

## Reunion Ranch WCID – DCP Enforcement Procedures

### Enforcement for Retail Potable Water Customers

The following enforcement provisions shall apply to all District potable water (drinking water) customers:

- (1) No person shall knowingly or intentionally allow the use of potable water (drinking water) from a District water utility system for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time.
- (2) Any person who violates this plan shall be subject to the following surcharges and conditions of service:
  - A. Following the first documented violation in a calendar year, the violator shall be given a notice specifying the type of violation and the date and time it was observed; and surcharges and restrictions on service that may result from additional violations; however, in the case of significant violations, as determined by the District Board or its designee and including filling a swimming pool during a drought stage when such use is prohibited, no such notice shall be given, and the violator will be sent the notice described in 2B below and assessed the surcharges described below. In those cases, the first documented violation shall be treated as a second documented violation.
  - B. Following the second documented violation in a calendar year, the violator shall be sent by certified mail a notice of violation and shall be assessed a surcharge of \$500.00. This amount increases to an amount up to \$2,000 if operating under Stages 3, 4 or 5 of the Plan.
  - C. Following the third documented violation in a calendar year, the violator shall be sent by certified mail a notice of violation and shall be assessed a surcharge of \$750.00. This amount increases to an amount up to \$10,000 if operating under Stages 3, 4 or 5 of the Plan.
  - D. Following the fourth documented violation in a calendar year, the District shall, upon due notice to the customer, discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a reconnection charge, as established in the District's Rate Order, as amended from time to time, and any outstanding charges including late payment fees or penalties. In addition, suitable assurance must be given to the District so that the same action shall not be repeated while the plan is in effect. The District may apply the deposit to any surcharges or penalties

subsequently assessed under this plan against a customer. The deposit, if any, shall be returned to the customer at the time of the customer's voluntary disconnection from the utility system.

E. Compliance with this Plan also may be sought through injunctive relief in district court.

(2) Each day that one or more of the provisions in this Plan is violated shall constitute a separate violation. Any person, including one classified as a water customer of the District in apparent control of the property where a violation occurs or originates, shall be presumed to be the violator. Any such person, however, shall have the right to show that he did not commit the violation. See *enforcement process diagram in Appendix C - Drought Response Retail Enforcement Process*.

#### **Legal Authority applicable to Water Districts in Regard to Drought Contingency Plan Enforcement**

*Please note that the following list is not intended to be exhaustive and statutes listed below may not apply to all Water Districts. Citations below may change following the publication date of this Drought Contingency Plan Model. Each Water District is encouraged to consult with legal counsel in regard to enforcement of drought contingency plans and specific enforcement authority available to each Water District.*

Texas Water Code sec. 49.004

Texas Water Code sec. 49.212

Texas Water Code sec. 51.122

Texas Water Code sec. 54.205

Texas Water Code sec. 65.205

**Appendix C – Drought Response Retail Enforcement**

	<u><b>Violation witnessed by Designated District Representative</b></u> <b>type of violation date and time</b>
<b>First documented violation</b>	<u><b>Notice of violation issued</b></u> <b>Customer is notified of actions to be taken if violations continue.</b>
<b>Second documented violation</b>	<u><b>Issue surcharge No. 1</b></u> <b>\$500.00</b> <b>Up to \$2,000 if in Stages 3, 4 or 5</b>
<b>Third documented violation</b>	<u><b>Issue surcharge No. 2</b></u> <b>\$750.00</b> <b>Up to \$10,000 if in Stages 3, 4 or 5</b>
<b>Fourth documented violation</b>	<u><b>Cut-off service</b></u> <b>reconnection fee (per Rate Order)</b>

**Enforcement Procedures**

Beginning the first Sunday to follow the board meeting, Inframark will conduct a drive-by inspection of all homes who are watering – the inspection will be conducted between 5-6 AM to capture those who are likely watering into the morning hours in hopes of avoiding being noticed.

Beginning the Tuesday that follows that Sunday, we will begin conducting a cycle of inspections that will flow as such:

Sunday, Tuesday, Thursday, Saturday, Monday, Wednesday, Friday

We can repeat this cycle as many times necessary. This would allow us to identify violations occurring on each day of the watering schedule. All inspections will occur between 5-7 AM.

The tech who performs the drive by inspection will take a picture of the observed water usage and will document the address. This will be turned over to our Administrative

Manager who will compile the information, verify violations (address vs day of the week), and from this, we can begin sending first warnings. First warnings will be sent via email to the emails we have on file, as well as a tag being hung at the residence that explains the observed water violation that occurred (date, time, etc.).

Once a resident surpasses the first warning and is observed violating the water restrictions again, the same process will follow, however, a charge will be added to their water bill in the minimum amount of \$500.00 up to \$2,000.00 and a notice, via certified mail, will be sent to the residence.

Should the board choose to delegate this authority to the designated committee, we would run all fines through the committee prior to issuance – presenting all evidence of violations and documentation of notice given to the customers, to allow the committee to determine who should receive a violation.

This same process will continue for the 3<sup>rd</sup> and 4<sup>th</sup> violations and subsequent amounts that are stated above for those violations.