

CITY OF THORNDALE, TEXAS

ORDINANCE NO. 2020-02 DROUGHT CONTINGENCY PLAN

AN ORDINANCE OF THE CITY OF THORNDALE, TEXAS AMENDING ORDINANCE NO. 129 REGARDING THE CITY'S DROUGHT CONTINGENCY PLAN; PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, ENACTMENT WHICH INCLUDES A FINE UP TO \$500.00; A REPEALING CLAUSE, A SEVERABILITY CLAUSE; A PUBLICATION CLAUSE AND PROPER NOTICE AND MEETING.

WHEREAS, the City of Thorndale is a Type "A" General Law City organized in accordance with Texas Local Government Code, Chapters 22; and

WHEREAS, pursuant to Texas Water Code Section 11.1272 and Texas Commission on Environmental Quality (TCEQ) rules in 30 Texas Administrative Code (TAC) Chapter 288, Subchapter B, all retail public water suppliers, which includes the City, are required to develop drought contingency plans consistent with the appropriate approved regional water plan to be implemented during periods of water shortages and drought;

WHEREAS, pursuant to Texas Local Government Code Sections 51.001 and 51.012, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to TCEQ Rule 30 TAC Section 288.20(c), the City shall review and update, as appropriate, the drought contingency plan, at least every five years, based on new or updated information, such as the adoption or revision of the regional water plan.

WHEREAS, the City believes it is in its best interest under its police powers for the health, safety and welfare of the citizens of the City to amend the Thorndale Drought Contingency Plan.

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

SECTION 1: FINDINGS OF FACT

The foregoing recitals are incorporated into this ordinance by reference as findings of fact as if expressly set forth herein.

SECTION 2: ENACTMENT

The City of Thorndale adopts the amended Drought Contingency Plan attached as Exhibit "A" and incorporated for all purposes. The Drought Contingency Plan attached includes Section X regarding Enforcement that provides for a fine of not less than one hundred dollars (\$ 100.00) and not more than five hundred dollars (\$500.00).

SECTION 3: REPEALER

All other ordinances, parts of ordinances or resolutions in conflict with this Ordinance are hereby repealed to the extent of any such conflict.

SECTION 4: SEVERABILITY

If any section, paragraph or part of a paragraph in this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, the same shall not invalidate or impair the validity, force or effect of any other section, paragraph or part of a paragraph of this Ordinance which shall remain in full force and effect.

SECTION 5: PUBLICATION AND EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication. The City Secretary is hereby directed to publish the caption of this Ordinance in accordance with Texas Local Government Code Section 52.011 upon final passage.

SECTION 6: PROPER NOTICE AND MEETING

It is officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52, Texas Local Government Code.

PASSED AND APPROVED this the 8th day of April, 2020, by a vote of 3 (ayes) to ____ (nays) to ____ (abstentions), of the City of Thorndale, Texas.

APPROVED:



George Galbreath, Jr., Mayor

ATTEST:



Stacy Irwin, City Secretary

City of Thorndale

2020 Retail Drought Contingency Plan

105 N. Main St./P O Box 308, Thorndale, TX. 76577
Office: (512) 898-2523 Fax: (512) 898-5459
Regional Water Planning Group: Region 9

Water Right Numbers:

Surface water rights: C3754, C3757 (Currently no diversion)

Groundwater purchased from Southwest Milam Water Supply Corporation

Section I: 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 Thorndale hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this Drought Contingency Plan (the Plan) are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section X of this Plan.

Section II: Public Involvement

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

Section III: Public Education

The City of Thorndale 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 notices placed in the Thorndale Champion, announcements on KRXT 98.5 FM radio, and notices placed at City Hall and the city's Facebook page.

Section IV: Coordination with Regional Water Planning Groups

The service area of the City of Thorndale is located within the Brazos River Basin Region G and the City of Thorndale has provided a copy of this Plan available at City Hall for inspection.

Section V: Authorization

The Mayor of the City of Thorndale 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 VI: Application

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

Section VII: 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 of Thorndale.

Domestic water use: water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Even number address: street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

Non-essential water use: water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:

- (a) irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
- (b) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (c) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (d) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (e) flushing gutters or permitting water to run or accumulate in any gutter or street;
- (f) use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
- (g) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (h) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (i) use of water from hydrants for construction purposes or any other purposes other than fire fighting.

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

Section VIII: 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 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.

The triggering criteria described below are based on a statistical analysis of the vulnerability of the water source under drought of record conditions, water use approaching or exceeding the City of Thorndale’s contract amount with our water supplier (Southwest Milam Water Supply Corporation), or notice by the city’s water supplier to implement the Drought Contingency Plan.

Utilization of alternative water sources and/or alternative delivery mechanisms:

Currently, alternative water source(s) for the City of Thorndale would be neighboring water supply corporations or municipalities that would have available water to be trucked in.

Stage 1 Triggers -- MILD Water Shortage Conditions

Requirements for initiation

Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section VII Definitions, when water consumption has reached 70% of the current contracted amount (252,000 gallons per day) and the ground storage tanks are not being replenished for seven (7) consecutive days.

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.

Stage 2 Triggers – MODERATE Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section IX of this Plan when water consumption has reached 85% of the contracted amount (306,000 gallons per day) for seven (7) consecutive days, or when the water level in the ground storage tanks cannot be replenished for 3 consecutive days.

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. Upon termination of Stage 2, Stage 1, or the applicable drought response stage based on the triggering criteria, becomes operative.

Stage 3 Triggers – SEVERE Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this Plan when:

- Failure of a major component of the system or an event which reduces the minimum residual pressure below 35 psi for more than 24 hours or longer.
- Water consumption of 95 percent or more of the maximum available for seven (7) consecutive days.
- Water consumption of 100 percent of the maximum available and the water storage levels in the system drop during one 24 hour period.
- Natural or man-made contamination of the water supply source(s).
- The declaration of a state of disaster due to drought conditions in the county or counties served by the system.
- Reduction of wholesale water supply by the supplier (Southwest Milam Water Supply Corporation) due to drought conditions.
- Other unforeseen events which could cause imminent health or safety risks to the public.

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, or the applicable drought response stage based on the triggering criteria, becomes operative.

Stage 4 Triggers – CRITICAL Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 4 of this Plan when the ground storage is depleted and unable to refill at a rate greater than the daily consumption.

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. Upon termination of Stage 4, Stage 3, or the applicable drought response stage based on the triggering criteria, becomes operative.

Stage 5 Triggers – EMERGENCY Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions for Stage 5 of this Plan when the mayor, or his/her 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).

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 two (2) consecutive days.

Stage 6 Triggers – WATER ALLOCATION

Requirements for initiation

Customers shall be required to comply with the water allocation plan prescribed in Section IX of this Plan and comply with the requirements and restrictions for Stage 5 of this Plan when

Requirements for termination - Water allocation may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of seven (7) consecutive days.

Section IX: 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 Section VIII of this Plan, shall determine that a mild, moderate, severe, critical, emergency or water shortage condition exists and shall implement the following notification procedures:

Notification

Notification of the Public:

The mayor or his/ her designee shall notify the public by means of:

*Publication in the Thorndale Champion newspaper,
Public service announcements on KRXT 98.5 FM radio,
Signs posted in public places,
Take-home fliers at schools,
Facebook page.*

Additional Notification:

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

*Mayor / City Council / Utility Departments
Fire Chief
County Emergency Management Coordinator(s)
County Judge & Commissioner(s)
State Disaster District / Department of Public Safety
TCEQ (required when mandatory restrictions are imposed)
Major water users
Critical water users, i.e. hospitals
Parks / street superintendents & public facilities managers*

Note: The plan should specify direct notice only as appropriate to respective drought stages.

Stage 1 Response – MILD Water Shortage Conditions

Target: Achieve a voluntary 10 percent reduction in *total water use*.

Voluntary Water Use Restrictions for Reducing Demand:

- (a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate

landscapes only between the hours of midnight and 10:00 a.m. and 8:00 p.m. to midnight on designated watering days.

- (b) All operations of the City of Thorndale shall adhere to water use restrictions prescribed for Stage 1 of the Plan. The city will reduce flushing operations and reduce watering of sports fields and park areas.
- (c) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

Stage 2 Response – MODERATE Water Shortage Conditions

Target: Achieve a 20 percent reduction in *total water use*.

Best Management Practices for Supply Management:

The city will reduce watering of public landscape and parks.

Water Use Restrictions for Demand Reduction:

Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

- (a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rises. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
- (c) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight.
- (d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

- (e) Use of water from hydrants shall be limited to fire fighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the City of Thorndale.
- (f) All restaurants are prohibited from serving water to patrons except upon request of the patron.
- (g) The following uses of water are defined as non-essential and are prohibited:
 - 1. wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 - 2. use of water to wash down buildings or structures for purposes other than immediate fire protection;
 - 3. use of water for dust control;
 - 4. flushing gutters or permitting water to run or accumulate in any gutter or street; and
 - 5. failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Stage 3 Response – SEVERE Water Shortage Conditions

Target: Achieve a 30 percent reduction in *total water use*.

Best Management Practices for Supply Management:

The city shall reduce all watering of public parks and landscape.

Water Use Restrictions for Demand Reduction:

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

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

Stage 4 Response – CRITICAL Water Shortage Conditions

Target: Achieve a 40 percent reduction in *total water use*.

Water Use Restrictions for Reducing Demand:

All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except:

- (a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6:00 a.m. and 10:00 a.m. and between 8:00 p.m. and 12:00 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.

- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and 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 p.m.
- (c) The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.
- (d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (e) No application 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, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

Stage 5 Response – EMERGENCY Water Shortage Conditions

Target: Achieve a 50 percent reduction in *total water use*.

Water Use Restrictions for Reducing Demand:

All requirements of Stage 2, 3, and 4 shall remain in effect during Stage 5 except:

- (a) Irrigation of landscaped areas is absolutely prohibited.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.

Stage 6 Response – WATER ALLOCATION

In the event that water shortage conditions threaten public health, safety, and welfare, the mayor is hereby authorized to allocate water according to the following water allocation plan:

Single-Family Residential Customers

The allocation to residential water customers residing in a single-family dwelling shall be as follows:

| Persons per Household | Gallons per Month |
|------------------------------|--------------------------|
| 1 or 2 | 6,000 |
| 3 or 4 | 7,000 |
| 5 or 6 | 8,000 |
| 7 or 8 | 9,000 |
| 9 or 10 | 10,000 |
| 11 or more | 12,000 |

"Household" means the residential premises served by the customer's meter. "Persons per household" include only those persons currently physically residing at the premises and expected to reside there for the entire billing period. It shall be assumed that a particular customer's household is comprised of two (2) persons unless the customer notifies the City of Thorndale of a greater number of persons per household on a form prescribed by the city secretary or clerk. The city secretary or clerk shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every residential customer. If, however, a customer does not receive such a form, it shall be the customer's responsibility to go to the Thorndale City Hall offices to complete and sign the form claiming more than two (2) persons per household. New customers may claim more persons per household at the time of applying for water service on the form prescribed by the city secretary or clerk. When the number of persons per household increases so as to place the customer in a different allocation category, the customer may notify the City of Thorndale on such form and the change will be implemented in the next practicable billing period. If the number of persons in a household is reduced, the customer shall notify the City of Thorndale in writing within two (2) days. In prescribing the method for claiming more than two (2) persons per household, the mayor shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of persons in a household or fails to timely notify the City of Thorndale of a reduction in the number of person in a household shall be fined not less than \$50.00.

Residential water customers shall pay the following surcharges:

- \$10.00 for the first 1,000 gallons over allocation.
- \$20.00 for the second 1,000 gallons over allocation.
- \$30.00 for the third 1,000 gallons over allocation.
- \$50.00 for each additional 1,000 gallons over allocation.

Surcharges shall be cumulative.

**Master -Metered Multi-Family Residential Customers
Currently Not Applicable**

Commercial Customers

A monthly water allocation shall be established by the mayor, or his/her designee, for each nonresidential commercial customer other than an industrial customer who uses water for processing purposes. The non-residential customer's allocation shall be approximately 75% percent of the customer's usage for corresponding month's billing period for the previous 12 months. If the customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no history exists. Provided, however, a customer, 75 percent of whose monthly usage is less than 1000 gallons, shall be allocated 1000 gallons. The city secretary shall give his/her best effort to see that notice of each non-residential customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the City of Thorndale to determine the allocation. Upon request of the customer or at the initiative of the mayor, the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the customer's normal water usage, (2) one nonresidential customer agrees to transfer part of its allocation to another nonresidential customer, or (3) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the mayor or alternatively, a special water allocation review committee). Nonresidential

commercial customers shall pay the following surcharges:

Customers whose allocation is 1000 gallons through 5000 gallons per month:

- \$10.00 per thousand gallons for the first 1,000 gallons over allocation.
- \$20.00 per thousand gallons for the second 1,000 gallons over allocation.
- \$30.00 per thousand gallons for the third 1,000 gallons over allocation.
- \$50.00 per thousand gallons for each additional 1,000 gallons over allocation.

Customers whose allocation is 6000 gallons per month or more:

- Two (2) times the block rate for each 1,000 gallons in excess of the allocation up through 5 percent above allocation.
- Three (3) times the block rate for each 1,000 gallons from 5 percent through 10 percent above allocation.
- Four (4) times the block rate for each 1,000 gallons from 10 percent through 15 percent above allocation.
- Five (5) times the block rate for each 1,000 gallons more than 15 percent above allocation.

The surcharges shall be cumulative. As used herein, "block rate" means the charge to the customer per 1,000 gallons at the regular water rate schedule at the level of the customer's allocation.

Industrial Customers

Currently not applicable.

Section X: Enforcement

- (a) No person shall knowingly or intentionally allow the use of water from the City of Thorndale 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 of the City of Thorndale, 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 One hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00). 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 mayor, 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 of Thorndale in discontinuing service. In addition, suitable assurance must be given to the mayor that the same action shall not be repeated while the Plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.
- (c) Any person, including a person classified as a water customer of the City of Thorndale, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible

for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation.

- (d) Any employee of the City of Thorndale, police officer, or other city employee designated by the mayor, may issue a citation to a person he/she reasonably believes to be in violation of this Ordinance. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the Thorndale Municipal Court on the date shown on the citation for which the date shall not be less than 3 days nor more than 5 days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in the Thorndale 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 the Thorndale Municipal Court before all other cases.

Section XI: 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 or more of the following conditions are met:

- (a) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
- (b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with the City of Thorndale within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the mayor and/or the city council, 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.