

## Chapter 114 - UTILITIES<sup>(1)</sup>

### ARTICLE I. - IN GENERAL

#### Sec. 114-1. - Liability of city for damage to property of customers.

The city shall not be liable for any damage to the property of any consumer of any utility service furnished by the city due to temporary interruption of service, backflow of the sewerage system or any other cause outside the direct control of the city.

#### Sec. 114-2. - Water wells.

- (a) *Permit required; fee; term; renewal.* All new water wells within the city limits shall require a permit approved by the city engineer or his designee. ~~The A~~ fee for a city water well permit is required to obtain permit ~~is hereby established as \$50.00,~~ and such permits will expire five years after issuance. Permit renewals shall be obtained from the city water department. A copy of the city water well permit is on file in the city water department offices.
- (b) *Formal application required prior to review of permit request.* No new city water well permit request shall be reviewed by the city until a formal water well permit application has been filed with the city's water department.
- (c) *Approval by Harris-Galveston Subsidence District (H-GSD).* All new water wells must be permitted or registered by the H-GSD and meet all their regulatory criteria. An applicant may file for a new city water well permit only upon presentation of approval from H-GSD.
- (d) *Water tests.* All wells must be tested annually for total coliform bacteria and the results must be reported to the city's water department by January 31 of each year.
- (e) *Cross connections.* All cross connections with water wells and the city's water system are prohibited. The city's water department will perform periodic inspections for cross connections at locations having both city water and a water well. The penalty for violation of this subsection shall be the maximum allowed by law.
- (f) *Water source heat pump systems.* All water wells used for water source heat pump systems must meet the provisions of this section.
- (g) All water wells and related systems must meet all federal, state, county and city regulations regarding their care and operation.

#### Sec. 114-3. - Nuisances near municipal wells or reservoirs—Cesspools, sewer lines or septic tanks.

The maintenance or construction of any type of cesspool, septic tank, open jointed drain or sewer line, or any tile or concrete sanitary sewers or septic tanks, within a distance of 150 feet of any municipal water well or reservoir used for the purposes of supplying water to the water system of the city is hereby declared to be unlawful and a nuisance.

#### Sec. 114-4. - Same—Sewage plants or drainage ditches.

The maintenance, construction, keeping or operation of any sewage treatment plant or sewage drainage ditch or stream or any sewage drainage of any sort or any type of irrigation or watering by means of sewage plant effluent within a distance of 350 feet of any municipal water well or reservoir of

the city used for the purposes of supplying water to the water system of the city is hereby declared to be unlawful and a public nuisance.

Sec. 114-5. - Same—Keeping of livestock.

The maintenance or keeping of any type or form of livestock or stock pen or cattle grazing or any similar activity within 50 feet of any municipal water well or reservoir of the city used for the purpose of supplying water to the water system of the city is hereby declared to be unlawful and a public nuisance.

Secs. 114-6—114-30. - Reserved.

## ARTICLE II. - PRIVATE SEWAGE DISPOSAL FACILITIES<sup>[2]</sup>

Sec. 114-31. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Board* means the state department of water resources.

*Building* includes any house, business, factory, schoolhouse, theater, filling station, tourist court, bus station or tavern, or any other roofed and walled structure, public or private.

*Director* means the director of the county health district, or his delegated representative.

*Disposal system* has the same meaning as "septic tank system."

*Drainfield* has the same meaning as "subsurface sewage disposal system."

*Health district* means the county health district.

*Multiple dwelling* means any structure designed and intended to accommodate more than one family, and includes but is not limited to duplex buildings and apartment buildings.

*Person* means any individual, partnership, firm, public or private corporation, association, trust, estate, or political subdivision or agency, or any other legal entity or their legal representatives, agents or assigns.

*Public wastewater system* means any wastewater system, publicly or privately owned, which has collection and treatment facilities, is available to the general public and has a state department of water resources permit.

*Septic tank system* means all of the outside plumbing associated with the collection, treatment and disposal of wastewater, including the septic tank and drainfield.

*Subdivision* means:

- (1) A subdivision which has been platted and recorded with the county clerk or which is required by statute to be so platted and recorded; or
- (2) Any four or more contiguous lots or tracts, each of which is less than two acres in size.

*Toilet* means the hopper device for the deposit and discharge of human excreta into a water carriage system.

*Trailer park* means any tract or parcel of land maintained, offered or used for the parking or accommodation of house trailers, house cars or similar mobile units or any other portable structures designed for use, or which may be used, or which are used, for human habitation or living quarters.

*Wastewater* means water-carried waste, liquid or solids, organic or inorganic, which includes but is not limited to human excreta and effluent from toilets, bathtubs, showers, washing machines and cooking operations, including food preparation and service cleanup (used interchangeably with the term "sewage").

Sec. 114-32. - Discharge of wastewater generally.

- (a) Only the following types of wastewater discharge shall be lawful:
  - (1) Wastewater discharged into a public wastewater system operating under a valid permit of the board.
  - (2) Wastewater discharged into a private wastewater facility permitted in accordance with the regulations contained in this article.
- (b) All wastewater of any kind discharged into a private wastewater facility shall be disposed of through a septic tank unless otherwise approved by the health district.

Sec. 114-33. - Powers of director.

Under authority of the council, the director of the county health district shall have the power to:

- (1) Enforce all regulations contained in this article.
- (2) Make all required inspections of all private wastewater facilities.
- (3) Collect all fees set by the council necessary to recover the costs incurred in meeting the requirements of this article.

Sec. 114-34. - Permit requirements.

- (a) Every owner of any building or part thereof occupied by people for any purpose during any part of the day or night shall provide sanitary toilet accommodations, and such accommodations shall be kept and maintained in proper working condition.
- (b) Every owner of a building described in subsection (a) of this section which utilizes private wastewater facilities must have a valid wastewater permit.
- (c) The application for a permit must be on forms prescribed by the health district, and all information required must be furnished and any inspections required by this article shall be allowed.
- (d) Private wastewater facilities existing within the city on the date of the passage of the ordinance from which this article is derived are automatically permitted under this article so long as the system is not changed, the building is not enlarged or altered or the loading increased, and the system is not shown to be causing water pollution or nuisance conditions. Any new construction or additions to existing private wastewater facilities must be designed and constructed in accordance with this article and must meet all special design and construction requirements of the health district.

Sec. 114-35. - Approval of plans.

- (a) Any person interested or desiring to construct private wastewater facilities within the city must obtain approval from the health district for his plan of wastewater disposal by fulfilling the following requirements:
  - (1) Two completed copies of the form entitled "Galveston County Health District Inspection Report of Private Waste Water Disposal System" shall be submitted.
  - (2) All plans for construction of new private wastewater treatment facilities shall be submitted to and approved by the health district before any construction of any kind is begun on the property.
- (b) The plans of all private wastewater facilities shall be submitted to and approved by the health district before any building permit is issued.

Sec. 114-36. - Subdivisions using private wastewater facilities.

- (a) Any developer or other interested person creating a subdivision using private wastewater facilities must first obtain approval of the health district of his plan for wastewater disposal.
- (b) To obtain approval, he must meet all the terms and conditions of this article and he must inform each prospective buyer in writing that:
  - (1) The subdivision is subject to this article.
  - (2) A permit will be required for private wastewater facilities constructed.
  - (3) A wastewater disposal plan has been filed for the subdivision and adherence to that plan will be required.
- (c) If it is determined that certain lots or areas of the subdivision are not suitable for the use of private wastewater facilities, the buyer will also be notified by the developer.

Sec. 114-37. - Inspection generally; stop work orders.

- (a) Any permit required to construct, enlarge, alter or repair any building or structure will be obtained and the permit number furnished to the health district before any on-site inspection of the septic tank system will be made.
- (b) The director of the health district or his representative may inspect at various intervals all materials, construction or work and may either approve the materials and that portion of the construction as completed, or may notify the permit holder or his agent, or the owner or his agent, or the person doing the work, wherein the materials, construction or work failed to comply with this article.
- (c) Upon notice from the director or his representative that the work on any wastewater facility is being done contrary to the provisions of this article, such work shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property or to his agent, to the permit holder or his agent, or to the person doing the work, and shall state the conditions under which such work may be resumed.
- (d) The director or his representative may revoke or withhold a permit or approval issued or to be issued under the provisions of this article in case there has been any false statement or misrepresentation as to a material fact in the application or plans upon which the permit or approval was based, or for any other reason the private wastewater facilities do not meet all the requirements of this article.

- (e) The building foundation slab shall not be poured before the plumbing has been inspected by the city to ascertain the compatibility of the plumbing with a septic tank system.
- (f) The health district director shall have the right and privilege of entering any premises within the city within reasonable hours for the purpose of inspecting private wastewater facilities after displaying proper identification to an occupant of the premises.

Sec. 114-38. - Final inspection.

- (a) The property owner or his agent, or the person constructing the wastewater facilities or his agent, shall notify the health district at least one day in advance of the desired date of the final inspection. All work shall be completed before the final inspection is made, except that the septic tank shall be open and the backfill on the absorption field shall not be applied.
- (b) All construction of the septic tank system shall be completed and the final inspection made by the health district within one year of the approval of the septic tank system plans, or new plans shall be submitted.
- (c) Final inspection shall not relieve the septic tank system contractor of his responsibility to the owner of the property for any defective work or material.
- (d) Connection of utility services shall not be made or the building occupied until a final inspection of the septic tank system has been completed by the health district and a private sewage facility permit has been issued.

Sec. 114-39. - Special inspections.

The county health district shall be paid a reasonable fee of \$15.00 to recover the costs of administration and services for the inspection of existing septic tank systems on any property where an inspection is requested by any person and where the inspection is incidental to the sale of the property.

Sec. 114-40. - Fees.

- (a) Where a building permit is required by the city to erect, construct, enlarge, alter, repair or improve any building or structure which utilizes a private wastewater facility, a fee ~~of \$15.00~~ over and above the required building permit fee shall be charged and collected by the health district.
- (b) There shall be no fee charged for any inspection as may be made under section 114-37(b).
- (c) If, after a final inspection is requested as outlined in section 114-38(a), the wastewater system does not meet all the requirements of this article, a notice in writing of the violations shall be given to the owner of the property or his agent, or to the permit holder or his agent, or to the person doing the work. For each additional inspection, a fee ~~of \$10.00~~ will be charged until the facilities meet all requirements of this article, and each inspection shall be requested as outlined in section 114-38(a).
- (d) All inspection fees and special inspection fees shall be collected on or before the final inspection and credited to the account of the county health district and added to other monthly payments as paid to the health district. Certified checks, cashier's checks, personal checks or money orders shall be sent to the Galveston County Health District, 1207 Oak Street (P.O. Box 939), La Marque, Texas 77568, and shall be made payable to the Galveston County Health District.

- (e) The director of the county health district shall keep a permanent and accurate accounting of all permit fees and other monies collected, the names of all persons upon whose account the fee was paid, the date and the amount therefor.

Sec. 114-41. - Connection to public wastewater system.

Every owner of a building or part thereof occupied by people for any purpose during any part of the day or night, where a main or lateral sewer of a public wastewater system is laid and maintained within 300 feet of such building and in such part of a street or alley as lies immediately adjacent to the lot, parcel of land or premises on which such building or part of a building is located, or when such system otherwise becomes available, shall connect with the public wastewater system.

Sec. 114-42. - Percolation tests.

- (a) The director of the health district may require, or the property owner may request, a percolation test on any lot or section, or any other previously untested area. The test shall be conducted under the direction of a sanitarian registered by the state or by any registered professional engineer licensed by the state.
- (b) It shall be the responsibility of the contractor or the property owner to prepare all test holes and provide adequate clean water necessary to conduct the percolation test.
- (c) The health district shall be paid a ~~reasonable fee of \$50.00~~ to recover the costs of administration and service performed for a percolation test.

Sec. 114-43. - Registration of contractors; violations by contractors.

- (a) Any person constructing private wastewater facilities for anyone other than themselves on any property other than their own must be registered with the county health district.
- (b) Any constructor who knowingly violates any section or subsection of this article may be removed from the register and is subject to all penalties in this article.

Sec. 114-44. - Revocation of permit.

- (a) Any violation of this article or any state law shall constitute grounds for revocation of the wastewater facilities permit.
- (b) The wastewater facilities permit will be considered revoked when a written notice containing the reasons for revocation is presented to the property owner or his agent, or to the occupant, stating any violation of this article or any state law, from the director of the health district. The written notice may be delivered in person by the director or sent by regular U.S. mail to the property owner or his agent or to the address where the violation occurred.

Sec. 114-45. - Authority of director to prescribe additional regulations.

The director of the health district shall have the power, with the approval of the commission, to prescribe and promulgate such rules and regulations, not inconsistent with any law of the state, as may be deemed necessary to protect the health and safety of the people and to effectively perform the duties imposed in this article.

Sec. 114-46. - Liability of health district employees.

Any suit brought against any officer or employee of the health district because of some act performed by him in the enforcement of any provision of this article shall be defended by legal counsel of the city until the final termination of the proceedings.

Sec. 114-47. - Granting of exceptions.

- (a) A person desiring an exception to any requirement of this article shall file a written statement with the health district stating:
  - (1) The nature of the exception.
  - (2) The reason the exception should be granted.
- (b) The director shall review the request and reply to the applicant in writing within 30 days, either granting or denying the request.
- (c) If the request is denied, the director shall include in his reply the reasons for denial.

Sec. 114-48. - Appeals.

A person aggrieved by an action of the health district made pursuant to this article is entitled to appeal to the director of the health district if the following terms and conditions are met:

- (1) All of the appropriate steps required of the aggrieved person by the terms and conditions of this article have been met.
- (2) The aggrieved person has made a conscientious effort to resolve his problem with the health district.

Secs. 114-49—114-70. - Reserved.

ARTICLE III. - SEWERS AND WASTEWATER DISPOSAL

Sec. 114-71. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*BOD*, denoting biochemical oxygen demand, shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in parts per million by weight.

*Director* means the director of utilities for the city responsible for maintaining constant control over liquid industrial wastes, or his authorized deputy, agent or representative.

*Garbage* means solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

*Industrial waste* means any solid, liquid or gaseous waste, including cooling water, resulting from any commercial, industrial, manufacturing or food processing operation or process or from the development, recovery or processing of any natural resource, or any mixture of these with water (including runoff or rainwater) or domestic waste.

*Mayor* means the mayor of the city, or his authorized deputy, agent or representative.

*Natural outlet* means any outlet into a watercourse, pond, ditch, lake or other body or surface water or groundwater.

*pH* means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

*Properly shredded garbage* means the wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

*Public sewer* means a sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

*Sanitary sewer* means a sewer which carries wastewater and to which stormwater, surface water and groundwater are not intentionally admitted.

*Sewer* means a pipe or conduit for carrying wastewater, or a pipe or conduit for carrying off surface water runoff.

*Storm sewer* and *storm drain* mean a sewer which carries stormwaters and surface waters and drainage, but excludes wastewater and polluted industrial wastes.

*Suspended solids* means solids that either float on the surface of or are in suspension in water, wastewater or other liquids, and which are removable by laboratory filtering.

*Wastewater* means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments.

*Wastewater treatment plant* means any arrangement of devices and structures used for treating wastewater.

*Wastewater works* means all facilities for collecting, pumping, treating and disposing of wastewater.

*Watercourse* means a channel in which a flow of water occurs, either continuously or intermittently.

#### Sec. 114-72. - Duties of director.

It shall be the duty of the director of utilities to see that the provisions of this article are carried into effect and enforced and to see the provisions of this article pertaining to the use of public sewers are carried out, to determine if the wastewater collected by the sewer collection system is treatable, and to supervise the treatment of the wastewater.

Sec. 114-73. - Prohibited discharges.

- (a) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage or other unpolluted drainage to any sanitary sewer.
- (b) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural drainage outlet. All other wastewaters shall be carried into the public sanitary sewers.
- (c) Except as provided in this article, no person shall discharge or cause to be discharged into the sanitary sewer system or storm drainage system of the city, directly or indirectly, any of the following described matter, waters or wastes:
  - (1) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit.
  - (2) Any water or waste which may contain more than 100 parts per million, by weight, of fat or grease.
  - (3) Any gasoline, benzene, naphtha, oil or other flammable or explosive liquid, solid or gas.
  - (4) Any water or waste having a five-day biochemical oxygen demand greater than 250 parts per million by weight.
  - (5) Any water or waste containing more than 100 parts per million by weight of suspended solids.
  - (6) Any garbage that does not meet the definition of properly shredded garbage.
  - (7) Any solid or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater works, such as ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood or manure.
  - (8) Any water or waste containing suspended or dissolved solids of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment plant or in the public wastewater works.
  - (9) Any noxious or malodorous gas or substance capable of creating a public nuisance.
  - (10) Any water or waste having a pH lower than 6.0 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater treatment plant.
  - (11) Any water or waste containing a toxic or poisonous substance, such as plating or heat treating wastes, in sufficient quantity to injure or interfere with any wastewater treatment process, to constitute a hazard to humans or animals, or to create any hazard in the receiving waters of the wastewater treatment plant.
  - (12) Any water or waste containing any material that could be classified as a hazardous substance or hazardous waste, as both terms are defined in the Texas Solid Waste Disposal Act, V.T.C.A., Health and Safety Code § 361.001 et seq., prior to dilution with water or any wastewater stream.
  - (13) Any cyanide in concentrations greater than 0.5 part per million, as CN.
  - (14) Any water or waste containing the following metals in concentrations greater than the quality levels listed in this subsection in milligrams per liter:

Metal	Average	Daily Composite	Grab Sample
Arsenic	0.1	0.2	0.3

Barium	1.0	2.0	4.0
Cadmium	0.05	0.1	0.2
Chromium	0.5	1.0	5.0
Copper	0.5	1.0	2.0
Lead	0.5	1.0	1.5
Manganese	1.0	2.0	3.0
Mercury	0.005	0.005	0.01
Nickel	1.0	2.0	3.0
Selenium	0.05	0.1	0.2
Silver	0.05	0.1	0.2
Zinc	1.0	2.0	6.0
Tin	1.0	1.0	1.0
Iron	5.0	5.0	5.0

The terms "average quality," "daily composite quality" and "grab sample quality," as used in this subsection, are as defined in the state water commission's rules, codified at 31 Texas Administrative Code, section 319.21.

- (15) Any phenols in concentrations greater than 1.0 milligrams per liter.
- (16) Any radioactive material without prior specific approval of the director.
- (17) Any pesticides, including but not necessarily limited to pesticides registered with the state department of agriculture.
- (18) Any discharge from septic tank haulers.

Sec. 114-74. - Discharge permit.

- (a) *Required for certain discharges.* A discharge permit issued by the director is required for the following discharges into the sanitary sewers:
  - (1) The discharge of any industrial waste into any sanitary sewer.
  - (2) The discharge by any person into any sanitary sewer of waters or wastes which prior to pretreatment are included in section 114-73(c).
  - (3) Any discharge having an average daily flow greater than five percent of the average daily wastewater flow of the city.
  - (4) Any variable or intermittent discharge that is expected to reach instantaneous flow rates of greater than 500 gallons per minute.
- (b) *Application; fees.* An application for a discharge permit must be filed with the director, and shall contain the amount of water used and its source, the proposed point of discharge of the water or waste in the wastewater system, the estimated average and maximum flow rates into the wastewater system, the expected characteristics and concentrations of wastes before and after pretreatment, the plans for any preliminary treatment system, and any other information requested by the director. Application fees and permit fees shall be established by the city council.
- (c) *Action on application.* Within 30 days of receipt of an application, the director will grant or deny the discharge permit or will notify the applicant that additional information is required before the discharge permit will be issued or denied. Once such additional information is received, the director will have 20 days to grant or deny the permit or to inform the applicant that additional information still is needed.
- (d) *New facilities.* In the case of a new facility or installation, plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the director, the state department of health and the state water commission, and no construction of such facilities shall commence until all necessary permits and approvals are obtained in writing.
- (e) *Authority of director to refuse to accept waste.* In cases where, in the opinion of the director, the character of the wastewater from any manufacturer or industrial plant, building or other premises is such that it will damage the wastewater system or cannot be treated satisfactorily in the wastewater system, the director shall have the right to require such user to dispose of such waste otherwise, and prevent it from entering the system.
- (f) *Special agreements.* No statement contained in this article shall be construed as preventing any agreement or arrangement between the city and any permittee whereby a waste of unusual strength or character may be accepted by the city for treatment, subject to payment by the permittee to the city of any fees which may be established by the city council for the handling and treatment of such wastes.
- (g) *Transfer.* Discharge permits may neither be assigned nor be transferred to a new discharge location. Whenever a person other than the permittee becomes the discharger at the permitted establishment, whenever there is a change in discharge location, or whenever there is a change in the characteristics of the discharge, a new application for a permit shall be made. Violation of this subsection shall be grounds for suspension or revocation of the subject permit by the director.
- (h) *Limitation on rights granted by permit.* Nothing in this article creates an absolute right to discharge up to the quality limitations specified in this article or to continue discharging at limitations stated in a discharge permit. The director has a continuing right to determine whether a discharge interferes with the operation of the wastewater works or the city's ability to comply with the requirements of its permits.
- (i) *Exemption for single-family residences.* The discharge permit requirements in this section shall not apply to a single-family residential unit using the sanitary sewer for only typical domestic wastewater.

Sec. 114-75. - Spills or accidental discharges.

- (a) Each permittee under this article and wastewater customer shall provide protection from accidental discharge of water or wastes regulated by this article.
- (b) Permittees and wastewater customers shall notify the director immediately upon accidentally discharging wastes in violation of this article so that countermeasures can be taken by the city to minimize damage to the sewer system or degradation of the receiving waters. This notification shall be followed within 15 days of the date of the occurrence by a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrences. Such notification will not relieve the permittee of liability for any expense, loss or damage to the sewer system, or for any fines imposed on the city on account thereof, or for any enforcement action pursuant to this occurrence. However, such notice may minimize damages, and will be considered when imposing fines or pursuing enforcement actions.
- (c) Any possible connection or entry point for hazardous or prohibited substances into a permittee's plumbing or drainage system shall be appropriately labeled to warn operating personnel against discharge of such substance in violation of this article.

Sec. 114-76. - Grease, oil and sand interceptors.

- (a) Grease, oil and sand interceptors shall be provided for the proper handling of liquid wastes containing grease in amounts that will impair the proper function of any sanitary sewer line or any flammable wastes, sand and other harmful ingredients going into sanitary sewers; except that such interceptors shall not be required for premises used exclusively as private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the mayor and shall be located as to be readily and easily accessible for cleaning and inspection.
- (b) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers, which when bolted in place shall be gastight and watertight.
- (c) Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

Sec. 114-77. - Maintenance of preliminary treatment facilities.

Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously, in satisfactory and effective operation, by the owner, at his expense.

Sec. 114-78. - Control manholes.

When required by the director, the owner of any property served by a sewer carrying industrial wastes shall install a suitable control manhole in the sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the director. The manhole shall be installed by the owner, at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Sec. 114-79. - Damaging or tampering with wastewater facilities.

No person shall maliciously or willfully break, damage, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal wastewater works.

Sec. 114-80. - Right of entry of enforcement officers.

The mayor, director or other duly authorized agent or employee of the city, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing to determine if the provisions of this article are being complied with.

Sec. 114-81. - Violations; penalty; additional remedies.

- (a) *Penalty.* Any person violating provisions of this article, or failing to comply with any requirement of this article, shall be guilty of a misdemeanor. Each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of this article is committed or continued. Upon conviction of any such violation, such person shall be fined not less than \$1.00 and not more than the maximum amount allowable by law. It is specifically recognized that this article governs fire safety or public health and sanitation when determining the maximum fine allowable by law.
- (b) *Additional remedies.* In addition to the penalties set out in subsection (a) of this section, the city may employ the following remedies for enforcement of this article:
  - (1) Discontinuance of city water service.
  - (2) Disconnection and sealing of sanitary sewer connections.
  - (3) Revocation or suspension of the discharge permit.

The city attorney may and is hereby authorized to proceed in a court of competent jurisdiction to secure appropriate injunctive relief and damages for violations of the provisions of this article.

- (c) *Notice of violation; correction of violations.* Any person discharging waste into a storm sewer or sanitary sewer in violation of this article shall be served with written notice stating the nature of the violation. A response shall be provided to the city within ten days describing the satisfactory correction of the violation. The offender shall, within the ten-day period, permanently cease all violations. The director may, at his discretion, allow a longer period for correction if the offender demonstrates that he is acting diligently to correct the violations. If the violation continues after the time specified, the director may remove or close the offender's wastewater and water connections.
- (d) *Disconnection of service in emergency situations.* Notwithstanding subsection (c) of this section, if the director reasonably believes that a violation creates an emergency situation, the director may remove or close an offender's wastewater and water connections. If possible, the director shall notify the offender of the recommended disconnection and provide an opportunity for the offender to cease the discharge and present evidence of compliance.
- (e) *Liability for cost of damages.* Any person violating any of the provisions of this article shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation.

Sec. 114-82. - Appeals.

- (a) Any person whose application for a permit under this article is denied, whose permit is suspended or revoked, or whose sewer or water service has been disconnected pursuant to this article shall be given notice thereof. Such notice shall specify the reasons for the decision and inform the affected person of the appeal procedure provided in this section. If any such affected person desires a hearing, he shall file a notice of appeal with the director no later than 15 days after his receipt of the director's notice of decision.
- (b) The director may establish rules, not inconsistent with this section, governing the hearing procedure. At any such hearing, all parties shall have the right to present witnesses and cross examine all witnesses. The director or his designated hearing officer shall hear the appeal, and shall be authorized to affirm, deny or modify the initial decision.
- (c) Every decision of the director or designated hearing officer shall be upheld, with the exception that any person affected by the decision may appeal to the city council, provided that written notice to the city council of such appeal is delivered to the city secretary within 15 days from the date of decision of the director or the designated hearing officer. Any decision of the city council shall be final.

Secs. 114-83—114-110. - Reserved.

ARTICLE IV. - RATES AND CHARGES<sup>41</sup>

DIVISION 1. - GENERALLY

Sec. 114-111. - Application for service.

Application shall be made for water, wastewater, solid waste or any other utility service that may be furnished by the city to the city upon forms furnished therefor. Applicants shall submit application to the city via email, via phone, or in person. Such application shall state the name and address of the applicant, the type of utility service desired, the purposes for which the application is made, and such other information as the city may request.

Sec. 114-112. - Meter required.

Meters shall be required to measure the consumption of each utility service furnished by the city, except wastewater and solid waste service.

Sec. 114-113. - Installation and maintenance of meters.

All meters required by this chapter and used to measure the consumption of utility services furnished by the city shall be installed and maintained by the city. All fees regarding the installation of a meter must be paid before utility service will be furnished.

Sec. 114-114. - Ownership of meters.

All meters used for the measurement of the consumption of any utility service furnished by the city shall be the property of the city. The city will not recognize any non-city owned meter measurement.

Sec. 114-115. - Schedule of fees, charges and deposits.

The city council shall establish, by resolution, a schedule of fees, charges, and deposits for water and wastewater (and any other city-owned utility service). The schedule shall be on file in the office of the city secretary.

**Sec. 114-116. - Deposit.**

(a) *Application for service.*

- (1) Any person, firm or corporation desiring water and/or wastewater service shall complete a customer application and shall fulfill all deposit requirements set forth in this section. Applications will be accepted in person at city hall, by phone, or by email. All commercial, multi-family residential, and single-family residential accounts, including developers, builders, contractors, and real estate companies, must acquire service in the name of the corporation, company and/or individual who will be responsible for all charges incurred on the account(s), and provide all required information to the city. A list of all authorized representatives eligible to connect/disconnect service must be provided to the utility billing department.
- (2) All information requested must be provided in order to obtain service for the initial deposit amount as stated in this section.

(b) *Residential customers.*

- (1) Deposits shall be required for single-family residential customers to be serviced. Deposits can be made in person at city hall, or by U.S. mail, within four business days of connection date. Should the deposit not be received within that time frame, the deposit will be charged to the customer's account.
- (2) The director of finance, or his/her designee, will have authority to increase a deposit on an existing account, which has maintained poor credit history with the city.
- (3) All residential paid deposits will be applied to the final bill. Refunds of deposits made for utility service shall be made within 30 days of termination of such utility service only after payment of all indebtedness to the city for such utility service. All unpaid balances may be forwarded to a collection agency for pursuit of payment.

(c) *Commercial and multiunit customers.*

- (1) Deposits for commercial industrial and multiple unit users shall be equal to three months' service charge for a like or similar commercial customer. When there is no like or similar commercial customer to use as a basis for determining the commercial deposit, such deposit shall be determined by the director of finance, or his/her designee, based on an estimate of the average expected three-month charge to the applicant.
- (2) Deposits may be made in the form of a surety bond guaranteeing payment by commercial and multiple unit users in lieu of a cash deposit. Such bond must be made by a financial institution or insurance carrier approved by the director of finance and be no less than \$10,000.00. Deposits made by bond shall be made within 30 days after service start-up. If bond has not been furnished to the utility billing department by the end of 30 days, a cash deposit equaling three months, estimated usage will be required to maintain service.

- (3) Temporary service for a major construction job will require a ~~\$1,500.00~~ deposit, [as set forth in the City's fee schedule](#), for meter and fittings and will require the contractor to report the readings monthly to the utility billing manager. Contractors not submitting readings for a period of three months or longer may be subject to forfeiture of their deposit at the discretion of the utility billing manager.
- (4) The director of finance, or his/her designee, will have authority to charge a deposit on an existing account which has maintained poor credit history with the city in order to protect the city's interests.
- (5) Customers maintaining an active commercial account, who require service at another commercial location may, with a history of timely payments for a minimum of one year at the original account address, obtain the additional service with no deposit required.
- (6) All commercial paid deposits will be applied to the final bill and any excess will be refunded within 30 days of account termination. All unpaid balances may be forwarded to a collection agency for pursuit of payment.

#### Sec. 114-117. - Water tap charges.

The charges which shall be made by the city for every water tap connection made to the city's water mains shall be as determined by the city council from time to time and included in a resolution on file in the city secretary's office.

#### Sec. 114-117.1. - New service fee.

A new service fee shall be charged for each new service account requested. The fee may be paid at the time of the request or may be billed to the customer on the initial water bill.

#### Sec. 114-117.2 - Transfer service fee.

A transfer service fee shall be charged for each service being transferred from one property to another within the jurisdiction of the city utility system. The fee may be paid at the time of the request or may be billed to the customer on the initial water bill.

#### Sec. 114-117.3 - Nonsufficient funds fee.

- (a) A fee shall be assessed to a customer whose utility bill payment is returned from the financial institution for any reason including, but not limited to, insufficient funds and/or closed account.
- (b) The city may, at the request of the customer, re-run the payment. If the payment is accepted, the fee shall be waived. If the payment is returned again, the city shall require the bill and the fee herein established to be paid by cash, money order, cashier's check, or credit card.
- (c) Assessment of the fee herein shall not deprive the city of any remedy under the law, including prosecution for violation of the Texas Penal Code.
- (d) A customer who claims that his/her payment was returned due to an error of the financial institution may submit documentation of such error to the utility billing manager, who shall be authorized to waive the fee.

- (e) Any customer assessed the fee herein two or more times within a 12-month period may be required to make all payments for the following 12-month period by cash, money order, cashier's check, and/or credit card.

Sec. 114-118. - Monthly wastewater rates and charges.

- (a) All wastewater rates are based upon water meter readings, except in those cases in which a city water meter does not exist.
- (b) Wastewater rates for residential and commercial customers shall be as shown in the city's fee schedule referenced in Section 114-115.
- (c) Industrial accounts shall contract with the city for rates varying from the foregoing wastewater rates depending upon the volume and strength of wastewater discharge.
- (d) A flat rate per month shall be charged to residential customers where water usage is not metered.
- (e) Upon the request of the city, a commercial or industrial wastewater user not serviced through a water meter must have a wastewater meter installed for the purpose of billing.

Sec. 114-119. - Monthly water rates.

All water rates for residential and commercial customers shall be as shown in the city's fee schedule referenced in Section 114-115.

Sec. 114-119.1. - Services provided by outside entities.

City residents who receive water and wastewater service from an outside entity and whose service is being billed and maintained by the city shall pay the greater of:

- (1) The rates for water and wastewater service as shown in the city's fee schedule referenced in Section 114-115; or
- (2) A comparable rate to offset (pass thru) the charge by the outside entity plus five percent.

Sec. 114-119.2. - Additional service charges.

- (a) Once during any 12-month period, a customer shall be entitled to request that a manual re-read and/or field testing of a water meter that is two inches or less, at no charge to said customer. A customer must pay a fee for any additional manual re-reads and/or field testing of a water meter that is two inches or smaller requested by the customer. Customer-requested manual re-read and/or field testing of meter that is larger than two inches shall be performed a city-hired contractor and charged to the customer.
- (b) Where a meter set is requested by a builder, contractor, or individual in a box that has been inspected and approved but later found non-compliant, or the lid has been removed, notification will be made by the utility billing department to raise or lower the box or replace the lid before the meter will be set. If, after a second request from builder or sub-contractor to set the meter, the box is out of compliance, a service charge shall be billed to the account per incident at that location. After corrections are made the meter will be set.

- (c) Where a first time only "meter set" is requested by a builder or developer or a homeowner, the cost of the meter shall be paid at the same time service connection fees are paid, prior to the meter being set.

Sec. 114-119.3. - Temporary service.

- (a) Temporary residential service shall be made available to all residential customers of the city water and wastewater systems. Initial charges for this service may be collected at the time service is requested or may be billed to the customer. The service period will be established at the time of request, not to exceed five business days.
- (b) All rates for temporary service customers shall be as shown in the city's fee schedule referenced in Section 114-115.
- (c) Additional consumption registered on the meter at the time of termination of temporary service shall be charged to the customer's active account at the current residential rates and will be due and payable at the time the account billing becomes due.

Sec. 114-120. - Due date for payment of charges.

All water, wastewater, and solid waste charges, as established by this chapter shall be billed on a monthly basis and shall be due within 15 business days of the billing date. Water, wastewater, and solid waste charges shall appear on one statement or bill, separately itemized, but shall be considered as one billing. Payment for one service shall be credited as a partial payment for all services where other services are received. Any bill not paid in full by the close of business on the due date will have a ten percent penalty charge added to the bill. This will be the policy unless other arrangements have been made with the utility billing manager.

Sec. 114-120.1. - Bill adjustments.

- (a) Subject to subsection (b), the city shall adjust a customer's account and issue a corrected bill if the city determines that the customer was overbilled or underbilled for utility service because of:
  - (1) A meter's failure to meet the accuracy standards of the American National Standards Institute or the American Water Works Association, as applicable;
  - (2) The application of an incorrect rate to the customer's account;
  - (3) An erroneous meter reading or the reading of a meter other than that through which the customer actually received service; or
  - (4) The failure of the city to include any utility or other service in the customer's account.
- (b) No billing adjustment shall be made, and no back bill or refund shall be issued, with respect to utility service provided:
  - (1) More than 12 months before the date the error or inaccuracy is discovered by or reported to the city;
  - (2) In the case of a residential customer, more than six months before the date the error or inaccuracy is discovered by or reported to the city;
  - (3) To any customer other than the customer currently receiving service at the service address for the account to which the adjustment would be made; or

- (4) Under an account that has become inactive and for which a final bill was issued more than 90 days before the error or inaccuracy was discovered by or reported to the city.
- (c) For an adjustment due to an inaccurate meter, the city may estimate the customer's utility consumption using prior consumption history, comparisons to similarly situated customers under similar weather conditions, readings from a replacement meter, or such other methods and information that it reasonably deems appropriate. In the case of the application of an incorrect rate, the city shall base the adjustment on the correct rate.
- (d) In event of an adjustment for water utility service, wastewater charges will be adjusted for the same period, if applicable.
- (e) If a customer is liable for a balance under an inactive account, the city may transfer that balance to any of the customer's active accounts. The time limitations in subsection (b) shall not apply to a transfer made under this subsection.

Sec. 114-120.2. - Adjustment of excess water bill if leaks are repaired.

- (a) A single-family residential customer who receives a water bill showing metered consumption that exceeds the customer's average usage at that service address for up to two consecutive billing periods may apply for a bill adjustment under this section if:
  - (1) The volume exceeding the customer's average usage was due to water leaks at the service address that were not caused by the customer;
  - (2) The customer exercised due diligence in repairing all such leaks and submits documentation of said repairs in a form acceptable to the utility billing manager within 90 days of completion of such repairs; and
  - (3) The customer has not received any billing adjustment under this section within the preceding 12 months.
- (b) For the purposes of this section, the utility billing manager will determine a customer's average usage for a given billing period by using one of the following methods:
  - (1) Metered usage at the service address for the same month in the previous year;
  - (2) Average metered usage at the service address for the same month over multiple years;
  - (3) Average metered usage at the service address for similar seasonal months in prior years;
  - (4) Metered usage at the service address for subsequent similar months; or
  - (5) Average metered usage at the service address for current seasonal months.
- (c) If the utility billing manager determines that the customer qualifies for a bill adjustment pursuant to this section, the utility billing manager will recalculate the bills for up to two consecutive billing periods and charge the customer for the average usage.
- (d) If by using the adjusted total usage for a bill adjustment under this section the customer's corresponding wastewater usage would be lower than the usage originally billed to the customer, the utility billing manager may adjust the corresponding wastewater charges.
- (e) A customer who receives a bill adjustment under this section may not apply for an adjustment under Section 114-120.3 for the same billing period.
- (f) A customer seeking a bill adjustment pursuant to this section who fails to meet any filing request, or other requirement outlined in this section waives the customer's right to any further review.
- (g) A customer may appeal all bill adjustment decisions of the utility billing manager to the director of finance. The decision of the director of finance will be final.

Sec. 114-120.3. - Adjustment of high-volume water bill.

- (a) A single-family residential customer whose bill shows consumption at the service address for up to two consecutive billing cycles that is at least three times the average usage, and greater than 20,000 gallons in a monthly billing period, may apply to the utility billing manager for an adjustment to the bill under this section if:
  - (1) The customer files the request for an adjustment no later than 90 days after the customer's bill date; and
  - (2) The customer has not received an adjustment under this section within the preceding 36 months. The customer must have at least 12 months of uninterrupted water billing history, in addition to the disputed period, at the service address for which the application is filed.
- (b) For the purposes of this section, the utility billing manager will determine a customer's average usage for a given billing period by using one of the following methods:
  - (1) Metered volume used at the service address in the same month in the previous year;
  - (2) Average metered usage at the service address in similar seasonal months in prior years;
  - (3) Metered usage at the service address for the same month in the prior two years; or
  - (4) Average usage volume at the service address for current seasonal months.
- (c) To apply for a bill adjustment under this section, the customer must use a form approved by the director of finance that includes a statement that the application is a governmental record subject to criminal prosecution for false statements under Chapter 37 of the Texas Penal Code.
- (d) Upon receiving an application, the utility billing manager will investigate the cause for excessive volume of consumption, which investigation may include, but is not limited to:
  - (1) Inspection of the customer's water meter for indication of leaks, and accuracy testing;
  - (2) Review of the customer's billing record including historical usage of the service address;
  - (3) Review of meter readings to determine if any estimated readings affected the customer's bill;
  - (4) Audit of the customer's irrigation system settings;
  - (5) Review of any new construction conducted at the service address; and
  - (6) Inspection of any new water consuming appliances installed in the past 12 months.
- (e) If the initial investigation reveals a billing or meter error, the utility billing manager shall proceed in accordance with Section 114-120.1.
- (f) A customer is not eligible for a bill adjustment under this section if the utility billing manager determines that:
  - (1) The cause for any amount of the customer's excess consumption was a visible water leak, dripping faucet, broken sprinkler head, pool filling, pool crack, or malfunctioning pool auto-filler; or
  - (2) Voluntary, customer-elected water intensive uses could be a cause for the excess metered consumption.
- (g) If the utility billing manager determines that the customer qualifies for a bill adjustment under this section, the utility billing manager will recalculate the bills for up to two consecutive billing periods and charge the customer for the expected volume.

- (h) If by using the adjusted total usage for a bill adjustment under this section the customer's corresponding wastewater volume would be lower than the volume originally billed to the customer, the utility billing manager may adjust the corresponding wastewater charges.
- (i) A customer who receives a bill adjustment under this section may not apply for an adjustment under Section 114-120.2 for the same billing period.
- (j) A customer seeking a bill adjustment pursuant to this section who fails to meet any filing request, or other requirement outlined in this section, waives the right to any further review.
- (k) A customer may appeal all bill adjustment decisions of the utility billing manager to the director of finance. The decision of the director of finance is final.

Sec. 114-121. - Disconnection of service for nonpayment.

If any water, wastewater, or solid waste charge is not paid within ten business days after the due date, such service may be discontinued.

Sec. 114-122. - Resumption of service after disconnection for nonpayment.

When any service is processed and/or discontinued for reason of nonpayment of charges, a processing fee shall be paid as well as the past due amount before service can be resumed. A customer, or an eligible representative, must be present at the property when service is resumed. Should the customer tamper with the meter or valves to restore service before charges have been paid, the meter will be removed, and a tamper fee shall be collected before service is resumed.

Sec. 114-123. - Rates and charges of franchised public utilities to be fixed by city council.

The city council shall fix and approve the rates charged by any private public utility company franchised by the city and doing business within the city. It shall be unlawful for any such public utility company or any officer or employee thereof to assess or charge for services rendered any rate other than the rate so fixed or approved.

Sec. 114-124. - Voluntary discontinuance of service.

Any customer wishing to discontinue service shall give notice to the utility billing department; otherwise, the charges for the service as herein established shall continue to apply until such notice is given. If a request for discontinuance of services is made, the customer shall be refunded any deposits less any amount due to the city. Requests for discontinuance of service may be made either by phone, in person, in writing, or by fax, by the customer, spouse, or someone who has documented proof of acting on behalf of the customer due to illness, death, or other justifiable reason. Charges will be prorated for length of service.

Sec. 114-125. - Bankruptcy notice.

The utility billing department shall, upon notice of bankruptcy notice listing the city water department as part of its legal debt, immediately close the existing service account and create a new account, with the active date of the new account being the date of receipt of such notice unless otherwise directed in

writing, by the person(s) filing the bankruptcy action. Deposits on record will be applied to the finalized account. A new deposit will apply for the new account. Balances due to closed accounts will remain in terminated account file until such time as balance is paid by debtor through reorganization or the city is notified that amounts will not be paid by debtor, per court order. Those balances will then be written off in the usual manner with approval of the mayor and city council and will be noted as bankruptcy on department record.

Sec. 114-126. - Write-offs.

Terminated accounts with balances over 90 days past due may be submitted to a collection agency for pursuit of payment. Terminated accounts with balances from prior fiscal years may be submitted to the city council for approval to write off. All write-off balances must be paid in full and a higher deposit must be received before utility service may be restarted.

Sec. 114-127. - Transferring service.

Current customers transferring service from one location to another within the city may do so in person, by phone, or by email. If the customer currently has a deposit, that deposit will transfer to the new account.

Sec. 114-128. - After hour and same day service fees.

If city personnel are called out within 60 minutes of the close of utility billing's normal business hours to re-set a water meter or resume water service, an after-hour fee will be charged to the customer's account.

New service requests seeking same day service shall be honored only for requests received prior to 1:00 p.m., Monday through Thursday working days. All same day service customers' requests made after 1:00 p.m. Monday through Thursday working days, and all-day Friday, are subject to an additional fee.

Sec. 114-129. - Tamper fee.

If it is determined that a meter has been tampered with, other than by city personnel, a tamper fee may be charged to the customer's account.

Sec. 114-129.2. - Tampering with or damaging waterworks or wastewater systems; unlawful use of water.

- (a) It shall be unlawful for any person to tamper with, connect to, or alter any component of the city waterworks and wastewater system including valves, meters, meter boxes, lids, hydrants, lines, pump stations, ground storage tanks, and elevated storage tanks. This shall include efforts to initiate or restore water service without the approval of the city.
- (b) A person commits an offense if, without the written consent of the city manager or designee, the person knowingly causes, suffers or permits the initiation or restoration of water service to premises after city termination of service. For purposes of this section it shall be presumed that the owner,

occupant or person in control of the premises caused, suffered, or permitted the unlawful initiation or restoration of service.

- (c) It shall be unlawful to cover, conceal, or allow any obstruction that hinders access to any water valve box, service, or meter box.

Sec. 114-130. - Fire hydrant meter rental fees.

A monthly, flat rate rental fee shall be charged to customers utilizing a city-owned, temporary fire hydrant meter for construction. Should the customer utilize the meter for less than 30 days, the fee will not be pro-rated. A deposit must be paid upon start of service. Contractors not submitting meter readings for a period of three months or longer may be subject to forfeiture of their deposit at the discretion of the utility billing manager. Upon return of the meter, any damage or missing parts will be assessed to the account.

Sec. 114-131. - Meter parts charges.

~~Should a customer, other than a builder or contractor, accidentally damage a water meter and/or the electronics associated with the meter, city personnel will replace and/or repair the meter at no charge the cost of the parts and labor. After the first occasion a customer has damaged the meter. Any subsequent damage to the meter and/or electronics will incur a fee to the customer for the cost of the parts necessary to repair the meter. The cost of repairs to a meter will be assessed on any occasion in which damage to a meter has been caused by a builder, contractor and/or resident. The fees will be added to the next bill and be required to continue water service. or contractor.~~

A customer shall be responsible for the all repair costs for a water meter (and/or the electronics associated with the meter) that is damaged by a builder, contractor or customer. City personnel will replace/repair the meter and the repair/replacement costs will be added to the customer's next bill. A customer must pay the repair costs in order to continue his/her water service.

Secs. 114-132—114-140. - Reserved.

DIVISION 2. - WATER AND WASTEWATER CONNECTION FEES

Sec. 114-141. - Water connections.

- (a) *Connection standards and connection fee schedules.* The following service connection standards and connection fees schedules apply for connections to the city's water system. For the purpose of this section the terms "tap" and "connection" shall be considered to mean the same thing. ~~All fees must be paid prior to receiving water service.~~ All fees are located on the City's fee schedule and must be paid prior to receiving water service.

- (1) *For single-family residential services.* League City's minimum standard meter size and service connection for a single-family residence is ¾ inches. ~~Single family connections fees are as follows:~~ The fee is based on service connection size.

Service Connection Size	Fee per Service Connection
For a ¾-inch meter	\$225.00
For a 1-inch meter	\$250.00
For a 1½-inch meter	\$275.00
For a 2-inch meter	\$300.00

- (2) *For multiple unit dwellings services.* This includes, but is not limited to, condominiums, apartments, townhomes, mobile home parks, etc. The fee, which is assessed per connection, shall be based on the meter size and type, and the maximum number of dwelling units allowed to be served through the respective meter size and type, ~~is as follows:~~

Size of Connection and Meter Size and Type	Fee per Connection	Maximum Number of Dwelling Units
1-inch displacement	\$300.00	2 equivalent dwelling units
1½-inch displacement, compound, or turbine	\$300.00	5 equivalent dwelling units
2-inch displacement, compound, or turbine	\$300.00	7 equivalent dwelling units
3-inch compound	\$300.00	14 equivalent dwelling units
3-inch turbine	\$300.00	15 equivalent dwelling units
4-inch compound	\$300.00	21 equivalent dwelling units
4-inch turbine	\$300.00	27 equivalent dwelling units
6-inch compound	\$300.00	42 equivalent dwelling units
6-inch turbine	\$300.00	55 equivalent dwelling units
8-inch compound	\$300.00	67 equivalent dwelling units
8-inch turbine	\$300.00	117 equivalent dwelling units

10-inch compound	\$300.00	96 equivalent dwelling units
10-inch turbine	\$300.00	175 equivalent dwelling units
12-inch turbine	\$300.00	221 equivalent dwelling units

- (3) *For commercial/industrial use.* This includes, but is not limited to restaurants, carwashes, laundries, schools, churches and other similar institutions. ~~Connection fees are as follow:~~ [The fees are based on service connection size.](#)

<del>Service Connection Size</del>	<del>Fee per Service Connection</del>
<del>For a ¾ inch meter</del>	<del>\$250.00</del>
<del>For a 1 inch or larger meter</del>	<del>\$300.00</del>

- (4) Single services with more than 220 equivalent units will be calculated case by case.
- (5) In addition to the connection fees required in subsections (a)(2), (a)(3), and (a)(4) of this section, payment is also required for the cost of all meters and fittings.
- (6) It is the responsibility of the customer/builder to provide a meter vault with a top **approved inspected for a fee** by the water department.
- (b) *General requirements.*
- (1) The customer/builder must furnish an approved meter box and cover located in an approved location.
  - (2) All meters greater than two inches in size, along with the appropriate vault or box and cover, shall be set by a licensed plumber, at the expense of the customer/builder.
  - (3) Where a water service is to be connected to a property having a private water well, physical separation from the well must be verified.
  - (4) It is unlawful to allow any other source of water to be interconnected to a city service.
  - (5) Connection to the city's water system shall be at the customer's/builder's expense by a contractor approved by the city.
  - (6) All connections to the city's water system shall be inspected by the city.
  - (7) ~~Water taps disapproved by the city's inspector will require payment of a \$25.00 reinspection fee.~~ [Customers/builders shall be responsible for any reinspection fee for water taps that fail inspections by the city's staff.](#)
  - (8) Failure to inform the city's water utilities department of a tap being made on a city water line prior to the work being performed will constitute a violation punishable by a fine of an amount up to the maximum allowed by law.

Sec. 114-142. - Wastewater connections.

(a) ~~Fee schedule. Fees for wastewater connections are as follows:~~

~~(1) Single family services: \$250.00.~~

~~(2) Multiple unit dwellings (i.e., condominiums, apartments, mobile home parks, etc.): \$300.00.~~

~~(3) Commercial uses, including restaurants, washaterias, carwashes, laundries, schools, churches and other similar institutions: \$300.00.~~

~~(b) General requirements:~~

- (1) Any structure previously served by a private septic tank disposal system shall have its service line routed in such a manner as to bypass the old system.
- (2) The customer is required to have the wastewater main tapped at his own expense by a contractor approved by the city in an approved manner, with inspection by the city and pay all appropriate connection fees.
- (3) ~~Wastewater taps or service lines disapproved by the city inspector will require a reinspection fee of \$25.00.~~ Customers/builders shall be responsible for any reinspection fee for wastewater taps that fail inspections by the city's staff.
- (4) Failure to make the city water utilities department aware of a tap being made prior to work

Secs. 114-143—114-160. - Reserved.

DIVISION 3. - WATER AND WASTEWATER CAPITAL RECOVERY FEES

Sec. 114-161. - Definitions.

- (a) The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- (1) *Person* means any individual, partnership, corporation or other entity that applies to use the general benefit facilities within the city for water and wastewater service to the following:
    - a. Local benefit facilities installed in platted subdivisions;
    - b. A group or groups of platted or resubdivided lots;
    - c. Tracts of land upon which more than one single-family or one multiple-family dwelling or one or more commercial establishments are to be constructed; and
    - d. Tracts of land upon which only one single-family dwelling is located, the last sale of the tract being made after January 12, 1984.
  - (2) *Local benefit facility* means a utility facility connecting a person's property with off-site general benefit facilities required to provide water and wastewater services to such property, or, where a person's property connects directly to general benefit facilities, the portion of that general benefit facility required to provide water and wastewater service to such property. Local benefit facilities for water service include, without limitation: distribution mains, fire hydrants, valves and service lines. Local benefit facilities for wastewater include, without limitation: collection lines, manholes, temporary treatment facilities, on-site force mains and lift stations.
  - (3) *General benefit facility* means those facilities described as such in the master plan.

- (b) Where a question arises as to the classification of a facility under subsections (2) and (3) of this section, which is not enumerated specifically under either subsection, the city council will make a determination as to the appropriate classification on a case-by-case basis in accord with the general guidelines set forth in this division.

Sec. 114-162. - Payment required; exceptions; use of fees.

Any person shall be required to pay a capital recovery fee to the city as set forth in section 114-164 hereof, in order to provide for the cost to the city for construction, design, inspection and other related expenses of the portion of general benefit facilities necessary to provide water and wastewater facilities to the person's development, except that such capital recovery fee may be waived, with the approval of the city council, for any of the city's facilities developed or constructed by a corporation created under the authority of the Texas Development Corporation Act of 1979, as contained in section 4B of article 5190.6 of the Texas Revised Civil Statutes (as amended). Such a determination by the city council to waive a capital recovery fee shall take precedence over any provisions of this chapter that require the collection of such capital recovery fees. Upon payment of applicable capital recovery fees as set forth herein, the person shall be entitled to service to the units with respect to which the fees are paid. Capital recovery fees may be used to retire the debt, including principal and interest, on the construction, design, inspection and all other related expenses of general benefit facilities.

Sec. 114-163. - Time of payment.

Where a development requires subdivision plat approval, the capital recovery fee shall be paid to the city prior to the time the city grants such approval. Where a development is of such a nature that it does not require subdivision plat approval, payment of the capital recovery fee shall be paid prior to the time the city grants a building permit for such development.

Sec. 114-164. — Capital Recovery Fees.

- (a) ~~Fee schedule. Exhibit A~~ Capital recovery fees shall be as follows.

~~(1) Residential fees. Residential fees, rounded to the nearest whole dollar, are as set forth as follows. Residential fees are fees that will be determined by the size of water meter purchased for the property.~~

~~For single family and mobile home residential structures:~~

<del>Meter Size</del>	<del>Single Family Fee Units</del>	<del>Water System CRF</del>	<del>Wastewater System CRF</del>
<del>¾"</del>	<del>1</del>	<del>\$5,101.00</del>	<del>\$2,567.00</del>
<del>1"</del>	<del>1.667</del>	<del>\$8,502.00</del>	<del>\$4,279.00</del>
<del>1½"</del>	<del>3.333</del>	<del>\$17,004.00</del>	<del>\$8,557.00</del>

2"	5.333	\$27,207.00	\$13,692.00
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~~(2) Town homes and condominium/apartment residential structures fees are fees that will be determined by the size of water meter purchased for the property. For townhouse and condominium/apartment residential structures:~~

Meter Size	Single Family Fee Units	Water System CRF	Wastewater System CRF
¾"	0.8	\$4,080.80	\$2,053.60
1"	1.334	\$4,289.00	\$3,227.00
1½"	2.666	\$8,571.00	\$6,449.00
2"	4.266	\$13,587.00	\$10,319.00

~~(23.) Commercial/industrial/irrigation fees. Commercial/industrial/irrigation fees will be determined by the size and type of water meter purchased for the property, which is listed in the table below. Commingling of irrigation costs is prohibited. Separate meters must be purchased for irrigation uses.~~

Meter Size and Type	Single Family Fee Units	Water System CRF	Wastewater System CRF
¾"	1	\$5,101.00	\$2,567.00
1"	1.667	\$8,502.00	\$4,279.00
1½"	3.333	\$17,004.00	\$8,557.00
2"	5.333	\$27,207.00	\$13,692.00
3"	10.667	\$54,414.00	\$27,384.00
4"	16.667	\$85,023.00	\$42,788.00

6"	33.333	\$170,046.00	\$85,575.00
8"	53.333	\$272,073.00	\$136,921.00
10"	76.667	\$391,105.00	\$196,823.00

(a) Capital Recovery Fees Assessed.

(1) Customers/Builders shall pay the applicable capital recovery fees for residential properties, which are based on size of water meter purchased for the property.

(2) Commercial/industrial/irrigation fees. Customers/Builders shall pay the applicable capital recovery fees for commercial/industrial/irrigation. Such fees shall be determined by the size and type of water meter purchased for the property. Commingling of irrigation costs is prohibited. Separate meters must be purchased for irrigation uses.

- (b) *Fee unit defined.* For the purpose of this division only, the term "fee unit" shall mean a single unit of service as defined by continuous duty maximum flow rate in gallons per minute for a three-fourths-inch meter using American Water Works Association C700-C703 standards.
- (c) *Taps for fire protection.* No fee shall be assessed for the purchase of taps which shall be utilized to provide only fire protection capacity.

Sec. 114-165. - Applicability to property tying in to city utility system.

If any property within or outside the city's corporate limits utilizes a water well, a septic tank or an individual waste disposal system and the property owner desires to tie the property into the city's water or wastewater utility system, the property shall be assessed the fee established by this division before the property is tied into the city's water or wastewater utility system. This section shall not be applicable to any property which is receiving service from a water supply or wastewater treatment plant owned by a public utility and which is to be tied into the city's water or wastewater utility system.

Sec. 114-166. - Phased development.

Any person intending to develop a project in phases shall submit a master development plan for the entire project to the city for review and approval simultaneously with the submission of the initial phase for plat approval. The city, in its sole discretion, shall either require such person to pay the capital recovery fees applicable to the entire project prior to approval or issuance of building permits for the first phase, as the case may be, in accordance with section 114-163, or, upon application of such person, require such person to pay only the portion of the capital recovery fee applicable to the particular phase submitted for approval.

Sec. 114-167. - Applicability to existing construction and existing development proposals.

Capital recovery fees shall be applicable to property which, as of the date of final passage of the ordinance from which this article is derived, has not received subdivision plat approval, if such approval is required, or not received a building permit if subdivision plat approval is not required. This article shall not be construed as a waiver of any fees established by Ordinance No. 83-41 applicable to property which, as of the date of final passage of the ordinance from which this article is derived, has received subdivision plat approval, if such approval is required, or has received a building permit if subdivision plat approval is not required.

Secs. 114-168—114-190. - Reserved.

#### ARTICLE V. - UTILITY EXTENSIONS AND IMPROVEMENTS

Sec. 114-191. - Policy.

It shall be the general policy of the city that property owners desiring water and sewer services (together referred to as "utility services") from the city must design and construct any utility service extensions or improvements necessary for such service at the property owners' sole cost and expense. Such utility service extensions or improvements shall be constructed in conformance with all city ordinances, resolutions, policies, standards and specifications. If the property owners desire the city to operate and maintain the utility service extensions or improvements as constructed by the property owners, the property owners must convey legal title to, or provide a bill of sale for, such extensions or improvements in form acceptable to the city and must dedicate all necessary utility easements so that the city may service and maintain the extensions and improvements.

Sec. 114-192. - Election by city to make extensions or improvements to utility services.

At its sole discretion, the city may elect to extend or improve its waterworks and sanitary sewer system in certain residential subdivisions and commercial properties by making such extensions or improvements pursuant to the procedures set forth in V.T.C.A., Local Government Code § 402.061 et seq., as amended, or in other applicable state statutes, as amended.

Sec. 114-193. - Assessment of costs against benefited or intervening residential property owners.

At its sole discretion, the city may elect to administer, design, engineer and construct utility service extensions or improvements in areas within the city by assessing up to 90 percent of the total cost of such extensions or improvements against the benefited or intervening residential property owners in such proportionate shares as the city deems just and equitable. The following standards shall apply when the city elects to make utility service extensions or improvements under this section:

- (1) A minimum of 50 percent of the property owners who will benefit, intervene or take service from the extensions or improvements (referred to in this section as "the project") must agree, through execution of a written agreement with the city, to pay their proportionate shares of the total project costs within the period of time determined by the city council. Such agreements must be executed before the city shall begin construction of the project.
- (2) The city council shall determine the terms of payment, including payment in a lump sum or over a specified period of time, by the benefited or intervening residential property owners on a project-by-project basis.

- (3) If city council determines that terms of payment pursuant to agreements to pay for project costs by property owners shall be over a specified period of time, property owners shall pay their proportionate shares of the total project costs plus interest at an annual rate established by the city council on a project-by-project basis. At the time the terms of payment pursuant to agreements are determined, city council also shall determine the annual rate of interest to be paid by property owners who do not execute an agreement with the city but desire to obtain service from the project after payment of all costs and fees as set forth in subsection (5) of this section.
- (4) If the city does not own publicly dedicated rights-of-way or easements sufficient for construction and maintenance of the project, all property owners executing an agreement with city in connection with the project must donate sufficient rights-of-way or easements on their property or contribute funds to pay for their proportionate shares of the cost of acquisition of right-of-way or easement costs for the project.
- (5) Before actually obtaining service from the project, all property owners who have not executed an agreement with the city and who desire to obtain service from the project at any time must pay their proportionate shares of the project costs, including interest, which interest shall run from the date the terms of payment pursuant to agreements were determined, until payment in full of their proportionate shares of project costs. All property owners, including those executing agreements, must pay all other fees as set by city ordinance or resolution before actually obtaining service from the project. Such fees shall include but are not limited to connection fees, capital maintenance fees and capital recovery fees.
- (6) All property owners must, at their sole cost and expense, construct and connect utility service lines on their property which are necessary to connect to the project.

Sec. 114-194. - Assessment of costs against benefited or intervening commercial property owners.

At its sole discretion, the city may elect to administer, design, engineer and construct utility service extensions or improvements in areas within the city by assessing not less than 60 percent of the total cost of such extensions or improvements against the benefited or intervening commercial property owners in such proportionate shares as the city deems just and equitable. The following standards shall apply when the city elects to make utility service extensions or improvements under this section:

- (1) There are no minimum percentage participation levels required of commercial property owners who will benefit, intervene, or take service from the utility service extension or improvement (referred to in this section as "the project").
- (2) All benefited or intervening commercial property owners who do not agree to participate in the project shall be assessed a frontage charge based upon the project costs, plus interest at an annual rate established by the city council on a project-by-project basis.
- (3) Any and all assessments shall be due and payable upon application to the city for utility service.
- (4) All funds paid to the city for assessments shall be divided between the city and the original developer based upon the percentage of the project costs borne by each party. The city may elect to participate in the cost of the project up to a maximum of 40 percent but in no instance to exceed the sum of \$25,000.00 per project.
- (5) The maximum length of time for repayment of costs to the original developer shall not exceed ten years.
- (6) In order to encourage commercial development, the city will pay for the first 100 feet of extensions which are necessary to connect to the project. Thereafter, the property owner or developer must construct and connect any additional utility service lines on said property at their sole cost and expense.

- (7) Further, the city will pay for all over-sizing and necessary intervening appurtenances such as fire hydrants required for the project.

Secs. 114-195—114-220. - Reserved.

#### ARTICLE VI. - DROUGHT CONTINGENCY PLAN<sup>[6]</sup>

Sec. 114-221. - Declaration of policy, purpose, and intent.

- (a) The City of League City has prepared this drought contingency and water emergency management plan in accordance with the requirements established by the Texas Commission on Environmental Quality (TCEQ) and the City of Houston (Houston) and the Gulf Coast Water Authority (GCWA). This plan addresses all of the current TCEQ requirements for a drought contingency plan which are included in Appendix B.1 This plan replaces the Plan included in Ordinance No. 2002, § 2, dated April 23, 2002; Ord. No. 2012, § 2(Exh. A), dated May 22, 2012.
- (b) The measures included in this drought contingency and water emergency management plan are intended to provide short-term water savings during drought or emergency conditions. Water savings associated with ongoing, long-term strategies are discussed in the water conservation plan for the City of League City.
- (c) League City is geographically located in the Harris-Galveston Subsidence District's (HGSD) Regulatory Area 1 and is required to limit its use of groundwater to ten percent of annual usage, due to the effects that subsidence has had on the region. Groundwater usage greater than ten percent of the total annual volume can be utilized but will result in disincentive fees of \$8.75 per 1,000 gallons from the HGSD. As such, League City receives the majority of its treated water from surface water treatment facilities. One facility is the City of Houston's Southeast Water Purification Plant (SEWPP) and the other from the Thomas Mackey Surface Water Treatment Plant in Texas City that is owned and operated by the Gulf Coast Water Authority (GCWA).
- (d) League City provides treated potable water to local customers of League City only. The City of League City provided retail water service to approximately 106,000 people in 2018. The service area consists of residential, commercial and industrial developments as well as open spaces such as community parks, golf courses and cemeteries. Commercial use areas are concentrated along I-45, State Highway 3, FM 518, FM 646, and FM 2094. League City does not have any wholesale customers.
- (e) In 2018, League City purchased an average of 310 million gallons of treated water from the City of Houston on a monthly basis, purchased an average of 42 million gallons of treated water from the GCWA on a monthly basis, as well as produced an average of 3,000,000 gallons of self-supplied groundwater on a monthly basis.
- (f) League City has no water treatment plants, as treated water is purchased from the City of Houston and GCWA. League City's two wastewater treatment plants are permitted to discharge up to 16 MGD total.
- (g) The purpose of this drought contingency and water emergency management plan is as follows:
- (1) To conserve the available water supply in times of drought, water supply shortage, and emergency.
  - (2) To maintain supplies for domestic water use, sanitation, and fire protection.
  - (3) To protect and preserve public health, welfare, and safety.
  - (4) To minimize the adverse impacts of water supply shortages.

- (5) To minimize the adverse impacts of emergency water supply conditions.
- (6) To satisfy the requirements set forth by TCEQ and other agencies.
- (h) A drought is defined as an extended period of time when an area receives insufficient rainfall to replenish the water supply, causing water supply shortages. In the absence of drought response measures, water demands tend to increase during a drought due to increased outdoor irrigation. The severity of a drought depends on the degree of depletion of supplies and on the relationship of demand to available supplies.

Sec. 114-222. - Public involvement.

The City of League City provided opportunity for public input in the development of this drought contingency and water emergency management plan by the following means:

- (1) Providing written notice of the proposed Plan and the opportunity to comment on the plan by newspaper, posted notice, and notice on the city's web site ([www.leaguecity.com](http://www.leaguecity.com)).
- (2) Making the draft plan available on the city's web site ([www.leaguecity.com](http://www.leaguecity.com)).
- (3) Providing the draft plan to anyone requesting a copy.
- (4) Providing opportunity for public comment on the plan at a city council meeting held on August 13, 2019.

Sec. 114-223. - 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. The City of League City will inform and educate the public about the drought contingency and water emergency management plan by the following means:

- (1) Making the plan available to the public through the city's web site ([www.leaguecity.com](http://www.leaguecity.com)).
- (2) Including information about the drought contingency and water emergency management plan on the city's web site ([www.leaguecity.com](http://www.leaguecity.com)).
- (3) Including information about the drought contingency and water emergency management plan on the city's Facebook page.
- (4) Notifying local organizations, schools, and civic groups that staff are available to make presentations on the drought contingency and water emergency management plan (usually in conjunction with presentations on water conservation programs).
- (5) At any time that the drought contingency and water emergency management plan is activated or the drought contingency and water emergency management plan changes, League City will notify local media of the issues, the drought response stage or water emergency response stage (if applicable), and the specific actions required of the public. The information will also be publicized on the city's web site ([www.leaguecity.com](http://www.leaguecity.com)). Billing inserts will also be used as appropriate.

Sec. 114-224. - Coordination with regional water planning groups.

The City of League City's retail service area is located entirely within the Region H water planning area. The city has provided a copy of this plan to the Region H Water Planning Group, Houston and GCWA. A copy of each letter is included in Appendix C.

Sec. 114-225. - Authorization and termination.

(a) *Authorization of a drought response stage and water emergency stage.*

- (1) League City's city manager or his/her official designee may order the implementation of a drought response stage or water emergency response stage when one or more of the trigger conditions for that stage is met. The following actions will be taken when a drought/water emergency response stage is initiated:
  - a. The public will be notified through local media and the city's web site as described in section 114-223.
  - b. Houston and GCWA will be notified by e-mail with a follow-up letter that provides details of the reasons for initiation of the drought/water emergency response stage.
  - c. If any mandatory provisions of the drought contingency and water emergency management plan are activated, League City will notify the Executive Director of the TCEQ, the Deputy Director of Houston, and the General Manager of GCWA within five business days.
  - d. In addition, the city manager or his/her official designee will notify directly, or cause to be notified directly, the following individuals and entities: mayor and members of the city council, fire chief/fire marshal, city and/or county emergency management coordinator(s), county judge and commissioner(s), state disaster district/department of public safety, major water users, critical water users, i.e., hospitals, parks/street superintendents and public facilities managers.
- (2) If response stages are initiated by the City of Houston or GCWA, the City of League City will consider implementing the similar stage of this drought contingency and water emergency management plan. For other trigger conditions internal to the city, League City's city manager or his/her official designee may decide not to order the implementation of a drought/water emergency response stage even though one or more of the trigger criteria for the stage are met. Factors which could influence such a decision include, but are not limited to, the time of the year, weather conditions, the anticipation of replenished water supplies, or the anticipation that additional facilities will become available to meet needs. The reason for this decision should be documented.

(b) *Termination of a drought response stage and water emergency stage.*

- (1) League City's city manager or his/her official designee may order the termination of a drought/water emergency response stage when the conditions for termination are met or at his/her discretion. The following actions will be taken when a drought/water emergency response stage is terminated:
  - a. The public will be notified through local media and the city's web site as described in section 114-223.
  - b. Houston and GCWA will be notified by e-mail with a follow-up letter.
  - c. If any mandatory provisions of the drought contingency and water emergency management plan that have been activated are terminated, League City will notify the Executive Director

of the TCEQ, the Deputy Director of Houston, and the General Manager of GCWA within five business days.

- d. In addition, the city manager or his/her official designee will notify directly, or cause to be notified directly, the following individuals and entities: mayor and members of the city council, fire chief/fire marshal, city and/or county emergency management coordinator(s), county judge and commissioner(s), state disaster district/department of public safety, major water users, critical water users, i.e., hospitals, parks/street superintendents and public facilities managers.
- (2) League City's city manager or his/her official designee may decide not to order the termination of a drought/water emergency response stage even though the conditions for termination of the stage are met. Factors which could influence such a decision include, but are not limited to, the time of the year, weather conditions, or the anticipation of potential changed conditions that warrant the continuation of the drought stage. The reason for this decision should be documented.

#### Sec. 114-226. - 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. 114-227. - Definitions.

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

*Athletic field* means a public sports competition field, the essential feature of which is turf grass, used primarily for organized sports practice, competition or exhibition events for schools; professional sports and league play sanctioned by the utility providing retail water supply.

*Commercial vehicle wash facility* means 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.

*Conservation* means 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.

*Customer* means any person, corporation, or organization using water supplied by the City of League City.

*Designated outdoor water use day* means a day prescribed by rule on which a person is permitted to irrigate outdoors.

*Domestic water use* means 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* is a type of micro-irrigation system that operates at low pressure and delivers water in slow, small drips to individual plants or groups of plants through a network of plastic conduits and emitters; also called trickle irrigation.

*Drought*, for the purposes of this report, means an extended period of time when an area receives insufficient amounts of rainfall to replenish the water supply, causing water supply sources (in this case reservoirs) to be depleted.

*Drought contingency and water emergency response* means a strategy or combination of strategies for temporary supply management and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies required by Texas Administrative Code Title 30, Chapter 288, Subchapter B. This is sometimes called a drought contingency plan.

*Foundation watering* means an application of water to the soils directly abutting (within two feet) the foundation of a building, structure.

*Interactive water features* means water sprays, dancing water jets, waterfalls, dumping buckets, shooting water cannons, inflatable pools, temporary splash toys or pools, slip-n-slides, or splash pads that are maintained for recreation.

*Irrigation system* means a permanently installed, custom-made, site-specific system of delivering water generally for landscape irrigation via a system of pipes or other conduits installed below ground.

*Landscape* means any plant material on a property, including any tree, shrub, vine, herb, flower, succulent, ground cover, grass or turf species, that is growing or has been planted out of doors.

*New landscaping* means: (a) vegetation installed at the time of the construction of a residential or commercial facility; (b) installed as part of a governmental entity's capital improvement project; or (c) installed to stabilize an area disturbed by construction.

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

- (1) Irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this plan;
- (2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle, except with an attended hand-held hose with positive shut-off device (no open-ended hoses or unattended hoses); an exception is allowed for commercial vehicle wash facilities;
- (3) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (4) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (5) Flushing gutters or permitting water to run or accumulate in any gutter or street;
- (6) Use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
- (7) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (8) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (9) Use of water from hydrants for construction purposes or any other purposes other than firefighting.

*Ornamental fountain* means an artificially created structure from which a jet, stream, or flow of treated water emanates and is not typically utilized for the preservation of aquatic life.

*Pond* is a still body of water with a surface area of 500 square feet or more, filled with non-potable water and not a swimming pool.

*Soaker hose* means a perforated or permeable garden-type hose or pipe that is laid above ground that provides irrigation at a slow and constant rate.

*Swimming pool* means any structure, basin, chamber, or tank including hot tubs, containing an artificial body of water for swimming, diving, or recreational bathing, and having a depth of two feet or more at any point.

Sec. 114-228. - Criteria for initiation and termination of drought response stages.

(a) Stage 1 (Voluntary).

- (1) The city may initiate Stage 1 (Voluntary) if any one of the following conditions are met:
  - a. The city total daily water demand equals or exceeds 75 percent of the available contracted surface water sources for three consecutive days. Water demand could be citywide or in a specified portion of the system.
  - b. The city total daily water demand equals or exceeds 85 percent of the available contracted surface water sources on a single day. Water demand could be citywide or in a specified portion of the system.
  - c. League City's city manager or his/her official designee feels that the initiation of Stage 1 (Voluntary) is appropriate.
  - d. The City of Houston or GCWA have initiated Stage 1.
- (2) Stage 1 (Voluntary) may terminate when Houston or GCWA terminates its Stage 1 condition or when the circumstances that caused the City of League City's initiation of Stage 1 (Voluntary) no longer prevail for a period of seven consecutive days. Stage 1 (Voluntary) may terminate if League City's city manager or his/her official designee feels that the termination of Stage 1 (Voluntary) is appropriate.

(b) Stage 2 (Mandatory).

- (1) The city may initiate Stage 2 (Mandatory) if any one of the following conditions are met:
  - a. The city total daily water demand equals or exceeds 85 percent of the available contracted surface water sources for three consecutive days. Water demand could be citywide or in a specified portion of the system.
  - b. The city total daily water demand equals or exceeds 95 percent of the available contracted surface water sources on a single day. Water demand could be citywide or in a specified portion of the system.
  - c. League City's city manager or his/her official designee feels that the initiation of Stage 2 (Mandatory) is appropriate.
  - d. The City of Houston or GCWA have initiated Stage 2.
- (2) Stage 2 (Mandatory) may terminate when Houston or GCWA terminate its Stage 2 condition or when the circumstances that caused the City of League City's initiation of Stage 2 (Mandatory) no longer prevail for a period of seven consecutive days. Stage 2 (Mandatory) may terminate if League City's city manager or his/her official designee feels that the termination of Stage 2 (Mandatory) is appropriate.

(c) Stage 3 Severe (Mandatory).

- (1) The city may initiate Stage 3 Severe (Mandatory) if any one of the following conditions are met:
  - a. The city total daily water demand equals or exceeds 90 percent of the available contracted surface water sources for three consecutive days. Water demand could be citywide or in a specified portion of the system.
  - b. The city total daily water demand equals or exceeds 98 percent of the available contracted surface water sources on a single day. Water demand could be citywide or in a specified portion of the system.
  - c. League City's city manager or his/her official designee feels that the initiation of Stage 3 is appropriate.

- d. The City of Houston or GCWA have initiated Stage 3.
- (2) Stage 3 Severe (Mandatory) may terminate when Houston or GCWA terminate its Stage 3 condition or when the circumstances that caused the City of League City's initiation of Stage 3 Severe (Mandatory) no longer prevail for a period of seven consecutive days. Stage 3 Severe (Mandatory) may terminate if League City's city manager or his/her official designee feels that the termination of Stage 3 Severe (Mandatory) is appropriate.
- (d) Stage 4 Emergency Water Shortage (Mandatory).
  - (1) The city may initiate a Stage 4 Emergency Water Shortage (Mandatory) condition for all of the city or the affected part of the city if any one of the following conditions are met:
    - a. The city experiences major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service.
    - b. The city experiences natural or man-made contamination of the water supply source(s).
    - c. The city's total daily water demand equals or exceeds 91 percent of the available contracted surface water sources for three consecutive days and/or the system pressure falls below 35 psi on any single occasion.
    - d. League City's city manager or his/her official designee feels that the initiation of a Stage 4 - Emergency Water Shortage is appropriate.
    - e. The City of Houston or GCWA have initiated emergency water shortage.
  - (2) Stage 4 Emergency Water Shortage (Mandatory) may terminate when Houston or GCWA terminate its emergency water shortage condition or when the circumstances that caused the City of League City's initiation of Stage 4 Emergency Water Shortage (Mandatory) no longer prevail. Stage 4 Emergency Water Shortage (Mandatory) may terminate if League City's city manager or his/her official designee feels that the termination of Stage 4 Emergency Water Shortage (Mandatory) is appropriate.

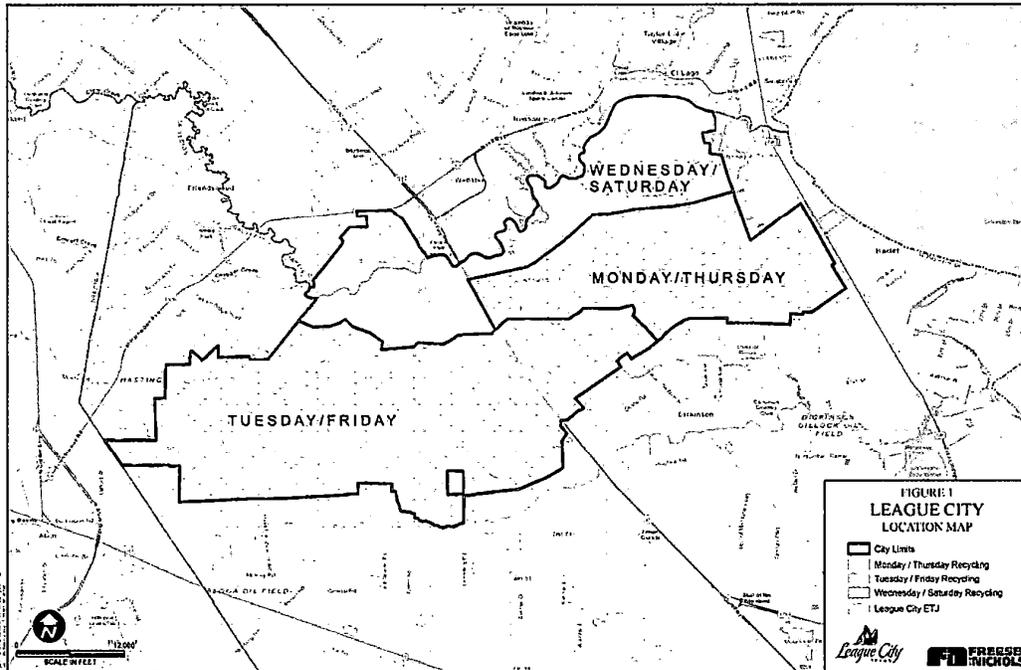
Sec. 114-229. - Drought response.

- (a) The city manager or his/her official designee shall monitor water supply and demand conditions on a daily basis and, in accordance with the triggering criteria set forth in section 114-228 of this plan, shall determine that a Stage 1 (Voluntary), Stage 2 (Mandatory), Stage 3 Severe (Mandatory), or Stage 4 Emergency Water Shortage (Mandatory) condition exists and shall implement the following notification procedures:
  - (1) Notification.
    - a. Notification of the public. The city manager or his/her official designee shall notify the public by means of:
      - 1. Publication in a newspaper of general circulation;
      - 2. Public service announcements;
      - 3. Signs posted in public places;
      - 4. Take-home fliers at schools.
    - b. Additional notification. The city manager or his/her official designee shall notify directly, or cause to be notified directly, the following individuals or entities: mayor and members of the city council, fire chief/fire marshal, city and/or county emergency management coordinator(s), county judge and commissioner(s), state disaster district/department of public safety, TCEQ (required when mandatory restrictions are imposed), major water users, critical water users, i.e., hospitals, parks/street superintendents and public facilities managers.

(2) Stage 1 Response Voluntary.

- a. Goal: The goal for water use reduction under Stage 1 (Voluntary) is a two percent reduction in the amount of water sold from the previous annual period prior to drought restrictions. Measures identified below are voluntary:
- b. Supply management measures:
  1. Reduced flushing of water mains.
  2. Review the problems that caused the initiation of Stage 1 (Voluntary).
  3. Identify alternative water sources and/or alternative delivery systems.
  4. Initiate engineering studies to evaluate alternatives should conditions worsen.
- c. Voluntary water use restrictions:
  1. Residential and non-residential water customers are requested to voluntarily limit outdoor watering between 9:00 a.m. and 7:00 p.m., voluntarily limited to twice per week on the days that align with League City customers' trash days, or if the customer doesn't have a trash day whichever day is illustrated in figure 1. Residential and non-residential water customers in the western portion of the ETJ are requested to voluntarily limit outdoor watering between 9:00 a.m. and 7:00 p.m., voluntarily limited to Tuesday and Friday. Residential and non-residential water customers in the eastern portion of the ETJ are requested to voluntarily limit outdoor watering between 9:00 a.m. and 7:00 p.m., voluntarily limited to Monday and Thursday. Excessive pooling and/or run-off from foundation watering is discouraged and is requested to not be allowed to run off of property and form a stream of water in a street for a distance of 50 feet or greater; or pool in a street or parking lot to a depth greater than one-quarter of an inch.
  2. Water customers are requested to practice water conservation and to minimize or discontinue non-essential water use.
  3. Increase public education efforts on ways to reduce water use.
  4. Intensify efforts on leak detection and repair.
  5. Notify major water users and work with them to achieve voluntary water use reductions.
  6. Further accelerate public education efforts on ways to reduce water use.
  7. Encourage the public to wait until the current drought or emergency situation has passed before establishing new landscaping.

**Figure 1: Stage 1 Voluntary Limits on Outdoor Watering Days**



(3) Stage 2 Response Mandatory.

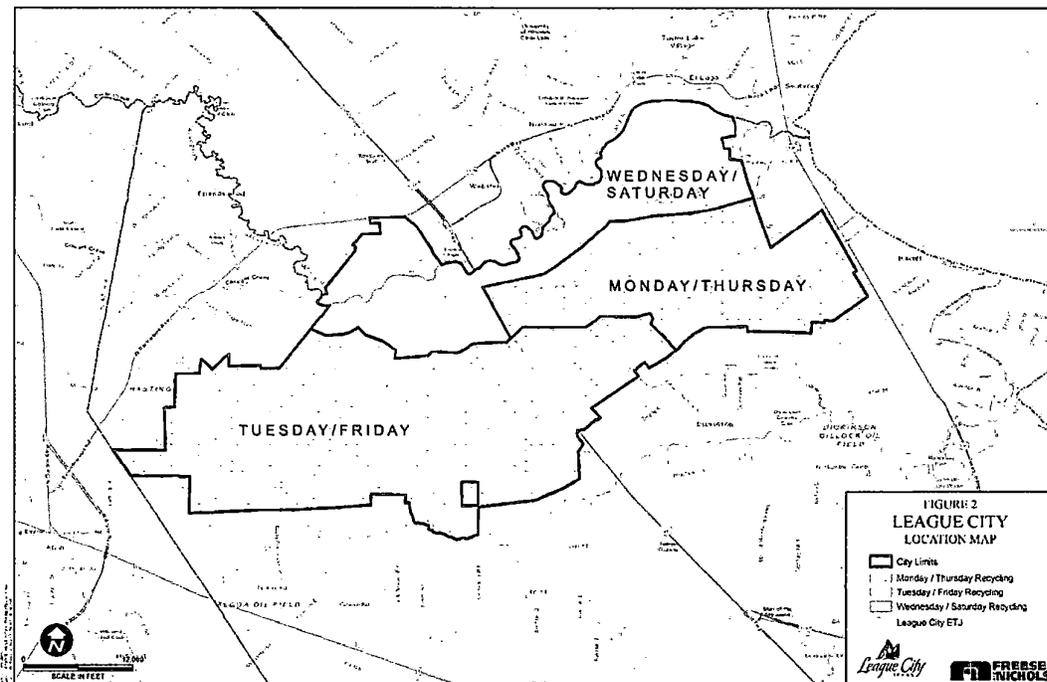
- a. Goal: The goal for water use reduction under Stage 2 (Mandatory) is a reduction of ten percent in the amount of water sold from the previous annual period prior to drought restrictions. League City's city manager or his/her official designee will consider implementing any action(s) required by the City of Houston or GCWA. In addition, League City's city manager or his/her official designee may order the implementation of any or all of the actions listed below, as deemed necessary to achieve the specified percent reduction. League City must notify TCEQ, Houston and GCWA within five business days if these measures are implemented.
- b. Supply management measures:
  - 1. Reduced or discontinued irrigation of public landscaped areas.
  - 2. Reduced or discontinued flushing of water mains.
  - 3. Fix or repair all reported and known leaks in the system within 12 hours of notification or detection.
  - 4. Implement viable alternative water supply strategies.
- c. Mandatory water use restrictions:
  - 1. Continue or initiate any actions available under the water conservation plan and Stage 1 (Voluntary).
  - 2. Prohibit using water in such a manner as to allow runoff or other waste.
  - 3. Prohibit residential and non-residential outdoor watering between 9:00 a.m. and 7:00 p.m., limited to twice per week on the days that align with League City customers' trash days, or if the customer doesn't have a trash day whichever day is illustrated in Figure 2. Residential and non-residential water customers in the western portion of the ETJ are prohibited from outdoor watering between 9:00 a.m. and 7:00 p.m., limited to Tuesday and Friday. Residential and non-residential water customers in the

eastern portion of the ETJ are prohibited from outdoor watering between 9:00 a.m. and 7:00 p.m., limited to Monday and Thursday. Excessive pooling and/or run-off from foundation watering is prohibited and shall not be allowed to run off of property and form a stream of water in a street for a distance of 50 feet or greater; or pool in a street or parking lot to a depth greater than one-quarter of an inch. Exceptions are as follows:

- i. New landscaping (first year), and new plantings of shrubs and trees (first year) may be watered for up to two hours on any day by attended hand-held hose with positive shut-off device (no open-ended hoses or unattended hoses), a soaker hose, or a dedicated zone using a drip irrigation system.
  - ii. Locations using other sources of water supply for irrigation may irrigate without restrictions. If a golf course utilizes a water source other than the potable water provided by the city, then the facility shall not be subject to these regulations. The use of treated effluent recycled from the city's wastewater treatment facility (non-potable/reuse water) is permissible.
  - iii. Registered and properly functioning ET/Smart irrigation systems and drip irrigation systems may irrigate without restrictions.
4. Irrigation of landscaped areas or commercial plant nurseries is permitted at any time by means of a faucet filled bucket or water can of five gallons or less, a drip irrigation system, soaker hose, or by attended hand-held hose with positive shut-off device (no open-ended hoses or unattended hoses). Excessive pooling and/or run-off from automatic or drip irrigation systems is prohibited and shall not be allowed to run off of property and form a stream of water in a street for a distance of 50 feet or greater; or pool in a street or parking lot to a depth greater than one-quarter of an inch.
  5. Use of water to wash any motor vehicle, 4-wheeler, boat, trailer, airplane, or other vehicle is prohibited except on designated outdoor watering days. Washing is allowed at any time on designated watering days for applicable residential address. Such washing, when allowed, shall be done with a hand-held bucket and attended hand-held hose with positive shut-off device (no open-ended hoses or unattended hoses). Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station.
  6. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountain or pond is equipped with a recirculation system.
  7. Use of water from fire hydrants shall be limited to the firefighting 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 League City.
  8. Use of water to stabilize foundations is prohibited except on designated outdoor watering and is prohibited on any day between 9:00 a.m. and 7:00 p.m. Watering is permitted by means of an attended hand-held hose with positive shut-off device (no open-ended hoses or unattended hoses); or using a soaker hose or drip irrigation system placed within 24 inches of the foundation that does not produce a spray of water above the ground. Excessive pooling and/or run-off from foundation watering is prohibited and shall not be allowed to run off of property and form a stream of water in a street for a distance of 50 feet or greater; or pool in a street or parking lot to a depth greater than one-quarter of an inch.
  9. The following uses of water are defined as nonessential and are prohibited:
    - i. Washing down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard surfaced area;

- ii. Washing down buildings or structures for purposes other than immediate fire protection;
  - iii. Use of water for dust control;
  - iv. Flushing of gutters or permitting water to run or accumulate in any gutter or street;
  - v. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).
10. Prohibit hydroseeding, hydromulching, and sprigging.
  11. 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 to alleviate a public safety risk. Existing pools may add water to replace losses from normal use and evaporation.
  12. Consider initiating a rate surcharge for all water use over a certain level.

**Figure 2: Stage 2 Mandatory Limits on Outdoor Watering Days**

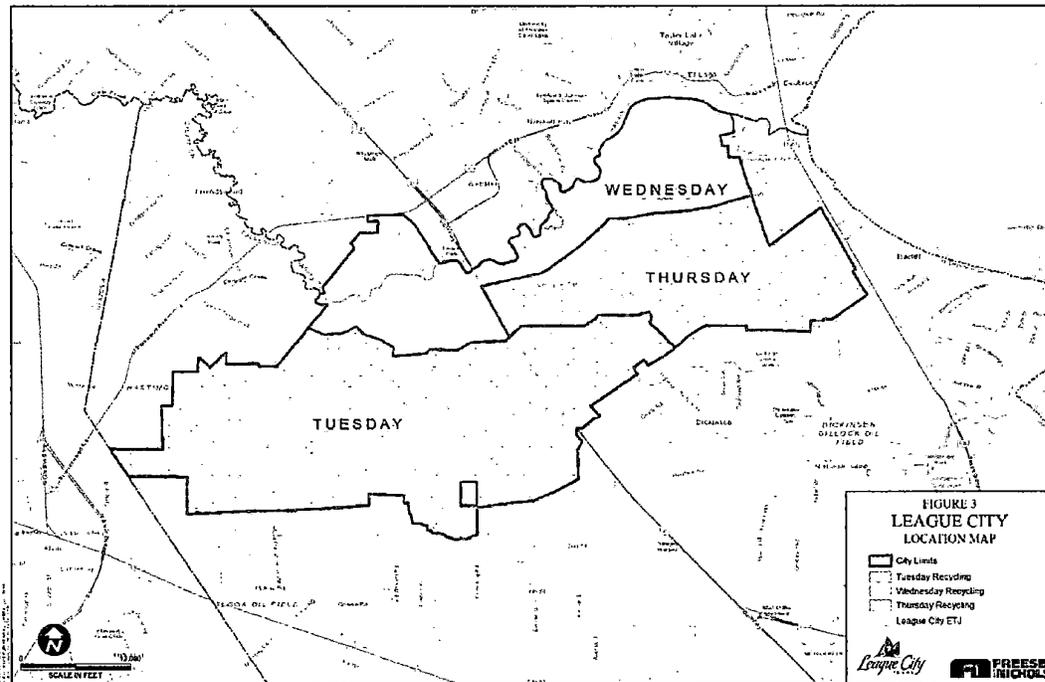


**(4) Stage 3 Response Mandatory.**

- a. **Goal:** The goal for water use reduction under Stage 3 - Severe (Mandatory) is a reduction of 20 percent in the amount of water sold from the previous annual period prior to drought restrictions, or a greater reduction if deemed necessary by League City's city manager or his/her official designee. League City's city manager or his/her official designee will consider implementing any action(s) required by the City of Houston or GCWA. In addition, League City's city manager or his/her official designee may order the implementation of any or all of the actions listed below, as deemed necessary to achieve the specified percent reduction. League City must notify TCEQ, Houston and GCWA within five business days if these measures are implemented.
- b. **Supply management measures:**
  1. Reduced or discontinued irrigation of public landscaped areas.

2. Reduced or discontinued flushing of water mains.
  3. Fix or repair all reported and known leaks in the system within 12 hours of notification or detection.
- c. Mandatory water use restrictions:
1. Continue or initiate any actions available under the water conservation plan and Stage 1 (Voluntary) and Stage 2 (Mandatory).
  2. Implement viable alternative water supply strategies.
  3. Prohibit washing of vehicles except at a commercial vehicle wash facility, or as necessary for health, sanitation, or safety reasons.
  4. Prohibit residential and non-residential outdoor watering between 9:00 a.m. and 7:00 p.m., limited to once per week on the days illustrated in Figure 3. Residential and non-residential water customers in the western portion of the ETJ are prohibited from outdoor watering between 9:00 a.m. and 7:00 p.m., limited to Tuesday. Residential and non-residential water customers in the eastern portion of the ETJ are prohibited from outdoor watering between 9:00 a.m. and 7:00 p.m., limited to Thursday. Excessive pooling and/or run-off from foundation watering is prohibited and shall not be allowed to run off of property and form a stream of water in a street for a distance of 50 feet or greater; or pool in a street or parking lot to a depth greater than one-quarter of an inch. Exceptions are as follows:
    - i. New landscaping (first year), and new plantings of shrubs and trees (first year) may be watered for up to two hours on any day by attended hand-held hose with positive shut-off device (no open-ended hoses or unattended hoses), a soaker hose, or a dedicated zone using a drip irrigation system.
    - ii. Locations using other sources of water supply for irrigation may irrigate without restrictions. If a golf course utilizes a water source other than the potable water provided by the city, then the facility shall not be subject to these regulations. The use of treated effluent recycled from the city's wastewater treatment facility (non-potable/reuse water) is permissible.
    - iii. Registered and properly functioning ET/Smart irrigation systems and drip irrigation systems may irrigate without restrictions.
  5. Prohibit the permitting of private pools. Pools already permitted may be completed and filled with water. Existing private and public pools may add water to maintain pool levels but may not be drained and refilled.
  6. Require all commercial water users to reduce water use by a percentage established by League City's city manager or his/her official designee.
  7. Landscape watering of parks, golf courses, and athletic fields with potable water is prohibited. Exception for parks, golf course greens and tee boxes, and athletic fields, which may be watered by attended hand-held hose with positive shut-off device (no open-ended hoses or unattended hoses) as needed. Variances may be granted by the water provider under special circumstances.
  8. Prohibit the operation of interactive water features such as water sprays, dancing water jets, waterfalls, dumping buckets, shooting water cannons, or splash pads that are maintained for public recreation.

**Figure 3: Stage 3 Mandatory Limits on Outdoor Watering Days**



(5) Stage 4 Response Mandatory.

- a. Goals: The goal for water use reduction under a Stage 4 - Emergency Water Shortage (Mandatory) is a reduction of 35 percent in the amount of water sold from the previous annual period prior to drought restrictions, or whatever amount is deemed necessary. If circumstances warrant or if required by the City of Houston or GCWA, League City's city manager or his/her official designee can set a goal for a greater water use reduction. League City's city manager or his/her official designee will consider implementing any action(s) required by the City of Houston or GCWA. In addition, League City's city manager or his/her official designee may order the implementation of any of the actions listed below, as deemed necessary. Measures can be initiated for all or part of the city, as appropriate. Measures described as "requires notification to TCEQ" impose mandatory requirements on member cities and customers. The supplier must notify TCEQ, the City of Houston and GCWA within five business days if these measures are implemented.
- b. Supply management measures:
  1. Reduced or discontinued irrigation of public landscaped areas.
  2. Reduced or discontinued flushing of water mains.
  3. Fix or repair all reported and known leaks in the system within 12 hours of notification or detection.
- c. Mandatory water use restrictions:
  1. Continue or initiate any actions available under the water conservation plan and Stage 1 (Voluntary), Stage 2 (Mandatory), and Stage 3 - Severe (Mandatory).
  2. Implement viable alternative water supply strategies. The City of League City will deliver water to central distribution points throughout the city.
  3. All landscape irrigation use is prohibited.
  4. All non-essential water use is prohibited.

5. All aesthetic water use is prohibited.
6. All commercial and institutional water use customers are encouraged to practice conservation measures and may be required to cease certain operations as directed by League City's city manager or his/her official designee.

**Sec. 114-230. - Enforcement.**

- (a) *Generally.* No person shall knowingly or intentionally allow the use of water from the City of League City for residential, commercial, industrial, agricultural, governmental, or any other purposes 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 the director, or his/her designee, in accordance with provisions of this plan.
- (b) *Criminal penalties.*
  - (1) Any person who violates this plan is guilty of a Class C misdemeanor and, upon conviction, shall be punished by a fine of not less than \$100.00 and not more than \$2,000.00. Each day that one or more of the provisions in this plan is violated shall constitute a separate offense. Service may be discontinued upon issuance of a citation for the second violation. Service discontinued under such circumstances shall be restored only upon payment of a re-connection charge, ~~hereby established at an amount of \$150.00 (or as adjusted by city ordinance),~~ and any other costs incurred by the City of League City in discontinuing service. Repeat offenses shall be subject to reconnect fees of twice the amount stated above. Severity considered warnings may be given at any time for informational purposes. Warnings are an attempt to inform the violator and do not count as a citable offense. In addition, suitable assurance by the violator must be given to the director that the same action will not be repeated while the plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.
  - (2) Any person, including a person classified as a water customer of the City of League 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 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.
  - (3) Any employee of the City of League City, police officer, or other employee designated by the city manager or his designee, 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 five days nor more than 15 days from the date the citation was issued. The alleged violator shall be served a copy of the citation, which the city may deliver by certified mail to the address, if known, of the alleged violator. The alleged violator shall appear in municipal court to enter a plea of guilty or not guilty for the violation of this plan. 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.
- (c) *Administrative remedies.*

- (1) The city may elect to exercise the following administrative remedies for violations of the city plan in lieu of pursuing criminal penalties against non-single family water account holders, such as business and professional parks, homeowners' associations, apartments, home builders, land developers, and entities other than customers residing at single family homes.
- (2) *Administrative fees.* The following administrative fees that will be added to the customer's regular monthly city utility bill shall apply:
  - a. First offense .....\$200.00
  - b. Second offense .....\$400.00
  - c. Third offense .....\$600.00
  - d. Fourth and subsequent offenses .....\$2,000.00
- (3) *Contesting violations.* A non-single family water customer as defined above may request a hearing before a hearing officer(s) appointed by the city manager within 15 business days after the date on the notice. The hearing officer(s) shall evaluate all information offered by the petitioner at the hearing. The customer shall bear the burden of proof to show why, by preponderance of the evidence, the administrative fee should not be assessed. The hearing officer(s) will render a decision in writing within three business days of the conclusion of the hearing. A customer may appeal the decision from the hearing officer(s) in writing to the city manager within three business days of the conclusion of the hearing. The decision by the city manager is final and binding.
- (4) *Paying assessed fees.* If, after the expiration of the 15 business days from the date on the notice, the customer has not requested an administrative hearing to contest the assessment of an administrative fee or paid the administrative fee, the city shall apply and charge the assessed administrative fee to the customer's next city utility bill. Unpaid assessed administrative fees related to violations of water use restrictions under the city plan shall incur late payment penalties and may result in termination of water service.

Sec. 114-231. - Variances.

- (a) The city manager, or his/her designee, may, in writing, grant a temporary variance for existing water uses otherwise prohibited under this plan if it is determined that failure to grant such a variance would cause an emergency condition to adversely affect health, sanitation or fire protection/business consideration, for the public or the person requesting such 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.
- (b) *Petition.* Persons requesting an exemption from the provisions of this section shall file a petition for variance with the city within five 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:
  - (1) Name, address and phone number of the petitioner(s);
  - (2) Purpose of water use;
  - (3) Specific provision(s) of the plan from which the petitioner is requesting relief;
  - (4) Description of specific relief requested;
  - (5) Period of time for which the variance is sought.

- (c) *Conditions.* Variances granted hereunder shall be subject to the following conditions, unless waived by the city manager or his/her designee:
- (1) Variances shall include a timetable for compliance;
  - (2) Variances shall expire when the plan is no longer in effect, unless the petitioner has failed to meet specific requirements;
  - (3) No variance shall be retroactive or otherwise justify any violation of this plan that occurred prior to the issuance of the variance.

Sec. 114-232. - Texas Commission on Environmental Quality rules.

- (a) The TCEQ rules governing development of drought contingency plans for public water suppliers are contained in Title 30, Part 1, Chapter 288, Subchapter B, Rule 288.20 of the Texas Administrative Code, a current copy of which is included in Appendix B. For the purpose of these rules, a drought contingency plan is defined as "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."
- (b) TCEQ's minimum requirements for drought contingency plans are addressed in the following subsections of this report:
- (1) 288.20(a)(1)(A) - Provisions to Inform the Public and Provide Opportunity for Public Input - section 114-222;
  - (2) 288.20(a)(1)(B) - Provisions for Continuing Public Education and Information - section 114-223;
  - (3) 288.20(a)(1)(C) - Coordination with the Regional Water Planning Group - section 114-224;
  - (4) 288.20(a)(1)(D) - Criteria for Initiation and Termination of Drought Contingency and Water Emergency Response Stages - section 114-228;
  - (5) 288.20(a)(1)(E) - Drought Contingency and Water Emergency Response Stages - section 114-229;
  - (6) 288.20(a)(1)(F) - Specific, Quantified Targets for Water Use Reductions - section 114-229;
  - (7) 288.20(a)(1)(G) - Water Supply and Demand Management Measures for Each Stage - section 114-229;
  - (8) 288.20(a)(1)(H) - Procedures for Initiation and Termination of Drought Contingency and Water Emergency Response Stages - section 114-225 and section 114-229;
  - (9) 288.20(a)(1)(I) - Procedures for Granting Variances - section 114-231;
  - (10) 288.20(a)(1)(J) - Procedures for Enforcement of Mandatory Restrictions - section 114-230;
  - (11) 288.20(a)(3) - Consultation with Wholesale Supplier - section 114-224 and section 114-225;
  - (12) 288.20(b) - Notification of Implementation of Mandatory Measures - section 114-225 and section 114-229;
  - (13) 288.20(c) - Review and Update of Plan - section 114-233.

Sec. 114-233. - Review and update on drought contingency and water emergency management plan.

As required by TCEQ rules, the City of League City must review the drought contingency and water emergency management plan every five years. The plan will be updated as appropriate based on new or updated information.