

**“Exhibit A”**  
**DROUGHT CONTINGENCY / EMERGENCY WATER MANAGEMENT PLAN**  
**for the**  
**City of Hurst**  
**October 2005**

**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 Hurst 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 VIII: of this Plan.

**Section II: Public Education**

The City of Hurst 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 the means of the following: a.) Press releases b.) Utility bill inserts c.) City web page postings d.) Signage at strategic locations throughout the City e.) Educational brochures.

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

The service area of the City of Hurst is located within the “Region C” Regional Water Planning Group and the City of Hurst has provided a copy of this Plan to the North Texas Municipal Water District.

**Section IV: Authorization**

The 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 V: Application**

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

## **Section VI: 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 Hurst.

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

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

*Landscape irrigational 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 fire fighting.

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

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

The City Manager, or his/her designee, shall monitor water supply and/or demand conditions on a weekly basis 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 publication in a newspaper of general circulation, City web site posting, and signs posted in public places.

The triggering criteria described below are based on (provide a brief description of the rationale for the triggering criteria; for example, triggering criteria based on a statistical analysis of the vulnerability of the water source under drought of record conditions).

### *Stage 1 – Dry Conditions*

*Requirements for initiation* – Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, as defined in Section VI – Definitions, and described below:

#### *Triggering Criteria*

- ◆ When, pursuant to requirements specified in the City of Hurst wholesale water purchase contract with the City of Fort Worth, notification is received requesting initiation of Stage 1 of the Drought Contingency Plan.
- ◆ Short-term deficiencies in the distribution system limit supply capability.
- ◆ Daily water demand exceeds 90% of the production capacity of the system for three (3) consecutive days.

*Available Actions*

- ◆ The City Manager or his designee requests voluntary reduction in water use.
- ◆ Accelerate public information efforts to teach and encourage reduced water use.
- ◆ Notify major water users and work with them to achieve voluntary water use reduction.
- ◆ Prohibit city government use of water for street washing, vehicle washing, and all other non-essential use.
- ◆ Request a reduction in landscape water by City government.
- ◆ Request no landscape watering between 10:00 a.m. and 6:00 p.m.

*Requirements for termination* – Stage 1 of the Plan may be rescinded when all of the conditions that triggered stage 1 have been alleviated. If Stage 1 is initiated because of excessive demands, all initiated actions will remain in effect through September 30 of the year in which they were triggered or until the City Manager or his designee determines that these measures are no longer needed.

***Stage 2 – Water Watch***

*Requirements for initiation* – Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section VI of this Plan and described below: (Stage 2 actions will not ordinarily be taken until Stage 1 actions have first been implemented.)

*Triggering Criteria*

- ◆ When, pursuant to requirements specified in the City of Hurst wholesale water purchase contract with the City of Fort Worth, notification is received requesting initiation of Stage 2 of the Drought Contingency Plan.
- ◆ When the total daily water demand exceeds 95% of the production capacity for three (3) consecutive days. Weather factors will be considered with these criteria.
- ◆ When water system failures result in the interruption of water delivery.
- ◆ Continually failing treated water reservoir levels which do not refill to 100% overnight (e.g., based on an evaluation of minimum treated water storage required to avoid system outage).

*Available Actions and Goal for Use Reduction*

Mandatory restrictions are implemented and enforced in this stage. Therefore, an identifiable reduction of 2% in comparison to the use that would have occurred in the absence of Stage 2 implementation is expected. Continued implementation of all relevant actions from Stage 1 as well as any or all of the following measures may be implemented to achieve Stage 2 goal.

- ◆ Initiate engineering studies to evaluate alternatives should conditions worsen.
- ◆ Continue public information efforts regarding water supply and conservation efforts.
- ◆ Begin mandatory water use restrictions under threat of penalty for violation. The following water use restriction shall apply to all persons: Prohibit hosing off paved areas, buildings and windows; the operation of ornamental fountains except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system; swimming pool draining followed by refilling; washing or rinsing of any motor vehicles by hose; using water in such a manner as to allow runoff or other water waste; or the use of water for dust control.

***Exceptions:*** Vehicles may be washed or rinsed with a hose at commercial car washes. 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.

- ◆ Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leaks(s).
- ◆ Limit landscape watering at each service address to once every five (5) days based on the last digit of the address per the schedule below. Request no watering between 10:00 a.m. and 6:00 p.m.

Last Digit of Address

0 and 5  
1 and 6  
2 and 7  
3 and 8  
4 and 9

Allowed Water Dates

5<sup>th</sup>, 10<sup>th</sup>, 15<sup>th</sup>, 20<sup>th</sup>, 25<sup>th</sup>, 30<sup>th</sup>  
1<sup>st</sup>, 6<sup>th</sup>, 11<sup>th</sup>, 16<sup>th</sup>, 21<sup>st</sup>, 26<sup>th</sup>  
2<sup>nd</sup>, 7<sup>th</sup>, 12<sup>th</sup>, 17<sup>th</sup>, 22<sup>nd</sup>, 27<sup>th</sup>  
3<sup>rd</sup>, 8<sup>th</sup>, 13<sup>th</sup>, 18<sup>th</sup>, 23<sup>rd</sup>, 28<sup>th</sup>  
4<sup>th</sup>, 9<sup>th</sup>, 14<sup>th</sup>, 19<sup>th</sup>, 24<sup>th</sup>, 29<sup>th</sup>

No watering will be allowed on the 31<sup>st</sup>. The lowest address will identify apartments, office-building complexes or other property containing multiple addresses. Where there are no numbers, a number will be assigned by the City Manager or his designee. These restrictions also apply to government facilities.

***Exceptions:*** Foundations, azaleas, and new plantings (first year) of trees and shrubs may be watered with a hand held or soaker hose on any day for up to two hours; nurseries may water plant stock only without restrictions; public gardens may water without restrictions. Hand held watering by hose or bucket might be done on any day. Restrictions do not apply to any location using groundwater or wastewater effluent for irrigation.

- ◆ Use of water from hydrants shall be limited to fire fighting related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the City of Hurst.
- ◆ Require a reduction by local governments of non-essential water use and a reduction in landscape watering.
- ◆ Encourage people to wait until the emergency water situation has passed to establish new landscaping.

### *Enforcement*

Violations of restrictions will result in a warning, and then a citation may be issued with a fine not to exceed \$1,000 per incident.

*Requirements for termination* – Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist. If Stage 2 is initiated because of excess demands, all initiated actions will remain in effect through September 30 of the year in which they were triggered or until the City Manager or his designee determines that conditions exist which will allow the removal of Stage 2 actions. Upon termination of Stage 2, Stage 1 becomes operative.

### ***Stage 3 – Water Warning***

*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 provided in Section VI of this plan and as described below.

### *Triggering Criteria*

- ◆ When, pursuant to requirements specified in the City of Hurst wholesale water purchase contract with the City of Fort Worth, notification is received requesting initiation of Stage 3 of the Drought Contingency Plan.
- ◆ Daily water demand exceeds 95% of production capacity of the system for five (5) consecutive days.
- ◆ When water system failures result in the interruption of water delivery.
- ◆ When supply problems from the City of Fort Worth result in a delivery problem to the City of Hurst water customers.
- ◆ Stage 3 actions will not ordinarily be taken until Stage 2 actions have first been implemented.

### *Available Actions and Goal for Use Reduction*

A goal of 5% reduction in the use that would have occurred in the absence of Stage 3 implementation. Continue Stage 1 and 2 as well as any or all of the following measures:

- ◆ Implement recommended engineering alternatives.
- ◆ Continue implementation of all restrictions from previous stages.
- ◆ Prohibit residential or commercial lawn watering and car washing between the hours of 10:00 a.m. and 6:00 p.m.
- ◆ Foundations, shrubs, and trees may be watered with a soaker or hand held hose on the same five (5) day rotational basis as landscapes for up to two (2) hours.
- ◆ Public gardens may water, but not between the hours of 10:00 a.m. and 6:00 p.m.
- ◆ Nurseries may water plant stock but not between the hours of 10:00 a.m. and 6:00 p.m.
- ◆ No new landscaping may be established during this period.
- ◆ No refilling of private pools. Commercial and public pools may refill.

### *Enforcement*

Violations of restrictions will result in a warning, and then a citation may be issued with a fine not to exceed \$1,000 per incident.

*Requirements for termination* – Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist. If Stage 3 is initiated because of excess demands, all initiated actions will remain in effect through September 30 of the year in which they were triggered or until the City Manager or his designee determines that conditions exist which will allow the removal of Stage 3 actions. Upon termination of Stage 3, Stage 2 becomes operative.

## *Stage 4 – Emergency Water Use Management*

### *Triggering Criteria*

- ◆ When, pursuant to requirements specified in the City of Hurst wholesale water purchase contract with the City of Fort Worth, notification is received requesting initiation of Stage 4 of the Drought Contingency Plan.
- ◆ Daily water demand exceeds 100% of the production capacity of the system for three (3) consecutive days.
- ◆ Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service.
- ◆ When supply problems from the City of Fort Worth result in a delivery problem to the City of Hurst water customers.
- ◆ Natural or man-made contamination of the water supply source(s).
- ◆ Stage 4 actions will not ordinarily be taken until Stage 3 actions have first been implemented.

### *Available Actions and Goal for Use Reduction*

The Stage 4 goal for water use reduction is 10% less than would have occurred in the absence of Stage 4 implementation. Continued implementation of Stages 1, 2, and 3, as well as any of the following measures may be implemented to achieve the goal of 10% reduction.

- ◆ Continue implementation of all restrictions from previous stages.
- ◆ Prohibit all commercial and residential landscape watering with the following exceptions:
  - a.) Nurseries plant stock may be watered, but not between the hours of 10:00 a.m. and 6:00 p.m., once every five (5) days based on the last digit of their address per the schedule in Stage 2.
  - b.) Public gardens may water but not between the hours of 10:00 a.m. and 6:00 p.m., once every five (5) days based on the last digit of their address per the schedule in Stage 2.
  - c.) Foundations may be watered for a two-hour period, but not between the hours of 10:00 a.m. and 6:00 p.m., with a soaker or a hand held hose once every five (5) days based on the last digit of their address per the schedule in Stage 2.
  - d.) Any location using groundwater or wastewater effluent for irrigation.
- ◆ Any and all washing of motor vehicles is prohibited except vehicles that need to be washed for health sanitation or safety reasons, such as garbage trucks and vehicles used to transport food and perishables.
- ◆ No new landscaping may be established during this period.
- ◆ No refilling of private pools. Commercial and public pools may refill water lost to normal daily use.

- ◆ All commercial water users may be required to reduce water consumption by a percentage determined by the City Manager or his designee.

### *Enforcement*

Violations of restrictions will result in a warning, and then a citation may be issued with a fine not to exceed \$1,000 per incident.

*Requirements for termination* – Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist. If Stage 4 is initiated because of excess demands, all initiated actions will remain in effect through September 30 of the year in which they were triggered or until the City Manager or his designee determines that conditions exist which will allow the removal of Stage 4 actions. Upon termination of Stage 4, Stage 3 becomes operative.

### **Section VIII: Enforcement**

- (a) No person shall knowingly or intentionally allow the use of water from the City of Hurst 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 City Manager, or his/her designee, 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 \$25 and not more than \$1,000. 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 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 reconnection charge, hereby established at \$50, and any other costs incurred by the City of Hurst 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.

## **Section IX: Variance Provisions**

1. 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 that will achieve the same level of reduction in water use.
  
2. Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with the City of Hurst within five (5) days after the Plan for a particular drought response stage have been invoked. All petitions for variances shall be reviewed by the 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 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.
  
3. Variances granted by the City of Hurst shall be subject to the following conditions, unless waived or modified by the City Manager, or his/her designee:
  - a. Variances granted shall include a timetable for compliance.
  - b. Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specific requirements.
  
4. No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.