

ORDINANCE NO. 9\*11\* ord 3\*00

**AN ORDINANCE OF THE CITY OF HOLLAND, TEXAS, PROVIDING WATER USES REGULATED OR PROHIBITED UNDER THIS DROUGHT CONTINGENCY PLAN ARE CONSIDERED TO BE NON-ESSENTIAL AND CONTINUATION OF SUCH USES DURING TIMES OF WATER SHORTAGE OR OTHER EMERGENCY WATER SUPPLY CONDITIONS. PROVIDING SEVERABILITY, EFFECTIVE DATE AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOLLAND, TEXAS, THAT:**

**Section 1: 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 Holland** hereby adopts the following regulations and restrictions on the delivery and consumption of water.

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

**Section II: Public Involvement**

Opportunity for the public to provide input into the preparation of the Plan was provided by the **City of Holland** by means of scheduling and providing public notice of a public meeting to accept input on the Plan.

**Section III: Public Education**

The **City of Holland** 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 public events, press releases or utility bill inserts.

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

The service area of the **City of Holland** is located within the BRAZOS RIVER AUTHORITY regional water planning area and **City of Holland** has provided a copy of this Plan to the BRAZOS RIVER AUTHORITY and to CENTRAL TEXAS WATER SUPPLY CORPORATION.

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

The **Mayor of City of Holland** 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 terminated 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 Holland**. 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 **City of Holland**.

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 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 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 building or structures for purposes other than immediate fire protection;
- (e) flushing gutters or permitting water to run or accumulate in any gutter or street;
- (f) use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
- (g) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (h) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (i) use of water from hydrants or flush valves for construction purposes 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.

### **Section VIII: Criteria of Initiation and Termination of Drought Response Stages**

The **Mayor** or his/her designee shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified “triggers” are reached.

The triggering criteria described below are based on information provided by BRAZOS RIVER AUTHORITY and/or CENTRAL TEXAS WATER SUPPLY CORPORATION and are further based on known system capacity limits.

#### **Stage 1 Triggers--MILD Water Shortage Conditions**

##### Requirements for initiation

Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section VII---Definitions, when, pursuant to requirements specified in the **City of Holland’s** wholesale water purchase contract with CENTRAL TEXAS WATER SUPPLY CORPORATION, notification is received requesting initiation of Stage 1 of the Drought Contingency Plan.

##### 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 ninety(90) consecutive days.

#### **Stage 2 Triggers---MODERATE Water Shortage Conditions**

##### Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section IX of this Plan when, pursuant to requirements specified in the **City of Holland’s** wholesale water purchase contract with CENTRAL TEXAS WATER SUPPLY CORPORATION, notification is received requesting initiation of Stage 2 of the Drought Contingency Plan.

##### 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 ninety(90) consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.

#### **Stage 4 Triggers---CRITICAL Water Shortage Conditions**

##### Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 4 of this Plan when, pursuant to requirements specified in the **City of Holland's** wholesale water purchase contract with CENTRAL TEXAS WATER SUPPLY CORPORATION, notification is received requesting initiation of Stage 4 of the Drought Contingency Plan.

##### 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 ninety(90) consecutive days. Upon termination or Stage 4, Stage 3 becomes operative.

#### **Stage 5 Triggers---EMERGENCY Water Shortage Conditions**

##### Requirements for initiation

Customers shall be required to comply with the requirements and restrictions for Stage 5 of this Plan when the **Mayor**, or his/her designee, determines that a water supply emergency exists based on:

1. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or
2. Natural or man-made contamination of the water supply source(s); or
3. Failure of CENTRAL TEXAS WATER SUPPLY CORPORATION to provide sufficient water to meet the basic needs of the **City of Holland** system.

##### Requirements for termination

Stage 5 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of ninety(90) consecutive days.

#### **Stage 6 Triggers-WATER ALLOCATION**

##### Requirements for initiation

Customers shall be required to comply with the water allocation plan prescribed in Section

IX of this Plan and comply with the requirements and restrictions for Stage 5 of this Plan when the **Mayor**, or his/her designee, determines that a water supply emergency exists based on:

1. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or
2. Natural or man-made contamination of the water supply source(s); or
3. Failure of CENTRAL TEXAS WATER SUPPLY CORPORATION to provide sufficient water to meet the basic needs of the **City of Holland** system.

Requirements for termination

Water allocation may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of ninety(90) consecutive days.

**Section IX: Drought Response Stages**

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

**Notification**

Notification of the Public:

The **Mayor**, or his/her designee shall notify the public by the most efficient, timely and appropriate means available to him/her.

Additional Notification:

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

- Fire Chiefs or Fire Departments who use or might use water from City of Holland
- City and/or County emergency Management Coordinator(s)
- State Disaster District/Department of Public Safety
- TNRCC (required when mandatory restrictions are imposed)
- Major water users

### **Stage 1 Response-MILD Water Storage Conditions**

Goal: Achieve a voluntary 10% reduction in total water use, daily water demand, etc.

Supply Management Measures:

Reduced or discontinued flushing of water mains, activation and use, if any, of an alternative supply source(s)  
Aggressive leak detection

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 numbers (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 Holland 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-MODERATE Water Shortage Conditions**

Goal: Achieve a voluntary 15% percent reduction in total water use, daily water demand, etc.

Supply Management Measures:

Continued reduced or discontinued flushing of water mains; activation and use, if any, of an alternative supply source(s)  
Aggressive leak detection

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 acres is permitted at anytime if it is by means of 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 is 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 8:00 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 re-circulation system.
- (e) Use of water from flush valves 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 flush valves for construction purposes may be allowed under special permit from the **City of Holland**.
- (f) Use of water for the irrigation of golf course greens, tees, and fairways 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.



However, if the golf course utilizes a water source other than that provided by the **City of Holland**, the facility shall not be subject to these regulations.

- (g) All restaurants are prohibited from serving water to patrons except upon request of the patron.
- (h) The following uses of water are defined as non-essential and are prohibited:
  1. wash down of and 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- SEVERE Water Shortage Conditions**

Goal: Achieve a 20% reduction in total water use, daily water demand, etc.

Supply Management Measures:

Continued reduced or discontinued flushing of water mains, activation and use, if any, of an alternative supply source(s)

Aggressive leak detection

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 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12 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.
- (b) The watering of golf courses tees is prohibited unless the golf course

utilizes a water source other than that provided by the City of Holland.

- (c) The use of water for construction purposes from designated flush valves under special permit is to be discontinued.

**Stage 4 Response ---CRITICAL Water Shortage Condition**

Goal: Achieve a 25% reduction in total water use, daily water demand, etc.

Supply Management Measures:

Discontinue flushing of water mains; activation and use, if any, of an alternative supply source(s)  
Aggressive leak detection

Water Use Restrictions. All requirements of Stage 2 and 3 shall remain in effect during Stage 4 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) 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 vehicles 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 10:00 p. m.
- (c) The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.
- (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 re-circulation system.

- (e) No application for new, additional, expanded, or increased-in-size water service connections, meter, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

**Stage 5 Response ---EMERGENCY Water Shortage Conditions**

Goal: Achieve a 30% reduction in total water use, daily water demand, etc.

Supply Management Measures:

Discontinue flushing of water mains; activation and use, if any, of an alternative supply source(s)

Aggressive leak detection

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.

**Stage 6 Response-WATER ALLOCATION**

In the event that water shortage conditions threaten public health, safety, and welfare, the **Mayor** is hereby authorized to allocate water according to the following water allocation plan:

**Single-Family Residential Customers**

The allocations to residential water customers residing in a single-family dwellings shall be as follows until an average of the first quarter's (January, February, and March) usage is determined, after which time, that first quarter usage shall be used for allocation purposes:

**Persons per Household**

1 or 2

**Gallons per Month**

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” includes 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 Holland** of a greater number of persons per household on a form prescribed by the **Mayor**. The **Mayor** shall give his/her best effort to see that such forms are made available to every residential customer. It shall be the customer’s responsibility to go to the **City of Holland** offices 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 **Mayor**.

Residential water customers shall pay the following surcharges:

- \$5.00 for the first 1,000 gallons over allocation.
- \$10.00 for the second 1,000 gallons over allocation.
- \$20.00 for the third 1,000 gallons over allocation.
- \$20.00 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 (e.g. apartments, mobile homes) shall be allocated 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 Holland** of a greater number on a form prescribed by the **Mayor**. The **Mayor** shall give his/her best effort to see that such forms are made available to every such customer. It shall be the customer’s responsibility to go to the **City of Holland** offices to complete and sign the form claiming the actual number of 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 new water service on the form prescribed by the **Mayor**. If the number of dwelling units served by a master meter is reduced, the customer shall notify the

**City of Holland** in writing within (2) days. In prescribing the method for claiming the actual number of dwellings, the **Mayor** shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of dwelling units served by a master meter or fails to timely notify the **City of Holland** of a reduction in the number of persons in a household shall be fined not less than \$1,000.00. Customers billed from master meter under this provision shall pay the following monthly surcharges:

\$5.00 for 1,000 gallons over allocation up through 1,000 gallons for each dwelling unit.

\$10.00, thereafter, for each additional 1,000 gallons over allocation up through a second 1,000 gallons for each dwelling unit.

\$20.00, thereafter, for each additional 1,000 gallons over allocation up through a third 1,000 gallons for each dwelling unit.

\$20.00, thereafter for each 1,000 gallons over allocation.

Surcharges shall be cumulative.

### **Commercial Customers**

A monthly water allocation shall be established by the **Mayor**, or his/her designee, for each nonresidential commercial customer other than an industrial customer who uses water for processing purposes. The nonresidential customer's allocation shall be approximately 75% 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. Provided, however, a customer, 75% of whose monthly usage is less than 12,000 gallons, shall be allocated 12,000 gallons. The **Mayor** shall give his/her best effort to see that notice of each non-residential customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the **City of Holland** to determine the allocation. Upon request of the customer or at the initiative of the **Mayor**, the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the customer's normal water usage, (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 Council of City of Holland**. Nonresidential commercial customers shall pay the following surcharges:

Customers whose allocation is 12,000 gallons through 18,000 gallons per month:

- \$5.00 per 1,000 gallons for the first 1,000 gallons over allocation.
- \$10.00 per 1,000 gallons for the second 1,000 gallons over allocation.
- \$20.00 per 1,000 gallons for the third 1,000 gallons over allocation
- \$20.00 per 1,000 gallons for each additional 1,000 gallons over allocation.

Customers whose allocations is 18,001 gallons per month or more:

- .10 times the block rate for each 1,000 gallons in excess of the allocation up through 5% above allocation.
- .25 times the block rate for each 1,000 from 5% through 10% above allocation.
- .50 times the block rate for each 1,000 gallons from 10% through 15% above allocation
- .75 times the block rate for each 1,000 gallons more than 15% 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.

**Section X: Enforcement**

- (a) No person shall knowingly or intentionally allow the use of water from the **City of Holland** 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) If a person has 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, hereby establish at 1,000.00 and any other costs incurred by the **City of Holland** in discontinuing service. In addition, suitable assurance must be given to the **Mayor** that the same action shall not be repeated while the Plan is in effect. Compliance with this plan may also be sought through injunctive relief in the District court.
- (c) Any person, including a person classified as a water customer of the **City of Holland**, 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 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 the Plan and that the parent could not have reasonably know of the violation.

### **Section XI: Variances**

The **Mayor**, or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

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

Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with the **City of Holland** 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)(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.

Variations granted by the **City of Holland** shall be subject to the following conditions, unless waived or modified by the **Mayor** or his/her designee:

- (a) Variations granted shall include a timetable for compliance.
- (b) Variations 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**

If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

**Section XIII: Open Meetings**

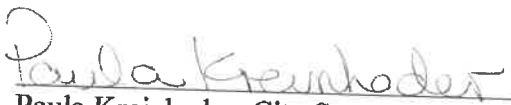
It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act, Chapt. 511, Tex. Gov't. Code.

**PASSED AND APPROVED** on this 11th day of September, 2000

**THE CITY OF HOLLAND, TEXAS**

Attest:

  
Frank Horak, Mayor Pro-Tem

  
Paula Kreinheder, City Secretary