

**ORDINANCE NO. 19-07-18-24**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS, REPEALING CHAPTER 51, "WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN" OF TITLE V, "PUBLIC WORKS" AND ADOPTING A NEW CHAPTER 51, "DROUGHT CONTINGENCY AND WATER CONSERVATION PLAN" OF TITLE V, "PUBLIC WORKS" OF THE CODE OF ORDINANCES TO ADOPT AN UPDATED DROUGHT CONTINGENCY AND WATER CONSERVATION PLAN AND TO ADOPT PENALTIES FOR VIOLATION TO INCLUDE DISCONTINUATION OF WATER SERVICE AND THE PAYMENT OF ADDITIONAL FEES; PROVIDING FOR THE INCORPORATION OF PREMISES; REPEALING ORDINANCE NO. 16-07-07 AND PROVIDING A GENERAL CUMULATIVE REPEALER CLAUSE; PROVIDING SEVERABILITY; PROVIDING SAVINGS; PROVIDING A PENALTY FOR A VIOLATION NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH VIOLATION AND PROVIDING A SEPARATE PENALTY FOR EACH DAY A VIOLATION CONTINUES IN ADDITION TO OTHER PENALTIES PROVIDED; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Corinth recognizes that the amount of water available to its customers is limited; and

**WHEREAS**, the City recognizes that due to natural limitations, drought conditions, system failures and other acts of God which may occur, the City cannot guarantee an uninterrupted water supply for all purposes at all times; and

**WHEREAS**, the Water Code and the regulations of the Texas Commission on Environmental Quality (the "Commission") require that the City adopt a Drought Contingency and Water Conservation Plan for the City of Corinth ("Conservation Plan"); and

**WHEREAS**, the City has determined an urgent need in the best interest of the public to adopt a Drought Contingency and Water Conservation Plan for the City of Corinth; and

**WHEREAS**, pursuant to Chapter 54 of the Local Government Code, the City is authorized to adopt such Ordinances necessary to preserve and conserve its water resources; and

**WHEREAS**, the City Council of the City of Corinth has reviewed the 2019 Upper Trinity Regional Water District (the "UTRWD") Model Drought Contingency Plan for the City of Corinth, has determined such plan to be necessary 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 emergencies and therefore, the City Council finds it necessary to adopt such plan as official City policy for the conservation of water ("Conservation Plan"); and

**WHEREAS**, water uses regulated or prohibited under this Conservation Plan are considered to be nonessential and continuation of such uses during times of water shortage or other emergency water supply conditions are deemed to constitute a waste of water which subjects persons who violate the restrictions imposed under this Conservation Plan to penalties as set forth herein; and

**WHEREAS**, the City has held a public meeting providing advance notice of such meeting at which the City Council has considered the adoption of the City Conservation Plan as required by law.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS, THAT:**

**SECTION 1**  
**Incorporation of Premises**

That the foregoing recitals set forth above are determined to be true and correct findings and are incorporated herein as if set forth verbatim.

**SECTION 2.**  
**Amendments**

**2.01.** That Chapter 51, "Water Conservation and Drought Contingency Plan" of Title V, "Public Works" of the Code of Ordinances of the City of Corinth, Texas, is hereby repealed in its entirety and a new Chapter 51, "Drought Contingency and Water Conservation Plan" of Title V of the Code of Ordinances of the City of Corinth is hereby adopted and shall be and read in its entirety as follows:

**"CHAPTER 51: DROUGHT CONTINGENCY AND WATER CONSERVATION PLAN**

**§ 51.01. ADOPTION OF PLAN / AUTHORITY TO IMPLEMENT.**

- (A) Plan Adopted. The City hereby adopts the City of Corinth Drought Contingency and Water Conservation Plan as set forth in Exhibit A to Ordinance No. 19-07-18-24, a copy of which is incorporated by reference as if fully set forth herein, and which shall be referred to herein as the "Drought Contingency Plan" or "Plan" for the City of Corinth. A full copy of the Drought Contingency Plan shall be on file at the Office of the City Secretary of the City of Corinth.

(B) Authority to Implement. The City Manager of the City of Corinth or designee is authorized to administer and implement the Plan in accordance with this Chapter and the provisions of the Drought Contingency Plan. When the City Manager determines that one or more of the trigger conditions set forth in the Drought Contingency Plan exist, or as otherwise authorized by the Drought Contingency Plan, the City Manager shall be authorized to order that any one or more of the measures set forth in the Drought Contingency Plan be implemented. Prior to implementation, any such order shall be published in a newspaper of general circulation in the City at least twenty-four (24) hours prior to the effective date of such order.

**§51.99. PENALTIES.** The penalties contained in this section shall be cumulative and not exclusive:

(A) Offense. A person commits an offense if the person intentionally, knowingly, recklessly or with criminal negligence makes, causes, or permits a use of water contrary to the measures implemented by the City Manager as prescribed in the Drought Contingency Plan adopted under this Chapter.

(B) Criminal Penalty. Any person who violates the Drought Contingency 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 Two Thousand dollars (\$2,000.00). Each day that one or more of the provisions in the Drought Contingency Plan is violated shall constitute a separate offense.

(C) Discontinuation of Water Service/Service Fees. In addition to the remedies provided by Section 9 of the Drought Contingency Plan, if a person is convicted of three (3) or more separate violations of the Drought Contingency Plan, the City Manager shall, upon advance written notice to such person given on or after the date of the third conviction, be authorized to discontinue water service to the location where such violations have occurred. Services discontinued under such circumstances shall be restored after payment of a re-connection charge, hereby established at \$25.00, and all costs incurred by the City of Corinth for actions taken to discontinue the service. In addition, assurance acceptable to the City must be given by the person to the City Manager or designee, that the same action will not be repeated while the Drought Contingency Plan is in effect.

(D) Civil Penalties. The City may also enforce compliance with the Drought Contingency Plan by seeking injunctive relief in the district court and may seek any and all other civil penalties and remedies, in both law and equity, as allowed by law or equity.

(E) Presumption. Any person, including a person classified as a water customer of the City, in apparent control, occupancy or ownership of the property where a violation occurs or originates ("service location") 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, occupancy or ownership of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation.

(F) Adult Responsible for Minors. An adult person shall be presumed to be responsible for violations of this Chapter that occur at a service location and that are committed by persons under the age of eighteen (18) at a service location under the apparent control, occupancy or ownership of such adult person; provided however, that presumption shall be rebuttable upon presentation of evidence that such person previously directed the minor not to use the water as it was used in violation of the Drought Contingency Plan and the adult person demonstrates that the he or she could not have reasonably known of the violation.

(G) Enforcement Authority. Any police officer, or other employee of the City of Corinth designated by the City Manager, may issue a citation to a person he/she reasonably believes has committed a violation of this Ordinance. 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 whether in person or by mail. The alleged violator shall appear in municipal court to enter a plea to the charge. If the alleged violator fails to appear in municipal court, a warrant for his/her arrest may be issued in accordance with standard court procedures. A summons to appear may be issued in lieu of an arrest warrant."

**2.02.** That Ordinance No. 16-07-07 previously amending Ordinance No. 09-05-21-08 but not incorporated into Chapter 51 of the Code of Ordinances is hereby repealed in its entirety.

### **SECTION 3** **Cumulative Repealer**

Ordinance No. 16-07-07 of the City of Corinth Texas is hereby repealed in its entirety. This Ordinance shall be cumulative of all other Ordinances of the City of Corinth and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance or where expressly repealed hereby. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance.

### **SECTION 4** **Severability**

If any section, subsection, clause, phrase, or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court

of competent jurisdiction to be invalid, void, or unconstitutional, the remaining sections, subsections, clauses, phrases, and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

**SECTION 5**  
**Savings**

All rights and remedies of the City of Corinth are expressly saved as to any and all violations of the provisions of any Ordinances that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 6**  
**Penalty**

Any person, firm or corporation who violates any provision of this Ordinance or the Code of Ordinances, as amended hereby, shall be subject to a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense, and each and every day any such offense shall continue shall be deemed to constitute a separate offense, provided, however, that in all cases involving violation of any provision of this ordinance or Code of Ordinances, as amended hereby, governing public health shall be subject to a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense as allowed by law, and each and every day any such offense shall continue shall be deemed to constitute a separate offense.

**SECTION 7**  
**Publication/Effective Date**

This Ordinance shall take effect and be in full force from and after the date of its passage and publication, as provided by the Texas Local Government Code.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS on this the \_\_\_\_\_ day of \_\_\_\_\_ 2019.**



APPROVED:

A handwritten signature in blue ink, appearing to read "Bill Heidemann", written over a horizontal line.

Bill Heidemann, Mayor  
City of Corinth, Texas

ATTEST:

A handwritten signature in blue ink, appearing to read "Kimberly Pence", written over a horizontal line.

Kimberly Pence, City Secretary  
City of Corinth, Texas

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in blue ink, appearing to read "Patricia Adams", written over a horizontal line.

Patricia A. Adams, City Attorney

Attachment "A"

**Drought Contingency Plan for  
City of Corinth**

**03/27/2019**

**SECTION 1  
Introduction and Objectives**

The purpose of this Drought Contingency Plan (the "Plan") is to provide for drought contingency measures for City of Corinth as required by the Texas Commission on Environmental Quality ("TCEQ") and the Upper Trinity Regional Water District ("UTRWD"). Such contingency measures may be needed during drought conditions, during an emergency and when water use approaches the Regional Treated Water System ("System") supply or the capacity of treatment and delivery facilities. Examples of drought or emergency conditions include low levels of water supply lakes, unusually high water demands, unforeseen equipment / system failure or contamination of the water supply source.

The City of Corinth developed its original plans for drought contingency in 2004, later amended in 2009 and 2014. This update of the Plan has been coordinated with the suggested model drought contingency plan prepared by UTRWD for its Members and Customers, such as the City of Corinth, and is consistent with TCEQ's model drought contingency plan and the latest requirements outlined below. The provisions and responses outlined in this Plan are intended to be uniformly applied among UTRWD's Members and Customers.

The City of Corinth uses the following source(s) of water: groundwater pumped plus treated surface water supplied by UTRWD. The total combined amount from these sources is normally sufficient to provide water for residential and commercial customers and to maintain adequate reserve quantities and pressure from storage facilities to meet emergency and firefighting demands.

Drought is a frequent and inevitable factor in the climate of Texas. Therefore, it is vital to plan for the effect that droughts will have on the use, allocation and conservation of water in the region. Drought contingency planning is one critical element of a water supplier's effort to reduce peak water demands and extend water supplies. The following are the central objectives of this Plan:

- Help assure reliability of water service to retail customers;
- Conserve the available water supply in times of drought and emergency;
- Maintain adequate water supplies for domestic use, sanitation and fire protection;
- Protect and preserve public health, welfare and safety;
- Minimize the adverse impacts of water supply shortages and
- Minimize the adverse impacts of emergency conditions affecting water supply.

**SECTION 2  
Applicable Rules of Texas Commission on Environmental Quality**

TCEQ rules governing the development of drought contingency plans for Municipal Uses by Public Water Suppliers, such as City of Corinth, are contained in Title 30, Part 1, Chapter 288,

Subchapter B and Rule 288.20 of the Texas Administrative Code (“TAC”). A copy of these rules is included in Appendix A. The rules define a drought contingency plan as:

“A strategy or a combination of strategies for temporary supply and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies.”

Minimum Drought Contingency Plan Requirements

The minimum requirements contained in the TAC for drought contingency plans are covered in this Plan as follows:

Rule	Subject	Section
288.20(a)(1)(A)	Informing the Public & Providing Opportunity For Input	Section 3
288.20(a)(1)(B)	Provisions for Continuing Public Education & Information	Section 4
288.20(a)(1)(C)	Coordination with the Regional Water Planning Group	Section 10
288.20(a)(1)(D)	Criteria for Initiation Monitoring & Termination of Stages	Section 7
288.20(a)(1)(E)	Drought and Emergency Response Stages	Section 7
288.20(a)(1)(F)	Targets to be Achieved During Drought	Section 7
288.20(a)(1)(G)	Water Supply & Demand Mgm’t Measures for Each Stage	Section 7
288.20(a)(1)(H)	Procedures for Initiation & Termination of Drought Stages	Section 7
288.20(a)(1)(I)	Procedures for Granting Variances	Section 8
288.20(a)(1)(J)	Procedures for Enforcement of Mandatory Restrictions	Section 9
288.20(a)(2)	Drought Plans for Privately-Owned Utilities	Section 12
288.20(a)(3)	Consultation with Wholesale Suppliers	Section 7
288.20(b)	Notification of Implementation of Mandatory Measures	Section 7
288.20(c)	Review & Update of Plan	Section 11

Also included in this Plan are statements of authorization (Section 5) and application (Section 6).

**SECTION 3**  
**Public Involvement**

The City of Corinth previously provided opportunity for public input in the development of this Plan by the following means (*add to this list and adapt as needed*):

- Provided written notice of the draft Plan and the opportunity for the public to comment by website or posted notice prior to adoption;
- Made the draft Plan available on the City of Corinth’s website;
- Provided a copy of the draft Plan to anyone requesting a copy and
- Held a public meeting at a time and location convenient to the public and provided written notice to the public concerning the draft Plan and meeting.

**SECTION 4**  
**Provisions for Continuing Public Education and Information**

The City of Corinth will provide public information about the Plan at least annually, 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 any of the following means:

- Prepare bulletins / newsletters describing the Plan and make said bulletins / newsletters available in utility bills, public facilities or other appropriate places;
- Make the Plan and its requirements available on the Corinth's website;
- Include information about this Plan and water conservation on the Corinth's website, and as part of its bulletins / newsletters, public service announcements and media reports and
- Notify local organizations, schools and civic groups that Corinth's staff members are available to make presentations on the Plan (usually in conjunction with presentations on water conservation programs).

When provisions of the Plan are activated or when a drought response stage changes, The City of Corinth will notify local media of the relevant issues, the appropriate drought response stage and the specific actions required of the public. The provisions of the Plan are mandatory and therefore, TCEQ shall be notified within five (5) business days. The information will also be publicized on the Corinth's website. Billing inserts may also be used as appropriate means of disseminating information to the public.

#### **SECTION 5** **Authorization**

The City Manager, or official 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, and to comply with applicable regulations or contractual requirements. Except as otherwise provided in the Plan, the City Manager, or official designee, shall have the authority to initiate, to enforce and to terminate the measures provided herein for a drought or other water supply emergency. The authority to implement and enforce the Drought Contingency Plan is established herein and in Chapter 51 of Title V of the Code of Ordinances of the City, as amended, a copy of the Ordinance amending Chapter 51 and adopting this Plan is attached hereto as **Appendix B**.

#### **SECTION 6** **Application**

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

#### **SECTION 7** **Drought Contingency Plan - - Emergency Response Stages**

The City Manager, or official designee, may order the initiation or termination of a drought response stage or water emergency when one or more of the trigger conditions for that stage is met as provided in this Section. The triggering criteria described below are based on the ability of the City of Corinth to deliver treated water to its customers and / or the ability of UTRWD to deliver treated water to the City of Corinth. Water supply and / or demand conditions are

monitored by both the City of Corinth and UTRWD on a regular basis to determine when conditions warrant initiation or termination of a drought response stage.

#### 7.1 Initiation of Drought Response Stages

The following actions will be taken when a drought response stage is initiated:

- The public will be notified through local media, the City of Corinth website and other appropriate methods as described in Section 3 above;
- Unless otherwise implemented by UTRWD, City of Corinth will notify UTRWD by telephone with a follow-up letter, e-mail or fax to confirm implementation of any drought response stage and to provide relevant details and
- The City of Corinth will also notify the Executive Director of the TCEQ within five (5) business days.

When specific drought response stages are announced by UTRWD, the City of Corinth and other entities receiving water from UTRWD are required to implement the appropriate measures. For other trigger conditions not announced by UTRWD, the City Manager, or official designee, may implement contingency measures based on local conditions affecting the City of Corinth; or for good cause may decide not to order the implementation of a drought response stage or water emergency even though one or more trigger criteria for the stages are met. Various factors are considered when deciding about such stages, including circumstances unique to the City of Corinth, the time of the year, weather conditions, the anticipation of replenished water supplies, use of an alternate water resource or the anticipation that additional facilities will become available on a timely basis to meet needs. The reason for such decision will be documented and communicated to UTRWD for the record.

#### 7.2 Termination of Drought Response Stages

The following actions will be taken when a drought response stage is terminated:

- The public will be notified through local media, the City of Corinth website and other appropriate methods as described in Section 3 above;
- UTRWD will be notified by telephone with a follow-up letter, e-mail or fax to confirm the particular drought response stage has been terminated and
- The City of Corinth will also notify the Executive Director of the TCEQ within five (5) business days.

The City Manager, or official designee, may decide not to order the termination of a drought response stage or water emergency even though the conditions for termination of the stage are met. Various factors could influence such a decision about whether to end a specific stage, including circumstances unique to City of Corinth, the time of the year, weather conditions, and conditions within the local water distribution system or anticipation of other relevant factors that warrant continuation of measures for the drought stage. The reason for such decision will be documented and communicated to UTRWD for the record.

## 7.3 Drought and Emergency Response Stages

### A. Stage 1 – Water Watch

#### Requirements for Initiation

The following are key conditions, any one of which may trigger this stage:

- UTRWD has announced Stage 1 – Water Watch, which may be a result of:
  - The total raw water supply in water supply lakes available to UTRWD has dropped below 75% (25% depleted) during the time period from April 1 to October 31; or
  - The total raw water supply in the water supply lakes available to Upper Trinity has dropped below 80% (20% depleted) during the time period from November 1 to March 31; or
  - Dallas Water Utilities (a source of raw water to UTRWD) has initiated Stage 1 and given notice to UTRWD; or
  - UTRWD, with concurrence of the Board of Directors, finds that conditions warrant the declaration of Stage 1; or
- Water demand has reached or exceeded [80%] of delivery capacity for three consecutive days; or
- Water demand is approaching a level that will cause a reduced delivery capacity for all or part of the distribution system, as determined by City of Corinth or
- The water supply system has a significant limitation due to failure of or damage to important water system components.

#### Goal

Stage 1 is intended to raise public awareness of potential drought and water emergency problems. The goal for water use reduction under Stage 1 is five percent (5%) of total daily water use that otherwise would have occurred in the absence of drought contingency measures. If circumstances warrant, the City Manager can set a goal for greater or lesser water use reduction.

#### Water Use Restrictions for Reducing Demand

Under this stage, customers will be requested to conserve water through mandatory and voluntary measures, and to comply with restrictions on certain non-essential water use as provided below. Specific measures to be implemented during the stage will be determined by the City of Corinth's City Manager, or official designee. The City Manager, or official designee, may also take other actions not listed, if deemed necessary.

- Require reduction of water use through mandatory, maximum two-days-per-week landscape irrigation schedule for automatic irrigation systems and hose-end sprinklers. Irrigation of landscaped areas and building foundations is permitted at any time if it is by means of a hand-held hose, drip irrigation or soaker hose systems. *(Guidance: UTRWD Customers may decide how to implement, communicate and enforce its respective watering schedule for retail customers. For example, irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems may be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8) and for locations without addresses, and Saturdays and Wednesdays for water customers*

*with a street address ending in an odd number (1, 3, 5, 7 or 9). Apartments, office building complexes or other property containing multiple addresses may be identified by the lowest address number.)*

- Require reduction of water use through mandatory time-of-day landscape irrigation schedule. No outdoor watering with automatic irrigation systems and hose-end sprinklers can occur from 10:00 a.m. to 6:00 p.m. Irrigation of landscaped areas and building foundations is permitted at any time if it is by means of a hand-held hose, drip irrigation or soaker hose systems.
- Restrict washing of any motor vehicle, motorbike, boat, trailer, airplane or other vehicle to the use of a hand-held bucket or a hand-held hose equipped with a positive shut-off nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash facility or commercial service station. Companies with an automated on-site vehicle washing facility may wash its vehicles at any time.
- Encourage reduction in frequency of draining and refilling swimming pools.
- Encourage customers to avoid waste during recreational use (water used for leisure and entertainment purposes) from faucets, hoses or hydrants.
- Increase public education efforts on ways to reduce water use.
- Review internal operational conditions and capabilities by the City of Corinth and intensify efforts on leak detection and repair.
- Be alert to internal non-essential water use by the City of Corinth (examples include vehicle washing, operation of ornamental fountains, landscape uses for parks or medians, etc.).

#### Termination

Stage 1 may terminate when UTRWD terminates its Stage 1 condition or when the circumstances that caused the initiation of Stage 1 – Water Watch no longer prevail.

#### B. Stage 2 – Water Warning

#### Requirements for Initiation

The following are key conditions, any one of which may trigger this stage:

- UTRWD has initiated Stage 2 – Water Warning, which may be a result of:
  - The total raw water supply in water supply lakes available to UTRWD has dropped below 60% (40% depleted) during the time period from April 1 to October 31; or
  - The total raw water supply in the water supply lakes available to Upper Trinity has dropped below 65% (35% depleted) during the time period from November 1 to March 31; or
  - Dallas Water Utilities has initiated Stage 2 and given notice to UTRWD; or
  - UTRWD, with concurrence of the Board of Directors, finds that conditions warrant the declaration of Stage 2; or

- Water demand has reached or exceeded [85%] of delivery capacity for three consecutive days; or
- Water demand has reached a level that is causing a reduced delivery capacity for all or part of the distribution system, as determined by City of Corinth; or
- The water supply system is unable to deliver water at normal rates due to failure of or damage to major water system components or
- A significant deterioration in the quality of a water supply, being affected by a natural or man-made source.

#### Goal

The goal for water use reduction under Stage 2 is a ten percent 10% reduction in the use that would otherwise have occurred in the absence of drought contingency measures. If circumstances warrant, the City Manager can set a goal for greater or lesser water use reduction.

#### Water Use Restrictions for Reducing Demand

Under this stage, customers will be requested to continue following the mandatory measures to conserve water and to comply with restrictions on certain non-essential water uses as provided below. Specific measures to be implemented during this stage will be determined by the City Manager, or official designee. The City Manager, or official designee, may also take other actions not listed, if deemed necessary. All requirements of Stage 1 shall remain in effect during this Stage 2, plus the following incremental or new measures:

- Require reduction of water use through mandatory maximum one-day-per-week landscape irrigation schedule. This includes irrigation of landscaped areas with automatic irrigation systems and hose-end sprinklers. Irrigation of landscaped areas and building foundations is permitted at any time if it is by means of a hand-held hose, drip irrigation or soaker hose systems. *(Guidance: UTRWD Customers may decide how to implement, communicate and enforce its respective watering schedule for retail customers.)*
- Prohibit recreational water use (water used for leisure and entertainment purposes) including use of faucets or hoses in such a manner that creates runoff or other wastes.
- Encourage further reduction in draining and filling of swimming pools.
- Further accelerate public education efforts on ways to reduce water use.
- Continue intensified leak detection and repair activities by the City of Corinth on water pipes and mains.
- Reduce internal water use by the City of Corinth, except where water is supplied from treated wastewater effluent (examples include: restrict irrigation to day-of-week watering schedule; no hosing off paved areas, buildings, windows or other hard surfaces; no vehicle washing except on the premises of a commercial car wash).
- Encourage retail customers to wait until the current drought or water emergency situation has passed before establishing new landscaping.

- Initiate engineering studies to evaluate alternatives to mitigate drought conditions should conditions worsen.
- The City of Corinth is restricted to day-of-week and time-of-day landscape watering schedule except for parks and golf courses.
- Require reduction of water use through day-of-week landscape watering schedule for parks and golf courses.
- Announce enforcement efforts and penalties for noncompliance. Enforcement to be primarily based on complaints being received.

#### Termination

Stage 2 may terminate when UTRWD terminates its Stage 2 condition or when the circumstances that caused the initiation of Stage 2 no longer prevail. Upon termination of Stage 2, Stage 1 – Water Watch will remain in effect unless otherwise announced by The City of Corinth or UTRWD.

#### C. Stage 3 – Water Emergency

##### Requirements for Initiation

The following are key conditions, any one of which may trigger Stage 3:

- UTRWD has initiated Stage 3 – Water Emergency, which may be a result of:
  - The total raw water supply in water supply lakes available to UTRWD has dropped below 45% (55% depleted) during the time period from April 1 to October 31; or
  - The total raw water supply in the water supply lakes available to Upper Trinity has dropped below 50% (50% depleted) during the time period from November 1 to March 31; or
  - Dallas Water Utilities has initiated Stage 3 and given notice to UTRWD; or
  - UTRWD, with concurrence of the Board of Directors, finds that conditions warrant the declaration of Stage 3; or
- Water demand has reached or exceeded [90%] of delivery capacity for three consecutive days; or
- Water demand exceeds the delivery capacity for all or part of the distribution system, as determined by City of Corinth; or
- Water supply system is unable to deliver water in adequate quantities due to failure of or damage to major water system components; or
- Interruption of one or more water supply source(s).
- Natural or man-made contamination of the water supply source that threatens water availability.

### Goal

The goal for water use reduction under Stage 3 is a reduction of twenty percent 20% in the use that would otherwise have occurred in the absence of drought contingency measures. If circumstances warrant, the City Manager can set a goal for greater or lesser water use reduction.

### Water Use Restrictions for Reducing Demand

Customers will comply with the requirements and mandatory restrictions on non-essential and other water uses as provided below. Specific measures to be implemented during this stage will be determined by the City Manager, or official designee. The City Manager, or official designee, may also take other actions not listed, if deemed necessary. All requirements of Stage 1 and Stage 2 shall remain in effect during this Stage 3, plus the following incremental or new measures:

- Outdoor irrigation is prohibited. Irrigation of landscaped areas and building foundations is permitted one day per week between 6:00 p.m. and 6:00 a.m. if it is by means of a hand-held hose, drip irrigation or soaker hose systems. (*Guidance: UTRWD customers may decide how to implement, communicate and enforce its respective watering schedule for retail customers.*)
- Use of water to wash any motor vehicle, motorbike, boat, trailer or other vehicle not occurring on the premises of a commercial vehicle wash facility or commercial service stations is prohibited. Further, such washing may be exempt from these requirements if the health, safety and welfare of the public are contingent upon frequent vehicle cleansing, such as garbage trucks and commercial vehicles used to transport food and perishables.
- Prohibit the filling, draining and refilling of water to swimming pools, wading pools, hot tubs, spas and ornamental ponds except to maintain structural integrity, proper operation and maintenance or to alleviate a public safety risk. Existing pools may add water to replace losses from normal use and evaporation.
- Suspend issuance of permits for new swimming pools, hot tubs, spas and ornamental ponds.
- Hosing and washing of paved areas, buildings, structures, windows or other surfaces is prohibited except by variance and performed by a professional service using high efficiency equipment.
- Prohibit operation of ornamental fountains or ponds that use potable water except where supporting aquatic life or water quality.
- Landscape watering of parks, golf courses, and athletic fields with potable water is prohibited. Exception for golf course greens and tee boxes which may be hand watered as needed. Variances may be granted by the water provider under special circumstances.
- Prohibit non-essential internal water use by the City of Corinth, except where water is supplied from treated wastewater effluent.
- No restrictions on commercial nurseries, construction, patio misters, and for dust abatement.
- Implement a rate surcharge on retail usage.

- Step-up enforcement activities.
- Implement utilization of alternative water sources if available.

#### Termination

Stage 3 may terminate when UTRWD terminates its Stage 3 condition or when the circumstances that caused the initiation of Stage 3 no longer prevail. Upon termination of Stage 3, Stage 2 – Water Warning will be initiated, unless otherwise announced by the City of Corinth or UTRWD.

### **SECTION 8**

#### **Variations**

The City Manager, or official designee, may grant temporary variations for existing water uses otherwise prohibited under this Plan if one or more of the following conditions are met:

- Failure to grant such a variation would cause an emergency condition adversely affecting health, sanitation or fire safety for the public or the person requesting the variation;
- Compliance with this Plan cannot be accomplished due to technical or other limitations and
- Alternative methods that achieve the same level of reduction in water use can be implemented.

Variations may be granted or denied at the discretion of the City Manager, or official designee. However, no variations shall be granted under any circumstance if the City of Corinth is in Stage 3 – Water Emergency. All petitions for variations should be in writing and should include the following information:

- Name and address of the owner and a licensed Texas irrigator responsible for the variation;
- Purpose of water use;
- Specific provisions from which relief is requested;
- Detailed statement of the adverse effect of the provision from which relief is requested;
- Description of the relief requested including a proposed irrigation plan;
- Monthly report verifying the goal reductions;
- Period of time for which the variation is sought;
- On-call personnel with contact information for 24-hour a day repair response within one hour of notice;
- Alternative measures that will be taken to reduce water use;

- Other pertinent information.

### **SECTION 9** **Enforcement**

Mandatory water use restrictions are imposed in Stages 1, 2 and 3 of the Plan and shall be enforced in accordance with this section and any other applicable ordinance, rule or regulation. These mandatory water use restrictions, in the City's sole discretion, shall be enforced by any combination of warnings, reconnection fees, suspension of service, monetary penalties, citations and/or fees as authorized by the governing body, including without limitation any one or more of the following:

- On the first violation, customers will be notified by a sign or door-hanger that they have violated the mandatory water use restriction;
- On the second violation, the City of Corinth may request the resident to disconnect its irrigation system; or, if the resident doesn't comply with said request, the City of Corinth may disconnect said irrigation system. In addition, Corinth may post notification of violation with reconnection fees and possible monetary penalties;
- On the third violation, the City of Corinth will disconnect water service and post notification of violation with reconnection fees, fines and / or citations;
- The City of Corinth maintains the right, at any violation level, to disconnect irrigation systems and / or total water services to a customer with reconnection fees and possible monetary penalties authorized by action of the governing body; and
- The City Manager or official designee may implement any provision of the enforcement process of this Plan.
- Any police officer having jurisdiction may issue a citation for any violation.

### **SECTION 10** **Coordination with Regional Water Planning Group, UTRWD and Others**

The City of Corinth has coordinated with the Region C Water Planning Group and UTRWD to ensure consistency with the approved regional water plan and UTRWD's drought contingency plan. The City of Corinth sent a copy of the draft ordinance(s) or resolution(s) implementing the Plan to UTRWD for review and approval. After adoption, Corinth sent the final ordinance(s) or resolution(s) and the Plan to UTRWD. **Appendix C** includes a copy of a letter sent to the Chair of the Region C Water Planning Group along with the City of Corinth's Plan.

### **SECTION 11** **Review and Update of Drought Contingency Plan**

As required by TCEQ rules, the City of Corinth will review and update this Plan every five years. The Plan will be updated as appropriate based on new or updated information, such as the adoption or revision of the regional water plan or based on new or updated information related to Corinth's service area, population, water supply, transmission system -- and, for compliance with UTRWD requirements. The next revision of the drought contingency plan must be prepared,

adopted and submitted to TCEQ's Executive Director not later than 2024 (*Date is five years from the adoption of the Drought Contingency Plan by each entity*). Any revised Plan must be submitted to TCEQ within 90 days of adoption by the community water system.

**SECTION 12**  
**Drought Contingency Plans For Privately–Owned Water Utilities**

Any privately–owned or independent water utilities that are located within the service area of Corinth shall prepare a drought contingency plan in accordance with TCEQ requirements contained in the TAC, Title 30, Part 1, Chapter 288, Subchapter B and Rule 288.20, and incorporate such plan into their tariff.

**APPENDICES**

- Appendix A. TCEQ Minimum Requirements of a Drought Contingency Plan – Subchapter B, Rule 288.20
- Appendix B. Copy of Ordinance, order or resolution adopted by City Council or Governing Board Implementing the Drought Contingency Plan
- Appendix C. Coordination with Regional Planning Group

**APPENDIX A**  
TCEQ Minimum Requirements of a  
Drought Contingency Plan for Municipal Uses by Public Water Suppliers  
(Subchapter B, Rule §288.20)  
Effective October 7, 2004

(a) A drought contingency plan for a retail public water supplier, where applicable, must include the following minimum elements.

(1) Minimum requirements. Drought contingency plans must include the following minimum elements.

(A) Preparation of the plan shall include provisions to actively inform the public and affirmatively provide opportunity for public input. Such acts may include, but are not limited to, having a public meeting at a time and location convenient to the public and providing written notice to the public concerning the proposed plan and meeting.

(B) Provisions shall be made for a program of continuing public education and information regarding the drought contingency plan.

(C) The drought contingency plan must document coordination with the regional water planning groups for the service area of the retail public water supplier to ensure consistency with the appropriate approved regional water plans.

(D) The drought contingency plan must include a description of the information to be monitored by the water supplier, and specific criteria for the initiation and termination of drought response stages, accompanied by an explanation of the rationale or basis for such triggering criteria.

(E) The drought contingency plan must include drought or emergency response stages providing for the implementation of measures in response to at least the following situations:

(i) reduction in available water supply up to a repeat of the drought of record;

(ii) water production or distribution system limitations;

(iii) supply source contamination; or

(iv) system outage due to the failure or damage of major water system components (e.g., pumps).

(F) The drought contingency plan must include specific, quantified targets for water use reductions to be achieved during periods of water shortage and drought. The entity preparing the plan shall establish the targets. The goals established by the entity under this subparagraph are not enforceable.

(G) The drought contingency plan must include the specific water supply or water demand management measures to be implemented during each stage of the plan including, but not limited to, the following:

(i) curtailment of non-essential water uses; and

(ii) utilization of alternative water sources and/or alternative delivery mechanisms with the prior approval of the executive director as appropriate (e.g., interconnection with another water system, temporary use of a non-municipal water supply, use of reclaimed water for non-potable purposes, etc.).

(H) The drought contingency plan must include the procedures to be followed for the initiation or termination of each drought response stage, including procedures for notification of the public.

(I) The drought contingency plan must include procedures for granting variances to the plan.

(J) The drought contingency plan must include procedures for the enforcement of mandatory water use restrictions, including specification of penalties (e.g., fines, water rate surcharges, discontinuation of service) for violations of such restrictions.

(2) Privately-owned water utilities. Privately-owned water utilities shall prepare a drought contingency plan in accordance with this section and incorporate such plan into their tariff.

(3) Wholesale water customers. Any water supplier that receives all or a portion of its water supply from another water supplier shall consult with that supplier and shall include in the drought contingency plan appropriate provisions for responding to reductions in that water supply.

(b) A wholesale or retail water supplier shall notify the executive director within five business days of the implementation of any mandatory provisions of the drought contingency plan.

(c) The retail public water supplier shall review and update, as appropriate, the drought contingency plan, at least every five years, based on new or updated information, such as the adoption or revision of the regional water plan.

APPENDIX B  
Copy of Ordinance Adopted  
by City Council or Governing Body

APPENDIX C  
Coordination with Regional Planning Group