

## ORDINANCE 2252

**AN ORDINANCE AMENDING CHAPTER 26 "WATER AND SANITARY SEWERS" ARTICLE II, "IN GENERAL" OF THE CODE OF THE CITY OF HURST, AMENDING SECTION 26-36, BY ADOPTING A REVISED EXHIBIT "A" DROUGHT CONTINGENCY AND EMERGENCY WATER MANAGEMENT PLAN AND FURTHER AMENDING CHAPTER 26 "WATER AND SANITARY SEWERS" ARTICLE II, "IN GENERAL" OF THE CODE OF THE CITY OF HURST, AMENDING SECTION 26-46, LAWN AND LANDSCAPE IRRIGATION RESTRICTIONS TO MANDATE YEAR ROUND 10 A.M. TO 6 P.M. NO WATERING RESTRICTIONS ALONG WITH MANDATORY YEAR ROUND TWICE PER WEEK WATERING AND IRRIGATION AND PROVIDING FOR A VARIANCE PROCESS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS,** the City Council finds that conservation of water and the protection of water supplies are in the best interest of its citizens; and

**WHEREAS,** the City is required to submit updated water conservation and drought contingency and emergency water management plans to the Texas Commission on Environmental Quality (TCEQ) and the Texas Water Development Board by May 1, 2014 in accordance with Title 30 of the Texas Administration Code, Chapter 288; and

**WHEREAS,** staff recommends that the City Council adopt the amended drought contingency and emergency water management plan referenced in section 26-36 of the City Code; and

**WHEREAS,** the City recognizes in order to conserve the available water supply and protect the integrity in an effort to increase water conservation efforts and in compliance with the City of Fort Worth at the request of Tarrant Regional Water District, staff also recommends amending the Water and Sewer Code, Article 11 Lawn and Landscape Irrigation Conservation, Section 26-46, provide for permanent year round 10 a.m. to 6 p.m. no watering and irrigation restrictions and permanent year round twice per week watering and irrigation restrictions and variance procedures; and

**WHEREAS,** the Water Conservation Plan proposes a goal of reducing the rolling five year average water consumption to a level of 152 gallons per capita per day by 2019 and 147 gallons per capita per day by 2024; and

**WHEREAS,** securing future water supplies will require proving to state permitting agencies that existing water supplies are being used efficiently.

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

Section 1. **THAT** the Code of the City of Hurst, Texas (1968) as amended, Chapter 26, "Water and Sanitary Sewers", Article II, "In General", Section 26-36 "Drought Contingency Plan Adopted" is hereby further amended to replace the Drought Contingency and Emergency Management Plan as Exhibit "A" with the revised Exhibit "A" to this Ordinance and incorporated herein for all purposes.

Section 2. **THAT the** Code of the City of Hurst, Texas (1968) as amended, Chapter 26, "Water and Sanitary Sewers", Article II, "In General", Section 26-46 "Lawn and Landscape Irrigation", is hereby further amended to read and be as follows:

Section 26-46, Lawn and Landscape Irrigation Restrictions.

- (a) Lawns and landscaping may be watered on a day, at any time by handheld hose, drip irrigation, a soaker hose or tree bubbler. (The intent of this measure is to allow for the protection of structural foundations, trees, and other high value landscape.)

Except for hand watering, drip irrigation, and the use of soaker hoses, a person may only irrigate, water, or cause or permit the irrigation or watering of any lawn and landscape, inclusive of structural foundations, trees, and other high value landscape materials, located on the premises owned, leased, or managed by that person (i) on a day designated as an outdoor water use day for the property's addresses as shown below: (ii) between the hours of (midnight to 10:00 a.m. and 6:00 p.m. to 11:59 p.m.) on such day.

- (1) Residential addresses ending in an even number (0, 2, 4, 6 or 8) may water on Wednesday and Saturday.
  - (2) Residential addresses ending in an odd number (1, 3, 5, 7 or 9) may water on Thursdays and Sundays.
  - (3) All non-residential locations (apartment, complexes, businesses, industries, parks, streets and/or roadway medians, etc.) may water on Tuesdays and Fridays.
- (b) Except for hand watering, drip irrigation and the use of soaker hoses, a Person commits an offense if that Person irrigates, waters, or causes or permits the irrigation or watering of any lawn or landscape located on the

premises owned, leased, or managed by that Person between the hours of (10:00 a.m. and 6:00 p.m.)

- (c) Except for hand watering, drip irrigation and the use of soaker hoses, a Person commits an offense if that Person irrigates, waters, or causes or permits the irrigation or watering of any lawn or landscape located on the premises owned, leased, or managed by that Person on any day that is not designated as an outdoor water use for that property addresses as shown in subsection (a) above.
- (d) A Person commits an offense if a Person knowingly or recklessly irrigates, waters, or causes or permits the irrigation or watering of a lawn or landscape located on the premises owned, leased or managed by the Person in the manner that causes:
  - (1) A substantial amount of water to fall upon impervious areas instead of a lawn or landscape, such that a constant stream of water overflows from the lawn or landscape onto a street or other drainage area; or
  - (2) An irrigation system or other lawn or landscape watering device to operate during any form of precipitation.
- (e) A Person commits an offense if, on premises owned, leased or managed by that person, a Person operates a lawn or landscape irrigation system or device that:
  - (1) Has any broken or missing sprinkler head; or
  - (2) Has not been properly maintained in a manner that prevents waste of water.
- (f) Affirmative Defenses
  - (1) It shall be an affirmative defense to prosecution of an offense in Section 26-46 that at the time such Person irrigates, waters, or causes or permits the irrigation of watering of any lawn or landscape, such activity was for the purpose of:
    - (A) Dust control of a sports field; or
    - (B) The maintenance, repair, or testing of an irrigation system.
  - (2) The activity described in subsection (f) (1) (A) and (B) may only occur within a period of two (2) days no more than once every thirty (30)

days. Any such activity requiring a longer period or greater frequency shall require a variance as provided by Chapter 26, Article II, Division II, Section 26-48 "Variances".

### **CUMULATIVE PROVISIONS**

Section 3: **THAT** this ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Hurst, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such Ordinances and such Code are hereby repealed.

### **SEVERABILITY CLAUSE**

Section 4: **THAT** it is hereby declared to be the intention of the City Council that the phrase, clause, sentence, paragraph or section of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance 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 ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutionality phrase, clause, sentence, paragraph or section.

### **PENALTY CLAUSE**

Section 5: **THAT** any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance to include Exhibit A shall be fined not more than two thousand dollars (\$2,000) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

### **RIGHTS AND REMEDIES**

Section 6: **THAT** all rights and remedies of the City of Hurst, Texas, are expressly saved as to any and all violations of the provisions of the ordinances amended herein, which 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.

**AND IT IS SO ORDERED.**

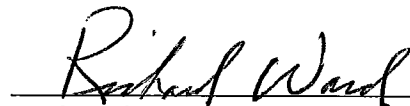
Passed on the first reading on the 10<sup>th</sup> day of June 2014 by a vote of 6 to 0.

Approved on the second reading on the 24<sup>th</sup> day of June 2014 by a vote of 6 to 0.

**ATTEST:**

**CITY OF HURST**

  
\_\_\_\_\_  
Rita Frick, City Secretary

  
\_\_\_\_\_  
Richard Ward, Mayor

**Approved as to form and legality:**

  
\_\_\_\_\_  
City Attorney



City of Hurst  
1505 Precinct Line Road  
Hurst, Texas 76054  
PWS # 2200054  
[www.hursttx.gov](http://www.hursttx.gov)

# *Drought Contingency & Emergency Water Management Plan*

*for Retail Water Customers*

*June 2014*



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**EXHIBIT A  
CITY OF HURST  
DROUGHT CONTINGENCY/ EMERGENCY WATER MANAGEMENT PLAN**

**JUNE 24, 2014**

**1. INTRODUCTION AND OBJECTIVES**

The purpose of this Drought Contingency Plan (subsequently referred to as the Plan) is as follows:

- To conserve the available water supply in times of drought and emergency.
- To maintain supplies for domestic water use, sanitation, and fire protection.
- To protect and preserve public health, welfare and safety.
- To minimize the adverse impacts of water shortages.
- To minimize the adverse impacts of emergency water supply conditions.

**2. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)  
RULES**

TCEQ Rule Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.1 (4) defines a drought contingency plan as “a strategy or combination strategies for temporary supply and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies.”

TCEQ rules governing development of and minimum requirements for drought contingency plans for municipal water suppliers and wholesale water suppliers are contained in Texas Administrative Code Title 30, Part 1, Chapter 288, Subchapter B, Rule 288.20 and Rule 288.22, respectively.

**3. WATER SYSTEM PROFILE**

The City of Hurst purchases water from the City of Fort Worth and supplements that supply with six Water Wells tapped into the Trinity Aquifer.

The City is separated into two pressure plains (North and South). The dividing line is Airport Freeway. SH 183 & 121.





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**The South Pressure Plain** is supplied by purchase water from the City of Fort Worth through meter Vault # 2 located at 405 W. Hurst Blvd. along with five water wells. All supplies are stabilized by one (1.0 mg) elevated water tank, (Valentine) The total design capacity in the South Plain is seven million gallons per day (mg/d) and the reliable delivery capacity is six mg/d.

**The North Pressure Plain** is supplied by water purchased from the City of Fort Worth through meter Vault # 1 located at 951 W. Hurst Blvd. along with one water well. Both supply's flow into Pump Station # 5 located at 2400 Norwood and pumped into two elevated water tanks, Tarrant County College, (TCC) and North Precinct, (NP). Total design capacity in the North Plain is eight million gallons per day (mg/d) and the reliable delivery capacity is 7.5 mg/d.

System capacity with regards to the defined triggers in all three stages is the total reliable delivery capacity found in Appendix A. Therefore, the system capacity baseline for all triggers is the reliable capacity of 13.5 mg/d.

In accordance with Section 2.3 of the wholesale water contract, wholesale customers like the City of Hurst are required to institute and apply the same rationing, conservation measures or restrictions to the use of water by their customers as long as any part of their total water supply is being furnished by the City of Fort Worth.

The water supply triggers defined in all three stages is in accordance with the City of Fort Worth Drought Contingency/Emergency Water Management Plan.

#### **4. DROUGHT CONTINGENCY/EMERGENCY WATER MANAGEMENT PLAN**

##### **4.1 Public Education**

The City of Hurst will inform and educate the public about the Drought Contingency/Emergency Water Management Plan by the following means:

- Preparing fact sheets describing the plan and making these available online and at various city sites, and at various public events,
- Posting a copy of the Plan on the City's Web site,
- Posting drought condition signs on poles at heavily traveled intersections throughout the city,
- Notifying local organizations, schools, and civic groups that staff is available to present information about the plan, and
- Delivering educational information via door hangers to citizens, as needed.



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At any time that the Drought Contingency/Emergency Management Plan is activated or the stage changes, staff will notify the local media of the issues, the current response stage, and the specific actions required of the public. The information will also be publicized on the city's Web site. Bill inserts will be used as needed.

### **4.2 Initiation & Termination of Drought & Emergency Response Stages**

The provisions of this plan shall apply to all persons, customers, and property utilizing potable water provided by the City of Hurst. The term "person" and "customer" as used in the plan include individuals, corporations, partnerships, associations, and all other legal entities. The plan does not apply to persons or organizations using treated wastewater effluent or private wells.

The plan may be applied to the entire city or geographic portions of the city as necessary. If the plan is applied only to a limited sector, the boundaries will be defined in terms of roadways, creeks and other easily distinguishable features, such as city limits.

#### **A.) Initiation of a Drought & Emergency Water Management Stage**

The City Manager, or his/her designee, may order the implementation of a drought response or water emergency stage when one or more of the trigger conditions for that stage is met. The following actions will occur when a drought stage is initiated.

- The public will be notified through local media and the City of Hurst web site, as described in section 4.1.
- The City of Hurst Water Utilities will notify the Executive Director of the TCEQ within 5 business days when mandatory provisions of the plan are activated.

#### ***Stages imposed by the City of Fort Worth must be initiated by the City of Hurst.***

For other trigger conditions initiated by the City of Hurst, the City manager or his/her official designee may decide not to order the implementation of the drought response or water emergency stage even though one or more of the trigger criteria for the stage are met. Factors which could influence such a decision include, but not limited to, the time of year, weather conditions, the anticipation of replenished water supplies, or the anticipation that additional facilities will become available to meet needs. The reason for this decision should be documented.

#### **B.) Termination of a Drought Stage**

The City manager or his/her official designee may order the termination of a drought response or water emergency stage when the conditions for termination are met or at their discretion. The following actions will be taken when a drought stage is terminated:



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- The public will be notified through local media and the City of Hurst Web site as described in Section 4.1.
- If any mandatory provisions of the drought contingency/emergency water management plan that have been activated are terminated, water utilities staff will notify the Executive Director of the TCEQ within 5 business days.

The City Manager or his/her 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. The City Manager or his/her designee may choose to implement a phased out approach when exiting various stages to protect the integrity of the system. Factors which could influence such a decision include, but are not limited to, the time of year, weather conditions, or the anticipation of potential changes in conditions that warrant the continuation of the drought stage. The reason for the decision should be documented.

### **4.3 Drought and Emergency Response Stages**

#### **Stage 1 - Water Watch**

##### **Triggering Conditions for Stage 1**

- ◆ When, pursuant to requirements specified in the City of Hurst wholesale water purchase contract with the City of Fort Worth, notification is received requesting initiation of Stage 1 of the Drought Plan.
- ◆ Water demands reach or exceed 90% of reliable delivery capacity for three consecutive days. The delivery capacity could be citywide or in a specified portion of the system.
- ◆ Hurst's water distribution system becomes contaminated.
- ◆ Hurst's water demand for all or part of the delivery system approaches delivery capacity because delivery capacity is inadequate.
- ◆ Hurst's water supply system is unable to deliver water due to the failure or damage of major water system components, or due to other criteria, such as power outages or restrictions.

##### **Terminating Conditions for Stage 1**

Stage 1 may be terminated when the City of Fort Worth terminates its Stage 1 condition or when the circumstances that caused the initiation of Stage 1 no longer exist and/or the total combined raw water supply in the TRWD western and eastern division reservoirs exceeds 85% (15% depleted) of conservation storage capacity and remains above 85% for 90 consecutive days, whichever occurs first.



**Goal for Use Reduction for Stage 1**

The goal for water use reduction under Stage 1, Water Watch, is five percent (5%). If circumstances warrant or if required by the City of Fort Worth, the City Manager or his/her official designee can set a goal for greater water use reduction.

**Actions Available for Stage 1**

The City Manager or his/her official designee may order the implementation of any of the actions listed below, as deemed necessary. Measures imposing mandatory requirements on customers require notification to the TCEQ. The City Manager or his/her official designee must notify the TCEQ within five business days if any mandatory measures are implemented.

**All Water Users**

Initiate mandatory restrictions to prohibit non-essential water use as follows

- Discourage hosing of paved areas, such as sidewalks, driveways, parking lots, tennis courts, patios, or other impervious surfaces, except to alleviate an immediate health or safety hazard. This may include premises with raw or processed food, pharmaceutical or vaccine processing, storage or vending establishments including restaurants and grocery stores may be washed to the extent necessary for sanitary purposes. These areas may also include:
  - Trash and dumpster areas
  - Areas around fuel pumps
  - Store front cleaning of areas with accumulated bird droppings, feathers and debris
  - Localized spot cleaning of parking areas to remove oil, grease buildup that may pose a health and safety issue.
- Discourage hosing of buildings or other structures for purposes other than fire protection or surface preparation prior to painting.
- Prohibit using water in such a manner as to allow runoff or other waste, including:
  - Failure to repair a controllable leak, including a broken sprinkler head, a leaking valve, leaking or broken pipes, or a leaking faucet;
  - Operating a permanently installed irrigation system with: (a) a broken head; (b) a head that is out of adjustment and the arc of the spray head is over a street or parking lot; or (c) a head that is misting because of high water pressure; or



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- during irrigation, allowing water to (a) to run off a property and form a stream of water in a street for a distance of 50 feet or greater; or (b) to pond in the street or parking lot to a depth greater than one-quarter of an inch.
  - Allowing or causing an irrigation system or other lawn watering device to operate during any form of precipitation or when temperatures are below 32 degrees Fahrenheit.
- Prohibit outdoor watering with sprinklers or irrigation systems between 10 a.m. and 6 p.m.
  - Limit landscape watering with sprinklers or irrigation systems at each service address to twice per week schedule as outlined below. This includes landscape watering of parks, golf courses, and sport fields. Wholesale customers may use a different watering schedule than the one below as long as it limits each service address to a twice per week schedule. However, use of the same schedule would simplify the message conveyed to customers through the news media.
  - Maximum twice per week watering for hose-end sprinklers and automatic irrigation systems based on odd/even addresses and days of week schedules.

Stage 1, Water Watch, Outdoor Watering Schedule		
Monday	No Outdoor Watering	Water System Recovery Day
Tuesday and Friday	Non-Residential Sites	Apartments, Parks, Medians, Businesses, Industries etc.
Wednesday and Saturday	Residential Addresses Ending in Even Numbers	0,2,4,6,8
Thursday and Sunday	Residential Addresses Ending in Odd Numbers	1,3,5,7,9

Exceptions:

- Lawn and landscaping may be watered on any day by handheld hose, drip irrigation, a soaker hose or tree bubbler.
- Water use necessary for the repair of an irrigation system, plumbing line, foundation, etc. in the presence of the person making the repair.
- Outdoor watering at service addresses with large multi-station irrigation system may take place in accordance with a variance granted by the Executive Director



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of Public Works, if the Director determines that a property cannot be completely irrigated with an average of three-quarters of an inch of water in a single day, and that the property should be divided into sections to be irrigated on different days. If approved, no station will be watered more than twice per week.

- Establishing new turf is discouraged. If hydro-mulch, grass sod, or grass seed is installed for the purpose of establishing a new lawn, daily watering is allowed for the first 30 days as long as it is performed before 10 a.m. and after 6 p.m. while it is being established. After that, all watering restrictions set forth in this stage apply. (This does not include over seeding with rye since turf already exists.)
- Non-grass areas of sports fields may be watered as needed for dust control.
- Watering of athletic fields (fields only, does not include surrounding landscaped areas) used for organized sports practice, competition, or exhibition events may occur as necessary to protect the health and safety of the players, staff, or officials present for athletic events.
- Public areas with frequent use may be allowed additional watering, with a variance granted by the Executive Director of Public Works, if it is deemed to be beneficial to serve and protect the community. Examples may include but are not limited to: outdoor amphitheaters, demonstration gardens, public art exhibitions, outdoor learning areas, arboretums, etc.
- All users are encouraged to reduce the frequency of draining and refilling swimming pools.
- All users are encouraged to use native and adapted drought tolerant plants in landscaping.
- Washing of any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle shall be limited to the use of a hand-held bucket or a hand-held hose equipped with a positive-pressure shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the premises of a commercial car wash or commercial service station. Companies with an automated on-site vehicle washing facility may wash it's vehicles at any time. Further, such washing may be exempt from these requirements if the health and safety, and welfare of the public are contingent upon frequent vehicle cleaning, such as garbage trucks and vehicles used to transport food and perishables.
- Discourage the filling, draining, or refilling of swimming pools, wading pools, hot tubs and Jacuzzi type pools except to maintain adequate water levels for structural integrity, proper operation and maintenance, and/or to alleviate an issue that poses a public safety risk.



**City and Local Governments**

In addition to the actions listed above:

- Review conditions and problems that caused Stage 1, then take corrective action,
- Increase public education efforts to reduce water use,
- Increase enforcement efforts to notify violators,
- Intensify leak detection and repair efforts,
- Audit all city and local government irrigation systems to ensure proper condition, settings, and operation,
- Identify and encourage voluntary reduction measures by high volume water users through water use audits.
- Reduce non-essential water use. As used herein, non-essential water uses are those that do not have any health or safety impact and are not needed to meet the core function of the agency.
- City of Fort Worth Water Director or his/her designee will notify the City of Hurst of their restrictive actions being taken and require Hurst to implement the same stage and measures. Such action is in accordance with section 2.3 of the uniform wholesale contract. Per the contract, wholesale customers are required to institute and apply the same rationing, conservation measures or restrictions as long as any part of their total water supply is being furnished by Fort Worth.

**Commercial or Industrial**

- All actions listed above for all water users apply to commercial and industrial users,
- Stock at commercial plant nurseries is exempt from Stage 1 watering restrictions, but water conservation is encouraged,
- Hotels are encouraged to implement laundry conservation measures by encouraging patrons to reuse linens and towels,
- Car wash facilities must keep equipment in good working order, which should include regular inspections to be sure there are no leaks, broken or misdirected nozzles, and that all equipment is operating efficiently, and
- All commercial and industrial customers are encouraged to audit irrigation systems.

**Stage 2 – Water Warning**

**Triggering Conditions for Stage 2**

- When, pursuant to requirements specified in the City of Hurst wholesale water purchase contract with the City of Fort Worth, notification is received requesting initiation of Stage 2 of the Drought Contingency Plan.



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- Water demand reaches or exceeds 95% of reliable delivery capacity for three consecutive days. The delivery capacity could be city wide or in a specified portion of the system.
- Contamination of the water supply source(s) or water supply system.
- Demand for all or part of the delivery system equals or exceeds delivery capacity because delivery capacity is inadequate.
- Water supply system is unable to deliver water due to the failure or damage of major water system components.

### **Terminating Conditions for Stage 2**

Stage 2 may be terminated when the City of Fort Worth terminates its Stage 2 condition or when the circumstances that caused the initiation of Stage 2 no longer prevail.

### **Goal for Use Reduction for Stage 2**

The goal for water use reduction under Stage 2, Water Warning is to decrease use by ten percent (10%). If circumstances warrant or if required by the City of Fort Worth, the City Manager or his/her official designee can set a goal for greater water use reduction.

### **Actions Available for Stage 2**

The City Manager or his/her official designee may order the implementation of any of the actions listed below, as deemed necessary. The City Manager or his/her official designee must implement any action(s) required by the City of Fort Worth, in accordance with Section 2.3 of the uniform wholesale water contract.

- Continue or initiate any actions under Stage 1.

### **All Water Users**

- Limit landscape watering with sprinklers or irrigation systems to a once per week schedule at each service address as determined by the Executive Director of Public Works. This includes landscape watering at parks, golf courses and sports fields. Use of the same schedule used by the City of Fort Worth, simplify the messages passed to customers through the news media.

#### **Exceptions:**

- Lawn and landscaping may be watered on any day, at any time, by handheld hose, drip irrigation, a soaker hose or tree bubbler (The intent of this measure is to allow for the protection of structural foundations, trees, and other high value landscape materials).





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- Outdoor watering at service addresses with large multi-station irrigation systems may take place in accordance with a variance granted by the Executive Director of Public Works, if the Director determines that a property cannot be completely irrigated with an average of three-quarters of an inch of water in a single day, and that the property should be divided into sections to be irrigated on different days. **If approved, no station will be watered than once per week.**
- Watering of athletic fields (fields only, does not include surrounding landscaped areas) used for organized sports practice, competition, or exhibition events may occur as necessary to protect the health and safety of the players, staff, or officials present for athletic events. Conservation is encouraged.
- All users are encouraged to wait until the current drought or emergency situation has passed before establishing new landscaping and turf. Variances granted for establishing new turf grass or landscaping will be for a maximum of 30 days from the date of approval. After that, the watering restrictions set forth in this stage apply. **(This does not include over seeding with rye since turf already exists.)**
- Discourage the operation of ornamental fountains or ponds that use potable water except where necessary to support aquatic life or where such fountains or ponds are equipped with recirculation system.
- Discourage the filling, draining, or refilling of swimming pools, wading pools, hot tubs and Jacuzzi type pools except to maintain adequate water levels for structural integrity, proper operation and maintenance, and/or to alleviate an issue that poses a public safety risk.
- Encourage the use of covers for all types of pools, hot tubs, and Jacuzzi type pools when not in use.

### **City and Local Governments**

In addition to the actions listed above:

- Review conditions or problem that caused Stage 2. Take corrective action,
- Increase frequency of media releases on water supply conditions,
- Further accelerate public education efforts on ways to reduce water use,
- Eliminate no-essential water use. As used herein, non-essential water use are those that do not have any health or safety impact and are not needed to meet the core function of the agency.
- Prohibit wet street sweeping.
- City of Fort Worth Water Director or his/her designee will notify the City of Hurst, their wholesale customer of actions being taken and require us to implement the same stage and measures. Such action is in accordance with section 2.3 of the



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uniform wholesale contract. Per the contract, wholesale customers are required to institute and apply the same rationing, conservation measures or restrictions to use of their customers for so long as any part of their total water supply is being furnished by Fort Worth.

### **Commercial or Industrial**

All actions listed above for all water users apply to commercial and industrial users.

Use of water from fire hydrants for any purpose other than firefighting related activities or other activities necessary to maintain public health, safety and welfare requires a variance issued by the Executive Director of Public Works. Fire hydrant use may be limited to only designated hydrants. Upon declaration of this drought stage, all holders or applicants of a Water Fire Hydrant Agreement are required to apply for a variance as set forth in this plan. If conditions allow, as determined by the Executive Director of Public Works, the use of water from hydrants may continue until the Executive Director or his/her designee issues a determination on the petition for variance. If conditions do not allow, the Executive Director may require all fire hydrant meters be immediately returned from the field, pending determination of each petition for variance.

### **Stage 3 – Emergency Water Use**

#### **Triggering Conditions for Stage 3**

- When, pursuant to requirements specified in the City of Hurst wholesale water purchase contract with the City of Fort Worth, notification is received requesting initiation of Stage 3 of the Drought Plan.
- Water demand has reached or exceeds 98% of reliable delivery capacity for one day. The delivery capacity could be citywide or in a specified portion of the system.
- Contamination of the water supply source(s) or water supply system.
- Demand for all or part of the water system exceeds delivery capacity because delivery capacity is inadequate.
- Water supply system is unable to deliver water due to the failure or damage of major water system components
- TRWD has initiated Stage 3 – Emergency Water Use, which may also be initiated by one or more of the following:
  - Total raw water supply in TRWD western and eastern division's reservoirs drops below 45% (55% depleted) of conservation storage.
  - Water demand for all or part of the TRWD delivery system exceeds delivery capacity because delivery capacity is inadequate.
  - Water demand is projected to approach or exceed the limit of TRWD's permitted supply.



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- TRWD's supply source becomes contaminated.
- TRWD's water supply system is unable to deliver water due to failure or damage of major water system components.
- The TRWD General Manager, with the concurrence of the TRWD Board of Directors, finds that conditions warrant the declaration of a Stage 3 Drought.

### **Terminating Conditions for Stage 3**

Stage 3 will be terminated when the City of Fort Worth terminates its Stage 3 condition or when the circumstances that caused the initiation of Stage 3 no longer prevail.

### **Goal for Use Reduction for Stage 3**

The goal for water use reduction under Stage 3, Emergency Water Use, is to decrease use by twenty percent (20%). If circumstances warrant or if required by the City of Fort Worth, the City Manager or his/her official designee can set a goal for greater water use reduction.

### **Actions Available for Stage 3**

The City Manager or his/her official designee may order the implementation of any of the actions listed below, as deemed necessary. The City Manager or his/her official designee must implement any action(s) required by the City of Fort Worth, in accordance with Section 2.3 of the uniform wholesale water contract.

- Continue or initiate any actions available under Stage 1 and 2.

### **All Water Users**

- Prohibit landscape watering, including at parks, golf courses, and sports fields

#### **Exceptions:**

- Watering with hand-held hose, soaker hose or drip irrigation systems may occur any day and any time. (The intent of this measure is to allow for the protection of structural foundations, trees, and other high value landscape materials).
- Watering of athletic fields (fields only, does not include surrounding landscaped areas) used for organizing sports practice, competition, or exhibition events may occur as necessary to protect the health and safety of the players, staff, or officials present for athletic events may be allowed to water by variance. A water management plan must be submitted to the



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Executive Director of Public Works detailing how each area will comply with stage 3 drought measures.

- Prohibit establishment of new landscaping. Variances may be granted for those landscape projects started prior to the initiation of stage 3 drought restrictions.
- Vehicle washing restricted to commercial car wash, commercial service station or a private on-site vehicle washing facility and can only be done as necessary for health, sanitation, or safety reasons, including but not limited to the washing of garbage trucks and vehicles used to transport food and other perishables. All other vehicle washing is prohibited.
- Prohibit the operation of ornamental fountains or ponds that use potable water except where necessary to support aquatic life.
- Prohibit the draining, filling of swimming pools, wading pools and Jacuzzi type pools. Existing private and public pools may add water to maintain pool levels; however they may not be refilled using automatic fill valves.
- Prohibit hosing of buildings or other structures for purposes other than fire protection or surface preparation prior to painting with high-pressure equipment. Must be performed by a professional power washing service utilizing high efficiency equipment and a vacuum recovery system where possible.

### **City and Local Governments**

In addition to actions listed above:

- Continue or initiate any actions available under Stage1 and 2.
- Review conditions or problems that caused Stage3. Take corrective action.
- Implement viable alternative water supply strategies.
- Increase frequency of media releases explaining emergency situation.
- Reduce city and local government water use to maximum extent possible.
- Prohibit the permitting of new swimming pools, Jacuzzi type pools, spas, ornamental ponds and fountain construction. Pools already permitted and under construction may be completely filled with water.

### **Commercial or Industrial**

- All actions listed above for all water users apply to commercial and industrial users.
- Hotels, restaurants, and bars required to serve drinking water to patrons as requested.



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- Hotels are required to implement laundry conservation measures by encouraging patrons to reuse linens and towels.
- Stock at commercial plant nursery may be watered only with handheld hose, handheld watering can, or drip irrigation system.
- Commercial and industrial water users required to reduce water use by a set percentage determined by the Executive Director of Public Works.

Use of water from fire hydrants for any purpose other than firefighting related activities or other activities necessary to maintain public health, safety and welfare requires a special permit issued by the Executive Director of Public Works. Fire hydrant use may be limited to only designated hydrants.

#### **4.4 Procedures for Granting Variances to the Plan**

The Executive Director of Public Works or his/her official designee may grant temporary variances for existing water uses otherwise prohibited under this drought contingency plan if one or more of the following conditions are met:

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

Variances shall be granted or denied at the discretion of the Executive Director of Public Works or his/her official designee. All petitions for variances should be in writing and should include the following information:

- Name and address of the petitioner(s)
- 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
- Period of time for which the variance is sought
- Detailed schedule of irrigation that shows a reduction in use over the 30 day period for new lawns and landscapes. Schedule should be designed so that at the end of the 30 day period, lawn and landscape areas can adhere to the twice per week schedule defined in stage 1.



- Alternative measures that will be taken to reduce water use
- Other pertinent information required by the Public Works Department.

**4.5 Procedures for Enforcing Mandatory Water Use Measures**

Mandatory water use restrictions may be imposed in Stage 1, 2, and 3. These mandatory water use restrictions will be enforced by warnings and penalties as follows:

- On the first violation, customers will be given a written warning that they have violated the mandatory water use restriction.
- On the second and subsequent violations, citations may be issued to customers, with minimum and maximum fines established by ordinance,
- After three violations have occurred, the utility may cut off water service to the customer.

**4.6 Review and Update of Drought Contingency Plan**

As required by TCEQ rules, Hurst will review this drought contingency plan in 2019 and at least every five years thereafter. The plan will be updated as appropriate based on new or updated information.

**5.0 Drought Contingency Plan Definitions**

Term	Definition
Aesthetic water use	Water use for ornamental or decorative features such as fountains, reflecting pools and water gardens.
Alternative Water Source	Means water produced by a source other than a water treatment plant and is not considered potable. These sources can include, but are not limited to: reclaimed/recycled water, collected rain water, collected grey water, private well water.
Athletic Field	Means a sport playing field, the essential feature of which is turf grass, used primarily for organized sports for schools, professional sports, or sanctioned league play.
Automatic Irrigation System	Means a site specific system of delivering water generally for landscaping via a system of pipes or other conduits installed below ground that automatically cycles water use through water emitters to a preset program, whether on a designated timer or manual through manual operation.
Aquatic Life	Means a vertebrate organism dependent upon an aquatic environment to sustain its life.
Conservation	Those practices, techniques, and technologies that reduce water consumption; reduce the loss or waste of water; improve the efficiency in water use; and increase the recycling and reuse of



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	water so that supply is conserved and made available for other or future use.
Customer	Any person, company, or organization using water supplied by the TRWD or through an entity supplied by the TRWD.
Drip Irrigation	An irrigation system (drip, porous pipe, etc.) that applies water at a predetermined controlled low-flow levels directly to the roots of a plant.
Drought Contingency Plan	Means a strategy or combination of strategies for temporary supply management and demand management responses temporary or potentially recurring water supply shortages and other water supply emergencies.
Fountain	An artificially created jet, stream or flow of water, a structure, often decorative, from which a jet, stream or flow of water issues.
Golf Course	Means an irrigated and landscaped playing area made up of greens, tees, fairways, roughs and related areas used for playing of golf.
Hand-Held Hose	Means a hose physically held by one person, fitted with a manual or automatic shutoff nozzle.
Hand Watering	Means the application of water for irrigation purposes through and hand-held watering hose, watering can, or bucket.

Hose-end Sprinkler	Means a devise through which water flows from a hose to a sprinkler to water any lawn or landscape.
Hosing	Means to spray, water, or wash with a water hose.
Industrial Water Use	Means the use of water for or in connection with commercial or industrial activities, including but not limited to, manufacturing, bottling, brewing, food processing, scientific research and technology, recycling, production of concrete, asphalt, and cement, commercial uses of water for tourism, entertainment, and hotel or motel lodging, generation of power other than hydroelectric and other business activities.
Irrigation System	Means a system of fixed pipes and water emitters that apply water to a landscape plants or turf grass, including, but not limited to, in-ground and permanent irrigation systems.
Lake, Lagoon or Pond	Means an artificially created body of fresh or salt water.
Landscape Irrigation Use	Water used for the irrigation and maintenance of landscape areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, right-of-ways, medians and entry ways.
“New Landscape” means	<ul style="list-style-type: none"> <li>a. Installed during construction of a new house, multi-family dwelling, or commercial building;</li> <li>b. Installed as a part of a government entity’s capital improvement project; or</li> <li>c. Alters more than one-half the area of an existing landscape.</li> </ul>



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<p>Non-Essential Water Use</p>	<p>Water uses that are not required for the protection of public health, safety and welfare, such as;</p> <ul style="list-style-type: none"> <li>a. Irrigating landscape areas, including parks, athletic fields, and golf courses, except as otherwise provided under this plan;</li> <li>b. Washing any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard surfaced areas; except to alleviate a public health and safety issue;</li> <li>c. Washing any automobile, motorbike, boat (and/or trailer), airplane, or other vehicle except where required by law for safety and sanitary purposes.</li> <li>d. Washing buildings or structures for the purpose other than immediate fire protection, or other uses provided under this plan;</li> <li>e. Filling, refilling, or adding to any swimming pools or Jacuzzi-type pools, except to maintain safe operating levels;</li> <li>f. Filling or operation of a fountain or pond for aesthetic or scenic purposes except when necessary to support aquatic life;</li> </ul>
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	<ul style="list-style-type: none"> <li>g. Failure to repair a controllable leak within a reasonable time period after being directed to do so by formal notice; and</li> <li>h. Drawing from hydrants for construction purposes or any other purpose other than firefighting or protection of public drinking water supplies.</li> </ul>
<p>Park</p>	<p>Means a non-residential or multifamily tract of land, other than a golf course, maintained by a city, private organization, or individual, as a place of beauty or public recreation and available for use to the general public.</p>
<p>Power/Pressure Washer</p>	<p>Means a machine that uses water or a water-based product applied at high pressure to clean impervious surfaces.</p>
<p>Pressure Washer (High Efficiency)</p>	<p>Means a machine that uses water or a water-based product applied at 1500 pounds per square inch (psi) or greater.</p>
<p>Reclaimed Water</p>	<p>Municipal wastewater effluent that is given additional treatment and distributed for reuse in certain applications. Also referred to as recycled water.</p>
<p>Soaker Hose</p>	<p>Means a flexible hose that is designed to slowly emit water across the entire length and connect directly to a flexible hose to spigot. Does not include hose that be design or use sends a fine spray in the air. It is not considered drip irrigation.</p>





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Splash Pad/Spray Park	Means an area for water play that has no standing water. Typically, they utilize various spray nozzles which spray water in multiple directions.
Swimming Pool	Means any structure, basin, chamber, or tank including hot tubs, containing an artificial body of water for swimming, diving, or recreational bathing, and having a depth of two (2) feet or more at any point.
Vegetable Garden	Means and noncommercial vegetable garden planted primarily for household use; "noncommercial" includes incidental direct selling of produce from such a vegetable garden to the public.
Well Water	Means water that has been, or is, obtained from the ground by digging, boring, or drilling to access an underground aquifer.



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