

ORDINANCE NO. O:2009-009

AN ORDINANCE REPEALING ARTICLE III OF CHAPTER 29 OF THE DEL RIO CODE OF ORDINANCES TITLED DROUGHT CONTINGENCY AND WATER EMERGENCY PLAN; CREATING A NEW ARTICLE III BY ADOPTING A NEW WATER CONSERVATION PLAN AND DROUGHT CONTINGENCY AND WATER EMERGENCY PLAN; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council has determined it is in the public interest of the City of Del Rio, Texas to adopt a new Water Conservation Plan and Drought Contingency and Water Emergency Plan; and

WHEREAS, the Utilities Commission has recommended that such Plans be adopted by the City Council; and

WHEREAS, the City Council now desires to evidence its approval of the Water Conservation Plan and Drought Contingency and Water Emergency Plan and adopt such Plans as an official policy of the City and to repeal the previous plan which was adopted in Ordinance No. O:2000-01; and

WHEREAS, the numbering for some of the sections of the new ordinance will borrow numberings that were previously reserved in Article II of Chapter 29 of the Del Rio Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEL RIO, TEXAS THAT:

Section 1. Article III of Chapter 29 of the Del Rio Code of Ordinances is hereby repealed.

Section 2. There is hereby created a new Article III within Chapter 29 of the Del Rio Code of Ordinances, which shall read as follows:

ARTICLE III. WATER PLANS

DIVISION 1. WATER CONSERVATION PLAN

Sec. 29-76. Introduction.

An adequate supply of safe, high quality drinking water is a precious resource in the Del Rio area. To help ensure existing supplies of water are utilized in the most efficient manner possible, this Water Conservation Plan (the "Plan") define the goals and framework for water conservation in the City of Del Rio.

Sec. 29-77. Definitions.

For the purpose of this plan, the following definitions shall apply:

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 individual, corporation, partnership, association, institution, governmental organization, or other legal entity using potable water supplied by the City of Del Rio.

Domestic Water Use – Water use for personal needs or for household or sanitary purposes, such as drinking, bathing, cooking, sanitation, or for necessary cleaning of a residence, business, industry, or institution.

Landscape Irrigation Use – Water use for irrigation and maintenance of landscaped areas such as lawns, shrubs, and other outdoor vegetation, whether privately or publicly owned, including residential and commercial lawns, gardens, golf courses, parks, rights-of-way, and medians.

Municipal Per Capita Water Use – Potable water supplied to distribution by San Felipe springs groundwater treatment plant (as measured at entrance to distribution system) divided by estimated population served.

Sec. 29-78. Application.

The provisions of this plan shall apply to all customers and property utilizing water provided by the City of Del Rio.

Sec. 29-79. Utility Profile.

The City of Del Rio supplies water to approximately 14,200 customers in the greater City of Del Rio area. This area encompasses about 40,000 people over eighteen square miles. A similar number of customers, approximately 12,500, in the same area are served by the wastewater system.

Water is produced for the system through a membrane treatment plant that is designed to produce up to 18.2 MGD, with system storage capacity of 9.7 MG. Average recent plant production is 9.2 MGD. The wastewater system consists of approximately 210 miles of sewer lines and sixteen lift stations. These feed wastewater to two treatment plants with a combined design capacity of 6.6 MGD that discharge treated effluent to the Rio Grande. These plants treat a daily average of 3.8 MGD.

Sec. 29-80. Conservation Goals.

There has not been a significant history of coordinated water conservation efforts in Del Rio. To initiate this process, we are establishing the following conservation goals, based on Municipal per capita water use:

2007 (current) 220 gpd per person
2012 (5-year) 201 gpd per person (9% reduction)
2017 (10-year) 176 gpd per person (20% reduction)

These goals are based on the fact that without a history of conservation efforts, the early years will require significant education of the public to develop a conservation “mind-set”, and for water department staff to identify and address unmetered water losses. Therefore, these goals will be met through reduced consumption from public education, and from reductions in water loss through identification of major water losses in the treatment, storage, and distribution system.

Sec. 29-81. Metering.

Meters installed by the City of Del Rio are accurate to within 5.0%. All connection to the city water supply must be made through a metered connection, as required by existing city ordinance. Meter testing & repair has historically been conducted on an as-needed basis, where meters that were reported as malfunctioning by either the client or the city were tested and repaired or replaced as necessary. Over the next 12 months, the City of Del Rio will develop an ongoing meter testing and replacement program, to ensure both meter accuracy and a maximum meter age throughout the system.

Sec. 29-82. Leak Detection & Water Accounting.

Current water loss is identified through visual reporting of leaks from distribution lines and annual state reporting. The city is currently developing a more detailed management plan to more accurately account for otherwise unaccounted for water, including monthly audits of water accounting records and methodical analysis of potential sources of water loss.

The existing water accounting system identifies all water produced by the treatment plant, and water sold to customers, in multiple categories. Efforts underway over the next 12 months will begin to provide more clarity on unaccounted for water uses.

Sec. 29-83. Coordination of Plan.

This plan has been coordinated with the Region J (Plateau Region) Water Planning Group, and all substantial revisions to this plan will be coordinated with and submitted to the Region J Planning Group. In addition, revisions to the Regional Water Plan will be reviewed against the currently adopted Plan to insure any necessary modifications are incorporated.

Sec. 29-84. Public Education.

The existing public education program will be expanded to contact a larger percentage of the public more frequently, including providing educational programs to local schools and organizations, and incorporating water conservation ideas into utility bills and other regular public notifications.

Sec. 29-85. Rate Structure.

The current rate structure is a flat rate per thousand gallons used, and as such does not encourage excessive water use. During the next round of rate analysis the potential to modify the rate structure to actively discourage increased water use will be reviewed.

Sec. 29-86. Implementation and Enforcement.

This plan will be adopted by the City of Del Rio through ordinance. As a city ordinance the implementation of the conservation plan is under the authority of the City.

Sec. 29-87. Wholesale agreements / contracts provision.

The City will ensure that any new wholesale contracts or contract extensions will require wholesale customers to develop and implement a water conservation plan consistent with this plan. Similarly, if the customer intends to resell the water to any other wholesales, they must include conservation requirements in their contracts with all subsequent customers. This stipulation applies to all existing and future wholesale water supply contracts or agreements made with the City of Del Rio. The pro rata basis for water allocation to wholesale customers will be made in accordance with the Texas Water Code § 11.039 policies and procedures and as specified by the Texas Administrative Code 30 § 288.22(a)(7)(A).

DIVISION 2. DROUGHT CONTINGENCY AND WATER EMERGENCY PLAN

Sec. 29-88. Introduction.

An adequate supply of safe, high quality drinking water is a precious resource in the Del Rio area. Ensuring a safe and reliable supply of this drinking water is necessary to the public health, safety, and welfare. This drought contingency and water emergency plan (the "Plan") is intended to establish criteria to identify when the water supplies may be threatened, and the actions that should be taken to ensure these potential threats are minimized. These actions include identifying and reducing or eliminating less critical water uses. These steps can be implemented either in the case of natural reductions in water supply due to drought conditions, or in the event of emergencies caused by system failures, contaminations, disasters, or other emergencies.

Sec. 29-89. Definitions.

For the purpose of this plan, the following definitions shall apply:

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 individual, corporation, partnership, association, institution, governmental organization, or other legal entity using potable water supplied by the City of Del Rio.

Domestic Water Use – Water use for personal needs or for household or sanitary purposes, such as drinking, bathing, cooking, sanitation, or for necessary cleaning of a residence, business, industry, or institution.

Five Day Watering Schedule – The watering schedule based on the final digit of the customer’s street address. An example schedule is in the table below, and can be used unless another schedule is adopted:

Last Digit of Street Address	May	June	July	Aug.	Sept.
0 or 9	1, 6, 11, 16, 21, 26, 31	5, 10, 15, 20, 25, 30	5, 10, 15, 20, 25, 30	4, 9, 14, 19, 24, 29	3, 8, 13, 18, 23, 28
1 or 8	2, 7, 12, 17, 22, 27	1, 6, 11, 16, 21, 26,	1, 6, 11, 16, 21, 26, 31	5, 10, 15, 20, 25, 30	4, 9, 14, 19, 24, 29
2 or 7	3, 8, 13, 18, 23, 28,	2, 7, 12, 17, 22, 27,	2, 7, 12, 17, 22, 27	1, 6, 11, 16, 21, 26, 31	5, 10, 15, 20, 25, 30
3 or 6	4, 9, 14, 19, 24, 29,	3, 8, 13, 18, 23, 28,	3, 8, 13, 18, 23, 28	2, 7, 12, 17, 22, 27	1, 6, 11, 16, 21, 26
4 or 5	5, 10, 15, 20, 25, 30	4, 9, 14, 19, 24, 29,	4, 9, 14, 19, 24, 29	3, 8, 13, 18, 23, 28	2, 7, 12, 17, 22, 27

Landscape Irrigation Use – Water use for irrigation and maintenance of landscaped areas such as lawns, shrubs, and other outdoor vegetation, whether privately or publicly owned, including residential and commercial lawns, gardens, golf courses, parks, rights-of-way, and medians.

Nonessential Water Use – Water uses that are not essential or required for the protection and preservation of public health, safety, and welfare, including, but not limited to:

- (1) Outdoor Water Use (defined below), except as otherwise provided by this plan;
- (2) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (3) Flushing gutters or permitting water to run or accumulate in any gutter or street; and

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

Outdoor Water Use – Use of water outdoors for purposes that are not necessary for the protection of public health, safety, and welfare, including, but is not limited to:

- (1) Landscape irrigation (defined above);
- (2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle;
- (3) Use of water to wash any sidewalks, walkways, driveways, parking lots, patios, tennis courts, streets, ground foundations, or other hard-surfaced areas, except to maintain public health and safety conditions;
- (4) Use of water to fill, refill, or add to any indoor or outdoor swimming pool, Jacuzzi-type pool, or wading pool;
- (5) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life (recirculation systems to not apply); and
- (6) Use of water from hydrants for construction purposes or any other purpose other than firefighting.

San Felipe Spring Flows – Refers to the mean daily discharge flow from the San Felipe Spring, as monitored by the International Boundary & Water Commission (IBWC) and United States Geological Survey (USGS).

Sec. 29-90. Authorization.

The City Manager of Del Rio or his/her designee, identified in this plan as the “Responsible Authority”, is authorized and directed to implement the applicable provisions of this plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The Responsible Authority shall have the authority to initiate or terminate the stages and response measures as described in this plan. All decisions of the Responsible Authority are subject to review and revision by the City Council.

Sec. 29-91. Application.

The provisions of this plan shall apply to all customers and property utilizing water provided by the City of Del Rio.

Sec. 29-92. Trigger Conditions.

The trigger conditions described below are based on the fact that the City of Del Rio uses a combination of surface water and groundwater as its supply, and that based on historical performance is expected to be constrained by system storage, transmission, and delivery issues before a supply shortage.

The trigger conditions correspond to Mild, Moderate, and Severe Shortage Conditions as described below:

(1) Stage 1 – Mild Water Shortage

a. Requirements for Initiation

- i. Water levels in the Bedell Street Storage Reservoirs do not reach 100% full during a 24 hour period, or
- ii. Water levels in the Bedell Street Storage Reservoirs are less than thirty (30) feet at any time, or
- iii. San Felipe Spring Flows fall below 40.0 MGD (1.75 cubic meters per second), or
- iv. Termination of Stage 2 Moderate Water Shortage

b. Requirements for Termination

- i. At the discretion of the Responsible Authority

(2) Stage 2 – Moderate Water Shortage

a. Requirements for Initiation

- i. Maximum water levels in the Bedell Street Storage Reservoirs decrease over three (3) consecutive days, or
- ii. Water levels in the Bedell Street Storage Reservoirs are less than twenty-five (25) feet at any time, or
- iii. San Felipe Spring Flows fall below 30.0 MGD (1.31 cubic meters per second), or
- iv. Termination of Stage 3 Severe Water Shortage

b. Requirements for Termination

- i. Once all of the initiation conditions listed above have ceased to exist for a period of three (3) consecutive days, as determined

by the Responsible Authority. On termination of Stage 2, Stage 1 is initiated.

(3) Stage 3 – Severe Water Shortage

a. Requirements for Initiation

- i. Maximum water levels in the Bedell Street Storage Reservoirs decrease over five (5) consecutive days, or
- ii. Water levels in the Bedell Street Storage Reservoirs are less than twenty (20) feet at any time, or
- iii. San Felipe Spring Flows fall below 25.0 MGD (1.10 cubic meters per second), or
- iv. Termination of Stage 4 Critical Water Shortage

b. Requirements for Termination

- i. Once all of the initiation conditions listed above have ceased to exist for a period of three (3) consecutive days, as determined by the Responsible Authority. On termination of Stage 3, Stage 2 is initiated.

(4) Stage 4 – Critical Water Shortage

a. Requirements for Initiation

- i. Maximum water levels in the Bedell Street Storage Reservoirs decrease over seven (7) consecutive days, or
- ii. Water levels in the Bedell Street Storage Reservoirs are less than fifteen (15) feet at any time, or
- iii. San Felipe Spring Flows fall below 20.0 MGD (0.876 cubic meters per second).

b. Requirements for Termination

- i. Once all of the initiation conditions listed above have ceased to exist for a period of three (3) consecutive days, as determined by the Responsible Authority. On termination of Stage 4, Stage 3 is initiated.

Independent of these trigger conditions, if at any time the Responsible Authority determines that a Water Emergency exists, whether drought conditions exist or not, (due to natural or man-made disaster, contamination, equipment or system failure, or other reason) he/she may immediately initiate any stage of this plan and/or any water use restriction they determine is appropriate to protect the public health, safety, and welfare.

Sec. 29-93. Drought Response Actions.

The following response actions shall be implemented by the Responsible Authority upon initiation of the corresponding stage, as identified in the Trigger Levels described above

(1) Stage 1 – Mild Water Shortage

- a. Goal: The objective of Stage 1 restrictions is to increase public awareness of water supply conditions, and reduce daily total water demand to at or below 95% of the average of the 30 days prior to the initiation of the drought plan.
- b. Voluntary Use Restrictions:
 - i. Water customers shall be encouraged to voluntarily limit outdoor water use by participating in the five-day watering schedule for outdoor water use.
 - ii. Outdoor water use shall be discouraged between the hours of 10:00 A.M. and 7:00 P.M. These time restrictions do not apply to:
 1. hand-held hoses equipped with a positive pistol grip nozzle or other device that automatically shuts off water when the hose is not in use;
 2. hand-held buckets and watering cans;
 3. drip irrigation;
 4. irrigation of commercial plant nurseries;
 5. use of reclaimed water;
 6. new landscaping during installation and the first ten (10) days following installation; and
 7. testing of new irrigation systems or existing irrigation systems being tested or under repair.

- iii. Water customers shall be encouraged to practice water conservation and eliminate nonessential uses.
- iv. All operations of the City of Del Rio shall prohibit nonessential water uses.

(2) Stage 2 – Moderate Water Shortage

- a. Goal: The objective of Stage 2 restrictions is to reduce daily water demand to at or below 90% of the average of the 30 days prior to the initiation of the drought plan.
- b. Mandatory Use Restrictions:
 - i. Water customers shall be required to participate in the Five Day Watering Schedule for outdoor water use.
 - ii. Outdoor water use shall be prohibited between the hours of 10:00 A.M. and 7:00 P.M. These time restrictions do not apply to:
 - 1. hand-held hoses equipped with a positive pistol grip nozzle or other device that automatically shuts off water when the hose is not in use;
 - 2. hand-held buckets and watering cans;
 - 3. drip irrigation;
 - 4. irrigation of commercial plant nurseries;
 - 5. use of reclaimed water;
 - 6. new landscaping during installation and the first ten (10) days following installation; and
 - 7. testing of new irrigation systems or existing irrigation systems being tested or under repair.
 - iii. Washing of any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle shall be accomplished with a hand-held bucket or a hand-held hose equipped with a positive pistol grip nozzle or other device that automatically shuts off water when the hose is not in use. Washing of these vehicles on the immediate premises of a commercial car wash or commercial service station may be done at any time. Further, day and time restrictions do not apply to the washing of vehicles or any other

type of mobile equipment (such as garbage trucks and vehicles to transport food and perishables) when the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing. Charity car washes are prohibited.

- iv. Use of water from designated fire hydrants for construction purposes may be allowed under written permission from the City of Del Rio (see variances section below).
- v. Use of water for the irrigation of golf course greens, tees, and fairways shall adhere to the Five Day Watering Schedule and shall be prohibited between 10:00 AM and 7:00 PM, except when such areas are irrigated with reclaimed water, groundwater, raw water sources, or sources other than the City of Del Rio.
- vi. The following uses of water are prohibited
 - 1. Use of water to wash any sidewalks, walkways, driveways, parking lots, patios, tennis courts, streets, ground foundations, or other hard-surfaced areas, except to maintain public health and safety conditions;
 - 2. Use of water for dust control;
 - 3. Allowing water to run off a property or allowing water to pond in the street or parking lot;
 - 4. Operating a permanently installed irrigation system with sprinkler heads that are broken, out of adjustment spraying more than ten (10) percent of the water on street or parking lots, or that are misting;
 - 5. Use of water to wash down buildings or structures for purposes other than immediate fire protection;
 - 6. Flushing gutters or permitting water to run or accumulate in any gutter or street;
 - 7. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

(3) Stage 3 – Severe Water Shortage

- a. Goal: The objective of Stage 3 restrictions is to reduce daily water demand to at or below 80% of the average of the 30 days prior to the initiation of the drought plan.
- b. Supply Management Measures: The City of Del Rio shall cease the flushing of water mains except where necessary for reasons of health and safety. All City of Del Rio departments will discontinue irrigating landscaped areas except when such areas are irrigated with reclaimed water, groundwater, raw water sources, or sources other than the City of Del Rio.
- c. Mandatory Use Restrictions: All restrictions of Stage 2 shall remain in effect, except:
 - i. Outdoor water use is restricted to the use of hand-held hoses equipped with a positive pistol grip nozzle or other device that automatically shuts off water when the hose is not in use, hand-held buckets and watering cans, or drip irrigation. This water use may only occur between the hours of 6:00 A.M. to 10:00 A.M. and 7:00 P.M. to 10:00 P.M., and on the day designated by the Five Day Watering Schedule. The use of permanently installed irrigation systems, and hose end irrigation is prohibited.
 - ii. Washing of any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle not occurring on the immediate premises of a commercial car wash or a commercial service station and not in the immediate interest of the public health, safety and welfare is prohibited. The washing of vehicles under public health, safety, and welfare may only occur between 6:00 A.M. and 10:00 A.M.
 - iii. Commercial plant nurseries shall only use hand-held hoses equipped with a positive pistol grip nozzle or other device that automatically shuts off water when the hose is not in use, hand-held buckets and watering cans, or drip irrigation.
 - iv. The use of water to fill, refill, or add to any indoor or outdoor swimming pool, Jacuzzi-type pool, or wading pool is prohibited.
 - v. No new landscapes of any time may be installed.
 - vi. The use of water for construction purposes from designated fire hydrants under written permission from the City of Del Rio is to be discontinued.

- d. Contingency Water Use Restrictions: In the event Stage 3 conditions persist for an extended period of time, the Responsible Authority, upon recommendation of the water department, may order water rationing and/or terminate service to selected customers in accordance with the following customer sequence:
 - i. recreational users
 - ii. commercial users
 - iii. industrial users
 - iv. school users
 - v. residential users
 - vi. hospital, public health, and safety facilities

(4) Stage 4 – Critical Water Shortage

- a. Goal: The objective of Stage 3 restrictions is to ensure adequate water supply for public health and safety, as demonstrated by meeting minimum system pressure requirements and fire flow demands.
- b. Use Restrictions: All restrictions of Stage 3 shall remain in effect.
- c. Emergency Measures: Stage 4 is characterized by an emergency situation that requires immediate action to prevent threats to public health and safety. Because of this the Responsible Authority is authorized to take appropriate action to protect the public water supply. To determine these actions, the following actions will take place:
 - i. Assess the severity of the problem and identify the actions needed and time required to solve the problem.
 - ii. Issue notification to the public from the Responsible Authority of the need to boil water, use bottled water, or use a designated alternate water supply, as appropriate
 - iii. Undertake required remedial actions, including system repairs and/or environmental clean-up on an as-needed basis.
 - iv. The Del Rio Water Department may seek assistance through the local emergency planning committee and/or the state emergency management system.

Sec. 29-94. Public Notification.

Public notification of the initiation or termination of drought stages shall be by means of publication in the Del Rio News-Herald and public service announcements on radio stations KLKE (1230 AM), KWMC (1490 AM), KDLK (94.3 FM), and KTDR (96.3 FM). Additional methods of public notification may include signs posted in public places, utility bill inserts, and other means of notification to be determined by the Responsible Authority. In addition, TCEQ shall be notified as required in state regulations.

Sec. 29-95. Public Input and Education.

Public input was gathered during the extensive initial development of this plan in December 1999. The current revision of this plan will be open for public comment prior to adoption, consistent with 30 TAC §§ 288.20(a)(1)(a).

The City of Del Rio will periodically provide its customers with information about the plan, including information about conditions under which each stage of the plan is to be initiated and terminated, and the response measures to be implemented in each stage. Continuing public education about the plan will be provided through press releases, utility bill inserts, or by the direction of Responsible Authority.

Sec. 29-96. Coordination of Plan.

This plan has been coordinated with the Region J (Plateau Region) Water Planning Group, and all substantial revisions to this plan will be coordinated with and submitted to the Region J Planning Group. In addition, revisions to the Regional Water Plan will be reviewed against the currently adopted Plan to insure any necessary modifications are incorporated.

Sec. 29-97. Variances.

The Responsible Authority may, in writing, grant temporary variances for existing water uses otherwise prohibited under this plan, if it is determined that failure to grant such variances would cause an emergency condition adversely affecting the health, sanitation, or fire protection for public or the person requesting the variance, and if one or more of the following conditions are met:

- (1) Compliance with this plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the plan is in effect, or
- (2) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this plan shall file a petition for variance to the City of Del Rio within five (5) days after the plan has been initiated or a particular response stage has been invoked. All petitions for variances shall be reviewed by the Responsible Authority and shall include the following:

- (1) name and address of the petitioner(s),
- (2) purpose of water use,
- (3) specific provision(s) of the plan from which the petitioner is requesting relief,
- (4) detailed statement as to how the specific provision of the plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this plan,
- (5) description of the relief requested,
- (6) period of time for which the variance is sought,
- (7) alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this plan and the compliance date, and
- (8) other pertinent information.

Variations granted by the Responsible Authority shall be subject to the following conditions, unless waived or modified:

- (1) variations granted shall include a timetable for compliance, and
- (2) variations granted shall expire when the plan is no longer in effect, unless the petitioner has failed to meet the specified requirements.

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

Sec. 29-98. Wholesale agreements / contracts provision.

In the event that Stage 3 is initiated, the Responsible Authority is hereby authorized to initiate allocation of water supplies to wholesale customers on a pro rata basis. This stipulation applies to all existing and future wholesale water supply contracts or agreements made with the City of Del Rio. The pro rata basis for water allocation to wholesale customers will be made in accordance with the Texas Water Code § 11.039 policies and procedures and as specified by the Texas Administrative Code 30 § 288.22(a)(7)(A).

Sec. 29-99. Enforcement.

No person shall knowingly or intentionally allow the use of water from the City of Del Rio for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this plan, or in an amount in excess of that permitted by the stage in effect at the time, pursuant to action taken by the Responsible Authority, in accordance with provisions of this plan.

Any person who violates this plan is guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than ten dollars (\$10.00) per day and not to exceed two hundred dollars (\$200.00) per day. Each day that one or more of the provisions in this plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this plan, the Responsible Authority shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a reconnection charge, hereby established at fifty dollars (\$50.00), and any other costs incurred by the City of Del Rio in discontinuing service. In addition, suitable assurance must be given to the Responsible Authority that the same action shall not be repeated while the plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.

Any person, including persons classified as a water customer of the City of Del Rio, 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. Any such person shall have the right to show that he/she did not commit the violation. 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. 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.

Any employee of the City of Del Rio, police officer, or other employee designated by the Responsible Authority, may issue a citation to a person he/she reasonably believes to be in violation of this article. 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 Del Rio Municipal Court, as appropriate on the date shown on the citation. The court date shall not be less than three (3) days or more than five (5) days from the date the citation was issued. 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 the violator, or to a person over fourteen (14) years of age who is a member of the violator's immediate family or a resident of the violator's residence. The alleged violator shall appear in the Del Rio Municipal Court to enter plea of guilty or non guilty for the violation of this plan. If the alleged violator fails to appear in the Del Rio Municipal Court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and give preferential setting in the Del Rio Municipal Court before all other cases.

Section 3. The City shall report to the Texas Commission on Environmental Quality annually on the implementation and effectiveness of the plans.

Section 4. This Ordinance shall become effective May 25, 2009.

PASSED AND APPROVED on this 12th day of May, 2009.

EFRAIN V. VALDEZ
Mayor

ATTEST:

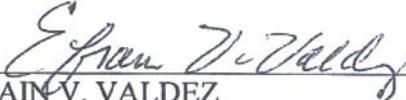
SUSAN CORP
City Secretary

REVIEWED FOR ADMINISTRATION: REVIEWED AS TO FORM AND LEGALITY:

FRANCES F. RODRIGUEZ
City Manager

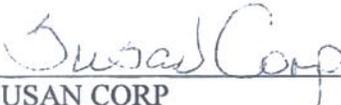
DAVID V. SOROLA
City Attorney

PASSED AND APPROVED on this 12th day of May, 2009.



EFRAIN V. VALDEZ
Mayor

ATTEST:



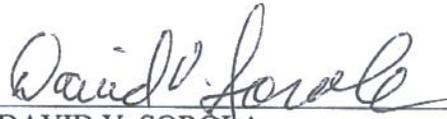
SUSAN CORP
City Secretary

REVIEWED FOR ADMINISTRATION:



FRANCES F. RODRIGUEZ
City Manager

**REVIEWED AS TO FORM &
LEGALITY:**



DAVID V. SOROLA
City Attorney