

Ordinance No. 2018-04

AN ORDINANCE REPEALING ORDINANCE 2013-01 AND ADOPTING A DROUGHT CONTINGENCY PLAN FOR THE CITY OF GATESVILLE

DROUGHT CONTINGENCY PLAN FOR THE CITY OF GATESVILLE, TEXAS

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 Gatesville, TX hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this Drought Contingency Plan (the Plan) are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section X (Enforcement) of this Plan.

Section II: Provisions to Actively Inform the Public and Provide Opportunity for Input

The City of Gatesville has taken the following steps to actively inform the public and provide opportunity for input in the preparation of this Plan:

- a. a draft was placed on the City's website at www.ci.gatesville.tx.us inviting comments on the draft plan;
- b. a properly-posted City Council agenda item and a public hearing was conducted by the Gatesville City Council on June 12, 2018.

Section III: Public Education

The City of Gatesville will periodically provide the public, Fort Hood, and its 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 utility bills, press releases, and social media postings.

Section IV: Coordination with Regional Water Planning Groups

The service area of the City of Gatesville is located within the Brazos Region G Planning area; the City of Gatesville has provided a copy of this Plan to the Brazos Region G office and the Texas Commission on Environmental Quality (TCEQ).

Section V: Authorization

The City Manager, or his/her designee is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The City Manager or his/her designee shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

Section VI: Application

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the City of Gatesville. The terms “person” and “customer” as used in the Plan include individuals, 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 purposes 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, company, or organization using water supplied by the City of Gatesville.

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.

Even numbered address: street addresses or box 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 used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

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

- a. irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
- b. use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- c. use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- d. use of water to wash down buildings or structures for purposes other than immediate fire protection;
- e. flushing gutters or permitting water to run or accumulate in any gutter or street;
- f. use of water to fill, refill, or add to any indoor or outdoor swimming pools or hot tubs/spas;
- 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 fire fighting.

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

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

The City Manager or his/her designee shall monitor the Brazos River Authority (BRA) website regarding water supply and/or demand conditions on a weekly basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified “triggers” are reached. The City Manager will determine, in consultation with the BRA General Manager when levels in Lake Belton approach important storage levels, particularly those levels associated with Gatesville’s physical water intake.

The City of Gatesville owns and operates the Gatesville Regional Water Supply including the water intake structure and water treatment plant which provides treated water to five Water Supply Corporations, North Fort Hood, and residential/commercial/institutional customers in the City of Gatesville and its ETJ.

The triggering criteria described below are based on the four BRA Drought Contingency Plan triggers and a comparison of the daily water demand to the capacity of the water system and/or yield of Lake Belton, and/or triggering measures from the Gatesville Regional Water Supply.

Stage 1 Triggers – Drought Watch 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:

- a. The BRA General Manager initiates a Stage 1 Drought Watch Condition; and/or
- b. Total daily water demand exceeds 8.5 million gallons per day for three consecutive days; and/or
- c. Continually falling treated water storage levels which do not refill above 80 percent of capacity overnight.

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 three (3) consecutive days, and the City Manager or his/her designee assesses the Gatesville Regional Water Supply can meet all requirements for residential/commercial/institutional, governmental, and served Water Supply Corporations.

Stage 2 Triggers - Drought Warning 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:

- a. The BRA General Manager initiates a Stage 2 Drought Warning Condition; and/or
- b. Total daily water demand exceeds 10 million gallons per day for three consecutive days.

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 three (3) consecutive days. Upon termination of Stage 2, Stage 1 may become operative.

Stage 3 Triggers – Drought Emergency Condition

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this Plan when:

- a. The BRA General Manager initiates a Stage 3 Drought Emergency Condition; and/or
- b. There are major water line breaks or pump/system failures which cause unprecedented loss of capability to provide water; and/or
- c. The water supply source (Lake Belton) becomes contaminated from natural or man-made causes.

Requirements for termination

Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have

ceased to exist for a period of three (3) consecutive days, or in the case of a major line break or loss of pressure when the Texas Commission on Environmental Quality (TCEQ) determines the water meets quality standards. Upon termination of Stage 3, Stage 2 may become operative.

Stage 4 Triggers - Pro-Rata Curtailment Condition

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 4 of this Plan when the BRA General Manager initiates a Stage 4 Pro-Rata Curtailment Condition.

Requirements for termination

The BRA General Manager determines to terminate the pro-rata curtailment condition based upon relevant factors.

Section IX: Drought Response Stages

The City Manager, or his/her designee, shall monitor water supply and/or demand conditions on a weekly basis and, in accordance with the triggering criteria set forth in Section VIII of this Plan, shall determine that a Drought Watch, Drought Warning, Drought Emergency, or Curtailment condition(s) exists and shall implement the following notification procedures:

Notification

Notification of the Public:

The City Manager or his/ her designee shall notify the public by means of:

- a. publication in a newspaper of general circulation,
- b. direct mail (utility bill) to each customer,
- c. public service announcements,
- d. signs posted in public places

Additional Notification:

The City Manager or his/ her designee shall notify directly, or cause to be notified directly, the following individuals and entities:

- a. Mayor and members of the City Council
- b. Fire Chief
- c. County Emergency Management Coordinator
- d. County Judge & Commissioner(s)
- e. TCEQ (required when mandatory restrictions are imposed)
- f. Major wholesale, Texas Department of Criminal Justice (TDCJ) and commercial/institutional water users
- g. Critical water users, i.e. hospital, nursing homes, and Gatesville ISD
- h. Parks / street superintendents & public facilities managers

Stage 1 Response - Drought Watch Conditions

Target: Achieve a voluntary five (5) percent reduction in use that would have occurred in the absence of drought contingency measures.

Best Management Practices for Supply Management:

Additional measures to be implemented directly by the City of Gatesville to manage limited water supplies and/or reduce water demand include reduced flushing of water mains and limited watering at City-owned parks and facilities.

Voluntary Water Use Restrictions for Reducing Demand: Water customers are requested to:

- a. 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 City of Gatesville 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 Response – Drought Warning Conditions

Target: Achieve a ten (10) percent reduction in use that would have occurred in the absence of drought contingency measures.

Best Management Practices for Supply Management:

Additional measures to be implemented directly by the City of Gatesville to manage limited water supplies and/or reduce water demand include discontinued flushing of water mains and significantly reduced or discontinued irrigation of public landscaped areas.

Water Use Restrictions for Demand Reduction:

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. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as 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 spas/hot tubs 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 only under written permission from the City of Gatesville.
- 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 City of Gatesville, the facility shall not be subject to these regulations.
- g. All restaurants are discouraged from serving water to patrons except upon request of the patron.
- 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 Response - Drought Emergency Conditions

Target: Achieve a twenty (20) percent reduction in use that would have occurred in the absence of drought contingency measures.

Best Management Practices for Supply Management:

Additional measures to be implemented directly by the City of Gatesville to manage limited water supplies and/or reduce demand include discontinued flushing of water mains, discontinued watering at City-owned parks and facilities and discontinued

refilling/operation of the City’s outdoor and indoor swimming pools and closing the City Splash Park. The City will notify all major water consumers to reduce consumption by discontinuing irrigation at facilities, and to limit water use to absolutely essential purposes (TDCJ facilities, Gatesville ISD, hospital and nursing homes).

Water Use Restrictions for Demand Reduction:

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

- a. Irrigation of landscaped areas is prohibited at all times.
- b. Restaurants are prohibited from serving water to patrons unless specifically requested by the patron.
- c. The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.
- d. The use of water to wash any motor vehicle, motorcycle, boat, trailer, airplane or other vehicle is prohibited.

Stage 4 Response – Pro-Rata Water Curtailment Condition

Under Stage 4, the City will be required to implement a mandatory pro-rata curtailment of at least thirty (30) percent in use that would have occurred in the absence of any drought contingency measures for water use reduction. The BRA General Manager will determine the amount of water available to the City of Gatesville by a reduction of all contractual customers by an equal percentage of the City’s reasonable water demands. The City Manager is hereby authorized to allocate water according to the following water allocation plan:

Single-Family Residential Customers

The allocation to residential water customers residing in a single-family dwelling shall be as follows:

Persons per Household	Gallons per Month
1 or 2	6,000
3 or 4	7,000
5 or 6	8,000
7 or 8	9,000
9 or 10	10,000
11 or more	12,000

“Household” means the residential premises served by the customer’s meter. “Persons per household” include only those persons currently physically residing at the premises and expected to reside there for the entire billing period. It shall be assumed that a particular customer’s household is comprised of two (2) persons unless the customer

notifies the City of Gatesville of a greater number of persons per household on a form prescribed by the City Manager. The City Manager shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every residential customer. If, however, a customer does not receive such a form, it shall be the customer's responsibility to go to the City of Gatesville's Utility Billing department located at City Hall to complete and sign the form claiming more than two (2) persons per household. New customers may claim more persons per household at the time of applying for water service on the form prescribed by the City Manager. When the number of persons per household increases so as to place the customer in a different allocation category, the customer may notify the City of Gatesville Utility Billing department on such form and the change will be implemented in the next practicable billing period. If the number of persons in a household is reduced, the customer shall notify the City of Gatesville in writing within two (2) days. In prescribing the method for claiming more than two (2) persons per household, the City Manager shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of persons in a household or fails to timely notify the City of Gatesville of a reduction in the number of person in a household shall be fined not less than \$200.

Residential water customers shall pay the following surcharges:

- \$4.00 for the first 1,000 gallons over allocation.
- \$4.50 for the second 1,000 gallons over allocation.
- \$5.00 for the third 1,000 gallons over allocation.
- \$6.00 for each additional 1,000 gallons over allocation.

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 (example: apartments, mobile homes) shall be allocated a maximum of 6,000 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 Gatesville of a greater number on a form prescribed by the City Manager. The City Manager 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 Gatesville Utility Billing department located at City Hall to complete 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 City Manager. If the number of dwelling units served by a master meter is reduced, the customer shall notify the City of Gatesville in writing within two (2) days. In prescribing

the method for claiming more than two (2) dwelling units, the City Manager 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 Gatesville Utility Billing department of a reduction in the number of person in a household shall be fined not less than \$200. Customers billed from a master meter under this provision shall pay the following monthly surcharges:

- \$4.00 for 1,000 gallons over allocation up through 1,000 gallons for each dwelling unit.
- \$4.50 thereafter, for each additional 1,000 gallons over allocation up through a second 1,000 gallons for each dwelling unit.
- \$5.00 thereafter, for each additional 1,000 gallons over allocation up through a third 1,000 gallons for each dwelling unit.
- \$ 6.00 thereafter for each additional 1,000 gallons over allocation.

Surcharges shall be cumulative.

Non-Residential/Institutional Customers

A monthly water allocation shall be established by the City Manager, or his/her designee, for each nonresidential 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 a record shall be used for any monthly period for which no history exists. The City Manager 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 Gatesville to determine the allocation. Upon request of the customer or at the initiative of the City Manager, the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the customer's normal water usage, (2) one nonresidential customer agrees to transfer part of its allocation to another nonresidential customer, or (3) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the City Manager or alternatively, the City of Gatesville serving as the water allocation review committee. Nonresidential commercial customers shall pay the following surcharges:

Customers whose allocation is 2,000 gallons through 10,000 gallons per month:

- \$4.50 per thousand gallons for the first 1,000 gallons over allocation.

Customers who allocation is 20,000 gallons per month or more:

Two (2) times the block rate for each 1,000 gallons in excess of the allocation up through 5 percent above allocation.

Three (3) times the block rate for each 1,000 gallons from 5 percent through 10 percent above allocation.

Four (4) times the block rate for each 1,000 gallons from 10 percent through 15 percent above allocation.

Five (5) times the block rate for each 1,000 gallons more than 15 percent above allocation.

The surcharges shall be cumulative. As used herein, “block rate” means the charge to the customer per 1,000 gallons at the regular water rate schedule at the level of the customer’s allocation.

Wholesale Customers

A monthly water allocation shall be established by the City Manager, or his/her designee, for each wholesale water customer based upon the allocation by that wholesale water customer as to the allocations made in this Ordinance for the various categories of customers to which that wholesale water provider supplies to each end user. The wholesale water customer shall pay a surcharge for each one thousand gallons over the allocation based upon the formulas referenced in this section, per the wholesale water contracts between the City of Gatesville and each Water Supply Corporation as though it were using more water than allowed under such contract without penalty.

Section X: Enforcement

- a. No person shall knowingly or intentionally allow the use of water from the City of Gatesville 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 City Manager, 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 200 dollars (\$200). 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 City Manager 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 \$16, and any other costs incurred by the City of Gatesville in discontinuing service. In addition, suitable assurance must be given to the City Manager 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 municipal and/or district courts.

- c. Any person, including a person classified as a water customer of the City of Gatesville, 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 police officer, or other City of Gatesville employee designated by the City Manager 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 City of Gatesville Municipal Court on the date shown on the citation for which the date shall not be less than 3 days nor more than 10 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 the City of Gatesville 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 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 the City of Gatesville Municipal Court before all other cases.

Section XI: Variances

The City Manager, 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 Gatesville within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the City Manager, 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 Gatesville shall be subject to the following conditions, unless waived or modified by the City Manager 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.

Section XII: Contracts

This Drought Contingency Plan shall include a provision in every water contract entered into or renewed after adoption of the Plan, including contract extensions, that under implementation of the Plan, water to be distributed is to be divided in accordance with Texas Water Code, Section 11.39.

Section XIII: Review

The City of Gatesville shall review and update, as appropriate, the Drought Contingency Plan at least every five (5) years, based upon new or updated information, such as revision of the Brazos River Authority Drought Contingency Plan or Regional Water Plan.

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