



**Texas Commission on Environmental Quality**

Water Availability Division  
MC-160, P.O. Box 13087 Austin, Texas 78711-3087  
Telephone (512) 239-4600, FAX (512) 239-2214

**Drought Contingency Plan  
for a Retail Public Water Supplier**

This form is provided as a model of a drought contingency plan for a retail public water supplier. If you need assistance in completing this form or in developing your plan, please contact the Conservation Staff of the Resource Protection Team in the Water Availability Division at (512) 239-4600.

Drought Contingency Plans must be formally adopted by the governing body of the water provider and documentation of adoption must be submitted with the plan. For municipal water systems, adoption would be by the city council as an ordinance. For other types of publicly-owned water systems (example: utility districts), plan adoption would be by resolution of the entity's board of directors adopting the plan as administrative rules. For private investor-owned utilities, the drought contingency plan is to be incorporated into the utility's rate tariff. Each water supplier shall provide documentation of the formal adoption of their drought contingency plan.

Name: City of Sweeny

Address: 102 West Ashley Wilson P.O. Box 248 Sweeny Texas 77480

Telephone Number: (979) 548-3321 Fax: (979) 548-7745

Water Right No.(s): N/A

Regional Water Planning Group: Region H

Form Completed by: William J. Huebner, P.E.

Title: Mayor

Person responsible for implementation: Dusty Hopkins Phone: (979)548-3321

Signature: \_\_\_\_\_ Date:  / /

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**Section I: Declaration of Policy, Purpose, and Intent**

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 of Sweeny (the City), hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Deleted: (name of your water supplier)

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 X of this Plan.

**Section II: Public Involvement**

Opportunity for the public to provide input into the preparation of the Plan was provided by the City, by means of scheduling and providing public notice of a public meeting to accept input on the Plan.

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Deleted: (name of your water supplier)

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Deleted: (name of regional water planning area or areas)...

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Deleted: Houston Region.

Deleted: (name of your regional water planning group or groups)....

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**Section III: Public Education**

The City 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 news media, radio broadcasts on local radio station, local newspapers, telephone calls, person to person conversations, and notices mailed to all utility customers.

**Section IV: Coordination with Regional Water Planning Groups**

The service area of the City is located within the Houston region (H), and the City of Sweeny has provided a copy of this Plan to the Region H.

**Section V: Authorization**

The Mayor, or his/her designee 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 Mayor, or his/her designee shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

**Section VI: Application**

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the City (name of your water supplier). The terms "person" and "customer" as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

**Section VII: 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 non-profit 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.

Deleted: \_\_\_\_\_

Deleted: (name of your water supplier).

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

**Even number address:** street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

**Foundation watering:** an application of water to the soils directly abutting (within 2 feet) the foundation of a building, structure.

**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:

- (a) irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
- (b) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (c) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (d) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (e) flushing gutters or permitting water to run or accumulate in any gutter or street;
- (f) use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
- (g) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (h) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (i) use of water from hydrants for construction purposes or any other purposes other than **firefighting**.

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**Odd numbered address:** street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

**Section VIII: Criteria for Initiation and Termination of Drought Response Stages**

The **Mavor**, or his/her designee shall monitor water supply and/or demand conditions on a **daily** basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified "triggers" are reached.

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The triggering criteria described below are based on **daily consumption in relation to the total water production capacity of the wells in service at any time or in relation to the total firm high service (booster) pump capacity in the system. The well capacity shall mean the rate of production from all wells over a 24-hour period and the total firm booster pump capacity shall mean the total volume of water that can be pumped in a 24-hour**

period assuming the largest pump is out of service. The City has a master water meter on each well, which monitors the total daily water demand.

**Utilization of alternative water sources and/or alternative delivery mechanisms;**

~~There are no alternative water source(s) available to the City.~~

**Stage 1 Triggers – MILD Water Shortage Conditions**

Requirements for initiation

Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section VII Definitions, when ~~total daily water demand equals or exceeds 40 percent of the total well capacity or firm booster pump capacity for seven consecutive days.~~

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 ~~seven~~ consecutive days.

**Stage 2 Triggers – MODERATE Water Shortage Conditions**

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section IX of this Plan when ~~total daily water demand equals or exceeds 50 percent of the total well capacity or firm booster pump capacity for seven consecutive days.~~

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 ~~seven~~ consecutive days. Upon termination of Stage 2, Stage 1, or the applicable drought response stage based on the triggering criteria, becomes operative.

**Stage 3 Triggers – SEVERE Water Shortage Conditions**

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this Plan when ~~total daily water demand equals or exceeds 60 percent of the total well capacity or firm booster pump capacity for three consecutive days.~~

Requirements for termination

Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of ~~three~~ consecutive days. Upon termination of Stage 3, Stage 2, or the applicable drought response stage based on the triggering criteria, becomes operative.

**Stage 4 Triggers – CRITICAL Water Shortage Conditions**

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 4 of this Plan when ~~total daily water demand equals or exceeds 70 percent of the total well capacity or firm booster pump capacity for three consecutive days.~~

Requirements for termination

**Deleted:** (Provide a brief description of the rationale for the triggering criteria; for example, triggering criteria / trigger levels based on a statistical analysis of the vulnerability of the water source under drought of record conditions, or based on known system capacity limits).¶

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**Deleted:** Alternative water source(s) for \_\_\_\_ (name of utility) is/are: \_\_\_\_¶  
(Examples: Other well(s), Inter-connection with other system, Temporary use of a non-municipal water supply Purchased water, Use of reclaimed water for non-potable purposes, etc.) ¶

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(Describe triggering criteria / trigger levels; see examples below).¶

¶  
Following are examples of the types of triggering criteria that might be used in one or more successive stages of a drought contingency plan. The public water supplier may devise other triggering criteria and an appropriate number of stages tailored to its system. One or a combination of the criteria selected by the public water supplier must be defined for each drought response stage, but usually not all will apply. ¶

¶  
Example 1: Annually, beginning on May 1 through September 30.¶

¶  
Example 2: When the water supply available to the \_\_\_\_ (name of your water supplier) is equal to or less than \_\_\_\_ (acre-feet, percentage of storage, etc.)¶

¶  
Example 3: When, pursuant to requirements specified in the \_\_\_\_ (name of your water supplier) wholesale water purchase contract with \_\_\_\_ (name of your wholesale water supplier), notification is received requesting initiation of Stage 1 of the Drought Contingency Plan.¶

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**Deleted:** Example 6: When the specific capacity of the \_\_\_\_ (name of your water supplier) is \_\_\_\_;¶

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Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three consecutive days. Upon termination of Stage 4, Stage 3, or the applicable drought response stage based on the triggering criteria, becomes operative.

**Stage 5 Triggers – EMERGENCY Water Shortage Conditions**

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions for Stage 5 of this Plan when the Mayor, or his/her designee, determines that a water supply emergency exists based on:

1. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or
2. Natural or man-made contamination of the water supply source(s).

Requirements for termination

Stage 5 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three consecutive days.

**Section IX: Drought Response Stages**

The Mayor, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section VIII of this Plan, shall determine that a mild, moderate, severe, critical, emergency or water shortage condition exists and shall implement the following notification procedures:

**Notification**

Notification of the Public:

The Mayor or his/ her designee shall notify the public by means of: news media, social media, radio broadcasts on local radio station, local newspapers, telephone calls, posting notices at public buildings, and person to person conversations. Notices mailed to all utility customers may be used at the discretion of the Mayor or his/her designee.

Additional Notification:

The Mayor or his/ her designee shall notify directly, or cause to be notified directly, the following individuals and entities:

Entity	Notification Stage
City Council	All Stages
TCEQ	All Stages
Street Superintendent	Stage 4: Critical Stage 5: Emergency
Water and Wastewater Superintendent	All Stages
Fire Chief	All Stages
Major water users	Stage 5: Emergency

**Stage 1 Response – MILD Water Shortage Conditions**

**Target:** Achieve a voluntary reduction in the total well capacity or firm booster pump capacity to less than 40 percent.

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Deleted: Stage 6 Triggers – WATER ALLOCATION

Requirements for initiation

Customers shall be required to comply with the water allocation plan prescribed in Section IX of this Plan and comply with the requirements and restrictions for Stage 5 of this Plan when \_\_\_\_\_ (describe triggering criteria, see examples in Stage 1).

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 \_\_\_\_\_ (example: 3) consecutive days.

Note: The inclusion of WATER ALLOCATION as part of drought contingency plan may not be required in all cases. For example, for a given water supplier, an analysis of water supply availability under drought of record conditions may indicate that there is essentially no risk of water supply shortage. Hence, a drought contingency plan for such a water supplier might only address facility capacity limitations and emergency.

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Best Management Practices for Supply Management:

*The City will reduce water demand by system water loss control and reduced or discontinued irrigation of public landscaped areas.*

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Voluntary Water Use Restrictions for Reducing Demand:

- (a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to between the hours of 6 p.m. and 8:00 a.m.
- (b) All operations of the City (name of your water supplier) shall adhere to water use restrictions prescribed for Stage 1 of the Plan.
- (c) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

**Deleted:** Describe additional measures, if any, to be implemented directly by (name of your water supplier) to manage limited water supplies and/or reduce water demand. Examples include: system water loss control, activation and use of an alternative supply source(s); use of reclaimed water for non-potable purposes.

**Deleted:** Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only

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**Deleted:** Achieve a \_\_\_\_\_ percent reduction in \_\_\_\_\_ (example: total water use, daily water demand, etc).

Stage 2 Response – MODERATE Water Shortage Conditions

Target: Achieve a voluntary in the total well capacity or firm booster pump capacity to less than 50 percent.

Best Management Practices for Supply Management:

*The City will reduce water demand by system water loss control and reduced or discontinued irrigation of public landscaped areas.*

Water Use Restrictions for Demand Reduction:

Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

- (a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Monday, Wednesday, and Friday for customers located west of Hackberry Street, and Tuesday, Thursday, and Saturdays for water customers located east of Hackberry Street and no one shall water between the hours of 8 a.m. and 6 p.m. on Sundays. However, irrigation of landscaped areas is permitted on a daily basis by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system before 8 a.m. and after 6 p.m.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rises. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

**Deleted:** Describe additional measures, if any, to be implemented directly by \_\_\_\_\_ (name of your water supplier) to manage limited water supplies and/or reduce water demand. Examples include: system water loss control, reduced or discontinued irrigation of public landscaped areas; use of an alternative supply source(s); use of reclaimed water for non-potable purposes.

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**Deleted:** irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days.

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- (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.
- (f) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the City, the facility shall not be subject to these regulations.
- (g) All restaurants are prohibited from serving water to patrons except upon request of the patron.
- (h) The following uses of water are defined as non-essential and are prohibited:
  1. wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
  2. use of water to wash down buildings or structures for purposes other than immediate fire protection;
  3. use of water for dust control;
  4. flushing gutters or permitting water to run or accumulate in any gutter or street; and
  5. failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

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**Stage 3 Response – SEVERE Water Shortage Conditions**

**Target:** Achieve a voluntary reduction in the total well capacity or firm booster pump capacity to less than 60 percent.

**Best Management Practices for Supply Management:**

The City will reduce water demand by system water loss control and reduced or discontinued irrigation of public landscaped areas.

**Water Use Restrictions for Demand Reduction:**

All requirements of Stage 2 shall remain in effect during Stage 3 except:

(a) Irrigation of landscaped areas shall be further limited to a designated watering day.

a. NW: Customers located north of 4th Street and Brockman and west of Hackberry Street shall water on Mondays.

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Deleted: Describe additional measures, if any, to be implemented directly by \_\_\_\_\_ (name of your water supplier) to manage limited water supplies and/or reduce water demand. Examples include: system water loss control, reduced or discontinued irrigation of public landscaped areas; use of an alternative supply source(s); use of reclaimed water for non-potable purposes.

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- b. ~~SE: Customers located south of 4th Street and Brockman and east of Hackberry Street shall water on Tuesdays.~~
- c. ~~NE: Customers located north of 4th Street and Brockman and east of Hackberry Street shall water on Thursdays.~~
- d. ~~SW: Customers located south of 4th Street and Brockman and west of Hackberry Street shall water on Fridays.~~

~~No one may water on Wednesdays, Saturdays, or Sundays. No one may water on any assigned day between the hours of 8 a.m. and 6 p.m. Hand watering flowers, flowerbeds, and potted plants may be done on any day before 8 a.m. and after 6 p.m. Watering shall be done by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.~~

- (b) The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the City (name of your water supplier).
- (c) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.
- (d) Foundation Watering (within 2 feet) may take place on the assigned water day only. Watering of trees may occur for two hours one day per week with a hand-held hose or with a dedicated zone using a Drip Irrigation system and/or Soaker Hose, provided no runoff occurs.

~~(e) Anyone using more than 20,000 gallons of water per month at the time this stage is implemented will be charged a rate of \$5.00 per 1,000 gallons of water over the 20,000 gallons used.~~

**Stage 4 Response - CRITICAL Water Shortage Conditions**

**Target:** ~~Achieve a voluntary reduction in the total well capacity or firm booster pump capacity to less than 70 percent.~~

**Best Management Practices for Supply Management:**

~~The City will reduce water demand by system water loss control and reduced or discontinued irrigation of public landscaped areas.~~

**Water Use Restrictions for Reducing Demand:**

All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except:

- (a) ~~No one may perform outdoor watering on any given day other than providing water for pets and livestock.~~
- (b) ~~Foundations may be watered every two weeks. Customers located west of Hackberry Street may soak their foundation on the first and third Wednesday of the month between 6 p.m. and midnight. Customers located east of Hackberry Street may soak their foundation on the second and fourth Wednesday of the~~

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Deleted: Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6:00 a.m. and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems are prohibited at all times.

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month between 6 p.m. and midnight. The increased rates implemented in stage 3 will remain in effect through this stage.

- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10 p.m.
- (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, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

#### Stage 5 Response - EMERGENCY Water Shortage Conditions

Target: Achieve a voluntary reduction in the total well capacity or firm booster pump capacity to less than 75 percent or reduce water use to prevent more than 50% depletion of stored water volumes at any time.

##### Best Management Practices for Supply Management:

The City will reduce water demand by system water loss control and reduced or discontinued irrigation of public landscaped areas.

##### Water Use Restrictions for Reducing Demand:

All requirements of Stage 2, 3, and 4 shall remain in effect during Stage 5 except:

- (a) All non-essential water use shall be prohibited unless necessary for the preservation of health, safety, and welfare of residents. Water usage for livestock is exempt.
- (b)

#### Section X: Enforcement

- (a) No person shall knowingly or intentionally allow the use of water from the City for residential, commercial, industrial, agricultural, governmental, or any other purpose in a

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Deleted: Describe additional measures, if any, to be implemented directly by \_\_\_\_\_ (name of your water supplier) to manage limited water supplies and/or reduce water demand. Examples include: system water loss control, reduced or discontinued irrigation of public landscaped areas; use of an alternative supply source(s); use of reclaimed water for non-potable purposes.¶

Deleted: Irrigation of landscaped areas is absolutely prohibited, except soaker hoses, hand-held hoses or a dedicated zone using a drip irrigation system may be used to water trees up to two hours per week or foundations as necessary, provided no runoff occurs.

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Deleted: Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.

Deleted: Stage 6 Response - WATER ALLOCATION¶

¶ In the event that water shortage conditions threaten public health, safety, and welfare, the \_\_\_\_\_ Mayor (designated official) is hereby authorized to allocate water according to the following water allocation plan:¶

¶ Single-Family Residential Customers¶

¶ The allocation to residential water customers residing in a single-family dwelling shall be as follows:¶

¶ Persons per Household      Gallons per Month¶

1 or 2	6,000¶
3 or 4	7,000¶
5 or 6	8,000¶
7 or 8	9,000¶
9 or 10	10,000¶
11 or more	12,000¶

¶ "Household" means the residential premises served by the customer's meter. "Persons per household" include only those persons currently physically residing at the premises and expected to reside there for the entire billing period. It shall be assumed that a particular customer's household is comprised of two (2) persons unless the customer notifies the \_\_\_\_\_ City (name of your water supplier) of a greater number of persons per household on a form prescribed by the \_\_\_\_\_ Mayor (designated official). The \_\_\_\_\_ Mayor (designated official) shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every residential customer. If, however, a customer does not receive such a form, it shall be the customer's responsibility to go to the \_\_\_\_\_ City (name of your water supplier) offices to complete and sign the form claiming more than two (2) persons per household( ... ¶

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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 Mayor, or his/her designee, 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 \_\_\_\_\_ dollars (\$ \_\_\_\_\_) and not more than \_\_\_\_\_ dollars (\$ \_\_\_\_\_). 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 Mayor (designated official) 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 re-connection charge, hereby established at \$ \_\_\_\_\_, and any other costs incurred by the City, in discontinuing service. In addition, suitable assurance must be given to the Mayor, 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, 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, police officer, or other employee designated by the Mayor, may issue a citation to a person he/she reasonably believes to be in violation of this Ordinance. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, 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.

**Section XI: Variances**

The Mayor, or his/her designee, 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 the 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:

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- (a) 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.
- (b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with the City, within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the Mayor, or his/her designee, and shall include the following:

- (a) Name and address of the petitioner(s).
- (b) Purpose of water use.
- (c) Specific provision(s) of the Plan from which the petitioner is requesting relief.
- (d) 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 petitioner complies with this Ordinance.
- (e) Description of the relief requested.
- (f) Period of time for which the variance is sought.
- (g) 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.
- (h) Other pertinent information.

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