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May 31, 2024

Mr. Camden White
City of Caldwell
107 South Hill Street
Caldwell, TX 77354

Re: 2024 Drought Contingency Plan
City of Caldwell, Texas (City)

Dear Camden,

Enclosed is the final 2024 Drought Contingency Plan. The document has been finalized and sent to the Texas Commission on Environmental Quality and Texas Water Development Board Brazos Region G Water Planning Group, as noted in this plan.

Please call me at 979-836-7937 with questions.

Sincerely,

STRAND ASSOCIATES, INC.[®]


William J. Huebner, P.E.

Enclosure: Report

TBPE No. F-8405
TBPLS No. 10030000

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Report for City of Caldwell, Texas

2024 Drought Contingency Plan



Prepared by:

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TBPLS No. 10030000
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May 2024



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The City of Caldwell, Texas (City) recognizes its fundamental responsibility to provide an adequate supply of safe drinking water to its customers. Because drinking water is a precious natural resource, careful planning is needed to verify water suppliers are protected from contamination, are distributed effectively and efficiently to end users, and that procedures are in place to monitor consumption and avoid waste.

Water conservation and consumption planning are integral elements for verifying that the water supplies are not exhausted. To further this goal, the City Council adopted a Drought Contingency Plan in 2000 (2000 Plan) through the passage of Ordinance # 08-29-00 (Ordinance) and updated the plan in 2019. This 2024 Drought Contingency Plan (2024 Plan) supersedes the 2000 and 2019 Plans. This Ordinance establishes the City's policies for promoting water conservation and emergency planning, and provides the vision, resources, and overall methodologies for establishing an effective program.

This 2024 Plan addresses the following elements:

1. The need for and goals of the City's Water Conservation Program.
2. Methods to reduce water consumption.
3. Methods to reduce loss or waste of water.
4. Methods to improve efficient water use.
5. Methods to increase the recycling and reuse of water.

GENERAL

The City is located in the southern part of Burleson County, Texas, and was incorporated in 1840. The City's 2020 census population was 3,993 inhabitants.

The City's water system consists of three water wells for water supply; two ground storage tanks (GST) and two elevated storage tanks (EST) for water storage and delivery pressure; four high service (booster) pumps; chlorination facilities for water disinfection; and distribution lines to transport the water to the customers (ranging from 2 to 12 inches in size). The wells, storage facilities, and pumping facilities are located at two separate water treatment plants. All water wells are completed in the Carrizo-Wilcox aquifer. Sands screened by the wells are at a depth of approximately 1,000 to 1,300 feet, varying in each well. Water treatment consists of chlorination for disinfection. The distribution system pressure is approximately 50 to 70 pounds per square inch (psi).

The City currently serves 2,121 customer accounts. Annual water use in 2022 and 2023 was 610.5 and 792.7 million gallons (MG), respectively. Average daily water use during this period was 0.7 million gallons per day (MGD), and the peak day use was 1.8 MGD.

The following production, or capacity, applies to the year 2023:

The production (pumping) rate from all three wells combined is approximately 3,200 gallons per minute (gpm). Well No. 3 produces approximately 950 gpm, Well No. 5 produces approximately 1,150 gpm, and Well No. 6 produces approximately 1,100 gpm. The Texas Commission on Environmental Quality's (TCEQ) minimum water supply capacity requirement is 0.6 gpm per connection; therefore, for the 2,121 equivalent connections, a minimum water supply (well production) of 1,273 gpm is required. The current City's cumulative pumping rate exceeds this requirement.

The system has a total of 1,400,000 gallons of storage and 700,000 gallons of elevated storage. The TCEQ's minimum storage capacity requirement is 200 gallons per connection of total storage and 100 gallons per connection of elevated storage; therefore, for the 2,121 equivalent connections, a minimum of 424,200 gallons of total storage is required, and a minimum of 212,100 gallons of elevated storage is required. Both requirements are met by the City's existing facilities.

The system has a total rated booster pumping capacity of 5,000 gpm with the capacity of the largest pump being 1,300 gpm. The TCEQ's minimum booster pumping capacity requirement is two or more pumps that have a total capacity of 2.0 gpm per connection or that have a total capacity of at least 1,000 gpm and the ability to meet peak hourly demands with the largest pump out of service (firm capacity), whichever is less, at each pumping station or pressure plane. The TCEQ defines peak hourly demand in the absence of verified historical data as 1.25 times the maximum daily demand (prorated to an hourly rate) if a public water supply meets the TCEQ's minimum requirements for elevated storage capacity. For the entire system, the TCEQ minimum required capacity is 1,563 gpm (peak-hour). The firm booster pumping capacity in the upper pressure plane is 1,300 gpm and can be transferred to the lower pressure plane through pressure reducing valves. The requirements are met by the existing facilities.

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 hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this 2024 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 the offender(s) to penalties as defined in the section titled "Criteria for Initiation and Termination of Drought Response Stages" of this 2024 Plan.

PUBLIC INVOLVEMENT

An opportunity for the public to provide input into the preparation of the 2024 Plan was provided by the City by means of Public Notice and Public Hearings.

PUBLIC EDUCATION

The City will periodically provide the public with information regarding the 2024 Plan, including information regarding the conditions under which each stage of the 2024 Plan will 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, City newsletters, or the City Web site.

COORDINATION WITH REGIONAL WATER PLANNING GROUPS

The service area of the City is located within the Texas Water Development Board (TWDB) Brazos Region G and the City has provided a copy of this 2024 Plan to the TWDB Brazos Region G Water Planning Group.

AUTHORIZATION

The City Administrator, or its designee is hereby authorized and directed to implement the applicable provisions of this 2024 Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The City Administrator or its designee shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this 2024 Plan.

APPLICATION

The provisions of this 2024 Plan shall apply to all persons, customers, and property using water provided by the City. The terms “person” and “customer” as used in the 2024 Plan, include individuals, corporations, partnerships, associations, and all other legal entities.

DEFINITIONS

For the purposes of this 2024 Plan, the following definitions shall apply:

1. Aesthetic Water Use—Water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.
2. Commercial and Institutional Water Use—Water use that 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).
3. 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.
4. Customer—Any person, company, or organization using water supplied by the City.
5. 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).
6. Even Numbered Address—Street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.
7. Foundation Watering—An application of water to the soils directly abutting (within 2 feet) the foundation of a building or structure.
8. Industrial Water Use—The use of water in processes designed to convert materials of lower value into forms having greater usability and value.

9. 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.
10. Nonessential Water Use—Water uses that are not essential nor required for the protection of public, health, safety, and welfare, including in the following:
 - a. Irrigation of landscape areas (including parks, athletic fields, and golf courses), except otherwise provided under this 2024 Plan.
 - b. The use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle.
 - c. The use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas.
 - d. The 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. The use of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools.
 - g. The use of water in a fountain or pond for aesthetic or scenic purposes, except where necessary to support aquatic life.
 - h. Failure to repair controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).
 - i. The use of water from hydrants for construction purposes, or any other purposes, other than firefighting.
11. Odd Numbered Address—Street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

CRITERIA FOR INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES

The City Administrator or its designee shall monitor water supply and/or demand conditions on a regular basis and shall determine when conditions warrant the initiation or termination of each stage of the 2024 Plan, that is, when the specified “triggers” are reached.

The triggering criteria described in the following are based on water use (demand).

A. Use of Alternative Water Sources or Alternative Delivery Mechanisms

There are no alternative water source(s) available to the City.

B. Stage 1 Triggers—Mild Water Shortage Conditions

1. Requirements for Initiation—Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in the section titled “Definitions,” when the total daily water demand equals or exceeds 2.0 MG for 10 consecutive days or 2.3 MG on a single day.
2. Requirements for Termination—Stage 1 of the 2024 Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 5 consecutive days.

C. Stage 2 Triggers—Moderate Water Shortage Conditions

1. Requirements for Initiation—Customers shall be required to comply with the requirements and restrictions on certain nonessential water uses provided in the Drought Response Stages section of this 2024 Plan when the total daily water demand equals or exceeds 2.6 MG for 10 consecutive days or 2.9 MG on a single day.
2. Requirements for Termination—Stage 2 of the 2024 Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 10 consecutive days. Upon termination of Stage 2, Stage 1, or the applicable drought response stage (based on the triggering criteria) becomes operative.

D. Stage 3 Triggers—Severe Water Shortage Conditions

1. Requirements for Initiation—Customers shall be required to comply with the requirements and restrictions on certain nonessential water uses for Stage 3 of this 2024 Plan when the total daily water demand equals or exceeds 3.0 MG for 5 consecutive days or 3.3 MG on a single day.
2. Requirements for Termination—Stage 3 of the 2024 Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 5 consecutive days. Upon termination of Stage 3, Stage 2, or the applicable drought response stage (based on the triggering criteria) becomes operative.

E. Stage 4 Triggers—Critical Water Shortage Conditions

1. Requirements for Initiation—Customers shall be required to comply with the requirements and restrictions on certain nonessential water uses for Stage 4 of this 2024 Plan when the total daily water demand equals or exceeds 3.4 MG for 3 consecutive days or 3.6 MG on a single day.
2. Requirements for Termination—Stage 4 of the 2024 Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 10 consecutive days. Upon termination of Stage 4, Stage 3, or the applicable drought response stage (based on the triggering criteria) becomes operative.

F. Stage 5 Triggers–EMERGENCY Water Shortage Conditions

1. Requirements for Initiation–Customers shall be required to comply with the requirements and restrictions for Stage 5 of this 2024 Plan when City Administrator, or its designee, determines that a water supply emergency exists based on the following:
 - a. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service.
 - b. Natural or man-made contamination of the water supply source(s).
2. Requirements for Termination–Stage 5 of the 2024 Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days.

G. Stage 6 Triggers–Water Allocation

1. Requirements for Initiation–Customers shall be required to comply with the water allocation plan prescribed in section titled “Drought Response Stages” of this 2024 Plan and comply with the requirements and restrictions for Stage 5 of this 2024 Plan when the total daily water demand equals or exceeds 3.0 MG for 10 consecutive days or 3.3 MG on a single day.
2. Requirements for Termination–Water allocation may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days.

DROUGHT RESPONSE STAGES

The City Administrator, or its designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in the Criteria for Initiation and Termination of Drought Response Stages section of this 2024 Plan, shall determine that a mild, moderate, severe, critical, or emergency water shortage condition exists and shall implement the following notification procedures:

A. Notification

1. Notification of the Public–The City Administrator, or its designee, shall notify the public by means of:
 - a. Publication in a newspaper of general circulation.
 - b. Direct mail to each customer.
 - c. Public service announcements.
 - d. Signs posted in public places.
 - e. Posting on the City’s website.

2. Additional Notification—The City Administrator, or its designee, shall notify directly, or cause to be notified directly, the following individuals and entities:

Entity	Notification Stage
City Council	All Stages
City Emergency Management Coordinator(s)	Stage 4: Critical Stage 5: Emergency Stage 6: Water Allocation
TCEQ	Stage 2: Moderate Stage 3: Severe Stage 4: Critical Stage 5: Emergency Stage 6: Water Allocation
Critical water users (i.e., school)	Stage 5: Emergency Stage 6: Water Allocation
Caldwell Volunteer Fire Chief	Stage 4: Critical Stage 5: Emergency Stage 6: Water Allocation

Table 1 Notification During Each Stage

B. Stage 1 Response—Mild Water Shortage Conditions

1. Target—Achieve a voluntary 15 percent reduction in daily water demand.
2. Best Management Practices (BMP) for Supply Management—The City will reduce water demands by discontinuing the flushing of water mains, activating and using an alternative supply source, and using reclaimed water for non-potable purposes.
3. Voluntary Water Use Restrictions for Reducing Demand:
 - a. Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6, or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7, or 9), and to irrigate landscapes only between the hours of midnight and 10 A.M. and 8 P.M. to midnight on designated watering days.
 - b. All operations of the City shall adhere to water use restrictions prescribed for Stage 1 of the 2024 Plan.
 - c. Water customers are requested to practice water conservation and to minimize or discontinue water use for nonessential purposes.

C. Stage 2 Response—Moderate Water Shortage Conditions

1. Target—Achieve a 20 percent reduction in daily water demand.

2. BMPs for Supply Management—The City will reduce water demands by discontinuing the flushing of water mains and reducing irrigation of public landscaped areas. Also, the City will use an alternative supply source and reclaimed water for non-potable purposes.
3. Water Use Restrictions for Demand Reduction—Under threat of penalty for violation, the following water use restrictions shall apply to all persons:
 - a. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6, or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7, or 9), and irrigation of landscaped areas is further limited to the hours of midnight until 10 A.M. and between 8 P.M. and 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.
 - b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle is prohibited except on designated watering days between the hours of midnight and 10 A.M. and between 8 P.M. and midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rises. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
 - c. Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or jacuzzi-type pools is prohibited except on designated watering days between the hours of midnight and 10 A.M. and between 8 P.M. and midnight.
 - d. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
 - e. 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.
 - f. Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours of midnight and 10 A.M. and between 8 P.M. and midnight. However, if the golf course uses a water source other than that provided by the City, the facility shall not be subject to these regulations.

- g. All restaurants are prohibited from serving water to patrons except upon request of the patron.
- h. The following uses of water are defined as nonessential and are prohibited:
 - 1. Washing down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas.
 - 2. The use of water to wash down buildings or structures for purposes other than immediate fire protection.
 - 3. The use of water for dust control.
 - 4. Flushing gutters or permitting water to run or accumulate in any gutter or street.
 - 5. Failure to repair controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

D. Stage 3 Response—Severe Water Shortage Conditions

- 1. Target—Achieve a 25 percent reduction in daily water demand.
- 2. BMPs for Supply Management—The City will reduce water demands by discontinuing the flushing of water mains and reducing irrigation of public landscaped areas. Also, the City will use an alternative supply source and reclaimed water for non-potable purposes.
- 3. Water Use Restrictions for Demand Reduction—All requirements of Stage 2 shall remain in effect during Stage 3 except for the following:
 - a. Irrigation of landscaped areas shall be limited to designated watering days between the hours of midnight and 10 A.M. and between 8 P.M. and midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.
 - b. The watering of golf course tees is prohibited unless the golf course uses a water source other than that provided by the City.
 - c. The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.
 - d. Foundation watering (within 2 feet) and watering of trees may occur for 2 hours 1 day per week with a hand-held hose or with a dedicated zone using a drip irrigation system and/or soaker hose, provided no runoff occurs.
 - e. The sale of bulk water will be discontinued.

E. Stage 4 Response–Critical Water Shortage Conditions

1. Target–Achieve a 30 percent reduction in daily water demand.
2. BMPs for Supply Management–The City will reduce water demands by discontinuing the flushing of water mains and reducing irrigation of public landscaped areas under the threat of penalty. Also, the City will use an alternative supply source and reclaimed water for non-potable purposes.
3. Water Use Restrictions for Reducing Demand–All requirements of Stages 2 and 3 shall remain in effect during Stage 4 except for the following:
 - a. Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6 A.M. and 10 A.M. and between 8 P.M. and midnight and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems are prohibited at all times.
 - b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6 A.M. and 10 A.M. and between 6 P.M. and 10 P.M.
 - c. The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi-type pools is prohibited.
 - d. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
 - e. 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.

F. Stage 5 Response–Emergency Water Shortage Conditions

1. Target–Achieve a 50 percent reduction in daily water demand.
2. BMPs for Supply Management–The City will reduce water demands by discontinuing the flushing of water mains and reducing irrigation of public landscaped areas under the threat of penalty. Also, the City will use an alternative supply source and reclaimed water for non-potable purposes.

3. Water Use Restrictions for Reducing Demand—All requirements of Stages 2, 3, and 4 shall remain in effect during Stage 5 except the following:
 - a. Irrigation of landscaped areas is absolutely prohibited, except soaker hoses, hand-held hoses or a dedicated zone using a drip irrigation system may be used to water trees up to 2 hours per week or foundations as necessary, provided no runoff occurs.
 - b. The use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle is absolutely prohibited.

G. Stage 6 Response—Water Allocation

In the event water shortage conditions threaten public health, safety, and welfare, the City Administrator is hereby authorized to allocate water according to the following water allocation plan.

1. Single-Family Residential Customers—The allocation to residential water customers residing in a single-family dwelling shall be as follows:

Persons per Household	Gallons per Month
1 to 2	6,000
3 to 4	7,000
5 to 6	8,000
7 to 8	9,000
9 to 10	10,000
11 or more	12,000

Table 2 Single-Family Residential Allocations

“Household” means the residential premises served by the customer’s meter. “Persons per household” include only those persons currently physically residing at the premises and expected to reside there for the entire billing period. It shall be assumed that a particular customer’s household is comprised of two persons unless the customer notifies the City of a greater number of persons per household on a form prescribed by the City Administrator. The City Administrator shall give its best effort to see that such forms are mailed, otherwise provided, or made available to every residential customer. However, if a customer does not receive such a form, it shall be the customer’s responsibility to go to the City offices to complete and sign the form claiming more than two persons per household. New customers may claim more persons per household at the time of applying for water service on the form prescribed by the City Administrator. When the number of persons per household increases so as to place the customer in a different allocation category, the customer may notify the City on such form and the change will be implemented in the next practicable billing period. If the number of persons in a household is reduced, the customer shall notify the City in writing within 2 days of this change. In prescribing the method for claiming more than two persons per household, the City Administrator shall adopt methods to verify the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of persons in a household or fails to notify the City of a reduction in the number of persons in a household in a timely manner, shall be fined not less than \$100.00.

a. Residential water customers shall pay the following surcharges:

- (1) \$7.50 for the first 1,000 gallons over allocation.
- (2) \$9.50 for the second 1,000 gallons over allocation.
- (3) \$11.50 for the third 1,000 gallons over allocation.
- (4) \$13.50 for each additional 1,000 gallons over allocation.

b. Surcharges shall be cumulative.

2. Master-Metered Multi-Family Residential Customers:

The allocation to a customer billed from a master meter that jointly measures water to multiple permanent residential dwelling units (such as apartments and mobile homes) shall be allocated 6,000 gallons per month for each dwelling unit. It shall be assumed that such a customer's meter serves two dwelling units unless the customer notifies the City of a greater number on a form prescribed by the City Administrator. The City Administrator shall give its best effort to see that such forms are mailed, otherwise provided, or made available to every such customer. However, if a customer does not receive such a form, it shall be the customer's responsibility to go to the City offices to complete and sign the form claiming more than two dwellings. A dwelling unit may be claimed under this provision whether it is occupied or not. New customers may claim more dwelling units at the time of applying for water service on the form prescribed by the City Administrator. If the number of dwelling units served by a master meter is reduced, the customer shall notify the City in writing within 2 days of this change. In prescribing the method for claiming more than two dwelling units, the City Administrator shall adopt methods to verify the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of dwelling units served by a master meter or fails to notify the City of a reduction in the number of persons in a household in a timely manner, shall be fined not less than \$400.00.

a. Customers billed from a master meter under this provision shall pay the following monthly surcharges:

- (1) \$7.50 for 1,000 gallons over allocation up through 1,000 gallons for each dwelling unit.
- (2) \$9.50, thereafter, for each additional 1,000 gallons over allocation up through a second 1,000 gallons for each dwelling unit.
- (3) \$11.50, thereafter, for each additional 1,000 gallons over allocation up through a third 1,000 gallons for each dwelling unit.
- (4) \$13.50, thereafter, for each additional 1,000 gallons over allocation.

b. Surcharges shall be cumulative.

3. Commercial Customers:

A monthly water allocation shall be established by the City Administrator, or its designee, for each nonresidential commercial customer other than an industrial customer who uses water for processing purposes. The nonresidential customer's allocation shall be approximately 75 percent of the customer's usage for the corresponding month's billing period for the previous 12 months. If the customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no history exists. The City Administrator shall give its best effort to see that notice of each non-residential customer's allocation is mailed to such customer. However, if a customer does not receive such notice, it shall be the customer's responsibility to contact the City to determine the allocation. Upon request of the customer or at the initiative of the City Administrator, the allocation may be reduced or increased if one, or all, of the following apply:

- The designated period does not accurately reflect the customer's normal water usage.
- One nonresidential customer agrees to transfer part of its allocation to another nonresidential customer.
- Other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the City Administrator.

Nonresidential commercial customers shall pay the following surcharges.

- a. Customers whose allocation is 1,000 gallons through 5,000 gallons per month:
 - (1) \$7.50 per thousand gallons for the first 1,000 gallons over allocation.
 - (2) \$9.50 per thousand gallons for the second 1,000 gallons over allocation.
 - (3) \$11.50 per thousand gallons for the third 1,000 gallons over allocation.
 - (4) \$13.50 per thousand gallons for each additional 1,000 gallons over allocation.
- b. Customers whose allocation is 5,000 gallons per month or more:
 - (1) One times the block rate for each 1,000 gallons in excess of the allocation up through 5 percent above allocation.
 - (2) One and a half times the block rate for each additional 1,000 gallons from 5 percent through 10 percent above allocation.
 - (3) Two times the block rate for each 1,000 gallons from 10 percent through 15 percent above allocation.
 - (4) Two and a half times the block rate for each 1,000 gallons more than 15 percent above allocation.

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

4. Industrial Customers:

A monthly water allocation shall be established by the City Administrator, or its designee, for each industrial customer that uses water for processing purposes. The industrial customer’s allocation shall be approximately 90 percent of the customer’s water usage baseline. After 90 days from the initial date of imposition of the allocation for industrial customers, the industrial customer’s allocation shall be further reduced to 85 percent of the customer’s water usage baseline. The industrial customer’s water use baseline will be computed on the average water use for the 12-month period ending before the date of implementation of Stage 2 of the 2024 Plan. If the industrial water customer’s billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists. The City Administrator shall give its best effort to see that notice of each industrial customer’s allocation is mailed to such customer. However, if a customer does not receive such notice, it shall be the customer’s responsibility to contact the City to determine the allocation, and the allocation shall be fully effective notwithstanding the lack of receipt of written notice. Upon request of the customer or at the initiative of the City Administrator, the allocation may be reduced or increased if one, or all, of the following apply:

- The designated period does not accurately reflect the customer’s normal water use because the customer had shut down a major processing unit for repair or overhaul during the period.
- The customer has added or is in the process of adding significant additional processing capacity.
- The customer has shut down or significantly reduced the production of a major processing unit.
- The customer has previously implemented significant permanent water conservation measures such that the ability to further reduce water use is limited.
- The customer agrees to transfer part of its allocation to another industrial customer.
- Other objective evidence demonstrates that the designated allocation is inaccurate under present conditions.

A customer may appeal an allocation established hereunder to the City Administrator. Industrial customers shall pay the following surcharges:

- a. Customers whose allocation is 15,000 gallons through 20,000 gallons per month:
 - (1) \$11.50 per thousand gallons for the first 1,000 gallons over allocation.
 - (2) \$15.00 per thousand gallons for the second 1,000 gallons over allocation.

- (3) \$18.50 per thousand gallons for the third 1,000 gallons over allocation.
- (4) \$22.50 per thousand gallons for each additional 1,000 gallons over allocation.
- b. Customers whose allocation is 20,000 gallons per month or more:
 - (1) One and one-half times the block rate for each 1,000 gallons in excess of the allocation up through 5 percent above allocation.
 - (2) Two times the block rate for each 1,000 gallons from 5 percent through 10 percent above allocation.
 - (3) Two and one-half times the block rate for each 1,000 gallons from 10 percent through 15 percent above allocation.
 - (4) Three times the block rate for each 1,000 gallons more than 15 percent above allocation.

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

ENFORCEMENT

1. 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 2024 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 City Administrator, or its designee, in accordance with provisions of this 2024 Plan.
2. Any person who violates this 2024 Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of no less than \$200.00 and no more than \$1,000.00. Each day that one or more of the provisions in this 2024 Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this 2024 Plan, the City Administrator 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 reconnection charge, hereby established at \$40.00, and any other costs incurred by the City in discontinuing service. In addition, suitable assurance must be given to the City Administrator that the same action shall not be repeated while the 2024 Plan is in effect. Compliance with this 2024 Plan may also be sought through injunctive relief in the district court.
3. 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 2024 Plan and that the parent could not have reasonably known of the violation.
4. Any employee of the City (such as a police officer, department head, or other employee designated by the City Administrator) may issue a citation to a person he/she reasonably believes to be in violation of this Ordinance. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct the alleged violator to appear in the municipal court on the date shown on the citation for which the date shall not be less than 3 days nor more than 5 days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in municipal court to enter a plea of guilty or not guilty for the violation of this 2024 Plan. If the alleged violator fails to appear in municipal court, a warrant for his/her arrest may be issued. A summons to appear may be issued instead of an arrest warrant. These cases shall be expedited and given preferential setting in municipal court before all other cases.

VARIANCES

The City Administrator, or its designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this 2024 Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection of the public or the person requesting such variance and if one or more of the following conditions are met:

1. Compliance with this 2024 Plan cannot be technically accomplished during the duration of the water supply shortage or other conditions for which the 2024 Plan is in effect.
2. Alternative methods can be implemented that 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 a variance with the City within 5 days after the 2024 Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the City Administrator, or its 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 2024 Plan from which the petitioner is requesting relief.

4. Detailed statement as to how the specific provision of the 2024 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 2024 Plan and the compliance date.
8. Other pertinent information.

Variances granted by the City shall be subject to the following conditions, unless waived or modified by the City Administrator, or its designee:

1. Variances granted shall include a timetable for compliance.
2. Variances granted shall expire when the 2024 Plan is no longer in effect, unless the petitioner has failed to meet specific requirements.

No variance shall be retroactive or otherwise justify any violation of this 2024 Plan occurring before the issuance of the variance.