CITY OF ALICE

DROUGHT CONTINGENCY PLAN

NOVEMBER 2011

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 Alice hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this Drought Contingency 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 Alice by means of public notice of public meeting to accept input on the plan.

Section III: Public Education

The City of Alice 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 a public meeting, utility bill inserts and/or publication in a newspaper of general circulation.

Section IV: Coordination with Regional Water Planning Groups

The service area of the City of Alice is located within Region N and the City of Alice has provided a copy of this Plan to the Coastal Bend Regional Water Planning Group.

Section V: Authorization

The City Manager or his/her designee is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is

necessary to protect public health, safety, and welfare. The City Manager or his/her designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in 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 Alice. 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 Alice.

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, rights-of-way and medians.

Non-essential water use: water uses that are non 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 City Manager 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. Customer notification of the initiation or termination of drought response stages will be made by mail and/or publication in a newspaper of general circulation.

The triggering criteria described below are based on groundwater capacity limits.

Stage I Triggers – MILD Water Shortage Conditions

Requirements for initiation

Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on water uses, defined in Section VI – Definitions when the criteria described as follows occurs. The City of Alice will recognize that a mild water shortage exists when the capacity of Lake Corpus Christi reservoir is estimated below 60% or the water elevation in Lake Corpus Christi is below 88 feet.

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 7 consecutive days or the City Council or their designee deem the mild water shortage has ended.

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 the criteria described as follows occurs. The City of Alice will recognize that a moderate water shortage exists when the capacity of Lake Corpus Christi Reservoir is estimated below 50% or the water elevation in Lake Corpus Christi is below 86 feet.

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 7 consecutive days or the City Council or their designee deem the moderate water shortage has ended. Upon termination of Stage 2, Stage 1 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 the criteria described as follows occurs. The City of Alice will recognize that a severe water shortage exists when the capacity of Lake Corpus Christi Reservoir is estimated below 39% or the water elevation in Lake Corpus Christi is below 82 feet.

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 7 consecutive days or the City Council or their designee deem the severe water shortage has ended. Upon termination of Stage 3, Stage 2 becomes operative.

Stage 4 Triggers – EMERGENCY 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 criteria described as follows occurs. The City of Alice will recognize that an emergency water shortage exists when:

(a) Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or

(b) Natural or man-made contamination of the water supply source(s); or

(c) Lake Corpus Christi Reservoir is estimated below 26% or the water elevation in Lake Corpus Christi is below 78 feet.

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 7 consecutive days or the City Council or their designee deems the emergency has ended. Upon termination of Stage 4, Stage 3 becomes operative.

Stage 5 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 4 – EMERGENCY Water Shortage Conditions of this Plan when the City Manager determines that water shortage conditions threaten public health, safety and welfare.

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 7 consecutive days or the City Council or their

designee deems the emergency has ended. Upon termination of Stage 5, Stage 4 becomes operative.

Section IX: Drought Response Stages

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

Notification

Notification of the Public

The City Manager or his/her designee shall notify the public by means of publication in a newspaper of general circulation, direct mail, and/or public service announcements.

Additional Notification

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

Mayor and Council
Fire Chief
City and/or County Emergency Management Coordinator
County Judge and Commissioners
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 and public facilities managers

Stage I Response -- MILD Water Shortage Conditions

Goal: Achieve a voluntary 10% reduction in total water use.

Supply Management Measures:

Reduce or discontinue flushing of water mains and schedule meetings with large water users, industrial and commercial to exchange information regarding methods of saving water.

Voluntary Water Use Restrictions:

(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 6:00 a.m. and 8:00 a.m. and 8:00 p.m. and 10:00 p.m. on designated watering days.

(b) All operations of the City of Alice shall adhere to water use restrictions prescribed for Stage 2 of the Plan.

(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

Goal: Achieve a 15% reduction in total water use.

Supply Management Measures:

Continue Stage I measures and implement any additional regulations and prohibitions.

Water Use Restrictions

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 6:00 a.m. and 8:00 a.m. and 8:00 p.m. and 10:00 p.m. 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. Such washing, when allowed, shall be done with a hand-held bucket or a handheld hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at a 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 are 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 6:00 a.m. and 8:00 a.m. and 8:00 p.m. and 10:00 p.m.

(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 activates necessary to maintain public health, safety, and welfare, except the use of water from designated fire hydrants for construction purposes may be allowed under special permit from the City of Alice.

(f) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours of 6:00 a.m. and 8:00 a.m. and 8:00 p.m. and 10:00 p.m. However, if the golf course utilizes effluent water the facility shall not be subject to these regulations.

(g) All restaurants are prohibited from serving water to patrons except upon request of the patron.

(h) 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

Goal: Achieve a 20% reduction in total water use.

Supply Management Measures

Continuation of restrictions set forth in previous conditions and implementation of additional regulations or prohibitions.

Water Use Restrictions

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 6:00 a.m. and 8:00 a.m. and between 8:00 p.m. and 10:00 p.m. and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler systems only.

(b) The watering of golf course tees is prohibited unless the golf course utilizes effluent water and irrigates between the hours of 6:00 a.m. and 8:00 a.m. and 8:00 p.m. and 10:00 p.m.

Stage 4 Response – Emergency Water Shortage Conditions

Goal: Achieve a 25% reduction in total water use.

Supply Management Measures:

Continuation of restrictions set forth in previous conditions and implementation of additional regulations or prohibitions.

Water Use Restrictions

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

(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 ponds for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with recirculation system.

(e) New, additional, expanded, or increased-in-size water service connections, meter, service lines, pipeline extensions, mains, or water service facilities of any kind shall require the approval of the City Council or their designee.

(f) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6:00 a.m. and 8:00 a.m. and between 8:00 p.m. and 10:00 p.m. 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 system are prohibited at all times.

Stage 5 Response – WATER ALLOCATION

In the event that water shortage conditions threaten public health, safety, and welfare, the City Manager 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" includes 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 Alice of a greater number of persons per household on a form prescribed by the City Manager. The City of Alice staff shall give their 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 City of Alice 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 Manager. 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 Alice 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 Alice in writing within two (2) days. In prescribing the method for claiming more than two (2) persons per household, the City Manager shall adopt methods to ensure 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 Alice of a reduction in the number of persons in a household shall be fined not less than $100.00.

Residential water customers shall pay the following surcharges:

$5.00 for the first 1,000 gallons over allocation.
$10.00 for the second 1,000 gallons over allocation.
$15.00 for the third 1,000 gallons over allocation.
$20.00 for each additional 1,000 gallons over allocation.

Surcharges shall be cumulative.

Master-metered Multi-Family Residential Customers

The allocation to a customer billed from a master meter which jointly measures water to multiple permanent residential dwelling units (e.g., apartments, mobile homes) shall be allocated 6,000 gallons per month for each dwelling unit. It shall be assumed that such a customer's meter services two dwelling units unless the customer notifies the City of Alice of a greater number on a form prescribed by the City Manager. The City Staff shall give their best effort to see that such forms are mailed, otherwise provided, or made available to every such customer. If, however, a customer does not receive such a form, it shall be the customer's responsibility to go to the City of Alice offices to complete and sign the form claiming more than two (2) dwellings. A dwelling unit may be claimed under this provision whether it is occupied or not. New customers may claim more dwelling units at the time of applying for water service on the form prescribed by the City Manager. If the number of dwelling units served by a master meter is reduced, the customer shall notify the City of Alice in writing within two (2) days. In prescribing the method for claiming more than two (2) dwelling units, the City Manager shall adopt methods to ensure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of dwelling units served by a master meter or fails to timely notify the City of Alice of a reduction in the number of persons in a household shall be fined not less than $200.00.

Customers billed from a mater meter under this provision shall pay the following monthly surcharges:

> $5.00 per 1,000 gallons over allocation up through 1,000 gallons for each dwelling unit.
>
> $10.00, thereafter, for each additional 1,000 gallons over allocation up through a second 1,000 gallon for each dwelling unit.
>
> $15.00, thereafter, for each additional 1,000 gallons over allocation up through a third 1,000 gallon for each dwelling unit.
>
> $20.00, thereafter, for each additional 1,000 gallons over allocation.

Surcharges shall be cumulative.

Commercial Customers

A monthly water allocation shall be established by the City Manager, or his/her designee, for each nonresidential commercial customer other than an industrial customer who uses water for processing purposes. The non-residential commercial customer's allocation shall be approximately 75% of the customer's usage for the 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% of whose monthly usage is less than 6,000 gallons, shall be allocated 6,000 gallons. The city staff shall give their 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 Alice to determine the allocation. Upon request of the customer or at the initiative of the City Manager, the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the customer's normal water usage, and (2) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the City Manager.

Nonresidential commercial customers shall pay the following surcharges:

Customers whose allocation is 6,000 gallons through 20,000 gallons per month:

> $ 5.00 per thousand gallons for the first 1,000 gallons over allocation.

$10.00 per thousand gallons for the second 1,000 gallons over allocation.

$15.00 per thousand gallons for the third 1,000 gallons over allocation.

$20.00 per thousand gallons for each additional 1,000 gallons over allocation.

Customers whose allocation is 21,000 gallons per month or greater:

Two times the block rate for each 1,000 gallons in excess of the allocation up through 5 % above allocation.

Three times the block rate for each 1,000 gallons from 5% through 10% above allocation.

Four times the block rate for each 1,000 gallons from 10% through 15% above allocation.

Five times the block rate for each 1,000 gallons more than 15 % 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 customer's allocation.

Industrial Customers

A monthly water allocation shall be established by the City Manager, or his/her designee, for each industrial customer, which uses water for processing purposes. The industrial customer's allocation shall be approximately 90% of the customer's water usage baseline. Ninety (90) days after the initial imposition of the allocation for industrial customers, the industrial customer's allocation shall be further reduced to 85% of the customer's water usage baseline. The industrial customer's water use baseline will be computed on the average water use for the 36-month period ending prior to the date of implementation of Stage 2 of the Plan. If the industrial water customer's billing history is shorter than 36 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists. The city staff shall give their best effort to see that notice of each industrial customer's allocation is mailed to such customer. If a customer does not receive such notice, it shall be the customer's responsibility to contact the City of Alice to determine the allocation, and the allocation shall be fully effective notwithstanding the lack of receipt of written notice. Upon request of the customer or at the initiative of the City Manager, the allocation may be

reduced or increased, (1) if the designated period does not accurately reflect the customer's normal water usage because the customer had shutdown a major processing unit for repair or overhaul during the period, (2) the customer has added or is in the process of adding significant additional processing capacity, (3) the customer has shutdown or significantly reduced the production of a major processing unit, (4) the customer has previously implemented significant permanent water conservation measures such that the ability to further reduce water use is limited, or (6) if other objective evidence demonstrates the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the City Manager.

Industrial customers shall pay the following surcharges:

Customers whose allocation is 6,000 gallons through 20,000 gallons per month:

> $ 5.00 per thousand gallons for the first 1,000 gallons over allocation.
>
> $10.00 per thousand gallons for the second 1,000 gallons over allocation.
>
> $15.00 per thousand gallons for the third 1,000 gallons over allocation.
>
> $20.00 per thousand gallons for each additional 1,000 gallons over allocation.

Customers whose allocation is 21,000 gallons per month or more:

> Two times the block rate for each 1,000 gallons in excess of the allocation up through 5% above allocation.
>
> Three times the block rate for each 1,000 gallons from 5% though 10% above allocation.
>
> Four times the block rate for each 1,000 gallons from 10% through 15% above allocation.
>
> Five times the block rate for each 1,000 gallons more than 15% 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.

Section X: Enforcement

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

(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 $100.00 and not more than $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 City Manager shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occurred. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, hereby established at $25.00, and any other costs incurred by the City of Alice in discontinuing service. In addition, suitable assurance must be given to the City Manager 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 Alice, 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 Alice, police officer, or other City of Alice employee designated by the City Manager, 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 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 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.

Section XI: Variances

The City Manager, 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 Alice within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the City Manager, or his/her designee, and shall include the following:

(a) Names 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.

Variances granted by the City of Alice shall be subject to the following conditions, unless waived or modified by the City Manager or his/her designee:

(a) Variances granted shall include a timetable for compliance.

(b) Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

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

Section XII: Severability

It is hereby declared to be the intention of the City of Alice that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Plan shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan, since the same would not have been enacted by the City of Alice without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph or section.