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**Ordinance amending City Code of Ordinances Chapter 55, Article XII Water Resource Management sections 55-150, 55-152, 55-153, 55-154, 55-155; updating the City's Drought Contingency Plan, providing an effective date of March 19, 2025, and providing for penalties and publication.**

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

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

**ARTICLE XII. WATER RESOURCE MANAGEMENT**

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

- (a) *Scope.* There is hereby established a City of Corpus Christi Water Conservation Plan and Drought Contingency Plan. The City of Corpus Christi Water Conservation Plan Revised 2020 edition, and the Drought Contingency Plan Revised 2025 ~~2018~~-edition, approved March 18, 2025, ~~January 30, 2018~~, as amended by ordinance, a true copy of each which is on file in the office of the city secretary, have been adopted, and shall be followed in matters concerning water conservation, drought management, and water supply enhancement programs.
- (b) *Declaration of policy.*
- (1) It is hereby declared that the general welfare requires that the water resources available to the city be put to the maximum beneficial use to the extent to which they are capable, and that the waste or unreasonable use, or unreasonable method of use of water be prevented, and the conservation of such water is to be extended with a view to the reasonable and beneficial use thereof in the interests of the people of the area served by the city's water resources and for the public welfare.
- (2) In making decisions under this article concerning the allocation of water between conflicting interests, highest priority will be given to allocation necessary to support human life and health; i.e., the minimum amount of water necessary for drinking, prevention of disease, and the like. Second highest priority will be given to allocations which will result in the least loss of employment to persons whose income is essential to their families.
- (c) *Authorization.* The city manager, or his designee, upon the recommendation of ~~the the Chief Operating Officer for Corpus Christi Water~~ assistant city manager, public works and utilities, is hereby authorized and directed to implement the applicable provisions of this article upon their determination that such implementation is necessary to protect the public welfare and safety. Any non-emergency changes to the drought stages and restrictions outside Article XII must have City Council approval.
- (d) *Definitions.* The following terms used in this article are defined as follows:
- (1) "City manager" means the city manager or the city manager's designee.
- (2) "Drip irrigation" means an irrigation system that applies water at a controlled low flow levels directly to the soil. that applies water through a network of tubes, pipes, valves, and emitters that slowly drips water to the roots of plants to minimize evaporation. Soaker hoses are not a substitute for a proper drip irrigation system.
- (3) "Fountain" means an artificially created jet or stream of water; a structure, often decorative, ~~from which a jet or stream of water issues.-.~~

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- (4) *"Industrial customers use of water for processing"* means the use of water in processes designed to convert materials of lower value into forms having greater usability.
  - (5) *"Non-essential purpose"* means water uses that are not essential or not required for the protection of public health, safety and welfare.

(6) *"Non-exempt large volume accounts"* means a large volume account that is not paying the non-mandatory drought surcharge exemption fee pursuant to Section 55-159.1.

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

(8) *"Wholesale Customer"* is a public or private utility that purchases water from the City through a written contract that authorizes the resale of water to third parties or classifies the utility as a wholesale customer.

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

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

- (a) The following measures are year-round water conservation best management practices that are in effect at all times, regardless of the reservoir levels or drought contingency levels:
  - (1) *Prohibition on wasting water:* Actions leading to wasting of water are prohibited and will be enforced. No person shall:
    - a. Allow water to run off property into gutters or streets.
    - b. Permit or maintain defective plumbing in a home, business establishment or any location where water is used on the premises. Defective plumbing includes out-of-repair water closets, underground leaks, defective or leaking faucets and taps.
    - c. Allow water to flow constantly through a tap, hydrant, valve, or otherwise by any use of water connected to the city water system.
    - d. Use any non-recycling decorative water fountain.
    - e. Allow irrigation heads or sprinklers to spray directly on paved surfaces such as driveways, parking lots, and sidewalks in public rights-of-way.
    - f. Operate an irrigation system at water pressure higher than recommended, causing heads to mist, or to operate with broken heads.
  - (2) *Time of irrigation:* Irrigation by spray or sprinklers is prohibited between the hours of 10:00 a.m. and 6:00 p.m. It is still permissible to water by hand or by drip irrigation at any time of day, unless the city enters Reservoir System Stage 3. However, the use of water is permitted at any hour for short periods of time for testing related to the installation, maintenance, and repair of sprinkler systems.
  - (3) *Restaurant water saving:* Commercial dining facilities must only serve water upon request.

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

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

- (a) The level of reservoir system severity determines the extent of potential water use restrictions that shall be implemented. Following are the levels of reservoir system in the form of stages:
- (1) Water Shortage Watch Stage
  - (2) Stage 1: Mild water shortage watch.
  - ~~(2)~~(3) Stage 2: Moderate water shortage ~~condition~~.
  - ~~(3)~~(4) Stage 3: Critical water shortage ~~condition~~.
  - ~~(4)~~(5) Stage 4: Water Emergency ~~water shortage condition~~.
- (b) Criteria for initiation and termination of reservoir system response stages:
- (1) The city manager, or designee, shall monitor water supply and/or demand conditions on a weekly basis and shall determine when conditions warrant initiation or termination of each stage, that is, when the specified "triggers" are reached. However, the city manager, in the exercise of the city manager's discretion, may initiate or terminate any stage or restriction(s) at any particular time, as deemed necessary. when the city manager deems necessary at any particular time.
  - (2) The triggering criterion to be monitored for determining reservoir system response stages is the combined reservoir storage levels of Choke Canyon Reservoir and Lake Corpus Christi.
  - (3) Whenever any of the stages listed below are triggered, the city manager shall publish a public notice of the particular stage, in the daily newspaper of general circulation in Nueces County.
  - (4) To the extent of city's legal authority, the city manager shall require the city's raw water and wholesale treated water customers to issue public notice advising their water customers of conservation and drought management activities consistent with the stages listed below.
- (c) The triggering criterions are as follows:
- (1) ~~Water Shortage Watch:~~
- Requirements for initiation – Customers shall be requested to voluntarily conserve water and adhere to prescribed conditions on specific water uses when the combined storage levels of Choke Canyon Reservoir and Lake Corpus Christi fall below fifty (50) percent.
- Requirements for termination – The watch may be terminated when the combined storage levels of Choke Canyon Reservoir and Lake Corpus Christi increase above 50% for 15 consecutive calendar days.
- ~~(1)~~(2) Stage 1 - Mild water shortage ~~watch~~:
- Requirements for initiation - ~~The combined storage level for Choke Canyon Reservoir and Lake Corpus Christi declines to below forty (40) per cent. Stage 1 begins when the combined reservoir storage level declines below forty (40) percent. Customers shall be required to comply with the requirements and restrictions on certain non-essential water users described in Section 55-153.~~
- Requirement for termination - Stage 1 ~~of the plan~~ may be ~~terminated~~~~rescinded~~ when the combined storage level increases above fifty (50) per cent.
- ~~(2)~~(3) Stage 2 - Moderate water shortage ~~condition~~:
- Requirements for initiation— – Stage 2 begins when the combined storage level declines below thirty (30) percent. Customers shall be required to comply with the requirements and restrictions on certain

~~non-essential water uses described in Section 55-153. The combined storage levels declines to below thirty (30) per cent.~~

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

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

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

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

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

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

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

~~Requirement for termination — The Water Emergency water shortage condition may be rescinded when the city manager, or designee, deems appropriate.~~

Level 1 Water Emergency

~~Trigger for initiation — A Level 1 Water Emergency begins when the City Manager, or designee, determines that the City is within 180 days of its total water supply not meeting its water demands. The 180-day trigger is in accordance with Texas Administrative Code Title 30 Rule §290.41(b)(1) for Water Resources. The City Manager or designee can modify the timing of triggering a Level 1 Water Emergency if the regional demands can be fully met with alternative water sources other than the combined reservoir storage. Other sources may include water from the Mary Rhodes Pipeline or future water supplies such as the Inner Harbor Seawater Desalination Treatment Facility.~~

~~Trigger for termination - The Level 1 Water Emergency may be terminated when the City Manager, or designee, determines that the City's total water supply can meet the total regional demands for more than 180 days.~~

Level 2 Water Emergency

~~Trigger for initiation — A Level 2 Water Emergency begins when the City Manager, or designee determines that a water supply emergency exists, which causes the demand to exceed the supply, subsequently leading to imminent failure to maintain pressure that meets TCEQ minimum standards, including but not limited to;~~

- a) Major catastrophic infrastructure failure including but not limited to; failure of a dam or spillway structure, failure of a major water line such as the MRP or other large diameter water lines, and/or failure of the City's water treatment facilities like O.N. Stevens or other critical re-pump stations; or
- b) Water production or distribution system limitations; or
- c) Natural or man-made contamination of the water supply source.

Trigger for termination – The Water Emergency may be terminated when the City Manager, or designee, deems appropriate.

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

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

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

(b) Water Shortage Watch Stage.

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

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

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

- (1) Target: During Stage 1, achieve a ~~ten (10)~~ five (5) per-cent reduction in daily treated water demand ~~relative to treated water demand~~ with the water use restrictions below.
- (2) The best management practices for supply management: The city will also do the following during Stage 1:
  - a. ~~a.~~—Use more repair crews if necessary to allow for a quicker response time for water-line leak repair; and
  - b. ~~b.~~—City crews (water and other departments) begin monitoring customers' compliance with Stage 1 restrictions during the course of their daily rounds.
  - c. City departments will make every effort to conserve water including no new landscape installation, no filling of ponds, and reducing the use of City-owned ornamental fountains.

d. Increase public education and outreach regarding water use reduction.

e. Increase targeted outreach to high consumption industrial and commercial customers to urge water use reductions.

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

- a. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to once per week. The watering schedule will be determined by the city manager or designee. Customers will be made aware of their designated watering day in accordance with the drought contingency plan. However, irrigation of landscaped areas is permitted on any day if it is by means of a hand-held hose (with positive shutoff nozzle), a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system with a positive shutoff device.

Exceptions for this restriction may be permitted, upon review and approval by the Chief Operating Officer for Corpus Christi Water, director of water operations or his designee for the following uses: new plantings (for up to sixty (60) days), vegetable gardens, athletic playing fields, and botanical gardens. In addition, this restriction does not apply to customers irrigating with well water or an aerobic septic system. Customers irrigating with well water or an aerobic septic system must apply for an exemption from Corpus Christi Water ~~a permit from the city water department~~ to be prominently posted on the premises within two (2) feet of the street number located on the premises.

- b. No watering or irrigating of landscape areas by hose-end sprinkler or automatic irrigation system will be allowed between the hours of 10:00 a.m. and 6:00 p.m. to prevent evaporation loss.

- c. Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special exemption from Corpus Christi Water. ~~permit from the City of Corpus Christi Water Department.~~

- c. Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days. However, if the golf course utilizes reclaimed water or a water source other than that provided through City of Corpus Christi ~~Water Department~~ infrastructure, the facility shall not be subject to these regulations.

- d. The use of water to maintain integrity of building foundations is ~~permitted on any day at any time only by use of hand-held hose or drip irrigation~~ limited to designated watering days.

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

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

- (1) Target: During Stage 2, achieve a twentyfive (2015)-ten (10) per-cent reduction in total daily treated water demand relative to treated water demand with the water use restrictions below.
- (2) Best management practices for supply management: In addition to the best management practices for supply management listed under Stage 1, the city will also do the following during Stage 2:
- a. a.—Eliminate the flushing of water mains unless required for decontamination and/or public safety; and
- b. b.—Review customers' water usage for compliance based on the previous month's water use and notify violators verbally or in writing as the situation dictates.

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c. Increase public education and outreach regarding water use reduction.

- (3) Water use restrictions for demand reduction: All requirements of Stage 1 shall remain in effect during Stage 2 except as modified below:

a. a.—Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to once every other week. The watering schedule will be determined by the city manager or designee. Customers will be made aware of their designated watering day. However, irrigation of landscaped areas is permitted on any day if it is by means of a hand-held hose (with positive shutoff nozzle), a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system with a positive shutoff device.

a. Exceptions for this restriction may be permitted, upon review and approval by the Chief Operating Officer for Corpus Christi Water, ~~director of water operations~~ or his designee, for the following uses: new plantings (for up to sixty (60) days), vegetable gardens, athletic playing fields, and botanical gardens. In addition, this restriction does not apply to customers irrigating with well water or an aerobic septic system. Customers irrigating with well water or an aerobic septic system shall still apply for a permit from Corpus Christi Water ~~the city water department~~ to be prominently posted on the premises within two (2) feet of the street number located on the premises.

b. b.—The watering of golf course fairways with potable water is prohibited. The watering of greens and tees are limited to once every other week unless the golf course utilizes reclaimed water or a water source other than that provided through City of Corpus Christi Water Department infrastructure or done by means of hand-held hoses, or hand-held buckets, or ~~drip irrigation.~~

c. A person or entity who owns, leases or manages an outdoor swimming pool (including City-owned pools) shall begin preparation for Stage 3 requirements to have approximately 100 percent of the pool surface area covered when not in use.

d. Hotels, motels and other lodgings must offer and clearly notify guests of a “linen/towel change on request only” program.

e. Use of water to wash a motor vehicle, not occurring on the premises of a commercial car wash is allowed on the designated Stage 2 watering day.

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

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

i. For all irrigation accounts, a surcharge of \$1.00 per 1,000 gallons will be added to the customers' bill.

ii. For residential accounts, a surcharge of \$1.00 per 1,000 gallons over 7,000 gallons will be added to the customers' bill.

iii. For commercial accounts, a surcharge of \$1.00 per 1,000 gallons over 55,000 gallons will be added to the customers' bill.



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- iv. For non-exempt large volume accounts a surcharge of \$3.00 per 1,000 gallons over 12,842,000 gallons will be added to the customers' bill.
  - i.v. For wholesale customers, a surcharge of \$1.00 per 1,000 gallons for volumes exceeding the last 12-month average usage by 25% for the 12-month billing prior to the implementation of Stage 2 will be added to the customers' bill, except as otherwise provided by contract.

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

- (1) Target: During Stage 3, achieve a ~~thirty (30) fifteen (15)~~ -percent or greater reduction in daily treated water demand relative to treated water demand with the water use restrictions below. ~~An additional surcharge will be added to each utility bill during Stage 3 water shortage conditions to discourage discretionary water use, as described in section 55-154 for retail customers and section 55-159 for wholesale customers.~~
- (2) Best management practices for supply management: In addition to the best management practices for supply management listed under Stage 2, the city will also do the following during Stage 3:
  - ~~a.~~ Upon written notice, disconnect the water meters of willful violators if absolutely necessary to prevent the deliberate wasting of water.
  - ~~b.~~ Increase public education and outreach regarding water use reduction.
- (3) Water use restrictions for demand reduction: All requirements of Stages 1 and 2 shall remain in effect during Stage 3 except as modified below:
  - a. ~~Irrigation of landscaped areas shall be prohibited at all times. Irrigation of turf grass by any means shall be prohibited at all times.~~
  - b. —Drip irrigation for foundations and landscaped beds is allowed every other week on the designated watering day. The watering schedule will be determined by the City Manager or designee. Customers will be made aware of their designated watering day.
  - c. Watering of trees, vegetable beds, shrubs, and potted plants is permitted on any day if it is by means of a handheld hose with a positive shutoff nozzle, a faucet-filled bucket, or a watering can of five gallons or less.
  - d. Exceptions for Stage 3 restrictions may be permitted up to 30 days, upon review and approval by the Chief Operating Officer or designee, for new plantings. In addition, this restriction does not apply to customers irrigating with well water or an aerobic septic system. Customers irrigating with well water or an aerobic septic system shall still apply for a permit from Corpus Christi Water to be prominently posted on the premises within two (2) feet of the street number located on the premises.
  - ~~e. b.~~ Use of water to wash any motor vehicle, motorbike, boat, trailer, or other vehicle not occurring on the premises of a commercial car wash and not in the immediate interest of public health, safety, and welfare is prohibited. Use of water to wash a motor vehicle, not occurring on the premises of a commercial car wash is allowed by hand, with a five gallon bucket or less, on the designated watering day.
  - ~~f. c.~~ The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi-type pools, and hot tubs and water parks (unless utilizing water from a non-city alternative source) is prohibited except to maintain structural integrity.



~~g. The person or entity who owns, leases, or manages an outdoor swimming pool (including City-owned pools) shall have approximately 100% of the pool surface area covered when not in use. A request for an exemption or variance from this provision for pools that have a water-saving feature may be submitted by submitting an application for exemption/variance.~~

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

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

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

~~f. The use of water for construction purposes from designated fire hydrants with a special permit will continue with a ten (10) per cent surcharge added to the water rate.~~

~~k. Hotels, motels, and other lodging must offer and clearly notify guests of a "linen/towel change on request only" program.~~

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

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

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

~~i. For all irrigation accounts, a surcharge of \$2.00 per 1,000 gallons will be added to the customers' bill.~~

~~ii. For residential accounts, a surcharge of \$2.00 per 1,000 gallons over 7,000 gallons will be added to the customers' bill.~~

~~iii. For commercial accounts, a surcharge of \$2.00 per 1,000 gallons over 55,000 gallons will be added to the customers' bill.~~

~~iv. For non-exempt large volume accounts a surcharge of \$6.00 per 1,000 gallons over 12,842,000 gallons will be added to the customers' bill.~~

~~i.v. For wholesale customers, a surcharge of \$2.00 per 1,000 gallons for volumes exceeding the last 12-month average usage by 25% for the 12-month billing prior to the implementation of Stage 2 will be added to the customers' bill, except as otherwise provided by contract.~~

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

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

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

- ~~(2) Best management practices for supply management: In addition to the best management practices for supply management listed under Stage 3, the city will also do the following:~~
- ~~• Call the ten (10) largest water customers in the area affected by the water emergency condition, and if necessary, use runners in key areas to begin spreading the message of a major outage.~~
- ~~(3) Water use restrictions for demand reduction: During Stage 4 water emergency, all requirements of Stages 1, 2, and 3 shall remain in effect except as modified below:~~
- ~~a. Irrigation of all landscaped areas is absolutely prohibited.~~
  - ~~b. Use of water to wash any motor vehicle, motorbike, boat, trailer, or other vehicle is absolutely prohibited.~~
  - ~~c. Associated uses of water not related to business process which are discretionary, such as equipment washing, shall be deferred until the Stage 5 the water emergency has been terminated.~~

(1) **Level 1 Water Emergency** - In the event that the triggering criteria specified in Section 8.2 – Level 1 Water Emergency of the DCP is met, City of Corpus Christi City Manager, or designee is hereby authorized to implement pro-rata curtailment of water supplies to all customers in accordance with Texas Water Code §11.039. The initiation of pro-rata curtailment preparations shall begin during Stage 3.

a) Target: During a Level 1 Water Emergency, curtailment will be required and may start at 5% or greater reduction of the total water demand, depending on the forecasted water supply conditions. Surcharges and allocations are enforceable during a Water Emergency, as described in section 155-154.

b) Best Management Practices for Supply Management: In addition to the best management practices for supply management listed under Stage 3, the City will also do the following:

- Implement a planned public campaign to inform all customers of the water emergency and to mandate the immediate curtailment of water.
- Contact wholesale water customers to discuss water supply and/or demand conditions and inform them about the initiation of mandatory measures to curtail their water consumption as necessary.
- Contact large-volume/industrial users to discuss water supply and/or demand conditions and inform them about the initiation of mandatory measures to curtail their water consumption as necessary.

c) Water Use Restrictions for Demand Reduction: During a Level 1 Water Emergency, all requirements of Stage 1, 2, and 3 shall remain in effect except as modified below:

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

**(2) Level 2 Water Emergency**

- a) During a Level 2 Water Emergency, achieve the necessary reduction in daily water demand to meet minimum system pressure requirements with the below water use restrictions. In addition, during a Level 2 Water Emergency all requirements from a Level 1 Water Emergency may be authorized under this section. Surcharges and curtailments are enforceable during a Water Emergency, as described in section 55-154.
- b) Best Management Practices for Supply Management: In addition to the best management practices for supply management listed under Stage 3, the City will also do the following:
  - Implement a public campaign to inform all customers of the water emergency and to mandate the immediate curtailment of water.
  - Contact wholesale water customers to discuss water supply and/or demand conditions and inform them about the initiation of mandatory measures to curtail their water consumption as necessary.
  - Contact large-volume/industrial users to discuss water supply and/or demand conditions and inform them about the initiation of mandatory measures to curtail their water consumption as necessary.
- c) Water Use Restrictions for Demand Reduction: During a water emergency, all requirements of Stage 1, 2, and 3 shall remain in effect except as modified below:
  - a) Irrigation of all landscaped areas is absolutely prohibited.
  - b) Use of water to wash any motor vehicle, motorbike, boat, trailer, or other vehicle is absolutely prohibited.
  - c) Associated uses of water not related to business process which are discretionary, such as equipment washing, shall be deferred until the water emergency has been terminated.

- (4) During ~~Stage 4a~~ Level 1 and Level 2 wWater Eemergency, the following surcharge measures are optional water use restrictions that may be implemented by the city manager, or designee, with city council approval, as conditions warrant:

- a) No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage shall be in effect.
- b) For residential and multi-unit customers, a drought surcharge of up to and including one hundred (100) per cent of the total monthly water bill over the monthly allocation may be added to the customers' bill to deter discretionary water use. The following surcharge will be added to a customer's water bill:
  - i. For irrigation account, the monthly surcharge is \$4.00 per 1,000 gallons,
  - ii. For residential account, the monthly surcharge is \$4.00 per 1,000 gallons over 7,000 gallons.

- iii. For commercial account, the monthly surcharge is \$4.00 per 1,000 gallons over 55,000 gallons.
- iv. For non-exempt large volume accounts a surcharge of \$12.00 per 1,000 gallons over 12,842,000 gallons will be added to the customers' bill.
- v. For wholesale customers, a surcharge of \$4.00 per 1,000 gallons exceeding the last 12-month average usage by 25% for the 12-month billing prior to the implementation of Stage 2 will be added to the customers' bill, except as otherwise provided by contract.

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

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

**(a) General.**

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

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

- i. For all irrigation accounts, a surcharge of \$1.00 per 1,000 gallons will be added to the customers' bill.
- ii. For residential accounts, a surcharge of \$1.00 per 1,000 gallons over 7,000 gallons will be added to the customers' bill.

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- iii. For commercial accounts, a surcharge of \$1.00 per 1,000 gallons over 55,000 gallons will be added to the customers' bill.
  - iv. For non-exempt large volume accounts a surcharge of \$3.00 per 1,000 gallons over 12,842,000 gallons will be added to the customers' bill.
  - v. For wholesale customers, a surcharge of \$1.00 per 1,000 gallons for volumes exceeding the last 12-month average usage by 25% for the 12-month billing prior to the implementation of Stage 2 will be added to the customers' bill, except as otherwise provided by contract.

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

- i. For all irrigation accounts, a surcharge of \$2.00 per 1,000 gallons will be added to the customers' bill.
- ii. For residential accounts, a surcharge of \$2.00 per 1,000 gallons over 7,000 gallons will be added to the customers' bill.
- iii. For commercial accounts, a surcharge of \$2.00 per 1,000 gallons over 55,000 gallons will be added to the customers' bill.
- iv. For non-exempt large volume accounts a surcharge of \$6.00 per 1,000 gallons over 12,842,000 gallons will be added to the customers' bill.
- v. For wholesale customers, a surcharge of \$2.00 per 1,000 gallons for volumes exceeding the last 12-month average usage by 25% for the 12-month billing prior to the implementation of Stage 2 will be added to the customers' bill, except as otherwise provided by contract.

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

- i. For all irrigation accounts, a surcharge of \$4.00 per 1,000 gallons will be added to the customers' bill.
- ii. For residential accounts, a surcharge of \$4.00 per 1,000 gallons over 7,000 gallons will be added to the customers' bill.
- iii. For commercial accounts, a surcharge of \$4.00 per 1,000 gallons over 55,000 gallons will be added to the customers' bill.
- iv. For non-exempt large volume accounts a surcharge of \$12.00 per 1,000 gallons over 12,842,000 gallons will be added to the customers' bill.
- v. For wholesale customers, a surcharge of \$4.00 per 1,000 gallons for volumes exceeding the last 12-month average usage by 25% for the 12-month billing prior to the implementation of Stage 2 will be added to the customers' bill, except as otherwise provided by contract.

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

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- (1) ~~A monthly base amount of three thousand (3,000) gallons shall be established as a trigger point for each customer. Water consumption up to and including this amount will not include a drought surcharge.~~
- (2) ~~Above the three thousand (3,000) gallon monthly consumption trigger point, with city council approval, a drought surcharge shall be added up to and including one hundred (100) per cent of the customer's total monthly water bill over the allocation.~~
- (c) ~~Residential customers who are billed from a master water meter.~~
- (1) ~~Once Stage 1 condition has been declared, property managers of multi-tenant units shall notify the city director of water operations of number of residential units in their facility for determination of allocations. Until so notified, the city shall calculate the allocation based on two (2) residential units per master water meter. A monthly base amount of three thousand (3,000) gallons shall be established as a trigger point for each residential unit.~~
- (2) ~~When consumption for the month is less than or equal to three thousand (3,000) gallons times the number of residential units, there will be no surcharge.~~
- (3) ~~With city council approval, when consumption is above the three thousand (3,000) gallons times the number of units, a drought surcharge shall be added up to and including one hundred (100) per cent of the customer's total monthly water bill over the allocation.~~
- (d) ~~Commercial or institutional customer.~~
- (1) ~~A monthly water usage allocation shall be established by the city manager or designee for each commercial or institutional customer.~~
- (2) ~~Method of establishing allocation:~~
- a. ~~When the combined reservoir capacity is less than twenty (20) per cent of total capacity (Stage 3), the commercial or institutional customer's allocation shall be ninety (90) per cent of the customer's usage for the corresponding month's billing period during the previous twelve (12) months prior to the implementation of Stage 1 condition.~~
- b. ~~If the customer's billing history is shorter than twelve (12) months, the monthly average for the period for which there is a record shall be used for any monthly period for which no history exists.~~
- c. ~~Provided, however, a customer, ninety (90) per cent of whose monthly usage is less than six thousand (6,000) gallons, shall be allocated six thousand (6,000) gallons.~~
- d. ~~The city manager shall give best effort to see that notice of each commercial or institutional customer's allocation is mailed to such customer.~~
- e. ~~If, however, the customer does not receive such notice, it shall be the customer's responsibility to contact the city's utilities billing office to determine the allocation, and the allocation shall be fully effective notwithstanding lack of receipt of written notice.~~
- f. ~~Upon request of the customer or at the initiative of the city manager, the allocation may be reduced or increased by the city manager:~~
1. ~~If one (1) nonresidential customer agrees to transfer part of its allocation to another nonresidential customer; or~~
2. ~~If other objective evidence demonstrates that the designated allocation is inaccurate under present conditions.~~

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

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

~~(2) Method of establishing allocation.~~

~~a. When the combined reservoir capacity of Choke Canyon Reservoir and Lake Corpus Christi is less than twenty (20) per cent of total capacity (Stage 3), the industrial customer allocation shall be ninety (90) per cent of the customer's usage for the corresponding month's billing period during the previous twelve (12) months prior to the implementation of Stage 1 condition.~~

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

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

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

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

~~1. The designated period does not accurately reflect the customer's normal water usage because customer had to shut down a major processing unit for overhaul during the period.~~

~~2. The customer has added or is in the process of adding significant additional processing capacity.~~

~~3. The customer has shut down or significantly reduced the production of a major processing unit.~~

~~4. The customer has previously implemented significant permanent water conservation measures.~~

~~5. The customer agrees to transfer part of its allocation to another industrial customer.~~

~~6. Other objective evidence demonstrates that the designated allocation is inaccurate under present conditions.~~

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

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

~~a. Five dollars (\$5.00) per one thousand (1,000) gallons for the first one thousand (1,000) gallons over allocation.~~



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- b. ~~Eight dollars (\$8.00) per one thousand (1,000) gallons for the second one thousand (1,000) gallons over allocation.~~
  - c. ~~Sixteen dollars (\$16.00) per one thousand (1,000) gallons for the third one thousand (1,000) gallons over allocation.~~
  - d. ~~Forty dollars (\$40.00) for each additional one thousand (1,000) gallons over allocation.~~
  - (2) ~~Customers whose allocation is twenty-one thousand (21,000) gallons per month or more:~~
    - a. ~~One (1) times the block rate for each one thousand (1,000) gallons in excess of the allocation up through five (5) per cent above allocation.~~
    - b. ~~Three (3) times the block rate for each one thousand (1,000) gallons from five (5) per cent through ten (10) per cent above allocation.~~
    - c. ~~Five (5) times the block rate for each one thousand (1,000) gallons from ten (10) per cent through fifteen (15) per cent above allocation.~~
    - d. ~~Ten (10) times the block rate for each one thousand (1,000) gallons more than fifteen (15) per cent above allocation.~~
    - e. ~~The surcharges shall be cumulative.~~
    - f. ~~As used herein, "block rate" means the charge to the customer per one thousand (1,000) gallons at the regular water rate schedule at the level of the customer's allocation.~~
  - (g) ~~Industrial customers, who use one hundred thousand (100,000) gallons or more of water per day for processing.~~
    - (1) ~~A monthly water usage allocation shall be established by the city manager or designee for each industrial customer, which uses water for processing (e.g., an industrial customer).~~
    - (2) ~~Method of establishing allocation.~~
      - a. ~~When the combined reservoir capacity of Choke Canyon Reservoir and Lake Corpus Christi is less than thirty (30) per cent of total capacity (Stage 2), the industrial customer allocation shall be eighty (80) per cent of the customer's usage for the corresponding month's billing period during the previous twelve (12) months prior to the implementation of Stage 1 condition.~~
      - b. ~~If the customer's billing history is shorter than twelve (12) months, the monthly allocation shall be one twelfth of eighty (80) per cent of the customer's maximum annual contracted amount until twelve (12) months of billing history are established. However, if the industrial customer does not have a water contract and does not have at least twelve (12) months of billing history, then the new industrial customer will provide data regarding expected water use and city will determine allocation based on eighty (80) per cent of expected use to determine initial allocation until twelve (12) months of billing history are established.~~
      - c. ~~The city manager shall give his best effort to see that notice of each industrial customer's allocation is mailed to such customer.~~
      - d. ~~If, however, the industrial customer does not receive such notice, it shall be the customer's responsibility to contact the city utilities billing office to determine the allocation, and the allocation shall be fully effective notwithstanding lack of receipt of written notice.~~
      - e. ~~Upon request of the industrial customer or at the initiative of the city manager, the allocation may be reduced or increased by the city manager, if:~~

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

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

~~(1) Customers whose allocation is eighty thousand (80,000) gallons per month or more:~~

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

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

~~(1) When a nonresidential customer is billed from a master meter which jointly measures water to multiple residential dwelling units (for example: apartments, mobile homes), the customer may pass along any surcharges assessed under this plan to the tenants or occupants, provided that:~~

- ~~a. The customer notifies each tenant in writing:~~
  - ~~1. That the surcharge will be passed along.~~
  - ~~2. How the surcharge will be apportioned.~~
  - ~~3. That the landlord must be notified immediately of any plumbing leaks.~~
  - ~~4. Methods to conserve water (which shall be obtained from the city).~~
- ~~b. The customer diligently maintains the plumbing system to prevent leaks.~~
- ~~c. The customer installs water saving devices and measures (ideas for which are available from the city) to the extent reasonable and practical under the circumstances.~~

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- (j) ~~For residential customers, the following measures come into effect after city council approves a drought rate surcharge; for nonresidential customers, these measures come into effect at Stage 3. Water service to the customer may be terminated under the following conditions:~~
- ~~(1) Monthly residential water usage exceeds trigger point by four thousand (4,000) gallons or more two (2) or more times (which need not be consecutive months).~~
  - ~~(2) Monthly water usage on a master meter which jointly measures water usage to multiple residential dwelling units exceeds trigger point by four thousand (4,000) gallons times the number of dwelling units or more two (2) or more times (which need not be consecutive months).~~
  - ~~(3) Monthly nonresidential water usage for a customer whose allocation is six thousand (6,000) gallons through twenty thousand (20,000) gallons exceeds its allocation by seven thousand (7,000) gallons or more two (2) or more times (which need not be consecutive months).~~
  - ~~(4) Monthly nonresidential water usage for a customer whose allocation is twenty one thousand (21,000) gallons or more exceeds its allocation by fifteen (15) per cent or more two (2) or more times (which need not be consecutive months).~~
  - ~~(5) For residential customers and nonresidential customers, after the first disconnection, water service shall be restored upon request for a fee of fifty dollars (\$50.00).~~
  - ~~(6) For such customers, after the second disconnection, water service shall be restored within twenty four (24) hours of the request for a fee of five hundred dollars (\$500.00).~~
  - ~~(7) If water service is disconnected a third time for such customer, water service shall not be restored until the city re-enters a level of water conservation less than Stage 2. For master meter customers, the service restoration fees shall be the same as above times the number of dwelling units.~~
  - ~~(8) The city manager is directed to institute written guidelines for disconnection of water service under this provision, which will satisfy minimum due process requirements, if any.~~
- (k) ~~It shall be a defense to imposition of a surcharge hereunder, or to termination of service, that water used over allocation resulted from loss of water through no fault of the customer (for example, a major water line break) for the following conditions:~~
- ~~(1) The customer shall have the burden to prove such defense by objective evidence (for example, a written certification of the circumstances by a plumber).~~
  - ~~(2) A sworn statement may be required of the customer.~~
  - ~~(3) This defense shall not apply if the customer failed to take reasonable steps for upkeep of the plumbing system, failed to reasonably inspect the system and discover the leak, failed to take immediate steps to correct the leak after discovered, or was in any other way negligent in causing or permitting the loss of water.~~
- (l) ~~When this section refers to allocation or water usage periods as "month," "monthly," "billing period," and the like, such references shall mean the period in the city's ordinary billing cycle which commences with the reading of a meter one (1) month and commences with the next reading of that meter which is usually the next month.~~
- ~~(1) The goal for the length of such period is thirty (30) days, but a variance of two (2) days, more or less, will necessarily exist as to particular meters.~~
  - ~~(2) If the meter reader system is prevented from timely reading a meter by any obstacle which is attributable to the customer, the original allocation shall apply to the longer period without modification.~~

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

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

- (a) ~~The director of water operations~~The Chief Operating Officer for Corpus Christi Water or his designee, may, in writing, grant a temporary variance to any of the provisions for water users found in this article XII upon determination that failure to grant such variance would cause an emergency condition adversely affecting the public health, sanitation, or fire protection for the public or person requesting such a variance.
- (b) A person requesting an exemption or variance from the provisions of this article shall file request on city-provided application for an exemption/variance with the city water department within five (5) days after a particular reservoir system response stage has been invoked. All request forms shall be reviewed by the Chief Operating Officer for Corpus Christi Water ~~director of water operations~~ or his designee, and shall include the following:
  - (1) Name and address of the water user(s).
  - (2) Purpose of water use.
  - (3) Specific provision(s) of the ordinance from which the water user is requesting relief.
  - (4) Detailed statement as to how the specific provision of the ordinance adversely affects the water user or what damage or harm will occur to the water user or others if water user complies with this plan.
  - (5) Description of the exemption or variance requested.
  - (6) Period of time for which the exemption or variance is sought.
  - (7) Alternative water use restrictions or other measures the water user is taking or proposes to take to meet the intent of this plan and the compliance date.
  - (8) Other pertinent information; or as required on permit application.
- (c) No exemption nor variance shall be retroactive or otherwise justify any violation of this article occurring prior to the issuance of the exemption/variance.
- ~~(d) All requests for variances/exemptions shall be reviewed and determined within three (3) business days of receipt of complete application.~~
- (de) The Chief Operating Officer for Corpus Christi Water ~~director of water operations~~ or his designee shall consider requests of water users for special consideration to be given as to their respective particular circumstances and is hereby authorized to, in special cases, grant such variance from the terms of this plan if such compliance would cause an emergency condition adversely affecting the public health, sanitation, or fire protection for the public or person requesting such a variance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this plan will result in unnecessary hardship, and so that the spirit of this plan shall be observed and substantial justice done.
- (ef) Should a permit for special exception be granted, it shall be in effect from the time of granting through the termination of the then current stage, unless revoked by the Chief Operating Officer for Corpus Christi Water ~~director of water operations~~ for noncompliance; provided, that the permit is prominently posted on the premises within two (2) feet of the street number located on the premises. However, during Stage 3, exception to allow watering of new plantings may be permitted for up to 30 days.
- (fg) A person denied request for permit or exception from these rules may appeal the decision to the Chief Operating Officer for Corpus Christi Water ~~assistant city manager for public works, utilities and transportation~~ by submitting written request for appeal ~~to the assistant city manager~~ within five (5) business

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days from issuance of denial. The decision of the Chief Operating Officer for Corpus Christi Water assistant city manager shall be final.

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

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

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

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

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

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

- (a) In the event that the triggering criterion specified in section 55-152 for Stage 2 have been met, the city manager, or designee, is hereby authorized to initiate allocation preparations of water supplies on a pro rata basis to raw water and wholesale treated water customers in accordance with V.T.C.A., Water Code § 11.039.
  - (1) A raw water or wholesale treated water customer's monthly allocation shall be a percentage of the customer's water usage baseline. The percentage will be set by resolution of the city council based on the city manager's assessment of the severity of the water shortage condition and the need to curtail water diversions and deliveries, and may be adjusted periodically by resolution of the city council as conditions warrant. Once pro rata allocation is in effect, water diversions by or deliveries to each raw water or wholesale treated water customer shall be limited to the allocation established for each month.

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- (2) A monthly water usage allocation shall be established by the city manager, or the city manager's designee, for each raw water or wholesale treated water customer. The raw water or wholesale treated water customer's water usage baseline will be computed on the average water usage by month for the previous five-year period. If the raw water or wholesale treated water customer's billing history is less than five (5) years, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists.
  - (3) The city manager shall provide notice, by certified mail, to each raw water or wholesale treated water customer informing them of their monthly water usage allocations and shall notify the news media and the Executive Director of the Texas Commission on Environmental Quality upon initiation of pro rata water allocation.
  - (4) Upon request of the raw water or wholesale treated water customer or at the initiative of the city manager, the allocation may be reduced or increased if:
    - a. The designated period does not accurately reflect the raw water or wholesale treated water customer's normal water usage;
    - b. The customer agrees to transfer part of its allocation to another raw water or wholesale treated water customer; or
    - c. Other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established under this section to the City Council of the City of Corpus Christi.
- (b) *Pro rata surcharges and enforcement.*
- (1) During any period when pro rata allocation of available water supplies is in effect, wholesale customers shall pay the following surcharges on excess water diversions:
    - a. Two (2.0) times the normal water charge per unit for water diversions and/or deliveries in excess of the monthly allocation up through five (5) per cent above the monthly allocation.
    - b. Two and one-half (2.5) times the normal water charge per unit for water diversions and/or deliveries in excess of the monthly allocation from five (5) per cent through ten (10) per cent above the monthly allocation.
    - c. Three (3.0) times the normal water charge per unit for water diversions and/or deliveries in excess of the monthly allocation from ten (10) per cent through fifteen (15) per cent above the monthly allocation.
    - d. Three and one-half (3.5) times the normal water charge per unit for water diversions and/or deliveries more than fifteen (15) per cent above the monthly allocation.
- (c) *Variances.*
- (1) The city manager, or the city manager's designee, may, in writing, grant a temporary variance to the pro rata water allocation policies provided by this section if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the public health, welfare, or safety, and if one (1) or more of the following conditions are met:
    - a. Compliance cannot be technically accomplished during the duration of the water supply shortage or other condition for which the plan is in effect.
    - b. Alternative methods can be implemented which will achieve the same level of reduction in water use.

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- (2) Raw water or wholesale treated water customers requesting an exemption from the provisions of this section shall file a petition for variance with the city manager within five (5) days after pro rata allocation has been invoked.
- (3) All petitions for variances shall be reviewed by the city council, and shall include the following:
- a. Name and address of the petitioner(s).
  - b. Detailed statement with supporting data and information as to how the pro rata allocation of water under the policies and procedures established in this section adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this section.
  - c. Description of the relief requested.
  - d. Period of time for which the variance is sought.
  - e. Alternative measures the petitioner is taking or proposes to take to meet the intent of this section and the compliance date.
  - f. Other pertinent information.
- (4) Variances granted by the city council shall be subject to the following conditions, unless waived or modified by the city council:
- a. Variances granted shall include a timetable for compliance.
  - b. Variances granted shall expire when the pro-rata allocation of water to raw water or wholesale treated water customers is no longer in effect, unless the petitioner has failed to meet specified requirements.
  - c. No variance shall be retroactive or otherwise justify any violation of this section occurring prior to the issuance of the variance.
- (d) *Contractual remedies not affected.* Nothing in this section supersedes any remedies available to the city under any contract with a raw water or wholesale treated water customer due to the customer's failure to adopt or impose water conservation measures required by the contract.

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

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

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

**SECTION 3.** If for any reason any section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph,



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subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

**SECTION 4.** Publication shall be made in the official publication of the City of Corpus Christi as required by the City Charter of the City of Corpus Christi. Penalties are as provided in Section 1-6 of the Corpus Christi City Code. This ordinance takes effect on **March 19, 2025**, after publication.

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

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

ATTEST:

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Paulette Guajardo, Mayor

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Rebecca Huerta, City Secretary