



# **DROUGHT CONTINGENCY PLAN**

## **CITY OF FORNEY**

OCTOBER 2019

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## FOREWORD

This 2019 Drought Management Plan was prepared by the City of Forney, in cooperation with the North Texas Municipal Water District. This plan was prepared pursuant to Texas Commission on Environmental Quality (TCEQ) rules. Some material is based on the existing drought contingency plans listed in Appendix A.

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This Drought Contingency Plan is based on the requirements of the Texas Water Code Chapter 11 and Title 30 Texas Administrative Code Chapter 288 - Sub Chapter B; Rule 288.20 & 288.22, amended on October 7, 2004<sup>1</sup>. This 2019 Drought Contingency Plan will replace the corresponding sections of the August 2014 Water Conservation and Resource Management Plan.

The measures included in this Plan are intended to provide short-term water savings during drought or emergency conditions.

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## 1. INTRODUCTION AND OBJECTIVES

This Drought Contingency Plan (Plan) will replace the current corresponding text pertaining to Emergency Water Use in the August 2014 Water Conservation and Water Resource Management Plan.

The measures included in this Plan are intended to provide short-term water savings during drought or emergency conditions. Water savings associated with ongoing, long-term strategies are discussed in the *Model Water Conservation Plan for North Texas Municipal Water District Member Cities and Customers*<sup>2</sup>.

The purpose of this 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; and
- To minimize the adverse impacts of emergency water supply conditions.

The City of Forney is a Charter Member of the North Texas Municipal Water District (NTMWD). NTMWD supplies treated potable water to its Member Cities and Customers. The City of Forney agrees to enforce Emergency Water Use Restrictions based on input from NTMWD.

In the absence of drought response measures, water demands tend to increase during a drought due to increased outdoor irrigation. The severity of a drought depends on the degree of depletion of supplies and on the relationship of demand to available supplies. The NTMWD considers a drought to end when all of its supply reservoirs refill to the conservation storage pool.

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Forney 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 X OF THIS PLAN DEFINITIONS.**

\*Superscripted numbers match references listed in Appendix A.

## 2. 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 City of Forney.

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 item;
- (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.

### 3. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES

The TCEQ rules governing development of drought contingency plans for public water suppliers are contained in Title 30, Part 1, Chapter 288, Subchapter B, Rule 288.20 of the Texas Administrative Code, a current copy of which is included in Appendix B<sup>1</sup>. For the purpose of these rules, a drought contingency plan is defined as “a strategy or combination of strategies for temporary supply and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies.”<sup>1</sup>

#### Minimum Requirements

TCEQ's minimum requirements for drought contingency plans are addressed in the following subsections of this report:

- 288.20(a)(1)(A) - Provisions to Inform the Public and Provide Opportunity for Public Input - Section 4.1
- 288.20(a)(1)(B) - Provisions for Continuing Public Education and Information - Section 4.2
- 288.20(a)(1)(C) - Coordination with the Regional Water Planning Group - Section 4.6
- 288.20(a)(1)(D) - Criteria for Initiation and Termination of Water Resource Management Stages - Section 5
- 288.20(a)(1)(E) - Water Resource Management Stages - Section 6
- 288.20(a)(1)(F) - Specific, Quantified Targets for Water Use Reductions -Section 5
- 288.20(a)(1)(G) - Water Supply and Demand Management Measures for Each Stage - Section 5
- 288.20(a)(1)(H) - Procedures for Initiation and Termination of Water Resource Management Stages - Section 4
- 288.20(a)(1)(I) - Procedures for Granting Variances - Section 10
- 288.20(a)(1)(J) - Procedures for Enforcement of Mandatory Restrictions - See Section 9
- 288.20(a)(3) - Consultation with Wholesale Supplier - Sections 4.3, 4.6 and 8.0
- 288.20(b) - Notification of Implementation of Mandatory Measures - Section 4.5
- 288.20(c) - Review and Update of Plan - See Section 4.7
- Additional TCEQ minimum requirements include:
  - To document the level of recycling and reuse in the water supply; and
  - To extend the life of current water supplies by reducing the rate of growth in demand.

## **4. COMMUNICATION**

### **4.1 Public Involvement**

Opportunity for the public to provide input into the preparation of the Plan was provided by the City of Forney by means of scheduling and providing public notice of a public hearing to accept input on the Plan.

### **4.2 Public Education**

The City of Forney 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 public events, press releases, City website and utility bill inserts.

### **4.3 Wholesale Water Customer Education**

The City of Forney will periodically provide wholesale water customers 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 email, quarterly meetings, and direct mail.

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

The service area of the City of Forney is located within the Group C of the Texas Water Development Board<sup>3</sup> and North Texas Municipal Water District has provided a copy of this Plan to the Water Development Board – Group C.

### **4.5 Authorization**

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

### **4.6 Application**

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

### **4.7 Plan Review and Update**

The City of Forney Public Works Department will review the Drought Contingency Plan annually and update the plan if necessary. The Plan will be updated every 5 years at a minimum.

## 5. CRITERIA FOR INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES

The Director of Public Works or his/her designee shall monitor water supply and/or demand conditions on a monthly basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified “triggers” are reached. NTMWD uses a Water Resource and Emergency Management Plan as the means to regulate water use by Member Cities and Customers. References to the Water Resource and Emergency Management Plan by NTMWD are considered the determining factors for the City of Forney Drought Contingency Plan.

The triggering criteria described below are based on:

Triggering criteria/trigger levels based on a statistical analysis of the vulnerability of the water source under drought of record conditions or based on known system capacity limits.

### Initiation of a Drought Response Stage

- Water Resource and Emergency Management Plan stages imposed by NTMWD action must be initiated by the City of Forney.
- For other trigger conditions internal to the City, the City Manager, Mayor, or official designee may decide not to order the implementation of a Water Emergency even though one or more of the trigger criteria for the stage are met. Factors which 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. The reason for this decision should be documented.

The following actions will be taken when a Drought Response Stage is initiated:

- The public will be notified through methods as described in Section 4.
- Wholesale customers and NTMWD will be notified by e-mail with a follow-up letter that provides details of the reasons for initiation of the Water Resource Management Stage.
- If any mandatory provisions of the Plan are activated, the City will notify the TCEQ Executive Director and the NTMWD Executive Director within 5 business days.

### Termination of a Drought Response Stage

WREMP stages initiated by NTMWD may be terminated after NTMWD has terminated the stage. For WREMP stages initiated by the Supplier, the City Manager, Mayor, or official designee may order the termination of a Water Resource Management Stage when the conditions for termination are met or at their discretion.

The following actions will be taken when a Water Resource Management Stage is terminated:

- The public will be notified through methods described in Section 4.
- Wholesale customers and NTMWD will be notified by e-mail with a follow-up letter.
- If any mandatory provisions of the Plan that have been activated are terminated,



The City will notify the TCEQ Executive Director and the NTMWD Executive Director within 5 business days.

The City Manager, Mayor, or official designee may decide not to order the termination of a Water Resource Management Stage even though the conditions for termination of the stage are met. Factors which 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 Water Resource Management Stage. The reason for this decision should be documented.

#### 5.1 Initiation and Termination Conditions for Stage 1

➤ **NTMWD has initiated Stage 1, which may be initiated due to one or more of the following:**

- The Executive Director, with the concurrence of the NTMWD Board of Directors, finds that conditions warrant the declaration of Stage 1.
- Water demand is projected to approach the limit of NTMWD's permitted supply.
- The storage level in Lavon Lake as published by the Texas Water Development Board (TWDB)<sup>3</sup>, is less than 70 percent of the total conservation pool capacity during any of the months of April through October or less than 60 percent of the total conservation pool capacity during any of the months of November through March.
- The Sabine River Authority (SRA) has indicated that its Upper Basin water supplies used by NTMWD (Lake Tawakoni and/or Lake Fork) are in a Stage 1 drought.
- NTMWD has concern that Lake Texoma, Jim Chapman Lake, the East Fork Water Reuse Project, the Main Stem Pump Station, or some other NTMWD water source may be limited in availability within the next six (6) months.
- Water demand exceeds **95-percent** of the amount that can be delivered by NTMWD to Customers for three (3) consecutive days.
- Water demand for all or part of the delivery system approaches delivery capacity because delivery capacity is inadequate.
- Supply source is interrupted or unavailable due to contamination, invasive species, equipment failure, or other cause.
- Water supply system is unable to deliver water due to the failure or damage of major water system components.
- Part of the system has a shortage in supply or damage to equipment. NTMWD may implement measures for only that portion of the NTMWD system impacted.

➤ **City of Forney has initiated Stage 1 due to one or more of the following reasons:**

- Water demand exceeds **95-percent** of the amount that can be delivered to customers for three consecutive days.
- Water demand for all or part of the delivery system equals delivery capacity because delivery capacity is inadequate.
- Supply source becomes contaminated.
- The City is unable to deliver water due to the failure or damage of major water system components.
- City Stage 1 plan may be implemented if other criteria dictate.

**Stage 1 may be terminated due to one or more of the following:**

- The Executive Director, with the concurrence of the NTMWD Board of Directors, finds that conditions warrant the termination of Stage 1.
- The storage level in Lavon Lake, as published by the TWDB<sup>3</sup>, is greater than 75 percent of the total conservation pool capacity during any of the months of April through October or greater than 65 percent of the total conservation pool capacity during any of the months of November through March.
- Other circumstances that caused NTMWD initiation of Stage 1 no longer prevail.
- The circumstances that caused the City's initiation of Stage 1 no longer prevail.

**5.2 Initiation and Termination Conditions for Stage 2**

➤ **NTMWD has initiated Stage 2, which may be initiated due to one or more of the following:**

- The Executive Director, with the concurrence of the NTMWD Board of Directors, finds that conditions warrant the declaration of Stage 2.
- Water demand is projected to approach the limit of NTMWD's permitted supply.
- The storage level in Lavon Lake, as published by the TWDB<sup>3</sup>, is less than 55 percent of the total conservation pool capacity during any of the months of April through October or less than 45 percent of the total conservation pool capacity during any of the months of November through March.
- SRA has indicated that its Upper Basin water supplies used by NTMWD (Lake Tawakoni and/or Lake Fork) are in a Stage 2 drought.
- NTMWD has concern that Lake Texoma, Jim Chapman Lake, the East Fork Water Reuse Project, the Main Stem Pump Station, or some other NTMWD water source may be limited in availability within the next three (3) months.
- Water demand exceeds 98 percent of the amount that can be delivered to Customers for three (3) consecutive days.
- Water demand for all or part of the delivery system equals delivery capacity, because delivery capacity is inadequate.
- Supply source is interrupted or unavailable due to contamination, invasive species, equipment failure, or other cause.
- Water supply system is unable to deliver water due to the failure or damage of major water system components.
- Part of the system has a shortage in supply or damage to equipment. NTMWD may implement measures for only that portion of the system impacted.

➤ **The City has initiated Stage 2 due to one or more of the following reasons:**

- Water demand exceeds 98 percent of the amount that can be delivered to customers for three consecutive days.
- Stage 1 criteria may be continued in a Stage 2 declaration.
- Supply source is interrupted or unavailable due to invasive species.

**Stage 2 may be terminated due to one or more of the following:**

- The Executive Director, with the concurrence of the NTMWD Board of Directors, finds that conditions warrant the termination of Stage 2.
- The storage level in Lavon Lake, as published by the TWDB<sup>1</sup>, is greater than 70 percent of the total conservation pool capacity during any of the months of April through October or greater than 60 percent of the total conservation pool capacity during any of the months of November through March.
- Other circumstances that caused the NTMWD's initiation of Stage 2 no longer prevail.
- The circumstances that caused the City's initiation of Stage 2 no longer prevail.

### 5.3 Initiation and Termination Conditions for Stage 3

➤ **NTMWD has initiated Stage 3, which may be initiated due to one or more of the following:**

- The Executive Director, with the concurrence of the NTMWD Board of Directors, finds that conditions warrant the declaration of Stage 3.
- Water demand is projected to approach or exceed the limit of the permitted supply.
- The storage level in Lavon Lake, as published by the TWDB<sup>1</sup>, is less than 30 percent of the total conservation pool capacity during any of the months of April through October or less than 20 percent of the total conservation pool capacity during any of the months of November through March.
- SRA has indicated that its Upper Basin water supplies used by NTMWD (Lake Tawakoni and/or Lake Fork) are in a Stage 3 drought.
- The water supply from Lake Texoma, Jim Chapman Lake, the East Fork Water Reuse Project, Main Stem Pump Station, or some other NTMWD water source has become limited in availability.
- Water demand exceeds the amount that can be delivered to Customers.
- Water demand for all or part of the delivery system exceeds delivery capacity because delivery capacity is inadequate.
- Supply source is interrupted or unavailable due to contamination, invasive species, equipment failure or other cause.
- Water supply system is unable to deliver water due to the failure or damage of major water system components.
- Part of the system has a shortage in supply or damage to equipment. NTMWD may implement measures for only that portion of the system impacted.

➤ **The City has initiated Stage 3 due to one or more of the following reasons:**

- Water demand exceeds the amount that can be delivered to customers.
- Criteria from Stage 1 or Stage 2 may remain in effect.

**Stage 3 may be terminated due to one or more of the following:**

- The Executive Director, with the concurrence of the NTMWD Board of Directors, finds that conditions warrant the termination of Stage 3.

- The storage level in Lavon Lake, as published by the TWDB<sup>1</sup>, in Lavon Lake is greater than 55 percent of the total conservation pool capacity during any of the months of April through October or greater than 45 percent of the total conservation pool capacity during any of the months of November through March.
- Other circumstances that caused the NTMWD's initiation of Stage 3 no longer prevail.
- Circumstances that caused the City's initiation of Stage 3 no longer prevail.

## 6. DROUGHT RESPONSE STAGES

The Director of Public Works, 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 5 of this Plan, shall determine that a mild, moderate, severe, critical, emergency or water shortage condition exists and shall implement the following notification procedures:

### **Notification:**

#### Notification of the Public:

**The City Manager or his/ her designee shall notify the public by means of:**

- Publication in Forney Messenger;
- Direct e-mail to residents and businesses who are registered to receive emails;
- Direct mail to critical water users, i.e. hospitals;
- Post information on the City Website;
- Direct mail to large water users (industrial, carwashes, etc.);
- Utility Bill stuffers - conservation facts; and
- Communication with Wholesale Customers - e-mail and direct mail.

#### Additional Notification:

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

- Mayor and members of the City Council;
- Fire Chief;
- County Emergency Management Coordinator(s);
- County Judge & Commissioner(s);
- State Disaster District / Department of Public Safety;
- TCEQ (required when mandatory restrictions are imposed); and
- Parks & public facilities managers.

### 6.1 Stage 1 Response - MILD Water Shortage Conditions

*Goal for Use Reduction and Actions Available under Stage 1*

The goal for water use reduction under Stage 1 is a **two percent (2%) reduction** in the amount of water produced by NTMWD from the previous corresponding annual payment period prior to institution of drought restrictions. **If circumstances warrant, or if required by NTMWD, the City Manager, Mayor, or official designee can set a goal for greater or lesser water use reduction under Stage 1.**

The City Manager, Mayor, or official designee may order the implementation of any or all of the actions listed below, as deemed necessary, to achieve a **two-percent** reduction. Measures described as “requires notification to TCEQ” are those that impose mandatory requirements on customers. The City must notify TCEQ and NTMWD within five (5) business days if such mandatory measures are implemented.

- Implement actions established by the Water Conservation Plan.
  - 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 10:00 a.m. and 8:00 p.m. to midnight on designated watering days.
  - All operations of the City of Forney shall adhere to water use restrictions prescribed for Stage 1 of the Plan.
  - Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.
- Notify any wholesale customers of actions being taken and request that they implement similar procedures.
- Further accelerate public education efforts on ways to reduce water use.
- Halt non-essential city government water use. Examples include street cleaning, vehicle washing, operation of ornamental fountains, etc.
- Encourage the public to wait until the current drought or emergency situation has passed before establishing New Landscape.
- Encourage all users to reduce the frequency of draining and refilling swimming pools.

**The Following Enforcement Provisions requires notification to TCEQ:**

Increase enforcement of the following landscape watering restrictions established by the Water Conservation Plan:

- Limit landscape watering with sprinklers or irrigation systems at each service address to no more than two (2) days per week, on designated days, between April 1 and October 31;
- Limit landscape watering with sprinklers or irrigation systems at each service address to once every week, on designated days, between November 1 and March 31. *Exceptions are as follows:*
  - An exception is allowed for New Landscape associated with new construction that may be watered as necessary for 30 days from the date of installation of new landscape features.
  - An exception for additional watering of landscape may be provided by hand-held hose with shutoff nozzle, and/or use of dedicated irrigation drip zones

- provided no runoff occurs.
- o Foundation (within 2 feet), New Landscape Watering, watering of new plantings (first year) of shrubs, and watering of trees (within a ten-foot radius of its trunk) may occur by a hand-held hose, a soaker hose, or a dedicated zone using a Drip Irrigation system provided no runoff occurs.
  - o Locations using alternative sources of water supply only for irrigation may irrigate without day of the week restrictions provided proper signage is employed. However, irrigation using alternative sources of supply is subject all other restrictions applicable to this stage. If the alternative supply source is a well, proper proof of well registration with the North Texas Groundwater Conservation District is required. Other sources of water supply may not include imported treated water.

## 6.2 Stage 2 Response – MODERATE Water Shortage Conditions

### Goals for Use Reduction and Actions Available under Stage 2

The goal for water use reduction under Stage 2 is a reduction of **ten percent** (10%) in the amount of water obtained from NTMWD from the previous corresponding annual payment period prior to the institution of drought restrictions. ***If circumstances warrant, or if required by NTMWD, the City Manager, Mayor, or official designee can set a goal for greater or lesser water use reduction.*** The City Manager, Mayor, or official designee may order the implementation of any or all of the actions listed below, as deemed necessary to achieve a ten percent reduction. Measures described as “requires notification to TCEQ” are those that impose mandatory requirements on customers. The supplier must notify TCEQ and NTMWD within five (5) business days if such mandatory measures are implemented.

- Continue actions available under the Water Conservation Plan.
- Notify any wholesale customers of Stage2 conditions,
- Require all users to reduce the frequency of draining and refilling swimming pools

### **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), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, 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.
- (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 12:00 midnight and 10:00 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.

- (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 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 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 of Forney.
- (f) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the City of Forney, the facility shall not be subject to these regulations.
- (g) All restaurants are prohibited from serving water to patrons except upon request of the patron.
- (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).

**The Following Enforcement Provisions requires notification to TCEO:**

- Limit landscape watering with sprinklers or irrigation systems at each service address to once per week on designated days between April 1 and October 31.
- Limit landscape watering with sprinklers or irrigation systems at each service

address to once every other week on designated days between November 1 and March 31. *Exceptions are as follows:*

- New Landscape may be watered as necessary for 30 days from the date of the installation of new landscape features.
  - Foundation Watering (within 2 feet), New Landscape Watering, watering of new plantings (first year) of shrubs, and watering of trees (within a ten-foot radius of its trunk) may occur for up to two hours on any day by a hand-held hose, a dedicated zone using a Drip Irrigation system and/or Soaker Hose, provided no runoff occurs.
  - Athletic Fields may be watered twice per week.
  - Locations using alternative sources of water supply only for irrigation may irrigate without day-of-the-week restrictions, provided proper signage is employed to notify the public of alternative water source(s) being used. However, irrigation using alternative sources of supply is subject all other restrictions applicable to this stage. If the alternative supply source is a well, proper proof of well registration with the North Texas Groundwater Conservation District or Red River Groundwater Conservation District is required. Alternative sources of water supply may not include imported treated water.
  - An exemption is allowed for Drip Irrigation systems from the designated outdoor water use day limited to no more than one day per week. Drip Irrigation systems are however subject to all other restrictions applicable under this stage.
  - Hand watering with shutoff nozzle, drip lines, and Soaker Hoses are allowed before 10 am and after 6 pm, provided no runoff occurs.
- Prohibit hydro seeding, hydro mulching, and sprigging.
  - Initiate a rate surcharge as requested by NTMWD.
  - Initiate a rate surcharge for all water use over a certain level as requested by NTMWD.
  - If NTMWD has imposed a reduction in water available to Member Cities and Customers, impose the same percent reduction on any wholesale customers.
  - Parks and golf courses using potable water for landscape watering are required to meet the same reduction goals and measures outlined in this stage. *Exception for golf course greens and tee boxes which may be hand watered as needed.*

### 6.3 Stage 3 Response– SEVERE Water Shortage Conditions

Goals for Use Reduction and Actions Available under Stage 3

The goal for water use reduction under Stage 3 is a reduction of whatever amount is designated by NTMWD in the amount of water obtained from NTMWD from the corresponding previous annual payment period prior to institution of drought restrictions. If circumstances warrant or if required by NTMWD, the City Manager, Mayor, or official designee can set a goal for greater or lesser water use reduction. The City Manager, Mayor, or official designee may order the implementation of any or all of the actions listed below, as deemed necessary. Measures described as “requires notification to TCEQ” are those that impose mandatory requirements on Member Cities and



Customers. The supplier must notify TCEQ and NTMWD within five business days if such mandatory measures are implemented.

- Continue or initiate any actions available under the Water Conservation Plan and Stages 2 and 3.
- Notify any wholesale customers of actions being taken and request them to implement similar procedures.
- Implement viable alternative water supply strategies.

**Water Use Restrictions for Demand Reduction:**

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

- (a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.
- (b) The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the City of Forney.
- (c) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

**The Following Enforcement Provisions requires notification to TCEQ:**

- Initiate mandatory water use restrictions as follows:
  - Hosing and washing of paved areas, buildings, structures, windows or other surfaces is prohibited except by variance and performed by a professional service using high efficiency equipment.
  - Prohibit operation of ornamental fountains or ponds that use potable water except where supporting aquatic life or water quality.
- Prohibit new sod, hydro-seeding, hydro-mulching, and sprigging.
- Prohibit the use of potable water for the irrigation of New Landscape.
- Prohibit all commercial and residential landscape watering, except that Foundation Watering (within 2 feet) and watering of trees (within a ten-foot radius of its trunk) may occur for two hours one day per week with a hand-held hose or with a dedicated zone using a Drip Irrigation system and/or Soaker Hose, provided no runoff occurs. Drip Irrigation systems are not exempt from this requirement.
- Prohibit washing of vehicles except at a Commercial Vehicle Wash Facility.
- Landscape watering of parks, golf courses, and Athletic Fields with potable water is prohibited. Exception for golf course greens and tee boxes that may be hand watered as needed. Variances may be granted by the water provider under special circumstances.
- Prohibit the filling, draining, and/or refilling of existing swimming pools, wading pools, Jacuzzi and hot tubs except to maintain structural integrity, proper operation and maintenance, or to alleviate a public safety risk. Existing pools may

add water to replace losses from normal use and evaporation. Permitting of new swimming pools, wading pools, Jacuzzi, and hot tubs is prohibited.

- Prohibit the operation of interactive water features such as water sprays, dancing water jets, waterfalls, dumping buckets, shooting water cannons, inflatable pools, temporary splash toys or pools, slip-n-slides or splash pads that are maintained for recreation.
- Require all commercial water users to reduce water use by a percentage established by the City Manager, or official designee.
- If NTMWD has imposed a reduction in water available to Member Cities and Customers, impose the same percent reduction on any wholesale customers.
- Initiate a rate surcharge over normal rates for all water use or for water use over a certain level.

**7. PRO RATA CURTAILMENT**

In the event that the triggering criteria specified in Section VII of the Plan for Stage 3 - Severe Water Shortage Conditions have been met, the City Manager is hereby authorized to initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code, §11.039.

**8. CONTRACT PROVISIONS**

The City of Forney will include a provision in every wholesale water contract entered into or renewed after adoption of the plan, including contract extensions, that in case of a shortage of water resulting from drought, the water to be distributed shall be divided in accordance with Texas Water Code, §11.039.

**9. ENFORCEMENT**

- (a) No person shall knowingly or intentionally allow the use of water from the City of Forney for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the City Manager or his/her designee, in accordance with provisions of this Plan enacted by Ordinance<sup>4</sup>.
- (b) Any person who violates this Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than \$500 and not more than \$2000. Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the Public Works Director 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 \$75.00 and any other costs incurred by the City of Forney in discontinuing service. In addition, suitable assurance must be given to the Public Works Director that the same action shall not be repeated while the Plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.

(c) Any person, including a person classified as a water customer of the City of Forney, 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 of Forney, designated by the City Manager, may issue a citation to a person he/she reasonably believes to be in violation of this Ordinance. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if 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 3 days nor more than 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 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.

## 10. VARIANCES

The City Manager or his/her designee, may, in writing, grant a 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 City of Forney within 5 days after the Plan or a particular

drought response stage has been invoked. All petitions for variances shall be reviewed by the City Manager, or his/her designee, and shall include the following:

- (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; and
- (h) Other pertinent information.

**APPENDIX A  
LIST OF REFERENCES**

1. Title 30 of the Texas Administrative Code, Part 1, Chapter 288, Subchapter B, Rules 288.20 and 288.22.
2. Freese and Nichols, Inc.: 2019 Model Water Resource Management Plan for NTMWD Members Cities and Customers, prepared for the North Texas Municipal Water District, Fort Worth, February 2019.
3. Texas Water Development Board, Water Data for Texas, Lavon Lake, <https://waterdatafortexas.org/reservoirs/individual/lavon>
4. City of Forney Ordinance NO. 19-47 - Drought Contingency Plan

## APPENDIX B

### TEXAS ADMINISTRATIVE CODE

**TITLE 30 ENVIRONMENTAL QUALITY**

**PART 1 TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

**CHAPTER 288 WATER CONSERVATION PLANS, DROUGHT CONTINGENCY PLANS, GUIDELINES AND REQUIREMENTS**

**SUBCHAPTER B DROUGHT CONTINGENCY PLANS**

**RULE §288.20 Drought Contingency Plans for Municipal Uses by Public Water Suppliers**

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(a) A drought contingency plan for a retail public water supplier, where applicable, must include the following minimum elements.

(1) Minimum requirements. Drought contingency plans must include the following minimum elements.

(A) Preparation of the plan shall include provisions to actively inform the public and affirmatively provide opportunity for public input. Such acts may include, but are not limited to, having a public meeting at a time and location convenient to the public and providing written notice to the public concerning the proposed plan and meeting.

(B) Provisions shall be made for a program of continuing public education and information regarding the drought contingency plan.

(C) The drought contingency plan must document coordination with the regional water planning groups for the service area of the retail public water supplier to ensure consistency with the appropriate approved regional water plans.

(D) The drought contingency plan must include a description of the information to be monitored by the water supplier, and specific criteria for the initiation and termination of drought response stages, accompanied by an explanation of the rationale or basis for such triggering criteria.

(E) The drought contingency plan must include drought or emergency response stages providing for the implementation of measures in response to at least the following situations:

(i) reduction in available water supply up to a repeat of the drought of record;

(ii) water production or distribution system limitations;

(iii) supply source contamination; or

(iv) system outage due to the failure or damage of major water system components (e.g., pumps)

(v) The drought contingency plan must include specific, quantified targets for water use reductions to be achieved during periods of water shortage and drought. The entity

preparing the plan shall establish the targets. The goals established by the entity under this subparagraph are not enforceable.

(F) The drought contingency plan must include the specific water supply or water demand management measures to be implemented during each stage of the plan including, but not limited to, the following:

(i) curtailment of non-essential water uses; and

(ii) utilization of alternative water sources and/or alternative delivery mechanisms with the prior approval of the executive director as appropriate (e.g., interconnection with another water system, temporary use of a non-municipal water supply, use of reclaimed water for non-potable purposes, etc.).

(G) The drought contingency plan must include the procedures to be followed for the initiation or termination of each drought response stage, including procedures for notification of the public.

(H) The drought contingency plan must include procedures for granting variances to the plan.

(I) The drought contingency plan must include procedures for the enforcement of mandatory water use restrictions, including specification of penalties (e.g., fines, water rate surcharges, discontinuation of service) for violations of such restrictions.

(2) Privately-owned water utilities. Privately-owned water utilities shall prepare a drought contingency plan in accordance with this section and incorporate such plan into their tariff.

(3) Wholesale water customers. Any water supplier that receives all or a portion of its water supply from another water supplier shall consult with that supplier and shall include in the drought contingency plan appropriate provisions for responding to reductions in that water supply.

(b) A wholesale or retail water supplier shall notify the executive director within five business days of the implementation of any mandatory provisions of the drought contingency plan.

(c) The retail public water supplier shall review and update, as appropriate, the drought contingency plan, at least every five years, based on new or updated information, such as the adoption or revision of the regional water plan.

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Source Note: The provisions of this §288.20 adopted to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544; amended to be effective October 7, 2004, 29 TexReg 9384

**APPENDIX C**

**TEXAS WATER CODE**

**TITLE 2. WATER ADMINISTRATION  
SUBTITLE B. WATER RIGHTS  
CHAPTER 11. WATER RIGHTS  
SUBCHAPTER A. GENERAL PROVISIONS**

**Sec. 11.039. DISTRIBUTION OF WATER DURING SHORTAGE.**

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

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

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

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

Amended by Acts 1977, 65th Leg., p. 2207, chapter. 870, Sec. 1, eff. Sept. 1, 1977; Acts 2001, 77th Leg., chapter. 1126, Sec. 1, eff. June 15, 2001.



APPENDIX D

LETTER TO REGION C  
WATER PLANNING GROUP

C I T Y O F F O R N E Y



Public Works

P.O. Box 826  
402 N. Bois d'Arc St.  
Forney, TX 75126

972.564.7340 P  
469.689.0719 F

[cityofforney.org](http://cityofforney.org)

October 7, 2019

Region C Water Planning Group  
c/o Trinity River Authority  
P.O. Box 60  
Arlington, TX 76004

Dear Sir:

Enclosed please find a copy of the Drought Contingency Plan (Plan) for the City of Forney. I am submitting a copy of this Plan to the Region C Water Planning Group in accordance with the Texas Water Development Board and Texas Commission on Environmental Quality rules. The City of Forney City Council adopted the Plan on October 1, 2019.

Sincerely,

Rick Sailer

Rick Sailer  
City of Forney  
Director of Public Works  
[RSailer@forneytx.gov](mailto:RSailer@forneytx.gov)  
Direct - 972-564-7343



CITY OF FORNEY, TEXAS

ORDINANCE NO. 19-47

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, ADOPTING A DROUGHT CONTINGENCY PLAN FOR THE CITY OF FORNEY TO PROMOTE RESPONSIBLE USE OF WATER RESOURCES AND TO PROVIDE FOR PENALTIES AND/OR THE DISCONNECTION OF WATER SERVICE FOR NONCOMPLIANCE WITH THE PROVISIONS OF THE DROUGHT CONTINGENCY PLAN; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION.

WHEREAS, the City of Forney, Texas (the "City"), recognizes that the amount of water available to its water customers is limited; and

WHEREAS, the City recognizes that due to natural limitations, drought conditions, system failures and other acts of God that may occur, the City cannot guarantee an uninterrupted water supply for all purposes at all times; and

WHEREAS, the Texas Water Code and the regulations of the Texas Commission on Environmental Quality (the "Commission") require that the City adopt a Drought Contingency Plan; and

WHEREAS, the City Council of the City of Forney ("City Council") finds and determines that it is in the best interest of the public health, safety and general welfare of the citizens of Forney, Texas, to adopt a Drought Contingency Plan; and

WHEREAS, pursuant to Chapter 54 of the Texas Local Government Code, the City is authorized to adopt such ordinances necessary to preserve and conserve its water resources.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS THAT:

**Section 1. FINDINGS INCORPORATED**

All of the above premises are found to be true and correct legislative determinations and are incorporated into the body of this Ordinance as if copied in their entirety.

**Section 2. DROUGHT CONTINGENCY PLAN**

The City Council hereby approves and adopts the City of Forney Drought Contingency Plan (the "Plan"), attached hereto and incorporated by reference as Exhibit A. The City commits to implement the requirements and procedures set forth in the adopted Plan. The City Manager or his designee is authorized and hereby directed to file a copy of the Plan and this Ordinance with the Commission in accordance with Title 30, Chapter 288 of the Texas Administrative Code.

**Section 3. PENALTY PROVISION**

Any customer, defined in 30 Tex. Admin. Code Chapter 291, failing to comply with the provisions of the Plan shall be subject to a fine of up to \$2,000.00 and/or discontinuance of

water service by the City. Proof of a culpable mental state is not required for a conviction of an offense under this section. Each day a customer fails to comply with the Plan constitutes a separate violation. The City's authority to seek injunctive or other civil relief available under the law is not limited by this section.

**Section 4. SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance is 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 Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**Section 5. REPEALER CLAUSE**

Any provision of any prior ordinance of the City, whether codified or uncoded, which is in conflict with any provision of this Ordinance, is hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City, whether codified or uncoded, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

**Section 6. EFFECTIVE DATE**

This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS, this 1st day of October, 2019.

  
\_\_\_\_\_  
Mary Penn, Mayor

ATTEST:  
  
\_\_\_\_\_  
Dorothy Brooks, TRMC, CMC, City Secretary

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
Jon Thatcher, City Attorney

