

City of Frankston
PO BOX 186
Frankston, TX 75763-0186

Ordinance No. 021318

AN ORDINANCE OF THE CITY OF FRANKSTON, TEXAS, ADOPTING A WATER CONSERVATION & DROUGHT CONTINGENCY PLAN: ESTABLISHING DATA, INFORMATION, AND POLICY FOR WATER CONSERVATION PROGRAMS; CRITERIA FOR THE INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES; ESTABLISHING RESTRICTIONS ON CERTAIN WATER USES; ESTABLISHING PENALTIES FOR THE VIOLATION OF AND PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS; ESTABLISHING PROCEDURES FOR GRANTING VARIANCES; AND PROVIDING SERVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Frankston, 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;

WHEREAS, Section 13.146 of the Texas Water Code and applicable rules of the Texas Water Development Board require a retail public utility that provides potable water service to 500 or more connections to submit to the executive administrator of the board a water conservation plan based on specific targets and goals developed by the retail public utility and using appropriate best management practices as defined by Section 11.002, which defines "conservation" as those practices, techniques, and technologies that will 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 a water supply is made available for future or alternative uses;

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

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

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

SECTION 1.

That the City of Frankston, Texas Water Conservation & Drought Contingency Plan 2018 attached hereto and made part hereof for all purposes be, and the same is hereby, adopted as the official policy of the City.



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SECTION 2.

That all ordinances that are in conflict with the provisions of the ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3.

Should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

SECTION 4.

This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

DULY PASSED BY THE CITY OF FRANKSTON, TEXAS, on the 13th day of February, 2018

APPROVED:

Eugene Brooks, MAYOR

ATTESTED TO:

Jan Hamilton, CITY SECRETARY



City of Frankston
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Texas Water Conservation and Drought Contingency Plan Ordinance #021318

Section 1

Authorization:

The utilities superintendent, 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.

Section 2

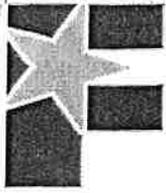
Application:

The provisions of this plan shall apply to all persons, customers and property utilizing water provided by the city. The terms "persons" and "customers" as used in the plan include individuals, corporations, partnerships, associations and all other legal entities. The drought plan is subject to change based off the city and public's immediate needs during time of emergency. All police and city personnel are authorized to enforce plan during stages 1, 2 & 3 of drought contingency plan.

Section 3

Drought Response Stages:

The utilities superintendent, 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 this plan, shall determine that a mild, moderate, or severe condition exists. The Mayor shall implement the following actions upon publication of notice in the Frankston Citizen:



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Stage 1 – Mild Water Shortage Measures:

City Responses – The following measures shall be taken by the city to conserve water:

- Inform all customers that a mild water shortage condition has been reached.
- Keep customers updated as appropriate.
- Warn customers to start reducing water; protect pipes against freezing; minimize or discontinue water for non-essential purposes.
- Make or arrange for repairs, if appropriate.
- Look into possibility of alternate supply, if appropriate.
- Investigate increasing system capacity, if usage is nearing safe capacity, and/or providing additional treatment.
- Request that water customers limit the irrigation of landscaping areas to Sundays and Thursdays for customers with a street address ending in an even number (0,2,4,6,8) and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1,3,5,7,9), and irrigate landscape only between the hours of 8:00 p.m. thru 10:00 a.m. on designated water days.

Stage 2 - Moderate Water Shortage Measures:

City Responses – The following measures shall be taken by the city to conserve water:

- Notify customers that a moderate water shortage condition has been reached.
- Provide a weekly report to Frankston Citizen with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist and consumer information on water conservation measures and practices.
- In an event of contamination notify customers so they can seek bottled drinking water supply or be prepared to purify city water if needed.
- Pursue actions/repairs necessary to purify/repair water system.
- Seek reduced usage from industries, commercial users and any other outside entities if appropriate.
- Take steps toward obtaining alternate supply, increasing system capacity, and/or providing additional treatment if necessary.
- Decrease flushing of water mains.
- Decrease irrigation of public landscaping.
- Continued enforcement of Stage 1 measures.
- Use of water to wash any motor vehicle, motorbike, boat, trailer, or any other vehicle is prohibited except of designated watering days during designated watering times. Such



City of Frankston
PO BOX 186
Frankston, TX 75763-0186

washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a shut-off nozzle.

- Use of water to wash down any sidewalks, walkways, driveways, parking lots or hard surfaced areas is prohibited.
- Use of water to wash down buildings or structures for purposes other than immediate fire protection is prohibited.
- Use of water to fill, refill, or add to any swimming pools, wading pools or Jacuzzi-type pools is prohibited except on designated watering days between designated watering times as specified in Stage 1.
- Use of water from hydrants shall be limited to firefighting or any activities necessary to public health, safety and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the utilities superintendent.
- Flushing gutters or permitting water to run or accumulate in any gutter or street is prohibited.
- Use of water for dust control is prohibited.
- Failure to repair a controllable leak within 3 days after having given notice to repair such leaks is prohibited.
- 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.

Stage 3 – Severe water shortage measures

City Responses – The following measures shall be taken by the city to conserve water:

- Notify customers of emergency by appropriate means.
- Provide a weekly report to Frankston Citizen with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist and consumer information on water conservation measures and practices.
- Place city and neighboring fire departments on alert that units may be needed, if necessary.
- Enforce measure in stage 1 & stage 2 of drought plan.
- Discontinue flushing lines
- Discontinue irrigation of public landscaping.
- Irrigation of landscaped areas shall be limited to designated watering days between the hours set forth in stage 1 and shall be by means of hand-held hoses, hand-held buckets and drip irrigation. The use of hose-end sprinklers and automatic sprinklers are prohibited at all times.



City of Frankston
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- The watering of outdoor athletic facilities is prohibited unless a water source other than the city is utilized.
- Use of water to wash any motor vehicle, motorbike, boat, trailer, or any other vehicle is prohibited except of designated watering days during designated watering times. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a shut-off nozzle. Such washing may be exempt 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.
- Use of water to fill, refill, or add to any swimming pools, wading pools or Jacuzzi-type pools is prohibited.
- Use of water from hydrants shall be limited to firefighting or any activities necessary to public health, safety and welfare.
- The use of water for construction from designated fire hydrants under special permit is discontinued.

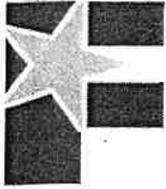
In the event that additional steps need to be taken during stage 3, severe water shortage, the mayor is hereby authorized to ration water according to the following water allocation plan.

Where more than one residential or commercial unit is served by the same water meter, each unit shall constitute a separate user. The daily amount which each user may be permitted to use shall be set equal to following amounts:

Residential	200 gallons
Commercial	300 gallons
Recreational Facility	100 gallons
School	100 gallons + 5 gallons per Student on days classes are held

Water customers shall pay the following surcharges:
\$10.00 for the first 1,000 gallons over allocation.
\$20.00 for the second 1,000 gallons over allocation.
\$30.00 for the third 1,000 gallons over allocation.
\$40.00 for each additional 1,000 gallons over allocation.

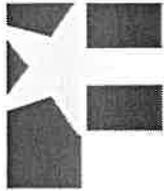
Surcharges shall be cumulative.



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PO BOX 186
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SECTION 4 **ENFORCMENT**

- No person shall knowingly or intentionally allow the use of water from the city for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this plan, or an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by utilities superintendent, or his/her designee, in accordance with provisions of this plan.
- Any person who violates this plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than \$10.00 and not more than \$200.00. 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 utilities superintendent shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occurred. Services discontinued under such circumstances shall be restored only upon payment of a service charge, hereby established at \$50.00, and any other costs incurred by the city in discontinuing service. In addition, suitable assurance must be given to the utilities superintendent 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.
- Any person, including a person classified as a water customer of the city, 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. Parents shall be presumed to be responsible for violations of the minor children and proof that a violation, committed by a child, occurred on property with the parents' control shall constitute a rebuttable presumption that the parent committed to 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 of the violation.
- An employee of the city, police officer, or other employee designated by the utilities superintendent, may issue a citation to a person he/she reasonably believes to be in violation of the article. The citation shall be prepared in duplicate and shall contain the name, address, offense charged with, 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. 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.



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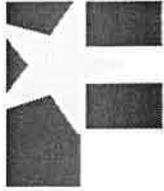
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APPROVED:

Eugene Brooks, MAYOR

ATTESTED TO:

Jan Hamilton, CITY SECRETARY



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Eugene Brooks, MAYOR

ATTESTED TO:

Jan Hamilton, CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY