

CITY OF BASTROP

AMENDED DROUGHT CONTINGENCY PLAN

May 29, 2012



Department of Water and Wastewater

James Miller, Director

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EMERGENCY ORDINANCE NO. 2012-9

AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS AMENDING THE CITY OF BASTROP'S DROUGHT CONTINGENCY PLAN REVISING DEFINITIONS, AMENDING THE PERMITTED WATER USE AND WATERING TIMES FOR ALL WATER STAGES; PROVIDING THE CITY MANAGER WITH AUTHORITY TO IMPOSE ADDITIONAL WATER RESTRICTIONS DURING CERTAIN EVENTS; PROVIDING FOR INCREASED PUBLIC NOTICE; DECLARING A SAFETY AND HEALTH NECESSITY TO DISPENSE WITH TWO READINGS OF THE ORDINANCE DUE TO PUBLIC EMERGENCY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bastrop, Texas, is a Home Rule municipality that is incorporated and operating under the Laws of the State of Texas; and

WHEREAS, the City is constitutionally authorized and statutorily obligated to ensure the delivery of a safe and potable water supply to its citizens and customers, and to protect the safety and welfare of its citizens, customers, and the Bastrop community by safeguarding a sufficient water supply for human consumption and other activities, such as fire suppression, if necessary; and

WHEREAS, in order to conserve and protect the availability and integrity of the City's available water supply, protect and preserve public health, welfare, and safety, and to minimize the potential adverse impacts of a water supply shortages or other water supply emergency conditions, the City, in accord with Senate Bill 1 Regulatory Requirements, adopted the City's Drought Contingency Plan, dated November 9, 2009; and

WHEREAS, the City's Drought Contingency Plan seeks to regulate or prohibit nonessential water uses during times of water shortage, or other emergency water supply conditions; and

WHEREAS, the Drought Contingency Plan establishes permanent water use restrictions, as well as sets out criteria for the initiation and termination of increasingly restrictive drought response stages (Stages 1, 2, 3 and 4), based on daily water demand, triggers, and emergency conditions; and

WHEREAS, after review of the City's Drought Contingency Plan and the TCEQ Requirements related to same, as well as communications with the City's Engineer, outside consultants, the City Manager and the Director of Water and Wastewater, the

City has determined that the definition of "Total Production Capability," which is pertinent to triggering drought stages, should be reduced to a "safe system operation capacity," which for purposes of the City's Drought Contingency Plan is a 16-hour period, rather than the current stated 24-hour period; and

WHEREAS, additionally, the City has determined that it is in the best interest of the City to decrease the number of hours that the irrigation of landscaped areas by means of hand-held hoses, hand-held buckets or drip irrigation is permitted, under the 'permanent water restrictions' stage, as well as during Stages 1, 2, 3 and 4 Drought Conditions and has determined that other water use times should be shortened as noted herein below; and

WHEREAS, the City Council has determined that it is in the best interest of the City to expand the authority of the City Manager to make decisions and take action pursuant to the Drought Contingency Plan, as deemed prudent and in the best interest of the City; during certain water availability and drought conditions; and

WHEREAS, the City Council of the City of Bastrop has determined that due to emergency health and safety requirements of the citizens of the community and pursuant to the authority granted the Council by the City's Home Rule Charter, Section 3.15(b), it should dispense with the requirement that this Ordinance be read at two separate meetings of the Council and, rather, that this Ordinance should become effective immediately on passage after approval on a single reading.

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

Part 1: Section 13.06.007, "Permanent water restrictions," be revised as follows:

(1) Landscape irrigation using automatic in-ground or hose-end sprinkler systems is prohibited between the hours of 9:30 a.m. and 6:30 p.m.

(2) - (4) – (No changes.)

(5) Use of water for the irrigation of golf course greens, tees and fairways is permitted only on designated watering days as outlined in section 13.06.010 of this plan. Such irrigation shall only occur from 1:00 a.m. to 7:00 a.m. and from 8:00 p.m. to midnight. These restrictions do not apply to the irrigation of any golf course that uses reclaimed water or other non-potable water sources.

Part 2: Sec. 13.06.008 "Definitions," be revised as follows:

Total Production Capability. The total net aggregate amount of water than can be produced from all water wells capable of supplying water to the system in any given 16-hour period.

Trigger. A threshold level to be used as an initiation or termination point for actions based on certain mathematical criteria, or as per the authority granted by Section 13.06.013.

Part 3: Section 13.06.009 "Criteria for initiation and termination of drought response stages," be revised as follows:

(a) Daily water demand will be monitored for emergency conditions by the city manager or his designee. Trigger conditions will be based on an emergency situation caused by a natural disaster, equipment or system failure, natural or manmade contamination, high daily average water demand, or any other condition that substantially and negatively affects the city's potable water supply. The city manger, on either the recommendations of the water/wastewater director or pursuant to his sole discretion and authority, shall determine when conditions warrant initiation or termination of each stage of the plan.

(b) (1 – (3) (No change.)

(b)(4)(A)(i) Major water line breaks, or pump or system failures occur, which cause a substantially significant threat of a loss of capability to provide water service:

Part 4: Section 13.06.010 "Drought response stages," be revised as follows:

Sec. 13.06.010(1):

(A) – (C) (No changes.)

(D) Notice posted on the City of Bastrop's Website.

{Pertaining to Stage 1 response}

Sec. 13.06.010(3)(C):

(i) Restricted days/hours. Water Customers are requested to voluntarily limit the irrigation or landscaped areas with hose-end sprinklers or automatic irrigation systems to Sundays and Thursdays for customers with an address ending in an even number (0,2,4,6, or 8), and Saturdays and Wednesdays for water customers with an address ending in an odd number (1,3,5,7, and 9), and to irrigate landscapes only during the hours between 12:00 p.m.

(midnight) and 7:00 a.m. and between the hours of 6:00 p.m. to 9:00 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 or five (5) gallons or less, or drip irrigation system.

{Pertaining to Stage 2 response}

Sec. 13.06.010(4)(C):

(i) Restricted days/hours. Water Customers are requested to voluntarily limit the irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems to Sundays and Thursdays for customers with an address ending in an even number (0,2,4,6, or 8), and Saturdays and Wednesdays for water customers with an address ending in an odd number (1,3,5,7, and 9), and to irrigate landscapes only between the hours of 4:00 a.m. and 8:00 a.m. and between the hours of 8:00 p.m. to 12:00 p.m. (midnight), 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 or five (5) gallons or less, or drip irrigation system.

(ii) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 7:00 p.m. until 11:00 p.m. Such washing when allowed, shall be done with a faucet-filled bucket or hand-held hose equipped with a positive shutoff nozzle. . . .

(iii) – (iv) (No change.)

(v) Use of water for the irrigation of athletic fields or golf course greens, tees, and fairways is prohibited except on designated watering days between the hours of 4:00 a.m. and 8:00 a.m. and the hours of 8:00 p.m. to 12:00 p.m. (midnight),. However, if the athletic field or golf course utilizes a water source other than that provided by the City of Bastrop, the facility shall not be subject to these regulations.

(vi) (No change.)

{Pertaining to Stage 3 response}

Sec. 13.06.010 (5)(C):

- (i) Restricted days/hours. Irrigation of landscaped areas by means of hand-held hoses, hand-held buckets or drip irrigation shall be limited to designated watering days, as outlined in Stage 2 of this plan, and between the hours of 6:00 a.m. and 8:00 a.m. and between 8:00 p.m. and midnight. The use of hose-end sprinklers or automatic sprinkler systems are prohibited at all times.
- (ii) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 8:00 a.m. and 6:00 p.m.

Part 5: Section 13.06.013, "City Manager's Authority to Impose Additional Restrictions," be amended to add the following:

(a) The City Manager may, in his sole discretion, implement mandatory water restrictions in addition to those previously described in this Drought Contingency Plan, to protect the public health and safety in the event of an unusual water system operation event, equipment failure, catastrophic occurrence, or severe weather event.

(b) The City Manager may implement mandatory restrictions, immediately effective, by public announcement.

Part 6: All other provisions of City of Bastrop Drought Contingency Plan, dated November 10, 2009, that are not amended hereby shall remain in full force and effect.

Part 7: This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Bastrop, and this ordinance shall not operate to repeal or affect any of such other ordinances, except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any in such other ordinance or ordinances are superseded.

Part 8: If any provision of this ordinance or application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

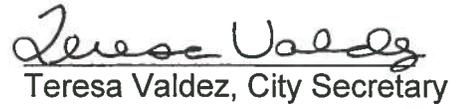
Part 9: The Mayor is hereby authorized to sign this ordinance and the City Secretary to attest. This ordinance shall become immediately effective after approval following a single reading, as per the authority granted to the Council under City Charter Section 3.15(b), as detailed herein.

PASSED AND APPROVED ON FIRST AND SOLE READING ON THIS 29th
DAY OF MAY 2012.

APPROVED:


Mayor Terry Orr

ATTEST:


Teresa Valdez, City Secretary

APPROVED AS TO FORM:

Jo-Christy Brown.
City Attorney

**AMENDED DROUGHT CONTINGENCY PLAN
FOR THE
CITY OF BASTROP, TEXAS**

Section I: Introduction

Safe, high quality drinking water is a precious resource in the Bastrop region. This Drought Contingency Plan (the "Plan") requires that the available resources of the City of Bastrop be put to the most beneficial use possible. The Plan also requires that the waste, unreasonable use, or unreasonable method of use of water be prevented and that conservation of water be extended with a view to reasonable and beneficial use in the interests of public health and welfare of the Bastrop community. This Plan has been coordinated with the Lower Colorado Region (Region K) Water Planning Group.

Section II: 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 Bastrop hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this Plan are considered to be non-essential uses; continuation of such uses during times of water shortage or other emergency water supply conditions are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section XI of this Plan.

Section III: Public Education

The City of Bastrop will periodically provide the public with information about water conservation and drought conditions, 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 paid advertisements, public notices, press releases and/or utility bill inserts.

Section IV: Coordination with Regional Water Planning Groups

The service area of the City of Bastrop is located within the Lower Colorado Region and the City of Bastrop has provided a copy of this plan to the Region K Water Planning Group.

Section V: 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 authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan. This Plan shall also be referenced in, and become an Appendix to, the City of Bastrop Emergency Management Plan, Annex L; Utilities.

Section VI: Application

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the City of Bastrop. The terms "person" and "customer" as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities. Utilization of a water source other than City potable water is exempt from the provisions of this Plan.

Section VII: Permanent Water Restrictions

This section establishes permanent water conservation regulations and applies year-round regardless of Drought stage.

- (1) Landscape irrigation using automatic in-ground or hose-end sprinkler systems is prohibited between the hours of 9:30 a.m. and 6:30 p.m.
- (2) The time restrictions do not apply to:
 - (a) The irrigation of commercial plant nurseries.
 - (b) Irrigation using reclaimed water or other non-potable water sources.
 - (c) New landscape installation during planting and the first ten (10) days after planting.
 - (d) The testing of new irrigation systems or systems that are under repair.
 - (e) Irrigation using a hand-held bucket or hose equipped with a positive shut-off valve, pressure washer system, or other device that automatically shut off water flow when the hose is not being held by the water user.
 - (f) Irrigation by drip irrigation or soaker hoses.
- (3) The following constitute a waste of water and are prohibited:
 - (a) Washing sidewalks, walkways, driveways, parking lots, tennis courts, patios or other hard-surfaced areas except with a pressure-washing system or to alleviate immediate health or safety hazards.
 - (b) Allowing water to run off a property or allowing water to pond or pool in the street, parking lot or sidewalk.
 - (c) Operating an irrigation system with sprinkler heads that are broken or out of adjustment.
 - (d) Failure to repair a controllable leak(s) within a reasonable time period after having been given notice directing the repair of such leak(s).
- (4) Ornamental fountains or ponds for aesthetic or scenic purposes must be equipped with a recirculation device. This restriction does not apply to ornamental fountains or ponds that use reclaimed water, non-potable water, or water provided by sources other than the City.
- (5) Use of water for the irrigation of golf course greens, tees and fairways is permitted only on designated watering days as outlined in Section X of this Plan. Such irrigation shall only occur from 1:00 a.m. to 7:00 a.m. and from 8:00 p.m. to midnight. These restrictions do not apply to the irrigation of any golf course that uses reclaimed water or other non-potable water sources.

Section VIII: Definitions

For the purposes of this Plan, the following definitions shall apply:

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

Commercial and Institutional Water Use: water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer: any person, company, or organization using water supplied by the City of Bastrop.

Daily Water Demand: the total amount of water pumped or otherwise released into distribution system(s) for customer use. Expressed in gallons, which are metered in a given 24-hour period (gallons per day).

Declaration of Disaster: that action taken by the Mayor, as authorized by the City of Bastrop Emergency management Basic Plan and the Texas Disaster Act of 1975, when the Mayor determines that the public health, safety, and welfare may be threatened by a disastrous event, or the imminent threat of such an event.

Director: the Director of Water and Wastewater, City of Bastrop, Texas.

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.

Drip Irrigation: also known as *trickle irrigation* or *micro-irrigation* is an irrigation method which minimizes the use of water and fertilizer by allowing water to drip slowly to the roots of plants through a network of valves, pipes, tubing, and emitters.

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

Hose-end Sprinkler: designed to screw into a standard hose and rest on the ground wherever you drag it and set it down; it then delivers water in a spray pattern in the immediate area.

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 neither 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 indoor or outdoor swimming pools or Jacuzzi-type pools;
- (g) use of water in a fountain or pond for aesthetic water use 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.

Total Production Capability: the total net aggregate amount of water that can be produced from all water wells capable of supplying water to the system in any given 16-hour period.

Trigger: a threshold level to be used as an initiation or termination point for actions based on certain mathematical criteria, or as per the authority granted by Section 13.06.013 of the Bastrop City Code of Ordinances.

Section IX: Criteria for Initiation and Termination of Drought Response Stages

Daily water demand will be monitored for emergency conditions by the City Manger or his designee. Trigger conditions will be based on an emergency situation caused by a natural disaster, equipment or system failure, natural or manmade contamination, high daily average water demand, or any other condition that substantially and negatively affects the City's potable water supply. The City Manager, on either the recommendations of the Water/Wastewater Director or pursuant to his sole discretion and authority, shall determine when conditions warrant initiation or termination of each stage of the Plan.

The triggering criteria described below are based on a statistical analysis of the vulnerability of the water source under drought of record condition, and on known system capacity limits.

Stage 1 Trigger – MILD Water Shortage Conditions / Water Awareness

Requirements for Initiation

Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain non-essential water uses, provided in Section X of this Plan, when daily water demand exceeds 85 % of Total Production Capability for three (3) consecutive days or water demand approaches a reduced delivery capacity for all or part of the system, and the City Manager determines that no circumstances exist that will decrease the demand except conservation by customers.

Requirements for Termination

Stage 1 of the Plan may be terminated or rescinded when Stage 1 conditions no longer exist for a period of three (3) consecutive days and would be unlikely to recur upon termination, or until such time as determined by the City Manager.

Stage 2 Trigger – MODERATE Water Shortage Conditions / Water Watch

Requirements for Initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section X of this Plan when the daily water demand exceeds 90 % of Total Production Capability for three (3) consecutive days, and that response measures required by Stage 1 trigger – MILD Water Shortage Conditions / Water Awareness have been implemented, and the City Manager determines that no circumstances exist that will decrease the demand below the Stage 2 Trigger except conservation by customers.

Requirements for Termination

Stage 2 of the Plan may be terminated or rescinded when Stage 2 conditions no longer exist for a period of three (3) consecutive days and would be unlikely to recur upon termination, as determined by the by the City Manager. Upon termination of Stage 2, Stage 1 becomes operative.

Stage 3 Trigger – CRITICAL Water Shortage Conditions / Water Warning

Requirements for Initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section X of this Plan when the daily water demand exceeds 95 % of Total Production Capability for three (3) consecutive days, and that response measures required by Stage 2 trigger – MODERATE Water Shortage Conditions / Water Watch have been implemented, and

the City Manager determines that no circumstances exist that will decrease the demand below the Stage 3 Trigger except conservation by customers.

Requirements for Termination

Stage 3 of the Plan may be terminated or rescinded when Stage 3 conditions no longer exist for a period of three (3) consecutive days and would be unlikely to recur upon termination, as determined by the City Manager. Upon termination of Stage 3, Stage 2 becomes operative.

Stage 4 Trigger – EMERGENCY Water Shortage Conditions / Water Emergency

Requirements for Initiation

Customers shall be required to comply with the requirements and restrictions for Stage 4 of this Plan when the City Manager determines that a water supply emergency exists based on:

1. Major water line breaks, or pump or system failures occur, which cause a substantially significant threat of a loss of capability to provide water service; or
2. Natural or man-made contamination of the water supply sources(s); or
3. Daily water demand equals 100 % of the Total Production Capability for three (3) consecutive days.

Requirements for Termination

Stage 4 of the Plan may be terminated or rescinded when Stage 4 conditions no longer exist for a period of three (3) consecutive days and would be unlikely to recur upon termination, as determined by the City Manager. Upon termination of Stage 4, the City Manager may impose requirements of Stage 1, 2, or 3 of the Plan if circumstances exist that require continued abatement to the effects of the emergency water shortage condition.

Section X: Drought Response Stages

The City Manager or his/her designee shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section IX of this Plan, shall determine if conditions exist that would trigger any of the designated drought stages, and if so, shall implement the following notification procedures:

Notification of the Public:

The City Manager shall notify the public by means of:

- publication in a newspaper of general circulation, and/or
- direct mail to customers, or
- public service announcements, or
- signs posted in public places, or
- notice posted on the City of Bastrop's website.

Additional Notification:

The City Manager shall notify directly, or cause to be notified directly, the following individuals and entities:

- Mayor / Members of the City Council
- Fire Chief

City and/or County Emergency Management Coordinator(s)
County Judge
State Disaster District / Department of Public Safety
TNRCC (required when mandatory restrictions are imposed)
Major water users
Critical water users; i.e. hospitals, clinics and nursing homes
City of Bastrop Department Heads

Stage 1 Response – MILD Water Shortage Conditions / Water Awareness

Goal: To raise public awareness of water demand conditions and achieve a voluntary reduction in daily water demand to 85 % or less of the Total Production Capability.

Supply Management Measures:

The City Manager shall implement supply management measures that include reduction in flushing of water mains, visually inspect lines and repair leaks on a daily basis, monthly review of customer use/consumption records and follow-up on any that have unusually high usage, as well as conservation of incidental water usage at water and wastewater plants. Activities shall be implemented which include increased monitoring of meters, gauges, water levels in tanks, and water well production data.

Voluntary Water Use Restrictions:

Water customers are requested to voluntarily limit the use of water for nonessential purposes and to practice water conservation.

- (a) Restricted Days/Hours: Water customers are requested to voluntarily limit the irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems to Sundays and Thursdays for customers with an address ending in an even number (0, 2, 4, 6, or 8,) and Saturdays and Wednesdays for water customers with an address ending in an odd number (1, 3, 5, 7, or 9), and to irrigate landscapes only during the hours between 12:00 p.m. (midnight) and 7:00 a.m. and between the hours of 6:00 p.m. to 9:00 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 drip irrigation system.
- (b) All general operations of the City of Bastrop shall adhere to the permanent 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 Response – MODERATE Water Shortage Conditions / Water Watch

Goal: Achieve a reduction in daily water demand to 90 % or less of the Total Production Capability.

Supply Management Measures:

The City Manager shall implement supply management measures that discontinue flushing of water mains, irrigation of public landscaped areas and all water usage at water and wastewater plants not required for direct operations of the facilities.

Mandatory Water Use Restrictions:

Under threat of penalty for violation, the following water use restrictions shall apply to all City of Bastrop water utility customers.

- (a) Restricted Days/Hours: Water Customers are requested to voluntarily limit the irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems to Sundays and Thursdays for customers with an address ending in an even number (0, 2, 4, 6, or 8,) and Saturdays and Wednesdays for water customers with an address ending in an odd number (1, 3, 5, 7, or 9), and to irrigate landscapes only between the hours of 4:00 a.m. and 8:00 a.m. and between the hours of 8:00 p.m. to 12:00 p.m. (midnight) 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 drip irrigation system.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 7:00 p.m. until 11:00 p.m. Such washing, when allowed, shall be done with a faucet-filled bucket or a hand-held hose equipped with a positive shut-off nozzle. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
- (c) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated watering days during the hours prior to 8:00 a.m. and the hours after 8:00 p.m.
- (d) 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 City Manager.
- (e) Use of water for the irrigation of athletic fields or golf course greens, tees, and fairways is prohibited except on designated watering days between the hours of 4:00 a.m. and 8:00 a.m. and the hours of 8:00 p.m. to 12:00 p.m. (midnight). However, if the athletic field or golf course utilizes a water source other than that provided by the City of Bastrop, the facility shall not be subject to these regulations.
- (f) 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; 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).

Stage 3 Response – CRITICAL Water Shortage Conditions / Water Warning

Goal: Achieve a reduction in daily water demand to 95 % or less of the Total Production Capability.

Supply Management Measures:

The City Manager shall implement supply management measures that discontinue flushing of water mains, irrigation of public landscaped areas and all water usage at water and wastewater plants not required for direct operations of the facilities. Water usage at all City buildings shall be restricted to health, sanitation, cleanliness or firefighting purposes.

Mandatory Water Use Restrictions:

Under threat of penalty for violation, the following water use restrictions shall apply to all City of Bastrop water utility customers.

- (a) Restricted Days/Hours: Irrigation of landscaped areas by means of hand-held hoses, hand-held buckets or drip irrigation shall be limited to designated watering days, as outlined in Stage 2 of this Plan and between the hours of 6:00 a.m. and 8:00 a.m. and between 8:00 p.m. and midnight. The use of hose-end sprinklers or automatic sprinkler systems are prohibited at all times.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 8:00 a.m. and 6:00 p.m.
- (c) The filling, refilling, or adding of water to indoor or outdoor 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 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 approved or installed for such time as this drought response stage or a higher-numbered stage shall be in effect.
- (f) Use of water from hydrants shall be limited to fire fighting, related activities, or other activities necessary to maintain public health, safety, and welfare. Use of water from fire hydrants for construction purposes is prohibited.
- (g) Use of water for the irrigation of athletic fields or golf course greens, tees, and fairways is prohibited. However, if the athletic field or golf course utilizes a water source other than that provided by the City of Bastrop, the facility shall not be subject to these regulations.
- (h) All non-essential uses of water as defined in Stage 2 of this plan are prohibited.

Stage 4 Response – EMERGENCY Water Shortage Conditions / Water Emergency

Goal: Achieve a reduction in daily water demand sufficient to assure the water system for the protection of public health, safety, and welfare until the Stage 4 Trigger criteria(s) can be abated.

Supply Management Measures:

The City Manager shall implement supply management measures that discontinue flushing of water mains, irrigation of public landscaped areas and all water usage at water and wastewater plants not required for direct operations of the facilities. Water usage at all City buildings shall be restricted to health, sanitation, cleanliness or firefighting purposes.

Mandatory Water Use Restrictions:

Under threat of penalty for violation, all requirements of Stage 3 shall remain in effect during Stage 4 except:

- (a) Irrigation of landscaped areas is absolutely prohibited.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.
- (c) Curtailment of service to persons shown to be of violation of prohibited uses of water may be ordered by the City Manager, if the City Manager determines that such curtailment would not be detrimental to the public health, safety, and welfare, and determines that such curtailment would benefit the mitigation of Stage 4 conditions.

Stage 5 Response – WATER ALLOCATION

In the event that water shortage conditions threaten public health, safety, and welfare due to the duration, type, effect or magnitude of such conditions, and a Declaration of Disaster has been issued relating to such conditions, the City Manager is hereby authorized to allocate water according to the following plan. In addition to other restrictions required in Stage 2, 3, or 4 Response, a monthly water allocation may be established by the City Manager for single family residential water customers.

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	4,500
3 or 4	5,500
5 or 6	6,500
7 or 8	7,500
9 or 10	8,500
11 or more	10,000

“Household” means the residential premises served by the customer’s meter. “Persons per household” includes 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 of two (2) persons unless the customer notifies the City of Bastrop of a greater number of persons per household on a form prescribed by the City Manager. It shall be the customer's responsibility to go to the City of Bastrop offices to complete and sign the form claiming more than two (2) persons per household. When the number of persons per household increases so as to place the customer in a different allocation category, the customer may notify the City of Bastrop on such form and the change will be implemented in the next practicable billing period. If the number of persons in a household is reduced, the customer shall notify the City of Bastrop in writing. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of persons in a household or fails to timely notify the City of Bastrop of a reduction in the number of persons in a household shall be subject to penalties set forth in Section XI of this Plan.

Residential water customers shall pay the following surcharge:

125 % of the normal and routine charge for water billed in excess of allocation.

Master-Metered Multi-Family Residential Customers

In addition to other restrictions in Stage 2, 3 or 4 Responses, a monthly water allocation may be established by the City Manager for master-metered multi-family water customers. The allocation to a customer billed from a master meter which jointly measures water to multiple permanent residential dwelling units (e.g., apartments, mobile homes) shall be allocated 6,000 gallons per month for each dwelling unit. A dwelling unit may be claimed under this provision whether it is occupied or not. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of dwelling units served by a master meter shall be subject to penalties set forth in Section XI of this Plan.

Customers billed from a master meter under this provision shall pay the following monthly surcharge:

125 % of the normal and routine charges for water billed in excess of allocation.

Commercial Customers

In addition to other restrictions in Stage 2, 3 or 4 Responses, a monthly water allocation may be established by the City Manager for each commercial customer. The commercial customer's allocation shall be no less than 75 percent of the customer's usage for corresponding month's billing period for the previous 12 months. If the customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no history exists. However, a customer for which 75 percent of the monthly usage is less than 6,000 gallons, shall be allocated 6,000 gallons. Upon request of a customer or at the initiative of the City Manager, the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the customer's normal water usage or (2) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Bastrop City Council.

Non-residential commercial customers shall pay the following surcharges:

150 % of the normal and routine charges for water billed in excess of allocation.

Industrial Customers

In addition to other restrictions in Stage 2, 3 or 4 Responses, a monthly water allocation may be established by the City Manager for each industrial customer, which uses water for processing purposes.

The industrial customer's allocation shall be no less than 85 percent of the customer's water usage baseline. However, a customer of which 85 percent of the monthly usage is less than 6,000 gallons, shall be allocated 6,000 gallons. The industrial customer's water use baseline will be computed on the average water use for the three month period ending prior to the date of implementation of Stage 2 of the Plan. If the industrial water customer's billing history is shorter than 3 months, the monthly average for the period for which there is a record shall be used. Upon request of the customer or at the initiative of the City Manager, the allocation may be reduced or increased if, (1) the designated period for baseline calculation does not accurately reflect the customer's normal water usage, (2) the customer has added or is in the process of adding significant additional processing capacity, (3) the customer has shut down or significantly reduced the production of a major processing unit, (4) the customer has previously implemented significant permanent water conservation measures such that the ability to further reduce water use is limited, or (5) if other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Bastrop City Council.

Industrial customers shall pay the following surcharges:

150 % of the normal and routine charges for water billed in excess of allocation.

Section XI: Enforcement

- (a) No person shall knowingly or intentionally allow the use of water from the City of Bastrop for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken in accordance with provisions of this Plan.
- (b) Any person who violates this Plan 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 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 two or more distinct violations of this Plan, the City Manager shall, upon due notice to 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 City of Bastrop in discontinuing service. In addition, suitable assurance must be given to the City Manager that the same action shall not be repeated while the Plan is in effect. Compliance with this Plan may also be sought through injunctive relief in the District Court.
- (c) Any person, including a person classified as a water customer of the City of Bastrop, 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 the he/she did not commit the violation.
- (d) Any police officer, Code Compliance Official, building official or other City of Bastrop 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 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 three (3) days nor more than five (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 fourteen (14) years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in Municipal Court to enter a plea of guilty or

not guilty for the violation of this Plan. If the alleged violator fails to appear in Municipal Court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in Municipal Court before all other cases.

Section 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 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 of Bastrop within five (5) days after the Plan or particular 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 the petitioner complies with this Ordinance.
- (e) Description of the relief requested.
- (f) Period of time for which the variance is sought.
- (g) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (h) Other pertinent information.

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

- (a) Variances granted shall include a timetable for compliance.
- (b) Variances granted in a particular stage shall expire upon advancing to a more restrictive stage of the Plan.
- (c) Petitioners shall promptly display the variance granted where it can be read by the general public at all location(s) for which the variance applies, and make said variance available to the public.
- (d) Variances granted may be rescinded or revoked by the City Manager if the Petitioner fails to meet specific requirements set forth in the variance. The variance will automatically expire when the Plan is no longer in effect.
- (e) No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

Section XIII: City Manager's Authority to Impose Additional Restrictions

- (a) The City Manager may, in his sole discretion, implement mandatory water restrictions in addition to those previously described in this Drought Contingency Plan, to protect the public health and safety in the event of an unusual water system operation event, equipment failure, catastrophic occurrence, or severe weather event.

(b) The City Manager may implement mandatory restrictions, immediately effective, by public announcement.
