



# *BexarMet Water Conservation Rule 2010-002*

*September 2010 Update*



[www.bexarmet.org](http://www.bexarmet.org)



## BexarMet Water Conservation Rule 2010-002

### **Section 1. Definitions**

As used in this section, the following terms shall have the following meanings:

*Aesthetic Use.* The use of water for fountains, waterfalls, and landscape lakes and ponds where such use is entirely ornamental and serves no other functional purpose.

*Agricultural Irrigation.* Irrigation for the purpose of growing crops commercially for human consumption or to use as feed for livestock or poultry.

*Air Conditioning System(s).* A mechanical system generally consisting of a compressor, thermostat and duct work permanently installed in a building for the purpose of controlling humidity and temperature. For the purposes of this division, an air conditioning system does not include window units.

*Athletic Field.* A sports playing field, the essential feature of which is turf grass, used primarily for organized sports for schools, professional sports or sanctioned league play.

*Automatic Irrigation Controller.* A device that automatically activates and deactivates an irrigation system at times selected by the operator.

*Base Usage.* The average monthly total water usage for the three lowest months of November and December and the following January and February during each of the three consecutive 12 months periods preceding the commencement of the user's use of water.

*Beneficial Use.* The amount of water that is economically necessary for a purpose not otherwise prohibited by BexarMet, City of San Antonio, state, or federal regulation, when reasonable intelligence and diligence is used in applying water for that purpose.

*BexarMet.* Bexar Metropolitan Water District

*Blowdown Meter.* A meter that tracks the amount of water discharged from a cooling tower system.

*Bucket.* Bucket or other container holding five (5) gallons or less, used single by one person.

*Commercial Customer.* A multiple family unit consisting of two (2) or more family dwellings, businesses, churches and those who conduct daily operations for profit or not for profit.

*Computer Controlled Irrigation System (CCIS).* A system comprised of a computer controller, software, interface modules, satellite field controllers, weather station, or similar devices which is capable of achieving maximum efficiency and conservation in the application of water for irrigation. A CCIS, at minimum, should be designed to: 1) prevent over-watering, flooding, pooling, evaporation and run off; and, 2) prohibit sprinkler heads from applying water at an intake rate exceeding the capability of the soil.

*Concentration.* Re-circulated water that has elevated levels of total dissolved solids as compared to the original make up water.

*Conductivity Controller.* A device used to measure the conductivity of total dissolved solids in the water of a cooling system and control the discharge of water in order to maintain efficiency.

*Customer Demand.* The amount of water required by all of the customer connections in a public water system based on TCEQ requirements; by definition, it is 0.6 gallons per minute per connection.

*Director of Public Affairs.* The Director of the Public Affairs Department of BexarMet which includes the Water Efficiency Department.

*Drip Irrigation.* An irrigation system (drip, porous pipe, etc.) that applies water at low-flow directly to the roots of the plant.

*Evapotranspiration Rate (ET Rate).* The rate in which the combination of evaporation from the soil surface and transpiration from vegetation will occur from specific climatic conditions.

*Existing Landscape Plant.* A landscaping plant existing after such a period of time as to accomplish an establishment and maintenance of growth.

*Golf Course.* An irrigated and landscaped area made up of greens, tees, fairways, roughs and related areas used for playing the game of golf.

*Hand-held Hose.* A hose attended/held by one person, fitted with a manual or automatic shutoff nozzle.

*Health Care Facility.* Any hospital, clinic, nursing home or other health care or medical research facility.

*High Efficiency Toilet.* A toilet that uses 1.28 gallons or less of water per flush.

*Hose-end Sprinkler.* A device that applies water to landscape plants that is piped through an unattended flexible, movable hose.

*Household Use.* The use of water, other than the Outdoor category, for personal needs or for household purposes, such as drinking, bathing, heating, cooking, sanitation, or cleaning, whether the use occurs in a residence or in a commercial or industrial facility.

*Impervious Surface.* Any structure or any street, driveway or sidewalk, patio or other surface area covered with asphalt, concrete, brick, paving tile or other material preventing water from penetrating the ground.

*Industrial Use.* The use of water for or in connection with commercial or industrial activities, including manufacturing, bottling, brewing, food processing, scientific research and technology, recycling, production of concrete, asphalt and cement, commercial uses of water for tourism, entertainment and hotel or motel lodging, generation of power other than hydroelectric, and other business activities.

*Irrigation System.* A system with fixed pipes and emitters or heads that apply water to landscape plants or turfgrass, including, but not limited to, in-ground and permanent irrigation systems.

*Irrigation System Analysis.* A zone-by-zone analysis of an irrigation system that, at a minimum, includes a review of the following elements: (1) design appropriateness for current landscape requirements, (2) irrigation spray heads and valves, (3) precipitation rates expressed in inches per hour and, (4) annual maintenance plan that includes irrigation system maintenance, landscape maintenance, and a basic summer and winter irrigation scheduling plan.

*Landscaping Plant.* Any member of the Kingdom Plantae, including any tree, shrub, vine, herb, flower, succulent, groundcover or grass species, that grows or has been planted out-of-doors.

*Large Property.* A land tract owned by a general customer that equals or exceeds five acres in size and has an irrigation system.

*Large User.* Any residential or commercial customer that consumes more than 1 million gallons per year.

*Livestock.* Cattle, sheep, goats, hogs, poultry, horses, and game, domestic, exotic and other animals and birds, including zoo animals, used for commercial or personal purposes.

*Livestock Use.* The use of water for drinking by or washing of livestock.

*Low-flow Toilet.* A tank toilet that uses 1.6 gallons or less of water per flush.

*Make-up Meter.* A meter that measures the amount of water entering a cooling tower system.

*Maintenance Level.* The level of water in a swimming pool required for proper operation of circulation and filter equipment for the swimming pool.

*Median.* A paved or planted strip dividing a highway or street into lanes according to direction of travel.

*MSL.* Elevation above mean sea level.

*Mulch.* Any material such as bark, leaves, straw or other materials left loose and applied to the soil surface to reduce evaporation.

*New Landscaping Plant.* Any plant or seed planted in or transplanted to an area within such period of time as to accomplish a reasonable establishment and maintenance of growth. Application of grass seed to an existing stand of grass or turf *is not* considered new landscaping.

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

- (a) irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
- (b) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (c) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas except for the protection of public health, safety and welfare;
- (d) use of water to wash down buildings or structures for purposes other than immediate fire protection or for the protection of public health, safety and welfare;
- (e) flushing gutters or permitting water to run off of private property to accumulate in any gutter, street or adjacent property;
- (f) use of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools;
- (g) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (h) failure to repair a controllable leak(s) within ten (10) days after having been given notice directing the repair of such leak(s).

*NPDES / TPDES Permit Holders.* Those entities that have valid state or federal permits commonly referred to as NPDES or TPDES [National Pollutant Discharge Elimination System / Texas Pollutant Discharge Elimination System] permits to satisfy requirements of the federal Clean Water Act.

*Organic Material.* Organic substances in different stages of decay.

*Other Outdoor Use.* The use of water outdoors for the maintenance, cleaning and washing of structures and mobile equipment, including automobiles and boats, or the washing of streets, driveways, sidewalks, patios and other similar areas.

*Park.* A tract of land, other than a golf course, maintained by a city, private organization, or individual, as a place of beauty or public recreation.

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

*Pervious Hardscape.* Patios, pathways and other areas where firm footing is desired, constructed in such a way that allows for water to penetrate the ground. Examples include but are not limited to flagstone set in sand and wood plank decks, but exclude concrete slab patios and sidewalks or pavers set with mortar.

*Positive Shut-off.* A valve that is held in a closed position by system pressure until overridden by an outside force.

*Power Production Use.* The use of water for steam generation and the use of water for cooling and for replenishment of cooling reservoirs.

*Precipitation Rate.* The speed at which a sprinkler or irrigation system applies water. Precipitation rates are measured in inches per hour or inches per minute.

*Property Address.* The street address of a property, unless multiple street addresses are served by a single meter, in which case the billing address will be used.

*Public.* State or municipally-owned or operated facilities.

*Rain Sensor.* A device designed to stop the flow of water to an automatic irrigation system when a pre-determined and set amount of rainfall has been detected by the sensor.

*Recycled Water.* Domestic or municipal wastewater which has been treated to a quality suitable for a beneficial use in accordance with applicable law.

*Requestor.* A customer who requests a variance under this Division.

*Residential Customer.* A single or multi-family dwelling unit containing two (2) or fewer family units.

*Soaker Hose.* Plastic or flexible hose with holes that send a fine spray into the air. Also includes flexible, leaky hoses that emit water across the entire length based on water pressure, and connect directly to a flexible hose or spigot.

*Soil Holding Capacity.* The amount of moisture in the soil that can occur without becoming saturated.

*Sprinkler.* An emitter that applies water to the landscape plants in a stream or spray that travels through the air. Sprinkler irrigation can be applied by an irrigation system, hose-end sprayer or a soaker hose.

*Summer Dormancy.* The ability of turfgrass to survive without water for a period of sixty (60) consecutive days during the months of May through September. Turfgrass with summer dormancy capabilities approved for use is set forth in the approved low water use plant list. The approved low water use plant list, as may be amended from time to time, shall be available from BexarMet and located at [www.bexarmet.org](http://www.bexarmet.org).

*Swimming Pool.* Any structure, basin, chamber or tank, including hot tubs, containing an artificial body of water for swimming, diving, or recreational bathing, and having a depth of two feet or more at any point.

*System Production Capacity.* The total amount of water available in the system that is produced from wells or surface water sources, expressed in gallons per minute.

*Turfgrass.* Grasses are adapted to regular mowing and traffic through management.

*Vegetable Garden.* Any non-commercial vegetable garden planted primarily for household use; non-commercial includes incidental indirect selling or produce from such a vegetable garden to the public.

*Waste.* Any use of water without obtaining the maximum beneficial use thereof. Waste shall also include, but not be limited to, causing, suffering or permitting a flow of water to be used for landscape watering to run into any river, creek or other natural water course or drain, superficial or underground channel, bayou, or unto any sanitary or storm sewer, any street road or highway or other impervious surface area, or upon the lands of another person or upon public lands. Waste shall also include, but not be limited to, any discharge of water used for commercial, industrial, municipal or domestic uses to any storm, sanitary sewer or septic system without the user first having obtained the maximum beneficial use thereof. Waste shall also include, but not be limited to, failure to repair any controllable leak on property owned by any registered meter holder.

*Water.* Includes, but is not limited to, potable water supplied by a water purveyor, potable water withdrawn from a groundwater well, surface water from any river, creek, natural watercourse, pond, lake or reservoir, and recycled water provided by a water purveyor.

*Watering Day.* A day designated for landscape watering limited to the standard 24 hour period of 12:00am to 11:59pm. Thus, if it is Stage I and Wednesday is the designated

watering day, the period of time referenced is Wednesday morning between midnight to 10:00am and Wednesday evening between 8:00pm and 11:59pm.

*Water Efficiency Department.* The Water Efficiency Department of the Bexar Metropolitan Water District.

*Water Flow Restrictor.* An orifice or other device through which water passes at a restricted rate.

*Xeriscape.* A landscape consisting of a maximum of 50% turfgrass, with the remaining percentage of landscape incorporating low water use plants and/or pervious hardscape. The approved low water use plant list, as may be amended from time to time, shall be available from BexarMet and located at [www.bexarmet.org](http://www.bexarmet.org).

*Zonal Irrigation System.* An irrigation system that segregates by station areas of shrubs, ground cover, bedding plants, and turf to accommodate a diversity of watering requirements and system settings.

## **Section 2. Affected Areas**

Water Conservation Rule 2010-002 shall be in effect for all BexarMet service areas outside or within the jurisdictional and territorial limits of the City of San Antonio and all BexarMet service areas in Atascosa, Bexar, Comal and Medina counties. These rules shall be enforced equally for all customer classes.

## **Section 3. Activities to be Regulated On and After May 1, 2006**

The activities set forth in the provisions herein, unless otherwise specified, shall be regulated on and after May 1, 2006. A person affected by such regulations may request a variance in the manner set out in Section 10. Violations of BexarMet Water Conservation Rule 2010-002 shall be subject to the enforcement provisions set out in Section 11. It shall be and is hereby declared unlawful for any person to violate, refuse or fail to implement the requirements set forth herein.

## **Section 4. Year-Round Water Restrictions**

Landscape watering is not allowed after 10:00 a.m. and before 8:00 p.m. every day, except for hand held hose, five gallon bucket, or properly installed drip irrigation system; charity car washes are permitted only at commercial car wash facilities; and water waste is prohibited at all times.

### **Section 4(a). Designated Landscape Watering Times and Days**

During any period when Stages 1-4 have been declared to be in effect, irrigation with a sprinkler or irrigation system of existing landscape on any property (other than golf courses, parks and athletic fields), may occur only on certain designated days and at certain times, as follows:

- 1) For Stage 1-4, the landscape irrigation days for residential and commercial properties will be according to the street address and to the following schedule: If the last digit of the address ends in:

0 or 1, the irrigation day is Monday  
2 or 3, the irrigation day is Tuesday  
4 or 5, the irrigation day is Wednesday  
6 or 7, the irrigation day is Thursday  
8 or 9, the irrigation day is Friday

If there is no street address associated with the property such as a parkway or if there is more than one street address associated with the single contiguous property, the irrigation day is Wednesday.

- 2) For Stage 1, the following times and associated irrigation methods apply: Irrigation with a hose-end sprinkler or in-ground sprinkler system is allowed on the day specified in Section 4(a)-1 between the hours of 12:00am to 10:00am and 8:00pm to 11:59pm. Landscape irrigation with a soaker hose, handheld hose, drip irrigation system or five gallon bucket is allowed any time on any day.
- 3) For Stage 2, the following times and associated irrigation methods apply: Irrigation with a hose-end sprinkler or in-ground sprinkler system is allowed on the day specified in Section 4(a)-1 between the hours of 3:00am to 8:00am and 8:00pm to 10:00pm. Landscape irrigation with a soaker hose, handheld hose, drip irrigation system or five gallon bucket is allowed during Stage 2 hours on any day.
- 4) For Stage 3, the following times and associated irrigation methods apply: Irrigation with a soaker hose, hose-end sprinkler or in-ground sprinkler system is allowed on the day specified in Section 4(a)-1 every other week beginning on the second Monday after Stage 3 has been declared, between the hours of 3:00am to 8:00am and 8:00pm to 10:00pm. Landscape irrigation with a handheld hose, drip irrigation system or five gallon bucket is allowed on every Tuesday, Thursday and Saturday during Stage 3 hours.
- 5) For Stage 4, the same irrigation times and methods as outlined for Stage 3 apply. [Note: Research is being conducted on the possibility of adding a drought surcharge to all accounts going over a certain consumption level under Stage 4 and will be brought to the Board for approval at a later date if a decision to implement is made.]

### **Section 5. Adoption of the Edward's Aquifer Management Plan by BexarMet**

BexarMet adopts and incorporates by reference Stages 1-4 of the Edwards Aquifer Critical Period Management Plan for all BexarMet service areas. The Critical Period Aquifer Management Plan can be found on the Edwards Aquifer Authority website at [www.edwardsaquifer.org](http://www.edwardsaquifer.org).

## **Section 6. Minimum Irrigated Area and Flow Direction**

Newly installed irrigation systems using pop-up spray or rotor technology shall not be used in landscaped areas which have both: (a) dimensions less than five feet in length and/or width; and, b) impervious pedestrian or vehicular traffic surfaces along two (2) or more perimeters. Where pop-up sprays and rotor heads are allowed in newly installed irrigation systems, they (a) must direct flow away from any adjacent impervious surface and (b) shall not be placed within four (4) inches from an impervious surface.

### **Section 6(a). Annual Irrigation System Analysis for Athletic Fields, Golf Courses, and Large Properties**

(i) An annual irrigation system analysis shall be required for all athletic fields, golf courses and large properties and may be submitted in writing to BexarMet's Water Efficiency Department on or before June 1st of each year, beginning on June 1, 2006. For locations within the City Limits of San Antonio or Extraterritorial Jurisdiction (ETJ), the City of San Antonio Water Conservation Ordinance requirements take precedence over BexarMet requirements. Golf courses shall comply with residential irrigation requirements on areas other than tee boxes, fairways and greens.

(ii) Municipal tenants and lessees of golf courses, sports and athletic playing fields, and any other municipally owned properties, shall be responsible for compliance with this section and subsection. BexarMet shall look directly to such tenants and lessees for compliance unless the municipality concedes by contractual agreement with the tenant / lessee to assume the tenant / lessee's responsibility for compliance.

### **Section 6(b). Zonal System**

In-ground irrigation systems installed on and after June 1, 2006, shall be zonal irrigation systems.

### **Section 6(c). Rain Sensors**

Effective June 1, 2006, rain sensors shall be installed and maintained on all irrigation systems equipped with automatic irrigation controllers.

### **Section 6(d). Condensate Collection**

Newly constructed commercial buildings installing air conditioning systems on and after January 1, 2006, shall have a single and independent condensate wastewater line to collect condensate wastewater to provide for future utilization as (i) process water and cooling tower make-up and/or (ii) landscape irrigation water. Condensate wastewater shall not be allowed to drain into a storm sewer, roof drain overflow piping system, public way or impervious surface.

### **Section 7(a). Xeriscape Option**

Effective June 1, 2006, homebuilders and/or developers subdividing lots and/or constructing new single family residential homes shall offer a xeriscape option in any series of landscaping options offered to prospective home buyers.

**Section 7(b). Model Homes**

Effective June 1, 2006, homebuilders and/or developers who construct model homes for a designated subdivision shall have at least one model home per subdivision landscaped according to a xeriscape design.

**Section 8. Commercial Dining Facilities**

Commercial dining facilities shall:

- (a) Serve water only upon request.
- (b) Utilize positive shut-offs for hand-held dish-rinsing wands.
- (c) Utilize water flow restrictors for all garbage disposals.

**Section 9(a). Turfgrass Soil Support**

- (i) Turfgrass installed during or associated with new construction on and after June 1, 2006, shall have a minimum of four (4) inches of soil under the turfgrass.
- (ii) Drainage utility projects, water and power utility projects, public property maintenance or repair, and those governmental activities necessary to NPDES / TPDES compliance with federal or state rules and regulations implementing the federal Clean Water Act; or governmental actions to comply with the Americans with Disabilities Act, shall not be deemed new construction for purposes of this subsection.

**Section 9(b). Turfgrass Dormancy Qualities**

Turfgrass installed after January 1, 2007 shall have summer dormancy capabilities and be selected from the list of approved turfgrasses found on the BexarMet website at [www.bexarmet.org](http://www.bexarmet.org) or by contacting the BexarMet Water Efficiency Department.

**Section 10. Variances**

The authority to grant a variance and an appeal from such variance to the provisions set forth herein is hereby delegated to BexarMet's Water Efficiency Department in the manner described herein. A determination by BexarMet pursuant to this section shall be deemed final for purposes of appeal. Appeal procedures are detailed below.

**Section 10(a). Seeking a Variance**

A person who is affected by these provisions may seek a variance in the manner set out herein. A person shall request a variance within thirty (30) days of the date a provision becomes apparently applicable to that person's activities and/or properties. For example, a person will have standing to seek a variance within thirty (30) days following receipt of a formal (citation) or informal notice of violation; prior to a notice of violation; or at the discretion of the Water Efficiency Manager when, in the Water Efficiency Manager's judgment to deny standing to pursue a variance would clearly deny the applicant an opportunity to have justice and equity done for the applicant's case. In the latter situation, for purposes of

justice and equity, the standard for allowing a variance application to be heard or considered is the common notion of rightness and fair play.

**Section 10(b). Time, Date and Place**

A person seeking a variance under these provisions shall make such request in writing to the Water Efficiency Department via standard or electronic mail, fax or through the BexarMet website at [www.bexarmet.org](http://www.bexarmet.org). Such requests shall be reviewed by the Water Efficiency Manager. If the application, on its face, warrants a variance, the Water Efficiency Manager may grant the request without hearing. Otherwise, the Water Efficiency Manager shall review such request within thirty (30) days of receipt and shall inform the requestor in writing of the time, date and place for variance hearing if necessary.

**Section 10(c). Representation and Notice of BexarMet's Response: First Hearing**

The requestor may be represented by a duly authorized representative and may introduce such evidence as the requestor believes to be relevant. The Water Efficiency Manager and any other appropriate District representatives shall hear the request. The requestor shall receive written notification by the Water Efficiency Manager within thirty (30) days of the date of the hearing whether such variance is granted or denied.

**Section 10(d). Appeal**

In the event the variance is granted, the decision of the Water Efficiency Manager shall be final. Should the variance be denied, however, the requestor shall have ten (10) days from receipt of the denial of the variance to seek an appeal in writing. Within thirty (30) days of the written request for an appeal from the denial of a variance, the Director of Public Affairs (DPA) shall hear the appeal. The requestor shall be informed in writing of the time, date and place where such appeal shall be heard. The requestor and/or his authorized representatives may present evidence to the DPA why such appeal should be granted. The DPA shall inform the requestor within thirty (30) days of the date of the hearing of the appeal whether the appeal has been granted or denied. The determination of the DPA shall be final and shall be in writing. If a judicial appeal is pursued, applicant must take such appeal to a court of competent jurisdiction within 30 days of the DPA's final determination, which further appeal shall be pursued under appropriate standards of the substantial evidence rule.

**Section 10(e). Variance Qualifications**

Variances to the regulated activities may be issued through the BexarMet Water Efficiency Department, provided that the general intent has been met, and compliance is proven to be impracticable to accomplish and to cause unnecessary hardship. The criteria to determine hardship shall include, but not be limited to, a showing of level of capital outlay and technical complexity in relation to conservation benefit to be derived, and time and effort required to accomplish compliance with the provisions set forth herein.

**Section 10(f). Criteria for Variances**

BexarMet's DPA or designee shall also develop specific criteria to be used for the granting of variances from the provisions set forth herein, which are appropriate to the provision for which a variance is being sought. Such criteria shall be applied equally to each request for variance under a particular provision. A requestor shall be furnished with the criteria to be utilized by the Water Efficiency Manager and/or DPA prior to his/her variance application and/or appeal being heard.

**Section 11. Enforcement**

BexarMet's General Manager or designee(s) is hereby authorized to enforce these provisions in the manner and to the extent allowed by law, pursuant to Section 49.004 of the Texas Water Code, including, but not limited to, filing complaints in the appropriate court of jurisdiction in the county in which BexarMet's principal office is located.

**Section 11(a). Enforcement by Peace Officers**

Pursuant to Section 49.216 of the Texas Water Code, BexarMet may employ its own peace officers with power to enforce the provisions herein, including, but not limited to making arrests when necessary to prevent or abate the commission of any offense against the rules of the District.

**Section 11(b). Presumption and Exception**

For purposes of this Section, it shall be presumed that the person, in whose name a water meter connection is registered with the water purveyor servicing the property, is the responsible party who has made, caused, allowed, or permitted a violation of the provisions herein. Proof that the particular premises had a water meter connection registered in the name of the person cited in a complaint filed pursuant to this section shall constitute a prima facie presumption that person is the person who made, caused, allowed or permitted a violation pursuant to the provisions set forth herein. [Exception to this presumption is found in subsection 6 (a) (ii) above, wherein a city, whose premises are used by a tenant / lessee, is generally not responsible for the tenant / lessee's compliance. In such cases the tenant / lessee of the city is responsible for compliance.]

**Section 11(c). Warnings, Fines and Fees**

BexarMet will give one (1) warning to the person/business that is in violation of any of the provisions set forth herein. Written warnings may be waived by the General Manager, or designee(s), if water restrictions have been in effect for at least (sixty) 60 days, allowing enforcement staff to issue citations without a prior written warning.

After the first warning, BexarMet may impose a citation and fine after each subsequent violation as follows:

1 <sup>st</sup> violation:	\$100.00
2 <sup>nd</sup> violation:	\$250.00
3 <sup>rd</sup> violation*:	\$1,000.00

\* 3<sup>rd</sup> and all subsequent violations

These rules pertain to BexarMet commercial, governmental and residential customers equally. Warnings and citations that occur for violations of these water rules will be removed from the offender's account record if repeat violations do not occur within six (6) months of the previous violation.

**Section 12. Violations**

It shall be a violation of these rules for any person in the BexarMet service area, intentionally, knowingly, recklessly, or criminally negligently to allow or cause water waste, to allow or cause landscape watering outside the prescribed landscape watering hours or to allow or cause any violation of any section of these rules or of the BexarMet Drought Contingency Plan.

**Section 12(a). Continued Violations**

At locations of repeated or continued water rules violations, the General Manager or designee(s) shall have the authority to discontinue the supply of potable water to the registered meter holder.

**Section 12(b). Defense to Prosecution**

- 1) It shall be a defense to prosecution that landscape watering was performed on any plant or seed planted in or transplanted to an area within such period of time as to accomplish a reasonable establishment and maintenance of growth, generally three to five weeks, with possession of a valid irrigation variance.
- 2) It shall be a defense to prosecution that landscape watering was performed using non-potable water collected by a rainwater or air conditioner condensate collection system.
- 3) It shall be a defense to prosecution if landscape watering was performed using gray water, treated wastewater or reused water.

RESOLUTION NO. 2010-09-27-002

A Resolution adopting the updated BexarMet Water Conservation Rule 2010-002 for

**BEXARMET WHOLESALE AND RETAIL CUSTOMERS  
IN ALL SERVICE AREAS**

WHEREAS, the Board recognizes that the amount of water available to the Bexar Metropolitan Water District (BexarMet) and to its retail water customers is limited and should be utilized in an efficient manner whether during or outside of drought conditions;

WHEREAS, BexarMet recognizes that natural limitations due to drought conditions or normal demand cannot guarantee an uninterrupted water supply for all purposes;

WHEREAS, Muni-3 of the Edwards Aquifer Authority Groundwater Conservation Plan requires municipal pumpers to establish and maintain rules to prohibit waste and promote conservation of Edwards Aquifer waters;

WHEREAS, Section 49.216 of the Texas Water Code authorizes water suppliers to employ peace officers as needed with the power to enforce these provisions in the manner and to the extent allowed by the law; and

WHEREAS, as authorized under law, and in the best interests of the BexarMet wholesale and retail customers, the Board deems it expedient and necessary to establish and maintain certain rules for the orderly and efficient management of water supplies during and outside of drought;

NOW THEREFORE, LET IT BE RESOLVED BY THE BOARD OF DIRECTORS OF THE BEXAR METROPOLITAN WATER DISTRICT:

- SECTION 1. That the updated BexarMet Water Conservation Rule 2010-002 for BexarMet Wholesale and Retail Customers is hereby adopted as the official policy of BexarMet.
- SECTION 2. That the General Manager, or designee(s), is hereby directed to implement, administer, and enforce the updated BexarMet Water Conservation Rule 2010-002 for BexarMet Wholesale and Retail Customers.
- SECTION 3. This resolution shall take effect immediately upon its passage.

Approved this 27th day of September 2010.

  
Guadalupe I. Lopez, President  
Bexar Metropolitan Water District

Attested to:  
  
Blanche Atkinson, Secretary  
Bexar Metropolitan Water District