

**ORDINANCE 1048**  
**EXHIBIT A**  
**DROUGHT CONTINGENCY PLAN**  
**FOR THE CITY OF COLEMAN**  
**ADOPTED Sept. 15, 2005**

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

In order to conserve the available water supply and/or to 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 or other water supply emergency conditions, the City of Coleman adopts the following Drought Contingency Plan (the Plan).

**Section II: 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

Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve 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 use.

Customer: any individual, corporation, partnership, association, and any other legal entity utilizing water provided by the City of Coleman.

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.

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 course greens, tees, and fairways, 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 any 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).

### **Section III: Public Involvement**

Opportunity for the public and wholesale water customers to provide input into the preparation of the Plan was provided by the City of Coleman at a public hearing held during a Coleman City Council Meeting.

### **Section IV: Wholesale Water Customer Education**

The City of Coleman will periodically provide wholesale water customers with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and drought response measures to be implemented in each stage. This information will be provided by means of copy of the Plan and periodically including information on invoices for water sales.

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

The water service area of the City of Coleman is located within the Region F Regional Water Planning Group, the West Central Texas Council of Governments, and the Pecan Valley Water Association and the City of Coleman has provided a copy of the Plan to the Region F Regional Water Planning Group, the West Central Texas Council of Governments, and the Pecan Valley Water Association.

### **Section VI: Authorization**

The City Manager, 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 City Manager, 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 VII: Application**

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

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

The City Manager, or his/her designee, 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. Customer notification of the initiation or termination of drought response stages will be made by mail or telephone. The news media will also be informed.

The triggering criteria described below are based on reservoir levels and a statistical analysis of the vulnerability of the water source under drought of record conditions.

**(a) Stage 1-Mild Water Shortage Conditions**

Requirements for Initiation-The City of Coleman will recognize that a mild water shortage condition exists when: (see examples below)

Below are the triggering criteria that will be used in the City of Coleman's Drought Contingency Plan. One or a combination of such criteria may be defined for each drought response stage:

Criteria I: When the lake level in Lake Coleman is equal to or less than 1705.5 elevation.

Criteria 2: When the Corp of Engineers curtails the amount of water that the City can obtain from Hords Creek Lake.

Criteria 3: When total daily water demand equals or exceeds 3.3 million gallons for five (5) consecutive days.

Requirements for termination-Stage I of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of thirty (30) consecutive days. The City of Coleman will notify its wholesale customers and the media of the termination of Stage I in the same manner as the notification of initiation of Stage I of the Plan.

**(b) Stage 11-Moderate Water Shortage Conditions**

Requirements for Initiation-The City of Coleman will recognize that a moderate water shortage condition exists when the level of Lake Coleman falls below 1702 elevation and/or there is a significant curtailment in the amount of water allocated by the Corp of Engineers from Hords Creek Lake.

Requirements for termination-Stage II of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of thirty (30)

consecutive days. Upon termination of Stage II, Stage I becomes operative. The City of Coleman will notify its wholesale customers and the media of the termination of Stage II in the same manner as the notification of initiation of Stage II of the Plan.

(c) Stage III--Severe Water Shortage Conditions

Requirements for initiation-The City of Coleman will recognize that a severe water shortage exists when the elevation of Lake Coleman falls below 1700 feet and/or if the water allocated by the Corp. of Engineers from Hords Creek Lake is completely curtailed.

Requirements for termination-Stage III of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of thirty (30) consecutive days. Upon termination of Stage III, Stage II becomes operative. The City of Coleman will notify its wholesale customers and the media of the termination of Stage III in the same manner as the notification of initiation of Stage III of the Plan.

(d) Stage IV-Emergency Water Shortage Conditions

Example 1. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or

Example2. Natural or man-made contamination of the water supply source(s).

Requirements for termination-Stage IV of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of thirty (30) consecutive days. The City of Coleman will notify its wholesale customers and the media of the termination of Stage IV in the same manner as the notification of initiation of Stage IV of the Plan.

Section IX: Drought Response Stages

The City Manager, or his/her designee, shall monitor water supply and/or demand conditions and, in accordance with the triggering criteria set forth in Section VIII, shall determine that mild, moderate, or severe water shortage conditions exist or that an emergency condition exists and shall implement the following actions:

Stage 1-Mild Water Shortage Conditions

1. Goal: achieve a voluntary ten percent (10%) reduction in daily water demand.

2. Supply Management Measures:

- (a) The City Manager, or his/her designee(s), will monitor limited water supplies and/or reduce water demand, including increasing pumping hours and off peak production of water.
- (b) The City Manager, or his/her designee(s), will implement restrictions & penalties.
  - (1) Residential and commercial lawn watering is restricted to the hours of 5:00 am to 10:00 am and 8:00 pm to Midnight. Even numbered addresses may water on Mondays and Thursdays in the allotted time. Odd numbered addresses may water on Tuesdays and Fridays in the allotted time. Runoff will be monitored and water will not be allowed to run into the street.
  - (2) The City Manager, or his/her designee(s), will request wholesale water customers to initiate voluntary measures to reduce non-essential water use and implement the drought contingency plan
  - (3) The City Manager, or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

**Stage 11-Moderate Water Shortage Conditions**

1. Goal: Achieve a twenty percent (20%) reduction daily water demand.

2. Supply Management Measures:

- (a) The City Manager, or his/her designee(s), implement measures to manage limited water supplies and/or reduce water demand. City Manager or his/her designee(s) may modify reservoir operations procedures.

3. Demand Management Measures:

- (a) The City Manager, or his/her designee(s), will initiate weekly contact with wholesale water customers to discuss water supply and/or demand conditions and the possibility of pro rata curtailment of water diversions and/or deliveries.
- (b) The City Manager or his/her designee(s), will request

wholesale water customers to initiate mandatory measures to reduce non-essential water use and implement the drought contingency plan and will initiate pro rata curtailment of water diversions and/or deliveries by preparing a monthly water usage allocation baseline for each wholesale customer according to the procedures specified in Section X of the Plan.

- (c) The City Manager, or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.
- (d) The City Manager or his/her designee(s), will initiate the following restrictions and penalties;
  - (1) Residential washing of vehicles is prohibited except washing in the resident's lawn watering dates & allocated time and only with buckets.
  - (2) Washing of windows residential and commercial will only be allowed by use of buckets.
  - (3) Washing of residential, commercial, public or industrial driveways, sidewalks, parking areas, windows and structures is prohibited.
  - (4) Watering of public areas, including schools, is restricted to the period of 5:00a.m. to 10:00 a.m. on one weekday each week.
  - (5) Residential and commercial lawn watering is restricted to the hours of 5:00 am to 10:00 am and 8:00 pm to Midnight. Even numbered addresses may water on Mondays and Thursdays in the allotted time. Odd addresses may water on Tuesdays and Fridays in the allotted time.
- (e) Violations of any of these restrictions or residential usage of 40,000 gallons or more per billing period for two consecutive billings, while under Stage II conditions, is subject to a fine up to \$250.00 per violation.

(f) Residential Water Rates

0- 10,000 gallons:	No rate change
10,000-20,000 gallons:	1.5 times current rate
20,000- 30,000 gallons:	2.5 times current rate
> 30,000 gallons	3.5 times current rate

**Stage III-Severe Water Shortage Conditions**

1. Goal: achieve a thirty percent (30%) reduction in total water use.
2. Supply Management Measures:
  - (a) The City Manager, or his/her designee(s), will manage limited water supplies and/or reduce water demand, including: modifying reservoir operations procedures, including considering the utilization of emergency water storage basins to increase flow and/or the tapping of reserves in Lake Scarborough.
3. Demand Management Measures:
  - (a) The City Manager, or his/her designee(s), will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate additional mandatory measures to reduce non-essential water use, will continue pro rata curtailment of water diversions and/or deliveries for each wholesale customer according to the procedures specified in Section X of the Plan.
  - (b) The City Manager, or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.
  - (c) The City Manager, or his/her designee(s), will initiate the following restrictions and penalties:
    1. Yard watering will be reduced to once a day two times a week. Even number addresses will be allowed to water Mondays and Thursdays from 5:00 am to 10:00 am. Odd number addresses will be allowed to water on Tuesday and Fridays from 5:00am to 10:00 am.
    - n. Watering of public areas will be allowed once a week.

111. Filling of private and/or commercial swimming pools is prohibited. The public pool will close.
- 1v. Residential washing of vehicles is prohibited.
- v. All vehicle wash stations will be closed from 10:00 am to 8:00 pm and all Operators of vehicle wash stations will be allocated water on a pro rata basis subject to Section X: Pro Rata Water Allocation & Section XI: Enforcement.
- vi. Use of bulk loading stations is prohibited.
- vii. Violations of any of these restrictions or residential usage of 25,000 gallons or more per billing period for two consecutive billings, while under Stage III conditions, is subject to a fine up to \$500.00 per violation.

### **Enforcement**

During Stage II, Stage III, and Stage IV water use restrictions, the following personnel shall be designated as "official observers" of any violation of the Plan, and shall have the right to initiate legal action against the offenders:

- Any City Council member, City Manager, all City Dept. Supervisors, all designated Water Distribution, Water Production, Police Department, Inspection Department, Utility Office and paid Fire Department personnel.

### **Stage IV-Emergency Water Shortage Conditions**

Whenever emergency water shortage conditions exist as defined in Section VIII of the Plan, the City Manager shall:

1. Assess the severity of the problem and identify the actions needed and time required to solve the problem.
2. Inform the utility director or other responsible official of each wholesale water customer by telephone or in person and suggest actions, as appropriate, to alleviate problems.
3. If appropriate, notify city, county, and/or state emergency response officials for assistance.
4. Undertake necessary actions, including repairs and/or clean-up as needed.

5. Prepare a post-event assessment report on the incident and critique of emergency response procedures and actions.

#### **Section X: Pro Rata Water Allocation**

In the event that the triggering criteria specified in Section VIII of the Plan for Stage II Moderate Water Shortage Conditions or Stage III Severe Water Shortage Conditions have been met, the City Manager is hereby authorized to initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code Section 11.039 and according to the following Water Allocation Policies and Procedures:

- (a) Wash stations and wholesale customer's monthly allocation shall be a percentage of the customer's water usage baseline. The percentage of reduction mandated shall be the same as the reduction goal spelled out in each Stage of the Drought Contingency Plan or by resolution set by ordinance of the City Council based on the City Manager's assessment of the severity of the water shortage condition and the need to curtail water diversions and/or deliveries and may be adjusted periodically by resolution of the City Council as conditions warrant. Once pro rata allocation is in effect, water diversions by or deliveries to each wholesale customer shall be limited to the allocation established for each month.
- (b) The City Manager or his/her designee shall establish a monthly water usage allocation, for each wash station or wholesale customer. The customer's water usage baseline will be computed on the average water usage by month for the five (5) year period prior to the implementation of the Plan. If the customer's billing history is less than five (5) years, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists.
- (c) The City Manager or his/her designee shall provide notice, by certified mail, to each wash station, wholesale customer informing them of their monthly water usage allocations and shall notify the news media and the executive director of the Texas Natural Resource Conservation Commission upon initiation of pro rata water allocation.
- (d) Upon request of the customer or at the initiative of the City Manager, the allocation may be reduced or increased if (1) the designated period does not accurately reflect the wash station's or wholesale customer's normal water usage; (2) the customer agrees to transfer part of its allocation to another wholesale 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 City Council of the City of Coleman.

## **Section XI: Enforcement**

During any period when pro rata allocation of available water supplies is in effect, wash stations, wholesale customers, including raw water customers, shall pay the following surcharges on excess water diversions and/or deliveries:

- (a) 1.5 times the normal water charge for water diversions and/or deliveries in excess of the monthly allocation up through five percent (5%) above the monthly allocation.
- (b) 2 times the normal water charge for water diversions and/or deliveries in excess of the monthly allocation from five percent (5%) through 10 percent (10%) above the monthly allocation.
- (c) 2.5 times the normal water charge for water diversions and/or deliveries in excess of the monthly allocation from ten percent (10%) through fifteen percent (15%) above the monthly allocation.
- (d) 3.5 times the normal water charge for water diversions and/or deliveries in excess of the monthly allocation more than fifteen percent (15%) above the monthly allocation.
- (e) The above surcharges will be cumulative.
- (f) Wash stations and wholesale customers who fail to reduce consumption in accordance with the Plan's objectives are subject to a fine up to \$500.00 per month in violation.

## **Section XII: Variances**

The City Manager, or his/her designee(s), may, in writing, grant temporary variance to the pro rata water allocation policies provided by this Plan if it is determined that failure to grant such a variance would cause an emergency condition adversely affecting the public health, welfare, or safety, 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 Plan shall file a petition for variance with the City Manager within five (5) days after pro rata allocation has been

invoked. All petitions for variances shall be reviewed by the City Council, and shall include the following:

- (a) Name and address of the petitioner.
- (b) Detailed statement with supporting data and information as to how the pro rata allocation of water under the policies and procedures established in the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- (c) Description of the relief requested.
- (d) Period of time for which the variance is sought.
- (e) Alternative measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (f) Other pertinent information.

Variances granted by the City Council shall be subject to the following conditions, unless waived or modified by the City Council or its designee:

- (a) Variances granted shall include a timetable for compliance.
- (b) Variances granted shall expire when the Plan is no longer in effect, 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.

### **Section XIII: Severability**

It is hereby declared to be the intention of the City of Coleman that the sections, paragraphs, sentences, clauses, and phrases of this Plan are severable, and, if any phrase, clause, sentence, paragraph, or section of this Plan shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan, since the same would not have been enacted by the City of Coleman, without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.