### WATER CONSERVATION

§ 51.65 Daily water conservation plan.

(A) All persons using water for lawn and garden watering or irrigation during the period of May 15 to September 15 of each year shall do so in the following manner:

(1) *Stage 1 (non-emergency state)—Voluntary.*

(a) All water customers with an address ending in an even number shall conduct all lawn and garden watering or irrigation on even numbered days between the hours of 6:00 a.m. and 9:00 a.m. and 8:00 p.m. and 11:00 p.m.

(b) All water customers with an address ending in an odd number shall conduct all lawn and garden watering or irrigation on odd numbered days between the hours of 6:00 a.m. and 9:00 a.m. and 8:00 p.m. and 11:00 p.m.

(2) *Stage 2 (emergency state).* Depending on the availability of water and the town's ability to supply essential water demands and fire protection, the town council may determine and declare that an emergency situation exists and restrict the use of water for lawn and garden watering, or irrigation, or other purposes, to only three days per week. A declared emergency shall remain in effect until September 15 of the year declared or until town council takes action to return to Stage 1 (non-emergency state).

(a) All water customers with an address ending in an even number must conduct all lawn and gardening watering or irrigation on even numbered days between the hours of 6:00 a.m. and 9:00 a.m. and 8:00 p.m. and 11:00 p.m. with no watering on Sunday.

(b) All water customers with an address ending in an odd number must conduct all lawn and garden watering or irrigation on odd numbered days between the hours of 6:00 a.m. and 9:00 a.m. and 8:00 p.m. and 11:00 p.m. with no watering on Sunday.

(c) In an emergency state, a person should contact the director of public works prior to installing new landscaping to determine if a variance will be considered.

(d) Water customers connected to the Town of Ponder water supply who are not within the town limits shall conform to the same watering requirements of this section.

(e) Filling of swimming pools shall be scheduled.

(3) *Stage 3 (emergency state).* Depending on the availability of water and the town's ability to supply essential water demands and fire protection, the town council may determine and declare that an emergency situation exists and restrict the use of water for lawn and garden watering, or irrigation, or other purposes, to only one day per week. A declared emergency shall remain in effect until September 15 of the year declared or until town council takes action to return to Stage 1 (non-emergency state).

(a) All water customers with an address ending in an even number must conduct all lawn and gardening watering or irrigation on even numbered days between the hours of 6:00 a.m. and 9:00 a.m. and 8:00 p.m. and 11:00 p.m. with no watering on Sunday.

(b) All water customers with an address ending in an odd number must conduct all lawn and garden watering or irrigation on odd numbered days between the hours of 6:00 a.m. and 9:00 a.m. and 8:00 p.m. and 11:00 p.m. with no watering on Sunday.

(c) In an emergency state, a person should contact the director of public works prior to installing new landscaping to determine if a variance will be considered.

(d) Water customers connected to the Town of Ponder water supply who are not within the town limits shall conform to the same watering requirements of this section.

(e) Filling of swimming pools shall be scheduled.

(4) *Stage 4 (emergency state).* The following are prohibited:

(a) Washing vehicles;

(b) Refilling empty swimming pool;

(c) Filling new swimming pool;

(d) New lawn variances;

(e) Lawn and garden watering or irrigation.

(B) The mayor will appoint and authorize a town employee to issue citations to customers that are in noncompliance with the water conservation plan.

(C) The Director of Public Works of the Town of Ponder has the authority to implement all four stages of the water conservation plan as noted in the criteria below and without prior town council approval:

(1) Stage 2 implementation: 75%—961,200 gpd for three consecutive days;

(2) Stage 3 implementation: 80%—1,015,360 gpd for three consecutive days;

(3) Stage 4 implementation: 85%—1,089,360 gpd for three consecutive days.

(D) *Penalty.*

(1) *Stage 1 (non-emergency state).* No penalty.

(2) *Stage 2 (emergency state).*

(a) A customer who is found to have violated Stage 2 for the first time will receive a warning and will not be assessed a penalty.

(b) A customer who is found to have violated Stage 2 for a second time will be assessed a penalty not to exceed $500.00.

(c) A customer who continuously violates Stage 2 will be assessed a penalty of $500.00 per violation.

(3) *Stage 3 (emergency state).*

(a) A customer who is found to have violated Stage 3 for the first time will be assessed a penalty not to exceed $500.00.

(b) A customer who continuously violates Stage 3 will be assessed a penalty of $500.00 per violation and/or water may be disconnected.

(4) *Stage 4 (emergency state).*

(a) A customer who is found to have violated Stage 4 for the first time will be assessed a penalty not to exceed $500.00.

(b) A customer who continuously violates Stage 4 will be assessed a penalty of $500.00 per violation and water service will be disconnected.

(2000 Code, § 11.401; Am. Ord. 18-18, passed - - 2018)

§ 51.66 Notice requirement.

(A) Written notice will be published on the Town of Ponder website prior to implementing the conservation plan. Mailed notice must be given 72 hours prior to the start of the conservation plan. If notice is hand delivered, the town may not enforce the provisions of the plan until 24 hours after the notice is delivered.

(B) Written notice will contain the following information:

(1) Date conservation will begin;

(2) Date conservation will end;

(3) Stage of conservation and rules that apply;

(4) Explanation of penalties for violations.

(2000 Code, § 11.402; Am. Ord. 18-18, passed - - 2018)

§ 51.99 Penalty.

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

(B) Any person, or any owner or occupant, or agent of any owner or occupant, violating any of the terms of §§ 51.01 through 51.06 shall be subject to a fine, upon conviction in the municipal court, the fine not to exceed $500.00, each day that a violation occurs shall constitute a separate and distinct offense.

(C) Any person, firm or corporation violating any of the provisions of §§ 51.15 through 51.20 shall be deemed guilty of a misdemeanor; and any person, firm or corporation found guilty thereof shall be fined in accordance with the general penalty provision found in § 10.99 of this Code for each such conviction. Each and every day such violation continues shall constitute a separate offense.

(D) Any owner of property, violating any of the terms of § 51.31, shall be subject to a fine, upon conviction in the municipal court, which fine not to exceed $2,000.00. Each day that a violation occurs shall constitute a separate and distinct offense.

(E) Section 51.32 adopts and incorporates all applicable penalty provisions related to on-site sewage facilities, which includes, but is not limited to, those found in the Texas Health and Safety Code Ch. 341 and 366, and the Texas Water Code Ch. 26.

(F) (1) A person who violates any provision §§ 51.45 through 51.52 shall, upon conviction, be punished as provided in § 10.99(A)(1) of the general provisions of this Code.

(2) The town attorney is authorized to commence an action for appropriate legal or equitable relief in a court of competent jurisdiction. This relief may include:

(a) An injunction to prevent a violation of this section;

(b) Recovery for damages to the water or wastewater system(s) resulting from a violation of this section;

(c) Recovery for expenses incurred by the town in responding to a violation of this section;

(d) A civil fine of up to $2,000.00 per day for a violation of this section; and

(e) All other damages, costs, and remedies to which the town may be entitled.

(G) A person who violates § 51.66 is guilty of a separate offense for each day or portion of a day during which the violation continues and, upon conviction, shall be punished as follows:

(1) *Stage 1 (non-emergency state).* No penalty, ticket or fine will be assessed.

(2) *Stage 2 (emergency state).*

(a) A customer who is found to have violated Stage 2 for the first time will receive a warning but will not be assessed a penalty;

(b) A customer who is found to have violated Stage 2 for a second time will be assessed a penalty in accordance with the general penalty provision found in § 10.99 of this Code; and

(c) A customer who continuously violates Stage 2 will be assessed a penalty in accordance with the general penalty provision found in § 10.99 of this Code per violation.

(3) *Stage 3 (emergency state).*

(a) A customer who is found to have violated Stage 3 for the first time will be assessed a penalty in accordance with the general penalty provision found in § 10.99 of this Code; and

(b) A customer who continuously violates Stage 3 will be assessed a penalty in accordance with the general penalty provision found in § 10.99 of this Code per violation; and/or

(c) Water service will be disconnected.

(4) *Stage 4 (emergency state).*

(a) A customer who is found to have violated Stage 4 for the first time will be assessed a penalty in accordance with the general penalty provision found in § 10.99 of this Code; and

(b) A customer who continuously violates Stage 4, will be assessed a penalty in accordance with the general penalty provision found in § 10.99 of this Code per violation and water service will be disconnected.

(Ord. 153, passed 9-14-1992; Ord. 224, passed 6-7-1999; Ord. 240, passed 8-5-1999; Ord. 243, passed 8-5-1999; 2000 Code, §§ 11.107, 11.307, 11.403; Ord. 01-01, passed 2-15-2001; Am. Ord. 03-34, passed 6-9-2003; Ord. 06-01, passed 1-9-2006)