

**DROUGHT CONTINGENCY PLAN
FOR THE
PORT O'CONNOR IMPROVEMENT DISTRICT
(A Wholesale and Retail Public Water Supplier)**

**Adopted by the Port O'Connor Improvement District Board of Directors
at a regular meeting on January 13, 2015**

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 Port O'Connor Improvement District 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 AND WHOLESALE WATER CUSTOMER INVOLVEMENT

Opportunity for the public and wholesale water customers to provide input into the preparation of the Plan is being provided by the Port O'Connor Improvement District by one or more of the following means: utility bill insert, direct mail/email, posting on the District website (www.pocid.org), press release in the "Dolphin Talk" or "Port Lavaca Wave"; or by scheduling and providing public notice of a public meeting to accept input on the plan.

SECTION III: PUBLIC AND WHOLESALE WATER CUSTOMER EDUCATION

The Port O'Connor Improvement District will periodically provide the public and 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 the drought response measures to be implemented in each stage. This information will be provided by one or more of the following methods: utility bill inserts, direct mail/email, posting on the District website (www.pocid.org), press releases in the "Dolphin Talk" or "Port Lavaca Wave".

SECTION IV: COORDINATION WITH REGIONAL WATER PLANNING GROUPS

The service area of the Port O'Connor Improvement District is located within the South Central Texas Region L. The Port O'Connor Improvement District will provide a copy of this Plan to the South Central Texas Regional Water Planning Group for their review and comment.

SECTION V: AUTHORIZATION

The President of the Board of the Port O'Connor Improvement District, 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 President of the Board of the Port O'Connor Improvement District, 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 Port O'Connor Improvement District. The terms "person" and "customer" as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities, including but not limited to the LaSalle Water Control and Improvement District No. 1A.

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.

Average daily water demand: (*gal/day*): The total gallons of treated water supplied to the District by GBRA over a period of 1 or more days, divided by that same number of days.

Call: customers request the release of water purchased from storage in Canyon Reservoir on an as-needed basis to meet periodic or drastic low-flow conditions.

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, organization, or entity (including, but not limited to LaSalle Water Control and Improvement District No. 1A) using water supplied by the Port O'Connor Improvement District.

District: The Port O'Connor Improvement District

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.

Drought of Record: the worst recorded drought since compilation of meteorologic and hydrologic data began. In terms of severity and duration, the drought of the 1950's is considered the drought of record in the Guadalupe River Basin.

Even number address: 9-1-1 street addresses 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 neither 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 ten (10) day 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.

Normal Operating Conditions: Conditions during which no part of the Drought Contingency Plan has been initiated.

Odd numbered address: 9-1-1 street addresses ending in 1, 3, 5, 7, or 9.

SECTION VIII: CRITERIA FOR INITIATION/ TERMINATION OF DROUGHT RESPONSE STAGES

The President of the Board of the Port O'Connor Improvement District, 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 Port O'Connor Improvement District has contracted with the Guadalupe–Blanco River Authority (GBRA), by Agreement dated July 19, 2000, to supply to the District with up to a maximum of 1,120 acre-feet of treated water per calendar year. Per the agreement, the source of such water supply shall be the run-of-the-river flow of the Guadalupe River, supplemented as needed (and as available) by storage in Canyon Reservoir, when the natural flow of the river is inadequate to supply the needs of the District.

Therefore, the triggering criteria, described below, is based upon those triggering criteria described in the "DROUGHT CONTINGENCY PLAN FOR THE GUADALUPE-BLANCO RIVER AUTHORITY", dated April 16, 2014.

- 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 when the District is notified by GBRA that Stage 1 drought conditions have been initiated.

Per the April 2014 GBRA Drought Contingency Plan, Stage 1 is initiated when flow over the top of the Salt Water Barrier (at river mile 10) is 6 inches or less for five consecutive days. The initiation of Stage 1 will also depend on the combined effect of two factors: 1) Demand of all GBRA and other permitted customers for surface water; 2) Available surface water flow from the Guadalupe River and its tributaries at river mile 10.

Requirements for termination

Stage 1 of the Plan may be rescinded when GBRA makes notification to the District that Stage 1 drought conditions have been lifted. The termination of Stage 1 will also depend upon the combined effect of the demand of all POCID customers and the available groundwater flow from the groundwater well(s) within the District. Upon termination of Stage 1, Normal Operation Conditions becomes operative.

- 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 defined in Section VII of this Plan when Stage 1 conditions are active and the District is notified by GBRA that Stage 2 drought conditions have been initiated.

Per the April 2014 GBRA Drought Contingency Plan, Stage 2 is initiated when sustained flow over the Barrier is not occurring. The initiation of Stage 2 will also depend on the combined effect of two factors: 1) Demand of all GBRA and other permitted customers for surface water; 2) Available surface water flow from the Guadalupe River and its tributaries at river mile 10.

Requirements for termination

Stage 2 of the Plan may be rescinded when GBRA makes notification to the District that Stage 2 drought conditions have been lifted. The termination of Stage 2 will also depend upon the combined effect of the demand of all POCID customers and the available groundwater flow from the groundwater well(s) within the District. 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 Stage 2 conditions are active and the District is notified by GBRA that Stage 3 drought conditions have been initiated.

Per the April 2014 GBRA Drought Contingency Plan, Stage 3 is initiated when the release of stored water from Canyon Dam, to meet customer demand in Calhoun County, is being executed by GBRA, to supplement its run-of-river permitted supply available at the Barrier. Also, the (GBRA) General Manager may designate a Stage 3 trigger when voluntary actions by customers in Stage 2 are in effective in reducing water usage. The initiation of Stage 3 will depend on the combined effect of three factors: 1) Demand of all GBRA and other permitted customers for water from all sources; 2) Available surface water flow from the Guadalupe River and its tributaries at rive mile 10; 3) Release of Canyon water for upstream customers.

Requirements for termination

Stage 3 of the Plan may be rescinded when GBRA makes notification to the District that Stage 3 drought conditions have been lifted. The termination of Stage 3 will also depend upon the combined effect of the demand of all POCID customers and the available groundwater flow from the groundwater well(s) within the District. Upon termination of Stage 3, Stage 2 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 Stage 3 conditions are active and the District is notified by GBRA that Stage 4 Critical Water Shortage conditions have been initiated.

Per the April 2014 GBRA Drought Contingency Plan, Stage 4 is initiated when all municipal demand of GBRA customers in Calhoun County is being met by the permitted release of stored water in Canyon Dam. The initiation of Stage 4 will depend on: 1) Demand of GBRA and other permitted customers for water from all sources; 2) The cessation of flow from one or both of the two major springs, Comal and San Marcos Springs (equivalent to the drought of record); 3) Encroachment of salt water from San Antonio Bay toward the Barrier and Calhoun Canal System through the bayous; 4) The call for water released from Canyon Reservoir for Calhoun County customers.

Requirements for termination

Stage 4 of the Plan may be rescinded when GBRA makes notification to the District that Stage 4 drought conditions have been lifted. The termination of Stage 4 will also depend upon the combined effect of the

demand of all POCID customers and the available groundwater flow from the groundwater well(s) within the District. Upon termination of Stage 4, Stage 3 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 District is notified by GBRA that Stage 5 Emergency Water Shortage conditions have been initiated.

Per the April 2014 GBRA Drought Contingency Plan, Stage 5 is initiated when:

1. *Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability for GBRA to provide water service.*
2. *Natural or man-made contamination of the water supply source(s) occurs.*

AND / OR when:

1. Major line breaks, or pump or system failures occur within the District's water transmission and/or distribution system, which cause unprecedeted loss of capability for the District to provide water service.
2. Natural or man-made contamination of the water supply within the District's transmission and/or distribution system.

The triggers for Stage 5 Emergency Water Shortage Conditions may occur at any time and are not dependent on being preceded by Stage 1 through 4.

Requirements for termination

Stage 5 of the Plan may be rescinded when GBRA makes notification to the District that Stage 5 drought conditions have been lifted and/or all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days. Provided however if the triggering event was attributable to a major waterline break, pump failure or other system failure, Stage 5 of the Plan may be rescinded upon successful completion of the required facility repairs.

SECTION IX: DROUGHT RESPONSE STAGES

The President of the Board of the Port O'Connor Improvement District, 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, or emergency condition exists and shall implement the following notification actions:

Notification

Notification of the Public:

The President of the Board of the Port O'Connor Improvement District, or his/ her designee, shall notify the public and wholesale water customers by means of one or more of the following: *direct mail/email,*

publication in a newspaper of general circulation, public service announcements, use of the District's Code Red call out system, and/or signs posted in public places.

Additional Notification:

The President of the Board of the Port O'Connor Improvement District, or his/ her designee, shall notify directly, or cause to be notified directly, the following individuals and entities:

Other POC ID Board members

LaSalle Water Control and Improvement District No. 1A Board President

Calhoun County Emergency Management Coordinator

Calhoun County Judge & Commissioner(s)

TCEQ Corpus Christi Regional office (required for Stages 2, 3, 4, and 5)

Calhoun County I.S.D.

Other POCID Major water users

• **Stage 1 Response -- MILD Water Shortage Conditions**

Goal: Achieve a ***voluntary 5 percent reduction*** in the average daily water demand, based upon the average daily water demand calculated for that time period of the calendar year.

District Management Measures: Reduced flushing of water mains to a minimum to meet regulatory requirements.

Wholesale Customers Management Measures: The President of the POCID, or his/her designee, will initiate weekly contact with the wholesale water customers to discuss water supply and demand conditions and will request that wholesale water customers reduce flushing of water mains to a minimum to meet regulatory requirements and initiate other volunteer measures to reduce water use. Wholesale water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

Voluntary Water Use Restrictions:

- (a) Water customers are requested to **VOLUNTARILY** limit the irrigation of landscaped areas to between the hours of 8:00 am to 10:00 am, 3:00 pm to 5:00 pm, and/or 10:00 pm to 6:00 a.m. and to avoid watering during high winds.
- (b) Water customers are requested to schedule with the District, at least 3 days in advance, the use of water to fill, re-fill, or add to any indoor or outdoor swimming pool, wading pool, or Jacuzzi-type pool, by submitting a written request to the District office. The approved date and time for the fill operations will be determined by the District Manager.
- (c) All operations of the Port O'Connor Improvement District shall adhere to water use restrictions prescribed for Stage 1 of the Plan.

(d) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes. Water conservation material is available at the District office and is provided in the utility bills on a periodic basis.

- **Stage 2 Response -- MODERATE Water Shortage Conditions**

Goal: Achieve a **10 percent reduction** in the average daily water demand, based upon the average daily water demand calculated for that time period of the calendar year.

District Management Measures: Reduced flushing of water mains to a minimum to meet regulatory requirements; reduced or discontinued irrigation of public landscaped areas; reduced or discontinued washing of District vehicles; and monitor systems to insure time response to leak repair.

Wholesale Customers Management Measures: The President of the POCID, or his/her designee, will initiate weekly contact with the wholesale water customers to discuss water supply and demand conditions and will request that wholesale water customers reduce flushing of water mains to a minimum to meet regulatory requirements and initiate mandatory measures to reduce non-essential water use.

The President of the POCID, or his/her designee, will initiate preparations for the implementation of pro rata curtailment of water deliveries by preparing a monthly usage allocation baseline for each wholesale water customer according to the procedures specified in Section X of this Plan.

Water Use Restrictions. UNDER THREAT OF DISCONNECTION OF WATER SERVICE FOR VIOLATION, the following mandatory 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 Mondays and Thursdays for customers with a 9-1-1 street address ending in an even number (0, 2, 4, 6 or 8), and Tuesdays and Fridays for water customers with a 9-1-1 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 8:00 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 8:00 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) Water customers must schedule with the District, at least 3 days in advance, the use of water to fill, re-fill, or add to any indoor or outdoor swimming pool, wading pool, or Jacuzzi-type pool, by submitting a written request to the District office. The approved date and time for the fill operations will be determined by the District Manager.
- (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 Port O'Connor Improvement District.
- (f) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 8:00 a.m. and between 8 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the Port O'Connor Improvement District, 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) Non-essential water use as defined in Section VII are prohibited, except as may otherwise be stated herein.

Stage 3 Response -- SEVERE Water Shortage Conditions

Goal: Achieve a ***15 percent reduction*** in the average daily water demand, based upon the average daily water demand calculated for that time period of the calendar year.

District Management Measures: Discontinue the flushing of water mains except for decontamination purposes, or to maintain required disinfectant residuals; discontinue irrigation of public landscaped areas; discontinue washing of District vehicles.

Wholesale Customers Management Measures: The President of the POCID, or his/her designee, will contact the wholesale water customers to discuss water supply and demand conditions and will encourage wholesale water customers to discontinue flushing of water mains except for decontamination purposes, or to maintain required disinfectant residuals; discontinue irrigation of public landscaped areas; and initiate additional mandatory measures to reduce non-essential water use.

The President of the POCID, or his/her designee, will initiate pro rata curtailment of water deliveries for each wholesale water customer according to the procedures specified in Section X of this Plan, if deemed appropriate.

Water Use Restrictions. All requirements of Stage 2 shall remain in effect during Stage 3 with the following additions and modifications:

- (a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight and 8:00 a.m. and between 8 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 system is prohibited at all times.
- (b) The 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 am and 10:00 am and 6:00 pm and 10:00 pm.
- (c) The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is absolutely prohibited.
- (d) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.
- (e) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except where the golf course utilizes a water source other than that provided by the Port O'Connor Improvement District.
- (f) Non-essential water use, as defined in Section VII, remain prohibited. The following non-essential water uses definition is modified as follows:
 1. failure to repair a controllable leak(s) within a five (5) day period after having been given notice directing the repair of such leak(s).

Stage 4 Response -- CRITICAL Water Shortage Conditions

Goal: Achieve a **20 percent reduction** in the average daily water demand, based upon the average daily water demand calculated for that time period of the calendar year.

District Management Measures: Upon implementation of Stage 4, the Port O'Connor Improvement District, upon having issued written notice, may disconnect the water services of willful violators to prevent the deliberate wasting of water.

Wholesale Customers Management Measures: The President of the POCID, or his/her designee, will contact the wholesale water customers to discuss water supply and demand conditions and will encourage wholesale water customers to also, upon written notice, disconnect the water services of willful violators to prevent the deliberate wasting of water; and initiate additional mandatory measures to reduce non-essential water use.

The President of the POCID, or his/her designee, will initiate pro rata curtailment of water deliveries for each wholesale water customer according to the procedures specified in Section X of this Plan.

Water Use Restrictions. All requirements of Stage 3 shall remain in effect during Stage 4 with the following additions and modifications:

- (a) Non-essential water use, as defined in Section VII, remain prohibited. The following non-essential water uses definition is modified as follows:
 1. failure to repair a controllable leak(s) within a three (3) day period after having been given notice directing the repair of such leak(s).
- (b) The District may suspend approval of all applications for new, additional, expanded, or increased-in-size water service connections, installation of meters, service lines, pipeline extensions, mains, or water service facilities of any kind, during such time as this Critical drought response stage 4 is in effect.

Stage 5 Response -- EMERGENCY Water Shortage Conditions

Goal: Achieve a **50 percent reduction** in the average daily water demand, based upon the average daily water demand calculated for that time period of the calendar year.

Supply Management Measures: Discontinue flushing of water mains, except for decontamination purposes, discontinue irrigation of public landscaped areas; discontinue washing of District vehicles. Upon implementation of Stage 5, the Port O'Connor Improvement District, upon having issued written notice, may disconnect the water services of willful violators to prevent the deliberate wasting of water.

Water Use Restrictions. All requirements of Stage 4 shall be in effect during Stage 5 with the following additions and modifications:

- (a) Irrigation of landscaped areas is absolutely prohibited.

SECTION X: PRO-RATA WATER ALLOCATION

In the event that the triggering criteria specified in Section VIII of this Plan for Stage 3 – Severe Water Shortage Conditions, have been met, the President of the POCID, or his/her designee, is hereby authorized to initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code Section 11.039. A provision will be included in every wholesale water contract entered into or renewed after adoption of this plan, including contract extensions, that in case of a shortage of water resulting from drought, the water to be distributed shall be divided in accordance with Texas Water Code §11.039.

SECTION XI: ENFORCEMENT

The provisions of this Plan shall apply to all contracts and amendments for commitment of wholesale water executed after the date of approval of this Plan.

- (a) No person shall knowingly or intentionally allow the use of water, supplied by the Port O'Connor Improvement District, for residential, commercial, industrial, agricultural, governmental, or any other purpose at a time or in a manner contrary to any provision of this Plan.
- (b) At the initiation of each stage of the plan which includes mandatory provisions, (Stages 2, 3, 4, and 5), no warning citations shall be issued nor fines accessed to a district Customer without the prior approval of the Board of Directors. When authorization is granted, the warning citation shall be in duplicate and shall contain the name and address of the alleged violator, if known, a description of the offense charged and shall direct them to contact the District Manager with any questions, to request a variance, or to contest the warning citation.
- (c) Any person, including a person classified as a water customer of the Port O'Connor Improvement District, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, unless clear evidence is presented to the Port 'Connor Municipal District Board which shows that he/she did not commit the violation.
- (d) If a person is issued three or more distinct warning citations for violations of the mandatory provisions of this Plan (Stages 2, 3, 4, and/or 5), the District Manager reserves the right, upon due notice to the customer, to disconnect 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 as established in the District's most current Code of Rules and Regulations, (currently set at \$100.00), and any other costs incurred by the District in disconnection of such service, plus a 17.5% fee. In addition, suitable assurance shall be provided to the District that the same action shall not be repeated while the Plan is in effect. If such suitable assurance is not provided, restoration of service will not occur until Stage 1 of the Plan or normal operating conditions is restored.
- (e) After being issued three (3) warning citations, a person who violates this Plan may be fined an amount up to, but not to exceed \$10,000 per violation. Each day that one or more of the provisions of this Plan is violated shall constitute a separate offense.

SECTION XII: VARIANCES

The President of the Board of the Port O'Connor Improvement District, 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 District within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the President of the Board of the Port O'Connor Improvement District, or his/her designee, and shall include the following:

- (a) Name and address of the petitioner(s).
- (b) Purpose of water use.
- (c) Specific provision(s) of the Plan from which the petitioner is requesting relief.
- (d) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- (e) Description of the relief requested.
- (f) Period of time for which the variance is sought.
- (g) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (h) Other pertinent information.

Variances granted by the District shall be subject to the following conditions, unless waived or modified by the District:

- (a) Variances granted shall include a timetable for compliance.
- (b) Variances granted shall expire when the Plan or a particular drought response stage, as applicable, 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 XIII: SEVERABILITY

It is hereby declared to be the intention of the Port O'Connor Improvement District that the sections, paragraphs, sentences, clauses, and phrases of this Plan 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 Port O'Connor Improvement District without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.