



EST. 1955

**SPRING VALLEY**  
V I L L A G E

## **Spring Valley Village Drought Contingency Plan**

### **§ 11.701 - Introduction—Declaration of policy, purpose, and intent**

In order to conserve the available water supply and protect the integrity of water supply facilities during periods of water shortages, droughts or emergencies, in 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 has adopted the following regulations and restrictions on the delivery and consumption of water during periods of water shortages, droughts or emergencies.

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 11.711](#) of this article.

(Ordinance [2020-15](#) adopted 4-28-20)

### **§ 11.702 - 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.

(Ordinance [2020-15](#) adopted 4-28-20)

### **§ 11.703 - Criteria for initiation and termination of drought response stages**

The mayor 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 specified "triggers" are reached.

#### **Utilization of alternative water sources and/or alternative delivery mechanisms:**

Alternative water source(s) for the city [are] provided through three (3) available inter-connections with [the] City of Houston for purchased surface water.

(Ordinance [2020-15](#) adopted 4-28-20)

## § 11.704 - Definitions

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

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

*Commercial and institutional water use* means 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* means 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* means any person, company, or organization using water supplied by the city.

*Domestic water use* means 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* means street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

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

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

- (1) Irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this plan;
- (2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (3) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (4) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (5) Flushing gutters or permitting water to run or accumulate in any gutter or street;
- (6) Use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;

- (7) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (8) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (9) Use of water from hydrants for construction purposes or any other purposes other than firefighting.

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

(Ordinance [2020-15](#) adopted 4-28-20)

### **§ 11.705 - 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.

(Ordinance [2020-15](#) adopted 4-28-20)

### **§ 11.706 - Public involvement**

An opportunity for the public to provide input into the preparation of the plan was provided by posting a notice of the city council meeting scheduled to approve an ordinance adopting the drought contingency plan:

Date: April 28, 2020  
Time: 6:00 p.m.  
Place: 1025 Campbell Rd. Houston, Texas, 77005-7495  
City Hall Council Chambers

(Ordinance [2020-15](#) adopted 4-28-20)

### **§ 11.707 - Public education**

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:

- (1) Posting of the plan directly to the city's website and electronic media;
- (2) Links to water conservation and drought management information sources posted to the city's website;
- (3) Direct mailings of brochures or newsletters describing water conservation tips for outdoors and irrigation usage, as well as indoors and retrofitting water conservation devices for all water fixtures.

- (4) Public and civic organization meetings;
- (5) Published on electronic media concerning water conservation;
- (6) Posters and public displays;
- (7) Distribute to new and or existing customers a water conservation package upon change of service, new service installation, or in general when the customer pays their bill.

(Ordinance [2020-15](#) adopted 4-28-20)

## **§ 11.708 - Coordination with regional water planning groups**

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

(Ordinance [2020-15](#) adopted 4-28-20)

## **§ 11.709 - System supply strategy**

The water system for the city is supplied with a combination of self-supplied well water and surface water from the City of Houston. The well water is supplied by water wells owned and operated by Spring Valley Village, and this water can safely supply our annual daily average. The surface water supply is through a purchase agreement with the City of Houston, Texas, and this water can safely supply our daily annual average. Drought or emergency limitations on either of these supplies during peak pumping seasons may cause implementation of water usage restrictions. Utilization of alternative water sources and/or alternative delivery mechanisms for the City of Spring Valley Village is provided through three (3) available inter-connections with City of Houston for purchased surface water.

(Ordinance [2020-15](#) adopted 4-28-20)

## **§ 11.710 - Triggers and response stages**

The city will communicate voluntary water conservation concepts and tips each year. If supply or demand triggers are met, the City will initiate the appropriate elevated stage of restrictions. The city shall notify the state commission on environmental quality any time that stage 2 or stage 3 is initiated with regard to the rule for notification when mandatory restrictions are activated. The mayor, 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 this plan, shall determine that a mild, moderate, or severe water shortage condition exists and shall implement the following notification procedures:

### **Notification**

#### Notification of the public:

The mayor or his/ her designee shall notify the public by means of:

- Publication in a newspaper of general circulation; or

- Publication on city website and electronic media; or
- Posting of signs in appropriate locations in the city.

Additional notification:

The mayor or his/her designee shall notify directly, or cause to be notified directly, the following individuals and entities:

- TCEQ (when mandatory restrictions are imposed).
- Major water users (at drought stage 2).

The following trigger conditions indicate when drought contingency measures will be in effect. Trigger conditions will be set for mild, moderate, and severe conditions.

### **Voluntary Water Conservation and Awareness Year Round**

Water customers are encouraged to practice water conservation year round. The city will promote water conservation through public announcements and customer awareness programs of water conservation and to encourage the most efficient use of water.

### **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 11.704](#), definitions, when average daily water usage reaches 1.3 million gallons per day for three (3) consecutive days (seventy (70) percent of plant capacity). Consideration will be given to weather conditions, time of year, and customer complaints of low water pressure. The City of Houston initiates voluntary water restrictions demand- or capacity-based triggers.

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 fourteen (14) consecutive days or if the city determines termination is appropriate and a recurrence of the trigger conditions is unlikely to occur.

### **Stage 1 Response—MILD Water Shortage Conditions**

**Target: Achieve a voluntary five (5) percent reduction in total water usage.**

Best management practices for supply management:

The city will discontinue flushing of water mains and make preparations for possible activation of additional inter-connection points with [the] City of Houston.

Voluntary water use restrictions for reducing demand:

- (a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only between the hours of midnight and 6:00 a.m. and 8:00 p.m. to midnight on designated watering days.

- (b) All operations of the city shall adhere to water use restrictions prescribed for stage 1 of the plan.
- (c) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.
- (d) All customers will be notified by placing a notice on the city's website and electronic media and other means identified necessary.

### **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 11.709](#) of this article when average daily water usage reaches 1.5 million gallons per day (eighty (80) percent of plant capacity) for three (3) consecutive days.

#### 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 fourteen (14) consecutive days. Upon termination of stage 2, stage 1, or the applicable drought response stage based on the triggering criteria, becomes operative.

### **Stage 2 Response—MODERATE Water Shortage Conditions**

**Target: Achieve a ten (10) percent reduction in total water usage.**

#### Best management practices for supply management:

The city will limit water use by discontinuing flushing of water mains and irrigation of public landscape areas and parks. The public will be notified through the local news media and city's website. Major commercial water users will be notified of the situation and request voluntary water use restrictions.

#### Water use restrictions for demand reduction:

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

- (a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to:

Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8)

Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9)

Irrigation of landscaped areas is further limited to the hours of midnight until 6:00 a.m. and between 8:00 p.m. to 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 (5) gallons or less, or drip irrigation system.

- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of midnight until 6:00 a.m. and between 8:00 p.m. to midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rises. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
- (c) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated watering days between the hours of midnight to 6:00 a.m. and between 8 p.m. to midnight.
- (d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (e) Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the city.
- (f) All restaurants are prohibited from serving water to patrons except upon request of the patron.
- (g) 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 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 average daily water usage reaches 1.6 million gallons per day (eighty-five (85) percent of plant capacity) for two (2) consecutive days; or when the imminent or actual failure of a major component of the system which would

cause a reduction in production capacity has occurred; or when contamination of the supply source, water well or storage tanks has occurred.

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 fourteen (14) consecutive days. Upon termination of stage 3, stage 2, or the applicable drought response stage based on the triggering criteria, becomes operative.

**Stage 3 Response—SEVERE Water Shortage Conditions**

**Target: Achieve a fifteen (15) percent reduction in total water usage.**

Best management practices for supply management:

Mandate immediate reduction of customer water consumption. The public will be notified through the local news media and city's website.

Water use restrictions for demand reduction:

All requirements of stage 2 shall remain in effect during stage 3 except:

- (a) All outdoor water use, including irrigation of landscaped areas and car washing, is absolutely prohibited.
- (b) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

**Stage 4 Triggers—Critical 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 average daily water usage reaches 1.6 million gallons per day (eighty-five (85) percent of plant capacity) for two (2) consecutive days; or when the imminent or actual failure of a major component of the system which would cause a reduction in production capacity has occurred; or when contamination of the supply source, water well or storage tanks has occurred.

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 fourteen (14) consecutive days. Upon termination of stage 3, stage 2, or the applicable drought response stage based on the triggering criteria, becomes operative.

Stage 4 is designed to take significant steps toward controlling the use of water in response to periods of critical water shortage.

Stage 4 will begin when there are: Supply-based triggers:

- Supply contamination.

- Equipment outage reduces well capacity by fifty (50) percent, and purchased water intake is limited to less than seventy-five (75) percent of standard average draw rates.
- Equipment outage reduces production/distribution capacity to below sixty (60) percent of normal total production/distribution demand- or capacity-based triggers.
- Total daily demand as eighty (80) percent of safe pumping capacity for three (3) consecutive days.
- Production or distribution limitations.
- System contamination or equipment outage upon initiation and [termination] of stage 4, all customers will be notified by:
  - Placing a notice on the city's website.
  - Issuing a press release to radio, television, and newspapers.
  - Sending a notice to all telephone customers and registered users in the area through the city's reverse 911 telephone notice system.

Conservation goal for stage 4:

The goal for this stage is to reduce the overall daily consumption to below seventy (70) percent of the safe pumping capacity. Requirements for termination [of] stage 4 of the plan may end when all of the conditions listed as triggering events have ceased to exist for a period of fifteen (15) consecutive days AND when the conservation goal for stage 4 has been achieved for fifteen (15) days. Upon termination of stage 4, stage 3 or stage 2 may become effective.

Operational measures:

The utility shall visually inspect right of ways and repair leaks on a daily basis. Water line flushing is prohibited, except for specific identified water quality issues and only between the hours of 9:00 p.m. and 3:00 a.m. Police and code enforcement personnel will be asked to maintain vigilance for violations of the water restrictions.

**Mandatory Water Use Restrictions (Stage 4)**

- This includes stage 3 mandatory water-use reductions, along with the following more restrictive prohibitions.
- ALL OUTDOOR USE OF WATER IS PROHIBITED.
- Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle is absolutely prohibited.

(Ordinance [2020-15](#) adopted 4-28-20)

**§ 11.711 - Implementation and enforcement**

- (a) Any violation of the mandatory provisions of the drought contingency plan may result in a penalty and/or interruption of water service. The city administrator is empowered to enforce the mandatory provisions and may interrupt water service based upon repeated violations. Penalties shall be paid before water service is restored. Violations will be reported by all city personnel to the city administrator. 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 mayor, or his/her designee, in accordance with provisions of this plan.

- (b) Any person who intentionally, knowingly, recklessly or with criminal negligence violates this plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not to exceed two thousand dollars (\$2,000.00). Each day that one (1) or more of the provisions in this plan is violated shall constitute a separate offense. If a person is convicted of three (3) or more distinct violations of this plan, the mayor 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 re-connection charge, hereby established at fifty dollars (\$50.00), and any other costs incurred by the city in discontinuing service. 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.
- (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 employee of the city, police officer, or other city employee designated by the mayor, may issue a citation to a person he/she reasonably believes to be in violation of this article. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the municipal court on the date shown on the citation for which the date shall not be less than three (3) days nor more than five (5) days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over fourteen (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.

(Ordinance [2020-15](#) adopted 4-28-20)

## **§ 11.712 – Variances**

- (a) The mayor, 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 (1) 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 (5) days after the plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the mayor, 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 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.

(Ordinance [2020-15](#) adopted 4-28-20)