

**ORDINANCE NO. 09-05-21-08**

**AN ORDINANCE OF THE CITY OF CORINTH UPDATING AND AMENDING THE CITY'S YEAR-ROUND DROUGHT CONTINGENCY PLAN AND WATER CONSERVATION PLAN TO REDUCE WATER USAGE TO ENSURE THE HEALTH AND SAFETY OF CORINTH CITIZENS; REPEALING ORDINANCE NO. 03-1-23-04; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS OF THE DROUGHT CONTINGENCY PLAN; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

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

**WHEREAS**, the City Council, with the adoption of Ordinance No. 03-1-23-04, established a Drought Contingency Plan and Water Conservation Plan which provides for the reduction of water usage by customers of the Corinth water system and the implementation of emergency measures to reduce the demand upon the Corinth water system during drought conditions; and

**WHEREAS**, the City Council has determined that the amendment of the attached Drought Contingency Plan and Water Conservation Plan is necessary in order to promote and preserve fire safety, and public health and sanitation.

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

**SECTION 1.**

The City of Corinth hereby adopts the updated Drought Contingency Plan and Water Conservation Plan, as contained in Attachment "A" and Attachment "B" attached hereto and incorporated as if fully set forth herein.

**SECTION 2.**

The City Manager is hereby authorized to declare the existence of the trigger conditions for water wise, water watch, water warning, and emergency conditions as detailed in the Drought Contingency Plan, to initiate the measures prescribed for such conditions, and to terminate the requirements when the condition or emergency has ended.

### **SECTION 3.**

When the City Manager has made a determination that any of the trigger conditions set forth in the Drought Contingency Plan exist, the City Manager may order that the emergency measures set forth in the Plan be implemented. To be effective, the order must be published in a newspaper of general circulation in the City within twenty-four (24) hours.

### **SECTION 4.**

(a) A person commits an offense if the person makes, causes, or permits a use of water contrary to the measures implemented by the City Manager as prescribed in the Drought Contingency Plan.

(b) Any person who violates the Drought Contingency Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than One Hundred dollars (\$100.00) and not more than Two Thousand dollars (\$2,000.00). Each day that one or more of the provisions in the Drought Contingency Plan is violated shall constitute a separate offense.

(c) If a person is convicted of three or more distinct violations of the Drought Contingency Plan, the City Manager shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, hereby established at \$25.00, and any other costs incurred by the City of Corinth in discontinuing service. In addition, suitable assurance must be given to the City Manager or the Manager's designated representative, that the same action shall not be repeated while the Drought Contingency Plan is in effect.

(d) The City may also enforce compliance with the Drought Contingency Plan by seeking injunctive relief in the district court.

(e) Any person, including a person classified as a water customer of the City, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation.

(f) A parent shall be presumed to be responsible for violations of his or her minor child and proof that a violation, committed by a child, occurred on property within the parent's control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she had previously directed the child not to use the water as it was used in violation of the Drought Contingency Plan

and the parent demonstrates that the parent could not have reasonably known of the violation.

(g) Any police officer, or other employee of the City of Corinth designated by the City Manager, may issue a citation to a person he/she reasonably believes has committed a violation of this Ordinance. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator. The alleged violator shall appear in municipal court to enter a plea to the charge. If the alleged violator fails to appear in municipal court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant.

#### **SECTION 5.**

This ordinance shall be cumulative of all provisions of ordinances of the City of Corinth, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. Specifically, Ordinance No. 03-1-23-04 is repealed.

#### **SECTION 6.**

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

#### **SECTION 7.**

All rights and remedies of the City of Corinth are expressly saved as to any and all violations of the provisions of any ordinances affecting drought management which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

#### **SECTION 8.**

The City Secretary of the City is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof.

#### **SECTION 9.**

The City Secretary of the City of Corinth is hereby directed to engross and enroll this ordinance by copying the caption, penalty clause, publication clause and effective date clause in the minutes of the City Council and by filing the ordinance in the ordinance records of the City.

**SECTION 10.**

The City Secretary of the City of Corinth is hereby directed to publish the caption and penalty clause of this Ordinance in the official newspaper at least once within ten (10) days after the passage of this ordinance.

**SECTION 11.**

This ordinance shall be in full force and effect after its passage and publication as provided by law and it is so ordained.

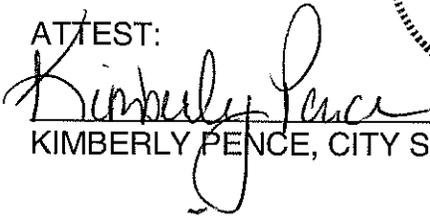
**PASSED AND APPROVED ON THIS 21ST DAY OF MAY, 2009.**



PAUL RUGGIERE, MAYOR

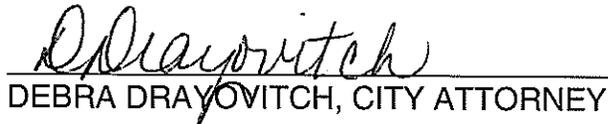


ATTEST:



KIMBERLY PENCE, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:



DEBRA DRAYOVITCH, CITY ATTORNEY

**ATTACHMENT "A"**  
**DROUGHT CONTINGENCY PLAN**  
**FOR THE CITY OF CORINTH**

**May 21, 2009**

**Section 1: Declaration of Policy, Purpose, and Intent**

A. To conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety as well as minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Corinth (the "City") hereby adopts the following regulations and restrictions on the delivery and consumption of water.

B. Water uses regulated or prohibited under the Drought Contingency Plan (the "Plan") are considered to be non-essential. 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 10 of this Plan.

**Section 2: Public Involvement**

Opportunity for the public to provide input into the preparation of the Plan was provided through the City's website and through a public hearing during a Corinth City Council Meeting.

**Section 3: Public Education**

The City of Corinth will periodically provide the public with information about the Plan. This will include information regarding the conditions each stage of the Plan is to be initiated or to be terminated under and the drought response measures that will be

implemented for each stage. Source areas for this information will be the City's website, The Lake Cities Sun newspaper and the information section of the City water bills.

**Section 4: Coordination with Regional Water Planning Groups**

The Drought Contingency Plan has been developed in coordination with the Upper Trinity Regional Water District (UTRWD) and contains provisions and responses that are intended to be uniformly applied among all UTRWD customers. The City of Corinth will evaluate this plan periodically to keep it up to date for the City of Corinth service area, population, water supply, transmission system, and for compliance with UTRWD requirements. The City of Corinth must provide a copy of this Plan to the Texas Commission on Environmental Quality, the Upper Trinity Regional Water District, and to the Texas Water Development Board.

**Section 5: Authorization**

The City Manager is hereby authorized and directed to implement the applicable provisions of the Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The City Manager shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in the Plan.

**Section 6: Application**

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

## **Section 7: Definitions**

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

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

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

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

Customer: individuals, corporations, partnerships, associations, and all other legal entities using water supplied by the City of Corinth.

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

Even number address: street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8.

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

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

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

- a) irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
- b) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- c) use of water to wash down any sidewalks, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- d) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- e) flushing gutters or permitting water to run or accumulate in any gutter or street;
- f) use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
- g) use of water in a fountain or pond for aesthetic or scenic purposes other than fire fighting.
- h) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).
- i) use of water from hydrants for construction purposes or any other purposes other than fire fighting.

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

## Section 8: Criteria for Initiation and Termination of Drought Response Stages

A. The City Manager shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified “triggers” are reached. The triggering criteria described below is based on a statistical analysis of the vulnerability of the water source under drought of record conditions, or based on known system capacity limits.

### B. Stage 1 – Water Wise (Voluntary)

1. **Requirements for Initiation.** The following are key conditions, any one of which may trigger this stage:

- a. UTRWD has announced Stage 1 – Water Wise; or
- b. Water demand has reached or exceeded 85% of delivery capacity for four consecutive days; or
- c. Water demand is approaching a level that will cause a reduced delivery capacity for all or part of the distribution system, as determined by the City of Corinth; or
- d. The water supply system has a significant limitation due to failure of or damage to important water system components.

2. **Goal.** In this stage, it is the goal of the City of Corinth, with voluntary action by the City and its customers, to reduce the stress on triggering conditions and achieve a 1% reduction in total water use, as measured in gallons per capita per day (GPCD); and, increase public awareness about the need to conserve and save water.

3. **Voluntary Water Use Restrictions for Reducing Demand.** Under this stage, customers shall be requested to *voluntarily* conserve water and to comply with restrictions on certain non-essential water use as provided below. Specific measures to be implemented during the stage will be determined by the City Manager. The City Manager may also take other actions not listed, if deemed necessary.

- a. Encourage reduction in frequency of all landscape irrigation.
- b. Reduce the frequency of washing or rinsing of vehicles; and, recommend use of bucket/container, hand-held hose with positive shut-off valve or commercial car wash.
- c. Request customers to reduce the frequency of draining and refilling swimming pools.
- d. Ask customers to avoid waste during recreational use (water used for leisure and entertainment purposes) from faucets and hoses, or hydrants.
- e. Increase public information about regular guidelines for time-of-day (6:00 pm to 10:00 am) landscape irrigation.
- f. Seek reduction of water use through *voluntary* day-of-week watering schedule. For example, irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems may be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8) and for locations without addresses, and Saturdays and Wednesdays for water customers with a street

address ending in an odd number (1, 3, 5, 7 or 9). Apartments, office building complexes or other property containing multiple addresses may be identified by the lowest address number.

g. Irrigation of landscaped areas and building foundations is permitted at any time if it is by means of a hand-held hose, a bucket, or by drip irrigation or soaker hose systems.

h. Supplement public education efforts about water conservation, by teaching and encouraging reduced water use practices.

i. Set a good example by being alert to non-essential government water use. (Examples include vehicle washing, operation of ornamental fountains, landscape uses for parks or medians, etc.)

4. **Termination.** Stage 1 may terminate when UTRWD terminates its Stage 1 condition or when the circumstances that caused the initiation of Stage 1 – Water Wise no longer prevail.

C. **Stage 2 – Water Watch (Mandatory)**

1. **Requirements for Initiation.** The following are key conditions, any one of which may trigger Stage 2:

a. UTRWD has initiated Stage 2 – Water Watch ; or

b. Water demand has reached or exceeded 90% of delivery capacity for three consecutive days; or

c. Water demand has reached a level that is causing a reduced delivery capacity for all or part of the distribution system, as determined by the City of Corinth; or

d. The water supply system is unable to deliver water at normal rates due to failure of or damage to major water system components; or

e. Natural or man-made contamination of a water supply available to the City of Corinth.

2. **Goal.** In this stage, it is the City’s goal to ensure an adequate supply of water for normal domestic and commercial uses and for firefighting during a period of short-term system degradation, inadequacy, or drought. The goal for water use reduction under Stage 2 is a five percent (5%) reduction in the use that would otherwise have occurred in the absence of drought contingency measures.

3. **Water Use Restrictions for Demand Reduction.** Under this stage, customers will be requested to continue all *voluntary* measures, plus adhere to the following *mandatory* measures to conserve water and to comply with restrictions on certain non-essential water uses as provided below. The City Manager may implement specific measures during this stage and may also take other actions not listed, if deemed necessary. All requirements of Stage 1 shall remain in effect during this Stage 2, and all persons shall comply with the following measures:

a. Recreational water use (water used for leisure and entertainment purposes), including use of faucets or hoses in such a manner that creates run-off or other wastes, is prohibited.

- b. Washing of any motor vehicle, motorbike, boat, trailer, airplane or other vehicle shall be accomplished through the use of a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. However, such washing may be exempted from these regulations if the health, safety, and welfare of the public are contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
- c. The City shall encourage further reduction in draining and filling of swimming pools.
- d. The hosing off paved areas, buildings, windows or other hard surfaces is prohibited. Normal window washing is okay.
- e. The City shall enforce the regular guidelines for time-of-day (6:00 pm to 10:00 am) landscape irrigation.
- f. A *mandatory* day-of-week watering schedule shall apply. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8) and for locations without addresses; and, Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9). Apartments, office building complexes or other property containing multiple addresses may be identified by the lowest address number.
- g. Irrigation of landscaped areas and building foundations is permitted at any time if it is by means of a hand-held hose, a bucket, or by drip irrigation or soaker hose systems.
- h. The City shall step-up the public education efforts about water conservation, teaching and encouraging reduced water use practices.
- i. The City shall continue intensified leak detection and repair activities on water pipes and mains.
- j. The City of Corinth is restricted to day-of-week and time-of-day landscape watering schedule except for parks and golf courses.
- k. The City shall utilize the day-of-week landscape watering schedule for parks and golf courses.
- l. The City shall announce enforcement efforts and penalties for noncompliance. Enforcement to be primarily based on complaints being received.
- 4. **Termination.** Stage 2 may terminate when UTRWD terminates its Stage 2 condition, or when the circumstances that caused the initiation of Stage 2 no longer prevail. Upon termination of Stage 2, Stage 1 – Water Wise will remain in effect, unless otherwise announced by the City of Corinth or UTRWD.

**D. Stage 3 – Water Warning (Mandatory)**

- 1. **Requirements for Initiation.** The following are key conditions, any one of which may trigger Stage 3:
  - a. UTRWD has initiated Stage 3 – Water Warning; or

- b. Water demand has reached or exceeded 95% of delivery capacity for two consecutive days; or
- c. Water demand exceeds the delivery capacity for all or part of the distribution system, as determined by the City of Corinth; or
- d. Water supply system is unable to deliver water in adequate quantities due to failure of or damage to major water system components; or
- e. Interruption of one or more water supply source(s).
- f. Natural or man-made contamination of the water supply available to the City of Corinth.

2. **Goal.** In this stage, it is the City's goal to ensure an adequate supply of water for essential domestic and commercial uses and for firefighting during periods of sustained system degradation, inadequacy or continuing drought. The goal for water use reduction under Stage 3 is a reduction of fifteen percent (15%) in the use that would otherwise have occurred in the absence of drought contingency measures.

3. **Water Use Restrictions for Reducing Demand.** Customers shall be required to comply with the requirements and *mandatory* restrictions on non-essential and other water uses as provided below. Following is a menu of possible actions. The City Manager shall implement specific measures and may also take other actions not listed, if deemed necessary. All requirements of Stage 2 shall remain in effect during this Stage 3, plus the following incremental or new measures:

- a. Irrigation of landscaped areas shall be limited to one day per week (according to an announced schedule).
- b. Landscape irrigation shall be limited to the hours between 6:00 pm and 10:00 am. Irrigation of landscape and building foundations by means of hand-held hose, a bucket, or by drip irrigation or soaker hose systems shall be limited to same hours on any day.
- c. All non-essential uses of water by all departments of the City of Corinth shall be substantially restricted, and as a minimum shall comply with the restrictions applied to domestic customers.
- d. Washing of any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the immediate premises of a commercial car wash or commercial service station, and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6:00 pm and 10:00 am.
- e. The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi type pools is prohibited.
- f. Issuance of permits for new swimming pools, hot tubs, spas and ornamental ponds shall be suspended, and if already issued, construction may not be initiated.
- g. Municipal landscape watering is prohibited. Watering of golf course greens and tee boxes is restricted to 6:00 pm to 10:00 am; watering of other golf course areas and parks is prohibited.

- h. Watering of nursery plant stock is restricted to the designated off-peak hours applicable to residential customers.
- i. Consideration of adopting a rate surcharge of ten percent (10%) for all water use over the adopted rates for all water use by all customers. The surcharge would apply to usage in excess of 10,000 gallons per month for all customers.
- j. Step-up enforcement activities by having officers or operators in the field.

4. **Termination.** Stage 3 may terminate when UTRWD terminates its Stage 3 condition, or when the circumstances that caused the initiation of Stage 3 no longer prevail. Upon termination of Stage 3, Stage 2 – Water Watch will be initiated, unless otherwise provided by the City of Corinth or UTRWD.

E. **Stage 4 – Emergency**

1. **Requirements for Initiation.** The following are key conditions, any one of which may trigger Stage 4:

- a. UTRWD has initiated Stage 4 – Emergency; or
- b. Water demand has reached or exceeded the delivery capacity of the distribution system as determined by the City of Corinth; or
- c. Water supply system is unable to deliver water due to failure or damage of major water system components; or
- d. Interruption of one or more water supply sources(s).
- e. Natural or man-made contamination of the water supply available to the City of Corinth.

2. **Goal.** In this stage, it is the goal of the City of Corinth to ensure an adequate supply of water for minimum domestic use, public health and safety and for firefighting during a period of severe system degradation, inadequacy or drought. The goal for water use reduction under Stage 4 is twenty-five percent (25%) in the use that would have occurred in the absence of drought contingency measures. If circumstances warrant, or as required by UTRWD, the City Manager may set a goal for further water use reduction.

3. **Water Use Restrictions for Reducing Demand.** Specific actions taken during this stage, including water allocation will be determined by the City Manager. All requirements of Stages 2 and 3 shall remain in effect during Stage 4 plus the following additional measures:

- a. During Emergency Conditions, the City Council of the City of Corinth may modify, amend or extend any provisions of this Plan as warranted by the conditions and circumstances.
- b. Irrigation of landscaped areas is absolutely prohibited, except that foundations and trees may be watered for 2 hours on any day with a hand-held hose, a soaker hose, or a dedicated zone using a drip irrigation system.

- c. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited, except as necessary for health, sanitation, or safety reasons.
  - d. 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 emergency stage shall be in effect.
  - e. Consideration of adopting a rate surcharge of ten percent (10%) for all water use over the adopted rates for all water use by all customers. The surcharge shall apply to usage in excess of 10,000 gallons per month for all customers.
4. **Termination.** Stage 4 may terminate when UTRWD terminates its Stage 4 condition, or when the circumstances that caused the initiation of Stage 4 no longer prevail. Upon termination of Stage 4, Stage 3 – Water Watch will remain in effect unless otherwise announced by the City of Corinth or UTRWD.

#### **Section 9: Drought Response Stages**

The City Manager shall monitor water supply and/or demand condition on a daily basis and, in accordance with the triggering criteria set forth in Section 8 of this Plan, shall determine whether water wise, water watch, water warning, or emergency water shortage condition exists and shall implement the following notification procedures:

1. **Notification of the Public.** The City Manager shall notify the public by means of:
  - a. Publication in a newspaper of general circulation.
  - b. Direct mail to each customer.
  - c. Public service announcements.
  - d. Signs posted in public places.
  - e. City of Corinth website.
2. **Additional Notification.** The City Manager shall notify directly, or cause to be notified directly, the following individuals and entities:
  - a. Mayor and members of the City Council
  - b. Fire Chief(s)
  - c. City and/or County Emergency Management Coordinator(s)
  - d. TCEQ (required when mandatory restrictions are imposed)
  - e. Major water users
  - f. Critical water users, i.e. hospitals
  - g. Parks and Street Superintendents & public facilities managers

#### **Section 10: Enforcement**

The provisions of this Plan shall be enforced as set forth in Section 4 of Ordinance No.09-05-21-08, which adopted this plan.

**Section 11: Variances**

A. The City Manager may, in writing, grant a temporary variance for existing water use otherwise prohibited under this Plan if the City Manager determines that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

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

B. A person requesting an exemption from the provisions of this Ordinance shall file a petition for variance with the City of Corinth within 5 days after the Plan or a particular drought response stage has been invoked. The City Manager will review all petitions for variances, which shall include the following:

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

C. A variance shall be subject to the following conditions, unless waived or modified by the City Manager:

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

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

**ATTACHMENT "B"**  
**WATER CONSERVATION PLAN**  
**FOR THE CITY OF CORINTH**

**May 21, 2009**

**Section 1: Declaration of Policy, Purpose and Intent.**

The purpose of the Water Conservation Plan (Plan) is to promote the wise and responsible use of water by (1) implementing structural programs that result in quantifiable water conservation results, (2) developing, maintaining, and enforcing water conservation policies and ordinances, and (3) supporting public education programs that educate customers about water quantity and quality, water conservation and non-point source protection.

**Section 2: Utility Profile**

Corinth's primary source of treated water is supplied to the City by the Upper Trinity Regional Water District located in Lewisville, Texas; Upper Trinity's primary source of water is from Lake Lewisville. In addition, the City has one groundwater well that is only used for emergency purposes or to assist with peak water demands during summer months.

**Section 3: Water Conservation Goals**

Corinth's average daily water usage is approximately 145 gallons per capita per day (gpcd) as measured from 2004 to 2008. The City's water conservation goals are to reduce water usage to 138 gpcd (5 percent) by the year 2014 and to 131 gpcd (10 percent) by the year 2019. It is anticipated that these goals will be accomplished through a combination of water conservation and education programs set forth in this plan.

**Section 4: Metering Devices and Utility Management**

The City of Corinth meters all water usage, except water used for fire protection, including all new construction within the City. It is Corinth's policy to purchase meters that meet the minimum standards developed by the American Water Works Association. The City's water supplier, Upper Trinity Regional Water District, calibrates its meter annually in accordance with the AWWA standards to maintain an accuracy of plus or minus two percent. The City of Corinth tests its residential and commercial water meters at the request of citizens or businesses. The City is in the process of developing a water meter testing and calibration facility. When water meters are found to be reading outside of an acceptable test range they are replaced.

A monthly audit is conducted on the City's water system to quantify unaccounted for water loss. The City's unaccounted for water is approximately six percent of the total volume pumped into the distribution system; the City's goal is to keep unaccounted for water below ten percent.

The City's utility department operates a leak detection program to locate leaks in the water transmission and distribution mains so the leaks can be repaired. Leaks are located using sound equipment and through visual inspection. Once located, the required repair information is entered into a database and tracked through the process.

**Section 5: Water Conservation Program**

The City of Corinth water conservation program is comprised of strategies that include structural changes to the water system, administrative water conservation efforts, and public education efforts.

Structural changes are those that result in a physical modification of water use devices or practices such as plumbing retrofit or rehab programs. It is the intent that these programs result in definable and quantifiable conservation amounts. Corinth will support the rehabilitation of its own water distribution system and storage facilities to minimize water loss due to leaks. Corinth assists its utility customers by helping to identify leaks in irrigation and residential plumbing systems.

Administrative water conservation efforts are programs or policies that support and encourage water conservation. The City of Corinth has established a water conserving rate structure such that the billing rate per 1,000 gallons of water consumed increases after 10,000 gallons, 25,000 gallons, and 50,000 gallons per month. The City of Corinth Code Enforcement and Building Inspection Department actively enforces all rules, codes, and regulations regarding water conservation.

Public education efforts are made by the City to inform the public on the need for water conservation and about the actual ways water can be conserved. The City currently provides information about water conservation on our website and through a local newsletter. The City also provides book covers to elementary children with information about water conservation printed on them. The City is preparing a brochure about water conservation that will be mailed out to all utility accounts with their water bills.

#### **Section 6: Means of Implementation and Enforcement**

The water conservation plan will be enforced by providing service taps only to customers that comply with adopted ordinances, maintaining an increasing water billing rate structure, and by certifying only new construction that conforms to adopted ordinances.

#### **Section 7: Revisions to the Water Conservation Plan**

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

#### **Section 8: Coordination with Regional Planning Group**

The service area of Corinth is located within the Region C Water Planning Area and a copy of the Plan has been provided to the Region C Planning Group.

**STATE OF TEXAS  
COUNTY OF DENTON  
CITY OF CORINTH**

On this the 17<sup>th</sup> day of April 2014 the City Council of the City of Corinth, Texas met in a Regular Session at 7:00 P. M. at the Corinth City Hall, located at 3300 Corinth Parkway, Corinth, Texas. The meeting date, time, place and purpose as required by Title 5, Subtitle A, Chapter 551, Subchapter C, Section 551.041, Government Code, with the following members to wit:

**Members Present:**

Paul Ruggiere, Mayor  
Joe Harrison, Mayor Pro-Tem  
Randy Gibbons  
Jim Mayfield  
Mike Amason  
Lowell Johnson

**Staff Members Present:**

Rick Chaffin, City Manager  
Fred Gibbs, Planning & Development Director  
Justin Brown, Public Works Director  
Lee Ann Bunselmeyer, Human Resources Director  
Kim Pence, City Secretary

**Members Absent:**

None

**Others Present:**

Dale Ridinger, Dale Ridinger Associates  
Reginald Remberg, Developer

**CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE:**

Mayor Ruggiere called the meeting to order at 7:00 P.M., Councilmember Amason delivered the invocation and Mayor Ruggiere led in the Pledge of Allegiance.

**PROCLAMATION:**

Mayor Ruggiere read the Proclamation proclaiming May as "Motorcycle Awareness Month"

**CONSENT AGENDA:** All matters listed under the Consent Agenda are considered to be routine and will be enacted in one motion. Should the Mayor, a Councilmember, or any citizen desire discussion of any Item that Item will be removed from the Consent Agenda and will be considered separately.

1. Consider and act on Minutes from the March 6, 2014 Regular Session.
2. Consider and act on an ordinance of the City of Corinth, Texas approving an amendment to the fiscal year 2013-14 Annual Program of Services to provide for expenditures of funds for the judgment rendered in Cause #2008-20730-158 and providing an effective date.

Councilmember Johnson asked to remove item #2.

**AYES:** Gibbons, Mayfield, Amason, Johnson, Harrison  
**NOES:** NONE  
**ABSTAIN:** NONE

**NOMINATION CARRIED**

**Mayor Ruggiere opened nominations.**

Councilmember Mayfield nominated Haven Hendrik for the Keep Corinth Beautiful Board.

**Mayor Ruggiere closed nominations.**

**AYES:** Gibbons, Mayfield, Amason, Johnson, Harrison  
**NOES:** NONE  
**ABSTAIN:** NONE

**NOMINATION CARRIED**

7. Discuss, consider and take any action regarding the City's Drought Contingency Plan and Water Conservation Plan.

**Rick Chaffin, City Manager** – We are required to update our drought contingency plan every five years.

**Justin Brown, Public Works Director** – What I would ask you to do tonight is to authorize staff to submit our existing plans to the state to fulfill the requirement. We do have few things that need to be updated. Our drought plan was modeled after Upper Trinity's drought plan. The plan needs to be modified, but I would like to wait to see what the other cities in the region are doing, especially Dallas so we can do something similar. I need to send something to the state, so I will take the meeting minutes and send those showing that the Council authorized me to submit the current ordinance. I will probably come back mid-summer and look for a modification.

**MOTION** made by Councilmember Johnson that we instruct the City Manager to continue the current drought contingency plan and submit it at this time and include the water conservation with it. Seconded by Councilmember Amason.

**AYES:** Gibbons, Mayfield, Amason, Johnson, Harrison  
**NOES:** NONE  
**ABSTAIN:** NONE

**MOTION CARRIED**

8. Consider and act on Change Order number two with CPS Civil for the Shady Rest Water Line Project.

**Rick Chaffin, City Manager** – We did underestimate the amount of water line needed to complete the project. We verified that so this change order is requested for about \$42,000.

**Justin Brown, Public Works Director** – Basically the overrun was on a single line item and it had to do with water service lines. When we put in a new water main in a neighborhood we replace all the service lines. The water service lines were way underestimated here.

**Councilmember Johnson** – I noticed you were asking for \$42,120 but actually on the contractor's bill it says \$43,120.

**Councilmember Amason** – I talked to a couple of different citizens having gone to the city of Denton to get library cards and they talked about how easy and seamless it was and seemed very happy.

**EXECUTIVE SESSION:**

If, during the course of the meeting, any discussion of any item on the agenda should need to be held in executive or closed session for the City Council to seek advice from the City Attorney as to the posted subject matter of this City Council Meeting, the City Council will convene in such executive or closed session, in accordance with the provisions of the Government Code, Title 5, Subchapter D Chapter 551, to consider one or more matters pursuant to the following:

**Section 551.071.** Private consultation with its attorney to seek advice about pending or contemplated litigation; and/or settlement offer; (2) and/or a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State of Texas clearly conflicts with chapter 551.

**Council met in Executive Session from 7:51 PM to 8:05 PM**

**Section 551.072.** To deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

**Section 551.074.** To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.

**Section 551.087.** To deliberate or discuss regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect.

After discussion of any matters in executive session, any final action or vote taken will be in public by the City Council. City Council shall have the right at any time to seek legal advice in Executive Session from its Attorney on any agenda item, whether posted for Executive Session or not.

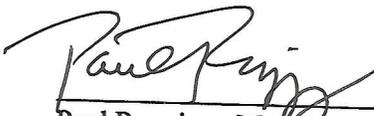
**RECONVENE IN OPEN SESSION TO TAKE ACTION, IF NECESSARY, ON EXECUTIVE SESSION ITEMS:**

**ADJOURN:**

**Mayor Ruggiere adjourned the regular session at 9:09 P.M.**

  
Kimberly Pence, City Secretary  
City of Corinth, Texas



  
Paul Ruggiere, Mayor