

**DROUGHT CONTINGENCY PLAN
FOR THE
CITY OF HAMILTON
April, 2019**

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 Hamilton, 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 1/8/2015 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 Hamilton by means of scheduling and providing public notice of a public meeting to accept input on the Plan.

Section III: Public and Wholesale Water Customer Education

The City of Hamilton 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 press release or utility bill inserts.

The City of Hamilton 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 the drought response measures to be implemented in each stage. This information will be provided by means of maintaining a copy of the Plan for review by the public at the Hamilton City Hall.

Section IV: Coordination with Regional Water Planning Groups

The service area of the City of Hamilton is located within the Brazos G Water Planning Group and the City of Hamilton has provided a copy of this Plan to the Brazos G Water Planning Group and TCEQ.

Section V: Authorization

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

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

Section VI: Application

The provisions of this Plan shall apply to all persons, customers (wholesale & retail), and property utilizing water provided by the City of Hamilton. The terms "person" and "customer" as used in the Plan include individuals, wholesale water customers, 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 purpose 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, wholesale water customer, company, or organization using water supplied by the City of Hamilton.

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.

Drip Irrigation: soaker hoses, or other low water emitter devices.

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 right-of-way and medians.

Member Cities: Comanche, De Leon, Dublin, Gorman, and Hamilton.

MSL: Mean Sea level

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-surface 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 firefighting.

Zones: Zone 1, Zone 2, Zone 3, Zone 4.

Watering Days: Zone 1 = Monday, Zone 2 = Tuesday, Zone 3 = Wednesday, Zone 4 = Thursday

Water Wells: water well is an excavation or structure created in the ground by digging, driving, boring or drilling to access groundwater in underground aquifers. The well water is by an electric submersible pump, a vertical turbine pump, a hand pump or a mechanical pump.

Section VIII: Criteria for Initiation and Termination of Drought Response Stages

The City Mayor, 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. Public notification of the initiation or termination of drought response stages shall be by means of publication in a newspaper of general circulation, direct mail to each customer and/or signs posted in public areas or radio and TV. Wholesale customers will be notified both by telephone and mail; or best possible means.

The triggering criteria described below are based on the estimated yield of Lake Proctor and past experience during drought periods. The City is contracted with Upper Leon Municipal Water District for the purchase of treated water. Therefore, the drought contingency measures taken by Upper Leon will also impact the measures taken by the City; as such the City will have authority to skip levels based on the information provided by Upper Leon. Triggering criteria will be initiated by Upper Leon and will be implemented by the City with respect to the City's customers.

Section IX: Drought Trigger and Response Stages

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

Notification

Notification of the Public:

The Mayor, or his/her designee, may notify the public by means of:

- Publication in a newspaper of general circulation
- Public information spots on a local/area radio station
- Signs posted in public places

Additional Notification:

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

- Members of the City Council
- Fire Chief(s)
- City and/or County Emergency Management Coordinator(s)
- TCEQ (*required when mandatory restrictions are imposed*)
- Major water users
- Critical water users, i.e. hospitals, nursing homes

The above individuals or entities shall be directly notified only when Stage III or IV is to be implemented.

Stage 1 Drought Watch:

Triggers - MILD Water Shortage Condition

Requirements for initiation

Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section VII - Definitions, when water supply of Proctor Lake reaches 1157 feet MSL or if reservoir is at or below 60% of water supply capacity and the storage is expected to be reduced to 50% within the next 12 month period. *[These levels, not the percentage, are subject to change based on notification by the Brazos River Authority or Upper Leon Municipal Water District levels].* Each city is responsible for notification of trigger point to other member cities.

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 30 consecutive days or determined by designee.

Response - MILD Water Shortage Conditions

Goal: Achieve a voluntary reduction in daily water demand.

Supply Management Measures:

The following measures are to be implemented directly by the City of Hamilton to manage limited water supplies and/or reduce water demand:

- *Reduced flushing of water mains*
- *Reduced irrigation of public landscaped areas.*

Voluntary Water Use Restrictions:

Water customers are requested to voluntarily conserve water by using best management practices that include the following:

- a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems be limited to (3) three days per week. Watering days are to be designated by the City. Irrigation of landscaped areas are 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
 - Drip irrigation system

Consider not watering between the hours of 11:00 a.m. and 6:00 p.m., due to high evaporation. Individuals irrigating from a water well, are encouraged to place a sign on their property notifying that, "Irrigation is being done by Water Well."

- b) Good conservation practices would include limiting use of water to wash any:

- motor vehicle
- motorbike
- boat
- trailer
- airplane
- or other vehicle

Such washing should be done with:

- A hand-held bucket
- A hand-held hose equipped with a positive shutoff nozzle for quick rinses.

- c) Manage the use of water to fill, refill, or add to any:

- indoor or outdoor swimming pools
- wading pools
- or Jacuzzi-type pools

- d) Consider reducing operation of any ornamental fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life and where such fountains or ponds are equipped with a recirculation system.

- e) Use of water from fire hydrants shall be limited to firefighting, 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 authorization of City Administrator.
- f) Refrain from unnecessary use of water for the irrigation of golf course greens, tees, and fairways.
- g) Restaurants are requested to serve water only upon request of the patron.
- h) The following uses of water are defined as non-essential and should be limited:
 - 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.
- (i) Controllable leaks should always be repaired within a reasonable period after having been notified of such leak(s).

Stage 2 Drought Warning:

Triggers-MODERATE Water Shortage Condition

Requirements for initiation

A Drought Warning phase will be issued when (1) water supply of Proctor Lake reaches 1154 feet MSL or if reservoir is at or below 50% of water supply capacity and the storage is expected to be reduced to 40% within the next 12 month period. *[subject to change based on Brazos River Authority or Upper Leon Municipal Water District levels]*. (2) the water system is unable to deliver water due to mechanical failure or damage of major water system components which will require more than 24 hours to repair if a Drought Watch is in progress. Each city is responsible for notification of trigger point to other member cities.

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 30 days or determined by designee. Upon termination of Stage 2, Stage 1 becomes operative.

Response- MODERATE Water Shortage Conditions

Goal: Achieve a voluntary minimum of 15% percent reduction in daily water demand.

Supply Management Measures:

The following measures are to be implemented directly by the City of Hamilton to manage limited water supplies and/or reduce water demand:

- *Reduced. Flushing of water mains*
- *Reduced irrigation of public landscaped areas.*

Voluntary Water Use Restrictions:

- a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems is requested to be no more than (2) two days per week. Watering days are to be designated by the City. Irrigation of landscaped areas is permitted at any time 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

However, consider not watering between the hours of 11:00 a.m. and 6:00 p.m., due to high evaporation. Individuals irrigating from water well, are requested to place a sign on their property notifying that, "Irrigation is being done by Water Well."

- b) Water customers are strongly encouraged not to wash any:

- motor vehicle
- motorbike
- boat
- trailer
- airplane
- or other vehicle

except on designated watering days between the hours of 7:00 a.m. and 9:00 a.m. and between 6:00 p.m. and 8:00 p.m. Such washing, should be done with:

- a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses.

Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public are contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

- c) Consider suspending the use of water to fill, refill, or add to any:

- swimming pools
- wading pools
- or Jacuzzi-type pools

except on designated watering days between the hours of 7:00 a.m. and 9:00 a.m. and between 6:00 p.m. and 8:00 p.m.

- d) Consider suspending any operation of any ornamental fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life and where such fountains or ponds are equipped with a recirculation system.
- e) Use of water from fire hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare. The use of water from fire hydrants for construction purposes must be approved by City Administrator in advance.
- f) Refrain from unnecessary watering of golf courses except on designated watering days between the hours of 7:00 a.m. and 9:00 a.m. and between 6:00 p.m. and 8:00 p.m. However, if the golf course utilizes a water source other than that provided by the City of Hamilton, the facility shall not be subject to these regulations.
- g) Restaurants should consider not serving water except upon request of the patron.
- h) The following uses of water are defined as non-essential and are strongly recommended not to be done:
 - 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.

Stage 3 Trigger & Responses:

Triggers - CRITICAL

Water Shortage Condition

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section IX of this Plan when water supply of Proctor Lake reaches 1149 feet MSL or if reservoir is at or below 30% of water supply capacity or if notified by ULRMWD of the need to trigger Stage III. *[Subject to change based on Brazos River Authority or Upper Leon Municipal Water District levels]*. Each city is responsible for notification of trigger point to other member cities.

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 30 days or determined by designee. Upon termination of Stage 3, Stage 2 becomes operative.

Response - CRITICAL Water Shortage Conditions

Goal: Achieve a 30% reduction in daily water demand.

Supply Management Measures:

The following measures are to be implemented directly by the City of Hamilton to manage limited water supplies and/or reduce water demand:

- *Reduced flushing of water mains*
- *Reduced irrigation of public landscaped areas.*

Mandatory Water Use Restrictions:

All requirements of Stage 2 shall remain in effect during Stage 3 and certain water uses become restricted or prohibited and penalties may be implemented and enforced by the city.

- a) Irrigation of landscaped areas is restricted to (1) one time a week and divided into zones. Watering day and zones are to be designated by the City. Individuals irrigating from a water well, must place and maintain a sign on their property notifying that, "Irrigation is being done by Water Well."
- b) Use of water to wash any:
 - motor vehicle, motorbike
 - boat
 - trailer
 - airplane
 - or other vehicle

is absolutely prohibited. 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 are contingent upon frequent vehicle cleaning, such as garbage trucks and vehicles used to transport food and perishables.
- c) The filling, refilling, or adding of water to:
 - swimming pools
 - wading pools
 - jacuzzi-type pool is prohibited.
- d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life and where such fountains or ponds are equipped with a recirculation system.
- e) Applications for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be reviewed and approved or denied

on a case by case application for such time as this drought response stage or a higher-numbered stage shall be in effect.

Stage 4 Trigger & Responses:

Triggers - EMERGENCY Water Shortage Conditions-Water Allocation

Requirements for initiation

All mandatory restrictions of Stage III will remain in effect and customers shall be required to comply with Stage 4 water allocation plan prescribed in Section IX of this Plan when the Mayor, or his/her designee, determines that a water supply emergency exists based on:

1. When water supply of Proctor Lake MSL reaches a level or conditions that triggers the ULRMWD Drought Emergency Conditions.
2. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or
3. Natural or man-made contamination of the water supply source(s).

Requirements for termination

Stage 4 and water allocation may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 30 days or determined by designee. Upon termination of Stage 4, Stage 3 becomes operative.

Response - EMERGENCY-WATER ALLOCATION

In the event that water shortage conditions threaten public health, safety, and welfare, the Mayor, or his/her designee, is hereby authorized to allocate water according to a water allocation plan. The plan may be implemented by the Mayor, or his/her designee when it has been determined necessary to achieve meeting any restrictions imposed on the city water supply. The water allocation plan under Section IX, Stage 4 Trigger & Response may be amended by act of City Council at any time in order to achieve meeting restrictions or limitations on the city water supply. Notice will be provided to the public by all necessary means.

Single-Family Residential Customers

The allocation to residential water customers residing in a single-family dwelling shall be (3,000) Three Thousand gallons per month.

Residential water customers shall pay the following surcharges:

- \$25.00 for the (1st) first 1,000 gallons over allocation
- \$30.00 for the (2nd) second 1,000 gallons over allocation
- \$45.00 for the (3rd) third 1,000 gallons over allocation
- 1st Offense - \$45.00 for each additional 1,000 gallons over allocation
- 2nd Offense - \$60.00 for each additional 1,000 gallons over allocation
- 3rd Offense - Water will be disconnected. Reconnection fee of \$250.00

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 3,000 gallons per month for each dwelling unit. It shall be assumed that such a customer's meter serves two dwelling units unless the customer notifies the City of Hamilton of a greater number on a form prescribed by the Mayor, or his/her designee. The Mayor, or his/her designee shall give his/her 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 Hamilton offices to completed 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 Mayor . If the number of dwelling units served by a master meter is reduced, the customer shall notify the City of Hamilton in writing within two (2) days. In prescribing the method for claiming more than two (2) dwelling units, the Mayor shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of dwelling units served by a master meter or fails to timely notify the City of Hamilton shall be fined not less than \$25.00. Customers billed from a master meter under this provision shall pay the following monthly surcharges:

- \$25.00 for 1,000 gallons over allocation up through 1,000 gallons for each dwelling unit
- \$30.00, thereafter, for each additional 1,000 gallons over allocation up through a second 1,000 gallons for each dwelling unit
- \$45.00, thereafter, for each additional 1,000 gallons over allocation up through a third 1,000 gallons for each dwelling unit
- 1st Offense - \$45.00 for each additional 1,000 gallons over allocation
- 2nd Offense - \$60.00 for each additional 1,000 gallons over allocation
- 3^d Offense - Water may be disconnected. Reconnect fee of \$250.00

Surcharges shall be cumulative.

Commercial Customers

A monthly water allocation shall be established by the Mayor, or his/her designee, for each non-residential commercial customer other than an industrial customer who uses water for processing purposes. The non-residential customer's allocation shall be approximately 75% percent of the customer's usage for corresponding month's billing period for the previous 12 months. If the customer's billing history is shorter than 12 months, the monthly average for the period for which there is record shall be used for any monthly period for which no history exists. Provided however a customer, 50% percent of whose monthly usage is less than 10,000 gallons shall be allocated 7,500 gallons. The Mayor shall give his/her best effort to see that notice of each non-residential customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the City of Hamilton to determine the allocation. Upon request of the customer or at the initiative of the Mayor, the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the customer's normal water usage, or (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 Council. Non-residential commercial customers shall pay the following surcharges:

- \$25.00 per thousand gallons for the (1st) first 1,000 gallons over allocation
- \$30.00 per thousand gallons for the (2nd) second 1,000 gallons over allocation
- \$45.00 per thousand gallons for the (3rd) third 1,000 gallons over allocation
- 1st Offense - \$45.00 for each additional 1,000 gallons over allocation
- 2nd Offense - \$60.00 for each additional 1,000 gallons over allocation
- 3rd Offense - Water may be disconnected. Reconnect fee \$250.00

The surcharge shall be cumulative.

Industrial Customers

A monthly water allocation shall be established by the Mayor, or his/her designee, for each industrial customer, which uses water for processing purposes. The industrial customer's allocation shall be approximately 90% percent 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% percent of the customer's water usage baseline. The industrial customer's water use baseline will be computed on the average water use for the 12-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 12 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 Mayor shall give his/her best effort to see that notice of each industrial 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 Hamilton 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 Mayor, the allocation may be reduced or increased, (1) if the designated period does not accurately reflect the customer's normal water use because the customer had shut down a majority 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 shut down 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 (5) if 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.

Industrial customers shall pay the following surcharges:

- \$25.00 per thousand gallons for the (1st) first 1,000 gallons over allocation
- \$30.00 per thousand gallons for the (2nd) first 1,000 gallons over allocation
- \$45.00 per thousand gallons for the (3rd) third 1,000 gallons over allocation
- 1st Offense - \$45.00 for each additional 1,000 gallons over allocation
- 2nd Offense - \$60.00 for each additional 1,000 gallons over allocation
- 3rd Offense - Water may be disconnected. Reconnect fee \$250.00

The surcharges shall be cumulative.

Section X: Enforcement

- a) No person shall knowingly or intentionally allow the use of water from the City of Hamilton for residential, wholesale, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by Mayor, or his/her designee, in accordance with provisions of this Plan.
- b) Any person who violates this Plan is guilty of a misdemeanor and; upon conviction shall be punished by a fine of not less than (\$250.00) two hundred fifty dollars and not more than (\$500.00) five hundred dollars. Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the Mayor shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a reconnect charge, hereby established at \$250.00, and any other costs incurred by the City of Hamilton in discontinuing service. In addition, suitable assurance must be given to the Mayor that the same action shall not be repeated while the Plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.
- c) Any person, including a person classified as a water customer of the City of Hamilton, 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 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 Hamilton, police officer, or other City employee designated by the Mayor, may issue a citation to a person he/she reasonably believes to be in violation of this Ordinance. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the Municipal Court on the date shown on the citation for which the date shall not be less than (3) three business days nor more than (5) five business days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be completed 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 Mayor, or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

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

Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with the City of Hamilton within (5) five business days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the Mayor, or his/her designee, and shall include the following:

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

Variances granted by the City of Hamilton shall be subject to the following conditions, unless waived or modified by the Mayor of 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 Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance/Resolution 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 Council without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

Section XIII: Plan Update

The Mayor, or his/her designee, shall review, update, and seek Council authorization for this Drought Contingency Policy, as appropriate, at least every five (5) years, or if conditions, such as adoption or revision of a regional water plan or any new or updated information, warrants. As a minimum the Plan will be updated again by April 11, 2024 and every five (5) years thereafter.

Section XIV: Effective Date

This Drought Contingency Plan shall take effect April 11, 2019.