

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL AMENDING CASTROVILLE CODE OF ORDINANCES, CHAPTER 110, UTILITIES, ARTICLE VI, AMENDING AND UPDATING THE DROUGHT CONTINGENCY PLAN; PROVIDING EXCLUSION TO DROUGHT SURCHARGE FOR WATER USAGE THAT EXCEEDS DESIGNATED THRESHOLDS AND DELETING STAGE 4 REQUIREMENT RELATING TO NEW, ADDITIONAL, EXPANDED OR INCREASED WATER SERVICES

WHEREAS, the City of Castroville, Texas, recognizes that the amount of water available to the City and its water utility customers is limited and subject to depletion during periods of extended drought or upon failure of major system components; and

WHEREAS the City recognizes that natural limitations due to drought conditions and other acts of force majeure cannot guarantee an uninterrupted water supply for all purposes; and

WHEREAS, Section 11.1272 of the Texas Water Code and applicable rules of the Texas Commission on Environmental Quality ("TCEQ"), including Title 30, Chapter 288, Subchapters A and B of the Texas Administrative Code require all public water supply systems in Texas to prepare, update and adopt a water conservation and drought contingency plan at a minimum at least every five years; and

WHEREAS, the City previously updated and adopted the City's current water conservation and drought contingency plan under Chapter 110, Article VI of the City's Code of Ordinances; and

WHEREAS, in accordance with the regulations established by the TCEQ, it is necessary to review, update and adopt an amended water conservation and drought contingency plan; and

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

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

Section 1: That the Code of Ordinances, City of Castroville, Texas, Chapter 110, Utilities, Article VI, Drought Contingency Plan, is hereby amended as set forth in Exhibit A attached hereto and incorporated for all purposes.

Section 2: That the recitals contained in the preamble hereto are hereby found to be true and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 3. All ordinances of parts of the ordinance in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

Section 4. Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are severable.

Section 5. That it is officially found, determined and declared that the meeting at which this Ordinance was adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 6: This Ordinance shall take effect immediately from and after its passage and any publication requirements.

PASSED AND APPROVED this ____ day of _____.

CITY OF CASTROVILLE

Bruce Alexander
MAYOR

ATTEST:

DEBRA HOWE
CITY SECRETARY

ARTICLE VI. - DROUGHT CONTINGENCY PLAN

Sec. 110-141. - Declaration of policy, purpose, and intent.

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 hereby adopts the following regulations and restrictions on the delivery and consumption of water through an ordinance.

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 110-151 of this plan.

Sec. 110-142. - Public involvement.

Opportunity for the public to provide input into the preparation of the plan was provided by the City of Castroville, Texas ("city") by means of a public notice of a public meeting, which was held on February 22, 2022. Additionally, the public is always invited to attend the city council meetings to ask questions about the plan and its implementation.

Sec. 110-143. - Public education.

The city will periodically provide the public with information about the plan, including information about the conditions under which each stage of the plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of public meetings, press releases to newspapers serving the area, periodic utility bill inserts, monthly newsletter articles, and placement on the city's website.

Sec. 110-144. - Coordination with regional water planning groups.

The service area of the city is located within the South Central Texas Regional Water Planning Area and the city has provided a copy of this plan to South Central Texas Regional Water Planning Area.

Sec. 110-145. - Authorization.

The city administrator, 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 administrator 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.

Sec. 110-146. - Application.

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

Sec. 110-147. - 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.

City: The City of Castroville, Texas.

Commercial and institutional water use: Water use 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 the city.

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:

- (1) Irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this plan
- (2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle
- (3) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas
- (4) Use of water to wash down buildings or structures for purposes other than immediate fire protection
- (5) Flushing gutters or permitting water to run or accumulate in any gutter or street
- (6) Use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools
- (7) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life
- (8) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and

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

Sec. 110-148. - Criteria for initiation and termination of drought response stages.

The city administrator or his/her designee shall monitor water supply and/or demand conditions on a weekly basis and shall determine when conditions warrant initiation or termination of each stage of the plan, that is, when the specified "triggers" are reached. During especially dry periods, the city administrator or his/her designee may monitor water supply and/or demand conditions on a daily basis

and determine when conditions warrant initiation or termination of a stage of the plan.

Public notification of the initiation or termination of drought response stages shall be by means of City's emergency notification program, social media, and with signs posted in public places. Further, the notice shall be posted at City Hall and on the city's web page.

The triggering criteria described below are based on guidelines adopted by the San Antonio Water System ("SAWS") and the implementation and termination of the stages by the Edwards Aquifer Authority ("EAA") based upon reported water levels in the San Antonio Pool.

(1) *Year-round.*

- a. *Requirements for initiation.* Year-round watering restrictions are in effect when the aquifer level is above 660 feet, mean sea level as determined by EAA at the monitored well for 15 consecutive days.
- b. *Requirements for termination.* Year-round water restrictions continue until there is an announcement by EAA that Stage 1 is triggered.
- c. Year-round watering rules are in effect when the City of Castroville is NOT under any specific drought restrictions
 1. Under year-round watering rules, all fountains – whether commercial or residential (indoor or outdoor) are allowed.
 2. Landscape watering with an irrigation system or sprinkler is permitted any day of the week before 11 a.m. or after 7 p.m.
 3. Hand watering with a hand-held hose, drip irrigation, soaker hose or bucket is permitted any time of day.
 4. Washing impervious cover such as parking lots, driveways, streets or sidewalks is permitted without runoff to avoid water waste.
 5. Water waste is prohibited at all times. Allowing water to run off into a gutter, ditch, or drain or failing to repair a controllable leak is considered water waste.
 6. Residential, commercial, industrial and agricultural Edwards Aquifer water users should use common sense and best practices to avoid water waste.
 7. The use of commercial vehicle wash facilities is permitted any day.

* NOTE: The use of treated wastewater or recycled water is a defense to prosecution under these rules.

(2) *Stage 1 Triggers—Mild water shortage conditions.*

- a. *Requirements for initiation.* Customers shall be requested to conserve water and adhere to the prescribed restrictions on certain water uses, defined in section 110-147 of this plan, when the ten-day rolling average of the Edwards Aquifer level drops to 660 feet mean sea level at the monitored well.
- b. *Requirements for termination.* Stage 1 of the plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 15 consecutive days or notification by Edwards Aquifer Authority that Stage 1 restrictions are terminated or that Stage 2 is in effect. Upon termination of Stage 1, year-round becomes operative.

(3) *Stage 2 Triggers—Moderate water shortage conditions.*

- a. *Requirements for initiation.* Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in section 110-149 of this plan

when the ten-day rolling average of the Edwards Aquifer level reaches 650 feet mean sea level at the monitored well.

- b. *Requirements for termination.* Stage 2 of the plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 15 consecutive days or notification by Edwards Aquifer Authority that Stage 2 restrictions are terminated or that Stage 3 is in effect. Upon termination of Stage 2, Stage 1 becomes operative.

(4) *Stage 3 Triggers—Severe water shortage conditions.*

- a. *Requirements for initiation.* Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 provided in section 110-149 of this plan when ten-day rolling average of the Edwards Aquifer level drops to 640 feet mean sea level at the monitored well.
- b. *Requirements for termination.* Stage 3 of the plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 15 consecutive days or notification by Edwards Aquifer Authority that Stage 3 restrictions are terminated or that Stage 4 is in effect. Upon termination of Stage 3, Stage 2 becomes operative.

(5) *Stage 4 Triggers—Extreme water shortage conditions.*

- a. *Requirements for initiation.* Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 4 provided in section 110-149 of this plan when ten-day rolling average of the Edwards Aquifer level drops to 630 feet mean sea level at the monitored well.
- b. *Requirements for termination.* Stage 4 of the plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 15 consecutive days or notification by Edwards Aquifer Authority that Stage 4 restrictions are terminated or that Stage 5 is in effect. Upon termination of Stage 4, Stage 3 becomes operative.

(6) *Stage 5 Triggers—Critical water shortage conditions.*

- a. *Requirements for initiation.* Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 4 provided in section 110-149 of this plan when ten-day rolling average of the Edwards Aquifer level drops to 625 feet mean sea level at the monitored well.
- b. *Requirements for termination.* Stage 5 of the plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 15 consecutive days or notification by Edwards Aquifer Authority that Stage 5 restrictions are terminated. Upon termination of Stage 5, Stage 4 becomes operative.

(Ord. No. 2009-013, § 2(Exh. A, § VIII), 8-24-09; Ord. No. 2013-006, § 1, 4-9-13)

Sec. 110-149. - Drought response stages.

The city administrator, 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 110-148 of this plan, shall determine that a mild, moderate, severe, critical, emergency or water shortage condition exists and shall implement the following notification procedures:

(1) *Notification.*

- a. *Notification of the public:* The city administrator or his/ her designee shall notify the public by means of the City's emergency notification program, social media, and posting at City

Hall and placement of the information on the city's website.

- b. *Additional notification:* The city administrator or his/ her designee shall notify directly, or cause to be notified directly, the following individuals and entities when required under the plan:
 - 1. Mayor/chairman and members of the city council—At each declaration.
 - 2. Police chief/fire chief—At each declaration.
 - 3. County emergency management coordinator(s)—When mandatory restrictions are imposed.
- (2) Critical water users, i.e. hospitals, critical care facilities—when mandatory restrictions are imposed.
- (3) *Stage 1 Response—Mild water shortage conditions.*
 - a. *Target:* Achieve a 20 percent reduction in total water use.
 - b. *Mandatory water use restrictions for reducing demand:*
 - 1. Landscape watering with an irrigation system, ~~or~~ sprinkler or soaker hose is allowed only once a week: before 11 a.m. and after 7 p.m. on your designated water day. For addresses ending in 0 or 1, the designated day is Monday. Addresses ending in 2 or 3 have a designation of Tuesday. Addresses ending in 4 or 5 have a designation of Wednesday. Addresses ending in 6 or 7 have a designation of Thursday. Addresses ending in 8 or 9 have a designation of Friday. No watering on weekends with a sprinkler or irrigation system.
 - 2. Watering days begin and end at midnight; overnight watering is not allowed.
 - 3. Hand watering with a hand-held hose, soaker hose, drip irrigation, bucket or water can is permitted any time and any day.
 - 4. Use of grey water is allowed at any time.
 - 5. The use of commercial car wash facilities is allowed any day.
 - 6. Residential car washing allowed during drought once per week on your designated watering day, Saturday or Sunday as long as there is no water waste.
 - 7. Washing impervious cover such as parking lots, driveways, streets, or sidewalks is prohibited. Health and safety exceptions to this rule may be requested from the City in writing.
 - 8. All non-public swimming pools must have a minimum of 25 percent of the surface covered with evaporation screens when not in use. Inflatable pool toys or floating decorations may be used.
 - 9. Landscape areas on golf courses not directly "in play" are required to follow one day-per-week watering based on address unless otherwise instructed by the city.
 - 10. Operators of golf courses, athletic fields and parks must submit a conservation plan to the city. For submittal requirements, operators should contact the city administrator.
 - 11. All residential fountains and indoor commercial fountains can operate at any stage of drought. Outdoor commercial fountains must have a city variance in order to operate during drought stages 1—65.
 - 12. **Water waste is prohibited at all times.** Water waste includes allowing water to run off into gutter, ditch or drain; or failing to repair a controllable leak

13. Reduce water consumption/usage by any means available.

(4) *Stage 2 Response—Moderate water shortage conditions.*

- a. *Target:* Achieve a 30 percent reduction of total water usage.
- b. *Water use restrictions for demand reduction:* Under threat of penalty for violation, the following water use restrictions shall apply to all persons:
 - 1. All restrictions from Stage 1 remain in effect unless added to or replaced by Stage 2.
 - 2. Landscape watering with an irrigation system, sprinkler or soaker hose is allowed only once a week from 7-11 a.m. and 7-11 p.m. on your designated watering day, as determined by your address. No watering on weekends with a sprinkler or irrigation system.
 - 3. Watering with a drip irrigation is permitted any day, but only between 7-11 a.m. and 7- 11 p.m.
 - 4. Watering with a hand-held hose or bucket is allowed any time on any day.
 - 5. Use of grey water is allowed at any time.
 - 6. Hotels, motels and other lodging must offer and clearly notify guests of a "linen/towel change on request only" program.
 - 7. 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.
- 8. All restaurants may prohibit the serving of water to patrons except upon request of the patron.

(5) *Stage 3 Response—Severe water shortage conditions.*

- a. *Target:* Achieve a 35 percent reduction in total water use.
- b. *Water use restrictions for demand reduction:* All restrictions from Stage 1 and Stage 2 remain in effect, unless added to or replaced by Stage 3 rules.
 - 1. Drought surcharge will be applied when customer's billed usage achieve the volumetric threshold designated under Sec. 110-151. – Enforcement, Part D of this plan.
 - 2. Landscape watering allowed only **every other week** with an irrigation system, sprinkler or soaker hose from 7:00 a.m. -11:00 a.m. and 7:00 p.m. – 11:00 p.m. on your designated watering day, as determined by your address. Weeks when no watering is allowed will be announced via local media, social media and City website.
 - 3. Watering with drip irrigation is permitted every Monday, Wednesday, and Friday, but only between 7 a.m. -11 a.m. and 7 p.m. – 11 p.m.
 - 4. Watering with a hand-held hose, bucket or watering can is allowed any time on any day.
 - 5. Washing impervious cover such as parking lots, driveways, streets or sidewalks is prohibited. Health and safety exceptions may be requested from the city administrator or his/her designee.
 - 6. All non-public swimming pools must have a minimum of 25 percent of the surface is covered when not in use. Inflatable pool toys or floating decorations may be used for this purpose.

7. Residential car washing allowed during drought once per week on Saturday or Sunday as long as there is no water waste. No street run-off allowed.
8. Use of grey water is allowed at any time.
9. Hotels, motels and other lodging facilities must limit linen/towel changes to once every three nights, except for health and safety.
10. The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

(6) *Stage 4 Response—Extreme water shortage conditions.*

- a. *Target:* Achieve a 40 percent reduction in total water use.
- b. *Water use restrictions for reducing demand:* All requirements of Stage 1, 2 and 3 shall remain in effect during Stage 4 with the following additional restrictions:
 1. Drought surcharge will be applied when customer's billed usage achieves the volumetric threshold designated under Sec. 110-151. – Enforcement, Part D of this plan.
 2. The filling, refilling, or adding water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited, unless such pool is equipped with a filtration system which requires such pool to maintain a constant level for proper operation. For pools with a filtration system as described, the surface of the pool must be covered when not in use to prevent evaporation.
 3. Use of grey water is allowed at any time.
 4. *Reserved.*

(7) *Stage 5 Response—Critical water shortage conditions.*

- a. *Target:* Achieve a 44 percent reduction in total water use.
- b. *Water use restrictions for reducing demand:* All requirements of Stage 1, 2, 3, and 4 shall remain in effect during Stage 5 with the following additional restrictions:
 1. Drought surcharge will be applied when customer's billed usage achieves the volumetric threshold designated under Sec. 110-151. – Enforcement, Part D of this plan.
 2. The use of irrigation systems is prohibited. Watering with a hand-held hose, bucket or watering can will be allowed once per week on your designated watering day, as determined by your address during the hours of 7 to 11 a.m. and 7 to 11 p.m. only. Use of water to wash impervious surfaces such as sidewalks, walkways, driveways, or parking lots is prohibited
 3. Use of water to wash down buildings or structures for purposes other than immediate fire protection is prohibited.
 4. Use of grey water is allowed at any time.

Sec. 110-150. - Plan review and update.

The city will review and update the plan as appropriate based on an assessment of the five- and ten- year goals, as well as whenever the plans for SAWS and EAA are updated. At a minimum, the plan will be updated every five years.

Sec. 110-151. - Enforcement.

- (a) No person shall knowingly or intentionally allow the use of water from the city for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by city administrator or his/her designee, in accordance with provisions of this plan.
- (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 \$200.00 and not more than \$2,000.00. 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 city administrator 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 \$50.00, and any other costs incurred by the city in discontinuing service. In addition, suitable assurance must be given to the city administrator that the same action shall not be repeated while the plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.
- (c) Any person, including a person classified as a water customer of the city, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parent's 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) The city's police officer, code enforcement officer, or other city employee designated by the city administrator may issue a citation to a person he/she reasonably believes to be in violation of this article. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged and shall direct him/her to appear in the municipal court on the date shown on the citation. 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.
- (e) In deeper stages of drought, a drought surcharge will encourage both residential and commercial customers with very high usage to conserve. The drought surcharge rate will be established by City Council in the city's comprehensive fee schedule. In Stage 3, the drought surcharge for residential customers will take effect for water usage above 20,000 gallons per billing cycle. In Stage 4 and 5, the threshold for residential customers drops to 12,000 gallons. The threshold for commercial customers will be 80,000 in Stage 3 and will be 40,000 in Stage 4 and 5.

Customer Class	Stage 3 Threshold by gallons	Stage 4 & 5 Threshold by gallons
Residential	20,000	12,000
Commercial	80,000	40,000

(f) Excluded from the drought surcharge are healthcare facilities, emergency services facilities, and accounts held by the City of Castroville. Each will be required to submit a Water Management Plan that outlines water conservation practices, regular maintenance of plumbing systems and promotes water usage awareness among staff and residents while ensuring safe and potable water for residents. Plans shall be submitted to the Public Works Director. If no plan is submitted, then consideration will be given to removing the exclusion from the individual account.

- Healthcare providers/facilities are defined as Clinics and Medical Offices, Urgent Care Centers, Rehabilitation Centers, Nursing Homes, Hospitals, Ambulatory Surgical Centers (ASCs), Mental Health and Addiction Treatment Centers, Birth Centers, Hospice Care Facilities, Dialysis Facilities, Imaging and Radiology Centers, Long-Term Care Facilities, and Specialized Outpatient Services
- Emergency Services are defined as law enforcement, fire protection and emergency medical services (EMS).

Sec. 110-152. - Variances.

- (a) The city administrator, or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one 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 conditions for which the plan is in effect.
 - (2) Alternative methods can be implemented which will achieve the same level of reduction in water use.
- (b) Persons requesting an exemption from the provisions of this article shall file a petition for variance with the city within five days after the plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the city administrator, or his/her designee, and shall include the following:
- (1) Name and address of the petitioner(s).
 - (2) Purpose of water use.
 - (3) Specific provision(s) of the plan from which the petitioner is requesting relief.
 - (4) Detailed statement as to how the specific provision of the plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this article.
 - (5) Description of the relief requested.
 - (6) Period of time for which the variance 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.

- (c) Variances granted by the city administrator, or his/her designee may be subject to conditions which shall be set forth in the variance. Should the city administrator or his/her designee deny a variance, the person requesting the variance may appeal such a denial to the city council.

Secs. 110-153—110-170. - Reserved.