

# **DROUGHT CONTINGENCY PLAN**

## **FOR THE**

# **CITY OF CLARENDON, TEXAS**

**ADOPTED BY THE CLARENDON CITY COUNCIL  
ON  
JULY 26, 2011**

***Renewed: April 10, 2025***

## **TABLE OF CONTENTS**

**ORDINANCE FOR RENEWAL**

**DROUGHT CONTINGENCY PLAN**

**ORDINANCE FOR THE RENEWAL OF A DROUGHT CONTINGENCY PLAN**  
**by the**  
**CITY OF CLARENDON, TEXAS**

ORDINANCE #

AN ORDINANCE OF THE CITY OF CLARENDON, TEXAS, RENEWING A DROUGHT CONTINGENCY PLAN; ESTABLISHING CRITERIA FOR THE INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES; ESTABLISHING RESTRICTIONS ON CERTAIN WATER USES; ESTABLISHING PENALTIES FOR THE VIOLATION OF AND PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS; ESTABLISHING PROCEDURES FOR GRANTING VARIANCES; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Clarendon, Texas recognizes that the amount of water available to the City and its water utility customers is limited and subject to depletion during periods of extended drought; and

WHEREAS, the City recognizes that natural limitations due to drought conditions and other acts of God cannot guarantee an uninterrupted water supply for all purposes; and

WHEREAS, the City recognizes that natural or man-made contamination of the water supply, or a major line break, or pump or equipment failure could occur, which would cause an unprecedented loss of capacity to provide water service; and

WHEREAS, the Greenbelt Municipal and Industrial Water Authority supplies wholesale treated water to the City of Clarendon; and

WHEREAS, the Greenbelt Municipal and Industrial Water Authority has specific policies for water conservation and allocation of water during drought conditions; and

WHEREAS, the Greenbelt Municipal and Industrial Water Authority has specific penalties enumerated which could be enforced against the City of Clarendon for failure to conserve water; and

WHEREAS, Section 11.1272 of the Texas Water Code and applicable rules of the Texas Commission on Environmental Quality require all public water supply systems in Texas to prepare a drought contingency plan; and

WHEREAS, as authorized under law, and in the best interests of the citizens of Clarendon, Texas, the Clarendon City Council deems it expedient and necessary to

establish certain rules and policies for the orderly and efficient management of limited water supplies during drought and other water supply emergencies;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF CLARENDON, TEXAS:

SECTION 1.

That the City of Clarendon, Texas Drought Contingency Plan attached hereto as Exhibit "A" and made part hereof for all purposes be, and the same is hereby, adopted as the official policy of the City.

SECTION 2.

That City of Clarendon approve an Ordinance renewing Ordinance #329, AN ORDINANCE ADOPTING A DROUGHT CONTINGENCY PLAN; ESTABLISHING CRITERIA FOR THE INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES; ESTABLISHING RESTRICTIONS ON CERTAIN WATER USES; ESTABLISHING PENALTIES FOR THE VIOLATION OF AND PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS; ESTABLISHING PROCEDURES FOR GRANTING VARIANCES; AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE and all ordinances that are in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3.

Should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

SECTION 4.

An emergency is hereby declared to exist.

SECTION 5.

This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

DULY PASSED BY THE CITY OF CLARENDON, TEXAS, on the 10<sup>th</sup>  
day of April, 2025.

**Given under my hand this 10<sup>th</sup> day of April, 2025.**

**THE CITY OF CLARENDON**

**(seal)**

---

Jacob Fangman  
Mayor

ATTEST:

---

Machiel Covey  
City Secretary

## **EXHIBIT “A”**

### **DROUGHT CONTINGENCY PLAN CITY OF CLARENDON, TEXAS JULY 26, 2011**

#### **Section I: Declaration of Policy, Purpose, and Intent**

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Clarendon, Texas hereby adopts the following Drought Contingency Plan.

#### **Section II: Public Involvement**

Opportunity for the public and wholesale water customers to provide input into the preparation of the Plan was provided by the City of Clarendon by means of the monthly meetings of the Clarendon City Council.

#### **Section III: Wholesale Water Customer Education**

The City of Clarendon will periodically provide 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. A copy of the drought contingency plan will be furnished to the water authority. Water customers will be periodically informed as to which stage of the plan we are operating under. This will be done in the monthly water bills.

#### **Section IV: Coordination with Regional Water Planning Groups**

The service area of the City of Clarendon is located in Region A and the City of Clarendon has provided a copy of the plan to this group.

#### **Section V: Authorization**

The Clarendon City Council, or its 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 Clarendon City Council, or its 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 customers utilizing water provided by the City of Clarendon. The terms customer as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

## **Section VII: Triggering Criteria for Initiation and Termination of Drought Response Stages**

The City of Clarendon shall rely on the Greenbelt Municipal and Industrial Water Authority to monitor water supply and demand conditions on a monthly basis and Greenbelt Municipal and Industrial Water Authority shall determine when conditions warrant initiation or termination of each stage of the Plan. Wholesale customer notification by Greenbelt Municipal and Industrial Water Authority of the initiation or termination of drought response stages will be made by mail or telephone. The news media will also be informed.

### **(a) Stage 1—Mild Water Shortage Conditions**

Requirements for initiation— Greenbelt Municipal and Industrial Water Authority will recognize that a mild water shortage condition exists when the water storage in the Greenbelt Reservoir reaches an elevation level of 2624.00.

Requirements for Termination—Stage 1 of the plan may be rescinded when all the conditions listed as triggering events have ceased to exist for a period of 30 consecutive days. The Greenbelt Municipal and Industrial Water Authority will notify its wholesale customers and the media of the termination of Stage 1 in the same manner as the notification of initiation of Stage 1 of the Plan.

### **(b) Stage 2—Moderate Water Shortage Conditions**

Requirements for initiation— Greenbelt Municipal and Industrial Water Authority will recognize that a moderate water shortage condition exists when the water storage in the Greenbelt Reservoir reaches an elevation level of 2621.00, and the daily flow or demand for water equals or exceeds 7.5mgd.

Requirements for Termination—Stage 2 of the plan may be rescinded when all the conditions listed as triggering events have ceased to exist for a period of 30 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative. The Greenbelt Municipal and Industrial Water Authority will notify its wholesale customers and the media of the termination of Stage 2 in the same manner as the notification of initiation of Stage 1 of the Plan.

### **(c) Stage 3—Emergency Water Shortage Conditions**

Requirements for initiation— Greenbelt Municipal and Industrial Water Authority will recognize that a severe water shortage condition exists when the water storage in the Greenbelt Reservoir reaches an elevation level of 2618.00, and the daily flow or the daily demand for water equals or exceeds 7.5mgd.

Requirements for Termination—Stage 3 of the plan may be rescinded when all the conditions listed as triggering events have ceased to exist for a period of 30 consecutive days. Upon termination of Stage 3, Stage 2 becomes operative. The Greenbelt Municipal and Industrial Water Authority will notify its wholesale customers and the media of the termination of Stage 2 in the same manner as the notification of initiation of Stage 3 of the Plan.

#### **(d) Stage 4—Emergency Water Shortage Conditions**

Requirements for initiation— The Greenbelt Municipal and Industrial Water Authority will recognize that a severe water shortage condition exists when the water storage in the Greenbelt Reservoir reaches an elevation level of 2615.00, and the daily flow or the daily demand for water equals or exceeds 7.5mgd. Also in the event of a major line break, or pump or system failures occur, which cause unprecedented loss of capacity to provide water service, or in the case of natural or man-made contamination of the water supply, Greenbelt Municipal and Industrial Water Authority will recognize that a severe water shortage condition exists

Requirements for Termination—Stage 4 of the plan may be rescinded when all the conditions listed as triggering events have ceased to exist for a period of 30 consecutive days. The Greenbelt Municipal and Industrial Water Authority will notify its wholesale customers and the media of the termination of Stage 4.

### **Section VIII: Drought Response Stages**

The Clarendon City Council, or its designee, shall communicate with Greenbelt Municipal and Industrial Water Authority regarding water supply and demand conditions, and shall determine when mild, moderate, or severe water shortage conditions exist or that emergency conditions exist and shall implement the following actions:

#### **(a) Stage 1 Response -- MILD Water Shortage Conditions**

1. Goal: achieve a voluntary 10 percent reduction in total water use, or the daily demand for water.
2. Demand Management Measures:

(a) The Greenbelt Municipal and Industrial Water Authority will contact



wholesale water customers to discuss water supply and demand conditions and will request that wholesale water customers initiate voluntary measures to reduce water use, and initiate Stage 1 of the wholesale customer's drought contingency plan.

- (b) The City of Clarendon will request that all of its water customers practice water conservation and minimize or discontinue water use for non-essential purposes, with the goal of reducing water usage by 10%.

**(b) Stage 2 Response-- MODERATE Water Shortage Conditions**

1. Goal: achieve a voluntary 20 percent reduction in total water use, or the daily demand for water.
2. Supply Management Measures: The water authority will lower the level in all storage tanks to no more than 75% of capacity, thus reducing the pressure on the wholesale water customer's system. This in turn would help conserve water.
3. Demand Management Measures:
  - (a) The Greenbelt Municipal and Industrial Water Authority will initiate weekly contact with wholesale water customers to discuss water supply and/or demand conditions.
  - (b) The Greenbelt Municipal and Industrial Water Authority will request wholesale water customers to initiate mandatory measures to reduce non-essential water use, and to initiate Stage 2 of the wholesale water customer's drought contingency plan.
  - (c) The Greenbelt Municipal and Industrial Water Authority will provide a weekly report to news media with information regarding current water supply and demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.
  - (d) The City of Clarendon will request that all of its water customers practice water conservation and minimize or discontinue water use for non-essential purposes, with the goal of reducing water usage by 20%. It will be strongly recommended that customers:
    1. Limit outside watering to twice-a-week, and then before 10:00 am and after 7:00 pm. Residential customers with odd-numbered street addresses water on Wednesdays and Saturdays. Residential customers with even-numbered street addresses water on Thursdays and Sundays. Commercial customers water on Tuesdays and Fridays.

2. Limit washing of motor vehicles, motorbikes, boats, and other vehicles at home to before 10:00 am or after 7:00 pm on your designated watering day, and then use a bucket and/or a hand-held hose equipped with a shut-off nozzle. Commercial car washes are excepted.
3. Avoid filling swimming pools except during the above watering hours.
4. Avoid operating ornamental fountains unless necessary to support aquatic life or if equipped with a recirculation system.
5. Do not water-wash driveways, sidewalks, and other hard-surfaced areas. Do not wash down buildings or structures except for immediate fire protection.
6. Repair all leaks as soon as possible, and report any leaks or unauthorized usage to City Hall. Night and weekend emergency leaks should be reported to the Donley County Sheriff's Office at 806.874.3533.

**(c) Stage 3 Response-- SEVERE Water Shortage Conditions**

1. Goal: achieve a voluntary 30 percent reduction in total water use, or the daily demand for water.
2. Supply Management Measures: The water authority would lower the level in all storage tanks to no more than 50% of capacity, thus reducing the pressure on the wholesale water customer's system. This in turn would help conserve an even greater amount of water.
3. Demand Management Measures:

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

- (a) The Greenbelt Municipal and Industrial Water Authority will contact wholesale water customers to discuss water supply and demand conditions and will request that wholesale water customers initiate additional voluntary measures to reduce water use, and initiate Stage 3 of the wholesale customer's drought contingency plan.
- (b) The Greenbelt Municipal and Industrial Water Authority will provide a weekly report to news media with information regarding current water supply and demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

(c) The City of Clarendon will request that all of its water customers practice water conservation and minimize or discontinue water use for non-essential purposes, with the goal of reducing water usage by 30%. Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

1. Limit outside watering to twice-a-week, and then before 10:00 am and after 7:00 pm. Residential customers with odd-numbered street addresses water on Wednesdays and Saturdays. Residential customers with even-numbered street addresses water on Thursdays and Sundays. Commercial customers water on Tuesdays and Fridays.
2. Limit washing of motor vehicles, motorbikes, boats, and other vehicles at home to before 10:00 am or after 7:00 pm on your designated watering day, and then use a bucket and/or a hand-held hose equipped with a shut-off nozzle. Commercial car washes are excepted.
3. Avoid filling swimming pools except during the above watering hours.
4. Avoid operating ornamental fountains unless necessary to support aquatic life or if equipped with a recirculation system.
5. Do not water-wash driveways, sidewalks, and other hard-surfaced areas. Do not wash down buildings or structures except for immediate fire protection.
6. Repair all leaks as soon as possible, and report any leaks or unauthorized usage to City Hall. Night and weekend emergency leaks should be reported to the Donley County Sheriff's Office at 806.874.3533.

#### **(d) Stage 4 Response -- EMERGENCY Water Shortage Conditions**

Whenever emergency water shortage conditions exist as defined in Section VII of the Plan, the Greenbelt Municipal and Industrial Water Authority will:

1. Assess the severity of the problem and identify the actions needed and time required to solve the problem.
2. Inform the utility director or the other responsible official of each wholesale water customer by telephone or in person and suggest actions, as appropriate, to alleviate problems, until service is restored.
3. The City of Clarendon will request that all of its water customers practice water conservation and discontinue water use for non-essential purposes, with the goal

of reducing water usage by more than 30%. All requirements of Stage 3 shall remain in effect during Stage 4 except for responses listed below. Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

- 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 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times. Residential customers with odd-numbered street addresses water on Wednesdays and Saturdays. Residential customers with even-numbered street addresses water on Thursdays and Sundays. Commercial customers water on Tuesdays and Fridays.
- b. 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.
- c. Avoid filling swimming pools except during the above watering hours.
- d. Avoid operating ornamental fountains unless necessary to support aquatic life or if equipped with a recirculation system.
- e. Do not water-wash driveways, sidewalks, and other hard-surfaced areas. Do not wash down buildings or structures except for immediate fire protection.
- f. Repair all leaks as soon as possible, and report any leaks or unauthorized usage to City Hall. Night and weekend emergency leaks should be reported to the Donley County Sheriff's Office at 806.874.3533.

## **Section IX: Pro Rata Water Allocation**

In the event that the triggering criteria specified in Section VII of the plan for Stage 4—Emergency Water Shortage Conditions have been met, the Board of Directors of the Greenbelt Municipal and Industrial Water Authority has the authority to initiate allocation of water supplies on a pro rata basis in accordance with the Texas Code Section 11.039 and according to the following water allocation policies and procedures:

A wholesale customer's monthly allocation shall be a percentage of the customer's water usage baseline. The percentage will be set by resolution of the Board of Directors of the Greenbelt Municipal and Industrial Water Authority based on the General Manager's assessment of the severity of the water shortage condition and the need to curtail water deliveries and may be adjusted periodically by resolution of the Board of Directors of the Greenbelt Municipal and Industrial Water Authority as conditions warrant. Once pro rata allocation is in effect, water deliveries to each wholesale customer shall be limited to the allocation for each month.

A monthly water usage allocation shall be established by the Greenbelt Municipal and Industrial Water Authority for each wholesale customer. The wholesale customer's water usage baseline will be computed on the average water usage by month for the 5 prior years as shown below.

The Greenbelt Municipal and Industrial Water Authority shall provide notice, by certified mail, to each wholesale customer informing them of their monthly water usage allocations and shall notify the news media and the Executive Director of the Texas Commission on Environmental Quality (TCEQ) upon initiation of pro rata water allocation.

## Example Calculation of Monthly Allocation (Total Treated Water from GMIWA)

Monthly totals shown in **thousands** of gallons.

|             | 2006      | 2007     | 2008      | 2009      | 2010     | SUM      | AVG      | %  | Monthly Allocation |
|-------------|-----------|----------|-----------|-----------|----------|----------|----------|----|--------------------|
| <b>Jan</b>  | 7,706.4   | 7,802.5  | 8,954.1   | 9,089.4   | 7,637.9  | 41,190.3 | 8,238.1  | 70 | 5,766.6            |
| <b>Feb</b>  | 7,806.7   | 6,949.0  | 9,263.1   | 7,514.2   | 5,459.8  | 36,992.8 | 7,398.6  | 70 | 5,179.0            |
| <b>Mar</b>  | 8,351.3   | 6,347.2  | 9,753.7   | 6,662.4   | 5,498.6  | 36,613.2 | 7,322.6  | 70 | 5,125.8            |
| <b>Apr</b>  | 10,867.8  | 5,369.6  | 10,174.9  | 6,614.5   | 5,052.4  | 38,079.2 | 7,615.8  | 70 | 5,331.1            |
| <b>May</b>  | 10,665.9  | 4,739.5  | 10,356.4  | 6,174.0   | 8,386.0  | 40,321.8 | 8,064.4  | 70 | 5,645.1            |
| <b>Jun</b>  | 16,090.8  | 5,116.8  | 10,663.6  | 10,981.2  | 11,187.0 | 54,039.4 | 10,807.9 | 70 | 7,565.5            |
| <b>July</b> | 16,324.5  | 7,918.8  | 10,490.1  | 15,731.0  | 10,792.5 | 61,256.9 | 12,251.4 | 70 | 8,576.0            |
| <b>Aug</b>  | 10,102.6  | 10,113.0 | 9,989.2   | 9,587.9   | 9,572.2  | 49,364.9 | 9,873.0  | 70 | 6,911.1            |
| <b>Sep</b>  | 7,759.8   | 7,985.1  | 7,333.6   | 12,131.7  | 7,863.1  | 43,073.3 | 8,614.7  | 70 | 6,030.3            |
| <b>Oct</b>  | 6,661.0   | 8,299.8  | 7,676.0   | 12,088.8  | 8,719.1  | 43,444.7 | 8,688.9  | 70 | 6,082.3            |
| <b>Nov</b>  | 7,567.1   | 7,636.1  | 7,737.8   | 12,462.0  | 8,982.4  | 44,385.4 | 8,877.1  | 70 | 6,214.0            |
| <b>Dec</b>  | 8,000.9   | 9,211.6  | 8,239.0   | 9,906.7   | 10,063.7 | 45,421.9 | 9,084.4  | 70 | 6,359.1            |
| <b>TOT</b>  | 117,904.8 | 87,489.0 | 110,631.5 | 118,943.8 | 99,214.7 |          |          |    |                    |

During any period when pro rata allocation of available water is in effect, The City of Clarendon may be required to pay Greenbelt Municipal and Industrial Water Authority the following surcharges on excess water deliveries:

- (a) 1 ¼ times the normal charge per thousand gallons for water deliveries in excess of the monthly allocation up through 5 percent above the monthly allocation.
- (b) 1 ½ times the normal water charge per acre-foot for water diversions and/or deliveries in excess of the monthly allocation from 5 percent through 10 percent above the monthly allocation.
- (c) 1 ¾ times the normal water charge per acre-foot for water diversions and/or deliveries in excess of the monthly allocation from 10 percent through 15 percent above the monthly allocation.
- (d) 2 times the normal water charge per acre-foot for water diversions and/or deliveries more than 15 percent above the monthly allocation.
- (e) The above surcharges shall be cumulative.

## **Section X: Water Allocation Response**

In the event that the Greenbelt Municipal and Industrial Water Authority imposes water allocation to its wholesale customers, all Stage 4 Responses remain in effect except those listed below. The City of Clarendon will, under threat of penalty for violation, prohibit all non-essential water use by all customers. The following uses of water are defined as non-essential and are prohibited:

1. Washing 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).

**IN THE EVENT THAT GREENBELT MUNICIPAL AND INDUSTRIAL WATER AUTHORITY INITIATES WATER ALLOCATIONS,** The City of Clarendon will initiate, in the current billing cycle, water allocations to each of its customers at the same level as

imposed by Greenbelt Municipal and Industrial Water Authority.

**RESIDENTIAL CUSTOMERS:** The City of Clarendon will compute, for each residential account, the usage baseline for each monthly period for the prior five (5) years. The City of Clarendon will initiate the same allocation imposed by Greenbelt Municipal and Industrial Water Authority. The City of Clarendon will provide notice, by regular mail, to each customer informing them of their monthly water usage allocations. During any period when pro rata allocation of available water is in effect, The City of Clarendon will assess the following surcharge on excess water deliveries:

Two (2) times the normal water charge per thousand gallons for water deliveries over and above the monthly allocation.

No City of Clarendon water customer will be allotted less than 2000 gallons per month.

Disputes regarding allotment levels will be handled on a case-by-case basis. Such questions or disputes should be directed, in writing or in person, to City Hall.

Water allocations are non-transferable.

**COMMERCIAL CUSTOMERS:** The City of Clarendon will compute, for each commercial account, the usage baseline for each monthly period for the prior five (5) years. The City of Clarendon will initiate the same allocation imposed by Greenbelt Municipal and Industrial Water Authority. The City of Clarendon will provide notice, by regular mail, to each customer informing them of their monthly water usage allocations. During any period when pro rata allocation of available water is in effect, The City of Clarendon will assess the following surcharges on excess water deliveries:

Two (2) times the normal water charge per thousand gallons for water deliveries over and above the monthly allocation.

No City of Clarendon water customer will be allotted less than 2000 gallons per month.

Disputes regarding allotment levels will be handled on a case-by-case basis. Such questions or disputes should be directed, in writing or in person, to City Hall.

Water allocations are non-transferable.

## **Section XI: Enforcement**

1. No person shall knowingly or intentionally allow the use of water from the City of

Clarendon for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the Clarendon City Administrator, in accordance with provisions of this Plan.

2. Any person who violates this Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not more than five hundred dollars (\$500.00). Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the Clarendon City Administrator shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, hereby established at \$1000.00, and any other costs incurred by the City of Clarendon in discontinuing service. In addition, suitable assurance must be given to the Clarendon City Administrator 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.
3. Any person, including a person classified as a water customer of the City of Clarendon or the Greenbelt Municipal and Industrial Water Authority, 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.
4. Any employee of the Greenbelt Municipal and Industrial Water Authority, Sheriff's Deputy, or City of Clarendon employee (such as a Code Compliance Officer) designated by the Clarendon City Administrator, 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 before the Clarendon Municipal Judge on the date shown on the citation for which the date shall not be 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 Clarendon 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 Clarendon 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 Clarendon Municipal Court before all other cases.

## **Section XII: Variances**

The City of Clarendon retains the right to petition The Greenbelt Municipal and Industrial Water Authority for a variance to the pro rata allocation of water, within the guidelines as specified in the Greenbelt Municipal and Industrial Water Authority Drought Contingency Plan.

The Clarendon City Council may, in writing, grant a temporary variance to the water use prohibition policies provided by this plan if it is determined that failure to grant such variances would cause an emergency condition adversely affecting the public health, welfare, or safety 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 Plan shall file a petition for variance with the Clarendon City Administrator within 10 days after Stage 4 Conditions have been announced. All petitions for variance shall be reviewed by the Clarendon City Council, and shall include the following:

- (a) Name and address of the petitioner(s).
- (b) Detailed statement with supporting data and information as to how the Stage 4 Prohibition of Water Use under the Policies and Procedures established in this Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this ordinance.
- (c) Description of the relief requested.
- (d) Period of time for which the variance is sought.
- (e) Alternative measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (f) Other pertinent information.

Variances granted by the Clarendon City Council shall be subject to the following

conditions:

- (a) Variances granted shall contain 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 of the City of Clarendon that the sections, paragraphs, 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 City Council of the City of Clarendon without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

**END OF DOCUMENT**