

ORDINANCE NO. 2020-03

AN ORDINANCE OF THE CITY OF RIESEL, TEXAS ADOPTING THE CITY'S WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN; PROVIDING FOR STAGED RESPONSE TO DROUGHT; PROVIDING FOR ADMINISTRATION OF DROUGHT RESPONSE; PROVIDING REGULATIONS ON THE USE OF WATER DURING RELEVANT STAGES; PROVIDING FOR NOTICE TO THE PUBLIC AND KEY ENTITIES, AND OTHER MATTERS, ADOPTING A WATER CONSERVATION PLAN AND PROVISIONS TO MEET CONSERVATION GOALS; PROVIDING FOR ENFORCEMENT; MAKING VIOLATION AN OFFENSE (MISDEMEANOR) PUNISHABLE BY A FINE NOT TO EXCEED \$2,000; MAKING EACH DAY OF VIOLATION A SEPARATE OFFENSE; PROVIDING FOR DISCONTINUATION OF WATER SERVICES TO PERSONS CONVICTED OF THREE OR MORE VIOLATIONS; PROVIDING FOR VARIANCES; PROVIDING FOR AN EFFECTIVE DATE, PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION OF CAPTION, AND PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES

WHEREAS, an adequate supply of water is necessary for public health, safety and welfare; and

WHEREAS, the City of Riesel recognizes that aquifer levels are affected by drought and by water consumption. Drought being beyond control, reductions in water consumption are required to insure maintenance of an adequate supply of water; and

WHEREAS, the City Council of the City of Riesel believes that passage of this Ordinance is necessary to insure compliance with its Drought Contingency Plan and to conserve water resources.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIESEL, TEXAS, that the following Drought Contingency Plan and Water Conservation Plan, along with the regulations to administer and enforce the plans are hereby ADOPTED as follows:

SECTION 1. – 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 of Riesel hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this water conservation and 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 herein.

The City shall review this plan at least every five (5) years and shall update as appropriate based on new or updated information.

SECTION 2. – 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 electronic notifications, public notices, press releases and utility bill inserts.

SECTION 3. – COORDINATION WITH REGIONAL WATER PLANNING GROUPS.

The service area of the City is located within the Brazos Region G Water Planning Area and the City has provided a copy of this plan to Brazos Region G Water Planning Group.

SECTION 4. – AUTHORIZATION.

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

SECTION 5. – 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.

SECTION 6. – 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 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 zero (0), two (2), four (4), six (6), or eight (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, 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, and athletic fields, except otherwise provided under this plan.
 - 2) Use of water to wash any motorized vehicle, boat, trailer, airplane or other vehicle.
 - 3) Use of water to wash down any sidewalks, 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 controllable leaks within a reasonable period after having been given notice directing the repair of such leaks.
 - 9) 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 one (1), three (3), five (5), seven (7), or nine (9).

SECTION 7. – CRITERIA FOR INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES.

The Mayor or his/her designee shall monitor water supply and/or demand conditions on a regular basis and shall determine when conditions warrant initiation or termination of each stage of the plan, that is, when the specified "triggers" are reached.

Public notification of the initiation or termination of drought response stages shall be by means of public notice in the Riesel Daily Herald and on the City's website, as well as public service announcements of local radio and TV stations. Additional notification may be made through social media outlets, mailings, door hangers, telephone or other appropriate means.

The triggering criteria described below are based on water supply, water production and distribution system limitations, drought conditions, and emergency conditions (e.g. supply source contamination and system outage due to the failure or damage of major water system components). Analysis of the City's water supply availability under recent drought of record conditions indicate the most common trigger for initiating the plan is water supply.

SECTION 8. – STAGE 1 – MILD WATER SHORTAGE CONDITIONS.

- (a) Triggers and requirements for initiation. Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses for stage 1 when one (1) of the following criteria is met:
- (1) When total daily water demand equals or exceeds and maintains eighty (80) percent for three (3) consecutive days.
 - (2) Total treated water in the elevated storage does not refill to eighty (80) percent of capacity overnight.
- (b) Goal. Achieve a voluntary reduction in total water use and/or daily water demand.
- (c) Best management practices for supply management. Discontinue unnecessary flushing of water mains and flow testing of fire hydrants. Discontinue washing of City-owned vehicles. Follow the water use restrictions of stage 2.
- (d) Voluntary water use restrictions for reducing demand.
- (1) Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for street addresses ending in an even number (zero (0), two (2), four (4), six (6) or eight (8)), and Saturdays and Wednesdays for street addresses ending in an odd number (one (1), three (3), five (5), seven (7) or nine (9)).
 - (2) Water customers are requested to voluntarily limit the irrigation of landscaped areas only between the hours of midnight to 10:00 a.m. or 8:00 p.m. to midnight on designated watering days.
 - (3) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.
- (e) 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 seven (7) consecutive days, or when the Mayor or designee declares termination.

SECTION 9. – STAGE 2 – MODERATE WATER SHORTAGE CONDITIONS.

- (a) Triggers and requirements for initiation. Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for stage 2 when one (1) of the following criteria is met:
- (1) When total daily water demand equals or exceeds and maintains eighty-five (85) percent for three (3) consecutive days.

- (2) Total treated water in the elevated storage does not refill to seventy (70) percent of capacity overnight.
- (b) Goal. Achieve a ten (10) percent reduction in total water use and/or daily water demand.
- (c) Best management practices for supply management. Discontinue flushing of water mains and flow testing of fire hydrants. Discontinue washing of City-owned vehicles. Discontinue irrigation of all City facilities. Follow the water use restrictions of stage 3.
- (d) Water use restrictions for demand reduction. Under threat of penalty for violation, the following water use restrictions shall apply to all persons:
- (1) Hose-end sprinkler systems or automatic irrigation of landscaped areas shall be limited to Sundays and Thursdays for street addresses ending in an even number (zero (0), two (2), four (4), six (6) or eight (8)), and Saturdays and Wednesdays for street addresses ending in an odd number (one (1), three (3), five (5), seven (7) or nine (9)). These types of irrigation are further limited to the irrigation of landscaped areas only between the hours of midnight to 10:00 a.m. or 8:00 p.m. to midnight on designated watering days.
 - (2) Irrigation of landscaped areas is permitted at any time if it is by means of hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.
 - (3) Use of water to wash any motorized vehicle, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of midnight to 10:00 a.m. or 8:00 p.m. to midnight on designated watering days. 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 rinses. 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.
 - (4) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated watering days between the hours of midnight to 10:00 a.m. or 8:00 p.m. to midnight.
 - (5) 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.
 - (6) Use of water from hydrants shall be limited to fire fighting and 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 Riesel.
 - (7) All restaurants are prohibited from serving water to its patrons except when requested by the patron.
 - (8) The following uses of water are defined as non-essential and are prohibited:
 - a. Wash down of any sidewalks, driveways, parking lots, tennis courts, or other hard-surfaced areas.

- b. Use of water to wash down buildings or structures for purposes other than immediate fire protection.
 - c. Use of water for dust control.
 - d. Flushing gutters or permitting water to run or accumulate in any gutter or street.
 - e. Failure to repair controllable leaks within a reasonable period after having been given notice by the City directing the repair of such leaks.
- (e) 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 seven (7) consecutive days, or when the Mayor or designee declares termination. Upon termination of stage 2, stage 1 becomes operative unless otherwise determined by the Mayor or designee.

SECTION 10. – STAGE 3 – SEVERE WATER SHORTAGE CONDITIONS.

- (a) Triggers and requirements for initiation. Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for stage 3 when one (1) of the following criteria is met.
- (1) When total daily water demand equals or exceeds and maintains ninety (90) percent for three (3) consecutive days.
 - (2) Total treated water in the elevated storage does not refill to sixty (60) percent of capacity overnight.
- (b) Goal. Achieve a twenty (20) percent reduction in total water use and/or daily water demand.
- (c) Best management practices for supply management. Discontinue flushing of water mains and flow testing of fire hydrants. Discontinue washing of City-owned vehicles. Discontinue irrigation of all City facilities. Follow the water use restrictions of stage 4.
- (d) Water use restrictions for demand reduction. All requirements of stage 2 shall remain in effect during stage 3 except:
- (1) Irrigation of landscaped areas shall be limited to designated watering days between the hours of midnight to 7:00 a.m. or 9:00 p.m. to 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.
 - (2) The use of water for construction purposes from designated fire hydrants is prohibited, even where previously allowed.
- (e) 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 seven (7) consecutive days. Upon termination of stage 3, stage 2 becomes operative unless otherwise determined by the Mayor or designee.

SECTION 11. – STAGE 4 – CRITICAL WATER SHORTAGE CONDITIONS.

- (a) Triggers and requirements for initiation. Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for stage 4 when one (1) of the following criteria is met:

- (1) When daily water demand total equals or exceeds and maintains one hundred (100) percent for three (3) consecutive days.
 - (2) Total treated water in elevated storage does not refill to fifty (50) percent of capacity overnight.
 - (4) The Mayor declares a critical water shortage.
- (b) Goal. Achieve a thirty (30) percent reduction in total water use and/or daily water demand.
- (c) Best management practices for supply management. Discontinue flushing of water mains and flow testing of fire hydrants. Discontinue washing of City-owned vehicles. Discontinue irrigation of all City facilities. Follow the water use restrictions of stage 5.
- (d) Water use restrictions for demand reduction. All requirements of stage 2 and 3 shall remain in effect during stage 4 except:
- (1) Irrigation of landscaped areas shall be limited to designated watering days between the hours of midnight to 6:00 a.m. or 10:00 p.m. to midnight and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems are prohibited at all times.
 - (2) Use of water to wash any motorized vehicle, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash or commercial service stations, and not in the immediate interest of public health, safety, and welfare, is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10:00 p.m.
 - (3) The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.
 - (4) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or when such fountains or ponds are equipped with a recirculation system.
 - (5) No 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 allowed or approved, and time limits for approval or installation of such applications are hereby suspended for such time as this drought response stage or a higher numbered stage shall be in effect.
- (e) 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 seven (7) consecutive days or when the Mayor or designee declares termination. Upon termination of stage 4, stage 3 becomes operative unless otherwise determined by the Mayor or designee.

SECTION 12. – STAGE 5 – EMERGENCY WATER SHORTAGE CONDITIONS.

- (a) Triggers and requirements for initiation. Customers shall be required to comply with the requirements and restrictions for stage 5 of this plan when the Mayor or designee determines that a water supply emergency exists based on:
- (1) Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or
 - (2) Natural or man-made contamination of the water supply source(s).
- (b) Goal. Achieve a forty (40) percent reduction in total water use and/or daily water demand.
- (c) Best management practices for supply management. Discontinue flushing of water mains and flow testing of fire hydrants. Discontinue washing of City-owned vehicles. Discontinue irrigation of all City facilities. Follow the water use restrictions of stage 5.
- (d) Water use restrictions for demand reduction. All requirements of stage 2, 3, and 4 shall remain in effect during stage 5 except:
- (1) Irrigation of landscaped areas is absolutely prohibited.
 - (2) Use of water to wash any motorized vehicle, boat, trailer, airplane or other vehicle is absolutely prohibited.
 - (3) All outside water uses are prohibited, except for fighting fires and for animals.
- (e) 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 seven (7) consecutive days or when the Mayor or designee declares termination. Upon termination of stage 5, stage 4 becomes operative unless otherwise determined by the Mayor.

SECTION 13. – DROUGHT RESPONSE STAGES.

The Mayor or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in this plan, shall determine that a mild, moderate, severe, critical, or emergency water shortage condition exists and shall implement the following notification procedures:

Notification of the public:

The Mayor or his/ her designee shall notify the public as needed or necessary by means of:

- Press releases
- Social media
- Publication in a newspaper of general circulation
- Direct mail to each customer
- Reverse 911 system
- Signs posted in public places

Key entities and positions to notify:

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

- Mayor/City council
- Police and fire chiefs
- County emergency management coordinator
- County judge and commissioners
- TCEQ (required when mandatory restrictions are imposed)
- Major water users
- Building official
- Critical water users, i.e. hospitals and schools
- Public works and parks employees

SECTION 14. – WATER CONSERVATION PLAN.

(a) Goals. The City has ample water for present and near future needs. The City's budget is structured to meet operational and debt service needs. The City has a water rate structure which is designed to meet the budgetary needs and debt service requirements of the City. The City of Riesel recognizes the state's goals of water conservation and generally supports those goals. Therefore, the following goals are stated for the City relative to water conservation:

- (1) The City will encourage the conservation of water through the media, mail-outs and other avenues. Conservation messages will be conveyed at the times of the year when water use is expected to increase.
- (2) The City will work toward reducing unaccounted for (unmetered) water.
- (3) The City has a goal not to exceed ninety (90) gallons per capita per day (GPCD) over the next five (5) and ten (10) years. The achievement of this goal takes into consideration that:
 - a. Customers will respond to conservation messages.
 - b. Population growth will occur to compensate for revenue losses.
 - c. Unaccounted for water can be reduced up to five (5) percent.

The following are the City's historic and five-year and ten-year goals for demand reduction through water conservation.

	Historic 5 Year Average	5-Year Goal for Year 2025	10-Year Goal for Year 2030
Total GPCD	80	90	90
Residential GPCD	67	70	70
Water Loss (GPCD)	13	12	11
Water Loss Percentage	16.3%	13.3%	12.2%

(GPCD = gallons per day per capita)

- (b) Metering. The City of Riesel obtains one hundred (100) percent of its water supply via two water wells. The City owns one water well and RMS Water Supply Corporation owns the other water well. The City of Riesel is a fifty (50) percent owner of the RMS WSC. The City of Riesel meters one hundred (100) percent of the connections in the distribution system. Aged meters are periodically replaced on an as needed basis to assure the continued reliability of meter performance.
- (c) Water rates. The City's water and sewer rates are codified their Code of Ordinances. The City uses a water rate structure which is cost-based and acts to discourage excessive water use. As outlined in Stage 5 – Emergency Water Shortage Conditions, Water Rationing, if activated, water rates increase significantly if customers exceed specified amounts.
- (d) Distribution system, leak detection and repairs. As required by 30 Texas Administrative Code § 288.2(a)(2)(B), the record management system utilized by the City of Riesel divides water sales into the following customer classifications: residential, commercial, apartments, mobile home parks, industrial, fireplug, outside City commercial, and outside City residential. It is the policy and practice of the City's water utility to investigate customer complaints of low pressure and possible leaks. Additionally, as required by 30 Texas Administrative Code §288.2(a)(2)(A), City staff visually inspects suspected leaks and prioritizes and completes the timely repair to any leaks detected. The City's record management system tracks water pumped, water delivered, water sales, and water losses to track water transmission, distribution, and delivery to its customers. This information is used to evaluate the integrity of the system from source to end user to control and minimize unaccounted for uses of water. The City of Riesel also currently employs the following measures in an effort to resolve water loss discrepancies that occasionally occur in the transmission, delivery, and distribution system:
- (1) Pro-active leak detection, by inspection, and leak repair to reduce unaccounted for water loss.
 - (2) Continuing public education programs to increase plan awareness.
- (e) Water conservation utility profile. The City of Riesel supplies water to its customers within the corporate limits and extraterritorial jurisdiction of the City through its public water system (PWS 1550040;

RN101386043) The City holds a certificate of convenience and necessity (CCN #10029) encompassing approximately four (4) square miles. In furtherance of the City's policy of water conservation the following has been provided for in the City's plan:

- (1) The City has conducted and completed an evaluation of their water and wastewater systems and customer use characteristics in an effort to identify water conservation opportunities and potential targets and goals. The evaluation, entitled "Utility Profile for Retail Water Supplier," is available upon request and is summarized as follows:
 - a. The source of drinking water for the City of Riesel is from two water wells.
 - b. The City owns a single source groundwater supply and purchases groundwater from a wholesaler, RMS Water Supply Corporation, of which The City is fifty (50) percent owner.
 - c. The City maintains over twenty-nine (29) linear miles of public water distribution mains and more than nine (9) linear miles of wastewater collection mains.
 - d. The City's current water demand averages 0.088 million gallons per day (MGD) or approximately sixty-seven (67) gallons per capita per day (GPCD).
 - e. In the previous five (5) years, the City's maximum daily potable water demand was 0.088 MGD.
- (2) Water customers (residential, commercial, public/institutional and industrial) located within the City of Riesel's CCN coverage area have historically used sixty (60) to seventy-five (75) GPCD. The City has established five-year and ten-year goals not to exceed ninety (90) GPC. In establishing the five-year and ten-year goals, the City also considered state and regional goals, local climate, demographics, and data from the City's utility profile.

SECTION 15. – 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 Mayor or his/her designee, in accordance with provisions of this plan.
- (b) Any person who violates this plan is guilty of a Class C misdemeanor and, upon conviction, shall be assessed a fine not exceeding two thousand dollars (\$2,000.00) may be imposed for violation of provisions that govern fire safety or public health and sanitation. 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 (3) or more distinct violations of this plan, the Mayor or designee 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, as established in the City's current fee and rate schedule, and any other costs incurred by the City in discontinuing service. In addition, suitable assurance must be given to the Mayor or designee that the same action shall not be repeated while the plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.

- (c) Any person, including a person classified as a water customer of the City, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but it is an affirmative defense if any such parent 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.

SECTION 16. – VARIANCES.

The Mayor or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one (1) or more of the following conditions are met:

- (1) Compliance with this plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the plan is in effect.
- (2) Alternative methods can be implemented which will achieve the same level of reduction in water use. Persons requesting a variance from the provisions of this article shall file a petition for variance with the Mayor or designee within five (5) days after the plan or a particular drought response stage has been invoked.
- (3) All petitions for variances shall be reviewed by the Mayor, 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.
 - (h) Other pertinent information.

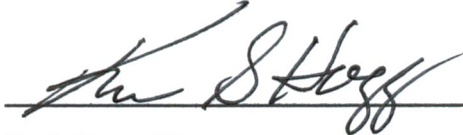
SECTION 17. – EFFECTIVE DATE.

This Ordinance or the caption to this Ordinance, shall, after passage, be published a minimum of one time in a newspaper of general circulation within the City of Riesel, and shall take effect immediately upon such publication.

SECTION 18. – SEVERABILITY AND REPEAL.

If, for any reason, any one or more sections, sentences, clauses, or part of this Ordinance are held legally invalid, such holding shall not effect, impair, or invalidate the remaining sections, sentences, clauses or parts of this Ordinance. Further, this Ordinance repeals and replaces any conflicting ordinances or conflicting provisions of ordinances.

PASSED THIS 9th DAY OF JUNE, 2020.



Kevin Hogg, Mayor

Attest:



Alisha Flanary, City Secretary



CCN Map for the City of Riesel, Texas

