

**ORDINANCE NO. O-2019-007**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS, AMENDING CHAPTER 94, ARTICLE IV, DIVISION 2 AND ADOPTING WATER CONSERVATION AND DROUGHT CONTINGENCY PLANS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR EACH OFFENSE, AND PROVIDING FOR AN EFFECTIVE DATE.**

\* \* \* \* \*

**WHEREAS**, the City Council of the City of Magnolia, Texas has studied the present provisions of Chapter 94 "Utilities" of the Code of Ordinances of the City of Magnolia; and

**WHEREAS**, the City Council is continually reviewing the provisions of the Code of Ordinances relating to the elimination of hazards and other circumstances which generally impact the health, safety and well-being of residents, citizens and inhabitants;

**WHEREAS**, it is necessary that a Water Conservation and Drought Contingency Plans be updated and adopted by the City of Magnolia, Texas; and

**WHEREAS**, the City Council of Magnolia, Texas believes that such plans are in the best interest of the citizens and customers of the Magnolia Water System and Wastewater System;  
**NOW, THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS:**

**Section 1.** Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted as findings of fact and conclusions of law by the City Council and made a part hereof for all purposes.

**Section 2.** Amendments. Article IV, of Chapter 94 entitled "WATER" of the City of Magnolia Code of Ordinances is hereby amended by amending sections 94-128 and 94-129 as shown in attached Exhibit "A" and incorporated herein for all purposes.

**Section 3.** The Magnolia Texas Water Conservation and Drought Contingency Plans

attached hereto as Exhibits "B" and "C" are adopted for all purposes and as the official policy of the City of Magnolia, Texas.

**Section 4.** Repealing Clause. All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

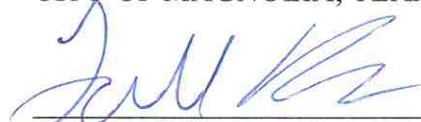
**Section 5.** Severability. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences or sections of this ordinance, and the remainder of this Ordinance shall be enforced as written.

**Section 6.** Compliance Clause and Effective Date. The City Council finds, determines and declares that a sufficient written notice was posted, and this Ordinance was passed in accordance with the Open Meetings Act. The City Secretary is instructed to publish this Ordinance in the Official Newspaper of the City of Magnolia in the manner provided and for the time required by Section 52.011(a) of the Local Government Code, at which time this Ordinance takes effect.

**PASSED, APPROVED and ADOPTED** by the City Council of the City of Magnolia, Montgomery County, Texas on this the 9th day of April 2019.



CITY OF MAGNOLIA, TEXAS

  
\_\_\_\_\_  
Todd Kana, Mayor

ATTEST:

  
\_\_\_\_\_  
Lynne George, CPM, TRMC  
City Secretary

# **EXHIBIT "A"**

## **CHAPTER 94 "UTILITIES"**

### **ARTICLE IV. WATER**

#### **DIVISION 2. - WATER CONSERVATION**

##### **Sec. 94-128. - Drought plan adopted by reference.**

The city water conservation and drought contingency plans may be updated from time to time by exhibit attached to an ordinance adopted by City Council and made a part hereof for all purposes as if set forth verbatim are adopted as the official policy of the city.

##### **Sec. 94-129. - Penalty.**

The penalties for violation of the Drought Contingency Plan are the penalties contained in the Drought Contingency Plan as adopted by Ordinance by the City Council in Section 94-128.

EXHIBIT B

# Report for City of Magnolia, Texas

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## Water Conservation Plan

Prepared by:

STRAND ASSOCIATES, INC.®  
1906 Niebuhr Street  
Brenham, TX 77833  
[www.strand.com](http://www.strand.com)

April 2019



The purpose of the City of Magnolia, Texas (City) Water Conservation Plan (Plan) is to effectively manage public water resources. This Plan fulfills the requirements of the Texas Administrative Code, Section 288, regarding water conservation planning for municipal uses by public water suppliers.

This Plan recognizes that conservation is a valuable tool in managing water and wastewater utility systems. Benefits of water conservation include extending available water supplies, reducing the risks of shortage during periods of extreme drought, reducing water and wastewater utility operating costs for water service, reducing wastewater flows, improving the performance of wastewater treatment systems, and enhancing the water quality and environment.

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

## **AUTHORIZATION AND IMPLEMENTATION**

The City Mayor, or his/her designee, is hereby authorized and directed to implement the applicable provisions of this Plan.

Further, the City Mayor, or his/her designee, will act as Administrator of the Water Conservation Program. He/she will oversee the execution and implementation of the program and will be responsible for keeping adequate records for program verification.

This Plan was approved by the City. A copy of the resolution approving this Plan is included in Appendix A.

## **WATER CONSERVATION PLAN ELEMENTS**

### **A. Record Management System**

The City currently has a billing system that classifies the water sales into the specific categories. This system is used monthly to send out billing and, with it, has the appropriate address, consumption, and category associated. The categories include the following: single-family residential, multi-family residential, commercial, institutional, and wholesale.

### **B. Specific, Quantified 5- and 10-year Targets**

The goal is to reduce water use and production through the medium of actual water use reduction by customers and by reducing lost or unaccounted for water to the extent feasible. Five-year and 10-year goals for reduction in water use per capita are provided in Appendix B.

### **C. Measuring and Accounting for Diversions**

A master meter shall be installed on each water well. In order to account for water not distributed through customers' meters, this Plan requires anyone taking water from a fire hydrant or similar device (i.e. a contractor for temporary construction purposes) to coordinate with the City to have a temporary meter installed for measurement and recording of the amount of water acquired. The amount of water lost when flushing lines shall be estimated using flow calculations. These calculations shall be conducted using a

pitot meter (or other approved flow measurement device), flow area measurements, and duration of flushing.

D. Universal Metering

All utility customers shall be metered. A regularly scheduled maintenance program of meter repair and replacement will be performed on a case-by-case basis with Production (master) meters tested once a year by the City. All well meters are tested annually and calibrated. Every billing cycle a zero-use list is produced and verified. Meters are checked for proper sizing when a new service is installed or activated.

E. Measures to Determine and Control Water Loss

The City shall conduct audits of the water system. Areas to be reviewed shall include overall system water usage, unmetered water usage (i.e., main line flushing or fire hydrant testing), and direct water usage by the utility. Leaks shall be repaired as soon as they are identified to minimize losses.

F. Continuing Public Education and Information

The City will print conservation messages on every customers' utility bill. Also, seasonal conservation messages will be mailed out with every customers' utility bill prior to each season change. Information for customers will be provided on the City Web site regarding water conservation.

G. Non-promotional Water Rate Structure

See Appendix C for the City's water rate structure. The rates structures are increasing block rates, which are designed to discourage excessive water use.

H. Reservoir Systems Operations Plan

This is not applicable for the City.

I. Enforcement Procedure and Plan Adoption

Implementation of system operational measures to reduce water loss and unaccounted for water is ongoing and will continue. The City will provide information on water-saving measures and devices to existing customers on an annual basis and to new customers (new connections) when they apply for water service.

The City measures and records water production from its wells on a daily basis. The recorded information is available for review and evaluation daily. Residential water meters are read monthly. On a monthly basis the City reads meters for service to its customers, and the usage is tracked by the billing group.

Provision for implementation of this Plan is given in Section 2.0.

J. Coordination with the Regional Water Planning Group(s)

The notification transmittal letter to Region H Regional Water Planning Group is included in Appendix D.

K. Plan Review and Update

This Plan was developed to fulfill requirements of the Texas Water Development Board (TWDB) and of Texas Administrative Code Subchapter B, Section 288. As required, this Plan will be reviewed at a minimum of every five years and updated based on new or changing conditions in the service area.

As currently required, an annual report on the City's progress in implementing the Plan shall be submitted to the executive administrator of the TWDB.

L. Leak Detection and Repair

This Plan requires the City to police the distribution system daily. Daily inspection includes the water production from each of the wells. The intent of the Plan is to evaluate water production from the wells on a daily basis and to evaluate water loss reports as soon as new information is available to assist in identifying a water leak or abnormal usage.

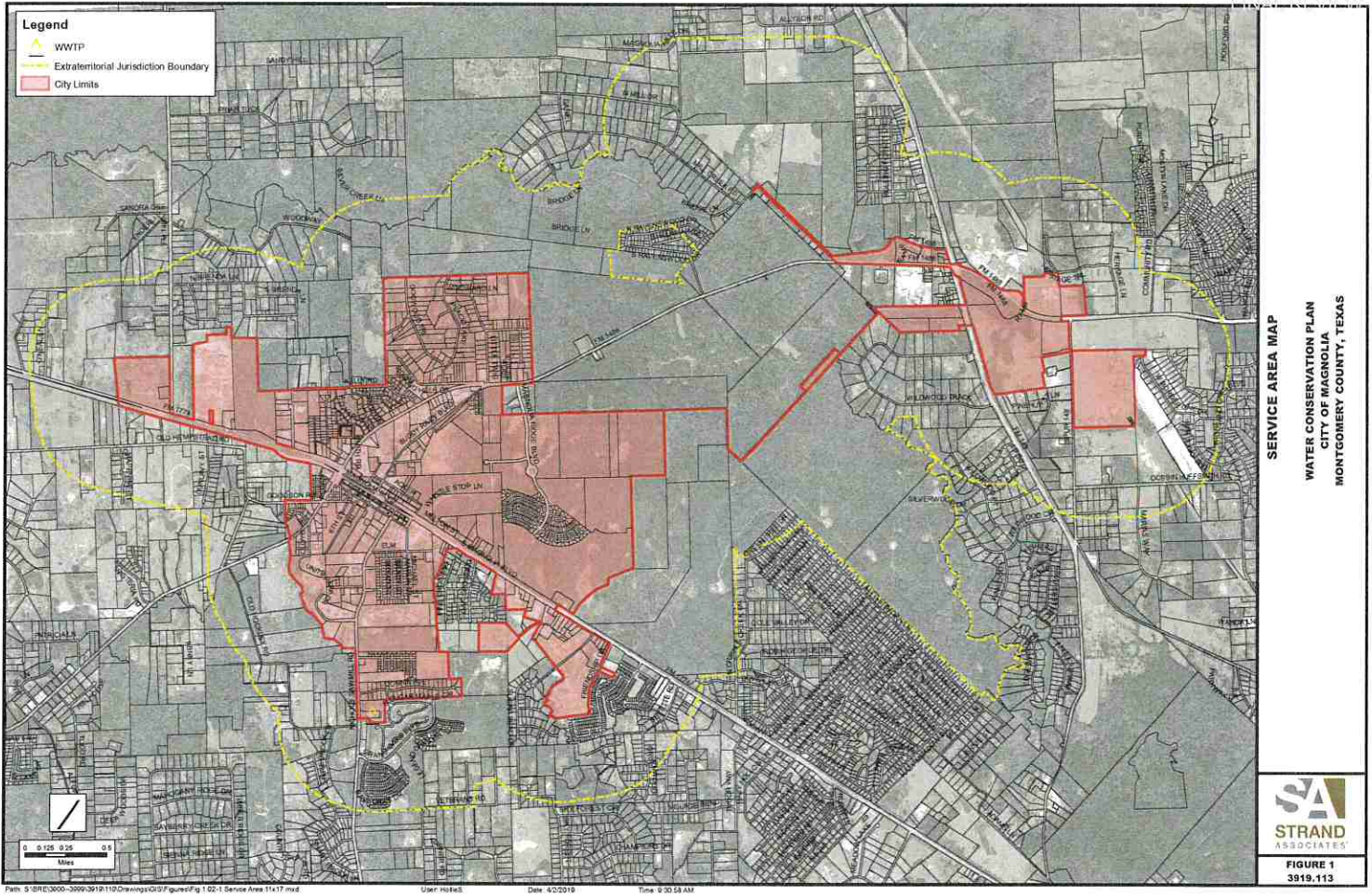
M. Contract Requirements

Every wholesale water supply contract initiated with the City must implement a water conservation plan or water conservation plan measures in accordance with the Texas Administrative Code.

**FIGURE 1**  
**SERVICE AREA MAP**

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**FIGURE 2**  
**CERTIFICATE OF CONVENIENCE AND NECESSITY MAP**

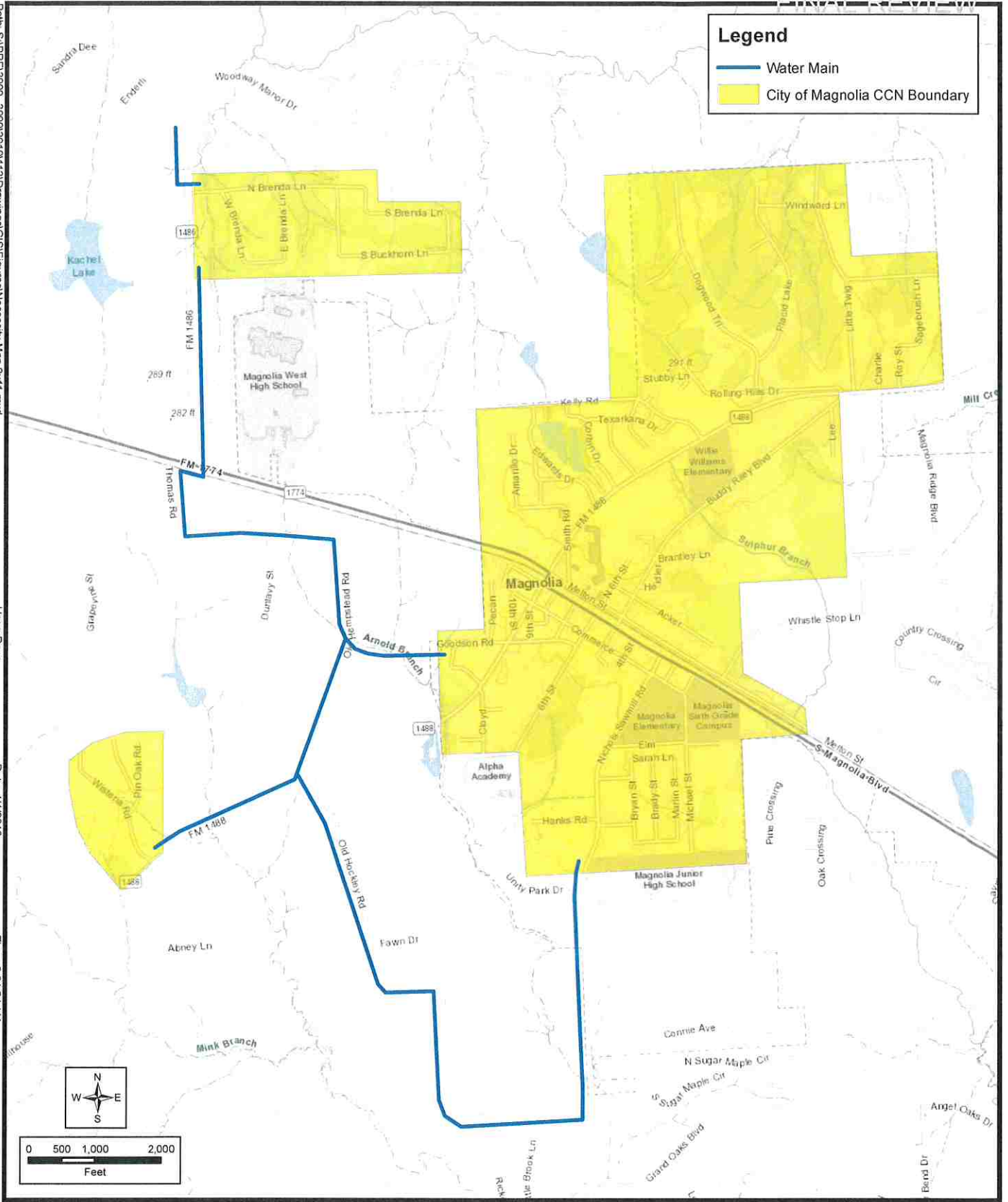
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## CERTIFICATE OF CONVENIENCE AND NECESSITY MAP

**WATER CONSERVATION PLAN  
CITY OF MAGNOLIA  
MONTGOMERY COUNTY, TEXAS**



**FIGURE 2  
3919.113**

FINAL REVIEW

**APPENDIX A**  
**CITY OF MAGNOLIA APPROVAL**

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**APPENDIX A**

**RESOLUTION ##### - #####**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF MAGNOLIA, TEXAS  
ADOPTING A WATER CONSERVATION PLAN**

WHEREAS, the City of Magnolia recognizes its water supply serves as an essential resource for health and safety of our citizens, local fire protection, residential and commercial landscaping support, and is a critical link in economic development for our community; and,

WHEREAS, a Water Conservation Plan ("Plan") is required by the San Jacinto River Authority; and

WHEREAS, the City wishes to implement and promote conservation of its water resources; and

WHEREAS, the Plan is to effectively manage public water resources.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Magnolia, Texas, that:

Section 1. The City Council hereby approves and adopts the Water Conservation Plan attached hereto and dated April 2019.

Section 2. The Water Conservation Plan fulfills and follows the state guidelines in the Texas Administrative Code, Section 288 regarding water conservation planning for municipal uses by public water suppliers.

Section 3. This resolution shall be effective immediately upon adoption.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Magnolia this 9th day of April, 2019.

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Todd Kana, Mayor  
City of Magnolia, Texas

ATTEST:

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City Secretary, Lynne George

FINAL REVIEW

**APPENDIX B**  
**UTILITY PROFILE (TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**  
**FORM NO. 10218**

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## City of Magnolia Utility Profile

### I. POPULATION AND CUSTOMER DATA

#### A. *Population and Service Area Data*

1. Attach a copy of your service-area map and, if applicable, a copy of your Certificate of Convenience and Necessity (CCN). See attached Figures 1 and 2
2. Service area size (in square miles): 4.76  
(Please attach a copy of service-area map)
3. Current population of service area: 4,597
4. Current population served for:
  - a. Water 4,597
  - b. Wastewater 4,597



5. Population served for previous five years:

<i>Year</i>	<i>Population</i>
2018	4,597*
2017	4,485*
2016	4,373*
2015	4,261*
2014	4,174*

\* - The population served was estimated from the TWDB City Population + the difference between the TWDB 2021 Regional Water Plan Population Projections for 2020-2070 Municipal Water User Group Summary and the 2016 Regional Water Plan Population Projections for 2020-2070 City Summary.

6. Projected population for service area in the following decades:

<i>Year</i>	<i>Population</i>
2020	4,821
2030	5,789
2040	7,056
2050	8,912
2060	11,632

The population served was taken from the 2021 Regional Water Plan Population Projections for 2020-2070 Municipal Water User Group Summary.

7. List source or method for the calculation of current and projected population size.

Texas Water development Board: 2021 Regional Water Plan-Population Projections for 2020-2070

*B. Customer Data*

Senate Bill 181 requires that uniform consistent methodologies for calculating water use and conservation be developed and available to retail water providers and certain other water use sectors as a guide for preparation of water use reports, water conservation plans, and reports on water conservation efforts. A water system must provide the most detailed level of customer and water use data available to it, however, any new billing system purchased must be capable of reporting data for each of the sectors listed below. More guidance can be found at: <http://www.twdb.texas.gov/conservation/doc/SB181Guidance.pdf>

## 1. Quantified 5-year and 10-year goals for water savings:

	<i>*Historic 5-year Average</i>	<i>Baseline</i>	<i>**5-year goal for year 2024</i>	<i>**10-year goal for year 2029</i>
Total GPCD	129	129	126	123
Residential GPCD	129	129	126	123
Water Loss GPCD	12	12	12	11
Water Loss Percentage	9.1	9.1	9.1	9.1

**Notes:**

Total GPCD = (Total Gallons in System ÷ Permanent Population) ÷ 365

Residential GPCD = (Gallons Used for Residential Use ÷ Residential Population) ÷ 365

Water Loss GPCD = (Total Water Loss ÷ Permanent Population) ÷ 365

Water Loss Percentage = (Total Water Loss ÷ Total Gallons in System) x 100; or (Water Loss GPCD ÷ Total GPCD) x 100

\* - Source LSGWCD Annual Pumping Reports

\*\* - Reductions based upon 2.5% and 5.0% goals set by San Jacinto River Authority's current Water Conservation Plan.

## 2. Current number of active connections. Check whether multi-family service is counted as

☒ Residential or ☐ Commercial?

<i>Treated Water Users</i>	<i>Metered</i>	<i>Non-Metered</i>	<i>Totals</i>
Residential	1,044	0	1,044
Single-Family	1,026	0	1,026
Multi-Family	18	0	18
Commercial	183	0	183
Industrial/Mining	0	0	0
Institutional	40	0	40
Agriculture	5	0	5
Other/Wholesale	2	0	2

## 3. List the number of new connections per year for most recent three years.

<i>Year</i>	<i>2018</i>		
<i>Treated Water Users</i>			
Residential	58		
Single-Family	56		
Multi-Family	2		
Commercial	9		
Industrial/Mining	0		
Institutional	34		
Agriculture	5		
Other/Wholesale	1		

4. List of annual water use for the five highest volume customers.

<i>Customer</i>	<i>Use (1,000 gal/year)</i>	<i>Treated or Raw Water</i>
30400 Nichols Sawmill	26.731	Treated
31138 Nichols Sawmill	23.070	Treated
31900 Nichols Sawmill	2.511	Treated
18106 FM 1488	1.951	Treated
102 Purvis Office	1.806	Treated

## II. WATER USE DATA FOR SERVICE AREA

### A. Water Accounting Data

1. List the amount of water use for the previous five years (in 1,000 gallons).

Indicate whether this is ☐ diverted or ☒ treated water.

<i>Year</i>	2018	2017	2016	2015	2014
<i>Month</i>					
January	17,422	19,258	*	13,345	12,363
February	13,389	13,024	*	12,162	10,728
March	17,390	15,142	*	13,108	11,907
April	16,342	15,417	*	13,084	12,388
May	18,981	18,793	*	14,320	13,530
June	19,322	17,339	*	14,504	13,333
July	21,248	20,362	*	16,842	14,172
August	20,056	16,021	*	19,709	16,655
September	16,511	16,236	*	16,179	13,728
October	14,805	17,598	*	16,487	14,146
November	25,003	15,483	*	14,225	12,065
December	15,824	14,353	*	17,087	12,542
<b>Totals</b>	216,293	199,026	194,524**	181,052	157,557

\* - Well 3 meter was out of service so monthly data is not available

\*\* - As reported to Lone Star Groundwater Conservation District

2. Describe how the above figures were determined (e.g, from a master meter located at the point of a diversion from the source or located at a point where raw water enters the treatment plant, or from water sales).

From the master meter of each well entering the water plant

3. Amount of water (in 1,000 gallons) delivered/sold as recorded by the following account types for the past five years.

Year	2018	2017	**		
Account Types					
Residential	74.818	62.683			
Single-Family	69.629	59.699*			
Multi-Family	5.189	2.993			
Commercial	139.287	165.894*			
Industrial/Mining	0	0			
Institutional	32.604	783.888*			
Agriculture	.071	0			
Other/Wholesale	27.732	24.630			

\* - Billing number was adjusted based on billing error

\*\* - Billing information was not available.

4. List the previous records for water loss for the past five years (the difference between water diverted or treated and water delivered or sold).

<i>Year</i>	<i>Amount (gallons)</i>	<i>Percent %</i>
2018	19,682,663	9.1
2017	21,106,332	10.8
2016	83,645,320	43
2015	34,390,380	19
2014	30,881,172	19.6

#### *B. Projected Water Demands*

1. If applicable, attach or cite projected water supply demands from the applicable Regional Water Planning Group for the next ten years using information such as population trends, historical water use, and economic growth in the service area over the next ten years and any additional water supply requirements from such growth.

See Appendix E

**III. WATER SUPPLY SYSTEM DATA****A. Water Supply Sources**

1. List all current water supply sources and the amounts authorized (in acre feet) with each.

<i>Water Type</i>	<i>Source</i>	<i>Amount Authorized</i>
Surface Water	0	0
Groundwater	3	654.5 gpm*
Other		

\* - Per LSGCD Permit No. OP-04041601A and HUP 039.

**B. Treatment and Distribution System (if providing treated water)**

1. Design daily capacity of system (MGD): 2.26
2. Storage capacity (MGD):
  - a. Elevated 400,000
  - b. Ground 412,000
3. If surface water, do you recycle filter backwash to the head of the plant?  
☐ Yes    ☒ No    If yes, approximate amount (MGD):

**IV. WASTEWATER SYSTEM DATA****A. Wastewater System Data (if applicable)**

1. Design capacity of wastewater treatment plant(s) (MGD): 1.3 MGD by 2020; currently 0.65 MGD
2. Treated effluent is used for ☐ on-site irrigation, ☐ off-site irrigation, for ☐ plant wash-down, and/or for ☐ chlorination/dechlorination.  
 If yes, approximate amount (in gallons per month):
3. Briefly describe the wastewater system(s) of the area serviced by the water utility. Describe how treated wastewater is disposed. Where applicable, identify treatment plant(s) with the TCEQ name and number, the operator, owner, and the receiving stream if wastewater is discharged.

The City operates and maintains a WWTP and collection and conveyance facilities consisting of gravity sewers, lift stations, and associated force mains. The WWTP currently has two treatment trains, with a third being added by 2020. Each treatment train operates with manual screening, coarse bubble diffused aeration tanks, and final clarifiers. The effluent is chlorinated and discharge to Arnold Branch. Tertiary Filtration and postaeration will be installed by 2020.

a. TCEQ Name and Number: City of Magnolia Wastewater Treatment Facility, TCEQ Permit No. WQ0014903001

b. Operator: David Coburn

c. Owner: City of Magnolia

d. Receiving Stream: Arnold Branch

**B. Wastewater Data for Service Area (if applicable)**

1. Percent of water service area served by wastewater system:      %

2. Monthly volume treated for previous five years (in 1,000 gallons):

<i>Year</i>	2012	2013	2014	2015	2016
<i>Month</i>					
January	8,367	8,124	8,103	7,878	10,287
February	8,838	6,654	7,324	6,255	9,575
March	8,605	6,585	8,041	9,045	9,756
April	6,669	6,998	6,706	7,202	10,140
May	6,728	7,137	9,190	10,955	10,749
June	5,894	5,985	6,388	9,831	10,738
July	8,147	6,307	6,696	8,429	9,176
August	6,764	7,304	6,514	8,287	12,264
September	6,916	6,968	7,463	8,464	9,164
October	6,979	8,758	6,575	10,804	9,364
November	6,114	7,933	6,095	10,607	9,525
December	6,603	7,282	7,023	11,069	10,769
<b>Totals</b>	86,624	86,035	86,117	108,826	121,507

## Water Conservation Plan

In addition to the utility profile, please attach the following as required by Title 30, Texas Administrative Code, §288.2. Note: If the water conservation plan does not provide information for each requirement, an explanation must be included as to why the requirement is not applicable.

### *A. Record Management System*

The water conservation plan must include a record management system which allows for the classification of water sales and uses in to the most detailed level of water use data currently available to it, including if possible, the following sectors: residential (single and multi-family), commercial.

### *B. Specific, Quantified 5 & 10-Year Targets*

The water conservation plan must include specific, quantified five-year and ten-year targets for water savings to include goals for water loss programs and goals for municipal use in gallons per capita per day. Note that the goals established by a public water supplier under this subparagraph are not enforceable. These goals must be updated during the five-year review and submittal.

### *C. Measuring and Accounting for Diversions*

The water conservation plan must include a statement about the water suppliers metering device(s), within an accuracy of plus or minus 5.0% in order to measure and account for the amount of water diverted from the source of supply.

### *D. Universal Metering*

The water conservation plan must include and a program for universal metering of both customer and public uses of water, for meter testing and repair, and for periodic meter replacement.

### *E. Measures to Determine and Control Water Loss*

The water conservation plan must include measures to determine and control water loss (for example, periodic visual inspections along distribution lines; annual or monthly audit of the water system to determine illegal connections; abandoned services; etc.).

### *F. Continuing Public Education & Information*

The water conservation plan must include a description of the program of continuing public education and information regarding water conservation by the water supplier.

### *G. Non-Promotional Water Rate Structure*

The water supplier must have a water rate structure which is not "promotional," i.e., a rate structure which is cost-based and which does not encourage the excessive use of water. This rate structure must be listed in the water conservation plan.

### *H. Reservoir Systems Operations Plan*



The water conservation plan must include a reservoir systems operations plan, if applicable, providing for the coordinated operation of reservoirs owned by the applicant within a common watershed or river basin in order to optimize available water supplies.

*I. Enforcement Procedure and Plan Adoption*

The water conservation plan must include a means for implementation and enforcement, which shall be evidenced by a copy of the ordinance, rule, resolution, or tariff, indicating official adoption of the water conservation plan by the water supplier; and a description of the authority by which the water supplier will implement and enforce the conservation plan.

*J. Coordination with the Regional Water Planning Group(s)*

The water conservation plan must include documentation of coordination with the regional water planning groups for the service area of the public water supplier in order to ensure consistency with the appropriate approved regional water plans.

*K. Plan Review and Update*

A public water supplier for municipal use shall review and update its water conservation plan, as appropriate, based on an assessment of previous five-year and ten-year targets and any other new or updated information. The public water supplier for municipal use shall review and update the next revision of its water conservation plan not later than May 1, 2009, and every five years after that date to coincide with the regional water planning group. The revised plan must also include an implementation report.

## **VI. ADDITIONAL REQUIREMENTS FOR LARGE SUPPLIERS**

Required of suppliers serving population of 5,000 or more or a projected population of 5,000 or more within the next ten years:

*A. Leak Detection and Repair*

The plan must include a description of the program of leak detection, repair, and water loss accounting for the water transmission, delivery, and distribution system in order to control unaccounted for uses of water.

*B. Contract Requirements*

A requirement in every wholesale water supply contract entered into or renewed after official adoption of the plan (by either ordinance, resolution, or tariff), and including any contract extension, that each successive wholesale customer develop and implement a water conservation plan or water conservation measures using the applicable elements in this chapter. If the customer intends to resell the water, the contract between the initial supplier and customer must provide that the contract for the resale of the water must have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures in accordance with the provisions of this chapter.

## **VII. ADDITIONAL CONSERVATION STRATEGIES**

Any combination of the following strategies shall be selected by the water supplier, in addition to the minimum requirements of 30 TAC §288.2(1), if they are necessary in order to achieve the stated water conservation goals of the plan. The commission may require by commission order that any of the following strategies be implemented by the water supplier if the commission determines that the strategies are necessary in order for the conservation plan to be achieved:

1. Conservation-oriented water rates and water rate structures such as uniform or increasing block rate schedules, and/or seasonal rates, but not flat rate or decreasing block rates;
2. Adoption of ordinances, plumbing codes, and/or rules requiring water conserving plumbing fixtures to be installed in new structures and existing structures undergoing substantial modification or addition;
3. A program for the replacement or retrofit of water-conserving plumbing fixtures in existing structures;
4. A program for reuse and/or recycling of wastewater and/or graywater;
5. A program for pressure control and/or reduction in the distribution system and/or for customer connections;
6. A program and/or ordinance(s) for landscape water management;
7. A method for monitoring the effectiveness and efficiency of the water conservation plan; and
8. Any other water conservation practice, method, or technique which the water supplier shows to be appropriate for achieving the stated goal or goals of the water conservation plan.

#### **VIII. WATER CONSERVATION PLANS SUBMITTED WITH A WATER RIGHT APPLICATION FOR NEW OR ADDITIONAL STATE WATER**

Water Conservation Plans submitted with a water right application for New or Additional State Water must include data and information which:

1. support the applicant's proposed use of water with consideration of the water conservation goals of the water conservation plan;
2. evaluates conservation as an alternative to the proposed appropriation; and
3. evaluates any other feasible alternative to new water development including, but not limited to, waste prevention, recycling and reuse, water transfer and marketing, regionalization, and optimum water management practices and procedures.

Additionally, it shall be the burden of proof of the applicant to demonstrate that no feasible alternative to the proposed appropriation exists and that the requested amount of appropriation is necessary and reasonable for the proposed use.



# EXHIBIT A-1

## City of Magnolia Fee Schedule

Amended September 11, 2018

NEW UTILITY ACCOUNT DEPOSIT AND FEES					
Utility Deposit (lessees)			\$350.00		
Utility Deposit (property owners/businesses)			\$200.00		
Utility Application Fee			\$ 35.00		
Disconnect/Reconnect Fee			\$ 45.00		
Meter Tampering Fee			\$100.00		
Meter Lock Replacement Fee			Cost		
WATER RATES					
RESIDENTIAL – IN CITY					
Residential – Single family units only					
<ul style="list-style-type: none"><li>- Duplexes individually metered</li><li>- Senior &amp; disabled accounts have different rates</li><li>- Irrigation can be a separate account with exceptions</li><li>- See *Additional Notes at end of Water section</li></ul>					
	Range	Base Rate	\$/1000 gal.		
5/8” - ¾” meter	0 – 1,000	\$ 21.00			
	>1,001		\$ 3.65		
1” meter	0 – 1,000	\$ 45.00			
	>1,001		\$ 3.65		
COMMERCIAL – IN CITY					
Commercial – Banks, real estate					
<ul style="list-style-type: none"><li>- Light industrial, grocery stores</li><li>- Restaurants, retail, offices</li><li>- Hospitals</li><li>- See *Additional Notes at end of Water Section</li></ul>					
Range	Base Rate	\$/1,000 gal.	Major Maint. @ \$0.52/1,000 gals.	Dep. @ \$0.45/1,000 gals.	Total per 1,000 gals.
0 – 5,000	\$ 30.00				
5,001 – 15,000		\$ 7.50	\$ 0.52	\$ 0.45	\$ 8.47
15,001 – 30,000		\$ 8.00	\$ 0.52	\$ 0.45	\$ 8.97
>30,000		\$ 8.75	\$ 0.52	\$ 0.45	\$ 9.72
MULTI-FAMILY – IN CITY					
Multi-Family – Duplex, Quadplex					
<ul style="list-style-type: none"><li>- Tax credit housing</li><li>- Apartments, independent living</li><li>- Nursing facilities</li><li>- See *Additional Notes at end of Water Section</li></ul>					
Range	Base Rate	\$/1,000 gal.	Major Maint. @ \$0.52/1,000 gals.	Dep. @ \$0.45/1,000 gals.	Total per 1,000 gals.
0 – 5,000	\$ 30.00				
5,001 – 15,000		\$ 7.50	\$ 0.52	\$ 0.45	\$ 8.47
15,001 – 30,000		\$ 8.00	\$ 0.52	\$ 0.45	\$ 8.97
>30,000		\$ 8.75	\$ 0.52	\$ 0.45	\$ 9.72

# EXHIBIT A-1

## City of Magnolia Fee Schedule

Amended September 11, 2018

IRRIGATION – IN CITY					
Irrigation – includes both residential, commercial and multi-family accounts					
<ul style="list-style-type: none"><li>- Separate irrigation accounts are not eligible for the residential – senior/disabled accounts. Effective 3/1/2018</li><li>- See *Additional Notes at end of Water Section</li></ul>					
Range	Base Rate	\$/1,000 gal.	Major Maint. @ \$0.52/1,000 gals.	Dep. @ \$0.45/1,000 gals.	Total per 1,000 gals.
0 – 2,000	\$ 16.00				
2,001 – 4,000		\$ 6.00	\$ 0.52	\$ 0.45	\$ 6.97
4,001 – 7,000		\$ 6.50	\$ 0.52	\$ 0.45	\$ 7.47
7,001 – 10,000		\$ 7.00	\$ 0.52	\$ 0.45	\$ 7.97
10,001 – 20,000		\$ 7.50	\$ 0.52	\$ 0.45	\$ 8.47
20,001 – 30,000		\$ 8.00	\$ 0.52	\$ 0.45	\$ 8.97
>30,001		\$ 8.75	\$ 0.52	\$ 0.45	\$ 9.72
IRRIGATION – INSTITUTIONAL / TAX-EXEMPT / NON-PROFIT AND/OR INSTITUTIONAL / TAX-EXEMPT / NON-PROFIT					
Institutional/Tax-Exempt/Non-Profit					
<ul style="list-style-type: none"><li>- Schools, churches that are individually metered</li><li>- County, City, Federal and State facilities that are individually metered</li><li>- Parks</li></ul> <ol style="list-style-type: none"><li>1. Tax-Exempt &amp; non-profit entity must submit proof of exemption as established by IRS.</li><li>2. Account must in entity's name.</li><li>3. Accounts shall be reviewed annually to ensure monthly usage conforms with the range that is used to establish the Base Rate.</li><li>4. A 1.5 multiplier is applied to the then current Major Maintenance Fee.</li><li>5. A 1.5 multiplier is applied to the then current Depreciation Fee.</li><li>6. See *Additional Notes at end of Water Section.</li></ol>					
Range	Base Rate	\$/1,000 gal.	Major Maint. @ \$0.78/1,000 gals.	Dep. @ \$0.67/1,000 gals.	Total per 1,000 gals.
0 – 5,000	\$ 52.50				
5,001-10,000	\$ 52.50	\$ 9.75	\$ 0.78	\$ 0.67	\$ 11.20
10,001 – 40,000	\$ 120.00	\$ 11.25	\$ 0.78	\$ 0.67	\$ 12.70
40,001 – 75,000	\$ 480.00	\$ 13.13	\$ 0.78	\$ 0.67	\$ 14.58
>75,000	\$ 888.00	\$ 13.50	\$ 0.78	\$ 0.67	\$ 14.95
RESIDENTIAL – OUT OF CITY					
Residential – Single family units only					
<ul style="list-style-type: none"><li>- Duplexes individually metered</li><li>- Senior &amp; disabled accounts have different rates</li><li>- Irrigation can be a separate account with exceptions</li><li>- See *Additional Notes at end of Water Section</li></ul>					
Size Meter	Range	Base Rate	\$/1,000 gal.		
5/8” – ¾” Meter	0 – 1,000	\$ 40.00			
	>1,001		\$ 5.55		
1” Meter	0 – 1,000	\$ 63.00			
	>1,001		\$ 5.55		
*Additional Notes:					
<ol style="list-style-type: none"><li>1. The Base Rates and the Rate Per 1,000 gallons shall be reviewed and are subject to change annually.</li><li>2. All accounts are subject to any “Pass-Through Fees”</li></ol>					

## EXHIBIT A-1

### City of Magnolia Fee Schedule

Amended September 11, 2018

3. A Major Maintenance Fee of \$0.52 per 1,000 gallons is added to each account based on the total volume consumed. This fee is subject to change annually. 2018 - \$0.52/1,000 gal.; 2019 - \$1.04/1,000 gal.; 2020 - \$1.55/1,000 gal.
4. A System Depreciation Fee of \$0.45 per 1,000 gallons is added to each account based on the total volume consumed. This fee is subject to change annually. 2018 - \$0.45/1,000 gal.; 2019 - \$0.90/1,000 gal.; 2020 - \$1.35/1,000 gal.
5. Out of City Accounts (Commercial & Multi-Family) are charged the In-City Rate including the Major Maintenance and Depreciation Fees, then multiplied by 1.5 to obtain the total invoiced amount.

#### PASS THROUGH FEES

San Jacinto River Authority	\$ 2.75 per 1,000 gallons
Lone Star Groundwater Conservation District	\$0.165 per 1,000 gallons

#### WASTEWATER

##### RESIDENTIAL – IN CITY AND OUT OF CITY

Residential – Single Family Units Only

- Duplexes individually metered
- Wastewater flow is based on metered water volume
- See \*Additional Notes at end of Wastewater Section

Range	Base Rate	\$1,000 gal.
0 – 1,000	\$ 9.95	
>1,000		\$ 3.00

##### COMMERCIAL – IN CITY

Commercial – Banks, real estate

- Light industrial, grocery stores
- Restaurants, retail, offices
- Hospitals
- Wastewater flow is based on metered water volume
- See \*\*Additional Notes at end of Wastewater Section

Range	Base Rate	\$/1,000 gal.	Major Maint. @ \$0.33/1,000 gals.	Dep. @ \$0.45/ 1,000 gals.	Total per 1,000 gals.
0 – 5,000	\$ 25.00				
5,001 – 15,000		\$ 5.50	\$ 0.33	\$ 0.45	\$ 6.28
15,001 – 30,000		\$ 6.00	\$ 0.33	\$ 0.45	\$ 6.75
>30,000		\$ 6.50	\$ 0.33	\$ 0.45	\$ 7.28

##### MULTI-FAMILY – IN CITY

Multi-Family – Duplex, Quadplex

- Tax credit housing
- Apartments, independent living
- Nursing facilities
- Wastewater flow is based on metered water volume
- See \*\*Additional Notes at end of Wastewater Section

Range	Base Rate	\$/1,000 gal.	Major Maint. @ \$0.33/1,000 gals.	Dep. @ \$0.45/ 1,000 gals.	Total per 1,000 gals.
0 – 5,000	\$ 25.00				
5,001 – 15,000		\$ 5.50	\$ 0.33	\$ 0.45	\$ 6.28
15,001 – 30,000		\$ 6.00	\$ 0.33	\$ 0.45	\$ 6.75
>30,000		\$ 6.50	\$ 0.33	\$ 0.45	\$ 7.28

# EXHIBIT A-1

## City of Magnolia Fee Schedule

Amended September 11, 2018

**INSTITUTIONAL / TAX-EXEMPT / NON-PROFIT**

## Institutional / Tax-Exempt / Non-Profit

- Schools, churches that are individually metered
  - County, city, federal and state facilities
  - Parks
1. Tax-exempt & non-profit entity must submit proof of exemption as established by IRS
  2. Account must be in entity's name
  3. A 1.5 multiplier is applied to the then current Major Maintenance Fee
  4. A 1.5 multiplier is applied to the then current Depreciation Fee
  5. See \*\*Additional Notes at end of Wastewater Section

Range	Base Rate	\$/1,000 gal.	Major Maint. @ \$0.50/1,000 gals.	Dep. @ \$0.67/1,000 gals.	Total per 1,000 gals.
0 – 5,000	\$ 42.50				
5,001 – 10,000	\$ 42.50	\$ 7.90	\$ 0.50	\$ 0.67	\$ 9.07
10,001 – 40,000	\$ 75.00	\$ 8.25	\$ 0.50	\$ 0.67	\$ 9.42
40,001 – 75,000	\$ 375.00	\$ 9.00	\$ 0.50	\$ 0.67	\$ 10.17
>75,000	\$ 562.50	\$ 10.88	\$ 0.50	\$ 0.67	\$ 12.05

**\*\*Additional Notes:**

1. The Base Rate and the Rate Per 1,000 gallons shall be reviewed and subject to change annually.
2. A Major Maintenance Fee of \$0.33 per 1,000 gallons is added to the total volume consumed. This fee is subject to change annually.  
2018 - \$0.33/1,000 gal.; 2019 - \$0.66/1,000 gal.; 2020 - \$0.95/1,000 gal.
3. A System Depreciation Fee of \$0.45/1,000 gallons is added to the total volume consumed. This fee is subject to change annually.  
2018 - \$0.45/1,000 gal.; 2019 - \$0.90/1,000 gal.; 2020 - \$1.35/1,000 gal.
4. Out of City Accounts (Commercial and Multi-Family) are charged the In-City Rate including the Major Maintenance and Depreciation Fees, then multiplied by 1.5 to obtain the total invoiced amount.

**RESIDENTIAL WASTEWATER RATES WITH NO WATER SERVICE**

Flat rate of \$30.00 a month based on an average consumption of 5,000 gallons.

**COMMERCIAL WASTEWATER RATES WITH NO WATER SERVICE AND METERED FLOW**

\$6.00 per thousand gallons of metered flow

**GREASE TRAP INSPECTION RATE FEE**

Each grease trap - \$30.00 per month

**SENIOR/DISABLED WATER AND SEWER RATES****WATER RATES****RESIDENTIAL – SENIOR/DISABLED IN-CITY**

## Residential – Senior/Disabled

- Age 65 & over
- 70% or greater disability
- See \*\*\*Additional Notes at end of Senior/Disabled Rates Section

	Range	Base Rate	\$/1,000 gal.
5/8" – 3/4" Meter	0 – 1,000	\$ 19.00	
	>1,001		\$ 3.65

# EXHIBIT A-1

## City of Magnolia Fee Schedule

Amended September 11, 2018

1" Meter	0 – 1,000	\$ 43.00	
	>1,001		\$ 3.65
WASTEWATER RATES			
RESIDENTIAL – SENIOR/DISABLED IN-CITY			
Residential – Senior/Disabled			
<ul style="list-style-type: none"><li>- Age 65 &amp; over</li><li>- 70% or greater disability</li><li>- See ***Additional Notes at end of Senior/Disabled Rates Section</li></ul>			
Range	Base Rate	\$/1,000 gal.	
0 – 1,000	\$ 9.95		
>1,001		\$ 3.00	
SENIOR/DISABLED SOLID WASTE RATE			
Residential – Senior/Disabled rate		\$ 18.08	
***Additional Notes:			
<ul style="list-style-type: none"><li>1. The Senior/Disabled exemption is only available for In-City accounts.</li><li>2. The Senior/Disabled accounts are ineligible for a separate irrigation account.</li><li>3. The account must be in the applicant's name who qualifies for the Senior/Disabled exemption.</li><li>4. Seniors must be a minimum of 65 years old. The applicant must show proof of age via birth certificate, passport, or a State issued identification card.</li><li>5. To qualify for the Disabled discount, the applicant must demonstrate a minimum of a 70% disability and submit proof. Proof of disability is either documentation from the Veterans Administration or MCAD Form 50-135, if a veteran, or through Tax Code 11.13(c) and (d) and approved by the Montgomery County Appraisal District (MCAD) using Form 50-114.</li><li>6. Existing Senior Residential Irrigation Account (separately metered) is subject to termination if the irrigation account exceeds 7,000 gallons per month for three (3) consecutive months. If terminated, the account is converted to a regular irrigation account with notification.</li><li>7. The Senior/Disabled Residential account is subject to termination if the account exceeds 7,000 gallons per month for three (3) consecutive months. If terminated, the account is converted to a residential account with notification.</li><li>8. All accounts are subject to the "Pass Through Fees" which are charged at the rate established in this Fee Schedule.</li></ul>			
TAP FEES			
The following tap fees shall be collected as applicable from the applicant before the connection is made:			
Water taps (Standard)		Wastewater taps (Standard)	
1" -	\$ 775.00	4" -	\$ 925.00
1.5 " -	\$1,250.00	6" -	\$1,200.00
2" -	\$2,500.00		
Additional requirements which may be determined to be needed by the City Engineer or the City's contract services which would exceed the cost for a standard 4" or 6" wastewater tap will be charged to the customer.			
METER FEES			
Cost + 5%			
IMPACT FEES:			
Each new connection to the City's water and/or wastewater system will be required to pay the appropriate impact fees as established by the City Council before construction begins.			
Water - \$1,500.00		Wastewater - \$3,000.00	



**EXHIBIT A-1**  
**City of Magnolia Fee Schedule**

Amended September 11, 2018

<b>SOLID WASTE SERVICES</b>	
Residential Rate:	\$20.08
<b>PLAT FEES</b>	
<b>Escrow Fee: \$3,000</b>	
<b>PRELIMINARY PLAT:</b> with no transportation improvement analysis or public improvements	Fee does not include Civil Construction permits or building permits
Rezoning: all designations except Planned Development ("PD")	Fee includes publication
<b>Escrow Fee: \$1,500</b>	
Rezoning: All designations except Planned Development	Fee includes publication
Site Permit	Site preparation to shape the site for development
Site Plan: <9.99 acres	
<b>Escrow Fee: \$4,000</b>	
Site Plan: >10 - 19.99 acres	
<b>Escrow Fee: \$5,000</b>	
<b>FINAL PLAT:</b>	Fee does not include Montgomery County recordation
Minor amending final plat and final vacation plat	Fee does not include Montgomery County recordation
Preliminary Plat	Fee does not include Civil Construction application materials or building permits
Site Plan: 20 or more acres	
<b>Escrow Fee: \$2,000</b>	
Conditional Use Permit	Fee applicable only when Drainage Plan submitted separately without Civil Construction application materials
Drainage Plan	
Final Plat: Minor amending Final Plat and Final Vacation Plat	Fee does not include Montgomery County recordation
Land Clearing Permit	Tree inventory, removal, mitigation, and erosion control
Text Amendment (UDC)	
Variance	Applies to any Variance application
<b>Escrow Fee: \$1,000</b>	
Administrative Appeal	
City Council Appeal	
<b>Miscellaneous</b>	
Annexation	No charge
Building Permit	In accordance with currently adopted IBC and ICC building valuation data
Certificate of Occupancy	\$100
Right-of-Way Encroachment Permit	\$100
Sign Permit	Price depends upon sign type as defined on Sign Permit Application

# EXHIBIT A-1

## City of Magnolia Fee Schedule

Amended September 11, 2018

Tree Removal Permit	\$50 + \$10/protected tree	
<b>A DOUBLE FEE WILL BE CHARGED FOR ANY WORK STARTED AND/OR COMPLETED PRIOR TO THE ISSUANCE OF THE APPROPRIATE PERMIT(S)</b>		
<b>BUILDING PERMIT FEES</b>		
<i>(in accordance with currently adopted IBC and ICC Building Valuation Data attached)</i>		
<b>All building permits valued over \$1,000 are subject to a plan review fee that is one-half (1/2) the cost of the Building Permit.</b>		
<b>All permits are subject to a \$25.00 Administrative Fee</b>		Ce
<b>ELECTRICAL PERMIT FEES</b>		
<b>ADMINISTRATIVE FEE (on all permits):</b>		<b>\$25.00</b>
<b>METER LOOP INFORMATION</b> <i>(includes meter loop)</i>	Service up to and including	
(SIGNS) 100 ampere	Over 400 ampere	\$60.00
125 ampere	Subpanels with 2 or more circuits	\$ 7.50 each
200 ampere	Panel with 9 or more circuits	\$ 7.50 each
400 ampere		
All Outlets	<b>Motors:</b>	
Light Fixtures	Up to ¾ HP	\$ 2.00
<b>Electrical Appliances:</b>	Over ¾ HP to 10 HP	\$ 7.50
Range receptacle	Plus per HP	\$ .35 each
Clothes dryer	<b>Transformers:</b>	
Cooking tops	Up to 1kva	\$10.00
Ovens	Over 1kva to 10 kva	\$15.00
Garbage Disposals	Over 10 kva	\$20.00
Dishwashers	Plus per kva	\$ 2.00
Window A/C	<b>Miscellaneous:</b>	
Central A/C	Motion picture machines	\$ 7.50
Electrical heat to 1kw	Commercial sound equipment	\$ 5.00
Over 1kw thru 10kw		
Over 10kw	Ballpark- & Parking lot light poles	\$25.00
Plus, per kw	Pole with guy wire	\$ 7.50
<b>TEMPORARY INSTALLATIONS:</b>	<b>Electric water heater:</b>	
Installations such as wood saws, floor surfacing machines, paint-spraying apparatus shall be charged per installation	Not exceeding 1500 watts	\$10.00
\$15.00	Over 1500 watts	\$15.00
Temporary lighting installations	Plus per 1,000 watts	\$ 1.50
Temporary lighting installations, such as carnivals, or similar installations for amusement, show, display or similar uses, shall be charged as:	Incandescent electric signs & Incandescent gas or vacuum tube signs per KVA	\$ 5.00
10 kva	Sign installation inspection per kva	\$ 7.50
Over 10 kva	Streamers and festoon lighting, per circuit	\$ 2.00
	Permanently connected electrical appliances &	



## EXHIBIT A-1

### City of Magnolia Fee Schedule

Amended September 11, 2018

Temporary saw pole (Good for only 90 days)	\$25.00	equipment of any nature not otherwise specified shall be charged as: 5 kw	\$ 2.00
Temporary cut-in <u>MANDATORY</u>	\$25.00		
<b>SLAB INSPECTIONS:</b>		Partial cover-up	\$35.00
SLAB INSPECTION	\$35.00	Commercial ditch cover-up up to 100 feet	\$35.00
Additional Slab Inspection	\$35.00		
Re-inspection fee	\$35.00		
Reconnection fee	\$20.00		
Commercial Appliances	\$ 7.50 each		
Electric welders	\$ 7.50		
<b>HVAC PERMIT FEES</b>			
<b>ADMINISTRATIVE FEE (on all permits):</b>		<b>\$25.00</b>	
Plus \$7.50 per ton		Duct distribution only	\$25.00
<b>RE-INSPECTION FEE</b>			
<b>SHOULD THE BUILDING INSPECTOR BE ASKED BY THE PERMIT HOLDER TO RE-INSPECT THE WORK, AND UPON ATTEMPTING TO RE-INSPECT FINDS THAT THE WORK IS NOT READY FOR RE-INSPECTION, THERE SHALL BE AN ADDITIONAL \$35.00 RE-INSPECTION FEE CHARGED.</b>			
<b>MANUFACTURED HOUSING PERMIT FEES</b>			
Permit fee: \$250.00 PLUS Plan Review Fee: \$125.00 = \$375.00			
<b>PLUMBING PERMIT FEES</b>			
<b>ADMINISTRATIVE FEE (on all permits):</b>		<b>\$25.00</b>	
Re-Inspection	\$ 35.00	Gas Opening	\$ 12.50 each
Plumbing Fixtures	\$ 3.50 each	Gas	\$ 25.00
Sprinkler System	\$ 35.00	Sewer Connection	\$ 25.00
Irrigation System	\$ 35.00	Grease Trap	\$ 25.00
Stand Pipe	\$ 25.00	Backflow Preventers	\$ 20.00
Water Heaters	\$ 10.00 each	Com. Water Tap	ASK
Wall Heaters	\$ 12.00	Residential Water Tap	ASK
		Commercial Sewer Tap	ASK
		Residential Sewer Tap	ASK
		Impact Fee – Sewer	ASK
<b>SIGN PERMIT FEES</b>			
<b>INITIAL AND ANNUAL OPERATING FEES:</b>			
Suspended sign:	\$ 25.00	+ inspection fee for electrical signs - \$35.00 each	
Wall sign <160 sq. ft.	\$ 35.00	+ inspection fee for non-electrical signs - \$10.00 each	
Wall sign >160 sq. ft.	\$ 50.00		
Ground sign <160 sq. ft.	\$ 50.00		

**EXHIBIT A-1**  
**City of Magnolia Fee Schedule**

Amended September 11, 2018

Ground sign >160 sq. ft.	\$ 75.00	
Multi-Tenant Sign:	\$100.00	
Annual permit fee	\$ 25.00	
BANNER DISPLAY FEES		
\$25.00 per location (\$50.00 if using both TxDot Magnolia locations)		
PERMIT TO MOVE SUPER HEAVY OR OVERSIZE EQUIPMENT OR LOAD OVER CITY STREETS, ROADS AND HIGHWAYS		
Fee:	\$15.00/Year	
FEE FOR THE MOVING OF BUILDINGS OR OTHER STRUCTURES		
Fee:	\$35.00	
COMMUNICATION TOWER PERMIT FEES		
Administrative fee:	\$ 35.00	
Towers having height of 100 ft. or less	\$100.00	
Towers having height of more than 100 ft. but not exceeding 150 ft.	\$225.00	
Towers having a height in excess of 150 ft.	\$350.00	
SOLICITOR PERMIT FEES		
Processing fee	\$30.00 + \$5.00 per day + \$10.00 for each individual solicitor	
MOBILE FOOD VENDOR FEES		
Permit fee (administrative fee)	\$30.00	
Daily	\$ 5.00 per day	
Monthly permit fee	\$25.00	
Six Month Permit fee	\$60.00	
RED LIGHT CAMERA LATE PAYMENT PENALTY FEE		
Late payment fee	\$25.00	
TOW TRUCK FEE		
Tow Truck fee	\$100.00	
I.D. card for wrecker driver	\$ 15.00	
UNITY PARK – RESERVATION DEPOSIT & FEES		
DEPOSIT:		
Deposit for half day rental (4 hr. minimum)	\$250.00	
Deposit for full day rental	\$500.00	



# EXHIBIT A-1

## City of Magnolia Fee Schedule

Amended September 11, 2018

**START/FINISH TIME MUST INCLUDE SET UP, BREAK DOWN AND CLEAN UP**				
NON-PROFIT RATES: ORGANIZATIONS MUST SUPPLY PROOF OF IRS NON-PROFIT STATUS				
NON-MAGNOLIA RESIDENTS ADD AN ADDITIONAL \$20.00	Half day	Non-profit	Full day	Non-profit
Pavilion only	\$ 200.00	\$ 100.00	\$ 400.00	\$ 200.00
One-half area of Pavilion	\$ 100.00	\$ 50.00	\$ 200.00	\$ 100.00
Pavilion w/serving area	\$ 300.00	\$ 150.00	\$ 500.00	\$ 250.00
Pavilion w/serving area & amphitheater	\$ 375.00	\$ 187.50	\$ 650.00	\$ 325.00
Amphitheater only	\$ 75.00	\$ 37.50	\$ 150.00	\$ 75.00
Entire park	\$ 750.00	\$ 375.00	\$1500.00	\$ 750.00
Cook-off grounds – (\$100 extra per day for set-up/break down days)	N/A	N/A	\$ 200.00	\$ 100.00
<b>RESERVATION CANCELLATION:</b> One-half of the deposit will be forfeited if a reservation is cancelled before the 10 <sup>th</sup> day preceding the reserved date. If the reservation is cancelled on or after the 10 <sup>th</sup> day preceding the reserved date, the entire deposit will be forfeited.				
<b>EARLY STARTS / LATE DEPARTURES:</b> Early starts - \$50/hour; Late departure – Labor + 25% Administrative fee				
RETURNED CHECK FEE				
All returned checks will be charged a \$35.00 fee.				
CREDIT CARD CONVENIENCE FEE				
All credit card transactions will be charged a 3.5% convenience fee.				
COPYING FEE				
All copies will be charged a fee of \$.10 per page and up.				
ALARM PERMIT FEE				
The nonrefundable application fee for an alarm permit, an annual permit renewal, or a permit reinstatement is:	\$5.00 annual renewal fee the first of each calendar year			
(a) for nonresidential areas of an apartment complex equipped with a burglar alarm, hold-up, panic, or duress alarm system; and	\$50			
(b) for commercial alarm sites equipped with a burglar alarm, hold-up, or panic alarm system.	\$50			
VEHICLES FOR HIRE				
Taxicab Business Permit	\$50.00 per cab annually			
City Chauffeur’s License	\$10.00 fingerprinting charge			
DANGEROUS DOG PERMIT				
Dangerous Dog Permit	\$35.00 annually			

**EXHIBIT A-1**  
**City of Magnolia Fee Schedule**

Amended September 11, 2018



April 3, 2019

San Jacinto River Authority  
P.O. Box 329  
Conroe, Texas, 77305

Re: Water Conservation Plan  
City of Magnolia  
Strand Project No. 3919.113

To Whom It May Concern,

Transmitted herein on the City's behalf is one (1) copy of the Water Conservation Plan for the City of Magnolia.

Sincerely,

Hollie Schrader, E.I.T.

cc + Enclosures: Lynne George, City of Magnolia





## Appendix E

	Unit	2029	2039
Projected Connections		10,444	19,072
Average Pumpage Per Connection	gpd	360	360
Average Pumpage	mgd	3.760	6.866
	gpm	2,611	4,786
Maximum Day to Average Day Ratio		2.4	2.4
Maximum Day Pumpage	mgd	9.024	16.478
	gpm	6,266	11,433
Maximum Hour to Maximum Day Ratio		1.25	1.25
Maximum Hourly Pumpage	mgd	11.280	20.598
	gpm	7,833	14,304

**Table 3.04-1 Projected Water Pumpage**

The City of Magnolia is currently in the process of master planning and significant growth is anticipated throughout the service area.

EXHIBIT C

# Report for City of Magnolia, Texas

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## Drought Contingency Plan

Prepared by:

STRAND ASSOCIATES, INC.®  
1906 Niebuhr Street  
Brenham, TX 77833  
[www.strand.com](http://www.strand.com)

April 2019



**TABLE OF CONTENTS**

Page No.  
or Following

**DROUGHT CONTINGENCY PLAN**

General.....	1
Declaration of Policy, Purpose, and Intent.....	2
Public Involvement.....	2
Public Education .....	2
Coordination with Regional Water Planning Groups.....	3
Authorization.....	3
Application .....	3
Definitions.....	3
Criteria for Initiation and Termination of Drought Response Stages .....	4
Drought Response Stages .....	6
Enforcement .....	12
Variances.....	13

The City of Magnolia, Texas (City) recognizes its fundamental responsibility to provide an adequate supply of safe drinking water for residents and businesses within its City limits. Because drinking water is a precious natural resource, careful planning is needed to ensure water suppliers are protected from contamination, are distributed effectively and efficiently to end users, and procedures are in place to monitor consumption and avoid waste.

Water conservation and consumption planning are integral elements for ensuring that the water supplies are not exhausted. To further this goal, the City Council has adopted this plan in 2009, through the passage of Ordinance # 2009-156. This 2019 Plan is an updated version of the existing ordinance. This ordinance establishes the City's policies for promoting water conservation and emergency planning, and provides the vision, resources, and overall methodologies for establishing an effective program.

This plan addresses the following elements:

- A. The need for and goals of the City's water conservation program.
- B. Methods to reduce water consumption.
- C. Methods to reduce loss or waste of water.
- D. Methods to improve efficient water use.
- E. Methods to increase recycling and reuse of water.

## GENERAL

The City is located in the southern part of Montgomery County, Texas. It was incorporated in 1968. The City 2010 census population was 1,393 inhabitants.

The City's water system in 2019 consists of three water wells for water supply, two ground storage tanks (GST) and two elevated storage tanks (EST) for water storage and delivery pressure, six high service (booster) pumps, chlorination facilities for water disinfection, and distribution lines to transport the water to the customers ranging from 2- to 16-inch in size. The wells, storage facilities, and pumping facilities are located at two separate water plants. All of the water wells are completed in the Evangeline aquifer. Sands screened by the wells are at a depth of approximately 500 to 770 feet, varying in each well. Water treatment consists of chlorination for disinfection and injection of polyphosphate to sequester iron naturally occurring in the water. Distribution system pressure is approximately 50 to 70 pounds per square inch (psi).

The City in 2019 serves 1,274 customer accounts. Based on 2018 pumpage, the estimate number of residential equivalent connections is 1,646. Approximately 1,026 single family residences (residential inside, residential outside, and senior) are served. Major commercial water users include schools, clinics, a number of restaurants and motels, and retail establishments. Annual water use in 2017 and 2018 was 216.3 (million gallons per day) mgd and 195.4 mgd, respectively. Average daily water use during this period was 0.6 mgd, and the peak day use was 1.4 mgd.

The following production, or capacity, applies to the year 2019:

The production (pumping) rate from all three wells combined is approximately 1,570 (gallon per minute) gpm. One well at Plant No. 1 produces approximately 250 gpm, a second well at Plant No. 1 produces approximately 320 gpm, and Well No. 6 at Plant No. 2 produces approximately 1,000 gpm. The Texas Commission on Environmental Quality (TCEQ) minimum water supply capacity requirement is 0.6 gpm per connection; therefore for the 1,646 equivalent connections, a minimum water supply (well production) of 988 gpm is required. The current City's cumulative pump rate exceeds this requirement.

The system has a total of 412,000 gallons of ground storage and 400,000 gallons of elevated storage. The TCEQ minimum storage capacity requirement is 200 gallons per connection total storage and 100 gallons per connection elevated storage; therefore, for the 1,646 equivalent connections, a minimum of 329,200 gallons total storage is required, and a minimum of 164,600 gallons elevated storage is required. Both requirements are met by the City's existing facilities.

The system has a total rated booster pump capacity of 4,895 gpm with the capacity of the largest pump being 1,000 gpm. The TCEQ minimum booster pump capacity requirement is two or more pumps that have a total capacity of 2.0 gpm per connection or that have a total capacity of at least 1,000 gpm and the ability to meet peak hourly demands with the largest pump out of service (firm capacity), whichever is less, at each pump station or pressure plane. The TCEQ defines peak hourly demand in the absence of verified historical data as 1.25 times the maximum daily demand (prorated to an hourly rate) if a public water supply meets the commission's minimum requirements for elevated storage capacity. For the entire system the TCEQ minimum required capacity is 1,235 gpm (peak-hour). The firm booster pump capacity in the upper pressure plane is 2,000 gpm and can be transferred to the lower pressure plane through pressure reducing valves. The requirements are met by the existing facilities.

## **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 Magnolia 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 nonessential 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 titled Criteria for Initiation and Termination of Drought Response Stages of this Plan).

## **PUBLIC INVOLVEMENT**

Opportunity for the public to provide input into the preparation of the Plan was provided by the City by means of Public Notice and Public Hearings.

## **PUBLIC EDUCATION**

The City will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated as well as the drought response measures to be implemented in each stage. This information will be provided by distribution of educational materials to customers including but not limited to water-saving materials furnished by the Texas Water Development Board (TWDB) and the American Water Works Association (AWWA) issued to all customers. Distribution of these materials may be made on a semi-annual basis and will be timed to correspond with the peak summer and winter demand periods.

## COORDINATION WITH REGIONAL WATER PLANNING GROUPS

The service area of the City is located within Region H and the City has provided a copy of this Plan to Region H.

## AUTHORIZATION

The Mayor, or his/her 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 Mayor, or his/her designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

## APPLICATION

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

## DEFINITIONS

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

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

Commercial and institutional water use—Water use that 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 supply is conserved and made available for future or alternative uses.

Customer—Any person, company, or organization using water supplied by the City.

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 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, and rights-of-way and medians.

Nonessential water use—Water uses that are not essential nor required for the protection of public, health, safety, and welfare, including the following:

- 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, walkways, 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 except where necessary to support aquatic life.
- 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 address—Street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

## CRITERIA FOR INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES

The Mayor, or his/her designee, shall monitor water supply or demand conditions on a regular 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 in the following are based on water use (demand).

### A. Use of alternative water sources or alternative delivery mechanisms

There are no alternative water source(s) for the City.

### B. Stage 1 Triggers—Mild Water Shortage Conditions

1. Requirements for initiation—Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses (defined in the section titled Definitions) when the daily water usage exceeds 50 percent of the then combined current pumping capacity for five consecutive days.
2. Requirements for termination—Stage 1 of the Plan may be rescinded when all the conditions listed as triggering events have ceased to exist for a period of fourteen consecutive days.



C. Stage 2 Triggers—Moderate Water Shortage Conditions

1. Requirements for initiation—Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in the section title Drought Response Stages of this Plan when the daily water usage exceeds 60 percent of the then combined current pumping capacity for five consecutive days.
2. Requirements for termination—Stage 2 of the Plan may be rescinded when all the conditions listed as triggering events have ceased to exist for a period of fourteen consecutive days. Upon termination of Stage 2, Stage 1 (or the applicable drought response stage based on the triggering criteria) becomes operative.

D. Stage 3 Triggers—Severe Water Shortage Conditions

1. Requirements for initiation—Customers shall be required to comply with the requirements and restrictions on certain nonessential water uses for Stage 3 of this Plan when the daily water usage exceeds 70 percent of the then combined current pumping capacity for five consecutive days.
2. Requirements for termination—Stage 3 of the Plan may be rescinded when all the conditions listed as triggering events have ceased to exist for a period of fourteen consecutive days. Upon termination of Stage 3, Stage 2 (or the applicable drought response stage based on the triggering criteria) becomes operative.

E. Stage 4 Triggers—Critical Water Shortage Conditions

1. Requirements for initiation—Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 4 of this Plan when 80 percent of the then combined current pumping capacity for five consecutive days.
2. Requirements for termination—Stage 4 of the Plan may be rescinded when all the conditions listed as triggering events have ceased to exist for a period of fourteen consecutive days. Upon termination of Stage 4, Stage 3 (or the applicable drought response stage based on the triggering criteria) becomes operative.

F. Stage 5 Triggers—EMERGENCY Water Shortage Conditions

1. Requirements for initiation—Customers shall be required to comply with the requirements and restrictions for Stage 5 of this Plan when the daily water usage exceeds 90 percent of the pumping capacity for five consecutive days, or the Mayor (or his/her designee) determines that a water supply emergency exists based on the following:
  - a. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service.
  - b. Natural or man-made contamination of the water supply source(s).

2. Requirements for termination—Stage 5 of the Plan may be rescinded when all the conditions listed as triggering events have ceased to exist for a period of fourteen consecutive days.

G. Stage 6 Triggers—Water Allocation

1. Requirements for initiation—Customers shall be required to comply with the water allocation plan prescribed in the section titled Drought Response Stages of this Plan and comply with the requirements and restrictions for Stage 5 of this Plan when the daily water usage exceeds 95 percent of pumping capacity for five consecutive days or water system failures have created a condition that is an imminent threat to health, safety and welfare of the public.
2. Requirements for termination—Water allocation may be rescinded when all the conditions listed as triggering events have ceased to exist for a period of consecutive days.

## **DROUGHT RESPONSE STAGES**

The Mayor, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and (in accordance with the triggering criteria set forth in the section titled Criteria for Initiation and Termination of Drought Responses of this Plan) shall determine that a mild, moderate, severe, critical, emergency or water shortage condition exists and shall implement the following notification procedures:

A. Notification

1. Notification of the Public—The Mayor or his/her designee shall notify the public by means of one or all of the following:
  - a. Publication in a newspaper of general circulation.
  - b. Direct mail to each customer.
  - c. Public service announcements.
  - d. Signs posted in public places.
2. Additional Notification—The Mayor or his/ her designee shall notify directly, or cause to be notified directly, the following individuals and entities:
  - a. Members of the City Council and the Magnolia Volunteer Fire Chief
  - b. City Emergency Management Coordinator(s)
  - c. TCEQ (required when mandatory restrictions are imposed)
  - d. Critical water users, i.e. school

B. Stage 1 Response—Mild Water Shortage Conditions

1. Target—Achieve a voluntary 5 percent reduction in daily water demand.
2. Best Management Practices for Supply Management—The City will reduce water demand by discontinuing the flushing of water mains and reducing irrigation of public landscaped areas.

3. Voluntary Water Use Restrictions for Reducing Demand:

- a. 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), 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 A.M. and 8 P.M. to midnight on designated watering days.
- b. All operations of the City shall adhere to water use restrictions prescribed for Stage 1 of the Plan.
- c. Water customers are requested to practice water conservation and to minimize or discontinue water use for nonessential purposes.

C. Stage 2 Response--Moderate Water Shortage Conditions

- 1. Target--Achieve a 15 percent reduction in daily water demand.
- 2. Best Management Practices for Supply Management--The City will reduce water demand by discontinuing the flushing of water mains and reducing irrigation of public landscaped areas.
- 3. Water Use Restrictions for Demand Reduction--Under threat of penalty for violation, the following water use restrictions shall apply to all persons:
  - a. 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), 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 midnight until 10 A.M. and between 8 P.M. and midnight on designated watering days. However, irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, a faucet-filled bucket or watering can of 5 gallons or less, or drip irrigation system.
  - b. 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 midnight and 10 A.M. and between 8 P.M. and midnight. 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.

- c. 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 midnight and 10 A.M. and between 8 P.M. and midnight.
- d. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- e. 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 the use of water from designated fire hydrants for construction purposes may be allowed under special permit from the City.
- f. Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours midnight and 10 A.M. and between 8 P.M. and midnight. However, if the golf course uses a water source other than that provided by the City, the facility shall not be subject to these regulations.
- g. All restaurants are prohibited from serving water to patrons except upon request of the patron.
- h. The following uses of water are defined as nonessential and are prohibited:
  - (1) Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas.
  - (2) Use of water to wash down buildings or structures for purposes other than immediate fire protection.
  - (3) Use of water for dust control.
  - (4) Flushing gutters or permitting water to run or accumulate in any gutter or street.
  - (5) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

**D. Stage 3 Response—Severe Water Shortage Conditions**

- 1. Target—Achieve a 20 percent reduction in daily water demand.
- 2. Best Management Practices for Supply Management—The City will reduce water demand by discontinuing the flushing of water mains and reducing irrigation of public landscaped areas.
- 3. Water Use Restrictions for Demand Reduction—All requirements of Stage 2 shall remain in effect during Stage 3 except the following:
  - a. Irrigation of landscaped areas shall be limited to designated watering days between the hours of midnight and 10 A.M. and between 8 P.M. and 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.

- b. The watering of golf course tees is prohibited unless the golf course uses a water source other than that provided by the City.
- c. The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

E. Stage 4 Response—Critical Water Shortage Conditions

1. Target—Achieve a 25 percent reduction in daily water demand.
2. Best Management Practices for Supply Management—The City will reduce water demand by discontinuing the flushing of water mains and reducing irrigation of public landscaped areas under the threat of penalty.
3. Water Use Restrictions for Reducing Demand—All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except:
  - a. Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6 A.M. and 10 P.M. and between 8 P.M. and 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.
  - b. 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 A.M. and between 6 P.M. and 10 P.M.
  - c. The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.
  - d. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
  - e. No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

F. Stage 5 Response—Emergency Water Shortage Conditions

1. Target—Achieve a 30 percent reduction in daily water demand.
2. Best Management Practices for Supply Management—The City will reduce water demand by discontinuing the flushing of water mains and reducing irrigation of public landscaped areas under the threat of penalty.
3. Water Use Restrictions for Reducing Demand—All requirements of Stage 2, 3, and 4 shall remain in effect during Stage 5 except the following:
  - a. Irrigation of landscaped areas is absolutely prohibited.
  - b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.

G. Stage 6 Response—Water Allocation

In the event that water shortage conditions threaten public health, safety, and welfare, the Mayor is hereby authorized to allocate water according to the following water allocation plan:

1. Single-Family Residential Customers—The allocation to residential water customers residing in a single-family dwelling shall be as follows:

Persons per Household	Gallons per Month
1 to 2	7,000
3 to 4	8,000
5 to 6	9,000
7 to 8	10,000
9 to 10	11,000
11 or more	13,000

“Household” means the residential premises served by the customer’s meter. “Persons per household” include only those persons currently physically residing at the premises and expected to reside there for the entire billing period. It shall be assumed that a particular customer’s household is comprised of two persons unless the customer notifies the City of a greater number of persons per household on a form prescribed by the Mayor. The Mayor shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every residential customer. If, however, a customer does not receive such a form, it shall be the customer’s responsibility to go to the City offices to complete and sign the form claiming more than two persons per household. New customers may claim more persons per household at the time of applying for water service on the form prescribed by the Mayor. When the number of persons per household increases so as to place the customer in a different allocation category, the customer may notify the City on such form and the change will be implemented in the next practicable billing period. If the number of persons in a household is reduced, the customer shall notify the City in writing within two days. In prescribing the method for claiming more than two persons per household, the Mayor shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports

the number of persons in a household or fails to timely notify the City of a reduction in the number of person in a household shall be fined no less than \$2,000.00.

- a. Residential water customers shall pay the following surcharges:

Double the per 1,000-gallon rate for the first 1,000 gallons over allocation.

- b. Surcharges shall be cumulative.

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 (example: apartments or mobile homes) shall be allocated 6,000 gallons per month for each dwelling unit. It shall be assumed that such a customer's meter serves two dwelling units unless the customer notifies the City of a greater number on a form prescribed by the Mayor. The Mayor shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every such customer. If, however, a customer does not receive such a form, it shall be the customer's responsibility to go to the City offices to complete and sign the form claiming more than two dwellings. A dwelling unit may be claimed under this provision whether it is occupied or not. New customers may claim more dwelling units at the time of applying for water service on the form prescribed by the Mayor. If the number of dwelling units served by a master meter is reduced, the customer shall notify the City in writing within two days. In prescribing the method for claiming more than two dwelling units, the Mayor shall adopt methods to ensure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of dwelling units served by a master meter or fails to timely notify the City of a reduction in the number of person in a household shall be fined not less than \$2,000.00.

- a. Customers billed from a master meter under this provision shall pay the following monthly surcharges:

Double the per 1,000-gallon rate for the first 1,000 gallons over allocation.

- b. Surcharges shall be cumulative.

3. Commercial Customers:

A monthly water allocation shall be established by the Mayor, or his/her designee, for each nonresidential commercial customer other than an industrial customer who uses water for processing purposes. The nonresidential customer's allocation shall be approximately 75 percent of the customer's usage for corresponding month's billing period for the previous 12 months. If the customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no history exists. The Mayor shall give his/her best effort to see that notice of each nonresidential customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the City to determine the allocation. Upon request of the customer or at the initiative of the Mayor, the allocation may be reduced or increased if, the designated period does not accurately reflect the customer's normal water usage, one nonresidential customer agrees to transfer

part of its allocation to another nonresidential customer, or other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Mayor.

- a. Nonresidential commercial customers shall pay the following surcharges:  
  
Double the per 1,000-gallon rate for uses over allocation gallons.
- b. The surcharges shall be cumulative. As used herein, "block rate" means the charge to the customer per 1,000 gallons at the regular water rate schedule at the level of the customer's allocation.

## ENFORCEMENT

- A. No person shall knowingly or intentionally allow the use of water from the City 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 Mayor, or his/her designee, in accordance with provisions of this Plan.
- B. Any person who violates this Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not more than \$2,000.00. Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the Mayor 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 reconnection charge and any other costs incurred by the City in discontinuing service. In addition, suitable assurance must be given to the Mayor 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.
- C. 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. 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.
- D. Any employee of the City, police officer, department head, or other employee designated by the Mayor, 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.

## VARIANCES

The Mayor, or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined 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:

- A. 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.
- B. 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 within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the Mayor, or his/her designee, and shall include the following:

- A. Name and address of the petitioner(s).
- B. Purpose of water use.
- C. Specific provision(s) of the Plan from which the petitioner is requesting relief.
- D. 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.
- E. Description of the relief requested.
- F. Period of time for which the variance is sought.
- G. Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- H. Other pertinent information.

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

- A. Variances granted shall include a timetable for compliance.
- B. Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specific requirements.

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