

Adoption of Water Conservation & Drought Contingency Plan

ORDINANCE NO. 455

AN ORDINANCE ADOPTING A WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN FOR THE CITY OF ANTHONY TO PROMOTE RESPONSIBLE USE OF WATER AND TO ESTABLISHING CRITERIA FOR THE INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES INCLUDING RESTRICTIONS AND PROVIDING FOR PENALTIES AND/OR SEVERABILITY AND AN EFFECTIVE DATE.

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

WHEREAS, the City recognizes that drought, system failure and other acts of God may occur and that the City cannot guarantee an uninterrupted water supply for all purposes at all times; and

WHEREAS, the City desires to conserve water resources and prepare for drought; and

WHEREAS, the City desires to comply with Section 11.1271 of the Texas Water Code and applicable rules of the Texas Commission on Environmental Quality which require these plans for all public water supply systems; and

WHEREAS, the City desires to comply with the rules of the Texas Water Development Board should it decide to avail itself of various financial assistance programs found in Title 31, Texas Administrative Code Chapter 363; and

WHEREAS, pursuant to Chapter 54 of the Local Government Code and in the best interests of its citizens, the City is authorized to adopt Ordinances it deems are necessary and expedient to preserve and conserve its water resources and to prepare for drought;

NOW THEREFORE, BE IT RESOLVED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANTHONY, TEXAS THAT:

Section 1. The City Council does hereby find and declare that sufficient and timely written notice of place and subject matter of this meeting adopting this Ordinance was posted. The City Council further ratifies, approves and confirms such written notice and the posting thereof.

Section 2. The City Council adopts the Water Conservation & Drought Contingency Plans attached to this ordinance. All ordinances that are in conflict with the provisions of this Ordinance are hereby repealed.

TOWN OF ANTHONY WATER CONSERVATION PLAN July 2008

I. INTRODUCTION

The Town of Anthony (The City) obtains its water supply through a system of ground water wells. The objective of this Water Conservation Plan (The Plan) is to improve the efficiency in the use of water through practices and techniques that will reduce the consumption of water, reduce the loss of water, and increase the reuse of water so that a water supply is made available for future uses.

II. SERVICE AREA DESCRIPTION

The service area of the City water system is the area within the City Limits of Anthony, Texas. The City provides both water and wastewater services to customers within its service area.

III. WATER CONSERVATION BENEFITS

Many communities throughout the United States have used conservation measures to successfully cope with various water and wastewater problems. There are many benefits to water conservation, including:

- A. Reduced capital and operating costs for water and wastewater systems;
- B. Delaying the time when new water or wastewater systems must be built;
- C. Reduced demand on supplies, thus making these supplies available for future use;
- D. Reduced peak demand on water treatment and distribution systems;
- E. Drought-proofing water systems so that rationing, such as restrictions on lawn watering, can be avoided or the need for such measures reduced;
- F. Reduced wastewater flows to wastewater treatment facilities and reduced potential for water pollution; and
- G. Significant dollar savings to the citizens through both reduced water use and associated reductions in energy use.

IV. WATER CONSERVATION GOALS

The Town of Anthony will increase its emphasis on water conservation measures in order to maintain per capita water use as the population increases. These efforts are necessary in order to ensure existing capacity will be sufficient to meet the needs of the City as its population increases. Water conservation goals are to:

- A. Reduce gpcd usage by 1 gpcd annually over the next five years and another 0.5 gpcd annually in the next five year period, based on a 5-year rolling average calculation. Base (current 5 year rolling average) water usage is 136 gpcd. The 5-year goal is 131 gpcd in 2012. The 10-year goal is 120 gpcd in 2017.
- B. Unaccounted for water is currently .06% of total water produced, or 8.6 gpcd. This is very good. The city's 5 and 10- year goals are to maintain unaccounted for water below .06%, or 8.6 gpcd.

V. MEASUREMENT AND ACCOUNTING FOR WATER DELIVERIES

The City meters the quantity of water that is delivered to residential and commercial customers, and to some public uses. An effort is being made to meter any un-metered City facility sites. Flow recording meters are installed on all pump stations to record the total amount of water that enters the system and are read and recorded daily. Customer meters are read and the quantities are recorded once per month, with billings made monthly for residential and commercial customers.

VI. WATER CONSERVATION PLAN

The Water Conservation Plan elements are described below.

A. Public Information and Education

The City will:

1. Designate a City staff member to assist other City staff in carrying out the City's water conservation programs;
2. Make water conservation brochures available to citizens. Materials are available from the Texas Agriculture Extension Service and the Texas Water Development Board.
3. Work in cooperation with schools to promote water education;
4. Make the City's conservation rules available to the public;
5. Provide water conservation information to new water and wastewater customers at the time service is established;
6. Make water conservation information available through the Chamber of Commerce.
7. Facilitate City staff attendance and participation in water conservation program training offered by state agencies and professional organizations.

B. Water Conservation Plumbing Fixtures

In 1991, the Texas Legislature passed legislation requiring that plumbing fixtures sold in Texas after January 1, 1992 meet the following standards:

1. Shower Heads: No more than 2.75 gallons per minute at 80 pounds per square inch of pressure.
2. Lavatory/Sink Faucets and Aerators: no more than 2.2 gallons per minute at 60 pounds per square inch of pressure.
3. Wall Mounted, Flushometer Toilets: No more than 2.0 gallons per flush.
4. All Other Toilets: No more than 1.6 gallons per flush.
5. All Urinals: No more than 1.0 gallons per flush.
6. Drinking Water Fountains: Must be self closing.

The above standards are enforced through requirements placed directly on the manufacturers, importers, and suppliers of new fixtures in Texas.

C. Water Conservation Retrofit Program

Encourage the voluntary retrofit of existing plumbing fixtures by individual consumers and business operators. As older fixtures wear out, they are replaced with new fixtures that must meet the new requirements.

D. Water Conservation Oriented Rates

Assess the implementation of a rate structure which is cost-based and does not encourage the excessive use of water.

E. Metering and Meter Repair and Replacement

The City meters the amount of water pumped from each water well with flow metering devices. The City will begin testing flow metering devices on all wells every year to ensure the accuracy of each meter.

The City meters all water sales and most public uses, and repairs or replaces meters when the City determines it is needed. Major commercial meters are tested and replaced as necessary,

F. Water Conserving Landscape

The City encourages and supports the use of xeriscape landscaping techniques.

G. Leak Detection and Water Audits

When leaks are found, repairs are made as soon as possible. Continue to perform scheduled leak detection.

The water system is regularly audited/monitored to determine illegal connections or other types of water use that are not accounted for on the system.

H. Wastewater Reuse and Recycling

N/A

I. Water Record Management System

The City maintains a record management system that records water pumped, water deliveries, water sales and water losses, which allows for the desegregation of water sales and uses into user classes.

J. Schedule for Implementing the Plan to Achieve Targets and Goals

The Town of Anthony will adhere to the following schedule, to achieve the targets and goals for water conservation:

1. Calibrations of meters for all treated water deliveries are conducted annually.
2. Meters will continue to be monitored for accuracy annually and replaced as determined by the City.
3. Water audits are conducted annually.
 - a) Real water losses are identified and corrected.
 - b) Real water losses are minimized by replacement of deteriorating water mains and appurtenances, as is conducted by City staff on an on-going basis.
4. The City will make available material developed by the City staff, materials obtained from the Texas Water Development Board, Texas Commission on Environmental Quality or other sources annually to all customers.
5. The City will continue to review rates as needed to insure water revenues exceed expenses and replacement costs and to discourage excessive and wasteful use.
6. Continue leak detection and repair program to reduce real water losses.
 - a) Inspections of water main fittings and connections.
 - b) Pressure control by the use of monitoring and control equipment.
7. New construction or renovations in the City must use water conserving fixtures.

K. Tracking Targets and Goals

The Town of Anthony staff shall track targets and goals by utilizing the following procedures:

1. Logs shall be maintained for meter calibration, meter testing, and meter replacement programs.
2. Annual water audits shall be documented and retained in the Town of Anthony Utility Department files.

3. City staff shall keep a record of conservation awareness activities.
4. Rates are tracked by means of ordinances adopted.
5. Leak detection logs shall be maintained, including inspections of water main fittings and connections.

VII. IMPLEMENTATION AND ENFORCEMENT

The Mayor, or his/her designer, is hereby authorized and directed to implement and enforce the applicable provisions of this Plan.

**DROUGHT CONTINGENCY PLAN
FOR THE TOWN OF ANTHONY
July 2008**

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 Town of Anthony 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 XI of this Plan.

II Public Education

The Town of Anthony 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 releases or utility bill inserts or postings on the City's website.

III Coordination with Regional Water Planning Groups

The service area of the Town of Anthony is located within the Far West Texas Regional Water Planning Group's water planning area and Town of Anthony has provided a copy of this Plan to the Far West Texas Regional Water Planning Group.

IV 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.

V Application

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

VI Definitions

For the purposes of this Plan, the following definitions shall apply:

Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Commercial & institutional water use: water use integral to the operations of governmental, non-profit and commercial entities including retail establishments, hotels and motels, restaurants, and office buildings.

Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce water loss/waste, improve the water use efficiency or increase the recycling and

reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer: any person, company, or organization using water supplied by Town of Anthony.

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

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

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

Landscape irrigation use: water 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) 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 purposes, except 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 or any other purposes other than fire fighting.

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

VII Triggering Criteria for Initiation and Termination of Drought Response Stages

The Mayor, or his/her designee, shall monitor water supply and/or demand conditions 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 the West Texas County Courier, public service announcements on local radio, posting on the City's website, or other means deemed appropriate

(a) Stage 1 - Mild Water Shortage Conditions

Requirements for initiation - Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section VII - Definitions, when:

1. Daily water demands exceed 90% of the water plant's capacity to produce or pump water for three consecutive days
2. An equipment or system disruption of failure occurs that limits the capacity of the water system to below 85% during high demand periods

Requirements for termination - when all triggering events have ceased to exist for 3 consecutive days or for a period of time deemed appropriate by the Mayor or his/her designee.

(b) Stage 2 - Moderate Water Shortage Conditions

Requirements for initiation - Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section VII of this Plan when

1. Daily water demands exceed 90% of the water plant's capacity to produce or pump water for three consecutive days
2. An equipment or system disruption of failure occurs that limits the capacity of the water system to below 75% during high demand periods

Requirements for termination - when all triggering events have ceased to exist for 3 consecutive days or for a period of time deemed appropriate by the Mayor or his/her designee.

Stage 3 - Severe Water Shortage Conditions

Requirements for initiation - Customers shall comply with Stage 3 non-essential water uses provisions of this Plan:

1. When water demands exceed 98% of the water plant's capacity to produce or pump water for three consecutive days or moderate conditions have remained in effect for an extended period of time, as determined by the Mayor or his/her designee
2. An equipment or system disruption of failure occurs that limits the capacity of the water system to below 70% during high demand periods

Requirements for termination - when all triggering events have ceased to exist for 3 consecutive days or for a period of time deemed appropriate by the Mayor or his/her designee. Upon termination of Stage 3, Stage 2 becomes operative.

Stage 4 - Emergency Water Shortage Conditions

Requirements for initiation - Customers shall comply with Stage 4 provisions of this Plan when the Mayor or his/her designee determines that a water supply emergency exists based on:

1. Extended severe conditions or natural catastrophic situations occur that interrupt or have the potential the City's potable water system; or
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 - when all triggering events have ceased to exist for 3 consecutive days or for a period of time deemed appropriate by the Mayor or his/her designee. Upon termination of Stage 4, Stage 3 becomes operative.

VIII Drought Response Stages

Stage 1 - Mild Water Shortage Conditions

Goal: Achieve a voluntary 1 to 5 percent reduction in daily water demand.

Voluntary Water Use Restrictions:

- (a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only between the hours of midnight and 10:00 a.m. and 8:00 p.m. to midnight on designated watering days.
- (b) All operations of the Town of Anthony shall adhere to water use restrictions prescribed for Stage 2 of the Plan.
- (c) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

Stage 2 - Moderate Water Shortage Conditions

Goal: Achieve a 5 to 10 percent reduction in daily water demand.

Water Use Restrictions:

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

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

equipped with a recirculation system.

- (e) Use of water from hydrants shall be limited to fire fighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the Town of Anthony.
- (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 10:00 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 Town of Anthony, the facility shall not be subject to these regulations.
- (g) All restaurants are prohibited from serving water to its patrons except when requested,
- (h) The following uses of water are defined as non-essential and are prohibited:
 1. wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 2. use of water to wash down buildings or structures for purposes other than immediate fire protection;
 3. use of water for dust control;
 4. flushing gutters or permitting water to run or accumulate in any gutter or street; and
 5. failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Stage 3 - Severe Water Shortage Conditions

Goal: Achieve a 10 to 15 percent reduction in daily water demand.

Water Use Restrictions:

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

- (a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6:00 a.m. and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems are prohibited at all times.
- (b) The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the Town of Anthony.
- (c) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.
- (d) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10 p.m.
- (e) The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.

- (f) 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.
- (g) No 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 allowed or approved.

Stage 5 - Emergency Water Shortage Conditions

Goal: Reduce water usage as deemed necessary to alleviate the Emergency Conditions, maintain fire flows, and or / State requirements for maintenance of distribution systems.

Water Use Restrictions:

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

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

IX Water Allocations

In the event that water shortage conditions threaten public health, safety, and welfare, the city council may implement a surcharge system for water usage over specified volumes for residential, commercial, and industrial customers.

X Enforcement

- (a) No person shall knowingly or intentionally allow the use of water from the Town of Anthony for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by Mayor, 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 more than \$2,000 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 re-connection charge, established by city policy, and any other costs incurred by the Town of Anthony 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 Town of Anthony, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the

child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation.

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

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 Town of Anthony within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the Mayor, 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 Town of Anthony shall be subject to the following conditions, unless waived or modified by the Mayor or his/her designee:

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

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

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

XII Severability

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

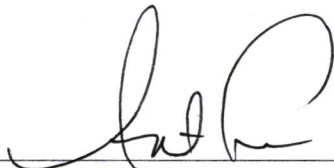
Section 3. Should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected.

Section 4. The City Secretary is hereby authorized and directed to publish this Ordinance.

Section 5. The City Manager or chief administrative officer or his designee is hereby directed to file a copy of the Plan and this Ordinance with the Texas Water Development Board in accordance with Title 31, Chapter 363 of the Texas Administrative Code.

Section 6. This Ordinance shall take effect after passage and publication.

Passed and Approved by the City council on this 12th day of August, 2008.

A handwritten signature in black ink, appearing to read 'Art Franco', is written over a horizontal line.

Art Franco, Mayor

Attest:

Myriam Uribe, City Secretary