

Jersey Village, Texas, Code of Ordinances >> PART II - CODE OF ORDINANCES >> **Chapter 70 - UTILITIES**  
 >> **ARTICLE V. - DROUGHT CONTINGENCY PLAN >>**

**ARTICLE V. - DROUGHT CONTINGENCY PLAN** [65]

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**Sec. 70-161. - Declaration of policy, purpose, and intent.**

- (a) 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.
- (b) Water uses regulated or prohibited under this drought contingency plan (the plan) are considered to be nonessential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in [section 70-171](#)
- (c) This drought contingency plan shall supercede any previous ordinance that the city has adopted.

*(Ord. No. 00-19, § 1, 6-19-00; Ord. No. 00-25, § 1, 8-15-00)*

**Sec. 70-162. - Public involvement.**

Opportunity for the public to provide input into the preparation of the plan was provided by the city by means of a public meeting. Specifically a public hearing was held on Monday, April 17, 2000, to receive comment and input from the public.

*(Ord. No. 00-19, § 1, 6-19-00; Ord. No. 00-25, § 1, 8-15-00)*

**Sec. 70-163. - Public education.**

- (a) The city will periodically provide the public with information about the plan, including information about the conditions under which each stage of the plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of a notice to residents.
- (b) On a monthly basis the Jersey Village publishes a newsletter called, the "Jersey Village Star." Outlines of the plan shall be provided as an insert to this publication. Residents shall be notified of the initiation of the plan and the initiation or termination of drought response stages by publication in the "Jersey Village Star" and/or by a door hanger or leaflet delivered to each single family residence and all commercial and multi-family facilities.

*(Ord. No. 00-19, § 1, 6-19-00; Ord. No. 00-25, § 1, 8-15-00)*

**Sec. 70-164. - Coordination with regional water planning groups.**

The service area of the city is located within the regional water district H and city has provided a copy of this plan to district H.

*(Ord. No. 00-19, § 1, 6-19-00; Ord. No. 00-25, § 1, 8-15-00)*

**Sec. 70-165. - Authorization.**

- (a) The city manager, or his/her designee is hereby authorized and directed to implement the applicable provisions

of this plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The city manager or his/her designee shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this plan.

- (b) The director of public works shall be required to submit a memo to the city manager that approves the safe water production level for the city. This memo shall be filed on an annual basis and/or when the safe water production level changes or is modified by equipment failures.

(Ord. No. 00-19, § 1, 6-19-00; Ord. No. 00-25, § 1, 8-15-00)

### **Sec. 70-166. - Application.**

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

(Ord. No. 00-19, § 1, 6-19-00; Ord. No. 00-25, § 1, 8-15-00)

### **Sec. 70-167. - 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 nonprofit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

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

*Customer:* Any person, company, or organization using water supplied by the city.

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

*Even number address:* Street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

*Industrial water use:* The use of water in processes designed to convert materials of lower value into forms having greater usability and value.

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

*Nonessential water use:* Water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:

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

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

(Ord. No. 00-19, § 1, 6-19-00; Ord. No. 00-25, § 1, 8-15-00)

### **Sec. 70-168. - Triggering criteria for initiation and termination of drought response stages.**

- (a) The city manager, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the plan.
- (b) The triggering criteria described below are based on total water production capacity and system pressure.
  - (1) *Phase 1—Mild water shortage conditions.*

- a. *Requirements for initiation.* Customers shall conserve water and adhere to the prescribed restrictions on certain water uses, defined in [section 70-167](#), when:
    - 1. Water production reaches 90 percent of the safe production capacity of the city.
    - 2. Pursuant to requirements specified in the city wholesale water purchase contract with the City of Houston, notification is received requesting initiation of Phase 1 of the Drought Contingency Plan.
    - 3. The static water level in the city well(s) is equal to or less than 50 feet above the pump level.
    - 4. Total daily water demand equals or exceeds 90 percent of the production capacity for three consecutive days or 95 percent of the production capacity on a single day.
  - b. *Requirements for termination.* Phase 1 of the plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of five consecutive days.
- (2) *Phase 2—Moderate water shortage conditions.*
- a. *Requirements for initiation.* Customers shall be required to comply with the requirements and restrictions on certain nonessential water uses provided in [section 70-167](#) when:
    - 1. Water production capacity reaches 95 percent of the safe water production capacity of the city.
    - 2. Pursuant to requirements specified in the city wholesale water purchase contract with the City of Houston, notification is received requesting initiation of Phase 2 of the Drought Contingency Plan.
    - 3. The static water level in the city well(s) is equal to or less than 50 feet above the pump level.
    - 4. Total daily water demand equals or exceeds 95 percent of the production capacity for three consecutive days or 100 percent of the production capacity on a single day.
  - b. *Requirements for termination.* Phase 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 consecutive days. Upon termination of Phase 2, Phase 1 becomes operative.
- (3) *Phase 3—Severe water shortage conditions.*
- a. *Requirements for initiation.* Customers shall be required to comply with the requirements and restrictions on certain nonessential water uses for Phase 3 of this plan when:
    - 1. Water production reaches 100 percent of the safe water production capacity of the city.
    - 2. Pursuant to requirements specified in the city wholesale water purchase contract with the City of Houston, notification is received requesting initiation of Phase 3 of the Drought Contingency Plan.
    - 3. The static water level in the city well(s) is equal to or less than 50 feet above the pump level.
    - 4. Total daily water demand equals or exceeds 100 percent of the production capacity for three consecutive days or 105 percent of the production capacity on a single day.
  - b. *Requirements for termination.* Phase 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 consecutive days. Upon termination of Phase 3, Phase 2 becomes operative.
- (4) *Phase 4—Emergency water shortage conditions.*
- a. *Requirements for initiation.* Customers shall be required to comply with the requirements and restrictions for Phase 4 of this plan when the city manager, or his/her 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; or
    - 2. Natural or man-made contamination of the water supply source(s).
  - b. *Requirements for termination.* Phase 4 of the plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of five consecutive days. Upon termination of Phase 4, Phase 3 becomes operative.

(Ord. No. 00-19, § 1, 6-19-00; Ord. No. 00-25, § 1, 8-15-00)

### **Sec. 70-169. - Drought response phases.**

The city manager, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in [section 70-167](#) of the plan, shall determine that a mild, moderate, severe, or emergency condition exists and shall implement the following actions upon publication of notice in a newspaper of general circulation:

- (1) *Phase 1—Mild water shortage condition.*
  - a. *Goal.* Achieve a mandatory reduction in water production below the 90 percent production capacity of the city.
  - b. *Supply management measures.* The city shall discontinue the monthly flushing of water mains, unless in response to a customer water quality complaint. Irrigation of all public landscaping areas shall comply with the odd/even address requirements that the public are being asked to meet.
  - c. *Mandatory water use restrictions.*
    - 1. Water customers shall limit the irrigation of landscaped areas to Mondays and Thursdays for

customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Tuesdays and Fridays 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 9:00 a.m. and 7:00 p.m. to midnight on designated watering days.

2. All operations of the city shall adhere to water use restrictions prescribed for Phase 1 of the plan.

**(2) Phase 2—Moderate water shortage conditions.**

- a. *Goal.* Achieve a five percent reduction in water production.
- b. *Supply management measures.* The city shall discontinue the monthly flushing of water mains, unless in response to a customer water quality complaint. Irrigation of all public landscaping areas shall comply with the odd/even address requirements that the public are being asked to meet.
- c. *Water use restrictions.* Under threat of penalty for violation, the following water use restrictions shall apply to all persons:
  1. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Mondays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Fridays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 9:00 a.m. and between 7:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, a faucet filled bucket or watering can of five gallons or less, or drip irrigation system.
  2. 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 12:00 midnight and 9:00 a.m. and between 7:00 p.m. and 12:00 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. Furthermore the use of water for the watering of foundations will be exempted if a soaker hose is utilized.
  3. Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 9:00 a.m. and between 7:00 p.m. and 12:00 midnight.
  4. 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.
  5. Use of water from hydrants shall be limited to fire fighting, 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.
  6. Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 9:00 a.m. and between 7:00 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the city, the facility shall not be subject to these regulations.
  7. The following uses of water are defined as nonessential and are prohibited:
    - (a) Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
    - (b) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
    - (c) Use of water for dust control;
    - (d) Flushing gutters or permitting water to run or accumulate in any gutter or street; and
    - (e) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

**(3) Phase 3—Severe water shortage conditions.**

- a. *Goal.* Achieve a ten percent reduction in water production.
- b. *Supply management measures.* All use of outdoor watering shall be prohibited by city personnel.
- c. *Water use restrictions.* All requirements of Phase 2 shall remain in effect during Phase 3 except:
  1. Irrigation of landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight and 9:00 a.m. and between 7:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, only. The use of hose-end sprinklers or permanently installed automatic sprinkler system is prohibited at all times. Furthermore the use of water for the watering of foundations will be exempted if a soaker hose is utilized. Furthermore the use of water for the watering of foundations will be exempted if a soaker hose is utilized.
  2. The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the city.

3. The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.
- (4) *Phase 4—Critical water shortage conditions.*
  - a. *Goal.* Achieve a 15 percent reduction in water production.
  - b. *Supply management measures.* All use of out door watering shall be prohibited by city personnel.
  - c. *Water use restrictions.* All requirements of Phase 2 and 3 shall remain in effect during Phase 4 except:
    1. Irrigation of landscaped areas is absolutely prohibited.
    2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.
    3. The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.
    4. 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.
    5. No applications 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 allowed or approved.

(Ord. No. 00-19, § 1, 6-19-00; Ord. No. 00-25, § 1, 8-15-00)

### **Sec. 70-170. - Enforcement.**

- (a) No person shall knowingly or intentionally allow the use of water from the city for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the city manager, or his/her 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 \$500.00. 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 \$50.00, and any other costs incurred by the city 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. Repeat offenses will be subject to reconnect fees of twice the amount stated above. 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, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this plan and that the parent could not have reasonably known of the violation.
- (d) Any police officer or other employee as designated by the city manager, may issue a citation to a person reasonably believed to be in violation of this article. The citation shall be prepared in duplicate and shall contain the name and addresses of the alleged violator, if known, the offense charged, and shall direct the violator to appear in the municipal court on the date shown on the citation. 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 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.

(Ord. No. 00-19, § 1, 6-19-00; Ord. No. 00-25, § 1, 8-15-00)

### **Sec. 70-171. - Variances.**

- (a) The city manager, or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:
  - (1) Compliance with this plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the plan is in effect.
  - (2) Alternative methods can be implemented which will achieve the same level of reduction in water use.
- (b) Persons requesting an exemption from the provisions of this article shall file a petition for variance with the city within five days after the plan or a particular drought response stage has been invoked. All petitions for variances

shall be reviewed by the city manager, or his/her designee, and shall include the following:

- (1) Name and address of the petitioner(s).
  - (2) Purpose of water use.
  - (3) Specific provision(s) of the plan from which the petitioner is requesting relief.
  - (4) Detailed statement as to how the specific provision of the plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this article.
  - (5) Description of the relief requested.
  - (6) Period of time for which the variance is sought.
  - (7) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this plan and the compliance date.
  - (8) Other pertinent information.
- (c) Variances granted by the city shall be subject to the following conditions, unless waived or modified by the city manager or his/her designee:
- (1) Variances granted shall include a timetable for compliance.
  - (2) Variances granted shall expire when the plan is no longer in effect, unless the petitioner has failed to meet specified requirements.
- (d) No variance shall be retroactive or otherwise justify any violation of this plan occurring prior to the issuance of the variance.

*(Ord. No. 00-19, § 1, 6-19-00; Ord. No. 00-25, § 1, 8-15-00)*

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FOOTNOTE(S):

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<sup>(65)</sup> **Editor's note**— Ord. No. 00-19, § 1, adopted June 19, 2000, did not specifically amend the Code; hence inclusion as art. V, §§ 70-161—70-171, was at the editor's discretion. ([Back](#))