



# Drought Contingency Plan for CITY OF LINDALE

PWS ID No. 2120001

**Drought Contingency Plans must be formally adopted by the governing body of the water provider and documentation of adoption must be submitted with the plan.**

Name: City of Lindale

Address: 105 Ballard Drive Lindale, Texas 75771

Telephone Number: ( 903 ) 882-3422 Fax: ( 903 ) 882-1054

Water Right No.(s): Ground Water Only <sub>a</sub>

Regional Water Planning Group: Region I, East Texas Regional Water Planning Group

Form Completed by: Siglinda West

Title: Project Assistant

Water Conservation Coordinator responsible for implementation: Kyle McCoy Phone: ( 903 ) 882-3422

Signature: *Kyle McCoy* Date: 5/21/2019

## Section I: Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Lindale hereby adopts the following regulations and restrictions on the delivery and consumption of water.

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

ORDINANCE NO. 08-2019

**AN ORDINANCE ADOPTING THE CITY OF LINDALE 2019 DROUGHT CONTINGENCY PLAN: PROVIDING A PENALTY OF NOT LESS THAN \$50.00 PER DAY NOR MORE THAN \$100.00 PER DAY FOR EACH DAY OF NON-COMPLIANCE AND/OR DISCONNECTION OF WATER SERVICES TO SUCH USERS BY THE CITY: A PUBLIC NEED OF AN EMERGENCY NATURE FOR THE ADOPTION HEREOF ON ONE READING: PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.**

**BE IT ORDAINED BY THE CITY OF LINDALE, LINDALE, TEXAS:**

**WHEREAS**, the City Council has determined there is an urgent need in the best public interest of the City of Lindale to adopt the 2019 Drought Contingency Plan, and the City Council further determines that such a public need is of an emergency nature and the legal requirement of two required separate readings of the subject ordinance be dispensed with and waived;

**WHEREAS**, THE City Council now desires to evidence its approval of the 2019 Water Conservation Drought Contingency Plan and adopt such a plan as an official policy of the City;

Now, Therefore

**BE IT ORDAINED BY THE CITY OF LINDALE:**

**SECTION I: APPROVAL OF THE PLAN:** The City Council hereby approves and adopts as the City's Water Conservation Plan, the 2019 Drought Contingency Plan attached hereto as Exhibit "A" to be included in full as a part of this Ordinance as if recited verbatim herein. The City commits to implement the program according to the procedures set forth in the adopted plan.

**SECTION II: REPORTING:** The City shall report to the Texas Commission on Environmental Quality and the Texas Water Development Board as often as required, on the implementation and effectiveness of the plan in accordance with the outline set forth in the plan.

**SECTION III: DROUGHT CLASSIFICATION:** In regards to implementation and enforcement of the 2019 Drought Contingency Plan, the Mayor is designated as the official responsible for implementation and enforcement, and the following guidelines are adopted:

1. Mild Drought occurs when:

- (a) Average daily water consumption reaches 80% of production of the safe design capacity of the water system.
- (b) Consumption (80%) has existed for a period of three days.
- (c) The utility will reduce the average daily water consumption by five (5%) or 0.045 million gallons per day
- (d) The utility will reduce the average GPCD by one percent (1%) or 1.416 GPCD
- (e) Weather conditions are considered to be in drought classification. Predicted long, hot or dry periods will be predicted to last for more than five (5) days.

2. Moderate Drought conditions are reached when:

- (a) Average daily water consumption reaches 85% of production of the safe design capacity of the water system.
- (b) Consumption (85%) has existed for a period of three days.
- (c) The utility will reduce the average daily water consumption by seven (7%) or 0.063 million gallons per day
- (d) The utility will reduce the average GPCD by two (2%) or 2.833 GPCD
- (e) Weather conditions are to be considered in drought classification determination. Predicted long, hot or dry periods are to be considered in the impact analysis.

3. Severe Drought Classification is reached when:

- (a) Average daily water consumption reaches 90% of production of the safe design capacity of the water system.
- (b) Consumption (90%) has existed for a period of three days.
- (c) The utility will reduce the average daily water consumption by ten percent (10%) or 0.090 million gallons per day
- (d) (d)The utility will reduce the average GPCD by three (3%) or 4.25GPCD
- (e) (e)Weather conditions are to be considered in drought classification determination. Predicted long, hot or dry periods are to be considered in the impact analysis.

4. Critical drought classification is reached when:

- (a) Average daily water consumption reaches 95% of production of the safe design capacity of the water system.
- (b) Consumption (95%) has existed for a period of three days.
- (c) The utility will reduce the average daily water consumption by fifteen (15%) or 0.135 million gallons per day
- (d) The utility will reduce the average GPCD by four (4%) or 5.66 GPCD
- (e) Weather conditions are to be considered in drought classification determination. Predicted long, hot or dry periods are to be considered in the impact analysis.

5. Emergency drought classification is reached when:

- a. Average daily water consumption reaches 95% of production of the safe design capacity of the water system.
- b. Consumption (95%) has existed for a period of three days.
- c. The utility will reduce the average daily water consumption by twenty (20%) or 0.180 million gallons per day
- d. The utility will reduce the average GPCD by five (5%) or 7.08 GPCD
- e. Weather conditions are to be considered in drought classification determination. Predicted long, hot or dry periods are to be considered in the impact analysis.

In the event Critical or Emergency classification conditions persist (Item 4 and 5 above) for an extended period of time, the City may ration water usage and/or terminate service to selected users of the system in accordance with the following sequence:

- |                        |   |
|------------------------|---|
| (1) Recreational Users | (4) Industrial Users                    |
| (2) Residential Users  | (5) School Users                        |
| (3) Commercial Users   | (6) Public Health and Safety Facilities |

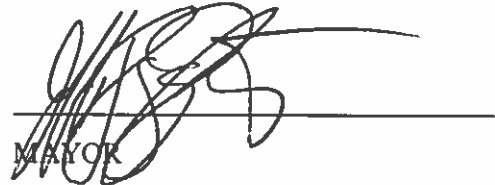
**SECTION IV: NON COMPLIANCE PENALTIES**

Users of City water except for the City, that do not comply with Section III of this Ordinance shall be subject to a penalty and a fine of not less than \$50.00 per day nor more than \$100.00 per day for each day of noncompliance and/or disconnection or discontinuance of water services to such users by the City.

**SECTION V: NOTIFICATION:** The City Council finds and declares that a sufficient written notice of the date, hour, place, and subject of the meeting of the City Council was posted at a designated place convenient to the public at City Hall for the time required by law preceding this meeting and 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; and that this meeting has been open to the public 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 rectifies, approves and confirms such written notice and the contents and posting thereof.

PASSED AND APPROVED THIS 21<sup>st</sup> DAY OF May, 2019

  
MAYOR

ATTEST

Michelle Phillips  
CITY SECRETARY

**Section II: Public Involvement**

Opportunity for the public to provide input into the preparation of the Plan was provided by the City of Lindale by means of scheduling and providing public notice of a public meeting to accept public input on the Plan.

**Section III: Public Education**

The City of Lindale will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of public events, press releases, public notice posting, or utility bill inserts.

**Section IV: Coordination with Regional Water Planning Groups**

The service area of the City of Lindale is located within the Region I, East Texas Regional Water Planning Group and City of Lindale has provided a copy of this Plan to the Region I, East Texas Regional Water Planning Group as required.

**Section V: Authorization**

The Mayor and/or City Manager, or his/her designee 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 or his/her designee shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

**Section VI: Application**

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

**Section VII: Definitions**

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

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

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 Lindale.

Domestic water use: water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

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

GPCD : Gallons per capita per day(water pumped - water sold / by population / 365)

Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

Non-essential water use: water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:

- (a) irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
- (b) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (c) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (d) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (e) flushing gutters or permitting water to run or accumulate in any gutter or street;
- (f) use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
- (g) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (h) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (i) use of water from hydrants for construction purposes or any other purposes other than firefighting.

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

## **Section VIII: Criteria for Initiation and Termination of Drought Response Stages**

The Mayor, City Manager or his/her designee shall monitor water supply and/or demand conditions on a daily, weekly, and monthly basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified “triggers” are reached.

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

### **Stage 1 Triggers -- MILD Water Shortage Conditions**

#### Requirements for initiation

Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section VII Definitions, when:

- a. Average daily water consumption reaches 80% of production of the safe design capacity of the water system.
- b. Consumption (80%) has existed for a period of three days.
- c. The utility will reduce the average daily water consumption by five (5%) or 0.045 million gallons per day
- d. The utility will reduce the average GPCD by one percent (1%) or 1.416 GPCD
- e. Weather conditions are considered to be in drought classification. Predicted long, hot or dry periods will be predicted to last for more than five (5) days.

#### Requirements for termination

Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days.

### **Stage 2 Triggers -- MODERATE Water Shortage Conditions**

#### Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section IX of this Plan when:

- a. Average daily water consumption reaches 85% of production of the safe design capacity of the water system.
- b. Consumption (85%) has existed for a period of three days.
- c. The utility will reduce the average daily water consumption by seven (7%) or 0.063 million gallons per day
- d. The utility will reduce the average GPCD by two (2%) or 2.833 GPCD
- e. Weather conditions are to be considered in drought classification determination. Predicted long, hot or dry periods are to be considered in the impact analysis.



### Requirements for termination

Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.

### **Stage 3 Triggers – SEVERE Water Shortage Conditions**

#### Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this Plan when

- a. Average daily water consumption reaches 90% of production of the safe design capacity of the water system.
- b. Consumption (90%) has existed for a period of three days.
- c. The utility will reduce the average daily water consumption by **ten percent (10%) or 0.090 million gallons per day**
- d. The utility will reduce the average GPCD by **three (3%) or 4.25GPCD**
- e. Weather conditions are to be considered in drought classification determination. Predicted long, hot or dry periods are to be considered in the impact analysis.

#### Requirements for termination

Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of Stage 3, Stage 2 becomes operative.

### **Stage 4 Triggers -- CRITICAL Water Shortage Conditions**

#### Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 4 of this Plan when

- a. Average daily water consumption reaches 95% of production of the safe design capacity of the water system.
- b. Consumption (95%) has existed for a period of three days.
- c. The utility will reduce the average daily water consumption by **fifteen (15%) or 0.135 million gallons per day**
- d. The utility will reduce the average GPCD by **four (4%) or 5.66 GPCD**
- e. Weather conditions are to be considered in drought classification determination. Predicted long, hot or dry periods are to be considered in the impact analysis.

#### Requirements for termination

Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three consecutive days. Upon termination of Stage 4, Stage 3 becomes operative.

## **Stage 5 Triggers -- EMERGENCY Water Shortage Conditions**

### **Requirements for initiation**

Customers shall be required to comply with the requirements and restrictions for Stage 5 of this Plan when Lindale Mayor, City Manager, or his/her designee, determines that a water supply emergency exists based on:

- a. Average daily water consumption reaches 95% of production of the safe design capacity of the water system.
- b. Consumption (95%) has existed for a period of three days.
- c. The utility will reduce the average daily water consumption by twenty (20%) or 0.180 million gallons per day
- d. The utility will reduce the average GPCD by five (5%) or 7.08 GPCD
- e. Weather conditions are to be considered in drought classification determination. Predicted long, hot or dry periods are to be considered in the impact analysis.

or

1. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or
2. Natural or man-made contamination of the water supply source(s).

In the event Critical or Emergency classification conditions persist (Item 4 and 5 above) for an extended period of time, the City may ration water usage and/or terminate service to selected users of the system in accordance with the following sequence:

- (1) Recreational Users
- (2) Residential Users
- (3) Commercial Users
- (4) Industrial Users
- (5) School Users
- (6) Public Health and Safety Facilities

**Section IX: Drought Response Stages**

The Mayor, 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 VIII of this Plan, shall determine that a mild, moderate, severe, critical, emergency or water shortage condition exists and shall implement the following notification procedures:

**Notification**

Notification of the Public:

The Mayor, City Manager, or his/ her designee shall notify the public by means of:

Notification will be via:

Publication in newspaper of general circulation in Smith County, public service announcements, signs posted in public places such as City Hall

Additional Notification:

The Lindale Mayor, City Manager or his/ her designee shall notify directly, or cause to be notified directly, the following individuals and entities:

**Individuals and/ or entities to be notified:**

City of Lindale City Manager, Mayor and members of the City Council, Lindale Fire Chief  
City of Lindale and/ or Smith County Emergency Management Coordinator  
Smith County Judge and Commissioner(s)  
Texas Department of Public Safety  
TCEQ (required when mandatory restrictions are imposed)  
Major Water Users  
Critical Water Users (Hospitals, nursing facilities, dialysis centers) Parks/  
Street department and public works/ facilities managers

**Stage 1 Response -- MILD Water Shortage Conditions**

**Target: Achieve a voluntary five percent (5%) reduction in average daily water demand. Average daily water demand to be reduced by approximately 0.045 million gallons per day and reduce the Total GPCD by one (1 %) percent.**

Best Management Practices for Supply Management:

*Measures to be implemented directly by the City of Lindale to manage limited water supplies and/or reduce water demand. This includes: reduced or discontinued flushing of water mains, reduced or discontinued irrigation of public landscaped areas, use of reclaimed water for non-potable purposes.*

Voluntary Water Use Restrictions for Reducing Demand:

- (a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only between the hours of midnight and 10:00 a.m. and 8:00 p.m. to midnight on designated watering days.
- (b) All operations of the City of Lindale shall adhere to water use restrictions prescribed for Stage 2 of the Plan.
- (c) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

**Stage 2 Response -- MODERATE Water Shortage Conditions**

**Target: Achieve a seven (7%) percent reduction in average daily water demand. Average daily water demand reduced by 0.045 million gallons per day and the total GPCD will be reduced by two (2%) percent.**

**Best Management Practices for Supply Management:**

*Measures to be implemented directly by the City of Lindale to manage limited water supplies and/or reduce water demand. This includes: reduced or discontinued flushing of water mains, reduced or discontinued irrigation of public landscaped areas; use of reclaimed water for non-potable purposes.*

**Water Use Restrictions for Demand Reduction:**

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

- (a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.
- (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 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rises.

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 between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight.
- (d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (e) Use of water from hydrants shall be limited to firefighting, 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 of Lindale.
- (f) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the City of Lindale, the facility shall not be subject to these regulations.
- (g) All restaurants are prohibited from serving water to patrons except upon request of the patron.
- (h) The following uses of water are defined as non-essential and are prohibited:
  1. wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
  2. use of water to wash down buildings or structures for purposes other than immediate fire protection;
  3. use of water for dust control;
  4. flushing gutters or permitting water to run or accumulate in any gutter or street;
  5. 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 -- SEVERE Water Shortage Conditions**

**Target: Achieve a ten (10) percent reduction in average daily water demand. Average daily water demand will be reduced by .090 million gallons per day and the total GPCD will be reduced by three (3%) percent.**

#### **Best Management Practices for Supply Management:**

*Additional measures to be implemented directly by City of Lindale to manage limited water supplies and/or reduce water demand. This includes: reduced or discontinued flushing of water mains, reduced or discontinued irrigation of public landscaped areas; use of reclaimed water for non-potable purposes.*

#### **Water Use Restrictions for Demand Reduction:**

All requirements of Stage 2 shall remain in effect during Stage 3 except:

- (a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.
- (b) The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the City of Lindale.
- (c) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

### **Stage 4 Response -- CRITICAL Water Shortage Conditions**

**Target: Achieve a fifteen percent (15%) reduction in average daily water demand. Average daily demand will be reduced by 0.135 million gallons per day and reduction of the total GPCD by four (4 %) percent.**

#### **Best Management Practices for Supply Management:**

*Additional measures, if any, to be implemented directly by City of Lindale to manage limited water supplies and/or reduce water demand. This includes: reduced or discontinued flushing of water mains, reduced or discontinued irrigation of public landscaped areas; use of reclaimed water for non-potable purposes.*

**Water Use Restrictions for Reducing Demand:** All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except

- (a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6:00 a.m. and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems are prohibited at all times.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, 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 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10 p.m.
- (c) The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.
- (d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (e) No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

#### **Stage 5 Response -- EMERGENCY Water Shortage Conditions**

**Target: Achieve a 20 percent reduction in average daily water demand. Average daily demand will be reduced by 0.180 million gallons per day and total GPCD reduction of five (5%) percent.**

**Best Management Practices for Supply Management:**

*Additional measures to be implemented directly by City of Lindale to manage limited water supplies and/or reduce water demand. This includes reduced or discontinued flushing of water mains, reduced or discontinued irrigation of public landscaped areas; use of reclaimed water for non-potable purposes.*

**Water Use Restrictions for Reducing Demand. All requirements of Stage 2, 3, and 4 shall remain in effect during Stage 5 except:**

- (a) Irrigation of landscaped areas is absolutely prohibited.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.
- (c) Use of water for any landscape sprinkler systems for irrigation, recreational use of sprinklers, outside showers (in parks) and water slides is absolutely prohibited.
- (d) Use of water for filling or draining swimming pools and flushing water systems is absolutely prohibited.
- (e) Any public water uses which are not essential for health, safety and sanitary purposes is strictly prohibited.

Businesses requiring water as a basic function of the business, such as nurseries, commercial car wash, Laundromats, high pressure water cleaning, etc., will need to obtain written permission from the General Manager for intended water use.

#### **Section X: Enforcement**

- (a) No person shall knowingly or intentionally allow the use of water from the City of Lindale 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 the Mayor, City Manager, or his/her designated person, in accordance with provisions of this Plan.
- (b) Any person who violates this Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than fifty dollars (\$50.00) and not more than one hundred dollars (\$100.00). Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the City Manager or her designated persons shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a \_\_\_\_\_ charge, hereby established at \$\_\_\_\_\_, and any other costs incurred by the City of Lindale in discontinuing service. In addition, suitable assurance must be given to the Mayor, City Manager or her designated person 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 Lindale, 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.
- (d) Any employee of the City of Lindale, police officer, or other designated persons designated by the Mayor, 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 3 days nor more than 5 days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in municipal court to enter a plea of guilty or not guilty for the violation of this 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 XI: Variances**

The City Manager, or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

- (a) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
- (b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with the City of Lindale within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the Mayor, City Manager, or his/her designee, and shall include the following:

- (a) Name and address of the petitioner(s).
- (b) Purpose of water use.
- (c) Specific provision(s) of the Plan from which the petitioner is requesting relief.
- (d) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- (e) Description of the relief requested.
- (f) Period of time for which the variance is sought.
- (g) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (h) Other pertinent information