



# DROUGHT CONTINGENCY PLAN

Revised January 2025



Corpus  
Christi Water  
**CCW**<sup>SM</sup>  
Serving the Coastal Bend

**REDLINE REDLINE REDLINE**

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Redline Ordinance Adopting DCP ~~and WCP~~

TCEQ 2001 Agreed Order on Freshwater Inflows to the Nueces Bay and Estuary  
Reservoir Operating Plan

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# Drought Contingency Plan

## 1. Introduction

This document is the Drought Contingency Plan (DCP) for the City of Corpus Christi (City) and its regional customers. The purpose of this DCP is to provide

- (1) Conserve the available water supply by reducing the City's water demand as much possible as best appropriate during a drought to protect the integrity of water supply facilities (with particular regard for domestic water use, sanitation and fire protection);
- (2) Minimize the adverse impacts of water supply shortages or other water supply emergency conditions;
- (3) Serve as a framework to identify and manage a drought or a state of water emergency; and
- (4) Preserve and protect public health, welfare, and safety.

~~The City has the authority to regulate and enforce this DCP via the Water Resource Management Ordinance, which has been included as a supporting document. This DCP was created so that the City can cut back reduce demand when supplies are low so the residents have sufficient have enough water to make it through aduring drought conditions. This DCP was created so that the City can cut back demand when supplies are low so the residents have enough water to make it through a drought.~~ This DCP clearly explains the triggers initiated by a drought and the steps to take during each stage of a drought.

~~There is also information in this DCP which explains the steps to be taken in a water emergency, such as when supplies are cut off or contaminated.~~

Choke Canyon Reservoir and Lake Corpus Christi are the City's longest established and largest water supplies. These two water supplies are referred to as the Western Reservoir system. Both reservoirs are monitored daily and operated per the 2001 Texas Commission on Environmental Quality (TCEQ) Agreed Order. The 2001 Agreed Order mandates that the combined reservoir storage level be used to implement drought stages. For these reasons, the City uses the combined capacity of Choke Canyon Reservoir and Lake Corpus Christi as the triggering criteria for the drought stages outlined in this DCP.

The drought stages are the triggering mechanism to determine when the City's mandatory drought restrictions go into effect.

Additionally, the City utilizes water from two eastern supplies that include Lake Texana and the Colorado River. The City purchases water from Lake Texana through a water supply contract; however, and does not it does not own the water rights to the water in the lake. While the City owns water rights on tThe Colorado River, these rights are considered junior, which means curtailment may occur by Water Right holders with senior rights. Water Rights are junior to senior Water Rights upstream of the City's intake location. Per TCEQ, the priority date of a Water Right establishes a place in line. The priority date is the determining factor when water rights are cut back or curtailed in times of shortage, regardless of the type of use. For these reasons, the City uses the combined capacity of Choke Canyon Reservoir and Lake Corpus Christi as the triggering criteria for the drought stages outlined in this DCP.

The DCP is different from the Water Conservation Plan (WCP) because a DCP is a responsive plan that addresses temporary drought conditions or water emergencies and defines actions that will be taken when certain criteria are met. Typically, these criteria consist of three or more "stages" in response to water supply storage levels (e.g., when reservoir storage levels drop below 40%, Stage 1 is initiated), or a water emergency.

A WCP is a proactive plan for addressing overall goals and actions that will help a utility implement year-round sustainable and efficient water conservation programs.

The DCP follows the Texas Commission on Environment Quality (TCEQ) guidelines and has been prepared in accordance with Texas Administrative Code Title 30 Chapter 288 Subchapter B Rule §288.20 for Municipal Uses by Public Water Suppliers. Since the City serves wholesale water customers, a Drought Contingency Plan for Wholesale Water Suppliers has also been included in Section 16 in accordance with Texas Administrative Code Title 30 Chapter 288 Subchapter B Rule §288.22.

This DCP also follows guidelines of the U.S. Bureau of Reclamation Water SMART Drought Response Program Framework and has been designed to include the six elements of a Drought Contingency Plan: (1) Drought monitoring; (2) Vulnerability assessment; (3) Mitigation actions; (4) Response actions; (5) Operational and administrative framework; and (6) Plan update process. The City is eligible for certain drought funding opportunities by following the guidelines set by the Bureau of Reclamation. The Water SMART Program works cooperatively with states, tribes, and local entities to pursue a sustainable water supply for the Nation, including water efficiency projects located in urban areas and watersheds, through administering grants, conducting scientific studies, and providing technical assistance and scientific expertise. In addition, the adoption of a DCP is a requirement for eligibility to receive financial assistance from the Texas Water Development Board State Water Implementation Fund for Texas (SWIFT) program.

## **2. Declaration of Policy and Reason**

The City of Corpus Christi hereby adopts the following regulations and restrictions on the delivery and consumptions of water in order to

- conserve the available water supply;
- to protect the integrity of water supply facilities with particular regard for domestic water use
- , sanitation, and
- fire protection

- to protect and preserve public health, welfare, and safety
- and to minimize the adverse impacts of water-supply shortage or other water-supply emergency conditions

~~the City hereby adopts the following regulations and restrictions on the delivery and consumptions of water. The Water Resource Management Ordinance, which gives the City the authority to regulate and enforce this DCP, is included as a supporting document.~~

Water uses regulated or prohibited under this DCP are considered to be non-essential, and continuation of such uses during times of water shortage or other emergency water-supply conditions are deemed to constitute a waste of water, which subjects the offender(s) to penalties as defined in Section 13 of this DCP.

Since the City first started supplying its residents with water in the 1890s, the region has experienced several periods of drought. Over the years, new water supplies have been added and conservation measures have been strengthened to ensure water security for ~~the~~ residents and businesses of the region. However, with the variability of weather patterns in South Texas and a continually growing population, it is critical that the City plans for future drought conditions.

Currently, the City's water supply system is comprised of three reservoirs and one run of the river right: Lake Corpus Christi, Choke Canyon Reservoir, Lake Texana and the Colorado River. However, the criteria to trigger drought ~~response~~ stages are based on the combined capacity of Lake Corpus Christi and Choke Canyon Reservoir. ~~(See Section 8) Since Choke Canyon Reservoir filled in June 1987, the combined storage of Choke Canyon Reservoir and Lake Corpus Christi has exceeded 60% capacity only about 62% of the time. The water storage levels in Choke Canyon Reservoir and Lake Corpus Christi have generally been 2-4% higher since Lake Texana supplies were added in October 1998.~~

~~Because of Due to~~ the frequency of drought in South Texas, ~~the following this~~ DCP ~~has was been~~ developed and it. ~~This DCP~~ adopts measures that will dramatically cut water consumption in order to conserve water supplies.

### 3. Public Education

A public meeting to receive comments on the DCP was held at the Corpus Christi City Council regular meeting on July 17, 2018 (TBA) and was adopted by ordinance on October 1, 2018 (TBA).

The City will ~~periodically provide the public work with its customers to~~ information them about the DCP, including information about the conditions under which each stage of the DCP is to be initiated or terminated, and the drought ~~response~~ measures to be implemented in each stage.

This information will be provided by utility bill inserts, notices in the Corpus Christi Caller-Times, and notice on the City's website ([www.corpuschristitx.gov](http://www.corpuschristitx.gov)[www.cctexas.com](http://www.cctexas.com)).

Notification to the public about when drought stages go into effect or when restrictions are lifted is explained in more detail in Section 9.

## **4. Coordination with Regional Water Planning Groups**

The service area of the City of Corpus Christi is located within the Coastal Bend Regional Water Planning Area (Region N) and the City has provided a copy of this DCP to Region N in care of the Nueces River Authority.

The City of Corpus Christi shall review and update, as appropriate, the DCP at least every five years based on new or updated information, such as the adoption or revision of the regional water plan.

## **5. Authorization**

The City Manager, or designee, is hereby authorized and directed to implement the applicable provisions of the DCP upon ~~determining~~ that such implementation is necessary to protect public health, safety, and welfare. The City Manager, or designee, shall have the authority to initiate or terminate drought or other water supply emergency ~~responses stages~~ as described in this DCP. However, the City Manager, or designee, in the exercise of the City Manager's discretion, may initiate or terminate any stage or restriction(s) at any particular time, as deemed necessary~~when the City Manager deems necessary at any particular time~~. The City Manager, or designee, shall notify the members of the City Council before implementing any measures.

## **6. Application**

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

## **7. Definitions**

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

**Aerobic irrigation system:** an irrigation system that utilizes a home or business's treated wastewater from its aerobic septic system.

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

**Commercial account and institutional water use:** water used which is integral to the operations of commercial, non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

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

**Contract (end-user) water customers:** a private entity that has a contract with the City to receive raw or treated water supplies for its sole use (i.e. does not resell to other users).

**Customer:** any person, company, or organization using water supplied by the City of Corpus Christi and paying a retail water bill.

**Domestic water use:** water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

**Drip irrigation:** a method of watering plants using a network of tubes, pipes, valves, and emitters that slowly drips water to the roots of plants to minimize evaporation. Soaker hoses are not a substitute for a proper drip irrigation system.

**Large volume account/Industrial user water use:** entities who use the use of water in processes designed to convert materials of lower value into forms having greater usability and use.

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

**Irrigation account/meter:** a meter connected solely to an irrigation system. This type of meter does not incur wastewater fees on water used through this meter. All irrigation meters are subject to backflow prevention rules through the City's code of ordinances.

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

**Non-essential water use:** water uses that are not essential or not required for the protection of public, health, safety, and welfare, including:

- Irrigation of landscape areas, including parks, athletic fields, and golf courses, except as otherwise provided under this DCP;
- Use of water to wash any motor vehicle, motorbike, boat, trailer, or other vehicle;
- Use of water to wash down any impervious cover including sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- Use of water to wash down buildings or structures for purposes other than immediate fire protection or health reasons;
- Fflushing gutters or permitting water to run or accumulate in any gutter or street;
- Use of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools;
- Use of water in an aesthetic feature, including fountain or pond except where necessary to support aquatic life;
- Ffailure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak;~~and~~
- Use of water from hydrants for construction purposes or any other purposes other than fire-fighting or flushing needed to maintain chlorination levels and protect public health.

Pool cover: a material designated to cover the surface area of a swimming pool when it is not in use. Pool covers can come in different types including manual, semi-automatic, automatic, and can be made from different materials such as mesh, solid vinyl, solar blankets, or pool floaties. Pool covers do not include tree canopies, pergolas, gazebos, or similar structures.

Reservoir capacity: the combined reservoir storage levels of Choke Canyon Reservoir and Lake Corpus Christi, as measured in percentage of the full combined volume.

Surcharge: temporary rate to manage demand in times of drought.

Water well: any facility, device, or method used to withdraw groundwater from a groundwater reservoir. All water wells need to be registered with the Corpus Christi Aquifer Storage and Recovery Conservation District.

Wholesale customers: any public or private utility that has a contract with the City to receive raw or treated water supplies and authority (through contracts) to resell this water to other users.

## **8. Criteria for Initiation and Termination of ~~Reservoir System~~ Drought Stages**

The City Manager, or designee, shall monitor water supply and/or demand conditions on a weekly basis and shall determine when conditions warrant initiation or termination of each stage of the DCP, that is, when the specified “triggers” are reached. However, the City Manager, or designee, in the exercise of the City Manager’s discretion, may initiate or terminate any stage when the City Manager deemseds necessary at any time. This section explains the triggers of each stage. Best management practices and water use restrictions for each drought stage are described in Section 10.

~~The triggering criterion to be monitored for determining drought response stages is the combined reservoir storage levels of Choke Canyon Reservoir and Lake Corpus Christi. The combined reservoir storage level of Choke Canyon Reservoir and Lake Corpus Christi is the triggering criterion that is monitored for determining drought stages, based on the TCEQ 2001 Agreed Order (amended April 17, 2001) relating to inflows into Nueces Bay and Estuary. The full Agreed Order is in the Appendix.~~

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## **8.1. Water Shortage Watch**

Trigger for initiation – Customers shall be requested to voluntarily conserve water and adhere to prescribed conditions on specific water uses when the combined storage levels of Choke Canyon Reservoir and Lake Corpus Christi fall below 50%.

Requirement for termination – The watch may be terminated when the combined storage levels of Choke Canyon Reservoir and Lake Corpus Christi increase above 50% for 15 consecutive calendar days.

### **8.2. 8.1. Stage 1 – Mild Water Shortage**

RequirementsTrigger for initiation – Stage 1 begins when the combined reservoir storage level declines below 40% percent. Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses described in Section 10. when the combined storage levels decline to below 40 %.

RequirementTrigger for termination – Stage 1 of the DCP may be terminated when the combined storage levels increase above 50-%.

### **8.2.8.3. Stage 2 – Moderate Water Shortage Condition**

RequirementsTrigger for initiation – Stage 2 begins when the combined storage level declines below 30% percent. Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses described in section 10. for Stage 2 of this DCP when the combined storage levels declines to below 30 %.

RequirementTrigger for termination – Stage 2 of the DCP may be terminated when the combined storage levels increase above 40 %. Upon termination of Stage 2, Stage 1 becomes operative.

### **8.3.8.4. Stage 3 – Critical Water Shortage Condition**

RequirementsTrigger for initiation – Stage 3 begins when the combined storage level declines below 20% percent. Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses described in section 10. for Stage 3 of the DCP when the combined storage levels declines to below 20 %.

RequirementTrigger for termination – Stage 3 of the DCP may be terminated when the combined storage levels increase above 30 %. Upon termination of Stage 3, Stage 2 becomes operative.

### **8.4.8.5. Stage 4 – Water Emergency Water Shortage Condition**

RequirementsTrigger for initiation – A Water Emergency begins when the City Manager, or designee, determines that a water supply emergency exists based on:

~~Customers shall be required to comply with requirements and restrictions for Stage 4 of the DCP when the City Manager, or designee, determines that a water supply emergency exists based on:~~

- ~~A-m~~Major water line breaks, or pump or system failures occur, which causes unprecedeted loss of capability to provide water service; or
- Water production or distribution system limitations; or
- Natural or man-made contamination of the water supply source occurs.
- When water supply from the combined reservoir system falls to a critical point that is deemed to necessary to protect the water system.

RequirementTrigger for termination – The Water Emergency water shortage condition may be terminated when the City Manager, or designee, deems appropriate.

## **9. Reservoir System Stages Response Drought Stage Notification**

The City Manager, or designee, shall monitor water supply and/or demand conditions on a weekly basis and, in accordance with the triggering criteria set forth in Section 8 of this Chapter, shall determine that a mild, moderate, ~~severe~~, critical, or a water emergency ~~water shortage condition~~ exists and shall implement the following notification procedures.

### Notification to the Public:

The City Manager, or designee, shall notify the public for every change in drought stage status by any or all of the following:

- City's website ([www.corpuschristitx.gov](http://www.corpuschristitx.gov)[www.cctexas.com](http://www.cctexas.com))
- Publication in the Corpus Christi Caller-Times
- Notice on ~~the~~ monthly utility billing
- Public Service Announcements
- Signs posted in public places
- The City's sSocial media platforms

### Additional Notification:

The City Manager, or designee shall, at a minimum, notify directly, or cause to be notified directly, the following individuals and entities for every change in drought stage status:

- Mayor and members of the City Council
- Fire Chief
- City and/or County Emergency Management Coordinator
- County Judge and Commissioner(s)

- Major water users -(such as industries and wholesale water users)
- Critical water users (such as hospitals)
- Parks/street superintendents and public facilities managers
- Texas Commission on Environmental Quality (TCEQ) – note TCEQ executive director MUST be informed within five (5) business days of mandatory water use restrictions being imposed

## 10. Reservoir System Drought Stages, Best Management Practices per Stage

A summary of water use reduction targets for each drought stage response is presented in the following table. – Further discussion on best management practices and implementation practices associated with each stage of response drought is included below. During Stages 1, 2, 3, and 4 and a Water Emergency, requests for exemptions may be presented to the Executive Director of Utilities – Chief Operating Officer for Corpus Christi Water or designee.

<u>Reservoir System Drought Stage Response</u>	<u>CCR/LCC Combined Reservoir Storage Level</u>	<u>Target Demand Reduction Levels</u>
<u>Water Shortage Watch</u>	<u>&lt;50%</u>	<u>5%</u>
Stage 1 - Mild <u>Water Shortage</u>	<40%	10%
Stage 2 - Moderate <u>Water Shortage</u>	<30%	20%
Stage 3 - Critical <u>Water Shortage</u>	<20%	30%
<u>Stage 4-Water Emergency</u>	Not Applicable	50%

### 10.1. Water Shortage Watch

Target: Achieve a voluntary 5% reduction in daily treated water with the water use conditions below.

Best Management Practices for Supply Management:

The City will enact voluntary measures to reduce or discontinue the flushing of water mains if practicable and utilize reclaimed water for non-potable uses to the greatest extent possible. –The City will prioritize sources of supply not impacted by drought conditions, when available, including interruptible supplies from Lake Texana during times when Lake Texana water level is at or above 43 feet mean sea level in accordance with Lavaca-Navidad River Authority (LNRA) contract. The City will actively promote

educational messages in the media about how to reduce water use through conservation practices, and rules of the drought stages.

#### Water Use Conditions for Reducing Demand

- a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to once per week.
- b) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.
- c) All operations of the City of Corpus Christi shall adhere to water use restrictions prescribed for Stage 1.
- a) Water smart techniques will be promoted by City leadership, City Council and City departments.
- d)

#### **10.24. Stage 1 Response – Mild Water Shortage ~~Watch~~**

Target: During Stage 1, achieve a 10% reduction in daily treated water demand with the water use restrictions below.

##### Best Management Practices for Supply Management:

Under Stage 1, the City will:

- Use more repair crews if necessary to allow for a quicker response time for water-line leak repair; and
- City crews (Water and other departments) begin monitoring customers' compliance with Stage 1 restrictions during the course of their daily rounds.
- In addition to the restrictions outlined below, City departments will make every effort to conserve water including no new landscaping installation, no filling of ponds and reducing the use of City-owned ornamental fountains.
- Increase public education and outreach regarding water use reduction.
- Increase targeted outreach to high consumption industrial and commercial customers to urge water use reductions.
- Reduce water consumption by any means available such as:
  - Use an aerator and/or a water flow-reducer attachment on your tap to reduce your water usage.
  - When brushing your teeth, turn the water off while you are brushing. Use short bursts of water for cleaning your brush.
  - When washing or shaving, partially fill the sink and use that water rather than running the tap continuously.
  - Use either low-flow shower heads or adjustable flow-reducer devices on your shower heads.

- Take shorter showers.
- You can reduce water usage by 40% to 50% by installing low-flush toilets.
- When hand-washing dishes, never run water continuously.
- If you have an electric dishwasher, use it only to wash full loads, and use the shortest cycle possible.
- Wash only full loads in your washing machine and use the shortest cycle possible.
- Repair leaks quickly.  
— Clean outdoor surfaces with a broom, not a hose.
- Water lawns every three to five days, rather than for a short period every day.
- Water during the cool part of the day, in the morning or evening.
- Do not over-water in anticipation of a shortage. Soil cannot store extra water.
- 

#### Water Use Restrictions for Demand Reduction

Under threat of penalty for violation, the following water use restrictions shall apply to all persons during Stage 1:

- a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to once per week. The watering schedule will be determined by the City Manager or designee. Customers will be made aware of their designated watering day in accordance with Section 9. However, irrigation of landscaped areas is permitted on any day if it is by means of a hand-held hose (with positive shutoff nozzle), a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system with a positive shutoff device.
  - 1) Exceptions for this restriction may be permitted, upon review and approval by the ~~Chief Operating Officer for Corpus Christi Water Executive Director of Utilities~~ or designee, for the following uses: new plantings (for up to 60 days), vegetable gardens, athletic playing fields, and botanical gardens. In addition, this restriction does not apply to customers irrigating with well water or an aerobic septic system. Customers irrigating with well water or an aerobic septic system must apply for an exemption from ~~the City Utilities Department Corpus Christi Water~~ to be prominently posted on the premises within two (2) feet of the street number located on the premises.
- a)b) No watering or irrigating of landscaped areas by hose-end sprinkler or, automatic irrigation system will be allowed between the hours of 10:00am10:00 a.m. and 6:00pm6:00 p.m. to prevent evaporative loss.
- b)c) Use of water from hydrants shall be limited to fire-fighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special exemption from ~~the City of Corpus Christi Utilities Department Corpus Christi Water~~.
- c) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days. However, if the golf course utilizes reclaimed water or a water source other than that provided through City of Corpus Christi

~~Utilities Department~~ infrastructure, the facility shall not be subject to these regulations.

d) The use of water to maintain ~~the~~ integrity of building foundations is limited to designated watering days ~~and is only permitted by use of hand held hose or drip irrigation.~~

d)

### **10.32. Stage 2 Response – Moderate Water Shortage ~~Conditions~~**

Target: During Stage 2, achieve a 20% reduction in total daily treated water demand with the water use restrictions below.

#### Best Management Practices for Supply Management:

In addition to the best management practices for supply management listed under Stage 1, the City will also do the following during Stage 2:

- Eliminate the flushing of water mains unless required for decontamination and/or public safety; and
- Review customers' water usage for compliance based on the previous month's water use and notify violators verbally or in writing as the situation dictates.
- Increase public education and outreach regarding water use reduction.
- Reduce water consumption by any means available such as:
  - Use an aerator and/or a water flow-reducer attachment on your tap to reduce your water usage.
  - When brushing your teeth, turn the water off while you are brushing. Use short bursts of water to clean your brush.
  - When washing or shaving, partially fill the sink and use that water rather than running the tap continuously.
  - Use either low-flow shower heads or adjustable flow-reducer devices on your shower heads.
  - You can reduce water usage by 40% to 50% by installing low-flush toilets.
  - When hand-washing dishes, never run water continuously.
  - If you have an electric dishwasher, use it only to wash full loads.
  - Wash only full loads in your washing machine and use the shortest cycle possible.
  - Fix leaks quickly.
  - Clean outdoor surfaces with a broom, not a hose
- Do not overwater in anticipation of a shortage. Soil cannot store extra water
- 

#### Water Use Restrictions for Demand Reduction:

All requirements of Stage 1 shall remain in effect during Stage 2 except as modified below:

- Irrigation of landscaped areas with hose-end sprinklers and automatic irrigation systems shall be limited to **once every other week**. The watering schedule will be determined by the City Manager or designee. Customers will be made aware of their designated watering day. However, watering of landscaped areas is permitted on any day if it is by means of a hand-held hose (with positive shutoff nozzle), a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system with a positive shutoff device.
- 1) Exceptions for this restriction may be permitted, upon review and approval by the ~~Executive Director of Utilities~~ Chief Operating Officer for Corpus Christi Water or designee, for the following uses: new plantings (for up to 60 days), vegetable gardens, athletic playing fields, and botanical gardens. In addition, this restriction does not apply to customers irrigating with well water or an aerobic septic system. Customers irrigating with well water or an aerobic septic system shall still apply for an exemption from ~~the City Utilities Department~~ Corpus Christi Water to be prominently posted on the premises within two (2) feet of the street number located on the premises.
- a) The watering of golf course fairways with potable water is prohibited. The watering of greens and tees are limited to once per week unless the golf course utilizes reclaimed water or a water source other than that provided through the City of Corpus Christi ~~Utilities Department~~ infrastructure or done by means of hand-held hoses, and or held buckets, or drip irrigation.
- A person or entity who owns, leases or manages an outdoor swimming pool (including City-owned pools) shall begin preparation for Stage 3 requirement to have approximately at least 100% percent of the pool surface area covered when not in use.
- Hotels, motels, and other lodgings must offer and clearly notify guests of a "linen/towel change on request only" program.
- Use of water to wash a motor vehicle, not occurring on the premises of a commercial car wash, is allowed on the designated Stage 2 watering day.

#### Optional Measures:

During Stage 2, the following measures are optional water use restrictions that may be implemented by the City Manager, or designee, with City Council approval, as conditions warrant:

a) ~~For residential and multi-unit customers, a drought surcharge of up to and including 100% of the total monthly water bill over the monthly allocation may be added to the customers' bill to deter discretionary water use, as explained in Section 11. The following surcharge will be added to a customer's water bill:~~

- i. ~~For all irrigation accounts, a surcharge of \$1.00 per 1,000 gallons will be added to the customers' bill.~~
- ii. ~~For residential accounts, a surcharge of \$1.00 per 1,000 gallons over 7,000 gallons will be added to the customers' bill.~~
- iii. ~~For commercial accounts, a surcharge of \$1.00 per 1,000 gallons over 55,000 gallons will be added to the customers' bill.~~
- iv. ~~For non-exempt large volume accounts, a surcharge of \$1.00 per 1,000 gallons over 12,842,000 gallons will be added to the customers' bill.~~
- v. ~~Other - Raw Wholesale, OCL Wholesale, OCL Network, and Municipal accounts – a surcharge of \$1.00 per 1,000 gallons for volumes over 25% of the last 12-month average usage for the 12-month billing prior to the implementation of Stage 2.~~

#### **10.43. Stage 3 Response – ~~CRITICAL~~ Critical Water Shortage Conditions**

Target: During Stage 3, achieve a 30% or greater reduction in daily treated water with the water use restrictions below. ~~An additional surcharge will be added to each utility bill during Stage 3 water shortage conditions to discourage discretionary water use, as described in Section 11 for retail customers and Section 16.10 for wholesale customers.~~

##### Best Management Practices for Supply Management:

In addition to the best management practices for supply management listed under Stage 2, the City will also do the following during Stage 3:

- Upon written notice, disconnect the water meters of willful violators if absolutely necessary to prevent the deliberate wasting of water.
- Increase public education and outreach regarding water use reduction.
- Reduce water consumption by any means available such as:
  - Use an aerator and/or a water flow-reducer attachment on your tap to reduce your water usage.
  - When brushing your teeth, turn the water off while you are brushing. Use short bursts of water for cleaning your brush.
  - When washing or shaving, partially fill the sink and use that water rather than running the tap continuously.

- Use either low-flow shower heads or adjustable flow-reducer devices on your shower heads.
- You can reduce water usage by 40% to 50% by installing low-flush toilets.
- When hand-washing dishes, never run water continuously.
- If you have an electric dishwater, use it only to wash full loads.
- Wash only full loads in your washing machine and use the shortest cycle possible.
- RepairFix leaks quickly.
- Clean outdoor surfaces with a broom, not a hose
- Do not over-water in anticipation of a shortage. Soil cannot store extra water.
- 

#### Water Use Restrictions for Demand Reduction:

All requirements of Stage 1 and 2 shall remain in effect during Stage 3 except as modified below:

- Irrigation of landscaped areas shall be prohibited at all times. Irrigation of turf grass by any means shall be prohibited at all times.
- Drip irrigation for foundations and landscaped beds is allowed every other week on the designated watering schedule. The watering schedule will be determined by the City Manager or designee. Customers will be made aware of their designated watering day.
- Watering of trees, vegetable beds, shrubs, and potted plants is permitted on any day if it is by means of a handheld hose (with a positive shutoff nozzle), a faucet-filled bucket, or a watering can of five (5) gallons or less.
- Exceptions for Stage 3 restrictions may be permitted up to 30 days, upon review and approval by the Chief Operating Officer for Corpus Christi Water or designee, for new plantings, vegetable gardens, athletic playing fields, and botanical gardens. In addition, this restriction does not apply to customers irrigating with well water or an aerobic septic system. Customers irrigating with well water or an aerobic septic system should still apply for an exemption from Corpus Christi Water. An exception certificate should be prominently posted on the premises within two (2) feet of the street number located on the premises.
- Use of water to wash a motor vehicle, not occurring on the premises of a commercial car wash station, is allowed by hand, with a five (5) gallon bucket or less on the designated watering day. Use of water to wash any motor vehicle, motorbike, boat, trailer, or other vehicle not occurring on the premises of a commercial car wash stations and not in the immediate interest of public health, safety, and welfare is prohibited.
- The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi type pools, and water parks (unless non-City, alternative source) is prohibited.
- The filling, draining and refilling of existing swimming pool, Jacuzzi and hot tubs is prohibited except to maintain structural integrity. Proper operation and

maintenance or alleviate a public safety risk. Existing pools may add water to replace losses from normal use and evaporation.

No draining or filling swimming pools, wading pools, and jacuzzi type pools (except to maintain levels for filter function) is allowed. The person or entity who owns, leases, or manages an outdoor swimming pool (including City-owned pools) shall have approximately 100% percent at least 80 percent of the pool surface area covered when not in use. A request for an exemption or variance from this provision for pools that have a water-saving feature may be submitted by submitting an application by filling out the City provided application for exemption/variance.

- Operators of water parks must seek approval of the Chief Operating Officer for Corpus Christi Water or designee prior to the filling, refilling, or adding water to water parks.
- The use of water to maintain the integrity of a building foundation is still permitted on the designated Stage 2 watering day.
- All fountains shall only operate to circulate water in order to maintain equipment.
- Hotels, motels, and other lodgings must offer and clearly notify guests of a "linen/towel change on request only" program.
- \_\_\_\_\_

Optional Measures:

During Stage 3, the following measures are optional water use restrictions that may be implemented by the City Manager, or designee, with City Council approval, as conditions warrant:

- a) No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought ~~response~~-stage shall be in effect.
- b) The following surcharge will be added to a customer's water bill:
  - i. For all irrigation accounts, a surcharge of \$2.00 per 1,000 gallons will be added to the customers' bill.
  - ii. For residential accounts, a surcharge of \$2.00 per 1,000 gallons over 7,000 gallons will be added to the customers' bill.
  - iii. For commercial accounts, a surcharge of \$2.00 per 1,000 gallons over 55,000 gallons will be added to the customers' bill.
  - iv. For non-exempt large volume accounts, a surcharge of \$2.00 per 1,000 gallons over 12,842,000 gallons will be added to the customers' bill.
  - i. Other — Raw Wholesale, OCL Wholesale, OCL Network, and Municipal accounts — A surcharge of \$2.00 per 1,000 gallons for volumes over 25% of the last 12-month average usage for the 12-month billing prior to the implementation of Stage 3.

For residential and multi-unit customers, a drought surcharge of up to and including 100% of the total monthly water bill over the monthly allocation may be added to the customers' bill to deter discretionary water use, as explained in Section 11.2

v.

#### **10.54. Stage 4 Response – Water Emergency~~EMERGENCY Water Shortage Conditions~~**

Target: During Stage 4 During a Water Emergency, achieve a 50% or greater reduction in daily treated water demand ~~relative to treated water demand~~ with the below water use restrictions. Surcharges and reduced allocations are enforceable during a Water Emergency Stage 4 water shortage conditions, as described in Section 13.

During a water emergency ~~conditions~~ such as system outage or supply source contamination, or supply sources draining empty, alternative water sources and/or alternative delivery mechanisms may be necessary with prior approval of the City Manager or designee. For a water emergency ~~water shortage conditions~~ associated with contamination of Nueces Basin stored supplies, the City, under the City Manager or designee's direction, will cease pumping from the Nueces River and will contact the LNRA to identify additional, temporary water that may be available from Lake Texana on a short-term basis to meet essential water needs. For a water emergency ~~water shortage conditions~~ associated with contamination of Lake Texana supplies, the City, under the City Manager's, or designee's direction, will cease pumping from the Mary Rhodes Pipeline.

#### Best Management Practices for Supply Management:

In addition to the best management practices for supply management listed under Stage 3, the City will also do the following:

- Call the 10 largest water customers in the area affected by the water emergency ~~condition, and if necessary, use runners in key areas to begin spreading the message of a major outage.~~

#### Water Use Restrictions for Demand Reduction:

During a water emergency Stage 4, all requirements of Stage 1, 2, and 3 shall remain in effect except as modified below:

- a) Irrigation of all landscaped areas is absolutely prohibited.
- b) Use of water to wash any motor vehicle, motorbike, boat, trailer, or other vehicle is absolutely prohibited.

c) Associated uses of water not related to business process which are discretionary, such as equipment washing, shall be deferred until the emergency has been terminated.

Optional Measures:

During Stage 4a water emergency, the following measure is an optional water use restriction that may be implemented by the City Manager, or designee, with City Council approval, as conditions warrant:

a) For residential and multi-unit customers, a drought surcharge of up to and including 100% of the total monthly water bill over the monthly allocation may be added to the customers' bill to deter discretionary water use, as explained in Section 11. The following surcharge will be added to a customer's water bill:

- i. For all irrigation accounts, a surcharge of \$4.00 per 1,000 gallons will be added to the customers' bill.
- ii. For residential accounts, a surcharge of \$4.00 per 1,000 gallons over 7,000 gallons will be added to the customers' bill.
- iii. For commercial accounts, a surcharge of \$4.00 per 1,000 gallons over 55,000 gallons will be added to the customers' bill.
- iv. For non-exempt large volume accounts, a surcharge of \$4.00 per 1,000 gallons over 12,842,000 gallons will be added to the customers' bill.
- v. Other - Raw Wholesale, OCL Wholesale, OCL Network, and Municipal accounts – A surcharge of \$4.00 per 1,000 gallons for volumes over 25% of the last 12-month average usage for the 12-month billing prior to the implementation of the Water Emergency.

## **11. Surcharges for Reservoir System Drought Stages 2 – 4 2, 3, Water Emergency and Service Measures**

**(a) General**

1. The surcharges established herein are solely intended to regulate and deter the use of water during a period of serious drought in order to achieve necessary water conservation. The City Council expressly finds that the drought poses a serious and immediate threat to the public and economic health and general welfare of this community, and that the surcharges and other measures adopted herein are essential to protect said public health and welfare.
2. This section, and the surcharges and measures adopted herein, are an exercise of the City's regulatory and police power, and the surcharges and connection fees are conservation rates intended to meet fixed costs as a result of lost revenue.
3. With City Council approval, the City Manager, or designee, is authorized to determine trigger points or allocations and surcharges during Stages 2, 3, and 4 a Water Emergency Water Shortage conditions.

4. In this section, institutional customer means city utility customer which operates as a not for profit entity.

5.4. A customer may appeal an allocation or drought surcharge triggering point established under this Section to the Executive Director of Utilities Chief Operating Officer for Corpus Christi Water or designee on grounds of unnecessary hardship, through the process outlined in Section 12.

6.5. Drought surcharge funds will first be applied towards annual debt service as reflected in the City operating budget to offset revenue loss due to drought conditions. Additional funds will be reported to City Council and used to increase debt service coverage ratio for City Council direction.

(b) During Stage 2 the following surcharge will be added to a customer's water bill:

- i. For all irrigation accounts, a surcharge of \$1.00 per 1,000 gallons will be added to the customers' bill.
- ii. For residential accounts, a surcharge of \$1.00 per 1,000 gallons over 7,000 gallons will be added to the customers' bill.
- iii. For commercial accounts, a surcharge of \$1.00 per 1,000 gallons over 55,000 gallons will be added to the customers' bill.
- iv. For non-exempt large volume accounts, a surcharge of \$1.00 per 1,000 gallons over 12,842,000 gallons will be added to the customers' bill.  
—Other - Raw Wholesale, OCL Wholesale, OCL Network, and Municipal accounts – a surcharge of \$1.00 per 1,000 gallons for volumes over 25% of the last 12-month average usage for the 12-month billing prior to the implementation of Stage 2.
- v.

(c) During Stage 3 the following surcharge will be added to a customer's water bill:

- i. For all irrigation accounts, a surcharge of \$2.00 per 1,000 gallons will be added to the customers' bill.
- ii. For residential accounts, a surcharge of \$2.00 per 1,000 gallons over 7,000 gallons will be added to the customers' bill.
- iii. For commercial accounts, a surcharge of \$2.00 per 1,000 gallons over 55,000 gallons will be added to the customers' bill.
- iv. For non-exempt large volume accounts, a surcharge of \$2.00 per 1,000 gallons over 12,842,000 gallons will be added to the customers' bill.  
—Other Raw Wholesale, OCL Wholesale, OCL Network, and Municipal accounts – A surcharge of \$2.00 per 1,000 gallons for volumes over 25% of the last 12-month average usage for the 12-month billing prior to the implementation of Stage 3.

v.

(b) During a Water Emergency, the following surcharge will be added to a customer's water bill:

(d)

- i. For all irrigation accounts, a surcharge of \$4.00 per 1,000 gallons will be added to the customers' bill.
- ii. For residential accounts, a surcharge of \$4.00 per 1,000 gallons over 7,000 gallons will be added to the customers' bill.
- iii. For commercial accounts, a surcharge of \$4.00 per 1,000 gallons over 55,000 gallons will be added to the customers' bill.
- iv. For non-exempt large volume accounts, a surcharge of \$4.00 per 1,000 gallons over 12,842,000 gallons will be added to the customers' bill.
- v. Other - Raw Wholesale, OCL Wholesale, OCL Network, and Municipal accounts – A surcharge of \$4.00 per 1,000 gallons for volumes over 25% of the last 12-month average usage for the 12-month billing prior to the implementation of the Water Emergency.

(c) Residential water customers, who are not billed through a master water meter.

1. A monthly base amount of 3,000 gallons shall be established as a trigger point for each customer. Water consumption up to and including this amount will not include a drought surcharge.
2. Above the 3,000 gallon consumption trigger point, with City Council Approval, a drought surcharge shall be added up to and including 100% of the customer's total monthly water bill over the allocation.

(c) Residential customers who are billed from a master water meter.

1. Once Stage 1 condition has been declared, property managers of multi-tenant units shall notify the City Executive Director of Utilities Chief Operations Officer for Corpus Christi Water or designee of the number of residential units in their facility for determination of allocations. Until so notified, the City shall calculate the allocation based on two residential units per master water meter. A monthly base amount of 3,000 gallons shall be established as a trigger point for each residential unit.
2. When consumption for the month is less than or equal to 3,000 gallons times the number of residential units, there will be no surcharge.
3. With City Council approval, when consumption is above the 3,000 gallons times the number of units, a drought surcharge shall be added up to and including 100% of the customer's total monthly water bill over the allocation.
4. The customer is responsible for passing the demand charge onto the tenant.

(d) Commercial or institutional customer

1. A monthly water usage allocation shall be established by the City Manager or designee for each commercial or institutional customer.

2. Method of establishing allocation:

- a. When the combined reservoir capacity is less than 2020% of total capacity (Stage 3), the commercial or institutional customer's allocation shall be 90 % of the customer's usage for the corresponding month's billing period during previous 12 months prior to the implementation of Stage 2.
- b. If the customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no history exists.
- c. Provided, however, a customer, 90 % of whose monthly usage is less than 6,000 gallons, shall be allocated 6,000 gallons.
- d. The City Manager shall give best effort to see that notice of each commercial or institutional customer's allocation is mailed to such customer.
- e. If, however, the customer does not receive such notice, it shall be the customer's responsibility to contact the City Utilities Billing Office to determine the allocation, and the allocation shall be fully effective notwithstanding lack of receipt of written notice.
- f. Upon request of the customer or at the initiative of the City Manager, the allocation may be reduced or increased,
  - (1) if one nonresidential customer agrees to transfer part of its allocation to another nonresidential customer, or
  - (2) if other objective evidence demonstrates that the designated allocation is inaccurate under present conditions.

(e) Industrial customers, who use than 100,000 gallons of water per day for processing.

- 1. A monthly water usage allocation shall be established by the City Manager or designee for each an industrial customer, which uses less than 100,000 gallons of water for processing (e.g., an industrial customer).
- 2. Method of establishing allocation.
  - a. When the combined reservoir capacity is less than 2020% of total capacity (Stage 3), the industrial customer allocation shall be 90 % of the customer's usage for the corresponding month's billing period during the previous 12 months prior to the implementation of Stage 1

b. If the customer's billing history is shorter than 12 months, the monthly allocation shall be 1/12 of 90% of the customer's maximum annual contracted amount until 12 months of billing history are established. However if the industrial customer does not have a water contract and does not have at least 12 months of billing history, then the new industrial customer will provide data regarding expected water use and City will determine allocation based on 90% of expected use to determine initial allocation until 12 months of billing history are established.

c. The City Manager shall give his best effort to see that notice of each industrial customer's allocation is mailed to such customer.

d. If, however, the customer does not receive such notice, it shall be the customer's responsibility to contact the City Utilities Billing Office to determine the allocation, and the allocation shall be fully effective notwithstanding lack of receipt of written notice.

e. Upon request of the customer or at the initiative of the City Manager, the allocation may be reduced or increased, if:

1. The designated period does not accurately reflect the customer's normal water usage because customer had shut down a major processing unit for overhaul during the period.
2. The customer has added or is in the process of adding significant additional processing capacity.
3. The customer has shut down or significantly reduced the production of a major processing unit.
4. The customer has previously implemented significant permanent water conservation measures.
5. The customer agrees to transfer part of its allocation to another industrial customer.
6. Other objective evidence demonstrates that the designated allocation is inaccurate under present conditions.

(f) Commercial customers, institutional customers, and industrial customers who use less than 100,000 gallons of water per day for processing shall pay the following surcharges:

1. Customers whose allocation is 6,000 gallons through 20,000 gallons per month:
  - a. \$5.00 per 1,000 gallons for the first 1,000 gallons over allocation.

- ~~b. \$8.00 per 1,000 gallons for the second 1,000 gallons over allocation.~~
- ~~c. \$16.00 per 1,000 gallons for the third 1,000 gallons over allocation.~~
- ~~d. \$40.00 for each additional 1,000 gallons over allocation.~~

~~2. Customers whose allocation is 21,000 gallons per month or more:~~

- ~~a. One times the block rate for each 1,000 gallons in excess of the allocation up through 5 % above allocation.~~
- ~~b. Three times the block rate for each 1,000 gallons from 5 % through 10 % above allocation.~~
- ~~c. Five times the block rate for each 1,000 gallons from 10 % through 15 % above allocation.~~
- ~~d. Ten times the block rate for each 1,000 gallons more than 15 % above allocation.~~
- ~~e. The surcharges shall be cumulative.~~
- ~~f. As used herein, "block rate" means the charge to the customer per 1,000 gallons at the regular water rate schedule at the level of the customer's allocation.~~

~~(g) Industrial customers, who use 100,000 gallons or more of water per day processing~~

- ~~1. A monthly water usage allocation shall be established by the cCity manager or designee for each industrial customer, which uses water for processing (e.g., an industrial customer).~~
- ~~2. Method of establishing allocation.~~
  - ~~a. When the combined reservoir capacity of Choke Canyon Reservoir and Lake Corpus Christi is less than thirty (30) % of total capacity (Stage 2), the industrial customer allocation shall be eighty (80) % of the customer's usage for the corresponding month's billing period during the previous twelve (12) months prior to the implementation of Stage 1 condition.~~
  - ~~b. If the customer's billing history is shorter than twelve (12) months, the monthly allocation shall be one twelfth of eighty (80) % of the customer's maximum annual contracted amount until twelve (12) months of billing history are established. However, if the industrial customer does not have a water contract and does not have at least twelve (12) months of billing history, then the new industrial customer will provide data~~

~~regarding expected water use and city will determine allocation based on eighty (80) % of expected use to determine initial allocation until twelve (12) months of billing history are established.~~

- ~~c. The cCity mManager shall give this best effort to see that notice of each industrial customer's allocation is mailed to such customer.~~
- ~~d. If, however, the industrial customer does not receive such notice, it shall be the customer's responsibility to contact the cCity uUtilities bBilling eOffice to determine the allocation, and the allocation shall be fully effective notwithstanding lack of receipt of written notice.~~
- ~~e. Upon request of the industrial customer or at the initiative of the cCity mManager, the allocation may be reduced or increased by the cCity mManager, if:~~
  - ~~1. The designated period does not accurately reflect the customer's normal water usage because customer had to shut down a major processing unit for overhaul during the period.~~
  - ~~2. The customer has added or is in the process of adding significant additional processing capacity.~~
  - ~~3. The customer has shut down or significantly reduced the production of a major processing unit.~~
  - ~~4. The customer has previously implemented significant permanent water conservation measures.~~
  - ~~5. The customer agrees to transfer part of its allocation to another industrial customer.~~
  - ~~6. Other objective evidence demonstrated that the designated allocation is inaccurate under present conditions.~~

~~(h) Industrial customers using 100,000 gallons or more of water per day for processing shall pay the following drought surcharge:~~

- ~~1) Customers whose allocation is eighty thousand (80,000) gallons per day month or more:~~
  - ~~a. Three (3) times the block rate for each one thousand (1,000) gallons in excess of the allocation up through five (5) % above allocation.~~

- ~~b. Six (6) times the block rate for each one thousand (1,000) gallons from five (5) per cent through ten (10) % above allocation.~~
- ~~c. Nine (9) times the block rate for each one thousand (1,000) gallons from ten (10) % through fifteen (15) % above allocation.~~
- ~~d. Twelve (12) times the block rate for each one thousand (1,000) gallons more than fifteen (15) % above allocation.~~
- ~~e. The surcharges shall be cumulative.~~
- ~~f. As used herein, "block rate" means the charge to the customer per one thousand (1,000) gallons at the regular water rate schedule at the level of the customer's allocation.~~

~~(i) Nonresidential customer is billed from a master meter.~~

- ~~1. When a nonresidential customer is billed from a master meter which jointly measures water to multiple residential dwelling units (for example: apartments, mobile homes), the customer may pass along any surcharges assessed under this DCP to the tenants or occupants, provided that:~~
  - ~~a. The customer notifies each tenant in writing:~~
    - ~~1. That the surcharge will be passed along.~~
    - ~~2. How the surcharge will be apportioned.~~
    - ~~3. That the landlord must be notified immediately of any plumbing leaks.~~
    - ~~4. Methods to conserve water (which shall be obtained from the City).~~
  - ~~b. The customer diligently maintains the plumbing system to prevent leaks.~~
  - ~~c. The customer installs water saving devices and measures (ideas for which are available from the City) to the extent reasonable and practical under the circumstances.~~

~~(j) Water service to the retail water customer may be terminated under the following conditions:~~

- ~~1. Monthly residential water usage exceeds allocation by 4,000 gallons or more two or more times for any individual month after the implementation of Stage 4 Water Shortage. Also, the two months need not be consecutive months.~~

2. ~~Monthly water usage on a master meter which jointly measures water usage to multiple residential dwelling units exceeds allocation by 4,000 gallons times the number of dwelling units or more two or more times (which need not be consecutive months).~~
3. ~~Monthly nonresidential water usage for a customer whose allocation is 6,000 gallons through 20,000 gallons exceeds its allocation by 7,000 gallons or more two or more times (which need not be consecutive months).~~
4. ~~Monthly nonresidential water usage for a customer whose allocation is 21,000 gallons or more exceeds its allocation by 15 % or more two or more times (which need not be consecutive months).~~
5. ~~For residential customers and nonresidential customers whose allocation does not exceed 20,000 gallons, after the first disconnection water service shall be restored upon request for a fee of \$50.~~
6. ~~For such customers, after the second disconnection, water service shall be restored within 24 hours of the request for a fee of \$500.~~
7. ~~If water service is disconnected a third time for such customer, water service shall not be restored until the City re-enters a level of water conservation less than Stage 2.~~
8. ~~For master meter customers, the service restoration fees shall be the same as above times the number of dwelling units.~~
9. ~~For nonresidential customers whose allocation is 21,000 gallons per month or more:
  - a. After the first disconnection water service shall be restored upon request for a fee in the amount of "X" in the following formula:  
$$X = \$ 50 \times \text{Customer's Allocation in gallons} / 20,000 \text{ gallons}$$
  - b. After the second disconnection for said customers, water service shall be restored within 24 hours of the request for a fee of 10 times "X".
  - c. If water service is disconnected a third time for such customer, water service shall not be restored until the City re-enters a level of water conservation less than Stage 2.
  - d. The City Manager is directed to institute written guidelines for disconnection of water service under this provision, which will satisfy minimum due process requirements, if any.~~

~~(k) It shall be a defense to imposition of a surcharge hereunder, or to termination of service, that water used over allocation resulted from loss of water through no fault of the customer (for example, a major water line break) for the following conditions:~~

- ~~1. The customer shall have the burden to prove such defense by objective evidence (for example, a written certification of the circumstances by a plumber).~~
- ~~2. A sworn statement may be required of the customer.~~
- ~~3. This defense shall not apply if the customer failed to take reasonable steps for upkeep of the plumbing system, failed to reasonably inspect the system and discover the leak, failed to take immediate steps to correct the leak after discovered, or was in any other way negligent in causing or permitting the loss of water.~~

~~(l) When this section refers to allocation or water usage periods as "month," "monthly," "billing period," and the like, such references shall mean the period in the City's ordinary billing cycle which commences with the reading of a meter one month and commences with the next reading of that meter which is usually the next month.~~

- ~~1. The goal for the length of such period is 30 days, but a variance of two days, more or less, will necessarily exist as to particular meters.~~
- ~~2. If the meter reader system is prevented from timely reading a meter by any obstacle which is attributable to the customer, the original allocation shall apply to the longer period without modification.~~

## 12. Requests for Exemptions and Variances

- (a) The ~~Executive Director of Utilities~~ Chief Operating Officer for Corpus Christi Water, or designee may, in writing, grant a temporary variance to any of the provisions for water users found in this DCP upon determination that failure to grant such variance would cause an emergency condition adversely affecting the public health, sanitation, or fire protection for the public or person requesting such a variance.
- (b) A person requesting an exemption or variance from the provisions of this Ordinance shall file a request on City-provided application for exemption/variance with ~~the City Utilities Department~~ Corpus Christi Water within 5 days after a particular drought response stage has been invoked. All request forms shall be reviewed by the

~~Executive Director of Utilities~~ ~~Chief Operating Officer for Corpus Christi Water~~, or designee, and shall include the following:

(b)

1. Name and address of the water user(s).
2. Purpose of water use.
3. Specific provision(s) of the Ordinance from which the water user is requesting relief.
4. Detailed statement as to how the specific provision of the Ordinance adversely affects the water user or what damage or harm will occur to the water user or others if water user complies with this DCP.
5. Description of the exemption requested.
6. Period of time for which the exemption is sought.
7. Alternative water use restrictions or other measures the water user is taking or proposes to take to meet the intent of this DCP and the compliance date.
8. Other pertinent information; or as required on exemption application.

(c) No exemption nor variance shall be retroactive or otherwise justify any violation of this DCP occurring prior to the issuance of the exemption/variance.

(d) -The ~~Executive Director of Utilities~~ ~~Chief Operating Officer for Corpus Christi Water~~ or designee shall consider requests of water users for special consideration to be given as to their respective particular circumstances and is hereby authorized to, in special cases, grant such variance from the terms of this DCP if such compliance would cause an emergency condition adversely affecting the public health, sanitation, or fire protection for the public or person requesting such a variance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this DCP will result in unnecessary hardship, and so that the spirit of this DCP shall be observed and substantial justice done.

(e) Should an exemption for special exception be granted, it shall be in effect from the time of granting through the termination of the then current stage, unless revoked by the ~~Executive Director of Utilities~~ ~~Chief Operating Officer for Corpus Christi Water~~ or designee for noncompliance; provided, that the exemption is prominently posted on the premises within two (2) feet of the street number located on the premises.

(f) A person denied request for permit or exception from these rules may appeal the decision to the ~~Assistant City Manager for Public Works, Utilities and Transportation~~ ~~Chief Operating Officer of Corpus Christi Water~~ by submitting a written request for appeal to the ~~Assistant City Manager~~ ~~Chief Operating Officer for Corpus Christi Water~~ within five business days from issuance of denial. The decision of the ~~Assistant City Manager~~ ~~Chief Operating Officer for Corpus Christi Water~~ shall be final.

(g) Violations of any permit conditions may be enforced under Section 13.

## **12.1. Non-mandatory Drought Surcharge Exemption Fee.**

Article XII of Chapter 55 of the Corpus Christi Code of Ordinances ~~is amended to add new~~ Section 55-159.1, ~~to~~ reads as follows:

- (a) Establishment of non-mandatory “Drought Surcharge Exemption Fee” effective October 1, 2018.

Large-volume industrial customers<sup>1</sup> may voluntarily pay a non-mandatory and non-refundable “Drought Surcharge Exemption fee” or “Fee” of \$0.~~3125~~ per 1,000 gallons of water per month to be exempt from the applicable allocation surcharges of City Code Section 55-154 during the month of billing. The City will begin to charge the Fee as of October 1, 2018 to all large-volume industrial customers. The Fee will be charged with the large-volume industrial customer’s regular monthly water bill which is due as stated on the bill. By payment of the Fee, the large-volume industrial customer has determined that the Fee is fair, just, and reasonable.

- (b) Notice of Opt-out.

A large-volume industrial customer may opt out of the Drought Surcharge Exemption fee (or “Fee”) by providing written notice to the City Manager. A large-volume industrial customer is deemed to have opted out of the Fee as of the date payment of the Fee remains delinquent after notice and opportunity to cure. A large-volume industrial customer who has opted out of said Fee is subject to aforementioned allocation surcharges of City Code Section 55-154 in addition to compliance with all applicable City ordinances.

- (c) Request to opt back into the Drought Surcharge Exemption fee or “Fee”

There is no right nor entitlement to opt back into the Fee. The City Manager or designee retains sole discretion to determine whether granting large-volume industrial customer’s request to opt back into the Fee is in the best interest of the city. At a minimum, the large-volume industrial customer will be required to comply with the following mandatory conditions.

1. The large-volume industrial customer must submit a written request to the City Manager to request to opt back into the Drought Surcharge Exemption fee subject to City Manager review.

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<sup>1</sup> For purposes of this Section 55-159.1 the term “large-volume industrial customer” shall mean a utility customer who uses water in minimum quantity of 100,000 gallons a day in processes designed to convert materials of a lower order of value into forms having greater usability and commercial value, including the development of power by means other than hydroelectric, but does not include agricultural use.

2. ~~Upon receipt of invoice, the large-volume industrial customer must timely pay the Drought Surcharge Exemption fees calculated on said customer's actual water usage from date of City's receipt of written request back to said customer's date of opt out, up to a maximum of 10 years.~~

~~3.3.~~ The large-volume industrial customer remains subject to compliance with the aforementioned allocation surcharge provisions of the City Code as may be amended and all other applicable ordinances, rules and regulations of the City for the mandatory reinstatement period of 24 months. ~~The mandatory reinstatement period begins upon date of notice from the City to said customer and continues for 24 consecutive calendar months.~~ ~~During the reinstatement period, the large-volume industrial customer will timely pay a non-refundable reinstatement fee of \$0.~~~~3125~~ per 1,000 gallons of water upon receipt of invoice. ~~By payment of said reinstatement fee, the large-volume industrial customer has determined that the fee is fair, just, and reasonable.~~

- ~~44.~~ Despite compliance with these conditions, the large-volume industrial customer will not be allowed to opt back into the Fee when the combined storage level of the Choke Canyon Reservoir and Lake Corpus Christi declines below 40%.

(d) Dedicated use of the Drought Surcharge Exemption fees.

- ~~1.~~ The Fee shall be dedicated by the City for development of a drought-resistant water supply and shall not be used for operation and maintenance costs of any water supply, treatment facility or distribution system.
  - ~~1.~~
  2. The Fee paid to the City will be reserved in a separate account ("Account") and used only for capital costs to develop and/or acquire an additional drought-resistant water supply including but not limited to, payment of debt for an allowable capital project.
  3. The City Manager may execute documents necessary for the establishment of a dedicated fund.

(e) Review and adjustment of the Drought surcharge exemption fee.

The Fee shall be reviewed and adjusted by City Council action no more frequently than every 5 years. Any subsequent Fee increase is limited to increases based upon changes to the following Consumer Price Index: CPI-All Urban Consumers (Current Series) for Water and sewer and trash collection services in U.S. City average, all urban consumers.

(f) Participation by wholesale water suppliers.

A wholesale water supplier with a water supply contract with the City may choose to establish an identical voluntary Drought Surcharge Exemption Fee and standard agreement for its large-volume industrial customers with said Fee and agreement to be equivalent to the ordinance and standard agreement adopted by the City of Corpus Christi. Upon adoption of said identical voluntary Drought Surcharge Exemption Fee and standard agreement for its large-volume industrial customers, the wholesale water supplier shall assess and collect the Fees from its large-volume industrial customers and then remit said Fees to the City. In addition, the wholesale water supplier shall notify the City Manager or designee of the volume of water used by its large-volume industrial customers each month.

(g) The City Manager may execute letters of commitment and standard agreements regarding payment and use of Drought Surcharge Exemption Fee with terms consistent with this Section 55-159.1 (each, an "Agreement"). The Agreement may be terminated by the City upon five years' notice to terminate the Agreement.

A copy of the standard agreement is attached as an Exhibit to the Ordinance which is enacted in this Section 55-159.1. The City Manager is authorized to adjust the terms of the standard agreement as long as said adjustments are consistent with the terms of this Section 55-159.1 and said adjustment is made available to all large-volume industrial customers participating in the Drought Surcharge Exemption Fee.

(h) The Drought Surcharge Exemption Fee established by this Section 55-159.1 continues to be billed and paid except during periods when the balance in the Account exceeds \$150,000,000, to be adjusted annually for inflation by the following Consumer Price Index: CPI-All Urban Consumers (Current Series) for Water and sewer and trash collection services in U.S. City average, all urban consumers. While balance exceeds \$150,000,000 the City will cease billing and collection of the Fee, and the large-volume industrial customer remains exempt from the allocation surcharges.

(i) The City may repeal this Section 55-159.1 upon at least five years' notice to the then participating large-volume industrial customers and participating wholesale water suppliers.

(j) Upon City's repeal of this Section 55-159.1 or City's termination of the Agreement, any unencumbered balance remaining in the Account will be returned to the then-participating large-volume industrial customers and then-participating wholesale water suppliers on a pro-rata basis.

(k) The large-volume industrial customer paying the Drought Surcharge Exemption Fee established by this Section 159.1 is exempt from City curtailment of water during Reservoir System Stages 1, 2, and 3, except when such curtailment is required by Texas Water Code Section 11.039 or required by other applicable state laws and state regulations.

## **13. Enforcement**

- (a) A violation under this article is a Class C misdemeanor. Any person that violates any provision of this article shall be subject to a fine of not more than five hundred dollars (\$500.00) per violation per day. The culpable mental state required by Section 6.02 of the Texas Penal Code is specifically negated and dispensed with and a violation of this article is a strict liability offense.
- (b) The commission of a violation of each provision, and each separate violation thereof, shall be deemed a separate offense, in and upon conviction thereof, shall be fined as hereinabove provided.
- (c) If any person or a second person in the same household or premises is found guilty of a second violation of this article, ~~the water superintendent~~ Corpus Christi Water shall be authorized to discontinue the water service to the premises where such violation occurs.
- (d) Cases filed under this section shall be expedited and given preferential setting in municipal court before all other cases.
- (e) Any person whose name is on file with the ~~Utilities~~ b~~Billing~~ Office as the customer on the water account for the property where the violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on said premises shall constitute prima facie evidence that the customer committed the violation, but said customer shall have the right to show that he did not commit the violation.
- (f) If any person fails to respond to a citation or summons issued for a violation of this article within the time allowed, upon receipt of notice from the director or a judge of the municipal courts, the water superintendent is authorized to discontinue water service to the premises where such violation occurs.

## **14. Variances**

A temporary variance for existing water uses otherwise prohibited under this DCP may be obtained through the process outlined in Section 12.

## **15. Severability**

It is hereby declared to be the intention of the City that the sections, paragraphs, sentences, clauses, and phrases of this DCP are severable and, if any phrase, clause, sentence, paragraph, or section of this DCP shall be declared unconstitutional by the valid judgment or

decree of any court of competent jurisdiction, such declaration shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this DCP, since the same would not have been enacted by the City without the incorporation into this DCP of any such unconstitutional phrase, clause, sentence, paragraph, or section.

## **16. Wholesale Drought Contingency Plan**

### **16.1 Declaration of Policy, Purpose, and Intent**

In order to conserve the available water supply and/or to protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Corpus Christi (City) adopts the following Wholesale Drought Contingency Plan (the Plan).

### **16.2 Public and Wholesale Customer Involvement**

The public was invited to view and make comments on the Plan during the regular meeting of the City Council on TBD 3 July 17, 2018 at City Hall. The Plan was adopted under the open meetings requirement of the TCEQ during the TBA October 1, 2018 City Council meeting.

### **16.3 Wholesale Water Customer Education**

The City will periodically provide wholesale customers with information about the Plan, including information about conditions under which each stage of the Plan is to be initiated or terminated and drought ~~response~~ measures to be implemented in each stage.

-This information will be distributed by providing a copy of the Plan to each wholesale water customer.

### **16.4 Coordination with Regional Water Planning Groups**

The water service area of the City of Corpus Christi and its wholesale water customers is located within the Coastal Bend Planning Region (Region N) and the City has provided a copy of the Plan to Region N. The City of Corpus Christi shall review and update, as appropriate, the drought contingency plan at least every five years based on new or updated information, such as the adoption or revision of the regional water plan.

### **16.5 Authorization**

The City of Corpus Christi City Manager, or designee, is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such

implementation is necessary to protect public health, safety, and welfare. Wholesale customers are subject to the ~~p~~Plan under their contracts with the City. The City Manager, or designee, shall have the authority to initiate or terminate drought or other water supply emergency ~~response~~ measures as described in this Plan. The City Manager, or designee, shall notify the TCEQ within five (5) business days of any mandatory water use restrictions being enacted.

## 16.6 Application

The provisions of this Plan shall apply to all customers utilizing water provided by the City on a wholesale basis. The terms “person” and “customer” as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities. The provisions of this Plan shall apply to all customers utilizing water provided by the City on a wholesale basis. Every wholesale water contract entered into, renewed or modified after official adoption of this Plan (by either ordinance, resolution, or tariff) shall include language relating to the City of Corpus Christi Water Conservation Plan and Drought Contingency Plan, adopted under Ordinance Number 55-151 to impose similar restrictions, surcharges or rationing measures on their customers. To the extent of its legal authority, the City of Corpus Christi shall require its wholesale customers to implement outdoor watering restrictions similar to those of the City for each drought ~~response~~ stage. The City requires that any contract for the resale of water furnished to wholesale water contractors shall contain a similar condition.

## 16.7 Triggering Criteria for Initiation and Termination of ~~Reservoir System Response~~ Drought -Stages

The City of Corpus Christi City Manager, or designee, shall monitor water supply and/or demand conditions on a weekly basis and shall determine when conditions warrant initiation or termination of each stage of the Plan. Customer notification of the initiation or termination of drought ~~response~~ stages will be made by email, mail, or telephone. -The news media will also be informed by the City.

The triggering criterion to be monitored for determining drought ~~response~~ stages is the combined reservoir storage levels of Choke Canyon Reservoir and Lake Corpus Christi. The combined storage levels selected are based on the TCEQ 2001 Agreed Order on Freshwater Inflows to the Nueces Bay and Estuary (amended April 17, 2001). See Appendix. The triggering criterions in this section are minimum standards for initiation and maximum standards for termination, and the City Manager, or designee, can initiate or terminate each stage when conditions warrant.

### (a) -Water Shortage Watch

Trigger for initiation – The City will recognize that a mild water shortage condition exists when the combined storage levels of Choke Canyon Reservoir and Lake Corpus Christi have fallen below 50%.

Trigger for termination – The Water Shortage Watch may be terminated when the combined storage level of Choke Canyon Reservoir and Lake Corpus Christi increases above 50% for 15 consecutive calendar days.

**(b) —(a) Stage 1 – ~~MILD~~ Mild Water Shortage Watch**

RequirementsTrigger for initiation – The City will recognize that a mild water shortage watch exists when the combined storage levels of Choke Canyon and Lake Corpus Christi declines below 40% percent.

RequirementTrigger for termination – Stage 1 of the Plan may be rescinded when the combined storage level increases above 50% percent. The City will notify its wholesale customers and the media of the termination of Stage 1 in the same manner as the notification of initiation of Stage 1 ~~of the Plan~~.

**(c) Stage 2 – ~~MODERATE~~ Moderate Water Shortage Condition**

RequirementsTrigger for initiation – The City will recognize that a moderate water shortage condition exists when the combined storage levels declines to below 30% percent.

RequirementTrigger for termination – Stage 2 of the Plan may be rescinded when the combined storage level increases above 40% percent. Upon termination of Stage 2, Stage 1 becomes operative. The City will notify its wholesale customers and the media of the termination of Stage 2.

**(d) Stage 3 – ~~CRITICAL~~ Critical Water Shortage Condition**

RequirementsTrigger for initiation – The City will recognize that a critical water shortage condition exists when the combined storage levels declines to below 20% percent.

RequirementTrigger for termination – Stage 3 of the Plan may be rescinded when the combined storage level increases above 30% percent. Upon termination of Stage 3, Stage 2 becomes operative. The City will notify its wholesale customers and the media of the termination of Stage 3.

**(e) Stage 4 – ~~EMERGENCY~~ Water Shortage Condition Water Emergency**

RequirementsTrigger for initiation – The City will recognize that an emergency water shortage condition exists when any of the following occur:

- i. A major water line breaks, or pump or system failures occur, which cause unprecedeted loss of capability to provide water service; or
- ii. Water production or distribution system limitations; or
- iii. Natural or man-made contamination of the water supply source occurs.

**RequirementTrigger for termination** – The emergency water shortage condition may be rescinded when the City of Corpus Christi City Manager, or designee, deems appropriate. The City will notify its wholesale customers and the media of the termination of emergency shortage condition in the same manner as the notification of initiation of Stage 1 of the Plan.

## 16.8 Drought ~~Response~~ Stages

The City of Corpus Christi City Manager, or designee, shall monitor water supply and/or demand conditions and, in accordance with the triggering criteria set forth in Section 16.7, shall determine that ~~a mild, moderate, or critical, or a water emergency–severe water shortage conditions exist or that an emergency condition exists~~ and shall implement best management practices accordingly.

For water contracts between the City and wholesale customers with specific reductions based on stage, wholesale water customers are to implement measures to achieve water use reduction targets specified in the contract. For other contracts, required adoption of a Drought Contingency Plan should strive to achieve the water use reduction targets for each drought stage ~~response~~ presented in the following table. Further discussion on best management practices and implementation practices associated with each stage ~~of response~~ is described below.

<b>Reservoir System Drought Stage Response</b>	<b>CCR/LCC Combined Reservoir Storage Level</b>	<b>Target Demand Reduction Levels</b>
<u>Water Shortage Watch</u>	<u>&lt;50%</u>	<u>5%</u>
Stage 1- Mild <u>Water Shortage</u>	<40%	10%
Stage 2- Moderate <u>Water Shortage</u>	<30%	20%
Stage 3- Critical <u>Water Shortage</u>	<20%	30%
<u>Stage 4- Water Emergency</u>	Not Applicable	50%

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## Water Shortage Watch

**Target: Achieve a voluntary 5% reduction in daily water demand for each wholesale customers utilizing City's water supply system.**

Best Management Practices for Supply Management:

- The City will voluntarily coordinate with the necessary agencies to ensure that unnecessary releases of water from the Reservoir System are minimized, including leakage from gates or outlet works.
- The City will encourage each wholesale water customer to utilize alternative water sources voluntarily such as interconnections with another water system, temporary use of a water supply other than from the City's system, or use of reclaimed water for non-potable purposes, etc.

Water Use Restrictions for Reducing Demand:

- The City Manager, or designee, will contact wholesale water customers to discuss water supply and/or demand and will request that wholesale water customers initiate voluntary measures to reduce water use.
- The City Manager, or designee, will provide a regular report to the news media with information regarding current water supply and/or demand, projected water supply and demand if drought conditions persist, and consumer information on water conservation measures and practices.

## Stage 1 – ~~MILD~~ Mild Water Shortage Watch Conditions

**Target: Achieve a ~~10 percent~~ 10% reduction in daily water demand for each wholesale customer utilizing ~~the~~ City's water supply system.**

Best Management Practices for Supply Management:

- The City will coordinate with the necessary agencies to ensure that unnecessary releases of water from the Reservoir System are minimized.
- The City will encourage each wholesale water customer to use ~~of~~ reclaimed water for non-potable purposes.

Water Use Measures for Reducing Demand:

- The City of Corpus Christi City Manager, or designee, will initiate contact with wholesale water customers to discuss water supply and/or demand ~~conditions~~ and the possibility of pro rata curtailment of water diversions and/or deliveries.
- The City of Corpus Christi City Manager, or designee, will request wholesale water customers to initiate mandatory measures to reduce non-essential water use (e.g. implement Stage 1 of the customer's drought contingency plan).

- The City Manager, or designee, will provide a regular report to the news media with information regarding current water supply and/or demand ~~conditions~~, projected water supply and demand ~~conditions~~ if drought conditions persist, and consumer information on water conservation measures and practices.

Other Actions to be Taken:

- The City will notify, in writing, operators of recreational facilities to consider issuance of signs near boat ramps and in public parks notifying the public that the Reservoir System is operating at less than 40 % of its conservation pool volume, and that a Stage 1 ~~Drought Response level~~ has been declared. The City will recommend that operators post information to the public regarding Stage 1 of the Drought Contingency Plan and possible boating safety hazards due to decreasing Reservoir levels.

**Stage 2 – Moderate Water Shortage ~~Conditions~~**

**Target:** Achieve a ~~20 percent 20%~~ reduction in daily water demand for each wholesale customer utilizing the City's water supply system.

Best Management Practices for Supply Management:

- The City will coordinate with the necessary agencies to ensure that unnecessary releases of water from the Reservoir System are minimized.
- The City will encourage each wholesale water customer to utilize alternative water sources such as interconnections with another water system, temporary use of a water supply other than from the City's system, use of reclaimed water for non-potable purposes, etc.

Water Use Measures for Reducing Demand:

- The City of Corpus Christi City Manager, or designee, will contact wholesale water customers to discuss water supply and/or demand ~~conditions~~ and will request that wholesale water customers initiate additional mandatory measures to reduce non-essential water use (e.g. implement Stage 2 of the customer's drought contingency plan).
- The City of Corpus Christi City Manager, or designee, will initiate preparations for the implementation of pro rata curtailment of water diversions and/or deliveries in accordance with Texas Water Code §11.039 by preparing a monthly water usage allocation baseline for each wholesale customer according to procedures specified in 16.9 of the Plan.
- The City of Corpus Christi City Manager, or designee, will provide a regular report to the news media with information regarding current water supply and/or demand ~~conditions~~, projected water supply and demand ~~conditions~~ if drought conditions persist, and consumer information on water conservation measures and practices.

Other Actions to be Taken:

- The City will notify, in writing, operators of recreational facilities to consider issuance of signs near boat ramps and in public parks notifying the public that the Reservoir System is operating at less than 30 % of its conservation pool volume, and that a Stage 2 ~~Drought Response level~~ has been declared. The City will recommend that operators post information to the public regarding Stage 2 of the Drought Contingency Plan and possible boating safety hazards due to decreasing Reservoir levels.

**Stage 3 – ~~CRITICAL~~ Critical Water Shortage Conditions**

**Target:** Achieve a ~~30 percent~~ ~~30%~~ reduction in daily water demand for each wholesale customer utilizing the City's water supply system.

Best Management Practices for Supply Management:

- The City will coordinate with the necessary agencies to ensure that unnecessary releases of water from the Reservoir System are minimized, including leakage from project gates.
- The City will encourage each wholesale water customer to utilize alternative water sources such as interconnections with another water system, temporary use of a water supply other than from the City's system, use of reclaimed water for non-potable purposes, etc.

Water Use Restrictions for Reducing Demand:

- The City of Corpus Christi City Manager, or designee, will contact wholesale water customers to discuss water supply and/or demand ~~conditions~~ and will request that wholesale water customers initiate additional mandatory measures to reduce non-essential water use (e.g. implement Stage 3 of the customer's drought contingency plan).
- The City of Corpus Christi City Manager, or designee, will initiate pro rata curtailment of water diversions and/or deliveries for each wholesale customer according to the procedures specified in Section 16.9 of the Plan in accordance with Texas Water Code §11.039.
- The City of Corpus Christi City Manager, or designee, will provide a regular report to the news media with information regarding current water supply and/or demand ~~conditions~~, projected water supply and demand ~~conditions~~ if drought conditions persist, and consumer information on water conservation measures and practices.

#### Other Actions to be Taken:

- The City will notify, in writing, operators of recreational facilities to consider issuance of signs near boat ramps and in public parks notifying the public that the Reservoir System is operating at less than 20 % of its conservation pool volume, and that a Stage 3 ~~Drought Response level~~ has been declared. –The City will recommend that operators post information to the public regarding Stage 3 of the Drought Contingency Plan and possible boating safety hazards due to decreasing Reservoir levels.

#### Stage 4 – EMERGENCY Water Shortage Conditions~~Water Emergency~~

Whenever ~~a water emergency emergency water shortage conditions~~ exists as defined in Section 16.7 of the Plan, the City of Corpus Christi City Manager, or designee, shall:

- Assess the severity of the problem and identify the actions needed and the time required to solve the problem.
- Inform the utility director or other responsible official of each wholesale water customer by telephone, email, or in person and suggest actions, as appropriate to alleviate problems (e.g., notification of the public to reduce water use until service is restored).
- If appropriate, notify city, county, and/or state emergency response officials for assistance.
- Undertake necessary actions, including repairs and/or clean-up as needed.
- Prepare a post-event assessment report on the incident and critique of emergency response procedures and actions.

#### **16.9 Pro Rata Water Allocation**

In the event that the triggering criteria specified in Section 16.7 of the Plan, City of Corpus Christi City Manager, or designee, is hereby authorized to implement allocation of water supplies on a pro rata basis to raw water and treated wholesale customers in accordance with Texas Water Code §11.039. The initiation of pro rata allocation preparations shall begin during Stage 2. A provision will be included in every wholesale water contract entered into or renewed after adoption of the ~~p~~Plan, including contract extensions, that in case of a shortage of water resulting from drought, the water to be distributed shall be divided in accordance with Texas Water Code §11.039.

- 1) ~~(1)~~ A raw water or wholesale treated water customer's monthly allocation shall be a percentage of the customer's water usage baseline. The percentage will be set by resolution of the ~~e~~City ~~e~~Council based on the ~~e~~City ~~m~~Manager's assessment of the severity of the water shortage ~~condition~~ and the need to curtail water diversions and deliveries, ~~and~~ may be adjusted periodically by resolution of the ~~e~~City ~~e~~Council as

conditions warrant. Once pro rata allocation is in effect, water diversions by or deliveries to each raw water or wholesale treated water customer shall be limited to the allocation established for each month.

- 2) ~~(2)~~ A monthly water usage allocation shall be established by the City Manager, or the City Manager's designee, for each raw water or wholesale treated water customer. The raw water or wholesale treated water customer's water usage baseline will be computed on the average water usage by month for the previous five-year period. If the raw water or wholesale treated water customer's billing history is less than five (5) years, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists.
- 3) ~~(3)~~ The City Manager shall provide notice, by certified mail, to each raw water or wholesale treated water customer informing them of their monthly water usage allocations and shall notify the news media and the Executive Director of the Texas Commission on Environmental Quality upon initiation of pro rata water allocation.
- 4) ~~(4)~~ Upon request of the raw water or wholesale treated water customer or at the initiative of the City Manager, the allocation may be reduced or increased if:
  - a. The designated period does not accurately reflect the raw water or wholesale treated water customer's normal water usage;
  - b. The customer agrees to transfer part of its allocation to another raw water or wholesale treated water customer; or
  - c. Other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established under this section to the City Council of the City of Corpus Christi.

#### **16.10 Pro Rata Surcharges and Enforcement**

During any period when pro rata allocation of available water supplies is in effect, wholesale customers shall pay the following surcharges on excess water diversions:

- 2.0 times the normal water rate per unit in excess of the monthly allocation up through 5 % above the monthly allocation.
- 2.5 times the normal water rate in excess of the monthly allocation from 5 % through 10 % above the monthly allocation.
- 3.0 times the normal water rate in excess of the monthly allocation from 10 % through 15 % above the monthly allocation.
- ~~3.5 times the normal water rate more than 15 % above the monthly allocation.~~
-

## **16.11. Request for Exemptions and Variances**

The City Manager, or designee, may, in writing, grant a temporary variance to the pro rata water allocation policies provided by this Plan, ~~if~~ it is determined that failure to grant such variance would cause an emergency condition adversely affecting the public health, welfare, or safety and if one or more of the following conditions are met:

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

Persons requesting an exemption from the provisions of this Plan shall file a petition for variance with the City Manager within 5 days after ~~a~~ pro rata allocation has been invoked. All petitions for variances shall be reviewed by the City Manager, or designee, and shall include the following:

- (1) Name and address of the petitioner(s).
- (2) Detailed statement with supporting data and information as to how the pro rata allocation of water under the policies and procedures established in the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- (3) Description of the relief requested.
- (4) Period of time for which the variance is sought.
- (5) Alternative measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (6) Other pertinent information.

Variances granted by the City shall be subject to the following conditions, unless waived or modified by the City.

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

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

Wholesale Water Supply customers that have industrial customer(s) that use in excess of 100,000 gallons per day may offer a non-mandatory Drought Surcharge Exemption Fee in accordance with Article XII of Chapter 55 of the Corpus Christi Code of Ordinances Section 55-159.1. ~~Such~~ Wholesale Water Supply customers will be required to collect and transmit the Exemption Fee to the City of Corpus Christi. Participating Wholesale Water Supply customers' industries will be afforded the same drought exemptions as those afforded by the city of Corpus Christi large volume industrial users.

### **16.12 Severability**

It is hereby declared to be the intention of the City that the sections, paragraphs, sentences, clauses, and phrases of this Plan are severable and, if any phrase, clause, sentence, paragraph, or section of this Plan shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such declaration shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan, since the same would not have been enacted by the City without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

### **16.13 Reservoir System Operating Plan**

Because all the wholesale customers rely on the reservoir systems for their supplies, they are subject to the Reservoir Operating Plan. A copy of this is included [in Attachment C](#).

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**Ordinance to adopt revised Drought Contingency Plan and amending Chapter 55 Article XII Water Resource Management of the City Code by amending Section to add new Water Storage Watch stage; amending Section 55-153 and Section 55-154 regarding water use restrictions per Drought Stage and drought surcharges; providing March 1, 2025 effective date; providing for penalty not to exceed \$500; and providing for publication.**

**BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF CORPUS CHRISTI, TEXAS:**

**SECTION 1.** That Chapter 55 Article XII Water Resource Management is amended as by adding the underlined language and deleting the language that is stricken (~~deleted~~) as shown below:

**ARTICLE XII. WATER RESOURCE MANAGEMENT**

**Sec. 55-150. Scope, purpose, authorization, and definitions.**

- (a) *Scope.* There is hereby established a City of Corpus Christi Water Conservation Plan and Drought Contingency Plan. The City of Corpus Christi Water Conservation Plan Revised 2020 edition, and the Drought Contingency Plan Revised 2018 edition, approved January 30, 2018, as amended by ordinance, a true copy of each which is on file in the office of the city secretary, have been adopted, and shall be followed in matters concerning water conservation, drought management, and water supply enhancement programs.
- (b) *Declaration of policy.*
  - (1) It is hereby declared that the general welfare requires that the water resources available to the city be put to the maximum beneficial use to the extent to which they are capable, and that the waste or unreasonable use, or unreasonable method of use of water be prevented, and the conservation of such water is to be extended with a view to the reasonable and beneficial use thereof in the interests of the people of the area served by the city's water resources and for the public welfare.
  - (2) In making decisions under this article concerning the allocation of water between conflicting interests, highest priority will be given to allocation necessary to support human life and health; i.e., the minimum amount of water necessary for drinking, prevention of disease, and the like. Second highest priority will be given to allocations which will result in the least loss of employment to persons whose income is essential to their families.
- (c) *Authorization.* The city manager, or his designee, upon the recommendation of the assistant city manager, public works and utilities, is hereby authorized and directed to implement the applicable provisions of this article upon their determination that such implementation is necessary to protect the public welfare and safety.
- (d) *Definitions.* The following terms used in this article are defined as follows:
  - (1) "*City manager*" means the city manager or the city manager's designee.
  - (2) "*Drip irrigation*" means an irrigation system that applies water at a controlled low-flow levels directly to the soil.
  - (3) "*Fountain*" means an artificially created jet or stream of water; a structure, often decorative, from which a jet or stream of water issues.
  - (4) "*Industrial customers use of water for processing*" means the use of water in processes designed to convert materials of lower value into forms having greater usability.

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(5) "*Non-essential purpose*" means water uses that are not essential or not required for the protection of public health, safety and welfare.

(6) "Director" means the Chief Operating Officer for Corpus Christi Water or designee.

(Ord. No. 24396, § 1, 3-20-2001; Ord. No. 029846, § 3, 5-28-2013; Ord. No. 029946, § 1, 9-10-2013; Ord. No. 030545, § 1, 7-14-2015; Ord. No. 031355, § 1, 1-30-2018; Ord. No. 031533, § 1, 9-11-2018; Ord. No. 032238, § 2, 10-13-2020)

### **Sec. 55-151. Water conservation measures at all times.**

(a) The following measures are year-round water conservation best management practices that are in effect at all times, regardless of the reservoir levels or drought contingency levels:

(1) *Prohibition on wasting water:* Actions leading to wasting of water are prohibited and will be enforced. No person shall:

- a. Allow water to run off property into gutters or streets.
- b. Permit or maintain defective plumbing in a home, business establishment or any location where water is used on the premises. Defective plumbing includes out-of-repair water closets, underground leaks, defective or leaking faucets and taps.
- c. Allow water to flow constantly through a tap, hydrant, valve, or otherwise by any use of water connected to the city water system.
- d. Use any non-recycling decorative water fountain.
- e. Allow irrigation heads or sprinklers to spray directly on paved surfaces such as driveways, parking lots, and sidewalks in public rights-of-way.
- f. Operate an irrigation system at water pressure higher than recommended, causing heads to mist, or to operate with broken heads.

(2) *Time of irrigation:* Irrigation by spray or sprinklers is prohibited between the hours of 10:00 a.m. and 6:00 p.m. It is still permissible to water by hand or by drip irrigation at any time of day, unless the city enters Reservoir System Stage 3. However, the use of water is permitted at any hour for short periods of time for testing related to the installation, maintenance, and repair of sprinkler systems.

(3) *Restaurant water saving:* Commercial dining facilities must only serve water upon request.

(Ord. No. 24396, § 1, 3-20-2001; Ord. No. 24726, § 1, 1-8-2002; Ord. No. 026235, § 1, 4-26-2005; Ord. No. 026542, § 1, 11-15-2005; Ord. No. 028141, § 1, 4-28-2009; Ord. No. 029846, § 3, 5-28-2013; Ord. No. 029946, § 1, 9-10-2013; Ord. No. 031355, § 1, 1-30-2018)

### **Sec. 55-152. Drought management: Reservoir system stages.**

(a) The level of reservoir system severity determines the extent of potential water use restrictions that shall be implemented. Following are the levels of reservoir system in the form of stages:

(1) Water Shortage Watch Stage

(2) Stage 1: Mild water shortage watch.

(2)(3) Stage 2: Moderate water shortage ~~condition~~.

~~(3)(4)~~ Stage 3: Critical water shortage ~~condition~~.

~~(4)(5)~~ Stage 4: Water Emergency ~~water shortage condition~~.

(b) Criteria for initiation and termination of reservoir system response stages:

- (1) The city manager, or designee, shall monitor water supply and/or demand conditions on a weekly basis and shall determine when conditions warrant initiation or termination of each stage, that is, when the specified "triggers" are reached. However, the city manager, in the exercise of the city manager's discretion, may initiate or terminate any stage when the city manager deems necessary at any particular time.
- (2) The triggering criterion to be monitored for determining reservoir system response stages is the combined reservoir storage levels of Choke Canyon Reservoir and Lake Corpus Christi.
- (3) Whenever any of the stages listed below are triggered, the city manager shall publish a public notice of the particular stage, in the daily newspaper of general circulation in Nueces County.
- (4) To the extent of city's legal authority, the city manager shall require the city's raw water and wholesale treated water customers to issue public notice advising their water customers of conservation and drought management activities consistent with the stages listed below.

(c) The triggering criterions are as follows:

~~(1)~~ Water Shortage Watch:

Requirements for initiation – Customers shall be requested to voluntarily conserve water and adhere to prescribed conditions on specific water uses when the combined storage levels of Choke Canyon Reservoir and Lake Corpus Christi fall below fifty (50) percent. The combined storage level for Choke Canyon Reservoir and Lake Corpus Christi declines to below (50)

Requirements for termination – The watch may be terminated when the combined storage level increases to above 50% for 15 consecutive calendar days.

~~(1)~~~~(2)~~ Stage 1 - Mild water shortage watch:

Requirements for initiation - The combined storage level for Choke Canyon Reservoir and Lake Corpus Christi declines to below forty (40) per cent. Stage 1 begins when the combined reservoir storage level declines below forty (40) percent. Customers shall be required to comply with the requirements and restrictions on certain non-essential water users described in Section 55-153.

Requirement for termination - Stage 1 of the plan may be terminated rescinded when the combined storage level increases above fifty (50) per cent.

~~(2)~~~~(3)~~ Stage 2 - Moderate water shortage condition:

Requirements for initiation – Stage 2 begins when the combined storage level declines below thirty (30) percent. Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses described in Section 55-153. The combined storage levels declines to below thirty (30) per cent.

Requirement for termination - Stage 2 of the plan may be terminated rescinded when the combined storage level increases above forty (40) per cent. Upon termination of Stage 2, Stage 1 becomes operative.

~~(3)~~~~(4)~~ Stage 3 - Critical water shortage condition:

Requirements for initiation - Stage 3 begins when the combined storage level declines below twenty (20) percent. Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses described in Section 55-153. The combined storage levels of Choke Canyon Reservoir and Lake Corpus Christi declines to below twenty (20) per cent.

Requirement for termination - Stage 3 of the plan may be terminated when the combined storage level increases above thirty (30) per cent. Upon termination of Stage 3, Stage 2 becomes operative.

**(4)(5) Stage 4 – Water Emergency water shortage condition:**

Requirements for initiation—A Water Emergency begins when the city manager, or designee, determines that a water supply emergency exists based on:

- MA-major water line breaks, or pump or system failures occur, which causes unprecedented loss of capability to provide water service; or
- Water production or distribution system limitations; or
- Natural or manmade contamination of the water supply source occurs.
- When water supply from the combined reservoir system falls to a critical point that is deemed to necessary to protect the water system.

Requirement for termination - The emergency water shortage condition may be rescinded when the city manager, or designee, deems appropriate.

(Ord. No. 24396, § 1, 3-20-2001; Ord. No. 24576, § 1, 9-11-2001; Ord. No. 029846, § 3, 5-28-2013; Ord. No. 029946, § 1, 9-10-2013; Ord. No. 030545, § 1, 7-14-2015; Ord. No. 031160, § 1, 5-30-2017; Ord. No. 031355, § 1, 1-30-2018)

**Sec. 55-153. Drought management Stages: Reservoir system Best management practices per stage.**

(a) In order to achieve water use reductions, a series of best management practices will be enacted and enforced at each reservoir system stage. These best management practices (BMP) are listed below by stage. During Stages 1, 2, and 3, requests for exceptions may be presented to the Chief Operating Officer for Corpus Christi or his designee.

(b) Water Shortage Watch Stage.

Target: Achieve a voluntary 5% reduction in daily treated water use.

- Water customers are requested to voluntarily limit the irrigation of landscaped areas to once per week.
- Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.
- All operations of the City shall adhere to water use restrictions prescribed for Stage 1.
- Water smart techniques will be promoted by City leadership, City Council and City departments.

**(c) Stage 1 response - Mild water shortage watch.**

(1) Target: During Stage 1, achieve a ten (10) per-cent reduction in daily treated water demand relative to treated water demand with the water use restrictions below.

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(2) The best management practices for supply management: The city will also do the following during Stage 1:

- a. Use more repair crews if necessary to allow for a quicker response time for water-line leak repair; and
- b. City crews (water and other departments) begin monitoring customers' compliance with Stage 1 restrictions during the course of their daily rounds.
- City departments will make every effort to conserve water including no new landscape installation, no filling of ponds and reducing the use of City-owned ornamental fountains.
- Increase public education and outreach regarding water use reduction.
- Increase targeted outreach to high consumption industrial and commercial customers to urge water use reductions.

(3) Under threat of penalty for violation, the following water use restrictions shall apply to all persons during Stage 1:

- a. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to once per week. Watering or irrigating of landscaped areas by sprinkler or automatic irrigation system is prohibited between the hours of 10:00 a.m. and 6:00 p.m. The watering schedule will be determined by the city manager or designee. Customers will be made aware of their designated watering day in accordance with the drought contingency plan. However, irrigation of landscaped areas is permitted on any day if it is by means of a hand-held hose (with positive shutoff nozzle), a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system with a positive shutoff device.
  - 1) However, irrigation of landscaped areas is permitted on any day if it is by means of a hand-held hose (with positive shutoff nozzle), a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system with a positive shutoff device. Exceptions for this restriction may be permitted, upon review and approval by the director of water operations or his designee for the following uses: new plantings (for up to sixty (60) days), vegetable gardens, athletic playing fields, and botanical gardens. In addition, this restriction does not apply to customers irrigating with well water or an aerobic septic system. Customers irrigating with well water or an aerobic septic system must apply for an exemption from Corpus Christi Water a permit from the city water department to be prominently posted on the premises within two (2) feet of the street number located on the premises.
- b. No watering or irrigating of landscape areas by hose-end sprinkler or automatic irrigation system will be allowed between the hours of 10:00 a.m. and 6:00 p.m. to prevent evaporation loss.
- c. Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special exemption from Corpus Christi Water permit from the City of Corpus Christi Water Department.
- c. Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days. However, if the golf course utilizes reclaimed water or a water source other than that provided through City of Corpus Christi Water Department infrastructure, the facility shall not be subject to these regulations.
- d. The use of water to maintain integrity of building foundations is permitted on any day at any time only by use of hand-held hose or drip irrigation limited to designated watering days.

e. ~~Except for immediate fire protection or flushing of water lines, the use of water from a hydrant is only allowed with a permit granted by the director of water operation or his designee and a construction meter obtained from the utility business office.~~

(ed) *Stage 2 response - Moderate water shortage conditions.*

- (1) Target: During Stage 2, achieve a ~~twentyfifteen (2015)~~ per-cent reduction in total daily treated water demand relative to treated water demand with the water use restrictions below.
- (2) Best management practices for supply management: In addition to the best management practices for supply management listed under Stage 1, the city will also do the following during Stage 2:
  - a. ~~Eliminate the flushing of water mains unless required for decontamination and/or public safety; and~~
  - b. ~~Review customers' water usage for compliance based on the previous month's water use and notify violators verbally or in writing as the situation dictates.~~
  - [Increase public education and outreach regarding water use reduction.](#)
- (3) Water use restrictions for demand reduction: All requirements of Stage 1 shall remain in effect during Stage 2 except as modified below:
  - a. ~~Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems~~ shall be limited to once every other week. The watering schedule will be determined by the city manager or designee. Customers will be made aware of their designated watering day. However, irrigation of landscaped areas is permitted on any day if it is by means of a hand-held hose (with positive shutoff nozzle), a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system with a positive shutoff device.
    - 1) ~~Exceptions for this restriction may be permitted, upon review and approval by the Chief Operating Officer for Corpus Christi Water, director of water operations or his designee, for the following uses: new plantings (for up to sixty (60) days), vegetable gardens, athletic playing fields, and botanical gardens. In addition, this restriction does not apply to customers irrigating with well water or an aerobic septic system. Customers irrigating with well water or an aerobic septic system shall still apply for a permit from Corpus Christi Water the city water department to be prominently posted on the premises within two (2) feet of the street number located on the premises.~~
    - b. ~~The watering of golf course fairways with potable water is prohibited. The watering of greens and tees are limited to once every other week unless the golf course utilizes reclaimed water or a water source other than that provided through City of Corpus Christi Water Department infrastructure or done by means of hand-held hoses, hand-held buckets, or drip irrigation.~~
  - c. ~~The use of water to wash a motor vehicle, not occurring on the premises of a commercial car wash, is prohibited except on the designated watering day.~~
    - cd. ~~A person or entity who owns, leases or manages an outdoor swimming pool (including City-owned pools) shall begin preparation for Stage 3 requirements to have at least 1080 percent of the pool surface area covered when not in use.~~
    - de. ~~Hotels, motels and other lodgings must offer and clearly notify guests of a "linen/towel change on request only" program.~~
    - e. ~~Use of water to wash a motor vehicle, not occurring on the premises of a commercial car wash, is allowed on the designated Stage 2 watering day.~~

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(4) During Stage 2, the following surcharge measures are optional water use restrictions that may be implemented by the city manager, or designee, with city council approval, as conditions warrant:

- I. a. For residential and multi unit customers, a drought surcharge of up to and including one hundred (100) per cent of the total monthly water bill over the monthly allocation may be added to the customers' bill to deter discretionary water use. For irrigation account, the monthly surcharge is \$1.00 per 1,000 gallons will be added to customers' bill.
- II. b. For residential account, the monthly surcharge is \$1.00 per 1,000 gallons over 7,000 gallons will be added to customers' bill.
- III. c. For commercial account, the monthly surcharge is \$1.00 per 1,000 gallons over 55,000 gallons will be added to customers' bill.
- IV. d. For non-exempt large volume account, the monthly surcharge is \$1.00 per 1,000 gallons over 12,84213,335,000 gallons will be added to customers' bill.
- V. e. For other accounts such as raw wholesale, outside city limits wholesale, outside city limits network, and municipal accounts, the monthly surcharge is \$1.00 per 1,000 gallons for volumes over 25% of the last 12-month average usage for the 12-month billing prior to the implementation of Stage 2.

(de) *Stage 3 response - Critical water shortage conditions.*

- (1) Target: During Stage 3, achieve a thirty (30) per-cent or greater reduction in daily treated water demand relative to treated water demand with the water use restrictions below. An additional surcharge will be added to each utility bill during Stage 3 water shortage conditions to discourage discretionary water use, as described in section 55-154 for retail customers and section 55-159 for wholesale customers.
- (2) Best management practices for supply management: In addition to the best management practices for supply management listed under Stage 2, the city will also do the following during Stage 3:
  - Upon written notice, disconnect the water meters of willful violators if absolutely necessary to prevent the deliberate wasting of water.
  - Increase public education and outreach regarding water use reduction.
- (3) Water use restrictions for demand reduction: All requirements of Stages 1 and 2 shall remain in effect during Stage 3 except as modified below:
  - a. Irrigation of landscaped areas shall be prohibited at all times. Irrigation of turf grass by any means shall be prohibited at all times.  
Drip irrigation for foundations and landscaped beds is allowed every other week -on the designated watering day. The watering schedule will be determined by the City Manager or designee. Customers will be made aware of their designated watering day.  
Watering of trees, vegetable beds, shrubs, and potted plants is permitted on any day if it is by means of a handheld hose with a positive shutoff nozzle, a faucet-filled bucket, or a watering can of five gallons or less.
    - 1) Exceptions for Stage 3 restrictions may be permitted up to 30 days, upon review and approval by the Chief Operating Officer or designee, for new plantings. In addition, this restriction does not apply to customers irrigating with well water or an aerobic septic system. Customers irrigating with well water or an aerobic septic system shall still apply for a

permit from Corpus Christi Water to be prominently posted on the premises within two (2) feet of the street number located on the premises.

b. Use of water to wash any motor vehicle, motorbike, boat, trailer, or other vehicle not occurring on the premises of a commercial car wash and not in the immediate interest of public health, safety, and welfare is prohibited. Use of water to wash a motor vehicle, not occurring on the premises of a commercial car wash is allowed by hand, with a five gallon bucket or less, on the designated watering day.

c. The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi-type pools, and hot tubs and water parks (unless utilizing water from a non-city alternative source) is prohibited except to maintain structural integrity, for proper operation and maintenance, or to alleviate a public safety risk, or to replace losses from normal use and evaporation.

The person or entity who owns, leases, or manages an outdoor swimming pool (including City-owned pools) shall have at least 1080% of the pool surface area covered when not in use. A request for an exemption or variance from this provision for pools that have a water-saving feature may be submitted by submitting an application for exemption/variance.

Operator of a water park must seek approval of the Chief Operating Officer of Corpus Christi Water or designee, prior to the filling, refilling, or adding water to water park.

d. The use of water to maintain the integrity of a building foundation is still permitted on the designated Stage 2 watering day and shall be done by hand or drip irrigation method.

e. All fountains shall only operate to circulate water in order to maintain equipment.

f. The use of water for construction purposes from designated fire hydrants with a special permit will continue with a ten (10) per cent surcharge added to the water rate. Hotels, motels, and other lodging must offer and clearly notify guests of a "linen/towel change on request only" program.

(4) During Stage 3, the following measures are optional water use restrictions that may be implemented by the city manager, or designee, with city council approval, as conditions warrant:

a. No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage shall be in effect.

b. For residential and multi-unit customers, a drought surcharge of up to and including one hundred (100) per cent of the total monthly water bill over the monthly allocation may be added to the customers' bill to deter discretionary water use. The following surcharge will be added to a customer's water bill:

i. For irrigation account, the monthly surcharge is \$2.00 per 1,000 gallons will be added to the customers' bill.

ii. For residential account, the monthly surcharge is \$2.00 per 1,000 gallons over 7,000 gallons will be added to the customers' bill.

iii. For commercial account, the monthly surcharge is \$2.00 per 1,000 gallons over 55,000 gallons will be added to the customers' bill.

iv. For non-exempt large volume account, the monthly surcharge is \$2.00 per 1,000 gallons over 12,84213,335,000 gallons will be added to the customers' bill.

e. For other accounts such as raw wholesale, outside city limits wholesale, outside city limits network, and municipal accounts, the monthly surcharge is \$2.00 per 1,000 gallons for volumes over 25% of the last 12-month average usage for the 12-month billing prior to the implementation of Stage 3.

(ef) Stage 4 response – Water Emergency water shortage conditions.

(1) Target: During a Water Emergency Stage 4, achieve a fifty (50) per-cent or greater reduction in daily treated water demand relative to treated water demand with the below water use restrictions. Surcharges and reduced allocations are enforceable during Stage 4 Water Emergency shortage conditions, as described in section 55-154 this Article.

During water emergency conditions such as system outage, supply source contamination, or supply sources draining empty, alternative water sources and/or alternative delivery mechanisms may be necessary with prior approval of the City Manager, or designee. For emergency water shortage conditions ~~associated with contamination of Nueces Basin stored supplies~~, the city, under the city manager's direction, will cease pumping from the Nueces River and will contact the LNRA to identify additional, temporary water that may be available from Lake Texana on a short-term basis to meet essential water needs. For emergency water shortage conditions associated with contamination of Lake Texana supplies, the city, under the city manager's direction, will cease pumping from the Mary Rhodes Pipeline.

(2) Best management practices for supply management: In addition to the best management practices for supply management listed under Stage 3, the city will also do the following:

- Call the ten (10) largest water customers in the area affected by the emergency ~~condition, and if necessary, use runners in key areas to begin spreading the message of a major outage.~~

(3) Water use restrictions for demand reduction: During Stage 4 water emergency, all requirements of Stages 1, 2, and 3 shall remain in effect except as modified below:

- a. Irrigation of all landscaped areas is absolutely prohibited.
- b. Use of water to wash any motor vehicle, motorbike, boat, trailer, or other vehicle is absolutely prohibited.
- c. Associated uses of water not related to business process which are discretionary, such as equipment washing, shall be deferred until ~~the Stage 5~~ emergency has been terminated.

(4) During Stage 4a water emergency, the following surcharge measures are optional water use restrictions that may be implemented by the city manager, or designee, with city council approval, as conditions warrant:

~~For residential and multi-unit customers, a drought surcharge of up to and including one hundred (100) per cent of the total monthly water bill over the monthly allocation may be added to the customers' bill to deter discretionary water use. The following surcharge will be added to a customer's water bill:~~

- i. For irrigation account, the monthly surcharge is \$4.00 per 1,000 gallons,
- ii. For residential account, the monthly surcharge is \$4.00 per 1,000 gallons over 7,000 gallons.
- iii. For commercial account, the monthly surcharge is \$4.00 per 1,000 gallons over 55,000 gallons.
- iv. For non-exempt large volume account, the monthly surcharge is \$4.00 per 1,000 gallons over ~~12,842~~<sup>13,335</sup>,000 gallons.

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v. For other accounts such as raw wholesale, outside city limits wholesale, outside city limits network, and municipal accounts, the monthly surcharge is \$4.00 per 1,000 gallons for volumes over 25% of the last 12-month average usage for the 12-month billing prior to the implementation of Stage 3.

(Ord. No. 24396, § 1, 3-20-2001; Ord. No. 24576, § 2, 9-11-2001; Ord. No. 029846, § 3, 5-28-2013; Ord. No. 029946, § 1, 9-10-2013; Ord. No. 030545, § 1, 7-14-2015; Ord. No. 031160, § 1, 5-30-2017; Ord. No. 031355, § 1, 1-30-2018)

**Sec. 55-154. Surcharges for ~~reservoir system~~ ~~Stages 2, 3 and 4~~, and emergency service measures.**

(a) *General.*

- (1) The surcharges established ~~herein in this Article~~ are solely intended to regulate and deter the use of water during a period of serious drought in order to achieve necessary water conservation. The city council expressly finds that the drought poses a serious and immediate threat to the public and economic health and general welfare of this community, and that the surcharges and other measures adopted herein are essential to protect said public health and welfare.
- (2) This section, and the surcharges and measures adopted herein are an exercise of the city's regulatory and police power, and the surcharges and connection fees are conservation rates intended to meet fixed costs as a result of lost revenue.
- (3) With city council approval, the city manager or designee is authorized to determine trigger points and surcharges during Stages 2, 3 and ~~4 water~~ ~~water shortage~~ conditions.
- (4) ~~A customer may appeal a drought surcharge established under this section to the Chief Operating Officer for Corpus Christi Water or designee on grounds of unnecessary hardship, through the process outlined in this Article. In this section, institutional customer means city utility customer which operates as a not for profit entity.~~
- (5) ~~A customer may appeal an allocation or drought surcharge triggering point established under this section to the director of water operations or his designee on grounds of unnecessary hardship through the process outlined in section 55-155 this Article.~~
- (56) ~~Drought Reservoir system~~ surcharge funds will first be applied towards annual debt service payments and operating and maintenance expenses of the water department as reflected in the city operating budget to offset revenue loss due to drought conditions. Additional funds will be reported to city council for city council direction.

(b) ~~Residential water customers, who are not billed through a master water meter.~~

- (1) ~~A monthly base amount of three thousand (3,000) gallons shall be established as a trigger point for each customer. Water consumption up to and including this amount will not include a drought surcharge.~~
- (2) ~~Above the three thousand (3,000) gallon monthly consumption trigger point, with city council approval, a drought surcharge shall be added up to and including one hundred (100) per cent of the customer's total monthly water bill over the allocation.~~

(c) ~~Residential customers who are billed from a master water meter.~~

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(1) Once Stage 1 condition has been declared, property managers of multi tenant units shall notify the city director of water operations of number of residential units in their facility for determination of allocations. Until so notified, the city shall calculate the allocation based on two (2) residential units per master water meter. A monthly base amount of three thousand (3,000) gallons shall be established as a trigger point for each residential unit.

(2) When consumption for the month is less than or equal to three thousand (3,000) gallons times the number of residential units, there will be no surcharge.

(3) With city council approval, when consumption is above the three thousand (3,000) gallons times the number of units, a drought surcharge shall be added up to and including one hundred (100) per cent of the customer's total monthly water bill over the allocation.

(d) *Commercial or institutional customer.*

(1) A monthly water usage allocation shall be established by the city manager or designee for each commercial or institutional customer.

(2) *Method of establishing allocation:*

- a. When the combined reservoir capacity is less than twenty (20) per cent of total capacity (Stage 3), the commercial or institutional customer's allocation shall be ninety (90) per cent of the customer's usage for the corresponding month's billing period during the previous twelve (12) months prior to the implementation of Stage 1 condition.
- b. If the customer's billing history is shorter than twelve (12) months, the monthly average for the period for which there is a record shall be used for any monthly period for which no history exists.
- c. Provided, however, a customer, ninety (90) per cent of whose monthly usage is less than six thousand (6,000) gallons, shall be allocated six thousand (6,000) gallons.
- d. The city manager shall give best effort to see that notice of each commercial or institutional customer's allocation is mailed to such customer.
- e. If, however, the customer does not receive such notice, it shall be the customer's responsibility to contact the city's utilities billing office to determine the allocation, and the allocation shall be fully effective notwithstanding lack of receipt of written notice.
- f. Upon request of the customer or at the initiative of the city manager, the allocation may be reduced or increased by the city manager:
  1. If one (1) nonresidential customer agrees to transfer part of its allocation to another nonresidential customer; or
  2. If other objective evidence demonstrates that the designated allocation is inaccurate under present conditions.

(e) *Industrial customers, who use less than one hundred thousand (100,000) gallons of water per day for processing.*

(1) A monthly water usage allocation shall be established by the city manager or designee for each industrial customer, which uses less than one hundred thousand (100,000) gallons of water per day for processing (e.g., an industrial customer).

(2) *Method of establishing allocation:*

- a. When the combined reservoir capacity of Choke Canyon Reservoir and Lake Corpus Christi is less than twenty (20) per cent of total capacity (Stage 3), the industrial customer allocation shall be

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~~ninety (90) per cent of the customer's usage for the corresponding month's billing period during the previous twelve (12) months prior to the implementation of Stage 1 condition.~~

b. ~~If the customer's billing history is shorter than twelve (12) months, the monthly allocation shall be one twelfth of ninety (90) per cent of the customer's maximum annual contracted amount until twelve (12) months of billing history are established. However, if the industrial customer does not have a water contract and does not have at least twelve (12) months of billing history, then the new industrial customer will provide data regarding expected water use and city will determine allocation based on ninety (90) per cent of expected use to determine initial allocation until twelve (12) months of billing history are established.~~

c. ~~The city manager shall give his best effort to see that notice of each industrial customer's allocation is mailed to such customer.~~

d. ~~If, however, the industrial customer does not receive such notice, it shall be the customer's responsibility to contact the city utilities billing office to determine the allocation, and the allocation shall be fully effective notwithstanding lack of receipt of written notice.~~

e. ~~Upon request of the industrial customer or at the initiative of the city manager, the allocation may be reduced or increased by the city manager, if:~~

1. ~~The designated period does not accurately reflect the customer's normal water usage because customer had to shut down a major processing unit for overhaul during the period.~~
2. ~~The customer has added or is in the process of adding significant additional processing capacity.~~
3. ~~The customer has shut down or significantly reduced the production of a major processing unit.~~
4. ~~The customer has previously implemented significant permanent water conservation measures.~~
5. ~~The customer agrees to transfer part of its allocation to another industrial customer.~~
6. ~~Other objective evidence demonstrates that the designated allocation is inaccurate under present conditions.~~

(f) ~~Commercial customers, institutional customers, and industrial customers who use less than one hundred thousand (100,000) gallons of water per day for processing shall pay the following reservoir system surcharges:~~

(1) ~~Customers whose allocation is six thousand (6,000) gallons through twenty thousand (20,000) gallons per month:~~

- a. ~~Five dollars (\$5.00) per one thousand (1,000) gallons for the first one thousand (1,000) gallons over allocation.~~
- b. ~~Eight dollars (\$8.00) per one thousand (1,000) gallons for the second one thousand (1,000) gallons over allocation.~~
- c. ~~Sixteen dollars (\$16.00) per one thousand (1,000) gallons for the third one thousand (1,000) gallons over allocation.~~
- d. ~~Forty dollars (\$40.00) for each additional one thousand (1,000) gallons over allocation.~~

(2) ~~Customers whose allocation is twenty one thousand (21,000) gallons per month or more:~~

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- a. One (1) times the block rate for each one thousand (1,000) gallons in excess of the allocation up through five (5) per cent above allocation.
- b. Three (3) times the block rate for each one thousand (1,000) gallons from five (5) per cent through ten (10) per cent above allocation.
- c. Five (5) times the block rate for each one thousand (1,000) gallons from ten (10) per cent through fifteen (15) per cent above allocation.
- d. Ten (10) times the block rate for each one thousand (1,000) gallons more than fifteen (15) per cent above allocation.
- e. The surcharges shall be cumulative.
- f. As used herein, "block rate" means the charge to the customer per one thousand (1,000) gallons at the regular water rate schedule at the level of the customer's allocation.

(g) *Industrial customers, who use one hundred thousand (100,000) gallons or more of water per day for processing.*

- (1) *A monthly water usage allocation shall be established by the city manager or designee for each industrial customer, which uses water for processing (e.g., an industrial customer).*
- (2) *Method of establishing allocation.*
  - a. *When the combined reservoir capacity of Choke Canyon Reservoir and Lake Corpus Christi is less than thirty (30) per cent of total capacity (Stage 2), the industrial customer allocation shall be eighty (80) per cent of the customer's usage for the corresponding month's billing period during the previous twelve (12) months prior to the implementation of Stage 1 condition.*
  - b. *If the customer's billing history is shorter than twelve (12) months, the monthly allocation shall be one twelfth of eighty (80) per cent of the customer's maximum annual contracted amount until twelve (12) months of billing history are established. However, if the industrial customer does not have a water contract and does not have at least twelve (12) months of billing history, then the new industrial customer will provide data regarding expected water use and city will determine allocation based on eighty (80) per cent of expected use to determine initial allocation until twelve (12) months of billing history are established.*
  - c. *The city manager shall give his best effort to see that notice of each industrial customer's allocation is mailed to such customer.*
  - d. *If, however, the industrial customer does not receive such notice, it shall be the customer's responsibility to contact the city utilities billing office to determine the allocation, and the allocation shall be fully effective notwithstanding lack of receipt of written notice.*
  - e. *Upon request of the industrial customer or at the initiative of the city manager, the allocation may be reduced or increased by the city manager, if:*
    - 1. *The designated period does not accurately reflect the customer's normal water usage because customer had to shut down a major processing unit for overhaul during the period.*
    - 2. *The customer has added or is in the process of adding significant additional processing capacity.*
    - 3. *The customer has shut down or significantly reduced the production of a major processing unit.*

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- 4. The customer has previously implemented significant permanent water conservation measures.
- 5. The customer agrees to transfer part of its allocation to another industrial customer.
- 6. Other objective evidence demonstrates that the designated allocation is inaccurate under present conditions.

(h) *Industrial customers using one hundred thousand (100,000) gallons or more of water per day for processing shall pay the following drought surcharges:*

- (1) Customers whose allocation is eighty thousand (80,000) gallons per month or more:
  - a. Three (3) times the block rate for each one thousand (1,000) gallons in excess of the allocation up through five (5) per cent above allocation.
  - b. Six (6) times the block rate for each one thousand (1,000) gallons from five (5) per cent through ten (10) per cent above allocation.
  - c. Nine (9) times the block rate for each one thousand (1,000) gallons from ten (10) per cent through fifteen (15) per cent above allocation.
  - d. Twelve (12) times the block rate for each one thousand (1,000) gallons more than fifteen (15) per cent above allocation.
  - e. The surcharges shall be cumulative.
  - f. As used herein, "block rate" means the charge to the customer per one thousand (1,000) gallons at the regular water rate schedule at the level of the customer's allocation.

(i) *Nonresidential customer is billed from a master meter.*

- (1) When a nonresidential customer is billed from a master meter which jointly measures water to multiple residential dwelling units (for example: apartments, mobile homes), the customer may pass along any surcharges assessed under this plan to the tenants or occupants, provided that:
  - a. The customer notifies each tenant in writing:
    1. That the surcharge will be passed along.
    2. How the surcharge will be apportioned.
    3. That the landlord must be notified immediately of any plumbing leaks.
    4. Methods to conserve water (which shall be obtained from the city).
  - b. The customer diligently maintains the plumbing system to prevent leaks.
  - c. The customer installs water saving devices and measures (ideas for which are available from the city) to the extent reasonable and practical under the circumstances.

(j) *For residential customers, the following measures come into effect after city council approves a drought rate surcharge; for nonresidential customers, these measures come into effect at Stage 3. Water service to the customer may be terminated under the following conditions:*

- (1) Monthly residential water usage exceeds trigger point by four thousand (4,000) gallons or more two (2) or more times (which need not be consecutive months).
- (2) Monthly water usage on a master meter which jointly measures water usage to multiple residential dwelling units exceeds trigger point by four thousand (4,000) gallons times the number of dwelling units or more two (2) or more times (which need not be consecutive months).

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(3) Monthly nonresidential water usage for a customer whose allocation is six thousand (6,000) gallons through twenty thousand (20,000) gallons exceeds its allocation by seven thousand (7,000) gallons or more two (2) or more times (which need not be consecutive months).

(4) Monthly nonresidential water usage for a customer whose allocation is twenty-one thousand (21,000) gallons or more exceeds its allocation by fifteen (15) per cent or more two (2) or more times (which need not be consecutive months).

(5) For residential customers and nonresidential customers, after the first disconnection, water service shall be restored upon request for a fee of fifty dollars (\$50.00).

(6) For such customers, after the second disconnection, water service shall be restored within twenty-four (24) hours of the request for a fee of five hundred dollars (\$500.00).

(7) If water service is disconnected a third time for such customer, water service shall not be restored until the city re-enters a level of water conservation less than Stage 2. For master meter customers, the service restoration fees shall be the same as above times the number of dwelling units.

(8) The city manager is directed to institute written guidelines for disconnection of water service under this provision, which will satisfy minimum due process requirements, if any.

(k) It shall be a defense to imposition of a surcharge hereunder, or to termination of service, that water used over allocation resulted from loss of water through no fault of the customer (for example, a major water line break) for the following conditions:

(1) The customer shall have the burden to prove such defense by objective evidence (for example, a written certification of the circumstances by a plumber).

(2) A sworn statement may be required of the customer.

(3) This defense shall not apply if the customer failed to take reasonable steps for upkeep of the plumbing system, failed to reasonably inspect the system and discover the leak, failed to take immediate steps to correct the leak after discovered, or was in any other way negligent in causing or permitting the loss of water.

(l) When this section refers to allocation or water usage periods as "month," "monthly," "billing period," and the like, such references shall mean the period in the city's ordinary billing cycle which commences with the reading of a meter one (1) month and commences with the next reading of that meter which is usually the next month.

(1) The goal for the length of such period is thirty (30) days, but a variance of two (2) days, more or less, will necessarily exist as to particular meters.

(2) If the meter reader system is prevented from timely reading a meter by any obstacle which is attributable to the customer, the original allocation shall apply to the longer period without modification.

(Ord. No. 24396, § 1, 3-20-2001; Ord. No. 029846, § 3, 5-28-2013; Ord. No. 029946, § 1, 9-10-2013; Ord. No. 031355, § 1, 1-30-2018; Ord. No. 031533, § 2, 9-11-2018)

## Sec. 55-155. Requests for exemptions and variances.

(a) ~~The director of water operations~~The Chief Operating Officer for Corpus Christi Water or his designee, may, in writing, grant a temporary variance to any of the provisions for water users found in this article XII upon determination that failure to grant such variance would cause an emergency condition adversely affecting the public health, sanitation, or fire protection for the public or person requesting such a variance.

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(b) A person requesting an exemption or variance from the provisions of this article shall file request on city-provided application for exemption/variance with the city water department within five (5) days after a particular reservoir system response stage has been invoked. All request forms shall be reviewed by the director ~~of water operations~~ or his designee, and shall include the following:

- (1) Name and address of the water user(s).
- (2) Purpose of water use.
- (3) Specific provision(s) of the ordinance from which the water user is requesting relief.
- (4) Detailed statement as to how the specific provision of the ordinance adversely affects the water user or what damage or harm will occur to the water user or others if water user complies with this plan.
- (5) Description of the exemption or variance requested.
- (6) Period of time for which the exemption or variance is sought.
- (7) Alternative water use restrictions or other measures the water user is taking or proposes to take to meet the intent of this plan and the compliance date.
- (8) Other pertinent information; or as required on permit application.

(c) No exemption nor variance shall be retroactive or otherwise justify any violation of this article occurring prior to the issuance of the exemption/variance.

~~(d) All requests for variances/exemptions shall be reviewed and determined within three (3) business days of receipt of complete application.~~

(de) The Chief Operating Officer for Corpus Christi Water ~~director of water operations~~ or his designee shall consider requests of water users for special consideration to be given as to their respective particular circumstances and is hereby authorized to, in special cases, grant such variance from the terms of this plan if such compliance would cause an emergency condition adversely affecting the public health, sanitation, or fire protection for the public or person requesting such a variance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this plan will result in unnecessary hardship, and so that the spirit of this plan shall be observed and substantial justice done.

(ef) Should a permit for special exception be granted, it shall be in effect from the time of granting through the termination of the then current stage, unless revoked by the Chief Operating Officer for Corpus Christi Water ~~director of water operations~~ for noncompliance; provided, that the permit is prominently posted on the premises within two (2) feet of the street number located on the premises. However, during Stage 3, exception to allow watering of new plantings may be permitted for up to 30 days.

(fg) A person denied request for permit or exception from these rules may appeal the decision to the assistant city manager for public works, utilities and transportation by submitting written request for appeal to the assistant city manager within five (5) business days from issuance of denial. The decision of the assistant city manager shall be final.

(gh) Violations of any permit condition may be enforced under section 55-156.

(Ord. No. 24396, § 1, 3-20-2001; Ord. No. 24576, § 3, 9-11-2001; Ord. No. 029846, § 3, 5-28-2013; Ord. No. 029946, § 1, 9-10-2013; Ord. No. 031355, § 1, 1-30-2018)

## **Sec. 55-156. Violations, penalties, and enforcement.**

(a) A violation under this article is a Class C misdemeanor. Any person that violates any provision of this article shall be subject to a fine of not more than five hundred dollars (\$500.00) per violation per day. The culpable

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mental state required by V.T.C.A., Penal Code § 6.02 is specifically negated and dispensed with and a violation of this article is a strict liability offense.

- (b) The commission of a violation of each provision, and each separate violation thereof, shall be deemed a separate offense, in and upon conviction thereof, shall be fined as hereinabove provided.
- (c) If any person or a second person in the same household or premises, is found guilty of a second violation of this article, the superintendent shall be authorized to discontinue water service to the premises where such violation occurs.
- (d) Cases filed under this section shall be expedited and given preferential setting in municipal court before all other cases.
- (e) Any person whose name is on file with the utilities billing office as the customer on the water account for the property where the violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on said premises shall constitute *prima facie* evidence that the customer committed the violation, but said customer shall have the right to show that he did not commit the violation.
- (f) If any person fails to respond to a citation or summons issued for a violation of this article within the time allowed, upon receipt of notice from the director or a judge of the municipal courts, the superintendent is authorized to discontinue water service to the premises where such violation occurs.

(Ord. No. 24396, § 1, 3-20-2001; Ord. No. 24576, § 4, 9-11-2001; Ord. No. 029846, § 3, 5-28-2013; Ord. No. 029946, § 1, 9-10-2013)

#### **Sec. 55-159. Procedures for allocating water to raw water and wholesale treated water customers on a pro rata basis during a water shortage.**

- (a) In the event that the triggering criterion specified in section 55-152 for Stage 2 have been met, the city manager, or designee, is hereby authorized to initiate allocation preparations of water supplies on a pro rata basis to raw water and wholesale treated water customers in accordance with V.T.C.A., Water Code § 11.039.
  - (1) A raw water or wholesale treated water customer's monthly allocation shall be a percentage of the customer's water usage baseline. The percentage will be set by resolution of the city council based on the city manager's assessment of the severity of the water shortage condition and the need to curtail water diversions and deliveries, and may be adjusted periodically by resolution of the city council as conditions warrant. Once pro rata allocation is in effect, water diversions by or deliveries to each raw water or wholesale treated water customer shall be limited to the allocation established for each month.
  - (2) A monthly water usage allocation shall be established by the city manager, or the city manager's designee, for each raw water or wholesale treated water customer. The raw water or wholesale treated water customer's water usage baseline will be computed on the average water usage by month for the previous five-year period. If the raw water or wholesale treated water customer's billing history is less than five (5) years, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists.
  - (3) The city manager shall provide notice, by certified mail, to each raw water or wholesale treated water customer informing them of their monthly water usage allocations and shall notify the news media and the Executive Director of the Texas Commission on Environmental Quality upon initiation of pro rata water allocation.

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- (4) Upon request of the raw water or wholesale treated water customer or at the initiative of the city manager, the allocation may be reduced or increased if:
  - a. The designated period does not accurately reflect the raw water or wholesale treated water customer's normal water usage;
  - b. The customer agrees to transfer part of its allocation to another raw water or wholesale treated water customer; or
  - c. Other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established under this section to the City Council of the City of Corpus Christi.

(b) *Pro rata surcharges and enforcement.*

- (1) During any period when pro rata allocation of available water supplies is in effect, wholesale customers shall pay the following surcharges on excess water diversions:
  - a. Two (2.0) times the normal water charge per unit for water diversions and/or deliveries in excess of the monthly allocation up through five (5) per cent above the monthly allocation.
  - b. Two and one-half (2.5) times the normal water charge per unit for water diversions and/or deliveries in excess of the monthly allocation from five (5) per cent through ten (10) per cent above the monthly allocation.
  - c. Three (3.0) times the normal water charge per unit for water diversions and/or deliveries in excess of the monthly allocation from ten (10) per cent through fifteen (15) per cent above the monthly allocation.
  - d. Three and one-half (3.5) times the normal water charge per unit for water diversions and/or deliveries more than fifteen (15) per cent above the monthly allocation.

(c) *Variances.*

- (1) The city manager, or the city manager's designee, may, in writing, grant a temporary variance to the pro rata water allocation policies provided by this section if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the public health, welfare, or safety, and if one (1) or more of the following conditions are met:
  - a. Compliance cannot be technically accomplished during the duration of the water supply shortage or other condition for which the plan is in effect.
  - b. Alternative methods can be implemented which will achieve the same level of reduction in water use.
- (2) Raw water or wholesale treated water customers requesting an exemption from the provisions of this section shall file a petition for variance with the city manager within five (5) days after pro rata allocation has been invoked.
- (3) All petitions for variances shall be reviewed by the city council, and shall include the following:
  - a. Name and address of the petitioner(s).
  - b. Detailed statement with supporting data and information as to how the pro rata allocation of water under the policies and procedures established in this section adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this section.
  - c. Description of the relief requested.

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- d. Period of time for which the variance is sought.
- e. Alternative measures the petitioner is taking or proposes to take to meet the intent of this section and the compliance date.
- f. Other pertinent information.

(4) Variances granted by the city council shall be subject to the following conditions, unless waived or modified by the city council:

- a. Variances granted shall include a timetable for compliance.
- b. Variances granted shall expire when the pro-rata allocation of water to raw water or wholesale treated water customers is no longer in effect, unless the petitioner has failed to meet specified requirements.
- c. No variance shall be retroactive or otherwise justify any violation of this section occurring prior to the issuance of the variance.

(d) *Contractual remedies not affected.* Nothing in this section supersedes any remedies available to the city under any contract with a raw water or wholesale treated water customer due to the customer's failure to adopt or impose water conservation measures required by the contract.

(Ord. No. 24605, § 1, 10-9-2001; Ord. No. 029846, § 3, 5-28-2013; Ord. No. 029946, § 1, 9-10-2013; Ord. No. 031355, § 1, 1-30-2018)

Editor's note(s)—Formerly numbered § 55-159.1.

**SECTION 2.** The Corpus Christi Drought Contingency Plan as shown on attached and incorporated Exhibit is hereby adopted. The Drought Contingency Plan adopted by Ordinance No. 029846, as amended by Ordinance 030545, 031160, and Ordinance 031355 is hereby amended to reflect these changes and the amended Drought Plan be filed of record with the City Secretary's Office. City staff is directed to submit the amended Drought Contingency Plan to the Texas Commission on Environmental Quality and the Texas Water Development Board.

**SECTION 3.** If for any reason any section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

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**SECTION 4.** Publication shall be made in the official publication of the City of Corpus Christi as required by the City Charter of the City of Corpus Christi. Penalties are as provided in Section 1-6 of the Corpus Christi City Code. This ordinance takes effect on March 1, 2025 after publication.

Introduced and voted on the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

PASSED and APPROVED on the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

ATTEST:

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Paulette Guajardo, Mayor

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Rebecca Huerta, City Secretary