

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF NIXON, TEXAS ESTABLISHING RULES AND
REGULATIONS REGARDING WATER
CONSERVATION.**

WHEREAS, it has come to the attention of the City Council of the City of Nixon that it is necessary and reasonable for the City to establish regulations concerning water conservation of the City's water sources and that the City Council has the power to enact such regulations;

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

That the attached rules regulations are hereby adopted:

**CITY OF NIXON
WATER CONSERVATION ORDINANCE**

I. Purpose and Policy

It is the purpose of this Ordinance and City of Nixon (City) policy to comply with all applicable State and Federal laws. This Ordinance contains provisions to regulate the use of the City's water so that the citizens of Nixon will continue to have an adequate and reliable source of drinking water. This will be accomplished by education and water system analysis and by reaching the following goals:

1. Provide public information to water customers to encourage non-wasteful water use.
2. Utilize a conservative-orientated water rate structure.
3. Safeguard the water supply by comparing the amount of water supplied versus water consumption.
4. Reduce high peak water demand during the summer months by 10%.
5. Reduce the average annual per capita water use to below 275 gallons per capita per day (gpcd) by the year 2015.
6. Improve water accounting data and maintain unaccounted for water to less than 10%.

II. Definitions

For the purpose of interpreting this ordinance, certain words for this ordinance are defined as follows:

Conservation – Those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water, or increase the recycling and reuse of water so that a water supply is made available for future or alternative uses.

Industrial Use – The use of water in processes designed to convert materials of a lower order of value into forms having greater usability and commercial value, commercial fish production, and the development of power by means other than hydroelectric, but does not include agricultural use.

Irrigation – The agricultural use of water for the irrigation of crops, trees, and pastureland, including, but not limited to, golf courses and parks which do not receive water through a municipal distribution system.

Municipal per capita water use - The sum total of water diverted into a water supply system for residential, commercial, and public and institutional uses divided by actual population served.

Municipal use – The use of potable water within or outside a municipality and its environs whether supplied by a person, privately owned utility, political subdivision, or other entity as well as the use of sewage effluent for certain purposes, including the use of treated water for domestic purposes, fighting fires, sprinkling streets, flushing sewers and drains, watering parks and parkways, and recreational purposes, including public and private swimming pools, the use of potable water in industrial and commercial enterprises supplied by a municipal distribution system without special construction to meet its demands, and for the watering of lawns and family gardens.

Municipal use in gallons per capita per day - The total average daily amount of water diverted or pumped for treatment for potable use by a public water supply system. The calculation is made by dividing the water diverted or pumped for treatment for potable use by population served. Indirect reuse volumes shall be credited against total diversion volumes for the purpose of calculating gallons per capita per day for targets and goals.

Pollution - The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

Public water supplier - An individual or entity that supplies water to the public for human consumption.

Regional water planning group - A group established by the Texas Water Development Board to prepare a regional water plan under Texas Water Code, § 16.053.

Retail public water supplier - An individual or entity that for compensation supplies water to the public for human consumption. The term does not include an individual or entity that supplies water to itself or its employees or tenants when that water is not resold to or used by others.

Reuse - The authorized use for one or more beneficial purposes of use of water that remains unconsumed after the water is used for the original purpose of use and before that water is either disposed of or discharged or otherwise allowed to flow into a watercourse, lake, or other body of state-owned water.

Water conservation plan - A strategy or combination of strategies for reducing the volume of water withdrawn from a water supply source, for reducing the loss or waste of water, for maintaining or improving the efficiency in the use of water, for increasing the recycling and reuse of water, and for preventing the pollution of water. A water conservation plan may be a separate document identified as such or may be contained within another water management document(s).

Water loss - The difference between water diverted or treated and water delivered (sold). Water loss can result from:

1. inaccurate or incomplete record keeping;
2. meter error;
3. unmetered uses such as firefighting, line flushing, and water for public buildings and water treatment plants;
4. leaks; and
5. water theft and unauthorized use.

Wholesale public water supplier - An individual or entity that for compensation supplies water to another for resale to the public for human consumption. The term does not include an individual or entity that supplies water to itself or its employees or tenants as an incident of that employee service or tenancy when that water is not resold to or used by others, or an individual or entity that conveys water to another individual or entity, but does not own the right to the water which is conveyed, whether or not for a delivery fee.

III. Compliance with Ordinance Required

The City of Nixon and any person who is a current citizen within the corporate city limits of Nixon, Gonzales County, Texas or within its jurisdiction, who is a customer of the City's Utilities and/or water services, shall be required to comply with this ordinance.

IV. Scope

This Ordinance sets forth uniform requirements to be met by The City of Nixon, Texas and current citizens within the corporate city limits of Nixon, Gonzales County, Texas or within its jurisdiction, who are customers of the City's Utilities and/or water services. This Ordinance is written to enable the City and its citizens to comply with and enforce all applicable state and federal laws, if any, pertaining to water conservation.

V. Objectives

Specific, Quantified 5 & 10-Year Targets

The City of Nixon has adopted a Water Conservation Plan and a Drought Contingency Plan so that the citizens of Nixon will continue to have an adequate and reliable source of drinking water. These plans propose to have a successful plan through education and water system analysis.

The Objectives of this Ordinance are to:

- (a) Provide Public Information to water customers to encourage non-wasteful water use.
- (b) Utilize a conservative-oriented water rate structure.
- (c) Safeguard the water supply by comparing the amount of water supplied versus water consumption.
- (d) Reduce high peak water demand during the summer months by 10%.
- (e) Reduce the average annual per capita water use to below 275 gallons per capita per day (gpcd) by the year 2015.
- (f) Improve water accounting data and maintain unaccounted for water to less than 10%.

VI. Jurisdiction

This Ordinance shall be given full force and effect inside the corporate limits of the City and within those unincorporated areas located outside of the corporate limits of the City but within their extraterritorial jurisdiction. Additionally, this Ordinance shall apply to those entities being served by the City of Nixon and being provided with the use and benefit of the City's water supply by sale and/or delivery. By operation of law, permit conditions, unincorporated areas and incorporated areas are obligated to abide by this Ordinance. Except as otherwise provided, the City of Nixon shall be responsible for the implementation, administration and enforcement of this Ordinance.

VII. Metering Devices, Universal Metering, and Unaccounted-For Water Use

The City shall meter all customers on the water system. All customers shall be metered individually and "master meters" should not be utilized for multi-family dwellings, apartment complexes, trailer parks, etc.

A regularly scheduled meter maintenance and replacement program is hereby established pursuant to this Ordinance. The program shall be as follows:

Meter Maintenance Program

- Master Meters -Test each year and recalibrate as necessary.
- (at Pumping Stations) -Replace if necessary
- Other Master Meters -Test each year, replace if necessary.
- Meters Larger Than 1-1/2" -Test every 1-5 years, replace if necessary.
- Meters 1-1/2" Or Smaller -Test every ten years, replace if necessary.

The City shall also test a customer's meter upon their request.

Water loss reduction is an important goal in an efficient water system operation. Accurate metering can help to reduce unaccounted water. Water loss can also be reduced with good record keeping. In calculating unaccounted-for water use by the City of Nixon or its designated agents, it shall be required to record un-metered uses such as water used to flush water or sewer lines, fight fires, etc. The City shall provide education and forms to their staff and the local fire department to account for these water uses. An accounting of the amount of water pumped from the water wells versus the amount of water billed to the customers shall be kept on a monthly basis and submitted to the TCEQ annually. Water loss should not exceed ten (10) percent.

The City shall perform inspections on water meters, hydrants, abandoned services, distribution lines, etc. as part of a leak detection and repair program. The TWDB can be contacted to assist and train City personnel on the use of leak detection equipment. The City shall also provide education and forms to their staff and the local fire department to account for water used for flushing, fighting fires, etc.

VIII. Continuing Public Education & Information

The previously adopted water conservation plan and this Ordinance will promote water saving practices to the public. The City shall provide these tips through the local newspaper and/or educational literature from the TWDB. The educational program shall be an on-going annual program that addresses residential, commercial, and industrial customers.

The City shall develop a New Customer Packet, which will be distributed to new customers that apply for water service. This packet shall include conservation information materials, an Emergency Rationing Program "Fact Sheet", and other various water conservation literature. In addition, these packets shall be available at City Hall for those who wish to pick up a packet.

Many educational brochures, pertaining to residential, commercial, and industrial customers, shall be obtained from the TWDB Municipal Water Conservation Unit at (512) 445-1498 and shall be available at City Hall.

IX. Non-Promotional Water Rate Structure

The following shall be the current water rate structure:

\$10.00 for the first 2,000 gallons.

\$1.53 per 1,000 gallons for all usage above 2,000 gallons.

Customers outside the City Limits will be charged an additional 35 percent.

X. Enforcement Procedure & Ordinance Adoption

If a rationing period is initiated, the City has the authority to enforce the measures outlined in the Drought Contingency Plan and Ordinance. Additionally, other Ordinance elements that cannot be enforced by the City shall be promoted and encouraged by educational means as described above. This ordinance gives the city authority to perform periodic evaluations and modifications to ensure that the programs and regulations are kept current with changing conditions.

XI. Ordinance and Plan Review and Updates

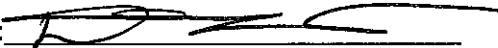
The City of Nixon shall review and update this water conservation Ordinance, as appropriate, based on an assessment of previous five-year and ten-year targets and any other new or updated information. The City of Nixon shall review and update its water conservation and drought contingency plans every five years after the date of adoption or to coincide with plans of the regional water planning group.

XII. Publication of Caption

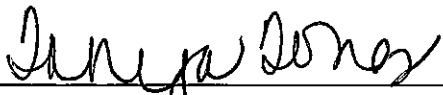
The penal provisions contained in this Ordinance shall be effective from and after the date of publication of the caption of same in the official City newspaper, in accordance with law.

PASSED AND APPROVED on this 17th day of May, 2010.


CITY OF NIXON, TEXAS

By: 
Mayor

ATTEST:


City Secretary

APPROVED AS TO FORM:


Eduardo "Eddie" Escobar, City Attorney

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