

RESOLUTION REVIEWING DROUGHT CONTINGENCY PLAN  
AND MAKING ANY DESIRABLE CHANGES THERETO

WHEREAS, the Board of Director of Weston Municipal Utility District (the "Government Entity") adopted a revised Drought Contingency Plan on April 8, 2005 and

WHEREAS, the Board of Directors (the "Board") now wishes to review the Drought Contingency Plan and make any desirable changes thereto in compliance with the Texas Commission on Environmental Quality (TCEQ) requirements;

NOW, THEREFORE, BE IT RESOLVED by the Board that:

1. The Board has reviewed its Drought Contingency Plan.
2. The Board adopts the following changes to its Drought Contingency Plan:

NONE.

DATED THIS 12 day of April, 2019.

WESTON MUNICIPAL UTILITY DISTRICT

By: [Signature]  
Name: Tim Connolly  
Title: President

ATTEST:

By: [Signature]  
Name: Sandra Brown  
Title: Secretary



**DROUGHT CONTINGENCY PLAN  
FOR  
WESTON MUNICIPAL UTILITY DISTRICT  
May 1, 2005**

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

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, Weston Municipal Utility District (the "District") hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this Drought Contingency Plan (the "Plan") are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section XI of this Plan.

**Section II: Public Involvement**

Opportunity for the public to provide input into the preparation of the Plan was provided by the District by means of public District meeting on \_\_\_\_\_ and \_\_\_\_\_.

**Section III: Public Education**

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

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

The service area of the District is located within the City of Houston extra-territorial jurisdiction and the District has provided a copy of this Plan to the City of Houston. The service area of the District is also located within the Region H Water Planning Group and the District has provided a copy of this Plan to Region H.

**Section V: Authorization**

The Operator for the District 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 Operator for the District or his/her designee shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

## **Section VI: Application**

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the District. 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 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 Weston Municipal Utility District (the "District").

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

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

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

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

Non-essential water use: water uses that are not essential 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;
- (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.

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

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

The Operator, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specific "triggers" are reached. Public notification of the initiation or termination of drought response stages may include, but not be limited to direct mail from the District's operator to each customer, and color-coded signs posted in public places, as further described herein. In addition, a statement message will be placed on the customer bills each May containing an explanation of the color-coded signs.

The triggering criteria described below are based upon an analysis of the vulnerability of the District's water supply; conducted by the District's operator, engineer and other consultants, based upon information of droughts and water shortages of record conditions within the District and its surrounding areas.

#### **Stage 1 Triggers - MILD Water Shortage Conditions**

##### Requirements for Initiation:

Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section VII – Definitions, when demand on the District's water supply facilities reaches or exceeds seventy percent (70%) of the production capacity of such facilities for 3 consecutive days, as determined by the District's operator.

##### Requirements for Termination:

Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 5 consecutive days.

Notice:

A white sign posted at all entrances to the district will indicate that a mild water shortage condition exists.

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

Requirements for Initiation:

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section IX - Drought Response Stages of this Plan when demand on the District's water supply facilities reaches or exceeds eighty-five percent (85%) of the production capacity of such facilities for 3 consecutive days, as determined by the District's operator.

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

Notice:

A yellow sign posted at all entrances to the District will indicate moderate to severe mandatory rationing conditions. Written notice to each customer listing the specific conditions shall be provided as soon as practicable after implementation of the policy. Delivery of mailed notice shall be considered complete upon deposit of the notice in the United States mail, first class postage prepaid, addressed to the customer at its last known mailing address. The written notice of mandatory compliance shall contain (1) the date the rationing began, (2) the date rationing will end, or a description of the mechanism for termination of rationing when it is determined that the need no longer exists, (3) an explanation of the stage of rationing and the rationing and the restrictions to be implemented, and (4) an explanation of penalties for violations.

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

Requirements for Initiation:

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this Plan when demand on the District's water supply facilities reaches or exceeds ninety-five percent (95%) of the production capacity of such facilities for 24 hours, as determined by the District's operator.

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

Notice:

An orange sign posted at all entrances to the District will indicate severe water shortage conditions. Written notice to each customer listing the specific conditions shall be provided as soon as practical after implementation of the policy. Delivery of mailed notice shall be

considered complete upon deposit of the notice in the United States mail, first class postage prepaid, addressed to the customer at its last known mailing address. The written notice of mandatory compliance shall contain (1) the date the rationing began, (2) the date rationing will end or a description of the mechanism for termination of rationing when it is determined that the need no longer exists, (3) an explanation of the stage of rationing and the rationing and the restrictions to be implemented, and (4) an explanation of penalties for violations.

#### **Stage 4 Triggers – EMERGENCY Water Shortage Conditions and Water Allocation**

##### Requirements for Initiation:

Customers shall be required to comply with the requirements and restrictions for Stage 4 of this Plan when the Operator for the District, 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 and there is an unavailability of water interconnects to serve as a backup source of water.

##### Requirements for Termination:

Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 5 consecutive days.

##### Notice:

A red sign posted at all entrances to the District will indicate emergency water shortage conditions. Written notice to each customer listing the specific conditions shall be provided as soon as practical after implementation of the policy. Delivery of mailed notice shall be considered complete upon deposit of the notice in the United States mail, first class postage prepaid, addressed to the customer at its last known mailing address. The written notice of mandatory compliance shall contain (1) the date the rationing began, (2) the date rationing will end or a description of the mechanism for termination of rationing when it is determined that the need no longer exists, (3) an explanation of the stage of rationing and the rationing and the restrictions to be implemented, and (4) an explanation of penalties for violations.

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

The Operator for the District, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section VIII of the Plan, shall determine that a mild, moderate, severe, or emergency water shortage condition exists and shall implement the following actions upon publication of notice in a newspaper of general circulation:

#### **Stage 1 Response - MILD Water Shortage Condition**

##### Target:

Achieve a voluntary twenty percent (20%) reduction in total water use.

Supply Management Measures:

1. Inform the public through the news media that trigger conditions have been reached and that they should look for ways to voluntarily reduce water use.
2. Advertise a voluntary lawn watering schedule and reduce the watering at public parks to a minimum.

Water Use Restrictions for Reducing Demand:

- (a) Water customers are requested to voluntarily practice water conservation and to minimize or discontinue water use for non-essential purposes.
- (b) The following are examples of non-essential water use:
  - 1.) wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
  - 2.) use of water to wash down buildings or structures for purposes other than immediate fire protection.
  - 3.) use of water for dust control;
  - 4.) flushing gutters or permitting water to run or accumulate in any gutter or street; and
  - 5.) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).
- (c) All operations of the District shall adhere to supply management measures and water use restrictions prescribed for Stage 2 of the Plan.

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

Target:

Achieve a twenty-five percent (25%) reduction in total water use.

Supply Management Measures:

The District shall limit the following activities under such conditions:

1. Reduce or discontinue flushing of water mains.
2. Reduce or discontinue irrigation of public landscaped areas.

Water Use Restrictions For Reducing Demand:

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

- (b) 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 such irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 6:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days.

- (c) 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 6:00 a.m. and between 8:00 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.
- (d) 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 6:00 a.m. and between 8 p.m. and 12:00 midnight.
- (e) 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.
- (f) 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 District.
- (g) All restaurants are prohibited from serving water to its patrons except when requested.
- (h) The following uses of water are defined as non-essential and are prohibited:
  - 1.) wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
  - 2.) use of water to wash down buildings or structures for purposes other than immediate fire protection.
  - 3.) use of water for dust control;
  - 4.) flushing gutters or permitting water to run or accumulate in any gutter or street; and
  - 5.) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

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

#### Target:

Achieve an additional forty percent (40%) reduction in total water use.

#### Supply Management Measures:

The District shall limit the following activities under such conditions:

- 1. reduce or discontinue flushing of water mains.
- 2. reduce or discontinue irrigation of public landscaped areas.



Water Use Restrictions for Reducing Demand:

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

- (a) Irrigation of landscaped areas is prohibited.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle is prohibited.
- (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 applications for 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.

**Stage 4 Response - EMERGENCY Water Shortage Conditions and Water Allocation**

Target:

Achieve a total reduction of ninety percent (90%) of total water use.

Supply Management Measures:

The District shall limit the following activities under such conditions:

- 1. reduce or discontinue flushing of water mains.
- 2. reduce or discontinue irrigation of public landscaped areas.

Water Use Restrictions for Reducing Demand:

In the event that water shortage conditions threaten public health, safety, and welfare, the Operator of the District is hereby authorized to ration water according to the following water allocation plan. All requirements of Stage 2 and 3 shall take effect during Stage 4.

**Single Family Residential Customers**

The allocation to residential water customers residing in a single-family dwelling shall be 8,000 gallons per month. There will be a surcharge equal to 150% for all water used in excess from 8,000 and up to 10,000 gallons per month. There will be a surcharge rate of 200% of the applicable rate for all water used in excess of the 10,000 gallons per month.

**Master-Metered Multi-Family Residential Customers**

The allocation to a customer billed from a master meter which jointly measures water to multiple permanent residential dwelling units (e.g., apartments, mobile homes) shall be

allocated 5,000 gallons per month for each dwelling unit. It shall be assumed that such a customer's meter serves two (2) dwelling units unless the customer notifies the District of a greater number on a form prescribed by the Operator of the District. The Operator for the District shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every such customer. If, however, a customer does not receive such a form, it shall be the customer's responsibility to go to the Operator's office to complete and sign the form claiming more than two (2) 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 Operator for the District. If the number of dwelling units served by a master meter is reduced, the customer shall notify the District in writing within two (2) days. In prescribing the method for claiming more than two (2) dwelling units, the Operator shall adopt methods to insure the accuracy of the claim.

Customers billed from a master meter under this provision shall pay a surcharge equal to 150% for all water used in excess of 5,000 gallons per month and up to 7,000 gallons. A 200% of the applicable rate will be charged for all water used in excess of 7,000 gallons per month.

#### **Commercial Customers**

The allocation to commercial water customers shall be seventy-five percent (75%) of the customer's usage for corresponding month's billing period for the previous 12 months. If the customer's history of usage is less than 12 months, then the average for the period for which there is a record shall be used for any monthly period for which no history exists. A surcharge of 200% of the applicable rate for all water used in excess of the established usage in gallons per month.

#### **Industrial Customers**

The allocation to industrial water customers shall be seventy-five percent (75%) of the customer's usage for corresponding month's billing period for the previous 12 months. If the customer's history of usage is less than 12 months, then the average for the period for which there is a record shall be used for any monthly period for which no history exists. A surcharge of 200% of the applicable rate for all water used in excess of the established usage in gallons per month.

### **Section X: Enforcement**

- A. No person shall knowingly or intentionally allow the use of water from the District 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 Operator for the District, or his/her designee, in accordance with provisions of this Plan.

B. Any person who violates this Plan shall receive written notification of such violation, which notice shall set forth (1) date of violation, (2) the nature of the violation, (3) the Drought Response Measures then in effect, and (4) the penalties applicable for any further violations of this Plan; however, that if such person or entity has ever previously violated this Plan, the penalties set forth, may, in the discretion of the Board, be imposed. Service of the notification of violation 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.

C. Subsequent Violations:

1. Disconnection for Noncompliance:

If any person or entity violates any provision of the Plan more than one (1) time (which violation shall constitute an unauthorized use of District services and/or facilities), then in addition to any other remedies, penalties, sanctions and enforcement procedures provided for herein, the District shall have the right to terminate water service to such person or entity after notice and any other procedural requirements in the District's rate order are satisfied.

2. Monetary Penalties for Noncompliance:

If any person or entity violates any provision of the Plan more than one (1) time (which violation shall constitute an unauthorized use of District services and/or facilities), then in addition to disconnection as provided in Subsection 1 of this Section, the Board of the District, after providing required notice, may impose a penalty of up to \$5,000.00 for each violation of this Plan. Each day that a breach of any provision of this Plan continues shall be considered a separate violation. This penalty shall be in addition to any other legal rights and remedies of the District as may be allowed by law.

D. Any person, including a person classified as a water customer of the District, 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 refutable 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 refutable 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.

## **Section XI: Variances**

The Operator for the District, 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:

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

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

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

Variances granted by the District shall be subject to the following conditions, unless waived or modified by the Operator for the District or his/her designee:

- a. Variances granted shall include a timetable 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: Severability**

It is hereby declared to be the intention of the TCEQ (governing body of water supplier) that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance 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 TCEQ (governing body of the water supplier) without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

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