

AN ORDINANCE ESTABLISHING THE DROUGHT MANAGEMENT PLAN FOR THE CITY OF GARDEN RIDGE; PROVIDING DEFINITIONS, ESTABLISHING TRIGGER POINTS FOR STAGES 1 THROUGH 5, RESTRICTING THE USE OF WATER UPON IMPLEMENTATION OF SPECIFIC STAGES OF SAID PLAN; ESTABLISHING WATER SURCHARGE RATES FOR STAGES 3 THROUGH 5 OF SAID PLAN; PROVIDING A VARIANCE PROCEDURE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE AND AMENDING ORDINANCE NO. 61-122013 ADOPTED December 4, 2013

WHEREAS, The City of Garden Ridge is a Type A, General Law Municipality located in Comal County, Texas, and;

WHEREAS, the 2010 estimated population of the City of Garden Ridge is approximately 3,259 residents. It is anticipated that the City of Garden Ridge will have a population of 4,450 in the year 2015, and;

WHEREAS, the Edwards Aquifer Authority is a regional authority managing water pumped out of the Edwards Aquifer by the City of Garden Ridge and has set standards for the Emergency Water Use Reduction Program in the region;

WHEREAS, the City of Garden Ridge uses both water from the Edwards Aquifer and from the Trinity Aquifer to provide water to residents of the City of Garden Ridge as well as persons residing within the Certificate of Convenience and Necessity (CCN) of the City of Garden Ridge;

WHEREAS, the Trinity Aquifer is currently an unregulated water source;

WHEREAS, the City of Garden Ridge relies on the Trinity Aquifer for the majority of its water resources;

WHEREAS, the level of the Trinity well affects the ability of the city to provide unrestricted water sources; and

WHEREAS, The City of Garden Ridge has determined that certain restrictive measures are required to delay potentially serious water shortage problems from impacting to the detriment of the health, safety and welfare of the Garden Ridge community.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE City of Garden Ridge, TEXAS;

SECTION 1 – Previous Ordinances

City of Garden Ridge Ordinance Number 61-122013 dated, December 4, 2013 including all attachments and amendments thereto, is hereby amended.

SECTION 2 – Definitions

The following words and terms, when used in this plan, shall have the following meanings unless the context clearly indicates otherwise:

ACT. The Act creating the Edwards Aquifer Authority, namely the Edwards Aquifer Authority Act of May 30, 1993, 73rd Leg.R.S. Ch. 626, 1993 Texas General Laws 2353, as amended.

AESTHETIC USE. The use of water for fountains, waterfalls, and landscape lakes and ponds where such use is entirely ornamental and serves no other functional purpose.

AGRICULTURAL IRRIGATION. Irrigation for the purpose of growing crops commercially for human consumption or to use as feed for livestock or poultry.

BUCKET. Bucket or other container holding five gallons or less, used singly by one person.

CONNECTION. A metered or unmetered delivery point to a customer or other receiver of water from an organized water distribution system.

CONSERVATION. Those practices, techniques, and technologies that will reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water, or increase the recycling and reuse of water so that a water supply is made available for future or alternative uses.

DEMAND REDUCTION MEASURE. A specific action to be taken by defined categories of users to reduce the pumpage demand on the Edwards Aquifer during a drought.

DOMESTIC TYPE USE. The use of water, other than uses in the outdoor category, for personal needs or for household purposes, such as drinking, bathing, heating, cooking, sanitation or cleaning, whether the use occurs in a residence or in a commercial or industrial facility.

DROUGHT. A period of shortage of precipitation of seasonal or longer duration.

EDWARDS AQUIFER. That portion of an arcuate belt of porous, water-bearing limestones composed of the Edwards Group Limestone and Associated Formations trending from west to east to northeast through Kinney, Uvalde, Medina, Bexar, Comal and Hays Counties.

HAND-HELD HOSE. A hose attended by one person, fitted with a manual or automatic shutoff nozzle.

HEALTHCARE FACILITY. Any hospital, clinic, nursing home or other healthcare or medical research facility.

IMPERVIOUS SURFACE AREA. Any structure or any street, driveway, sidewalk, patio or other surface area covered with brick, paving, tile or other impervious material.

INDUSTRIAL USE. The use of water integral to the production of primary goods and services provided by industrial or commercial facilities, Industrial facilities include facilities which perform such process-specific activities as cooling, boiler feed, cleaning and washing, pollution control, extraction and separation of desirable material from products and waste materials and the incorporation of water into final products, Commercial facilities include, but are not limited to, food service facilities, hotels, retail facilities and nursery operations.

INDUSTRIAL USER. An industrial or commercial water user whose use of water is integral to the production of primary goods and services provided by industrial or commercial facilities.

INDUSTRIAL WELL USER. An industrial user who owns one or more wells that produce water used for industrial or commercial facilities.

IRRIGATOR. A well owner who uses water to irrigate land for growing commercial crops.

LANDSCAPE WATERING. The application of water to grow landscaping plants.

LANDSCAPE PLANT. Any member of the plant kingdom, including any tree, shrub, vine, herb, flower, succulent, groundcover or grass species that grows or has been planted out-of-doors and is used for landscaping purposes or for the support of intensive recreational areas such as playgrounds and playing fields.

LIVESTOCK. Cattle, sheep, goats, hogs, poultry, horses and game, domestic, exotic and other animals and birds, including zoo animals, used for commercial or personal purposes.

LIVESTOCK USE. The use of water for drinking by or washing of livestock.

MSL. Mean sea level.

MUNICIPALITY. A city or other governmental unit with the authority to make and enforce ordinances.

ORDER. A written order of the City Council or Mayor of the City of Garden Ridge, Texas.

OTHER OUTSIDE USE. The use of water outdoors for the maintenance, cleaning and washing of structures and mobile equipment, including automobiles and boats, the washing of streets, driveways, sidewalks, patios and other similar areas.

PERSON. Any individual, firm, entity, corporation, municipal corporation, governmental or proprietary body, including the United States or the State of Texas, or association of persons.

REDUCTION GOAL. The amount of reduction in pumpage volume, expressed in a percentage from baseline pumpage volume for each drought stage.

REUSE. The use by any user of Edwards Aquifer water that has been recycled or reclaimed for any beneficial purpose, after such water has been previously used for any beneficial purpose, whether or not any treatment of such groundwater may be required in connection with such recycling or reclamation.

STAGE. One of the five designated drought stages, which may be declared by the City or the Edwards Aquifer Authority.

SUPPLIER. Any person who supplies water to customers for residential, commercial, industrial, military or other uses, including a public or private water company, water supply corporation, municipality and water district.

TRIGGER CONDITIONS. Those specific conditions of rainfall amounts, Edwards Aquifer water level elevations, spring discharges and water quality which the Authority will monitor and use as indicators of the occurrence of drought conditions for purposes of declaring the various stages.

TRIGGER POINTS. Special conditions experienced by the City of Garden Ridge, which authorize the city to initiate Stage 1 through 5 of the City of Garden Ridge Drought Management Plan.

TRINITY AQUIFER WELL. A source of water for the City of Garden Ridge which is located in the Cow-Creek formation of the Trinity Aquifer.

USE FOR A BENEFICIAL PURPOSE. Water which is used, without regard to priority, for:

- (1) agricultural, commercial, domestic, gardening, industrial, manufacturing, mining, municipal, pleasure, recreational or stock raising purposes-
- (2) exploring for, producing, handling or treating oil, gas, sulfur or other materials; or
- (3) any other purpose that is useful and beneficial to the user.

USER. A person, public or private, who produces, distributes or uses water from an Edwards Aquifer well or from the Trinity Aquifer well.

VARIANCE. An authorized exception from compliance by the user with any provision of the Rules granted by this Ordinance.

WASTE.

- (1) The flowing or producing of groundwater from wells in the Edwards Aquifer or Trinity Aquifer if the water flowing or produced is not used for a beneficial purpose by any user,

- (2) The unreasonable loss of groundwater through faulty design or negligent operation of a well or water delivery or application system; or
- (3) Using quantities of groundwater for a purpose that otherwise would be considered beneficial in excess of quantities reasonably necessary for that purpose.

WATER UTILITY USE. Water used for withdrawal, treatment, transmission and distribution by potable water systems.

SECTION 3 – Demand Reduction Measures

The demand reduction measures for all water uses for Stages 1, 2, 3, 4 and 5 are set out in Appendix A, provided. For clarification, certain permitted and exempt water uses are listed.

Listed below are the trigger points for the various stages of the Drought Management Plan.

TABLE 1	
Reduction Stage	J-17 Well Level
1	660'
2	650'
3	640'
4	630'
5	As Declared by Edwards

SECTION 4 – Emergency Water Use Reduction

4.01 – Declaration of Emergency Stages

The Mayor of Garden Ridge is authorized to order, by proclamation, implementation of provisions of Stages 1 through 5 of the City of Garden Ridge Drought Management Plan when the appropriate trigger points as established in this Ordinance are met.

The City of Garden Ridge shall determine when conditions warrant implementation of the Emergency Water Use Reduction Program. The program is implemented when any one of the below Trigger Points is reached. The City of Garden Ridge may advance stages, as needed to effect compliance with pumping limit goals. The various stages may be declared as shown in Appendix A.

TRIGGER POINTS:

- 1) Declaration of Stages 1 through 5 by the Edwards Aquifer Authority and/or at the discretion of the Mayor, City of Garden Ridge.
- 2) The level of the Edwards Aquifer Authority Test Well J-17 reaches a level of Stages 1 through 5 Emergency Water Use Reduction as defined by Edwards Aquifer Authority.
- 3) When the pumping ability of the Trinity Aquifer well drops to 600 GPM or draw down level of the well reaches seventy-five (75) feet above the transponder.
- 4) When the city’s pumping capacity is reduced by infrastructure damage or equipment failure.

4.02 – Public Issuance of Drought Stage Declaration

The Declaration of a critical use stage will be publicly issued by the City of Garden Ridge. Such declaration shall be placed on the City signs and distributed by phone (CTY system), posted on city website and/or published in the official city newspaper.

4.03 -- Restricting the Use of Water

- a. Upon declaration of a critical use stage by the City of Garden Ridge, compliance with the Emergency Water Use Reduction Program demand reduction measures shall be required and compliance with the voluntary measures shall be encouraged.
- b. Demand reduction measures are attached as Appendix A, and are herein incorporated for all purposes.
- c. Upon declaration of a critical use stage by the City of Garden Ridge, the sale of water to a temporary user for use outside the city shall be prohibited. The sale of water to a temporary user for use within the City of Garden Ridge shall be at the discretion of the Public Works Director.

4.04 -- Water Rate Surcharges

- a. Critical Period Surcharges will be implemented in accordance with the following schedule:
 - (1) Stage 3: Customers will be charged the current water rate plus a 100% surcharge for use over 45,000 gallons.
 - (2) Stage 4: Customers will be charged the current water rate plus a 200% surcharge for use over 45,000 gallons.
 - (3) Stage 5: Customers will be charged the current water rate plus a 200% surcharge for use over 45,000 gallons.
- b. Water rate surcharges will remain in effect only so long as the City is in Stages 3, 4 or 5 of the Drought Management Plan.
- c. Water rate surcharges shall coincide with the normal billing cycle of the Garden Ridge Water Department. Surcharges shall be applied to the next billing cycle following the implementation of Stages 3, 4 or 5.
- d. Surcharge revenues shall be held in a reserve fund to be created within the current fiscal year budget. Such revenue is to be used for the following purposes:
 - (1) For the payment of any legal fees, consultant fees, studies, etc. that are incurred because the city is using more water than the allowable rate/amount established by an authorized political entity.
 - (2) For the payment of any fines or administrative penalties imposed by a legal or judicial entity related to excess pumpage, or;
 - (3) For the payment of any fees incurred to pursue alternate water sources.

4.05 – Payment of City-wide Fines and/or Penalties

- a. In the event that a governmental agency levies a fine or penalty against the City of Garden Ridge associated with water usage, the amount of the fine or penalty shall be pro-rated amongst all customers *exceeding the average use and* having an active account with the City during the time period subject to the fine as a recovery assessment.
- b. Each active account holder who exceeds the average water usage for the period subject to the fine, shall have an assessment placed on their water bill during the month immediately following the levy of such a fine or penalty.
- c. The amount of the assessment for any customer shall be based on usage above the average of all customers' water usage for the fine/penalty month. In computing the assessment, the City shall use the following variables: the amount of the fine/penalty (fine); the average usage per water connection for the period of the fine (average); the individual customer's usage above the average; and the total of all customers' usage above the average.

The assessment for any individual customer shall be the amount of the fine, multiplied by the ratio of the individual customers' usage above the average to the total of all customers' usage above the average.

- d. Customers that have received an adjustment to their water bill for a fast meter, customer leaks, etc in accordance with Ordinance 54, Paragraph 14.07 shall have their assessment based upon the approved adjusted amount.
- e. For the purposes of this assessment, average use for the time period of the fine will be determined by the total gallons pumped divided by the number of water customers. Usage below the average shall not be subject to an assessment.

4.06 -- End of Emergency Use Restrictions

a. Trinity Aquifer

The program and/or each stage may be terminated or changed at the discretion of the City of Garden Ridge after the trigger condition of a stage has been exceeded and after considering the 10 day rolling average of the appropriate index well level, pumping trends, current precipitation and the outlook for additional precipitation.

b. Edwards Aquifer

The program and /or each stage may be terminated or changed upon declaration of the Edwards Aquifer Authority (EAA) and/or at the discretion of the Mayor, City of Garden Ridge.

SECTION 5 – Penalties

- a. A person who knowingly or intentionally violates the provisions of this Ordinance shall be deemed guilty of a misdemeanor offense and upon conviction be punished by a fine of not less than twenty-five dollars (\$25.00) and not more than two thousand dollars (\$2,000). Each day's violation constitutes a separate offense. Compliance may also be sought through injunctive relief in the District Court.
- b. No violation, definition or penalty under this section shall have bearing on any violation, definition or penalty under any other section of this Ordinance.

SECTION 6 – Enforcement

a. Applicable to Resident and Non-Resident Customers

For purposes of this Ordinance, it shall be presumed that any person, corporation or association in whose name a water meter connection is registered with the City of Garden Ridge Water Company, has knowingly made, caused, used or permitted to use the water received from the City and that use of said water in a manner contrary to the provisions of Ordinance No.61, or in an amount in excess of the use permitted by the conservation stage in effect, is considered a violation of Ordinance No.61 by that resident person, non-resident person, corporation or association. Proof that the particular premises have a water meter connection registered in the name of the defendant named in a complaint issued under the auspices of Ordinance No.61 shall constitute in evidence a prima facie presumption that the person in whose name such water connection was registered was the person who permitted the illegal use of water to occur on the premises.

b. Applicable to Non-Resident Customers Only

Any non-resident person, corporation or association in whose name a water meter connection is registered with the City of Garden Ridge Water Company who shall violate a provision of Ordinance No.61 and orders promulgated there under when Stage I, Stage II, Stage III, Stage IV, or Stage V are in effect, shall be held strictly liable, and shall be subject to an Administrative Hearing before the City Water Commission to show cause whether water service should be discontinued for all or any part of a day or consecutive days to such non-resident person, corporation or association. Provisions shall be made to allow for the provision of water in an amount necessary to provide for human health and safety requirements. In the event termination is ordered, an appeal to the City Council may be made if filed in

writing with the Mayor within three (3) days of the termination order. Compliance may also be sought through injunctive relief in District Court.

SECTION 7 – Variances

a. Request for Variance

A person may file a written request for a variance from these rules with the City of Garden Ridge. The request must contain the following information;

- (1) The specific nature of the variance requested
- (2) A detailed explanation of why the person believes he/she should be granted the variance, including any supporting documentation;
- (3) A signed statement that the facts contained in the request are true and within the person's personal knowledge.

b. Additional Information

The City of Garden Ridge may request the variance requester to provide additional information, which must be filed within ten calendar days of the request or as otherwise directed in the request.

c. When Variance May be Granted

- (1) The variance is necessary to avoid an unusual, direct and substantial hardship
- (2) There are no other reasonably available means for avoiding the hardship without a variance;
- (3) Granting the variance is consistent with the goals of this Ordinance; and
- (4) Granting the variance will not cause significant harm to any other person or group of persons or result in the City of Garden Ridge being in violation of regulatory requirements.

d. Terms and Conditions of the Variance

- (1) The City of Garden Ridge may grant a variance for such a term and in accordance with any conditions the City of Garden Ridge deems appropriate.
- (2) It shall be a term of every variance granted by the City of Garden Ridge that the variance may be rescinded based on changed circumstances, new information, or failure of the holder of the variance to abide by the terms and conditions of the variance or to comply with these rules or any other order or rule of the City of Garden Ridge.
- (3) The City of Garden Ridge may require a person granted a variance to file reports with the City of Garden Ridge containing such information as the City of Garden Ridge believes relevant to monitoring the continuing appropriateness of the variance.

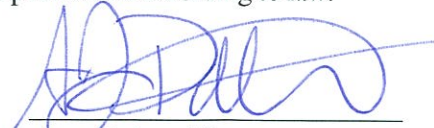
SECTION 8 – Severability

If any section, paragraph, subdivision, clause or phrase of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part of any provision thereof other than the part so decided to be invalid or unconstitutional.

SECTION 9 – Effective Date

This ordinance shall take effect immediately upon its passage, approval and publication according to law.

PASSED AND APPROVED THIS 9th DAY OF JANUARY, 2014..


Andrew Dalton, Mayor

ATTEST:


Shelly Goodwin, City Secretary

**APPENDIX A
DEMAND REDUCTION MEASURES**

Watering by automated irrigation systems is restricted year round between the hours of 10 am and 8 pm.

STAGE 1

Stage One Alert begins when the Edwards Aquifer Authority Test Well J-17 level reaches **660** feet mean sea level at the monitored well and is declared by the Edwards Aquifer Authority (EAA) and/or at the discretion of the Mayor, City of Garden Ridge.

1. Water waste is prohibited to include, allowing water to run off onto a gutter, ditch, or drain; or failing to repair a controllable leak.
2. Watering with an irrigation system or sprinkler, permitted only during the hours of 12 a.m. to 10 a.m. and 8 p.m. to 12 a.m.:
3. Watering with an irrigation system or sprinkler, permitted only once a week on the designated watering day:

Last Digit of Address	Day
0	Monday
1&2	Tuesday
3&4	Wednesday
5&6	Thursday
7&8	Friday
9	Saturday

Areas without a street address, such as medians, neighborhood entryways or common areas water on Wednesdays.

4. Watering with hand-held hose or drip irrigation permitted any day, any time.
5. Residential, commercial, industrial, and agricultural Edwards Aquifer water users should reduce water consumption by any means available.
6. Washing impervious cover such as parking lots, driveways, streets or sidewalks is prohibited.
7. Non-commercial washing of vehicles and mobile equipment (e.g. washing vehicles at a residence) is permitted any day at any time over landscape or other surface where run off is minimized and with the use of a hose using an automatic shut-off nozzle or bucket of 5 gallons or less.
8. Restaurants and other eating establishments are prohibited from serving groundwater to customers except upon request of the customer.
9. No building permits will be issued to homeowners or pool contractors for the construction of new swimming pools unless verification is provided that 100% of water for filling of pool will be brought in from a water source outside of Garden Ridge.
10. Restrictions apply to well users.

This does not apply to non-potable water, gray water, or treated effluent.

Stage 1 restrictions continue until there is an announcement that Stage 1 has been canceled or that Stage 2 is in effect.

STAGE 2

Stage Two Alert begins when the Edwards Aquifer Authority Test Well J-17 level reaches **650** feet mean sea level at the monitored well and is declared by the Edwards Aquifer Authority (EAA) and/or at the discretion of the Mayor, City of Garden Ridge.

1. Water waste is prohibited to include, allowing water to run off onto a gutter, ditch, or drain; or failing to repair a controllable leak.
2. Watering with an irrigation system or sprinkler, permitted only once a week on the designated watering day during the hours of 4 a.m. to 8 a.m. and 8 p.m. to 11 p.m.:

Last Digit of Address	Day
0	Monday
1&2	Tuesday
3&4	Wednesday
5&6	Thursday
7&8	Friday
9	Saturday

Areas without a street address, such as medians, neighborhood entryways or common areas water as if their address ended in a 2.

3. Watering with drip irrigation or a 5 gallon bucket permitted during the hours of 4 a.m. to 8 a.m. and 8 p.m. to 11 p.m. any day.
4. Watering with a hand held hose permitted any day, any time.
5. Washing impervious cover such as parking lots, driveways, streets or sidewalks is prohibited.
6. Non-commercial washing of vehicles and mobile equipment (e.g. washing vehicles at a residence) is permitted any day at any time over landscape or other surface where run off is minimized and with the use of a hose using an automatic shut-off nozzle or bucket of 5 gallons or less.
7. Restaurants and other eating establishments are prohibited from serving groundwater to customers except upon request of the customer.
8. No building permits will be issued for the construction of new swimming pools. The City Administrator may grant a variance for the construction of a swimming pool with proof that water for construction and filling of the pool will be brought in from a water source outside of the city.
9. Filling of existing swimming pools is prohibited unless at least 30% of the water is obtained from a source other than City provided. Groundwater may be used to replenish swimming

pools to maintenance levels. Drainage of swimming pools is permitted only onto a permeable surface or onto a pool deck where water is transmitted directly to a permeable surface.

- 10. Restrictions apply to well users.

This does not apply to non- potable water, gray water, or treated effluent.

Stage 2 restrictions continue until there is an announcement that Stage 2 has been canceled or that Stage 3 is in effect.

STAGE 3

Stage Three Alert begins when the Edwards Aquifer Authority Test Well J-17 level reaches **640** feet mean sea level at the monitored well and is declared by the Edwards Aquifer Authority (EAA) and/or at the discretion of the Mayor, City of Garden Ridge.

- 1. Watering with an irrigation system, soaker hose or sprinkler is permitted every other week beginning on the second Monday after Stage III has been declared and only on designated watering day from 4 a.m. – 8 a.m. and 8 p.m. – 11 p.m.

A watering day calendar based upon the last digit of each address will be prepared, distributed and posted monthly during Stage 3 watering restrictions with the following watering schedule as reflected below.

0	Monday
2	Tuesday
4	Wednesday
6	Thursday
8	Friday
1	Tuesday
3	Wednesday
5	Thursday
7	Friday
9	Saturday

Areas without a street address, such as medians, neighborhood entryways or common areas water as if their address ended in a 2.

- 2. Watering with a drip irrigation or 5 gallon bucket permitted during the hours of 4 a.m. to 8 a.m. and 8 p.m. to 11 p.m. Monday, Wednesday and Friday.
- 3. Watering with a hand held hose permitted any day, any time.
- 4. Watering newly planted landscapes permitted only with a variance from Garden Ridge City Council.
- 5. Washing cars at home is permitted any day at any time over landscape or other surface where run off is minimized and with the use of hose using automatic shut-off nozzle or bucket of 5 gallons or less. Water runoff into streets is prohibited.
- 6. Water runoff onto streets is prohibited.

7. No person may use groundwater or city provided water for an ornamental outdoor fountain or similar feature.
8. No building permits will be issued for the construction of new swimming pools. The City Administrator may grant a variance for the construction of a swimming pool with proof that water for construction and filling of the pool will be brought in from a water source outside of the city.
9. Filling of existing swimming pools is prohibited unless at least 30% of the water is obtained from a source other than City provided. Groundwater may be used to replenish swimming pools to maintenance levels. Drainage of swimming pools is permitted only onto a permeable surface or onto a pool deck where water is transmitted directly to a permeable surface.
10. Water customers subject to a 100% surcharge for use over 45,000 gallons.

This does not apply to non- potable water, gray water, or treated effluent.

Stage 3 restrictions continue until there is an announcement that Stage 3 has been canceled or that Stage 4 is in effect.

STAGE 4

Stage Four Alert begins when the Edwards Aquifer Authority Test Well J-17 level reaches **630** feet mean sea level at the monitored well and is declared by the Edwards Aquifer Authority (EAA) and/or at the discretion of the Mayor, City of Garden Ridge.

1. All restrictions in Stage 3.
2. Water customers subject to a 200% surcharge for use over 45,000 gallons.
3. Additional restrictions on water use may be established at the discretion of the City Council.

This does not apply to non- potable water, gray water, or treated effluent.

Stage 4 restrictions continue until there is an announcement that Stage 4 has been canceled or that Stage 5 is in effect.

STAGE 5

Stage Five Alert begins when declared by the Edwards Aquifer Authority (EAA) and/or at the discretion of the Mayor, City of Garden Ridge.

1. All restrictions in Stage 4.
2. Conditions as directed by the Mayor and City Council
3. Use Necessary for Public Health or Safety.
4. Notwithstanding any provision of these rules, groundwater may be used when and to the extent it is necessary to prevent danger to public health, safety or welfare or to the extent required by State or Federal law.
5. Water customers subject to a 200% surcharge for use over 45,000 gallons.

This does not apply to non- potable water, gray water, or treated effluent.