

ORDINANCE NO. 219.1

29A

**AN ORDINANCE ADOPTING A WATER CONSERVATION PLAN FOR THE CITY OF WHEELER TO PROMOTE RESPONSIBLE USE OF WATER AND TO PROVIDE FOR PENALTIES AND/OR THE DISCONNECTION OF WATER SERVICE FOR NONCOMPLIANCE WITH THE PROVISIONS OF THE WATER CONSERVATION PLAN; PROVIDING FOR SEVERABILITY; CONTAINING OTHER PROVISIONS RELATED TO THE SUBJECT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Wheeler, Texas (the "City"), recognizes that the amount of water available to its water customers is limited; and

**WHEREAS**, the City recognizes that due to natural limitations, drought conditions, system failures and other acts of God which may occur, the City cannot guarantee an uninterrupted water supply for all purposes at all times; and

**WHEREAS**, the Water Code and the regulations of the Texas Commission on Environmental Quality (the "Commission") require that the City adopt a Water Conservation Plan; and

**WHEREAS**, pursuant to Chapter 54 of the Local Government Code, the City is authorized to adopt such Ordinances necessary to preserve and conserve its water resources; and

**WHEREAS**, the City Council of the City of Wheeler, Texas desires to adopt that certain City of Wheeler Water Conservation Plan (the "Plan"), dated January 2012, as official City policy for the conservation of water;

**NOW THEREFORE, BE IT ORDAINED** by the City Council of the City of Wheeler, Texas:

## 1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein, are determined to be true and correct, and are hereby adopted as a part of this Ordinance.

## 2. ENACTMENT

**Section 1. Adoption.** The City Council hereby approves and adopts the Plan, attached hereto as Addendum A, as if recited verbatim herein. The City commits to implement the requirements and procedures set forth in the Plan. A true and correct copy of such plan shall be maintained on file in the office of the city secretary.

**Section 2. Enforcement.** The mayor, or the mayor's duly appointed representative, shall have the authority to enact and promulgate any and all of the prescribed procedures, and to adopt and promulgate rules and regulations if necessary to protect health and safety in case of system failure.

**Section 3. Penalties; Additional Remedies.** Any person, firm or corporation, who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of the Plan shall be subject to a fine of not less than two hundred dollars (\$250.00) and up to two thousand dollars (\$2,000.00) and/or discontinuance of water service by the City. Proof of a culpable mental state is not required for a conviction of an offense under this section. Each day a customer fails to comply with the Plan is a separate violation. The City's authority to seek injunctive or other civil relief available under the law is not limited by this section.

**Section 4. Filing.** The City Secretary or her designee is hereby directed to file a copy of the Plan and this Ordinance with the Commission in accordance with Title 30, Chapter 288 of the Texas Administrative Code.

### 3. REPEALER

All ordinances, resolutions, or parts thereof that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated herein.

### 4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

### 5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies as authorized by Section 52.001 of the Texas Local Government Code.

### 6. EFFECTIVE DATE

This Ordinance shall be effective and in full force from and after its passage and the publication of the caption, as the law in such cases provides.

### 7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WHEELER, TEXAS, ON THIS THE 19TH DAY OF DECEMBER, 2011.**

CITY OF WHEELER, TEXAS

By: Bob McCain  
Bob McCain, Mayor

ATTEST:

Kristi Petit  
Kristi Petit, City Secretary



## WATER CONSERVATION PLAN

This water conservation plan explains the actions the City of Wheeler will take to implement a water conservation program. The objective of the water conservation program is to reduce the quantity of water required within the service area by implementing efficient water use procedures.

There are many benefits to water conservation, including:

- Reducing capital and operating costs for water and wastewater systems
- Postponing the need for new or expended water or wastewater systems
- Reducing demand on limited water supplies, thereby making them available for future use
- Reducing peak demand on water treatment and distribution systems
- Drought-proofing water systems so that rationing, such as restricted lawn watering, can be avoided, or the need for such measures reduced
- Reducing wastewater flow to wastewater treatment facility and reducing the potential for water pollution
- Saving citizens money on their utility bills through reduced water use and associated reductions in energy use

### Planning Area and Project

The City of Wheeler is located 100 miles east of Amarillo in the Texas Panhandle. The City of Wheeler provides water for City residences and some residences and businesses located outside of the city limits.

### Goals of the Program

#### 1. Long Term Conservation Plan:

To develop a long-term water conservation plan, needs must be identified and goals established. A water system awareness program will be required to determine unaccounted-for water volumes and probable causes of losses. Peak, maximum days, and average water usage information will be monitored in addition to per capita usage.

#### 2. Public Involvement:

Opportunity for the public to provide input into the preparation of the Plan was provided by the City of Wheeler by means of a Public Meeting. Meeting was advertised by media and posting of the agenda.

#### 3. Public Education:

The City of Wheeler will periodically provide the public with information about the Plan, including conditions under which Plan is to be initiated or terminated. Information will be provided to public by media and utility bill notices.

#### 4. Coordination with Regional Planning Groups

The City of Wheeler is located within the Panhandle Ground Water Conservation District.

## **Education and Information**

The City will promote water conservation by informing the public of methods to conserve water. The overall public education program will be divided into three segments: a first-year program, a long-term program, and a new customer program.

### **A. First-Year Program**

The first-year program will include the distribution of educational materials including brochures and/or newsletters. The first information to be distributed will explain the water conservation program. This initial distribution will be accompanied by a newspaper featured article.

The educational material and news releases will promote water conservation by informing the water users about ways to save water inside homes, in landscaping and lawn uses, and in recreational uses.

### **B. Long-Term Program**

The long-term program will include annual distribution of educational materials and new releases corresponding to peak demand periods. The new releases will be used to provide information on water conservation practices, encourage water conservation and report progress on achieving the City's water conservation goals. Other news releases may be used if condition warrant.

### **C. New Customer Program**

New customers will receive conservation education material designed by the City that describes general conservation information when they apply for service. These customers will then be included in the first-year or long-term program as appropriate.

## **Universal Metering and Repair and Replacement**

A water meter replacement program is ongoing in the City of Wheeler. It is currently setup on a 10 year change out program to ensure the accuracy of the meters.

## **Means of Implementation and Enforcement**

The Mayor or a duly appointed representative will act as the Administrator of the Water Conservation Plan. The Administrator will be charged with the execution and implementation of the Plan and be responsible for maintaining all records and information.

The City will also provide the following documents to implement the Water Conservation Plan:

- An Ordinance adopting this Water Conservation Plan
- Adopt an ordinance to implement the legal document necessary to enforce this Water Conservation Plan
- A City committee to review impact and revision to the Water Conservation Plan. This committee consists of the Mayor, Water Superintendent, and elected Council Members.

**Pressure Reduction**

Pressure is the force which determines how much water can pass through a given faucet, valve, pipe, or hole in a given time. For example, tests for one type of faucet showed that flow rates through the faucet opened at a constant setting varied from 3.0 to 5.6 gallons per minute at 80 psi. From this example, it is obvious that pressure reduction will help save water by reducing the amount of water that will flow through an opened valve or faucet in a given time. Pressure reduction also saves water by reducing excessive mechanical stress on plumbing fixtures and appliances and on distribution systems. Faucet seats and washers will last longer, washing machine and dishwasher valve will break less frequently, pipe joints will be less susceptible to failure, and leaks in distribution systems will lose water more slowly at lower pressures.

**Plumbing Codes**

The single most effective method of conserving water inside the home is to replace older, inefficient plumbing fixtures with modern, efficient fixtures. The City of Wheeler has adopted the Standard Plumbing Code for plumbing enforcement for new construction and remodeling. Existing fixtures shall be grand-fathered. Flow rates given in chart would be superseded by any new State legislation passed.

Fixtures	Standard
Shower Head	No more than 2.5 gallons per minute at 80 pounds Per square inch of pressure (psi).
Sink faucet	No more than 2.5 gallons per minute at 60 psi
Lavatory, private	No more than 2.5 gallons per minute at 80 psi
Lavatory, public	No more than 0.5 gallons per minute at 80 psi
Lavatory, public, metering or self-closing	No more than 0.25 gallons per metering cycle
Water closet	No more than 1.6 gallons per flush
Urinals	No more than 1.0 gallons per flush



- a) Variances granted shall include a timetable for compliance.
- b) Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

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

### **Section XIII: Severability**

It is hereby declared to be the intention of the Wheeler City Commission that the sections, paragraphs, sentences, clauses, and phrases of the Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Plan shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of the Plan, since the same would not have been enacted by the Wheeler City Commission without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

### SECTION 2

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

### SECTION 3

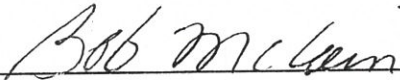
Should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part as declared to be invalid, illegal or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

SECTION 4

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

DULY PASSED BY THE CITY OF WHEELER, TEXAS ON THE 19<sup>TH</sup> DAY OF DECEMBER, 2011.

APPROVED:

  
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MAYOR

ATTESTED TO:

  
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CITY CLERK