

DIVISION 3. DROUGHT CONTINGENCY PLAN*

***Editor's note:** Ord. No. 2001-O-10A, § II, adopted Jan. 8, 2002 repealed §§ 26-48--26-53 which pertained to similar subject matter and derived from Ord. No. 89-O-2, §§ 1--6, adopted Feb. 14, 1989. Also, it should be noted that Res. No. 89-R-2, adopted Feb. 14, 1989, adopted a "water conservation plan." Said plan is not set out herein, but is on file and available for inspection in the office of the city secretary.

Cross references: Emergency management, Ch. 8; proclamation restricting use, § 26-18.

Sec. 26-48. 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 adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this drought contingency plan (the plan) are considered to be nonessential 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 26-53 of this plan.

(Ord. No. 2001-O-10A, § II, 1-8-2002)

Sec. 26-49. 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 town meetings, press releases and utility mass mailings.

(Ord. No. 2001-O-10A, § II, 1-8-2002)

Sec. 26-49.1 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.

(Ord. No. 2001-O-10A, § II, 1-8-2002)

Sec. 26-49.2 Application.

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.

(Ord. No. 2001-O-10A, § II, 1-8-2002)

Sec. 26-50. Definitions.

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

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

Commercial and institutional water use means 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 means 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 means any person, company, or organization using water supplied by city.

Domestic water use means 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.

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

Landscape irrigation use means 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.

Nonessential water use means 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 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 fire fighting.

(Ord. No. 2001-O-10A, § II, 1-8-2002)

Sec. 26-51. Criteria for initiation and termination of drought response stages.

The mayor or his/her designee shall monitor water supply and/or demand conditions on a daily/ weekly 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 current capacities of the water plant and the distribution system.

(1) 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 26-50--Definitions, when: as determined by the mayor or his/her designee.

- a. When, pursuant to requirements specified in the city wholesale water purchase contract with L.C.R.A. notification is received requesting initiation of stage 1 of the drought contingency plan.
- b. When total daily water demand equals or exceeds eighty-seven (87) percent of plant capacity for three (3) consecutive days or 88.5 percent of plant capacity on a single day.
- c. Continually falling treated water reservoir levels that do not refill above ninety (90) percent overnight.

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 three (3) consecutive days; or as determined by the mayor or his/her designee.

(2) Stage 2 Triggers--MODERATE Water Shortage Conditions

Requirements for initiation.

Customers shall be required to comply with the requirements and restrictions on certain nonessential water uses provided in section IX of this plan when (either, any of) the following condition(s) exist: or as determined by the mayor or his/her designee.

- a. When, pursuant to requirements specified in the city wholesale water purchase contract with L.C.R.A. notification is received requesting initiation of stage 1 of the drought contingency plan.
- b. When total daily water demand equals or exceeds ninety (90) percent of plant capacity for two (2) consecutive days of 91.5 percent of plant capacity on a single day.
- c. Continually falling treated water reservoir levels that do not refill above

eighty (80) percent overnight.

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 three (3) consecutive days: or as determined by the mayor or his/her designee. Upon termination of stage 2, stage 1 becomes operative.

(3) Stage 3 Triggers--SEVERE Water Shortage Conditions

Requirements for initiation.

Customers shall be required to comply with the requirements and restrictions on certain nonessential water uses for stage 3 of this plan when (either, any of) the following condition(s) exist: or as determined by the mayor or his/her designee.

- a. When, pursuant to requirements specified in the city wholesale water purchase contract with L.C.R.A. notification is received requesting initiation of stage 1 of the drought contingency plan.
- b. When total daily water demand equals or exceeds ninety-five (95) percent of plant capacity for two (2) consecutive days of ninety-six (96) percent of plant capacity on a single day.
- c. Continually falling treated water reservoir levels that do not refill above seventy-five (75) percent overnight.

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 (3) consecutive days, or as determined by the mayor or his/her designee. Upon termination of stage 3, stage 2 becomes operative.

(4) Stage 4 Triggers--EMERGENCY Water Shortage Conditions

Requirements for initiation.

Customers shall be required to comply with the requirements and restrictions for stage 4 of this plan when the mayor, or his/her designee, determines that a water supply emergency exists based on:

- a. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or
- b. Natural or manmade contamination of the water supply source.

Requirements for termination.

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 (3) consecutive days, or as determined by the mayor or his/her designee.

(Ord. No. 2001-O-10A, § II, 1-8-2002)

Sec. 26-52. 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 26-52 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.

- (1) *Notification of the public:* The mayor or his/ here designee shall notify the public by means of:
 - a. Publication in a newspaper of general circulation.
 - b. Direct mail to each customer.
 - c. Public service announcements.
 - d. Signs posted in public places.
- (2) *Additional notification:* The mayor or his/ her designee shall notify directly, or cause to be notified directly, the following individuals and entities:
 - a. Mayor/chairman and members of the city council/utility board
 - b. Fire chief(s)
 - c. City and/or county emergency management coordinator(s)
 - d. County judge and commissioner(s)
 - e. State disaster district/department of public safety
 - f. TNRCC (required when mandatory restrictions are imposed)
 - g. Major water users
 - h. Critical water users, i.e. hospitals
 - i. Parks/street superintendents and public facilities managers
 - j. Wholesale supplier (notify when mandatory restrictions are imposed)
- (3) **Stage 1 Response--MILD Water Shortage Conditions**

Goal: Achieve a voluntary twenty (20) percent reduction in daily water demand.

Supply management measures: In order to manage limited water supplies and/or reduce water demand, the city will:

 - a. Reduce or discontinue flushing of water mains,
 - b. Audit your utility system for water loss

Voluntary water use restrictions:

 - a. Water customers are requested to voluntarily limit the irrigation of landscaped areas by irrigating landscapes only between the hours of 12:00 midnight and 10:00 a.m. and between 7:00 p.m. and 12:00 midnight on designated outdoor water use days. Customers with even numbered street addresses may water on even numbered days of the month, and customers with odd number street addresses may water on odd number days of the month.

Stage 2 Response--MODERATE Water Shortage Conditions

Goal: Achieve a thirty (30) percent reduction in daily water demand.

Supply management measures: In order to manage limited water supplies and/or reduce water demand, the city will:

- a. Reduce or discontinue flushing of water mains,
- b. Audit your utility system for water loss
- c. Reduce irrigation of public landscaped areas,

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

- a. Mandatory lawn watering schedule effective: Customers with odd number street addresses may water on odd number days of the month between the hours of 6:00 a.m. and 10:00 a.m. and between the hours of 8:00 p.m. and 10:00 p.m. only. Customers with even number street addresses may water on even number days of the month between the hours of 6:00 a.m. and 10:00 a.m. and between the hours of 8:00 p.m. and 10:00 p.m. only.
- b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated outdoor water use days between the hours of 12:00 midnight and 10:00 a.m. and between 7:00 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. 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.
- 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 outdoor water use days between the hours of 12:00 midnight and 10:00 a.m. and between 7:00 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 fire fighting, 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 outdoor water use days between the hours 12:00 midnight and 10:00 a.m. and between 7:00 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 nonessential 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).

Stage 3 Response--SEVERE Water Shortage Conditions

Goal: Achieve a forty (40) percent reduction in daily water demand.

Supply management measures: In order to manage limited water supplies and/or reduce water demand, the city will:

- a. Reduce or discontinue flushing of water mains.
- b. Audit your utility system for water loss.
- c. Discontinue irrigation of public landscaped areas.

TABLE INSET:

If your street address ends in: your outdoor water use days are:					
MAY					
0 or 9	,6,11,16,2 1,26,31	,10,15,20, 15,30	,10,15,20, 25,30	,9,14,19,2 4,29	,8,13,18,2 3,28
1 or 8	,7,12,17,2 2,27	,6,11,16,2 1,26	,6,11,16,2 1,26,31	,10,15,20, 25,30	,9,14,19,2 4,29
2 or 7	,8,13,18,2 3,28	,7,12,17,2 2,27	,7,12,17,2 2,27	,6,11,16,2 1,26,31	,10,15,20, 25,30
3 or 6	,9,14,19,2 4,29	,8,13,18,2 3,28	,8,13,18,2 3,28	,7,12,17,2 2,27	,6,11,16,2 1,26,31
4 or 5	,10,15,20, 15,30	,9,14,19,2 4,29	,9,14,19,2 4,29	,8,13,18,2 3,28	,7,12,17,2 2,27

Water customers are placed on mandatory limits for irrigation of landscaped areas by irrigating landscapes only between the hours of 12:00 midnight and 10:00 a.m. and between 7:00 p.m. and 12:00 midnight on designated outdoor water use days.

Water use restrictions: All requirements of stage 2 shall remain in effect during stage 3 except:

- a. Irrigation of landscaped areas shall be limited to designate outdoor water use days between the hours of 6:00 a.m. and 10:00 a.m. and between 7:00 p.m. and 10:00 p.m. and shall only be by means of hand-held hoses or hand-held buckets. The use of hose-end sprinklers, soaker hoses, drip irrigation systems or permanently installed automatic sprinkler systems are 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.

Stage 4 Response--CRITICAL Water Shortage Conditions

Goal: Achieve a fifty (50) percent reduction in daily water demand.

Supply management measures: In order to manage limited water supplies and/or reduce water demand, the city will:

- a. Reduce or discontinue flushing of water mains.
- b. Audit your utility system for water loss.
- c. Discontinue irrigation of public landscaped areas.

Water use restrictions: All requirements of stage 2 and 3 shall remain in effect during stage 4 except:

- a. 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 12:00 noon and 5:00 p.m.
- b. The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi-type pools is prohibited.
- c. 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.
- d. 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

Goal: Achieve a sixty (60) percent reduction in daily water demand.

Supply management measures: In order to manage limited water supplies and/or reduce water demand, the city will:

- a. Discontinue flushing of water mains.

- b. Audit your utility system for water loss.
- c. Discontinue irrigation of public landscaped areas.
- d. Increase use of reclaimed water for nonpotable purposes.

Water use restrictions. All requirements of stage 2, 3, and 4 shall remain in effect during stage 5 except:

- 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, except in the immediate interest of public health, safety, and welfare.

(Ord. No. 2001-O-10A, § II, 1-8-2002)

Sec. 26-53. 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 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 five hundred dollars (\$500.00) and not more than one thousand dollars (\$1000.00). Each day that one (1) or more of the provisions in this plan is violated shall constitute a separate offense. If a person is convicted of three (3) or more distinct violations of this plan, the mayor or (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 reconnection charge, hereby established at fifty dollars (\$50.00), and any other costs incurred by the city in discontinuing service. In addition, suitable assurance must be given to the mayor or (designated official) 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, designated by the mayor, may issue a citation to a person he/she reasonably believes to be in violation of this division. 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 three (3) days nor more than five (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 seventeen (17) 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.

(Ord. No. 2001-O-10A, § II, 1-8-2002)

Sec. 26-54. 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 (1) 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.

Persons requesting an exemption from the provisions of this division shall file a petition for variance with the city within five (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:

- (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 petitioner complies with this division.
- (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.

Variances granted by the city shall be subject to the following conditions, unless waived or modified by the mayor or his/her designee:

- (1) Variances granted shall include a timetable for compliance.

- (2) Variances granted shall expire if the drought conditions were to exist, unless the petitioner has failed to meet specified requirements.

No variance shall be retroactive or otherwise justify any violation of this plan occurring prior to the issuance of the variance.

(Ord. No. 2001-O-10A, § II, 1-8-2002)

Sec. 26-55. Reserved.