

ORDINANCE NO. 2015-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, REPEALING CHAPTER 6, ARTICLE II OF THE CITY OF COPPERAS COVE'S CODE OF ORDINANCES AND ADOPTING AN AMENDED WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN

WHEREAS, the City of Copperas Cove, Texas, recognizes that the amount of water available to the City and its water utility customers is limited and subject to depletion during periods of extended drought or upon failure of major system components; and

WHEREAS, the City recognizes that natural limitations due to drought conditions and other acts of force majeure cannot guarantee an uninterrupted water supply for all purposes; and

WHEREAS, Section 11.1272 of the Texas Water Code and applicable rules of the Texas Commission on Environmental Quality require all public water supply systems in Texas to prepare a drought contingency plan; and

WHEREAS, as authorized under law, and in the best interests of the citizens of Copperas Cove, Texas, and its customers, the City Council deems it expedient and necessary to establish certain rules and policies for the orderly and efficient management of limited water supplies during drought and other water supply emergencies.

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

SECTION 1

That the Water Conservation and Drought Contingency Plan attached hereto as "Exhibit A" is incorporated herein by reference and if as if fully set forth herein is hereby adopted.

SECTION 2.

The City of Copperas Cove Code of Ordinances Chapter 6, Division II is hereby repealed.

SECTION 3

No Culpable Mental State Required. An offense under this ordinance shall not require a culpable mental state. It is the intent of this ordinance to impose strict liability for any violation of this Water Conservation and Drought Contingency Plan.

SECTION 4.

That all ordinances or resolutions or parts of ordinances or resolutions in conflict with the

provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 5.

That should any section, clause, or provision of this ordinance be declared invalid by a court of competent jurisdiction, the same not affect the validity of this ordinance or any other ordinance of the City as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 6.

That this ordinance shall go into effect upon passage and publication as required by law.

PASSED, APPROVED AND ADOPTED this 17th day of March 2015, at a regular meeting of the City Council of the City of Copperas Cove, Texas, which meeting was held in compliance with the Open Meetings Act, *Tex. Gov't. Code* §551.001, et.seq., at which meeting a quorum was present and voting.



John A. Hull, Mayor

ATTEST:



Mariela Altott, City Secretary



APPROVED AS TO FORM:



Denton, Navarro, Rocha
& Bernal, P.C., City Attorney

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- Appendix B** – Texas Water Development Board Utility Profile
- Appendix C** – Educational Literature
- Appendix D** – City of Copperas Cove Rate Structure
- Appendix E** – City of Copperas Cove City Ordinance
- Appendix F** – 2002 Water Conservation & Drought Contingency Plan
- Appendix G** – Drought Assistance Directory for Public Officials and Drinking Water Utilities

I. WATER CONSERVATION PLAN

Purpose and Policy

In 2012 the TCEQ adopted revisions to Title 30, Texas Administrative Code (TAC), Chapter 288- Water Conservation Plans, Drought Contingency Plans, Guidelines and Requirements. The TCEQ regulations require the City of Copperas Cove to submit a conservation plan to include specific, quantified targets for water use savings to be achieved, every five years. This water conservation and drought contingency plan was revised in February 2009 to meet the requirements of the TCEQ and the goals of the City of Copperas Cove. This plan was approved by the City in 2009 and supersedes the City's Water Conservation and Drought Contingency Plan which was approved by City in 2002 (Appendix F).

In order to conserve and protect the integrity of the available water supply with particular regard for domestic water use, sanitation, and fire protection, and to protect public health, welfare, and safety and minimize the adverse impacts of water shortage or other water supply emergency conditions, the City of Copperas Cove has formulated these policies, regulations, and restrictions on the delivery and consumption of water.

This water conservation and drought contingency plan was revised in September 2014 to meet the requirements of the TAC and the goals of the City of Copperas Cove. This plan was approved by the City in 2015 and supersedes the City's Water Conservation and Drought Contingency Plan which was approved by the City in 2009.

The policies presented in this plan are needed to efficiently manage the water available to the City of Copperas Cove for the benefit of all customers. Water uses regulated or prohibited under this Water Conservation and Drought Contingency Plan (the Plan) are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply conditions are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in the Drought Contingency Plan.

Additionally to assist in the development of a water conservation plan, a utility profile has been completed (Appendix B).

Service Area Description/Utility Profile

Service Area Location

The City of Copperas Cove is located in Coryell, Bell and Lampasas Counties along U.S. Highway 190 in the Texas hill country. Copperas Cove is immediately adjacent to Fort Hood and is approximately 33 miles west of Interstate 35. Gatesville is the county seat and is approximately 30 miles north, along FM 116 and U.S. Highway 84. Lampasas is located 15 miles west of Copperas Cove and Austin is approximately 60 miles south.

Service Area Description

The City of Copperas Cove holds a Certificate of Convenience and Necessity (CNN No. 10449) for water service to areas generally within the city limits, as well as adjoining areas outside the City to the northwest to Lutheran Church Road, and up to and including the high ridge west of the town (see Appendix A for City of Copperas Cove CCN map). The City's service area is bounded by Fort Hood to the east.

Existing Water Supply and Service

The City obtains all of its potable water from Bell County Water Control and Improvement District No. 1 (BCWCID No. 1) in accordance with the Water Supply contract as amended January, 2014. BCWCID No. 1 operates an 90 MGD water treatment plant located near Belton, Texas. The contract provides the City with an available treated water supply of 17.0 million gallons per day (MGD). This plant supplies treated water to Fort Hood, the cities of Killeen, Belton, and Copperas Cove, Bell County Water Control and Improvements Districts No. 3 and No. 4 and 439 Water Supply Corporation. BCWCID No. 1 takes raw water from Lake Belton under the authorization of the Brazos River Authority (BRA) Certificate of Adjudication No. 12-5160.

The City's water distribution system is divided into three service areas which function as separate pressure planes known as Central, Mountain Top and Rattlesnake Mountain. Water supply to the City is delivered from BCWCID #1 to the City's transmission facilities in Killeen, where all flow is delivered to two sets of supply pumps that convey water through parallel transmission facilities, one 20-inch line and one 30-inch line, along U.S. Highway 190 into the City's Turkey Run and East Pump Stations. Water is then delivered to the remainder of the system through a series of pump stations, storage tanks, and distribution lines. The City currently wholesales water to Topsey Water Supply.

Population Growth and Customer Characterization

Copperas Cove is bounded by Fort Hood principally to the east and northeast and the City of Kempner approximately seven miles to the west. Two small, unincorporated communities exist beyond Copperas Cove's physical boundary: Topsey and Oakalla. Topsey lies approximately 10 miles northwest of Copperas

Cove, and Oakalla 11 miles to the south. These communities are beyond the potential extraterritorial jurisdiction (ETJ) of Copperas Cove and pose no immediate constraint to the expansion of Copperas Cove. With Fort Hood in such close proximity to the City of Copperas Cove, approximately 50% of the total inhabitants in the City of Copperas Cove are employed or connected with Fort Hood in some manner. Accordingly, Fort Hood has a significant impact on population and growth of the City of Copperas Cove. Copperas Cove's growth in recent years can be attributed primarily to immigration of new families into the region. The current population of Copperas Cove is approximately 32,000 inhabitants. At the present, the City has 13,532 water accounts; 11,537 residential, 509 commercial, 129 public, and 81 other, non-categorized types.

Utility Profile

The Texas Water Development Board Utility Profile is included in Appendix B.

Overall Plan Goals

This plan has two components; the long term Water Conservation Plan and the Drought Contingency Plan. The Water Conservation Plan is to establish policy and define five-year and ten-year goals, which will:

1. Ensure that demand for water does not exceed the amount of treated water available.
2. Provide the public with information to encourage water conservation and decrease wasteful practices.
3. Limit peak water usage during the summer months.
4. Decrease the average water usage per connection.
5. Limit unaccounted for water use to less than 10% of the water pumped.

The overall goal of the Drought Contingency Plan is to establish a set of procedures initiated by certain conditions to prevent loss of water supply to any customer during periods of high demand and/or low supply. To accomplish these goals, this plan will:

1. Establish trigger conditions.
2. Outline a management plan.
3. Specify public information and education policies.
4. State initial update and termination notice procedures.

5. State implementation and enforcement procedures.

Water Saving Goals

Five-year Targets and Goals

A baseline water usage was obtained using 5 years of historical data and was determined to be 132 gpcd. The City of Copperas Cove's goals are to achieve a municipal use of 130 gallons per capita per day for the first 5 years beginning in the year 2009 and also achieve a municipal use water loss goal of less than 12% of water pumped per year for the next 5 years beginning in the year 2009.

Ten-year Targets and Goals

A total baseline water usage was obtained using 5 years of historical data and was determined to be 121 GPCD. The City of Copperas Cove's goals were to achieve a municipal use water loss goal of less than 10% of water pumped per year for the next 10 years beginning in the year 2014.

For residential water usage, a baseline of 79 GPCD was determined using historical data. The City of Copperas Cove's goals are to achieve a residential use of 71 GPCD for the first 10 years beginning in the year 2014.

Goal Schedule

The City of Copperas Cove will adhere to the following schedule to achieve the targets and goals for water conservation:

- Promotion of water reuse
 - The maximum allowable amount of the local public golf course irrigation system has been converted to use treated effluent in lieu of potable water.
- Calibrations of meters for all treated water deliveries are conducted semi-annually
- The City of Copperas Cove's meter replacement program is as follows:
 - Meters will continue to be monitored for accuracy annually and replaced on a fifteen-year cycle
- Water audits are conducted annually
 - Real water losses are identified and corrected
 - Real water losses are minimized by replacement of deteriorating water mains and appurtenances, as is conducted by the City of Copperas Cove's staff on an on-going basis
- The City of Copperas Cove will mail out material developed by the staff, materials obtained from the Texas Water Development Board, Texas Commission on Environmental Quality or other sources semi-annually (once in the spring and once in the summer) to all customers.

Goal Measuring

The staff shall track targets and goals by utilizing the following procedures:

- Logs shall be maintained for meter calibration, meter testing, and meter replacement programs
- Annual water audits shall be documented and kept in the Utility Department files
- Staff shall keep a record of the number of mail-outs distributed semi-annually
- Rates are tracked by means of ordinances adopted• Logs shall be maintained for the utility’s Leak Detection Program, including but not limited to the following:
 - Annual inspections and soundings of all water main fittings and connections
 - Annual intermittent night-flow measurements
 - SCADA system

Metering Devices

Metering devices, within an accuracy of plus or minus 5.0%, will be utilized in order to measure and account for the amount of water diverted from the source of the supply.

Universal Metering Program

Inaccurate metering is one possible cause for unaccounted for water, and since meter readings form the basis for data gathering on distribution, usage and sales, maintaining accurate meters is a high priority. The City currently has approximately 12,000–metered accounts with the majority of accounts using 3/4”–meters. While residential meters are made to last 15-20 years, the meters will be changed out every 15 years or less or approximately every 2 MG. Meters are read monthly, and every effort is made to identify malfunctions which result in abnormally high or low readings.

Measures to Determine and Control Unaccounted-For Uses of Water

The City will employ the following measures to determine and control for unaccounted-for uses of water:

- Identify any significant differences between the master meters and the individual meters
- Periodic visual inspections along distribution lines
- Annual or monthly audit of the water system to determine illegal connections
- Improved maintenance (i.e. shocking system to reduce system flushing, flushing during heat, etc.)

Master Meter

The master meters located at the Killeen pump stations, which measure and account for the amount of water diverted from the supply, will be checked annually and calibrated as necessary. Customer meters are also tested at their

request, and repaired or calibrated as necessary.

Continuing Public Education Program

The single most effective means of educating the water consumer on the consequences of wasting water is providing relevant, timely information on the benefits of conservation and the means by which it can be accomplished. The City of Copperas Cove obtains educational literature from the Texas Water Development Board (TWDB), as well as from sources at the Texas Commission on Environmental Quality (TCEQ) and the American Water Works Association (AWWA). Information on conservation and drought contingency stages is linked from the City of Copperas Cove website www.ci.copperas-cove.tx.us. Examples of educational literature are included in Appendix C.

Non-Promotional Water Rate Structure

The City of Copperas Cove uses a non-promotional rate-structure which is cost-based and does not encourage the excessive use of water. See Appendix D for rate structure.

Implementation and Enforcement

City Ordinance

Appendix E includes a copy of the ordinance indicating the official adoption of the water conservation plan.

Implementation and Enforcement

The City Council has adopted this Plan through formal resolution and implements it through direction to the public works director, staff and consultants. Enforcement will be provided by discontinuation of service to those persons not in compliance of fines as listed in the City's rates list.

Regional Water Planning Group Coordination

An annual report describing the implementation, status, and effectiveness of the water conservation plan will be submitted as required to the Texas Water Development Board. The public works director and the City Engineer will review this plan annually, and make recommendations to the City Council on any updates or amendments which may be required.

Additional Content Requirements

Leak Detection Program

- The leak detection program described in the plan is currently in use by the City of Copperas Cove which reduces real water losses
- Inspections and soundings of all water main fittings and connections are conducted annually
- Intermittent night-flow measurements are conducted annually
- Pressure is controlled to just above the standard-of-service level by use of

SCADA system

- Pressure zones are operated based on the topography
- Surges in pressure are limited by control valves
- Night time pressure is reduced by control valves when feasible
- The City of Copperas Cove adopted the 2000 International Plumbing Code, and all new construction or renovations in the city use water conserving fixtures

Record Management System

A record management system will be kept to record water pumped, water deliveries, water sales, and water losses which allows for the desegregations of water sales and uses into the following user classes: residential; commercial; public and institutional, and industrial.

Wholesale Water Contract Requirements

City Ordinance will ensure every wholesale water supply contract entered into, contract extensions, or renewed contracts after official adoption of this plan will require the wholesale customer develop and implement a water conservation plan or water conservation measures using the applicable elements of Texas Administrative Code Title 30, Part 1, Chapter 288, Subchapter A, Rule §288.2. If the customer intends to resell the water, the contract between the initial supplier and customer must provide that the contract for the resale of the water must have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures in accordance with the provisions of previously mentioned Texas Administrative Code Title 30, Part 1, Chapter 288, Subchapter A, Rule §288.2.

Public Involvement

The City of Copperas Cove holds regularly scheduled City Council meetings every 1st and 3rd Tuesday of each month. These meetings are open to the public, and the public has the opportunity to voice their opinions and concerns. The meeting agendas are posted in accordance with state law. Notification of Council meetings is also provided by notices on the local cable TV channel and the City's official website.

Public Hearings for city wide projects, grant applications and other items requiring significant City action are usually announced separately in the Copperas Cove Leader Press newspaper.

Media coverage of the council meetings also informs the public of any discussions or presentations that take place during the council meetings.

Additional Conservation Strategies

Any combination of the following strategies shall be selected by the City of Copperas Cove, in addition to the minimum requirements listed in the previous sections of this plan, if they are necessary to achieve the stated water

conservation goals of the plan:

1. Education and Information
2. Water Conservation Plumbing Codes for New Structures
3. Retrofit Programs
4. Conservation Oriented Water Rate Structures
5. Universal Metering
6. Water Conserving Landscaping
7. Leak Detection
8. Recycling and Reuse
9. Pressure Control Program
10. Plan Implementation and Enforcement

Any other water conservation practice, method or technique which the City of Copperas Cove shows to be appropriate for achieving the stated goal or goals of this plan may also be chosen.

II. DROUGHT CONTINGENCY PLAN

A. Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Copperas Cove hereby adopts the following regulations and restrictions and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this Drought Contingency Plan (the Plan) are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offenders(s) to penalties as defined in Section J of this Plan.

B. Public Involvement

Opportunity for the public to provide input into the preparation of the Plan was

provided by the City of Copperas Cove by means of scheduling and providing public notice of a public meeting to accept input on the Plan.

C. Public Education

The City of Copperas Cove 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 the means of the following:

1. Mail-out of water conservation information with utility bills.
2. Newspaper article or radio announcement.
3. Local cable TV announcement.
4. New customers will be provided with conservation literature when applying for water or wastewater service.
5. Customers are informed annually through a notice included with water bills that conservation literature is available at City Hall.
6. The City will arrange for professionals knowledgeable on water conservation to attend public meetings and present water conservation techniques.

D. Coordination with Regional Water Planning Groups

The service area of the City of Copperas Cove is located within the Brazos G Regional Water Planning Group and City of Copperas Cove has provided a copy of this plan to the Brazos G Regional Water Planning Group.

E. Authorization

The mayor, or his/her designee is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The mayor or his/her designee shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

F. Application

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the City of Copperas Cove. The terms "person" and "customer" as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

G. Definitions

For the purposes of this Plan, the following definitions shall apply:

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

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

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

Customer: any person, company, or organization using water supplied by City of Copperas Cove.

Domestic water use: water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Drinking Water: potable water for human consumption.

Essential Water use: water use deemed necessary for public health and safety including but not limited to athletic fields, and parks.

Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, right-of-way, and medians.

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

- a) Irrigation of landscape areas except otherwise provided under this Plan;
- b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle
- c) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- d) Use of water to wash down buildings or structures for purposes other than immediate fire protection;

- e) Flushing gutters or permitting water to run or accumulate in any gutter or street;
- f) Use of water to fill, and/or refill, any indoor or outdoor swimming pools or Jacuzzi-type pools;
- g) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- h) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- i) Use of water from hydrants for construction purposes or any other purposes other than fire-fighting.

H. Criteria for Initiation and Termination of Drought Response Stages

Drought or a number of other uncontrollable circumstances can disrupt the normal availability of community or utility water supplies. Even though Copperas Cove normally has an adequate water supply, the supply could become contaminated, or a disaster could destroy the supply. During drought periods, consumer demand is often significantly higher than normal. The system may not have the capacity to meet very high demands without system failure or other unwarranted consequences. System treatment, storage, or distribution failures can also present the City of Copperas Cove with an emergency demand management situation.

The mayor or his/her 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 triggering criteria described below are based on the water supply contracted with Bell County WCID No. 1. The maximum daily supply is limited to 13.5 million gallons per day (MGD).

Stage 1 Triggers – SEVERE Water Shortage Conditions

Requirements for initiation (any or all of these may trigger Stage 1):

1. Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section I of this Plan when Average daily water consumption reaches 50% of contracted production capacity consumption, 6.7 million gallons per day (MGD), for three consecutive days.
2. City may initiate upon request of Bell County WCID No. 1.

Requirements for termination:

Stage 1 of the Plan may be rescinded when the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days.

Stage 2 Triggers – EXTREME Water Shortage Conditions

Requirements for initiation:

1. Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 on this Plan when Average daily water consumption reaches 70% of contracted production capacity, 9.4 MGD, for three consecutive days.
2. City may initiate upon request of Bell County WCID No. 1.

Requirements for termination:

Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.

Stage 3 Triggers – EXCEPTIONAL Water Shortage Conditions

Requirements for initiation:

1. Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 on this Plan when Average daily water consumption reaches 80% of contracted production capacity, 10.8 MGD, for three consecutive days.
2. City may initiate upon request of Bell County WCID No. 1.

Requirements for Termination:

Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days. Upon termination of Stage 3, Stage 2 becomes operative.

Stage 4 Triggers - EMERGENCY Water Shortage Conditions

Requirements for Initiation:

Customers shall be required to comply with the requirements and restrictions for Stage 4 of this Plan when mayor and/or his/her designee determines that a water supply emergency exists, in accordance with City Ordinances regarding Emergency Management.

Stage 4 will have three sub stages, 4A, 4B, and 4C. City officials will determine the appropriate sub-stage at the start of the emergency. City officials can also modify the sub-stage, with appropriate notice, as necessary to address the emergency situation. Sub-stages 4B and 4C are intended for short term emergency shortages (<7 days).

Stage 4 Emergency water shortages can be caused by one of the following:

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

Requirements for Termination:

Stage 4 of the Plan may be rescinded when the mayor and/or his/her designee declare(s) that the Water Emergency Shortage is over in accordance with City Ordinances. The City will resort to the Drought Stage that was in place prior to the declaration of Stage 4.

I. Drought Response Stages

The mayor or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section H of this Plan, shall determine that a severe, extreme, exceptional, or emergency water shortage condition exists and shall implement the following notification procedures:

Notification

Notification of the Public:

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

1. Publication in a newspaper of general circulation
2. Direct mail to each customer
3. Public service announcements
4. Signs posted in public places
5. Take-home fliers at school

Additional Notification (Appendix G):

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

1. Mayor/Chairman and members of the City Council
2. Utility Board, Fire Chief(s)

3. Critical water users, i.e. hospitals,
4. Major water users
5. Parks/street superintendents & public facilities managers
6. TCEQ (required when mandatory restrictions are imposed)
7. State Disaster District/Department of Public Safety
8. County Judge & Commissioner(s)

Stage 1 Response – SEVERE Water Shortage Conditions

Goal: Achieve a 15 percent reduction in daily water demand.

Supply Management Measures:

The City of Copperas Cove will reduce or discontinue flushing of water mains, reduce or discontinue irrigation of public landscaped areas; use of reclaimed water for non-potable purposes will be allowed.

Water Use Restrictions:

Under threat of penalty for violating, the following water use restrictions shall apply to all persons:

- a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to designated days as listed in the table below. Irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 AM and from 8:00 PM until 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at any time if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.

Last Digit of Street Address Ends in	Designated Watering Day
0 or 1	Monday
2 or 3	Tuesday
4 or 5	Wednesday
6 or 7	Thursday
8 or 9	Friday

- b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 AM and between 8:00 PM and 12:00

midnight. Such washing, when allowed, shall be done with a hand-held bucket. Washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

- c) Use of water to fill, and/or refill, any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 AM and between 8 PM and 12:00 midnight.
- d) Operations of any ornamental fountain or pond for aesthetic or scenic purposes are prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculating system.
- e) Use of water from hydrants shall be limited to fire-fighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of waste from designated fire hydrants for construction purposes may be allowed under special permit from the City of Copperas Cove.
- f) Use of water for the irrigation of golf course greens, tees and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 10:00 AM and between 8:00 PM and 12:00 midnight. However, if the golf course utilizes a non-potable water source such as reclaimed water, the facility shall not be subject to these regulations.
- g) All restaurants are prohibited from serving water to patrons except upon request of the patron.
- h) The following uses of water are defined as non-essential and are prohibited:
 - 1. Wash down of any sidewalks, walkways, driveways, parking lots, and tennis courts, or other hard-surfaced areas;
 - 2. Use of water to wash down buildings or structures for purposes other than immediate fire protection;
 - 3. Use of water for dust control; unless reclaimed water is used.
 - 4. Flushing gutters or permitting water to run or accumulate in any gutter or street;
 - 5. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s)

Stage 2 Response – EXTREME Water Shortage Conditions

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

Supply Management Measures:

The City of Copperas Cove shall reduce or discontinue flushing of water mains, reduce or discontinue irrigation of public landscaped areas; used of reclaimed water for non-potable purposes will be allowed.

Water Use Restrictions:

All requirements of Stage 1 shall remain in effect during Stage 2 except:

1. Irrigation of landscaped areas shall be limited to designated watering days on the first, third, and fifth week of every month between the hours of 12:00 midnight and 10:00 AM and between 8:00 PM and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, permanently installed automatic sprinkler system, or hose-end sprinklers.
2. The watering of golf course tees is prohibited unless the golf course utilizes a non-potable water source such as reclaimed water.
3. The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

Stage 3 Response -- EXCEPTIONAL Water Shortage Conditions

Goal: Achieve a 25 percent reduction in daily water demand.

Supply Management Measures:

The City of Copperas Cove shall discontinue flushing of water mains unless needed for public health reasons and discontinue the irrigation of public landscaped areas with public water. The use of reclaimed water for non-potable purposes will be allowed.

Water Use Restrictions:

All requirements of Stage 1 and 2 shall remain in effect during Stage 3 except:

1. Irrigation of landscaped areas shall be prohibited, except for reclaimed water.
2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only

between the hours of 6:00 AM and 10:00 AM and between 6:00 PM and 10:00 PM.

3. The filling and/or refilling, of water to a swimming pool, wading pools, and Jacuzzi-type pools is prohibited.
4. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life.
5. No application which would have the effect of increasing the load on the City's water supply including, but not limited to, applications for additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities shall be approved, and time limits for approvals of such applications are hereby suspended for such times as this drought response stage or a higher-numbered stage shall be in effect.

Stage 4 Response – EMERGENCY Water Shortage Conditions

Goal: Maintain water supply to city during emergency conditions, both short-term (such as a water supply disruption event) and long-term (such as extreme drought over an extended time period).

Supply Management Measures:

The City of Copperas Cove shall discontinue both flushing of water mains (unless required for public health reasons) and the irrigation of public landscaped areas. The use of reclaimed water for non-potable purposes will be allowed.

Stage 4 Water Use Restrictions:

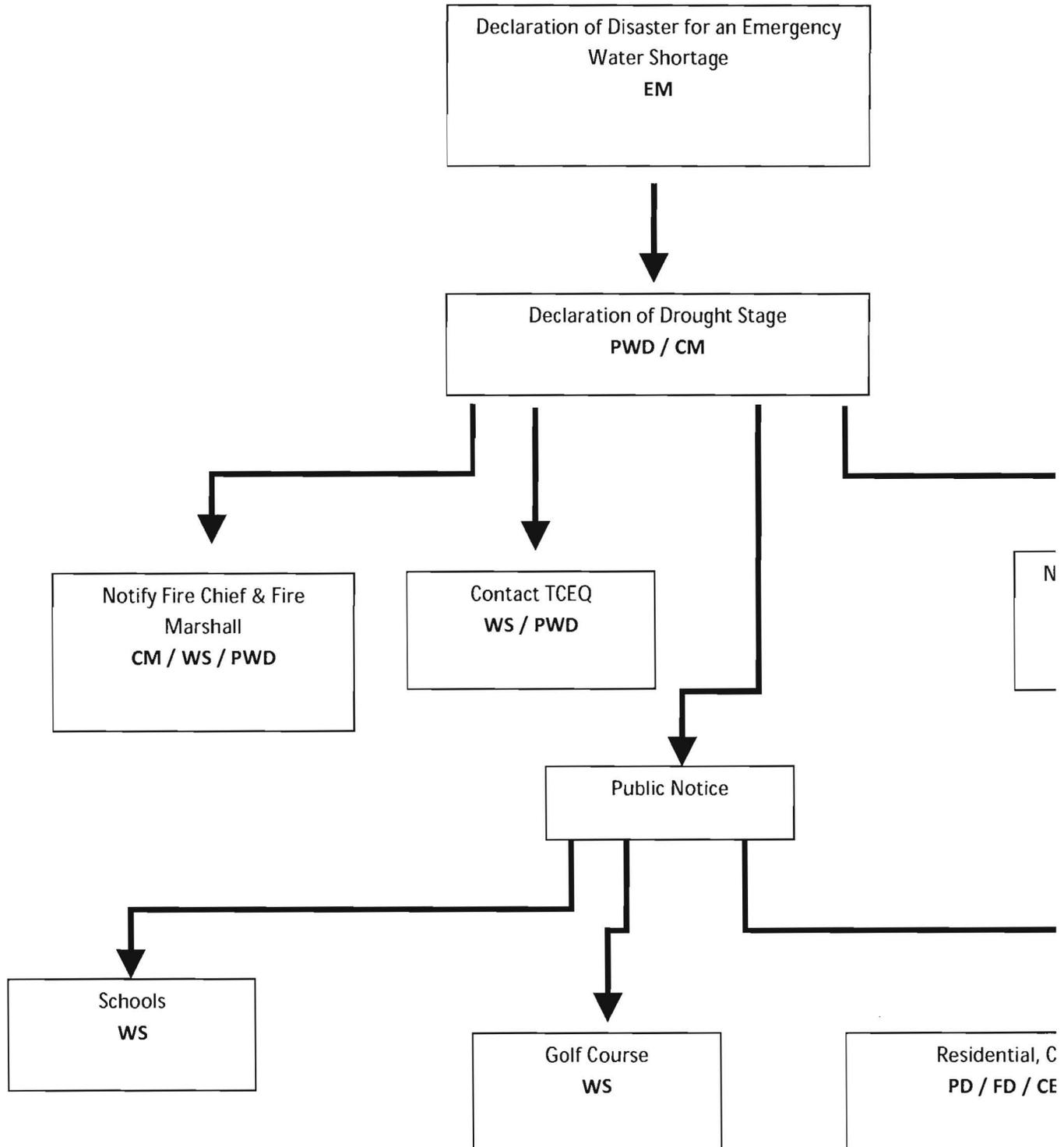
All requirements of Stage 1, 2, and 3 shall remain in effect during Stage 4 except:

- a) Irrigation of landscaped areas is absolutely prohibited, unless reclaimed water is used.
- b) Use of potable water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.
- c) The City of Copperas Cove will have the authority to allocate water and/or terminate individual water service (for a maximum of 72 hours) in order to maintain service, based on the Stage 4 sub-stage. City officials will designate the sub-stage – 4A, 4B, or 4C, as necessary to address the appropriate situation. Stage 4C shall be announced no later than 8 PM by the Public Information Officer. The restrictions for each stage are addressed in the table on the following page:

Category	Sub-Category	Stage 4A Restrictions	Stage 4B Restrictions	Stage 4C Restrictions
Essential Services				
	Fire-Fighting	None	None	None
	Medical Use	None	None	None
	Soup Kitchen	Drinking water and hygiene use only	Drinking water and hygiene use only	Hygiene use only – bottled water to be used for drinking water
Residential				
	All Residential	Drinking water and hygiene use only	Drinking water and hygiene use only	Drinking water and hygiene use only *Possible Water service interruptions for Essential Service needs*
Education				
	Public/Private Schools	Drinking water and hygiene use only	Drinking water and hygiene use only	Cease Operation
	Commercial Schools	Drinking water and hygiene use only	Hygiene use only – bottled water to be used for drinking water	Cease Operation
Industrial				
	Manufacturing	Minimal Amount Necessary for manufacturing process; drinking water and hygiene use only	Minimal Amount Necessary for manufacturing process; hygiene use only - bottled water to be used for drinking water	Cease Operation if manufacturing process requires potable water
	All Other Industrial	Drinking water and hygiene use only	Drinking water and hygiene use only	Hygiene use only – bottled water to be used for drinking water
Commercial				
	Car Washes	Operation limited to Stage 3 Restrictions for car wash operation hours	Cease Operation	Cease Operation
	Restaurants (including drive thru)	Drinking water and hygiene use only	Hygiene use only – bottled water to be used for drinking water	Cease Operation
	Nail Salons	Drinking water and hygiene use only	Hygiene use only – bottled water to be used for drinking water	Cease Operation
	Convenience Stores	Drinking water and hygiene use only	Hygiene use only – bottled water to be used for drinking water	Only bottled drinks to be served; coffee, tea, and soda fountains that use potable water are to cease operation
	Laundromat	Operation limited to Stage 3 restrictions for car wash operation hours	Cease Operation	Cease Operation
	Any other commercial entities that require the use of potable water for business	Drinking water and hygiene use only	Hygiene use only – bottled water to be used for drinking water	Cease Operation

Stage 4 Declaration Process

Due to the emergency nature of Drought Stage 4, there are steps identified in the flow chart below to facilitate the city in executing the process.



CE – Code Enforcement
CM – City Manager
EM – Emergency Manager
FD – Fire Department
PD – Police Department
PIO – Public Information Officer
PWD – Public Works Director
WS – Water Superintendent

J. Enforcement

- a) No person shall knowingly or intentionally allow the use of water from the City of Copperas Cove for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of the Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the mayor, or his/her designee, in accordance with provisions of the Plan.
- b) Any person who violates the Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00). Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the mayor shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, hereby established at \$100.00, and any other costs incurred by the City of Copperas Cove in discontinuing service. In addition, suitable assurance must be given to the mayor that the same action shall not be repeated while the Plan is in effect. Compliance with this Plan may also be sought through injunctive relief in the district court.
- c) Any person including a person classified as a water customer of the City of Copperas Cove, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known the violation.
- d) Any employee of the City of Copperas Cove, police officer, or other city

employee designated by the mayor, may issue a citation to a person he/she reasonably believes to be in violation of this Ordinance. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the municipal court on the date shown on the citation for which the date shall not be less than 3 days nor more than 5 days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in municipal court to enter a plea of guilty or not guilty for the violation of the Plan. If the alleged violator fails to appear in municipal court a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant.

These cases shall be expedited and given preferential setting in municipal court before all other cases.

- e) Under Stage 4B and 4C conditions, if, in the interest of public safety and in accordance with the identified restrictions, it becomes necessary to terminate an individual service for a maximum of 72 hours, the City will attempt to provide oral and written notice to the user. In the event that a user fails to voluntarily comply with the requirements of the Plan, the City may issue a citation and terminate service. In addition to the fine associated with the citation, the user may also be subject to the re-connection charge as stated in b) above.

K. Variances

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

- a) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
- b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

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

the following:

- a) Name and address of the petitioner(s).
- b) Purpose of water use.
- c) Specific provision(s) of the Plan from which the petitioner is requesting relief.
- d) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- e) Description of the relief requested
- f) Period of time for which the variance is sought.
- g) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of the Plan and the compliance date.
- h) Other pertinent information.

Variances granted by the City of Copperas Cove shall be subject to the following conditions, unless waived or modified by the mayor or his/her designee:

- a) Variances granted shall include a timetable for compliance.
- b) Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

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

L. Distribution of Water during Shortage for Wholesale Water Customers

- a) If a shortage of water in a water supply (not covered by a water conservation plan prepared in compliance with the Texas Commission of Environmental Quality (TCEQ) or the Texas Water Development Board (TWDB) rules) results from drought, accident, or other cause, the water to be distributed shall be divided among all customers pro rata, according to the amount each may be entitled to, so that preference is given to no one and everyone suffers alike.
- b) If a shortage of water in a water supply covered by a water conservation plan prepared in compliance with TCEQ or TWDB rules results from drought, accident, or other cause, the person, association of persons, or corporation

owning or controlling the water shall divide the water to be distributed among all customers pro rata, according to:

1. The amount of water to which each customer may be entitled;
 2. The amount of water to which each customer may be entitled, less the amount of water the customer would have saved if the customer had operated its water system in compliance with the water conservation plan
- c) Nothing in Subsection (a) or (b) precludes the person, association of persons, or corporation owning or controlling the water from supplying water to a person who has a prior vested right to the water under the laws of this state.