

AN ORDINANCE AMENDING AND REPLACING CHAPTER 47 OF THE CODE OF ORDINANCES OF THE CITY OF FREDERICKSBURG, THE DROUGHT CONTINGENCY PLAN OF THE CITY OF FREDERICKSBURG TO ESTABLISH A PURPOSE, DEFINITIONS, PERMANENT REQUIREMENTS, RESTRICTIONS AND LIMITATIONS ON WATERING, OUTLINING STAGES OF DROUGHT RESPONSE STAGES ESTABLISHING EXEMPTIONS, PROVIDING FOR ENFORCEMENT, VARIANCES AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Fredericksburg has determined that its existing Drought Contingency Plan should be replaced and amended as follows for the purposes and to meet the goals herein established in order to better meet the goals of the City in conserving water promoting the more efficient use of existing water resources and systems, and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS THAT Chapter 47 OF THE CODE OF ORDINANCES OF THE CITY OF FREDERICKSBURG BE AND IS HEREBY REPLACED AND AMENDED AS FOLLOWS:

SEE ATTACHED CHAPTER 47 SECTIONS 47-41 THROUGH 47-54

-----End of Code Text-----

Severability / Invalidity.

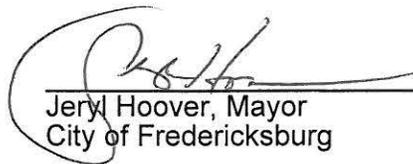
If any provision of this ordinance or the application hereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without defeating the purpose or objective of the provisions, and to this end, the provisions of this ordinance are declared to be severable.

Repealer

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. In particular, the existing ordinance portion of the Drought Contingency Plan for the City is amended in its entirety as set forth herein.

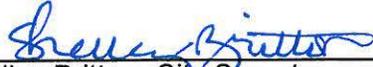
This ordinance shall take effect from and after May 1, 2014 after its publication in accordance with law, provided, however, enforcement by fines and other penalties shall not occur until June 1, 2014.

PASSED AND APPROVED this the 7th day of April, 2014.



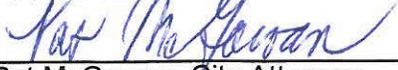
Jeryl Hoover, Mayor
City of Fredericksburg

ATTEST:



Shelley Britton, City Secretary

APPROVED AS TO FORM:



Pat McGowan, City Attorney

Sec. 47-41 - Declaration of policy, purpose, and intent.

Sec. 47-42 - Authorization

Sec. 47-43 - Application.

Sec. 47-44 - Definitions.

Sec. 47-45 - Permanent requirements.

Sec. 47-46 - Restrictions and exemptions

Sec. 47-47 - Triggering criteria for initiation and termination of drought response stages.

Sec. 47-48 - Stage 1 - mild water shortage.

Sec. 47-49 - Stage 2 - moderate water shortage.

Sec. 47-50 - Stage 3 - severe water shortage.

Sec. 47-51 - Stage 4 - critical water shortage.

Sec. 47-52 - Stage 5 - emergency water shortage.

Sec. 47-53 - Variances.

Sec. 47-54 - Enforcement.

Sec. 47-41 - Declaration of policy, purpose, and intent

(a) In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for Domestic Water Use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Fredericksburg hereby adopts the regulations and restrictions of this article on the delivery and consumption of water.

(b) Water uses regulated or prohibited under this Chapter are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section 47-54 of this Article.

Sec. 47- 42 - Authorization

The City Manager of the City of Fredericksburg, is hereby authorized to implement by proclamation, or terminate, any phase of this Drought Contingency Plan (DCP). The decision to implement or terminate any phase of the DCP by the City Manager, may be overturned by a majority vote of the City Council of the City of Fredericksburg at any regular or special meeting of the City Council.

Sec. 47- 43 - Application

The provisions of this Article shall apply to all utility customers of the City of Fredericksburg (including water and/or sewer utility customers outside of the City Limits of the City), owners and occupants of property within the City limits of the City of Fredericksburg and any person or entity utilizing water in City of Fredericksburg including those persons or entities owning, having or using water wells within the City Limits not connected to the city Utility system.

Sec. 47- 44 - Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning:

Aesthetic Water Use - Water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Average Daily Water Demand - The average use of water in a single day expressed in gallons per day calculated by dividing the total volume of water in gallons delivered to the City's water distribution system over a one year period by 365 days.

Buckets - Containers of not more than five (5) gallon capacity.

City Manager - Means City Manager of the City of Fredericksburg, and includes his or her designee.

Commercial and Institutional Water Use - Water use which is integral to the operations of commercial or manufacturing establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation - Those practices, techniques, and technologies that reduce the consumption of water so that a supply is conserved and made available for future use.

Customer - Any person, company, or organization using water supplied by the City of Fredericksburg.

Domestic Water Use - Water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, washing clothes, or for cleaning the interior of a residence, business, industry, or institution.

Drip Irrigation - means a low volume irrigation system that applies water in gallons per hour and saves water by applying water at low-flow levels directly to the soil and the plant's root zone. Such systems include but are not limited to soaker hoses or drip tape hoses which do not exceed ½" in diameter.

Hand-Held - means used or operated while being held in the hand or hands.

Hose - means a common residential garden hose not more than one (1") inch in diameter which includes a positive cut-off nozzle.

Impervious Surface - means patios, pathways and other areas where firm footing is desired, constructed in such a way that does not allow water to penetrate the ground. Examples include, but are not limited to, concrete slabs patios, sidewalks, and driveways, asphalt streets or pavers set with mortar.

Irrigation System - means any water delivery system which delivers water to grass, trees, plants, or any other landscape, whether on a set schedule or not.

Landscape Irrigation Use - Water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, trees, shrubs, golf courses, parks, and rights-of-way and medians.

Low-Flow - Emission device flow rates that are typically measured in gallons per hour (GPH).

Maximum Daily Water Demand - The largest volume of water in gallons delivered to the City's water distribution system in a single day in the preceding 365 days expressed in gallons per day.

Non-Essential Water Use - Water uses that are not essential or required for the protection of public health, safety, and welfare, including:

- (1) Irrigation of landscaped areas, including parks, athletic fields, common areas and golf courses except with the use of reclaimed or effluent water by separate contract with the City of Fredericksburg.
- (2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle in Stages 1 through 4;
- (3) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts or other hard-surfaced areas;
- (4) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (5) Flushing gutters or permitting water to run or accumulate in any gutter or street;
- (6) Use of water to fill, refill or add to any indoor or outdoor swimming pools or jacuzzi type pools;
- (7) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life without a variance;

(8) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and

(9) Use of water from hydrants for construction purposes or any other purposes other than fire- fighting and flushing of lines to maintain a potable water supply.

Outdoor Irrigation - means supplying water to outdoor areas by any means. Outdoor irrigation may be accomplished only with water from the service/meter on the lot or parcel being irrigated. Wells shall be used to supply water only to the lot or parcel on which they exist.

Person - means any individual, corporation (including a governmental corporation organization, state or federal governmental subdivision or agency, political subdivision of a state, interstate agency or body), business, trust, partnership, association, firm, company, joint venture, commission or any other entity.

Rain Sensor - means a device designed to stop the flow of water to an Irrigation System when rainfall or moisture has been detected. Devices referred to as soil moisture sensor, relative humidity sensor or rain sensor shall qualify as a Rain Sensor for the purposes of this Article.

Waste of Water - means failing to repair a controllable leak, including a broken sprinkler head, a leaking valve, leaking or broken pipes or a leaking faucet. It also includes the following:

- (1) Operating a permanently installed irrigation system with:
 - (a) a broken head,
 - (b) a head that is out of adjustment where the arc of the spray head is over a street, parking area, or other impervious surface or
 - (c) a head that is misting due to high water pressure,

- (2) During irrigation:
 - (a) allowing water to run off a property such that there is a trail of water running in a street, parking area, or other impervious surface for a distance of 50 feet or greater or
 - (b) allowing water to pond to a depth greater than $\frac{1}{4}$ of an inch in a street, parking area, or other impervious surface.

Watering Devices - Wherever in this ordinance reference is made to outdoor irrigation, it shall mean any device used for the conveyance of water for the purpose of watering and shall include in any such definition, without limitation, irrigation systems, soaker hoses, drip irrigation or any hose that is hand-held, hand-used whether the same has a nozzle, sprayer, sprinkler device

or none. All such devices shall be used only during the days and hours authorized by this Article.

Well Owners - Any person, company or organization using water supplied by a water well located within the city limits of the City of Fredericksburg. Any reference to "Customer" in this division shall also refer to and be applicable to well owners, except where the requirement or prohibition cannot be applicable to well users. All water use restrictions set out in this division shall apply to those using water supplied by a well located within the City of Fredericksburg.

Sec. 47-45 - Permanent Requirements and Exemptions

(a) The regulations of this Chapter shall apply to all utility customers of the City of Fredericksburg (including water and/or sewer utility customers outside of the City Limits of the City), owners and occupants of property within the City limits of the City of Fredericksburg and any person or entity utilizing water in City of Fredericksburg including those persons or entities owning, having or using water wells within the City Limits not connected to the city Utility system.

(b) The restrictions set forth in this Chapter shall not apply to the following uses of water:

- (1) To alleviate conditions threatening health, safety or welfare of the public;
- (2) For municipal operations of flushing water lines and fire lines for public health purposes;
- (3) For the suppression of fires; and
- (4) For watering grass or plants using effluent or reclaimed water under a contract or purchase from the City.

(c) Except as may be modified in a particular Drought Response Stage, Outdoor Irrigation, including Drip Irrigation, hand held watering and watering with buckets is permitted on any day only between the hours of 5 am to 9 am and 7 to 11 pm. This provision shall be effective during the calendar months of June, July, August and September of each calendar year regardless of whether any other requirements of drought response stages are in force.

(d) All Irrigation Systems shall have a Rain Sensor as part of the system, and the same shall be maintained and operational at all times. This section shall apply to all Irrigation Systems completed after June 21, 2004.

(e) Wasting water is prohibited at all times.

(f) Except as may be modified in a particular Drought Response Stage, all Aesthetic Water Use is permissible at any stage of drought except that outdoor commercial fountains must have a variance in order to operate during drought stages 4 and 5.

Sec. 47-46 – Other restrictions Effective upon Declaration

The restrictions upon water usage provided in Sections 47-48 through 47-52 shall become effective upon declaration by the City Manager of the Drought Response Stage being activated and shall be effective from and after the date provided for in such declaration by the City Manager. Such restrictions shall continue in force until repeal of same by subsequent declaration of the City Manager. Any declaration by the City Manager shall be conclusive of a determination of the existence of a danger to the City's water system. The City Manager's declaration and the measures implemented shall be in accordance with the provisions of this Chapter.

Sec. 47-47 - Triggering criteria for initiation and termination of drought response stages

(a) The City Manager shall monitor water supply and/or demand conditions shall determine when conditions warrant initiation or termination of each Drought Response Stage, and shall issue a proclamation initiating the appropriate stage. Public notification of the initiation or termination of Drought Response Stages shall be posted on the City's Website which shall serve as the official notification, and other public notification may be by means of direct mail, radio ads, publication in a newspaper of general circulation, direct mail to each customer, signs posted in public places, etc. All Drought Response Stage requirements are in addition to those set forth in Section 47- 45 above.

(b) There are five Drought Response Stages for the City of Fredericksburg:

- Stage 1 - Mild Water Shortage
- Stage 2 - Moderate Water Shortage
- Stage 3 - Severe Water Shortage
- Stage 4 - Critical Water Shortage

Stage 5 - Emergency Water Shortage

Each stage will be triggered and terminated based upon the City Manager's evaluation of the severity of three criteria: 1) on the Local Drought Index, 2) on high service pumping capacity for pumps that transfer water from the City's well fields or other sources to its distribution system and 3) on the decrease in well field production capacity.

Various stages are triggered based on the stage of the Local Drought Index, the percentage of time the well fields are being pumped to provide water supply and the loss of pumping capacity from the high service pump stations. The Local Drought Index is comprised of four data points: 1) the average water levels from the two City wells where heaviest pumpage occurs for municipal and irrigation demands, 2) average daily flow from the Pedernales River measured from a consistent designated gauging station, 3) the prior ten (10) month cumulative rainfall amounts recorded by the City at Lady Bird Johnson Park, and 4) the Palmer Hydrological Drought Index for the Edwards Plateau. The Index values, and generally corresponding, Drought Response Stages are:

<u>Local Drought Index</u>	<u>Drought Stage</u>
-1	Stage 1 – Mild
-2	Stage 2 – Moderate
-3	Stage 3 – Severe
-4	Stage 4 – Critical
-5	Stage 5 – Emergency

A detailed description of the requirements of each Drought Response Stage is below.

Sec. 47-48 - Stage 1 – Mild Water Shortage

(a) **When required:** The requirements of Stage 1 are automatically effective without City Manager Proclamation between June 1 and September 30 of each year, and are voluntary the remainder of the year unless specifically proclaimed by the City Manager.

(b) **Goal:** Five (5%) percent reduction in Average Daily Water Demand or ten (10%) reduction in the Maximum Daily Water Demand.

(c) **Requirements:** Outdoor Irrigation may occur only between the hours of 5:00 am to 9:00 am and 7:00 pm to 11:00pm. The day of week restrictions do not apply to the irrigation of commercial plant nurseries; however, these establishments shall curtail all Non-essential water use.

Sec. 47-49 - Stage 2 - Moderate Water Shortage

(a) **When required:** When the City Manager determines that Stage 1 conditions and commensurate water reduction goals have not been met or that the reductions in use are not otherwise sufficient based upon the criteria described above.

(b) **Goal:** Ten (10%) percent reduction in the Average Daily Water Demand or twenty (20%) percent reduction in the Maximum Daily Water Demand.

(c) **Requirements:**

(1) All requirements of Stage 1 shall remain in effect during Stage 2 except as set forth in this Section.

(2) Outdoor Irrigation may occur only between the hours of 5:00 am to 9:00 am and 7:00 pm to 11:00 pm on the schedule below based on the last digit of the street address:

- a. 1 or 2 the irrigation day is Monday and Saturday
- b. 3 or 4 the irrigation day is Tuesday and Saturday
- c. 5 or 6 the irrigation day is Wednesday and Sunday
- d. 7 or 8 the irrigation day is Thursday and Sunday
- e. 9 or 0 the irrigation day is Friday and Sunday

The day of week restrictions do not apply to the irrigation of commercial plant nurseries; however, these establishments shall curtail all Non-essential water use.

(3) Washing impervious cover such as parking areas, driveways, streets, sidewalks, tennis courts, patios, or other paved areas, except to alleviate immediate health or fire hazards is prohibited.

(4) The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment is prohibited except such washing may

occur on residentially zoned properties once per week on Saturday or Sunday as long as there is no water waste, and further except the washing of vehicles or mobile equipment when conducted on the immediate premises of a commercial carwash or a commercial service station. Furthermore, this restriction does not apply to the washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment (such as garbage trucks and vehicles to transport food and perishables) when the washing is necessary on a more regular and frequent basis in order to protect the health, safety and welfare of the public. Charity carwashes are prohibited.

The washing, when allowed, must be done with a hand-held bucket or hand-held hose equipped with a positive shutoff nozzle for quick rinses. The washing of each individual automobile, truck, trailer, boat, airplane or any other type of mobile equipment in violation of the terms and conditions of this restriction constitutes a separate violation under this article.

Sec. 47-50 - Stage 3 - Severe Water Shortage

(a) **When required:** When the City manager determines that Stage 2 conditions and commensurate water reduction goals have not been met or that the reductions in use are not otherwise sufficient based upon the criteria described above.

(b) **Goal:** Fifteen (15%) percent reduction in the Average Daily Water Demand or twenty-five (25%) percent reduction in the Maximum Daily Water Demand.

(c) **Requirements:**

(1) All requirements of previous stages shall remain in effect during Stage 3 except as set forth in this Section.

(2) Outdoor Irrigation may occur only between the hours of 5:00 am to 9:00am and 7:00 pm to 11:00 pm on the following schedule below based on the last digit of the street address:

- a. 1 or 2 the irrigation day is Monday
- b. 3 or 4 the irrigation day is Tuesday
- c. 5 or 6 the irrigation day is Wednesday
- d. 7 or 8 the irrigation day is Thursday

e. 9 or 0 the irrigation day is Friday

The day of week restrictions do not apply to the irrigation of commercial plant nurseries; however, these establishments shall curtail all nonessential water use.

(3) The watering of the ground around foundations to prevent foundation cracking is permitted only during times designated for Outdoor Irrigation except when watering to protect foundations is accomplished by a drip irrigation system or a hand-held hose. A drip irrigation system or hand-held hose may be used to water the ground around foundations to prevent foundation cracking at any time.

(4) Hotels, motels and other lodging must institute, offer and clearly notify guests of a "linen/towel change on request only" program.

Sec. 47-51 - Stage 4 - Critical Water Shortage

(a) **When required:** When the City manager determines that Stage 3 conditions and commensurate water reduction goals have not been met or that the reductions in use are not otherwise sufficient based upon the criteria described above.

(b) **Goal:** Twenty (20%) percent reduction in the Average Daily Water Demand or forty (40%) percent reduction in the Maximum Daily Water Demand.

(c) **Requirements:**

(1) All requirements of stage 3 shall remain in effect during stage 4 except as set forth in this Section.

(2) All Outdoor Irrigation may occur only by any approved watering method between the hours of 7:00 pm to 11:00 pm on the following schedule below based on the last digit of the street address:

- a. 1 or 2 the irrigation day is Monday
- b. 3 or 4 the irrigation day is Tuesday
- c. 5 or 6 the irrigation day is Wednesday
- d. 7 or 8 the irrigation day is Thursday
- e. 9 or 0 the irrigation day is Friday

The day of week restrictions do not apply to the irrigation of commercial plant nurseries; however, these establishments shall curtail all nonessential water use.

3) Outdoor Irrigation by means of Drip Irrigation, watering with a Hand-held Hose or by Buckets may be prohibited, at the discretion of the City Manager if specifically included in his or her declaration.

(4) *City council may implement further water rationing*

Notwithstanding the foregoing, Fredericksburg City Council may implement a water rationing program if the above actions do not achieve the water reduction goals. The rationing program shall contain specific reduction amounts for each customer class. By way of example, but not by way of limitation, water use for each customer class could be limited as follows:

Single-family residential customers and master-metered multi-family residential customers: to one-half (or other percentage) of the customer's average usage for corresponding month's billing period for the previous 12 months, or to one-half (or other percentage) of the average residential customer's use for such month.

Commercial and industrial customers: to 75 percent (or other percentage) of the customer's average usage for corresponding month's billing period for the previous 12 months, or to seventy-five percent (or other percentage) of the average commercial customer's use for similar businesses for such month.

(5) *City council may institute water surcharges*

The City Council may institute in addition or as an alternative to the limitation on water usage described above water surcharges for usage over allocated customer class amounts. Surcharges could be added to customers' bills where usage is more than allocated amounts and shall be cumulative.

(6) The filling or refilling of water in privately owned swimming, wading and jacuzzi-type pools is prohibited. Water may be added to pools to replace water lost due to use or evaporation on designated outdoor water use days.

(7) The watering of golf course tees and fairways is prohibited unless the golf course utilizes treated wastewater effluent or other water sources than provided by the City of Fredericksburg potable water system.

(8) Bulk sales of water for purposes other than potable consumption and sanitation are prohibited.

Sec. 47-52 - Stage 5 - Emergency Water Shortage

(a) **When required:** When the City manager determines that Stage 4 conditions and commensurate water reduction goals have not been met or that the reductions in use are not otherwise sufficient based upon the criteria described above.

(b) **Goal:** Thirty-five (35%) percent reduction in the Average Daily Water Demand or fifty (50%) percent reduction in the Maximum Daily Water Demand.

(c) **Requirements:**

(1) All requirements of stage 4 shall remain in effect during stage 5 except as set forth in this Section. The City Manager shall implement one or more of the following water use restrictions:

(2) All Outdoor Irrigation, including Drip Irrigation, Hand Held watering and watering with buckets is prohibited at all times.

(3) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited at all times.

(4) The filling, refilling or adding of potable water to private swimming, wading or Jacuzzi-type pools is prohibited.

(5) Aesthetic water use is prohibited.

(6) Non-essential water use is prohibited.

(7) No applications for new, additional, expanded or increase-in-size water service connections, meters, service lines, pipeline extensions, mains or water service facilities of any kind shall be allowed or approved.

(8) In the event of system failure or contamination, the City Manager will manage the city of Fredericksburg limited water supply by requiring

such measures as are necessary to maintain public health and safety, including elimination of service to part or all of the water system.

Sec. 47- 53 - Variances

(a) A review committee may be established annually or as needed by the City Manager. The review committee will be appointed by the City Manager to review hardship and special cases that cannot strictly comply with this Article to determine whether the cases warrant a variance.

(b) The review committee shall make its determination no later than the fifth working day after receipt of a request: A variance may be for a period of no longer than one year, subject to the provisions of (e) below, and granted only for reasons of economic hardship. In this section, economic hardship means a threat to an individual's or business' primary source of income, new construction or the like. Inconvenience or the potential for damage to an individual's or business' landscaping, including newly planted lawns may be classified as an economic hardship only under stages 1 through 3. For newly planted lawns, the committee shall use the following watering schedule for new landscape. Watering of newly seeded or sodded lawns or newly planted trees, shrubs or landscape plants will be allowed no more frequently than on the following schedule:

(A) Days 1-14 from planting: three times per day every day of such period at any time of day.

(B) Days 15-28 from planting: twice per day every day of such period at any time of day.

(c) Until the review committee has acted on an application, the applicant must comply with all provisions of this chapter.

(d) If the review committee determines that there is an economic hardship or other valid reason for a variance, the committee shall authorize the implementation of equitable water use restrictions by the applicant that further the purposes of this Article. The special water use restrictions authorized by the committee in each special or hardship case must be set forth on the face of the variance. If the variance is granted, the applicant must keep a notice of the variance in a location that is visible to the public.

(e) A variance issued by the review committee under one Stage of the restrictions becomes invalid on implementation of a subsequent, more restrictive, stage. A variance expires according to its own terms and conditions or when a

more restrictive stage of the restrictions becomes effective, whichever is later. A single variance may be granted with separate conditions applicable to separate stages, and/or with a set expiration date.

(f) Any person or entity that is issued a variance must provide proof of the variance on demand by any peace officer, code enforcement officer or other person authorized by the City to enforce this article. On conviction of a recipient of a variance for violating any provision of this Article, the review committee may revoke any variance previously granted. The committee shall notify the recipient of the proposed revocation five working days before taking the action, and a recipient must be given the opportunity to be heard by the committee before it takes action.

Sec. 47- 54 - Enforcement

(a) It shall be unlawful for any person or entity to criminally negligently violate or cause or permit another person or entity to violate any restrictions or provisions of this article. Any person or entity who violates any of said restrictions or provisions shall be subject to penalties as provided in Section 1-6 of this Code of Ordinances for health and safety violations.

(b) Each day that one or more of the provisions in this Article is violated shall constitute a separate offense.

(c) If a person is convicted of three or more distinct violations of this Article, the City Manager, shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a reconnection charge, hereby established at \$200.00, and any other costs incurred by the City of Fredericksburg in discontinuing or reestablishing service. In addition, suitable assurance must be given to the City Manager that the same action shall not be repeated.

(d) Alternatively, a billing surcharge of 25 percent of the amount of the bill for the month in which violation occurred will be added to the total bill provided for the property upon which the violation occurred but shall not exceed the maximum amount of fines allowable under section (a) above. The City Manager shall provide notice of violation to the City Water utility customer upon whose premises the violation occurred to the name and address listed on the water customer list of the City. Such customer shall have ten days to present evidence contrary to

the existence of a violation to the City Manager, and all determinations of the existence or nonexistence of a violation by the City Manager will be conclusive.

(e) Any person or entity who or which is convicted of violating this Article, or to whom or to which a surcharge has been charged more than two times in one calendar year shall be fined by the court or charged on the next ensuing utility bill, as applicable, not less than \$250.00 or one half of the maximum fine or surcharge (subject to the limitation stated above) for any subsequent offense, whichever is higher.

(f) Any person, including a person who is the customer for City water utility billing, in apparent control of the property where a violation occurs or originates shall be rebuttably presumed to be responsible for compliance with the provisions of this Article; Parents shall be presumed to be responsible for violations of their minor children; and proof that a violation committed by a child occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but it is a defense to conviction if such parent proves that he/she had previously directed the child not to use the water as it was used in violation of this Article, and that the parent could not have reasonably known of the violation.

For the purposes hereof, the person, persons, or entities shown on the Tax Appraisal Rolls of the Gillespie County Central Appraisal District shall be rebuttably presumed to be the owner of the property in his, her or its name and shall be responsible for compliance with the provisions of this Article. The registered agent, according to the records of the Secretary of State of the State of Texas, or other state of incorporation, shall be responsible for compliance with the provisions of this Article for all entities registered with the Secretary of State of the State of Texas or other state of incorporation.

(g) Compliance with this Article may also be sought through injunctive relief in the district court.

(h) Specific notice from the City to any such person or entity is not required prior to enforcement, and the giving of such notice in any particular case shall not waive this provision.

(i) Any code enforcement officer or police officer of the City of Fredericksburg may issue a citation to and or charge a person he/she reasonably believes to be in violation of this Article.