

**ORDINANCE NO. 239**

**AN ORDINANCE OF THE TOWN OF ANNETTA, TEXAS, AMENDING ITS DROUGHT CONTINGENCY PLAN; AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Annetta, Texas is a Type A general-law municipality located in Parker County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the Town of Annetta, Texas recognizes that the amount of water available to the Town and its water utility customers is limited and subject to depletion during periods of extended drought; and

**WHEREAS**, the Town recognizes that natural limitations due to drought conditions and other acts of God cannot guarantee an uninterrupted water supply for all purposes; and

**WHEREAS**, Section 11.1272 of the Texas Water Code and applicable rules of the Texas Commission on Environmental Quality require all public water supply systems in Texas to prepare a drought contingency plan; and

**WHEREAS**, the Town previously adopted Ordinances 131 and 197, adopting a drought contingency plan; and

**WHEREAS**, the Town desires to amend its drought contingency plan; and

**WHEREAS**, as authorized under law, and in the best interests of the citizens of the Town of Annetta, Texas, the Mayor and City Council deems it expedient and necessary to amend certain rules and policies for the orderly and efficient management of limited water supplies during drought and other water supply emergencies.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN OF ANNETTA, TEXAS:**

**SECTION 1.**

That the Town of Annetta, Texas Drought Contingency Plan is amended by adopting and approving the Drought Contingency Plan, attached hereto as Exhibit "A."

**SECTION 2.**

That all ordinances that are in conflict with the provisions of this Ordinance be, and the same are hereby, repealed and all other ordinances of the Town not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION 3.**

All rights and remedies of the Town are expressly saved as to any and all violations of the provisions of any ordinances governing zoning or land use that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 4.**

It is hereby declared to be the intention of the Town Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the Town Council without the incorporation in this Ordinance of any such invalid or unconstitutional section, paragraph, sentence, clause, or phrase.

**SECTION 5.**

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 6.**

The Town Secretary is hereby directed to publish the caption and penalty clause in the official Town newspaper as authorized by Section 52.011 of the Texas Local Government Code

**SECTION 7.**

This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

**PASSED AND ADOPTED ON THE 17TH DAY OF APRIL, 2025.**

TOWN OF ANNETTA

By: \_\_\_\_\_

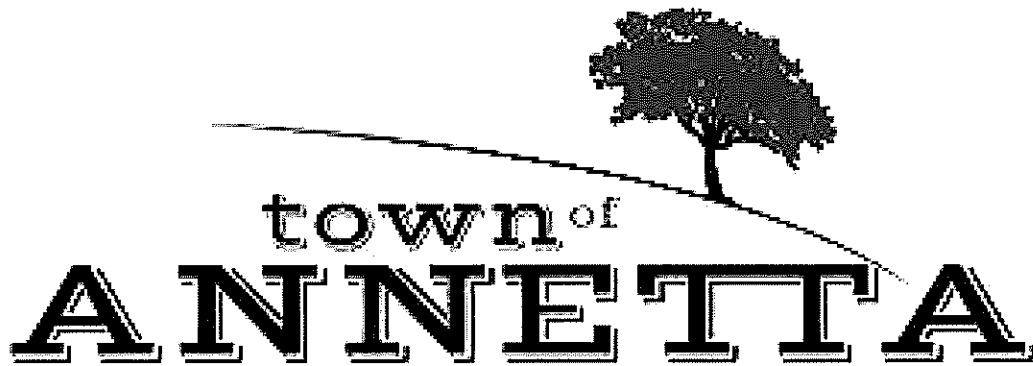
Sandy Roberts, Mayor

ATTEST:

By: Jamee Long  
Jamee Long, Town Secretary



## Exhibit A



450 Thunder Head Lane  
Annetta, Texas 76008  
(817) 441-5770 Phone  
(817) 441-5666 Fax

PWS ID No. 1840164  
PWS ID No. 1840111

Region C Water Planning Group

**DROUGHT CONTINGENCY PLAN**  
**October 2018**  
**Amended April 2025**  
**Deer Creek Water System**  
**Lakes of Aledo Water System**

Prepared by:  
Victoria Richards Harkins, Ph.D., P.E.  
Harkins Engineering, Inc.

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**Appendix B Town of Annetta Winter Month Average Data 2017-2018**

## **TOWN OF ANNETTA, TEXAS Drought Contingency Plan**

### **1. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES**

#### **1.1 Drought Contingency Plan**

The TCEQ rules governing development of drought contingency plans for public water suppliers are contained in Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.2 of the Texas Administrative Code.

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

### **2. DROUGHT CONTINGENCY PLAN**

#### **2.1 Introduction**

The purpose of this drought contingency plan is as follows:

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

#### **2.2 State Requirements for Drought Contingency Plans**

This drought contingency plan is consistent with Texas Commission on Environmental Quality (TCEQ) guidelines and requirements for the development of drought contingency plans by public drinking water suppliers, contained in Title 30, Part 1, Chapter 288, Subchapter B, Rule 288.20 of the Texas Administrative Code.

#### **2.3 Provisions to Inform the Public and Opportunity for Public Input**

The Town of Annetta provided opportunity for public input in the development of this drought contingency plan by the following means:

- Providing written notice of the proposed plan and the opportunity to comment on the plan by posted notice, e-mail notification of plan draft, and notice on Town of Annetta's web site, [www.annettatx.gov](http://www.annettatx.gov).
- Making the draft plan available on the Town of Annetta's web site, [www.annettatx.gov](http://www.annettatx.gov).
- Providing the draft plan to anyone requesting a copy.
- Holding a public meeting at the Town of Annetta Town Hall.

#### **2.4 Provisions for Continuing Public Education and Information**

The Town of Annetta will inform and educate the public about its drought contingency plan by the following means:

- Preparing a notice describing the plan and making it available at Town hall and other appropriate locations.
- Making the plan to the public available through the Town of Annetta web site at [www.annettatx.org](http://www.annettatx.org)



- Including information about the drought contingency plan on the Town of Annetta web site, [www.annettatx.org](http://www.annettatx.org)
- Notifying local organizations, schools, and civic groups that utility staff members are available to make presentations on the drought contingency plan (usually in conjunction with presentations on water conservation programs).
- Make available Texas Smartscape and TWDB Drought Related Information, web links are provided on Town of Annetta website.
- At any time that the drought contingency plan is activated or the drought stage changes, the Town of Annetta will notify local media, such as Facebook and the Town's official newspaper, of the issues, the drought response stage, and the specific actions required of the public. The information will also be publicized on the Town of Annetta emergency outreach system and web site, [www.annettatx.org](http://www.annettatx.org)
- Billing inserts will also be used as appropriate.

## **2.5 Coordination with Regional Water Planning Groups**

The service area of the Town of Annetta is located within the Region C Water Planning Area, and the Town of Annetta has provided a copy of this Plan to the Region C Water Planning Group.

## **2.6 Authorization**

The mayor 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 Mayor 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.

## **2.7 Application**

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

## **2.8 Review and Update of Drought Contingency Plan**

As required by TCEQ rules, the Town of Annetta will review this drought contingency plan every five years, beginning in 2023. The plan will be updated as appropriate based on new or updated information. As the plan is reviewed and subsequently updated, a copy of the revised Drought Contingency Plan will be submitted to the TCEQ and the RCWPG for their records.

## **2.9 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, property management company, or organization using water supplied by the Town of Annetta.

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 firefighting.

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

## **2.9 Initiation and Termination of Drought Response Stages**

### **2.9.1 Initiation of Drought Response Stages**

The Mayor or his/her official designee may order the implementation of a drought response stage or water emergency when one or more of the trigger conditions for that stage is met. The following actions will be taken when a drought stage is initiated:

- The public will be notified through local media.

- Wholesale customers will be notified by telephone with a follow-up letter or fax.
- If any mandatory provisions of the drought contingency plan are activated, the Town of Annetta will notify the Executive Director of the TCEQ within five business days.

For other trigger conditions, the Mayor or his/her designee may decide not to order the implementation of a drought response stage or water emergency even though one or more of the trigger criteria for the stage are met. Factors that could influence such a decision include, but are not limited to, the time of the year, weather conditions, the anticipation of replenished water supplies, or the anticipation that additional facilities will become available to meet needs.

### **2.9.2 Termination of Drought Response Stages**

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

- The public will be notified through local media.
- Wholesale customers will be notified by telephone with a follow-up letter or fax.
- When any mandatory provisions of the drought contingency plan that have been activated are terminated, the Town of Annetta will notify the Executive Director of the TCEQ within five business days.

The Mayor or his/her designee may decide not to order the termination of a drought response stage or water emergency even though the conditions for termination of the stage are met. Factors that could influence such a decision include, but are not limited to, the time of the year, weather conditions, or the anticipation of potential changed conditions that warrant the continuation of the drought stage.

## **2.10 Drought and Emergency Response Stages**

### **2.10.1 Stage 1, Voluntary**

#### **2.10.1.1 Triggering and Termination Conditions for Stage 1, Voluntary**

- Annually, beginning on May 1 through September 30.

Stage 1 will be terminated on September 30.

#### **2.10.1.2 Goal for Use Reductions and Actions Available Under Stage 1, Voluntary**

The goal for water use reduction under Stage 1, Voluntary, is a 7 percent reduction of the use that would have occurred in the absence of drought contingency measures. The purpose of actions under Stage 1, Voluntary is to raise public awareness of potential drought problems.

The Mayor or his/her designee can order the implementation of any of the actions listed below, as deemed necessary.

- Request voluntary reductions in water use by the public and by wholesale customers.
- Increase public education efforts on ways to reduce water use.
- Notify major water users and work with them to achieve voluntary water use reductions.
- Intensify efforts on leak detection and repair.
- Ask the public to follow voluntary landscape watering schedules.
- Notify wholesale customers of actions being taken in the Town of Annetta and request implementation of similar procedures.
- Irrigation of landscaped areas is suggested to be by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.

## 2.10.2 Stage 2, Moderate

### 2.10.2.1 Triggering Conditions for Stage 2, Moderate

- Falling treated water reservoir levels which do not refill above **90 percent overnight for four consecutive days.**

### 2.10.2.2 Goal for Use Reduction and Actions Available Under Stage 2, Moderate

The goal for water use reduction under Stage 2, Severe, is a 15 percent reduction of the use that would have occurred in the absence of drought contingency measures.

The Mayor or his/her designee can order the implementation of any of the actions listed below, as deemed necessary. Measures described as “requires notification to TCEQ” impose mandatory requirements on retail and wholesale customers. The Town of Annetta staff must notify TCEQ within five business days if these measures are implemented.

- Reduce non-essential city government water use. (Examples include street cleaning, vehicle washing, operation of ornamental fountains, etc.)
- Reduce city government water use for landscape irrigation.
- Continue or initiate any actions available under Stage 1.
- Encourage the public to wait until the current drought or emergency situation has passed before establishing new landscaping.
- Notify wholesale customers of actions being taken in the Town of Annetta and request them to implement similar procedures.
- 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 Town of Annetta.

**Requires Notification to TCEQ** – Initiate mandatory water use restrictions as follows. Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

- Limit landscape watering at each service address to **once per week** days based on the last digit of the address.
  - 1, 3, 5, 7, 9 Mon.
  - 2, 4, 6, 8, 0 Tues.Watering shall not occur between the hours of 8:00 a.m. and 6:00 p.m.

(Exceptions: Foundations, and new plantings (first year) of trees and shrubs may be watered for up to 2 hours on any day by a hand-held hose or a soaker hose.)

- Reduce draining and filling of existing pools and prohibit filling of new pools. (Pools may add water to replace losses during normal use.)
- 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 five (5) gallons or less, or drip irrigation system.
- **Initiate a 50% rate surcharge to applicable water consumption rates for all water use over 20,000 gallons per connection per month. Utility bills shall note that the user is receiving a surcharge for excessive water use during Stage 2 restrictions.**
- The rate surcharge period begins the day the Town announces the implementation of Stage 2, 3, or 4 of the Plan on the Town’s social media, website, and/or emergency outreach system. The rate surcharge period shall terminate when the Town announces the penalty period is over on its social media, website, and/or emergency outreach system. The rate surcharge will be calculated for consumption during the billing period based on the lowest Stage (II, III, or IV) in effect during the billing period and will be prorated based on the percentage of days in Stage, II, III, and/or IV during a billing period.

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

### 2.10.3 Stage 3, Severe

#### 2.10.3.1 Triggering Conditions for Stage 3, Severe

- Falling treated water reservoir levels which do not refill above **75 percent overnight for three consecutive days.**

#### 2.10.3.2 Goal for Use Reduction and Actions Available Under Stage 3, Severe

The goal for water use reduction under Stage 3, Severe, is a reduction of 25 percent of the use that would have occurred in the absence of drought contingency measures. If the circumstances warrant, the Mayor or his/her designee can set a goal for greater water use reduction.

The Mayor or his/her designee can order the implementation of any of the actions listed below, as deemed necessary. Measures described as “requires notification to TCEQ” impose mandatory requirements on retail and wholesale customers. The Town of Annetta staff must notify TCEQ within five business days if these measures are implemented.

- Continue or initiate any actions available under Stages 1 and 2.
- Implement viable alternative water supply strategies.
- Initiate engineering studies to evaluate alternatives should conditions worsen.
- Halt non-essential city government water use. (Examples include street cleaning, vehicle washing, operation of ornamental fountains, etc.)
- Further accelerate public education efforts on ways to reduce water use.

**Requires Notification to TCEQ** – Initiate mandatory water use restrictions as follows Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

- Prohibit hosing of paved areas, buildings, or windows.
- Prohibit operation of ornamental fountains.
- Prohibit washing or rinsing of vehicles by hose.
- Prohibit using water in such a manner as to allow runoff or other waste.
- Prohibit landscape watering: automatic irrigation systems shall be turned off.
- 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 five (5) gallons or less, or drip irrigation system.
- Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare only. No special permits.
- **Initiate a 100% rate surcharge to applicable water consumption rates for all water use over 20,000 gallons per connection per month. Utility bills shall note that the user is receiving a surcharge for excessive water use during Stage 3 restrictions.**
- The rate surcharge period begins the day the Town announces the implementation of Stage 2, 3, or 4 of the Plan on the Town’s social media, website, and/or emergency outreach system. The rate surcharge period shall terminate when the Town announces the penalty period is over on its social media, website, and/or emergency outreach system. The rate surcharge will be calculated for consumption during the billing period based on the lowest Stage (II, III, or IV) in effect during the billing period and will be prorated based on the percentage of days in Stage, II, III, and/or IV during a billing period.

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 **seven** consecutive days. Upon termination of Stage 3, Stage 2

## 2.10.4 Stage 4, Emergency

### 2.10.4.1 Triggering Conditions for Stage 4, Emergency

- Supply source becomes contaminated.
- Water supply system is unable to deliver water due to the failure or damage of major water system components.
- Stage 3 conditions persist or worsen such that the system is unable to maintain sufficient ground storage tank levels with adequate recovery time, pressures in the system fall below 40 psi, and/or aquifer levels drop that affect pump efficiencies and/or production capabilities.

### 2.10.4.2 Goal for Use Reduction and Actions Available Under Stage 4, Emergency

The goal for water use reduction under Stage 4, Emergency, is maintenance of potable water supply. If the circumstances warrant, the Mayor or his/her designee can set a goal for greater water use reduction.

The Mayor or his/her designee can order the implementation of any of the actions listed below, as deemed necessary. Measures described as “requires notification to TCEQ” impose mandatory requirements on retail and wholesale customers. The Town of Annetta staff must notify TCEQ within five business days if these measures are implemented.

- Continue or initiate any actions available under Stages 1 through 3.
- Implement viable alternative water supply strategies.
- Further accelerate public education efforts on ways to reduce water use.
- Discontinue Town government water use for landscape irrigation.
- Halt non-essential Town government water use. (Examples include street cleaning, vehicle washing, operation of ornamental fountains, etc.)
- Initiate engineering studies to evaluate alternatives should conditions worsen.
- Notify wholesale customers of actions being taken in the Town of Annetta and request them to implement similar procedures.

**Requires Notification to TCEQ** – Initiate mandatory water use restrictions as follows:

- No outside watering of any kind
- Prohibit hosing of paved areas, buildings, or windows.
- Prohibit operation of ornamental fountains.
- Prohibit washing or rinsing of vehicles by hose.
- Prohibit draining and filling of existing pools and filling of new pools.
- Prohibit using water in such a manner as to allow runoff or other waste.
- Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare only.
- **Initiate a 150% rate surcharge to applicable water consumption rates for all water use over 20,000 gallons per connection per month. Utility bills shall note that the user is receiving a surcharge for excessive water use during Stage 4 restrictions.**
- The rate surcharge period begins the day the Town announces the implementation of Stage 2, 3, or 4 of the Plan on the Town’s social media, website, and/or emergency outreach system. The rate surcharge period shall terminate when the Town announces the penalty period is over on its social media, website, and/or emergency outreach system. The rate surcharge will be calculated for consumption during the billing period based on the lowest Stage (II, III, or IV) in effect during the billing period and will be prorated based on the percentage of days in Stage, II, III, and/or IV during a billing period.

Stage 4 of the Plan may be rescinded only on the authority of the Mayor or his/her designee. Upon

termination of Stage 4, Stage 3 becomes operative.

**Requires Notification to TCEQ - Emergency Water Rationing Possible**

In the event that water shortage conditions threaten public health, safety, and welfare, to the point that Stage 4 – Emergency is declared, then the Mayor is hereby authorized to ration water according to the following water allocation plan:

**Single-Family Residential Customers**

The allocation to residential water customers residing in a single-family dwelling shall be as limited to **7,000 gallons per month** (assumes 3 persons per home, NTCOG guidance) per connection according to the TCEQ recommended limits for curtailment.

TCEQ provides the following table for use curtailment

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

If a connection has more than three persons, it will be the responsibility of the homeowner to report the number of persons in the household via phone or e-mail to [info@annetatx.gov](mailto:info@annetatx.gov).

The Town of Annetta provides winter month’s averaging for year long wastewater billing. Data from winter 2017 to 2018 (December 2017-February 2018) is presented in Appendix B.

“Household means the residential premises served by the customer’s meter. “Persons per household” includes only those persons currently physically residing at the premises and expected to reside there for the entire billing period. Residential water customers shall pay \$5.00 per 1,000 gallons for all water used over the allocation. Should excessive use over the allocation threaten the Town’s water system, the Town has the option to install a flow restrictor to enforce the allocation.

**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 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 Town of Annetta of a greater number on a for prescribed by the Mayor. In prescribing the method for claiming more than two (2) dwelling units, the Mayor shall adopt methods to insure 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 timely notify the Town of Annetta of a reduction in the number of persons in a household shall be fined not less than \$100. Customers billed from a master meter under this provision shall pay \$10.00 per 1,000 gallons for all water used over the allocation. Should excessive use over the allocation threaten the Town’s water system, the Town has the option to install a flow restrictor to enforce the allocation.

**Commercial Customers**

A monthly water usage allocation shall be established by the Mayor, or his/her designee, for each nonresidential commercial customer other than an industrial customer who uses water for processing purposes. Such allocation shall not be less than 6,000 gallons. Upon request of the customer or at the initiative of the Mayor, the allocation may be reduced or increased if,



- (1) one nonresidential customer agrees to transfer part of its allocation to another nonresidential customer, or
- (2) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Planning and Zoning/Utility Board of the Town of Annetta. Customers billed from a master meter under this provision shall pay \$10.00 per 1,000 gallons for all water used over the allocation. Should excessive use over the allocation threaten the Town's water system, the Town has the option to install a flow restrictor to enforce the allocation.

### **Industrial Customers**

A monthly water usage allocation shall be established by the Mayor or his/her designee, for each industrial customer, which uses water for processing purposes. The industrial customer's allocation shall be approximately 80% percent of the customer's water usage baseline which shall be the average usage for the last 12 months prior to rationing. Upon request of the customer or at the initiative of the Mayor, the allocation may be reduced or increased.

- (3) if the designated period does not accurately reflect the customer's normal water usage because the customer has shutdown a major processing unit for repair or overhaul during the period,
- (4) the customer has added or is in the process of adding significant additional processing capacity,
- (5) the customer has shutdown or significantly reduced the production of a major processing unit,
- (6) the customer has previously implemented significant permanent water conservation measures such that the ability to further reduce usage is limited.
- (7) the customer agrees to transfer part of its allocation to another industrial customer, or
- (8) if other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Planning and Zoning/Utility Board of the Town of Annetta.

Industrial customer shall pay the following surcharges:

Customers billed from a master meter under this provision shall pay \$10.00 per 1,000 gallons for all water used over the allocation. Should excessive use over the allocation threaten the Town's water system, the Town has the option to install a flow restrictor to enforce the allocation.

### **2.11 Procedure for Granting Variances to the Plan**

The Mayor or his/her designee may grant temporary variances for existing water uses otherwise prohibited under this drought contingency plan if one or more of the following conditions is met:

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

Variances shall be granted or denied at the discretion of the Town of Annetta staff or his/her designee. All petitions for variances should be in writing and should include the following

- Name and address of the petitioner(s)
- Purpose of water use
- Specific provisions from which relief is requested
- Detailed statement of the adverse effect of the provision from which relief is requested
- Description of the relief requested
- Period of time for which the variance is sought
- Alternative measures that will be taken to reduce water use
- Other pertinent information

### **2.12 Procedure for Enforcement of Mandatory Restrictions**

No person shall knowingly or intentionally allow the use of water from the Town of Annetta 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 Mayor, or his/her designee, in accordance with provisions of this Plan.

Mandatory water use restrictions may be imposed in Stage 1 or later drought stages. These mandatory water use restrictions will be enforced by warnings and penalties as follows:

- On the first violation, customers will be given a written warning that they have violated the mandatory water use restriction.
- On the second and any subsequent violations, a written notice of violation will be issued to customers with fines not less than \$50.00 and not to exceed \$2,000.00 per incident. Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense.
- After two violations have occurred, the Town of Annetta may install a flow restrictor in the line to limit the amount of water that may pass through the meter in a 24-hour period.
- After three violations have occurred, the Town of Annetta may cut off water service to the customer. Services discontinued under such circumstances shall be restored only upon payment of an approved re-connection charge. In addition, suitable assurance must be given to the Mayor 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.

### **2.13 Enforcement**

A violator is guilty of a misdemeanor and upon violation shall be punished by a fine of not less than fifty dollars (\$50.00) and not more than two-thousand dollars (\$2,000) for each offense. Each instance in which this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the Mayor, or his/her designated appointee, shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Any person, including a person classified as a water customer of the Town of Annetta, 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.

Any employee of the Utility or other Town employee designated by the Mayor, may issue a warning to a person he/she reasonably believes to be in violation of this Ordinance. The violation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the

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offense charged with date (s) provided. The alleged violator shall be provided a copy of the violation. Service of the violation shall be complete upon delivery of the violation 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.

**Appendix A Town of Annetta Resolution and Ordinance**

**Appendix B Town of Annetta Winter Month Average Data 2017-2018**

Statistical Data with Outliers Removed		Deer Creek PWS	
Sample Size	714	Sample Size	713
Mean ( ), gallons	6,240	Mean ( ), gallons	3,841
Median, gallons	5,900	Median, gallons	3,500
Standard Deviation (S)	2,872	Standard Deviation (S)	1,930
95% Confidence Interval	6,451	95% Confidence Interval	3,982
95% Confidence Interval Lower Bound	(211)	95% Confidence Interval Lower Bound	(142)
95% Confidence Interval Upper Bound	12,692	95% Confidence Interval Upper Bound	7,823
	12/1/2017		1/1/2018
		Average	10,775
			2/1/2018