



## **DROUGHT CONTINGENCY PLAN THE CITY OF ENNIS, TEXAS Revised June, 2007**

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

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Ennis, Texas adopts the following regulations and restrictions regarding the delivery and consumption of water.

Water uses regulated or prohibited under this Drought Contingency Plan are considered to be non-essential 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 Section X of this plan.

The City of Ennis hereby adopts the following regulations and restrictions on the delivery and consumption of water by ordinance.

### **Section II Public Information and Input**

Wholesale and retail water customers in the City of Ennis will be informed of this plan through several means of communication, including local television, City website, and newspaper. The public will also be invited and encouraged to participate in the plan during public meetings along with public hearings associated with the accompanying ordinance.

### **Section III: Public Education**

The City of Ennis will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by the following means:

1. The Plan will be available at the Water Department offices in City Hall and at the Public Works Offices.
2. The Plan will be available on-line at the City of Ennis website.
3. The City will notify local organizations, schools, and civic groups that staff are available to make presentations about the Plan.
4. The City may place information in customers' water bills.

## Section IV: Coordination with Regional Water Planning Groups

The service area of the City of Ennis is located within Region C, and the City has provided a copy of this Plan to the Region C Regional Water Planning Group. Appendix A of this document is a copy of a letter sent to the Chair of Region C along a copy of the Plan.

## Section V: Authorization

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

## Section VI: Application

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

## Section VII: Definitions

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

Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Commercial and institutional water use: water use which is integral to the operations of commercial and non-profit establishments, hotels and motels, restaurants, and office buildings.

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

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

Domestic water use: water use for the personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Schedule of Watering: The City has set voluntary schedule of watering guidelines as outlined in the table below. These guidelines become mandatory if Stage 2 or any subsequent stage of the plan is initiated. The guidelines for times of watering also follow the same pattern. No watering will be allowed from 9 a.m. to 7 p.m. under any stage of the Plan; however these guidelines are voluntary until Stage 2 or any subsequent stage is initiated.

Schedule of Watering

Last Digit of Address	Allowed Watering Dates
0 and 5	5 <sup>th</sup> , 10 <sup>th</sup> , 15 <sup>th</sup> , 20 <sup>th</sup> , 25 <sup>th</sup> , 30 <sup>th</sup> ,
1 and 6	1 <sup>st</sup> , 6 <sup>th</sup> , 11 <sup>th</sup> , 16 <sup>th</sup> , 21 <sup>st</sup> , 26 <sup>th</sup>
2 and 7	2 <sup>nd</sup> , 7 <sup>th</sup> , 12 <sup>th</sup> , 17 <sup>th</sup> , 22 <sup>nd</sup> , 27 <sup>th</sup>
3 and 8	3 <sup>rd</sup> , 8 <sup>th</sup> , 13 <sup>th</sup> , 18 <sup>th</sup> , 23 <sup>rd</sup> , 28 <sup>th</sup>
4 and 9	4 <sup>th</sup> , 9 <sup>th</sup> , 14 <sup>th</sup> , 19 <sup>th</sup> , 24 <sup>th</sup> , 29 <sup>th</sup> ,

No watering will be allowed on the 31<sup>st</sup>. The lowest number will identify apartments, office building complexes, or other properties containing multiple addresses. Where there are no numbers a number will be assigned by the City Manager or his designee. These restrictions also apply to government facilities.

Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater value.

Landscape irrigation use: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and right of way and medians

Non-essential water use: water uses that are not essential to protect public, health, safety, and welfare, including:

- a) Irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
- b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- c) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- d) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
- e) Flushing gutters or permitting water to run or accumulate in any gutter or street;
- f) Use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi type pools;
- g) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- h) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- i) Use of water from hydrants for construction purposes or any other purposes other than fire fighting.

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

The City Manager or his designee shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified “triggers” are reached. The triggering criteria described below is based on the vulnerability of the water system under a drought of record conditions and known total reliable pumping capacity. This number will be evaluated each year to take into consideration improvements that may have been added to the system.

### **Stage 0 Watch Conditions**

Requirements for initiation - When the elevation of Lake Bardwell is less than 421' Mean Sea Level (MSL) or the daily water usage is greater than 45% of system capacity.

#### Action by the City

- Closely monitor lake levels, weather conditions and distribution system demands

Requirement for termination - Stage 0 of the Plan is a monitoring level of both reservoir levels and system capacity levels and as such is never terminated.

## **Stage 1 Mild Conditions**

Requirement for initiation When the elevation of Lake Bardwell is equal to or less than 417' MSL or 74% of available capacity, and/or the daily potable water supply system demand is 6.0 Million Gallons per Day (MGD) or 75% of plant capacity.

### **Action by the City**

- The City will reduce its own water use (e.g., landscape watering).
- The City notifies its wholesale customers that Stage 1 of the Plan is in effect
- The City continues public education efforts.

### **Requested Actions**

- The City requests that residents voluntarily adhere to the five (5) day schedule delineated in Section VII Definitions.

Requirements for termination - Stage 1 of the Plan shall be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three consecutive days. Upon termination of Stage 1, Stage 0 becomes operative.

## **Stage 2 Moderate Conditions**

Requirements for initiation When the elevation of Lake Bardwell is equal to or less than 414' MSL or 54% of available capacity, and/or the daily potable water supply system demand is 6.8 Million Gallons per Day (MGD) or 85% of plant capacity

### **Action by the City**

- When this stage is initiated, the City will further reduce its own water use. The City will prohibit non-essential uses of water
- The City will notify both retail and wholesale customers.
- The City will increase public information efforts
- An internal working group will analyze the conditions which triggered the stage and will monitor for subsequent stages.

### **Prohibited Actions**

- Watering, except on the schedule of once every five days, as outlined in this Plan.
- No watering is allowed between the hours of 9 a.m. and 7 p.m.
- Hosing off paved areas, buildings, or windows.
- Actions which create water running into the street, or otherwise waste water.
- Use of water from hydrants for any purpose other than firefighting related activities or other activities necessary to maintain public health, safety and welfare.

### **Exceptions**

- Watering using hand-held hose or bucket can be conducted any day.
- Newly planted landscaping (planted in the spring of the current year) and commercial plant nurseries may water on any day.
- Use of water from designated fire hydrants for construction purposes may be allowed only under a special permit from the City of Ennis Inspection Department.
- All landscape watering exceptions must still abide by the 9 a.m. to 7 p.m. water restrictions.

Requirements for termination Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.

## **Stage 3 Severe Conditions**

Requirements for initiation Requirements for initiation When the elevation of Lake Bardwell is equal to or less than 412' MSL or 40% of available capacity, and/or the daily potable water supply system demand is 7.2 Million Gallons per Day (MGD) or 90% of plant capacity.

### **Actions by City**

- When this stage is triggered, the City will further reduce its own water use. The City will prohibit its own use of water for street washing, vehicle washing, operation of ornamental fountains, and all other non-essential uses.
- The City will notify retail and wholesale customers
- The City will discontinue its landscape watering except as needed to prevent foundation damage, to preserve new plantings, and save rare plantings. The daily watering restrictions will be enforced for these exceptions.
- The City will increase public information efforts on the water supply.
- An internal working group will analyze the conditions which triggered the stage and will monitor for subsequent stages.
- Raise retail and wholesale rates by 10 percent for use of more than 10,000 gallons per month.

### **Prohibited Actions**

- Watering, except on the schedule of once every five days, as outlined in the Plan
- No watering is allowed between the hours of 9 a.m. and 7 p.m
- Hosing off paved areas, buildings, or windows
- Operation of ornamental fountains
- Draining, filling, refilling or adding water to swimming pools and/or Jacuzzi type pools.
- Foundation watering, except done by hand-held hose or watering cans, using the five-day schedule
- Use of water from hydrants for any purpose other than firefighting related activities or other activities necessary to maintain public health, safety and welfare
- Vehicle washing
- Actions which create water running into the street or otherwise waste water

### **Exceptions**

- Newly planted landscaping (planted in the spring of the current year) and commercial plant nurseries may water on any day.
- Vehicles that need to be washed for health, sanitation, or safety reasons (e.g., food carriers) are exempted. Any vehicle washing must occur at a commercial car wash or commercial service station.
- Commercial pools may refill water lost to normal daily use but hosing off walkways is prohibited
- Use of water from designated fire hydrants for construction purposes may be allowed under a special permit from the City of Ennis Inspection Department.
- All landscape watering exceptions must still abide by the 9 a.m. to 7 p.m. water restrictions.

### **Requested Actions**

- Installation of new landscapes should be delayed until watering restrictions are lifted.

Requirements for termination Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of Stage 3, Stage 2 becomes operative.

## **Stage 4 Critical Conditions**

Requirements for initiation When the elevation of Lake Bardwell is equal to or less than 409' MSL or 20% of available capacity, and/or the daily potable water supply system demand is 7.6 Million Gallons per Day (MGD) or 95% of plant capacity

### Actions by City

- When this stage has been triggered, the City will discontinue its landscape watering except as needed to prevent foundation damage and to save rare plantings. All watering must be done by hand-held hose or watering cans.
- The City will increase public information efforts on the water supply. More information will be available on the City website.
- An internal working group will analyze the conditions which triggered the stage and will continue to monitor the situation.
- Raise retail and wholesale water rates 20 percent for use of more than 10,000 gallons per month.

### Prohibited Actions

- Landscape watering
- Installation of new landscaping
- Hosing off paved areas, buildings, or windows
- Operation of ornamental fountains
- Draining, filling, refilling or adding water to swimming pools and/or Jacuzzi type pools
- Foundation watering, except done by hand-held hose or watering cans, using the five-day schedule
- Actions which create water running into the street, or otherwise waste water
- Washing of vehicles
- Use of water from hydrants for any purpose other than firefighting related activities, or other activities necessary to maintain public health, safety and welfare

### Exceptions

- Vehicles that need to be washed for health, sanitation, or safety reasons (e.g., food carriers) are exempted. Any vehicle washing must occur at a commercial car wash or commercial service station
- New landscaping (landscaping installed during the spring of the current year) may be watered daily for the first ten days after establishment, every other day for the next ten days and then every third day for the next ten days. Beyond that, it shall follow the five-day schedule
- Commercial plant nurseries can water plant stock by hand every other day.
- Watering by governments is limited to areas of rare vegetation and rare plantings.
- All watering exceptions must still abide by the 9 a.m. to 7 p.m. water restrictions

Requirement for termination Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of Stage 4, Stage 3 becomes operative.

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

Requirements for initiation; Customers shall be required to comply with the requirements and restrictions for Stage 5 of this Plan when the City Manager, or his designee, determines that a water supply emergency exists based on:

1. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service;
2. Natural or man-made contamination of the water supply source(s); or
3. Any other situation deemed an emergency by the City Manager.

Stage 5 may be applied to the City as a whole or to a specific sector of the City.

### **Actions by City**

- When this stage has been triggered, the City will discontinue all uses of water except for those required to maintain public health, safety and welfare
- The City will inform the public of the emergency through the best available means
- An internal working group will analyze the conditions which triggered the stage and will continue to monitor the situation.

### **Prohibited Actions**

- Landscape watering at any time
- Installation of new landscaping
- Hosing off paved areas, buildings, or windows
- Operation of ornamental fountains
- Draining, filling, refilling or adding water to swimming pools and/or Jacuzzi type pools
- Foundation watering
- Actions which create water running into the street, or otherwise waste water
- Washing of vehicles
- Use of water from hydrants for any purpose other than firefighting related activities, or other activities necessary to maintain public health, safety and welfare
- Use of water for any non essential purpose

### **Exceptions**

- Exceptions will be reviewed on a case by case basis by the City Manager

Requirements for termination; All initiated actions will remain in effect until the conditions that triggered the stage have been eliminated. Upon termination of Stage 5, Stage 4, Stage 3, Stage 2, or Stage 1 may become effective. When the stage is rescinded and which stage may become effective will be determined by the City Manager.

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

The City Manager or his designee shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section VIII, shall determine that watch, mild, moderate, severe, critical, or emergency conditions exist and shall implement the following notification procedures as necessary;

### Notification of the Public:

The City Manager or his designee shall notify the public by the best available means. Some potential methods of notification include;

- Publication in a newspaper of general circulation,
- Direct mail to each customer,
- Public service announcements,
- Signs posted in public places
- Take-home fliers at schools.

### Additional Notification

The City Manager or his designee shall when warranted notify directly, or cause to be notified directly, the following individuals and entities:

- Mayor and City Commission
- Fire Chief
- City and/or County Emergency Management Coordinator
- County Judge & Commissioners
- State Disaster District / Department of Public Safety
- TCEQ (required when mandatory restrictions are imposed)
- Major water users
- Critical water users, i.e. hospitals
- Parks / street superintendents & public facilities managers
- Wholesale customers will be notified by telephone, fax, e-mail, and/or registered mail

## **Stage 0 Response Water Watch Conditions**

The City will increase public awareness related to conservation and monitor weather patterns and consumption in this stage.

This is a monitoring level and no goal for reduction is set

## **Stage 1 Response Mild Water Shortage Conditions**

The City will curtail all non essential use and notify its wholesale customer to do the same. The City will continue its ongoing public education efforts and request voluntary cooperation with the watering schedules in the plan.

Our goal will be to achieve a 2% voluntary reduction within 1 week of initiation

## **Stage 2 Response Moderate Water Shortage Conditions**

When this stage is initiated, the City will further reduce its own water use and prohibit its own use of water for any non-essential uses. The City will increase public information efforts on water conservation and create an internal working group who will analyze the conditions which triggered the stage and will monitor for subsequent stages.

The City will prohibit watering, except on the schedule of once every five days, as outlined in this Plan and all watering between the hours of 9 a.m. and 7 p.m. will be barred. Additionally we will prohibit the hosing off of paved areas, buildings, or windows and any other actions which waste water. Use of water from hydrants for any purpose other than firefighting related activities or other activities necessary to maintain public health, safety and welfare will not be allowed.

After initiating this stage of the Plan the City anticipates a 3% reduction in system demand within 1 week,

### **Stage 3 Response Severe Water Shortage Conditions**

When this stage is triggered, the City will further reduce its own water use. The City will prohibit its own use of water for street washing, vehicle washing, operation of ornamental fountains, and all other non-essential uses. The City will discontinue its landscape watering except as needed to prevent foundation damage or to preserve new plantings, and save rare plantings. The daily watering restrictions will be enforced for these exceptions. The City will increase public information efforts on the water supply. More information will be available on the Water Department website and/ or through the newspaper and public service announcements. An internal working group will analyze the conditions which triggered the stage and will monitor for subsequent stages. We will raise retail and wholesale rates by 10 percent for use of more than 10,000 gallons per month.

We will prohibit watering except on the schedule of once every five days, as outlined in the Plan and will ban all watering between the hours of 9 a.m. and 7 p.m. The hosing off of paved areas, buildings, and windows, vehicle washing and the operation of ornamental fountains will not be allowed. The draining, filling, refilling or adding water to swimming pools and/or Jacuzzi type pools will be stopped and foundation watering will only be allowed using a hand-held hose or watering can and adhering to the five-day schedule. Use of water from hydrants for any purpose other than firefighting related activities or other activities necessary to maintain public health, safety and welfare and any other actions which create water running into the street or otherwise waste water.

Utility personnel will be instructed to immediately repair all leaks and treatment plant personnel will be instructed to follow prescribed guidelines for the maintenance of levels in ground and overhead storage facilities.

By the end of the first week after initiation of the stage, the City anticipates a 5% reduction in system demand.

### **Stage 4 Response Critical Water Shortage Conditions**

When this stage has been triggered, the City will discontinue its landscape watering except as needed to prevent foundation damage and to save rare plantings. Foundation watering will be done by hand-held hose or watering cans and on the schedule in the Plan. The City will increase public information efforts on the water supply. Information will be made available through all methods previously described. An internal working group will continue to analyze conditions and monitor the situation. Retail and wholesale water rates will be raised by 20 percent for use of more than 10,000 gallons per month.

Landscape watering, installation of new landscaping, washing of vehicles, hosing off of paved areas, buildings, and windows, operation of ornamental fountains draining, filling, refilling or adding water to swimming pools and/or Jacuzzi type pools, foundation watering, except by hand-held hose and using the five-day schedule, the utilization of water from hydrants for any purpose other than firefighting related activities, or other activities necessary to maintain public health,

safety and welfare, and any other actions which create water running into the street, or otherwise waste water will be prohibited.

Utility personnel will be instructed to immediately repair all leaks, utilize leak detection equipment to identify and repair suspected leaks, and treatment plant personnel will be instructed to follow prescribed guidelines for the maintenance of levels in ground and overhead storage facilities.

By the end of the first week after initiation of the stage, the City anticipates a 10% reduction in system demand.

## **Stage 5 Response Emergency Water Shortage Conditions**

This stage of the plan will be triggered by major water line breaks, or pump or system failures, which cause unprecedented loss of capability to provide water service, **or** natural or man-made contamination of the water supply source, and/or any other situation deemed an emergency by the City Manager. All requirements of all stages in this plan will remain in effect in Stage 5. Any exception will require review by the City Manager on a case by case basis and all initiated actions will remain in effect until the conditions that triggered the stage have been eliminated. Upon termination of Stage 5, Stage 4, Stage 3, Stage 2, or Stage 1 may become effective. When the stage is rescinded, and which stage may become effective will be determined by the City Manager.

The goal of this stage is to reduce water consumption by prohibiting all water use with the exception of fire fighting and health or sanitation uses.

If the emergency should cause all water production to cease additional measures at the sole discretion of the City Manager will be enacted including but not limited to providing bottled water, bringing water in tanker trucks, or other measures as deemed necessary by the Manager.

Wholesale customers shall be subject to Texas Water Code as follows:

Sec. 11.039 DISTRIBUTION OF WATER DURING SHORTAGE (a) If a shortage of water in a water supply not covered by a water conservation plan prepared in compliance with Texas Natural Resource Conservation Commission or Texas Water Development Board rules results from drought, accident, or other cause, the water to be distributed shall be divided among all customers pro rata, according to the amount each may be entitled to, so that preference is given to no one and everyone suffers alike.

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

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

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

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

## **Section X: Enforcement**

- a) No person shall knowingly or intentionally allow the use of water from the City of Ennis, Texas for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the City Manager, or his designee, in accordance with provisions of this Plan.
- b) Any person who violates this Plan is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$100.00 and not more than \$1,000.00. Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the City Manager 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 \$ 100.00 and any other costs incurred by the City of Ennis, Texas in discontinuing service. In addition, suitable assurance must be given to the City Manager that the same action shall not be repeated while the Plan is in effect. Compliance with this Plan may also be sought through injunctive relief in the District Court.
- c) Any person, including a person classified as a water customer of the City of Ennis, Texas, 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 persons 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 parent's 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 has previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation.
- d) Any employee of the City of Ennis, Texas, police officer, or other employee designated by the City Manager, 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 know, the offense charged, and shall direct him/her to appear in the Municipal Court on the date shown on the citation which date shall not be less than three days nor more than five 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 the 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 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 in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in Municipal Court before all other cases.

- e) Wholesale customers will be required to abide by the take conditions stated in the contract and will be subject to any or all of the enforcement measures stated above at the discretion of the City Manager.

## **Section XI: Variances**

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

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

Any person, or wholesale entity requesting an exemption from the provisions of this Ordinance shall file a petition for variance with the City of Ennis, Texas within five days after the Plan or a particular drought response stage has been invoked. All petitions for the variances shall be reviewed by the City Manager, or his designee, and shall include the following:

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

Variances granted by the City of Ennis, Texas shall be subject to the following conditions, unless waived or modified by the City Manager or his designee:

- a. Variances granted shall include a time table for compliance.
- b. Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

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

## **Section XII: New Contracts**

All new or renewed wholesale contracts approved by the City Commission, City of Ennis, Texas will require adoption of drought contingency measures at least as stringent as the City plan and state that such contracts are subject to Texas Water Code Section 11.039.

### **Section XIII: Severability**

It is hereby declared to be the intention of the City Commission, City of Ennis, Texas that the sections, paragraphs, sentences, clauses, and phrases of this Resolution are severable and, if any phrase, clause, sentence, paragraph, or section of this Plan 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 Plan, since the same would not have been enacted by the City Commission without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.



## CITY OF ENNIS, TEXAS

P.O. Box 220•Ennis, Texas 75120•(972) 878-1234•FAX (972) 875-9086  
<http://www.ennis-texas.com>

June 29, 2005

Chair  
Region C Water Planning Group  
North Texas Municipal Water District  
PO Box 2408  
Wylie, Texas 75098

Dear Chairperson,

Enclosed you will find a copy of the City of Ennis Drought Contingency Plan. This plan has been prepared using the model provided by the Texas Commission on Environmental Quality and meets all requirements specified in that document.

If you require any additional information, please let us know.

Best regards,

Robert Bolen

CC: Steve Howerton, City Manager  
Drought Contingency Plan Appendix A