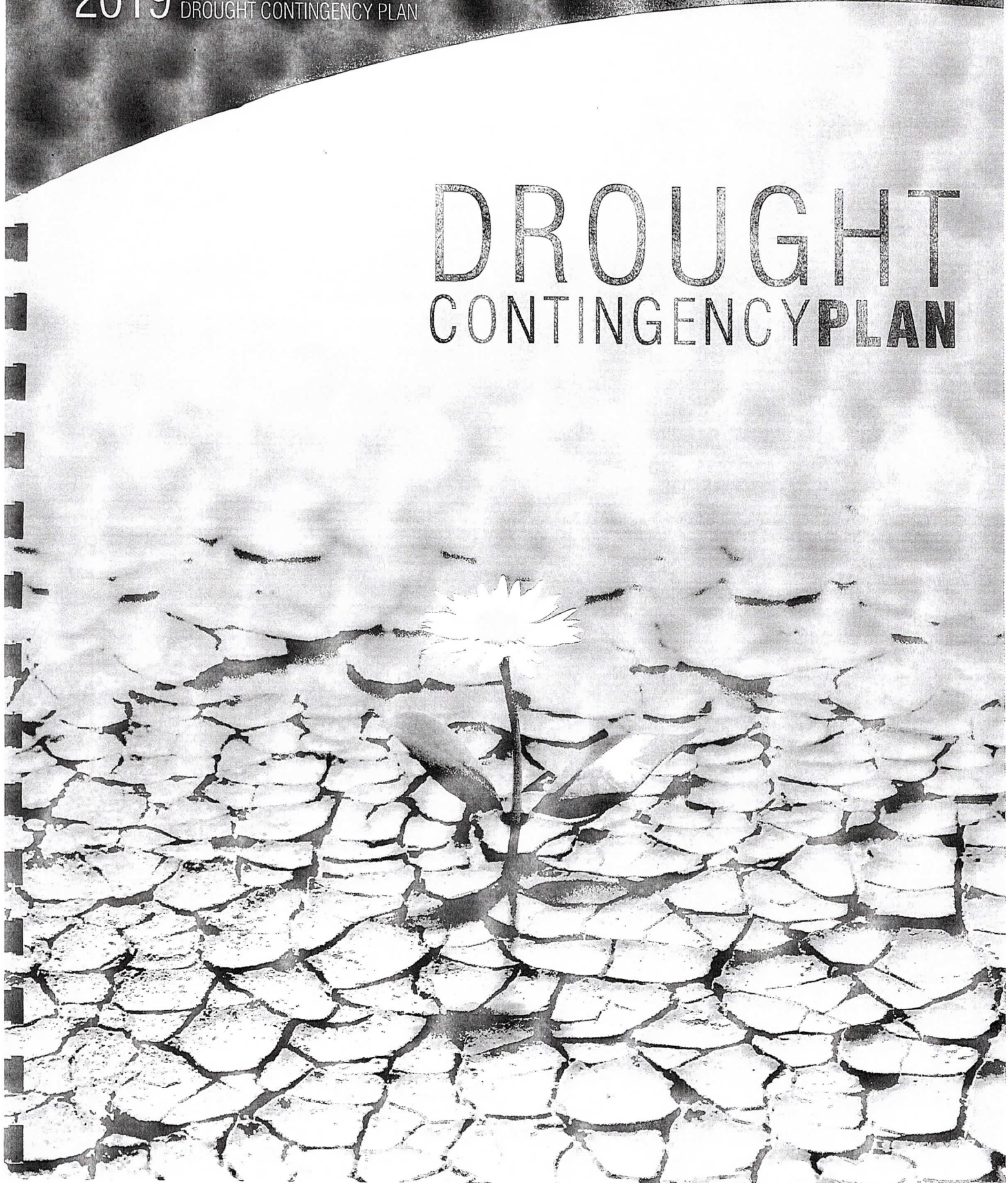


2019 WATER CONSERVATION &  
DROUGHT CONTINGENCY PLAN

# DROUGHT CONTINGENCY PLAN





## 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 Bowie hereby adopts the following regulations and restrictions on the delivery and consumption of water by City Ordinance.

Water uses regulated or prohibited under this Drought Contingency Plan are considered to be non-essential or discretionary 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 the offender(s) to penalties as defined in the Enforcement of Drought Contingency Plan section of this Plan.

## AUTHORIZATION

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

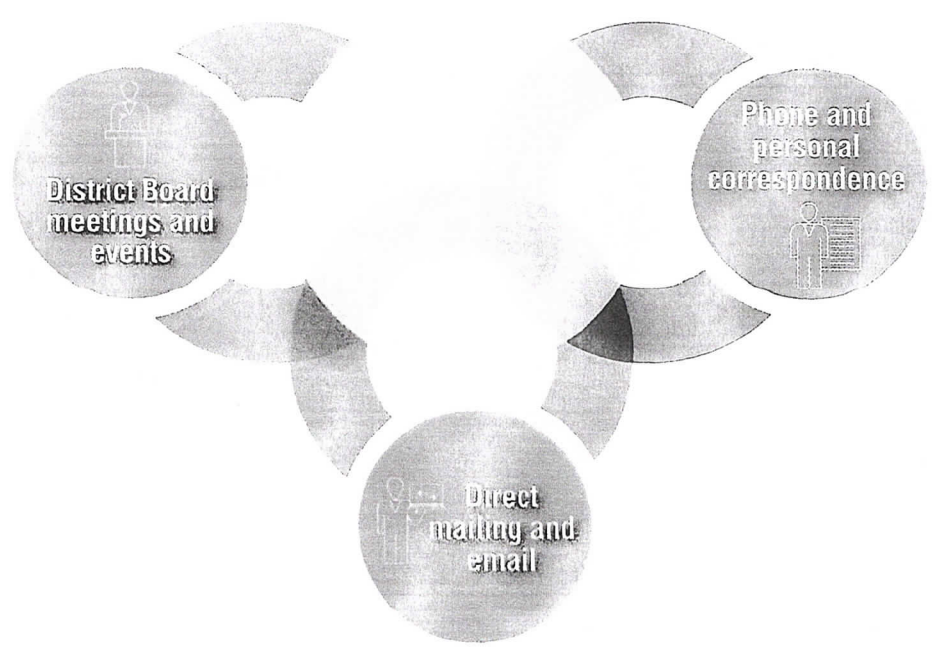


# APPLICATION

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

# PUBLIC INVOLVEMENT

Opportunity for the public to provide input into the preparation and subsequent revisions of this Plan is provided by the City of Bowie by means of:





## PUBLIC EDUCATION (DROUGHT)

The City of Bowie will periodically provide the public with information about this Drought Contingency Plan, including information and/or notification 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. Water conservation tips and information will also be provided. This information will be provided by means of:

POSTING A NOTICE  
OF DROUGHT  
CONDITIONS AT  
THE CITY HALL

GENERAL CIRCULATION  
TO NEWSPAPERS

NOTIFYING LOCAL  
RADIO STATIONS

DIRECT MAILING  
TO EACH WATER  
ACCOUNT

HANDOUTS TO  
CUSTOMERS,  
SCHOOLS, CIVIC  
GROUPS, AND  
CLUBS UPON  
REQUEST

WATER AND  
WASTEWATER  
PLANT TOURS

THE PLAN WILL BE  
POSTED ON THE  
CITY'S WEBSITE



# DISCRETIONARY USES OF WATER





# DROUGHT AND EMERGENCY TRIGGERS



## **DROUGHT STAGE 1**

Lake Amon G. Carter reaches 917 ft (msl)  
Daily water demand exceeds 85% of pumping, treatment, or storage capacity for 3 consecutive days

## **DROUGHT STAGE 2**

Lake Amon G. Carter reaches 913 ft (msl)  
Daily water demand exceeds 90% of pumping, treatment, or storage capacity for 3 consecutive days

## **DROUGHT STAGE 3**

Lake Amon G. Carter reaches 909 ft (msl)  
Daily water demand exceeds 100% of pumping, treatment, or distribution capacity for 3 consecutive days

## **DROUGHT STAGE 4**

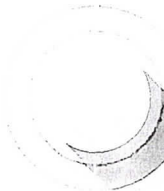



Lake Amon G. Carter reaches 905 ft (msl)  
Daily water demand exceeds 110% of pumping, treatment, or distribution capacity for 3 consecutive days

## **EMERGENCY STAGE 5**

Major water production or distribution limitations  
Supply Source Contamination  
System outage due to failure of major water system components

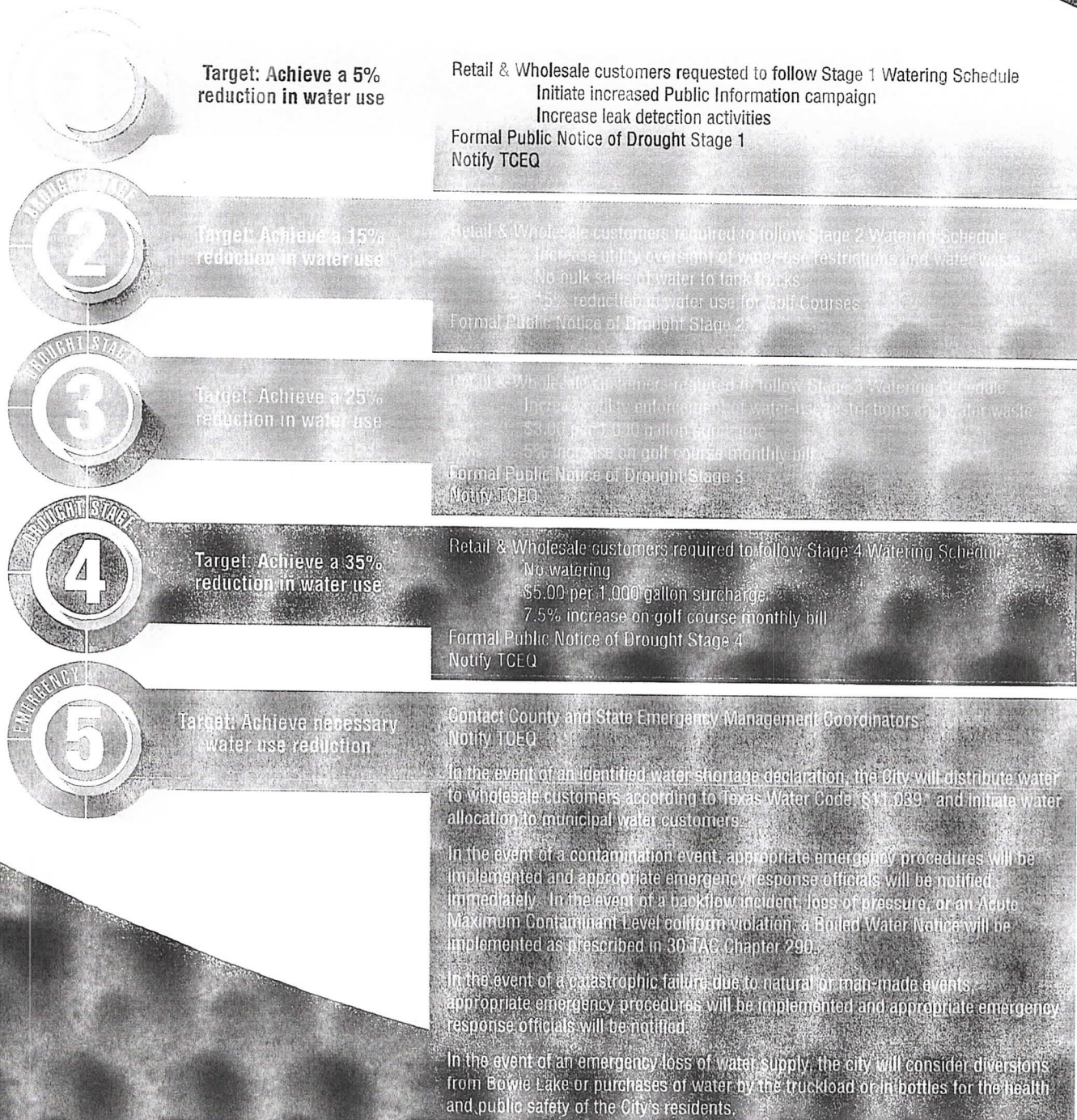


# WATERING SCHEDULE

	COMPLIANCE	ODD ADDRESSES	EVEN ADDRESSES
	<b>VOLUNTARY</b>	Wednesday, Saturday	Thursday, Sunday
	<b>MANDATORY</b>	Wednesday, Saturday	Thursday, Sunday
	<b>MANDATORY</b>	Wednesday	Thursday
	<b>NO WATERING</b> All outdoor and non-essential uses of water are prohibited		



# RESPONSE STAGES





## TEXAS WATER CODE, SEC. 11.039.

### DISTRIBUTION OF WATER DURING SHORTAGE.

(a) If a shortage of water in a water supply not covered by a water conservation plan prepared in compliance with Texas Natural Resource Conservation Commission or Texas Water Development Board rules results from drought, accident, or other cause, the water to be distributed shall be divided among all customers pro rata, according to the amount each may be entitled to, so that preference is given to no one and everyone suffers alike.

(b) If a shortage of water in a water supply covered by a water conservation plan prepared in compliance with Texas Natural Resource Conservation Commission or Texas Water Development Board rules results from drought, accident, or other cause, the person, association of persons, or corporation owning or controlling the water shall divide the water to be distributed among all customers pro rata, according to:

(1) The amount of water to which each customer may be entitled; or

(2) The amount of water to which each customer may be entitled, less the amount of water the customer would have saved if the customer had operated its water system in compliance with the water conservation plan.

(c) Nothing in Subsection (a) or (b) precludes the person, association of persons, or corporation owning or controlling the water from supplying water to a person who has a prior vested right to the water under the laws of this state.



## WHOLESALE CONTRACTUAL DROUGHT CONTINGENCY REQUIREMENT

The City of Bowie will include a provision in every wholesale water contract entered into or renewed after adoption of the plan, including contract extensions, that in case of a shortage of water resulting from drought, the water to be distributed shall be divided in accordance with Texas Water Code, §11.039.



## VARIANCES

The City Manager or his/her designee may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

1. 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.
2. Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with the City of Bowie within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by City Manager or his/her designee, and shall include the following:

1. Name and address of the petitioner(s).
2. Purpose of water use.
3. Specific provision(s) of the Plan from which the petitioner is requesting relief.
4. Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
5. Description of the relief requested.
6. Period of time for which the variance is sought.
7. Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
8. Other pertinent information.



## ENFORCEMENT

1. No person or entity shall knowingly or intentionally allow the use of water from the City of Bowie for residential, commercial, institutional, industrial, agricultural, governmental, recreational, wholesale, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the City Manager or his/her designee, in accordance with provisions of this Plan;
2. A City of Bowie code enforcement officer, police officer, or other official designated by the City Manager or his/her designee, may issue a written Notice of Violation to a person or entity he/she reasonably believes to be in violation of this Plan. For subsequent violations following written notice:
  - a. The utility may issue a citation (Class C misdemeanor);
  - b. The utility may install a flow restricting device in the line to limit the amount of water which will pass through the meter in a 24-hour period. The utility may charge the customer for the actual cost of installing and removing the flow restricting device, not to exceed fifty dollars (\$50.00);
  - c. The utility may discontinue service at the meter for a period of seven (7) days, or until the end of the calendar month, whichever is LESS. The normal reconnect fee of the utility will apply for restoration of service;
3. Any water customer who violates this Plan is guilty of and may be charged with 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) or as amended in ordinance. 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



## ENFORCEMENT

distinct violations of this Plan, the City Manager or his/her designee 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 re-connection charge, hereby established at \$50.00, and any other costs incurred by the City of Bowie in discontinuing service. In addition, suitable assurance must be documented with the City Manager or his/her designee 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;

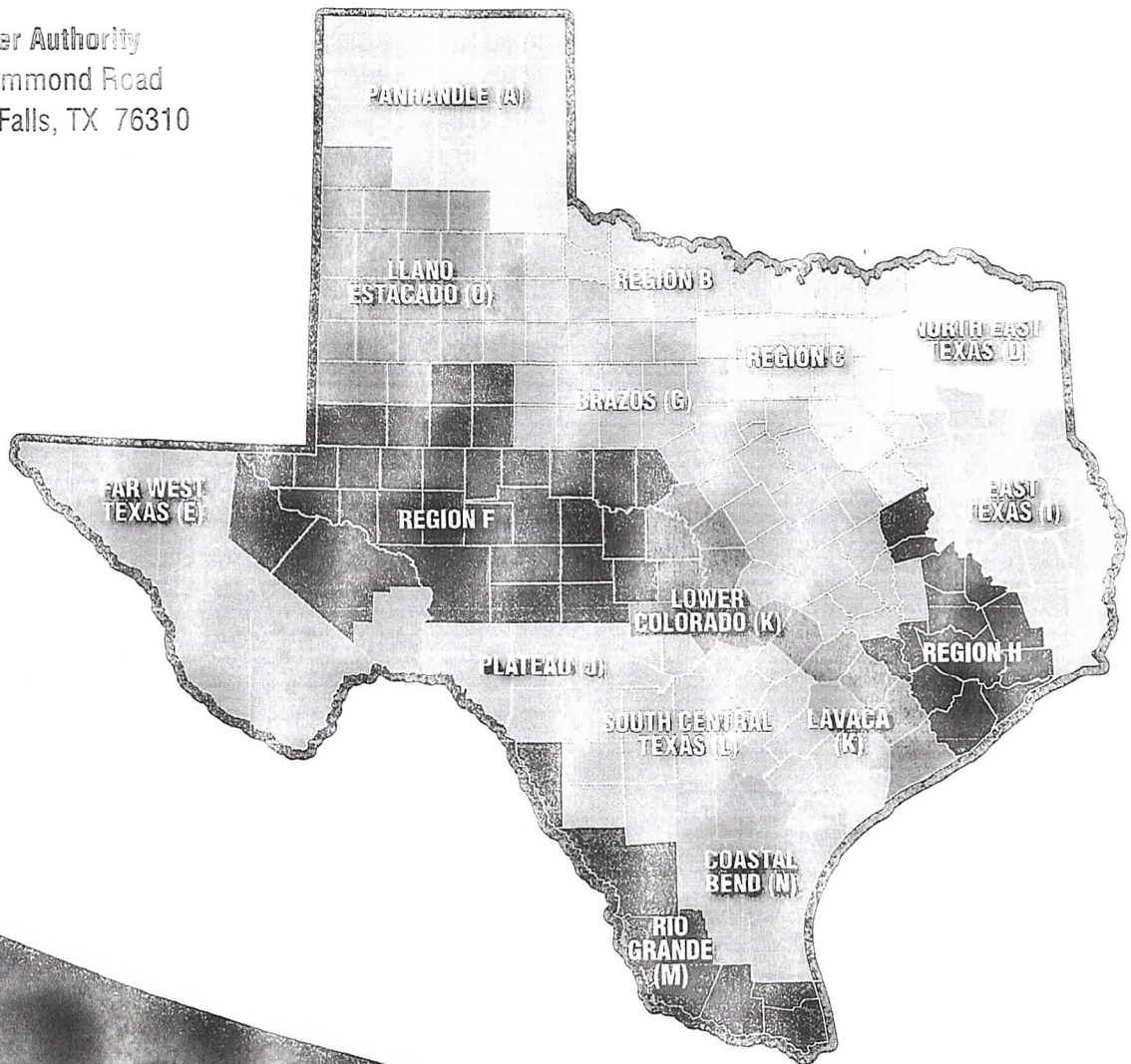
4. Any water customer of the City of Bowie, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of 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.



# COORDINATION WITH REGIONAL WATER PLANNING GROUP

The service area of the City of Bowie is located within the Region B Water Planning Group and the City will provide a copy of this Plan to the Region B Planning Group at:

**Red River Authority**  
3000 Hammond Road  
Wichita Falls, TX 76310





# ORDINANCE

ORDINANCE NO. 2019-15

AN ORDINANCE OF THE CITY OF BOWIE, TEXAS, ADOPTING A WATER CONSERVATION & DROUGHT CONTINGENCY PLAN; ESTABLISHING DATA, INFORMATION, AND POLICY FOR WATER CONSERVATION PROGRAMS; CRITERIA FOR THE INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES; ESTABLISHING RESTRICTIONS ON CERTAIN WATER USES; ESTABLISHING PENALTIES FOR THE VIOLATION OF AND PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS; ESTABLISHING PROCEDURES FOR GRANTING VARIANCES; AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, The City of Bowie, Texas recognizes that the amount of water available to the City and its water utility customers is limited and subject to depletion during periods of extended drought;

WHEREAS, Section 11.1271 of the Texas Water Code and applicable rules of the Texas Commission on Environmental Quality require the holder of an existing permit, certified filing, or certificate of adjudication for the appropriation of surface water in the amount of 1,000 acre-feet a year or more for municipal, industrial, and other uses to develop, submit, and implement a water conservation plan, consistent with the appropriate approved regional water plan, that adopts reasonable water conservation measures as defined by Subdivision (8)(B), Section 11.002, which defines "conservation" as those practices, techniques, and technologies that will 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 water supply is made available for future or alternative uses;



## ORDINANCE

WHEREAS, the City recognizes that natural limitations due to drought conditions and other acts of God cannot guarantee an uninterrupted water supply for all purposes;

WHEREAS, Section 11.1272 of the Texas Water Code and applicable rules of the Texas Commission on Environmental Quality require all public water supply systems in Texas to prepare a drought contingency plan; and

WHEREAS, as authorized under law, and in the best interests of the citizens of the City of Bowie, Texas, the City Council deems it expedient and necessary to establish certain rules and policies for the ongoing conservation of water and the orderly and efficient management of limited water supplies during drought and other water supply emergencies.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF BOWIE, TEXAS:

### SECTION 1.

That the City of Bowie, Texas Water Conservation & Drought Contingency Plan 2019 attached hereto and made part hereof for all purposes be, and the same is hereby, adopted as the official policy of the City.

### SECTION 2.

That all ordinances that are in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.



# ORDINANCE

SECTION 3.

Should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

SECTION 4.

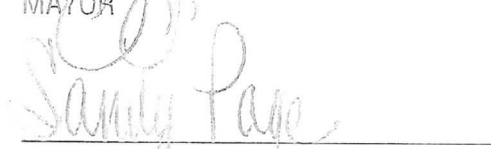
This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

DULY PASSED BY THE CITY OF BOWIE, TEXAS, on the 10 day of June, 2019.

APPROVED:

  
MAYOR

ATTESTED TO:

  
CITY SECRETARY