

AN ORDINANCE REPEALING AND REPLACING CHAPTER 30, ARTICLE I, WATER CONSERVATION, OF THE OFFICIAL CODE OF ORDINANCES OF THE CITY OF KILLEEN, TEXAS, PROVIDING FOR A WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Killeen, Texas is a home-rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and,

WHEREAS, the City desires 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; and,

WHEREAS, the City is located within the Brazos Region G Water Planning Area and the City has coordinated with the Brazos Region G Water Planning Group; and,

WHEREAS, opportunity for the public to provide input into the preparation of the Water Conservation and Drought Contingency Plan was provided by the City of Killeen by means of public notices in the Killeen Daily Herald and the City's website and conducting a public hearing at the City Council meeting on April 23, 2019.

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

SECTION 1: That Chapter 30, Article I, Water Conservation of the Code of Ordinances of the City of Killeen is hereby repealed and replaced with Chapter 30, Article 1, Water Conservation and Drought Contingency as follows:

Chapter 30

WATER, SEWERS AND SEWAGE DISPOSAL

ARTICLE I. WATER CONSERVATION AND DROUGHT CONTINGENCY

Sec. 30-1. - Declaration of Policy, Purpose, and Intent.

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 City of Killeen hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this Water Conservation and Drought Contingency 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 herein.

The City shall review this Plan at least every five (5) years and shall update as appropriate based on new or updated information.

Sec. 30-2. - Public Education.

The City will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of electronic notifications, public notices, press releases and utility bill inserts.

Sec. 30-3. - Coordination with Regional Water Planning Groups.

The service area of the City is located within the Brazos Region G Water Planning Area and the City has provided a copy of this Plan to Brazos Region G Water Planning Group.

Sec. 30-4. - Authorization.

The City Manager or his/her designee is hereby 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 City Manager or his/her designee shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

Sec. 30-5. - Application.

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the City. The terms “person” and “customer” as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

Sec. 30-6. - Definitions.

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

Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

BCWCID No.1: Bell County Water Control and Improvement District No. 1

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 City.

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.

Even number address: street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, parks, and rights-of-way and medians.

Non-essential water use: water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:

- (a) Irrigation of landscape areas, including parks, and athletic fields, except otherwise provided under this Plan;

- (b) Use of water to wash any motor vehicle, motorbike, boat, 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) Flushing gutters or permitting water to run or accumulate in any gutter or street;
- (f) Use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
- (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); and
- (i) Use of water from hydrants for construction purposes or any other purposes other than firefighting.

Odd numbered address: street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

Sec. 30-7. - Criteria for Initiation and Termination of Drought Response Stages.

The City Manager or his/her designee shall monitor water supply and/or demand conditions on a regular basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified “triggers” are reached.

Public notification of the initiation or termination of drought response stages shall be by means of public notice in the Killeen Daily Herald and on the City’s website, as well as public service announcements of local radio and TV stations. Additional notification may be made through social media outlets, mailings, door hangers, telephone or other appropriate means.

The triggering criteria described below are based on water supply, water production and distribution system limitations, drought conditions dictated by the Brazos River Authority, and emergency conditions (e.g. supply source contamination and system outage due to the failure or damage of major water system components). Analysis of the City’s water supply availability under recent drought of record conditions indicate the most common trigger for initiating the Plan is water supply. The City has ample water supply under contract; however, the City has experienced requests by water supplies to conserve due to low water levels in Lake Belton.

Sec. 30-8. – Stage 1 – Mild Water Shortage Conditions.

- (a) Triggers and Requirements for Initiation: Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses for Stage

1 when one of the following criteria is met:

1. Brazos River Authority enters into Stage 1 Drought Watch.
 - a. According to their current Drought Contingency Plan, Stage 1 for Lake Belton is based on a drawdown of 6.8 ft.
 - b. A Stage 1 trigger for BRA is also when the Palmer Hydrologic Drought Index (PHDI) is equal to or less than negative two (-2).
 2. When total daily water demand equals or exceeds and maintains 80% or 25.6 million gallons for three (3) consecutive days (based on the current supply capacity of existing system from BCWCID No. 1 of 32.0 MGD).
 3. Total treated water in the elevated storage does not refill to 80% of capacity overnight.
- (b) Goal: Achieve a voluntary reduction in total water use and/or daily water demand.
- (c) Best Management Practices for Supply Management: Discontinue unnecessary flushing of water mains and flow testing of fire hydrants. Discontinue washing of City-owned vehicles. Follow the water use restrictions of Stage 2.
- (d) Voluntary Water Use Restrictions for Reducing Demand
1. Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9).
 2. Water customers are requested to voluntarily limit the irrigation of landscaped areas only between the hours of midnight to 10:00 am or 8:00 pm to midnight on designated watering days.
 3. Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.
- (e) 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 seven (7) consecutive days, or when the City Manager or designee declares termination.

Sec. 30-9. - Stage 2 – Moderate Water Shortage Conditions.

- (a) Triggers and Requirements for Initiation: Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 2 when one of the following criteria is met:
1. Brazos River Authority enters into Stage 2 Drought Warning.

- a. According to their current Drought Contingency Plan, Stage 2 for Lake Belton is based on a drawdown of 16.1 ft.
 2. When total daily water demand equals or exceeds and maintains 85% or 27.2 million gallons for three (3) consecutive days (based on the current supply capacity of BCWCID No. 1 OF 32.0 MGD)
 3. Total treated water in the elevated storage does not refill to 70% of capacity overnight.
- (b) Goal: Achieve a 10% reduction in total water use and/or daily water demand.
- (c) Best Management Practices for Supply Management: Discontinue flushing of water mains and flow testing of fire hydrants. Discontinue washing of City-owned vehicles. Discontinue irrigation of all City facilities. Follow the water use restrictions of Stage 3.
- (d) Water Use Restrictions for Demand Reduction: Under threat of penalty for violation, the following water use restrictions shall apply to all persons:
1. Hose-end sprinkler systems or automatic irrigation of landscaped areas shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9). These types of irrigation are further limited to the irrigation of landscaped areas only between the hours of midnight to 10:00 am or 8:00 pm to midnight on designated watering days.
 2. Irrigation of landscaped areas is permitted at any time if it is by means of hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.
 3. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of midnight to 10:00 am or 8:00 pm to midnight on designated watering days. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations, if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
 4. Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi - type pools is prohibited except on designated watering days between the hours of midnight to 10:00 am or 8:00 pm to midnight.
 5. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

6. Use of water from hydrants shall be limited to fire fighting and related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the City of Killeen.
7. All restaurants are prohibited from serving water to its patrons except when requested by the patron.
8. Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours of midnight to 10:00 am or 8:00 pm to midnight. However, if the golf course uses a water source other than potable water, the facility shall not be subject to these regulations.
9. The following uses of water are defined as non-essential and are prohibited:
 - a. Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard- surfaced areas.
 - b. Use of water to wash down buildings or structures for purposes other than immediate fire protection;
 - c. Use of water for dust control;
 - d. Flushing gutters or permitting water to run or accumulate in any gutter or street;
 - e. Failure to repair a controllable leak(s) within a reasonable period after having been given notice by the City directing the repair of such leak(s).
- (e) 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 seven (7) consecutive days, or when the City Manager or designee declares termination. Upon termination of Stage 2, Stage 1 becomes operative unless otherwise determined by the City Manager or designee.

Sec. 30-10. - Stage 3 – Severe Water Shortage Conditions.

- (a) Triggers and Requirements for Initiation: Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 when one of the following criteria is met.
 1. Brazos River Authority enters into Stage 3 Drought Emergency.
 - a. According to their current Drought Contingency Plan, Stage 3 for Lake Belton is based on a drawdown of 28.2 ft.
 2. When total daily water demand equals or exceeds and maintains 90% or 28.8 million gallons for three (3) consecutive days (based on the current supply capacity of BCWCID No. 1 of 32.0 MGD).
 3. Total treated water in the elevated storage does not refill to 60% of capacity overnight.

- (b) Goal: Achieve a 20% reduction in total water use and/or daily water demand.
- (c) Best Management Practices for Supply Management: Discontinue flushing of water mains and flow testing of fire hydrants. Discontinue washing of City-owned vehicles. Discontinue irrigation of all City facilities. Follow the water use restrictions of Stage 4.
- (d) Water Use Restrictions for Demand Reduction: All requirements of Stage 2 shall remain in effect during Stage 3 except:
 - 1. Irrigation of landscaped areas shall be limited to designated watering days between the hours of midnight to 7:00 am or 9:00 pm to midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.
 - 2. The use of water for construction purposes from designated fire hydrants is prohibited, even where previously allowed.
- (e) 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 seven (7) consecutive days. Upon termination of Stage 3, Stage 2 becomes operative unless otherwise determined by the City Manager or designee.

Sec. 30-11. - Stage 4 – Critical Water Shortage Conditions.

- (a) Triggers and Requirements for Initiation: Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 4 when one of the following criteria is met:
 - 1. Brazos River Authority enters into Stage 4 Pro-rata Curtailment.
 - a. According to their current Drought Contingency Plan, Stage 4 for Lake Belton is based on a drawdown of 44.6 ft.
 - 2. When daily water demand total equals or exceeds and maintains 100% or 32.0 million gallons for three (3) consecutive days (based on the current supply capacity of BCWCID No. 1 of 32.0 MGD).
 - 3. Total treated water in elevated storage does not refill to 50% of capacity overnight;
 - 4. City Manager declares a critical water shortage.
- (b) Goal: Achieve a 30% reduction in total water use and/or daily water demand.

- (c) Best Management Practices for Supply Management: Discontinue flushing of water mains and flow testing of fire hydrants. Discontinue washing of City-owned vehicles. Discontinue irrigation of all City facilities. Follow the water use restrictions of Stage 5.
- (d) Water Use Restrictions for Demand Reduction: All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except:
 - 1. Irrigation of landscaped areas shall be limited to designated watering days between the hours of midnight to 6:00 am or 10:00 pm to midnight and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems are prohibited at all times.
 - 2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and, not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6:00 am and 10:00 am and between 6:00 pm and 10:00 pm.
 - 3. The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi-type pools is prohibited.
 - 4. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or when such fountains or ponds are equipped with a recirculation system.
 - 5. No applications for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be allowed or approved, and time limits for approval or installation of such applications are hereby suspended for such time as this drought response stage or a higher numbered stage shall be in effect.
- (e) 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 seven (7) consecutive days or when the City Manager or designee declares termination. Upon termination of Stage 4, Stage 3 becomes operative unless otherwise determined by the City Manager or designee.

Sec. 30-12. - Stage 5 – Emergency Water Shortage Conditions.

- (a) Triggers and Requirements for Initiation: Customers shall be required to comply with the requirements and restrictions for Stage 5 of this Plan when the City Manager or designee determines that a water supply emergency exists based on:
 - 1. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or

2. Natural or man-made contamination of the water supply source (s).

(b) Goal: Achieve a 40% reduction in total water use and/or daily water demand.

(c) Best Management Practices for Supply Management: Discontinue flushing of water mains and flow testing of fire hydrants. Discontinue washing of City-owned vehicles. Discontinue irrigation of all City facilities. Follow the water use restrictions of Stage 5.

(d) Water Use Restrictions for Demand Reduction: All requirements of Stage 2, 3, and 4 shall remain in effect during Stage 5 except:

1. Irrigation of landscaped areas is absolutely prohibited.
2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.
3. All outside water uses are prohibited, except for fighting fires and for animals.

(e) 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 seven (7) consecutive days or when the City Manager or designee declares termination. Upon termination of Stage 5, Stage 4 becomes operative unless otherwise determined by the City Manager.

Sec. 30-13. - Drought Response Stages.

The City Manager or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in this Plan, shall determine that a mild, moderate, severe, critical, or emergency water shortage condition exists and shall implement the following notification procedures:

Notification of the Public:

The City Manager or his/ her designee shall notify the public as needed or necessary by means of:

- Press releases
- Social Media
- Publication in a newspaper of general circulation
- Direct mail to each customer
- Reverse 911 system
- Signs posted in public places

Key Entities and Positions to Notify:

The City Manager or his/ her designee shall notify directly, or cause to be notified directly, the following individuals and entities:

- Mayor/City Council
- Police and Fire Chiefs
- County Emergency Management Coordinator
- County Judge & Commissioners
- TCEQ (required when mandatory restrictions are imposed)
- Major water users
- Building Official
- Critical water users, i.e. hospitals and schools
- Public Works and Parks Employees

Sec. 30-14. - Water Conservation Plan.

(a) Goals: The City has ample water for present and near future needs. The City's budget is structured to meet operational and debt service needs. The City has a water rate structure which is designed to meet the budgetary needs and debt service requirements of the City. The City of Killeen recognizes the State's goals of water conservation and generally supports those goals. Therefore, the following goals are stated for the City relative to water conservation:

1. The City will encourage the conservation of water through the media, mail-outs and other avenues. Conservation messages will be conveyed at the times of the year when water use is expected to increase.
2. The City will work toward reducing unaccounted for (unmetered) water.
3. The City has a goal not to exceed 110 gallons per capita per day (GPCD) over the next five and ten years. The achievement of this goal takes into consideration that:
 - a. Customers will respond to conservation messages.
 - b. Population growth will occur to compensate for revenue losses.
 - c. Unaccounted for water can be reduced up to 5%.

The following are the City's historic and 5-year and 10-year goals for demand reduction through water conservation.

	Historic 5 Year Average	5-Year Goal for Year 2024	10-Year Goal for Year 2029
Total GPCD	104	110	110
Residential GPCD	67	70	70
Water Loss (GPCD)	18	17	16
Water Loss Percentage	17.31%	15.45%	14.55%

(GPCD = gallons per day per capita)

(b) Metering: The City of Killeen obtains 100% of its treated water supply through an agreement with Bell County WCID No. 1. As part of this agreement, Bell County WCID No. 1 provides the City with a monthly statement measuring the amount of water diverted for the City's use. The City's current contract with Bell County WCID No. 1 provides for 32.0 MGD through raw water rights of 39,964 acre-feet per year from Belton Lake.

1. The City of Killeen meters 100% of the connections in the distribution system. Meters range in size from 5/8" x 3/4" to 6". The City is in the process of testing all of their large, commercial (3"-6") meters. Based on this testing, meters that fall outside a plus or minus 5% will be replaced. Aged residential meters are periodically replaced on an as needed basis to assure the continued reliability of meter performance.
2. Annually, the City transfers funds into a meter replacement fund to replace meters that test below a certain percentage or have faults.

(c) Plumbing Code: The City of Killeen operates under the International Plumbing Code, which has been formally adopted in Chapter 8, Article IV of this Code. The City routinely inspects new construction, remodeling and additions through building permits. Under the permitting and inspection program, all plumbing fixtures are assured to meet State and Federal laws pertaining to water conservation devices.

(d) Water Rates: The City's water and sewer rates are codified in Article IV of this Chapter and are amended as required to supply the necessary system revenues. The City uses a non-promotional water rate structure which is cost-based and acts to discourage excessive water use.

As outlined in Sec. 30-12, Stage 5 - Emergency Water Shortage Conditions, Water Rationing, if activated, water rates increase significantly if customers exceed specified amounts.

(e) Distribution System, Leak Detection and Repairs: As required by 30 Texas Administrative Code § 288.2(a)(2)(B), the record management system utilized by the City of Killeen divides water sales into the following customer classifications: residential, commercial, apartments, mobile home parks, industrial, fireplug, outside City commercial, and outside City residential. It is the policy and practice of the City's Water Utility to investigate customer complaints of low pressure and possible leaks. Additionally, as required by 30 Texas Administrative Code §288.2(a)(2)(A), City staff visually inspects suspected leaks and prioritizes and completes the timely repair to any leaks detected. The City's record management system tracks water pumped, water delivered, water sales, and water losses to track water transmission, distribution, and delivery to its customers. This information is used to evaluate the integrity of the system from source to end user to control and maximize unaccounted for uses of water. The City of Killeen also currently employs

the following measures in an effort to resolve water loss discrepancies that occasionally occur in the transmission, delivery, and distribution system:

1. Pro-active leak detection and leak repair to reduce unaccounted for water loss.
2. Continuing public education programs to increase Plan awareness.
3. Coordination among all Bell County WCID No. 1 customers to ensure each customer takes water in a manner that ensures a dependable supply and an efficient operation.
4. Using treated wastewater reuse for golf course irrigation and exploring other options for treated wastewater reuse and recycling to reduce potable water demand.

(f) Water Conservation Utility Profile: The City of Killeen supplies water to its customers within the corporate limits and extraterritorial jurisdiction of the City through its Public Water System (PWS 0140006; RN 101391308). The City holds a Certificate of Convenience and Necessity (CCN #10041) encompassing approximately 56 square miles. In furtherance of the City's policy of water conservation the following has been provided for in the City's plan:

1. The City has conducted and completed an evaluation of our water and wastewater system and customer use characteristics in an effort to identify water conservation opportunities and potential targets and goals. The evaluation, entitled "Utility Profile for Retail Water Supplier," is available upon request and is summarized as follows:
 - a. The source of drinking water for the City of Killeen is Lake Belton.
 - b. The City purchases treated water from a wholesaler, Bell County WCID No. 1, for distribution to approximately 64,700 retail customers.
 - c. The City maintains over 676 linear miles of public water distribution mains and 600 linear miles of wastewater collection mains.
 - d. The City's current water demand averages 15.1 million gallons per day (MGD) or approximately 105 gallons per capita per day (GPCD).
 - e. In the previous five years, the City's maximum daily potable water demand was 25.8 MGD.
 - f. Bell County WCID No. 1 treats the City's sewer which averages 10.2 MGD.
2. Water customers (residential, commercial, public/institutional and industrial) located within the City of Killeen's CCN coverage area have historically used 105 to 115 GPCD. The City has established 5-year and 10-year goals not to exceed 110 GPCD based on this historically low GPCD which is largely due to Killeen's proximity to the Fort Hood Military Base. Enlisted members of the armed forces make up a significant portion of the City's water system customers. The historical low GPCD is influenced by the transient nature of the enlisted members and the large number of rental properties

utilized in the City's service area. In establishing the 5-year and 10-year goals, the City also considered state and regional goals, local climate, demographics, and data from the City's utility profile.

Sec. 30-15. - Enforcement.

- (a) No person shall knowingly or intentionally allow the use of water from the City 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 drought response stage in effect at the time pursuant to action taken by City Manager or his/her designee, in accordance with provisions of this Plan.
- (b) Any person who violates this Plan is guilty of a Class C misdemeanor and, upon conviction shall be punished under Sec. 1-8 of this Code. A fine not exceeding two thousand dollars (\$2,000) may be imposed for violation of provisions that govern fire safety or public health and sanitation. 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 City Manager or designee 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 re-connection charge, as established in the City's current fee and rate schedule, and any other costs incurred by the City in discontinuing service. In addition, suitable assurance must be given to the City Manager or designee 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.
- (c) Any person, including a person classified as a water customer of the City, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but it is an affirmative defense if any such parent 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.

Sec. 30-16. – Variances.

The City Manager or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this 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 and if one or more of the following conditions are met:

- (a) 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.
- (b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting a variance from the provisions of this Article shall file a petition for variance with the City Manager or designee within five (5) days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the City Manager, or his/her designee, and shall include the following:

- (a) Name and address of the petitioner(s).
- (b) Purpose of water use.
- (c) Specific provision(s) of the Plan from which the petitioner is requesting relief.
- (d) 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 Ordinance.
- (e) Description of the relief requested.
- (f) Period of time for which the variance is sought.
- (g) 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.
- (h) Other pertinent information.

SECTION II. That all ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION III. That should any section or part of any section, paragraph or clause of this ordinance be declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

SECTION IV. That the Code of Ordinances of the City of Killeen, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION V. That this ordinance shall be effective immediately after its passage and publication according to law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 23rd day of April, 2019, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 *et seq.*

APPROVED

JOSE L. SEGARRA, MAYOR

ATTEST:

APPROVED AS TO FORM:

Lucy C.Aldrich, CITY SECRETARY

Kathryn H. Davis, CITY ATTORNEY

ORD _____

Date: _____