

**DROUGHT CONTINGENCY PLAN
FOR THE
CITY OF THROCKMORTON
JANUARY 10, 2023**

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 Throckmorton hereby adopts the following regulation and restrictions on the delivery and consumption of water.

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

Section II: Public Involvement

Opportunity for the public to provide input the preparation of the Plan was provided by the City of Throckmorton by means of a Public Meeting notice prior to the meeting.

Section III: Public Education

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

Section IV: Coordination with Regional Water Planning Groups

The service area of the City of Throckmorton is located within the Region G Regional Water Planning Area, and the City of Throckmorton has provided a copy of this Plan to the Regional G Water Planning Group.

Section V: Water Sources

1. Lake Throckmorton
2. Emergency water line connected to Ft. Belknap Rural Water Supply. This line can only be used when stage 3 of this Plan is enacted. It is subject to conditions and contracts with Ft. Belknap and the City of Graham.

Section VI: Authorization

The Public Works Director, 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 Public Works Director, 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 VII: Application

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

Section VIII: 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 Throckmorton.

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.

East of Minter: All Residences located east of Minter Ave.

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 right-of ways and medians.

Non-essential water use: water uses that are not essential nor required for the protection of the 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 fighting.

West of Minter: All Residences located west of Minter Ave.

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

The Director of Public Works, 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, direct mail to each customer, or signs posted in public places, as appropriate to the situation and on the City website.

The triggering criteria described below are based on the ability of the City of Throckmorton to deliver treated water to the customers. Other than in cases of catastrophic failure of contamination of part or all of the system, the limiting factor is the capacity of.

(a) Stage 1 – 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 for stage 1 of this Plan when the Lake Throckmorton level falls to 44% capacity level or seven (7) feet below the emergency spillway elevation.

Requirements for termination – Stage 1 of the Plan may be rescinded when Lake Throckmorton level rises to 50% capacity level or 6 feet below the emergency spillway elevation for seven (7) consecutive days.

(b) Stage 2 – Moderate Water Shortage Conditions

Goal

Achieve a twenty (20) % reduction in total water use.

Water Use Restrictions

All requirements of Stage 1 shall remain in effect during Stage 2. Under threat of penalty for violation, the following water restrictions shall also apply to all persons:

The irrigations of lawns, gardens and golf courses by the use of Water from Lake Throckmorton shall be limited as follows:

- (A) All outdoor irrigation hose-end sprinklers, soaker hoses, or drip irrigation may occur only the hours of 12:00 midnight to 10:00 AM on a designated outdoor water use day, which will be once every five days. All outside irrigation of vegetation by permanently installed automatic irrigation systems may occur only between the hours of 12:00 midnight to 10:00 AM on designated outdoor water use days. Irrigation by hand-held hoses or hand-held buckets is permitted anytime. The time restrictions do not apply to the irrigation of commercial plant nurseries; however, the establishments shall curtail all nonessential water use.
- (B) The washing of automobiles, trucks, boats, airplanes, or other types of mobile equipment is prohibited except on designated outdoor water use days between the hours of 12:00 midnight to 10:00 AM and 7:00 PM to midnight. The washing, when allowed, must be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. The washes of each individual automobile, truck, trailer, boat, airplane, or any other type of mobile equipment in violation of the terms and conditions of this restriction constitutes a separate violation under this article. However, this restriction does not apply to the washing of vehicles or mobile equipment when conducted on the immediate premises of a commercial car wash or a commercial service station. Furthermore, this restriction does not apply to the washing of automobiles, trucks, trailers, boats, airplanes, and other types of mobile equipment when the washing is necessary on a more regular and frequent basis in order to protect the health, safety and welfare of the public. Charity car washes are prohibited.

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 level of Lake Throckmorton falls to 32% capacity level or 9 feet below the emergency spillway elevation.

Requirements for termination – Stage 2 of the Plan may be rescinded when the level of Lake Throckmorton rises to 38% capacity level or 8 feet below the emergency spillway elevation. Upon termination of Stage 2, 1 becomes operative.

© Stage 3 – 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 the level of Lake Throckmorton falls to 22% capacity level or 11 feet below emergency spillway elevations.

Requirements for termination – Stage 3 of the Plan may be rescinded when the level of Lake Throckmorton rises to 26% capacity level or 10 feet below the emergency spillway elevation. Upon termination of Stage3, Stage 2 becomes operative.

(c) Stage 4 – 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 the level of Lake Throckmorton falls to 40% capacity level or 13 feet below the emergency spillway elevation, and Lake Graham falls below 40% capacity level.

Requirements for termination – Stage 4 of the Plan may be rescinded when the level of Lake Throckmorton rises to 11 feet below the emergency spillway elevation and/or Lake Graham rises to 1063.00. Upon termination of Stage4, Stage 3 becomes operative.

(d) Stage 5 – 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 the Director of Public Works, or his/her designee, determines that a water supply emergency exists based on:

1. Major water line breaks, or pump 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.

Requirements for termination – Stage 5 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days.

Section IX: Drought Response Stages

The Director of Public Works, 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 the Plan, shall determine that a mild, moderate, severe, critical, or emergency condition exists and shall implement the following actions upon publication of notice in a newspaper of general circulation:

Stage 1 – Mild Water Shortage Condition

Goal: Achieve a voluntary 5 percent reduction in total water use.

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 street address on the east side of Minter Ave. or (183/283) and Saturdays and Wednesdays for water customers with a street address on the west side of Minter Ave. (183/283), 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 Throckmorton 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 – Moderate Water Shortage Conditions

Goal: Achieve a 25 percent reduction in total water use.

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 street address on the east side of Minter Ave (183/283), and Saturdays and Wednesdays for water customers with a street address on the west side of Minter Ave. (183/283), 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 any time 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 rinses. Vehicle washing may be done at any time on the immediate premise 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 8:00 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 recirculating 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 Throckmorton.
- (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 8:00 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the city of Throckmorton, the facility shall not be subject to these regulations.
- (G) All restaurants are prohibited from serving water to its patrons except when requested.
- (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; and
 - 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 – Severe Water Shortage Conditions

Goal: Achieve a 35 percent reduction in total water use.

Water use Restrictions. 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 are prohibited at all times.

- (B) The watering of golf course is prohibited unless the golf course utilizes a water source other than that provided by the City of Throckmorton.
- (C) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

Stage 4 – Critical Water Shortage Conditions

Goal: Achieve a 50 percent reduction in total water use:

Water use Restrictions. 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 10:00 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 circulating system.
- (E) No applications for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be allowed or approved.

Stage 5 – Emergency Water Shortage Conditions

Goal: Achieve a 60 percent reduction in total water use:

Water use Restrictions. 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.

Section X: Water Rationing

In the event that water shortage conditions threaten public health, safety, and welfare, the Director of Public Works is hereby authorized to ration water according to the following water allocation plan:

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	6,000
3 or 4	7,000
5 or 6	8,000
7 or 8	9,000
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 comprised of two (2) persons unless the customer notifies the City of Throckmorton of a greater number of persons per household on a form prescribed by the Director of Public Works. The Director of Public Works 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 a form, it shall be the customer’s responsibility to go to the City of Throckmorton offices to complete and sign the form claiming more than two (2) persons per household. New customers may claim more persons per household at the time of applying for water service on the form prescribed by the Director of Public Works.

When the number of persons per household increases so as to place the customer in a different allocation category, the customer may notify the City of Throckmorton on such form and the change will be implemented in the next practicable billing period. If the number of persons in a household is reduced, the customer shall notify the City of Throckmorton in writing within two (2) days. In prescribing the method for claiming more than two (2) persons per household, the City Secretary shall adopt methods to ensure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of persons in a household or fails to timely notify the City of Throckmorton of a reduction in the number of persons in a household shall be fined not less than \$25.00. Residential water customers shall pay the following surcharges:

- \$10.00 for the first 1,000 gallons over allocation.
- \$25.00 for the second 1,000 gallons over allocation.
- \$75.00 for the third 1,000 gallons over allocation.
- \$100.00 for each additional 1,000 gallons over allocation.

Surcharges shall be cumulative.

Commercial Customers

A monthly water usage allocation shall be established by the Director of Public Works, or his/her designee, for each nonresidential commercial customer other than the industrial customer who uses water for processing purposes. The non-residential customer's allocation shall be approximately 75% 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 for which no history exists. Provided, however, a customer, whose monthly usage is less than 1000 gallons, shall be allocated 750 gallons. The Director of Public Works shall give his/her best effort to see that notice of each non-residential customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the City of Throckmorton to determine the allocation. Upon request of the customer or at the initiative of the Director of Public Works, the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the customer's normal water usage, (2) one nonresidential customer agrees to transfer part of its allocation to another nonresidential 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 mayor and City Council. Nonresidential commercial customers shall pay the following surcharges:

- \$20.00 per thousand gallons for the first 1,000 gallons over allocation.
- \$50.00 per thousand gallons for the second 1,000 gallons over allocation.
- \$150.00 per thousand gallons for the third 1,000 gallons over allocation.
- \$200.00 per thousand gallons for each additional 1,000 gallons over allocation.

The surcharges shall be cumulative.

Section XI: Enforcement

- (A) No person shall knowingly or intentionally allow the use of water from the City of Throckmorton 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 Director of Public Works, 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 twenty-five dollars (\$25.00) 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 Director of Public Works 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 \$50.00, and any other costs incurred by the City of Throckmorton in discontinuing service. In addition, suitable assurance must be given to the Director of Public Works 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 Throckmorton 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 rebuttal 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 rebuttal 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 Throckmorton, police officer, or other employee Designated by the Director of Public Works may issue 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 Justice of Peace 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 Justice of Peace court to enter a plea of guilty or not guilty for the violation of this Plan. If the alleged violator fails to appear in Justice of Peace 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 Justice of Peace court before all other cases.

Section XII: Variances

The Director of Public Works, 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 Throckmorton within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the Director of Public Works, 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.

Variances granted by the City of Throckmorton shall be subject to the following conditions, unless waived or modified by the Director of Public Works 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 specified requirements.

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

Section XIII: Severability

It is hereby declared to be the intention of the City Council of the City of Throckmorton That the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and if any phrase, clause, sentence, paragraph, or section of this Plan shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionally shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan, since the same would not have been enacted by the City Council without the incorporation into this Plan of any unconstitutional phrase, clause, sentence, paragraph, or section.