

ORDINANCE NO. 2024-05

AN ORDINANCE OF THE CITY OF GATESVILLE, TEXAS, AMENDING THE GATESVILLE CODE OF ORDINANCES, CHAPTER 56 "UTILITIES", ARTICLE VI, "DROUGHT CONTINGENCY PLAN" BY AMENDING SECTIONS 56-183, 56-186, 56-188, AND 56-189 AS PROVIDED HEREIN AND READOPTING ALL REMAINING SECTIONS OF ARTICLE VI; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, as required by the Texas Water Code and the regulations of the Texas Commission on Environmental Quality ("TCEQ"), the City previously adopted a Drought Contingency Plan, which is codified in Chapter 56, Article VI of the City's Code of Ordinances; and

WHEREAS, in accordance with statutory requirement to review, and as necessary, update and amend the City's drought contingency plan, City staff has presented and is recommending a revision to the provisions of the Code of Ordinances containing the City's drought contingency plan as set forth herein; and

WHEREAS, the City Council finds it to be in the public interest and for the benefit of the health, safety and welfare of its citizens to adopt the recommended changes;

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

SECTION 1. The City of Gatesville Code of Ordinances is hereby amended by amending Chapter 56, "Utilities," Article VI, "Drought Contingency Plan" by amending section 56-183 "Public Education" and section 56-188 "Criteria for Initiation and Termination of Drought Response Stages" to delete all references therein to "Fort Hood" and replace those references with "Fort Cavazos."

SECTION 2. The City of Gatesville Code of Ordinances is hereby amended by amending Chapter 56, "Utilities," Article VI, "Drought Contingency Plan" by amending section 56-186 "Application" to read in its entirety as follows:

"Chapter 56 Utilities

...

Article VI Drought Contingency Plan

...

Section 56-186 Application

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the City of Gatesville. The terms "person" and "customer" as used in the Plan set forth

in this Article VI include individuals, corporations, partnerships, associations, and all other legal entities.”

SECTION 3. The City of Gatesville Code of Ordinances is hereby amended by amending Chapter 56, “Utilities,” Article VI, “Drought Contingency Plan” by amending section 56-189 “Drought Response Stages” to read in its entirety as follows:

“Chapter 56 Utilities

...

Article VI Drought Contingency Plan

...

Section 56-189 Drought Response Stages

The City Manager, or his/her designee, shall monitor water supply and/or demand conditions on a weekly basis and, in accordance with the triggering criteria set forth in Section 56-188 of this Plan, shall determine that a Drought Watch, Drought Warning, Drought Emergency, or Curtailment condition(s) exists and shall implement the following notification procedures:

(1) Notification

- a. Notification of the Public: The City Manager or his/ her designee shall notify the public by means of:
 1. publication in a newspaper of general circulation,
 - 2.. direct mail (utility bill) to each customer,
 3. public service announcements,
 - 4.. signs posted in public places
- b. Additional Notification: The City Manager or his/ her designee shall notify directly, or cause to be notified directly, the following individuals and entities:
 1. Mayor and members of the City Council
 2. Fire Chief
 3. County Emergency Management Coordinator
 4. County Judge & Commissioner(s)

5. TCEQ (required when mandatory restrictions are imposed)
 6. Major wholesale and commercial/institutional water users
 7. Critical water users, i.e. hospital, nursing homes, and Gatesville ISD
 8. Parks / street superintendents & public facilities managers
- (2) Stage 1 Response (Drought Watch Conditions)
- a. Target: Achieve a voluntary five (5) percent reduction in use that would have occurred in the absence of drought contingency measures.
 - b. Best Management Practices for Supply Management: Additional measures to be implemented directly by the City of Gatesville to manage limited water supplies and/or reduce water demand include reduced flushing of water mains and limited watering at City-owned parks and facilities. The City of Gatesville will consider initiating engineering studies to evaluate alternatives should conditions worsen. The City of Gatesville will consider initiating engineering studies to evaluate alternatives should conditions worsen.
 - c. Voluntary Water Use Restrictions for Reducing Demand: Water customers are requested to:
 1. voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only between the hours of midnight and 10:00 a.m. and 8:00 p.m. to midnight on designated watering days.
 2. All operations of the City of Gatesville shall adhere to water use restrictions prescribed for Stage 2 of the Plan.
 3. Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.
- (3) Stage 2 Response (Drought Warning Conditions)

- a. Target: Achieve a ten (10) percent reduction in use that would have occurred in the absence of drought contingency measures.
- b. Best Management Practices for Supply Management. Additional measures to be implemented directly by the City of Gatesville to manage limited water supplies and/or reduce water demand include discontinued flushing of water mains and significantly reduced or discontinued irrigation of public landscaped areas. The City of Gatesville will consider implementing viable alternative water supply strategies. The City of Gatesville will consider implementing viable alternative water supply strategies.
- c. Water Use Restrictions for Demand Reduction. The following water use restrictions shall apply to all persons:
 1. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at 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.
 2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as vehicles used to transport food and perishables.

3. Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or spas/hot tubs is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight.

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

5. Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed only under written permission from the City of Gatesville.

6. 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 a.m. and between 8 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the City of Gatesville, the facility shall not be subject to these regulations.

7. All restaurants are discouraged from serving water to patrons except upon request of the patron.

8. The following uses of water are defined as non-essential and are prohibited:

(i) wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;

(ii) use of water to wash down buildings or structures for purposes other than immediate fire protection;

(iii) use of water for dust control;

(iv) flushing gutters or permitting water to run or accumulate in any gutter or street; and

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

- (4) Stage 3 Response (Drought Emergency Conditions)
- a. Target: Achieve a twenty (20) percent reduction in use that would have occurred in the absence of drought contingency measures.
 - b. Best Management Practices for Supply Management: Additional measures to be implemented directly by the City of Gatesville to manage limited water supplies and/or reduce demand include discontinued flushing of water mains, discontinued watering at City-owned parks and facilities and discontinued refilling/operation of the City’s outdoor and indoor swimming pools. The City of Gatesville will notify all major water consumers to reduce consumption by discontinuing irrigation at facilities, and to limit water use to absolutely essential purposes (TDCJ facilities, Gatesville ISD, hospital and nursing homes). The City of Gatesville will implement viable alternative water supply strategies.
 - c. Water Use Restrictions for Demand Reduction: All requirements of Stage 2 shall remain in effect during Stage 3 except:

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SECTION 4. All other sections contained in Article IV “Water Conservation Plan” of Chapter 54 “Utilities” not otherwise amended by this ordinance remain unchanged and are hereby readopted.

SECTION 5. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, or the Gatesville Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 6. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Gatesville Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 7. This ordinance shall take effect immediately from and after its passage.

DULY PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF GATESVILLE, TEXAS, AFTER A FIRST READING ON June 11, 2024, A SECOND READING ON June 25, 2024, AND A THIRD READING ON THIS THE 9th DAY OF July 2024.

APPROVED:

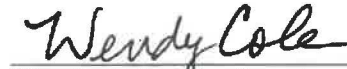

GARY CHUMLEY, MAYOR

APPROVED AS TO FORM:



Victoria W. Thomas, City Attorney
4855-4916-1159, v. 1

ATTEST


Wendy Cole, City Secretary

