

# **DROUGHT CONTINGENCY PLAN FOR THE CITY OF WOODWAY, TEXAS**

## **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 Woodway 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 conditions are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section XI 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 Woodway by means of open public meeting of the Woodway City Council.

## **Section III: Public Education**

The City of Woodway 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 with the drought response measures to be implemented in each stage. This information may be provided by means of City newsletter, website, or other similar means, to the water customers of the City of Woodway.

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

The service area of the City of Woodway is located within the Brazos Region and the City of Woodway has provided a copy of this Plan to the Brazos River Authority, P.O. Box 755, Waco, Texas 76714.

## **Section V: 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 VI: Application**

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the City of Woodway. The terms "person" and "customer" as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities. The City of Woodway shall be exempt from application of this plan when necessary to protect health, safety, and welfare, as determined by the City Manager, or his/her designee.

## **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 of Woodway.

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

Odd numbered addresses: street addresses ending in 1, 3, 5, 7, or 9.

## **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 daily basis and shall determine when conditions warrant initiation or termination of each stage of the Plan. Public notification of the initiation or termination of drought response stages may be by means of City newsletter, web-site, notice published in newspaper and/or public service announcements via television or radio.

The triggering criteria described below are based on analysis of the system emphasizing the importance of water supply to each plant.

### **(a) Stage 1 - 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 any one plant on the system reaches a demand equal to or greater than 75% of the total production (or refill) capacity for 3 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 7 consecutive days. Public notification of termination shall not be necessary.

#### **(b) Stage 2 - Moderate Water Shortage Conditions**

Requirements for initiation - Customers shall be required to comply with the requirements and restriction on certain non-essential water uses provided in Section VII of this Plan when any one plant on the system reaches a demand equal to or greater than 100% of the total production (or refill) capacity of such plants, for 3 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 7 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative. Public notification of termination of this stage shall be issued by the City.

#### **(c) Stage 3 - Severe 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 VII of this Plan when any one plant on the system reaches a demand equal to or greater than 115% of the total production (or refill) capacity of such plants for 3 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 7 consecutive days. Upon termination of Stage 3, Stage 2 becomes operative. Public notification of termination of this stage shall be issued by the City.

#### **(d) Stage 4 - Critical 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 VII of this Plan when any one plant on the system reaches a demand equal to or greater then 118% of the total production (or refill) capacity of such plants for 3 consecutive days.

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 7 consecutive days. Upon termination of Stage 4, Stage 3 becomes operative. Public notification of termination of this stage shall be issued by the City.

### **(e) Stage 5 - Emergency Water Shortage Conditions**

Requirements for initiation - Customers shall be required to comply with the requirements and restrictions of Section VII of this Plan when the City Manager, 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. Public notification of termination of this stage shall be issued by the City.

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

The City Manager, 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 the Plan, shall determine that a mild, moderate, severe, critical, or emergency condition exists and shall implement the provisions outlined in Section VIII.

#### **Stage 1 - Mild Water Shortage Conditions**

Goal: Achieve a voluntary 20 percent reduction in total consumption.

Supply Management Guidelines: No fire hydrant testing; no training with water.

Voluntary Water Use Restrictions:

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

#### **Stage 2 - Moderate Water Shortage Conditions**

Goal: Achieve a 25 percent reduction in total consumption and move to Stage 1.

Supply Management Guidelines: No fire hydrant testing; 50% curtailment of City maintained sprinkler systems; no flushing of water lines. No fire training with water.

Water Use Restrictions - 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 Sundays, Tuesdays, and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Mondays, Wednesdays, and Saturdays for customers with a street address ending in an odd number (1, 3, 5, 7 9). 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 rinses. 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 8:00 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 for the irrigation of golf course greens, tees, and fairways 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. However, if the golf course utilizes a water source other than that provided by the City of Woodway, the facility shall not be subject to these regulations in the use of such other water source.
- (f) Non-essential water uses as previously defined are prohibited.

### **Stage 3 - Severe Water Shortage Conditions**

Goal: Achieve a 15 percent reduction in total consumption and move to Stage 2.

Supply Management Guidelines: No flushing of water lines; no fire hydrant testing; complete curtailment of City maintained sprinkler systems; no fire training with water; and no City vehicle washing.

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 Stage 2 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 and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. This use of hose-end sprinklers is prohibited at all times.
- (b) The watering of golf course greens, tees and fairways is prohibited unless the golf course utilizes a water source other than that provided by the City of Woodway.
- (c) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

#### **Stage 4 - Critical Water Shortage Conditions**

Goal: Achieve a 3 percent reduction in total consumption and move to Stage 3.

Supply Management Guidelines: No water line flushing; no fire hydrant testing; complete curtailment of City maintained sprinkler systems; no fire training with water; curtailment of employee showers; and no City vehicle washing.

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

- (a) Irrigation of landscaped areas shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6, 8) and Saturdays and Wednesdays for customers with a street address ending in an odd number (1, 3, 5, 7, 9) 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 and automatic sprinkler systems is prohibited at all times.
- (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 10:00 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.

### **Stage 5 - Emergency Water Shortage Conditions**

Goal: Achieve a 50 percent reduction in total consumption.

Supply Management Guidelines: No water line flushing; no fire hydrant testing; complete curtailment of City maintained sprinkler systems; no fire training with water; curtailment of employee showers; no City vehicle washing; and limit City water usage to absolutely critical only.

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.

### **Section X: Enforcement**

- (a) No person shall allow the use of water from the City of Woodway for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the City Manager, 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 **(\$100.00)** and not more than Five Hundred Dollars **(\$500.00)**. Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. Each separate means or method of violation of this Plan shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the City Manager 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, established by the City Council of the City of Woodway from time to time, and any other costs incurred by the City of Woodway in discontinuing service. In addition, suitable assurance must be given to the City Manager 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 of Woodway, 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, or prevented, the violation.
- (d) In addition to City of Woodway Police Officers, any employee of the City of Woodway, as designated by the City Manager, 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 the 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 City Manager, 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, safety or fire protection of 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 Secretary of the City of Woodway within 5 days after the Plan or particular drought response stage has been invoked. All petitions for variances shall be reviewed by the City Manager, 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.

Variances granted by the City of Woodway shall be subject to the following conditions, unless waived or modified by the City Manager or his/her 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.
- (c) Variances granted may be revoked by the City Manager, or his/her designee, at any time and without cause.

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

## **Section XII: Severability**

It is hereby declared to be the intention of the City of Woodway that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance 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 Woodway without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

**ORDINANCE NO. 99-21**

AN ORDINANCE OF THE CITY OF WOODWAY, TEXAS,  
ADOPTING A DROUGHT CONTINGENCY PLAN;  
ESTABLISHING CRITERIA FOR THE INITIATION AND  
TERMINATION OF DROUGHT RESPONSE STAGES;  
ESTABLISHING RESTRICTIONS ON CERTAIN WATER USES;  
ESTABLISHING PENALTIES FOR THE VIOLATION OF AND  
PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS;  
ESTABLISHING PROCEDURES FOR GRANTING VARIANCES;  
AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Woodway, Texas recognizes that the amount of water available to the City and its water utility customers is limited and subject to depletion during periods of extended drought;

WHEREAS, the City recognizes that natural limitations due to drought conditions and other acts of God cannot guarantee an uninterrupted water supply for all purposes;

WHEREAS, Section 12.1272 of the Texas Water Code and applicable rules of the Texas Natural Resource Conservation Commission (otherwise known as Senate Bill 1, enacted by the 75th Texas Legislature) require all public water supply systems in Texas to prepare a drought contingency plan; and

WHEREAS, as authorized under law, and in the best interests of the citizens of Woodway, Texas, the City of Woodway deems it expedient and necessary to establish certain rules and policies for the orderly and efficient management of limited water supplies during drought and other water supply emergencies;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF WOODWAY, TEXAS:

**SECTION 1.**

That the City of Woodway, Texas Drought Contingency Plan attached hereto as Exhibit "A" and made part hereof for all purposes be, and the same is hereby, adopted as the official policy of the City.

SECTION 2.

That all ordinances that are in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3.

Should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

SECTION 4.

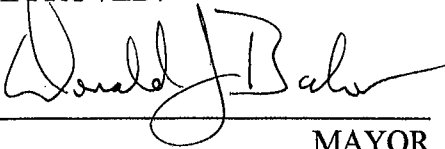
That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public as required by law and that the public notice of the time, place and purpose of said meeting was given as required by law.

SECTION 5.

This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

PASSED AND APPROVED BY THE CITY OF WOODWAY, TEXAS, on the 27<sup>th</sup>  
day of September, 1999.

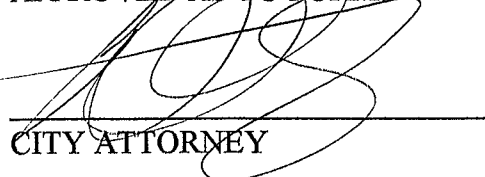
APPROVED:

  
MAYOR

ATTESTED TO:

  
CITY SECRETARY

APPROVED AS TO FORM:

  
CITY ATTORNEY