

**TOWN OF LAKEWOOD VILLAGE
ORDINANCE CODE 18-01**

**AN ORDINANCE OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS
ADOPTING A DROUGHT CONTINGENCY AND WATER
MANAGEMENT PLAN; ESTABLISHING CRITERIA FOR THE
INITIATION AND TERMINATION OF RESPONSE STAGES;
ESTABLISHING RESTRICTIONS ON CERTAIN WATER USES,
ESTABLISHING PENALTIES FOR THE VIOLATION OF AND
PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS;
ESTABLISHING PROCEDURES FOR GRANTING VARIANCES; AND
PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.**

WHEREAS, the Town of Lakewood Village recognizes that the amount of water available to the Town and its water utility customers is limited and subject to depletion during periods of extended drought or other water supply limitations; and

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

WHEREAS, Section 11.1272 of the Texas Water Code (TWC) and Title 30, Rule 288.2 of the Texas Commission on Environmental Quality (TCEQ) require all public supply systems in Texas to prepare a drought contingency plan; and

WHEREAS, as authorized under law, and in the best interests of the citizens of the Town of Lakewood Village, Texas, the Town Council deems it expedient and necessary to establish certain rules and policies for the orderly and efficient management of limited water supplies during drought and other water supply emergencies;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF LAKEWOOD VILLAGE, TEXAS, THAT:**

Section 1: Findings

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 Town of Lakewood Village hereby adopts the following regulations and restrictions on the delivery and consumption of water through an ordinance.

Water uses regulated or prohibited under this Drought Contingency and Emergency Water Management Plan (“the Plan”) are considered to be non-essential and continuation of such uses

during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section 7 of the Plan.

Section 2: Adoption

The Fence Ordinance attached hereto as Exhibit A is hereby adopted as the Fence Ordinance for the Town.

Section 3: Repeal

Ordinance 13-13 is repealed.

Section 4: Penalty Clause

A. Violation

A person who violates any provision of this ordinance is guilty of separate offenses for each day during which the violation occurs or continues. Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined by this ordinance.

B. Fine

Each offense is punishable by a fine of not more than two-thousand (\$2,000) nor less than two-hundred (\$200). The minimum fine established in this paragraph shall be doubled for the second conviction of the same offense within any 24-month period and tripled for the third and subsequent convictions of the same offense within any 24-month period. At no time shall the minimum fine exceed the maximum fine established in this paragraph. If a person is convicted of three or more distinct violations of the Plan, the Mayor shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. In addition, suitable assurance must be given to the Town of Lakewood Village that the same action shall not be repeated while the Plan is in effect. Compliance with the plan may also be sought through injunctive relief in the district court.

Section 5: Legal Rights

The penal provision imposed under this Ordinance shall not preclude the Town of Lakewood Village from filing suit to enjoin the violation. The Town of Lakewood Village retains all legal rights and remedies available to it pursuant to local, state, and federal law.

Section 6: Severability

A. Unconstitutional or Invalid Section

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect.

B. Independent Sections

The Town hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and/or phrases be declared unconstitutional or invalid.

Section 7: Estoppel / Waiver

The failure of the Town to enforce any term or condition of this Ordinance shall not constitute a waiver or estoppel or any subsequent violation of this Ordinance.

Section 8: Effective Date

The amendments to this Ordinance shall become effective from and after its date of passage and publication as provided by law.

PASSED AND APPROVED by the Town Council of the Town of Lakewood Village, Texas this the **23rd** day of July, 2018.

Dr. Mark E. Vargus
Mayor

ATTEST:

Linda Asbell, TRMC, CMC
Town Secretary

Exhibit A

Town of Lakewood Village Drought Contingency and Water Management Ordinance



DROUGHT CONTINGENCY AND WATER MANAGEMENT PLAN

Adopted: July 23rd, 2018



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CHAPTER 1. PUBLIC EDUCATION & NOTIFICATION

Section 101 General

101.1 Public Education

The Town of Lakewood Village 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 water management measures to be implemented in each stage. This information will be provided by means of the Town's website, the marquee located at Town Hall, signs posted in public places and utility bill inserts.

101.2 Public Notification

At any time, this plan is initiated or terminated, the Mayor or his/her designee shall notify the public by means of the Town's website, the marquee located at Town Hall and signs posted in public places and shall be effective immediately. Members of Town Council shall be notified directly.

101.3 Emergency Services Notification

At any time, Stages 4 or 5 of the plan are initiated or terminated, the Mayor or his/her designee shall notify the Little Elm Fire Department.

CHAPTER 2. EXEMPTIONS

Section 201 General

201.1 Governmental Use

Governmental use of water determined to be necessary for the public health, safety, and welfare, or for essential services such as fire, police, and emergency services, are exempt from any and all restrictions or mandates herein.

201.2 Lakefront Properties

All persons who are permitted by the City of Dallas to pump out of Lake Lewisville for the purpose of irrigation.

201.2 Reclaimed Water

All persons who are permitted by the Town of Lakewood Village to irrigate with reclaimed water.

CHAPTER 3. DEFINITIONS

Section 301 General

301.1 Scope

Unless otherwise stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

301.2 Interchangeability

Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

301.3 Terms Not Defined

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

Section 302 General Definitions

AESTHETIC WATER USE. Water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

COMMERCIAL AND INSTITUTIONAL WATER USE. Water use, which 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.

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.

CUSTOMER. Any person, company, or organization using water supplied by the Town of Lakewood Village.

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.

DRIP IRRIGATION. Also known as, *trickle irrigation* or *micro-irrigation* is an irrigation method, which minimizes the use of water and fertilizer by allowing water to drip slowly to the roots of plants through a network of valves, pipes, tubing and emitters.

EVEN NUMBER ADDRESS. Street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

GENERAL EMERGENCY: a condition in which the existing or projected water supply available to the Town is not anticipated to meet the ordinary water requirements of the metered water users. This condition may be the result of factors including, but not limited to, natural emergency conditions and/or a failure of the Town's water distribution system.

HOSE-END SPRINKLER. Designed to screw into a standard hose and rest on the ground wherever you drag it and set it down, it then delivers water in a spray pattern in the immediate area.

LANDSCAPE. 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.

NON-ESSENTIAL WATER USE. Water uses that are not essential or required for the protection of public, health, safety, and welfare, including:

- a) irrigation of landscape areas and parks, except otherwise provided under this Plan;
- b) use of water to wash any motor vehicle, motorbike, watercraft, trailer, airplane or other vehicle;
- c) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- d) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- e) use of water to fill indoor or outdoor swimming pools or Jacuzzi-type pools;
- f) use of water from hydrants for construction purposes or any other purposes other than firefighting;
- g) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- h) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

ODD NUMBERED ADDRESS. Street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

PERSON. owner, occupant, or person in control of the premises or a person authorized by the owner, occupant, or person in control of the premises.

TOTAL PRODUCTION CAPABILITY. The total net aggregate amount of water that can be produced from all water wells capable of supplying water to the system in any given 24-hour period.

Trigger. A threshold level to be used as an initiation or termination point for actions based on certain criteria.

UTILITY OPERATIONS COMPANY. The entity with which the Town maintains its current water maintenance contract.

CHAPTER 4. CRITERIA FOR INITIATION AND TERMINATION OF WATER MANAGEMENT RESPONSE STAGES

Section 401 General

The Mayor 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, that is, when the specified “triggers” are reached.

401.1 Criteria

Criteria triggering the implementation of various levels of the Plan include, but are not limited to, the following:

- a) General Emergency;
- b) Water demand equals or exceeds water production.

CHAPTER 5. WATER MANAGEMENT STAGES

Section 501 Water Stages

501.1 Stage 1: MILD -Water Awareness

Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section 4, when

Requirements for Initiation – Triggering Criteria

- a) Annually, beginning on the final Monday of May (Memorial Day) and ending on October 31st (Halloween) or;
- b) Demand exceeds 90% of deliverable capacity for three (3) consecutive days or;
- c) Water demand approaches a reduced delivery capacity for all or part of the system due to supply or production capacity limitations.

Water Use Reduction

- a) Water customers are requested to voluntarily reduce water use by 2%, to practice water conservation and to minimize water use for non-essential purposes.

Actions Available

- a) Water customers are requested to voluntarily conserve water and adhere to prescribed restrictions for non-essential water use as defined in Section 4:
 - 1) Sub section C, use of water to wash down hard surfaces;
 - 2) Sub section D, use of water to wash the outside of homes or buildings;
- b) Water customers are required limit irrigation of landscaped areas to the hours

- between 6:00 p.m. to 4:00 a.m. daily;
- c) The use of drip irrigation, soaker hoses or hose attached sprinklers for landscaped areas and/or foundations are permitted at any time during the day, provided an automatic shut-off timer is utilized.
 - d) Hand-held watering (hose) is allowed at all times, provided the hose has an automatic shut-off (e.g. spray nozzle).
 - e) In ground sprinkler systems must have an automatic shut-off timer.

Requirements for Termination

Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days and would be unlikely to recur upon termination, or until such time as determined by the Mayor or his/her designee.

501.2 Stage 2: MODERATE -Water Warning

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses, defined in Section 4, when

Requirements for Initiation – Triggering Criteria

- a) Demand exceeds 90% of deliverable capacity for six (6) consecutive days or;
- b) Demand equals or exceeds 100% of delivery capacity for one (1) day or;
- c) Water demand approaches a reduced delivery capacity for all or part of the system due to supply or production capacity limitations.

Water Use Reduction

- a) Water customers are required to reduce water use by 10%, to practice water conservation and to minimize water use for non-essential purposes.

Actions Available

- a) Water customers are required to conserve water and adhere to prescribed restrictions for non-essential water use defined in Section 4:
 - 1) Sub section C, use of water to wash down hard surfaces;
 - 2) Sub section D, use of water to wash the outside of homes or buildings;
 - 3) Sub section F, use of water from hydrants for construction purposes.
- b) Water customers are required to limit irrigation of landscaped areas to the hours between 6:00 p.m. to 4:00 a.m. daily.
- c) The use of drip irrigation, soaker hoses or hose attached sprinklers for landscaped areas and/or foundations are permitted at any time during the day, provided an automatic shut-off timer is utilized.
- d) Hand-held watering (hose) is allowed at all times, provided the hose has an automatic shut-off (e.g. spray nozzle).
- e) In ground sprinkler systems must have an automatic shut-off timer.

Requirements for Termination

Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of six (6) consecutive days and would be unlikely to recur upon termination, or until such time as determined by the Mayor or his/her designee.

501.3 Stage 3: SEVERE -Water Watch

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses, defined in Section 4, when

Requirements for Initiation – Triggering Criteria

- a) Demand exceeds 90% of deliverable capacity for nine (9) consecutive days or;
- b) Demand equals or exceeds 100% of delivery capacity for three (3) consecutive days or;
- c) Water demand approaches a reduced delivery capacity for all or part of the system due to supply or production capacity limitations.

Water Use Reduction

- a) Water customers are required to reduce water use by 20%, to practice water conservation and to minimize water use for non-essential purposes.

Actions Available

- a) Water customers are required to conserve water and adhere to prescribed restrictions for non-essential water use defined in Section 4:
 - 1) Sub section B, use of water to wash vehicles or watercraft;
 - 2) Sub section C, use of water to wash down hard surfaces;
 - 3) Sub section D, use of water to wash the outside of homes or buildings;
 - 4) Sub section E, use of water to fill a pool;
 - 5) Sub section F, use of water from hydrants for construction purposes.
- b) Water customers are required to limit irrigation of landscaped areas and adhere to the prescribed restrictions:
 - 1) To the hours between 6:00 p.m. and Midnight.;
 - 2) Water customers with even addresses water only on Tuesday, Thursday and Saturday;
 - 3) Water customers with odd address water only on Monday, Wednesday and Friday;
- c) Water customers are required to limit the top off of a pool to the hours between 6:00 p.m. and Midnight.
- d) Water customers are required to limit the use of drip irrigation or soaker hoses for landscaped areas and/or foundations to the hours between 6:00 p.m. and Midnight. Provided an automatic shut-off timer is utilized.
- e) Hose attached sprinklers are allowed, provide an automatic shut-off timer is utilized.

- f) Hand-held watering (hose) is allowed at all times, provided the hose has an automatic shut-off (e.g. spray nozzle).
- g) In ground sprinkler systems must have an automatic shut-off timer.

Requirements for Termination

Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of nine (9) consecutive days and would be unlikely to recur upon termination, or until such time as determined by the Mayor or his/her designee.

501.4 Stage 4: CRITICAL -Water Crisis

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses, defined in Section 4, when

Requirements for Initiation – Triggering Criteria

- a) Demand exceeds 90% of deliverable capacity for twelve (12) consecutive days or;
- b) Demand equals or exceeds 100% of delivery capacity for six (6) consecutive days or;
- c) Water demand approaches a reduced delivery capacity for all or part of the system due to supply or production capacity limitations.

Water Use Reduction

- a) Water customers are required to reduce water use by 30%, to practice water conservation and to minimize water use for non-essential purposes.

Actions Available

- a) Water customers are required to conserve water and adhere to prescribed restrictions for non-essential water use defined in Section 4:
 - 1) Sub section B, use of water to wash vehicles or watercraft;
 - 2) Sub section C, use of water to wash down hard surfaces;
 - 3) Sub section D, use of water to wash the outside of homes or buildings;
 - 4) Sub section E, use of water to fill a pool;
 - 5) Sub section F, use of water from hydrants for construction purposes.
- b) Water customers are required to limit irrigation of landscaped areas and adhere to the prescribed restrictions:
 - 1) To the hours between 6:00 p.m. and Midnight;
 - 2) Water customers with even addresses water only on Tuesday and Saturday;
 - 3) Water customers with odd addresses water only on Monday and Friday;
- c) Water customers are required to limit the top off of a pool to the hours between 6:00 p.m. and Midnight.

- d) Water customers are required to limit the use of drip irrigation or soaker hoses for landscaped areas and/or foundations to the hours between 6:00 p.m. and Midnight, provided an automatic shut-off timer is utilized.
- e) Hand-held watering (hose) is allowed at all times, provided the hose has an automatic shut-off (e.g. spray nozzle).
- f) Hose attached sprinklers are allowed, provide an automatic shut-off timer is utilized.
- g) In ground sprinkler systems must have an automatic shut-off timer.

Requirements for Termination

Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of twelve (12) consecutive days and would be unlikely to recur upon termination, or until such time as determined by the Mayor or his/her designee.

501.5 Stage 5: EMERGENCY

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses, defined in Section 4, when

Requirements for Initiation – Triggering Criteria

- a) General emergency.

Water Use Reduction

- a) Water customers are required to reduce water use by 50%, to practice water conservation and to minimize water use for non-essential purposes.

Actions Available

- a) Water customers are required to conserve water and adhere to prescribed restrictions for non-essential water use defined in Section 4:
 - 1) Sub section A; use of water for irrigation, including drip or soaker hoses;
 - 2) Sub section B, use of water to wash vehicles or watercraft;
 - 3) Sub section C, use of water to wash down hard surfaces;
 - 4) Sub section D, use of water to wash the outside of homes or buildings;
 - 5) Sub section E, use of water to fill a pool including top off;
 - 6) Sub section F, use of water from hydrants for construction purposes.
- b) Water customers are requested to voluntarily conserve essential water use.

Requirements for Termination

Stage 5 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of one (1) day and would be unlikely to recur upon termination, or until such time as determined by the Mayor or his/her designee.

Section 502 Summary: Non-Essential Water Use and Water Stages

	Stage 1 Mild	Stage 2 Moderate	Stage 3 Severe	Stage 4 Critical	Stage 5 Emergency
Reduction Target	Voluntary - 2%	10%	20%	30%	50%
Irrigation - Sprinklers (Section 3a)	Seasonal - Between 6:00 p.m. & 4:00 a.m.	Between 6:00 p.m. & 4:00 a.m.	Between 6:00 p.m. & Midnight & Alternating Even / Odd Addresses 3 days a week	Between 6:00 p.m. & Midnight & Twice a Week	No non-essential water use. Voluntary conservation of essential water use.
Irrigation – Drip or Soaker Hose (Section 3a)	Between 6:00 p.m. & 4:00 a.m.		Between 6:00 p.m. & Midnight		
Vehicles (Section 3b)	No restrictions		Not allowed		
Hard Surfaces (Section 3c)	No restrictions	Not allowed			
Buildings (Section 3d)					
Pools (Section 3e)	No restrictions	Between 6:00 p.m. & 4:00 a.m.	Top Off Only Between 6:00 p.m. and Midnight		
Hydrants (Section 3f)		Not allowed			

CHAPTER 6. VARIANCE

Section 601 General

The Mayor, or his/her designee, may, in writing, grant a *temporary* variance for existing water uses otherwise prohibited under the Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance or if the following conditions are met:

- a) Compliance with the Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect; and
- b) Alternative methods can be implemented which will achieve the same level of reduction in water use; or
- c) Literal enforcement of the ordinance would create an undue and extreme hardship.

The temporary variance shall automatically expire on the date of the next Council meeting, at which time the person may request a variance from the Town Council. An approved variance shall specify the termination date and shall otherwise expire when the Plan is no longer in effect.

No variance shall be retroactive or otherwise justify any violation of the Plan occurring prior to the issuance of the variance.



End of Exhibit A

ADOPTION AND SUMMARY OF AMENDMENTS

Ordinance Number	Date	Summary
18-01	07/23/2018	<ul style="list-style-type: none">• Revised Stage 1, Available Actions C, D & E• Revised Stage 2, Available Actions C, D & E• Revised Stage 3, Available Actions B, C, D & E• Revised Stage 4, Available Actions B, C, D, E, F & G
13-13	10/14/2013	<ul style="list-style-type: none">• Adopted