict the use of water or watering foundations during specific hours, specific dates, or specific frequencies based on street numbers, as may be designated by the city manager.
 6. Prohibit the washing of automobiles, trucks, trailers, boats, airplanes and any other type of mobile equipment, except the individuals and filling stations may wash cars or boats if they use a bucket, pail, or other receptacles not larger than of five gallon

capacity; however, an individual or filling station, before and after such washing, shall be permitted to rinse the car or boat off with a hose using only a reasonable amount of water in so doing. Commercial or automatic car wash establishments shall use minimum practical water settings.

7. Prohibit the washing of building exteriors and interiors, and trailers, and trailer houses with potable water, except by a professional power washing contractor or that limited use of water may be allowed for the removal of graffiti.
8. Restrict the use of water for recreational uses, such as playing in sprinklers, except during times when the use of water for irrigating lawns is permitted, operating water toys such as “slip & slides,” or operating sprayers on pool slides.
9. Restrict the use of fire hydrants for any purpose other than firefighting; except that the City Manager may permit the use of metered fire hydrant water by the City or by commercial operations using jet rodding equipment to clear and clean sanitary and storm sewers.
10. Prohibit the use of potable water in ornamental fountains or in artificial waterfalls is prohibited where the water is not reused or recirculated in any manner.
11. Prohibit the use of portable water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard surfaced area, or building or structure, except by a professional power washing contractor.
12. Prohibit the use of potable water for dust control.
13. Prohibit the use of water to serve a customer in a restaurant, unless requested by the customer.
14. Prohibit new service connections to the City’s water system where some other source of independent of the City’s water system is existing and in use at the time this measure is implemented.
15. Impose mandatory limit of normal water use by customers without use penalty, in amounts as determined by the City Manager in accordance with guidelines established by the City Council.
 - a. In connection with the enforcement of this subdivision, the City Manager shall request the City Council to establish a maximum limit beyond which water service will be terminated.
 - b. Concurrently with the implementation of this conservation measure, the City Manager shall request the appointment of an Allocation and Review Committee by City Council, for the purpose of reviewing water conservation policies and establishing exemptions.

16. Prohibit the use of potable water (water obtained from the City's water utility) for scenic and recreational ponds and lakes.
 17. Prohibit the use of potable water to put new agricultural land into production.
 18. Deny applications for new, additional, further expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains or other water service facilities of any kind, except as approved by the Allocation and Review Committee.
 19. Establish allocations of water use to industrial and commercial customers in amounts, after consultation with the Allocation and Review Committee.
 20. Establish the maximum monthly use for a residential customer with revised rate schedules and penalties approved by the City Council, based on recommendations by the Allocation and Review Committee.
- f) The City Council and City Manager shall take any additional actions deemed necessary to meet the conditions resulting from the emergency.
 - g) Any use of water in violation of this Section or any measure implemented by the City Manager under this Section is deemed a waste of water.
 - h) No person may use water in violation of this Section or any measure implemented by the City Manager under this Section.
 - i) Proof that a particular premises has a water meter connection registered in the name of the defendant named in the complaint, shall constitute in evidence a prima facie presumption that the person in whose name the water connection was registered was the person who permitted or caused the act of waste charged to occur on the premises.
 - j) Courts shall take judicial notice of the notices published by the City Manager under this section, and the notices may be read into evidence without pleading or proof.

Section 102-77. Allocation and review committee; establishment, composition, powers and duties.

- a) The allocation and review committee shall be composed of four members, the director of utilities, a representative of the county, a representative of the Town of Fulton, and a citizen of the City of Rockport. The representatives of each shall be appointed by the county judge, the mayor of the Town of Fulton, and the citizen member shall be appointed by the Mayor of Rockport and all shall serve at the pleasure of the city council.
- b) The committee shall consider requests of water users for special consideration to be given as to their respective particular circumstances and the committee shall hear and decide such requests and is hereby authorized to, in special cases, grant such variance from the terms of this division as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this division will result in unnecessary hardship,

and so that the spirit of this division shall be observed and substantial justice done. Should a permit for special exception be granted by such committee, it shall be in effect from the time of granting; provided, that the permit is prominently posted on the premises within two feet of the street number located on the premises. Should protest be received after the granting of any such special permit, the committee shall consider the revocation of such permit and shall reconsider the granting of such permit at a public hearing, notice of which shall have been given at least one day prior to the holding of such hearing. After the conclusion of such hearing, the committee shall take such action by way of revocation of such permit, or refusal to revoke the same, or modification of such permit as the committee may deem proper under the circumstances.

Section 102-78. Violations; penalty and enforcement.

- a) Any person violating any provision of this division shall be deemed guilty of a misdemeanor and, upon conviction shall be punished by a fine as provided in this Code, Chapter 1, Section 1-7(a). The commission of a violation of each provision, and each separate violation thereof, shall be deemed a separate offense, in and upon conviction thereof shall be fined as hereinabove provided. If any person is found guilty of a second violation of this division, the director of utilities shall be authorized to discontinue water service to the premises where such violation occurs.

- b) Any police officer, or other city employee designated by the city manager, may issue a citation to a person he reasonably believes to be in violation of this article. 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 to appear in the Rockport Municipal Court no sooner than ten days and no later than 21 days of service of the citation. The alleged violator shall be requested to sign the citation, and shall be served a copy of the citation. Service of the citation shall be complete upon the attempt to give it 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 make his plea no sooner than ten days and no later than 21 days of service of the citation, and failure to so appear shall be a violation of this article. A police officer may arrest for any offense under this article where permitted by state arrest law. Such cases shall be expedited and given preferential setting in municipal court before all other cases.

- c) A person in apparent control of the property where the violation occurs or originates shall be presumed to be the violator, and proof of facts showing apparent control by such person of the premises and proof that the violation occurred on the premises shall constitute prima facie evidence that said person committed the violation, but said person shall have the right to show that he did not commit the violation. Any person whose name is on file with the utilities department as the customer on the water account for the property where the violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on said premises shall constitute prima facie evidence that the customer committed the violation, but said customer shall have the right to show that he did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children, and proof that a child committed a violation on property within the parent's control shall constitute prima facie evidence that said parent committed the violation, but said parent may

be excused if he proves that he had previously directed the child not to use the water as it was used in the violation and that the parent could not have reasonably known of the violation.

Section 102-79. Public involvement.

Opportunity for the public to provide input into the preparation of the plan was provided by the city by means of public notice of regularly scheduled monthly city council meetings.

Section 102-80. Public education.

The city 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 press releases or utility bill inserts.

Section 102- 81. Coordination of regional water planning groups.

The service area of the city is located within the Coastal Bend Region (N) - Nueces River Authority, and the city has provided a copy of this plan to the Nueces River Authority located at 6300 Ocean Drive, NRC 3100 in Corpus Christi, Nueces County, Texas.

Section 102- 82. Criteria for initiation and termination of drought response stages.

- a) The city manager or his designee shall monitor water supply and/or demand conditions on a monthly 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 following triggering criteria are based on when the City of Corpus Christi (water supplier) total combined lake (Choke Canyon and Lake Corpus Christi) capacities are at the following stages:
- 50 percent
 - 40 percent
 - 30 percent
 - 20 percent
 - 10 percent
- b) Requirements for initiation. Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, as described in the above triggering criteria.
- c) Requirements for termination. Conservation measures may be rescinded when the City of Corpus Christi (water supplier) total combined lake (Choke Canyon and Lake Corpus Christ) capacities exceed more than 40 percent.

Section 102-83. Wholesale water contracts.

The city provides potable water to two wholesale customers, which are public water supply systems (each less than 3,300 connections), by Texas Commission on Water Quality definition. Both systems will adopt and utilize the City of Rockport's Water Conservation Plan. Plans will be in accordance with Texas Water Code 11.039.

Section 102- 84. Variances.

- a) The city manager, or his 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:
1. Compliance with this plan cannot be technically accomplished during the duration of the measures or other condition for which the plan is in effect.
 2. Alternative methods can be implemented which will achieve the same level of reduction in water use.
- b) Persons requesting an exemption from the provisions of this subdivision shall file a petition for variance with the city within five days after the plan or particular automatic water conservation measures has been invoked. All petitions for variances shall be reviewed by the city manager, 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 subdivision;
 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; and
 8. Other pertinent information.
- c) Variances granted by the city shall be subject to the following conditions, unless waived or modified by the city manager or his/her designee:
1. Variances granted shall include a timetable for compliance.
 2. Variances granted shall expire when the plan is no longer in effect, unless the petitioner has failed to meet specified requirements.
- d) No variance shall be retroactive or otherwise justify any violation of this plan occurring prior to the issuance of the variance.

Section 102-85 Reserved for future use

SECTION 2. REPEALER.

Any previously adopted ordinances, and any subsequent amendments to them, which are in conflict with this Ordinance, are all hereby repealed.

SECTION 3. SEVERABILITY.

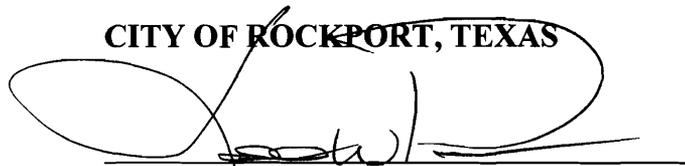
If any provision, section, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is, for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this Ordinance are declared severable for that purpose.

SECTION 4. EFFECTIVE DATE.

This ordinance shall become effective upon adoption on second reading by the Rockport City Council and publication of the Ordinance caption in the official newspaper of the City of Rockport.

APPROVED on first reading this the 28th day of JULY 2009.



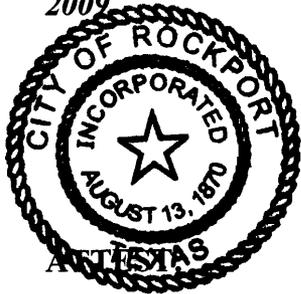
CITY OF ROCKPORT, TEXAS


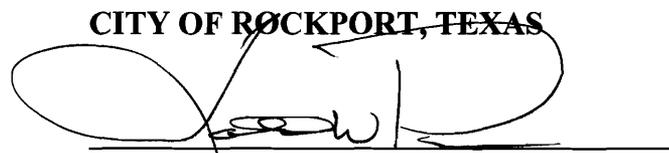
Todd W. Pearson, Mayor



Irma G. Parker, City Secretary

APPROVED, PASSED and ADOPTED on second and final reading, this 11th day of AUGUST 2009



CITY OF ROCKPORT, TEXAS


Todd W. Pearson, Mayor



Irma G. Parker, City Secretary