



**RESOLUTION FOR ADOPTION OF A  
DROUGHT CONTINGENCY PLAN**

**RESOLUTION NO. 2019-11**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF RIO GRANDE CITY ADOPTING  
A DROUGHT CONTINGENCY PLAN

WHEREAS, the City Commission recognizes that the amount of water available to the City of Rio Grande City and its water utility customers are limited and subject to depletion during periods of extended drought;

WHEREAS, the City Commission 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 customers of the City of Rio Grande City, the City Commission deems it expedient and necessary to establish certain rules and policies for the orderly and efficient management of limited water supplies during drought and other water supply emergencies;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF RIO GRANDE CITY:

- SECTION 1. That the Drought Contingency Plan attached hereto and made part hereof for all purposes be, and the same is hereby, adopted as the official policy of the City of Rio Grande City.
- SECTION 2. That the City Manager is hereby directed to implement, administer, and enforce the Drought Contingency Plan.
- SECTION 3. That this resolution shall take effect immediately upon its passage.

DULY PASSED BY THE CITY COMMISSION OF THE CITY OF RIO GRANDE CITY  
ON THIS 28<sup>th</sup> day of May 2019.

APPROVED:

A handwritten signature in blue ink, reading "Joel Villarreal", is written over a horizontal line.

Joel Villarreal, Mayor,  
City of Rio Grande City

ATTEST:

A handwritten signature in blue ink, reading "Lyzette Peña", is written over a horizontal line.

Lyzette Peña, City Secretary



**DROUGHT CONTINGENCY PLAN**

**FOR**

**THE CITY OF RIO GRANDE CITY**

**5332 E. HIGHWAY 83**

**RIO GRANDE CITY, TEXAS 78582**

**WATER CCN #12717**

**PWS #2140018**

**APRIL 2019**

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## **Section I: Declaration of Policy, Purpose, and Intent**

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Rio Grande City (the City) hereby adopts the following regulations and restrictions on the delivery and consumption of water through an ordinance/or resolution.

Water uses regulated or prohibited under this Drought Contingency Plan (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 X of this Plan.

## **Section II: Public Involvement**

Opportunity for the public to provide input into the preparation of the Plan was provided by the City by scheduling and providing public notice of public meetings considering adoption of the Plan.

## **Section III: Public Education**

The City 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 utility bill inserts or mail-outs.

## **Section IV: Coordination with Regional Water Planning Groups**

The service area of the City is located within the Rio Grande Regional Water Planning Group Region M and the City has provided a copy of this Plan to its administrative agent, the Lower Rio Grande Valley Development Council, 301 W. Railroad St., Weslaco, Texas 78596, to ensure consistency with the appropriate approved regional water plans.

## **Section V: Authorization**

The Utilities 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 Utilities 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.

## **Section VI: Application**

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the City. The terms "person" and "customer" as used in the Plan include individuals, cities, 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 integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer: any person, company, or organization using water supplied by the City.

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 or 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;
- (d) use of water to wash down buildings or structures for purposes other than immediate fire protection;

- (e) flushing gutters or permitting water to run or accumulate in any gutter or street;
- (f) use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
- (g) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (h) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (i) use of water from hydrants for construction purposes or any other purposes other than firefighting.

Odd numbered address: street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

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

The Utilities Manager or his/her designee shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified "triggers" are reached.

The triggering criteria described below are based on the levels of U.S. water stored in the Falcon Reservoir as reported by the Texas Commission on Environmental Quality (TCEQ) watermaster or when the demand on the City's water system increases.

#### **Stage 1 Triggers--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 water use has reached 60% of maximum daily supply capacity (>6.6 MGD).

##### 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 3 consecutive days.

#### **Stage 2 Triggers -- MODERATE Water Shortage Conditions**

##### Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain nonessential water uses provided in Section IX of this Plan when drought conditions are

officially declared for the county, water levels in Falcon Lake Reservoir drop below 80% of conservation levels and the daily water consumption exceeds 70% of daily supply capacity (>7.7 MGD) for 10 days.

#### 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 3 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.

### **Stage 3 Triggers - SEVERE Water Shortage Conditions**

#### Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain nonessential water uses provided in Section IX of this Plan when extreme drought conditions are officially declared for the county, water levels in Falcon Lake Reservoir drop below 70% of conservation levels, raw water supply drops 10% below projected needs and the daily water consumption exceeds 80% of daily supply capacity (>8.8 MGD) for 10 days.

#### 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 3 consecutive days. Upon termination of Stage 3, Stage 2 becomes operative.

### **Stage 4 Triggers -- CRITICAL Water Shortage Conditions**

#### Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain nonessential water uses provided in Section IX of this Plan when emergency drought conditions are officially declared for the county, water levels in Falcon Lake Reservoir drop below 60% of conservation levels, raw water supply drops 30% below projected needs and the daily water consumption exceeds 90% of daily supply capacity (>9.9 MGD) for 10 days.

#### 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 3 consecutive days. Upon termination of Stage 4, Stage 3 becomes operative.

## **Stage 5 Triggers -- 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 Utilities Manager or his/her designee determines that a water supply emergency exists based on:

1. When the total daily demand equals or exceeds 100% of the system plant capacity.
2. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or
3. Natural or man-made contamination of the water supply source.

### Requirements for termination

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

## **Section IX: Drought Response Stages**

The Utilities Manager or his/her designee shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section VIII of this Plan, shall determine that a mild, moderate, severe, critical, emergency or water shortage condition exists and shall implement the following notification procedures:

### **Notification**

Notification of the Public:

The Utilities Manager or his/ her designee shall notify the public by means of:

Written notice to each customer prior to implementation or termination of each stage of the water restriction program. Mailed notice will be given to each customer 72 hours prior to the start of water restriction. If notice is hand delivered, the utility will not enforce the provisions of the plan for 24 hours after notice is provided. The written notice to customers will contain the following information:

1. the date restrictions will begin;
2. the circumstances that triggered the restrictions;
4. the stages of response and explanation of the restrictions to be implemented; and
5. an explanation of the consequences for violations.

Additional Notification:

The Utilities Manager or his/her designee shall notify directly, or cause to be notified directly, the following individuals and entities:

City Commission

TCEQ (when mandatory restrictions are imposed)

**Stage 1 Response -- MILD Water Shortage Conditions**

**Target: Achieve a voluntary reduction of water use to less than 90% of maximum daily supply capacity.**

Best Management Practices for Supply Management:

Reduction in the flushing of water mains to the minimum requirement of once a month.

Voluntary Water Use Restrictions for Reducing Demand:

Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes. Water customers are to practice water conservation by implementing the following suggested measures:

1. Water customers are requested to voluntarily limit the irrigation of landscaped areas to even numbered days for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and to odd-numbered days 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.
2. Irrigate lawns and landscaping only between the hours of 6:00 p.m. and 10:00 a.m.
3. Irrigation and watering of lawns and landscaped areas should occur without significant runoff.
4. Wash vehicles using the same daily numbering system and only use hoses equipped with flow control attachments.
5. Do not use potable water for washing sidewalks, driveways, or for dust control.

Handheld hose watering of lawns and landscaped areas will be allowed at any time of the day.

**Stage 2 Response -- MODERATE Water Shortage Conditions**

**Target: Achieve a reduction of water use to less than 80% of maximum daily supply capacity.**

Best Management Practices for Supply Management:

Flushing of water mains on as needed basis to maintain water quality.

Water Use Restrictions for Demand Reduction:

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

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 any time if it is by means of a hand-held hose, a faucet filled bucket or watering can of 5 gallons or less, or drip irrigation system.

Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicles 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 handheld bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Furthermore, 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.

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.

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 circulation system.

Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the City.

All restaurants are prohibited from serving water to patrons except upon request of the patron.

The following uses of water are defined as non-essential and are prohibited:

1. wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;

2. use of water to wash down buildings or structures for purposes other than immediate fire protection;
3. use of water for dust control;
4. flushing gutters or permitting water to run or accumulate in any gutter or street; and
5. failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

### **Stage 3 Response -- SEVERE Water Shortage Conditions**

**Target: Achieve a reduction of water use to less than 70% of maximum daily supply capacity.**

#### Best Management Practices for Supply Management:

The City will take all measures necessary to acquire or secure a secondary water source. These measures will include acquiring treated water from adjoining water supplier, City of McAllen, and constructing any emergency interconnection facilities needed to accomplish the transfer of the acquired water resources.

#### Water Use Restrictions for Demand Reduction:

All requirements of Stage 2 shall remain in effect during Stage 3 except:

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.

The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

### **Stage 4 Response -- CRITICAL Water Shortage Conditions**

**Target: Achieve a reduction of water use to less than 60% of maximum daily supply capacity.**

#### Best Management Practices for Supply Management:

The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.

### Water Use Restrictions for Demand Reduction:

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.

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. Furthermore, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10:00 p.m. The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.

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 circulation system. No application 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 approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

### **Stage 5 Response -- EMERGENCY Water Shortage Conditions**

**Target: Achieve a reduction of water use to less than 50% of maximum daily supply capacity.**

#### Best Management Practices for Supply Management:

Discontinue flushing of water mains.

#### Water Use Restrictions for Demand Reduction:

All requirements of Stage 2, 3, and 4 shall remain in effect during Stage 5 except:

1. Irrigation of landscaped areas is absolutely prohibited.
2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.

### **Section X: Enforcement**

No person shall knowingly or intentionally allow the use of water from the City for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response

stage in effect at the time pursuant to action taken by the Utilities Manager, or his/her designee, in accordance with provisions of this Plan.

Any person, including a person classified as a water customer of the City, 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.

Violations of this Plan will be handled as follows:

First violation:

The customer will be notified by written notice of their specific violation and there will be a \$25.00 fine imposed on the following utility bill. This fine will be due at the same time as the bill that it is attached to, unless payment terms are presented to, and accepted by the City.

Second violation:

The customer will be notified by written notice of their specific violation and there will be a \$200.00 fine imposed on the following utility bill. This fine will be due at the same time as the bill that it is attached to unless payment terms are presented to, and accepted by the City.

Third violation:

The customer will be notified by a hand-delivered written notice of their specific violation and service will be suspended, after notice has been delivered, for a period of 7 calendar days. or until the end of the month, whichever is LESS. A \$250.00 fine will imposed and noted on the delivered notice. This fine will be paid prior to re-establishment of service, unless payment terms are presented to, and accepted by the City.

### **Section XI: Variances**

The City may grant any customer an exemption or variance from the drought contingency plan for good cause upon written request. A customer who is refused an exemption or variance may appeal such action in writing to the TCEQ. The City will treat all customers equally concerning exemptions and variances, and shall not discriminate in granting exemptions and variances. No exemption or variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

The written request shall demonstrate that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

- (a) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
- (b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

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

- (a) Name and address of the petitioner(s).
- (b) Purpose of water use.
- (c) Specific provision(s) of the Plan from which the petitioner is requesting relief.
- (d) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- (e) Description of the relief requested.
- (f) Period of time for which the variance is sought.
- (g) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (h) Other pertinent information.