

CITY ORDINANCE NO. 1201

AN ORDINANCE OF THE CITY OF COLEMAN, TEXAS REPEALING THE CITY OF COLEMAN'S PREVIOUS DROUGHT CONTINGENCY PLAN AND ADOPTING AN AMENDED DROUGHT CONTINGENCY PLAN ATTACHED HERETO AS EXHIBIT "A" THAT AMENDS THE CITY OF COLEMAN CODE OF ORDINANCES, ARTICLE 13.05, SECTIONS 13.05.001 THROUGH 13.05.012; ESTABLISHING PENALTIES FOR VIOLATING THE RESTRICTIONS AND PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS INCLUDING ESTABLISHING AUTHORITY TO DISCONNECT WATER SERVICE FOR MULTIPLE VIOLATIONS OF THIS ORDINANCE; PROVIDING CERTAIN EMPLOYEES WITH AUTHORITY TO ISSUE CITATIONS FOR VIOLATIONS OF THIS ORDINANCE; PROVIDING FOR THE ISSUANCE OF NOTICE OF VIOLATIONS OR WARNINGS FOR VIOLATIONS OF THE DROUGHT CONTINGENCY PLAN; PROVIDING FOR REBUTTABLE PRESUMPTIONS FOR VIOLATORS OF THE PLAN; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CUMULATIVE/REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Coleman, Texas (the "City"), recognizes that the amount of water available to its water customers is limited; and

WHEREAS, the City recognizes that due to natural limitations, drought conditions, system failures and other acts of God which may occur, the City cannot guarantee an uninterrupted water supply for all purposes at all times; and

WHEREAS, the Water Code and the regulations of the Texas Commission on Environmental Quality (the "Commission") require that the City adopt a drought contingency plan; and

WHEREAS, pursuant to Chapter 54 of the Local Government Code, the City is authorized to adopt such ordinances necessary to preserve and conserve its water resources;

WHEREAS, the City Council of the City adopted a Drought Contingency Plan (the "2014 Plan") by Ordinance 1152 on or about December 18, 2014; and

WHEREAS, the City Council desires to repeal the 2014 Plan and adopt a new, amended Drought Contingency Plan.

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

Section 1. Findings Incorporated.

The findings set forth above are incorporated into the body of this ordinance as if fully set forth herein.

Section 2. Repeal of 2014 Plan.

The 2014 Plan adopted by Ordinance No. 1152 is hereby repealed in its entirety.

Section 3. Adoption of Amended Drought Contingency Plan; Amendment of Article 13.05, Sections 13.05.001 through 13.05.012, Code of Ordinances.

The City of Coleman hereby adopts the amended Drought Contingency Plan attached hereto as Exhibit "A" and incorporated herein as though set out in full. The amended Drought Contingency Plan is on file in the office of the City Secretary.

Section 4. Penalties; enforcement; discontinuance of water service.

Any person who violates the restrictions, usage and/or terms of the Drought Contingency Plan is guilty of and may be charged with a misdemeanor and, upon conviction shall be punished by a fine of not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00). Notwithstanding the foregoing, the fines for violations of the restrictions, usage and/or terms of Stage II conditions shall not exceed \$250.00. Each day that one or more of the restrictions, usage and/or terms of Drought Contingency Plan is violated shall constitute a separate offense. Proof of a culpable mental state is not required for a conviction of an offense under this ordinance. If a person violates the Drought Contingency Plan on three or more distinct instances, the City Manager or his/her 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, hereby initially established at forty dollars (\$40.00) but may be amended by the City's annual fee ordinance, and any other costs incurred by the City of Coleman in discontinuing service. In addition, suitable assurance must be documented with the City Manager or his/her designee that the same action shall not be repeated while the Drought Contingency Plan is in effect. Compliance with the Drought Contingency Plan may also be sought through injunctive relief in the district court.

Section 5. Employees authorized to issue citations.

The following employees of the City, police officers and code enforcement officers, may issue a citation to a person he/she reasonably believes to be in violation of the Drought Contingency Plan and/or this ordinance. 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 eighteen (18) 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 the Drought Contingency Plan. If the alleged violator fails to appear in municipal court, a summons to appear may be issued in lieu of an arrest warrant.

Section 6. Notices of violations; warnings.

A City of Coleman code enforcement officer, police officer, or other official designated by the City Manager or his/her designee, may issue a written Notice of Violation to a person or entity he/she reasonably believes to be in violation of the Drought Contingency Plan as a warning. For subsequent violations following written notice:

- (1) The City may issue a citation (Class C misdemeanor);
- (2) The City may install a flow restricting device in the line to limit the amount of water which will pass through the meter in a 24-hour period. The City may charge the customer for the actual cost of installing and removing the flow restricting device, not to exceed fifty dollars (\$50.00), such amount may be amended by the City's annual fee ordinance;

(3) If the City discontinues water service at the meter pursuant to this ordinance, it may discontinue services for a period of seven (7) days, or until the end of the calendar month, whichever is LESS.

Section 7. Violators; rebuttable presumptions.

Any person 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 the Drought Contingency Plan and that the parent could not have reasonably known of the violation.

Section 8. Severability Clause.

If any word, section, article, phrase, paragraph, sentence, clause or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect, for any reason, the validity of the remaining portions of this ordinance and the remaining portions shall remain in full force and effect.

Section 9. Cumulative/Repealer Clause.

This ordinance shall be cumulative of all provisions of State or Federal law and other ordinances of the City of Coleman, Texas, including the amended Drought Contingency Plan attached hereto as Exhibit "A", whether codified or uncodified, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed to the extent of such conflict.

Section 7. Effective Date.

This ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED on First Reading this 15 day of August, 2019.

PASSED AND APPROVED on Second/Final Reading this 26 day of August, 2019.



ATTEST

Karen Langley
Karen Langley, City Secretary

Tommy Sloan
TOMMY SLOAN, Mayor

APPROVED AS TO FORM:

Pat Chesser
PAT CHESSER, City Attorney

EXHIBIT "A"
TO
ORDINANCE NO. 1201
OF THE CITY OF COLEMAN, TEXAS
ADOPTED AUGUST 19, 2019

DROUGHT CONTINGENCY PLAN

Sec. 13.05.001 Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and/or to 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 or other water supply emergency conditions, the City of Coleman adopts the following Drought Contingency Plan (the Plan).

Sec. 13.05.002 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

Conservation: Those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve 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 use.

Customer: Any individual, corporation, partnership, association, and any other legal entity utilizing water provided by the City of Coleman.

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.

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 course greens, tees, and fairways, parks, and rights-of-way and medians.

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

- (1) Irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
- (2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or any other vehicle;
- (3) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (4) Use of water to wash down buildings or structures for purposes other

than immediate fire protection;

- (5) Flushing gutters or permitting water to run or accumulate in any gutter or street;
- (6) Use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools, except in-ground pools to the extent required or recommended by the pool manufacturer to ensure the structural integrity of the pool; City water cannot be used to fill any newly- constructed pool for the first time;
- (7) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (8) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Sec. 13.05.003 Public Involvement

Opportunity for the public to provide input into the preparation of the Drought Contingency Plan was provided as per Section 11.272(b) of the Texas Water Code by the City of Coleman during an open comments period held during a Coleman City Council Meeting.

Sec. 13.05.004 Wholesale Water Customer Education

The City of Coleman will periodically provide wholesale water customers with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and drought response measures to be implemented in each stage. This information will be provided by means of copy of the Plan and periodically including information on invoices for water sales.

Sec. 13.05.005 Coordination with Regional Water Planning Groups

The water service area of the City of Coleman is located within the Region F Regional Water Planning Group, the West Central Texas Council of Governments, and the Pecan Valley Water Association and the City of Coleman has provided a copy of the Plan to the Region F Regional Water Planning Group, the West Central Texas Council of Governments, and the Pecan Valley Water Association.

Sec. 13.05.006 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.

Sec. 13.05.007 Application

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

Sec. 13.05.008 Triggering Criteria for Initiation and Termination of Drought Response Stages

(a) The City Manager, or his/her designee, shall monitor water supply and/or demand conditions on a monthly basis and shall determine when conditions warrant initiation or termination of each stage of the Plan. Customer notification of the initiation or termination of drought response stages will be made by mail or telephone. The news media will also be informed.

(b) The triggering criteria described below are based on reservoir levels and a statistical analysis of the vulnerability of the water source under drought of record conditions.

(1) Stage I - Mild Water Shortage Conditions

(A) Requirements for Initiation.

(i) The City of Coleman will recognize that a mild water shortage condition exists when: (see examples below)

(ii) Below are the triggering criteria that will be used in the City of Coleman's Drought Contingency Plan. One or a combination of such criteria may be defined for each drought response stage:

Criteria 1: When the lake level in Lake Coleman is equal to or less than 1705.5 elevation.

Criteria 2: When the Corp of Engineers curtails the amount of water that the City can obtain from Hords Creek Lake.

Criteria 3: When total daily water demand equals or exceeds 3.3 million gallons for five (5) consecutive days.

(B) Requirements for Termination. Stage I of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of thirty (30) consecutive days. The City of Coleman will notify its wholesale customers and the media of the termination of Stage I in the same manner as the notification of initiation of Stage I of the Plan.

(2) Stage II - Moderate Water Shortage Conditions

(A) Requirements for Initiation. The City of Coleman will recognize that a moderate water shortage condition exists when the level of Lake Coleman falls below 1702 elevation and/or there is a significant curtailment in the amount of water allocated by the Corp of Engineers from Hords Creek Lake.

(B) Requirements for Termination. Stage II of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of thirty (30) consecutive days. Upon termination of Stage II, Stage I becomes operative. The City of Coleman will notify its wholesale customers and the media of the termination of Stage II in the same manner as the notification of initiation of Stage II of the Plan.

(3) Stage III - Severe Water Shortage Conditions

(A) Requirements for Initiation. The City of Coleman will recognize that a severe water shortage exists when the elevation of Lake Coleman falls below 1700 feet and/or if the water allocated by the Corp. of Engineers from Hords Creek Lake is completely curtailed.

(B) Requirements for Termination. Stage III of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of thirty (30) consecutive days. Upon termination of Stage III, Stage II becomes operative. The City of Coleman will notify its wholesale customers and the media of the termination of Stage III in the same manner as the notification of initiation of Stage III of the Plan.

(4) Stage IV - Emergency Water Shortage Conditions

(A) Examples.

Example 1. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or

Example 2. Natural or man-made contamination of the water supply source(s).

(B) Requirements for Termination. Stage IV of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of thirty (30) consecutive days. The City of Coleman will notify its wholesale customers and the media of the termination of Stage IV in the same manner as the notification of initiation of Stage IV of the Plan.

Sec. 13.05.009 Drought Response Stages

The City Manager, or his/her designee, shall monitor water supply and/or demand conditions and, in accordance with the triggering criteria set forth in Section 13.05.008, shall determine that mild, moderate, or severe water shortage conditions exist or that an emergency condition exists and shall implement the following actions:

(1) Stage I - Mild Water Shortage Conditions

(A) Goal: Achieve a voluntary ten percent (10%) reduction in daily water demand.

(B) Supply Management Measures:

(i) The City Manager, or his/her designee(s), will monitor limited water supplies and/or reduce water demand, including increasing pumping hours and off peak production of water.

(ii) The City Manager, or his/her designee(s), will implement restrictions & penalties.

(a) Residential and commercial lawn watering is restricted to the hours of 5:00 am to 10:00 am and 8:00 pm to Midnight. Even numbered addresses may water on Mondays and Thursdays in the allotted time. Odd numbered addresses may water on Tuesdays and Fridays in the allotted time. Runoff will be monitored and water will not be allowed to run into the street.

(b) The City Manager, or his/her designee(s), will request wholesale water customers to initiate voluntary measures to reduce non-essential water use and implement the drought contingency plan

(c) The City Manager, or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

(2) Stage II - Moderate Water Shortage Conditions

(A) Goal: Achieve a voluntary twenty percent (20%) reduction daily water demand.

(B) Supply Management Measures. The City Manager, or his/her designee(s), implement measures to manage limited water supplies and/or reduce water demand. City Manager or his/her designee(s) may modify reservoir operations procedures.

(C) Demand Management Measures:

(i) The City Manager, or his/her designee(s), will initiate weekly contact with wholesale water customers to discuss water supply and/or demand conditions and the possibility of pro rata curtailment of water diversions and/or deliveries.

(ii) The City Manager or his/her designee(s), will request wholesale water customers to initiate mandatory measures to reduce non-essential water

use and implement the drought contingency plan and will initiate pro rata curtailment of water diversions and/or deliveries by preparing a monthly water usage allocation baseline for each wholesale customer according to the procedures specified in Section 13.05.010 of the Plan.

- (iii) The City Manager, or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.
- (iv) The City Manager or his/her designee(s), will initiate the following restrictions and penalties:
 - (1) Residential washing of vehicles is prohibited except washing in the resident's lawn on watering dates & allocated time and only with buckets.
 - (2) Washing of windows residential and commercial will only be allowed by use of buckets.
 - (3) Washing of residential, commercial, public or industrial driveways, sidewalks, parking areas, windows and structures is prohibited.
 - (4) Watering of public areas, including schools, is restricted to the period of 5:00a.m. to 10:00 a.m. on one weekday each week.
 - (5) Residential and commercial lawn watering is restricted to the hours of 5:00 am to 10:00 am. Even numbered addresses may water on Mondays and Thursdays in the allotted time. Odd addresses may water on Tuesdays and Fridays in the allotted time.
- (v) Violations of any of these restrictions or residential usage of 40,000 gallons or more per billing period for two consecutive billings, while under Stage II conditions, is subject to a fine up to \$250.00 per violation.
- (vi) Residential Water Rates

0-10,000 gallons:	No rate change
10,000-20,000 gallons:	1.5 times current rate
20,000-30,000 gallons:	2.5 times current rate
30,000 gallons	3.5 times current rate

(3) Stage III - Severe Water Shortage Conditions

- (A) Goal. Achieve a voluntary thirty percent (30%) reduction in total water use.
- (B) Supply Management Measures. The City Manager, or his/her designee(s), will manage limited water supplies and/or reduce water demand, including: modifying reservoir operations procedures, including considering the utilization of emergency water storage basins to increase flow and/or the tapping of reserves in Lake Scarborough.

(C) Demand Management Measures.

- (i) The City Manager, or his/her designee(s), will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate additional mandatory measures to reduce non-essential water use, will continue pro rata curtailment of water diversions and/or deliveries for each wholesale customer according to the procedures specified in Section 13.05.010 of the Plan.
- (ii) The City Manager, or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.
- (iii) The City Manager, or his/her designee(s), will initiate the following restrictions and penalties:
 - a. Yard watering will be reduced to once a day one time a week. Even number addresses will be allowed to water on Mondays from 5:00 am to 10:00 am. Odd number addresses will be allowed to water on Tuesdays from 5:00am to 10:00 am.
 - b. Watering of public areas will be allowed once a week.
 - c. Filling of private and/or commercial swimming pools is prohibited, except in-ground pools to the extent required or recommended by the pool manufacturer to ensure the structural integrity of the pool. City water cannot be used to fill any newly-constructed pool for the first time. The public pool will close.
 - d. Residential washing of vehicles is prohibited.
 - e. Use of bulk loading stations is prohibited.
 - f. Violations of any of these restrictions or residential usage of 25,000 gallons or more per billing period for two consecutive billings, while under Stage III conditions, is subject to a fine up to \$500.00 per violation.

(4) Stage IV - Emergency Water Shortage Conditions. Whenever emergency water shortage conditions exist as defined in Section 13.05.008 of the Plan, the City Manager shall:

- (A) Assess the severity of the problem and identify the actions needed and time required to solve the problem.
- (B) Inform the utility director or other responsible official of each wholesale water customer by telephone or in person and suggest actions, as appropriate, to alleviate problems.
- (C) If appropriate, notify city, county, and/or state emergency response officials

for assistance.

- (D) Undertake necessary actions, including repairs and/or clean-up as needed.
- (E) Prepare a post-event assessment report on the incident and critique of emergency response procedures and actions.

- (5) **Enforcement.** During Stage II, Stage III, and Stage IV water use restrictions, the following personnel shall be designated as "official observers" of any violation of the Plan, and shall have the right to initiate legal action against the offenders:

Any City Council member, the City Manager, all City Dept. Supervisors, all designated Water Distribution, Water Production, Police Department, Inspection Department, Utility Office and paid Fire Department personnel.

Sec. 13.05.010 Pro Rata Water Allocation

In the event that the triggering criteria specified in Section 13.05.008 of the Plan for Stage II Moderate Water Shortage Conditions or Stage III Severe Water Shortage Conditions have been met, the City Manager is hereby authorized to initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code Section 11.039 and according to the following Water Allocation Policies and Procedures:

- (1) Each wholesale customer's monthly allocation shall be a percentage of the customer's water usage baseline. The percentage of reduction mandated shall be the same as the reduction goal spelled out in each Stage of the Drought Contingency Plan or by resolution set by ordinance of the City Council based on the City Manager's assessment of the severity of the water shortage condition and the need to curtail water diversions and/or deliveries and may be adjusted periodically by resolution of the City Council as conditions warrant. Once pro rata allocation is in effect, water diversions by or deliveries to each wholesale customer shall be limited to the allocation established for each month.
- (2) The City Manager or his/her designee shall establish a monthly water usage allocation for each wholesale customer. The customer's water usage baseline will be computed on the average water usage by month for the five (5) year period prior to the implementation of the Plan. If the customer's billing history is less than five (5) years, 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.
- (3) The City Manager or his/her designee shall provide notice, by certified mail, to each wholesale customer informing them of their monthly water usage allocations and shall notify the news media and the executive director of the Texas Natural Resource Conservation Commission upon initiation of pro rata water allocation.
- (4) 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 wash station's or wholesale customer's normal water usage; (2) the customer agrees to transfer part of its allocation to another wholesale 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 City Council of the City of Coleman.

Sec. 13.05.011 Enforcement

During any period when pro rata allocation of available water supplies is in effect, wholesale customers, including raw water customers, shall pay the following surcharges on excess water diversions and/or deliveries:

- (1) 1.5 times the normal water charge for water diversions and/or deliveries in excess of the monthly allocation up through five percent (5%) above the monthly allocation.
- (2) 2 times the normal water charge for water diversions and/or deliveries in excess of the monthly allocation from five percent (5%) through 10 percent (10%) above the monthly allocation.
- (3) 2.5 times the normal water charge for water diversions and/or deliveries in excess of the monthly allocation from ten percent (10%) through fifteen percent (15%) above the monthly allocation.
- (4) 3.5 times the normal water charge for water diversions and/or deliveries in excess of the monthly allocation more than fifteen percent (15%) above the monthly allocation.
- (5) The above surcharges will be cumulative.
- (6) Wholesale customers who fail to reduce consumption in accordance with the Plan's objectives are subject to a fine up to \$500.00 per month in violation.

Sec. 13.05.012 Variances

- (a) The City Manager, or his/her designee(s), may, in writing, grant temporary variance to the pro rata water allocation policies provided by this Plan if it is determined that failure to grant such a variance would cause an emergency condition adversely affecting the public health, welfare, or safety, or if one or more of the following conditions are met:
 - (1) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
 - (2) Compliance with this Plan will have a disparate or more punitive effect on a commercial entity due to the nature of the business.
 - (3) Alternative methods can be implemented which will achieve the same level of reduction in water use.
- (b) Persons requesting an exemption from the provisions of this Plan shall file a petition for variance with the City Manager within five (5) days after pro rata allocation has been invoked. All petitions for variances shall be reviewed by the

City Council, and shall include the following:

- (1) Name and address of the petitioner.
- (2) Detailed statement with supporting data and information as to how the pro rata allocation of water under the policies and procedures established in the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- (3) Description of the relief requested.
- (4) Period of time for which the variance is sought.
- (5) Alternative measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (6) Other pertinent information.

(c) Variances granted by the City Council shall be subject to the following conditions, unless waived or modified by the City Council or its designee:

- (1) Variances granted shall include a timetable for compliance.
- (2) Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

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