

WATER CONSERVATION PLAN

WATER CONSERVATION PLAN PROCEDURES

The following plan is taken in part from the City of Abilene Water Conservation Plan & Procedures. As Lawn has entered into long term contract with Abilene, to purchase treated water for the City of Lawn, Water Works System. The City of Lawn, Council has adopted the plan with changes to allow the City of Lawn to manage its water supply during times of drought and meet the requirements in its water purchase agreement with City of Abilene and regulations of the Texas Commission on Environmental Quality (TCEQ). This Plan shall be available at the City Hall, and on the City website. If the City implements any stage of this Plan, the customers will be notified by monthly billing statements, and email when possible.

Year-round water use management.

In order to conserve water supplies available to the City of Lawn, provided from the City of Abilene as its customer year-round water use management shall be implemented to restrict certain potable water use activities by all customers in and outside of the City of Lawn limits system wide.

When conditions warrant and notification from water supplier, (City of Abilene), to the City of Lawn. The water conservation plan may be implemented in accordance with the applicable provisions of this plan as decided by the City Council and Water Director.

(1) *Year-round water use management.* The following year-round provisions shall apply to all potable water customers of the Lawn Water Works :

a. Watering days: Customers are encouraged to conserve water by watering their lawn areas only once every seven (7) days on one (1) of their designated watering days.

1. A customer's watering day is determined by the last digit of the house number or property address. Multi-unit properties will use the lowest address number. Customers on rural routes will use the last number of their post office box number or their route number if they do not have a post office box number. Customers at Commanche Shores will use the last number of their lake lot. Customers in trailer parks will use the last number of their lot.

2. When combined storage in Hubbard Creek Reservoir and Lake Fort Phantom Hill is above fifty (50) percent, the following three-day a week watering schedule applies:

Designated Watering Days:	
Wednesday, Friday, Sunday	Odd numbered addresses
Tuesday, Thursday, Saturday	Even numbered addresses
Monday, Wednesday, Friday	Industrial, commercial, government customers, public and private schools and universities

3. When combined storage in Hubbard Creek Reservoir and Lake Fort Phantom Hill is between forty and fifty (40—50) percent, the following two-day a week watering schedule applies:

Designated Watering Days:	
Thursday, Sunday	Odd numbered addresses
Tuesday, Saturday	Even numbered addresses
Monday, Friday	Industrial, commercial, government customers, public and private schools and universities

- b. Watering times: Watering by all commercial, industrial, and residential customers utilizing individual sprinklers, or sprinkler systems, on lawns, gardens, landscaped areas, trees, shrubs or other plants is prohibited except on designated day(s) and then only during the hours of 12:00 midnight to 10:00 a.m. and from 6:00 p.m. until 12:00 midnight.
- c. Watering of gardens, flowerbeds, trees and shrubs is permitted at any time of any day if:
 - 1. A garden hose is used and is held in the hand during the duration of the irrigation event, or
 - 2. A faucet-filled container of five (5) gallons or less is used, or
 - 3. A drip irrigation system such as a soaker hose, deep root water system, or bubbler is used. For the purpose of this section a drip irrigation system is defined as an irrigation device or system designed to emit water at low volumes and low pressures directly onto soil surface or below soil surface without airborne streams or droplets.
- d. Irrigation of lawns is permitted at any time on any day if:
 - 1. A garden hose is used and is held in the hand during the duration of the irrigation event, or
 - 2. A faucet-filled container of five (5) gallons or less is used,
 - 3. A drip irrigation system shall not be used to irrigate lawns except on designated days and at designated times.
- e. New lawns that have been seeded (not to include re-seeding or overseeding existing turf), sodded or mulched may be watered daily for eight (8) minutes once during each of the following periods: 11:00 a.m. to 1:00 p.m.; 2:00 p.m. to 4:00 p.m.; 5:00 p.m. to 7:00 p.m.; and at regular intervals between 9:00 p.m. and 10:00 a.m. for a maximum of three (3) weeks. To qualify under this section, new lawns are those installed in conjunction with the construction of a new residence and for a period six (6) months thereafter or the re-tilling of an area equaling at least fifty (50) percent of an existing yard.
- f. Water wasting. The following uses of water are defined as "waste of water" and are absolutely prohibited:
 - 1. Allowing water to run off a property through the street, gutter, ditch, alley, or drain for more than seventy-five (75) feet from the downgrade of the property line;
 - 2. Failure to repair a controllable leak, including a broken sprinkler head, a leaking valve, leaking or broken pipes, or a leaking faucet;
 - 3. Operating a permanently installed irrigation system with a broken sprinkler head; a sprinkler head that is spraying over a street or parking lot because it is out of adjustment; or a sprinkler head that is misting due to high pressure.
- g. Use of water from fire hydrants shall be limited to firefighting activities or other activities necessary to maintain public health, safety, and welfare. The Director of Water Utilities will review written requests on a case-by-case basis for the purchase and withdrawal of fire hydrants for land development and building construction processes.
- h. Ornamental fountains are allowed if the fountain is equipped with a device for recycling water and water may be added to sustain appropriate maintenance levels only on the customer's regularly designated watering days.
- i. Water may be added to swimming pools to sustain appropriate maintenance levels only on the customer's regularly designated watering days.
- j. The operation of charity car washes must:
 - 1. Not allow water to run off more than seventy-five (75) feet, and
 - 2. Use hoses with on/off nozzles and buckets.

k. Large-scale recreational development, such as, but not limited to, water parks, shall submit a plan to the Director of Water Utilities that detail expected water consumption and maintenance requirements. Any deviation from the requirements of this division will be resolved on a case-by case method.

(2) Administrative enforcement, presumption of ownership & control; Hearing Officers; administration of hearings, hearings, appeals, payment, subsequent violations, fees, and requests for variances as pertaining to year-round water use management will be addressed by the City Council'

Water conservation stages.

(a) *Watering days.*

(1) During water conservation stages, a customer's watering day is determined by the last digit of the house number or property address. Multi-unit properties will use the lowest address number. Customers on rural routes will use the last number of their post office box number or their route number if they do not have a post office box number. Customers at Lake Coleman will use the last number of their lake lot. Customers in trailer parks will the last last number of their lot number.

If a residential customer's last number is:	Customer's watering day is:
7 or 8	Sunday
9	Monday
0	Tuesday
1	Wednesday
2	Thursday
3 or 4	Friday
5 or 6	Saturday

For example: If an address is 555 3rd Street, the last number is five (5) and the watering day is Saturday. For purposes of this section only, residential usage includes single-family residences, multifamily residences and apartment complexes. Non-residential customers shall follow the above schedule with the exception of the following changes:

7 or 8	Wednesday
5 or 6	Tuesday

(2) Bi-weekly watering as prescribed in Stage 2 will occur according to location in north or south sides of the City.

(3) Entities with large, open spaces (e.g., schools, universities, city parks, golf courses) using potable water may submit alternate watering schedules to the Director of Water except as otherwise prohibited in this division. Upon his/her written approval acknowledged by the entity in question, these entities may follow the approved schedule rather than the calendar system, and will be held responsible for all the provisions of this division, based on the approved schedule.

(b) *Stage 1 Water Alert—Implementation criteria.* Combined storage falling water storage facility levels which do not refill above fifty (50) percent overnight; or, combined storage in Hubbard Creek Reservoir and Lake Fort Phantom Hill is between thirty to forty (30—40) percent, or any unforeseen conditions that may occur that cause the water supply Vender, City Abilene to inform the City of Lawn of implementation.

Upon announcement and implementation by the City of Stage 1 Water Alert, the following restrictions shall apply to all persons during Stage 1 Water Alert:

(1) *Landscape irrigation.*

a. Irrigation by all commercial, industrial, (including agricultural irrigation), and residential customers utilizing individual sprinklers, or sprinkler systems, of lawns, gardens, landscaped areas, trees, shrubs or other plants is prohibited except on a designated day which shall be once every seven (7) days and then only during the hours of 12:00 midnight to 10:00 a.m. and from 6:00 p.m. until 12:00 midnight.

Provided, however, irrigation of gardens, flowerbeds, trees and shrubs is permitted at any time of day if:

1. A garden hose is used and is held in the hand during the duration of the irrigation event, or 2. A faucet-filled container of five (5) gallons or less is used, or
3. A drip irrigation system such as soaker hose, deep root water system, or bubbler is used. For the purpose of this section a drip irrigation system is defined as an irrigation device or system designed to emit water at low volumes and low pressures directly onto soil surface or below soil surface without airborne streams or droplets.

Irrigation of LAWNS is permitted at any time on any day if:

1. A garden hose is used and is held in the hand during the duration of the irrigation event, or 2. A faucet-filled container of five (5) gallons or less is used.

A drip irrigation system shall not be used to irrigate lawns except on designated days and at designated times.

b. New lawns that have been seeded (not to include re-seeding or overseeding existing turf), sodded or mulched may be watered daily for eight (8) minutes once during each of the following periods: 11:00 a.m. to 1:00 p.m.; 2:00 p.m. to 4:00 p.m.; 5:00 p.m. to 7:00 p.m.; and at regular intervals between 9:00 p.m. and 10:00 a.m. for a maximum of three (3) weeks. To qualify under this section, new lawns are those installed in conjunction with the construction of a new residence and for a period six (6) months thereafter or the re-tilling of an area equaling at least fifty (50) percent of a new yard.

(2) *Vehicle washing.*

- a. It is permissible to wash automobiles, trucks, trailers, boats, and other types of mobile equipment at any time on the immediate premises of a commercial car wash or commercial service station or at any location including a residence by using a five-gallon container and/or a hand held hose equipped with a quick shut-off nozzle for quick rinses.
- b. If the health, safety and welfare of the public depends upon frequent vehicle cleaning, as determined by the Director of Water or Mayor or his/her designee, then washing of vehicles such as emergency vehicles, aircraft, garbage trucks, and vehicles used to transport food and perishables will be allowed.
- c. Charity car washes are prohibited.

(3) Water may be added to swimming pools to sustain appropriate maintenance levels only on designated irrigation days.

(4) Ornamental fountains are allowed if the fountain is equipped with a device for recycling water and water may be added to sustain appropriate maintenance levels only on the customer's regularly designated watering day.

(5) Use of water from fire hydrants shall be limited to firefighting activities or other activities necessary to maintain public health, safety and welfare. By written approval from the Director of Water Utilities, businesses may purchase and draw water from fire hydrants for land development and building construction processes.

(6) The following uses of water are defined as "waste of water" and are absolutely prohibited:

- a. Allowing water to run off a property through the street, gutter, ditch, alley, or drain for more than seventy-five (75) feet from the downgrade of the property line;
- b. Failure to repair a controllable leak; including a broken sprinkler head, a leaking valve, leaking or broken pipes, or a leaking faucet.
- c. Operating a permanently installed irrigation system with:
 1. A broken sprinkler head;
 2. A sprinkler head that is spraying over a street or parking lot because it is out of adjustment; or
 3. A sprinkler head that is misting due to high pressure.
- d. Washing sidewalks, driveways, parking areas, tennis courts, patios or other paved areas, except to alleviate immediate fire, health and safety hazards, or to prepare an area for pavement repair or application.

(7) *Commercial and industrial users.*

- a. Commercial and industrial users of water shall, in addition to complying with other applicable articles in this division, reduce their monthly consumption of water by a minimum of fifteen (15) percent compared to use during the same month of the previous year.
- b. Industrial users may, in order to justify water use, present a conservation plan for approval by the Director of Water.
- c. Golf courses will submit a conservation plan for approval by the Director of Water Utilities if potable irrigation water is to be used.

(c) *Stage 2 Water Warning—Implementation criteria.* (While in Stage 1 Water Alert trigger parameters); or, continually falling water storage facility levels which do not refill above forty (40) percent overnight or, combined storage in Hubbard Creek Reservoir and Lake Fort Phantom Hill is between twenty to thirty (20—30) percent or, major line breaks, or pump system failure which causes unprecedented loss of capability to provide service, or any unforeseen conditions that may occur that cause the City of Abilene to inform the City of Lawn of implementation.

Upon announcement and implementation by the City of Stage 2 Water Warning, the following restrictions shall apply to all persons during Stage 2 Water Warning:

(1) *Landscape irrigation.*

- a. Irrigation by all commercial, industrial and residential customers utilizing individual sprinklers, or sprinkler systems, of lawns, gardens, landscaped areas, trees, shrubs or other plants is prohibited except on a designated day which shall be once every two (2) weeks and then only during the hours of 12:00 midnight to 10:00 a.m. and from 6:00 p.m. until 12:00 midnight.

Provided, however, irrigation of gardens, flowerbeds, trees and shrubs is permitted at any time of day if:

1. A garden hose is used and is held in the hand during the duration of the irrigation event, or
2. A faucet-filled container of five (5) gallons or less is used, or
3. A drip irrigation system such as soaker hose, deep root water system, or bubbler is used. For the purpose of this section a drip irrigation system is defined as an irrigation device or system designed to emit water at low volumes and low pressures directly onto soil surface or below soil surface without airborne streams or droplets.

Irrigation of lawns is permitted at any time on any day if:

1. A garden hose is used and is held in the hand during the duration of the irrigation event, or
2. A faucet-filled container of five (5) gallons or less is used. A Drip irrigation system shall not be used to irrigate lawns except on designated days and at designated times.

- b. New lawns may be watered daily for eight (8) minutes once during each of the following periods: 11:00 a.m. to 1:00 p.m.; 2:00 p.m. to 4:00 p.m.; 5:00 p.m. to 7:00 p.m.; and at regular intervals between 9:00 p.m. and 10:00 a.m. for a maximum of three (3) weeks. To qualify under this section, new lawns are those installed in conjunction with the construction of a new residence and for a period of six (6) months thereafter. Retiling or any replanting or reseeding of existing lawns shall not qualify for new lawn status in this section.

(2) *Vehicle washing.*

- a. It is permissible to wash automobiles, trucks, trailers, boats, and other types of mobile equipment at any time on the immediate premises of a commercial car wash or commercial service station or at any location including a residence by using a five-gallon container and/or a hand held hose equipped with a quick shut-off nozzle for quick rinses.
- b. If the health, safety and welfare of the public depends upon frequent vehicle cleaning, as determined by the Director of Water Utilities or his/her designee, then washing of vehicles such as emergency vehicles, aircraft, garbage trucks, and vehicles used to transport food and perishables will be allowed.
- c. Charity car washes are prohibited.

(3) Water may be added to swimming pools to sustain appropriate maintenance levels weekly, on the customer's regularly designated irrigation day.

(4) Ornamental fountains are allowed if the fountain is equipped with a device for recycling water and water may be added to sustain appropriate maintenance levels only on the customer's regularly designated watering day.

(5) Use of water from fire hydrants shall be limited to firefighting activities or other activities necessary to maintain public health, safety and welfare. By written approval from the Director of Water, businesses may purchase and draw water from fire hydrants for land development and building construction processes.

(6) The following uses of water are defined as "waste of water" and are absolutely prohibited:

- a. Allowing water to run off a property through the street, gutter, ditch, alley, or drain for more than seventy-five (75) feet from the downgrade of the property line;
- b. Failure to repair a controllable leak; including a broken sprinkler head, a leaking valve, leaking or broken pipes, or a leaking faucet;
- c. Operating a permanently installed irrigation system with:
 - 1. A broken sprinkler head;
 - 2. A sprinkler head that is spraying over a street or parking lot because it is out of adjustment; or
 - 3. A sprinkler head that is misting due to high pressure.
- d. Washing sidewalks, driveways, parking areas, tennis courts, patios or other paved areas, except to alleviate immediate fire, health or safety hazards, or to prepare an area for pavement repair or application.

(7) *Commercial and industrial users.*

- a. Commercial and industrial users of water shall continue to maintain at least a fifteen (15) percent monthly reduction of water use compared to use during the same month of the previous year.

Individual allotments may be adjusted by the Director based on historical water usage conservation practices of customer. The other restrictions of Stage 2 still apply to commercial and industrial users.

- b. Industrial users may present a conservation plan for approval by the Director of Water.
- c. Golf courses using potable water will reduce consumption by thirty (30) percent of contracted amount.

- (d) Stage 3 Water Emergency—Implementation criteria. (While in Stage 2 Water Warning trigger parameters), or depletion of the combined storage in Hubbard Creek Reservoir and Lake Fort Phantom Hill to less than twenty (20) percent or major line breaks, or pump system failure which causes unprecedented loss of capability to provide service, or any unforeseen conditions that may occur that cause the City of Abilene to inform the City of Lawn of implementation.

Upon announcement and implementation by the City of Stage 3 Water Emergency, the following restrictions shall apply to all persons during Stage 3 Water Emergency:

- (1) *Landscape irrigation.* Irrigation of gardens, flowerbeds, trees and shrubs (not lawns) by all commercial, industrial, and residential customers is permitted at any time on any day only if:
- a. A garden hose is used and is held in the hand during the duration of the irrigation event, or b. A faucet-filled container of five (5) gallons or less is used, or
 - c. A drip irrigation system such as soaker hose, deep root water system, or bubbler is used. For the purpose of this section a drip irrigation system is defined as an irrigation device or system designed to emit water at low volumes and low pressures directly onto soil surface or below soil surface without airborne streams or droplets,
 - d. New lawns may be watered daily for eight (8) minutes once during each of the following periods: 11:00 a.m. to 1:00 p.m.; 2:00 p.m. to 4:00 p.m.; 5:00 p.m. to 7:00 p.m.; and at regular intervals between 9:00 p.m. and 10:00 a.m. for a maximum of three (3) weeks. To qualify under this section, new lawns are those installed in conjunction with the construction of a new residence and for a period of six (6) months thereafter. Retiling or any replanting or reseeding of existing lawns shall NOT qualify for new lawn status in this section.

Watering of existing lawns is prohibited at any time.

- (2) *Vehicle washing.*
- a. It is permissible to wash automobiles, trucks, trailers, boats, and other types of mobile equipment at any time on the immediate premises of a commercial car wash or commercial service station.
 - b. If the health, safety and welfare of the public depends upon frequent vehicle cleaning, as determined by the Director of Water Utilities or his/her designee, then washing of vehicles such as emergency vehicles, aircraft, garbage trucks, and vehicles used to transport food and perishables will be allowed.
 - c. **Charity car washes are prohibited.**
- (3) Water may be added to swimming pools to sustain appropriate maintenance levels weekly, on the customer's regularly designated irrigation days. **New construction of swimming pools is prohibited.**
- (4) Ornamental fountains are allowed if the fountain is equipped with a device for recycling water and water may be added to sustain appropriate maintenance levels only on the customer's regularly designated watering day. New construction of ornamental fountains is prohibited.
- (5) Use of water from fire hydrants shall be limited to firefighting activities or other activities necessary to maintain public health, safety and welfare. By written approval from the Director of Water Utilities, businesses may purchase and draw water from fire hydrants for land development and building construction processes.
- (6) The following uses of water are defined as "waste of water" and are absolutely prohibited:
- a. Allowing water to run off a property through the street, gutter, ditch, alley, or drain for more than seventy-five (75) feet from the downgrade of the property line;
 - b. Failure to repair a controllable leak; including a broken sprinkler head, a leaking valve, leaking or broken pipes, or a leaking faucet;

c. Operating a permanently installed irrigation system with:

1. A broken sprinkler head;
2. A sprinkler head that is spraying over a street or a parking lot because it is out of adjustment; or
3. A sprinkler head that is misting due to high pressure.

d. Washing sidewalks, driveways, parking areas, tennis courts, patios or other paved areas, except to alleviate immediate fire, health or safety hazards, or to prepare an area for pavement repair or application.

(7) *Commercial and industrial users.*

a. Commercial and industrial users of water shall continue to maintain at least a fifteen (15) percent monthly reduction of water use compared to use during the same month of the previous year.

Additionally, if a customer uses more than the allowed amount more than once at any time during Stage 3, the customer's water may be turned off and there will be a fifty dollar (\$50.00) re-connect fee, in addition any other adopted fees.

Individual allotments may be adjusted by the Director of Water Utilities based on historical water usage conservation practices of customer. The other restrictions of Stage 3 still apply to commercial and industrial users.

b. Industrial users may present a conservation plan for approval by the Director of Water.

c. Each golf course using potable water will reduce consumption by fifty (50) percent of contracted amount.

(e) *Stage 4 Water Crisis—Implementation criteria.* Loss of capability to provide water service or contamination of supply source, or any unforeseen/unexpected conditions that may occur that cause the City of Abilene to inform the City of Abilene of implementation.

Upon announcement and implementation by the City of Stage 4 Water Crisis, the following restrictions shall apply to all persons during Stage 4 Water Crisis:

- (1) All outdoor irrigation of vegetation including existing lawns, using potable water is prohibited.
- (2) New lawns may be watered daily for eight (8) minutes once during each of the following periods: 11:00 a.m. to 1:00 p.m.; 2:00 p.m. to 4:00 p.m.; 5:00 p.m. to 7:00 p.m.; and at regular intervals between 9:00 p.m. and 10:00 a.m. for a maximum of three (3) weeks. To qualify under this section, new lawns are those installed in conjunction with the construction of a new residence and for a period of six (6) months thereafter. Retiling or any replanting or reseeding of existing lawns shall NOT qualify for new lawn status in this section.
- (3) Only washing of mobile equipment in the critical interest of the public health or safety shall be allowed.
- (4) The filling, refilling or adding of water to swimming and/or wading pools is prohibited. The construction of new swimming pools is prohibited.
- (5) The operation of any ornamental fountain or similar structure is prohibited. The construction of new ornamental fountains is prohibited.
- (6) Use of water from fire hydrants shall be limited to firefighting and related activities or other activities necessary to maintain public health, safety and welfare.
- (7) The following uses of water are defined as "waste of water" and are absolutely prohibited:
 - a. Allowing water to run off a property through the street, gutter, ditch, alley, or drain for more than seventy-five (75) feet from the downgrade of the property line;
 - b. Failure to repair a controllable leak; including a broken sprinkler head, a leaking valve, leaking or broken pipes, or a leaking faucet;

- c. Operating a permanently installed irrigation system with:
 - 1. A broken sprinkler head;
 - 2. A sprinkler head that is spraying over a street or parking lot because it is out of adjustment; or
 - 3. A sprinkler head that is misting due to high pressure.
- d. Washing sidewalks, driveways, parking areas, tennis courts, patios or other paved areas, except to alleviate immediate fire, health or safety hazards.

(8) *Commercial and industrial users.*

- a. Commercial and industrial users of water (for other than drinking water and restrooms)

continue to maintain at least a fifteen (15) percent reduction of water use compared to use during the same month of the previous year.

Additionally, if a customer uses more than the allowed amount more than once at any time during Stage 4, such overuse the customer's water may be turned off and there will be a fifty dollar (\$50.00) re-connect fee, in addition to any other adopted fees.

Individual allotments may be adjusted by the Director of Water and City Council based on historical water usage and conservation practices of the customer. The other restrictions of Stage 4 still apply to commercial and industrial users.

- b. Water used for industrial purposes not in the immediate interest of the public health, safety and welfare may be curtailed to the extent necessary to effectuate the needs and purposes of this plan.

Target water use goals.

The following target goals for water use will be attempted, for use during water conservation stages as notified by City of Abilene, the City of Lawn will work towards the following goals of reducing it's use of the contract maximum gallons of water use by purchase agreement:

- (1) *Stage 1. Water alert—Target water use goal: Reduction of 2 percent (2%) overall usage system wide.*
- (2) *Stage 2. Water warning—Target water use goal: : Reduction of 4 percent (4%) overall usage system wide.*
- (3) *Stage 3. Water emergency—Target water use goal: Reduction of 6 percent (6%) overall usage system wide.*
- (4) *Stage 4. Water crisis—Target water use goal: Reduction of 10 percent (10%) overall usage system wide.*

WATER CONSERVATION PLAN ENFORCEMENT

Administrative enforcement.

- (a) Violations of this plan are declared to be administrative penalties of Non Compliance with remedies as decided by the City Council that could range from suspension of water usage, meter removal and termination of water services, or other remedies, during the water conservation plan activation in the Stage 3-Water emergency and Stage 4-Water crisis. Any new adopted or current fees will be assessed to the customer's water utility bill. Each violation of a particular component of this plan shall constitute a separate violation, and each day a violation continues shall be considered a new violation for purposes of enforcement and enhancement.

- (b) Any new adopted fees or current fees will be in addition to the regular water utility bill amount. The City Hall office may discontinue water service to the premises if restrictions violation continue after notification and the fees are not paid as required under the plan. Any person whose service is discontinued for failure to pay the fees or continues to violate the plan restrictions shall not be restored until payment of a reconnection charge and any other costs incurred by the City in discontinuing service.
- (c) The City's authority to seek injunctive or other civil relief available under the law is not limited by this section.

Presumption of ownership and control.

- (a) *Presumption of ownership/control.* Any person, including a person classified as a water customer of City of Lawn, 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.
- (b) All notices shall be issued to the person or entity whose name appears on the water bill.
- (c) In any case of a violation of any terms or provisions of this plan by any corporation, business, partnership, or entity, the officers and/or agents actively in charge of the business or entity shall be subject to the penalty provided herein.
- (d) If a customer is irrigating during a time period or on a day when irrigation is not permitted for the street address of that customer and a City worker cannot find any person at that street address to turn off the irrigation system, the City worker may enter the property and turn off the irrigation system and/or the water source.

City Hearing Officers .

- (a) The City Council and Water Director will sit for all Hearings on the Plan restrictions and violators .
- (b) Hearing Officer(s) shall have the authority to administer oaths and to issue orders compelling the attendance of witnesses and the production of documents.
- (c) City Council can request the attendance of witnesses or the production of documents for the hearing

Administration of hearings.

- (a) The administrative adjudication process for plan violations shall be initiated by the issuance of a notice which may be authorized agent. Authorized enforcement agents shall include any Police Officer, water utilities worker, City Councilman, or other employee of the City designated by the City to enforce the provisions of this Code in regard to the plan.
- (b) The notice may be issued by affixing it to the front door of the property in question, in a conspicuous place and by notice on Billing statement.
- (c) The notice shall provide that the person charged with violation of the plan shall have the right of hearing to determine the validity for the charged offense. Such right to a hearing shall be exercised by mail or by appearing in person before a Hearing Officer within ten (20) days from the date of the notice.
- (d) The original or any copy of the notice or summons is a record kept in the ordinary course of business in the City and is rebuttable proof of the facts it contains.

Hearings.

- (a) At the hearing before the City Council, the violator may admit, admit with explanation, or deny the alleged infraction. It is not a defense to the offense that the violator did not intend the alleged infraction, there being no culpable mental state required for the infraction.
- (b) The issuing officer shall not be required to attend the hearing.
- (c) It is not required that the City's Attorney attend the hearing. Provided, however, that if the defendant is represented by legal counsel at the hearing, the Hearing Officer shall notify the City Attorney who shall have a right to appear on behalf of the City at said hearing.

- (d) No formal or sworn complaint shall be necessary. The City Council shall examine the contents of the notice and the evidence related to ownership of the property in question and shall hear and review the testimony and evidence presented by the violator. If the Council determines by the preponderance of the evidence that the infraction was committed by the violator, he shall find the violator responsible and assess a decision of action.
- (e) At the conclusion of the hearing, the City Council shall issue a decision stating whether or not the person (customer) is responsible for the violation of the plan and the action against him or her. The action shall be filed with the City Secretary in the Water department customer files and noted in City Minutes of next regular meeting, if the hearing is not held during normal city meeting during special session. All such decisions shall be kept in a separate index or file by the City Secretary using appropriate data processing techniques.
- (f) Failure of a person (customer), in violation with the plan to appear at a hearing within the aforesaid twenty-day period shall be considered an admission of liability for the plan violation.

Appeals.

- (a) A person determined by the City Council to be in violation of any provision of the plan may appeal this determination to the City Hall or if designated a Councilman to hear plan appeals.
- (b) The appeal must be instituted by filing a written petition, not later than the tenth day after the filing of the Hearing notification by the City of Lawn to the Customer.
- (c) After filing a petition for appeal, the Mayor shall schedule a hearing and notify all parties of the date, time, and place of the hearing.
- (d) The appeal hearing shall be a de novo review. The City Council shall examine the evidence presented at the hearing and if the Council and Water Director determines by the preponderance of the evidence that the infraction was committed by the violator, the Council shall find the violator responsible therefore.

Actions and Payment.

- (a)) Any person (customer) found to have violated the plan by the Council, within ten (20) days of said hearing or the fee shall be assessed of any new adopted fees or current fees on the violator's next water bill.
- (b) Any person (customer) alleged to have violated the plan and who fails to appear within the twenty (20) days as reflected in subsection above shall be assessed a decision of action on their account and fees on the next water bill.
- (c) If a failure to appear after notification of violation or a customer filing an appeal and not showing up for scheduled hearing, a certified letter shall be mailed to customer with action taken by City Council.

Subsequent violations; increased fees; discontinuation of service; injunctive relief.

- (a) Subsequent violations of the plan shall result in increased any adopted fees or upon the occurrence of three (3) violations, after notice, the discontinuation of services. Services discontinued under this provision shall be restored only upon payment of a reconnection fee and any other costs incurred by the City in discontinuing service.
- (b) Compliance with the plan may also be sought through injunctive relief in court when possible

Minimum and maximum.

- (a) Any person, firm, or corporation found to have violated any provision of the plan, shall be assessed a decided action and the appropriate adopted fees if any to include current fees, for each offense, as determined by the City Council in their reasonable discretion, subject to review as to the minimum to maximum fees applied.
- (c) It is an affirmative defense to any violation of this article if the customer proves that the misused wasted water is from an operable water well serving said property.
- (d) Fraudulent misrepresentation of well water use will result in possible water shutoff.

Requests for variance.

Requests for variance should be made in writing to the Director of Water Utilities. Requests must include name of customer, location, type of variance requested, reason for variance request and duration of deviation from this plan. Upon the Director's written approval acknowledged by the entity in question, these entities may follow the requested variance and will be responsible for all other provisions of this plan.

Severability.

If any provision or any section of this plan shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of the plan, which shall remain in full force and effect.

Reserved.