

## **DROUGHT CONTINGENCY PLAN-FERN BLUFF MUD**

No person may knowingly or intentionally allow the use of water from the District for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of the City of Round Rock’s Drought Contingency Plan (the “Plan”), or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by District Manager, or the District Manager’s designee, in accordance with provisions of the Plan.

**PENALTIES.** The following penalties shall apply to anyone violating the terms of the Plan.

A. **First Violation.** Any person who violates the Plan shall receive written notification of such violation, which notice shall set forth (i) the date of the violation, (ii) the nature of the violation, (iii) the Drought Response measures then in effect, and (iv) notice of the penalties applicable for any further violation of the Plan; provided, however, that if such person or entity has ever previously violated this Plan, the penalties set forth in Section B (below), may, at the discretion of the Board, be imposed. The notification shall be sent by certified mail and such person shall be responsible for the District’s cost of sending such notice. The notification of violation shall be considered received on the third day after the date sent by certified mail. Each day following the receipt of the notice shall constitute a separate violation if the violation is ongoing for a multiple day period.

B. Subsequent Violations.

**Monetary Penalties for Noncompliance.** If any person or entity violates any provision of this Plan during the period that the prescribed Drought Response Measures are in place (which violation shall constitute an unauthorized use of District services and/or facilities), the Board of the District may impose monetary penalties on a per meter basis as follows:

First Violation	Written Notice
Second Violation	\$50.00 per violation
Third Violation	\$250.00 per violation
Fourth Violation	\$500.00 per violation

In addition to the aforementioned penalties, after the fourth violation, 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, hereby established at \$100.00, and any outstanding charges including late payment fees or penalties.

Monetary penalties shall be reflected on the violator's monthly water bill. Each day that a breach of any provision of this Plan continues shall be considered a separate violation. This penalty shall be in addition to any other legal rights and remedies of the District as may be allowed by law. 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 A - Drought Response Retail Enforcement Process.

- C. Compliance with the Plan also may be sought through injunctive relief in district court.

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

*Please note that the following list is not intended to be exhaustive. Citations below may change following the publication date of this Water Conservation and Drought Contingency Plan.*

Texas Water Code sec. 11.039  
Texas Water Code sec. 49.004  
Texas Water Code sec. 49.2 12  
Texas Water Code sec. 51.122  
Texas Water Code sec. 54.205  
Texas Water Code sec. 65.205