



Drought Contingency Plan - Exhibit A

City of Kyle, Texas

June 2026



CITY OF KYLE

DROUGHT CONTINGENCY PLAN



June 2026

This Report presents the results of the study of the City of Kyle's Drought Contingency Plan and presents the criteria for initiation and termination of drought stages and drought stage responses.

FOR REVIEW ONLY
THIS DOCUMENT IS ISSUED FOR INTERIM REVIEW ONLY AND IS NOT
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June 15, 2026
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1.0 Introduction

The City of Kyle prepared this Drought Contingency Plan ("Plan") as part of its on-going efforts to maintain an adequate supply of high-quality water. This Plan will help provide the City of Kyle with an opportunity to effectively manage its water system and water resources during drought conditions in a conscientious, fair, and appropriate manner. It is not designed to punish, stigmatize, or criticize anyone as to their usage of water. The sole intent of this Plan is to help maintain an adequate supply of water during the various stages of drought conditions that may occur from time to time. The City of Kyle utilizes groundwater from the Barton Springs Edwards Aquifer Conservation District (BSEACD), the Edwards Aquifer Authority (EAA), and Alliance Regional Water Authority (ARWA) (Carrizo), and utilizes surface water obtained from the Guadalupe-Blanco River Authority (GBRA). The City of Kyle will manage these various sources of supply to maintain an adequate supply of water during drought conditions.

The City of Kyle believes that significant reductions in water usage may be achieved through voluntary efforts by customers. Voluntary reductions in water usage are encouraged at all times, but especially during pending or early drought conditions. Voluntary efforts, if sufficiently effective, may delay the need to implement more restrictive water use measures and curtailments. Should drought conditions reach more critical stages, the City of Kyle is prepared to restrict or curtail certain types of usage. The location and climate of the City of Kyle requires the need for resilience and adaptability including the implementation of drought restrictions to preserve the City's water resources. The City recognizes the importance of having plans and procedures in place to effectively respond to drought conditions, should the need arise.

2.0 Public Involvement

Opportunity for the public to provide input into Plan development was provided by the City of Kyle by means of posting along with other public notices, at Kyle City Hall; and posting on the official City of Kyle website.

3.0 Public Education

The City of Kyle 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 posting the Plan on the official City of Kyle internet website, social media, and making this Plan available at Kyle City Hall. The City shall also distribute this Plan as the City determines it is appropriate under the circumstances.

4.0 Coordination with Regional Water Planning Groups

The service area of the City of Kyle is located within the Region L – Regional Water Planning Group ("Region L") and the City of Kyle has provided a copy of this Plan to Region L.

5.0 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 the Plan.

6.0 Application

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the City of Kyle. Customers may file a petition to request a variance under circumstances defined in Section 12 herein. The terms “person” and “customer” as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

7.0 Definitions

The following words, terms, and phrases, when used in this Plan, and when used in any other plan or ordinance of the City and not defined in such plan or ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words used in the present tense include the future tense. Words used in the plural number include the singular, and words in the singular include the plural. For the purposes of this Plan, the following definitions shall apply:

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: 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 potable water supplied by the City of Kyle.

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.

Herein: in this Plan.

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.

New landscape: New vegetation including, but not limited to:

- 1) installed at the time of the construction of a new house, new multifamily building, or new commercial building;
- 2) installed as part of a governmental entity's capital improvement project; or
- 3) which alters more than 25% of the area of an existing landscape.

Non-essential water use: Use of water that is not essential nor required for the protection of public, health, safety, and welfare, except otherwise provided under this Plan.

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

Person: any human being or legal entity and includes a corporation, a partnership, and an incorporated or unincorporated association.

Regulations: the provisions of any applicable ordinance, rule, regulation, or policy.

Shall: mandatory.

Swimming pool: Any structure, basin, chamber, or tank including hot tubs that contains an artificial body of water for swimming, diving, or recreational bathing, and having a depth of two (2) feet or more at any point.

8.0 Compliance with Water Conservation Guidelines

The City Manager or his/her designee shall promulgate water conservation guidelines including policies for compliance by City departments and criteria for determining when the drought stages are to be implemented and terminated. The City Manager or his/her designee shall update the guidelines when, in the City Manager or his/her designee's discretion, changed conditions of the water system require the update. The guidelines shall be available for inspection at the City Administrative Offices during normal business hours.

9.0 Continuing Water Use Management and Criteria

- 1) Any person who receives water service directly or indirectly from the City shall comply with this Section and this Plan at all times, unless otherwise provided by law or authorized permit. Notwithstanding the drought stages and triggers set forth in this Plan, the City Council or City Manager or his/her designee may designate a particular stage and/or any water use restrictions as the City Council or City Manager or his/her designee determines in order to protect the City's water supply and the public health, safety, and welfare of the residents within the City. The City Manager or his/her designee shall continually monitor water supply and/or demand conditions and shall determine when the conditions warrant initiation or termination of drought stages. While the City will observe the Barton Springs Edwards Aquifer Conservation District (BSEACD), the Edwards Aquifer Authority (EAA), and the Guadalupe-Blanco River Authority (GBRA) drought stages as its trigger criteria for initiation of the drought stages of this Plan in certain circumstances, the City's criteria for the initiation and termination of drought stages shall be based on continual monitoring and management of its multiple sources of water supply.
- 2) The City will utilize its multiple sources of water supply as needed in response to water supply, demand, drought, system, and contamination conditions that may arise. The City shall implement the measures provided in this Plan as determined by the City Manager or his/her designee, to respond to situations including, but not limited to:
 - a) Reduction in available water supply up to a repeat of the drought of record;
 - b) Water production or distribution system limitations;
 - c) Supply source contamination; or
 - d) System outage due to the failure or damage of major water system components
- 3) The following actions constitute a waste of water and are prohibited at all times:

- a) Failing to repair a controllable leak, including a broken sprinkler head, a leaking valve, leaking or broken pipes, or a leaking faucet;
 - b) Operating a permanently installed irrigation system with:
 - i) A broken head;
 - ii) A head that is out of adjustment where the arc of the spray head is over a street or parking lot; or
 - iii) A head that is misting due to high water pressure;
 - c) During watering or irrigation:
 - i) Allowing water to run off property such that there is a trail of water running in the street for a distance of 50 feet or greater;
 - ii) Allowing water to pond in the street or parking lot to a depth greater than 1/4 inch;
 - iii) Watering or irrigating landscape between the hours of 10:00 a.m. and 7:00 p.m.;
 - d) Using a hose without a positive shutoff valve;
 - e) Using single-pass cooling systems in new connections;
 - f) Using non-recirculating systems in new conveyer car washes;
 - g) Using non-recirculating systems in new commercial laundry systems;
 - h) Using non-recycling decorative water fountains; or
 - i) Violating measures provided in this Plan or initiated by the City.
- 4) In order to limit the volume of water required for turf, grass areas shall be planted with drought resistant species normally grown as permanent lawns, such as Bermuda, Zoysia, Buffalo, or other similar drought resistant grasses. Grass areas may be sodded, plugged, sprigged, or seeded except that solid sod shall be used in areas subject to erosion. Grass areas must be installed on four to six inches of topsoil or other similar soil surface. This subsection applies to all zoning classifications.
- a) Other low water maintenance turf products shall be considered and may be approved by a designated City official or body on a case-by-case basis.
 - b) The requirements set forth in the most currently adopted Landscape Ordinance shall be followed.
 - c) The requirements set forth in this subsection shall not prohibit the installation or planting of any turf not described in this subsection (a "non-conforming turf") if at least 50% of the non-impervious cover area of the lot or parcel was planted with a non-conforming turf prior to September 20, 2005, and the same non-conforming turf is installed or planted.

10.0 Drought Response Criteria and Stages

The City Manager 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.

Any individual, group, business, or corporation who receives water service directly or indirectly from the City of Kyle shall comply with this Section when any Drought Stage herein is in effect.

10.1 Drought Response Criteria

The triggering criteria described below are based on customer water consumption and water treatment plant production/distribution system capacity; however, the stated triggering criteria are not intended as an exhaustive or finite listing, and regardless of whether any stated triggering criteria are present, the City Manager or his/her designee may initiate and/or terminate each drought response stage of the plan to protect the public health, safety, and welfare and in the best interest of the City.

10.2 Drought Response Stages

The City Manager, 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, severe, or critical drought conditions exist and shall implement the following notification procedures:

10.3 Notification

The City Manager or his/her designee shall disseminate information about the Plan to the City’s customers, including details about the drought stage triggering criteria and the corresponding drought stage responses of the Plan for each stage. This information will be distributed through various channels, including on the City’s website, press releases, newspaper advertisements, social media posts, presentations to community organizations and neighborhood groups, meetings, and other appropriate outreach methods.

The City Manager or his/her designee shall notify directly, or cause to be notified directly, the mayor, chairperson and members of City Council, Fire Chief(s), City and/or County Emergency Management Coordinator(s), TCEQ, major and critical water users, and public facilities managers.

The City will also notify the public of upcoming drought stage changes using the same communication methods described above. The extent of these notifications will increase at each elevated drought stage. The City of Kyle Current Drought Stage and Lawn Watering Schedule can be found at [City of Kyle Current Drought Stage & Watering Restrictions](#).

10.4 Stage 1 – Water Supply Awareness and Drought Watch

10.4.1 Stage 1 Drought Watch Criteria

Requirements for initiation – Stage 1 may be implemented when any one or combination of the following conditions occur, or under the City Manager or his/her designee's discretion:

- 1) Water consumption has reached 60 percent of daily maximum production capacity averaged over three consecutive days.
- 2) GBRA declares a Stage 1 drought in accordance with their drought contingency plan;
- 3) BSEACD declares a Stage 1 drought in accordance with its drought contingency plan;
- 4) EAA declares a Stage 1 drought in accordance with their drought contingency plan;
- 5) A water quality, supply, distribution system or other emergency exists as determined by the City Manager or his/her designee.

Requirements for termination – Stage 1 of the Plan may be rescinded when the triggering criteria has been resolved, is unlikely to occur again in seven (7) days, and no other triggering criteria is likely to occur, or under the City Manager or his/her designee's discretion.

10.4.2 Stage 1 Drought Watch Responses

Target: Achieve a **Voluntary 10%** reduction in water use.

Best Management Practices for Supply Management: The City shall manage its groundwater and surface water supplies in order to best utilize its water resources in accordance with the reduction goals during the Stage 1 Drought Watch Period.

Recommended Water Use Restrictions for Reducing Demand:

- 1) The following elements are recommended during a Stage 1 Water Supply Awareness and Drought Watch status.
- 2) This subsection prescribes the requirement for manual outdoor irrigation.
 - a) Manual outdoor irrigation is recommended to be permitted from 7:00 p.m. to 10:00 a.m.:
 - i) by a handheld hose equipped with a positive shut-off nozzle or handheld bucket; and
 - ii) for property which a person obtains a variance from the City Manager or his/her designee to divide the property into sections, to be watered on different outdoor water use days.
- 3) This subsection prescribes the requirement for automatic outdoor irrigation.
 - a) Automatic outdoor irrigation schedule is recommended to be restricted to the following conditions:
 - i) Even numbered last digit of address may water on Tuesday and Friday.
 - ii) Odd numbered last digit of addresses may water on Monday and Thursday.
 - iii) No address/commercial meters may water on Wednesday and Saturday.
 - b) Automatic outdoor irrigation is permitted according to the irrigation schedule in this stage:
 - i) by automatic drip irrigation system from 7:00 p.m. to 10:00 a.m.,
 - ii) by a sprinkler or permanently installed automatic spray irrigation system from 8:00 p.m. to 5:00 a.m.; and

- iii) for property which a person obtains a variance from the City Manager or his/her designee to divide the property into sections, to be watered on different outdoor water use days.
- 4) During Stage 1 Water Supply Awareness and Drought Watch, all users are recommended to comply with the City's schedule for lawn watering, as amended by the City and within the City Manager or his/her designee's discretion to achieve the water use reduction goals in this Plan.

10.5 Stage 2 – Mild Drought Conditions

10.5.1 Stage 2 Drought Criteria

Requirements for initiation – Stage 2 may be implemented when any one or combination of the following conditions occur, or under the City Manager or his/her designee's discretion:

- 1) Water consumption has reached 70 percent of daily maximum production capacity averaged over three consecutive days.
- 2) GBRA declares a Stage 2 drought in accordance with their drought contingency plan;
- 3) BSEACD declares a Stage 1 drought in accordance with its drought contingency plan;
- 4) EAA declares a Stage 2 drought in accordance with their drought contingency plan;
- 5) A water quality, supply, distribution system or other emergency exists as determined by the City Manager or his/her designee.

Requirements for termination – Stage 2 of the Plan may be rescinded when the triggering criteria has been resolved, is unlikely to occur again in seven (7) days, and no other triggering criteria is likely to occur, or under the City Manager or his/her designee's discretion.

10.5.2 Stage 2 Drought Responses

Target: Achieve a **Mandatory 15%** reduction in water use.

Water Use Restrictions for Demand Reduction:

Permitted Activities:

- 1) The following elements are in effect during a Stage 2 Mild Drought Conditions status.
- 2) This subsection prescribes the requirement for manual outdoor irrigation.
 - a) Manual outdoor irrigation is permitted from 7:00 p.m. to 10:00 a.m.:
 - i) by a handheld hose equipped with a positive shut-off nozzle or handheld bucket;
 - ii) for property which a person obtains a variance from the City Manager or his/her designee.
- 3) This subsection prescribes the requirement for automatic outdoor irrigation.
 - a) Automatic outdoor irrigation schedule is restricted to the following conditions:
 - i) Even numbered last digit of addresses may water on Tuesday and Friday
 - ii) Odd numbered last digit of addresses may water on Monday and Thursday
 - iii) No address/commercial meters may water on Wednesday and Saturday
 - b) Automatic outdoor irrigation is permitted according to the irrigation schedule in this stage:
 - i) by automatic drip irrigation system from 7:00 p.m. to 10:00 a.m.,
 - ii) by a sprinkler or permanently installed automatic spray irrigation system from 8:00 p.m. to 5:00 a.m.; and
 - iii) for property which a person obtains a variance from the City Manager or his/her designee.

- 4) This section prescribes the requirements for water used for construction:
 - a) Construction water used for non-potable needs, including but not limited to dust suppression, equipment cleaning, and concrete mixing, shall utilize alternative sources of water such as rainwater, graywater and reclaimed water to the maximum extent available.
 - b) The City may cap (restrict or seize) withdrawals from construction meters connected to the city potable water system.
 - c) Construction projects requiring watering for new landscaping materials shall adhere to the designated irrigation requirements set forth herein.

Prohibited Activities:

- 1) Watering on non-designated irrigation days or outside of permitted hours/methods.

10.6 Stage 3 – Moderate Drought Conditions

10.6.1 Stage 3 Drought Criteria

Requirements for initiation – Stage 3 may be implemented when any one or combination of the following conditions occur, or under the City Manager or his/her designee’s discretion:

- 1) Water consumption has reached 75 percent of daily maximum production capacity averaged over three consecutive days.
- 2) GBRA declares a Stage 3 drought in accordance with their drought contingency plan;
- 3) BSEACD declares a Stage 2 drought in accordance with its drought contingency plan;
- 4) EAA declares a Stage 3 drought in accordance with their drought contingency plan;
- 5) A water quality, supply, distribution system or other emergency exists as determined by the City Manager or his/her designee.

Requirements for termination – Stage 3 of the Plan may be rescinded when the triggering criteria has been resolved, is unlikely to occur again in seven (7) days, and no other triggering criteria is likely to occur, or under the City Manager or his/her designee’s discretion.

10.6.2 Stage 3 Drought Responses

Target: Achieve a **Mandatory 20%** reduction in water use.

Water Use Restrictions for Demand Reduction:

Permitted Activities:

- 1) The following elements are in effect during a Stage 3 Moderate Drought Conditions status.
- 2) This subsection prescribes the requirement for manual outdoor irrigation.
 - a) Manual outdoor irrigation is permitted from 7:00 p.m. to 10:00 a.m.:
 - i) by a handheld hose equipped with a positive shut-off nozzle or handheld bucket; and
 - ii) for property which a person obtains a variance from the City Manager or his/her designee.
- 3) This subsection prescribes the requirement for automatic outdoor irrigation.
 - a) Automatic outdoor irrigation schedule is restricted to the following conditions:
 - i) Last digit of addresses 0 and 1 may water on Monday
 - ii) Last digit of addresses 2 and 3 may water on Tuesday
 - iii) Last digit of addresses 4 and 5 may water on Wednesday

- iv) Last digit of addresses 6 and 7 may water on Thursday
- v) Last digit of addresses 8 and 9 may water on Friday
- vi) No address/commercial addresses may water on Saturday
- b) Automatic outdoor irrigation is permitted according to the irrigation schedule in this stage:
 - i) by automatic drip irrigation system from 7:00 p.m. to 10:00 a.m.,
 - ii) by a sprinkler or permanently installed automatic spray irrigation system from 8:00 p.m. to 5:00 a.m.; and
 - iii) for property which a person obtains a variance from the City Manager or his/her designee.
- 4) This section prescribes the requirements for water used for construction:
 - a) Construction water used for non-potable needs, including but not limited to dust suppression, equipment cleaning, and concrete mixing, shall utilize alternative sources of water such as rainwater, graywater and reclaimed water to the maximum extent available.
 - b) The City may cap (restrict or seize) withdrawals from construction meters connected to the city potable water system.
 - c) Construction projects requiring watering for new landscaping materials shall adhere to the designated irrigation requirements set forth herein.

Prohibited Activities:

- 1) Watering on non-designated irrigation days or outside of permitted hours/methods;

10.7 Stage 4 – Severe Drought Conditions

10.7.1 Stage 4 Drought Criteria

Requirements for initiation – Stage 4 may be implemented when any one or combination of the following conditions occur, or under the City Manager or his/her designee’s discretion:

- 1) Water consumption has reached 80 percent of daily maximum production capacity averaged over three consecutive days.
- 2) GBRA declares a Stage 4 drought in accordance with their drought contingency plan;
- 3) BSEACD declares a Stage 3 drought in accordance with its drought contingency plan;
- 4) EAA declares a Stage 4 drought in accordance with their drought contingency plan;
- 5) A water quality, supply, distribution system or other emergency exists as determined by the City Manager or his/her designee.

Requirements for termination – Stage 4 of the Plan may be rescinded when the triggering criteria has been resolved, is unlikely to occur again in seven (7) days, and no other triggering criteria is likely to occur, or under the City Manager or his/her designee’s discretion.

10.7.2 Stage 4 Drought Responses

Target: Achieve a **Mandatory 25%** reduction in water use.

Water Use Restrictions for Demand Reduction:

Permitted Activities:

- 1) The following elements are in effect during a Stage 4 Severe Drought Conditions status.

- 2) This subsection prescribes the requirement for manual outdoor irrigation.
 - a) Manual outdoor irrigation is permitted from 7:00 p.m. to 10:00 a.m.:
 - i) by a handheld hose equipped with a positive shut-off nozzle or handheld bucket; and
 - ii) for property which a person obtains a variance from the City Manager or his/her designee.
- 3) This subsection prescribes the requirement for automatic outdoor irrigation.
 - a) Automatic outdoor irrigation schedule is restricted to the following conditions:
 - i) Last digit of addresses 0 and 1 may water every other Monday
 - ii) Last digit of addresses 2 and 3 may water every other Tuesday
 - iii) Last digit of addresses 4 and 5 may water every other Wednesday
 - iv) Last digit of addresses 6 and 7 may water every other Thursday
 - v) Last digit of addresses 8 and 9 may water every other Friday
 - vi) No address/commercial addresses may water every other Saturday
 - b) Automatic outdoor irrigation is permitted according to the irrigation schedule in this stage:
 - i) by automatic drip irrigation system from 7:00 p.m. to 10:00 a.m.,
 - ii) by a sprinkler or permanently installed automatic spray irrigation system from 8:00 p.m. to 5:00 a.m.; and
 - iii) for property which a person obtains a variance from the City Manager or his/her designee.
- 4) This section prescribes the requirements for water used for construction:
 - a) Construction water used for non-potable needs, including but not limited to dust suppression, equipment cleaning, and concrete mixing, shall utilize alternative sources of water such as rainwater, graywater and reclaimed water to the maximum extent available.
 - b) The City may cap (restrict or seize) withdrawals from construction meters connected to the city potable water system.
 - c) Construction projects requiring watering for new landscaping materials shall adhere to the designated irrigation requirements set forth herein.

Prohibited Activities:

- 1) Watering on non-designated irrigation days or outside of permitted hours/methods; and
- 2) Permitting new swimming pools.

10.8 Stage 5 – Critical Drought Conditions

10.8.1 Stage 5 Drought Criteria

Requirements for initiation – Stage 5 may be implemented when any one or combination of the following conditions occur, or under the City Manager or his/her designee’s discretion:

- 1) Water consumption has reached 85 percent of daily maximum production capacity averaged over three consecutive days.
- 2) GBRA declares a Stage 5 drought in accordance with their drought contingency plan;
- 3) BSEACD declares a Stage 4 drought in accordance with its drought contingency plan;
- 4) EAA declares a Stage 5 drought in accordance with their drought contingency plan;
- 5) A water quality, supply, distribution system or other emergency exists as determined by the City Manager or his/her designee.

Requirements for termination – Stage 5 of the Plan may be rescinded when the triggering criteria has been resolved, is unlikely to occur again in seven (7) days, and no other triggering criteria is likely to occur, or under the City Manager or his/her designee’s discretion.

10.8.2 Stage 5 Drought Responses

Target: Achieve a **Mandatory 30%** reduction in water use.

Water Use Restrictions for Demand Reduction:

Permitted Activities:

- 1) The following elements are in effect during a Stage 5 Critical Drought Conditions status.
- 2) This subsection prescribes the requirement for manual outdoor irrigation.
 - a) Outdoor irrigation is permitted from 7:00 p.m. to 10:00 a.m.:
 - i) by a handheld hose equipped with a positive shut-off nozzle or handheld bucket;
 - ii) for property which a person obtains a variance from the City Manager or his/her designee.
- 3) This section prescribes the requirements for water used for construction:
 - a) Construction water used for non-potable needs, including but not limited to dust suppression, equipment cleaning, and concrete mixing, shall utilize alternative sources of water such as rainwater, graywater and reclaimed water to the maximum extent available.
 - b) The City may cap (restrict or seize) withdrawals from construction meters connected to the city potable water system.
 - c) Construction projects requiring watering for new landscaping materials shall adhere to the designated irrigation requirements set forth herein.
- 4) The City may require commercial car washes to reduce hours of operation.

Prohibited Activities:

- 1) Automatic outdoor irrigation; and
- 2) All other non-essential water use.

Non-Applicable Activities:

Stage 5 restrictions do not apply to the following:

- 1) Commercial water use by businesses dependent on water for operations.

10.8.3 Emergency Responses

In the event that water shortage conditions threaten public health, safety, and welfare, the City Manager or his/her designee is hereby authorized to allocate water. Any combination of the restrictions stated in this plan may be put in place in order to manage emergency conditions in a way that prevents any harm to public health or safety. Restrictions will be determined by the potential impact of the condition on customers. Applications for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved by the City Manager or his/her designee. The City Manager or his/her designee has authority to institute any additional restrictions not stated in this Plan if necessary to manage the impact of emergency conditions.

11.0 Enforcement

- 1) No person shall knowingly or intentionally allow the use of water from the City of Kyle 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.
- 2) Any person who violates this Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine not less than one hundred dollars (\$100) and not more than five hundred dollars (\$500). Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. In the event that a person has already been convicted of a violation of this section, the fine shall be not less than \$500 nor more than \$2,000. Any offense that is limited to a fine not to exceed \$500 shall be a strict liability offense. Compliance with this plan may also be sought through injunctive relief in the district court.
- 3) The customer listed on the account is presumed to be in control of the property where a violation occurs or originates and shall be presumed to be the violator. 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.

12.0 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:

- 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.

Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with the City of Kyle 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:

- 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 Ordinance.
- 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.

8) Other pertinent information.

Variances granted by the City of Kyle shall be subject to the following conditions, unless waived or modified:

- 1) Variances granted shall include a timetable for compliance.
- 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.