ORDINANCE NO. 2019-015

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PARIS, TEXAS, ADOPTING A REVISED AND CONSOLIDATED WATER CONSERVATION/DROUGHT CONTINGENCY PLAN IN ACCORDANCE WITH THE REQUIREMENTS OF SECTIONS 11.1271 AND 11.1272 OF THE TEXAS WATER CODE AND APPLICABLE RULES OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; REPEALING ALL PRIOR DROUGHT CONTINGENCY AND WATER CONSERVATION PLANS IN CONFLICT HEREWITH; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 11.1271 of the Texas Water Code and applicable rules of the Texas Commission on Environmental Quality require the holder of an existing permit, certified filing, or certificate of adjudication for the appropriation of surface water in the amount of 1,000 acre-feet a year or more for municipal, industrial, and other uses to develop, submit, and implement a water conservation plan, consistent with the appropriate approved regional water plan, that adopts reasonable water conservation measures as defined by Subdivision (8)(B), 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 of Paris, 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; 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 and maintain a drought contingency plan; and,

WHEREAS, the City of Paris' Water Conservation and Drought Contingency Plan was last updated in April 28, 2014; and,

WHEREAS, maintaining a clean, reliable supply of potable water is essential to the health, safety, and welfare of the citizens of the City of Paris; and,

WHEREAS, following public hearing and opportunity for public comment on the 2019 Water Conservation/Drought Contingency Plan, this plan was brought forward for City Council approval; and,
WHEREAS, in order to preserve the City’s water supply, comply with the requirements of State law, and in the interest of preserving the health, safety, and welfare of the citizens of Paris, Texas, the City Council of the City of Paris deems it necessary and appropriate to establish certain rules and policies for conservation of the City’s water supply and for the orderly and efficient management of limited water supplies during drought and other water supply emergencies, in the form of a revised and consolidated Water Conservation/Drought Contingency Plan for both retail and wholesale water customers, as the same are defined herein;

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

Section 1. That the findings set out in the preamble to this ordinance are hereby in all things approved.

Section 2. Articles IV and V of Chapter 34 of the Code of Ordinances of the City of Paris, Texas, are hereby amended and consolidated into a new Article IV “Drought Contingency Plan/Water Conservation Plan” to read in its entirety as follows:

“Article IV. Drought Contingency/Water Conservation Plan

DIVISION ONE – Drought Contingency Plan

Sec. 34-150 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 Paris hereby adopts the following Drought Contingency Plan, providing regulations 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 conditions are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section 34-160 of this Article.

Sec. 34-151 Public Involvement

Opportunity for the public to provide input into the preparation of the Plan was provided by the City of Paris by means of public notices published on the City’s website and public meetings regarding implementation of the Plan.
Sec. 34-152  Drought Contingency Public Education

The City of Paris will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of press releases, posting on City website and utility bill inserts.

Sec. 34-153  Coordination with Regional Water Planning Groups

The service area of the City of Paris is located within the Northeast Texas Region D Water Planning Group and City of Paris will provide a copy of this Plan to the Northeast Texas Region D Water Planning Group.

Sec. 34-154  Authorization

The City Manager of the City of Paris or 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 City Manager or designee will have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

Sec. 34-155  Application

The provisions of this Article will apply to all retail and wholesale water customers utilizing water provided by the City of Paris.

Sec. 34-156  Definitions

For the purposes of this Article, the following definitions will apply:

(a) Aesthetic water use. Water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

(b) Commercial and institutional water use. Water use that 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.

(c) 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 a supply is conserved and made available for future or alternative uses.

(d) Customer. Any person, company, or organization using water supplied by City of Paris.
(e) *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.

(f) *Even number address.* Street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

(g) *Industrial water use.* The use of water in processes designed to convert materials of lower value into forms having greater usability and value.

(h) *Landscape irrigation use.* Water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

(i) *Non-essential water use.* Water uses that are neither essential nor required for the protection of public, health, safety, and welfare, including:

1. Irrigation of landscape areas, including without limitation: yards, parks, athletic fields, and golf courses, except otherwise provided under this Plan;

2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;

3. Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;

4. Use of water to wash down buildings or structures for purposes other than immediate fire protection;

5. Flushing gutters or permitting water to run or accumulate in any gutter or street;

6. Use of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools;

7. Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;

8. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and

9. Use of water from hydrants for construction purposes or any other purposes other than firefighting.

(j) *Odd numbered address.* Street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.
(k) **Person.** A term including individuals, corporations, partnerships, associations, companies, organizations, or other legal entity.

(l) **Retail Water Customer.** A water customer of the City of Paris (as that person is defined herein) that utilizes the water purchased from the City for its own purposes and does not supply water to another person or entity for resale for human consumption.

(m) **Wholesale Water Customer.** Any individual, corporation, partnership, association, person, company, or organization purchasing or using water supplied by the City of Paris, Texas, that, in return for compensation, supplies water to another person or entity for resale for human consumption. The term does not include a person or entity that supplies water to itself or its employees or tenants as an incident of that employee’s service or tenancy when that water is not resold to or used by others. For the purposes of this Article, the word “customer” and the phrase “wholesale water customer” will have the same meaning.

**Sec. 34-157 Criteria for Initiation and Termination of Drought Response Stages**

(a) **General.** The City Manager or designee will monitor water supply and/or demand conditions to determine when conditions warrant initiation or termination of each stage of the Plan. The City Manager or designee may decide not to order the implementation or termination of a drought response stage or water emergency even though one or more of the trigger events for a stage are met. Factors that could influence such a decision include, but are not limited to, the time of year, weather conditions, the anticipation of replenished water supplies, or the anticipation of potential changed conditions that warrant the continuation of the drought stage.

The triggering criteria and responses described below are based on analysis of rainfall data, lake capacities, historical drought conditions, and information from the Drought Contingency Plan for Lake Crook and Pat Mayse Lake and as prepared by the Department of the Army, Tulsa District of the Corps of Engineers.

The USGS and Corps of Engineers electronically monitor levels in Lake Crook and Pat Mayse Lake, respectively.
(b) Stage 1 Triggers - Mild Drought Conditions

(1) Requirements for initiation - Retail and wholesale water customers will be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section 34-158 of this Article for Stage 1, when any one of the following triggering events exists:

a. When the water supply available to the City of Paris is equal to or less than seventy percent (70%) of the Conservation pool in Pat Mayse Lake and Lake Crook combined; or

b. When there exists a high water demand on the system; or

c. When water production and/or distribution system limitations exist.

(2) Requirements for termination - Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist.

(c) Stage 2 Triggers - Moderate Drought Conditions

(1) Requirements for initiation – Retail and wholesale water customers will be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section 34-158 of this Article for Stage 2 when any one of the following triggering events exists:

a. When the water supply available to the City of Paris is equal to or less than sixty percent (60%) of the Conservation pool in Pat Mayse Lake and Lake Crook combined; or

b. When total daily water demand equals or exceeds thirty-two (32) million gallons for seven (7) consecutive days; or

c. When total daily water demand equals or exceeds thirty-six (36) million gallons for three (3) consecutive days; or

d. When water production and/or distribution system limitations exist.

(2) Requirements for termination - Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist. Upon termination of Stage 2, Stage 1 becomes operative.
(d) Stage 3 Triggers – Severe Drought Conditions

(1) Requirements for initiation – Retail and wholesale water customers will be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section 34-158 of this Article for Stage 3 when any one of the following triggering events exists:

a. When the water supply available to the City of Paris is equal to or less than fifty percent (50%) of the Conservation pool in Pat Mayse Lake and Lake Crook combined; or

b. When total daily water demand equals or exceeds thirty-four (34) million gallons for fourteen (14) consecutive days; or

c. When total daily water demand equals or exceeds thirty-six (36) million gallons for six (6) consecutive days; or

d. When water production and/or distribution system limitations exist.

(2) Requirements for termination - Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist. Upon termination of Stage 3, Stage 2 becomes operative.

(e) Stage 4 Triggers – Emergency Stage Conditions

(1) Requirements for initiation – Retail and wholesale water customers will be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section 34-158 of this Article for Stage 4 when any one of the following triggering events exists:

a. When the water supply available to the City of Paris is equal to or less than forty percent (40%) of the Conservation pool in Pat Mayse Lake and Lake Crook combined; or

b. When total daily water demand equals or exceeds thirty-five (35) million gallons for twenty-one (21) consecutive days; or

c. When total daily water demand equals or exceeds thirty-six (36) million gallons for nine (9) consecutive days; or

d. When major water production or distribution system limitations exist; or

e. When there is contamination, natural or man-made, of the water supply source(s); or
f. When system outage occurs due to failure of major water systems components, major water line breaks, electrical power failures, or pump or system failures which cause unprecedented loss of capability to provide water service.

(2) Requirements for termination - Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist. Upon termination of Stage 4, Stage 3 becomes operative.

Sec. 34-158 Drought Response Stages

(a) General. The City Manager or designee shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section 34-157 of this Article, shall determine that a mild, moderate, severe, or emergency water shortage condition exists. The following notification procedures will be implemented:

(1) Notification of the Public – The City Manager or designee will notify the public by posting information on City website, public service announcements, utility bill inserts, publication in local newspaper, and/or posting of signs in public places.

(2) Additional Notification – The City Manager or designee will notify directly, or cause to be notified directly, the following individuals and entities:

- Mayor and City Council
- City Fire Chief
- City and County Emergency Management Coordinator(s)
- County Judge & Commissioner(s)
- Municipal Court Judge
- Texas Commission on Environmental Quality (TCEQ), Water Supply Division
- Department of Public Safety Division of Emergency Management
- Major industrial and wholesale water users
- Critical water users, e.g. hospitals, dialysis centers

(b) Stage 1 Response - Mild Drought Conditions

(1) Target - Achieve a voluntary ten percent (10%) reduction in daily water demand.

(2) Best Management Practices for Supply Management – measures to be implemented directly by the City of Paris to manage limited water supplies and/or reduce water demand will include: reduced or discontinued flushing of water mains, use of reclaimed water for non-potable purposes, stringent operation of the Water Treatment Plant concerning filter backwashing, and discontinuing all outside wash-down activities.
Voluntary Water Use Restrictions for Reducing Demand

a. Retail water customers are requested to voluntarily limit the watering of landscaped areas to the following time periods: for customers with street addresses ending in an even number, times for watering are Sundays and Thursday mornings from 12:00 a.m. until 10:00 a.m. and evenings from 6:00 p.m. until 12:00 a.m. For customers with a street address ending in an odd number times for watering are Wednesday and Saturday mornings from 12:00 a.m. until 10:00 a.m. and evenings from 6:00 p.m. until 12:00 a.m.

b. All operations of the City of Paris will adhere to water use restrictions prescribed for Stage 2 of the Plan.

c. Retail water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

d. Wholesale customers are requested to implement voluntary Stage 1 – Mild Drought Conditions of their drought contingency plan and notify their water customers.

Stage 2 Response - Moderate Drought Conditions

(1) Target - Achieve a twenty percent (20%) reduction in daily water demand.

(2) Best Management Practices for Supply Management - measures to be implemented directly by the City of Paris to manage limited water supplies and/or reduce water demand will include: reduced or discontinued flushing of water mains, use of reclaimed water for non-potable purposes, stringent operation of the Water Treatment Plant concerning filter backwashing, and discontinuing all outside wash-down activities.

(3) Water Use Restrictions for Demand Reduction - Under threat of penalty for violation, the following water use restrictions will apply to all persons:

a. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems will be limited to the following time periods: for customers with street addresses ending in an even number times for watering are Sunday and Thursday mornings from 12:00 a.m. until 10:00 a.m. and evenings from 6:00 p.m. until 12:00 a.m. For customers with street addresses ending in an odd number times for watering are Wednesday and Saturday mornings from 12:00 a.m. until 10:00 a.m. and evenings from 6:00 p.m. until 12:00 a.m. However, irrigation of landscaped areas is permitted at any time if it is by means of a hand-
held hose with a positive shut-off nozzle, a faucet filled bucket or watering can of five (5) gallons or less, drip irrigation system or soaker hoses.

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 a.m. and 10:00 a.m. and between 6:00 p.m. and 12:00 a.m... Such washing, when allowed, will 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 exempt from these regulations if the health, safety, and welfare of the public are contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

c. Use of water to fill, refill, or add to 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 a.m. and 10:00 a.m. and between 6:00 p.m. and 12:00 a.m..

d. 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.

e. Use of water from hydrants will 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 under special permit from the City of Paris.

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 a.m. and 10:00 a.m. and between 6:00 p.m. and 12:00 a.m... However, if the golf course utilizes a water source other than that provided by the City of Paris, the facility will not be subject to these regulations.

(g. The remaining non-essential water uses are prohibited during a Stage 2 drought response:
   (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).

g. Wholesale customers are requested to implement mandatory Stage 2 – Moderate Drought Conditions of their drought contingency plan and notify their water customers.

(d) Stage 3 Response - Severe Drought Conditions

(1) Target - Achieve a thirty percent (30%) reduction in daily water demand.

(2) Best Management Practices for Supply Management - measures to be implemented directly by the City of Paris to manage limited water supplies and/or reduce water demand will include: reduced or discontinued flushing of water mains, use of reclaimed water for non-potable purposes, stringent operation of the Water Treatment Plant concerning filter backwashing, and discontinuing all outside washdown activities.

(3) Water Use Restrictions for Demand Reductions - All requirements of Stage 2 will remain in effect during Stage 3 except as amended below:

a. Irrigation of landscaped areas will be limited to the following time periods: for customers with street addresses ending in an even number, times for watering are Thursday evenings from 12:00 a.m. until 10:00 a.m. For customers with street addresses ending in an odd number, times for watering are Wednesday from 12:00 a.m. until 10:00 a.m. Watering will be by means of hand-held hoses, hand-held buckets, drip irrigation system or soaker hoses only. The use of hose-end sprinklers or automatic sprinkler systems are prohibited during Stage 3 severe drought conditions.

b. 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 will occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10 p.m.

c. The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi-type pools is prohibited.

d. 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.
e. No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind will be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage will be in effect.

f. Wholesale customers are requested to implement mandatory Stage 3 – Severe Drought Conditions of their drought contingency plan and notify their water customers.

(e) Stage 4 Response – Emergency Drought Stage

(1) Target - Achieve a forty percent (40%) reduction in daily water demand.

(2) Best Management Practices for Supply Management - measures to be implemented directly by the City of Paris to manage limited water supplies and/or reduce water demand will include: reduced or discontinued flushing of water mains, use of reclaimed water for non-potable purposes, stringent operation of the Water Treatment Plant concerning filter backwashing, and discontinuing all outside washdown activities. Elevated tank levels will be operated within minimum operating ranges in order to reduce system-wide pressure and still maintain adequate fire protection.

(3) Water Use Restrictions for Demand Reduction. All requirements of Stage 2 and 3 will remain in effect during Stage 4 except:

a. Irrigation of landscaped areas is absolutely prohibited.

b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.

c. Wholesale customers are requested to implement mandatory Stage 4 – Emergency Drought Conditions of their drought contingency plan and notify their water customers.

d. Pro rata curtailment of water deliveries to wholesale water customers as provided in Section 11.039 of the Texas Water Code.

e. The City will consider implementing water usage surcharge(s) for excessive use.

Sec. 34-159 Water Allocation

In the event of an identified water shortage, the City will distribute water to wholesale customers according to Texas Water Code, §11.039 and initiate water allocation to municipal water customers. The City of Paris will include a provision in every wholesale
water contract entered into or renewed after adoption of the Plan, including contract extensions, that in case of a shortage of water resulting from drought, the water to be distributed shall be divided in accordance with Section 11.039 of the Texas Water Code.

Sec. 34-160 Enforcement

(a) No person will knowingly or intentionally allow the use of water from the City of Paris for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this 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 City Manager or designee, in accordance with provisions of this Plan.

(b) That any person violating any provision of this ordinance shall be guilty of a Misdemeanor, and upon conviction, shall be subject to a fine in accordance with the provisions of Sec. 1-6 of Chapter One of the City of Paris Code of Ordinances, and each and every day's continuance of any violation of the above-enumerated sections shall constitute and be deemed a separate offense. If a person is convicted of three or more distinct violations of this Article, the City Manager 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 will be restored only upon payment of a re-connection charge, hereby established at $50.00, and any other costs incurred by the City of Paris in discontinuing service. In addition, suitable assurance must be given to the City Manager that the same action will not be repeated while the Plan is in effect. Compliance with this Article may also be sought through injunctive relief in a court of appropriate jurisdiction, and the City Attorney is hereby authorized to seek such relief on behalf of the City.

(c) Any person, including a person classified as a water customer of the City of Paris in apparent control of the property where a violation occurs or originates will be presumed to be the violator, and proof that the violation occurred on the person's property will constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person will have the right to show that he/she did not commit the violation. Parents will 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 will constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if they prove they had previously directed the child not to use the water as it was used in violation of this Article and that the parent could not have reasonably known of the violation.

(d) Any employee of the City of Paris, police officer, or other employee designated by the City Manager, may issue a citation to a person he/she reasonably believes to be in violation of this Article. The citation will be prepared in duplicate and will contain the name and address of the alleged violator, if known, the offense charged, and will direct the violator to appear in the City of Paris Municipal Court on the date shown on the citation for which the date will not be less than three (3) days nor more than thirty (30) days from the date the citation was issued.
The alleged violator will be served a copy of the citation. Service of the citation will be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over fourteen (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 violation will appear in Municipal Court to enter a plea of guilty or not guilty for the violation of this Plan. If the alleged violator fails to appear in Municipal Court, a warrant for the violator's arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases will be expedited and given preferential setting in Municipal Court before all other cases.

Sec. 34-161 Variances

(a) The City Manager, or his authorized designee, may, grant a 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, safety or welfare of the public or the person requesting such variance and if one or more of the following conditions are met:

(1) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.

(2) Alternative methods can be implemented which will achieve the same level of reduction in water use.

(b) Persons requesting an exemption from the provisions of this Article will file a petition for variance with the City of Paris within ten (10) business days after the Plan or a particular drought response stage has been invoked. All petitions for variances will be reviewed by the City Manager, or his authorized designee, and will include the following:

(1) Name and address of the petitioner(s).
(2) Purpose of water use.
(3) Specific provision(s) of the Plan from which the petitioner is requesting relief.
(4) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
(5) Description of the relief requested.
(6) Period of time for which the variance is sought.
(7) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
(8) Other pertinent information.

(c) Variances granted by the City of Paris will be subject to the following conditions, unless waived or modified by the City Manager or designee:

(1) Variances granted will include a timetable for compliance.
(2) Variances granted will expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

(d) No variance will be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

DIVISION TWO – Water Conservation Plan

Sec. 34-162 Water Conservation Plan

Water conservation is a strategy or combination of strategies for reducing the volume of water withdrawn from a water supply source, reducing loss or waste of water, maintaining or improving the efficiency of water use, increasing the recycling and reuse of water, and preventing the pollution of water.

Sec. 34-163 Introduction

The City of Paris is located in Lamar County, Texas. The residential population was twenty-five thousand one hundred seventy-one (25,171) in 2018. Currently the City of Paris serves ten thousand thirty-four (10,034) connections. The City also provides water to two (2) wholesale customers; Lamar County Water Supply District and Marvin-Jennings-Clardy Water Supply Corporation.

The source of water for the City of Paris is 100% surface water from Pat Mayse Lake and Lake Crook. The City maintains Certificates of Adjudication, Nos. 4640 and 4943, for water rights from Pat Mayse Lake and Lake Crook totaling 37,000 acre-feet per year for municipal purposes and 36,610 acre-feet per year for industrial purposes. The priority dates are November 5, 1964 and May 31, 1922 respectively.

Water is treated by the City’s water treatment plant originally built in 1967 and expanded in 1995. The plant has a treatment capacity of 36 million gallons per day (MGD). The City has a total of 14.5 million gallons of potable water storage capacity, with 4 million gallons of the total capacity contained in elevated storage.

Industrial is the primary retail water use for the City. In 2018, nearly seventy-eight (78) percent of retail water metered was for industrial use. Single-family residential use accounted for ten (10) percent, commercial use was four (4) percent, agricultural use was four (4) percent, multi-family use was two (2) percent, and institutional use was one (1) percent of water use in 2018.

Sec. 34-164 Utility Profile

The Certificate of Convenience and Necessity No. for the City of Paris is 10480; The Public Water Supply No. is 1390002; The Texas Water Development Board Regional Water Planning Group is Region D; The utility is located in Lamar County, Texas; The service area covers 38.12
square miles; Pat Mayse Lake and Lake Crook are the water sources; Pumping capacity is 42 MGD; Treatment capacity is 36 MGD; Storage capacity is 14.5 million gallons; Wastewater treatment capacity is 7.25 MGD; Annual water reuse volume is between 5 and 17 million gallons. A completed Utility Profile for Retail Water Suppliers that includes information regarding population and customer data, water use data, water supply system data, and wastewater system data for the City of Paris will be submitted with this Plan to the Texas Commission on Environmental Quality and the Texas Water Development Board.

Sec. 34-165 Water Conservation Goals

Due to the level of industrial use of water in the city, the total gallons per customer per day (GPCD) metric is disproportionate and largely not influenced by residential water use. The level of industrial use is independent of population, climate and behavioral factors and instead based primarily upon the economic drivers of the individual industries. As a result, meaningful five (5) and ten (10) year conservation goals for total GPCD are not practical to obtain and are solely dependent upon industrial demands. The total GPCD for the City in 2018 was four hundred ninety-nine (499).

Residential use from 2014 to 2018 averaged fifty-one (51) GPCD, a value that is well below the residential GPCDs of most public water suppliers in the state. The goals for the City are based upon guidance from the State of Texas Water Conservation Implementation Task force of 2004, which suggested a 0.5% reduction in usage per year. The City’s five (5) year goals are four hundred forty-three (443) for total GPCD and fifty (50) for residential GPCD. The City’s ten (10) year goals are four hundred thirty-two (432) for total GPCD and forty-nine (49) for residential GPCD.

Sec. 34-166 Water Conservation Public Education

The City of Paris conducts ongoing public and wholesale customer education through periodic distribution of water conservation brochures and information; providing water conservation brochures and materials at the Department of Utilities administration office and other public places; informational presentations conducted by City staff to local organizations, schools and civic groups; providing information to local media outlets, e.g. the local newspaper, television and radio outlets; posting water conservation information on the City website; and providing water conservation information to applicants for new service.

Sec. 34-167 Metering Devices

The City of Paris meters 100% of water used for residential, industrial, commercial and institutional accounts. Meters are tested upon customer request and in conjunction with the City’s meter testing, repair and replacement program master meters are tested and calibrated annually to within an accuracy of plus or minus 5%; meters larger than 3” are tested and calibrated annually in accordance with AWWA standards; meters are routinely replaced based upon the age of the meter or abnormally high or low water usage readings; all new meters are touch read or automatic reading; inactive accounts are identified on a monthly basis and are inspected periodically for illegal connections; abandoned meters are removed.
Sec. 34-168  Water Loss

The City of Paris maintains an active program for leak detection and repair. Currently water loss for the City is calculated to be five percent (5%). The City’s 5 and 10-year goals are to maintain water loss at five percent (5%) or less.

A periodic internal water audit measures water loss by comparing water volumes sold to metered water diversion. Any abnormalities are investigated by Department of Utilities personnel using leak detection equipment. Water lines determined to have leaks are either replaced or repaired as quickly as practical by City crews or, if necessary, by licensed private contractors.

In 2012, the City repaired 475 leaks; 6 production meters were tested; 10 meters larger than one and one-half inches (1.5”) were replaced; and 431 meters smaller than one and one-half inches (1.5”) were replaced as part of the ongoing leak detection and repair program and to aid in the reduction of water loss.

Elevated and ground storage facilities are monitored by the water treatment plant SCADA system capable of alerting personnel to changes of water levels in the storage tanks, which would indicate possible breaks in a water main, tank overflows, and/or other abnormalities in the distribution system.

Visual inspections are performed routinely by meter readers and Utilities staff. When meter readings are obtained that indicate unusually high water usage City personnel investigate the cause of the excessive usage and, if necessary, alert the customer of potential plumbing issues, e.g. plumbing fixture leaks.

Sec. 34-169  Water Rates

The City of Paris has a uniform rate structure. The City contracts with a rate consultant to perform an annual rate study to maintain cost-based rates. Demand charges discourage the excessive use of water.

Sec. 34-170  Cross Connection Control

The City of Paris maintains a cross connection control program, as required by the State of Texas. Risk of backflow is reduced when steps are taken to ensure that system pressures are maintained during periods of emergency repairs and also through periodic Customer Service Inspections for cross connections. Facilities and structures identified as high hazards to public health are required to install backflow prevention devices to prevent back siphonage of non-potable water caused by loss of pressure in water lines. Examples of potential cross connections include hose bibs, toilet float valves, swimming pools, water features, and irrigation sprinkler systems.

Sec. 34-171  Plumbing Fixtures
In accordance with the plumbing codes approved for Texas the City of Paris has adopted the international plumbing code, all new construction must comply with the code by using water saving plumbing fixtures. In addition, the State of Texas has recently adopted more stringent water saving performance measures for plumbing fixtures, which may be reviewed in the Texas Health and Safety Code Chapter 372. The following maximum flow standards are listed in the Texas Administrative Code, Title 30, Chapter 290, Sub-chapter G: faucets – 2.2 gallons per minute (gpm); shower heads – 2.5 gpm; pre-rinse spray valves – 1.6 gpm; toilets – 1.28 gallons per flush (gpf); urinals – 0.5 gpf.

Service taps will not be given to customers that do not meet the City’s requirements for service, including compliance with the adopted plumbing code requirement of installing water conserving plumbing fixtures. The City of Paris, Building Code Inspection division inspects all new and repaired plumbing within the city limits. Certificates of Occupancy and permanent water service are not granted to facilities that fail to meet all requirements.

Customers in existing buildings that do not have water saving plumbing fixtures are provided educational materials and encouraged to retrofit their old plumbing fixtures with lower gpm and gpf standards. Increasing numbers of water efficient clothes and dish washing machines are available, providing the same performance while using less water. A water efficient home can save as much as twenty percent (20%) or more of water through the use of water saving plumbing fixtures.

Sec. 34-172 Water Waste

The wasting of water is discouraged at all times, and prohibited during activation of the City’s drought contingency plan. Water waste is defined as failure to repair controllable leaks to irrigation systems, plumbing fixtures, and pipes; operating an irrigation system with a broken or missing head, or a head that is out of adjustment; and during landscape irrigation allowing water to pond or run off of the property due to over watering, and watering between the hours of 10:00 a.m. and 6:00 p.m.

Sec. 34-173 Discretionary and Non-Essential Uses

Examples of discretionary and non-essential uses are washing down hard-surfaced areas or structures, (e.g. vehicles, sidewalks, patios); using water for landscape irrigation; using water for dust control; using water in a fountain, pool, or water feature.

Sec. 34-174 Wholesale Contracts

The City of Paris will include in every wholesale water supply contract entered into or renewed after official adoption of the Plan and including any contract extension the requirement that each successive wholesale customer develop and implement a water conservation plan or water conservation measures using the applicable elements of this chapter. 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 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 30 TAC Chapter 288.”

Section 3. That the repeal of any ordinance or part of ordinances affected by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this ordinance.

Section 4. That it is the intention of the City Council of the City of Paris, Texas that this ordinance, and every provision hereof, shall be considered severable, and the invalidity or partial invalidity of any section, clause, or provisions of this ordinance shall not affect the validity of any other portion of this ordinance.

Section 5. That any person violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction, shall be subject to a fine in accordance with provisions of Sec. 1–6 of Chapter One of the City of Paris Code of Ordinances, and each and every day’s continuance of any violation of the above-enumerated sections shall constitute and be deemed a separate offense.

Section 6. That this ordinance shall become effective from and after its passage of the reading and publication as required by law.

PASSED AND ADOPTED on reading this 8th day of April, 2019.

[Signature]
Steven J Clifford, M.D., Mayor

ATTEST:

[Signature]
Janice Ellis, City Clerk

APPROVED AS TO FORM:

[Signature]
Stephanie H. Harris, City Attorney