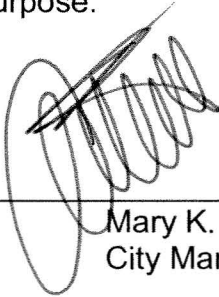


**APRIL 18, 2012 CITY COUNCIL BRIEFING AGENDA  
CERTIFICATION**

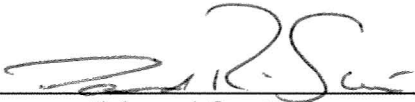
This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Briefing Agenda dated April 18, 2012. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.



\_\_\_\_\_  
Mary K. Suhm  
City Manager

4-13-12

\_\_\_\_\_  
Date



\_\_\_\_\_  
Edward Scott  
City Controller

4-13-12

\_\_\_\_\_  
Date



RECEIVED

2012 APR 13 PM 7:01

CITY SECRETARY  
DALLAS, TEXAS



# COUNCIL BRIEFING AGENDA

April 18, 2012

Date

(For General Information and Rules of Courtesy, Please See Opposite Side.)  
(La Información General Y Reglas De Cortesía Que Deben Observarse  
Durante Las Asambleas Del Consejo Municipal Aparecen En El Lado Opuesto, Favor De Leerlas.)

## General Information

The Dallas City Council regularly meets on Wednesdays beginning at 9:00 a.m. in the Council Chambers, 6th floor, City Hall, 1500 Marilla. Council agenda meetings are broadcast live on WRR-FM radio (101.1 FM) and on Time Warner City Cable Channel 16. Briefing meetings are held the first and third Wednesdays of each month. Council agenda (voting) meetings are held on the second and fourth Wednesdays. Anyone wishing to speak at a meeting should sign up with the City Secretary's Office by calling (214) 670-3738 before 9:00 a.m. on the meeting date. Citizens can find out the name of their representative and their voting district by calling the City Secretary's Office.

Sign interpreters are available upon request with a 48-hour advance notice by calling (214) 670-5208 V/TDD. The City of Dallas is committed to compliance with the Americans with Disabilities Act. **The Council agenda is available in alternative formats upon request.**

If you have any questions about this agenda or comments or complaints about city services, call 311.

## Rules of Courtesy

City Council meetings bring together citizens of many varied interests and ideas. To insure fairness and orderly meetings, the Council has adopted rules of courtesy which apply to all members of the Council, administrative staff, news media, citizens and visitors. These procedures provide:

- That no one shall delay or interrupt the proceedings, or refuse to obey the orders of the presiding officer.
- All persons should refrain from private conversation, eating, drinking and smoking while in the Council Chamber.
- Posters or placards must remain outside the Council Chamber.
- No cellular phones or audible beepers allowed in Council Chamber while City Council is in session.

"Citizens and other visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the City Council meeting shall be removed from the room if the sergeant-at-arms is so directed by the presiding officer, and the person shall be barred from further audience before the City Council during that session of the City Council. If the presiding officer fails to act, any member of the City Council may move to require enforcement of the rules, and the affirmative vote of a majority of the City Council shall require the presiding officer to act." Section 3.3(c) of the City Council Rules of Procedure.

## Informacion General

El Ayuntamiento de la Ciudad de Dallas se reúne regularmente los miércoles en la Cámara del Ayuntamiento en el sexto piso de la Alcaidía, 1500 Marilla, a las 9 de la mañana. Las reuniones informativas se llevan a cabo el primer y tercer miércoles del mes. Estas audiencias se transmiten en vivo por la estación de radio WRR-FM 101.1 y por cablevisión en la estación *Time Warner CityCable* Canal 16. El Ayuntamiento Municipal se reúne el segundo y cuarto miércoles del mes para tratar asuntos presentados de manera oficial en la agenda para su aprobación. Toda persona que desee hablar durante la asamblea del Ayuntamiento, debe inscribirse llamando a la Secretaría Municipal al teléfono (214) 670-3738, antes de las 9 de la mañana del día de la asamblea. Para enterarse del nombre de su representante en el Ayuntamiento Municipal y el distrito donde usted puede votar, favor de llamar a la Secretaría Municipal.

Intérpretes para personas con impedimentos auditivos están disponibles si lo solicita con 48 horas de anticipación llamando al (214) 670-5208 (aparato auditivo V/TDD). La Ciudad de Dallas se esfuerza por cumplir con el decreto que protege a las personas con impedimentos, *Americans with Disabilities Act*. **La agenda del Ayuntamiento está disponible en formatos alternos si lo solicita.**

Si tiene preguntas sobre esta agenda, o si desea hacer comentarios o presentar quejas con respecto a servicios de la Ciudad, llame al 311.

## Reglas de Cortesia

Las asambleas del Ayuntamiento Municipal reúnen a ciudadanos de diversos intereses e ideologías. Para asegurar la imparcialidad y el orden durante las asambleas, el Ayuntamiento ha adoptado ciertas reglas de cortesía que aplican a todos los miembros del Ayuntamiento, al personal administrativo, personal de los medios de comunicación, a los ciudadanos, y a visitantes. Estos reglamentos establecen lo siguiente:

- Ninguna persona retrasará o interrumpirá los procedimientos, o se negará a obedecer las órdenes del oficial que preside la asamblea.
- Todas las personas deben abstenerse de entablar conversaciones, comer, beber y fumar dentro de la cámara del Ayuntamiento.
- Anuncios y pancartas deben permanecer fuera de la cámara del Ayuntamiento.
- No se permite usar teléfonos celulares o enlaces electrónicos (*paggers*) audibles en la cámara del Ayuntamiento durante audiencias del Ayuntamiento Municipal.

"Los ciudadanos y visitantes presentes durante las asambleas del Ayuntamiento Municipal deben obedecer las mismas reglas de comportamiento, decoro y buena conducta que se aplican a los miembros del Ayuntamiento Municipal. Cualquier persona que haga comentarios impertinentes, utilice vocabulario obsceno o difamatorio, o que al dirigirse al Ayuntamiento lo haga en forma escandalosa, o si causa disturbio durante la asamblea del Ayuntamiento Municipal, será expulsada de la cámara si el oficial que esté presidiendo la asamblea así lo ordena. Además, se le prohibirá continuar participando en la audiencia ante el Ayuntamiento Municipal. Si el oficial que preside la asamblea no toma acción, cualquier otro miembro del Ayuntamiento Municipal puede tomar medidas para hacer cumplir las reglas establecidas, y el voto afirmativo de la mayoría del Ayuntamiento Municipal precisará al oficial que esté presidiendo la sesión a tomar acción." Según la sección 3.3(c) de las reglas de procedimientos del Ayuntamiento.

AGENDA  
CITY COUNCIL BRIEFING MEETING  
WEDNESDAY, APRIL 18, 2012  
CITY HALL  
1500 MARILLA  
DALLAS, TEXAS 75201  
9:00 A.M.

9:00 am      Invocation and Pledge of Allegiance      6ES

                 Special Presentations

                 Open Microphone Speakers

VOTING AGENDA      6ES

1.      Approval of Minutes of the April 4, 2012 City Council Meeting
2.      Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

Briefings      6ES

- A.      Operation: Beautification, A Citywide Community Cleanup
- B.      Water Conservation Program: Twice Weekly Watering

Lunch

- C.      Debt Issuance Options
- D.      Proposed FY 2012-13 Consolidated Plan Budget

ITEMS FOR INDIVIDUAL CONSIDERATION

**Water Utilities**

3.      An ordinance amending Chapter 49 of the Dallas City Code to: **(1)** provide restrictions on the frequency and days for watering lawns and landscapes in the city using hose-end sprinklers and automatic irrigation systems; and **(2)** repeal Resolution No. 12-0474, passed by the City Council on February 8, 2012, which extended Stage 1 of the City's drought contingency plan - Financing: No cost consideration to the City

AGENDA  
CITY COUNCIL BRIEFING MEETING  
WEDNESDAY, APRIL 18, 2012

- Closed Session 6ES  
Attorney Briefings (Sec. 551.071 T.O.M.A.)
- City of Dallas v. Larry Gatlin, et al., Cause No. CC-10-01369-D
  - Lavell Fairbanks v. Travis French, Cause No. 10-02144
  - Rodarick Lyles v. City of Dallas, et al., Cause No. 3:11-CV-0428-P
  - Andrew Collins v. Paul Bauer, et al., Cause No. 3:11-cv-887-B

Open Microphone Speakers 6ES

The above schedule represents an estimate of the order for the indicated briefings and is subject to change at any time. Current agenda information may be obtained by calling (214) 670-3100 during working hours.

Note: An expression of preference or a preliminary vote may be taken by the Council on any of the briefing items.

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. Contemplated or pending litigation, or matters where legal advice is requested of the City Attorney. Section 551.071 of the Texas Open Meetings Act.
2. The purchase, exchange, lease or value of real property, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.072 of the Texas Open Meetings Act.
3. A contract for a prospective gift or donation to the City, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.073 of the Texas Open Meetings Act.
4. Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Section 551.074 of the Texas Open Meetings Act.
5. The deployment, or specific occasions for implementation of security personnel or devices. Section 551.076 of the Texas Open Meetings Act.
6. Deliberations regarding economic development negotiations. Section 551.087 of the Texas Open Meetings Act.





**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** April 18, 2012

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Water Utilities

**CMO:** Forest E. Turner, 670-3390

**MAPSCO:** All

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**SUBJECT**

An ordinance amending Chapter 49 of the Dallas City Code to: **(1)** provide restrictions on the frequency and days for watering lawns and landscapes in the city using hose-end sprinklers and automatic irrigation systems; and **(2)** repeal Resolution No. 12-0474, passed by the City Council on February 8, 2012, which extended Stage 1 of the City's drought contingency plan – Financing: No cost consideration to the City

**BACKGROUND**

The proposed ordinance would amend Sections 49-1 and 49-21.1 of the Dallas City Code to restrict lawn and landscape watering by hose-end sprinklers and automatic irrigation systems to twice a week on designated outdoor water use days. Designated outdoor water use days would be Sundays and Thursdays for water customers with a street address ending in an even number (0, 2, 4, 6 or 8) or with no street address, and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9). Defenses and variances would be provided. The proposed ordinance would also repeal Resolution No. 12-0474 (passed by the City Council on February 8, 2012) which had extended Stage 1 of the City of Dallas' Drought Contingency Plan for 120 days from February 10, 2012 through June 8, 2012.

In 2001, Dallas was the first city in the North Texas region to adopt an ordinance prohibiting lawn and landscape water waste. In 2005, Council adopted a Five-Year Strategic Plan that defined water conservation goals for Fiscal Year (FY) 2004-05 through FY 2009-10 and recommended conservation strategies to achieve those goals. From FY 2001-02 through FY 2010-11, ongoing water conservation efforts and implementation of the Plan have helped Dallas save approximately 200 billion gallons of water. This item will strengthen the lawn and landscape watering guidelines to further extend Dallas' water supplies.

## **BACKGROUND** (Continued)

Outdoor water use, particularly lawn watering, can account for half or more of annual residential water use. Average summer water demands in many North Texas cities can spike to more than 80% above average winter consumption. Experts agree that lawns and landscapes that are native or adapted to this region can survive on twice weekly irrigation or less in many cases.

The goal of the ordinance amendment is to reduce excessive outdoor watering and water waste, especially during peak summer months when rain is scarce and demands are high. The maximum twice weekly watering rule is a sustainable approach to helping the city meet the increasing demands on its water supplies.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Authorized adoption of the first Five-Year Strategic Plan on Water Conservation and state mandated Water Conservation Plan on April 13, 2005, by Resolution No. 05-1221.

Authorized adoption of 2010 Five-Year Strategic Plan Update and state mandated Water Conservation Plan on June 9, 2010, by Resolution No. 10-1509.

Briefed Transportation and Environment Committee on April 9, 2012.

## **FISCAL INFORMATION**

No cost consideration to the City.

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Sections 49-1 and 49-21.1 of CHAPTER 49, "WATER AND WASTEWATER," of the Dallas City Code, as amended; defining terms; restricting the frequency and days for watering lawns and landscape in the city using hose-end sprinklers and automatic irrigation systems; repealing Resolution No. 12-0474, passed by the city council on February 8, 2012, which extended Stage 1 of the city's drought contingency plan; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, it is essential for the city of Dallas to conserve its available water supply and protect the integrity of future water resources needed for the economic growth of the city and for the health, safety, and welfare of the citizens of the city; and

WHEREAS, the city council finds that it is for the benefit and protection of the public health, safety, and welfare to require all persons and premises using the city's water system to limit the watering of lawns and landscape with hose-end sprinklers or automatic irrigation systems to twice a week and on designated outdoor water use days; Now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Section 49-1, "Definitions," of Article I, "General," of CHAPTER 49, "WATER AND WASTEWATER," of the Dallas City Code, as amended, is amended to read as follows:

**"SEC. 49-1. DEFINITIONS.**

In this chapter:

(1) ACT means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

(2) AMENABLE TO TREATMENT means that a substance:

(A) does not discharge or interfere with the operations of the wastewater system;

(B) is acceptable for stream discharge and normal sludge disposal methods used by the city; and

(C) does not pose a health or safety threat to city employees or contractors performing work in the wastewater system.

(3) APPLICANT means a person who makes application to receive a service from the department.

(4) APPROVAL AUTHORITY means the Director of the Texas Commission on Environmental Quality (TCEQ).

(5) AUTHORIZED REPRESENTATIVE OF THE INDUSTRIAL USER means:

(A) if the industrial user is a corporation,

(i) the president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions governing the operation of the regulated facility (Examples of management decisions or activities include, but are not limited to, having the explicit or implicit duty to make major capital investment recommendations, and initiate and direct these comprehensive measures to assure long-term compliance with environmental laws and regulations; having the authority to establish a system to gather complete and accurate information for individual wastewater discharge permit requirements; and having the authority to sign documents and bind the corporation in accordance with corporate procedures.);

(B) if the industrial user is a partnership or sole proprietorship, a general partner or proprietor, respectively;

(C) if the industrial user is the federal, state, or local government, the director or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility governed by these regulations, or the director's or official's designee; or

(D) any individual designated to act as the authorized representative by an individual described in Paragraphs (5)(A) through (5)(C) if the authorization is in writing, specifies the individual or the position that is responsible for the overall operation of the facility from which the discharge originates (or position that has the overall responsibility for environmental matters for the entity), and is submitted to the city.

(6) AUTOMATIC IRRIGATION SYSTEM means an irrigation system that will automatically cycle water using landscape sprinklers according to a preset program, whether used on a designated timer or through manual operation.

(7) BACKFLOW PREVENTION DEVICE means a device, including but not limited to reduced pressure devices, double check valves and vacuum breakers, approved by the director and used to prevent water of unknown quality in private plumbing facilities from flowing back into the water system.

(8) [~~(7)~~] BEST MANAGEMENT PRACTICES (BMPs) means a schedule of activities, maintenance procedures, and other management practices that prevent the unlawful discharge of pollutants, listed in Section 49-36(b) and (c), into the wastewater system. BMPs include treatment requirements, operating procedures, and practices that control plant site runoff, spillage or leaks of chemicals, sludge or waste disposal, and drainage from raw material storage.

(9) [~~(8)~~] BOD (BIOCHEMICAL OXYGEN DEMAND) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/L).

(10) [~~(9)~~] BUILDING DRAIN means that part of the lowest horizontal piping of a drainage system that receives wastewater discharge from drainage pipes within a building, and conveys it to the building lateral that begins two feet outside the inner face of the building wall or foundation.

(11) [~~(10)~~] BUILDING LATERAL means the conduit or pipe extending from the building drain to the wastewater service line at the property line or other lawful place of disposal.

(12) [~~(11)~~] BUILDING WATER LINE means the water line on private premises that acts as the main water service to the premises.

(13) [~~(12)~~] BYPASS means the intentional diversion of industrial waste from any portion of an industrial user's treatment facility.

(14) [~~(13)~~] CATEGORICAL INDUSTRIAL USER means an industrial user subject to a categorical pretreatment standard or categorical standard as defined in Title 40, Code of Federal Regulations, Part 403.3(v)(1)(i), as amended.

(15) [~~(14)~~] CITY means the city of Dallas, Texas.

(16) [~~(15)~~] CITY ATTORNEY means the city attorney of the city, or the city attorney's authorized assistants.

(17) [~~(16)~~] CITY COUNCIL means the governing body of the city.

(18) [~~(17)~~] CITY ENVIRONMENTAL HEALTH OFFICER means the environmental health officer of the city appointed by the city manager pursuant to Section 19-1(b) of this code, or an authorized representative.

(19) [~~(18)~~] CITY MANAGER means the city manager of the city, or the city manager's authorized assistants.

(20) [~~(19)~~] CITY PLAN COMMISSION means the city plan and zoning commission of the city. The city plan commission is the body authorized to give final approval to plats of property within the city.

(21) [~~(20)~~] CITY RESERVOIR means Lake Ray Hubbard, White Rock Lake, Bachman Lake, and that portion of Joe Pool Lake located within the territorial jurisdiction of the city.

(22) [~~(21)~~] CITY SECRETARY means the city secretary of the city, or the city secretary's authorized assistants.

(23) [~~(22)~~] CLOSED SPRINKLER SYSTEM means a fire protection system with automatic water flow sprinklers from which no water may be taken manually except from the test cock.

(24) [~~(23)~~] COD (CHEMICAL OXYGEN DEMAND) means the measure of oxygen consuming capacity, expressed in mg/L. The term is expressed as the amount of oxygen consumed from a chemical oxidant in a specific test. The term does not differentiate between stable and unstable organic matter and does not necessarily correlate with biochemical oxygen demand.

(25) [~~(24)~~] COMPOSITE SAMPLES means samples collected during a period of time exceeding 15 minutes and combined into one sample.

(26) [~~(25)~~] CONTROL AUTHORITY means the city of Dallas.

(27) [~~(26)~~] CORNER LOT means a lot that abuts upon not more than one pair of intersecting public streets within a larger platted subdivision.

(28) [~~(27)~~] CROSS CONNECTION means any physical connection or arrangement of pipes or devices between two otherwise separate water supply systems, one of which contains potable water and the other water of unknown or questionable quality, whereby water may flow from one system to the other, the direction of flow depending upon pressure differential between the two systems.

(29) [~~(28)~~] CUSTOMER means a person who:

(A) is the customer of record;

(B) has made application for a service, and the service has been provided or made available by the department at the location specified in the application pending final approval of the application; or

(C) actually uses, receives, or benefits from a service, even though no account for service may exist or no application for service may have been made in that person's name.

(30) [~~(29)~~] CUSTOMER OF RECORD means a person who has an account in that person's name with the department for a service, based upon an application made with and approved by the director.

(31) [~~(30)~~] DAILY MAXIMUM LIMIT means the maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

(32) [~~(31)~~] DEPARTMENT means the water utilities department of the city, except that for purposes of administering, implementing, and enforcing provisions of this chapter relating to the construction of public infrastructure improvements by private developers, "department" means the department of sustainable development and construction.

(33) DESIGNATED OUTDOOR WATER USE DAYS means Sundays and Thursdays for a customer with a street address ending in an even number (0, 2, 4, 6, or 8) or with no street address number, and Saturdays and Wednesdays for a customer with a street address ending in an odd number (1, 3, 5, 7, or 9). An apartment complex, office building complex, or other property containing multiple street addresses must use the lowest street address number to determine the designated outdoor water use days for the property.

(34) [~~(32)~~] DEVELOPER means:

(A) the owner or agent of the owner platting, replatting, or otherwise developing lots or tracts of property for further sale, lease, development, or redevelopment for residential, commercial, or industrial uses; or

(B) a person who does not otherwise qualify as an individual owner under this chapter.

(35) [~~(33)~~] DIRECTOR means the director of the department designated to implement, administer, or enforce a particular provision of this chapter, or the director's authorized assistants and representatives.

(36) [~~(34)~~] EPA means the United States Environmental Protection Agency or, where appropriate, the regional administrator or other duly authorized official of the agency.

(37) [~~(35)~~] EVALUATED COST means the cost of a water or wastewater main, established by unit values for the size of main and appurtenances, as prescribed in Section 49-18.11.

(38) [~~(36)~~] FIRE PROTECTION SYSTEM means any configuration of pipes connected to a sprinkler system or other fire protection device on private premises that, when connected to the water system, is used to extinguish fires.

(39) [~~(37)~~] FOOD SERVICE ESTABLISHMENT means any industrial user engaged primarily or incidentally in the preparation of food for human or animal consumption, except that the term does not include any user discharging domestic wastewater from premises used exclusively for residential purposes. The term includes but is not limited to restaurants, motels, hotels, cafeterias, hospitals, schools, bars, delicatessens, meat processing operations, bakeries, and similar operations.

(40) [~~(38)~~] FLOATABLE GREASE means grease, oil, or fat in a physical state such that it will separate or stratify by gravity in wastewater.

(41) [~~(39)~~] GARBAGE means animal and vegetable waste and residue from the preparation, cooking, and dispensing of food and from the handling, storage, and sale of food products and produce.

(42) [~~(40)~~] GENERAL SERVICE means service to premises that are not residential service premises.

(43) [~~(41)~~] GOVERNMENTAL ENTITY means the United States, the State of Texas, any county, any municipal corporation, town, or village other than the city, any school, college, or hospital district, any district or authority created and existing under Article XVI, Section 59 or Article III, Section 52 of the Texas Constitution, any other entity considered a political subdivision of the State of Texas under state law, and any lawfully created and existing agencies of these governmental entities.

(44) [~~(42)~~] GRAB SAMPLE means a sample taken during a period of 15 minutes or less.



(45) [~~(43)~~] GREASE means oils, fats, cellulose, starch, proteins, wax, or other types of grease, oil, or fat regardless of origin and whether or not emulsified.

(46) [~~(44)~~] GREASE TRAP/INTERCEPTOR means a device that:

(A) is designed to use differences in specific gravities to separate and retain light density liquids, waterborne fats, oils, and greases prior to the wastewater entering the wastewater system; and

(B) serves to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap/interceptor and entering the wastewater system.

(47) HOSE-END SPRINKLER means a device through which water flows from a hose to a sprinkler to water any lawn or landscape.

(48) [~~(45)~~] INDIRECT DISCHARGE or DISCHARGE means the introduction of pollutants into the wastewater system from any nondomestic source.

(49) [~~(46)~~] INDIVIDUAL OWNER means:

(A) an owner requesting extension of an existing water or wastewater main to property that is or will be used in the operation of the owner's own residence or in the operation of a business not requiring larger than a one-inch water service connection, which property will not be further sold or leased in connection with its intended function; or

(B) a governmental entity requesting the construction or extension of a water or wastewater main to serve property the entity owns or leases for its own use, regardless of the size of service connection utilized, except that this term does not include a governmental entity that requires, among other things, the construction or extension of an off-site water or wastewater main in order to serve its proposed land use or development.

(50) [~~(47)~~] INDUSTRIAL SURCHARGE means the additional charge made to a person who discharges into the wastewater system industrial waste that is amenable to treatment by the wastewater system but that exceeds the strength of normal wastewater.

(51) [~~(48)~~] INDUSTRIAL USER means a source of indirect discharge or the nondomestic source of pollutants into the wastewater system.

(52) [~~(49)~~] INDUSTRIAL WASTE means wastewater or other water-borne solids, liquids, grease, sand, or gaseous substances resulting from an industrial, manufacturing, or food processing operation, from the operation of a food service establishment, from the development of a natural resource, or from any other nondomestic source, or any mixture of these substances with water or normal domestic wastewater.

(53) [~~(50)~~] INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

(54) [~~(51)~~] INTERFERENCE means a discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the wastewater system, its treatment processes or operations, or its sludge processes, use, or disposal.

(55) [~~(52)~~] INTERRUPTIBLE SERVICE means the supply of untreated water provided by contract specifically stating that the supply may be totally discontinued for indefinite periods of time due to the need to conserve or have the untreated water available for municipal use.

(56) [~~(53)~~] MAYOR means the mayor of the city.

(57) [~~(54)~~] MGD means million gallons per day.

(58) [~~(55)~~] MGL (MILLIGRAMS PER LITER) (mg/L) is a weight per volume concentration; the milligram-per-liter value multiplied by the factor 8.34 is equivalent to pounds of constituent per million gallons of water.

(59) [~~(56)~~] MONTHLY AVERAGE LIMIT means the highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

(60) [~~(57)~~] NATIONAL CATEGORICAL PRETREATMENT STANDARDS means the national pretreatment standards promulgated by the EPA, pursuant to Sections 307(b) and (c) of the Act, imposed upon existing or new industrial users in specific industrial subcategories as specified in Title 40, Code of Federal Regulations, Parts 405 through 471, as amended.

(61) [~~(58)~~] NATIONAL PRETREATMENT STANDARDS means any pretreatment regulations containing pollutant discharge limits that have been established or will be established for industrial users by the EPA, including but not limited to prohibitive discharge limits established pursuant to Title 40, Code of Federal Regulations, Part 403.5, as amended.

(62) [~~(59)~~] NEW SOURCE means any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act, provided that all of the following apply:

(A) The building, structure, facility, or installation is constructed at a site at which no other source is located.

(B) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source. If the construction only alters, replaces, or adds to existing process or production equipment, no new source is created.

(C) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. To determine whether the production or wastewater generating processes are substantially independent, the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, must be considered. If the construction only alters, replaces, or adds to existing process or production equipment, no new source is created. For purposes of this definition, construction of a new source has commenced if the owner or operator has:

(i) begun, as part of a continuous onsite construction program, any placement, assembly, or installation of facilities or equipment or significant site preparation work, including the clearing or excavation of the property, or the removal of existing buildings, structures, or facilities necessary for the placement, assembly, or installation of new source facilities or equipment; or

(ii) entered into a binding contractual obligation for the purchase of facilities or equipment that are intended to be used in its operation within a reasonable time. An option to purchase, a contract that can be terminated or modified without substantial loss, or a contract for feasibility, engineering, and design studies does not constitute a contractual obligation.

(63) [~~(60)~~] NONCONTACT COOLING WATER means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

(64) [~~(61)~~] NORMAL WASTEWATER means wastewater of the city for which the average concentration of total suspended solids and five-day BOD is established at and does not exceed 250 mg/L.

(65) [~~(62)~~] NORMAL DOMESTIC WASTEWATER means wastewater normally discharged from the commodes or sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories and institutions, free from storm or ground water and industrial waste.

(66) [~~(63)~~] OBSTRUCT means to:

(A) make passage impossible or unreasonably inconvenient or hazardous; or

(B) interfere or cause interference with a specific activity in order to prevent the activity from starting, continuing, or concluding.

(67) [~~(64)~~] OFF-SITE EXTENSION means a water or wastewater main extension lying totally outside of the tract of land to be platted, replatted, developed, or redeveloped, except that this term does not include a water or wastewater main extension directly adjacent to or fronting on, and intended to serve or capable of serving only, the tract of land to be platted, replatted, developed, or redeveloped.

(68) [~~(65)~~] ON-SITE EXTENSION means a water or wastewater main extension that:

(A) lies totally within a tract of land to be platted, replatted, developed, or redeveloped; or

(B) lies directly adjacent to or fronting on the tract of land to be platted, replatted, developed, or redeveloped and is intended to serve or is capable of serving only that tract.

(69) [~~(66)~~] OVERSIZE COST means the difference between the evaluated cost of a water or wastewater main as built and the evaluated cost of the size of main determined to be the minimum size required to serve the subdivision. The minimum size used to determine oversize cost must never be less than the standard size water and wastewater mains as defined in this section.

(70) [~~(67)~~] OVERSIZE MAIN means a main that exceeds the minimum size of main necessary to serve a particular subdivision, as determined by the director, in order to allow the main to serve other property, as well as the subdivision.

(71) [~~(68)~~] OWNER means the legal fee title holder of record of property.

(72) [~~(69)~~] PASS THROUGH means the discharge of pollutants through the city's wastewater system, treatment processes, or operations, or through a publicly-owned treatment works of a governmental entity treating wastewater under a contract with the city, into navigable waters in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the federal or state effluent discharge permit of the city or of a publicly-owned treatment works of a governmental entity treating wastewater under a contract with the city, including an increase in the magnitude or duration of a violation.

(73) [~~(70)~~] PAYMENT DEVICE means any check, item, paper or electronic payment, or other payment device used as a medium for payment.

(74) [~~(71)~~] PERMITTEE means a person granted a permit under this chapter.

(75) [~~(72)~~] PERSON means an individual, private or public corporation, partnership, association, limited liability company, governmental entity, firm, industry, or other entity.

(76) [~~(73)~~] pH means the logarithm (base 10) of the reciprocal of the hydrogen ion concentration of a solution.

(77) [~~(74)~~] POLLUTANT means any of the following:

- (A) Dredged spoil.
- (B) Solid waste.
- (C) Incinerator residue.
- (D) Filter backwash.
- (E) Sewage and sewage sludge.
- (F) Garbage.
- (G) Munitions.
- (H) Medical wastes.
- (I) Chemical wastes.
- (J) Biological or radioactive materials.
- (K) Heat.
- (L) Wrecked or discarded equipment.
- (M) Rock, sand, or cellar dirt.
- (N) Municipal, agricultural, and industrial wastes.
- (O) Certain characteristics of wastewater (e.g., pH, temperature, total suspended solids, turbidity, color, BOD, COD, toxicity, or odor).

(78) [~~(75)~~] PREMISES or PROPERTY means real property and includes improvements.

(79) [~~(76)~~] PRETREATMENT means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the wastewater system. Pretreatment does not include the dilution of pollutant concentration unless allowed by applicable pretreatment standards.

(80) [~~(77)~~] **PRETREATMENT REQUIREMENTS** means any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a pretreatment standard.

(81) [~~(78)~~] **PRETREATMENT STANDARDS** means pollutant concentration discharge limitation requirements established in this chapter and national pretreatment standards, including but not limited to prohibitive discharge limits established pursuant to Title 40, Code of Federal Regulations, Part 403.5, as amended.

(82) [~~(79)~~] **PROCESS WASTEWATER** means any water that, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.

(83) [~~(80)~~] **PROGRAMMED EXTENSION** means the water or wastewater main extensions included in or consistent with the master plan of the system, for which funds have been currently budgeted and made available through a properly authorized capital expenditure program.

(84) [~~(81)~~] **PROPERLY SHREDDED GARBAGE** means garbage that has been shredded to such an extent that all particles will be carried freely under the flow conditions normally prevailing in wastewater mains, with no particle having greater than a one-half inch cross-sectional dimension.

(85) [~~(82)~~] **PUBLICLY-OWNED TREATMENT WORKS (POTW)** means that term as defined in Title 40, Code of Federal Regulations, Part 403.3(o), as amended.

(86) [~~(83)~~] **RESIDENTIAL SERVICE** means service to premises that are single-family or duplex dwelling units, or other premises containing dwelling units, each of which units is individually metered.

(87) [~~(84)~~] **SATISFACTORY CREDIT HISTORY WITH THE DEPARTMENT** means that service has not been cut off within the past 12 months for nonpayment of charges.

(88) [~~(85)~~] **SERVICE** means all water and water-related service provided for the use and benefit of persons inside and outside the city through the operations and facilities of the department, including but not limited to:

- (A) supply of untreated water;
- (B) supply of treated water;
- (C) wastewater collection, treatment, and disposal;
- (D) building and extension of service mains;

- (E) providing of meters and service connections to property;
- (F) discontinuance, restoration, or repair of service;
- (G) issuance and use of permits;
- (H) extension or replacement of service mains for which lot or acreage fees or other assessments are charged;
- (I) collections of rates or fees for service; and
- (J) other department activities for the benefit of the general public authorized under this chapter.

(89) [~~(86)~~] SERVICE LINE means the pipe or conduit that extends from the water or wastewater main and that connects with the meter or the building lateral to provide a water or wastewater service connection.

(90) [~~(87)~~] SIGNIFICANT INDUSTRIAL USER means an industrial user that is subject to categorical pretreatment standards under Title 40, Code of Federal Regulations, Part 403.6, as amended, and Title 40, Code of Federal Regulations, Chapter I, Subchapter N, as amended, and:

(A) discharges an average of 25,000 gallons per day or more of process wastewater to the wastewater system, excluding sanitary, noncontact cooling, and boiler blowdown wastewater;

(B) contributes a process wastestream that makes up five percent or more of the average dry weather hydraulic or organic capacity of the treatment plant of the wastewater system; or

(C) is designated as a significant industrial user by the control authority on the basis that the industrial user has a reasonable potential for adversely affecting the wastewater system's operation or for violating any pretreatment standard or requirement in accordance with Title 40, Code of Federal Regulations, Part 403.8(f)(6), amended.

(91) [~~(88)~~] SIGNIFICANT NONCOMPLIANCE means any of the following:

(A) Chronic violations of wastewater discharge limits, defined as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined in Title 40, Code of Federal Regulations, Part 403.3(1), as amended.

(B) Technical review criteria (TRC) violations, defined as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a six- month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined in Title 40, Code of Federal Regulations, Part 403.3(1), as amended, multiplied by the applicable TRC (TRC=1.4 for BOD, total suspended solids, fats, oil, and grease, and 1.2 for all other pollutants except pH).

(C) Any other violation of a pretreatment standard or requirement as defined in Title 40, Code of Federal Regulations, Part 403.3(1), as amended (daily maximum, long-term average, instantaneous limit, or narrative standard), that the publicly-owned treatment works determines has caused (alone or in combination with other discharges) interference or pass-through (including endangering the health of the publicly-owned treatment works' personnel or the general public).

(D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or the environment or has resulted in the publicly-owned treatment works' exercise of its emergency authority under Title 40, Code of Federal Regulations, Part 403.8(f)(1)(vi)(b), as amended, to halt or prevent such a discharge.

(E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.

(F) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and compliance reports with compliance schedules.

(G) Failure to accurately report noncompliance.

(H) Any other violation or group of violations, including a violation of best management practices, that the director determines will adversely affect the operation or implementation of the local pretreatment program.

(92) [~~(89)~~] SLUG LOAD OR SLUG DISCHARGE means any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 49-43 of this chapter. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, that has a reasonable potential to cause interference or pass-through, or in any other way violates the wastewater system's regulations, local limits, or permit conditions.

(93) [~~(90)~~] STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE means a classification scheme based on the type of manufacturing or commercial activity at a facility. Some facilities, depending on the manufacturing and activities occurring on site, may have more than one code number.



(94) [~~(91)~~] STANDARD METHODS means the laboratory procedures or techniques for the testing, sampling, or analysis of pollutants:

(A) established and approved by the EPA; or

(B) approved by the director with the concurrence of the EPA, where the EPA has not established procedures or techniques for testing, sampling, or analyzing a pollutant in question or determines that approved procedures or techniques are inappropriate for the pollutant in question.

(95) [~~(92)~~] STANDARD SIZE WASTEWATER MAIN means a wastewater main not less than eight inches in diameter.

(96) [~~(93)~~] STANDARD SIZE WATER MAIN means a water main that is:

(A) not less than eight inches in diameter, but also of a size adequate to meet the hydraulic capacity of the water system; and

(B) used for standard fire protection purposes as recognized by the Insurance Services Office, which is not less than six inches in diameter adequately supported by mains not less than eight inches in diameter, but also of a size adequate to meet the hydraulic capacity of the water system.

(97) [~~(94)~~] STANDBY SERVICE means connections, not normally used, to governmental entities contracting with the city for treated water.

(98) [~~(95)~~] STORM SEWER means a conduit, drainage ditch, stream, or other water course that may directly or indirectly carry storm or ground water to the Trinity River.

(99) [~~(96)~~] TCEQ means the Texas Commission on Environmental Quality.

(100) [~~(97)~~] TOTAL SUSPENDED SOLIDS (TSS) means solids that either float on the surface of, or are suspended in, water, wastewater, or other liquids and that, in accordance with standard methods, are removable by a standard, specific laboratory filtration device.

(101) [~~(98)~~] WASTE MANAGEMENT OPERATOR means a person engaged in the private business of receiving, storing, treating, or disposing of industrial waste.

(102) [~~(99)~~] WASTEWATER means water-carried waste.

(103) [~~(100)~~] WASTEWATER MAIN means a conduit or pipe of the wastewater system that conveys domestic wastewater or industrial wastes, or a combination of both, and into which storm surface water, ground water, or unpolluted wastes are not intentionally admitted. The term includes access structures, valves, and other appurtenances that are incidental to use of the wastewater main.

(104) [~~(401)~~] WASTEWATER SYSTEM means:

(A) all treatment plants, mains, conveyances, pumps, interceptors, lift stations, connections, meters, sludge storage facilities, appurtenances, and other facilities of the city employed in the collection, treatment, and disposal of wastewater; or

(B) the publicly-owned treatment works of the city or of a governmental entity receiving or treating wastewater of the city under a contract with the city.

(105) [~~(402)~~] WATER MAIN means a conduit or pipe of the water system that conveys water. The term includes fire hydrants, access structures, valves, and other appurtenances that are incidental to use of the water main.

(106) [~~(403)~~] WATER SYSTEM means all treatment plants, mains, pumps, meters, connections, supply reservoirs, storage tanks, appurtenances, and other facilities of the city employed in the purification, transportation, and supply of treated and untreated water.

(107) [~~(404)~~] WATER YEAR means the period that begins on June 1 of a year and ends on May 31 of the following year.

(108) [~~(405)~~] WHOLESale SERVICE means:

(A) the furnishing of untreated water to a customer, except for untreated water furnished only for domestic use;

(B) the furnishing of treated water to a governmental entity for resale to customers of that entity; or

(C) the collection and discharge of wastewater from the collection facilities of a governmental entity into the wastewater system for purposes of treatment.”

SECTION 2. That Section 49-21.1, “Conservation Measures Relating to Lawn and Landscape Irrigation,” of Article III, “Water and Wastewater Generally,” of CHAPTER 49, “WATER AND WASTEWATER,” of the Dallas City Code, as amended, is amended to read as follows:

**“SEC. 49-21.1 CONSERVATION MEASURES RELATING TO LAWN AND LANDSCAPE IRRIGATION**

(a) Purpose. Lawn and landscape irrigation practices within the city, especially during the summer months, can cause a waste of valuable water resources. The purpose of this section is to mandate that water be used for lawn and landscape irrigation in a manner that

prevents waste, conserves water resources for their most beneficial and vital uses, and protects the public health.

(b) Lawn and landscape irrigation restrictions.

(1) A person commits an offense if, during the period from April 1 through October 31 of any year and between the hours of 10:00 a.m. and 6:00 p.m. on any day during that period, the person [he] irrigates, waters, or causes or permits the irrigation or watering of any lawn or landscape located on premises owned, leased, or managed by the person [him]. It is a defense to prosecution under this paragraph that the person was only using water from a source other the city's water or wastewater system.

(2) A person commits an offense if, at any time during the year, the person irrigates, waters, or causes or permits the irrigation or watering of any lawn or landscape located on premises owned, leased, or managed by the person with a hose-end sprinkler or automatic irrigation system on a day other than a designated outdoor water use day for the property address. It is a defense to prosecution under this paragraph that the person was:

(A) using a hand-held hose, drip irrigation device, soaker hose, or hand-held bucket;

(B) irrigating during the repair or testing of a new or existing automatic irrigation system;

(C) irrigating nursery stock at a commercial plant nursery; or

(D) only using water from a source other than the city's water or wastewater system.

(3) A person commits an offense if the person [he] knowingly or recklessly irrigates, waters, or causes or permits the irrigation or watering of a lawn or landscape located on premises owned, leased, or managed by the person in a manner that causes:

(A) a substantial amount of water to fall upon impervious areas instead of upon the lawn or landscape, such that a constant stream of water overflows from the lawn or landscape onto a street or other drainage area; or

(B) an automatic irrigation system or other lawn or landscape watering device to operate during any form of precipitation.

(4) [(3)] A person commits an offense if, on premises owned, leased, or managed by the person [him], the person [he] operates a lawn or landscape automatic irrigation system or device that:

(A) has any broken or missing sprinkler head; or

(B) has not been properly maintained in a manner that prevents the waste of water.

(c) Rain and freeze sensing devices ~~[and freeze gauges]~~.

(1) Any automatic ~~[new]~~ irrigation system installed or operated within the city ~~[on or after January 1, 2002]~~ must be equipped with a working rain and freeze sensing device~~[s and freeze gauges approved as to number and type by the director]~~.

~~(2) [Any irrigation system installed before January 1, 2002 may not be operated after January 1, 2005 without being equipped with rain sensing devices and freeze gauges approved as to number and type by the director.]~~

~~(3)~~ A person commits an offense if, on premises owned, leased, or managed by the person ~~[him]~~, the person ~~[he]~~:

(A) installs, or causes or permits the installation of, an automatic ~~[a new]~~ irrigation system in violation of Subsection (c)(1); or

(B) operates, or causes or permits the operation of, an automatic irrigation system that does not comply with Subsection (c)(1)~~;~~~~or~~

~~(C) —operates, or causes or permits the operation of, an irrigation system that does not comply with Subsection (c)(2)].~~

(d) Variances. The director may, in special cases, grant variances from the provisions of Subsections (b)(1), (b)(2), or ~~[Subsection]~~ (c) to persons demonstrating extreme hardship and need. The director may grant variances only under all of the following circumstances and conditions:

(1) The applicant must sign a compliance agreement on forms provided by the director, and approved by the city attorney, agreeing to irrigate or water a lawn or landscape only in the amount and manner permitted by the variance.

(2) Granting of a variance must not cause an immediate significant reduction in the city's water supply.

(3) The extreme hardship or need requiring the variance must relate to the health, safety, or welfare of the person requesting it.

(4) The health, safety, and welfare of other persons must not be adversely affected by granting the variance.

(e) Revocation of variances. The director may revoke a variance granted when the director determines that:

- applicable;
- (1) the conditions of Subsection (d) are not being met or are no longer applicable;
  - (2) the terms of the compliance agreement are being violated; or
  - (3) the health, safety, or welfare of other persons requires revocation.”

SECTION 3. That Resolution No. 12-0474, passed by the city council on February, 8, 2012, which extended Stage 1 of the city's drought contingency plan, is hereby repealed.

SECTION 4. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 5. That CHAPTER 49 of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance. Any proceeding, civil or criminal, based upon events that occurred prior to the effective date of this ordinance are saved, and the former laws (Chapter 49 and Resolution No. 12-0474) are continued in effect for that purpose.

SECTION 6. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of CHAPTER 1 of the Dallas City Code, as amended.

SECTION 7. That this ordinance will take effect on April 23, 2012, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_

LC/DCC/00522A

