

# DROUGHT CONTINGENCY PLAN

## CHAPTER 16B

### Article 1. General Provisions

#### Sec. 16B-1. Declaration Of Policy, Purpose And Intent.

In cases of extreme drought, periods of abnormally high usage, system contamination, or extended reduction in ability to supply water due to equipment failure, temporary restrictions may be instituted to limit nonessential water usage. The purpose of the Drought Contingency Plan (DCP) is to encourage customer conservation in order to maintain supply, storage, or pressure or to comply with the requirements of a court, government agency or other authority.

This DCP replaces the previously adopted Drought Contingency Plan (March 2002).

#### Sec. 16B-2. Public Involvement.

Opportunity for the public to provide input into the preparation of the DCP was provided by the City of Big Spring by:

- Scheduling and providing public notice of a public meeting to inform the public about preparation of the plan
- Providing opportunities for input at the City Council meetings held on

August 9, 2005 at 5:30 p.m.

April 12, 2011 at 5:30 p.m.

July 18, 2011 at 5:30 p.m.

#### Sec. 16B-3. Public Education.

##### (A) Retail Customer/Public Education

The City of Big Spring will periodically provide the public with information about the DCP, including information about the conditions under which each stage of the DCP 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:

- (1) Distribution of a fact sheet explaining elements of the DCP.
- (2) Annual distribution of educational materials, timed to correspond with peak summer demand periods.
- (3) Articles will be published in the Big Spring newspaper. These publications will correspond to the mail-outs or more often.

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(B) Wholesale Water Customer Education

The City of Big Spring will periodically provide wholesale water customers with information about the DCP, including information about the conditions under which each stage of the DCP 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 periodically including information about the DCP with invoices for water sales.

**Sec. 16B-4. Coordination With Regional Water Planning Groups.**

The service area of the City of Big Spring is located within the Regional Water Planning Group F and the City of Big Spring has provided a copy of this DCP to the Regional Water Planning Group F.

The City of Big Spring is a member city of the Colorado River Municipal Water District (CRMWD) and has provided a copy of this DCP to the CRMWD.

**Sec. 16B-5. Notice Requirements.**

(A) Retail Customer/Public.

Public notification of the initiation or termination of drought response stages shall be by means of public notification in a newspaper of general circulation and announcements on radio and/or television. The public will be informed, in advance if possible, of the expected or actual conditions and will be given detailed instructions. They will be kept informed concerning the status, i.e., holding, improving, getting worse, etc. Also, water conservation information will be provided.

(B) Wholesale Customers.

Customer notification of the initiation or termination of drought response stages will be made by mail or telephone. The news media will also be informed.

## **Article 2. Violations, Penalties And Exceptions**

**Sec. 16B-6. Violations.**

(A) Retail Customers/Public

- (1) No person shall knowingly or intentionally allow the use of water from the City of Big Spring for residential, commercial, industrial, agricultural, governmental, or any other

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purpose in a manner contrary to any provision of this DCP, 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 of Big Spring in accordance with provisions of this DCP.

- (2) Any person, including a person classified as a water customer of the City of Big Spring, 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 parent's 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 DCP and that the parent could not have reasonably known of the violation.
- (3) Any person who violates this DCP is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than Two Thousand and no/100 Dollars (\$2,000.00). Each day that one or more violations of this DCP occur shall constitute a separate offense. If a person is convicted of three or more distinct violations of this DCP, the Administrator shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occurred. Services discontinued under such circumstances shall be restored only upon payment of a reconnection charge, established by City policy and any other costs incurred by the City of Big Spring in discontinuing service and all assessed fines. In addition, suitable assurance must be given to the City of Big Spring that the same action shall not be repeated while the DCP is in effect. Compliance with this DCP may also be sought through injunctive relief in the District Court.
- (4) The Code Enforcement Official, Utility Supervisor, or Police Officer of the City of Big Spring designated by the City Manager may issue a citation to a person he/she reasonably believes to be in violation of this Ordinance. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the municipal court on the date shown on the citation for which the date shall not be less than 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

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or not guilty for the violation of this DCP. 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.

B) **Wasting Of Water Prohibited.**

It shall be unlawful for any person to permit, or to allow any other person under his or her control or authority to permit water to run or accumulate in any gutter or street within the City. It shall be a defense to prosecution for such violation that the running or accumulating water is the result of an emergency such as extinguishing a fire or the result of a water leak that has been reported to the City of Big Spring within a reasonable time.

C) **Wholesale Customers.**

During any period when pro rata allocation of available water supplies is in effect, the City of Big Spring shall discontinue water delivery when the allocated quantity of water is reached

### **Sec. 16B-7. Exemptions Or Variances.**

The City Manager or his designee may grant any customer an exemption or variance from the drought contingency plan for good cause upon written request. A customer who is refused an exemption or variance may appeal such action in writing to the City Council. The City will treat all customers equally concerning exemptions and variances. No exemption or variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

A) **Retail Customers/Public.**

The City of Big Spring may, in writing, grant a temporary variance for existing water uses otherwise prohibited under this DCP if it is determined that failure to grant such variance would cause an undue hardship or an emergency condition adversely affecting the public health, sanitation, or safety and if one or more of the following conditions are met:

- (1) Compliance with this DCP cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
- (2) 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 written petition for variance with the City of Big Spring. All petitions for variances shall be reviewed by the City Manager, or his/her designee, and shall include the following:

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- (1) Name and address of the petitioner(s).
- (2) Purpose of water use.
- (3) Specific provision(s) of the DCP from which the petitioner is requesting relief.
- (4) 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.
- (5) Description of the relief requested.
- (6) Period of time for which the variance is sought.
- (7) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this DCP and the compliance date.
- (8) Other pertinent information.

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

- (1) Variations granted shall include a specific duration.
- (2) Variations granted shall expire when the DCP 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 DCP occurring prior to the issuance of the variance.

### B) Wholesale Customers.

The City of Big Spring may, in writing, grant a temporary variance to the pro rata water allocation policies provided by this DCP if it is determined that failure to grant such variance would cause an undue hardship or emergency condition adversely affecting the public health, sanitation or safety, and if one or more of the following conditions are met:

- (1) Compliance with this DCP cannot be technically accomplished during the duration of the water supply shortage or other condition for which the DCP is in effect.

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- (2) 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 DCP shall file a petition for variance with the City of Big Spring within 5 days after pro rata allocation has been invoked. All petitions for variances shall be reviewed by the City Manager and shall include the following:

- (1) Name and address of the petitioner(s).
- (2) Detailed statement with supporting data and information as to how the pro rata allocation of water under the policies and procedures established in the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- (3) Description of the relief requested.
- (4) Period of time for which the variance is sought.
- (5) Alternative measures the petitioner is taking or proposes to take to meet the intent of this DCP and the compliance date.
- (6) Other pertinent information.

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

- (1) Variances granted shall include a specific duration.
- (2) Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

No variances shall be retroactive or otherwise justify any violation of this DCP occurring prior to the issuance of the variance.

### **Article 3. Response Stages**

#### **Sec. 16B-8. General.**

The City of Big Spring shall monitor water supply and/or demand conditions on a weekly (or more often) basis and shall determine when conditions warrant initiation or termination of each stage of the DCP.

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Unless there is an immediate and extreme reduction in water production, or other absolute necessity to declare an emergency or severe condition, the City of Big Spring will initially declare Stage II restrictions. If, after a reasonable period of time, demand is not reduced enough to alleviate outages, reduce the risk of outages, or comply with restrictions required by a court, government agency or other authority, Stage III may be implemented with Stage IV to follow if necessary.

Under normal circumstances, the CRMWD provides raw water to the City of Big Spring from a combination of five (5) sources: (1) the Ivie Reservoir, (2) the Spence Reservoir, (3) Lake Thomas, (4) Moss Lake and (5) the Martin County Well Field. The Martin County Well Field is used intermittently. The CRMWD sets the ratio based on reservoir level, source water quality, economics and needs of its member cities and customer cities.

CRMWD has the capacity to deliver up to 21 mgd of water from Lake Thomas and up to 40 mgd of Spence water from Moss Lake to the 15 mg reservoir located at the Big Spring Pump Station north of the City. CRMWD can gravity flow up to 11 mgd of Ivie/Martin County water to this 15 mg reservoir from the west.

A 27-inch concrete cylinder line conveys water from the 15 mg reservoir to the Big Spring Roy C. Hester Water Treatment Plant. This line currently operates by gravity with a capacity of 12 mgd, but can be boosted to increase the capacity. The water treatment plant has a normal capacity of 12 mgd that can be pushed to 13 mgd for short periods of time.

### **Sec. 16B-9. Stage I - Customer Awareness.**

Stage I will begin:

Every April 1st. No notice to TCEQ required.

Stage I will end:

Every September 30th. No notice to TCEQ required.

### **City of Big Spring Measures**

Stage I public notification will be designed to increase customer awareness of water conservation and encourage the most efficient use of water. A copy of the current public notification on water conservation awareness shall be kept on file available for inspection by the TCEQ.

### **Voluntary Water Use Restrictions**

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

### Sec. 16B-10. Stage II - Voluntary Water Conservation.

(A) Target.

Achieve a 5 percent reduction in total water use The water utility will implement Stage II when any one of the selected triggers is reached:

(B) Supply Based Triggers.

Wholesale supplier's (CRMWD) drought Stage II.

(C) Demand or Capacity Based Triggers.

- (1) Water treatment as % of capacity = 95% (11.4 mgd based on 12 mgd safe capacity) for seven (7) consecutive days, or
- (2) The water supply is still adequate, but the water levels or reservoir capacities are low enough that there is a real possibility that the supply situation may become critical if the drought or emergency continues. Historically, this occurs at approximately 41% of full capacity of combined reservoirs.

Upon initiation and termination of Stage II, the City of Big Spring will provide public notification to its customers, both retail/public and wholesale. No notice to TCEQ required.

(D) Requirements for Termination.

Stage II of the DCP may end when all of the conditions listed as triggering events have ceased to exist for a period of four (4) consecutive days. Upon termination of Stage II, Stage I becomes operative.

(E) City Of Big Spring Measures.

Visually inspect lines and repair leaks on a daily basis.

Review customer use records monthly and follow-up on unusually high usage.

Reduce or discontinue flushing of water mains.

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Reduce or discontinue irrigation of public landscaped area.

(F) Voluntary Water Use Restrictions (Retail Customers).

- (1) Restricted Days/Hours: Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for water 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 only between 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;
- (2) Water customers are requested to refrain from washing cars.
- (3) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

(G) Voluntary Water Use Restrictions (Wholesale Customers).

- (1) City of Big Spring will contact wholesale water customers to discuss water supply and/or demand conditions and will request that the wholesale water customers initiate voluntary measures to reduce water use (e.g., implement Stage II of the customer's drought contingency plan).
- (2) City of Big Spring, will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

**Sec. 16B-11. Stage III - Mandatory Water Use Restrictions.**

(A) Target.

Achieve a 10 percent reduction in total water use.

The water utility will implement Stage III when any one of the selected triggers is reached:

(B) Supply Based Triggers.

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Notification is received from CRMWD initiation of Stage III of the CRMWD's DCP pursuant to the requirements specified in the City of Big Spring's wholesale water purchase contract.

(C) Demand or Capacity Based Triggers.

- (1) Water demand for 15 consecutive days reaches or exceeds 95% of the system's safe capacity (95% of 12 mgd = 11.4 mgd), beyond which the failure of a pump or some other piece of equipment could cause a serious disruption of service to part or all of the system, or
- (2) Reservoir levels are low enough to disrupt some major economic activity or cause unacceptable damage to a vital ecosystem. Historically, this occurs when the reservoirs are at approximately 16.5% of combined full capacity.

Upon initiation and termination of Stage III, the City of Big Spring will provide notification to both retail/public and wholesale customers. Notice to TCEQ required.

(D) Requirements for Termination.

Stage III of the DCP may end when all of the conditions listed as triggering events have ceased to exist for a period of four (4) consecutive days. Upon termination of Stage III, Stage II becomes operative.

(E) City of Big Spring Measures.

- (1) Visually inspect lines and repair leaks on a regular basis
- (2) Reduce or discontinue flushing of water mains except for dead end mains.
- (3) Reduce or discontinue irrigation of public landscaped areas.

(F) Mandatory Water Use Restrictions (Retail Customers/Public).

- (1) Irrigation of landscaped areas by any means including but not limited to hose-end sprinklers, automatic irrigation systems, hand-held hoses or drip irrigation systems shall be limited to the specific days and times of the week designated by the City of Big Spring except that watering by means of a faucet filled bucket or watering can of five (5) gallons or less is allowed on any day between the hours of 6:00 p.m. and 10:00 p.m.
- (2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other

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vehicle is prohibited at all times except on the immediate premises of a commercial car wash or commercial service station. Washing of vehicles by so-called “mobile-wash” vendors is also allowed so long as it is performed in compliance with all other applicable rules and local laws. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public necessitate frequent vehicle cleansing, such as for garbage trucks and vehicles used to transport food and perishables.

- (3) Use of water to fill, refill, or add to any commercial or filtered indoor or outdoor swimming pool or “Jacuzzi” type pool is allowed only between the hours of 6:00 p.m. and 8:00 a.m. on any day. Use of water to fill, refill or add to any non-filtered wading or “kiddie” pool is allowed only during the days and times designated by the city for other outside watering.
- (4) 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.
- (5) Use of water from fire hydrants or flush valves shall be limited to fire fighting and related activities or other activities necessary to maintain public health, safety and welfare. Use of water necessary for construction purposes may be allowed under special permit from the City of Big Spring.
- (6) Use of water for the irrigation of golf courses, parks, and green belt area is prohibited except on designated watering days and times. However, if such area utilizes a water source other than potable water provided by the City of Big Spring, the facility shall not be subject to these regulations.
- (7) All restaurants are prohibited from serving water to its patrons except when requested.
- (8) The following uses of water are defined as nonessential and are prohibited:
  - a) wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
  - b) use of water to wash down buildings or structures for purposes other than immediate fire protection;
  - c) use of water other than well water for dust control;
  - d) flushing gutters or permitting water to run or accumulate in any gutter or street;

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- e) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s)
- (G) Mandatory Water Use Restrictions (Wholesale Customers).
  - (1) The City of Big Spring will initiate weekly contact with wholesale water customers to discuss water supply and/or demand conditions and the possibility of pro rata curtailment of water diversions and/or deliveries.
  - (2) The City of Big Spring will request wholesale water customers to initiate mandatory measures to reduce non-essential water use (e.g., implement Stage III of the wholesale customer's drought contingency plan).
  - (3) The City of Big Spring will 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.
  - (4) The City of Big Spring will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

### **Sec. 16B-12. Stage IV - Critical Water Use Restrictions.**

(A) Target.

Achieve a minimal use of 35 percent reduction in total water use.

The water utility will implement Stage IV when any one of the selected triggers is reached:

(B) Supply Based Triggers.

Notification is received from CRMWD requesting initiation of drought Stage IV.

(C) Demand or Capacity Based Triggers.

- (1) Water levels are low enough in the distribution storage reservoirs to hinder adequate fire protection, or
- (2) Water demand is exceeding the system's safe capacity (12 mgd) for ten (10) consecutive days, thus presenting the real danger of a major system failure.

Upon initiation and termination of Stage IV, the utility will provide public notification to its customers, both retail/public and wholesale. Notice to TCEQ required.

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(D) Requirements for Termination.

Stage IV of the DCP may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of four (4) consecutive days. Upon termination of Stage IV, Stage III becomes operative.

(E) City of Big Spring Measures.

- (1) The City of Big Spring shall visually inspect lines and repair leaks on a daily basis.
- (2) Reduce or discontinue flushing of water mains.
- (3) Begin water rationing if needed.

(F) Mandatory Water Use Restrictions (Retail Customers/Public).

- (1) All requirements of Stage III shall remain in effect during Stage IV except;
  - (a) Irrigation of landscaped areas shall be prohibited.
  - (b) Washing of any motor vehicle, motorbike, boat, trailer, airplane or other vehicle shall be prohibited.
  - (c) The watering of golf course tees, fairways or greens is prohibited unless the golf course utilizes a water source other than potable water provided by the City of Big Spring.
  - (d) The filling, refilling or adding water to swimming pools, wading pools and Jacuzzi-type pools shall be prohibited.
  - (e) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

(G) Mandatory Water Use Restrictions (Wholesale Customers).

- (1) City of Big Spring will assess the severity of the problem and identify the actions needed and time required to solve the problem.

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- (2) City of Big Spring will inform the utility director or other responsible official of each wholesale water customer by telephone or in person and suggest actions, as appropriate, to alleviate problems (e.g., notification of the public to reduce water use until service is restored).
- (3) If appropriate, the City of Big Spring will notify county and/or state emergency response officials for assistance.
- (4) Undertake necessary actions, including repairs and/or cleanup as needed.
- (5) Prepare a post-event assessment report on the incident and critique of emergency response procedures and actions.

### **Sec. 16B-13. Stage V - System Outage Or Supply Contamination.**

#### (A) Target.

Achieve a minimal use of water.

The City of Big Spring will implement Stage V when any one of following triggers is reached:

#### (1) Supply Based Triggers:

Notification is received from CRMWD requesting initiation of Stage 5 of the DCP pursuant to requirements specified in the City of Big Spring's wholesale water purchase contract.

#### (2) Demand or Capacity Based Triggers:

A major water line breaks or equipment or system failure occurs which causes loss of ability to provide water service.

Contamination of water supply occurs.

#### (B) Notice.

Upon initiation and termination of Stage V, the City of Big Spring will provide public notification to its customers, both retail/public and wholesale. Notify TCEQ Regional Office immediately.

#### (C) Requirements for Termination.

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Stage V of the DCP may be rescinded when all of the conditions listed as triggering events have ceased to exist. Upon termination of Stage V, another stage of the DCP may be operative based on the discretion of the City of Big Spring.

(D) City of Big Spring Measures.

- (1) Discontinue flushing of water mains.
- (2) Discontinue irrigation of public landscaped areas.
  
- (3) Begin water rationing if necessary.
- (4) Distribute water-boil notices if necessary.
- (5) Seek another source of water.

(E) Mandatory Water Use Restrictions (Retail Customers/Public).

All requirements of Stage IV will be implemented.

(F) Mandatory Water Use Restrictions (Wholesale Customers).

- (1) Assess the severity of the problem and identify the actions needed and time required to solve the problem.
- (2) Inform the utility director or other responsible official of each wholesale water customer by telephone or in person and suggest actions, as appropriate, to alleviate problems (e.g., notification of the public to reduce water use until service is restored).
- (3) If appropriate, notify county and/or state emergency response officials for assistance.
- (4) Undertake necessary actions, including repairs and/or cleanup as needed.
- (5) Prepare a post-event assessment report on the incident and critique of emergency response procedures and actions.

### **Article 4. Water Rationing**

**Sec. 16B-14. Water Rationing Allocation Plan.**

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In the event that a triggering condition for Stage IV or Stage V conditions exists and the water shortage conditions threaten public health, safety and welfare, the City of Big Spring is hereby authorized to ration water according to the following water allocation plan:

(A) Retail Customers/Public.

Priority

The City of Big Spring will have the authority to stop industrial and commercial water uses so that remaining water is available for essential health- and safety-related uses. The priority list for water use during a severe drought will be the following:

- Priority 1 Hospitals
- Priority 2 Residential
- Priority 3 Schools
- Priority 4 Fire Protection
- Priority 5 Industrial
- Priority 6 Commercial
- Priority 7 Recreation/Aesthetics

(B) Pro Rata Water Allocation For Wholesale Customers.

The City of Big Spring will include in contracts references to pro rata water allocation as per Texas Water Code 11.039. In the event that the triggering criteria specified in this DCP for Stage IV – Critical Water Use Restriction or for Stage V – System Outage or Supply Contamination Conditions have been met, the City Manager or his/her 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:

- (1) A wholesale customer's monthly allocation shall be a percentage of the customer's water usage baseline. The percentage will be set by resolution of the City of Big Spring based on the City Manager's, or his/her designee's, assessment of the severity of the water shortage condition and the need to curtail water diversions and/or deliveries to each wholesale customer shall be limited to the allocation established for each month.
- (2) A monthly water usage allocation shall be established by the City Manager, or his/her designee, for each wholesale customer. The wholesale customer's water usage baseline will be computed on the average water usage by month for the 1997-2001 periods as shown in the example given below. If the wholesale water customer's billing history is

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less than 5 years, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists.

	1997	1998	1999	2000	2001	SUM	AVE	ALLOCATION %	MONTHLY ALLOCATION
<b>Jan</b>	133	137	146	148	156	719	144	75%	108
<b>Feb</b>	115	122	133	133	147	650	130	75%	98
<b>March</b>	130	150	146	149	159	734	147	75%	110
<b>April</b>	130	167	168	157	187	808	162	75%	122
<b>May</b>	160	152	179	183	171	845	169	75%	127
<b>June</b>	226	184	172	205	249	1,035	207	75%	155
<b>July</b>	235	274	232	314	246	1,301	260	75%	195
<b>Aug</b>	222	203	206	337	309	1,277	255	75%	191
<b>Sept</b>	199	160	196	229	198	982	196	75%	147
<b>Oct</b>	165	172	197	165	185	884	177	75%	133
<b>Nov</b>	139	142	149	153	162	745	149	75%	112
<b>Dec</b>	142	143	150	156	165	755	151	75%	113
<b>TOTAL</b>	<b>1,995</b>	<b>2,006</b>	<b>2,072</b>	<b>2,330</b>	<b>2,333</b>	<b>10,735</b>	<b>2,147</b>		

- (3) The City Manager or his/her designee shall provide notice, by certified mail, to each wholesale customer informing them of their monthly water usage allocations and shall notify the news media and the executive director of the Texas Natural Resource Conservation Commission upon initiation of pro rata water allocation.
- (4) Upon request of the customer or at the initiative of the City Manager, or his/her designee, 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 Big Spring.

### **Article 5. Administration Of Drought Contingency Plan**

#### **Sec. 16B-15. Authorization.**

The Mayor, or his/her designee, is hereby authorized and directed to implement the applicable provisions of this DCP upon determination that such implementation is necessary to protect public health, safety and welfare. The Mayor, or his/her designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this DCP.

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### **Sec. 16B-16. Application.**

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

### **Sec. 16B-17. Plan Review.**

The DCP will be reviewed every five (5) years. The DCP will be updated as appropriate based on new or updated information, such as the adoption of revision of the regional water plan.

### **Sec. 16B-18. Definitions.**

For the purpose of this DCP, the following definitions shall apply:

- (A) Recreational/Aesthetic Water Use: Water use for non-consumptive, pleasure; ornamental or decorative purposes such as swimming/wading pools, fountains, reflecting pools and water gardens.
  
- (B) 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.
  
- (C) 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.
  
- (D) Customer: Any person, company or organization using water supplied by the City of Big Spring.
  
- (E) 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.
  
- (F) Even Numbered Address: Street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8, and locations without addresses.
  
- (G) Industrial Water Use: The use of water in processes designed to convert materials of lower value into forms having greater usability and value.
  
- (H) 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.

## **DROUGHT CONTINGENCY PLAN**

- (I) Non-essential Water Use: Water uses that are neither essential nor required for the protection of public, health, safety and welfare, including:
- (1) Irrigation of landscape areas, including parks, athletic fields and golf courses, except otherwise provided under this DCP.
  - (2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle.
  - (3) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts or other hard-surfaced areas.
  - (4) Use of water to wash down buildings or structures for purposes other than immediate fire protection.
  - (5) Flushing gutters or permitting water to run or accumulate in any gutter or street.
  - (6) Use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools.
  - (7) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life.
  - (8) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).
  - (9) Use of water from hydrants for construction purposes or any other purposes other than firefighting.
- (J) Odd Numbered Address: Street addresses, box numbers or rural postal route numbers ending in 1, 3, 5, 7 or 9.

### **Sec. 16B-19. Severability.**

It is hereby declared to be the intention of the City of Big Spring that the sections, paragraphs, sentences, clauses and phrases of this DCP are severable and, if any phrase, clause, sentence, paragraph or section of this DCP shall be declared unconstitutional, invalid, illegal or unenforceable by the valid judgment or decree of any court of competent jurisdiction, such determination shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this DCP. This DCP will be construed as if the unconstitutional, invalid, illegal, or unenforceable provision had never been contained in it.

(Chapter 16B-Ord. of 4-12-11, Ord. of 7-18-11)