

ORDINANCE NO. 2011-03
February 8, 2011

AN ORDINANCE OF THE CITY OF MEADOWLAKES, TEXAS, ADDING SECTION §50.06 TO THE CODE OF ORDINANCES (THE CODE) TO ADOPT A DROUGHT CONTINGENCY PLAN FOR THE CITY OF MEADOWLAKES TO PROMOTE RESPONSIBLE USE OF WATER AND TO PROVIDE FOR PENALTIES AND/OR THE DISCONNECTION OF WATER SERVICE FOR NONCOMPLIANCE WITH THE PROVISIONS OF THE DROUGHT CONTINGENCY PLAN; AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

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

WHEREAS, the City recognizes that due to natural limitations, drought conditions, system failures and other acts of God which may occur, the City cannot guarantee an uninterrupted water supply for all purposes at all times; and,

WHEREAS, the Water Code and the regulations of the Texas Commission on Environmental Quality (the “Commission”) require that the City adopt a Drought Contingency Plan; and,

WHEREAS, the City has determined an urgent need in the best interest of the public to adopt a Drought Contingency Plan; and,

WHEREAS, pursuant to Chapter 54 of the Local Government Code, the City is authorized to adopt such Ordinances necessary to preserve and conserve its water resources; and,

WHEREAS, the City Council of the City of Meadowlakes desires to adopt a Drought Contingency Plan.

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

Section 1. The Code of Ordinances is hereby amended by adopting a new Section 50.06 to be entitled “Drought Contingency Plan” to read as set forth in Exhibit A.

Section 2. The City Council hereby approves and adopts the Drought Contingency Plan (the “Plan”), attached hereto as Exhibit A, as if recited verbatim herein. The City commits to implement the requirements and procedures set forth in the adopted Plan. In addition, amend all title and index pages within the “The Code” relative to said amendment.

Section 3. Any customer, defined pursuant to Title 30 Texas Administrative Code Chapter 291, failing to comply with the provisions of the Plan or of this Ordinance shall be subject to a fine of up to five hundred dollars (\$500.00) and/or discontinuance of water service by the City. Proof of a culpable mental state is not required for a conviction of an offense under this section. Each day a customer fails to comply with the Plan is a separate violation. The City's authority to seek injunctive or other civil relief available under the law is not limited by this section.

Section 4. The City Council does hereby find and declare that sufficient written notice of the date, hour, place and subject of the meeting adopting this Ordinance was posted at a designated place convenient to the public for the time required by law preceding the meeting, that such place of posting was readily accessible at all times to the general public, and that all of the foregoing was done as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the posting thereof.

Section 5. Should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected.

Section 6. The City Manager or his designee is hereby directed to file a copy of the Plan and this Ordinance with the Commission in accordance with Title 30, Chapter 288 of the Texas Administrative Code.

Section 7. The City Secretary is hereby authorized and directed to cause publication of the descriptive caption of this ordinance as an alternative method of publication provided by law.

Section 8. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

FIRST READING approved and passed by the City Council of the City of Meadowlakes, Burnet County, Texas, by unanimous vote of the council members present at a regular meeting of said Council held on the 8th day of **February, 2011.**

SECOND READING PASSED AND ADOPTED by the City Council of the City of Meadowlakes Burnet County, Texas, by a vote of _____ of the Council at a regular meeting of said Council held on the ____ day of _____, 2011.

/s/ Don Williams
Don Williams, Mayor

ATTEST:

/s/ Linda A. Wendling
Linda A. Wendling, City Secretary

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DROUGHT CONTINGENCY PLAN FOR THE CITY OF MEADOWLAKES

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 Meadowlakes hereby adopts the following regulations and restrictions on the delivery and consumption of water.

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

Section II: Public Involvement

Opportunity for the public to provide input into the preparation of the Plan was provided by the City of Meadowlakes (“City”) by means of public meeting of the City Council.

Section III: Public Education

The City of Meadowlakes 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 meetings.

Section IV: Coordination with Regional Water Planning Groups

The service area of the City of Meadowlakes is located within the Lower Colorado River Basin and the City has provided a copy of this Plan to the Lower Colorado River Authority and the Texas Commission on Environmental Quality.

Section V: Authorization

The 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 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 Meadowlakes. 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 Meadowlakes.

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.

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.

LCRA: the Lower Colorado River Authority.

LCRA DCP: Lower Colorado River Authority Drought Contingency Plan.

Non-essential water use: water uses that are neither essential nor required for the protection of public, health, safety, and welfare, including:

- (a) irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
- (b) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (c) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (d) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (e) flushing gutters or permitting water to run or accumulate in any gutter or street;
- (f) use of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools;
- (g) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (h) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (i) use of water from hydrants for construction purposes or any other purposes other than fire fighting.

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

The Manager, 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 system capacity limits.

Stage 1 Trigger – 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 (either, any of) the following condition(s) exist:

1. **Treatment Capacity**-when the total daily water demand equals or exceeds 70 percent of the total operating system treatment capacity for three (3) consecutive days, or 75 percent on a single day.
2. **Water Supply**-Combined storage level of Lake Travis and Buchanan reaches 1.4 million acre-feet in accordance with the LCRA Drought Contingency Plan for Firm Water Customers (DCP).

Requirements for termination

1. **Treatment Capacity**-when the water treatment plant capacity condition listed above as a triggering event for Stage 1 has ceased to exist for five (5) consecutive days.
2. **Water Supply**- when LCRA announces that voluntary restrictions by its firm water customers are no longer needed in accordance with the LCRA DCP.

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 (either, any of) the following condition(s) exist:

1. **Treatment Capacity**
 - a) When total daily water demand equals or exceeds 80 percent of the total operating system treatment capacity for 3 consecutive days or 85 percent on a single day (e.g., based on the “safe” operating capacity of water supply facilities).
 - b) Continually falling treated water reservoir levels that do not refill above 80 percent overnight (e.g., based on an evaluation of minimum treated water storage required to avoid system outage).
2. **Water Supply**- Combined storage level of Lake Travis and Buchanan reaches 900,000 acre-feet in accordance with LCRA DCP.

Requirements for termination

Stage 2 of the Plan may be rescinded when:

1. **Treatment Capacity**-the water treatment plant capacity condition listed above as a triggering event ceases to exist for five (5) consecutive days.
2. **Water Supply**-when LCRA announces that voluntary compliance to implement utilities mandatory water restrictions are no longer needed in accordance with the LCRA DCP.

Stage 3 Triggers – SEVERE Water Shortage Conditions (Mandatory Measures)

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 (either, any of) the following condition(s) exist:

1. **Treatment Capacity**
 - a) When total daily water demand equals or exceeds 90 percent of the total operating system treatment capacity for 3 consecutive days or 95 percent on a single day (e.g., based on the “safe” operating capacity of water supply facilities).
 - b) Continually falling treated water reservoir levels that do not refill above 60 percent overnight (e.g., based on an evaluation of minimum treated water storage required to avoid system outage).
2. **Water Supply**-when the combined storage level of Lake Travis and Buchanan reaches 600,000 acre-feet, in accordance with the LCRA DCP, or when LCRA Board of Directors determines a drought worse than the drought of record currently exists.

Requirements for termination

Stage 3 of the Plan may be rescinded when:

1. **Treatment Capacity** – when the water treatment plant capacity condition listed above as a triggering event ceases to exist for five (5) consecutive days.
2. **Water Supply**-when LCRA announces that mandatory water restrictions for firm water customers are no longer required in accordance with LCRA DCP.

(Upon termination of Stage 3, Stage 2 becomes operative)

Stage 4 Triggers – EMERGENCY Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions for Stage 4 of this Plan when the City Manager (designated official), or his/her designee, determines that a water supply emergency exists based on:

1. **Treatment Capacity**-when major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service.
2. **Water Supply**
 - a) Natural or man-made contamination of the water supply source(s).
 - b) Any other emergency water supply or demand conditions that the LCRA or the City determines constitutes a water supply emergency or is associated with the LCRA Board declaration of a drought worse than the drought of record.

Requirements for termination

Stage 4 of the Plan may be rescinded when:

1. **Treatment Capacity**-the water treatment capacity and/or delivery condition listed above as triggering event for Stage 4 cease to exist for five (5) consecutive days.
2. **Water Supply**-LCRA announces that mandatory water restrictions for firm water customers are no longer required in accordance with the LCRA DCP.

(Upon termination of Stage 4, Stage 3 becomes operative.)

Section IX: Drought Response Stages

The City Manager, 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 or emergency water shortage condition 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 any of the following means:

- ❖ *publication in a newspaper of general circulation,*
- ❖ *direct mail to each customer,*
- ❖ *public service announcements,*
- ❖ *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:

*Mayor and City Council
Fire Department
TCEQ (required when mandatory restrictions are imposed)*

Stage 1 Response -- MILD Water Shortage Conditions (Voluntary Measures)

Goals:

1. **Treatment Capacity** - Achieve a voluntary 5-10 percent reduction in total water use.
2. **Water Supply** – Achieve a 5 percent reduction in water use.

Supply Management Measures: The City will review system operations and identify ways to improve system efficiency and accountability.

Voluntary Water Use Restrictions: The City will ask customers to voluntarily comply with the water-use restrictions outlined in Stage 2 of this plan, including landscape watering no more than twice per week and will actively promote drought related issues and the need for water conservation.

Stage 2 Responses – MODERATE Water Shortage Conditions

Goals:

1. **Treatment Capacity-** Achieve a 10-20 percent reduction in total water use.
2. **Water Supply** – Achieve a 10-20 percent reduction in water use.

Supply Management Measures:

In order to manage limited water supplies and/or reduce water demand, the City will:

- ❖ *reduce or discontinue flushing of water mains,*
- ❖ *audit your utility system for water loss*
- ❖ *reduce irrigation of public landscaped areas,*
- ❖ *discontinue irrigation of public landscaped areas,*
- ❖ *increase use of reclaimed water for non-potable purposes,*

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

1. **Irrigation of Landscaped Areas:**

- a. If the combined water storage level of lakes Buchanan and Travis are less than 900,000 AF but greater than 750,000 AF - Irrigation of landscaped areas with hose-end sprinklers or in-ground irrigation systems shall be limited to a no more than a TWICE weekly watering schedule determined by the City of Meadowlakes and based on the nature of the current drought or water emergency. Irrigation of commercial landscapes and recreational areas may apply for a variance but must still develop a schedule where no part of the landscape is watered more than twice per week. See Appendix A - the City of Meadowlakes Water System - Recommended Watering Schedule.
- b. If the combined water storage level of lakes Buchanan and Travis are less than or equal to 750,000 AF, irrigation of landscaped areas with hose-end sprinklers or in-ground irrigation systems shall be limited to a no more than a ONCE weekly watering schedule as determined by the City of Meadowlakes and based on the nature of the current drought or water emergency. Irrigation of commercial landscapes and recreational areas may apply for a variance but must still develop a schedule where no part of the landscape is watered more than once per week.
- c. Outdoor watering hours will be limited to between midnight and 10 a.m. and between 7 p.m. and midnight on designated days. This prohibition does not apply to irrigation of landscaped areas if it is by means of:
 - i. a hand-held hose; or
 - ii. a faucet-filled bucket or watering can of five gallons or less.
- d. New landscapes may be installed and re-vegetation seeding performed under these specific criteria:
 - i. A completed variance form for new landscapes has been submitted to the City of Meadowlakes and has been approved prior to the installation of the landscape, or re-vegetation seed application
 - ii. Irrigation of the new landscape follows the schedule identified in the new landscape variance. The schedule will be developed to minimize water waste.
 - iii. Areas being re-vegetated for soil stabilization must also comply with the (i) and (ii) specific criteria above. Options for re-vegetation may be available in times of low water supply. Specific information regarding options is available in the LCRA Highland Lakes Watershed

Ordinance Technical Manual.

- iv. Variances for new landscapes may be issued for a period of no more than 30 days from the day of issuance. A variance is not an exemption from compliance with the permanent water use restrictions under Section 9.2 of this plan. Variances will not be granted for seasonal “color bed” or temporary grass installation (overseeding).

2. Vehicle Washing:

Use of water to wash any motor vehicle, such as a motorbike, boat, trailer, or airplane is prohibited except on designated watering days between the hours of midnight and 10 a.m. and between 7 p.m. and midnight. Such activity, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle. A vehicle may be washed any time at a commercial car wash facility or commercial service station. Further, this activity is exempt from these regulations if the health, safety, and welfare of the public are served by washing the vehicle, such as a truck used to collect garbage or used to transport food and perishables.

3. Pools:

- a. Filling of all new and existing swimming pools, hot tubs and wading pools are prohibited. Replenishing to maintenance level is permitted. Draining is permitted only onto pervious surfaces or onto a surface where water will be transmitted directly to a pervious surface, and only if:
 - i. Draining excess water from pool due to rain in order to lower water to maintenance level;
 - ii. Repairing, maintaining or replacing pool components that have become hazardous;
 - iii. Repair of a pool leak.
- b. Refilling of public/community swimming pools is permitted only if pool has been drained for repairs, maintenance, or replacement as outlined in items above.

4. Outside Water Features:

Operation of outside water features, such as, but not limited to, fountains, splash pad type fountains or outdoor misting systems, is prohibited, except where such features are used to sustain aquatic life or maintain water quality. (This provision includes fountains associated with aesthetic ponds and swimming pools).

5. Ponds:

Ponds used for aesthetic, amenity, and/or storm water purposes may maintain water levels only necessary to preserve the integrity of the liner and operating system. The City of Meadowlakes may request specific design documentation regarding a pond and the intended purpose.

6. Golf Courses:

Golf courses receiving any amount of water from the City of Meadowlakes utility must develop a drought contingency plan in accordance with the City of Meadowlakes Drought Contingency Plan and will implement its Stage 2 mandatory restrictions in conjunction with water provider.

7. Events:

Events involving the use of water such as: car washes, festivals, parties, water slides, and other activities involving the use of water are permitted, if the water being used drains to a recirculating device, or onto a pervious surface to prevent water waste.

8. Restaurants:

All restaurants are encouraged to serve water to their patrons only upon request.

9. Fire Hydrants:

Use of water from fire hydrants shall be limited to firefighting and activities necessary to maintain public health, safety, and welfare. Use of water from designated fire hydrants for construction purposes may be allowed under special conditions and requires a meter; a variance application must be submitted with an explanation of the special conditions.

10. Recreational areas (includes parks and athletic fields):

The areas can only be used for designated or scheduled events or activities. Unnecessary foot traffic must be discouraged. Watering must follow a no more than twice per week schedule. A variance can be obtained if watering cannot be completed on the designated two day schedule.

11. Water Waste:

The following non-essential uses of water are prohibited at all times during periods in which restrictions have gone into effect:

- a. Washing sidewalks, walkways, driveways, parking lots, street, tennis courts, and other impervious surfaces is prohibited except for immediate health and safety;
- b. Washing buildings, houses or structures with a pressure washer or garden hose is prohibited for aesthetic purposes but allowable for surface preparation of maintenance work to be performed;
- c. Flushing gutters or flooding gutters is prohibited except for immediate health and safety; and
- d. Controlling dust is prohibited, unless there is a demonstrated need to do so for reasons of public health and safety, or as part of an approved construction plan.

Stage 3 Responses – SEVERE Water Shortage Conditions

Goals:

1. **Treatment Capacity** - Achieve a minimum 20% percent reduction in total water use.
2. **Water Supply** – Achieve a minimum 20% reduction in water use.

Supply Management Measures:

In order to manage limited water supplies and/or reduce water demand, the City will:

- ❖ *reduce or discontinue flushing of water mains,*
- ❖ *audit your utility system for water loss*
- ❖ *reduce irrigation of public landscaped areas,*
- ❖ *discontinue irrigation of public landscaped areas,*
- ❖ *increase use of reclaimed water for non-potable purposes,*

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

1. Irrigation of Landscaped Areas:

- a. Irrigation of landscaped areas is prohibited, except with hand-held hoses, hand-held buckets, or drip irrigation. The use of hose-end sprinklers or in-ground irrigation systems are prohibited at all times during Stage 3.
- b. No new landscapes may be installed.

2. Vehicle Washing:

Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle is prohibited. A vehicle can be washed at any time at a commercial car wash facility or commercial service station that recycles its water. Further, this activity is exempt from these regulations if the health, safety, and welfare of the public are served by washing the vehicle, such as a truck used to collect garbage or used to transport food and perishables.

3. Pools:

Installation of swimming pools is prohibited. The filling or replenishing of water to swimming pools, hot tubs, wading pools, and other types of pools is prohibited. Public/community swimming pools may be exempt from this prohibition to maintain safe levels of water quality for human contact.

4. Golf Course:

Golf courses receiving any amount of water from the City of Meadowlakes utility must develop a drought contingency plan in accordance with the City of Meadowlakes Drought Contingency Plan and will implement its Stage 3 mandatory restrictions in conjunction with water provider.

5. Events:

Events involving the use of water such as: car washes; festivals; parties; water slides; and other activities involving the use of water are prohibited.

6. Recreational areas (includes parks and athletic fields):

The areas can only be used for designated or scheduled events or activities. Unnecessary foot traffic must be discouraged. Watering is prohibited except with a hand-held hose.

Stage 4 Responses – EMERGENCY Water Shortage Conditions

Goal: Achieve a 70 percent reduction in water usage.

Supply Management Measures:

In order to manage limited water supplies and/or reduce water demand, the City will:

- ❖ *reduce or discontinue flushing of water mains,*
- ❖ *audit your utility system for water loss*
- ❖ *reduce irrigation of public landscaped areas,*
- ❖ *discontinue irrigation of public landscaped areas,*
- ❖ *increase use of reclaimed water for non-potable purposes,*
- ❖ *activate and use an alternative supply source(s).*

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

Section X: Enforcement

The following enforcement provisions shall apply to all City of Meadowlakes water customers;

See Appendix B-Enforcement of Provisions for Municipalities.

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 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 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 XIII: Severability

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

Appendix A – Watering Schedule, No More Than Twice Per Week

City of Meadowlakes Water System

Irrigate outdoors using an in-ground irrigation system or hose-end sprinkler no more than **TWICE per week** and only during scheduled days and times as indicated below:

Residential

Odd number addresses: Wednesdays and Saturdays

Even number addresses: Thursdays and Sundays

Commercial (including large landscapes such as POA common areas) Tuesdays and Fridays

Watering Hours:

Midnight to 10 a.m. and 7 p.m. to midnight

Appendix B – Enforcement Provision

Enforcement for Retail Customers

The following enforcement provisions shall apply to all City of Meadowlakes retail water customers:

1. No person shall knowingly or intentionally use or allow the use of water from a City of Meadowlakes water utility system 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.
2. Any person who violates this plan shall be subject to the following fines, penalties and/or conditions of service:
 - a. Following the first documented violation, the violator shall be given a notice specifying the type of violation and the date and time it was observed, and the fines and restrictions on service that may result from additional violations;
 - b. Following the second documented violation, the violator shall be criminally responsible for the violation of this Plan, punishable by a fine of up to \$250
 - c. Following the third documented violation, the violator shall be criminally responsible for the violation of this Plan, punishable by a fine of up to \$500
 - d. Following the fourth documented violation, the City of Meadowlakes shall, upon due “Termination Notice” as outlined in Section 2.e below, to the customer; discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a reconnection charge, hereby established at \$25, and any outstanding charges including late payment fees or penalties. In addition, suitable assurance in the amount of a deposit of \$100 must be given to the City of Meadowlakes so that the same action shall not be repeated while the plan is in effect. The City of Meadowlakes may apply the deposit to any surcharges or penalties subsequently assessed under this plan against a customer. The deposit, if any, shall be returned to the customer at the time of the customer’s voluntary disconnection from the utility system.
 - e. Termination Notice – prior to the disconnection of service for reasons as established in Section 2.d above, the City Manager or his/her designee shall via a notice entitled “Termination Notice” notify the affected customer. Said notice must include the following information:
 1. The notice must be sent at least three (3) days before disconnection and include the intended date of disconnection;
 2. The notice must provide a statement of reasons for disconnection;
 3. The notice must provide a time, place, and means by which the customer may cure the violation or dispute the validity of the reasons for discontinuance;
 4. Disconnection and reconnection fees that will be required to restore the water service if service is disconnected; and
 5. The notice may be served either in person, email or mail.
3. Each day that one or more of the provisions in this plan is violated shall constitute a separate violation. Any person, including one classified as a water customer of the City of Meadowlakes, in apparent control of the property where a violation occurs or originates, shall be presumed to be the violator. Any such person, however, shall have the right to show that he did not commit the violation.
4. The designated manager or official of the City of Meadowlakes shall have the power to enforce the provisions of this Plan.
5. The municipal court shall have the power to issue to the designated manager or official of the City of

Meadowlakes administrative search warrants, or other process allowed by law, where necessary to aid in enforcing this Plan.

6. Judicial enforcement of fines and penalties issued pursuant to this Plan may be sought through a municipal court, district court or small claims court having jurisdiction over the matter.
7. Compliance with this Plan also may be sought through injunctive relief in state district court.