

ORDINANCE NO. 2021-0066-O

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, UPDATING THE CITY OF TEMPLE'S DROUGHT CONTINGENCY PLAN; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Title 30, Texas Administrative Code, Chapter 288 requires wholesale public water suppliers and retail public water suppliers serving 3,300 connections or more to adopt and submit Drought Contingency plans to the Texas Commission on Environmental Quality;

Whereas, in March 2000, the City Council adopted the City's initial Water Conservation & Drought Contingency Plan, last updated in 2014 and more recently in 2019, which provides a mechanism for conservation of available water supply; protection of the integrity of water supply facilities; and protection of the public health, safety & welfare;

Whereas, the proposed update clarifies that any facility deemed as a "Critical Facility" will be placed in Tier V of the Plan - the plan meets the requirements of the Texas Administrative Code and recommends measures that are achievable, practical, and sustainable; and

Whereas, the City Council has considered these matters and deems it in the public interest to authorize these actions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Part 2: The City Council adopts the City of Temple's Drought Contingency Plan which is attached hereto as Exhibit A and is incorporated herein for all purposes.

Part 3: All Ordinances or parts of ordinances in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

Part 4: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid phrase, clause, sentence, paragraph or section.

Part 5: This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 6: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **4th** day of **November, 2021.**

PASSED AND APPROVED on Second and Final Reading on the **18th** day of **November, 2021.**

THE CITY OF TEMPLE, TEXAS

ATTEST:



DocuSigned by:
Jana Lewellen

BEC0FC0886A84BA...
Jana Lewellen
City Secretary

DocuSigned by:
Timothy A. Davis

29F7E15B88F34FF...
TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

DocuSigned by:
Kathryn H. Davis

8CE0E5202E9848E...
Kathryn H. Davis
City Attorney



DROUGHT
CONTINGENCY
PLAN

Updated:
May 2019

**Utility Division
Department of Public Works
City of Temple, Texas
Public Water Supply Number: 140005**

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Section I. Declaration of Policy, Purpose, and Intent

The City of Temple (“The City”) formally adopted this Drought Contingency Plan (“The Plan”) 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 during drought or other water supply emergencies. This Plan is designed to meet the requirements of 30 Tex. Admin. Code § 288, pertaining to Drought Contingency Plans for Municipal Uses by Public Water Suppliers. These regulations require all Texas retail and wholesale public water suppliers providing water service to 3,300 or more connections to update Drought Contingency Plans by May 1, 2009, and every five years thereafter.

Water uses regulated or prohibited under this Plan are considered non-essential, and continuation of such uses during times of water shortage or other emergency water supply conditions constitutes a waste of water which subjects the offender(s) to penalties defined in Section XIII of this Plan.

Section II. Public Involvement

Opportunity for public input into the preparation of the Plan was provided by the City at public workshops and hearings.

Section III. Public Education and Notification

The City will periodically provide the public, retail water customers, and 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 the response measures to be implemented in each stage. This information will be provided through the City’s website and media releases and may also include additional means such as printed brochures and utility bill inserts.

Notification

Notification of the Public:

The City Manager shall notify the public of water shortage stages by appropriate means which may include:

- publication in a newspaper of general circulation
- direct mail to each customer
- public service announcements
- signs posted in public places
- other appropriate means

Additional Notification:

The City Manager shall directly notify appropriate individuals and entities, which may include:

- Mayor and City Council
- City department heads
- City and/or County emergency management coordinator
- County Judge & Commissioners
- Texas Commission on Environmental Quality
- major water users
- critical water users, e.g. hospitals

Section IV. Wholesale Water Contract Provisions

In the event that a wholesale water contract is renewed, extended, or amended, the wholesale customer shall be required to develop and implement a water conservation and drought contingency plan. This requirement shall be made a part of the contract. Further, if the wholesale customer intends to resell the water, a contract between the initial supplier and wholesale customer must provide that the contract for resale of the water have a water conservation requirement, so that each successive customer in the resale of the water will be required to implement conservation measures in accordance with 30 Tex. Admin. Code § 288.

It shall also be a contract provision in every wholesale water contract entered into or renewed after the adoption of the Plan, that in case of water shortage, potable water must be distributed in accordance with Texas Water Code § 11.039.

Section V. Coordination with Regional Water Planning Groups

The utility service area of the City is located within the Brazos G Regional Water Planning Area. The City has provided a copy of this Plan to the Brazos G Regional Water Planning Group. A copy of the transmittal letter is included in Appendix B.

Section VI. Authorization

The City Manager 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 shall have the authority to initiate or terminate drought stages or water shortage response measures as described in this Plan.

Section VII. Application

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

Section VIII. 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.

City Manager means the appointed City Manager or his/her designee.

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.

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

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

Section IX. Initiation and Termination of Water Shortage Stages

The City Manager shall monitor water supply and/or demand conditions on a regular 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 known capacity limits of the water treatment system, total daily water demand, and the water level of the City’s water supply source.

Year-Round Water Conservation

Customers shall be requested to adopt year-round water conservation practices, regardless of the season or water supply conditions. Guidelines for Year-Round Water Conservation as provided in Section X, “Water Shortage Response,” remain in effect until the City Manager declares a water shortage. Year-Round Water Conservation automatically resumes by default immediately upon ordered termination of all water shortage stages. The peak season for water use in Temple is the period from June 1st to September 30th, and special attention to water conservation in this period is critical to protecting valuable drinking water resources.

Moderate Water Shortage

Requirements for initiation- Customers shall be required to comply with the requirements and restrictions for Moderate Water Shortage as provided in Section X, “Water Shortage Response” when one of the following criteria are met:

1. When total daily water demand equals or exceeds 85% of plant capacity for 3 consecutive days or 90% of plant capacity on a single day;
2. Brazos River Authority initiates Stage 2 of their Drought Contingency Plan; or
3. The City Manager declares a Moderate Water Shortage.

Requirements for termination – Declaration of Moderate Water Shortage may be rescinded when all the conditions listed as triggering events have ceased to exist for a period of 7 consecutive days or when the City Manager declares termination. Upon termination of Moderate Water Shortage, the standard condition of Year-Round Water Conservation becomes operative.

Severe Water Shortage

Requirements for initiation- Customers shall be required to comply with the requirements and restrictions for Severe Water Shortage as provided in Section X, “Water Shortage Response” when one of the following criteria are met:

1. When total daily water demand equals or exceeds 90% of plant capacity for 3 consecutive days or 95% of plant capacity on a single day;

2. Brazos River Authority initiates Stage 3 of their Drought Contingency Plan; or
3. The City Manager declares a Severe Water Shortage.

Requirements for termination- Declaration of Severe Water Shortage may be rescinded when all the conditions listed as triggering events have ceased to exist for a period of 7 consecutive days or when the City Manager declares termination. Upon termination of Severe Water Shortage, water use requirements and restrictions of Moderate Water Shortage become operative unless otherwise determined by the City Manager.

Emergency Water Shortage

Requirements for initiation- Customers shall be required to comply with the requirements and restrictions for Emergency Water Shortage as provided in Section X, "Water Shortage Response" when one of the following criteria are met:

1. Major water line breaks, or pump or system failures occur, which cause loss of capability to provide water service;
2. Natural or man-made contamination of the water supply source;
3. Brazos River Authority initiates Stage 4 of their Drought Contingency Plan; or
4. The City Manager declares an Emergency Water Shortage.

Requirements for termination- Declaration of Emergency Water Shortage may be rescinded when all the conditions listed as triggering events have ceased to exist for a period of 7 consecutive days or when the City Manager declares termination. Upon termination of Emergency Water Shortage, water use requirements and restrictions of Severe Water Shortage become operative unless otherwise determined by the City Manager.

Section X. Water Shortage Response

The City Manager shall monitor water supply and/or demand conditions on a regular basis and, in accordance with the triggering criteria set forth in Section IX of this Plan, shall determine that a moderate, severe, or emergency water shortage exists and shall implement the following actions:

Year-Round Water Conservation Guidelines

Target: Achieve a voluntary reduction in daily water demand.

Voluntary Water Use Restrictions:

- (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, and Saturdays and Wednesdays for water customers with a street address ending in an odd number, and to irrigate landscapes only before 10:00 a.m. or after 8:00 p.m. on designated watering days. However, irrigation of landscaped areas is permitted 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 a permanently installed drip irrigation system;

- (b) Irrigation of public landscaped areas by the City shall adhere to a Year-Round Water Conservation water use schedule approved by the City Manager; and
- (c) Water customers are requested to practice water conservation and to minimize water use for non-essential purposes.

Wholesale Customers

- (a) The City Manager will request wholesale water customers to implement a comparable stage of the customer's water conservation or drought contingency plan.

Moderate Water Shortage Response

Target: Achieve a 10 percent reduction in daily water demand.

Mandatory Water Use Restrictions:

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

- (a) Irrigation of landscaped areas shall be limited to Sundays and Thursdays for customers with a street address ending in an even number, and Saturdays and Wednesdays for water customers with a street address ending in an odd number. Additionally, irrigation of landscapes is only permitted before 10:00 a.m. or after 8:00 p.m. on designated watering days. However, irrigation of landscaped areas is permitted 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 a permanently installed drip irrigation system;
- (b) Irrigation of public landscaped areas by the City shall adhere to the Moderate Water Shortage water use schedule approved by the City Manager;
- (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;
- (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 before 10:00 a.m. or after 8:00 p.m. 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;
- (f) All restaurants are prohibited from serving water to patrons except upon request of the patron;
- (g) The following uses of water are defined as non-essential and are prohibited:
 - (i) wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 - (ii) use of water to wash down buildings or structures for purposes other than immediate fire protection;
 - (iii) use of water for dust control;

- (iv) flushing gutters or permitting water to run or accumulate in any gutter or street; and
 - (v) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (h) The City Manager may order water rationing to selected users of the system in accordance with the following sequence:
- (i) Recreational users
 - (ii) Commercial and Industrial users
 - (iii) School users
 - (iv) Residential Users
 - (v) Hospitals, public health facilities, ~~and safety facilities,~~ and other facilities deemed Critical by the City of Temple.

Wholesale Customers

- (a) The City Manager will request wholesale water customers to implement response measures of the customer's water conservation or drought contingency plan that are comparable to the City's Moderate Water Shortage Response; and
- (b) The City Manager will initiate 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.

Severe Water Shortage Response

Target: Achieve a 20 percent reduction in daily water demand.

Mandatory Water Use Restrictions:

All requirements of Moderate Water Shortage response shall remain in effect during Severe Water Shortage, and:

- (a) Irrigation of landscaped areas shall be limited to designated watering days. Additionally, irrigation of landscapes is only permitted before 8:00 a.m. or after 8:00 p.m. on designated watering days. However, irrigation of landscaped areas is permitted at any time if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or a permanently installed drip irrigation system;
- (b) Irrigation of public landscaped areas by the City shall adhere to the Severe Water Shortage water use schedule approved by the City;
- (c) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited unless the golf course utilizes a water source other than that provided by the City;
- (d) Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare. The use of water from designated fire hydrants for construction purposes may be allowed under special

permit from the City; and

- (e) The City Manager may order water rationing to selected users of the system in accordance with the following sequence:
 - (i) Recreational users
 - (ii) Commercial and Industrial users
 - (iii) School users
 - (iv) Residential Users
 - (v) Hospitals, public health facilities, safety facilities, and other facilities deemed Critical by the City of Temple.~~Hospitals, public health facilities, and safety facilities.~~

Wholesale Customers

- (a) The City Manager will request wholesale water customers to implement response measures of the customer's water conservation or drought contingency plan that are comparable to the City's Severe Water Shortage Response; and
- (b) The City Manager will initiate preparations for the implementation of 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 XI of the Plan.

Emergency Water Shortage Response

Target: Achieve a 30 percent reduction in daily water demand.

Mandatory Water Use Restrictions:

All requirements of Moderate and Severe Water Shortage response remain in effect during Emergency Water Shortage, and:

- (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;
- (c) The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited;
- (d) The use of water for construction purposes from designated fire hydrants under special permit is prohibited, even when previously allowed.
- (e) No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be allowed or approved; and
- (f) The City Manager is authorized to implement any actions or restrictions necessary to protect the public health, safety, and welfare including, but not limited to, water

rationing, water service termination; and mandatory closure of commercial and industrial facilities; and

- (g) The City Manager may order water rationing to selected users of the system in accordance with the following sequence:
 - (i) Recreational users
 - (ii) Commercial and Industrial users
 - (iii) School users
 - (iv) Residential Users
 - (v) Hospitals, public health facilities, safety facilities, and other facilities deemed Critical by the City of Temple.~~Hospitals, public health facilities, and safety facilities.~~

Wholesale Customers

- (a) The City Manager will request wholesale water customers to implement response measures of the customer's water conservation or drought contingency plan that are comparable to the City's Emergency Water Shortage Response; and
- (b) The City Manager may initiate pro rata curtailment of water diversions and/or deliveries in accordance with the procedures in Section XI of the Plan in order to achieve a 30 percent reduction in all wholesale customers' allocations.

Section XI. Pro Rata Water Allocation (Wholesale Customers)

In the event that the triggering criteria specified in Section IX of the Plan for Emergency Water Shortage 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 § 11.039 and according to the following water allocation policies and procedures:

- (a) A wholesale customer's monthly allocation shall be a percentage of the customer's water usage baseline. The percentage will be set by resolution 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. Monthly allocations 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) A monthly water usage allocation shall be established by the City Manager for each wholesale customer. The wholesale customer's water usage baseline will be computed on the average water usage by month for the previous four-year period. If the wholesale water customer's billing history is less than four 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.

Example of Calculation of Monthly Allocation for Hypothetical Wholesale Water Customer

YEAR	2014	2015	2016	2017	2018	SUM	AVERAGE	ALLOCATION PERCENTAGE	MONTHLY ALLOCATION
January	133	137	146	148	156	720	144	75%	108
February	115	122	133	133	147	650	130	75%	98
March	130	150	146	149	159	734	147	75%	110
April	130	167	168	157	187	809	162	75%	121
May	160	152	179	183	171	845	169	75%	127
June	226	184	172	205	249	1,036	207	75%	155
July	235	274	232	314	246	1,301	260	75%	195
August	222	203	206	337	309	1,277	255	75%	191
September	199	160	196	229	198	982	196	75%	147
October	165	172	197	165	185	884	177	75%	133
November	139	142	149	153	162	745	149	75%	112
December	142	143	150	156	165	756	151	75%	113
TOTAL	1,863	2,006	2,074	2,329	2,334	10,606	2,148		

- (c) The City Manager shall provide notice, by certified mail, to each wholesale customer informing them of their monthly water usage allocations and shall notify the news media and the executive director of the Texas Commission on Environmental Quality upon initiation of pro rata water allocation.
- (d) Upon request of the customer or at the initiative of the City Manger the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the 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.
- (e) During any period when pro rata allocation of available water supplies is in effect, wholesale customers shall pay the following surcharges on excess water diversions and/or deliveries. The below surcharges shall be cumulative:
- 1.5 times the normal water charge per 1,000 gallons for deliveries exceeding the monthly allocation up through 5 percent above the monthly allocation;
 - 2.0 times the normal water charge per 1,000 gallons for deliveries exceeding the monthly allocation from 5 percent through 10 percent above the monthly allocation;
 - 2.5 times the normal water charge per 1,000 gallons for water deliveries exceeding the monthly allocation from 10 percent through 15 percent above the monthly allocation, and;
 - 3.0 times the normal water charge per 1,000 gallons for water deliveries more than 15 percent above the monthly allocation.

Section XII. Variances

The City Manager 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 within 5 days after the Plan or a drought response stage has been invoked. All petitions for variances shall be reviewed by the City Manager 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.

Section XIII. 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 ordinance, 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, in accordance with provisions of this ordinance.
- (b) Any person who violates this ordinance is guilty of a Class C Misdemeanor, and upon conviction shall be punished by a fine of not less than fifty dollars (\$50.00) and not more than two-thousand dollars (\$2,000.00). Each day that one or more of the provisions in this ordinance is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this ordinance, 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 re-connection charge in accordance with current

policies and ordinances and any other cost incurred by the City in discontinuing service. In addition, suitable assurance must be given to the City Manager that the same action shall not be repeated while the ordinance 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.
- (d) Any employee of the City, police officer, or other employee 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 address of the alleged violator, if known, the offense charged, and shall
- (e) 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 ordinance. 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 XIV. Severability

It is hereby declared to be the intention of the City Council of the City that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this ordinance 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 ordinance, since the same would not have been enacted by the City Council of the City without the incorporation into this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

Appendix A — Drought Contingency Plan Ordinance

ORDINANCE NO. 2019-4967

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ADOPTING AN UPDATE TO THE CITY OF TEMPLE'S DROUGHT CONTINGENCY PLAN; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Title 30, Texas Administrative Code, Chapter 288 requires wholesale public water suppliers and retail public water suppliers serving 3,300 connections or more to adopt and submit drought contingency plans to the Texas Commission on Environmental Quality;

Whereas, in March 2000, City Council adopted the City's initial Water Conservation and Drought Contingency Plan, last updated in 2014, which provides a mechanism for the conservation of available water supply, protection of the integrity of water supply facilities, and protection of the public health, safety, and welfare;

Whereas, the proposed update was developed to provide a combination of proactive and reactive strategies to achieve the goals of the Water Conservation Plan and to provide specific, phased, and enforceable measures related to water use - the plan meets the requirements of the Texas Administrative Code and recommends measures that are achievable, practical, and sustainable; and

Whereas, the City Council has considered these matters and deems it in the public interest to authorize these actions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Part 2: The City Council adopts the City of Temple's Drought Contingency Plan which is attached hereto as Exhibit A and is incorporated herein for all purposes.

Part 3: All Ordinances or parts of ordinances in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

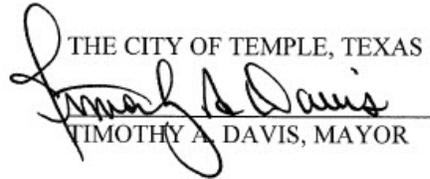
Part 4: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid phrase, clause, sentence, paragraph or section.

Part 5: This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

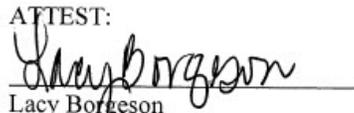
Part 6: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

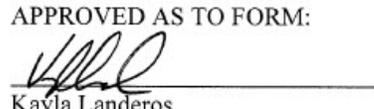
PASSED AND APPROVED on First Reading and Public Hearing on the **2nd** day of **May**, 2019.

PASSED AND APPROVED on Second Reading on the **16th** day of **May**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, MAYOR



ATTEST:

Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

Kayla Landeros
City Attorney

Appendix B — Regional Water Planning Group Coordination



May 21, 2019

Stephen Hamlin, Project Administrator
Brazos River Authority
Attn: Brazos G – Water Planning Group
P.O. Box 7555
Waco, TX 76714

Re: Updated Drought Contingency Plan for the City of Temple

Dear Mr. Hamlin:

Enclosed you will find the City of Temple's updated Drought Contingency Plan. The 2019 updates to the Drought Contingency Plan were officially adopted by the Temple City Council on May 16, 2019. This plan is being forwarded to the Texas Commission on Environmental Quality.

If you have any questions regarding the enclosed plan, please contact me at 254-298-5027. If you would like to have a digital copy of this plan, please send me an e-mail request at cleal@templetx.gov.

Sincerely,



Christine E. Leal
Water Conservation Coordinator
City of Temple
Department of Public Works

Enclosure: Drought Contingency Plan

CC: Don Bond, City Engineer
Carrie Weir, Deputy Utility Director

3210 E. Avenue H, Bldg. A, Suite 130 • Temple, Texas 76501 • (254) 298-5621