

ORDINANCE 79C

DROUGHT CONTINGENCY PLAN

AN ORDINANCE PROVIDING FOR A DROUGHT CONTINGENCY PLAN FOR THE CITY OF LOG CABIN, TEXAS. TO PROTECT AND PRESERVE PUBLIC HEALTH, WELFARE, SAFETY, AND MINIMIZE THE ADVERSE IMPACTS OF WATER SHORTAGE OR OTHER WATER EMERGENCY CONDITIONS AND SETTING A PENALTY FOR VIOLATION OF THIS ORDINANCE.

SECTION I: DECLARATION OF POLICY, PURPOSE, AND INTENT

To conserve the available water supply and protect the integrity of water supply facilities, with 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 and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under the Drought Contingency Plan (the Plan) are 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 XI of this Plan.

SECTION II: PUBLIC INVOLVEMENT

Opportunity for the public to provide input into the preparation of the Plan was provided by a public hearing at Log Cabin City Hall on October 21st at 6:45 pm. It was advertised in the City's newspaper, the City's website, and Official Facebook Page.

SECTION III: PUBLIC EDUCATION

The Log Cabin Water Department 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 the City of Log Cabin website, the City of Log Cabin Official Facebook page, and the City's Official Newspaper.

SECTION IV: COORDINATION WITH REGIONAL WATER PLANNING GROUPS

The service area of the Log Cabin Water Department is located within Henderson County and the Log Cabin Water Department has provided a copy of this Plan to the TNRCC and TCEQ.

SECTION V: AUTHORIZATION

The Mayor, Mayor Pro-Tem, and Water Department 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 above named in this Section V, shall have 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 Log Cabin Water Department. Those terms “persons” and “customers” as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

SECTION VII: DEFINITIONS

To this Plan, the following definition shall apply:

AESTHETIC WATER USE – water use for ornamental or decorative purposes such as fountains, reflection 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 Log Cabin.

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 ADDRESSES – house numbers ending in 0,2,4,6,8.

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 landscape areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks and rights-of-ways 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 landscapes 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 within a reasonable period after having been given notice directing the repair of such leak(s).
- I. Use of water from hydrants for construction purposes or any purposes other than firefighting.

ODD NUMBERED HOUSES – house numbers that end in 1,3,5,7,9.

TCEQ - Texas Commission of Environmental Quality

TNRCC – Texas Natural Resource Conservation Commission

SECTION VIII: CRITERIA FOR INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES

The Mayor, Mayor Pro-Tem or Water Department shall monitor water supply and/or demand conditions monthly and shall determine when conditions warrant initiation or termination of each stage of the Plan. Public notification of the initiation or termination of drought response stages shall be by means of posting on Log Cabin's website, Official Facebook page, newspaper, and/or in public places. The triggering criteria described below are based on actual water usage and vulnerability of water resources under drought of record conditions.

A. Stage 1 Mild Water Shortage Conditions

1. 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 the specific capacity, or when total daily water demand equal or exceeds 215,000 gallons for 3 consecutive days or 225,000 gallons in a single day.
2. Requirements for termination – Stage 1 of the Plan may be rescinded when all conditions listed as triggering events have ceased to exist for a period of 3 consecutive days.

B. Stage 2 Moderate Water Shortage Conditions

1. Requirements for initiation – Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section VII of this Plan when the specific capacity of the 5 wells combined is equal to or less than 90% of the wells' capacity, or when total daily demand equals or exceeds 225,000 gallons for 3 consecutive days or 230,000 gallons in a single day.
2. Requirements for termination – Stage 2 of the Plan may be rescinded when all conditions listed as triggering events have ceased to exist for a period of 3 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.

C. Stage 3 Severe Water Shortage Conditions

1. Requirements for initiation - Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of the Plan when the specific capacity of 5 wells combined is equal to or less than 85% of the wells' original specific capacity, or when total daily demand equals or exceeds 240,000 gallons for 3 consecutive days or 250,00 gallons in a single day.
2. Requirements for termination – Stage 3 of the Plan may be rescinded when all conditions listed as triggering events have ceased to exist for a period of 3 consecutive days. Upon termination of Stage3, Stage 2 becomes operative.

D. Stage 4 Emergency Water Shortage Conditions

1. Requirements for initiation – Customers shall be required to comply with the requirements and restrictions of Stage 4 of this Plan when there is a system outage due to equipment failure or an uncontrollable loss of water detrimental to the health and safety of the public and when there is a natural or man-made contamination of the water supply sources.
2. Requirements for termination – Stage 4 of the Plan may be rescinded when all the conditions listed as triggering events have ceased to exist for a period of 1 to 3 days at the discretion of the Mayor and/or Mayor Pro-Tem.

E. Water Rationing

1. Requirements for initiation – Customers shall be required to comply with the water allocation plan prescribed in Section X of this Plan when Stage 3 or Stage 4 is in effect.
2. Requirements for termination – Water rationing may be rescinded when all the conditions listed for Stage 3 and Stage 4 have ceased to exist as described in their respective stages.

SECTION IX: DROUGHT RESPONSE STAGES

The Mayor and/or Mayor Pro-Tem shall monitor water supply and/or demand conditions daily and, in accordance with the triggering criteria set forth in Section VIII of this Plan, shall determine that if mild, moderate, severe, or emergency condition exists and shall implement the following actions upon of posting on Log Cabin's website, Official Facebook page, newspaper, and/or in public places:

A. Stage 1 Mild Water Shortage Conditions

1. Goal: Achieve a voluntary 5% reduction in daily water demand.
2. Supply Management Measures:
 - a. The City of Log Cabin will reduce flushing of water mains and hydrants.
3. Voluntary Water Use Restrictions:
 - a. Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a house number ending in an even number, and Saturdays and Wednesdays for water customers with a house number ending in an odd number. Irrigating landscapes can only be between the hours of midnight and 10:00 am and 8:00 pm to midnight on designated days.
 - b. All operations of Log Cabin City 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 usage for Stage 2 of the Plan.

B. Stage 2 Moderate Shortage Conditions

1. Goal: Achieve a 15% reduction in daily water demand.
2. Supply Management Measures:
 - a. The City of Log Cabin will reduce its own flushing schedule to dead end mains only and will expedite main and service repairs. City vehicles will not be washed, and will reduce its own landscaped irrigation.
3. Water Use Restrictions – Under threat of penalty for violation, the following water use restrictions shall apply to all persons:
 - a. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a house

number that end in even numbers, and Saturdays and Wednesdays for water customers with a street address ending in an odd number. Irrigating of landscaped areas is further limited to the hours of midnight until 10:00 am and between 8:00 pm and 12:00 midnight on designated watering days. However, irrigation of landscaped area is permitted at anytime if it is by means of a hand-held 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 midnight and 10:00 am and between 8:00 pm and midnight. Such washing, when allowed, shall be done with a hand-held bucket or 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 water days between the hours of midnight and 10:00 am and between 8:00 pm and midnight.
- d. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a re-circulation system.
- e. Use of water from hydrants shall be limited to 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 Log Cabin and the Water Department.
- f. Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated water days between the hour's midnight and 10:00 am and between 8:00 pm and midnight. However, if the golf course utilized a water source other that provided by the City of Log Cabin, 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:
 - i. Wash down of any sidewalks, walkways, driveways, parking lots tennis courts, or other hard-surfaced area.
 - ii. Use of water to wash down buildings or structures for purposes other than immediate fire protection.
 - iii. Use of water for dust control.
 - iv. Flushing gutters or permitting water to run or accumulate in any gutter or street.
 - v. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

C. Stage 3 Response Severe Water Shortage Conditions

1. Goal: Achieve a 20% reduction in daily water demand

2. Supply Management Measures:
 - a. All City irrigation and flushing will be discontinued.
3. Water Use Restrictions: All requirements of Stage 2 shall remain in effect during Stage 3 except:
 - a. The use of hose end sprinkler is prohibited.
 - b. The use of water for construction purposes will be prohibited.
 - c. No application for new, additional, expanded, or increased in size water service connection, meters, service lines, pipeline extensions or water service connection, without the consent of the water superintendent.

D. Stage 4 Emergency Water Supply Water Shortage Conditions

1. Goal: Achieve a 50% reduction in daily water demand.
2. Supply Management Measures: All flushing will be discontinued, and all irrigation activities will be discontinued.
3. Water Use Restrictions: All requirements of Stage 2 and Stage 3 shall remain in effect during Stage 4 except:
 - a. Irrigation of landscape areas will be prohibited.
 - b. Use of water to wash down any vehicle is prohibited.

SECTION X: WATER RATIONING

If water shortage conditions threaten public health, safety, and welfare, the Mayor is hereby authorized to ration water according to the following water allocation plan:

A. Single Family Residential Customers

The allocation to residential water customers residing in a single-family dwelling shall be as follows:

Persons per Household	Gallons per Month
1 or 2	2,000
3 or 4	4,000
5 or 6	6,000
7 or 8	8,000
9 or 10	10,000
11 or more	12,000

“Household” means the residential premises served by the customer’s meter. “Persons per Household” includes only those persons currently physically residing at the premises and expected to reside there for the entire billing period. It shall be assumed that a particular customer’s household is compromised of 2 persons unless the customer notifies the City of Log Cabin of a greater member of persons per household on a form prescribed by the Mayor. The Mayor shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every residential customer. If, however, a customer does not receive such form, it shall be the customer’s responsibility to go to the City Of Log Cabin offices to complete and sign the form claiming more than 2 persons per household. New Customers may claim more persons per household at the time of applying for water service on the

form included in water contract. When the number of persons per household increases or decreases to place the customer in a different allocation category, the customer must notify the City of Log Cabin in writing within 2 business days. In prescribing the method for claiming more than 2 persons per household, the City council shall adopt methods to ensure the accuracy of the claim. Any persons who knowingly, recklessly, or willfully falsely report the number of persons in a household or fails to timely notify the city of Log Cabin shall pay the following surcharges:

RESIDENTIAL CUSTOMERS:

\$10.00 for the first 1-1000 gallons over the limit.

\$15.00 for the second 1-1000 gallons over the limit.

\$20.00 for the third 1-1000 gallons over the limit

\$25.00 for every 1-1000 gallons over the limit after the third 1-1000 gallons.

Surcharges shall be cumulative.

B. Commercial Customers

A monthly water usage allocation shall be established by the water clerk for each non-residential customer. Customer's allocation shall be approximately 80% of the customer's usage for corresponding month's billing period for the previous 12 months. If the customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period that no history exists. The water clerk shall give his/her best effort to see that notice of each non-residential customer's allocation is mailed to such customers. If, however, a customer does not receive such notice, it is the responsibility of the customer to contact the City of Log Cabin Water Department to determine the allocation. A customer may appeal an allocation established hereunder to the City Council. Non-residential commercial customers shall pay the following surcharges.

Customers whose allocation is 2000 gallons through 6000 gallons per month shall pay the following surcharges:

\$15.00 for the first 1000 gallons over limits.

\$20.00 for the second 1000 gallons over limits.

\$25.00 for the third 1-1000 gallons over limits.

\$30.00 for each 1-1000 gallons over the limit after third 1-1000 gallons.

Surcharges shall be cumulative.

SECTION XI: ENFORCEMENT

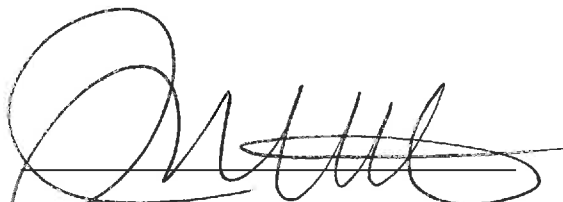
No person shall knowingly or intentionally allow the use of water from the City of Log Cabin for residential, commercial, industrial, agricultural, governmental, or any purpose in a manner contrary to any provision of this plan, or in an amount more than the permitted by the drought response stage in effect at the time pursuant to action taken by Mayor or Mayor Pro-Tem.

Any person who violates this plan is guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed \$500.00 for each violation per day. Each violation is a separate offense. If a person is convicted of 3 or more distinct violations of this plan, the Mayor shall, upon 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 reconnection charge, hereby established as \$100.00 and any other cost incurred by the City of Log Cabin in discontinuing service. In addition, the customer must state in writing state that he/she will comply with the Plan.

Any person, including a person classified as a water customer of the City of Log Cabin, 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 constitutes a rebuttable presumption that the person in apparent control of property committed the violations, 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 the property within the parent's control shall constitute a rebuttable presumption that the parent committed the violation,(but any such parent may not be excused if he/she proves that he/she had previously directed the child not to use the water as it was in violation of this plan and that the parent could not have reasonably know of the violation.).

Any officer of the Log Cabin Police Department may issue a citation to a person he/she reasonably believes to be in violation of this ordinance. Applicable fines apply.

PASSED AND APPROVED BY THE LOG CABIN CITY COUNCIL ON THIS 21ST DAY OF OCTOBER 2021.



Jennifer Williams, Mayor



Leara Thorp, City Secretary