

SECTION 11

WATER CONSERVATION

11.1 **PURPOSE AND SCOPE.** The purpose of this section is to create incentives for water conservation by users of the District's water supply, to prevent unnecessary depletion of the raw and treated water supply of the District, to attempt to supply a continuing level of satisfactory service to its existing Customers, and to insure the District's ability to meet the present and future water needs of the District's residents. The provisions of this section apply to all users of water supplied by the District.

11.2 **WATER CONSERVATION REQUIRED.** No Customer shall discharge, or cause to be discharged or permit any bleeding water flow. Customers shall prevent unnecessary waste of water, and shall keep all water outlets closed when not in actual use. Hydrants, outside water faucets, urinals, water closets, bathtubs and other fixtures shall not be left running for any purpose other than for which they are intended. Each Customer shall have the affirmative duty to forthwith remedy any break or defect in a Service or Collection Line, or connection to a Collection Line or Main for which he is responsible which causes or may cause discharge of treated water into the ground or infiltration of ground water into the water or sewer systems.

11.3 **WATER CONSERVATION FIXTURES REQUIRED.** All plumbing fixtures in new construction (for the purposes hereof "new construction" shall include any remodeling of present construction or other replacement of plumbing fixtures presently installed), whether commercial, residential or other within the District shall meet the following requirements for water use:

- a. All water closets shall be designed to use a maximum of 1.6 gallons per flush. All closets shall be listed with an approved listing agency.
- b. Shower heads for the purpose of bathing and washing shall have a maximum flow rate of 2.5 gallons per minute at 80 psi.
- c. In all commercial construction, all lavatories shall be equipped with faucets that deliver a maximum flow of 0.5 gallon per minute at 60 psi; or that are equipped with metering valves that close automatically after delivering a maximum of .25 gallon; or that are controlled by an infrared or other device so that they operate only upon demand with a maximum flow rate of 0.5 gallon per minute at 60 psi, except required handicapped facilities may be equipped with faucets designed for handicapped.
- d. Kitchen and service faucets shall have a maximum flow of 2.2 gallons per minute at 60 psi.
- e. In all residential construction, lavatory faucets shall have a maximum flow of 2.2 gallons per minute at 60 psi.

f. Automatic Flushing Tanks - The use of automatic flushing tanks which flush more than one urinal at a time shall be prohibited.

g. All urinals shall be designed to use a maximum of one (1) gallon per flush. No urinal shall be installed which uses a timing device to flush periodically irrespective of demand.

11.4 **LIMITATIONS ON OUTDOOR USES OF WATER.** No outdoor uses of water may be made by a Customer except as specifically permitted hereunder, as follows:

(1) Washing of exteriors of houses or other structures, but no more often than one time per year.

(2) Car washing, provided that such is accomplished by use of a bucket or a hose with a spring loaded shutoff valve.

(3) Washing of paved walks and drives, but no more often than once per month.

(4) Lawn watering may be accomplished only through underground sprinkler systems, including automated timing control systems, as limited under paragraph 11.5 below.

11.5 **LIMITATIONS ON LAWN WATERING.**

11.5.1 No person shall cause or permit water waste. Waste of water is defined, by way of illustration, but not limitation; as continuous application of water to lawns or sod resulting in ponding or the flowing of waste water into drainage or storm drainage facilities, or failure to repair irrigation system units which are leaking, or application of water intended for lawn irrigation to other uses or other applications of water which do not result in beneficial use of such water consistent with the limitations of this paragraph.

11.5.2 Except as provided in this section, every lot within the District's service area shall be limited to the following aggregate area of watered lawn:

Single family residential lots.....	3,800 square feet
Duplex lots	5,500 square feet
Lot M-1	45,500 square feet
Lot M-3	28,000 square feet
Lot M-4	67,000 square feet
Lot M-5	53,000 square feet
Lot M-6	52,000 square feet
Lodge Site	32,500 square feet

In the event of resubdivision of any lot, the square footage applicable to the subdivided lot shall be apportioned among the new lots according to a schedule certified to the District by the Subdivider. If resubdivision of a lot results

in reduced residential density from that permitted under the Skyland Final Plat, then the aggregate area of watered lawn permitted within the resubdivided lots shall be reduced to equalize water usage for similar lots within the District pursuant to the schedule certified by the Developer.

Excepted from the foregoing watered lawn size limitations are all existing lawns as of June 1, 1995; provided that, such lawns may not be increased in size thereafter (except as limited hereinabove), nor may they be replaced in the future (except as limited above) if they are reduced in size or eliminated by the lot owner.

11.5.3 The area defined in paragraph 11.5.2 above may only be watered during the period 4:00 p.m. to 10:00 a.m., according to lawn watering schedules posted at the District's offices and mailed to Customers 10 days prior to their effectiveness. Such schedules shall be prepared by the Manager and shall be structured to reduce peak flow demand to a minimum.

11.6 **EMERGENCY POWERS.**

In times of water emergency, the District may during such period alter these Rules and Regulations, as follows:

- a. Upon a finding by the District, or, in the face of imminent danger a finding by the Manager, that the District is facing a shortage in its supply of water, or facing a problematic situation in regard to its capacity to supply water, the Board, or, in the proper circumstance the Manger, shall have the authority to institute special rules and regulations affecting the uses, prices, and times of use, or even to prohibit, if necessary, all outdoor uses of water served by the water delivery system. The District may place users on the Drought Water Rate System, or may, in its sole discretion, alter the water rate structure as necessary.
- b. Such special rules and regulations promulgated as a result of the District's action under subsection (a) hereinabove shall have full force and effect and be enforceable when posted and mailed to Customers, and shall continue in effect until such time as the water shortage or delivery system problem is found by the District to have ended and notice thereof has been posted and mailed to Customers.

11.7 **WATER METERS.** Each customer shall maintain an outside water meter, as prescribed by the District, measuring all water usage through the Customer's Water Service Line. Such meter shall be available to the District's water meter reader throughout the year.

11.8 **REGULAR WATER RATE SYSTEM.** Each building shall be billed for its water use based on the following structure:

BASE RATE: The Base Rate is the minimum quantity of water allocated to each unit each month. This rate is \$55.00 per 10,000 gallons per EQR, as determined in § 7.4.

UNIT RATE: The Unit Rate permits an owner to purchase water beyond the water allocated by the Base Rate. This rate is as follows:

\$3.00 per 1000 gallons ("per 1000 gallons rate") up to a maximum of 30,000 gallons in excess of the unit's Base Rate;

\$6.00 or twice the per 1000 gallons rate per 1000 gallons for 30,001 to 40,000 gallons in excess of the unit's Base Rate;

\$9.00 or three times the per 1000 gallons rate per 1000 gallons for 40,001 to 50,000 gallons in excess of the unit's Base Rate;

\$12.00 or four times the per 1000 gallons rate per 1000 gallons for 50,001 to 75,000 gallons;

\$15.00 or five times the per 1000 gallons rate per 1000 gallons in excess of 75,001 gallons in excess of the unit's Base Rate.

These Rates are subject to change and water availability. Under no circumstances is the Board obligated to sell water to any party. The Board may choose not to sell water to any party at any time.

11.9 DROUGHT WATER RATE SYSTEM. In the event that Skyland Metropolitan District becomes subject to a water emergency as referenced in § 11.6, the Board may institute the following rate structures and limitations:

BASE RATE: The Base Rate will remain the rate as described in § 11.8.

UNIT RATE: The Unit Rate will no longer be tiered, as described in § 11.8. Instead, all water purchased in excess of a unit's Base Rate shall be \$15.00 per 1000 gallons.

These Rates are subject to change and water availability. Under no circumstances is the Board obligated to sell water to any party. The Board may choose not to sell water to any party at any time.

11.10 SPECIAL PERMITS. Daily or hourly watering restrictions imposed hereby may be modified by the District, as follows:

- a. For watering newly sodded lawns, daily watering for a period not exceeding fourteen consecutive days.

- b. For watering newly seeded laws, daily watering for a period not exceeding twenty-five consecutive days.
- c. For watering outside plant stock, daily watering for a period not exceeding fifteen consecutive days.
- d. When there are circumstances that do not permit a Customer to deliver three-fourths of an inch of water per week on watered areas, an appropriate watering arrangement to attain that minimum, if the Customer submits a plan describing the area to be served and the method to be used to deliver and adequate amount of water.
- e. For water schedules otherwise prohibited, in cases of a clear and present hardship.

An applicant for a special permit shall pay a \$10.00 special permit fee and apply in writing on forms provided by the Manager that contain the following information: the reasons for requesting the permit; the period of time for which the permit is requested; the area or address to the premises to which such permit applies; for requests for additional watering times, a plat describing the area for which the permit is requested and a description of the method to be used to deliver an adequate amount of water to the area; and such other applicable information as the Manager may reasonably request in order to review the application.

The holder of each special permit shall post the permit in a conspicuous place on the premises to which the permit applies so that it is readily visible for the street abutting the premises. No person who holds a special permit shall transfer that permit from the premises for which the permit is issued to any other premises or location. Any attempt to do so voids the permit. If any person holding a permit under this section violates any condition of the permit the Manager may revoke the permit. The Manager may establish such additional procedures as deemed necessary for the review and processing of special permit applications.

11.11 ENFORCEMENT. In the event of any Customer's failure to comply with this section, the District may: (a) terminate service; (b) penalize the offender up to \$100.00 for each incident (each day of unremedied noncompliance may be treated as a separate incident); (c) require the posting of a cash bond, not to exceed \$500.00, to be used as a fund for payment for future incidents; and (d) employ any other remedy provided under these Rules and Regulations or by law. Any Customer charged with failure to comply shall have a right to be heard by the Board at its next regularly scheduled meeting with respect to such charge, at which hearing the Board shall determine whether the Customer has breached the terms of this section by a preponderance of the evidence. For the purposes of this section a Customer shall be responsible to the District for failure to comply by any lessee, guest, permittee, employee, agent, or contractor of the Customer, and for any violation caused by the act or omission of such persons resulting in a violation, whether such was intentional or negligent. **Until paid, any penalty levied under this section shall constitute a first and perpetual lien on and against the property served which may be foreclosed in a manner provided by law.**

11.12 **MISCELLANEOUS.** The Board shall have the power and duty to limit total water usage, change the rates enumerated herein, ~~permit prepayment for Unit Rate water,~~ deny service to parties who fail to abide by use restrictions pursuant to the procedures enumerated in § 11.11, and exercise any other power or duty that arises from these Regulations or by law. The Board shall have this power and duty regardless of the status of drought in the area.