

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF COPPELL, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 3, ‘CITY DEPARTMENTS’, ARTICLE 3-1, ‘WATER DEPARTMENT’, SECTION 3-1-12 ‘WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN’; BY REPEALING AND RESERVING SAID SECTION OF SUCH ARTICLE IN ITS ENTIRETY AND ADDING ARTICLE 3-6, ‘WATER CONSERVATION’; PROVIDING SUBDIVISION A, ‘WATER CONSERVATION PLAN’, SUBDIVISION B, ‘DROUGHT CONTINGENCY REGULATIONS’; AND SUBDIVISION C ‘ENFORCEMENT’; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Coppel believes it will benefit to amend and update the City’s Code of Ordinances;

**WHEREAS**, the City desires to amend the Water Conservation Plan and Drought Contingency Plan previously implemented for the benefit of the citizens of the City of Coppel.

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

**SECTION 1.** That the Code of Ordinances of the City of Coppel, Texas, be and in the same is hereby amending Chapter 3, ‘City Departments’, Article 3-1 ‘Water Department’, Section 3-1-12, ‘Drought Contingency and Water Conservation Plan’, by repealing said section in its entirety and reserving the same for future use as follows:

**“CHAPTER 3 – CITY DEPARTMENTS**

**ARTICLE 3-1. WATER DEPARTMENT . . . . .**

**. . . . .**

**SECTION 3-1-12. RESERVED**

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**SECTION 2.** That the Code of Ordinances of the City of Coppel, Texas, be and in the same is hereby amending Chapter 3, ‘City Departments’, by Article 3-6 “Water Conservation”,

Subdivision A “Water Conservation Plan”, Subdivision B “Drought Contingency Regulations”, and Subdivision C “Enforcement”, which shall read as follows:

**“CHAPTER 3 – CITY DEPARTMENTS**

**ARTICLE 3-6. WATER CONSERVATION**

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**SUBDIVISION A. WATER CONSERVATION PLAN**

**Sec. 3-6-1**

There is hereby adopted the Water Conservation Plan of the City, dated July 9, 2024, and made a part hereof for all purposes, the same as if fully copied in full herein, including any appendices; a copy of said plan shall be maintained in the offices of the City Secretary and Director of Public Works, and shall be posted on the City website.

**SUBDIVISION B. DROUGHT CONTINGENCY REGULATIONS**

**Sec. 3-6-2**

**a) Declaration of Policy, Purpose, and Intent**

This Drought Contingency Subdivision describes the conditions that require short-term water demand management in the City of Coppell and establishes policies and procedures that offer strategies for a timely and effective response. In general, such a response would be needed when water use in the area served by the City of Coppell approaches the system’s supply, or delivery capacity. Examples include drought conditions, unusually high-water demands, unforeseen equipment or system failure, or contamination of a water supply source.

To conserve the available water supply and protect the integrity of water supply facilities, with regard to 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 Coppell City Council adopted this Drought Contingency Subdivision, by City Council Ordinance No. \_\_\_\_\_ as presented in Appendix A.

Water uses regulated or prohibited under this Drought Contingency Subdivision are non-essential and continuation of such uses during times of water shortage or other emergency water supply conditions is deemed to constitute a waste of water which subjects the offender(s) to violation and penalties as defined in Section 3-6-6 of this Article.

This Drought Contingency Subdivision meets Texas Commission on Environmental Quality (TCEQ) rules of development and minimum requirements for the drought contingency plans for municipal water suppliers contained in Texas Administrative Code (TAC) Title 30, Part 1, Chapter 288, Subchapter B, Rules 288.20. Refer to Appendix B for the TAC, Title 30, Chapter 288, Subchapter B.

All of the following appendices A-1 through C-2 attached to this ordinance are not subject to codification but shall be maintained separately by the City Secretary and Director of Public Works and shall be posted on the City website.

**b) Public Involvement**

Opportunity for the public to provide input into the preparation of the Chapter was provided by the City of Coppell by means of making a draft copy of the Chapter available for download on City of Coppell webpage.

**c) Public Education**

The City of Coppell will periodically provide the public with bilingual information about the Chapter, including information about the conditions under which each stage of the Chapter is to be initiated or terminated and the drought response measures to be implemented in each stage. This information regarding stages and restrictions may be provided by means of, but not limited to, any of the following, singularly or in combination:

- Notification via local radio, the city's website, and city's cable access channels;
- Press releases, media alerts and social media;
- Email and telephone notifications to customers;
- Mailed water bill inserts;
- Mass mailings of notification letters;
- Public meetings and hearings; or
- Public education seminars

**d) Coordination with Regional Water Planning Groups**

The service area of the City of Coppell is located within Region C Water Planning Group and the City of Coppell will provide a copy of this Chapter to the Region C Water Planning Group. Refer to Appendix C for a copy of the transmittal letter to the Region C Water Planning Group.

**e) Authorization**

The City Manager, or the properly appointed designee, is hereby authorized and directed to implement the applicable provisions of this Chapter 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 Chapter.

**f) Application**

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

**Sec. 3-6-3**

**Definitions**

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

**Aesthetic water use:** water use for ornamental or decorative purposes, including but not limited to fountains, reflecting pools, and water gardens.

**Automatic Irrigation System:** means a site-specific system of delivering water, generally for landscape irrigation, via a system of pipes or other conduits installed below ground that will automatically cycle water using landscape sprinklers according to a preset program, whether on a designated timer or through manual operation.

**Aquatic Life:** a vertebrate organism dependent upon an aquatic environment to sustain its life.

**City Manager:** The City Manager for the City of Coppell.

**Commercial water use:** the use of water by a place of business 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 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.

**Contamination:** a naturally occurring or man-made element which compromises the safety of the water supply.

**Customer:** any person, company, entity or organization using water supplied by the City of Coppell.

**Delivery capacity:** refers to the maximum amount of water that can be delivered to customers when considering the limitation of the system components such as sources, treatment, storage, transmission, or distribution, individually and in combination with each other when operating at their designed capacity.

**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:** micro irrigation with low volume and low-pressure release of water through point source emitters or pressure compensating in-line drip emitters.

**Drought Contingency Plan:** a strategy or combination of strategies for temporary supply and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies. This document is the Drought Contingency Plan for the City of Coppell.

**Drought of Record:** the worst drought recorded in the north central/north-east Texas area.

**Even number address:** street addresses (e.g. 120 Magnolia St.), box numbers, or rural postal route numbers (e.g. RR 2 Box 9802) ending in 0, 2, 4, 6, or 8 and locations without addresses.

**Foundation Watering:** the application of water using a hand-held hose, soaker hose or drip irrigation system placed within 24 inches of the foundation, which does not produce a spray above ground or result in water run-off.

**Golf Course:** a commercial or governmental property made up of greens, tees, fairways and related areas which are irrigated and landscaped for the purposes of playing golf

**Hand watering:** the application of water for irrigation purposes through a hand-held water hose, watering can or bucket.

**Hose-end Sprinkler:** a device through which water flows from a hose to a sprinkler to water any lawn or landscape.

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

**Institutional water use:** the use of water by an establishment dedicated to public service, such as a school, university, church, hospital, nursing home or government facility. All facilities dedicated to public service are considered institutional regardless of ownership.

**Landscape irrigation use:** 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:

irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Chapter.

use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;

use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;

use of water to wash down buildings or structures for purposes other than immediate fire protection;

flushing street gutters or permitting water to run or accumulate in any gutter or street;

use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, hot tubs or Jacuzzi-type pools;

use of water in a human made water feature, including but not limited to a fountain or pond for aesthetic or scenic purposes except as necessary to support aquatic life;

failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and

use of water from hydrants for construction purposes or any other purposes other than firefighting and flushing of lines for regulatory required testing and/or to maintain a potable water supply.

**Non-Potable Water:** water that is not intended or suitable for drinking and has not been approved for human consumption.

**Ornamental Fountain:** an artificially created structure from which a jet, stream, valves and emission devices or flow of water emanates and is not typically utilized for the preservation of aquatic life.

**Odd Numbered Address:** street addresses (e.g. 121 Magnolia St.), box numbers, or rural postal route numbers (e.g. RR 2 Box 9803) ending in 1, 3, 5, 7, or 9.

**Permitted Watering Hours:** 6pm-9am.

**Potable Water:** water that is suitable for drinking by the public.

**Recreational Water Use:** water used for leisure and entertainment purposes. Examples include but are not limited to swimming pools, Jacuzzi-type pools, water theme parks, wading pools and water toys.

**Reduced Delivery Capacity:** refers to the maximum amount of water that can be delivered to customers when considering reductions of delivery capacity based on scheduled shutdowns of infrastructure and/or unforeseen shutdowns of infrastructure, such as line breaks, equipment failure, etc.

**Retail Customers:** non-wholesale customers.

**Run-off:** a stream of water which overflows from a lawn or landscape onto a street, sidewalk, parking lot or other impervious area for a distance of more than 50 feet; or forms a puddle or pond to a depth greater than one-quarter of an inch.

**Soaker Hose:** a permeable garden-type hose that is laid above ground that provides irrigation at a slow and constant rate.

Swimming Pool: a structure that is used for swimming, bathing, or water play, including all equipment and appurtenant facilities.

TCEQ: The Texas Commission of Environmental Quality

Vehicle Wash Facility: a permanently located business that washes vehicles or other mobile equipment with water or water-based products, including but not limited to self-service car washes, full-service car washes, roll-over/in-bay style car washes, and facilities managing vehicle fleets or vehicle inventory.

Water Supply System: DWU water supply sources (lakes) and all infrastructure related to the delivery of water to customers.

#### **Sec. 3-6-4**

##### **a) Threshold Criteria for Initiation and Termination of Drought Response Stages**

The City Manager or authorized designee shall monitor water supply and/or demand conditions, at a minimum, on a weekly basis and shall determine when conditions warrant initiation or termination of each stage of the Chapter, that is, when the specified “triggers” are reached. The City Manager Department reserves the authority to recommend that a Stage be or not be initiated based on:

- i Notification from DWU of initiation or termination of a Drought Response Stage.
- ii Weather conditions.
- iii Total water supply availability.
- iv Rate of water supply decline or replenishment; or
- v Anticipation of change in water supply or distribution capacity.

Upon recommendation of the Director of Public works, the City Manager may initiate, upgrade, or downgrade a stage when the conditions triggering that stage occur. Retail customer notification of the initiation or termination of drought response stages will be made by City Manager or authorized designee.

##### **b) Additional Notification:**

The City Manager or authorized designee shall notify directly, or cause to be notified directly by fax, mail, email, or telephone, the following individuals, and entities as appropriate to the respective drought stages:

- i Mayor and members of the City Council
- ii City and/or County Emergency Management Coordinator(s)
- iii County Judge & Commissioner(s)
- iv State Disaster District / Department of Public Safety
- v Executive Director of the TCEQ (required within five (5) business days of the implementation of any mandatory restrictions)
- vi Critical water users (e.g., hospitals)

vii Parks/street superintendents & public facilities managers

The criteria described below consist of several of those established by the Drought Contingency plan for the city's treated water supplier, Dallas Water Utilities (DWU).

**c) Stage 1 Threshold**

1) Requirements for Initiation

Customers shall be requested to adhere to voluntary measures (January-April; November-December) and shall be required to comply with the requirements and mandatory restrictions (May-October) on certain non-essential water uses provided in Section 3-6-5:

- A. Notification is received by DWU initiating stage; or
- B. Water demand has reached or exceeded 85% of delivery capacity for 4 consecutive days; or
- C. Water demand approaches a reduced delivery capacity for all or part of the system; or
- D. Water line breaks or pump or system failures, which impact the ability of the city to provide treated water service; or
- E. Natural or man-made contamination of the water supply source(s) occurs.

2) Requirements for Termination

- A. Stage 1 may fluctuate between voluntary and mandatory when Stage 1 conditions (January-April; May-October; November-December) or circumstances no longer exist and would be unlikely to recur upon termination.

**d) Stage 2 Threshold**

1) Requirements for Initiation

Customers shall be requested to adhere to mandatory restrictions and limitations on certain non-essential water uses provided in Section 3-6-5:

- A. Notification is received from DWU Stage 2; or
- B. Water demand has reached or exceeded 90% of delivery capacity for 3 consecutive days; or
- C. Water demand equals a reduced delivery capacity for all or part of the system; or



- D. Water line breaks or pump or system failures occur, which impact the ability of the city to provide treated water service; or
- E. Natural or man-made contamination of the water supply source(s) occurs.

2) Requirements for Termination

- A. Stage 2 may be terminated when Stage 2 conditions no longer exist and would be unlikely to recur upon termination.

e) **Stage 3 Threshold**

1) Requirements for Initiation

Customers shall be required to comply with the requirements and mandatory restrictions on certain non-essential water uses provided in Section 3-6-5:

- A. Notification is received from DWU intorting Stage 3; or
- B. Water demand has reached or exceeded 95% of delivery capacity for 2 consecutive days; or
- C. Water demand exceeds a reduced delivery capacity for all or part of the system; or
- D. Water line breaks or pump or system failures occur, which impact the ability to provide treated water service; or
- E. Natural or man-made contamination of the water supply source(s) occurs.

2) Requirements for Termination

- A. Stage 3 of the Chapter may be terminated when the Stage 3 conditions no longer exist and would be unlikely to recur upon termination.

f) **Stage 4 Threshold**

1) Requirements for Initiation

Customers shall be required to comply with the requirements and restrictions for Stage 4 of this Article when the city manager, or his/her designee, determines that a water supply emergency exists based on:

- A. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or
- B. Natural or man-made contamination of the water supply source(s).

2) Requirements for Termination

- A. Stage 4 of the Article shall be rescinded when all of the initiation conditions have ceased to exist. The city manager, or his/her designee, will then

determine what stage of the Article should be implemented and the specific water use restrictions required to preserve the city's ability to meet essential water demand and fire protection.

**Sec. 3-6-5 Drought Stages Regulations and Restrictions**

The City Manager, or appointed designee, shall monitor water supply and/or demand conditions on a weekly basis and, in accordance with the triggering criteria set forth in Section 3-6-4, shall determine if conditions exist that would trigger any of the designated drought stages, and if so, shall implement the following actions:

**a) Stage 1 Restrictions**

Target: Achieve a 5 percent reduction in total gallons per capita per day (GPCD).

Water Use Restrictions for Demand Reduction:

Following is a menu of possible actions. Specific actions taken during any drought situation will be determined by the City Manager or designee. The City Manager or designee may also take other actions not listed, if deemed necessary.

1) All Water Users

A. Landscape Uses:

i All water customers are reminded to observe a mandatory maximum 2-days-per-week landscape watering schedule and require watering only during allowed watering hours as defined in Section 3-6-3. Irrigation of landscaped areas with hose-end sprinklers and automatic irrigation systems is limited to Tuesdays and Saturdays for residential customers with a street address ending in an even number (0, 2, 4, 6 or 8) and for locations without addresses and limited to Sundays and Wednesdays for water residential customers with a street address ending in an odd number (1, 3, 5, 7 or 9). Apartments, office building complexes or other properties containing multiple addresses may be identified by the lowest address number. Businesses, Commercial facilities and municipal facilities will be limited to Fridays and Mondays. Mandatory 2-days-per-week from May 1 to September 30 each year.

ii Encourage reduction of water use through voluntary maximum 1-day-per-week landscape watering schedule.

iii Discourage planting of new landscapes, including lawns, hydro-seeding and sod.

B. Swimming Pools and Other Recreational Uses:

iv Encourage reduction in frequency in draining and refilling of swimming pools.

v Prohibit recreational water usage, including the use of faucets, hoses or hydrants, which results in water run-off or other prohibited waste of water.

C. Foundations:

Foundations may be watered on any day of the week and at any time. Foundations may be watered with a drip irrigation system, soaker hose or a hand-held hose equipped with a positive shutoff nozzle.

D. Vehicle Washing:

Restrict washing of any motor vehicle, motorbike, boat, trailer, airplane or other vehicle to the use of a hand-held bucket or a hand-held hose equipped with a positive shut-off nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial vehicle wash facility or commercial service station. Companies with an automated on-site vehicle washing facility may wash vehicles at any time.

E. City Government:

- i Initiate public education campaign teaching and encouraging reduced water use practices.
- ii Intensify normal leak detection and repair activities on water pipes and mains.
- iii Require reduction of water use through mandatory maximum twice weekly landscape watering schedule for city parks and golf courses.
- iv Encourage reduction of water use in city-owned ornamental fountains.
- v Encourage additional reduction in landscape uses for parks.
- vi Encourage 25 percent reduction in frequency of wet street sweeping and city vehicle washing and rinsing.
- vii Increase enforcement efforts through proactive code enforcement.

F. Commercial Customers:

- i Identify and encourage voluntary reduction measures by high-volume water users through water use audits.
- ii Require reduction of water use through mandatory maximum twice weekly landscape watering schedule for private parks and golf courses.
- iii Encourage additional reduction in landscape uses for parks.
- iv Encourage reduction in water use for landscape nursery stock.
- v Encourage area restaurants to serve customers water by request only.
- vi Encourage hotel/motels to request multiple day patrons to reuse linens instead of changing every day.

**b) Stage 2 Restrictions**

Target: Achieve a 15 percent reduction in total gallons per capita per day (GPCD).

Water Use Restrictions for Demand Reduction:

Following is a menu of possible actions. Specific actions taken during any drought situation will be determined by the City Manager. The City Manager may also take other actions not listed, if deemed necessary. All requirements of Stage 1 shall remain in effect during Stage 2, and the following additional measures will be required:

1) All Water Users:

A. Landscape Uses:

- i All water customers are reminded to observe a mandatory 2-days-per-week landscape watering schedule and require watering only during allowed watering hours as defined in Section 3-6-3. Irrigation of landscaped areas with hose-end sprinklers and automatic irrigation systems is limited to Tuesdays and Saturdays for residential customers with a street address ending in an even number (0, 2, 4, 6 or 8) and for locations without addresses and limited to Sundays and Wednesdays for water residential customers with a street address ending in an odd number (1, 3, 5, 7 or 9). Apartments, office building complexes or other properties containing multiple addresses may be identified by the lowest address number. Businesses, Commercial facilities and municipal facilities will be limited to Fridays and Mondays. Strongly discourage planting of new landscapes, including lawns, hydro-seeding and sod.

B. Swimming Pools and Other Recreational Uses:

- i Encourage reduction in frequency in draining and refilling of swimming pools.
- ii Continue to prohibit recreational water usage, including the use of faucets, hoses or hydrants, which results in water run-off or other prohibited waster of water.

C. Foundations:

Foundations may be watered on any day of the week and at any time. Foundations may be watered with a drip irrigation system, soaker hose or a hand-held hose equipped with a positive shut-off nozzle.

D. Vehicle Washing:

Restrict washing of any motor vehicle, motorbike, boat, trailer, airplane or other vehicle to the use of 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 vehicle wash facility or commercial service station. Companies with an automated on-site vehicle washing facility may wash vehicles at any time.

E. City Government:

- i Initiate engineering studies to evaluate alternatives to mitigate drought conditions should conditions worsen.
- ii Accelerate public education campaign teaching and encouraging reduced water use practices.
- iii Continue intensified leak detection and repair activities on water pipes and mains.
- iv Prohibit flushing of new mains not immediately required to provide service.
- v City government restricted to mandatory maximum once weekly landscape watering schedule.
- vi Require reduction of water use through mandatory once weekly landscape watering schedule for city parks and golf courses
- vii Prohibit operation of city-owned ornamental fountains and water features.
- viii Reduce frequency of wet street sweeping and city vehicle washing or rinsing by 50 percent.
- ix Increase enforcement efforts through proactive code enforcement.

F. Commercial Customers:

- i Require reduction of water use through mandatory maximum once weekly landscape watering schedule for private parks and golf courses.

**c) Stage 3 Restriction**

Target: Achieve a 20 percent reduction in total gallons per capita per day (GPCD).

Water Use Restrictions for Reducing Demand:

Following is a menu of possible actions. Specific actions taken during any drought situation will be determined by the City Manager. The City Manager may also take other actions not listed, if deemed necessary. All requirements of Stages 1 and 2 shall remain in effect during Stage 3, and the following additional measures will be required:

1) All Water Users

A. Landscape Uses:

- i All water customers are reminded to observe a mandatory maximum 1-day-per-week landscape watering schedule and require watering only during allowed watering hours as defined in Section 3-6-3. Irrigation of landscaped areas with hose-end sprinklers and automatic irrigation systems

will be limited to Tuesdays for residential customers with a street address ending in an even number (0, 2, 4, 6 or 8) and for locations without addresses and limited to Wednesdays for water residential customers with a street address ending in an odd number (1, 3, 5, 7 or 9). Apartments, office building complexes or other properties containing multiple addresses may be identified by the lowest address number. Businesses, Commercial facilities and municipal facilities will be limited to Fridays.

- ii Irrigation of turf, shrubs, perennials, annuals, ground covers and any other landscaped area by any method is absolutely prohibited. Trees may be irrigated with drip irrigation system, soaker hoses or with a hand-held hose one day per week on the Stage 2 watering schedule and within the permitted watering hours.
- iii Installation of new landscapes or turf areas is prohibited.
- iv Operation of any water feature, ornamental fountain or pond that uses potable water is prohibited except where supporting aquatic life or water quality.

**B. Swimming Pools and Other Recreational Uses:**

- i Prohibit the filling, draining and refilling of existing swimming pools, wading pools, Jacuzzi and hot tubs except to maintain structural integrity, proper operation and maintenance or alleviate a public safety risk. Existing pools may add water to replace losses from normal use and evaporation.
- ii Permitting of new swimming pools, wading pools, water features, Jacuzzi and hot tubs is prohibited.
- iii Continue to prohibit recreational water usage, including the use of faucets, hoses or hydrants, which results in water run-off or other prohibited waste of water.

**C. Foundations:**

Foundations may be watered one day per week on the Stage 2 watering schedule within the permitted watering hours. Foundations may be watered with a drip irrigation system, soaker hose or a hand-held hose equipped with a positive shutoff nozzle. Water run-off is absolutely prohibited.

**D. Vehicle washing:**

Use of water to wash any motor vehicle, motorbike, boat, trailer or other vehicle not occurring on the premises of a commercial vehicle wash facility or commercial service stations is prohibited. Companies with an automated on-site vehicle washing facility may wash its vehicles at any time. Further, such washing may be exempt from these requirements if the health, safety and welfare of the public are contingent upon frequent vehicle cleansing, such as garbage trucks and commercial vehicles used to transport food and perishables.

**E. Impervious surface cleaning:**

Hosing and washing of paved areas, buildings, structures, windows or other surfaces is prohibited except by variance and performed by a professional service using high efficiency equipment.

G. New Service:

No application 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 approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

G. City Government:

- i Wet street sweeping and city vehicle washing or rinsing is prohibited except for reasons of public health, safety, and welfare.
- ii Municipal landscape watering is prohibited except golf courses (see below).
- iii Watering of golf course greens and tee boxes are restricted to the allowed watering hours as defined in Section VII; watering of other golf course areas and parks is prohibited.

H. Commercial Customers:

Watering of golf course greens and tee boxes are restricted to the allowed watering hours as defined in Section 3-6-3; watering of other golf course areas or parks is prohibited unless the golf course uses a water source other than that provided by the City of Coppell.

**d) Stage 4 Restrictions**

Target: Achieve at least a 25 percent reduction in total GPCD water use.

1) Best Management Practices for Supply Management:

To manage limited water supplies and/or reduce water demand, the City of Coppell will:

- i Activate and use an alternative supply source(s); if available; and/or
- ii Discontinue all non-essential water use, including landscape irrigation water use; and/or
- iii Door hangers will be placed on all houses in the affected area providing information about the conditions.

2) Water Use Restrictions for Reducing Demand:

A. All requirements of Stage 1, 2, and 3 shall remain in effect during Stage 4 except:

- i No outdoor watering will be allowed

B. Landscape Uses:

- i Irrigation of turf, shrubs, perennials, annuals, ground covers and any other landscaped area by any method is absolutely prohibited. Trees may be irrigated with drip irrigation system, soaker hoses or with a hand-held hose one day per week on the Stage 3 watering schedule and within the permitted watering hours.
- ii Installation of new landscapes or turf areas is prohibited.

- iii Operation of any water feature, ornamental fountain or pond that uses potable water is prohibited except where supporting aquatic life or water quality.

C. Swimming Pools and Other Recreational Uses:

- i Prohibit the filling, draining and refilling of existing swimming pools, wading pools, Jacuzzi and hot tubs except to maintain structural integrity, proper operation and maintenance or alleviate a public safety risk. Existing pools may add water to replace losses from normal use and evaporation.
- ii Permitting of new swimming pools, wading pools, water features, Jacuzzi and hot tubs is prohibited.
- iii Continue to prohibit recreational water usage, including the use of faucets, hoses or hydrants, which results in water run-off or other prohibited waste of water.

D. Foundations:

Foundations may be watered one day per week on the Stage 3 watering schedule within the permitted watering hours. Foundations may be watered with a drip irrigation system, soaker hose or a hand-held hose equipped with a positive shutoff nozzle. Water run-off is absolutely prohibited.

E. Vehicle washing:

Use of water to wash any motor vehicle, motorbike, boat, trailer or other vehicle not occurring on the premises of a commercial vehicle wash facility or commercial service stations is prohibited. Companies with an automated on-site vehicle washing facility may wash its vehicles at any time. Further, such washing may be exempt from these requirements if the health, safety and welfare of the public are contingent upon frequent vehicle cleansing, such as garbage trucks and commercial vehicles used to transport food and perishables.

F. Impervious surface cleaning:

Hosing and washing of paved areas, buildings, structures, windows or other surfaces is prohibited except by variance and performed by a professional service using high efficiency equipment.

New Service:

No application 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 approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

I. City Government:

- i Wet street sweeping and city vehicle washing or rinsing is prohibited except for reasons of public health, safety, and welfare.
- ii Municipal landscape watering is prohibited except golf courses (see below).



- iii Watering of golf course greens and tee boxes are restricted to the allowed watering hours as defined in Section VII; watering of other golf course areas and parks is prohibited.

J. Commercial Customers:

Watering of golf course greens and tee boxes are restricted to the allowed watering hours as defined in Section 3-6-3; watering of other golf course areas or parks is prohibited unless the golf course uses a water source other than that provided by the City of Coppell.

### SUBDIVISION C. ENFORCEMENT

#### Sec. 3-6-6

It shall be unlawful for any person, as defined by this Article, to knowingly or intentionally allow the use of water from the City of Coppell for residential, commercial, industrial, agricultural, governmental, or any other purposes in a manner contrary to any provision of this Article, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the City Manager, or his/her designee, in accordance with provisions of this Article.

a) Penalty:

- i Any person who violates this subdivision is guilty of a class C misdemeanor and, upon conviction, shall be punished by a fine of not less than \$250 and not more than \$2,000. Violations of this Chapter may also be enforced as an administrative offense using the alternative administrative adjudication procedure set forth in the City of Coppell Code of Ordinances, as amended. Each day that one or more of the provisions in this Chapter is violated shall constitute a separate offense.
- ii If a person is convicted of two or more distinct criminal or civil violations of this Chapter, upon due notice to the customer, the City Manager may: (1) install a flow restrictor in the line to limit the amount of water that will pass through the meter in a 24-hour period; or (2) discontinue water served to the premises.
- iii Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, hereby established at an amount not to exceed \$135.00 (or as adjusted by City ordinance), and any other costs incurred by the City of Coppell in discontinuing service. In addition, suitable assurance must be given to the City Manager that the same action will not be repeated while the Chapter is in effect. Compliance with this Chapter may also be sought through civil action and/or injunctive relief in the district court.

b) Violators:

- ii Any person, including a person classified as a water customer of the City of Coppell, 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.

- iii 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 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 Chapter and that the parent could not have reasonably known of the violation.

c) Enforcement Officers:

Any employee of the City of Coppell, police officer, or other employee designated by the City Manager, may issue a citation to a person he/she reasonably believes to be in violation of this Ordinance. 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 the municipal court on the date shown on the citation for which the date shall not be less than 3 days nor more than 15 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 a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in municipal court to enter a plea of guilty or not guilty for the violation of this Chapter. If the alleged violator fails to appear in 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 given preferential setting in municipal court before all other cases.

**Sec. 3-6-7.**

a) The City Manager, or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Chapter if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, safety or welfare for the public or the person requesting such variance and if one or more of the following conditions are met:

- i Granting of a variance must not cause an immediate significant reduction in the city's water supply.
- ii The health, safety, or welfare of other persons will not be adversely affected by granting of the variance.
- iii The applicant must demonstrate that the extreme hardship or need is related to the health, safety, or welfare of the person requesting it.
- iv Compliance with this Chapter cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Chapter is in effect.
- v Alternative methods can be implemented which will achieve the same level of reduction in water use.
- vi All variances are only in effect during the Drought Plan Stage for which the variance was issued.

b) Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with the City of Coppell within 5 days after the Chapter 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:

- i Name and address of the petitioner(s).
- ii Purpose of water use.
- iii Specific provision(s) of the Chapter from which the petitioner is requesting relief.
- iv Detailed statement as to how the specific provision of the Chapter adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Chapter.
- v Description of the relief requested.
- vi Period of time for which the variance is sought.
- vii Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Chapter and the compliance date.
- viii Other pertinent information.

c) Variances granted by the City of Coppell shall be subject to the following conditions, unless waived or modified by the City of Coppell or its designee:

- i Variances granted shall include a timetable for compliance.
- ii Variances granted shall expire when the Chapter is no longer in effect unless the petitioner has failed to meet specified requirements.

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

- i The City Manager may revoke a variance granted when the City Manager determines that the conditions are not being met or are no longer applicable.

### **Sec. 3-6-8**

The City of Coppell will review and update this Article with State law requirements. If the Chapter adopted herein is implemented during a water shortage, data obtained during the plan implementation will be used to make any necessary modifications to the Chapter. Additionally, the Chapter will be updated as appropriate based on new or updated information regarding the system's delivery capacity.”

**SECTION 3.** That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Coppell, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 4.** That all provisions of the ordinances of the City of Coppell in conflict with the provisions of this ordinance be and the same are hereby repealed and any provisions not so in conflict shall remain in force and effect.

**SECTION 5.** That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not effect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not effect the validity of the Code of Ordinances as a whole.

**SECTION 6.** It is hereby declared to be the intention of the City of Coppell that the sections, paragraphs, sentences, clauses, and phrases of this Article are severable and, if any phrase, clause, sentence, paragraph, or section 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.

**SECTION 7.** An offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

**SECTION 8.** This ordinance shall take effect immediately upon its passage and the publication of the caption as the law and charter in such cases provide.

**DULY PASSED** by the City Council of the City of Coppell, Texas, on the \_\_\_\_\_ day of \_\_\_\_\_ 2024.

**APPROVED:**

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Wes Mays, Mayor

**ATTEST:**

\_\_\_\_\_  
Ashley Owens, City Secretary

**APPROVED AS TO FORM:**

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Robert E. Hager, City Attorney