

**DROUGHT CONTINGENCY PLAN
FOR THE
BANDERA COUNTY FRESH WATER SUPPLY DISTRICT NO. 1
SEPTEMBER 1, 2000**

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 emergency conditions, the Bandera County Fresh Water Supply District No. 1, (BCFWSD#1) 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 IX of this Plan.

Section II Public Involvement

Opportunity for the public to provide input into the preparation of the Plan was provided by the BCFWSD#1 by means of notices printed on the monthly water utility billing card used to inform the public about the preparation of the plan and provide opportunities for input.

Section III Public Education

The BCFWSD#1 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 notices printed on the monthly water utility billing cards.

Section IV Coordination with Regional Water Planning Groups

The service area of the BCFWSD#1 is located within the Region J-Plateau Water Planning Group and BCFWSD#1 has provided a copy of this Plan to the Region J-Plateau Water Planning Group.

Section V. Authorization

The BCFWSD#1 Board of Directors are hereby authorized and directed to implement the applicable provisions of this Plan under determination that such implementation is necessary to protect public health, safety, and welfare. The BCFWSD#1 Board of Directors shall have the authority to initiate or terminate drought or other water supply emergency response measures along with the recommendations/assistance of Apex Water Services of Bulverde, Texas as described in the Plan.

Section VI. Application

The provisions of the Plan shall apply to all persons, customers, and property utilizing water provided by the BCFWSD#1. The terms "person" and "customer" as used in the Plan includes individuals.

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.

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 using water supplied by BCFWSD#1.

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.

Even numbered address: street addresses, box numbers, or rural postal route numbers ending in 0,2,4,6, or 8 and locations without addresses.

Landscape irrigation use: water used for irrigation and maintenance of landscaped areas whether publicly or privately owned, including residential and commercial lawns, gardens, parks, and right-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, except otherwise provided under this Plan;
- (b) use of water to wash any motor vehicle, motorbike, boat, trailer or other vehicle;
- (c) use of water to wash down any sidewalks, walkways, driveways, 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 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 address: street addresses, box numbers, or rural postal route numbers ending in 1,3,5,7, or 9.

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

The BCFWSD#1, along with Apex Water Services, 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 shall be by means of notices printed on the monthly water utility billing cards and/or by posting public notice on the community bulletin board and in the local newspapers.

The triggering criteria described below are based on the conditions of the water district's three (3) wells, three (3) storage tank levels and when water demand exceeds supply.

(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, annually beginning on May 1 through September 30.

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 seven (7) consecutive days.

(b) Stage 2 – 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 VII of the Plan when total well production reaches 60 percent on a daily basis.

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 seven (7) consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.

(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 of the Plan when total well production reaches 70 percent on a daily basis.

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 fourteen (14) consecutive days. Upon termination of Stage 3, Stage 2 becomes operative.

(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 for Stage 4 of this Plan when total well production reaches 80 percent on a daily basis.

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 twenty-one (21) consecutive days. Upon termination of Stage 4, Stage 3 becomes operative.

(e) Stage 5 – Emergency Water Shortage Conditions

Requirements for initiation – Customers shall be required to comply with the requirements and restrictions for Stage 5 of this Plan when BCFWSD#1 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.

Requirements for termination – Stage 5 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of twenty-one (21) consecutive days.

(f) Water Rationing

Requirements for initiation – Customers shall be required to comply with the water allocation plan prescribed in Section X of this Plan and comply with the requirements and restrictions for Stage 5 of this Plan when total well production reaches 90 percent on a daily basis.

Requirements for termination – Water rationing may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of twenty-one (21) consecutive days.

Section IX: Drought Response Stages

The BCFWSD#1, along with Apex Water Services, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section VII of the Plan, shall determine that mild, moderate, severe, critical, or emergency condition exists and shall implement the following actions upon publication of notice in a newspaper of general circulation:

Stage 1- Mild Water Shortage Conditions

Goal: Achieve a voluntary 10 percent reduction in total gallons per day well pumpage.

Supply Management Measures: Reduce or discontinue flushing of water mains, activation and use of an alternative supply source(s); use of reclaimed water for non-potable purposes. BCFWSD#1 customers will be notified by message printed on the monthly billing card posting public notice on the community bulleting board and/or in the local newspapers.

Voluntary Water Use Restrictions:

(a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to Mondays and Thursdays for customers with a street address ending in an even number (2,4,6, or 8), and Tuesdays and Fridays for water customers with street address ending in 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) All operations of the BCFWSD#1 shall adhere to water use restrictions prescribed for Stage 2 of the Plan.

(c) 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 20 percent reduction in total gallons per day well pumpage.

Supply Management Measures: Reduce or discontinue flushing of water mains, reduce or discontinue irrigation of public landscaped areas; use of an alternative supply source(s); use of reclaimed water for non-potable purposes. BCFWSD#1 customers will be notified by message printed on the monthly billing card, posting public notice on the community bulletin board and/or in the local newspapers.

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 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 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 water days. However, irrigation of landscaped areas are 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.

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- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, 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 shut off nozzle for quick rinses.
- (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 re-circulation 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 BCFSWD#1.
- (f) The following uses of water are defined as non-essential and are prohibited:
 - 1. wash down of sidewalks, walkways, driveways, 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).

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Section 3- Severe Water Shortage Conditions

Goal: Achieve a 35 percent reduction in total gallons per day well pumpage.

Supply Management Measures: Reduce or discontinue flushing of water mains; reduce or discontinue irrigation of public landscaped areas; use of an alternative supply sources(s); use of reclaimed water for non-potable purposes. BCFWSD#1 customers will be notified by message printed on the monthly billing card, posting public notice on the community bulletin board and/or in the local newspapers.

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 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.

Stage 4- Critical Water Shortage Conditions

Goal: Achieve a 50 percent reduction in total gallons per day well pumpage.

Supply Management Measures: Reduce or discontinue flushing of water mains, reduce or discontinue irrigation of public landscaped areas; use of an alternative supply source(s); use of reclaimed water for non-potable purposes. BCFWSD#1 customers will be notified by message printed on the monthly billing card, posting public notice on the community bulletin board and/or in the local newspapers.

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 designated watering days 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 or permanently installed automatic sprinkler systems are prohibited at all times.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, 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.

- (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 re-circulation system.
- (e) No applications for new, additional, expended, 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.

Stage 5- Emergency Water Shortage Conditions

Goal- Achieve a 60 percent reduction in total gallons per day well pumpage.

BCFWSD#1 customers will be notified by message printed on the monthly billing card, posting public notice on the community bulletin board and/or in the local newspapers.

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 to wash any motor vehicle, motorbike, boat trailer, or other vehicle is prohibited.

Section X: Water Rationing

In the event that water shortage conditions threaten public health, safety, and welfare, the BCFWSD#1 is hereby authorized to ration 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:

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

"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 on (2) persons unless the customer notifies the BCFWSD#1 of a greater number of persons per household on a form prescribed by the BCFWSD#1.

The BCFWSD#1 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 BCFWSD#1 office to complete and sign the form claiming more than (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 BCFWSD#1. When the number of persons per household increases so as to place the customer in a different allocation category, the customer may notify the BCFWSD#1 on such form and the change will be implemented in the next practical billing period.

If the number in a household is reduced, the customer shall notify the BCFWSD#1 in writing within two (2) days. In prescribing the method of claiming more than two (2) persons per household, the BCFWSD#1 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 in a household or fails to timely notify the BCFWSD#1 of a reduction in the number of persons in a household shall be fined not less than \$ 5.00. Residential water customers shall pay the following surcharges:

- \$ 1.00 for the first 1,000 gallons over allocation
 - \$ 1.00 for the second 1,000 gallons over allocation
 - \$ 1.00 for the third 1,000 gallons over allocation
 - \$ 1.00 for each additional 1,000 gallons over allocation.
- Surcharges shall be cumulative.

Section XI: Enforcement

- (a) No person shall knowingly or intentionally allow the use of water from the BCFWSD#1 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 at the time pursuant to action taken by BCFWSD#1 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 two hundred-fifty dollars (\$250.00) 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. If a person is convicted of three or more district violations of this Plan, the BCFWSD#1 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 \$ 25.00 and any other costs incurred by the BCFWSD#1 in discontinuing service. In addition, suitable assurance must be given to the BCFWSD#1 that the same action shall not be repeated while the Plan is in effect. Compliance with this plan may be also sought through injunctive relieve in the district court.
- (c) Any person including a person classified as a water customer of BCFWSD#1 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 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 parent's 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 reasonable known of the violation.
- (d) Any employee of the BCFWSD#1 who is a commissioned peace officer of the State of Texas or police officer 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 before in the Justice of the Peace Precinct #2 Office on the date shown on the citation for which the date shall not be less than three days nor more than five days from the date of 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 Justice of the Peace Precinct #2 Office to enter a plea of guilty or not guilty for the violation of this Plan. If the alleged violator fails to appear in the Justice of the Peace Precinct # 2 Office 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 Justice of the Peace Precinct # 2 Office before all other cases.

Section XII Variances

The BCFWSD#1 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 provision of the Ordinance may do so if there is a medical need or the individual is handicapped for any medical condition that would warrant a variance in the watering stages. The customer shall file a petition for exemption from variances with the BCFWSD#1 within 5 days after the Plan or a particular drought response stage has been revoked. All petitions for variances shall be reviewed by the BCFWSD#1 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 that 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 restriction or other measures the petitioner is taking or proposed to take to meet the intent of the Plan and the compliance date.
- (h) Other pertinent information.

Variances granted by the BCFWSD#1 shall be subject to the following conditions, unless waived or modified by the BCFWSD#1.

- (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 specific requirements.

No variances shall be retro-active or otherwise justify any violation of this Plan occurring prior to the issuance of this variance.

Section XIII: Severability

It is hereby declared to be the intention of the BCFWSD#1 Board of Directors that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase sentence, paragraph, or section of this Plan shall be declared unconstitutional by the valid judgement 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 BCFWSD#1 Board of Directors without incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.