

ORDINANCE 2024 – 09 - 01

AN ORDINANCE OF THE CITY OF COMMERCE, TEXAS ADOPTING A WATER CONSERVATION PLAN TO PROMOTE RESPONSIBLE USE OF WATER AND TO PROVIDE FOR PENALTIES AND/OR THE DISCONNECTION OF WATER SERVICE FOR NONCOMPLIANCE WITH THE PROVISIONS OF THE WATER CONSERVATION PLAN, PROVIDING A REPEALER, SEVERABILITY, AND SAVINGS CLAUSE; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) FOR EACH VIOLATION HEREOF; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Commerce, Texas (“the City”) recognizes the amount of water available to its water customers is limited; and

WHEREAS, The City recognizes that that due to natural limitations, drought conditions, system failures and other acts of God which may occur, the City cannot guarantee an uninterrupted water supply for all purposes at all times; and

WHEREAS, the Water Code and the regulations of the Texas Commission on Environmental Quality (the “Commission”) require that the City adopt a Water Conservation Plan; and

WHEREAS, the City has determined an urgent need in the best interest of the public to adopt a Water Conservation Plan; and

WHEREAS, pursuant to Chapter 54 of the Texas Local Government Code, the City is authorized to adopt such ordinances necessary to preserve and conserve its water resources; and

WHEREAS, the City Council hereby finds and determines that the regulations and amendments set forth herein are in the best interests of the public and are adopted in furtherance of the public health, safety, morals and general welfare.

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

SECTION 1. INCORPORATION OF PREMISES. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. WATER CONSERVATION PLAN. The City Council hereby approves and adopts the City of Commerce Water Conservation Plan (the “Plan”), attached hereto as Addendum A, as if recited verbatim, herein. The City commits to implement the requirements and procedures set forth in the adopted Plan. The City Manager or his designee is hereby directed to file a copy of the Plan and this Ordinance with the Commission in accordance with Title 30, Chapter 288 of the Texas Administrative Code.

SECTION 3. PENALTY. Any customer, defined pursuant to 30 Tex. Admin. Code Chapter 291, failing to comply with the provisions of the Plan shall be subject to a fine of up to TWO THOUSAND AND NO/100 (\$2,000.00) for each offense and/or discontinuance of water service by the City. Proof of a culpable mental state is not required for a conviction of an offense under this section. Each day a customer fails to comply with the Plan is a separate violation. The City's authority to seek injunctive relief available under the law is not limited by this section.

SECTION 4. SAVINGS AND REPEALING CLAUSE. This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 5. SEVERABILITY. If any section, subsection, clause, phrase or provision of this Ordinance, or any application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or any application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and publication of its Caption as required by law and Charter.

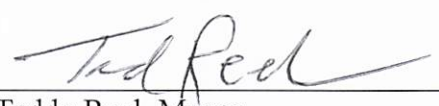
PASSED AND APPROVED on its **FIRST READING** at a regular meeting of the City Council of the City of Commerce, Texas on this the 20th day of August 2024.

PASSED AND APPROVED on its **SECOND READING** at a regular meeting of the City Council of the City of Commerce, Texas on this the 17th day of September 2024.

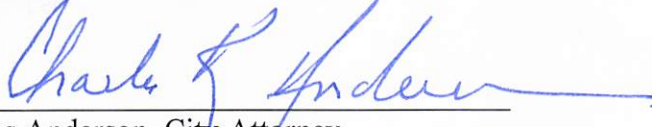
ATTEST:

CITY OF COMMERCE, TEXAS:


Molly Jacobsen, City Secretary
(Seal)


Teddy Reel, Mayor

APPROVED AS TO FORM:


Charles Anderson, City Attorney



**CITY OF COMMERCE,
HUNT COUNTY, TEXAS**

**Water Conservation Plan
August 2024**

- A. Purpose:** The City of Commerce implemented a drought contingency plan in July 2002, as required by the Texas Water Development Board. This 2024 revision is in response to a requirement by the Texas Commission on Environmental Quality (TCEQ) in TAC Chapter 288, that all plans be revised every 5 years.

Commerce recognizes that water conservation is a viable strategy to protect its water supply. This Water Conservation & Drought Contingency Plan has been developed to protect the system's water source and extend its useful life to ensure that a sufficient water supply is available for both present and future needs. The water conservation portion of the plan looks at year-round methods for reducing water use. It will consider methods that should result in a continuous reduction of water use. However, because some of the methods take place primarily in summer months, these impacts may be more noticeable on a seasonable basis. The drought contingency portion of the plan will look at measures designed to reduce water use on a temporary basis in the event of a period of drought or an emergency such as water source contamination. Methods considered here are not necessarily needed on a continual basis but should be achievable in the short term.

- B. Planning Area:** The city is in Hunt County in the Sulphur River Basin. The City's water supply is from Lake Tawakoni with a contract for 2,444 MG/yr expiring in 2027, with Sabine River Authority. Commerce also gets its water supply from groundwater out of the Nacatoch Aquifer.
- C. Coordination with Regional Planning Group:** Commerce is located within the Texas Water Development Board's Northeast Texas planning region, or Region D. A copy of this plan has been provided to Region D.
- D. Goals:** The City of Commerce's current water use rate is 116 gallons per capita per day. The city hopes to reduce water use to 110 gallons per capita per day by the year 2029, and to 100 gpcpd by 2034.
- E. Plan Elements:** The following elements make up the bulk of the water conservation plan. These elements include education and information, plumbing codes, water rate structures, universal metering, water conserving landscape, and leak detection and repair. Through these elements, the city hopes to achieve its goal of maintaining water use to 100 gallons per capita per day by 2034.

1. Education and Information: The City of Commerce will promote water conservation

by informing water users about the ways to save water inside of homes and buildings, in landscaping and lawn uses, and in recreational uses through the following:

- a. The city will provide new water customers with water conservation literature when signing up for new water service. This literature will be varied and will include both indoor and outdoor water saving tips.
 - b. The city will provide existing water customers with water conservation literature no less than once per year. This material will either be included in the water bill or will be mailed separately.
 - c. The city will periodically publish articles in the local newspaper reminding customers of the importance of water conservation.
2. **Plumbing Codes:** The City of Commerce will continue to abide by the 2018 version of the International Building Code (IBC), which contains requirements for water saving plumbing devices on all new construction.
3. **Water Rate Structure:** Commerce's current water rate structure is as follows:

Water Demand Charges: This charge is based on the size of the water meter used and the relative demand placed on the distribution system by that meter. The Demand Charge does not include any consumption.

5/8"	\$23.00	3"	\$368.00
1"	\$57.50	4"	\$575.00
1 1/2"	\$115.00	6"	\$1,150.00
2"	\$184.00	8"	\$1,840.00
2 1/2"	\$250.00	10"	\$2,645.00

Water Consumption Charges: This charge is based on the volume of water used as measured by the water meter and is billed 1,000 gallons at a time.

Customer Classification	Consumption Tiers (1,000 gals)	Consumption Rates per 1,000 gals
Residential	0 – 4	\$4.00
	5 – 15	\$7.50
	16 – 50	\$8.30
	> 50	\$8.30
Multi-Family (Quadplex, Apartments)	0 – 15	\$8.30
	16 – 50	\$8.30
	> 50	\$8.30
Commercial	0 – 15	\$8.30
	16 – 50	\$8.30
	> 50	\$8.30
Industrial	0 – 15	\$8.30
	16 – 50	\$8.30
	> 50	\$8.30

Institutional	0 – 15	\$8.30
	16 – 50	\$8.30
	> 50	\$8.30
Wholesale Water		
Contracts		
Raw Water	All Consumption	\$1.50
Potable Water	All Consumption	\$8.30

This is considered a conservation-oriented structure because as water use increases, charges are increased. A rate structure like Commerce's promotes minimal water use.

4. **Universal Metering:** All water users served by Commerce are presently metered. Also, master meters are currently installed and periodically calibrated at all existing water sources. The city monitors water consumption and inspects meters. Meters are maintained, calibrated and replaced as needed.
5. **Water Conserving Landscaping:** In order to reduce the demands placed on the water system by landscape watering, the City of Commerce, through its information and education program, will encourage customers to utilize water saving practices in the installation of landscaping for residential and commercial institutions. Some of the methods to be promoted by the education and information program are as follows:
 - a. Encourage landscape contractors to use plants and grasses that have low water requirements. Also encourage the use of efficient irrigation systems.
 - b. Encourage licensed irrigation contractors to use drip irrigation systems where possible, and to design all irrigation systems with water conserving features, such as sprinklers which emit large drops rather than a fine mist.
 - c. Encourage commercial establishments to use drip irrigation for landscape watering, when practical, and to install only ornamental fountains that recycle and use minimal quantities of water.
 - d. Encourage local nurseries to offer adapted, low water using plants and grasses and efficient water devices.
6. **Leak Detection and Repair:** Commerce will utilize appropriate leak detection techniques in locating and repairing leaks. A continuous leak detection and repair program is vital to the City's profitability. A monthly account of water delivery efficiencies is made by the city. Once located, all leaks are immediately repaired. Through its computerized billing program, the city can readily identify when excessive leakage occurs and take immediate action to remedy the problem.
7. **Implementation and Enforcement:** The City Manager of the City of Commerce will oversee implementation of the water conservation program and will report to the Commerce City Council annually on the progress of the program.
8. **Wholesale Contract:** The city will include a provision in every water supply contract entered or renewed after official adoption of the water conservation plan, 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 of this chapter. If the customer intends to resell the water, then 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 applicable provisions of this chapter.