

AN ORDINANCE OF THE CITY OF SEAGOVILLE

ORDINANCE NO. 21-2019

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS, AMENDING CHAPTER 19 OF THE CODE OF ORDINANCES BY REPEALING ARTICLE 19.07 IN ITS ENTIRETY AND REPLACING IT WITH A NEW ARTICLE 19.07, "WATER CONSERVATION PLAN AND DROUGHT CONTINGENCY PLAN"; PROVIDING FOR THE ADOPTION OF A WATER CONSERVATION PLAN; PROVIDING FOR A DROUGHT CONTINGENCY PLAN; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200) FOR EACH OFFENSE; PROVIDING FOR THE DISCONNECTION OF WATER SERVICE FOR NONCOMPLIANCE WITH THE PROVISIONS OF THE DROUGHT CONTINGENCY PLAN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, as required by the Texas Water Code, the regulations of the Texas Commission on Environmental Quality (the "TCEQ") and the City of Dallas as Seagoville's wholesale supplier, the City previously adopted a Drought Contingency Plan, which is codified in Chapter 19, Article 19.07 of the Code of Ordinances; and,

WHEREAS, as increasing population and economic development in Region C have led to growing demands for water, additional supplies to meet higher demands will be expensive and difficult to develop making it important to use existing supplies efficiently and make them last as long as possible; and,

WHEREAS, upon review of Article 19.07 the City has determined that the provisions need to be updated during the process implementing the amendments necessary to comply with the TCEQ mandates; and

WHEREAS, the City Council hereby finds it is in the best interest of the City to repeal Article 19.07 in its entirety and replace it with a new Article 19.07 to provide for the adoption of a water conservation and drought contingency plan within the City of Seagoville.

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

SECTION 1 That Article 19.07 of the Code of Ordinances of the City of Seagoville, Texas is hereby repealed in its entirety and replaced with a new Article 19.07 to provide for the adoption of a water conservation and drought contingency plan within the City, which shall read as follows:

"ARTICLE 19.07 WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN

Division 1. Water Conservation Plan

Sec. 19.07.001 Introduction and objectives

The City of Seagoville (City) is located southeast of Dallas, Texas in Dallas and Kaufman Counties. The United States Highway 175 West corridor runs east to west through the City.

Water supply has always been a key issue in the development of Texas. In recent years, the increasing population and economic development in Region C have led to growing demands for water. Additional supplies to meet higher demands will be expensive and difficult to develop. Therefore, it is important that we make efficient use of existing supplies and make them last as long as possible. This will delay the need for new supplies, minimize the environmental impacts associated with developing new supplies, and delay the high cost of additional water supply development.

Recognizing the need for efficient use of existing water supplies, the Texas Commission on Environmental Quality (TCEQ) has developed guidelines and requirements governing the development of water conservation and drought contingency plans for public water suppliers. The City of Seagoville has adopted this water conservation and drought contingency plan pursuant to TCEQ guidelines and requirements.

(1) The objectives of the water conservation plan are:

- To reduce water consumption.
- To reduce the loss and waste of water.
- To improve efficiency in the use of water.
- To extend the life of current water supplies by reducing the rate of growth in demand.

(2) The objectives of the drought contingency plan are:

- To conserve the available water supply in times of drought and emergency.
- To maintain supplies for domestic water use, sanitation, and fire protection.
- To protect and preserve public health, welfare, and safety.
- To minimize the adverse impacts of water supply shortages.
- To minimize the adverse impacts of emergency water supply conditions.

Sec. 19.07.002 Historic and Measurement Practices

- (a) Seagoville's 2017 Water Utility Profile is located in Appendix A of this report.
- (b) Seagoville's current record management system classifies water sales into three categories:
- (1) Residential (R)

- (2) Commercial (C)
- (3) Sprinkler (SP)

For each annual report, Seagoville has a system to divide the accounts into the following categories for the annual report:

- (1) Residential
 - (A) Single Family
 - (B) Multi-Family
 - (2) Commercial
 - (3) Institutional
 - (4) Industrial
 - (5) Agricultural
- (c) Table 1 shows historical averages and usage patterns.

Table 1: Seagoville's Historic Water Usage

Description	Historical 5 Year Average
Total GPCD	112
Residential GPCD	60
Water Loss (GPCD)	12
Water Loss (Percentage)	11%

The residential GPCD water use category includes both single family and multi-family residential categories.

(d) Accurate metering of treated water deliveries. All treated water is metered through two (2) City of Dallas' Rate of Flow Controller meters: one at Seagoville Road and Stark Road and the other at Lasater Road and Wynngate Drive. Seagoville's wholesale water supply contract covers meter accuracy and periodic testing.

(e) Metering of customer and public uses and meter testing, repair, and replacement. Water usage for all customers of the City of Seagoville, excluding public and governmental users, is metered.

(f) Water Conservation Goals: Best Management Practices (BMP's) provide methods for the city to improve upon their water conservation efforts. Seagoville will continue implementation of existing BMP's and will implement additional BMP's outlined in Table 2. The City's proposed BMP's to reach its conservation goals include the following:

Table 2: Best Management Practice Implementation Schedule

BMP Description	Activity	Currently Implemented	Implemented Within 5-Years
Water Conservation Pricing	Nonpromotional water rate structure	X	
System Water Audit and Water Loss	Annual water audit	X	
Public Information	Inserts with water conservation tips sent to the public twice in the next five years		X
	Water conservation tips available via the City's website	X	
Metering of All New Connections and Retrofit of Existing Connections	Replacement of all existing water meters		X
Athletic Field Conservation	Watered only on an as needed basis	X	
Park Conservation	Watered only on an as needed basis	X	
Prohibition on Wasting Water	Drought contingency plan	X	

Seagoville's five- and ten-year water conservation goals are outlined in Table 3. These goals are based on current water use per capita.

Table 3: Seagoville's Five- and Ten-Year Water Conservation Goals

Description	5-yr Goal for 2022	10-yr Goal for 2027
Total GPCD	105	100
Residential GPCD	60	55
Water Loss (GPCD)	10	8
Water Loss (Percentage)	9%	7%

(g) Determination and control of unaccounted water. Unaccounted water is the difference between treated water obtained from Dallas and metered sales to Seagoville customers. Unaccounted water can include several categories:

- (1) inaccuracies in customer meters (customer meters tend to run more slowly as they age and under-report actual use);
- (2) losses due to water main breaks and leaks in the water distribution system;
- (3) losses due to flushing of lines;
- (4) losses due to illegal connections;
- (5) losses due to firefighting efforts; and
- (6) other.

Apparent water losses include water that was actually used but not accounted for, such as customer meter errors or theft. Accounting for apparent losses increases the city's utility revenue but does not reduce water usage. Real losses include leakage and overflows at the

water facilities.

Identifying and preventing real losses decreases a utility's costs and decreases water usage.

Seagoville will implement the following strategies to address apparent water loss:

- (1) Implement a meter replacement program to replace every meter in the City with new automatic meters with a guaranteed accuracy rate of 99.8% for the next 20 years.
- (2) Quantify and record all flushing of water lines:
- (3) Monitor construction activity to ensure meters are used, especially when new lines are being flushed prior to being placed in service and record water used annually during construction activities; and
- (4) Work closely with the Fire Department to estimate and record water used in firefighting activities.

Seagoville will implement the following strategies to address real water loss:

- (1) Respond to all identified water leaks within two hours and make repairs within 24 hours after utility locates, and estimate and record total unaccounted for water for tracking purposes;
- (h) Continuing public education and information campaign. The continuing public education and information campaign on water conservation for the City of Seagoville includes the following elements:
- (1) Include inserts on water conservation with water bills at least twice within five years. Inserts will include material developed by City of Seagoville staff and material obtained from the TWDB, the TCEQ, and other sources.
 - (2) Make information on water conservation available online at www.seagoville.us and include links to the TexasSmartScape web site and to information on water conservation on the TWDB and TCEQ web sites.
- (i) Non-promotional water rate structure. With the intent of encouraging water conservation and discouraging waste and excessive use of water, the City of Seagoville has adopted an increasing block rate water structure where the unit price of water increases with increasing water use. Current water rates at the time of adoption of this plan are shown in Tables 4 and 5.

Table 4: Monthly Meter Base Rate (includes first 2000 gallons):

Meter Size (in)	Total Charge
3/4" or less	\$ 25.37
1"	\$ 38.06
1.5"	\$ 63.43
2"	\$ 63.43
3"	\$ 164.93
4"	\$ 241.05
6"	\$ 844.95
8" or larger	\$ 1,268.70

Table 5: Volume Unit Charges

Usage	Rate
2,001 - 5,000	\$ 2.68
5,001 - 10,000	\$ 3.35
10,001 - 15,000	\$ 5.16
15,001 - 20,000	\$ 5.83
20,001 - 25,000	\$ 6.48
Over 25,000	\$ 7.17

- (j) Reservoir system operation plan. The City does not own or maintain a reservoir.
- (k) Implementation and enforcement of the water conservation plan. This plan is part of an ordinance approved by City of Seagoville City Council. The ordinance designates responsible officials to implement and enforce Water Conservation and Drought Contingency Plan.
- (l) Coordination with Regional Water Planning Group. The City of Seagoville will provide a copy of this Water Conservation Plan to the Region C Water Planning Group and the City of Dallas.
- (m) Schedule for Implementing the Plan to Achieve Applicant's Targets and Goals. This water conservation plan will be updated based on new and updated information every five years. Seagoville is currently updating its water distribution master plan. The most recent water master plan will be completed in 2018.
- (n) Tracking the Effectiveness of the Plan. Seagoville will collect and record the following information and data:
 - (1) Monthly operating reports
 - (2) Annual water consumption by meter account categorized into residential, commercial, and sprinkler categories
 - (3) Annual water conservation reports are submitted to the TWBD which contain trends pertaining to total and residential GPCD
 - (4) Water audit reports are filled out, reviewed, and submitted to the TWDB annually.
 - (5) Logs will be kept for all meter calibrations, meter testing, meter failure, and meter replacement programs
 - (6) Documentation will be kept for all flushing events
- (o) Leak detection and repair; pressure control. Measures to control unaccounted water are part of the routine operations of the City of Seagoville. Meter readers watch for and report signs of illegal connections so they can be addressed quickly. Crews and personnel look for and report evidence of leaks in the water distribution system. Maintenance crews respond quickly to repair leaks reported by the public and city personnel. Areas of the water distribution system in which numerous leaks and line breaks occur are targeted for replacement as funds are available.
To reduce real water losses, the City of Seagoville will maintain a proactive water loss program. As part of this program, the City will implement the following actions:

- (1) Make every effort to respond to leaks within two hours and repair within 24 hours after utility locates;
- (2) Control pressure/flows to above the minimum standard-of-service level including fire requirements.

(p) Requirement for water conservation plans by wholesale customers. After adoption of this plan, any existing or contract for the wholesale sale of water by the City of Seagoville will include a requirement that the wholesale customer develop and implement a water conservation plan meeting the requirements of Title 30, Part I, Chapter 288. Subchapter A, Rule 288.2 of the Texas Administrative Code. This requirement will also extend to each successive wholesale customer in the resale of the water.

Secs. 19.07.003 - 19.07.010 Reserved

Division 2. Drought Contingency Plan

Sec. 19.07.011 Definitions

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

City shall mean the City of Seagoville, Texas.

School shall mean the Dallas Independent School District.

Homeowners Association or Commercial Property Owners Association (HOA's/POA's) shall mean a formal nonprofit organization operating under recorded land agreements through which:

- (1) each lot and/or homeowner in a specific area is automatically a member;
- (2) each lot or property interest is automatically subject to a charge for a proportionate share of the expense for the organization's activities, such as the maintenance of common property; and
- (3) the charge if unpaid, becomes a lien against the nonpaying member's property.

Common Property is real property including but not limited to: parks, lakes, open space; trails and/or floodplain management areas. Common property is either owned in fee, controlled as an easement or is property leased by a Homeowners Association or Commercial Property Owners Association for the common use, enjoyment and benefit of the members of the Homeowners Association or Commercial Property Owners Association. All common property shall be maintained by the members of the Homeowners Association or Commercial Property Owners Association, not the City.

Hand watering shall mean watering or applying water to a lawn, garden, or landscaping while holding the discharge end of a water hose.

Non-spray irrigation system shall mean use of soaker hoses, drip or bubble irrigation systems, or other means of applying water to an area without spraying the water into the air.

Irrigation shall mean watering or applying water to a lawn, garden, or landscaping through the use of underground systems with pop-up heads, sprinklers attached to water hoses, unattended water hoses or any other means of applying water to a lawn, garden, or landscaping which does not

fit the definition of a non-spray irrigation system.

City Manager shall mean the chief executive officer of the City of Seagoville under the Home Rule Charter or his designee.

Residential shall include the following districts: R-1 through R-5, D, A, TH, MH, PD Residential, and the Downtown Form Based Zoning District (residential)

Non-residential shall include all districts not defined as residential districts by the Comprehensive Zoning Ordinance and all common property maintained by a Homeowners Association or Commercial Property Owners Association.

Watering shall mean watering or applying water on the lawn, trees, landscaping, flower beds, fields, playground areas, gardens, common property, City maintained property. School maintained property or other non-permeable surfaces in any zoning district by hand watering, non-spray irrigation systems, irrigation systems or any other means.

Sec. 19.07.012 Drought response stages

(a) The City Manager or his/her designee shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the Plan. Depending on the availability of water and the City's ability to supply essential water demands and fire protection. The City Manager, upon notification to the City Council, is authorized to move from Stage to Stage within the Plan when requirements for initiation or rescinding are met. The City Manager may also make minor changes to the Plan that are not detrimental to the effectiveness of the overall Plan.

(b) The following procedures are required to initiate or rescind each stage of the Plan:

- (1) Notification must be made by public announcement.
- (2) The order becomes effective immediately upon public announcement.
- (3) Notification will be provided for publication in the City's official newspaper after public announcement. The newspaper is published on Thursday of each week. Additional notification will be provided by information posted on the City's web page.

The initiation conditions described herein for each response stage are based on historical analysis and recognized vulnerability of the water supply source and water distribution system during high water use demands and drought conditions.

(A) Stage 1-Water Awareness Stage

- i. Initiation Conditions: Stage 1 of the Plan shall be implemented when one or more of the following conditions occur:
 - a. Annually, beginning on May 15 through September 15.
 - b. Short-term deficiencies in the City's distribution system limit supply capabilities.

- ii. Goals:
 - a. Achieve a voluntary reduction in water use.
- iii. Demand Management Measures:
 - a. No outside watering between the hours of 10 a.m. and 6 p.m., with the exception of the use of non-automatic spray irrigation systems and hand watering which will be allowed all days, at all times. The use of non-spray irrigation systems and hand watering will be allowed at all times in Stage I.
 - b. City will encourage water conservation by increasing awareness of Water Conservation techniques through the use of various available means including but not limited to: web page, direct mail-outs, water bill inserts, press releases or other means available to advise the public of the requirements of this ordinance.
- iv. Rescinding Conditions:

Stage I of the Plan shall be automatically rescinded on September 15 of each year, unless there is still a short-term deficiency in the City's distribution system or unless a different stage has been enacted and is still in force.

(B) Stage 2 - Water Watch Stage

- (i) Initiation Conditions: Stage 2 of the Plan shall be implemented when one or more of the following conditions occur:
 - a. Notification is received from DWU requiring implementation of procedures in accordance with contract obligations for wholesale customers.
 - b. Water demands exceed ninety percent (90%) of the current maximum flow rate contracted with DWU for five (5) consecutive days.
 - c. Ground Storage Reservoir levels do not recover for two (2) consecutive days.
 - d. Short-term deficiencies affect the City's distribution system limit supply capabilities.
- (ii) Goals: Reduce the average daily water demand below 90% of the current maximum flow rate contracted from DWU.
- (iii) Demand Management Measures:
 - a. Odd numbered water customers must conduct all watering on Monday's, Wednesday's and Friday's.

- b. Even numbered water customers must conduct all watering on Tuesday's, Thursday's and Saturday's.
 - c. No watering will be allowed on Sunday's.
 - d. The City must conduct all watering of center medians of streets, street rights-of-way, parks, city facilities and other areas maintained by the City on Monday's, Wednesday's and Friday's.
 - e. Homeowners Associations or Commercial Property Owners Associations must conduct all watering of common property on Mondays, Wednesdays, and Fridays.
 - f. Nursery (garden and landscape) businesses are not restricted when watering business inventory; however, they must comply with watering requirements for the landscaping associated with the building.
 - g. No outside watering will be allowed between the hours of 10:00 a.m. and 6:00 p.m. with the exception of the use of non-automatic spray Irrigation systems and hand watering which will be allowed all days, at all times. Use of non-spray irrigation systems and hand watering will be allowed all days.
- (iv) Rescinding Conditions: Stage 2 of the Plan shall be rescinded when all of the initiating conditions have ceased to exist for a period of five (5) consecutive days or determined by the City Manager. Upon termination of Stage 2, Stage I - Water Awareness Stage becomes operative unless also rescinded.

(C) Stage 3 - Water Warning Stage

- (i) Initiation Conditions: Stage 3 of the Plan shall be implemented when one or more of the following conditions occur:
- a. Notification is received from DWU requiring implementation of procedures in accordance with contract obligations for wholesale customers.
 - b. Water demands exceed ninety-five percent (95%) of the current maximum flow rate contracted with DWU for five (5) consecutive days.
 - c. Short-term deficiencies in the City's distribution system, such as system outage due to the failure or damage of major water system components, limit supply capabilities.
 - d. Ground Storage Reservoir levels do not recover for three (3) consecutive days.

- (ii) Goals: Reduce the average daily water demand below 95% of the current maximum flow rate contracted from DWU.
- (iii) Demand Management Measures:
 - a. Odd numbered water customers must conduct all watering on Monday's and Friday's.
 - b. Even numbered water customers must conduct all watering on Tuesday's and Saturday's.
 - c. No watering will be allowed on Wednesday's, Thursday's and Sunday's.
 - d. The City must conduct all watering of center medians of streets, street rights-of-way, parks, City facilities and other areas maintained by the City on Mondays and Fridays.
 - e. Home Owners Associations or Commercial Property Owners Associations must conduct all watering of common property on Mondays and Fridays.
 - f. Nursery (garden and landscape) businesses are not restricted when watering business inventory; however, they must comply with watering requirements for the landscaping associated with the building.
 - g. In a Stage 3 Water Warning Stage, persons should contact the City Public Works Office prior to installing new landscaping to determine if a variance will be considered. As a general rule, no variance will be allowed during a Stage 3 Water Warning State. The Public Works Director or designee, in a Stage 3 Water Warning State may revoke approved variances, if deemed necessary to preserve the City's ability to supply essential water demands and fire protection.
 - h. No outside watering will be allowed between the hours of 10:00 a.m. and 6:00 p.m. with the exception of the use of non-automatic spray irrigation systems which will be allowed all days, at all times. Hand watering will be restricted to the above allowed days.
- (iv) Rescinding Conditions: Stage 3 of the Plan shall be rescinded when all of the initiation conditions have ceased to exist for a period of five (5) consecutive days. Upon termination of Stage 3, Stage 2 - Water Watch Stage becomes operative unless also rescinded.

(D) Stage 4 - Water Emergency Stage

- (i) Initiation Conditions: Stage 4 of the Plan shall be implemented when one or more of the following conditions occur:
 - a. Notification is received from DWU requiring implementation of procedures in accordance with contract obligations for wholesale customers.
 - b. Water demands exceed 100 percent (100%) of the current maximum flow rate contracted with DWU for two (2) consecutive days.
 - c. Short term deficiencies in the City's distribution system, such as system outage due to the failure or damage of major water system components, limit supply capabilities.
 - d. Ground storage reservoir levels do not recover for four (4) consecutive days.
- (ii) Goals: Reduce the average daily water demand below 95% of the current maximum flow rate contracted from DWU).
- (iii) Demand Management Measures:
 - a. Odd numbered water customers must conduct all watering on Monday's only.
 - b. Even numbered water customers must conduct all watering on Tuesday's only.
 - c. No watering will be allowed from Wednesday through Sunday.
 - d. The City must conduct all watering of center medians of streets, street rights-of-way, parks, City facilities and other areas maintained by the City on Monday's.
 - e. Homeowners Associations or Commercial Property Owners Associations must conduct all watering of common property on Tuesday's.
 - f. No outside watering will be allowed between the hours of 10:00 a.m. and 6:00 p.m. with the exception of the use of non-automatic spray irrigation systems which will be allowed all days, at all times. Hand watering is restricted to the one allowed day.
 - g. Nursery (garden and landscape) businesses are not restricted when watering business inventory; however, they must comply with watering requirements for the landscaping associated with the building.
 - h. In a Stage 4 Water Emergency Stage, persons should refrain

from installing new landscaping: No variance for watering more than one day per week will be allowed during a Stage 4 Water Emergency State. The Public Works Director or designee, in a Stage 4 Water Emergency State will revoke any variances approved during the Stage 3 Water Warning Stage.

- (iv) Rescinding Conditions: Stage 4 of the Plan shall be rescinded when all of the initiation conditions have ceased to exist for a period of five (5) consecutive days. Upon termination of Stage 4, Stage 3 - Water Warning Stage becomes operative unless also rescinded.
- (E) Stage 5 - Emergency Water Shortage Stage
 - (i) Initiation Conditions: Stage 5 of the Plan shall be implemented when the City Manager determines that a water supply emergency exists based on one or more of the following conditions:
 - a. Any major water system component failure that causes the unprecedented loss of capability to provide water service.
 - b. Natural or man-made contamination of the water supply source(s).
 - (ii) Goals: Restrict all watering to allow the water system to recover from the emergency condition.
 - (iii) Demand Management Measures:
 - a. No outdoor watering will be allowed.
 - b. Door hangers and/or street signs will be placed in the affected area providing information about the situation.
 - (iv) Rescinding Conditions: Stage 5 of the Plan shall be rescinded when all of the initiation conditions have ceased to exist. The City Manager will then determine what stage of the Plan should be implemented and the specific water use restrictions required to preserve the City's ability to meet essential water demand and fire protection.

Sec. 19.07.013 Variances

(a) The City Manager, or his/her designee, may, in writing, grant variances for water uses to establish new lawns or landscaping otherwise prohibited under this Plan under Stage I or 2, as provided herein.

Persons requesting a variance from the provisions of this Plan shall file a request with the City of Seagoville to be reviewed by the City Manager, or his/her designee, and shall include the following:

- (1) Name and address of the petitioner(s).
- (2) Purpose of water use (only consideration will be for new lawns or landscaping).

- (3) Detailed statement as to how the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
 - (4) Period of time which the variance is sought.
 - (5) Other pertinent information.
- (b) Variance may be granted to persons under conditions criteria established herein while on vacation in the event that power failures or other acts beyond their control cause irrigation systems to malfunction and water on the wrong day. A vacation variance shall meet the following:
- (1) A maximum two week period.
 - (2) Request considered only during Stage 1, 2 or 3.
- (c) Variances granted by the City of Seagoville shall be subject to the following conditions, unless waived or modified by the City Manager or his/her designee:
- (1) Variances granted shall include a timetable for compliance.
 - (2) Variances will only be considered if the City is in Stage 1 or 2 (or Stage 3 for a vacation variance).
 - (3) All variance forms shall be prominently displayed near the front door of the requestor.
 - (4) Any variance may be revoked if conditions worsen.
 - (5) Variances shall expire when the Plan is no longer in effect.
 - (6) No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

Sec. 19.07.014 Enforcement

(a) No person shall knowingly or intentionally allow the use of water from the City of Seagoville for residential, commercial, industrial, agricultural, governmental, or any other purposes 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 the Director, or his/her designee, in accordance with provisions of this Plan.

(b) Fines and Fees

- (1) Any person who violates this Plan is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than \$50 and not more than \$200.
- (2) Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense.
- (3) If a person is convicted of two or more distinct violations of this Plan, upon due notice to the customer, The City may:
 - (A) install a flow restrictor in the line to limit the amount of water that will pass through the meter in a 24-hour period; or
 - (B) discontinue water served to the premises.
- (4) Services discontinued under such circumstances shall be restored only upon payment

of a re-connection charge, hereby established at an amount not to exceed \$135.00), and any other costs incurred by the City in discontinuing service. In addition, suitable assurance must be given that the same action will 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) Violators

- (1) 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, but any such person shall have the right to show that he/she did not commit the violation.
- (2) 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 rebuttable 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 of the violation.

(d) Enforcement Officers

- (1) The City Manager, or his/her designee, or police officer, may issue a citation to a person he/she reasonably believes to be in violation of this Ordinance.
- (2) 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 15 days from the date the citation was issued.
- (3) 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.
- (4) The alleged violator shall 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 his/her arrest may be issued.
- (5) 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.

Sec. 19.07.015 Public Education

The City 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, but not limited to, an appropriate combination of the following items:

- (1) Public service announcements on cable access, radio and television

- (2) Newspaper and magazine articles and announcements
- (3) Interviews on radio and television programs
- (4) Press releases, media alerts and social media
- (5) Billboards
- (6) Water Conservation/Drought Contingency hotline
- (7) Water Conservation/Drought Contingency Website
- (8) Email and telephone notifications to customers
- (9) Mailed water bill inserts
- (10) Distribution of fact sheets, brochures, and pamphlets
- (11) Mass mailings of notification letters
- (12) City customer service representatives
- (13) Public meetings and hearings
- (14) Public education seminars
- (15) Stakeholder Advisory Committee meetings
- (16) Commercial, industrial and institutional employee education seminars”

SECTION 2. If any section, article paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any persons or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 3. That all provisions of the Ordinances of the City of Seagoville, Texas, in conflict with the provisions of this ordinance be, and the same are hereby amended, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. This Ordinance shall become effective from and after its date of passage in accordance with law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS THIS 20th day of May 2019.

APPROVED:



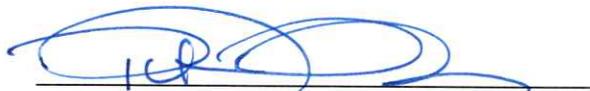
Dennis K. Childress, Mayor

ATTEST:



Kandi Jackson, City Secretary

APPROVED AS TO FORM:



Victoria Thomas, City Attorney
(:cdb 05/09/2019 TM 108050)

