

ARTICLE 13.06
DROUGHT CONTINGENCY PLAN

§ 13.06.001. Declaration of policy, purpose and intent.

- (a) In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the city hereby adopts the following regulations and restrictions on the delivery and consumption of water.
- (b) Water uses regulated or prohibited under this drought contingency plan (the plan) are considered to be non-essential, and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in section 13.06.011 of this plan.

(Ordinance 123, sec. I, adopted 8/22/00)

§ 13.06.002. Public involvement.

Opportunity for the public to provide input into the preparation of the plan was provided by the city by means of city council meetings. Notification was provided by publication in local newspapers, posting of notification of the council meeting agenda, and posted on a sign at city hall.

(Ordinance 123, sec. II, adopted 8/22/00)

§ 13.06.003. Public education.

The city and the city water system will periodically provide the public with information about the plan, including information about the conditions under which each stage of the plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of council meetings, mailings, newspaper, and posting on a sign at city hall.

(Ordinance 123, sec. III, adopted 8/22/00)

§ 13.06.004. Coordination with regional water planning groups.

The service area of the city is located within the South Central Texas Region (L) and the city has provided a copy of this plan to the South Central Texas Region (L).

(Ordinance 123, sec. IV, adopted 8/22/00)

§ 13.06.005. Authorization.

The city council is hereby authorized and directed to implement the applicable provisions of this plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The city council shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this plan.

(Ordinance 123, sec. V, adopted 8/22/00)

§ 13.06.006. Applicability.

The provisions of this plan shall apply to all persons, customers, and property utilizing water provided by the city. The terms “person” and “customer” as used in the plan include individuals, corporations, partnerships, associations, and all other legal entities.

(Ordinance 123, sec. VI, adopted 8/22/00)

§ 13.06.007. Definitions.

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

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

Commercial and institutional water use. Water use which is integral to the operations of commercial and nonprofit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

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

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

Domestic water use. Water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, or sanitation, or for cleaning a residence, business, industry, or institution.

Even-numbered address. Street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

Industrial water use. The use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use. Water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

Non-essential water use. Water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:

- (1) Irrigation of landscape areas, including parks, athletic fields, and golf courses, except as otherwise provided under this plan;
- (2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (3) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (4) Use of water to wash down buildings or structures for purposes other than immediate fire

protection;

- (5) Flushing gutters or permitting water to run or accumulate in any gutter or street;
- (6) Use of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools;
- (7) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (8) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (9) Use of water from hydrants for construction purposes or any other purposes other than firefighting.

Odd-numbered address. Street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

(Ordinance 123, sec. VII, adopted 8/22/00)

§ 13.06.008. Criteria for initiation and termination of drought response stages.

The city council shall monitor water supply and/or demand conditions on a monthly basis and shall determine when conditions warrant initiation or termination of each stage of the plan, that is, when the specified “triggers” are reached. The triggering criteria described below are based on the static water level of Well #1.

- (1) Stage 1 triggers - Mild water shortage conditions.
 - (A) Requirements for initiation. Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses defined in section 13.06.007 (definitions) when the static water level in the city well(s) is equal to or below 450 feet below the surface.
 - (B) Requirements for termination. Stage 1 of the plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 30 consecutive days and remains constant or rising.
- (2) Stage 2 triggers - Severe water shortage conditions.
 - (A) Requirements for initiation. Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 2 of this plan when the static water level in the city well(s) is equal to or below 500 feet below the surface.
 - (B) Requirements for termination. Stage 2 of the plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 30 consecutive days and remains constant or rising. Upon termination of Stage 2, Stage 1 becomes operative.
- (3) Stage 3 triggers - Water allocation.

(A) Requirements for initiation. Customers shall be required to comply with the water allocation plan prescribed in section 13.06.009 of this plan and comply with the requirements and restrictions for Stage 3 of this plan when the static water level in the city well(s) is equal to or below 520 feet below the surface.

(B) Requirements for termination. Water allocation may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 30 consecutive days and remains constant or rising. Upon termination of Stage 3, Stage 2 becomes operative.

(Ordinance 123, sec. VIII, adopted 8/22/00)

§ 13.06.009. Water use restrictions during drought response stages.

(a) Notification. The city council shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in section 13.06.008 of this plan, shall determine that a mild, moderate, severe, critical, emergency or water shortage condition exists and shall implement the following notification procedures:

(1) Notification of the public. The city council and water system shall notify the public by means of direct mail to each customer and signs posted in public places.

(2) Additional notification. The city council shall notify directly, or cause to be notified directly, the following individuals and entities:

(A) Utility board.

(B) Fire chief(s).

(C) City and/or county emergency management coordinator(s).

(D) TCEQ (required when mandatory restrictions are imposed).

(b) Stage 1 response - Mild water shortage conditions.

(1) Goal. Achieve a voluntary 10 percent reduction in total water usage.

(2) Voluntary water use restrictions.

(A) Water customers are requested to voluntarily limit the irrigation of landscaped areas to the hours between 6 a.m. to 10 a.m. and 6 p.m. to 10 p.m.

(B) All operations of the city shall adhere to water use restrictions prescribed for Stage 2 of the plan.

(C) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

(c) Stage 2 response - Severe water shortage conditions.

(1) Goal. Achieve a 20 percent reduction in total water use.

(2) Water use restrictions. Under threat of penalty for violation, the following water

use restrictions shall apply to all persons:

- (A) Water customers are required to limit the irrigation of landscaped areas to the hours between 6 a.m. to 10 a.m. and 6 p.m. to 10 p.m.
 - (B) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited.
 - (C) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight.
 - (D) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
 - (E) Use of water from hydrants shall be limited to 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 permit from the city water system.
 - (F) All restaurants are prohibited from serving water to patrons except upon request of the patron.
 - (G) The following uses of water are defined as non-essential and are prohibited:
 - (i) Wash-down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 - (ii) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
 - (iii) Use of water for dust control;
 - (iv) Flushing gutters or permitting water to run or accumulate in any gutter or street; and
 - (v) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).
- (d) Stage 3 response - Critical water shortage conditions.
- (1) Goal. Achieve a 30 percent reduction in total water use.
 - (2) Water use restrictions. All requirements of Stage 1 and 2 shall remain in effect during Stage 4 [3] except:
 - (A) Water customers are required to limit the irrigation of landscaped areas to the hours between 6 a.m. to 10 a.m. and 6 p.m. to 10 p.m. [by] hand-held watering devices only.

- (B) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial carwash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited.
 - (C) The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi-type pools is prohibited.
 - (D) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
 - (E) No application for new development in the city limits with more than 3 homes will be accepted during this stage.
- (e) Emergency water shortage conditions.
- (1) Supply management measures. The city water system will arrange to purchase water from an alternate source to replenish the supply in the water tanks at the well site.
 - (2) Water use restrictions. All requirements of Stage 1, 2, and 3 shall remain in effect during water shortage conditions except that:
 - (A) Irrigation of landscaped areas is absolutely prohibited.
 - (B) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.
- (Ordinance 123, sec. IX, adopted 8/22/00)

§ 13.06.010. Water rationing.

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

- (1) Single-family residential customers.
 - (A) The allocation to residential water customers residing in a single-family dwelling shall be 4000 gallons per month.
 - (B) “Household” means the residential premises served by the customer’s meter.
 - (C) Residential water customers shall pay the surcharges established in the fee schedule in appendix A to this code.
- (Ordinance 123, sec. X, adopted 8/22/00 ; Ordinance adopting Code)

§ 13.06.011. Enforcement; penalty.

- (a) No person shall knowingly or intentionally allow the use of water from the city water system for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this plan, or in an amount in excess of

that permitted by the drought response stage in effect at the time pursuant to action taken by the city council in accordance with provisions of this plan.

- (b) Any person who violates this plan is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than two hundred dollars (\$200.00) and not more than two thousand dollars (\$2000.00). Each day that one or more of the provisions in this plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this plan, the city council shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a reconnection charge, as established by the fee schedule in appendix A to this code, and any other costs incurred by the city water system in discontinuing service. In addition, suitable assurance must be given to the city council that the same action shall not be repeated while the plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.
 - (c) Any person, including a person classified as a water customer of the city water system, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children, and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this plan and that the parent could not have reasonably known of the violation.
 - (d) Any employee of the city water system, and police officer, may issue a citation to a person he/she reasonably believes to be in violation of this article. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, and the offense charged, and shall direct him/her to appear in the municipal court on the date shown on the citation for which the date shall not be less than 3 days nor more than 5 days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in municipal court to enter a plea of guilty or not guilty for the violation of this plan. If the alleged violator fails to appear in municipal court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in municipal court before all other cases.
- (Ordinance 123, sec. XI, adopted 8/22/00 ; Ordinance adopting Code)

§ 13.06.012. Variances.

- (a) The city council, may, in writing, grant temporary variance for existing water uses

otherwise prohibited under this plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

- (1) Compliance with this plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the plan is in effect.
 - (2) Alternative methods can be implemented which will achieve the same level of reduction in water use.
- (b) Persons requesting an exemption from the provisions of this article shall file a petition for variance with the city council within 5 days after the plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the city council, and shall include the following:
- (1) Name and address of the petitioner(s).
 - (2) Purpose of water use.
 - (3) Specific provision(s) of the plan from which the petitioner is requesting relief.
 - (4) Detailed statement as to how the specific provision of the plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if the petitioner complies with this article.
 - (5) Description of the relief requested.
 - (6) Period of time for which the variance is sought.
 - (7) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this plan and the compliance date.
 - (8) Other pertinent information.
- (c) Variances granted by the city council shall be subject to the following conditions, unless waived or modified by the city council:
- (1) Variances granted shall include a timetable for compliance.
 - (2) Variances granted shall expire when the plan is no longer in effect, unless the petitioner has failed to meet specified requirements.
- (d) No variance shall be retroactive or otherwise justify any violation of this plan occurring prior to the issuance of the variance.
- (Ordinance 123, sec. XII, adopted 8/22/00)