

ORDINANCE NO. 2019-05-13-B

AN ORDINANCE OF THE CITY OF RANGER ADOPTING THE DROUGHT CONTINGENCY PLAN; REPEALING ORDINANCE 2011-08-08-A IN ITS ENTIRETY; REPEALING RESOLUTION 2014-06-09-07 IN ITS ENTIRETY; ESTABLISHING CRITERIA FOR THE INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES; ESTABLISHING RESTRICTIONS ON CERTAIN WATER USES; ESTABLISHING PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS; ESTABLISHING PROCEDURES FOR GRANTING VARIANCES; AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Commissioners recognize that the amount of water available to the City of Ranger (the "City") and to its wholesale water customers is limited and subject to depletion during periods of extended drought;

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

WHEREAS, Section 11.1272 of the Texas Water Code and applicable rules of the Texas Commission on Environmental Quality conservation Commission require all public water supply systems in Texas to prepare a drought contingency plan;

WHEREAS, Section 11.039 of the Texas Water Code authorized water supplies to distribute available water supplies on a pro rata basis during times of water supply shortage; and

WHEREAS, pursuant to Chapter 54 of the Local Government Code, the City is authorized under law to adopt such Ordinances necessary to preserve and conserve its water resources, and in the best interests of the public, the Commissioners deem it expedient and necessary to establish certain rules and policies for the orderly and efficient management of the Drought Contingency and Water Emergency Response Plan;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF RANGER, TEXAS, THAT:

Section 1. Findings. The findings and recitations set out in the preamble of this Ordinance are found to be true and correct and that they are hereby adopted by the City Commission and made a part hereof for all purposes.

Section 2. Drought Contingency Plan. That the Drought Contingency Plan attached hereto as Exhibit "A" and in accordance with the Eastland County Water Supply Drought Contingency Plan hereby adopted as the official policy of the City of Ranger.

Section 3. City Manager. That the City Manager or in the absence of a City Manager the Mayor is hereby directed to implement, administer and enforce the Drought Contingency Plan.

Section 4. 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 or his/her designee, in accordance with provisions of this plan.

(b) Any person who shall violate any of the provisions of this Ordinance, or shall fail to comply therewith, or with any of the mandatory requirements thereof shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of two thousand dollars (\$2,000.00). Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein.

(c) The city manager or his/her designee shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur in accordance with this section. Services discontinued under such circumstances shall be restored only upon payment of a reconnection charge, hereby established at \$1,000.00 and any other costs incurred by the city in discontinuing service. In addition, suitable assurance must be given to the city that the same action shall not be repeated while the plan is in effect. Compliance with this Ordinance may also be sought through injunctive relief in the district court.

(1) **Emergency Termination.** If an officer charged with enforcement of this Ordinance determines that a violation of this Ordinance constitutes an immediate threat to the public health, safety and welfare, and the owner, occupant, or person in control of the property (the responsible party) is absent or fails to immediately remedy the violation, the officer may terminate water services to such property. The city manager shall hold a hearing within 72 hours after termination of service to determine whether the responsible party violated this Ordinance, unless a later hearing date is requested by the responsible party or the responsible party is unable to be located, in which case the hearing shall be held as soon as possible. Promptly after terminating service, the officer charged with enforcement of this Ordinance shall give the responsible party written notice of the termination and hearing in compliance with TAC, Title 30, Section 291.88(b), as amended from time to time, by personal delivery or posting notice of the hearing on or near the front door of each building on the property. If it is determined at the hearing that the responsible party did not violate this Ordinance, the responsible party's utilities shall be immediately reconnected without charge to the responsible party.

(2) **Nonemergency Termination.** An officer charged with enforcement of this Ordinance who determines that a violation of this Ordinance is present may seek termination of water service to the property at which the violation is present after notice and hearing as provided in this subsection. The officer charged with enforcement of this Ordinance shall give written notice of the violation of this Ordinance to the responsible party and the requirement that the violation be remedied within ten (10) days or water service will be disconnected, such notice to comply with TAC, Title 30, Section 291.88(a), as amended from time to time.

If the responsible party fails to remedy the violation within the time specified in the notice, the officer charged with enforcement of this Ordinance may terminate water service. The responsible party may request a hearing by the city manager regarding termination of service. Written notice of the time and date of the hearing shall be given to the responsible party at least ten days before the hearing date. Notices required by this subsection shall be delivered to the responsible party by in-person service, by letter addressed to the responsible party at his/her post office address.

(3) If the city manager determines at a hearing held under subsections (1) or (2) above that the responsible party did not violate this Ordinance, the responsible party's utilities shall be immediately reconnected without charge to the responsible party. If it is determined that the responsible party violated this Ordinance, as appropriate, water service shall not be reconnected until the responsible party remedies the violation of this Ordinance and pays all required reconnection fees. The city manager's decision may be appealed to the city commission in writing within ten days of the city manager's decision.

(d) 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 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 Ordinance and that the parent could not have reasonably known of the violation.

Section 5. Repealing. 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 6. Severability. 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.

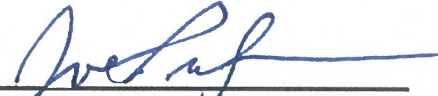
Section 7. Effective Date. This Ordinance shall become effective immediately upon its final passage and publication of the caption, as may be required by law.

Section 8. Open Meeting. It is hereby officially found and determined that the meeting at which this Ordinance was 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, Texas Government Code Chapter 551 (Vernon 1995 Supp.).

FIRST READING PASSED AND APPROVED, this 8 day of April, 2019.

SECOND READING PASSED AND APPROVED, this 13 day of May, 2019.

CITY OF RANGER, TEXAS



Joe Pilgrim, Mayor

ATTEST:



Savannah Fortenberry, City Secretary



May 13, 2019

**DROUGHT CONTINGENCY
AND WATER EMERGENCY RESPONSE PLAN
OF
LAKE LEON WATER SUPPLIERS**

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 Ranger, Morton Valley Water Supply Corporation, Staff Water Supply Corporation (SUPPLIERS)** hereby adopt the following **Drought Contingency and Water Emergency Response Plan** (The Plan) which becomes effective upon signature of all the suppliers. The Plan will not be binding on any entity until it is approved by all signatories. Once it goes into effect, The Plan will replace the Drought Contingency Plans of each SUPPLIER. The Plan will expire **April 30, 2024**, unless action is taken by the SUPPLIERS to renew or extend its provisions.

The purpose of this uniform plan is for the suppliers of Lake Leon water to implement the same management philosophy and measures. This will provide assurance to all parties that the agreed upon management measures in the plan are being applied fairly and consistently.

Adoption of the plan by the Three (3) above named SUPPLIERS, however, does in no way alter the jurisdictional relationships amongst the SUPPLIERS. Each entity will only exercise the enforcement / jurisdictional authorities specifically granted it by contract.

By contract, The Eastland County Water Supply District (ECWSD) supplies water to the Cities of Ranger and Eastland. The ECWSD also supplies raw water to irrigators directly out of Lake Leon.

By contract, the City of Ranger supplies water to the Morton Valley and Staff Water Supply Corporations (The Ranger Sub-recipients). The contract(s) contain essentially the same stipulations as described in the preceding paragraph.

Every wholesale water contract entered into or renewed after adoption of The Plan, including contract extensions, shall include a provision that in case of a shortage of water resulting from drought, the water to be distributed shall be divided in accordance with *Texas Water Code §11.039*.

Water uses regulated or prohibited under the Plan are considered to be non-essential, and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water.

Section II: Public Involvement

Opportunity for the public and wholesale water customers to provide input into the Plan was provided by the SUPPLIERS by means of scheduling properly noticed public meetings to adopt the Plan.

Section III: Public Education

The SUPPLIERS will periodically provide the public 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 drought response measures to be implemented in each stage. This information will be provided by means of the SUPPLIERS' press releases, web sites, newsletters, and utility bill messages.

Section IV: Coordination with Regional Water Planning Groups

The service area of the SUPPLIERS is located within the Brazos G Regional Water Planning Group and a copy of the Plan will be provided to the Brazos G Regional Water Planning Group. A copy of The Plan will also be provided to the Texas Commission on Environmental Quality.

Section V: Authorization

Under the Plan, each SUPPLIER must designate in writing to the other SUPPLIERS an "Authorized Official" who is hereby authorized and directed to implement the applicable provisions of the Plan upon determination that such implementation is necessary to protect public health, safety and welfare. The Authorized Official, or his/her designee, shall have the responsibility and authority to initiate or terminate drought or other water supply emergency measures as described in this Plan.

Section VI: Application

Provisions of the Plan shall apply to all persons, customers and property utilizing water provided by the SUPPLIERS. The terms "person" and "customer" as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

Section VII: Definitions

For the purpose of the Plan, the following definitions shall apply:

Acre Foot – Commonly used measurement of volumes of water. An acre foot is one acre of water a foot deep or 43,560 cubic feet of water. An acre foot of water contains 325,851 gallons.

Aesthetic Water Use – Water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Athletic Field – A sports play field including playgrounds whose essential feature is grass turf, other than a golf course.

Bulk Sales – The sale of water in relatively large quantities, for transport via tanks or tankers for purposes such as road construction, oil field and agricultural applications.

The Cities – The City of Ranger.

Commercial Water Use – Water use which is integral to the operations of commercial, non-profit establishments, governmental entities, retail establishments, hotels and motels, restaurants, office buildings, car washes, golf courses, crop irrigation and livestock watering.

Commercial / Industrial Water Use Restriction Plan – Plans prepared by Commercial and Industrial entities that used more than one million gallons of water averaged between 2017 and 2018. These plans will detail how reductions of water use will be implemented as use restriction stages are enacted.

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 furnished by the SUPPLIERS to include wholesale water customers.

The District – The Eastland County Water Supply District

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.

Emergency Notification – A notification by telephone, personally delivered message or by radio that emergency conditions exist as the result of system failure, disaster or other unforeseen circumstance whereby the delivery of water will be sharply decreased or curtailed. It is incumbent on the entity **sending** the Emergency Notification that there is verification that the notification has been received.

Exterior Water Use – Water use in the outside environment. Also, referred to as outside/outdoor watering.

Foundation Watering - Application of water by means of a soaker hose, hand-held hose, or properly installed drip irrigation system immediately next to a concrete foundation solely for the purpose of preventing, to the extent the watering is necessary, substantial damage to the foundation of the structure caused by movement of the foundation

Golf Course – An area of land used for the game of golf.

Industrial Water Use – The use of water in processes designed to convert materials of lower value into forms having great usability and value.

Institutional Water Use – Water use which is integral to the operations of governmental and non-profit establishments. Examples are city owned buildings, cemeteries, public and private schools and churches.

Landscape irrigation use – Water used for the irrigation and maintenance of landscaped areas, whether publically or privately owned, including residential and commercial lawns, gardens, golf courses, parks, cemeteries, school grounds and rights-of-ways and medians. The term does not include use of groundwater from a well or from water delivered from a source other than from Lake Leon.

Multi-family Residential Customers (Mobile Home and Apartment Communities).

Water customers renting property owned by an individual or commercial establishment. Such property must comply with the requirements and restrictions set forth in this plan.

Non-essential Water Use – Water uses that are not essential or required for the protection of public, health, safety, and welfare, including:

- (a) Irrigation of landscape areas, including parks, cemeteries, athletic fields, and golf courses, except otherwise provided under The 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 or add to any indoor or outdoor swimming pool or “spa-type” hot tub or pool;
- (g) Use of water in a fountain or pond for aesthetic or scenic purposes.;
- (h) Failure to repair a controllable leak(s) within a reasonable period of time after having been given notice directing the repair of such leak(s);
- (i) Use of water from fire hydrants for any purposes other than fire fighting and water line flushing to attain necessary water quality standards.
- (j) Use of water for dust control.

Odd/Even Outdoor Watering Schedule – Allowable residential outside watering must be accomplished on a schedule dictated by the last number of the property address as follows;

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

Normal Operations	Sunday, Tuesday & Thursday
Stage 1 Restrictions	Sunday, Tuesday & Thursday
Stage 2 Restrictions	Sunday & Thursday
Stage 3 Restrictions	Sunday only
Stage 4 Restrictions	No outside watering allowed

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

Normal Operations	Saturday, Monday & Wednesday
Stage 1 Restrictions	Saturday, Monday & Wednesday
Stage 2 Restrictions	Saturday & Wednesday
Stage 3 Restrictions	Saturday only
Stage 4 Restrictions	No outside watering allowed

Note: During any use restriction period-Stage 1 through 4, all outside watering may only be undertaken from 7:00 am to 9:00 am and 7:00pm and 9:00 pm.

Private Water Well – Water well on private property.

Re-Use or Effluent Water – A treated non-potable water source used for irrigation or industrial purposes.

Sub-recipients – The entities receiving water from the City of Ranger are the Morton Valley Water Supply Corporation and Staff Water Supply Corporation.

Wasting Water – Watering a non-pervious surface or landscape watering that goes beyond a customer's property. Waste of water also includes allowing water to run off into a gutter, ditch or drain, or failing to repair a controllable leak. Any use of water supplied from Lake Leon not in conformance with the stipulations of The Plan is also considered a waste of water.

Section VIII: Commercial / Industrial Water Use Restriction Plans

In times of water shortage and increasing water use restrictions, commercial and industrial entities will be expected to reduce water consumption along with residential users.

Exterior water uses by commercial and industrial entities such as landscape irrigation will be governed the same as residential uses.

Commercial and industrial entities that have used over one million gallons of water annually for 2012 and 2013 will be required to develop a water use reduction plan that can be implemented as the various water use restriction stages are reached. The targets listed below are for each stage;

Percentage of reduction over average of the same period of time in 2017 & 2018

Stage 1 – Conservation warning	5% Reduction in use
Stage 2 – Serious Water Shortage	5% Additional Reduction
Stage 3 – Severe Water Shortage	5% Additional Reduction
Stage 4 – Critical Water Shortage	10% Additional Reduction

As the restriction stages are implemented, commercial and industrial users will be expected to also implement their water use restriction plans. Depending on the restriction stage, some commercial water use may be dictated by other elements of The Plan.

Other commercial and industrial entities under the “one million gallon use level” will be expected to reduce water consumption as restriction stages are enacted and set forth in subsequent sections of this plan.

Section IX – Mitigation Measures – The SUPPLIERS will employ the following drought mitigation measures in addition to implementing water restrictions;

1. All customers will be encouraged to employ water conservation measures even under normal operating conditions.
2. A concerted effort will be made to seek alternate sources of water.
3. Water captured by Lake Eastland will be judiciously utilized to augment the Lake Leon supply as conditions warrant. Lake Eastland’s surface elevation will be kept approximately 3 to 4 feet below its emergency spillway level during normal and Stage 1 operations. (See Stages 2, 3 and 4 Sections for additional details.)
4. The City will make every effort to put Re-Use or Effluent water to its highest and best use as drought conditions increase.

Section X: Entities Exempt from Water Use Restrictions

Resident health care facilities including nursing homes and assisted living facilities, health clinics, the Eastland County Jail and the Eastland Memorial Hospital are encouraged to exercise as many water conservation practices as within reason, especially as the water use restriction stages of The Plan are enacted. All exterior water uses by these entities such as landscape irrigation or foundation watering fall under the appropriate water use restrictions contained in The Plan. However, they are exempt from restriction of water use in the delivery of their primary services.

The above exempt entities are strongly encouraged to develop (and enact as appropriate) water conservation plans identical to those required of Commercial / Industrial interests outlined in Section VIII above.

Section XI: Triggering Criteria for Initiation and Termination of Drought Restriction Stages

The Authorized Officials of the City of Ranger, or their designee, shall continuously monitor the Lake Leon water supply and shall determine when The Plan criteria warrant initiation or termination of each stage of the Plan. After consultation with their Sub-Recipients and The Eastland County Water Supply District (The District), Ranger Authorized Officials will “officially” notify their Sub-Recipients via certified mail of the specific changes of Plan stages. Public notification of the initiation or termination of drought response stages shall be by means of publication in local newspapers, radio, television, websites, signs, posters, and banners, posted in public places.

The triggering criteria described below are based on the analysis of system capabilities and the rules of the SUPPLIERS and The District. In the event The District is unable to provide adequate water to meet The Cities needs, the City and their Sub-recipients agree to immediately implement the restriction stage suggested by the District upon an emergency notification by the Ranger Authorized Officials.

The SUPPLIERS agree that the restriction stage decision points (aka, “triggering criteria”) based on the surface water level elevation of Lake Leon will be taken from the Texas Water Development Board website www.twdb.state.tx.us.

Please note the following proviso.

The TWDB web site referenced above posts the elevation of the Lake Leon water level daily. The elevation is measured to the nearest one-hundredth of a foot. Along with the elevation, the web site also daily posts the remaining storage of water shown in acre feet and in percentage of the reservoir capacity – **measured from the maximum permanent fill level (“the top”- elevation 1,375) to the bottom (elevation 1,310)** of the reservoir.

There is a practical problem with the above referenced postings regarding the amount of usable water remaining in the reservoir at any given surface level elevation, namely;

There is an “intake structure” placed in the reservoir that transports water via a pipe line to The District’s filtration plant. The lowest intake point on this structure is located 25 feet ***above the bottom of the reservoir***. The effect of this intake point’s vertical location is the creation of the “dead pool” or water remaining in the reservoir but unattainable for transport to the filtration plant.

The dead pool has a capacity of 869 acre feet or 3.18% of the reservoir capacity.

Therefore, an accurate assessment of usable water remaining in the reservoir requires making the following calculations from the above referenced Texas Water Development Board web site;

The acre foot storage figure must be reduced by 869 acre feet.

The “percent full” figure must be reduced by 3 percentage points (rounded).

For example, the 11-28-11 data from the www.twdb.state.tx.us website shows;

Lake Leon surface elevation	<u>Storage (acre feet)</u>	<u>Percent Full</u>
1,362.62	11,479	43.45%

The actual amount of usable water remaining in the reservoir on 11-28-11 was;

<u>Lake Leon surface elevation</u>	<u>Storage (acre feet)</u>	<u>Percent Full</u>
1,362.62	10,610	40.45%

Thus, the triggering criteria for initiation and termination of the Plan’s drought restriction stages will be based on the amount of usable water remaining in the reservoir.

The Plan contains five stages or “conditions” of water conservation, namely;

- **NORMAL OPERATIONS STRESSING WATER CONSERVATION**
- **STAGE I RESTRICTION– CONSERVATION WARNING**
- **STAGE 2 RESTRICTION – SERIOUS WATER SHORTAGE**
- **STAGE 3 RESTRICTION – SEVERE WATER SHORTAGE**
- **STAGE 4 RESTRICTION – CRITICAL WATER SHORTAGE**

NORMAL OPERATIONS

During normal operations and throughout all stages of water use restrictions;

- (a) The SUPPLIERS will continuously remind their customers of the need to conserve water and eliminate waste.
- (b) The SUPPLIERS will be as judicious as reasonably possible in employing line flushing as a means to achieve water quality standards.
- (c) Customers and Suppliers will be expected to promptly repair a controllable leak within a reasonable period after having been alerted to the existence of such leak. Failure to promptly make such a repair will put a customer’s account in the “non-essential water use category”, automatically placing it in jeopardy of immediate termination.

Additionally, during the normal operations mode, all customers regardless of classification will be required to perform all outside watering on “odd and even” days depending on the last number of their addresses (see Definitions – Section VII).

STAGE 1 RESTRICTION – CONSERVATION WARNING

Requirements for initiation – It is mandatory that customers conserve water and adhere to the prescribed restrictions on certain water uses, as listed below in this section when one or more of the following are reached:

- (a) After consultation with all SUPPLIERS the Ranger Authorized officials shall “officially” notify their Sub-Recipients that the surface elevation of Lake Leon has dropped to **elevation 1,369** with approximately **67%** of usable water remaining in the reservoir.
- (b) Due to mechanical failure at the ECWSD Plant which prohibits adequate delivery of water to meet the Cities’ anticipated demand. This will require an Emergency Notification.
- (c) Due to mechanical failure of the distribution system of The Cities which prohibits adequate delivery of water to meet the anticipated demand of the Sub-recipients. This will require an Emergency Notification.
- (d) Any SUPPLIERS water system has malfunctioned, but is still able to keep up with demand.

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

- (a) All water customers must employ the “odd/even” outside watering schedule in relation to the last number of their address and the day of the week (See Definitions – Section VII). All landscape irrigation and foundation watering must be reduced to three (3) days per week and accomplished between the hours of 7:00 – 9:00 AM and 7:00 – 9:00 PM. This includes residential, athletic field, cemeteries, golf course, commercial and institutional landscape and foundation watering.
- (b) Newly established landscapes may have 3 weeks variance for taking root. All variances must be reviewed and approved by the appropriate Authorized Official or their designee.
- (c) Stage 1 restrictions of applicable Commercial / Industrial Use Plans will be implemented.
- (d) Non-metered users of Lake Leon water will be required by The District to comply with these restrictions.

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 thirty (30) consecutive days or when rescinded by the Cities Authorized Official or his/her designee.

STAGE 2 RESTRICTIONS – SERIOUS WATER SHORTAGE

Requirements for Initiation – It is mandatory that customers conserve water and adhere to the prescribed restrictions on certain water uses as listed below in this section when one or more of the following are reached:

- (a) After consultation with all SUPPLIERS, Ranger Authorized Officials shall “officially” notify their Sub-Recipients that the surface elevation of Lake Leon has dropped to **elevation 1,366** with approximately **54%** of **usable** water remaining in the reservoir;
- (b) Due to mechanical failure at The District Plant which prohibits adequate delivery of water to meet the Cities’ anticipated needs. This will require an Emergency Notification.
- (c) Due to mechanical failure of the distribution system of The Cities which prohibits adequate delivery of water to meet the anticipated demands of the Sub-recipients. This will require an Emergency Notification.
- (d) Any SUPPLIER water system, has malfunctioned, but is still able to keep up with demand.

Water Use Restrictions: Under threat of penalty for violation the following water use restrictions shall apply to all persons;

- (a) All landscape irrigation and foundation watering must be reduced to two (2) days per week using the “Odd/Even schedule” (See Definitions – Section VII). All outside watering must be accomplished between the hours of 7:00 – 9:00 AM and 7:00 and 9:00 PM. This includes residential, athletic field, golf course, commercial and institutional landscape and foundation watering.
- (b) Stage 2 restrictions of applicable Commercial / Industrial Use Plans will be implemented.
- (c) Non-metered users of Lake Leon water will be required by The District to comply with these restrictions.
- (d) Filling of all new and existing swimming pools is prohibited, unless at least 30% of the water is obtained from a source other than SUPPLIERS. Blended or other source(s) may be used to replenish swimming pools to maintenance levels. Draining of swimming pools is permitted only onto a pervious surface or onto a pool deck where the water is transmitted directly to a pervious surface and only if necessary to:
 - 1. Remove excess water from the pool due to rain to lower the water to the maintenance level
 - 2. Repair, maintain or replace a pool component that has become hazardous or
 - 3. Repair a pool leak.

- (e) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where such fountains or ponds are equipped with a recirculation system.
- (f) Use of water from fire hydrants shall be limited to fire fighting and related activities or other activities necessary to maintain public health safety and welfare such as appropriate line flushing. Use of water for reasonable levels of bulk sales may be allowed under special permits issued by the appropriate SUPPLIER.
- (g) The following uses of water are defined as non-essential and are prohibited:
 - 1. Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 - 2. Use of water to wash down buildings or structures for purposes other than immediate fire protection;
 - 3. Use of water for dust control;
 - 4. Flushing gutters or permitting water to run or accumulate in any gutter or street.
 - 5. Watering cemeteries.

Stage 2 Mitigation Measure – Lake Eastland water will be released to augment the Lake Leon water supply under the following conditions;

- 1. If and when water is flowing or has recently flowed in the North Fork of the Leon River below Lake Eastland.
- 2. If there is a reasonable chance that the Lake Eastland release will actually make its way to Lake Leon.

This will drastically lower the surface of Lake Eastland.

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 thirty (30) consecutive days or when rescinded by the Cities Authorized Official or his/her designee. Upon termination of Stage 2, Stage 1 becomes effective.

STAGE 3 – RESTRICTIONS - SEVERE WATER SHORTAGE

Requirements for Initiation – It is mandatory that customers conserve water and adhere to the prescribed restrictions on certain water uses as listed below in this section when one or more of the following are reached:

- (a) After consultation with all SUPPLIERS, Rangers Authorized Officials shall “officially” notify their Sub-Recipients that the surface elevation of Lake Leon has dropped to **elevation 1,363** with approximately **43%** of usable water remaining in the reservoir.
- (b) Due to a mechanical failure at the ECWSD Plant which prohibits adequate delivery of water to meet the anticipated demand of The Cities. This will require an Emergency Notification.
- (c) Due to mechanical failure of the distribution system of The Cities which prohibits adequate delivery of water to meet the anticipated demand of the Sub-recipients. This will require an Emergency Notification.
- (d) Water quality is less than normal or is polluted. Health and safety standards may be jeopardized.
- (e) Any SUPPLIER water system has malfunctioned, and is not able to keep up with demand.

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

- (a) All landscape irrigation and foundation watering must be reduced to one (1) day per week using the “Odd/Even schedule” (See Definitions – Section VII). All outside watering must be accomplished between the hours of 7:00 -9:00 AM and 7:00 – 9:00 PM. This includes residential, athletic field, commercial and institutional landscape and foundation watering.
- (b) Golf course watering is “NOT” allowed.
- (c) Crop irrigation is “NOT” allowed.
- (d) Bulk water sales are discontinued.
- (e) The filling or adding of water to swimming pools, wading pools and spa-type pools are prohibited.
- (f) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited unless it is a small fountain or pond equipped with a recirculation system.
- (g) No applications for 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 by The Suppliers unless there is a bona fide health and safety issue requiring an exception.

- h) The following uses of water are defined as non-essential and are prohibited;
1. Irrigation of landscape areas, including parks, cemeteries, athletic fields, and golf courses, except as otherwise provided under The Plan.
 2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle unless it is accomplished at a commercial car wash.
 3. Use of water to wash down any sidewalk, walkway, driveway, parking lot, tennis court or any other hard-surfaced area.
 4. Use of water to wash down buildings or structures for purposes other than immediate fire protection
 5. Flushing gutters or permitting water to run or accumulate in any gutter or street.
 6. Use of water to fill or add to any indoor or outdoor swimming pool or spa-type pool.
 7. Use of water in a fountain or pond for aesthetic or scenic purposes.
 8. Use of water for dust control.
 9. Watering cemeteries.
- i) Stage 3 restrictions of all Commercial / Industrial Use Plans will be implemented. This Plan will include actions to be taken in the event Stage 4 becomes necessary. The Plan will include a formula for determining each Commercial/Industrial facility's immediate reduction in water usage.
- j) All Commercial / Industrial water users without use plans will be required to reduce water consumption by 15% over the average use during the same period of time in 2017 and 2018. Further, they will be required to develop a plan to reduce consumption an additional 10% in the event Stage 4 restrictions are enacted.
- k) Non-metered users of Lake Leon water will be required by The District to comply with these restrictions.

Stage 3 Residential Surcharges and Maximum Use

A surcharge of \$10 per 1,000 gallons of water used will be assessed for residential usage between 2,000 and 8,000 gallons per month.

A surcharge of \$20 per 1,000 gallons of water used will be assessed for usage over 8,000 gallons per month.

NOTE: Suppliers may enact reasonable measures to mitigate surcharges resulting from line breaks.

Residential usage above 20,000 gallons per month for two months within a Stage 3 Restriction level will result in the customer's service being disconnected.

Residential Usage will be determined by the total number of inhabitants six years old and above permanently residing at the address. The following formula will be used to determine a residential address' water usage limits:

- a. Up to three (3) inhabitants, 6,000 gallons maximum per month
- b. Up to four (4) inhabitants, 8,000 gallons maximum per month
- c. Up to five (5) inhabitants, 10,000 gallons maximum per month
- d. Six (6) inhabitants and above, 12,000 gallons maximum per month

Stage 3 Mitigation Measure – Lake Eastland water will be released to augment the Lake Leon water supply under the following conditions;

1. If and when water is flowing or has recently flowed in the North Fork of the Leon River below Lake Eastland.
2. If there is a reasonable chance that the Lake Eastland release will actually make its way to Lake Leon.

This will drastically lower the surface of Lake Eastland.

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 thirty 30 consecutive days or when rescinded by The Cities Authorized Official or his/her designee. Upon termination of Stage 3, Stage 2 becomes operative.

STAGE 4 - CRITICAL WATER SHORTAGE

Requirements for Initiation – It is mandatory that customers conserve water and adhere to the prescribed restrictions on certain water uses, as listed below in this section, when one or more of the following are reached:

- (a) After consultation with all SUPPLIERS, Rangers Authorized Officials shall “officially” notify their Sub-recipients that the surface elevation of Lake Leon has dropped to elevation 1,359 with approximately 31% of usable water remaining in the reservoir.;
- (b) Due to mechanical failure at the District Plant which prohibits adequate delivery of water to meet Cities’ anticipated demand. This will require an Emergency Notification.
- (c) Due to mechanical failure of the distribution system of The Cities which prohibits the adequate delivery of water to meet the anticipated demand of the Sub-recipients. This will require an Emergency Notification.
- (d) Natural or manmade contamination of the water supply source.

All non-essential uses of water from Lake Leon are prohibited which includes the following;

- (a) Irrigation of landscape areas, including parks, athletic fields, cemeteries and golf courses.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle.
- (c) Use of water to wash down any sidewalk, walkway, driveway, parking lot, tennis court, or other hard-surfaced area.
- (d) Use of water to wash down any 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 or add to any indoor or outdoor swimming pools or spa-type pools.
- (g) Use of water in fountain or pond for aesthetic or scenic purposes.
- (h) Failure to repair a controllable leak(s) within a reasonable period after having been notice directing the repair of such leak(s).
- (i) Use of water from fire hydrants for any purposes other than fire fighting and water line flushing to attain necessary water quality standards.
- (j) Use of water for dust control.

Further, the following uses of water from Lake Leon are prohibited;

- (a) Irrigation of crops.
- (b) Watering livestock.
- (c) Stage 4 restrictions of all Commercial / Industrial Use Plans will be implemented.
- (d) Non-metered users of Lake Leon water will be required by The District to comply with these restrictions.

(e) No applications for 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 by The Suppliers unless there is a bona fide health and safety issue requiring an exception.

Stage 4 Residential Surcharges and Maximum Use

A surcharge of \$30 per 1,000 gallons of water used will be assessed for residential usage between 2,000 and 6,000 gallons per month.

A surcharge of \$40 per 1,000 gallons of water used will be assessed for residential usage between 6,000 and 9,000 gallons per month.

NOTE: Suppliers may enact reasonable measures to mitigate surcharges resulting from line breaks.

Residential usage above 12,000 gallons per month for two months within a Stage 4 Restriction level will result in the customer's service being disconnected.

Residential usage will be determined by the total number of inhabitants six years old and above permanently residing at the address. The following formula will be used to determine a residential address' water usage limits:

- a. Up to three (3) inhabitants, 4,500 gallons maximum per month
- b. Up to four (4) inhabitants, 6,000 gallons maximum per month
- c. Up to five (5) inhabitants, 7,500 gallons maximum per month
- d. Six (6) inhabitants and above, 9,000 gallons maximum per month

Stage 4 Water Quality – Due to the concentration of manganese, iron and other minerals at the lower reservoir depths, the “aesthetic quality” of water delivered to Lake Leon customers will deteriorate as the reservoir surface drops. Human consumption standards will continue to be met, but the minerals in solution will cause discolored water at the customer tap, especially as the surface level approaches and drops below elevation 1,350

Stage 4 Mitigation Measure – Lake Eastland water will be released to augment the Lake Leon water supply under the following conditions;

1. If and when water is flowing or has recently flowed in the North Fork of the Leon River below Lake Eastland.
2. If there is a reasonable chance that the Lake Eastland release will actually make its way to Lake Leon.

This will drastically lower the surface of Lake Eastland.

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 thirty 30 consecutive days or when items d and e above have been repaired.

Section XII – Additional Emergency Water Conservation Measures

IF THE LEVEL OF LAKE LEON CONTINUES TO DECLINE BELOW THE 30% OF USABLE WATER CAPACITY LEVEL, THE SUPPLIERS, AFTER CONSULTATION WITH EACH OTHER AND REASONABLE PUBLIC NOTICE, MAY TAKE ADDITIONAL EMERGENCY WATER CONSERVATION MEASURES THAT MOST LIKELY WILL INCLUDE RATIONING WATER AMONGST THE SUPPLIERS.

Section XIII - Master Metered Multi-Family Residential Customers

Master Metered Multi-Family Residential Customers (apartment and mobile/manufactured home park dwellers) must follow the same restrictions as single family residences. Occupants of each apartment or mobile/manufactured home on a master meter will be required to conserve water and adhere to the restrictions outlined in this section.

Stages 3 and 4 - Master Metered Multi-Family Residential Surcharges and Maximum Use

Multi-metered residential complex maximum usage will be determined by the total number of bedrooms in the apartment or other multi-family complex. The following formula will be used to determine a multi-family complex water usage limits:

- (a) One bedroom per unit-3,000 gallons maximum per month
- (b) Two bedrooms per unit-6,000 gallons maximum per month
- (c) Three bedrooms and up-9,000 gallons maximum per month

A surcharge of \$30 per 1,000 gallons will be assessed for the total amount of water consumed by the multi-family complex in excess of the allowable use based on calculations using the number of bedrooms in the complex.

NOTE: Suppliers may enact reasonable measures to mitigate surcharges resulting from line breaks.

Repeat violations of the maximum use of water by a complex may result in sanctions and/or water service being disconnected.

Section XIV: Enforcement

- (a) No person shall knowingly or intentionally allow the use of water from the SUPPLIERS for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of The 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 Authorized Official or his/her designee in accordance with provisions of The Plan.

- (b) Any person including a person classified as a water customer of the SUPPLIERS in apparent control of the property where a violation occurs or originates shall be presumed to be the violator and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation committed by a child occurred on property within the parents control shall constitute a rebuttable presumption that the parent committed the violation but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation.
- (c) **NOTE: EACH ENTITY, VIA AN ADDENDUM TO THE PLAN WILL ATTACH ITS ENFORCEMENT MECHANISMS TO THIS PLAN.**

Section XV: Financial – Revenue Impact

As water consumption shrinks due to implementation of this drought contingency plan, a commensurate reduction in revenue to the SUPPLIERS is inevitable. Since there is a minimum amount of money needed to keep water supply systems operational, a prolonged drought will make water rate increases also inevitable. Unfortunately, if this occurs, customers will pay more for their water and receive less.

Section XVI: Opt Out Clause

Any signatory to The Plan may cease to be a cooperating party upon a ninety (90) notification via certified mail of the other signatories to The Plan. Unless the other signatories take affirmative action to the contrary, The Plan will become null and void at the end of the ninety-day notification period. At that time, the water conservation requirements spelled out in the various contracts in place amongst the signatories will take effect. Each entity will also be required to have a drought contingency plan in place at the end of the ninety-day notification period.

Section XVII: Severability

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

Section XVIII: Pro Rata Water Allocation for Wholesale Customers

In the event that the triggering criteria specified in Section XI of the Plan for Stage 3, Severe Water Shortage conditions, have been met, the Authorized Officials for the City of Ranger are hereby authorized to initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code Section 11.039, and according to the following water allocation policies and procedures:

(a) A wholesale customer's monthly allocation shall be a percentage of the customer's water usage baseline. The percentage will be set based on the Authorized Official's assessment of the severity of the water shortage conditions, and the need to curtail water diversions, and may be adjusted periodically by the Authorized Official as conditions warrant. Once pro rata allocation is in effect, water diversions to each wholesaler shall be limited to the allocation established for each month.

(b) A monthly water usage allocation shall be established by the Authorized Official, or his/her designee, for each wholesale customer. The wholesale customer's water usage baseline will be determined on the average water usage by the month for the last two (2) years. If the wholesale customer's billing history is less than two (2) years, the monthly average for the period for which there is a record, shall be used for any monthly period for which no billing history exists.

(c) The Authorized Official 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 (TCEQ) upon initiation of pro rata water allocation.

(d) Upon request of the customer, or at the initiative of the Authorized Official, 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 applicable City Council for the City of Ranger.

Section XIX: Variances

(a) A customer may file an application for a variance from The Plan for the property receiving water service with the Authorized Official of the applicable SUPPLIER. The Authorized Official of the SUPPLIER who is providing water service to the customer applicant may determine the proper information and require that the applicant provide such information to evaluate the variance request.

(b) The Authorized Official may grant a variance from The Plan upon his/her determination that special circumstances exist that upon strict enforcement of The Plan will adversely affect the health, sanitation, or fire protection for the public or the applicant.

(c) Variances granted under this section will expire upon escalation of The Plan to the next phase or termination of The Plan.

SIGNATORY PAGE

CITY OF RANGER, TEXAS

Joe Pilgrim, Mayor

ATTEST:

Savannah Fortenberry, City Secretary

Morton Valley Water Supply Corporation

President MVWSC

Staff Water Supply Corporation

President SWSC

**ADDENDUM
TO THE
UNIFORM DROUGHT CONTINGENCY PLAN
PER SECTION XIV(c)**

CITY OF RANGER ENFORCEMENT

The City of Ranger will enforce provisions of the Uniform Drought Contingency Plan, via adoption of an ordinance containing a surcharge, fine and/or other penalty schedule. The Ranger Police Department will issue citations as appropriate that will be processed through the City of Ranger's Municipal Court System.

More drastic measures, such as curtailing water use due to repeated disregard of Drought Contingency Plan restrictions will be carried out by administrative actions through the City of Ranger Public Works Department.