

**TOWN OF FLOWER MOUND  
CODE OF ORDINANCES  
CHAPTER 70, ARTICLE VI. WATER CONSERVATION\***

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\*Editor's note: Ord. No. 36-03, § 1, adopted July 21, 2003, amended art. VI in its entirety and enacted similar provisions as set out herein. The former art. VI derived from Ord. No. 33-01, § 1(12.01)--(12.17), (12.30)--(12.32), (12.50)--12.55), and (12.70) adopted May 21, 2001.

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**DIVISION 1. GENERALLY**

Secs. 70-441--70-460. Reserved.

**DIVISION 2. LONGTERM WATER CONSERVATION PLAN**

**Sec. 70-461. Purpose and goals.**

(a) The purpose of this longterm water conservation plan is to encourage and promote efficient use of water resources, and to outline a strategy for achieving such efficiency.

(b) Opportunities for conservation exist through public education efforts, plumbing fixture improvements, and the responsible use of water that may allow the town and its customers save water. This plan addresses various opportunities to conserve water and establishes specific strategies to realize the opportunities.

(c) The service area of the town is undergoing development at this time; it is not stabilized and all desired data is not available. Consequently, it is difficult to set municipal goals for water conservation. Over the next two years, in cooperation with the UTRWD, the town will endeavor to establish reliable base operating data for purposes of future comparison. It is the goal of the town to maintain unaccounted-for water to below ten percent. Also, it is the goal of the town to effect five percent water conservation by year 2005 and to achieve 15 percent water conservation by year 2025. This plan outlines a program to achieve these conservation goals on a per capita or per customer basis (after establishing the system's base usage level for a starting point).

(Ord. No. 36-03, § 1, 7-21-2003)

**Sec. 70-462. Conservation methods.**

The objective of water conservation is to permanently reduce the quantity of water required per person per day for living and business activities. The water conservation methods recommended by the TWDB Guidelines for Municipal Water Conservation and Emergency Demand Management are as follows:

- (1) Education of the public and information to each retail customer;
- (2) Plumbing codes to promote conservation;
- (3) Retrofit of existing plumbing devices where warranted;
- (4) Conservation oriented rate structure;

- (5) Universal metering and meter repair and replacement;
- (6) Water conservation landscaping practices;
- (7) Irrigation practices;
- (8) Water audits and leak detections;
- (9) Recycling and reuse of treated wastewater wherever practical;
- (10) Assumption of water supply corporations that are located within the town's corporate limits and conversion to surface water supply;
- (11) Pressure control.

In addition, various methods recommended by the TWDB for saving water are listed in exhibit C on file in the office of the town secretary, incorporated herein, and will be made available to customers through an organized program.

(Ord. No. 36-03, § 1, 7-21-2003)

**Sec. 70-463. Conservation program.**

This water conservation program is organized according to the conservation methods outlined above, and each method is described below. At the conclusion of this section, the steps involved in implementation and enforcement are outlined. In section 12.30 herein, specific activities are identified for maximum benefit in an annual conservation plan.

(Ord. No. 36-03, § 1, 7-21-2003)

**Sec. 70-464. Public information and education.**

The following shall be done to inform and educate achieve the public concerning long-term water conservation:

- (1) Have a series of town meetings during the course of each major water and wastewater project to explain the purpose of the project and available alternatives, and how growth or usage is affecting the need for the project.
- (2) Distribute a water conservation packet to each new customer. The packet will contain several water conservation brochures and relevant materials from other sources, including newspaper articles and material provided by the UTRWD.
- (3) Have on display at the town offices at least three conservation items, conveniently organized to encourage customer to use. Possible booklets or brochures available from the TWDB include:
  - a. "A Homeowners Guide to Water Use and Water Conservation";
  - b. "How to Save Water Inside the Home";
  - c. "How to Save Water Outside the Home"
  - d. "Water Saving Ideas for Business & Industry".
- (4) Mail water conservation brochures appropriate for the season to each retail customer. The number of brochures mailed on an annual basis will be adjusted to maintain the effectiveness of the program. The program may include the following:

TABLE INSET:

Item	Frequency
(1)	Water conservation message Annually
(2)	Water conservation brochure or bill stuffers Annually
(3)	Information on conservation programs of the town such as leak detection or reuse As necessary
(4)	Instructions for additional information Included with utility bills

(5) In cooperation with the UTRWD, initiate a program for bringing the message of water conservation to the students in the local school district once a year. The UTRWD will take the lead in the program, and the town will provide assistance and support.

(Ord. No. 36-03, § 1, 7-21-2003)

**Sec. 70-465. Water conserving plumbing fixtures.**

The town will inform customers about water conserving plumbing fixtures and encourage the use of such fixtures when replacing fixtures in existing homes and commercial and public buildings. The town shall require all plumbing fixtures to meet the water conservation standards established in Senate Bill 587, 1991 Regular Session of the Texas Legislature, as listed below:

- (1) Toilets. Wall-mounted, flushometer types that have a maximum flush of 2.0 gallons, with all other types having a maximum flush that does not exceed 1.6 gallons of water.
- (2) Urinals. Maximum flush of one gallon of water.
- (3) Showerheads. Maximum flow rate of 2.75 gallons per minute at 80 pounds per square inch, except where necessary for safety reasons.
- (4) Faucets. Maximum flow rate of 2.0 gallons per minute at 60 pounds per square inch, for all lavatory, kitchen, and bar sink faucets.
- (5) Hot water piping. All hot water pipes should be insulated.

This program will be implemented by code inspectors and monitored by the town manager and shall become effective on the effective date of the adoption of this plan. It is not expected to increase the costs of code enforcement.

(Ord. No. 36-03, § 1, 7-21-2003)

**Sec. 70-466. Retrofit programs.**

The town encourages the retrofit of existing plumbing fixtures through the voluntary efforts of individual consumers for their homes and businesses. Adoption of a water conservation plumbing code (as described in section 70-465) will result in a gradual upgrading of plumbing fixtures in existing structures.

(Ord. No. 36-03, § 1, 7-21-2003)

**Sec. 70-467. Conservation-oriented rate structure.**

(a) The town recognizes that an increasing block rate structure will encourage water users to reduce water use and, thereby, increase water conservation. With an increasing

block rate, the price per 1,000 gallons of water increases as the quantity used increases, thereby discouraging excessive and wasteful water use.

(b) The town has an increasing block rate structure as evidenced by the town's rate structure, attached as exhibit B on file in the office of the town secretary and incorporated herein.

(Ord. No. 36-03, § 1, 7-21-2003)

**Sec. 70-468. Metering and meter testing.**

The purpose of metering is to measure the quantity of water being distributed to customers throughout the system, to account for all the water being produced, and to accurately bill for the quantity of water delivered to each customer. The town recognizes the need for universal and accurate metering. The town's schedule for testing meters is as follows:

(1) Master or production meters and all meters larger than one and one-half inches. Test, calibrate and repair annually.

(2) Meters one and one-half inches or smaller. Test or replace every ten years.

These activities can be performed by the town as a part of its routine operation and maintenance activities. It will be monitored by the meter services section. It is expected that the costs will be offset by more accurate accounting and billing, resulting in enhanced revenues.

(Ord. No. 36-03, § 1, 7-21-2003)

**Sec. 70-469. Water conservation landscaping.**

Well-designed and properly maintained demonstration landscapes located in parks and other highly visible areas will promote the water conserving landscape concept. As opportunities occur, the town will plan xeriscape landscaping for its parks and other facilities. Such landscaping should emphasize native species and low water consuming types. Also, the town will encourage garden clubs, developers and customers to implement water efficient landscaping. The town will participate with the UTRWD in demonstration gardens developed as part of the regional program. Brochures on water demand of certain grasses and on outdoor water use in general will be mailed to all customers initially and provided to all new customers.

(Ord. No. 36-03, § 1, 7-21-2003)

**Sec. 70-470. Irrigation practices.**

The town will explore opportunities for conserving water through improved irrigation practices, including:

(1) Prohibiting wasteful uses of water from irrigation systems, such as:

a. Over-watering lawns and gardens in excess of what is actually required, thereby causing water to escape from irrigated areas or run off into gutters, ditches, streets, sidewalks, and other surface drains;

b. Watering during the heat of the day when losses due to evaporation are high;

c. The operation of sprinkler systems during periods of rainfall.

(2) The partitioning of any given irrigation system so as to provide sequential operation of segments of the system rather than simultaneous operation.

- (3) The distribution of a brochure providing helpful tips when a permit is issued for a sprinkler system and periodically thereafter.  
(Ord. No. 36-03, § 1, 7-21-2003)

**Sec. 70-471. Water audits and leak detection.**

(a) The town is aware of potential savings from leak detection studies and water audits. The town is committed to maintain low unaccounted-for water losses in its water system, and experiences only a six percent loss because of the responsiveness of the various utility service departments and a relatively new water system. The current management practices that yield the low loss rate are very successful and currently precludes the need to pursue a formal leak detection program.

(b) Audit results will continue to be evaluated. The town will begin a formal leak detection program when unaccounted-for water losses reach ten percent.

(Ord. No. 36-03, § 1, 7-21-2003)

**Sec. 70-472. Wastewater recycling and reuse.**

(a) The leading types of potential reuse projects are:

(1) Use of wastewater effluent for irrigation of parks and/or golf courses.

(2) Transmission of wastewater effluent to a surface water reservoir project for treatment and reuse as a public water supply.

(3) Installation of gray-water (water from the washing machine, showers, and bathtubs) tanks in homes for lawn and landscape watering.

(4) Recycling and reuse of treated effluent by, or for, industrial, commercial and institutional customers, as well as for irrigation of open space, such as parks and golf courses.

(b) The reuse of treated wastewater effluent is recognized as an excellent method of conserving the drinking water used for irrigation purposes. Recent developments near the existing wastewater treatment plant create an opportunity for reuse applications.

Developers, commercial property owners, and other water consumers in need of irrigation water are encouraged to pursue the use of treated effluent as an alternative to potable water.

(Ord. No. 36-03, § 1(12.12), 7-21-2003)

**Sec. 70-473. Pressure control.**

The town recognizes that adequate pressure control throughout its distribution system can improve water conservation. The transmission system should be sized to maintain a minimum pressure of 45 psi during normal operating conditions and a minimum pressure of 20 psi during extreme operating conditions. In the 1993 water impact fee update study, the minimum operating pressure was 35 psi. In addition, pressures above 90 psi are undesirable and should be avoided. The maximum pressure in extreme conditions should be limited to 120 psi because high operating pressure will result in increased system maintenance and increased operational cost. The transmission system should also be sized to limit maximum velocity in the transmission system to seven feet per second.

(Ord. No. 36-03, § 1, 7-21-2003)

**Sec. 70-474. Enforcement of article provisions.**

(a) The water conservation plan will be implemented and enforced under the general direction of the town manager. Methods and costs of implementation are described below:

(1) Public information and education. The town will make copies available of the water conservation plan, including copies of the water conservation methods, to customers, civic groups and other groups upon request. Also, copies of the plan and literature will be given to the local newspapers for use in writing water conservation articles.

(2) Water conservation plumbing fixtures. V.T.C.A. Health and Safety Code § 372.001, et seq., sets out conservation standards for plumbing fixtures sold within Texas. These standards are listed in section 70-465. With these standards in place, water conserving plumbing fixtures will be phased into use as new homes and commercial structures are built and older homes and businesses are remodeled or enlarged.

(3) Water conservation retrofit program. The town encourages customers to replace existing low-efficiency plumbing fixtures with water conserving plumbing fixtures on a voluntary basis. Low-flow showerheads and toilet tank dams, to reduce the quantity of water used for these purposes, can be obtained at a cost of about \$5.00 each, and can be expected to reduce water use by about 16 gallons per person per day. These are the most effective and easily installed water conserving fixtures from the standpoint of retrofitting existing structures. The town is not now considering a mandatory retrofit program because it is not necessary and may not be acceptable to customers at this time. However, if necessary to meet the goals of this program, the town will consider such a program in the future.

(4) Water conserving landscape. The town will cooperate with the UTRWD in informing nurseries and the public of plants and shrubs that are native to the area. The budget for this activity will be included in the budget for public information and education.

(5) Leak detection and water audits. The town will be alert to leak detection, will emphasize water audits, and will repair leaks to save water and reduce operation costs. Technical assistance for leak detection and water audits is available from the TWDB and from the UTRWD. No budget increase is expected for this water conservation activity.

(6) Wastewater reuse and recycling. The use of wastewater effluent from the central sewage collection and treatment system for irrigation of parks, golf courses, or forage crops will be considered. Any such use must be planned and evaluated on an individual basis. Also, opportunities for recycling and reuse of effluent by, or for, industrial, commercial and institutional customers will be explored. A wastewater reuse study has been performed as a part of the wastewater permit renewal process.

(b) The use of gray-water systems in homes for lawn and landscape watering may be possible in some parts of the service area, but may not be acceptable within more densely

populated portions of the service area. Gray-water systems are most easily installed as homes are being built. Existing homes can be retrofitted with a gray-water system at a higher cost. In the case of new homes, gray-water tanks, piping, and pumping equipment for a family of four would cost approximately \$1,600.00 to install. The costs to install such a system in existing homes may be considerably higher, since piping would need to be modified and pumps added.

(c) The town encourages water reuse and recognizes that the cost of water reuse will be borne by the beneficiaries. To the extent that water reuse saves water and lowers monthly water bills, the benefits can be used to repay the costs of reuse projects.

(d) The town manager will be responsible for implementation of the water conservation program. Punitive enforcement measures are not expected to be required. By adoption of this plan, the town is directing and authorizing the town manager to take all steps reasonable necessary to implement and enforce the plan.

(Ord. No. 36-03, § 1, 7-21-2003)

**Sec. 70-475. Review and evaluation.**

(a) The town, through adoption of this plan, commits to report to the UTRWD by October 30, annually. The report to the UTRWD will contain information describing:

(1) Progress in conservation plan implementation.

(2) A qualitative report of the plan's effectiveness and benefits being generated.

(3) A quantitative report regarding results being achieved.

(b) The town will undertake a comprehensive review with both staff and the governing body to review significant changes to the town's system and will modify the conservation plan accordingly.

(Ord. No. 36-03, § 1, 7-21-2003)

**Sec. 70-476. Contracts with other political subdivisions.**

The town does not sell water to other entities for resale. If interested in doing so in the future, the town will require as a condition of any such contract that the entity develop a water conservation plan consistent with this plan and acceptable to the TWDB.

(Ord. No. 36-03, § 1, 7-21-2003)

**Sec. 70-477. Coordination with regional planning groups.**

The town will provide a copy of this water conservation plan to the region C water-planning group, which is responsible for developing regional water use information for the planning of future water needs. Flower Mound will cooperate with regional water agencies by providing information, participating in cooperative conservation programs, and with usage reductions initiated as a result of drought or other conditions.

(Ord. No. 36-03, § 1, 7-21-2003)

Secs. 70-478--70-500. Reserved.

### **DIVISION 3. SHORT-TERM WATER CONSERVATION PLAN**

#### **Sec. 70-501. Purpose and goals.**

(a) The purpose of the annual water conservation plan is to establish the town's policy and procedures in reference to the use of potable water for outdoor watering and to encourage the prudent application of water to lawns and landscaping plants.

(b) All persons using water for lawn watering, garden watering or irrigation during the period of May 1 to October 1 of each year shall refrain from watering between the hours of 10:00 a.m. to 6:00 p.m.

(c) Waste of water shall be prohibited, including such actions as permitting water to escape from irrigated areas or runoff into gutters, ditches, streets, sidewalks, and other surface drains; failing to promptly repair a controllable leak due to deficient plumbing after discovery; and other obvious wasteful uses.

(Ord. No. 36-03, § 1, 7-21-2003)

#### **Sec. 70-502. Public education and information.**

The two areas of public information that can make the most immediate impact are encouraging the installation of water conserving devices (including retrofit of plumbing fixtures), and the proper watering of lawns and landscaping. The town will continue to encourage the installation of low-flow fixtures and toilet dams (where appropriate), and educate homeowners on proper techniques for water lawns. The installation of low-flow fixtures can be accomplished for about \$5.00 each, and can reduce water use by about 16 gallons per day. Proper watering of lawns can further reduce usage while improving the health of the lawns at the same time. Information on outdoor water use and retrofit of plumbing fixtures will be published in the town's newsletter.

(Ord. No. 36-03, § 1, 7-21-2003)

#### **Sec. 70-503. Water conserving plumbing fixtures.**

The town shall require water conserving fixtures on all new construction in the town.

(Ord. No. 36-03, § 1, 7-21-2003)

Secs. 70-504--70-520. Reserved.

### **DIVISION 4. EMERGENCY WATER DEMAND MANAGEMENT PLAN**

#### **Sec. 70-521. Purpose and goals.**

The purpose of this emergency water demand management plan is to establish an orderly strategy for preserving and managing an adequate supply of water to protect and preserve the public health, safety and welfare of citizens and the general public from situations that threaten to interrupt or otherwise prevent the town from providing continuous water service.

(Ord. No. 36-03, § 1, 7-21-2003)

**Sec. 70-522. Trigger conditions.**

The following four stages of drought or water storage and pumping conditions shall be used to determine the degree of urgency for initiation and implementation of the management plan measures.

- (1) Water awareness (stage 1). Water awareness conditions exist upon discovery or notification of potentially serious water management situations that can be managed through voluntary reductions in water use. These conditions include:
  - a. Conditions associated with water supply sources that reduce or limit the quality or quantity of water available for treatment and distribution.
  - b. A condition exists with a water treatment process that results in a reduction or limit in the quality or quantity of water available for treatment and distribution.
  - c. Total water consumption reaches 75 percent of the town's water system pumping capacity.
- (2) Water alert (stage 2). A water alert condition exists because of a failure in voluntary reduction and public awareness efforts to reduce demand, failures with equipment, inadequate supply, or diminished capacity. These conditions shall include any of the following:
  - a. Average daily water consumption reaches 90 percent of available supply for two consecutive days.
  - b. Average daily water consumption reaches 90 percent of the systems capacity for two consecutive days.
  - c. Failures occur with town or wholesale supplier equipment or systems that result in a situation where demand reaches 90 percent of remaining supply or system capacity.
  - d. Wholesale suppliers implement restrictive measures that require customers to implement similar restrictions for reasons such as conserving reservoir levels, maintaining system pressures, or other items requiring cooperation.
- (3) Water warning (stage 3). A water warning condition exists because of a failure of stage 2 management measures to reduce demand for water, or failures with equipment, inadequate supply, or diminished system capacity prevents meeting demand for water. These conditions shall include any of the following:
  - a. Average daily water demand reaches 100 percent of deliverable capacity for two consecutive days.
  - b. Average daily water demand reaches 100 percent of the systems capacity for two consecutive days.
  - c. Failures occur with town or wholesale supplier equipment or systems that result in a situation where demand reaches 100 percent of remaining supply or system capacity
  - d. Wholesale suppliers implement restrictive measures that require customers to implement similar restrictions for reasons such as conserving

reservoir levels, maintaining system pressures, or other items requiring cooperation.

(4) Water emergency (stage 4). A water emergency condition exists because of a failure of stage 3 management measures to reduce demand for water. This condition reflects the town's impaired ability to provide water service as a result of unforeseen failures and inadequacies in equipment and supply. These conditions shall include any of the following:

- a. Average daily water demand exceeds deliverable capacity causing some regions of the service area to fall below standards established by state and federal agencies.
- b. Failures occur with town or wholesale supplier equipment or systems that result in a situation where demand reaches 110 percent of remaining supply or system capacity.
- c. The water system is contaminated either accidentally or intentionally.
- d. Any two conditions listed in either the water warning or water emergency classifications occur at the same time.
- e. Wholesale suppliers implement restrictive measures that require customers to implement similar restrictions for reasons such as conserving reservoir levels, maintaining system pressures, or other items requiring cooperation.

(Ord. No. 36-03, § 1, 7-21-2003)

**Sec. 70-523. Emergency management measures.**

Adoption of this plan includes authorization for the town manager to implement the following emergency measures in response to the aforementioned trigger conditions for the various levels of severity for drought or emergencies:

(1) Water awareness (stage 1). Water awareness measures involve voluntary reductions in water use and encourages users to conserve water to avoid activation of more limiting management measures. The actions available under this measure include:

- a. Notices will be published in local papers, will appear on the local cable television channels, and posted on the town's web page informing the public of the trigger condition(s) prompting the measure and requesting that water users voluntarily reduce water consumption.
- b. Increasing public awareness through distribution of conservation pamphlets, including water conservation tips on utility billings, and including notices and suggestions in newsletters.
- c. Weekly status updates on the condition(s) causing activation of the management measure will be displayed on the local cable television channels and appear on the town's web page.
- d. All users are requested to refrain from lawn and garden watering, or irrigation, between the hours of 10:00 a.m. to 6:00 p.m.
- e. Commercial users, home owners associations and other nonresidential irrigation system owners will be contacted and asked to reduce water use by inspecting their systems. Corrective measures would

limit over watering to prevent runoff, repairing broken or damaged sprinkler heads, and repair of any leaks that may be identified.

f. Waste of water will be discouraged by limiting such actions as permitting an excessive amount of water to escape from irrigated areas of runoff into gutters, ditches, streets, and other surface drains; failing to promptly repair a controllable leak, and other obvious wasteful uses.

(2) Water alert (stage 2). Water alert measures impose usage restrictions on consumers as a result of ineffective stage 1 measures, or because stage 2 conditions require immediate implementation of stage 2 measures. The stage 2 management measure provides for limiting use and enforcement of the restrictions. Upon determination that stage 2 condition exist, the town manager shall implement the following measures:

a. Public information activities will be implemented as outlined in [subsections] (a)(1), (2), and (3) of this section.

b. Landscape irrigation for residences and businesses located east of FM 2499 will be allowed on even-numbered calendar days. Outside water use for residences and businesses located west of FM 2499 will be allowed on odd-numbered calendar days.

c. Landscape irrigation will be prohibited on June 1, August 1, and September 1 in the event stage 2 water alert measures are implemented by the town manager.

d. Outside water use is restricted for all users, commercial and residential, between the hours of 10:00 a.m. and 6:00 p.m. each day of the week.

e. Filling of swimming pools following new construction is allowed during stage 2 management measures. However, filling of existing swimming pools following maintenance is considered outside water use and must comply with the schedule outlined in the stage 2 management measures.

f. The use of potable water to irrigate recreational areas such as football, soccer, and baseball fields must comply with the schedule outlined in the stage 2 management measures. Irrigation of recreational areas located east of FM 2499 will be allowed on even-numbered calendar days. Irrigation of recreational areas located west of FM 2499 will be allowed on odd-numbered calendar days.

g. Golf courses using potable water for irrigation of fairways must comply with the schedule outlined in the stage 2 management measures. Irrigation of golf course fairways located east of FM 2499 will be allowed on even-numbered calendar days. Irrigation of golf course fairways located west of FM 2499 will be allowed on odd-numbered calendar days. Only the greens and tee boxes may be watered daily with potable water.

h. Watering of new plantings (first year) of trees, shrubs, and turf are allowed by requesting a variance from the director of public works, but is not allowed between the hours of 10:00 a.m. and 6:00 p.m.

- i. Certain construction related activities using significant amounts of water, such as new water line flushing and paving construction, will not be allowed without prior authorization from the director of public works.
  - j. Nurseries may water plant stock without restriction, but shall not allow wasting of water to occur.
  - k. Wasting of water shall be prohibited, including such actions as permitting an excessive amount of water to escape from irrigated areas or run off into gutters, ditches, streets, and other surface drains; failing to promptly repair a controllable leak after discovery; and other obvious wasteful uses.
- (3) Water warning (stage 3). Water warning management measures reflect worsening conditions. Outside water use for irrigation purposes will be more strictly limited with active enforcement measures taken to ensure compliance. upon determination that a water crisis condition exists, the town manager shall implement the following measures.
- a. Public information activities will be implemented as outlined in [subsections] (a)(1), (2), and (3).
  - b. Outside water use under stage 3 conditions are restricted as follows:
    - 1. Residences located east of FM 2499 will be allowed to water on Saturdays and Tuesdays.
    - 2. Residences located west of FM 2499 will be allowed to water on Sundays and Thursdays.
    - 3. Commercial user will be allowed to water on Mondays and Fridays regardless of location.
    - 4. Landscape irrigation will be prohibited on Wednesdays.
  - c. Outside water use is restricted for all users, commercial and residential, between the hours of 10:00 a.m. and 6:00 p.m. each day of the week.
  - d. Certain construction-related activities using significant amounts of water, such as new water line flushing and paving construction, will not be allowed without prior authorization from the director of public works.
  - e. Permits for new swimming pool construction shall not be issued. Filling of swimming pools following new construction will only be allowed under stage 3 management measures if construction permits were filed prior to activating this measure. However, filling of existing swimming pools following maintenance is considered outside water use and must comply with the schedule outlined in the stage 3 management measures.
  - f. Watering of new (first-year) turf is allowed by requesting a variance from the director of public works, but must comply with stage 2 management measures. New-turf irrigation for residences and businesses located east of FM 2499 will be allowed on even-numbered calendar days. New-turf irrigation for residences and businesses located west of FM 2499 will be allowed on odd-numbered calendar days.

g. Nurseries may water plant stock without restriction, but shall not allow wasting of water to occur.

h. The use of potable water to irrigate recreational areas such as football, soccer, and baseball fields may only occur on Mondays and Fridays, but not between the hours of 10:00 a.m. and 6:00 p.m.

i. Golf courses using potable water for irrigation of fairways may water on Mondays and Fridays, but not between the hours of 10:00 a.m. and 6:00 p.m. Only the greens and tee boxes may be watered daily with potable water.

j. Wasting of water shall be prohibited, including such actions as permitting an excessive amount of water to escape from irrigated areas or run off into gutters, ditches, streets, and other surface drains; failing to promptly repair a controllable leak after discovery; and other obvious wasteful uses.

(4) Water emergency measures (stage 4). Water emergency management measures reflect the most extreme measures taken in protecting the water supply for sanitary and fire-protection uses only. Outside water uses shall be limited and active enforcement measures will be taken to ensure compliance. This measure is anticipated to be a short-term measure used to protect the integrity of the water system. Upon determination that a water emergency condition exists, the town manager has discretion to implement the following measures:

a. Public information activities shall be implemented as outlined in [subsections] (a)(1), (2), and (3) of this section.

b. Watering of lawns shall not be allowed. Trees and shrubs may be hand watered according to the following schedule:

1. Residences located east of FM 2499 will be allowed to hand water trees and shrubs on Saturdays and Tuesdays.

2. Residences located west of FM 2499 will be allowed to hand water trees and shrubs on Sundays and Thursdays.

3. Commercial user will be allowed to hand water trees and shrubs on Mondays and Fridays regardless of location.

4. Landscape irrigation will be prohibited on Wednesdays. The use of an automatic device to apply water is prohibited.

Depending on the severity of conditions, the town manager has discretion to restrict all outside water use.

c. Permits for new swimming pool construction shall not be issued. Filling of swimming pools following new construction shall not be allowed under stage 4 management measures. The filling of existing swimming pools to prevent equipment and structural damage must comply with the following schedule:

1. Residences located east of FM 2499 will be allowed to fill swimming pools on Saturdays and Tuesdays.

2. Residences located west of FM 2499 will be allowed to fill swimming pools on Sundays and Thursdays.

3. Commercial user will be allowed to fill swimming pools on Mondays and Fridays regardless of location.

- d. Watering of recreational areas and sports fields, such as parks, football, soccer, and baseball fields, shall be prohibited.
- e. The watering of golf course fairways shall be prohibited. The watering of greens and tee boxes shall be allowed only by a variance issued by the director of public works.
- f. Commercial and industrial water users shall reduce or stop water consumption to the extent determined by the town manager. Water service will be provided, depending on availability, according to the following priority system:
  - 1. Hospitals;
  - 2. Schools;
  - 3. Industrial users;
  - 4. Commercial users;
  - 5. Residential users;
  - 6. Recreational users.
- g. Certain construction related activities using significant amounts of water, such as new water line flushing and paving construction, will not be allowed without prior authorization from the director of public works.
- h. Wasting of water shall be prohibited, including such actions as permitting an excessive amount of water to escape from irrigated areas or run off into gutters, ditches, streets, and other surface drains; failing to promptly repair a controllable leak after discovery; and other obvious wasteful uses.
- i. Exceptions to these mandatory water-use restrictions may be authorized by the director of public works for essential water uses such as: health and safety uses; commercial and industrial uses necessary to maintain, but not expand, primary business practices (e.g., commercial car and truck washes, nurseries, water haulers, etc.); and uses pursuant to law and/or regulation.  
(Ord. No. 36-03, § 1, 7-21-2003)

**Sec. 70-524. Public involvement.**

Adoption of this plan and subsequent revisions will require the town to actively inform the public of proposed changes and provide an opportunity for comment regarding the conservation plan. At a minimum, this will include placement of proposed changes on a town council meeting agenda with participation by individuals during the citizen/visitor comment portion of the meeting.  
(Ord. No. 36-03, § 1, 7-21-2003)

**Sec. 70-525. Initiation procedures.**

The method of initiation of emergency management measures is defined in each level of emergency in section 70-523 above.  
(Ord. No. 36-03, § 1, 7-21-2003)

**Sec. 70-526. Termination notification.**

For water alert conditions, termination will not occur until the conditions which triggered the emergency have been alleviated. If excessive demand is determined to be the trigger, all initiated actions will remain in effect until September 30 of the year in which they were triggered, or until the town manager determines the actions are no longer required. For water warning conditions, all initiated actions will remain in effect until the conditions which triggered the emergency have been alleviated, or until the town manager determines that conditions exist which will allow the removal of the water warning actions. For water emergency conditions, all initiated actions will remain in effect until the conditions which triggered the emergency have been alleviated, or until the town manager determines that conditions exist which will allow the removal of the water emergency actions.

(Ord. No. 36-03, § 1, 7-21-2003)

**Sec. 70-527. Implementation and enforcement of division provisions.**

The various levels of remedial actions are implemented per the triggers defined in section 70-522. The method of implementation is set out in section 70-523. Violations of restrictions defined in subsection 70-523(2) and subsection 12.52(c) will result in a warning, after which a citation may be issued with a fine as prescribed in section 1-13 of this Code of Ordinances.

(Ord. No. 36-03, § 1, 7-21-2003)

**Sec. 70-528. Penalty.**

(a) Any person, customer and/or user of the town's water system, except for the town, who violates or fails to comply with any provision of this section shall be deemed guilty of a misdemeanor and shall be punished by a fine as provided in section 1-13 of this Code of Ordinances. Each day any such violation continues shall constitute a separate offense and be punishable as such.

(b) In addition to proceeding under the authority of subsection (a) of this section, the town shall be entitled to disconnect or discontinue water services to any such person, customer and/or user of the town's water system who violates or fails to comply with any provision of this section.

(Ord. No. 50-93, 10-8-93; Ord. No. 36-03, § 1, 7-21-2003)