CHAPTER 4- DROUGHT CONTINGENCY PLAN AND RULES

(Updated November 11, 2025)

Sec. 4.01 Declaration of Policy, Purpose, and Intent

(a) The purpose of this chapter is 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, to protect and preserve public health, welfare, and safety, and to minimize the adverse impacts of water shortage or other water supply emergency conditions.

(b) 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 conditions is deemed to constitute a waste of water, which subjects the offender(s) to penalties as defined in Chapter 5 of these rules.

Sec. 4.02 Public Education

Emerald Bay Municipal Utility District will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated and the drought response measures to be implemented in each stage. This information will be provided by means of publishing in the *Emerald Bay Rainbow Review* and by posting on the District's internet webpage at www.emeraldbay-tx.gov.

Sec. 4.03 Coordination with Regional Water Planning Groups

Regional water planning groups conduct studies to predict the need for future and/or preferred alternatives for future water supply and demands. The service area of Emerald Bay Municipal Utility District is located within the East Texas Regional Water Planning Group Region "I" with its administrative offices at 210 Premier Drive, Jasper, TX 75951 (409-384-5704).

Sec. 4.04 Authorization

The District, or its designee, is hereby authorized and directed to implement the applicable provision of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The District, or its designee, shall have the authority to initiate or terminate drought or other water emergency response measures as described in this Plan. The District may implement mandatory restrictions by public announcement, and the restrictions are effective immediately upon the making of the public announcement.

Sec. 4.05 Application of Plan

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

Sec. 4.06 Definitions

As used in this Chapter, the term:

(1) *Aesthetic Water Use* means use of water for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

(2) *Commercial and Institutional Water Use* means use of water 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.

(3) *Conservation* means those practices, techniques, and technologies that reduce the consumption of water, reduce the loss of waster 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.

(4) *Customer* means any person, company, or organization using water supplied by the District.

(5) *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.

(6) *Summer Watering Calendar* means a calendar prepared and delivered to the customers of the District, which indicates by the last number of the physical address of that customer, the customer's allowed watering days. Said Summer Watering Calendar will also be published in the *Emerald Bay Rainbow Review* and posted on the District's internet webpage at www.emeraldbay-tx.gov.

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

(8) *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.

(9) *Non-Essential Water Use* means water uses that are **not essential** nor required for the protection of public health, safety and welfare, including but not limited to:

a) Irrigation of landscaped areas, including parks, athletic fields, and golf courses, except as otherwise provided under this Plan;

b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle;

c) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;

d) Use of water to wash down buildings or structures for purposes other than immediate fire protection;

e) Flushing gutters or permitting water to run or accumulate in any gutter or street;

f) Use of water to fill, refill, or add to any indoor or

outdoor swimming pools or Jacuzzi-type pools;

g) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;

h) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and

(i) Use of water from hydrants for construction purposes or any other purposes other than fire-fighting.

Sec. 4.07 Triggering Criteria for Initiation and Termination of Drought Response Stages

The District, or its 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. Public notification of the initiation or termination of drought response stages shall be by means of publication in a newspaper of general circulation in the District and/or the *Emerald Bay Rainbow Review* and by posting on the Emerald Bay Municipal Utility District's internet webpage at www.emeraldbay-tx.gov. Additionally, signs in the District and reminders on the water bill may be implemented to inform customers of the current drought stage in effect.

The triggering criteria described below are based on triggers set forth in ordinances adopted by the District.

(a) Stage 1 – Voluntary Conservation

This stage, if deemed necessary, will commence on May 1 of each year and remain in effect until September 30 of each year. All customers are encouraged to comply with the voluntary watering schedule published in a newspaper of general circulation in the District and/or the *Emerald Bay Rainbow Review* and by posting on the District's internet webpage at www.emeraldbay-tx.gov. Additionally, customers are encouraged to curtail all non-essential water uses as defined in Section 4.06(9) of these rules.

(b) Stage 2 – Mandatory Water Use Management

This stage is triggered when the District experiences water demands that pose an imminent or potential danger to the District's system. An announcement will be made that the District is implementing Stage 2 as necessary to safeguard its water system or supply. This stage may also be implemented when the District's water system experiences operational problems which are, or may become, a threat to the provision of water, thereby generating an emergency condition.

Stage 2 shall remain in effect until it is determined that the demand on the District's utility system is not posing imminent or potential danger. Notification will be published in a newspaper of general circulation in the District and/or the *Emerald Bay Rainbow Review* and by posting on the District's internet webpage at www.emeraldbay-tx.gov, indicating entrance into and exit from this phase of the Drought Management Plan of the District.

Sec. 4.08 Drought Response Stages

The District, or its designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section 4.07 of the Plan,

shall determine when a mild, moderate, severe, critical, or emergency condition exists and shall implement the following actions upon publication of notice in a newspaper of general circulation and/or the *Emerald Bay Rainbow Review* and by posting the notice on the District's internet webpage at www.emeraldbay-tx.gov:

(a) Stage 1 – Mild Water Shortage Conditions
Goal: Achieve a voluntary 10 percent reduction in total water use.
Supply Management Measures:

During this stage, the District will place a higher priority on the repair of small leaks within the system. Repairs will take precedence over monetary concerns of overtime expenditures. Flushing of hydrants will be reduced to only those absolutely necessary for safe operation.

(1) Voluntary Water Use Restrictions:

a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to the Summer Watering Calendar published in a newspaper of general circulation in the District and/or the *Emerald Bay Rainbow Review* and by posting on the District's internet webpage at www.emeraldbay-tx.gov.

b) All operations of the District 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) The following uses constitute a waste of water and are prohibited:

1. Failing to repair a controllable leak, such as broken sprinkler heads and leaky valves, or faucets.
2. Washing sidewalks, driveways, parking areas, streets, tennis courts, patios, or other paved areas except to alleviate health or safety hazards.
3. Operating a permanently installed irrigation system with broken heads, with heads that are out of adjustment that spray more than 10% of the spray on streets or parking lots, or that are missing.
4. Allowing water to run off a property or allowing water to pond in the street or parking lot to a depth greater than ¼ of an inch during irrigation.
5. Washing an automobile, truck, trailer, boat, or other mobile equipment with a hand-held hose not equipped with a pistol grip nozzle or other device that automatically shuts off water flow when the hose is not being used.

(b) Stage 2 – Mandatory Water Use Management
Goal: Achieve a 20 percent reduction in total water use.
Supply Management Measures:
The District will discontinue any flushing of hydrants (as long as it does not pose

a threat to public safety) and reduce irrigation of public lands.

(1) Water Use Restrictions:
From May 1 to September 30 of each year, when there is an announcement by the District of Stage 2, the following restrictions apply to all customers of the District:

a) All outdoor irrigation by hose and sprinklers, soaker hoses, or drip irrigation may occur only between the hours of 7:00 PM to 12:00 midnight and 12:00 midnight to 10:00 AM on a designated outdoor water use day, which will be once every five (5) days. All outdoor irrigation of vegetation by permanently installed automatic irrigation systems may occur only between the hours of 12:00 midnight to 10:00 AM on designated outdoor water use days. Irrigation by hand-held hoses or hand-held buckets is permitted anytime.

b) Use of water to wash any motor vehicle, motorbike, boat, trailer, or other vehicle is prohibited except on designated watering days between the hours of 7:00 PM and 10:00 AM. Such washing, when allowed, shall be done with a hand-held bucket or hand-held hose equipped with a positive shut-off nozzle for quick rinses. Charity car washes are prohibited.

c) Watering of the ground around foundations to prevent foundation cracking is prohibited except on designated outdoor water use days between the hours of 12:00 midnight and 10:00 AM.

d) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited. However, this restriction does not apply to public swimming pools and wading pools equipped with filtration and a recirculation system that includes the gutter drains.

e) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

f) Use of water from hydrants shall be limited to fire-fighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under a special permit from the District.

g) The following uses of water are defined as non-essential and are prohibited under Stage 2:

1. Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surface 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;
5. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).
6. Failing to repair a controllable leak(s), such as broken sprinkler heads and leaking valves or faucets.
7. Allowing water to run off a property during irrigation, car washing, any other use of water, or allowing water to pond in the street or parking lot to a depth of ¼ inch.

h) The Stage 2 restrictions do not apply to the following uses of water:

1. The necessary use of water, other than for landscape irrigation, by a governmental entity in pursuit of its governmental functions for the benefit of the public, such as capital improvement construction projects;
2. The necessary use of water, other than for landscape irrigation, for land development (such as roadway base preparation, flushing of utility lines, dust control, concrete, and asphalt work) and for building construction processes;
3. The use of water under the approved terms and conditions of a variance granted by the District.

i) The Emerald Bay Club restaurant is prohibited from serving water to its customers except when specifically requested by the customer.

(c) Stage 3 – Emergency Water Use Management
Goal: Achieve an additional 10 percent reduction in overall water consumption.
Supply Management Measures:
All elements of Stage 2 remain in effect in Stage 3 except that:

(1) All outdoor irrigation of vegetation by hand-held hoses or hand-held watering cans may occur only between the hours of 6:00 AM to 10:00 AM and 7:00 PM to 10:00 PM on designated outdoor watering days. Irrigation, including but not limited to foundation watering, using permanently installed irrigation systems, hose and irrigation, or drip irrigation, is prohibited.
(2) The washing of automobiles, trucks, trailers, boats, and other types of mobile equipment not in the immediate interest of the public health, safety, and welfare is prohibited.
(3) The washing of automobiles, trucks, trailers, boats, and other types of mobile equipment in the immediate interest of the public health, safety, and welfare may occur between 12:00 noon and 5:00 PM.
(4) The filling, refilling, or adding of potable water to public or private swimming or wading pools is prohibited.

(5) No new landscape of any type may be established

Sec. 4.09 Water Rationing- Additional Emergency Conservation Measures

Additional emergency conservation measures may be implemented if the District is experiencing a severe, long-term drought condition considered worse than a repeat of the drought of record. If the District is forced to curtail its water use under such conditions, the District may:

- Prohibit all outdoor watering.
- Limit monthly water consumption by customers.

Sec. 4.10 Violations

(a) No person shall knowingly or intentionally allow the use of water from the District for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in any amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the District, or its designee, in accordance with provisions of this Plan.

(b) Any person, including a person classified as a water customer of the District, in apparent control of the property where a violation occurs or originates, shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a 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 or 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 or she proves that he or 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.

(c) Violation of this Chapter 4 is subject to enforcement proceedings as provided in Chapter 5 of these rules.

Sec. 4.11 Variances

The District, or its 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 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.

(c) Persons requesting an exemption from the provisions of this Plan shall file a petition for variance with the District 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 District, or its 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 the petitioner complies with this Plan;
(5) Description of the relief requested;
(6) Period of time for which the variance is sought;
(7) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date; and
(8) Other pertinent information.

(d) Variances granted by the District shall be subject to the following conditions, unless waived or modified by the District or its designee:

(1) Variances granted shall include a timetable for compliance; and
(2) Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.