

**City of Falfurrias Utility Board
And
The City of Falfurrias
Drought Contingency Plan**

**CITY OF FALFURRIAS UTILITY BOARD
And
THE CITY OF FALFURRIAS
DROUGHT CONTINGENCY PLAN**

August 9, 1999

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 Falfurrias Utility Board, hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this Drought Contingency Plan (hereinafter referred to as 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 XI of this Plan.

Section II: Public Involvement

Opportunity for the public to provide input into the preparation of the Plan was provided by the Falfurrias Utility Board, by means of The Texas Agricultural Extension Service's Executive Program Council. From within this council, a special committee was formed, which is made up from a group of citizens, with diversified backgrounds, from throughout Brooks County. Each of the committee members has expertise in their own fields and played an important role in the development of this plan.

Section III: Public Education

The Falfurrias Utility Board will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of public service announcements in the local newspapers, local radio stations, flyers and/or inserts within your utility bills.

Section IV: Coordination with Regional Water Planning Groups

The service area of the Falfurrias Utility Board is located within the Coastal Bend Regional Water Planning Group Area and the Falfurrias Utility Board has provided a copy of this Plan to the Coastal Bend Regional Water Planning Group.

Section V: Authorization

The General Manager of the Falfurrias Utility Board, or his 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 General Manager or his designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

Section VI: Application

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

Section VII: Definitions

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

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

Commercial and institutional water use: water use which is essential 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 Falfurrias Utility Board.

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

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

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

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

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

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

The General Manager, or his designee, shall monitor water supply and/or demand conditions on a daily, weekly, and monthly basis and shall determine when conditions warrant initiation or termination of each stage of the Plan. Public notification of the initiation or termination of drought response stages shall be by means of one or more of the following, publication in a newspaper of general circulation, local radio station announcements, direct mail to each customer, signs posted in public places, etc.

The triggering criteria described below, are based on the amount of water the Falfurrias Utility Boards water wells are able to provide, including its water storage capabilities, compared to the amount of water demand by its customers and/or the public, during a given period of time, or due to one or more of the conditions listed below or for other reasons which the general manager may deem appropriate and may call for the implementing or initiation of the plan.

(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 – Definitions, when one or more of the following examples listed below exist.

1. **When the static water level in the Falfurrias Utility Boards water well(s) is equal to or below mean sea level.**
2. **When the specific capacity of the Falfurrias Utility Boards water well(s) is equal to or less than 5% percent of the well's original specific capacity.**
3. **When total daily water demand equals or exceeds 2.5 million gallons for 10 consecutive days or 5 million gallons on a single day (e.g. based on the “safe” operating capacity of water supply facilities).**
4. **Continually falling treated water reservoir levels which do not refill above 80% percent overnight (e.g., based on an evaluation of minimum treated water storage required to avoid system outage).**

Requirements for termination - Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 30 consecutive days.

(b) Stage 2 - Moderate Water Shortage Conditions

Requirements for initiation - Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section VII of this Plan when two or more of the triggering criteria listed above exist. (see examples above)

Requirements for termination - Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 20 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.

(c) 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 three or more of the triggering criteria listed above exist. (see examples above)

Requirements for termination - Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 10 consecutive days. Upon termination of Stage 3, Stage 2 becomes operative.

(d) 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 4 or more of the triggering criteria listed above exist. (see examples above)

Requirements for termination - Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 5 consecutive days. Upon termination of Stage 4, Stage 3 becomes operative.

(e) 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 general manager, or his designee, determines that a water supply emergency exists based on:

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

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 2 consecutive days.

Section IX: Drought Response Stages

The general manager, or his designee, shall monitor the 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 30% percent reduction in total water use or daily water demand.

Supply Management Measures:

During any of the above drought conditions, the Falfurrias Utility Board will cease flushing Fire Hydrants and do any unnecessary fire hydrant testing.

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 ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only between the hours of midnight and 10:00 a.m. and 8:00 p.m. to midnight on designated watering days.
- (b) All operations of the Falfurrias Utility Board 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 40 percent reduction in total water use or daily water demand, etc.

Supply Management Measures:

The Falfurrias Utility Board during Stage 2 or the drought plan will discontinue flushing of all dead end mains through out its system and will reduce irrigation of all public landscaped areas including the public golf course.

Water Use Restrictions.

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

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

with a positive shutoff nozzle for quick rises. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

- (c) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight.
- (d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a re-circulation system.
- (e) 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 water loading ramp may be allowed for construction purposes, if prior permission is obtained from the Falfurrias Utility Board.
- (f) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the Falfurrias Utility Board, 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.
 - 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

- 1.) Goal:
Achieve a 50% percent reduction in total water use and/or daily water demand, etc.
- 2.) Supply Management Measures:
The Falfurrias Utility Board will discontinue use of all water, except water used for human and/or animal consumption.

3.) 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 is prohibited at all times.
- (b) The watering of golf course tee's, is prohibited unless the golf course utilizes a water source other than that provided by the Falfurrias Utility Board.
- (c) The use of water for construction purposes from designated loading ramps and/or fire hydrants under special permit is to be discontinued.

Stage 4 - Critical Water Shortage Conditions

Goal:

Achieve a 60% percent reduction in total water use or daily water demand, etc.

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 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 re-circulation 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 75% percent reduction in total water use or daily water demand, etc.

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 General Manager of the Falfurrias Utility Board 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 Falfurrias Utility Board of a greater number of persons per household on a form prescribed

by the Utility Boards General Manager. The general manager shall give his 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 Falfurrias Utility Boards general office, located at 215 E. Allen St. 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 general manager. When the number of persons per household increases so as to place the customer in a different allocation category, the customer may notify the Falfurrias Utility Board 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 Falfurrias Utility Board in writing within two (2) days. In prescribing the method for claiming more than two (2) persons per household, the general manager shall adopt methods to insure 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 Falfurrias Utility Board of a reduction in the number of persons in a household shall be fined not less than \$100.00. Residential water customers shall pay the following surcharges:

- \$ 1.50 for the first 1,000 gallons over allocation.
- \$ 1.70 for the second 1,000 gallons over allocation.
- \$ 1.90 for the third 1,000 gallons over allocation.
- \$ 2.00 for each additional 1,000 gallons over allocation.

Surcharges shall be cumulative.

Master-Metered Multi-Family Residential Customers

The allocation to a customer billed from a master meter which jointly measures water to multiple permanent residential dwelling units (e.g., apartments, mobile homes) shall be allocated 6,000 gallons per month for each dwelling unit. The allocation to a customer billed, as a 2-M shall also be allocated 6,000 gallons per month for two dwelling units. It is assumed, that such a customer's meter serves two dwelling units unless the customer notifies the Falfurrias Utility Board of a greater number on a form prescribed by the Utility Boards general manager. The Utility Boards general manager shall give his best effort to see that such forms are mailed, otherwise provided, or made available to every such customer. If, however, a customer does not receive such a form, it shall be the customer's responsibility to go to the Utility Boards general office, located at 215 E. Allen St. to complete and sign the form claiming more than two (2) dwellings. A dwelling unit may be claimed under this provision whether it is occupied or not. New customers may claim more dwelling units at the time of applying for water service on the form prescribed by the Utility Boards general manager. If the number of dwelling units served by a master meter is reduced, the customer shall notify the Falfurrias Utility Board in writing within two (2) days. In prescribing the method for claiming more than two (2) dwelling units, the general manager shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence

falsely reports the number of dwelling units served by a master meter or fails to timely notify the Falfurrias Utility Board of a reduction in the number of person in a household shall be fined not less than \$ 100.00. Customers billed from a master meter under this provision shall pay the following monthly surcharges:

- \$ 1.50 for 1,000 gallons over allocation up through 1,000 gallons for each dwelling unit.
- \$ 1.70 thereafter, for each additional 1,000 gallons over allocation up through a second 1,000 gallons for each dwelling unit.
- \$ 1.90 thereafter, for each additional 1,000 gallons over allocation up through a third 1,000 gallons for each dwelling unit.
- \$ 2.00 thereafter for each additional 1,000 gallons over allocation.

Surcharges shall be cumulative.

Commercial Customers

A monthly water usage allocation shall be established by the Utility Boards general manager, or his designee, for each nonresidential commercial customer other than an industrial customer who uses water for processing purposes. The non-residential customer's allocation shall be approximately 75% percent 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's, 75% percent of whose monthly usage is less than 10,000 gallons, shall be allocated 10,000 gallons. The Utility Boards general manager shall give his 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 Falfurrias Utility Board, to determine the allocation. Upon request, of the customer or at the initiative of the general manager, 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 Utility Boards general manager and if still not satisfied may appeal to the Board of Directors for the Falfurrias Utility Board. Nonresidential commercial customers shall pay the following surcharges:

Customers whose allocation is 10,000 gallons through 100,000 gallons per month:

- \$ 1.50 per thousand gallons for the first 1,000 gallons over allocation.
- \$ 1.70 per thousand gallons for the second 1,000 gallons over allocation.
- \$ 1.90 per thousand gallons for the third 1,000 gallons over allocation.
- \$ 2.00 per thousand gallons for each additional 1,000 gallons over allocation.

Customers whose allocation is 101,000 gallons per month or more:

- 1.25 times the block rate for each 1,000 gallons in excess of the allocation up through 5 percent above allocation.
- 1.50 times the block rate for each 1,000 gallons from 5 percent through 10 percent above allocation.
- 1.75 times the block rate for each 1,000 gallons from 10 percent through 15 percent above allocation.
- 2.00 times the block rate for each 1,000 gallons more than 15 percent above allocation.

The surcharges shall be cumulative. As used herein, "block rate" means, the charge to the customer per 1,000 gallons, at the regular water rate schedule, at the level of the customer's allocation.

Industrial Customers

A monthly water usage allocation shall be, established by the Utility Boards general manager, or his designee, for each industrial customer, which uses water, for processing purposes. The industrial customer's allocation shall be approximately 90% percent of the customer's water usage baseline. Ninety (90) days after the initial imposition of the allocation for industrial customers, the industrial customer's allocation shall be further reduced to 85% percent of the customer's water usage baseline. The industrial customer's water usage baseline will be computed on the average water usage for the twelve month period ending prior to the date of implementation of Stage 2 of the Plan. If the industrial water customer's billing history is shorter than twelve months, 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. The Utility Boards general manager shall give his best effort to see that notice of each industrial customer 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 Falfurrias Utility Board at 215 E. Allen St. to determine the allocation, and the allocation shall be fully effective notwithstanding the lack of receipt of written notice. Upon request of the customer or at the initiative of the Utility Boards general manager, the allocation may be reduced or increased, (1) if the designated period does not accurately reflect the customer's normal water usage because the customer had shutdown a major processing unit for repair or overhaul during the period, (2) the customer has added or is in the process of adding significant additional processing capacity, (3) the customer has shutdown or significantly reduced the production of a major processing unit, (4) the customer has previously implemented significant permanent water conservation measures such that the ability to further reduce usage is limited, (5) the customer agrees to transfer part of its allocation to another industrial customer, or (6) if other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal, an allocation established hereunder to the Utility Boards general manager and if still not satisfied may appeal to the Board of Directors for the Falfurrias Utility

Board. Industrial customers shall pay the following surcharges:

Customers whose allocation is 101,000 gallons through 250,000 gallons per month:

- \$ 1.50 per thousand gallons for the first 1,000 gallons over allocation.
- \$ 1.70 per thousand gallons for the second 1,000 gallons over allocation.
- \$ 1.90 per thousand gallons for the third 1,000 gallons over allocation.
- \$ 2.00 per thousand gallons for each additional 1,000 gallons over allocation.

Customers whose allocation is 251,000 gallons per month or more:

- 1.25 times the block rate for each 1,000 gallons in excess of the allocation up through 5 percent above allocation.
- 1.50 times the block rate for each 1,000 gallons from 5 percent through 10 percent above allocation.
- 1.75 times the block rate for each 1,000 gallons from 10 percent through 15 percent above allocation.
- 2.00 times the block rate for each 1,000 gallons more than 15 percent above allocation.

The surcharges shall be cumulative. As used herein, "block rate" means the charge, to the customer, per 1,000 gallons at the regular water rate schedule at the level of the customer's allocation.

Section XI: Enforcement

- (a) No person, shall knowingly or intentionally, allow the use of water from the Falfurrias Utility Board 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 that time, pursuant to action taken by Utility Boards general manager, or his 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 One Hundred Dollars (\$ 100.00) and not more than Five Hundred Dollars (\$ 500.00). 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 Utility Boards general manager shall, upon due notice to the customer shall 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 re-connection charge, hereby established at \$ 100.00, and any other costs incurred by the Falfurrias Utility Board in discontinuing service. In addition, suitable assurance must be given to the Utility Boards general 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.

- (c) Any person, including a person classified as a water customer of the Falfurrias Utility Board, in apparent control of the property where a violation occurs or originates, shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption, that the person in apparent control of the property, committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control, shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation.
- (d) Any employee of the Utility Boards general manager, police officer, or other Falfurrias Utility Board employee, designated by the Utility Boards general 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 City of Falfurrias 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 City of Falfurrias Municipal Court to enter a plea of guilty or not guilty for the violation of this Plan. If the alleged violator fails to appear in City of Falfurrias 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 the City of Falfurrias Municipal Court, before all other cases.

Section XII: Variances

The Utility Boards general manager, or his 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 1. variance with the Falfurrias Utility Board within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the Utility Boards general manager, or his 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 in order to meet the intent of this Plan and the compliance date.
- (h) Other pertinent information.

Variances granted by the Falfurrias Utility Board shall be subject to the following conditions, unless waived or modified by the Utility Boards general manager or his 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 Board of Directors for the Falfurrias Utility Board, 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 unconstitutionality 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 Board of Directors for the Falfurrias Utility Board, without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

**City of Falfurrias Utility Board
Water Conservation Plan
And
Water Protection Plan**

CITY OF FALFURRIAS UTILITY BOARD

WATER CONSERVATION PLAN

AND

WATER PROTECTION PLAN

August 12, 1999

DECLARATION:

The Board of Directors for the City of Falfurrias Utility Board, and the City Council for the City of Falfurrias, jointly recognize the need for water conservation now and in the future. Not only do we recognize the need for water conservation, but also the need to preserve and protect the water supply for all those we serve both as customers and the public in general. Therefore, both the Utility Board and the City jointly adopt the following as its water conservation and water protection plans. We further recognize, through the development of modern technology, these plans, may become obsolete shortly after their adoption. Therefore, as a part of this plan, it will be reviewed annually by the Utility Boards General Manager and when necessary, he will bring to the Board of Directors and the City Council, recommendations, that with their approval, will then become a revised part of these plans.

OBJECTIVE:

Through the adoption of these plans, it is our objective to reduce water consumption and preserve and protect the water supply for the City of Falfurrias and Brooks County, now and into the future. It is our intention to reduce the consumption of water, from 3.5 thousand acre ft. of water now used, to 2.2 thousand acre ft. of water, used by the year 2050. This represents a 52% percent, reduction in water use, through this fifty year, period. This figure includes an anticipated population growth of almost 10% percent through this same period of time. It is also our intention to adopt and implement water quality protection methods, which will help and hopefully preserve the quality of the underground water supply in Falfurrias and Brooks County for this same period of time and beyond.

CONSERVATION METHODS:

1. Implement educational programs that will teach the general public how to conserve water.
2. Adopt rate schedules that will encourage water conservation.
3. Adopt ordinances and regulations that will restrict the improper use of water.
4. Establish fines that will discourage repeat offenders.
5. Set internal polices regarding maintenance and repair of the distribution system.
6. Adopt a water line replacement program, which will eliminate main breaks.
7. Eliminate all dead end water mains and create a totally looped water distribution system.
8. Acquire equipment that will reduce water used to flush fire hydrants.
9. Set stricter guidelines regarding excavation, which will protect the distribution system from outside damages caused by a third party.
10. Develop programs to help customers with the replacement cost to upgrade old fixtures to conservation type fixtures.
11. Set guidelines for landscaping that is best suited for water conservation and/or drought conditions.
12. Develop more uses for recycled water.
13. Implement a program whereas wastewater can and will be used for greenbelts and other acceptable areas.
14. Initiate an ongoing media campaign directed to the general public, which will educate, inform, advise, and keep them updated in regard to water conservation methods, ordinances, meetings, classes, and drought conditions, etc.
15. From time to time, update all water conservation methods, materials and programs as new technology prevails.

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

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

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

The General Manager, or his designee, shall monitor water supply and/or demand conditions on a daily, weekly, and monthly basis and shall determine when conditions warrant initiation or termination of each stage of the Plan. Public notification of the initiation or termination of drought response stages shall be by means of one or more of the following, publication in a newspaper of general circulation, local radio station announcements, direct mail to each customer, signs posted in public places, etc.

ADOPTION:

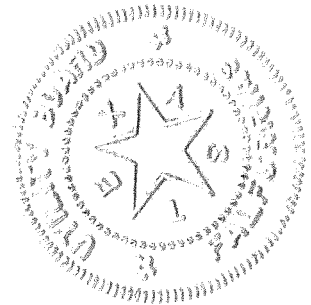
We the Board of Directors for the City of Falfurrias Utility Board, by the signature of the Chairman of the Board do hereby adopt these plans.

Adopted on this 19 day of August, 1999

Andres Saenz
Andres Saenz, Chairman, City of Falfurrias Utility Board

Official Seal

Dora Garza
Dora Garza, Secretary, City of Falfurrias Utility Board



We the City Council for the City of Falfurrias, by the signature of the Mayor of the City, do hereby adopt these plans.

Adopted on this ____ day of _____, 1999

J. Michael Guerra, Mayor, City of Falfurrias

Official Seal

Oralia T. Galvan, City Clerk, City of Falfurrias