

4/23/14 

ORDINANCE NO. 7457

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 18-2, ARTICLE V, SECTION 18-2-90 TO AMEND CRITERIA AND GOALS FOR DROUGHT STAGES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

---

WHEREAS, since 1999 the City of Amarillo has had an official Drought Contingency Plan and, in accordance with state law, has reviewed and updated it every five years or more often, last doing so in 2011; and,

WHEREAS, the current Drought of historically unprecedented proportions has revealed the need for certain further amendments to certain provisions of the Drought Contingency Plan; and,

WHEREAS, there is a desire to further protect and promote the public health, safety, welfare, by retaining this revised Drought Contingency Plan in the City of Amarillo Municipal Code of Ordinances as an enforceable ordinance of the City;

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

SECTION 1. The Amarillo Municipal Code, Chapter 18-2, Article V, Section 18-2-90 be and hereby is amended to now read as follows:

**Section 18-2-90. Drought Stages; Triggering Criteria; Response; Termination.**

The Director shall monitor Water Supply and demand conditions and shall have the authority to initiate or terminate stages of this Plan. Initiation and termination of the stages is not required to be in sequential order if the Director determines it is in the best interest of the public. Public notification of the initiation or termination of Drought response stages shall be by means of public service announcements on TV, radio and area newspapers or publications, and the City of Amarillo website.

The Director shall make notification to Wholesale Water Users upon initiation or termination of Drought response stages. Contact between the Director and Wholesale Water Users will be maintained throughout Drought conditions.

The triggering criteria described below are based on varying conditions of vulnerability of water sources under Drought conditions, also including unforeseen natural disasters, equipment failure and Contamination problems.

The Director shall notify the TCEQ within five business days upon implementing any mandatory provisions of this plan. as prescribed in Title 30, Texas Administrative Code, Chapter 288, Subchapter B (288.20)(b), as amended.

**Stage 1- Mild Water Shortage Conditions.**

*Requirements for Initiation:* One or more of the following events may trigger Stage 1:

A. When any demand or normal operating condition results in a drawdown of the Reservoir to or below approximately 60 percent of its capacity; or

B. When total daily water demand equals or exceeds approximately 70 percent of the available water Production Capability for five (5) consecutive days; or

C. Any combination of total or partial failure of CITY or CRMWA infrastructure, such as depletion of reservoir capacity, pipeline failure, reduced pumping capacity, groundwater supplies, and/or treatment capacity resulting in a reduction of total water sources to the point current demands equal or exceed 70% of normal system capacity.

*Response:*

1. Request voluntary Watering Schedules and encourage other Conservation measures.
2. The Director shall contact Wholesale Water Users to initiate the appropriate stage of their Drought contingency plan.

*Consumption Reduction Goal:* Five (5) percent reduction in consumption.

*Requirements for Termination:* Stage 1 may be terminated when all of the conditions listed as triggering events have ceased to exist for a period of five (5) consecutive days or as determined by the Director, or system production capabilities return to normal when the triggering event was due to a failure or combination of failures in production, transmission, treatment, or distribution facilities that reduced water production capabilities.

## **Stage 2 - Moderate Water Shortage Conditions.**

*Requirements for Initiation:* One or more of the following events may trigger Stage 2.

A. When any demand or normal operating condition results in a drawdown of the Reservoir to or below approximately 50 percent of its capacity; or

B. When total daily water demand equals or exceeds approximately 80 percent of the available water Production Capability for five (5) consecutive days; or

C. Any combination of total or partial failure of CITY or CRMWA infrastructure, such as depletion of reservoir capacity, pipeline failure, reduced pumping capacity, groundwater supplies, or treatment capacity resulting in a reduction of total water sources to the point current demands equal or exceed 80% of normal system capacity.

*Response:* The following Responses are cumulative of and in addition to applicable Stage 1 Responses.

1. Require mandatory Watering Schedule and other Conservation Methods as ordered by the Director.
2. The Director shall contact Wholesale Water Users to initiate the appropriate stage of their Drought contingency plan.

*Consumption Reduction Goal:* Ten (10) percent reduction in consumption.

*Requirements for Termination:* Stage 2 may be terminated when all of the conditions listed as triggering events have ceased to exist for a period of five (5) consecutive days or as determined by the Director, or system production capabilities return to normal when the triggering event was due to a failure or combination of failures in production, transmission, treatment, or distribution facilities that reduced water production capabilities. Stage 1 of the Plan may go into effect immediately after Stage 2 is terminated or as determined by the Director.

## **Stage 3 - Severe Water Shortage Conditions.**

*Requirements for Initiation:* One or more of the following events may trigger Stage 3.

A. When any demand or normal operating condition results in a drawdown of the Reservoir to or below approximately 40 percent of its capacity; or

B. When total daily water demands equal or exceed approximately 85 percent of the available water production capabilities for five (5) consecutive days; or

C. Any combination of total or partial failure of CITY or CRMWA infrastructure, such as depletion of reservoir capacity, pipeline failure, reduced pumping capacity, groundwater supplies, or treatment capacity resulting in a reduction of total water sources to the point current demands equal or exceed 85% of normal system capacity.

*Response:* The following Responses are cumulative of and in addition to Responses listed in lesser Stages.

1. Require mandatory Watering Schedule between 8:00 PM and 6:00AM with watering completed by 6:00 AM and may prohibit nonessential water use as ordered by the Director.

2. The Director shall contact Wholesale water Customers to initiate the appropriate stage of their Drought Contingency Plan.

*Consumption Reduction Goal:* Fifteen (15) percent reduction in consumption.

*Requirements for Termination:* Stage 3 may be terminated when all of the conditions listed as triggering events have ceased to exist for a period of five (5) consecutive days or as determined by the Director, or system production capabilities return to normal when the triggering event was due to a failure or combination of failures in production, transmission, treatment, or distribution facilities that reduced water production capabilities. Stage 2 or 1 Water Conservation efforts may remain in place until Drought conditions reverse, triggering events have ceased or as determined by the Director.

#### **Stage 4 - Critical Water Shortage Conditions.**

*Requirements for Initiation:* One or more of the following events may trigger Stage 4.

A. When any demand or normal operating condition results in a drawdown of the Reservoir to or below approximately 30 percent of its capacity; or

B. When total daily water demands equal or exceed approximately 90 percent of the available water Production Capability for five (5) consecutive days; or

C. Any combination of total or partial failure of CITY or CRMWA infrastructure, such as depletion of reservoir capacity, pipeline failure, reduced pumping capacity, groundwater supplies, and/or treatment capacity resulting in a reduction of total water sources to the point current demands equal or exceed 90% of normal system capacity; or

D. Contamination of the Water Supply or system.

*Response:* The following Responses are cumulative of and in addition to Responses in lesser Stages.

1. All Nonessential Watering is prohibited. However, at this Stage this prohibition does not include:

*Vegetable Gardens* - Watering is permitted per the Watering Schedule but only from 8 PM to 6 AM. *Golf Courses* - Those using only private wells, or public wells dedicated for irrigation only.

*Swimming Pools* - Filling or topping off of pools is strictly prohibited, unless from a private well.

2. All Commercial, Institutional, Industrial, and Wholesale Users shall be notified and initiate the appropriate stage of its Drought Contingency Plan which is at least consistent with the actions taken by the City of Amarillo.

3. Washing of automobiles, trucks, trailers, boats, airplanes and other mobile equipment is permitted only on the immediate premises of a commercial vehicle washing facility, but may be subject to further restrictions as ordered by the Director.

4. Commercial nurseries, sod farms or other similar establishments shall restrict watering hours to 8PM to 6 AM. This watering time may be subject to further restrictions as ordered by the Director.

5. There shall be no restrictions on firefighting, however only limited testing of water equipment is allowed. Health care and medical facilities are encouraged to restrict or limit using water. Other water use essential to health and safety as authorized by the Director in accordance with the Variance procedures of this Article.

6. The Director shall begin preparations for the implementation of pro rata curtailment of deliveries or diversions of water to Customers. Such curtailment plans shall, as far is feasible in the judgment of the Director, give due regard for domestic use, sanitation, fire protection and preservation of public health and safety.

*Consumption Reduction Goal:* Twenty-five (25) percent reduction in consumption.

*Requirements for Termination:* Stage 4 may be terminated when all of the conditions listed as triggering events have ceased to exist for a period of five (5) consecutive days or as determined by the Director, or system production capabilities return to normal when the triggering event was due to a failure or combination of failures in production, transmission, treatment, or distribution facilities. Stage 3, 2, or 1 Water Conservation efforts may remain in place until triggering events have ceased as determined by the Director.

#### **Stage 5 - Emergency Water Shortage Conditions.**

*Requirements for Initiation:* One or more of the following events may trigger Stage 5.

A. When any demand or normal operating condition results in a drawdown of the Reservoir to or below approximately 20 percent of its capacity; or

B. When total daily water demands equal or exceed approximately 95 percent of the available water Production Capability for five (5) consecutive days; or

C. Any combination of total or partial failure of CITY or CRMWA infrastructure, such as depletion of reservoir capacity, pipeline failure, reduced pumping capacity, groundwater supplies, or treatment capacity resulting in a reduction of total water sources to the point current demands equal or exceeds 95% of normal system capacity; or

D. Contamination of the Water Supply or system; or

E. Any other event that creates or threatens a catastrophic water shortage as determined by the Mayor.

*Response:* The Mayor may declare an emergency water shortage exists or is imminent that threatens the public health or safety. Such a declaration and the Response(s) implemented are valid for a period of no more than seven (7) days or until the next meeting of the City Council, whichever occurs first. The City Council, in a regular or special meeting, may terminate, extend, ratify or modify the Mayor's declaration and the Response(s) implemented by a majority vote of the members voting. Upon issuing a declaration, the Mayor may order the following curtailments and other emergency Response actions, which are cumulative of and in addition to Responses in lesser Stages of this Plan.

1. Curtailment of Wholesale, Industrial, and Institutional Water Users. Upon the Mayor authorizing initiation of allocation of water supplies on a pro rata basis in accordance with the Plan

and Texas Water Code, Section 11.039, and other applicable law including this ordinance, the Director shall implement pro rata curtailment of water deliveries or diversions for each User in accordance with the curtailment plans developed in Stage 4, as follows:

- (a) A monthly water usage allocation shall be established by the Director for each User. The User's water usage baseline will be computed on the average water usage for each month for the preceding five years. Once pro rata allocation is in effect, water diversions by or deliveries to each User shall be limited to the allocation established for each month.
- (b) The Director shall provide notice, by telephone and by certified mail, to each User informing them of their monthly water usage allocations and shall notify the news media and the executive Director of the TCEQ upon initiation of probable water allocation.
- (c) Upon request of the User or at the initiative of the Director, the allocation may be reduced or increased. A User may appeal an allocation established hereunder to the City Council of the City of Amarillo.

2. **Curtailment of Other Users.** All other water Users shall be subject to curtailment of water deliveries or diversions as deemed necessary by the Mayor.

3. **Priority on Use of Water.** In the event of water curtailment or diversion, the following Users have preference for available water service or restoration of service if and when available. These facilities are not listed in order of priority, but each shall be considered based upon then-existing community needs in Amarillo:

- Communications originating stations
- Control centers (Emergency Operating Center, police, fire, and public utilities)
- Dairy processing plant
- Emergency shelters and community facilities for displaced persons
- Fire protection
- Food production, processing and storing
- Group housing, apartments, hotels, motels
- Hospitals and emergency hospitals, doctors' offices and clinics
- Refineries, petroleum and petroleum products
- Schools
- Transportation centers
- Water dispensing stations (i.e. emergency distribution sites for free potable water for personal use)
- Wholesale Water Users

*Requirements for Termination:* Stage 5 may be terminated when all of the conditions listed as triggering events have ceased to exist, or as determined by the Mayor. Lesser Stages of Water Conservation may remain in place until Drought conditions reverse, triggering events specific to each particular stage have ceased, or as determined by the Mayor.

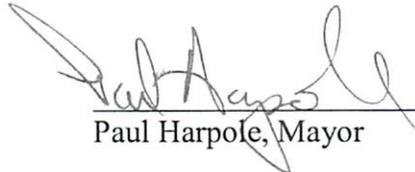
**SECTION 2. Penalty.** A violation of this ordinance is an offense punishable in accordance with Section 1-1-5 of this code of ordinances. Provided however, a violation of either Stage 4 or of stage 5 is deemed and here declared to be an offense against public health or safety for purposes of punishment.

SECTION 3. Severability. If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Council of the City of Amarillo, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.

SECTION 4. Repealer. All ordinances or resolutions ordinances, resolutions, and parts of resolutions that adopt resolutions that adopt a Drought contingency plan are hereby repealed. Further, any and all other ordinances or resolutions of any nature, or parts of either, that conflict with the terms of this ordinances are hereby repealed to the extent of conflict with this ordinance.

SECTION 5. Publishing and Effective Date. This ordinance shall be published and become effective according to law a Drought contingency plan are hereby repealed. Further, any and all other ordinances or resolutions of any nature, or parts of either, that conflict with the terms of this ordinance are hereby repealed to the extent of conflict with this ordinance.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading this the 29<sup>th</sup> day of April, 2014; and PASSED on Second and Final Reading the 6<sup>th</sup> day of May, 2014.

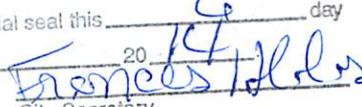
  
\_\_\_\_\_  
Paul Harpole, Mayor

ATTEST:

  
\_\_\_\_\_  
Frances Hibbs, City Secretary

THE STATE OF TEXAS  
COUNTIES OF POTTER AND RANDALL }  
CITY OF AMARILLO

The undersigned City Secretary of the City of Amarillo in the State and Counties aforesaid hereby certifies that the attached and forgoing document is a true and correct copy of a part of the records, papers and books in the Office of the City Secretary; and that I am the custodian of such papers, books and records as an officer of the City of Amarillo.

Witness my hand and official seal this 6 day  
of May 2014  
  
\_\_\_\_\_  
City Secretary  
City of Amarillo, Texas