



City of Terrell

Drought Contingency and Water Emergency Response Plan

Prepared for:

The City of Terrell

4/2/2019

Prepared by:

FRESE AND NICHOLS, INC.
4055 International Plaza, Suite 200
Fort Worth, Texas 76109
817-735-7300



FOREWARD

This Drought Contingency and Water Emergency Response Plan was prepared by Freese and Nichols for the City of Terrell, a customer of the North Texas Municipal Water District (NTMWD). This Plan was prepared pursuant to Texas Commission on Environmental Quality rules. To develop a regional approach, the Model Water Resource and Emergency Management Plan for the North Texas Municipal Water District was consulted.

Questions regarding this Drought Contingency and Water Emergency Response Plan should be addressed to the following:

Jeremy Rice
Freese and Nichols, Inc.
(817) 735-7300
jjr@freese.com

Mike Mikeska
City of Terrell
(972) 551-6600
mmikeska@cityofterrell.org

This Drought Contingency and Water Emergency Response Plan is based on the Texas Administrative Code in effect on January 31, 2019.



TABLE OF CONTENTS

1.0	INTRODUCTION AND OBJECTIVES.....	1-1
2.0	DEFINITIONS.....	2-1
3.0	TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES.....	3-1
4.0	DROUGHT CONTINGENCY AND WATER EMERGENCY RESPONSE PLAN.....	4-1
4.1	Provisions to Inform the Public and Opportunity for Public Input.....	4-1
4.2	Provisions for Continuing Public Education and Information.....	4-1
4.3	Initiation and Termination of Drought Contingency and Water Emergency Response Stages.....	4-2
4.3.1	Stage 1.....	4-3
4.3.2	Stage 2.....	4-6
4.3.3	Stage 3.....	4-9
4.4	Procedures for Granting Variances to the Plan.....	4-12
4.5	Procedures for Enforcing Mandatory Water Use Restrictions.....	4-13
4.6	Coordination with the Regional Water Planning Group and NTMWD.....	4-14
4.7	Review and Update of Drought Contingency.....	4-14
4.8	Requirement For Wholesale Customers to Submit Drought Contingency Plans.....	4-15
5.0	PRO RATA WATER ALLOCATION TO WHOLESALE CUSTOMERS.....	5-1
5.1	Policy and Procedures.....	5-1
5.2	Enforcement.....	5-1
5.3	Variances.....	5-2

APPENDICES

Appendix A	List of References
Appendix B	Texas Commission on Environmental Quality Rules on Drought Contingency Plans <ul style="list-style-type: none">• Texas Administrative Code Title 30, Part 1, Chapter 288, Subchapter B, Rule §288.20 – Drought Contingency Plans for Municipal Uses by Public Water Suppliers• Texas Administrative Code Title 30, Part 1, Chapter 288, Subchapter B, Rule §288.22 – Drought Contingency Plans for Wholesale Water Suppliers
Appendix C	Letters to Regions C and D Planning Groups
Appendix D	Adoption of Drought Contingency and Water Emergency Response Plan



1.0 INTRODUCTION AND OBJECTIVES

The City of Terrell has prepared this Drought Contingency and Water Emergency Response Plan in accordance with the requirements established by the Texas Commission on Environmental Quality (TCEQ) and the North Texas Municipal Water District (NTMWD). This Plan addresses all of the current TCEQ requirements for a drought contingency plan which are included in Appendix B.¹ This Plan replaces the Plan included in Ordinance 2600 dated April 15, 2014.

The measures included in this Drought Contingency and Water Emergency Response Plan are intended to provide short-term water savings during drought or emergency conditions. Water savings associated with ongoing, long-term strategies are discussed in the *Water Conservation Plan for The City of Terrell*.²

The City of Terrell has a water right for supply in New Terrell City Lake and a contract for treated water from NTMWD. Terrell used to own and operate a water treatment plant to treat its own water from New Terrell City Lake. In June 2007, Terrell discontinued its raw water treatment operations. Terrell now purchases treated water from NTMWD.

The purpose of this Drought Contingency and Water Emergency Response Plan is as follows:

- To conserve the available water supply in times of drought, water supply shortage, and emergency.
- To maintain supplies for domestic water use, sanitation, and fire protection.
- To protect and preserve public health, welfare, and safety.
- To minimize the adverse impacts of water supply shortages.
- To minimize the adverse impacts of emergency water supply conditions.

In the absence of drought response measures, water demands tend to increase during a drought due to increased outdoor irrigation. The severity of a drought depends on the degree of depletion of supplies and on the relationship of demand to available supplies. The NTMWD considers a drought to end when all of its supply reservoirs refill to the conservation storage pool.

¹ Superscripted numbers match references listed in Appendix A.



2.0 DEFINITIONS

1. **AQUATIC LIFE** means a vertebrate organism dependent upon an aquatic environment to sustain its life.
2. **ATHLETIC FIELD** means a public sports competition field, the essential feature of which is turf grass, used primarily for organized sports practice, competition or exhibition events for schools; professional sports and league play sanctioned by the utility providing retail water supply.
3. **COMMERCIAL VEHICLE WASH FACILITY** means a permanently-located business that washes vehicles or other mobile equipment with water or water-based products, including but not limited to self-service car washes, full service car washes, roll-over/in-bay style car washes, and facilities managing vehicle fleets or vehicle inventory.
4. **CONSERVATION** means those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve 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.
5. **CUSTOMER** means any person, corporation, or organization using water supplied by the City of Terrell.
6. **DESIGNATED OUTDOOR WATER USE DAY** means a day prescribed by rule on which a person is permitted to irrigate outdoors.
7. **DOMESTIC WATER USE** means 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.
8. **DRIP IRRIGATION** is a type of micro-irrigation system that operates at low pressure and delivers water in slow, small drips to individual plants or groups of plants through a network of plastic conduits and emitters; also called trickle irrigation.
9. **DROUGHT**, for the purposes of this report, means an extended period of time when an area receives insufficient amounts of rainfall to replenish the water supply, causing water supply sources (in this case reservoirs) to be depleted.



10. DROUGHT CONTINGENCY AND WATER EMERGENCY RESPONSE means a strategy or combination of strategies for temporary supply management and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies required by Texas Administrative Code Title 30, Chapter 288, Subchapter B. This is sometimes called a drought contingency plan.
11. EVAPOTRANSPIRATION (ET) represents the amount of water lost from plant material to evaporation and transpiration. The amount of ET can be estimated based on the temperature, wind, and relative humidity.
12. FOUNDATION WATERING means an application of water to the soils directly abutting (within 2 feet) the foundation of a building, structure.
13. INTERACTIVE WATER FEATURES means water sprays, dancing water jets, waterfalls, dumping buckets, shooting water cannons, inflatable pools, temporary splash toys or pools, slip-n-slides, or splash pads that are maintained for recreation.
14. IRRIGATION SYSTEM means a permanently installed, custom-made, site-specific system of delivering water generally for landscape irrigation via a system of pipes or other conduits installed below ground.
15. INDUSTRIAL WATER USE means the use of water in processes designed to convert materials of lower value into forms having greater usability and value.
16. LANDSCAPE means any plant material on a property, including any tree, shrub, vine, herb, flower, succulent, ground cover, grass or turf species, that is growing or has been planted out of doors.
17. NEW LANDSCAPE means: (a) vegetation installed at the time of the construction of a residential or commercial facility; (b) installed as part of a governmental entity's capital improvement project; or (c) installed to stabilize an area disturbed by construction.
18. NON-ESSENTIAL WATER USE means water uses that are not essential, nor required for the protection of public, health, safety, and welfare, including:
 - irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;



- use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle, except with a water hose that has a shut-off nozzle; an exception is allowed for Commercial Vehicle Wash Facilities.
- use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard- surfaced areas;
- use of water to wash down buildings or structures for purposes other than immediate fire protection;
- flushing gutters or permitting water to run or accumulate in any gutter or street;
- use of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools;
- use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- use of water from hydrants for construction purposes or any other purposes other than firefighting.

19. ORNAMENTAL FOUNTAIN means an artificially created structure from which a jet, stream, or flow of treated water emanates and is not typically utilized for the preservation of aquatic life.

20. POND is a still body of water with a surface area of 500 square feet or more, filled with non-potable water and not a swimming pool.

21. RETAIL CUSTOMER includes those customers to whom the City of Terrell provides retail water from a water meter.

22. RESIDENTIAL FACILITY means a site with four or fewer dwelling units.

23. SOAKER HOSE means a perforated or permeable garden-type hose or pipe that is laid above ground that provides irrigation at a slow and constant rate.

24. SPRINKLER means an above-ground water distribution device that may be attached to a garden hose.



25. SWIMMING POOL means any structure, basin, chamber, or tank including hot tubs, containing an artificial body of water for swimming, diving, or recreational bathing, and having a depth of two (2) feet or more at any point.
26. WHOLESALE WATER CUSTOMER means any person, company, or organization reselling water supplied by the City of Terrell.

Abbreviations

Abbreviation	Full Nomenclature
NTMWD	North Texas Municipal Water District
TCEQ	Texas Commission on Environmental Quality
TWDB	Texas Water Development Board



3.0 TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES

The TCEQ rules governing development of drought contingency plans for public water suppliers are contained in Title 30, Part 1, Chapter 288, Subchapter B, Rule 288.20 of the Texas Administrative Code, a current copy of which is included in Appendix B. For the purpose of these rules, a drought contingency plan is defined as “a strategy or combination of strategies for temporary supply and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies.”¹

Minimum Requirements

TCEQ’s minimum requirements for drought contingency plans are addressed in the following subsections of this report:

- 288.20(a)(1)(A) – Provisions to Inform the Public and Provide Opportunity for Public Input – Section 4.1
- 288.20(a)(1)(B) – Provisions for Continuing Public Education and Information – Section 4.2
- 288.20(a)(1)(C) – Coordination with the Regional Water Planning Group – Section 4.6
- 288.20(a)(1)(D) – Criteria for Initiation and Termination of Drought Contingency and Water Emergency Response Stages – Section 4.3
- 288.20(a)(1)(E) – Drought Contingency and Water Emergency Response Stages – Section 4.3
- 288.20(a)(1)(F) – Specific, Quantified Targets for Water Use Reductions – Section 4.3
- 288.20(a)(1)(G) – Water Supply and Demand Management Measures for Each Stage – Section 4.3
- 288.20(a)(1)(H) – Procedures for Initiation and Termination of Drought Contingency and Water Emergency Response Plan Stages – Section 4.3
- 288.20(a)(1)(I) - Procedures for Granting Variances – Section 4.4
- 288.20(a)(1)(J) - Procedures for Enforcement of Mandatory Restrictions – Section 4.5
- 288.20(a)(3) – Consultation with Wholesale Supplier – Sections 4.2, and 4.3
- 288.20(b) – Notification of Implementation of Mandatory Measures – Section 4.3
- 288.20(c) – Review and Update of Plan – Section 4.7



4.0 DROUGHT CONTINGENCY AND WATER EMERGENCY RESPONSE PLAN

4.1 PROVISIONS TO INFORM THE PUBLIC AND OPPORTUNITY FOR PUBLIC INPUT

The City of Terrell provided opportunity for public input in the development of this Drought Contingency and Water Emergency Response Plan by the following means:

- Providing written notice of the proposed plan and the opportunity to comment on the plan by newspaper, posted notice, and notice on the City's web site (www.cityofterrell.org).
- Making the draft plan available on the City's web site (www.cityofterrell.org).
- Providing the draft plan to anyone requesting a copy.
- Providing opportunity for public comment on the plan at a City Council Workshop held on March 19, 2019.

4.2 PROVISIONS FOR CONTINUING PUBLIC EDUCATION AND INFORMATION

The City will periodically provide the public with information about the plan, including information about the conditions under which each stage of the plan is to be initiated or terminated and the drought response measures to be implemented in each stage. The City of Terrell will inform and educate the public about the Drought Contingency and Water Emergency Response Plan by the following means:

- Making the Plan available to the public through the City's web site (www.cityofterrell.org).
- Including information about the Drought Contingency and Water Emergency Response Plan on the City's web site (www.cityofterrell.org).
- Including information about the Drought Contingency and Water Emergency Response Plan on the City's Facebook Page.
- Notifying local organizations, schools, and civic groups that staff are available to make presentations on the Drought Contingency and Water Emergency Response Plan (usually in conjunction with presentations on water conservation programs).
- At any time that the Drought Contingency and Water Emergency Response Plan is activated or the Drought Contingency and Water Emergency Response Plan changes, Terrell will notify local media of the issues, the Drought Response Stage or Water Emergency Response Stage (if applicable), and the specific actions required of the public. The information will also be



publicized on the City's web site (www.cityofterrell.org). Billing inserts will also be used as appropriate.

4.3 INITIATION AND TERMINATION OF DROUGHT CONTINGENCY AND WATER EMERGENCY RESPONSE STAGES

Initiation of a Drought Contingency and Water Emergency Management Stage

The City Manager or his/her official designee may order the implementation of a Drought Contingency or Water Emergency Response Stage when one or more of the trigger conditions for that stage is met. The following actions will be taken when a Drought or Water Emergency Response Stage is initiated:

- The public will be notified through local media and the City's web site as described in Section 4.1.
- Wholesale customers and the NTMWD will be notified by e-mail with a follow-up letter that provides details of the reasons for initiation of the Drought/Water Emergency Response Stage.
- If any mandatory provisions of the Drought Contingency and Water Emergency Response Plan are activated, Terrell will notify the Executive Director of the TCEQ and the Executive Director of the NTMWD within 5 business days.

Water Resource and Emergency Management Plan Stages imposed by NTMWD action should be initiated by the City of Terrell. For other trigger conditions internal to the City, the City Manager or his/her official designee may decide not to order the implementation of a Drought Response Stage or Water Emergency even though one or more of the trigger criteria for the stage are met. Factors which could influence such a decision include, but are not limited to, the time of the year, weather conditions, the anticipation of replenished water supplies, or the anticipation that additional facilities will become available to meet needs. The reason for this decision should be documented.

Termination of a Drought Contingency and Water Emergency Management Stage

The City Manager or his/her official designee may order the termination of a Drought or Water Emergency Response Stage when the conditions for termination are met or at his/her discretion. The following actions will be taken when a Drought or Emergency Response Stage is terminated:

- The public will be notified through local media and the City's web site as described in Section 4.1.



- Wholesale customers and the NTMWD will be notified by e-mail with a follow-up letter.
- If any mandatory provisions of the Drought Contingency and Water Emergency Response Plan that have been activated are terminated, Terrell will notify the Executive Director of the TCEQ and the Executive Director of the NTMWD within 5 business days.

The City Manager or his/her official designee may decide not to order the termination of a Drought or Water Emergency Response Stage even though the conditions for termination of the stage are met. Factors which could influence such a decision include, but are not limited to, the time of the year, weather conditions, or the anticipation of potential changed conditions that warrant the continuation of the drought stage. The reason for this decision should be documented.

Drought Contingency and Water Emergency Response Plan Stages and Measures

4.3.1 Stage 1

Initiation and Termination Conditions for Stage 1

The NTMWD has initiated Stage 1, which may be initiated due to one or more of the following:

- The NTMWD Executive Director, with the concurrence of the NTMWD Board of Directors, finds that conditions warrant the declaration of Stage 1.
- Water demand is projected to approach the limit of the permitted supply.
- The storage level in Lavon Lake as published by the Texas Water Development Board (TWDB),³ is less than 70 percent of the total conservation pool capacity during any of the months of April through October or less than 60 percent of the total conservation pool capacity during any of the months of November through March.
- The Sabine River Authority has indicated that its Upper Basin water supplies used by NTMWD (Lake Tawakoni and/or Lake Fork) are in a Stage 1 drought.
- NTMWD has concern that Lake Texoma, Jim Chapman Lake, the East Fork Water Reuse Project, the Main Stem Pump Station or some other NTMWD source may be limited in availability in the next six (6) months.
- NTMWD water demand exceeds 95 percent of the amount that can be delivered to customers for three (3) consecutive days.



- NTMWD water demand for all or part of the delivery system equals delivery capacity because delivery capacity is inadequate.
- NTMWD's supply source is interrupted or unavailable due to contamination, invasive species, equipment failure, or other cause.
- NTMWD's water supply system is unable to deliver water due to the failure or damage of major water system components.
- The portion of the NTMWD system serving the City of Terrell has a shortage in supply or damage to equipment. NTMWD may implement measures for only that portion of the NTMWD system impacted.

The City of Terrell has initiated Stage 1 due to one or more of the following reasons:

- Terrell's water demand exceeds 95 percent of the amount that can be delivered to customers for three consecutive days.
- Terrell's water demand for all or part of the delivery system equals delivery capacity.
- Supply source becomes contaminated.
- Terrell's water supply system is unable to deliver water due to the failure or damage of major water system components.
- Conditions are such that implementation of Stage 1 is desirable.

Stage 1 may terminate when NTMWD terminates its Stage 1 condition or when the circumstances that caused the City of Terrell's initiation of Stage 1 no longer prevail.

Goal for Use Reduction and Actions Available under Stage 1

The goal for water use reduction under Stage 1 is a two percent (2%) reduction in the amount of water purchased from NTMWD from the previous annual payment period prior to drought restrictions. **If circumstances warrant or if required by NTMWD, the City Manager or official designee can set a goal for greater or lesser water use reduction.** The City Manager or official designee may order the implementation of any or all of the actions listed below, as deemed necessary to achieve a two percent reduction. Measures described as "requires notification to TCEQ" impose mandatory requirements on customers. Terrell must notify TCEQ and NTMWD within five business days if these measures are implemented:

- Continue actions established in the Water Conservation Plan.



- Notify wholesale customers of actions being taken and request them to implement similar procedures.
- Initiate engineering studies to evaluate alternatives should conditions worsen.
- Further accelerate public education efforts on ways to reduce water use.
- Halt non-essential city government water use. (Examples include street cleaning, vehicle washing, operation of ornamental fountains, etc.)
- Encourage the public to wait until the current drought or emergency situation has passed before establishing new landscaping.
- Reduce or discontinue irrigation of public landscaped areas.
- Initiate preparations for the implementation of pro rata curtailment of water diversions and/or deliveries by preparing a monthly water usage allocation baseline for each wholesale customer according to the procedures specified in Section 5 of the Plan.
- Provide increased enforcement limiting landscape watering with sprinklers or irrigation systems at each service address to no more than two days per week on designated days. Exceptions are as follows:
 - An exception is allowed for landscape associated with new construction that may be watered as necessary for 30 days from the installation of new landscape features.
 - An exception for hand watering with shutoff nozzle and/or use of dedicate drip irrigation zones provided no runoff occurs.
 - Foundation (within 2 feet), New Landscape Watering, watering of new plantings (first year) of shrubs, and watering of trees (within a ten foot radius of its trunk) may occur by a hand-held hose, a soaker hose, or a dedicated zone using a Drip Irrigation system provided no runoff occurs.
 - Locations using alternative sources of water supply only for irrigation may irrigate without day of the week restrictions provided proper signage is employed. However, irrigation using alternative sources of supply is subject all other restrictions applicable to this stage. Other sources of water supply may not include imported treated water.
- **Requires Notification to TCEQ** - Initiate a rate surcharge for all water use over a certain level.
- **Requires Notification to TCEQ** – Landscape watering of parks, golf courses and athletic fields using potable water are required to meet the same reduction goals and measures outlined in



this stage. Exception for golf course greens and tee boxes which may be hand watered as needed.

4.3.2 Stage 2

Initiation and Termination Conditions for Stage 2

The NTMWD has initiated Stage 2, which may be initiated due to one or more of the following:

- The NTMWD Executive Director, with the concurrence of the NTMWD Board of Directors, finds that conditions warrant the declaration of Stage 2.
- Water demand is projected to approach or exceed the limit of the permitted supply.
- The storage level in Lavon Lake, as published by the TWDB,³ is less than 55 percent of the total conservation pool capacity during any of the months of April through October or less than 45 percent of the total conservation pool capacity during any of the months of November through March.
- The Sabine River Authority has indicated that its Upper Basin water supplies used by NTMWD (Lake Tawakoni and/or Lake Fork) are in a Stage 2 drought. (Measures required by SRA under a Stage 2 drought designation are similar to those under NTMWD's Stage 2.)
- NTMWD has concern that Lake Texoma, Jim Chapman Lake, the East Fork Water Reuse Project, the Main Stem Pump Station or some other NTMWD source may be limited in availability within the next three (3) months.
- NTMWD water demand exceeds 98 percent of the amount that can be delivered to customers for three (3) consecutive days.
- NTMWD water demand for all or part of the delivery system exceeds delivery capacity because delivery capacity is inadequate.
- NTMWD's supply source is interrupted or unavailable due to contamination, invasive species, equipment failure, or other cause.
- NTMWD's water supply system is unable to deliver water due to the failure or damage of major water system components.
- The portion of the NTMWD system serving the City of Terrell has a shortage in supply or damage to equipment. NTMWD may implement measures for only that portion of the NTMWD system impacted.



The City of Terrell has initiated Stage 2 due to one or more of the following reasons:

- Terrell's water demand exceeds 98 percent of the amount that can be delivered to customers for three consecutive days.
- Terrell's water demand for all or part of the delivery system exceeds delivery capacity because delivery capacity is inadequate.
- Supply source becomes contaminated.
- Supply source is interrupted or unavailable due to invasive species.
- Terrell's water supply system is unable to deliver water due to the failure or damage of major water system components.
- Conditions are such that implementation of Stage 2 is desirable.

Stage 2 may terminate when NTMWD terminates its Stage 2 condition or when the circumstances that caused the City of Terrell's initiation of Stage 2 no longer prevail.

Goals for Use Reduction and Actions Available under Stage 2

The goal for water use reduction under Stage 2 is a reduction of ten percent (10%) in the amount of water obtained from NTMWD from the previous annual payment period prior to drought restrictions. **If circumstances warrant or if required by NTMWD, the City Manager or official designee can set a goal for greater or lesser water use reduction.** The City Manager or official designee may order the implementation of any or all of the actions listed below, as deemed necessary to achieve a ten percent reduction. Measures described as "requires notification to TCEQ" impose mandatory requirements on customers. Terrell must notify TCEQ and NTMWD within five business days if these measures are implemented:

- Continue or initiate any actions available under the Water Conservation Plan and Stage 1.
- Notify wholesale customers of actions being taken and request them to implement similar procedures.
- Reduce or discontinue flushing of water mains.
- Implement viable alternative water supply strategies.
- **Requires Notification to TCEQ** – Limit landscape watering with sprinklers or irrigation systems at each service address to once per week on designated days. Exceptions are as follows:



- New construction may be watered as necessary for 30 days from the date of the installation of new landscape features.
 - Foundations (within 2 feet), New Landscape Watering, new plantings (first year) of shrubs, and trees (within a ten foot radius of its trunk) may be watered for up to 2 hours on any day by a hand-held hose, a soaker hose, or a dedicated zone using a Drip Irrigation System provided no runoff occurs.
 - Public athletic fields used for competition may be watered twice per week.
 - Locations using alternative sources of water supply only for irrigation may irrigate without day of the week restrictions provided proper signage is employed. However, irrigation using alternative sources of supply is subject all other restrictions applicable to this stage. Other sources of water supply may not include imported treated water.
 - An exemption is allowed for Drip Irrigation Systems from the designated outdoor water use day limited to no more than one day per week. Drip Irrigation Systems are however subject to all other restrictions applicable under this stage.
 - Hand watering with shutoff nozzle, drip lines, and soaker hoses is allowed before 10 am and after 6 pm provided no runoff occurs.
- **Requires Notification to TCEQ** – Prohibit hydro seeding, hydro mulching, and sprigging.
 - **Requires Notification to TCEQ** – Existing swimming pools may not be drained and refilled (except to replace normal water loss). Require the use of pool cover of up to 50% coverage.
 - **Requires Notification to TCEQ** - Initiate a rate surcharge as requested by NTMWD.
 - **Requires Notification to TCEQ** - Initiate a rate surcharge for all water use over a certain level.
 - **Requires Notification to TCEQ** – If NTMWD has imposed a reduction in water available to Member Cities and Customers, impose the same percent reduction on wholesale customers.
 - **Requires Notification to TCEQ** – Landscape watering of parks and golf courses using potable water are required to meet the same reduction goals and measures outlined in this stage. Exception for golf course greens and tee boxes which may be hand watered as needed.
 - **Requires Notification to TCEQ** – Discontinue the use of water for construction purposes from fire hydrants.



4.3.3 Stage 3

Initiation and Termination Conditions for Stage 3

The NTMWD has initiated Stage 3, which may be initiated due to one or more of the following:

- The NTMWD Executive Director, with the concurrence of the NTMWD Board of Directors, finds that conditions warrant the declaration of Stage 3.
- Water demand is projected to approach or exceed the limit of the permitted supply.
- The storage level in Lavon Lake, as published by the TWDB,³ is less than 30 percent of the total conservation pool capacity during any of the months of April through October or less than 20 percent of the total conservation pool capacity during any of the months of November through March.
- The Sabine River Authority has indicated that its Upper Basin water supplies used by NTMWD (Lake Tawakoni and/or Lake Fork) are in a Stage 3 Drought. (Measures required by SRA under Stage 3 drought designation are similar to those under NTMWD's Stage 3).
- The water supply from Lake Texoma, Jim Chapman Lake, the East Fork Water Reuse Project, Main Stem Pump Station or some other NTMWD source has become severely limited in availability.
- NTMWD water demand exceeds the amount that can be delivered to customers.
- NTMWD water demand for all or part of the delivery system seriously exceeds delivery capacity because the delivery capacity is inadequate.
- NTMWD's supply source is interrupted or unavailable due to contamination, invasive species, equipment failure or other cause.
- NTMWD's water supply system is unable to deliver water due to the failure or damage of major water system components.
- The portion of the NTMWD system serving the City of Terrell has a shortage in supply or damage to equipment. NTMWD may implement measures for only that portion of the NTMWD system impacted.

The City of Terrell has initiated Stage 3 due to one or more of the following reasons:

- Terrell's water demand exceeds the amount that can be delivered to customers.



- Terrell’s water demand for all or part of the delivery system seriously exceeds delivery capacity because the delivery capacity is inadequate.
- Supply source becomes contaminated.
- Terrell’s water supply system is unable to deliver water due to the failure or damage of major water system components.
- Conditions are such that implementation of Stage 3 is desirable.

Stage 3 may terminate when NTMWD terminates its Stage 3 condition or when the circumstances that caused the City of Terrell’s initiation of Stage 3 no longer prevail.

Goals for Use Reduction and Actions Available under Stage 3

The goal for water use reduction under Stage 3 is a reduction of whatever amount is necessary in the amount of water obtained from NTMWD from the previous annual payment period prior to drought restrictions. **If circumstances warrant or if required by NTMWD, the City Manager or official designee can set a specific goal for water use reduction.** The City Manager or official designee may order the implementation of any or all of the actions listed below, as deemed necessary to achieve the specified percent reduction. Measures described as “requires notification to TCEQ” impose mandatory requirements. Terrell must notify TCEQ and NTMWD within five business days if these measures are implemented.

- Continue or initiate any actions available under the Water Conservation Plan and Stages 1 and 2.
- Notify wholesale customers of actions being taken and request them to implement similar procedures.
- Implement viable alternative water supply strategies. The City of Terrell will deliver water by truck or in bottles if needed.
- **Requires Notification to TCEQ** – Initiate mandatory water use restrictions as follows:
 - Prohibit hosing of paved areas, buildings, or windows except for pressure washing of impervious surfaces for human health and safety purposes by commercial power washing companies.
 - Prohibit operation of all ornamental fountains or ponds if they use potable water, except where supporting aquatic life or water quality.



- Prohibit using water in such a manner as to allow runoff or other waste.
 - Prohibit the flushing of gutters or allowing water to run or accumulate in any gutter or street.
- **Requires Notification to TCEQ** – Prohibit washing of vehicles except at a Commercial Vehicle Wash Facility.
- **Requires Notification to TCEQ** – Prohibit all commercial and residential landscape watering, except that foundations (within 2 feet) and trees (within a ten foot radius of its trunk) may be watered for two (2) hours one day per week with a hand-held hose or with a dedicated zone using a Drip Irrigation System/or Soaker Hose provided no runoff occurs. Drip Irrigation Systems are not exempt from this requirement.
- **Requires Notification to TCEQ** – Landscape watering of parks, golf courses, and athletic fields with potable water is prohibited. Exception for golf course greens and tee boxes which may be hand watered as needed. Variances may be granted by the water provider under special circumstances.
- **Requires Notification to TCEQ** – Prohibit the filling, draining and refilling of existing swimming pools, wading pools, Jacuzzi and hot tubs except to maintain structural integrity, proper operation and maintenance or to alleviate a public safety risk. Existing pools may add water to replace losses from normal use and evaporation. Permitting of new swimming pools, wading pools, Jacuzzi and hot tubs is prohibited.
- **Requires Notification to TCEQ** – Require all commercial water users to reduce water use by a percentage established by the City Manager or official designee.
- **Requires Notification to TCEQ** – If NTMWD has imposed a reduction in water available to the City of Terrell, impose the same percent reduction on wholesale customers.
- **Requires Notification to TCEQ** - Initiate a rate surcharge over normal rates for all water use or for water use over a certain level.
- **Requires Notification to TCEQ** – No applications for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be allowed or approved.



- **Requires Notification to TCEQ** – Prohibit the operation of interactive water features such as water sprays, dancing water jets, waterfalls, dumping buckets, shooting water cannons, or splash pads that are maintained for public recreation.

4.4 PROCEDURES FOR GRANTING VARIANCES TO THE PLAN

The City Manager, Mayor, or official designee may grant temporary variances for existing water uses otherwise prohibited under this Drought Contingency and Water Emergency Response Plan if one or more of the following conditions are met:

- Failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person or entity requesting the variance.
- Compliance with this plan cannot be accomplished due to technical or other limitations.
- Alternative methods that achieve the same level of reduction in water use can be implemented.

Variances shall be granted or denied at the discretion of the City Manager or official designee. Persons requesting an exemption from the provisions of this Plan shall file a petition for a variance with the City after the plan or a particular drought response stage has been invoked. All petitions for variances should be in writing and should include the following information:

- Name and address of the petitioners
- Purpose of water use
- Specific provisions from which relief is requested
- Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- Description of the relief requested
- Period of time for which the variance is sought
- Alternative measures that will be taken to reduce water use
- Other pertinent information.

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



- Variances granted shall include a timetable for compliance.
- Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.
- No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

4.5 PROCEDURES FOR ENFORCING MANDATORY WATER USE RESTRICTIONS

Mandatory water use restrictions may be imposed in Stage 1, Stage 2 and Stage 3. Appendix D contains the ordinance, adopted as part of this plan. The penalties associated with the mandatory water use restriction are discussed below.

- 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 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 City Manager, or his/her designee, in accordance with provisions of this Plan.
- Any person who violates this Plan is guilty of a misdemeanor and, upon conviction shall be subject to a fine of not less than one hundred dollars (\$100.00) and not more than two thousand dollars (\$2000.00). Each day that one or more of the provisions in this Plan are violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the City Manager shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of both the fine and a re-connection charge, hereby established at two times the current standard connection fee, and any other costs incurred by the City in discontinuing service. In addition, suitable assurance must be given to the City Manager that the same action shall not be repeated while the Plan is in effect. Compliance with this Plan may also be sought through injunctive relief in the district court.
- Any person, including a person classified as a water customer of the City, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but



- any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, 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.
- Any certified peace officer may issue a citation to a person he/she reasonably believes to be in violation of this Plan. The citation shall be prepared in duplicate and shall contain the name and addresses 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 days nor more than five days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in municipal court to enter a plea of guilty or not guilty for the violation of this Plan. If the alleged violator fails to appear in municipal court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in municipal court before all other cases.

4.6 COORDINATION WITH THE REGIONAL WATER PLANNING GROUP AND NTMWD

The City of Terrell's retail service area is located entirely within the Region C water planning area. The City's wholesale service area is located within the Region C and Region D planning areas. The City has provided a copy of this Plan to the Region C and Region D Water Planning Groups. A copy of each letter is included in Appendix C.

4.7 REVIEW AND UPDATE OF DROUGHT CONTINGENCY

As required by TCEQ rules, the City of Terrell must review the Drought Contingency and Water Emergency Response Plan every five years. The plan will be updated as appropriate based on new or updated information.



4.8 REQUIRMENT FOR WHOLESALE CUSTOMERS TO SUBMIT DROUGHT CONTINGENCY PLANS

Each wholesale customer shall submit its Water Conservation Plan and Drought Contingency Plan to the City of Terrell for review. Each customer shall also submit any changes or amendments to its water conservation plan or water conservation measures, and drought contingency plan, to the City of Terrell for review.



5.0 PRO RATA WATER ALLOCATION TO WHOLESALE CUSTOMERS

5.1 POLICY AND PROCEDURES

In the event that the triggering criteria specified in Section 4.3 of the Plan for Stage 3 have been met, the City Manager or his/her official designee is 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 wholesale customer's allocation shall be calculated in the same manner as the City of Terrell allocation from North Texas Municipal Water District is calculated. The North Texas Municipal Water District calculates the baseline as the amount of water obtained from NTMWD from the previous annual payment period prior to drought restrictions. The allocation will be set by resolution of the Terrell City Council based on the City Manager's assessment of the severity of the water shortage condition and the need to curtail water diversions and/or deliveries and may be adjusted periodically by resolution of the Terrell City Council as conditions warrant. Once pro rata allocation is in effect, water diversions by or deliveries to each wholesale customer shall be limited to the allocation established.
- The City Manager shall provide notice, by certified mail, to each wholesale customer informing them of their 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.
- 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 does not accurately reflect the wholesale customer's normal water usage; (2) the customer agrees to transfer part of its allocation to another wholesale customer; or (3) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the City Council of the City of Terrell.

5.2 ENFORCEMENT

Mandatory water use restrictions may be imposed in all Drought Contingency and Water Emergency response stages. These mandatory water use restrictions will be enforced by warnings and penalties as follows:



- On the first violation, the Customer will be given a written warning that they have violated the mandatory water use restriction.
- After a second violation, Terrell may monitor and validate the flow in the line and ensure that the appropriate amount of water is delivered to the Customer.
- Terrell may charge up to twice the established rate for any water used in violation of mandatory water use restrictions.

5.3 VARIANCES

The procedure for wholesale customers requesting a variance and the City's procedure for granting variances is described in Section 4.4.



Appendix A

List of References



APPENDIX A

LIST OF REFERENCES

1. Title 30 of the Texas Administrative Code, Part 1, Chapter 288, Subchapter B, Rules 288.20 and 288.22, downloaded from [http://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac_view=5&ti=30&pt=1&ch=288&sc_h=B&rl=Y](http://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=5&ti=30&pt=1&ch=288&sc_h=B&rl=Y), January 2019.
2. Freese and Nichols, Inc.: Water Conservation Plan, prepared for the City of Terrell, Fort Worth, April 2019.
3. Texas Water Development Board, Water Data for Texas, Lavon Lake, <https://waterdatafortexas.org/reservoirs/individual/lavon>.
4. Freese and Nichols, Inc.: Model Water Resource and Emergency Management Plan, prepared for the North Texas Municipal Water District, Fort Worth, January 2019.



Appendix B

Texas Commission on Environmental Quality Rules on Drought Contingency Plans



APPENDIX B

TEXAS COMMISSION OF ENVIRONMENTAL QUALITY RULES ON DROUGHT CONTINGENCY PLANS

TITLE 30

ENVIRONMENTAL QUALITY

PART 1

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

CHAPTER 288

WATER CONSERVATION PLANS, DROUGHT CONTINGENCY PLANS,
GUIDELINES AND REQUIREMENTS

SUBCHAPTER B

DROUGHT CONTINGENCY PLANS

RULE §288.20

Drought Contingency Plans for Municipal Uses by Public Water Suppliers

(a) A drought contingency plan for a retail public water supplier, where applicable, must include the following minimum elements.

(1) Minimum requirements. Drought contingency plans must include the following minimum elements.

(A) Preparation of the plan shall include provisions to actively inform the public and affirmatively provide opportunity for public input. Such acts may include, but are not limited to, having a public meeting at a time and location convenient to the public and providing written notice to the public concerning the proposed plan and meeting.

(B) Provisions shall be made for a program of continuing public education and information regarding the drought contingency plan.

(C) The drought contingency plan must document coordination with the regional water planning groups for the service area of the retail public water supplier to ensure consistency with the appropriate approved regional water plans.

(D) The drought contingency plan must include a description of the information to be monitored by the water supplier, and specific criteria for the initiation and termination of drought response stages, accompanied by an explanation of the rationale or basis for such triggering criteria.



(E) The drought contingency plan must include drought or emergency response stages providing for the implementation of measures in response to at least the following situations:

- (i) reduction in available water supply up to a repeat of the drought of record;
- (ii) water production or distribution system limitations;
- (iii) supply source contamination; or
- (iv) system outage due to the failure or damage of major water system components (e.g., pumps).

(F) The drought contingency plan must include specific, quantified targets for water use reductions to be achieved during periods of water shortage and drought. The entity preparing the plan shall establish the targets. The goals established by the entity under this subparagraph are not enforceable.

(G) The drought contingency plan must include the specific water supply or water demand management measures to be implemented during each stage of the plan including, but not limited to, the following:

- (i) curtailment of non-essential water uses; and
- (ii) utilization of alternative water sources and/or alternative delivery mechanisms with the prior approval of the executive director as appropriate (e.g., interconnection with another water system, temporary use of a non-municipal water supply, use of reclaimed water for non-potable purposes, etc.).

(H) The drought contingency plan must include the procedures to be followed for the initiation or termination of each drought response stage, including procedures for notification of the public.

(I) The drought contingency plan must include procedures for granting variances to the plan.

(J) The drought contingency plan must include procedures for the enforcement of mandatory water use restrictions, including specification of penalties (e.g., fines, water rate surcharges, discontinuation of service) for violations of such restrictions.

(2) Privately-owned water utilities. Privately-owned water utilities shall prepare a drought contingency plan in accordance with this section and incorporate such plan into their tariff.



(3) Wholesale water customers. Any water supplier that receives all or a portion of its water supply from another water supplier shall consult with that supplier and shall include in the drought contingency plan appropriate provisions for responding to reductions in that water supply.

(b) A wholesale or retail water supplier shall notify the executive director within five business days of the implementation of any mandatory provisions of the drought contingency plan.

(c) The retail public water supplier shall review and update, as appropriate, the drought contingency plan, at least every five years, based on new or updated information, such as the adoption or revision of the regional water plan.

Source Note: The provisions of this §288.20 adopted to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544; amended to be effective October 7, 2004, 29 TexReg 9384



TITLE 30 ENVIRONMENTAL QUALITY

PART 1 TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

CHAPTER 288 WATER CONSERVATION PLANS, DROUGHT CONTINGENCY PLANS,
GUIDELINES AND REQUIREMENTS

SUBCHAPTER B DROUGHT CONTINGENCY PLANS

RULE §288.22 Drought Contingency Plans for Wholesale Water Suppliers

(a) A drought contingency plan for a wholesale water supplier must include the following minimum elements.

(1) Preparation of the plan shall include provisions to actively inform the public and to affirmatively provide opportunity for user input in the preparation of the plan and for informing wholesale customers about the plan. Such acts may include, but are not limited to, having a public meeting at a time and location convenient to the public and providing written notice to the public concerning the proposed plan and meeting.

(2) The drought contingency plan must document coordination with the regional water planning groups for the service area of the wholesale public water supplier to ensure consistency with the appropriate approved regional water plans.

(3) The drought contingency plan must include a description of the information to be monitored by the water supplier and specific criteria for the initiation and termination of drought response stages, accompanied by an explanation of the rationale or basis for such triggering criteria.

(4) The drought contingency plan must include a minimum of three drought or emergency response stages providing for the implementation of measures in response to water supply conditions during a repeat of the drought-of-record.



(5) The drought contingency plan must include the procedures to be followed for the initiation or termination of drought response stages, including procedures for notification of wholesale customers regarding the initiation or termination of drought response stages.

(6) The drought contingency plan must include specific, quantified targets for water use reductions to be achieved during periods of water shortage and drought. The entity preparing the plan shall establish the targets. The goals established by the entity under this paragraph are not enforceable.

(7) The drought contingency plan must include the specific water supply or water demand management measures to be implemented during each stage of the plan including, but not limited to, the following:

(A) pro rata curtailment of water deliveries to or diversions by wholesale water customers as provided in Texas Water Code, §11.039; and

(B) utilization of alternative water sources with the prior approval of the executive director as appropriate (e.g., interconnection with another water system, temporary use of a non-municipal water supply, use of reclaimed water for non-potable purposes, etc.).

(8) The drought contingency plan must include a provision in every wholesale water contract entered into or renewed after adoption of the plan, including contract extensions, 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.

(9) The drought contingency plan must include procedures for granting variances to the plan.

(10) The drought contingency plan must include procedures for the enforcement of any mandatory water use restrictions including specification of penalties (e.g., liquidated damages, water rate surcharges, discontinuation of service) for violations of such restrictions.

(b) The wholesale public water supplier shall notify the executive director within five business days of the implementation of any mandatory provisions of the drought contingency plan.

(c) The wholesale public water supplier shall review and update, as appropriate, the drought contingency plan, at least every five years, based on new or updated information, such as adoption or revision of the regional water plan.



Appendix C

Letters to Regions C and D Planning Groups



D.J. Ory
Mayor

April 16, 2019

Charles Whitaker
Mayor Pro Tem
District 4

Kevin Ward, Chair
Region C Water Planning Group
c/o Trinity River Authority
P.O. Box 60
Arlington, TX 76004

Tim Royse
Deputy Mayor Pro Tem
District 5

Council Member
District 3

Grady Simpson
Council Member
District 2

Reference: Drought Contingency and Water Emergency Management Response Plan

Mike Sims
Interim City Manager

Dear Mr. Ward:

Enclosed please find a copy of the Drought Contingency and Water Emergency Response Plan (which is an update to the previous Drought Contingency and Water Emergency Response Plan) for the City of Terrell. I am submitting a copy of this plan to the Region C Water Planning Group in accordance with the Texas Water Development Board and Texas Commission on Environmental Quality rules. The City Council of Terrell adopted the updated plan on April 2, 2019.

Sincerely,

Mike Mikeska
Assistant City Engineer
City of Terrell



D.J. Ory
Mayor

April 16, 2019

Charles Whitaker
Mayor Pro Tem
District 4

Mr. Richard LeTourneau
Chair, Region D Water Planning Group
P.O. Box 12071
Longview, TX 75607

Tim Royse
Deputy Mayor Pro Tem
District 5

Council Member
District 3

Reference: Drought Contingency and Water Emergency Response Plan

Grady Simpson
Council Member
District 2

Dear Mr. LeTourneau:

Mike Sims
Interim City Manager

Enclosed please find a copy of the Drought Contingency and Water Emergency Response Plan (which is an update to the previous Drought Contingency and Water Emergency Response Plan) for the City of Terrell. I am submitting a copy of this plan to the Region D Water Planning Group in accordance with the Texas Water Development Board and Texas Commission on Environmental Quality rules. The City Council of Terrell adopted the updated plan on April 2, 2019.

Sincerely,

Mike Mikeska
Assistant City Engineer
City of Terrell



Appendix D

Adoption of Drought Contingency and Water Emergency Response Plan

ORDINANCE NO. 2763

AN ORDINANCE OF THE CITY OF TERRELL, KAUFMAN COUNTY, TEXAS, AMENDING CHAPTER 12, UTILITIES, SECTION 15, WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN BY REPEALING ORDINANCE NO. 2600 IN ITS ENTIRETY AND REPLACING IT WITH A NEW WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN, PROVIDING PENALTIES; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR THE DISCONNECTION OF WATER SERVICE FOR NONCOMPLIANCE; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Terrell, Texas (the "City"), recognizes that the amount of water available to its water customers is limited; and

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

WHEREAS, the Water Code and the regulations of the Texas Commission for Environmental Quality ("T.C.E.Q.") require that the City Adopt a Water Conservation and Drought Contingency Plan; and

WHEREAS, THE City has determined an urgent need exists and it is in the best interests of the public to adopt a Water Conservation and Drought Contingency Plan; and

WHEREAS, pursuant to Chapter 54 of the Texas Local Government Code, the City is authorized to adopt such Ordinances as necessary to preserve and conserve its water resources; and

WHEREAS, the City Council of the City of Terrell desire to adopt a Water Conservation and Drought Contingency Plan.

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

Section 1. That the Water Conservation and Drought Contingency Plan contained in Ordinance No. 2600 is hereby repealed in its entirety and replaced by the new Water Conservation Drought Contingency Plan as specified in Exhibit "A", a copy of which is attached hereto and made a part hereof for all purposes.

Section 2. The City Council hereby approves and adopts the Water Conservation Drought Contingency Plan ("the Plan"), attached hereto as Exhibit "A", as if recited verbatim herein. The City commits to implement the requirements and procedures set forth in the adopted Plan.

Section 3. Any customer as defined pursuant to 30 Tex. Admin. Code Chapter 291, failing to comply with the provisions of this Plan shall be deemed to be guilty of a misdemeanor and, following the issuance of a citation for violation of same by a Commissioned Law Enforcement Officer, shall upon conviction in the Municipal Court of the City of Terrell, be subject to a fine of not less than one hundred dollars (\$100.00) nor more than two thousand dollars (\$2,000.00). In addition to the above fine, the City may discontinue water service for repeat violations. Proof of a culpable mental state is not required for a conviction of an offense under this section. Each day a customer fails to comply with the Plan is a separate violation. The City's authority to seek injunctive or other civil relief available under the law is not limited by this section.

Section 4. The City Council does hereby find and declare that sufficient written notice of the date, hour, place and subject of the meeting adopting this Ordinance was posted at a designated place convenient to the public for the time required by law preceding the meeting, that such place of posting was readily accessible at all times to the general public and that all of the foregoing was done as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the posting thereof.

Section 5. Should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected.

Section 6. The City Manager, or his designee, is hereby directed to file a copy of the Plan and this Ordinance with the TCEQ in accordance with the provisions of Title 30, Chapter 288 of the Texas Administrative Code.


Section 7. The City Secretary is hereby authorized and directed to cause the publication of the descriptive caption of this Ordinance as an alternative method of publication provided by law.

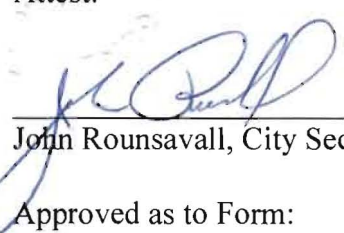
Section 8. All Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

PASSED AND APPROVED on this the 19th day of March, 2019.

PASSED AND ADOPTED on second reading this the 2nd day of April, 2019.

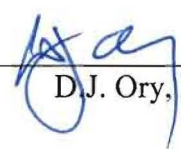
Attest:




John Rounsavall, City Secretary

Approved as to Form:


Mary Gayle Ramsey, City Attorney


D.J. Ory, Mayor