

ARTICLE 13.08 WATER CONSERVATION

DIVISION 1. WATER CONSERVATION

Sec. 13.08.001.01 Introduction and Applicability.

The City of Manor (the "City") has developed this Water Conservation Plan (the "Plan") for its wholesale and retail treated water utility systems to manage public water resources effectively and to plan appropriate responses to emergency and drought conditions. The Plan recognizes that conservation is valuable in managing water and wastewater utility systems. Benefits of water conservation include extending available water supplies; reducing the risk of shortage during periods of extreme drought; reducing water and wastewater utility operating costs; improving the reliability and quality of water utility service; reducing customer costs for water service; reducing wastewater flows; improving the performance of wastewater treatment systems; and enhancing water quality and the environment.

This Plan applies to all City of Manor's retail and wholesale treated water customers. This Plan adopted on May 1, 2024, will be updated at least every five (5) years to account for changes in water usage due to water supply issues and growth in the customer base.

Sec. 13.08.001.02 Authorization, Implementation and Enforcement

The City Manager of the City, or his/her designee, is hereby authorized and directed to implement the applicable provisions of this Plan. The City Manager, or his/her designee, will act as administrator of the City's water conservation Program (the "Water Conservation Program" or "Program"). He/she will oversee the execution and implementation of the Program and will be responsible for keeping adequate records for Program verification.

This Plan was presented to the City Council of the City (the "City Council") for approval on May 1, 2024.

The following methods will enforce this Plan:

1. The City Council adopted this Plan by ordinance and the ordinance will be enforced through the city municipal court system.
2. The water rate structure will be enforced through the city municipal court system where violations can result in the assessment of penalties, fees, and water service disconnection for any customers not paying the monthly bill; and
3. The Building Official of the City (the "Building Official"), or designee, will not certify new construction unless it meets adopted building and plumbing codes.

Sec. 13.08.001.03 Utility Profile – Baseline Evaluation of Water and Wastewater Utility System and Customer Use.

- (a) Population and Service Area: In 2024, the City of Manor has an overall population of 23,916 and is currently growing at a rate of 11.43% annually. The City’s population has increased by approximately 59% since the most recent census, which recorded a population of 14,102. The City currently bills 5,652 water service connections with an estimated water service population of 23,916. The City’s population will continue to grow, with the water service population estimated to be at 28,240 by the year 2030. The water service area has grown as well. The City’s current water service area is presented in Exhibit A.
- (b) Water Produced and Treated by the City: The City’s water system serves 5,652 connections with an estimated water service population of 23,916. Residential customers comprise approximately 93% of total connections and about 74% of yearly consumption. Detailed water and wastewater utility data is found in Exhibit C.

Sec. 13.08.001.04 Water Conservation Plan Elements

- (a) A summary of the City’s baseline and future water conservation goals per gallon per person per day is summarized in the table below.

	Historic 5yr Average	Baseline	5yr Goal	10yr Goal
Total GPCD		81	74	74
Residential GPCD		19	12	12
Water Loss GPCD		8	8	8
Water Loss %		9.5%	9.5%	9.5%

The City will measure its progress in reducing water use by comparing the current daily per-resident use to per-resident use multiplied by the population each year. Manor unaccounted water for 2023 was less than 10%. The City’s goal is to maintain unaccounted-for water at 10% or less.

- (b) Water Conservation Measures
 - (1) Universal Metering and Meter Replacement and Repair. All utility customers shall be metered. A regularly scheduled maintenance program of meter repair and replacement will be performed in accordance with the following schedule:

Production (master) meters:	Testing Interval
Meters larger than 1":	Test once a year
Meters 1" or smaller:	Tested if reading is unusual or if requested by the homeowner.

Zero consumption accounts: Meters will be flow tested to see if water is being used and not recorded. In addition, the meters will be checked for proper sizing.

- (2) Distribution System Leak Detection and Repair. The City's unaccounted water loss is due to sections of the water distribution system being polybutylene pipe, which has a known history of leakage. The City will expand on this in the coming years to more targeted areas by bringing in a third party to identify areas of concern throughout the distribution system by taking the current data the City collects via the City's SCADA system and comparing that to historical usage to identify neighborhoods where leaks appear to be present.
 - (3) Water Pricing Incentives. The City charges a volumetric increasing block rate to all customers. A copy of the City's current rate structure is found in Exhibit B.
 - (4) Continuing education program. As part of a continuing public education and information campaign based on this Plan, the City will:
 - (i) Develop and provide water conservation brochures and handouts to water customers.
 - (ii) Staff local events to provide water customers with water-saving tips, low-flow shower heads, faucet aerators, and other information.
 - (iii) The City will continue to promote a landscape water management information program.
 - (iv) The City will continue to provide information and instructions on its website so that residents can perform evaluations for irrigation systems to ensure they are properly functioning. This helps educate the water customers on how to operate their irrigation system more efficiently and helps reduce water waste.
- (c) Measures to determine and control unaccounted-for uses of water and for universal metering of customer and public uses of water. The City is using INCODE Utility Billing software for meter reading reports. Monthly readings are done using Neptune drive-by unit or hand-held devices and software. When necessary, City staff conduct visual inspections to determine if the system distributes to illegal connections or connections where service has been abandoned.
- (d) Other Conservation Strategies. The City will also pursue adopting codes or ordinances that promote water-conserving technologies, promote water efficiency, or avoid water waste. In addition, the City provides recycled wastewater to golf courses and contractors for dust irrigation and dust control. Additional information on conservation strategies is provided in Exhibit D.

EXHIBIT B

UTILITY RATE STRUCTURE

Water and Wastewater Rates

Rates from the City's Code of Ordinances, Article A7.000 Utility Service
Charges and Fees

Water Rates

Base Fee (Minimum Monthly Fee)	Manor
Residential - 5/8" Meter	\$29.06
Residential - 5/8" Meter Senior Citizen	\$24.75
Commercial - 5/8" Meter	\$10.79
Commercial - 3/4" Meter	\$16.18
Residential - 1" Meter	\$48.54
Commercial - 1" Meter	\$26.96
Commercial - 1.5" Meter	\$53.93
Commercial - 2" Pos. Displacement Meter	\$86.28
Commercial - 2" Compound Meter	\$86.28
Commercial - 2" Turbine Meter	\$107.86
Commercial - 3" Compound Meter	\$172.57
Commercial - 3" Turbine Meter	\$258.85
Commercial - 4" Compound Meter	\$269.64
Commercial - 4" Turbine Meter	\$453.00
Commercial - 6" Compound Meter	\$539.28
Commercial - 6" Turbine Meter	\$992.28
Commercial - 8" Compound Meter	\$862.85
Commercial - 8" Turbine Meter	\$1,725.70
Commercial - 10" Compound Meter	\$1,240.34
Commercial - 10" Turbine Meter	\$2,696.40
Commercial - 12" Turbine Meter	\$3,559.25

EXHIBIT B

UTILITY RATE STRUCTURE CONTINUED

**Residential Water Usage Fees (Per 1,000 gallons
monthly)**

0 - 2,000	\$0.56
2,000 - 5,000	\$3.02
5,001 - 10,000	\$3.78
10,001 - 15,000	\$4.72
15,001 - 25,000	\$5.90
25,001 - and Over	\$7.37

**Commercial Water Usage Fees (per 1,000 gallons
monthly)**

\$6.74

Fire Hydrant Water Usage Fees (Per 1,000 gallons monthly)

\$9.00

Effluent Water Usage Fees (Per 1,000 gallons monthly)

\$1.95

EXHIBIT B

UTILITY RATE STRUCTURE CONTINUED

Wastewater Rates

Base Fee (Minimum Monthly Fee)	Manor
Residential - 5/8" Meter	\$20.33
Residential - 5/8" Meter Senior Citizen	\$13.94
Commercial - 5/8" Meter	\$16.05
Commercial - 3/4" Meter	\$24.08
Commercial - 1" Meter	\$40.13
Commercial - 1.5" Meter	\$80.25
Commercial - 2" Pos. Displacement Meter	\$128.40
Commercial - 2" Compound Meter	\$128.40
Commercial - 2" Turbine Meter	\$160.50
Commercial - 3" Compound Meter	\$256.80
Commercial - 3" Turbine Meter	\$385.20
Commercial - 4" Compound Meter	\$401.25
Commercial - 4" Turbine Meter	\$674.10
Commercial - 6" Compound Meter	\$802.50
Commercial - 6" Turbine Meter	\$1,476.60
Commercial - 8" Compound Meter	\$1,284.00
Commercial - 8" Turbine Meter	\$2,568.00
Commercial - 10" Compound Meter	\$1,845.75
Commercial - 10" Turbine Meter	\$4,012.50
Commercial - 12" Turbine Meter	\$5,296.50

Residential Wastewater Usage Fees (Per 1,000 gallons monthly)

0 - 8,000	\$3.75
8,000 - or More	\$4.40

Commercial Wastewater Usage Fees (Per 1,000 gallons monthly)

\$6.00

EXHIBIT C

WATER AND WASTEWATER UTILITY DATA

Monthly Volume of Water Treated (Gallons)					
	2019	2020	2021	2022	2023
January	27,043,000	28,768,000	31,105,000	40,647,000	59,469,000
February	25,182,000	28,431,000	34,480,000	33,615,000	51,939,000
March	26,348,000	30,410,000	36,820,000	37,374,000	63,666,000
April	25,117,000	33,565,000	36,601,000	38,558,000	60,457,000
May	26,635,000	35,639,000	38,984,000	44,668,000	53,889,000
June	28,443,000	43,732,000	39,766,000	53,391,000	58,584,000
July	31,738,000	46,100,000	38,620,000	58,326,000	73,891,000
August	35,938,000	48,748,000	38,814,000	54,787,000	76,424,000
September	39,232,000	37,390,000	43,678,000	49,081,000	64,673,000
October	36,543,000	60,934,200	40,574,000	52,401,000	56,948,000
November	30,670,000	34,529,000	40,672,000	47,159,000	44,870,000
December	30,449,000	34,302,000	39,249,000	47,710,000	46,300,000
TOTALS	363,338,000	462,548,200	459,363,000	557,717,000	711,110,000

Monthly Volume of Wastewater Treated Average Flow					
	2019	2020	2021	2022	2023
January	0.64	0.64	0.80	0.80	1.52
February	0.50	0.46	0.91	1.23	1.41
March	0.47	0.63	0.77	1.11	1.44
April	0.53	0.67	0.80	1.07	1.77
May	0.62	0.72	1.33	1.31	1.65
June	0.52	0.62	1.13	1.08	1.38
July	0.56	0.56	0.97	1.27	1.07
August	0.56	0.62	0.91	1.36	1.11
September	0.53	0.81	0.78	1.38	1.09
October	0.52	0.72	1.05	1.42	1.01
November	0.48	0.52	1.28	2.98	1.00
December	0.45	0.55	0.95	1.64	0.97
TOTALS	6.38	7.52	11.68	16.65	15.42

EXHIBIT D

WATER CONSERVATION STRATEGIES

Conservation Program Strategies

Water Use Management

Manor Water Conservation implements and enforces a comprehensive plan for all retail water customers. This plan includes a baseline Conservation Stage.

The City of Manor will regulate outdoor watering use by having their customers on a set watering schedule, depending on drought conditions. Customers can track the usage of their water by using a billing chart within their account. The City can also monitor changes in customer usage and send out notices on possible leaks on the customer side.

DIVISION 2. DROUGHT CONTINGENCY PLAN

Sec. 13.08.002 SCOPE, DECLARATION OF POLICY, PURPOSE, AND INTENT.

(a) This division addresses the establishment of the city's water conservation ordinance (the "Water Conservation Ordinance" or "Ordinance") and the City's drought contingency plan (the "Drought Contingency Plan" or "Plan"). Copies of the Ordinance and Drought Contingency Plan will be available for inspection or reproduction in the office of the city secretary and on the city's website, www.manortx.gov.

(b) 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 a water supply shortage or other water supply emergency conditions, the city hereby adopts the regulations and restrictions on the delivery and consumption of potable water set forth in this division.

(c) Water uses regulated or prohibited under this plan are nonessential, and continuation of such uses constitutes a waste of water, which subjects the offender(s) to penalties as defined in section 13.08.020 *Enforcement* of this plan.

(d) The city operates a reuse station that utilizes wastewater effluent to provide water for landscape irrigation and dust control. This Plan will not affect the use of effluent irrigation water.

Sec. 13.08.003 PUBLIC INVOLVEMENT.

The public was able to provide input into preparing this Plan during the public hearing that was held before the City Council when the Council considered the Ordinance adopting this Plan.

Sec. 13.08.004 PUBLIC EDUCATION.

The city will educate the public about conservation and drought conditions through information from the Public Works Department, 416 Gregg St., or by calling the Public Works Department at (512) 272-5555 ext. 5. As trigger conditions approach, the public will be notified through press releases on the current conditions and water conservation methods on the city's internet website.

Sec. 13.08.005 COORDINATION WITH REGIONAL WATER PLANNING GROUPS

The service area of the City of Manor, Texas is located within the Lower Colorado Regional Water Planning Area and the city has provided a copy of this Plan to the Region K Planning Group.

Sec. 13.08.006 AUTHORIZATION.

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

Sec. 13.08.007 APPLICATION.

The provisions of this Plan apply to all persons, customers, and property owners utilizing water provided by the city. The terms “person” and “customer” used in this Plan include individuals, corporations, partnerships, associations, and all other legal entities.

Sec. 13.08.008 DEFINITIONS.

In this article:

Aesthetic water use means water is used for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Automatic irrigation system means any irrigation system connected to and operated by a programmable controller, including a permanently or temporarily installed irrigation system.

Commercial and institutional water use means water use is integral to commercial and nonprofit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Commercial facility means a municipal, business, or industrial building and the associated landscaping but does not include a golf course's fairways, greens, or tees.

Conservation means those practices, techniques, and technologies reduce water consumption, reduce the loss or waste of water, improve the efficiency in water use, or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer means any person, company, or organization using water supplied by the City of Manor.

Designated outdoor water use day means the day prescribed by rule on which a person is permitted to irrigate outdoors.

Director means the Director of the City of Manor Public Works Department.

Domestic water use means water is used for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or cleaning a residence, business, industry, or institution.

Drip irrigation system means small-diameter pressurized lines that are directly buried in the soil to a nominal depth of six inches and contain pressure-reducing emitters to restrict water flow to a meager rate.

Drought contingency plan means a strategy or combination of methods for supply management and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies required by Texas Administrative Code, Title 30, chapter 288, subchapter B.

Foundation watering means applying water to the soils directly abutting the foundation of a building, structure, or improvement on land.

Hose-end sprinkler means an above-ground water distribution device that may be attached to a garden hose.

Household means the residential premises area served by the customer's meter.

Industrial water use means the use of water in processes designed to convert lower-value materials into forms with more excellent usability and value.

Irrigation means the supply of water to the land by means of channels, streams, and sprinklers in order to permit the growth of plants/grass/crops, whether the land is outdoors or surrounded by a house or commercial or industrial facility (i.e., indoors).

Landscape irrigation use means the supply of water as described in "irrigation" to "new landscape" as defined below.

Manual irrigation system means an irrigation system designed to require the manual operation of valves or the attachment of a quick-coupling device.

Multi-family property means property containing five or more dwelling units.

New landscape means vegetation:

- (1) Installed at the time of the construction of a residential or commercial facility.
- (2) Installed as part of a governmental entity's capital improvement project.
- (3) installed to stabilize an area disturbed by construction or that alters more than 500 contiguous square feet of an existing landscape.

Ornamental Fountain means an artificially created structure from which a jet, stream, or water flow emanates, and the water is not used to preserve aquatic life.

Owner means a person with a freehold interest in a facility to which this article applies.

Permanently installed irrigation system means a custom-made, site-specific system of delivering water generally for landscape irrigation via pipes or underground conduits.

Person means any natural person or legal entity such as an individual, business, partnership, association, firm, corporation, governmental body, or other entity that receives, requests, manages, uses, maintains, or is responsible for water utility service at a service address, whether the person or entity is a customer or account holder of the City of Manor Water Utilities Department.

Persons per household means only those persons currently physically residing on the premises and expected to live there for the entire billing period.

Premises means the outdoor area of property not enclosed by fencing walls or living areas do not enclose the property's outdoor area and do not include areas for storing vehicles or other motorized equipment. *Residential facility* means a site with four or fewer dwelling units.

Single-family residential customer means any residential dwelling designed for and inhabited by a single person or family unit.

Temporarily installed irrigation system means a universally applicable above-ground irrigation system that uses a flexible hose or hardened pipe to deliver water to a movable water distribution device.

Water manager means the person designated by the city manager to implement and/or oversee the water management plan described herein, as may be amended.

Sec. 13.08.009 Compliance Required.

A person may not use or permit the use of water in a manner that conflicts with the requirements of this article in an amount more significant than permitted by this article.

Sec. 13.08.010 Fees And Charges.

- (a) Fees and charges assessed according to this article shall be set by the City Council under a separate ordinance.
- (b) Fees and charges associated with enforcement of this article shall be identified on the customer's utility billing invoice or on the order assessing the fee or charge, except as where otherwise provided by ordinance.

Sec. 13.08.011 Inspections and Right of Entry.

- (a) The Director or Director's designee may:
 - (1) inspect any property, equipment, or improvement to determine compliance with this article; and
 - (2) require an owner, occupant, operator, manager, or user of a property, equipment, or improvement to correct a violation of this article.
- (b) An inspection of a residential property shall be conducted from:
 - (1) areas accessible to the public; or
 - (2) a restricted access area only after the Director or Director's designee has presented official identification to the property manager, owner, occupant, or other representative and obtained consent to enter a restricted access area.
- (c) If consent for entry necessary to inspect to determine compliance with this article is required but denied, withdrawn, limited, or impaired, the Director or Director's designee may seek any recourse available under applicable law to obtain entry and inspect.
- (d) Conducting or failing an onsite inspection does not impose liability on the City, a city officer or employee, or a city representative for damage to a person or property.

Sec. 13.08.012 Water Conservation Guidelines.

- (a) The director shall recommend and the city manager shall adopt water conservation guidelines that include:
 - (1) Policies for compliance by city or other governmental departments; and
 - (2) Criteria for determining when a conservation stage occurs or terminates.

- (b) The city manager shall update the guidelines if the city manager determines that there are changed conditions of the city's water supply system, regulatory obligations, or other environmental or situational factors warrant or necessitate guideline adjustment.
- (c) The City Manager may order that the water use restrictions of Drought Response Stage One Regulations, Drought Response Stage Two Regulations, Drought Response Stage Three Regulations, or Water Rationing take effect after determining that the order is necessary to protect the public health, safety, or welfare. The City Manager may base a conservation, drought, or emergency stage declaration or termination on any condition, occurrence, factor, or an assessment of all relevant circumstances that, in the judgment of the City Manager, support such action for any lawful purpose. The order is effective immediately following official public notice.
- (d) Water use regulations of section 13.08.020 *Drought Response Stages* remain in effect until the City Manager orders termination of the stage following subsection (c) of this section Unless a drought or emergency stage is expressly declared by order of the City Manager, water use regulations of section 2.06 *Drought Response Stages* automatically resume by default immediately upon any ordered termination of any drought or emergency stage.
- (e) Any outdoor water use subject to the provisions of this article shall occur only on a day designated for the applicable water-use activity, property/facility type, and street number address classification indicated in the following tables. A person may not conduct, authorize, or permit outdoor water use except following the designation schedule in the following tables. In the following tables, "EVEN" or "ODD" correspond to the street number of the physical property address where the outdoor water use occurs. The tables below shall be called the " Outdoor Water Use Schedule."

Watering Schedule for the Standard Conservation Stage	
Property type	Watering day
Residential Property - EVEN	Thursday and Sunday
Residential Property - ODD	Wednesday and Saturday
Commercial/Multifamily facilities	Tuesday and Friday
Public/Private Schools	Monday and Friday

Watering Schedule for Drought Response Stage 1 and Stage 2	
Property type	Watering day
Residential Property – addresses ending in 0 or 1	Monday
Residential Property - addresses ending in 2 or 3	Tuesday
Residential Property – addresses ending in 4 or 5	Wednesday
Residential Property – addresses ending in 6 or 7	Thursday
Residential Property - addresses ending in 8 or 9	Friday
Commercial/Multifamily Facilities	Saturday
Public/Private Schools	Sunday

- (f) The Director may order temporary modification or adjustment to the Outdoor Water Use Schedule in the event of an unusual water system operational event, catastrophic occurrence, severe weather event, or other emergency, disaster situation, or occurrence necessitating the adjustment. A temporary modification or adjustment to the Outdoor Water Use Schedule shall be effective immediately upon official public notice. It shall continue in effect for a period not to exceed fifteen (15) consecutive days. The Director shall provide official public notice of the date upon which any temporary modification or adjustment to the Outdoor Water Use Schedule expires and the standard Outdoor Water Use Schedule resumes.
- (g) The Director shall monitor the daily supply and demand for water and make recommendations to the city manager about whether or when to implement or terminate water use restrictions under the Drought Contingency Plan in effect and kept on file with the City of Manor's Water Utilities Department and the city secretary or when relevant to any other circumstances affecting continuity of service or public health, safety, or welfare.

Sec. 13.08.013 EXEMPTIONS.

- (a) The following uses are exempt from the restrictions under section 13.08.017 *Drought Response Stages*:
 - (1) Water use is necessary to protect the public's health, safety, or welfare.
 - (2) The use of reclaimed or auxiliary water not supplemented by or mixed with potable water supplied by the City of Manor Water Utility.
 - (3) Necessary use of water for the lawful repair of a water distribution facility, flushing of utility lines, or residential or commercial plumbing lines.
 - (4) Necessary use of water, other than for landscape irrigation, for a governmental entity performing a governmental function, including a capital improvement construction project.
 - (5) Use of water, other than for landscape irrigation, necessary to meet express requirements of federal, state, or local permits related to land development that include but are not limited to roadway base preparation, dust control, maintenance of trees subject to preservation restrictions or requirements, concrete or asphalt work, or modification or construction of improvements.
 - (6) Necessary washing or sanitizing to prevent public health or disease transmission risk associated with liquid, solid, or particulate residue in or on vehicles, containers, or equipment lawfully used to maintain, process, or transport food, perishables, garbage, liquid or solid waste, organic materials, or recyclables; or
 - (7) Water use immediately necessary for or related to firefighting, fire prevention, or fire suppression activity or operations conducted because of actual risk to public or environmental health, safety, or welfare, life, or property associated with the presence of an uncontrolled fire on or approaching any person or property.
- (b) The following activities are exempt from the application of the conservation, drought response stage one and stage two regulations in section 13.08.017 *Drought Response Stages*.
 - (1) Outdoor irrigation:
 - (A) using drip irrigation;

- (B) of vegetable gardens using a soaker hose;
 - (C) of athletic fields used for organized sports practice, competition, or exhibition events when irrigation is necessary to protect the health and safety of the players, staff, or officials present for the athletic event;
 - (D) immediately following a commercial lawn treatment application by an applicator who possesses required licensure as applicable for the use of such substances including fertilizer, pesticides, and herbicides, provided receipts documenting such application and the applicator's credentials are provided upon request to a designee of the Director; or
 - (E) of plant material at a commercial nursery.
- (2) Water use:
- (A) necessary for the repair or installation of a permanently or temporarily installed landscape irrigation system when the person performing the irrigation work is present during irrigation; or
 - (B) necessary for repairing, testing, or installing an ornamental fountain when the person performing the testing, repair, or installation is present.
- (c) The following activities are exempt from the application of the conservation stage regulations and the drought response stage one regulations moderate water shortage conditions in section 13.08.017 *Drought Response Stages*:
- (1) Water use necessary to comply with federal, state, or local land development permits requiring the establishment of new landscaping between the hours of 7:00 p.m. to 10:00 a.m.; and
 - (2) Irrigation of areas documented on an approved and released site plan such as for golf course fairways, greens, or tees.

Sec. 13.08.014 WASTE OF WATER PROHIBITED.

This section prohibits the waste of water year-round.

- (a) A person may not:
- (1) Fail to repair a controllable leak, including a broken sprinkler head, pipe, or a leaking valve.
 - (2) Operate any irrigation system with:
 - (A) A broken head.
 - (B) A head that is out of adjustment and the arc of the spray head is over a street, parking area, or other impervious surface.
 - (C) A head that is misting because of high water pressure.
 - (3) Allow water flow during irrigation that:
 - (A) Runs, flows, or streams in a way that extends into a street, parking area, or other impervious surface for 50 feet or greater; or

- (B) Allows water to pond to a depth greater than 0.25 inch in a street, parking area, or on another impervious surface.
- (b) It is an affirmative defense to a charge of a violation of subsection (a) above that the act or omission charged in the complaint occurred during necessary repair, testing, or calibration of a new or existing irrigation or plumbing system, that the person performing the system testing, repair, or calibration was present at the site at the time of the act or omission charged in the complaint, and that the irrigation or plumbing system and the testing, repair, or calibration work at issue complied at the time with all applicable regulations, permit and development approval requirements.
- (c) It is an affirmative defense to a charge of a violation of subsection (a)(1) above that the property where the leak occurred has been officially accepted into a government-assisted housing repair program and the condition is within the scope of repairs the government has agreed to fund or repair.
- (d) It is an affirmative defense to a charge of a violation of subsection (a)(1) above that the person charged with the violation or the property where the violation occurs is not in default of any obligation of the government-assistance housing repair program at the time of the violation charged.

Sec. 13.08.015 Applicability of Regulations; Affirmative Defenses.

- (a) This article applies to a person who uses, directs, manages, or allows the use of potable water supplied by the City of Manor. The article does not apply to a person who only uses, requires, controls, or enables the use of auxiliary or reclaimed water.
- (b) It is an affirmative defense to a violation of this article that the use of water that gave rise to the breach was consistent with the agreed-upon terms and conditions of a water service contract with a wholesale water customer and that the use did not constitute a waste of water.
- (c) It is an affirmative defense to a violation of this article that the use of water that gave rise to the breach properly utilized solely auxiliary water and did not endanger public health, safety, or property.
- (d) It is an affirmative defense to a violation of this article that the use of water that gave rise to the breach properly utilized solely reclaimed water, did not endanger public health, safety, or property, and did not constitute a waste of water in accordance with section 13.08.014 *Waste of Water Prohibited*.
- (e) It is an affirmative defense to a violation of this article that the act or omission that gave rise to the breach occurred solely because of a documented emergency that prevented strict compliance and that the act or omission did not disrupt the availability of adequate water for other public emergency response or firefighting or fire suppression purposes.

Sec. 13.08.016 Triggering Criteria for Initiation and Termination of Drought Response Stages.

The triggering criteria described below are based on the statistical analysis of the vulnerability of the city's water source under drought of record conditions.

- (a) Water Conservation Stage -Year round
 - (1) Requirements for initiation. Customers shall comply year-round with the requirements and restrictions defined in subsection 13.08.017(a).

(b) Stage 1 - moderate water shortage conditions.

- (1) Requirements for initiation. Customers shall comply with the requirements and restrictions defined in subsection 13.08.017(b) of this Plan when the average daily water consumption reaches 80% of production distribution capacity for three consecutive days or when well pumps equal to or greater than 15 hours decrease.
- (2) Requirements for termination. Stage 1 of this Plan may be rescinded by the city manager when all conditions listed as triggering events have ceased to exist for three consecutive days or by the city council if any conditions are listed as triggering events, Other than requirements imposed by the city's wholesale water contract with a wholesale provider, have ceased to exist, and the city council finds that terminating the drought response Stage 1 will not adversely affect public health, safety, or welfare. Upon termination of Stage 1, the Water Conservation Stage becomes operative.

(c) Stage 2 - severe water shortage conditions.

- (1) Requirements for initiation. Customers shall comply with the requirements and restrictions defined in subsection 13.08.017(c) of this Plan when the average daily water consumption reaches 90% of production/distribution capacity for three consecutive days or when well pump hours are equal to or greater than 18 hours, or the city manager determines that Stage 2 implementation is necessary to protect the city's water supply for essential usages. No variances will be granted during Stage 2 severe water shortage conditions.
- (2) Requirements for termination. Stage 2 of this Plan may be rescinded by the city manager when all the conditions listed as triggering events have ceased to exist for three consecutive days or by the city council if any of the conditions listed as triggering events, other than requirements imposed by the city's wholesale water contract with a wholesale provider, has ceased to exist, and the city council finds that terminating the drought response Stage 2 will not adversely affect public health, safety, or welfare. Upon termination of Stage 2, the city manager will determine what stage will become operative based on storage levels.

(d) Stage 3 - emergency water shortage conditions.

- (1) Requirements for initiation. Customers shall comply with the requirements and restrictions defined in subsection 13.08.017(d) of this Plan when the city manager determines that a water supply emergency exists based on:
 - (A) The number of hours well pumps run and tank storage elevation;
 - (B) Major water line breaks or pump or system failures occur and cause an unexpected loss of capability to provide water service;
 - (C) System demand exceeds available high-service pump capacity;
 - (D) There is detection of accidental or intentional contamination of the water system;
 - (E) There is the detection of a man-made water system failure or a failure due to acts of God (e.g., tornados, hurricanes, etc.);
 - (F) A mechanical failure of pumping equipment occurs during a moderate drought and will require more than 12 hours to repair; or
 - (G) A wholesale provider cannot supply the City the contractual amount of water due.

- (2) Requirements for termination. Stage 3 of this Plan may be rescinded by the City Manager when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days or the emergency no longer exists or by the City Council if any of the conditions listed as triggering events, other than requirements imposed by the city's wholesale water contract with a wholesale provider, has ceased to exist and the City Council finds that terminating the drought response Stage 3 will not adversely affect public health, safety, or welfare.
- (e) Water rationing.
- (1) Requirements for initiation. Customers must comply with the water rationing and allocation plan prescribed in section 13.08.018 of this plan and comply with the requirements and restrictions for Stage 3 of this plan when the city manager determines that water rationing is necessary.
 - (2) Requirements for termination. Water rationing may be rescinded when all the conditions listed for warranting water rationing have ceased to exist for a period of 3 consecutive days.

Sec. 13.08.017 Drought Response Stages.

The Public Works Department will monitor water supply and/or demand conditions daily and, in accordance with the triggering criteria set forth in section 13.08.016 of this plan, will recommend to the city manager the extent of the conservation required through the implementation or termination of conservation stages for the city to plan for and supply water to its customers prudently. The city manager may order the appropriate stage of water conservation implemented or terminated in accordance with the applicable provisions of this article by public notification. The conservation stage will take effect immediately upon public notification:

- (a) Conservation Stage.
- (1) Goal. Achieve reduction in water usage year-round.
 - (2) Supply management measures: The city shall comply with the conservation guidelines year-round.
 - (3) Required water use restrictions.
 - (A) This section prescribes water conservation regulations and applies during the periods specified by section 13.08.012 *Water Conservation Guidelines*.
 - (B) A person may not irrigate outdoors at a residential facility or a commercial facility except on a designated outdoor water use day for the location.
 - (C) Outdoor irrigation is permitted if it is by means of a handheld hose equipped with a positive shutoff nozzle, a faucet-filled bucket, or a watering can of five gallons or less.
 - (D) A person may not irrigate outdoors at a residential facility or a commercial facility between the hours of 10:00 a.m. and 7:00 p.m., even if the irrigation occurs on a designated outdoor water use day for the location.
 - (E) A person may not operate a patio mister at a commercial facility except between the hours of 4:00 p.m. and midnight.
 - (F) A person may not use or allow the use of water to wash or rinse an automobile, truck, trailer, boat, airplane, motorcycle, or other mobile equipment or vehicle

unless using a hose with a positive shutoff valve or a single, refillable vessel with water. A person commits a separate offense for each vehicle or piece of equipment washed in violation of this subsection. It is an affirmative defense to a violation of this subsection that the water use occurred at a vehicle wash facility for the water use charged in the complaint.

(G) A person may not use or allow the use of water to wash, rinse, or treat any outdoor surface, including but not limited to a sidewalk, driveway, parking area, street, tennis court, patio, or other paved area or outdoor building surface, unless using a hose with a positive shutoff valve or a single, refillable vessel with water. A person commits a separate offense for each outdoor surface washed in violation of this subsection.

(4) Prohibited waste of water. Waste of water (section 13.08.014) is prohibited year-round regardless of stage restrictions.

(5) Notwithstanding the prohibitions in this section, irrigation of new landscape installation is permitted. In that event, irrigation may only occur during the hours permitted under subsection (a)(3) above and in accordance with the following 30-day irrigation schedule:

(A) For the first ten days after installation, once a day;

(B) For days 11 through 20 after installation, once every other day; and

(C) For days 21 through 30 after installation, once every third day.

(b) Stage 1 - moderate water shortage conditions.

(1) Goal. Achieve a 10 percent reduction in average daily water use (e.g., total water use, daily water demand, etc.).

(2) Supply management measures. The city will reduce or discontinue flushing of water mains; reduce or discontinue irrigation of public landscaped areas; use an alternative water supply source, where possible; and use reclaimed water for non-potable purposes, where possible. The city will comply with the water use restrictions for Stage 1 when Stage 1 is implemented.

(3) Water use restrictions.

(A) A person may not irrigate outdoors at a residential facility or a commercial facility except on a designated outdoor water use day for the location.

(B) Outdoor irrigation is permitted by a permanently installed automatic irrigation system before 8:00 a.m. and after 7:00 p.m. on an outdoor water use day as designated by the city.

(C) Outdoor irrigation is permitted if it is by means of a handheld hose equipped with a positive shutoff nozzle, a faucet-filled bucket, or a watering can of five gallons or less on a designated outdoor water use day before 10:00 a.m. or after 7:00 p.m.

(D) Outdoor irrigation is permitted by a hose-end sprinkler or a soaker hose before 8:00 a.m. and after 7:00 p.m. on an outdoor water use day as designated by the city.

(E) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle is prohibited except on designated watering days before 10:00 a.m. and after 7:00 p.m. When allowed, such washing must be done with a handheld bucket or hose equipped with a positive shutoff nozzle. This restriction does not apply to

commercial carwash or a commercial service station or if washing is necessary to protect the health, safety, and welfare of the public. Charity carwashes are prohibited without a permit approved by the city.

- (F) Watering the ground around a foundation to prevent foundation cracking is permitted.
 - (G) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is permitted.
 - (H) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited, except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
 - (I) A person may not operate a patio mister at a commercial facility except between the hours of 4:00 p.m. and midnight.
 - (J) Use of water from hydrants will be limited to firefighting and related activities or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under a permit for construction water from the city.
 - (K) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days before 8:00 a.m. and after 7:00 p.m., except that irrigation of the golf course utilizing a water source other than potable water obtained from the city water distribution system, is not subject to this regulation.
 - (L) All restaurants are prohibited from serving water to customers except upon a customer's request.
 - (M) A person may not use or allow the use of water to wash, rinse, or treat any outdoor surface, including but not limited to a sidewalk, driveway, parking area, street, tennis court, patio, or other paved area or outdoor building surface, unless using a hose with a positive shutoff valve or a single, refillable vessel with water on the person's designated watering day. A person commits a separate offense for each outdoor surface washed in violation of this subsection.
- (4) Prohibited waste of water. Waste of water (section 13.08.014) is prohibited year-round regardless of stage restrictions.
 - (5) Notwithstanding the prohibitions in this section, irrigation of new landscape installation is permitted. In that event, irrigation may only occur during the hours permitted under subsection (b)(3) above and in accordance with the following 30-day irrigation schedule:
 - (A) For the first ten days after installation, once a day;
 - (B) For days 11 through 20 after installation, once every other day; and
 - (C) For days 21 through 30 after installation, once every third day.
- (c) Stage 2 - severe water shortage conditions.
 - (1) Goal. Achieve a 25 percent reduction in average daily water usage (e.g., total water use, daily water demand, etc.).

- (2) Supply management measures. The city will reduce or discontinue flushing of water mains; reduce or discontinue irrigation of public landscaped areas; use an alternative water supply source, where possible; and use reclaimed water for non-potable purposes, where possible. The city must comply with the water use restrictions for Stage 2 when Stage 2 is implemented.
- (3) Water use restrictions.
- (A) A person may not irrigate outdoors at a residential facility or a commercial facility except on a designated outdoor water use day for the location.
 - (B) Outdoor irrigation is permitted by a permanently installed automatic irrigation system before 8:00 a.m. and after 7:00 p.m. on an outdoor water use day as designated by the city.
 - (C) Outdoor irrigation is permitted if it is by means of a handheld hose equipped with a positive shutoff nozzle, a faucet-filled bucket, or a watering can of five gallons or less on a designated outdoor water use day before 10:00 a.m. or after 7:00 p.m.
 - (D) Outdoor irrigation is permitted by a hose end sprinkler or a soaker hose before 8:00 a.m. and after 7:00 p.m. on an outdoor water use day as designated by the city.
 - (E) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle is prohibited. This restriction does not apply to commercial carwash or a commercial service station or if washing is necessary to protect the health, safety, and welfare of the public.
 - (F) Charity carwashes are prohibited without a permit approved by the city.
 - (G) Watering the ground around a foundation to prevent foundation cracking is only permitted on a resident's designated outdoor water use day before 10:00 a.m. or after 7:00 p.m.
 - (H) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is permitted.
 - (I) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited, except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
 - (J) A person may not operate a patio mister at a commercial facility is prohibited.
 - (K) Use of water from hydrants will be limited to firefighting and related activities or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under a permit for construction water from the city.
 - (L) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days before 8:00 a.m. and after 7:00 p.m. However, irrigation of golf course greens, tees, and fairways utilizing a water source other than potable water obtained from the city water distribution system is not subject to these regulations.

- (M) All restaurants are prohibited from serving water to customers except upon a customer's request.
 - (N) A person may not use or allow the use of water to wash, rinse, or treat any outdoor surface, including but not limited to a sidewalk, driveway, parking area, street, tennis court, patio, or other paved area or outdoor building surface, unless using a hose with a positive shutoff valve or a single, refillable vessel with water. A person commits a separate offense for each outdoor surface washed in violation of this subsection.
- (4) Prohibited waste of water. Waste of water described in section 13.08.014) is prohibited year-round regardless of stage restrictions.
 - (5) Notwithstanding the prohibitions in this section, irrigation of new landscape installation is permitted. In that event, irrigation may only occur during the hours permitted under subsection (c)(3) above and in accordance with the following 30-day irrigation schedule:
 - (A) For the first ten days after installation, once every other day; and
 - (B) For days 11 through 30 after installation, once every third day.
- (d) Stage 3 - emergency water shortage conditions.
- (1) Goal. Achieve a 30 percent reduction in average daily water use (e.g., total water use, daily water demand, etc.) over a rolling 12-month period.
 - (2) Supply management measures. The city will reduce or discontinue flushing of water mains; reduce or discontinue irrigation of public landscaped areas; use an alternative water supply source, where possible; and use reclaimed water for non-potable purposes, where possible. The city will comply with the water use restrictions for Stage 3 when the restrictions are implemented.
 - (3) Water use restrictions.
 - (A) All outdoor irrigation is prohibited.
 - (B) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle is prohibited. This restriction does not apply to commercial carwash or a commercial service station or if washing is necessary to protect the health, safety, and welfare of the public.
 - (C) Charity carwashes are prohibited.
 - (D) Watering the ground around a foundation to prevent foundation cracking is prohibited.
 - (E) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited.
 - (F) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited, except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
 - (G) A person may not operate a patio mister at a commercial facility.
 - (H) Use of water from hydrants will be limited to firefighting and related activities or other activities necessary to maintain public health, safety, and welfare, except

that use of water from designated fire hydrants for construction purposes may be allowed under a permit for construction water from the city.

- (I) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited. However, irrigation of golf course greens, tees, and fairways utilizing a water source other than potable water obtained from the city water distribution system is not subject to these regulations.
- (J) All restaurants are prohibited from serving water to customers except upon a customer’s request.
- (K) A person may not use or allow the use of water to wash, rinse, or treat any outdoor surface, including but not limited to a sidewalk, driveway, parking area, street, tennis court, patio, or other paved area or outdoor building surface. A person commits a separate offense for each outdoor surface washed in violation of this subsection.
- (L) No applications for building permits for new pools or irrigation facilities other than drip irrigation systems will be allowed or approved.

(4) Prohibited waste of water. Waste of water (section 13.08.014) is prohibited year-round regardless of stage restrictions.

(5) Irrigation of new landscape installations is prohibited.

13.08.018 Water Rationing.

If water shortage conditions threaten public health, safety, and welfare, the city manager may ration water according to the following water allocation plan:

- (a) Single-family residential customers.
 - (1) The allocation to residential water customers residing in a single-family dwelling will be as follows:

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

- (2) It will be assumed that a particular customer’s household is comprised of two people unless the customer notifies the city of a more significant number of persons per household on a

form prescribed by the city manager. The city manager will use best efforts to see that the forms are mailed, otherwise provided, or made available to every residential customer. If, however, a customer does not receive such a form, it will be the customer's responsibility to go to the city utility billing offices to complete and sign the form claiming more than two persons per household. New customers may claim more people per household at the time of applying for water service on the form prescribed by the city manager. When the number of people per household increases to place the customer in a different allocation category, the customer may notify the city on such form, and the change will be implemented in the next practicable billing period. If the number of persons in a household is reduced, the customer must notify the city in writing within two days.

- (3) Any person who falsely reports the number of persons in a household or fails to timely notify the city of a reduction in the number of people in a household commits a class C misdemeanor offense and may be fined not less than \$50.00 and more than \$500.00. No culpable mental state is required to prove this offense. However, if it is shown on the trial of the offense that the offense was committed intentionally, knowingly, recklessly, or with criminal negligence, then the person may be fined not more than \$2,000.00.
 - (4) Residential water customers who exceed their monthly allocation of water will pay the following surcharges:
 - (1) For every 100 gallons used over the monthly water allocation, customers will pay 150% of the average volume charge for 25,001 gallons and up.
 - (5) Surcharges shall be cumulative, added to the monthly utility bill, and subject to late payment penalties, including suspension of services.
- (b) Master-metered multifamily residential customers.
- (1) A customer billed from a master-meter that jointly measures water to multiple permanent residential dwelling units (e.g., apartments, mobile homes) will be allocated 6,000 gallons per month for each dwelling unit. All master-meter customers shall notify the city of the number of dwelling units served from the master meter on a form prescribed by the city manager. The city will use its best efforts to ensure the forms are mailed, otherwise provided, or made available to every customer. If, however, a customer does not receive a form, it will be the customer's responsibility to go to the city utility billing offices to complete and sign the form claiming the number of dwelling units. A dwelling unit may be claimed under this provision, whether occupied or not. New customers may claim more dwelling units at the time of applying for water service on the form prescribed by the city manager. If the number of dwelling units served by a master-meter is reduced, the customer must notify the city in writing within two days. In prescribing the method for claiming more than two dwelling units, the city manager will adopt strategies to ensure the accuracy of the claim.
 - (2) Any person who falsely reports the number of dwelling units served by a master-meter or fails to timely notify the city of a reduction in the number of persons in a household commits a class C misdemeanor offense and may be fined not less than \$500.00. No culpable mental state is required to prove this offense. However, if it is shown on the trial of the offense that the offense was committed intentionally, knowingly, recklessly, or with criminal negligence, then the person may be fined up to \$2,000.00.

- (3) Customers billed from a master-meter under this provision who exceed their monthly allocations must pay the following monthly surcharges:
 - (A) For every 100 gallons used over the monthly water allocation, customers will pay 150% of the average volume charge for 25,001 gallons and up for each dwelling unit.
 - (4) Surcharges shall be cumulative, added to the monthly utility bill, and subject to late payment penalties, including suspension of services.
- (c) Commercial customers.
- (1) The city will establish a monthly water usage allocation for each nonresidential commercial customer other than an industrial customer who uses water for processing purposes. The nonresidential customer's allocation will be 75% of the customer's usage for the corresponding month's billing period for the immediately preceding 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 will be used for any monthly period for which no history exists. Provided, however, that a customer, 75% of whose monthly usage is less than 6,000 gallons, will be allocated 6,000 gallons. The city will make its best efforts to see that notice of each nonresidential customer's allocation is mailed to each customer. If, however, a customer does not receive the notice, it will be the customer's responsibility to contact the city utility billing offices to determine the allocation. Upon request of the customer or at the initiative of the city, the allocation may be reduced or increased if: (a) the designated period does not accurately reflect the customer's average water usage; (b) one nonresidential customer agrees to transfer part of its allocation to another nonresidential customer in a binding agreement satisfactory to the city; or (c) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal the request for allocation decision to the city manager.
 - (2) Nonresidential commercial customers who exceed monthly allocation must pay the following surcharges:
 - (A) Customers whose allocation is 0 gallons through 10,000 gallons per month:
 - (i) For every 100 gallons used over the monthly water allocation, customers will pay 150% of the average volume charge for 25,001 gallons and up.
 - (B) Customers whose allocation is 10,001 gallons per month or more:
 - (i) For every 100 gallons used over the monthly water allocation, customers will pay 200% of the average volume charge for 25,001 gallons and up.
 - (3) Surcharges shall be cumulative, added to the monthly utility bill, and subject to late payment penalties, including suspension of services.
- (d) Industrial customers.
- (1) The city will establish a monthly water usage allocation for each industrial customer. The industrial customer's allocation will be approximately 90% of the customer's water usage baseline, as defined below. Ninety days after the initial imposition of the allocation for industrial customers, the industrial customer's allocation will be further reduced to 80% of the customer's water usage baseline. The industrial customer's water usage baseline

will be computed on the average water usage for the immediately preceding 12-month period. If the industrial water customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record will be used for any monthly period for which no billing history exists. The city will make its best efforts to see that notice of each industrial customer's allocation is mailed to each customer. If, however, a customer does not receive the notice, it will be the customer's responsibility to contact the city utility billing offices to determine the allocation, and the allocation will be fully effective, notwithstanding the lack of receipt of written notice. Upon request of the customer or at the initiative of the city, the allocation may be reduced or increased if:

- (A) the designated period does not accurately reflect the customer's average water usage because the customer had shut down a significant processing unit for repair or overhaul during the period;
- (B) the customer has added or is in the process of adding significant additional processing capacity;
- (C) the customer has shut down or significantly reduced the production of a major processing unit;
- (D) the customer has previously implemented significant permanent water conservation measures such that the ability to reduce usage further is limited;
- (E) the customer agrees to transfer part of its allocation to another industrial customer in a binding document satisfactory to the city; or
- (F) if other objective evidence demonstrates that the designated allocation is inaccurate under present conditions.

A customer may appeal an allocation established hereunder to the City Manager.

- (2) Industrial customers who exceed monthly allocation must pay the following surcharges:
 - (A) Customers whose allocation is 0 gallons through 20,000 gallons per month:
 - (i) For every 100 gallons used over the monthly water allocation, customers will pay 200% of the average volume charge for 25,001 gallons and up.
 - (B) Customers whose allocation is 20,001 gallons per month or more:
 - (i) For every 100 gallons used over the monthly water allocation, customers will pay 250% of the average volume charge for 25,001 gallons and up.
- (3) Surcharges shall be cumulative, added to the monthly utility bill, and subject to late payment penalties, including suspension of services.

Sec. 13.08.019 Offense.

- (a) A person commits an offense if the person:
 - (1) directs, performs, authorizes, requests, allows, assists, facilitates, or permits an act prohibited by this article;
 - (2) fails to perform an act required by this article; or
 - (3) uses water in a manner contrary to any provision of this article.

- (b) Each day or part of the day during which the violation is committed or continued is a separate offense.
- (c) An offense under this article is punishable by a fine not exceeding \$2,000.00.

Sec. 13.08.020 Enforcement.

- (a) For purposes of this article, the person or customer in whose name the utility billing office last billed or who is receiving the economic benefit of the water supply is presumed to have knowingly made, caused, used, or permitted the use of water obtained from the city for residential, commercial, industrial, agricultural, governmental or any other purpose in a manner contrary to any provision of this article and proof that the violation occurred on the person's or customer's property shall constitute a rebuttable presumption that the person or customer committed the violation.
- (b) Each act of city water use in violation of this article shall constitute and be punishable as a separate offense. Each day that any violation continues shall include and be punishable as a separate offense. Unless another penalty is expressly provided by this code or by state law, the penalty for breach of any provision of this article shall be as follows:
 - (1) For subsection 13.08.017(a) Conservation Stage violations, the City of Manor's Water Utility may issue a fine of up to \$500.00.
 - (2) For violations of subsection 13.08.017(b) Stage 1 Restrictions violations, the City of Manor's Water Utility may issue a fine of \$500.00 to \$1000.00.
 - (3) For subsection 13.08.017(c) Stage 2 Restrictions violations, the City of Manor's Water Utility may issue a fine of \$1000.00 to \$1500.00.
 - (4) For violations of subsection 13.08.017(d) Stage 3 Restrictions, the City of Manor's Water Utility may issue a fine of \$1500.00 to \$2000.00.
- (c) If a person is convicted for three or more violations of this article within a 12-month period, water service may be disconnected or restricted.
- (d) If a violation which constitutes a waste of water is identified and the waste of water is not and will not become a hazard to public safety, a city worker shall leave a notice of the violation at the customer's residence and attempt to contact the customer by phone, email, or at their residence. If the waste of water continues for more than 24 hours after the waste of water violation notice has been delivered, a city worker may enter the customer's property to turn off the customer's water. A notice that the water has been turned off shall be left at the customer's residence.
- (e) If a violation that constitutes a waste of water is identified, a city worker shall attempt to contact the customers by phone, email, or at their residence. If the waste of water is or soon will be a hazard to public safety, a city worker may enter the customer's property to turn off the customer's water. A notice that the water has been turned off shall be left at the customer's residence.
- (f) Under this article, proof of a culpable mental state is not required for a conviction of an offense.

Sec. 13.08.021 Variances.

- (a) A review board consisting of the city staff members appointed by the city manager will be established on May 1 of each year. The review board will review hardship and special cases that

cannot strictly comply with this article to determine whether the cases warrant a variance, permit, or compliance agreement (collectively, “variance”).

- (b) All applications for a variance must be submitted to the review board on an “application for variance/permit/compliance agreement” form and must include a non-refundable fee of \$200.00 and the following:
 - (1) Name and address of the petitioner(s);
 - (2) Purpose of water use;
 - (3) Specific provision(s) of this plan from which the petitioner is requesting relief;
 - (4) Detailed statement as to how the specific provision of this plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if the petitioner complies with this article;
 - (5) Description of the relief requested;
 - (6) Period for which the variance is sought;
 - (7) 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; and
 - (8) Other pertinent information.
- (c) The review board will decide no later than the 5th working day after receipt of a properly completed “application for variance/permit/compliance agreement” form, and the non-refundable administrative fee of \$200.00 is received by the review board.
- (d) Until the review board has acted on an application, the applicant must comply with all provisions of this article. The review board may not approve a variance if the terms and conditions do not meet or exceed the purpose and intent of this article.
- (e) A variance may be granted only for reasons of economic hardship or health conditions substantiated by a licensed physician. In this section, “economic hardship” means an imminent threat to a person’s or entity’s primary source of income. If the review board determines there is an economic hardship, it may authorize the implementation of alternative water use restrictions that further the purposes of this plan. Alternative water use restrictions must be set forth on the face of the variance, and the customer must keep a copy of the variance in a location that is accessible by and visible to the public. Inconvenience or the potential for damage to landscaping does not constitute an economic hardship under this section. **NO VARIANCES MAY BE GRANTED WHILE THE CITY IS IN STAGE 2 OF THIS PLAN OR HIGHER.**
- (f) The review board may, in writing, grant a temporary variance for existing water uses otherwise prohibited under this plan if it determines 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 either of the following conditions are met:
 - (1) Compliance with this plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which this plan is in effect; or
 - (2) Alternative methods that will achieve the same level of reduction in water use can be implemented.

- (g) Variances are subject to the following conditions unless waived or modified by the review board.
 - (1) Variances must include a timetable for compliance; and
 - (2) Variances expire when this plan is no longer in effect unless the petitioner has failed to meet specified requirements.

- (h) A variance may not be retroactive or otherwise justify any violation of this plan occurring before the variance is issued.