

# City of New Summerfield Drought Contingency Plan

Name: City of New Summerfield

Address: 13280 Hwy 110N; New Summerfield, Texas, 75780

Telephone Number: (903) 726-3651 Fax: (903) 3544

Water Right No.(s): N/A

Regional Water Planning Group: Region I Planning Group

Form Completed by: Peter Eads

Title: Utilities Director / Quality Manager

Person responsible for implementation: Peter Eads Phone: (903) 726-3651

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

## **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 New Summerfield hereby 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 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 of New Summerfield by means of the municipal website, e-mail and public access postings.

## **Section III: Public Education**

The City of New Summerfield 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 the municipal website, E-mail and public access postings.

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

The service area of the City of New Summerfield is located within the Region "I" Planning Group. The City of New Summerfield is not required to provide a copy of this Plan to the Region "I" Planning Group based on having less than 3300 connections but is required have an adopted Drought Contingency Plan available for review by the Texas Commission on Environmental Quality (TCEQ).

## **Section V: Authorization**

The Utility Director 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 Utility Director or his/her designee shall have the

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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 of New Summerfield. 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 City of New Summerfield.

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.

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

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- (i) use of water from hydrants for construction purposes or any other purposes other than fire fighting.

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 Utility Director or his/her designee shall monitor water supply and/or demand conditions on a continual 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:

### **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 combined storage levels decline to below fifty (50%) percent.
- Requirements for termination  
Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist at the discretion of the Utility Director or his/her designee.

### **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 combined storage levels decline to below forty (40%) percent.
- Requirements for termination  
Stage 2 of the Plan may be rescinded by the Utility Director or his/her designee when all of the conditions listed as triggering events have ceased to exist for a period of two (2) consecutive days. Upon termination of Stage 2, Stage 1, or the applicable drought response stage based on the triggering criteria, becomes operative at the discretion of the Utility Director or his/her designee.

### **Stage 3 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 3 of this Plan when combined storage levels decline to below thirty (30%) percent.
- 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 two (2) consecutive days. Upon termination of Stage 3, Stage 2, or the applicable drought response stage based on the triggering criteria, becomes operative at the discretion of the Utility Director or his/her designee.

### **Stage 4 Triggers – EMERGENCY Water Shortage Conditions**

- Requirements for initiation

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Customers shall be required to comply with the requirements and restrictions for Stage 4 of this Plan when the Utility Director 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 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of two (2) consecutive days or at the discretion of the Utility Director or his/her designee.

## **Section IX: Drought Response Stages**

The Utility Director or his/her designee shall monitor water supply and/or demand conditions on a continual 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 Utility Director or his/ her designee shall notify the public by means of:

*city website posting,  
e-mail to customer list,  
signs posted in public places  
local news resources, if applicable*

#### Additional Notification:

The Utility Director or his/ her designee shall notify directly, or cause to be notified directly, the following individuals and entities upon a stage 4 trigger - emergency water shortage condition:

*Mayor  
Members of the City Council  
Volunteer Fire Chief  
TCEQ (required when mandatory restrictions are imposed)  
Major/Critical water users*

#### Water Use Restrictions for Reducing Demand:

##### **Stage 1 Response:**

- (a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to 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 between the hours of midnight and 10:00 a.m. and 8:00 p.m. to midnight on designated watering days.
- (b) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

##### **Stage 2 Response:**

#### Water Use Restrictions for Demand Reduction:

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

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- (a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to 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 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. However, irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.
- (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.
- (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 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 of New Summerfield.
- (f) 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).

### **Stage 3 Response:**

#### Water Use Restrictions for Demand Reduction:

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

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- (a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight and shall be 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 use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

### **Stage 4 Response:**

#### Water Use Restrictions for Reducing Demand:

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

### **WATER ALLOCATION**

In the event that water shortage conditions threaten public health, safety, and welfare, the Utility Director or his/her designee 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:

<b>Persons per Household</b>	<b>Gallons per Month</b>
1 or 2	5,000
3 or 4	6,000
5 or 6	7,000
7 or 8	8,000
9 or 10	9,000
11 or more	10,000

“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 of New Summerfield of a greater number of persons per household on a form prescribed by the Utility Director. The Utility Director 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 of New Summerfield offices to complete and sign the form claiming more than two (2) persons per household. New customers may claim more persons per household at the time of applying for water service on the form prescribed by the City of New Summerfield. When the number of persons per household increases so as to place the customer in a different allocation category, the customer may notify the City of New Summerfield on such form and the change will be implemented in the next practicable billing period. If the number of persons in a household is reduced, the customer shall notify the City of New Summerfield in writing within two (2) days. In prescribing the method for claiming more than two (2) persons per household, the Utility Director shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of persons

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in a household or fails to timely notify the City of New Summerfield of a reduction in the number of persons in a household shall be fined not less than \$100.

Residential water customers shall pay the following surcharges:

- \$50 for 1-1,000 gallons over allocation.
- \$75 for 1,001-2000 gallons over allocation.
- \$100 2,001-3000 gallons over allocation.
- \$200 for each additional 1,000 gallons over 3000.

### **Commercial Customers**

A monthly water allocation shall be established by the Utility Director, or his/her designee, for each nonresidential commercial customer other than an industrial customer who uses water for processing purposes. The non-residential customer's allocation shall be approximately 75% percent of the customer's usage for corresponding month's billing period for the previous 12 months. If the customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no history exists. The Utility Director shall give his/her best effort to see that notice of each non-residential customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the City of New Summerfield to determine the allocation. Upon request of the customer or at the initiative of the Utility Director or his/her designee, the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the customer's normal water usage, (2) one nonresidential customer agrees to transfer part of its allocation to another nonresidential customer, or (3) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Mayor/City Council. Nonresidential commercial customers shall pay the following surcharges:

- \$100 per thousand gallons for 1-1,000 gallons over allocation.
- \$125 per thousand gallons for 1,001-2,000 gallons over allocation.
- \$150 per thousand gallons for the third 2,001-3000 gallons over allocation.
- \$200 per thousand gallons for each additional 3,000 gallons over allocation.

### **Section X: Enforcement**

- (a) No person shall knowingly or intentionally allow the use of water from the City of New Summerfield 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 Utility Director, 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 one hundred dollars (\$100) and not more than twenty-five hundred dollars (\$2500). 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 Utility Director 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 \$ 100, and any other costs incurred by the City of New Summerfield in discontinuing service. In addition, suitable assurance must be given to the Utility Director that the same action shall not be repeated

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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 of New Summerfield, 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 of New Summerfield, police officer, or other City of New Summerfield 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 City of New Summerfield 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 the City of New Summerfield 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 the City of New Summerfield 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 the City of New Summerfield Municipal Court before all other cases.

### **Section XI: Variances**

The Utility Director, 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:

- (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 of New Summerfield within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the Utility Director, 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.



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- (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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**Plan Review Status**

DATE: \_\_\_\_\_

REVIEWER: \_\_\_\_\_

DATE: \_\_\_\_\_

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