

ORDINANCE NO. 2009-20

AN ORDINANCE OF THE CITY OF BELTON, TEXAS, AMENDING THE CITY'S DROUGHT CONTINGENCY PLAN WHICH ESTABLISHES CRITERIA FOR THE INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES; RESTRICTIONS ON CERTAIN WATER USES; PENALTIES FOR THE VIOLATION OF AND PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS; PROCEDURES FOR GRANTING VARIANCES; AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Belton, Texas recognizes that the amount of water available to the City and its water utility customers is limited and subject to depletion during periods of extended drought;

WHEREAS, the City recognizes the natural limitations due to drought conditions and other acts of God cannot guarantee an uninterrupted water supply for all purposes;

WHEREAS, Section 11.1272 of the Texas Water Code and applicable rules of the Texas Commission on Environmental Quality require all public water supply systems in Texas to prepare a drought contingency plan; and

WHEREAS, as authorized under law, and in the best interests of the citizens of Belton, Texas, the City Council deems it expedient and necessary to establish certain rules and policies for the orderly and efficient management of limited water supplies during drought and other water supply emergencies;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF BELTON, TEXS:

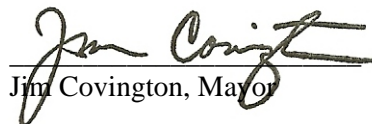
SECTION 1. That the amended City of Belton, Texas Drought Contingency Plan attached hereto as Exhibit A and made part hereof for all purposes, is hereby adopted as the official policy of the City.

SECTION 2. That all ordinances that are in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not conflict with the provisions of this ordinance shall remain in full force and effect.


SECTION 3. Should any paragraph, sentence subdivision, clause phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance or any part or provision thereof, other that the part so declared to be invalid, illegal or unconstitutional

SECTION 4. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

DULY PASSED BY THE CITY OF BELTON, TEXAS, on the 28th day of April, 2009.


Jim Covington, Mayor

ATTEST:


Connie Torres, City Clerk

**DROUGHT CONTINGENCY PLAN
FOR THE
CITY OF BELTON
2009**

SECTION I: DECLARATION OF POLICY, PURPOSE, AND INTENT

In order 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 and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Belton hereby adopts the following regulations and restrictions on the delivery and consumption of water.

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

SECTION II: PUBLIC INVOLVEMENT

Opportunity for the public to provide input into the preparation of the Plan was provided by the City of Belton by means of public notices in the Temple Telegram. A public hearing was conducted at the City Council Meeting on April 28, 2009.

SECTION III: PUBLIC EDUCATION

The City of Belton will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of public notices, press releases and mailings.

SECTION IV: WHOLESALE WATER CUSTOMER EDUCATION

The City of Belton does not have any wholesale customers at this time; however, the City chooses to include these guidelines in the Plan should the City obtain wholesale water customers in the future.

The City of Belton will periodically provide wholesale water customers with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of providing a copy of the Plan to the wholesale customer and periodic mailing of information about the Plan.

SECTION V: COORDINATION WITH REGIONAL WATER PLANNING GROUPS

The service area of the City of Belton is located within the Region G Water Planning Area, and City of Belton has provided a copy of this Plan to the Brazos G Regional Water Planning Group.

SECTION VI: AUTHORIZATION

The 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. 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.

SECTION VII: APPLICATION

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

SECTION VIII: DEFINITIONS

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

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

Commercial and institutional water use: Water used which is integral to the operations of commercial and 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 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: Any person, company, or organization using water supplied by the City of Belton.

Domestic water use: Water used 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 and locations without addresses.

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 or required for the protection of public health, safety, and welfare, including:

1. Irrigation of landscape areas, including parks, athletic fields, and golf courses, otherwise provided under this Plan;
2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
3. Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts or other hard-surfaced areas;
4. Use of water to wash down buildings or structures for purposes other than immediate fire protection;
5. Flushing gutters or permitting water to run or accumulate in any gutter or street;
6. Use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
7. Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
8. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
9. Use of water from hydrants for construction purposes or any other purposes other than fire hting.

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

SECTION IX: WHOLESALE CUSTOMER WATER CONTRACT

In the event the City of Belton enters into a contract with a wholesale customer, it shall be a requirement that the wholesale customer develop and implement a water conservation plan. The requirement shall be made a part of the contract. Further, if the wholesale customer intends to resell the water, the contract between the initial supplier and wholesale customer must provide that the contract for resale of the water has a water conservation requirement, so that each successive customer in the resale of the water will be required to implement conservation measures accordance with TAC Chapter 288.

It shall also be a contract provision in every water wholesale contract entered into or renewed after adoption of the Plan, that in case of water shortage resulting from drought, potable water must be distributed in accordance with Texas Water Code 11.039.

SECTION X: TRIGGERING CRITERIA FOR INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES

The City Manager or designee shall monitor water supply and/or demand conditions on a regular basis and shall determine when conditions warrant initiation or termination of each stage of the Plan.

Public notification of the initiation or termination of drought response stages shall be by means of public notice in the Belton Journal, Temple Daily Telegram and public service announcements of local radio and TV stations. Additional notification may be made through mailings, door hangers, telephone or other appropriate means. Notification of Wholesale customers will be made by mail or telephone.

The triggering criteria described below are based on water production and distribution system limitations and emergency conditions (e.g. Supply source contamination and system outage due to the failure or damage of major water system components). Analysis of the City's water supply availability under drought of record conditions indicate there is essentially no risk of water supply shortage at this time. Ample amounts of raw water are available in the City through the wholesale water purchase contracts and from City holdings in Lake Belton. The only restrictions are those resulting from production and pumping limitations of the existing water plant.

STAGE 1 - MILD WATER SHORTAGE CONDITIONS

Requirements for initiation - Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses for Stage 1, as provided in Section XI-Drought Response Stages, when one of the following criteria are met.

1. When total daily water demand equals or exceeds 6.45 million gallons for three (3) consecutive days or 7.31 million gallons on a single day (based on the current supply capacity of existing system from Bell County WCID #1 of 10.0 MGD)
2. Total treated water in the elevated storage does not refill to 80% of capacity overnight.

Requirements for termination - Stage I of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of seven (7) consecutive days, or when the City Manager or designee declares termination.

STAGE 2 – MODERATE WATER SHORTAGE CONDITIONS

Requirements for initiation - Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 2, as provided in Section XI Drought Response Stages, when one of the following criteria are met:

1. When total daily water demand equals or exceeds 6.88 million gallons for three (3) consecutive days or 7.74 million gallons in a single day (based on the current supply capacity of Bell County WCID #1 OF 10.0 MGD)
2. Total treated water in the elevated storage does not refill to 70% of capacity overnight.

Requirements for termination - Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of seven (7) consecutive days, or when the City Manager or designee declares termination. Upon termination of Stage 2, Stage 1 becomes operative unless otherwise determined by the City Manager.

STAGE 3 - SEVERE WATER SHORTAGE CONDITIONS

Requirements for initiation - Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of the Plan, as provided in Section XI Drought Response Stages, when one of the following criteria are met.

1. When total daily water demand equals or exceeds:
7.74 million gallons for three (3) consecutive days or 8.17 million gallons on a single day (based on the current supply capacity of Bell County WCID #1 of 10.0 MGD).
2. Total treated water in the elevated storage does not refill to 60% of capacity overnight.

Requirements for termination - Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of seven (7) consecutive days. Upon termination of Stage 3, Stage 2 becomes operative unless otherwise determined by the City Manager.

STAGE 4 - CRITICAL WATER SHORTAGE CONDITIONS

Requirements for initiation - Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 4, as provided in Section XI of this Plan when one of the following criteria are met:

1. Total treated water in elevated storage does not refill to 50% of capacity overnight;
2. City Manager declares a critical water shortage.

Requirements for termination - Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of seven (7) consecutive days or when the City Manager or designee declares termination. Upon termination of Stage 4, Stage 3 becomes operative unless otherwise determined by the City Manager.

STAGE 5 - EMERGENCY WATER SHORTAGE CONDITIONS

Requirements for initiation- Customers shall be required to comply with the requirements and restrictions for Stage 5 of this Plan, as provided in Section XI-Drought Response Stages, when the City Manager or designee determines that a water supply emergency exists based on:

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

SECTION XI: DROUGHT RESPONSE STAGES

The City Manager or designee shall monitor water supply and/or demand conditions on a regular basis and, in accordance with the triggering criteria set forth in Section X of the Plan, shall determine that a mild, moderate, severe, critical, or emergency condition exists and shall implement the following actions:

STAGE 1 - MILD WATER SHORTAGE CONDITIONS

Goal: Achieve a voluntary reduction in total water use and/or daily water demand.

Supply Management Measures: Discontinue flushing of water mains and flow testing of fire hydrants.

Voluntary Water Use Restrictions:

1. Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only between the hours of midnight and 10:00 a.m. and 8:00 p.m. to midnight on **designated watering days**.
2. All operations of the City of Belton shall adhere to water use restrictions prescribed for Stage 2 of the Plan.
3. Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

Wholesale Customers:

The 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 voluntary measures to reduce water use. (e.g. implement Stage 1 of the customer's drought contingency plan.)

STAGE 2 - MODERATE WATER SHORTAGE CONDITIONS

Goal: Achieve a 10 percent reduction in total water use and/or daily water demand.

Supply Management Measures: Discontinue flushing of water mains and flow testing of fire hydrants.

Water Use Restrictions: Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

1. 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 Saturdays and Wednesdays for water customers with a street

address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on **designated watering days**.

2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m., and between 8:00 p.m. and 12:00 midnight of the same date. Such washing, when allowed, shall be done with 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. Further, such washing may be exempted from these regulations, if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
3. Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight of the same date.
4. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life.
5. 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 permit from the City of Belton
6. Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except **on designated watering days** between the hours 12:00 midnight and 10:00 a.m., and between 8 p.m. and 12:00 midnight of the same date. However, if the golf course utilizes a water source other than that provided by the City of Belton, the facility shall not be subject to these regulations.
7. All restaurants are prohibited from serving water to its patrons except when requested.
8. The following uses of water are defined as non-essential and are prohibited:
 - (a) wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 - (b) use of water to wash down buildings or structures for purposes other than immediate fire protection;
 - (c) use of water for dust control;
 - (d) flushing gutters or permitting water to run or accumulate in any gutter or street; and
 - (e) failure to repair a controllable leak(s) within a reasonable period after having been given notice by the City directing the repair of such leak(s).

Wholesale Customers:

1. The City Manager or designee, will contact wholesale water customers to discuss water supply and/or demand conditions and the possibility of pro rata curtailment of water diversions and/or deliveries.
2. The City Manager or designee, will request wholesale water customers to initiate mandatory measures to reduce non-essential water use (e.g. implement Stage 2 of the customer's drought contingency plan).
3. The City Manager or designee, will initiate preparations for the implementation of pro rata curtailment of water diversions and/or deliveries by preparing a monthly water usage allocation baseline for each wholesale customer according to the procedures specified in Section XI of the Plan.

STAGE 3 - SEVERE WATER SHORTAGE CONDITIONS

Goal: Achieve a 20 percent reduction in total water use and/or daily water demand.

Supply Management Measures: Discontinue flushing of water mains and flow testing of fire hydrants.

Water Use Restrictions: All requirements of Stage 2 shall remain in effect during Stage 3 except:

1. Irrigation of landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight and 10:00 a.m., and between 8 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.
2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. in the morning, and between 8:00 p.m. and 12:00 midnight in the evening of the same date. Such washing, when allowed, shall be done with 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.
3. The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the City of Belton.
4. The use of water for construction purposes from designated fire hydrants is prohibited, even where previously allowed.

Wholesale Customers:

1. The 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 customers drought contingency plan)..

2. The 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 XI of the Plan.

STAGE 4 - CRITICAL WATER SHORTAGE CONDITIONS

Goal: Achieve a 30 percent reduction in total water use and/or daily water demand.

Supply Management Measures: Discontinue flushing of water mains and flow testing of fire hydrants.

Water Use Restrictions: All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except:

1. Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6:00 a.m. and 10:00 a.m., and between 8:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems are prohibited at all times.
2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations 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 a.m. and 10:00 a.m., and between 6:00 p.m. and 10 p.m.
3. The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.
4. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life.
5. No applications 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 allowed or approved.

Wholesale Customers:

City utility director shall contact responsible wholesale water customer official by phone and request they implement Stage 4 of their drought contingency plan.

The City Manager or designee will initiate pro rata curtailment of water diversions to achieve a 30 percent reduction in all wholesale customers' drought contingency allocations.

STAGE 5 - EMERGENCY WATER SHORTAGE CONDITIONS

Goal: Achieve a 40 percent reduction in total water use and/or daily water demand.

Supply Management Measures: Discontinue flushing of water mains and flow testing of fire hydrants.

Water Use Restrictions: All requirements of Stage 2,3, and 4 shall remain in effect during Stage 5 except:

1. Irrigation of landscaped areas is absolutely prohibited.
2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.

Wholesale Customers:

In the event the water shortage condition threatens public health, safety and welfare, the City Manager is hereby authorized to institute water rationing measures according to the following water allocation procedure:

Water Rationing:

In the event that water shortage conditions threaten public health, safety, and welfare, the City Manager is hereby authorized to institute water rationing measures according to the following water allocation procedures:

Water use restrictions as indicated under Stage 5 (Emergency Water Shortage Conditions) above are to be in effect. All outside water uses are prohibited, except for fighting fires and for animals.

1. Single-Family Residential Customers

The potable water allocation to residential water customers residing in a single-family dwelling under water rationing conditions shall be 8,000 gallons per customer (household) per month.

Residential water customers shall pay the following surcharges for all water usage above the allocated amount. The surcharge becomes effective upon initiation of water rationing and will be charged to the customer when allocated usage is exceeded. **This surcharge will be cumulative.** Current water rates shall apply up to and including monthly allocations. Current sewer rates shall apply as appropriate, but will not be surcharged.

RESIDENTIAL INSIDE CITY LIMITS

Allocation is 8,000 gallons per customer (household)
Surcharge of \$4.00 for the first 2,000 gallons over allocation
\$3.50 for each 1,000 gallons thereafter

RESIDENTIAL OUTSIDE CITY LIMITS

Allocation is 6,000 gallons per customer (household)
Surcharge of \$5.00 for the first 2,000 gallons over allocation
\$4.38 for each 1,000 gallons thereafter

2. Master-Metered Multi-Family Residential Customers

The allocation to a customer billed from a master meter which jointly measures water to multiple permanent residential dwelling units (e.g., apartments, mobile homes) shall be allocated 6,000 gallons per month for each dwelling unit. Customers billed from a master meter under this provision shall pay current water rates up to and including monthly allocations. Current Sewer rates shall apply as appropriate, but will not be surcharged.

A surcharge of \$3.50 will be charged for each 1,000 gallons over total allocation based on the number of rented apartments or mobile homes at the beginning of the billing period. Surcharges shall be cumulative.

3. Commercial/Industrial Customers

A monthly water usage allocation is established for each nonresidential commercial or industrial customer according to meter size. These customers shall pay the following monthly surcharges for each meter in the event water rationing (Stage 5) is placed into effect.

METER SIZE	MONTHLY ALLOCATION	SURCHARGE OVER ALLOCATION
⁵ / ₈ x ³ / ₄ to 1"	10,000 Gallons	\$3.50 per 1,000 Gallons
1- ¹ / ₂ " to 2"	25,000 Gallons	\$3.50 per 1,000 Gallons
3 to 6"	100,000 Gallons	\$3.50 per 1,000 Gallons
8"	250,000 Gallons	\$3.50 per 1,000 Gallons
10"	5,000,000 Gallons	\$3.50 per 1,000 Gallons

Current water rates will apply up to and including monthly allocations. Surcharges shall be cumulative. Current sewer rates shall apply as appropriate, but will not be surcharged.

SECTION XII: PRO RATA WATER ALLOCATION (Wholesale Customers)

In the event that the triggering criteria specified in Section IX of the Plan for Stage 3-Severe Water Shortage Conditions have been met, the City Manager is hereby authorized to initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code Section 11.039 and according to the following water allocation policies and procedures:

1. A wholesale customer's monthly allocation shall be a percentage of the customers 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/or deliveries and may be adjusted periodically by resolution of the City Council as conditions warrant. Once pro rata allocation is in effect, water diversion by or deliveries to each wholesale customers shall be limited to the allocation established for each month.

- 2 A monthly water usage allocation shall be established by the City Manager or designee for each wholesale customer. The wholesale customer's water usage baseline will be computed on the average water usage by month for the previous four-year period. If the wholesale water customer's billing history is less than four 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.

Example: Calculation of Monthly Allocation for a Hypothetical Wholesale Water Customer

All Units in this Chart represent 1000 Gallons

MONTH	2004	2005	2006	2007	2008	SUM	AVG	ALLOCATION PERCENTAGE	MONTHLY ALLOCATION
January	133	137	146	148	156	719	144	75%	108
February	115	122	133	133	147	650	130	75%	98
March	130	150	146	149	159	734	147	75%	110
April	130	167	168	157	187	808	162	75%	122
May	160	152	179	183	171	845	169	75%	127
June	226	184	172	205	249	1,035	207	75%	155
July	235	274	232	314	246	1,301	260	75%	195
August	222	203	206	337	309	1,277	255	75%	191
September	199	160	196	229	198	982	196	75%	147
October	165	172	197	165	185	884	177	75%	112
November	139	142	149	153	162	745	149	75%	112
December	142	143	150	156	165	755	151	75%	113
TOTAL	1,995	2,006	2,072	2,330	2,333	10,736	2,147		

3. The City Manager shall provide notice by Certified Mail to each wholesale 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. Upon request of the 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 wholesale customer's normal water usage; or
 - (b) The customer agrees to transfer part of its allocation to another wholesale customer; or
 - (c) Other objective evidence demonstrates that the designated allocation is inaccurate under present conditions.

A customer may appeal an allocation established hereunder to the City Council of the City of Belton.

SECTION XIII: VARIANCES

The City Manager or designee may, in writing, grant 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 health, welfare or safety of 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, and
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 Ordinance shall file a petition for variance with the City of Belton within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the City Manager or 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 of Belton shall be subject to the following conditions, unless waived or modified by the City Manager or designee:

1. Variances granted shall include a timetable for compliance.
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 Customers:

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 and/or deliveries:

1. 1.5 times the normal water charge per 1,000 gallons for deliveries excess of the monthly allocation up through five percent (5%) above the monthly allocation.
2. 2.0 times the normal water charge per 1,000 gallons for deliveries in excess of the monthly allocation from five percent (5%) through ten percent (10%) above the monthly allocation.
3. 2.5 times the normal water charge per 1,000 gallons for water deliveries in excess of the monthly allocation from ten percent (10%) through fifteen percent (15%) above the monthly allocation.
4. 3.0 times the normal water charge per 1,000 gallons for water deliveries more than fifteen percent (15%) above the monthly allocation.
5. The above surcharges shall be cumulative.

SECTION XIV: SERVICE AREA DESCRIPTION AND INFORMATION

The City of Belton is an incorporated municipality in the State of Texas, and its city limits includes approximately 19.85 square miles. With the exception of a moderate number of septic tanks, the City provides water and sewer service to a population of 15,000. All service provided by the City is within Bell County, which is one of the 35 central Texas counties that make up the Region G Water Planning Group, as defined by the State of Texas and administered by the Texas Water Development Board (TWDB) and the Texas Commission on Environmental Quality (TCEQ).

UTILITY DATA

Water Source: The City of Belton purchases treated surface water from the Bell County Water Control & Improvement District No. 1 (the District). The District obtains water from Lake Belton, a surface water supply.

Presently the City is contracted for 8.328 MGD (4.0 MGD from original plant and an additional 4.328 from expansion) with the District. However, the contract stipulates a max day consumption of 10 MGD.

Historical Water Consumption: Usage in gallons

Annual Usage	2004	563,539,800
	2005	664,118,700
	2006	677,057,300
	2007	626,937,284
	2008	778,159,078
Maximum Monthly Consumption	2004	74,782,300
	2005	79,321,800
	2006	77,191,100
	2007	76,485,549
	2008	107,697,720
Maximum Daily Consumption	2004	3,439,000
	2005	4,480,000
	2006	3,430,000
	2007	4,310,000
	2008	4,585,200

Water Distribution System: 5,085 metered connections (2008, including all classes). The system is 100% metered with 102 miles of water lines in the system. These range in size from 2” to 21”. The City of Belton has two (2) elevated storage tanks – one holds 0.75 MG and the other holds 0.50 MG, giving the City a total of 1.25 MG in elevated storage.

Ground Storage: One (1) three million gallon ground storage tank located near the WCID #1 plant is dedicated to the Belton system.

Wastewater Plant: The City of Belton sends wastewater to the Temple-Belton Regional Sewerage System (TBRSS) which has a capacity of ten MGD. This is allocated at 75% for Temple and 25% for Belton. TBRSS is owned and operated by the Brazos River Authority (BRA) and serves the entire City of Belton. Belton's average flow to the plant for 2008 was 1.63 MGD.

Reservoir Management: Lake Belton is owned by the U. S. Army Corps of Engineers. It is one of nine lakes in the Central Texas area whose waters are managed by the Brazos River Authority (BRA). Belton contracts with Bell County Water Control and Improvement District No. 1 (WCID #1) who contracts with BRA. The City of Belton has sufficient water supplies to meet its expected water needs for the next forty years.

1. By contract between Bell County WCID #1 and the City of Belton in acre feet:
 - (a) Current Use Water 3,066 acre feet/year
 - (b) Option Water 1,900 acre fee/year
2. By contract between BRA and the City of Belton:
 - (a) Option Water 2,500 acre feet/year
 - (b) Option Water 1,000 acre feet/year
3. The total water available to Belton is: 8,466 acre feet/year

POPULATION

City of Belton historical, current and projected population:

YEAR	SOURCE	POPULATION	DECADE CHANGE	DECADE % CHANGE	ANNUAL % CHANGE
1900	US Census	3,700			
1910	US Census	4,164	464	12.5%	1.3%
1920	US Census	5,098	934	22.4%	2.2%
1930	US Census	3,779	(1,319)	(25.9%)	(2.6%)
1940	US Census	3,572	(207)	(5.5%)	(0.5%)
1950	US Census	6,246	2,674	74.9%	7.5%
1960	US Census	8,163	1,917	30.7%	3.1%
1970	US Census	8,696	533	6.5%	0.7%
1980	US Census	10,600	1,964	22.6%	2.3%
1990	US Census	12,476	1,816	17.0%	1.7%
2000	US Census	14,623	2,147	17.2%	1.7%
2010	TWDB Projection	17,633	3,010	20.6%	2.1%
2020	TWDB Projection	20,399	2,766	15.7%	1.6%
2030	TWDB Projection	22,914	2,515	12.3%	1.2%
2040	TWDB Projection	24,617	1,703	7.4%	0.7%
2050	TWDB Projection	25,815	1,198	4.9%	0.5%
2060	TWDB Projection	26,116	301	1.2%	0.1%

SECTION XV: WATER CONSERVATION PLAN

Goals: The City of Belton has ample water for present and future needs. The City's budget is structured to meet operational and debt service needs. The City has a water rate structure which is designed to meet the budgetary needs and debt service requirements of the City. The City recognizes the State's goals of water conservation and generally supports those goals. Therefore, the following goals are stated as guidelines for the City relative to water conservation:

1. The City will encourage the conservation of water through the media, mail-outs and other avenues. Conservation messages will be conveyed at the times of the year when water use is expected to increase.
2. The City will work toward reducing unaccounted-for water.
3. The City will establish a goal of 5% to 10% reduction in gallons per capita per day (GPCD) over the next ten years. The achievement of this goal takes into consideration that:

- (a) Customers will respond to conservation messages.
- (b) Population growth will occur to compensate for revenue losses.
- (c) Unaccounted-for water can be reduced up to 5%

Metering: The City of Belton accounts for treated water pumped from Bell County WCID #1 through a master meter located at the WCID # 1 plant which is read daily.

The City of Belton meters 100% of the connections in the distribution system. Meters range in size from 5/8" x 3/4" to 6". All meters are designed to provide accurate flows to within +/- 5%.

The City of Belton practices a meter change-out program whereby residential meters are changed out at least every ten years. Large meters are tested and calibrated annually and are repaired or replaced as necessary.

Plumbing Code: The City of Belton operates under the International Plumbing Code, 2003 edition. This code has been formally adopted by the City Council and is included in the Code of Ordinances. The City routinely inspects new construction, remodeling and additions through building permits. Under the permitting and inspection program, all plumbing fixtures are assured to meet State and Federal laws pertaining to water conservation devices.

Water Rates: Attachment 1 is a copy of the City's water and sewer rates which are amended as required to supply the necessary system revenues.

As outlined in Section XI - Drought Response Stages, Stage 5-Emergency Water Shortage Conditions, Water Rationing, if activated, water rates increase significantly if customers exceed specified amounts.

Distribution System, Leak Detection and Repairs: The City of Belton currently has a leak detection program which will be maintained. The program includes:

1. Monthly water use accounting by the billing computer which identifies high water use. Constant monitoring of the elevated storage tanks which identifies major water main breaks.
2. Visual inspection by the meter readers and system employees who keep a constant watch for abnormal conditions indicating leaks and breaks.
3. A pressure recorder is used to monitor pressures throughout the system to identify unusual conditions.
4. An adequate maintenance staff is available to repair any leaks or breaks.

Water Accounting: Meter reading and billing occurs in two cycles each month. The City compiles a monthly report which includes gallons of water purchased, gallons of water billed, gallons of water used by the City, the number of active accounts, number and line size of water breaks. This information is used to compile an annual report.

Recycling & Reuse: The City of Belton does not recycle or reuse effluent; however, the water discharged from the Temple-Belton Regional Sewerage System is reused by others in downstream diversions.

SECTION XVI: ENFORCEMENT

No person shall knowingly or intentionally allow the use of water from the City of Belton for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the City Manager or designee, in accordance with provisions of this Plan.

Any person who violates this Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than \$ 50.00 and not more than \$200.00. Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this 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 and any other costs incurred by the City of Belton in discontinuing service. In addition, suitable assurance must be given to the City Manager that the same action shall not be repeated while the Plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.

Any person, including a person classified as a water customer of City of Belton, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation.

Any employee of the City of Belton, police officer, or other employee designated by the City Manager, may issue a citation to a person he/she reasonably believes to be in violation of this ordinance. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the Municipal Court on the date shown on the citation for which the date shall not be less than 3 days nor more than 5 days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in Municipal Court to enter a plea of guilty or not guilty for the violation of this Plan. If the alleged violator fails to appear in Municipal Court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in Municipal Court before all other cases.

SECTION XVII: SEVERABILITY

It is hereby declared to be the intention of the City Council of the City of Belton that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance 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 unconstitutionality 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 Council of the City of Belton without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

City of Belton Fee & Rate Schedule
Effective 10/1/08

Sewer taps larger than 4”	Actual cost (\$600.00 minimum) + equipment/labor
Equipment	\$50.00 per hour per piece of equipment
Labor	\$25.00 per employee per hour

Sec. 23-139 **Utility Reconnect Fees** (Fee Ordinance #2008-32)

Normal hours	\$20.00
After hours	\$30.00
Irrigation meter reactivation/deactivation	\$20.00

Sec. 23-140 **Transfer of Utility Service Fee** (Ordinance #2008-32)

\$20.00

Sec. 23-141 **New Service Fee** (Fee Ordinance #2008-32)

\$20.00

Sec. 23-151 **Water Rates** (Fee Ordinance #2008-32)

0 - 2,000 gallons	\$14.00 minimum
Over 2,000 gallons	\$3.25 per thousand gallons

Bulk Water Rates (Fee Ordinance #2002-41)

\$3.00 per 1,000 gallons purchased in bulk from City facilities.

Sec. 23-152 **Water and Sewer Rates Outside the City** (Ordinance #2004-25)

1¼ times the prevailing rate within the City

Sec. 23-154 **Leak Rate** (Fee Ordinance #2002-41)

\$1.50 per 1,000 gallons in excess of the prior 12 months average consumption.

Sec. 23-171 **Sewer Rates** (Fee Ordinance #2008-32)

Class A	
0 – 2,000 gallons	\$11.00 minimum
2,001 – 15,000 gallons	\$3.50 per thousand gallons
Classes B, C & D	
0 – 2,000 gallons	\$11.00 minimum
Over 2,000 gallons	\$3.50 per thousand gallons