

**LUMBERTON MUNICIPAL UTILITY DISTRICT
HARDIN COUNTY, TEXAS**

**RESOLUTION NO. 2019-1
ADOPTING WATER CONSERVATION PROGRAM
INCLUDING DROUGHT CONTINGENCY
(EMERGENCY DEMAND MANAGEMENT) PLAN**

WHEREAS, the Lumberton Municipal Utility District (the "District") has applied for financial assistance from the Texas Water Development Board to provide funding for improvements to its existing wastewater system facilities; and

WHEREAS, financial assistance programs specified in the rules of the Texas Water Development Board under Texas Administrative Code 31, Chapters 355, 363, 371, 375, 382 and 384 require the development and adoption of programs for water conservation and drought contingency; and

WHEREAS, the updated Water Conservation Plan and Drought Contingency (Emergency Demand Management) Plan of the District has been submitted to the Texas Water Development Board for approval; and

WHEREAS, the Lumberton Municipal Utility District has adopted resolutions which are required at this time for its Water Conservation and Drought Contingency (Emergency Demand Management) Plan;

NOW, THEREFORE, LET IT BE RESOLVED by the Board of Directors of the Lumberton Municipal Utility District:

SECTION 1
ADOPTION OF PLAN

The Board of Directors hereby approves and adopts the Water Conservation Plan including the Drought Contingency (Emergency Demand Management) Plan attached to this Resolution as **Exhibit "A"** and made a part hereof for all purposes (the "Plan"), as prepared by the District and as submitted to the Texas Water Development Board ("TWDB"). The District shall implement and enforce the Plan and submit all necessary documentation including but not limited to those items specified in TWBD-1968.

SECTION 2
AVAILABILITY OF PLAN

The Plan shall be made available for public inspection at the District's offices in Lumberton, Hardin County, Texas, shall be a permanent record of the District and shall be plainly labeled as the Water Conservation Plan and Drought Contingency (Emergency Demand Management) Plan as adopted by the District.

SECTION 3
IMPLEMENTATION

The District Manager shall be responsible for the implementation of the Plan, particularly including drought contingency (emergency demand management) measures. In the event that measures requiring separate action by the Board of Directors are found necessary, the District Manager shall be responsible for requesting a special or emergency Board meeting of the Board of Directors, as necessary, for the purpose of presenting said matter to the Board for action.

SECTION 4
PENALTIES

Persons found in violation of this Resolution shall be subject to one or more of the following penalties:

- 1) Having a flow restrictor placed on the violator's water service line at that person's expense.
- 2) Disconnection of any or all water and/or sanitary sewer services provided to the violator by the District.
- 3) Withholding of water and/or sanitary sewer service to newly constructed facilities.
- 4) A fine not to exceed \$200 per day per violation.

SECTION 5
VALIDITY

All prior ordinances or resolutions or any parts thereof in conflict herewith are hereby repealed. If any section or provision of this Resolution, or the application of same to any person or set of circumstances is invalidated or rendered unenforceable by a court of competent jurisdiction, such judgment shall not affect the validity of any remaining parts of the Resolution, which can be given effect without the invalidated part or parts, or their application to other persons or sets of circumstances.

SECTION 6
EFFECTIVE DATE

This Resolution shall be in full force and effect from and after final passage, approval, recording, and publication, provided by law.

DULY PASSED BY THE BOARD OF DIRECTORS OF THE LUMBERTON
MUNICIPAL UTILITY DISTRICT ON THIS 15th DAY
OF APRIL 2019.

Lumberton Municipal Utility District

By: 
President, Board of Directors

ATTESTED TO:


Secretary, Board of Director

LUMBERTON MUNICIPAL UTILITY DISTRICT
WATER CONSERVATION PLAN
WATER CONSERVATION PLAN GUIDANCE CHECKLIST
TRACKING AND IMPLEMENTATION OF PLAN

The tracking, implementation, and evaluation of the effectiveness of the Water Conservation Plan (WCP) should include at a minimum, the following elements and actions.

1. Regular maintenance of critical equipment

The District has implemented the following programs to ensure that its equipment and procedures contributes to accurately identifying water used:

- The Master Meter at each well site is calibrated annually (and more frequently if necessary) to ensure an accurate measurement of the water produced;
- The District currently replaces approximately 50 meters per month with more than 3,000 replaced so far in its meter replacement program which will provide for the replacement of each water meter every 10 years on a perpetual basis.

2. Continuous data acquisition and management to evaluate the WCP

The LMUD tracks data on a monthly basis. Production reports include:

- Water produced
- Water billed
- Estimated quantities of water lost to flushing and firefighting events
- Quantities used for fire department training and initial fills of fire trucks used during actual firefighting events
- Estimated percent leakage
- Water loss percentage
- Number of new customers
- Running annual usage data
- Same month's usage data of the previous year
- Other various elements related to the operation of the water and sanitary sewer system

3. Regularly scheduled evaluation of the data as it is acquired

The production report is analyzed on a monthly basis to identify possible sources of water loss or clerical error. District personnel are experienced with the usage trends of the District including residential, commercial, and light industrial. The District trains its staff to be adept at identifying rogue trends in water usage. In addition, the data is evaluated on an annual basis and compared to previous years.

The data will be evaluated on an annual basis, a 5-year basis, and a 10-year basis to evaluate the effectiveness of the WCP in reducing water usage and water loss.

4. Actions taken based on the data acquired

When the data does not conform to the average uses based on previous years and months, the District investigates the abnormal usages until the variation in the data can be explained. If the abnormality in the data cannot be readily explained, the area of the distribution system closest to the well with the increased production is investigated by District personnel. This would include visual inspections of ditches during dry periods to identify likely leaks, evaluation of residential and commercial meter usages to identify increased usages, and evaluation of flushing activities in the area by District personnel.

5. Regular reporting of the acquired data

The production report is provided to the Board of Directors at its monthly Board Meeting. The elements of the report are discussed and abnormalities identified along with the causes of the abnormalities and the actions taken by the staff to eliminate the problem.

6. Modifications to the WCP as necessary and as conditions and environments change

In the event that elements of the WCP are not sufficiently aiding the District in meeting its 5 year and 10-year goals for reduction in water usage and water loss, those elements will be considered for modification. Additional water conserving measures could also be required to meet these goals. This will be evaluated on an annual basis by the District and recommendations for changes or no changes reported to the Board.

LUMBERTON MUNICIPAL UTILITY DISTRICT
WATER CONSERVATION PLAN
WATER CONSERVATION PLAN GUIDANCE CHECKLIST
WATER RATE STRUCTURE

The Lumberton Municipal Utility District water rate structure is as follows:

\$13.00 for the first 1,500 gallons

\$2.30 per 1,000 gallons up to 7,000 gallons

\$2.90 per 1,000 gallons in excess of 7,000 gallons

LUMBERTON MUNICIPAL UTILITY DISTRICT

WATER CONSERVATION PLAN WATER CONSERVATION PLAN GUIDANCE CHECKLIST

SCHEDULE FOR IMPLEMENTING THE PLAN TO ACHIEVE TARGETS AND GOALS

The Lumberton Municipal Utility District will adhere to the following schedule, to achieve the targets and goals for water conservation:

- The Lumberton Municipal Utility District meter replacement program is as follows:
 - Meters will continue to be monitored for accuracy annually and replaced on a fifteen-year cycle (currently in ninth year).
- Water audits are conducted annually:
 - Real water losses are identified and corrected.
 - Real water losses are minimized by replacement of deteriorating water mains and appurtenances, as is conducted by Lumberton Municipal Utility District staff on an on-going basis
- The Lumberton Municipal Utility District will mail out material developed by the staff, materials obtained from the Texas Water Development Board, Texas Commission on Environmental Quality or other sources annually to all customers (currently on each bill, each month).
- Water conserving pricing:
 - The Lumberton Municipal Utility District current rates are: \$13.00/1500 gal.; \$2.30/1000 gal.; \$2.90/1000 over 7000 gal.
 - The Lumberton Municipal Utility District will continue to review rates annually to ensure water revenues exceed expenses and replacement costs and to discourage excessive and wasteful use.
- The leak detection program described in the plan is currently in use by Lumberton Municipal Utility District which reduces real water losses.
 - Inspections of all water main fittings and connections are conducted annually.
 - Pressure is controlled to just above the standard-of-service level by use of SCADA system.
 - Pressure zones are operated based on the topography.
- The Lumberton Municipal Utility District adopted the 2017 International Plumbing Code, and all new construction or renovations in the city use water conserving fixtures.

Tracking Targets and Goals

The staff shall track targets and goals by utilizing the following procedures:

- Logs shall be maintained for meter calibration, meter testing, and meter replacement programs
- Annual water audits shall be documented and kept in the Utility Department files
- Staff shall keep a record of the number of mail-outs distributed.
- Rates are tracked by means of ordinances adopted.
- Logs shall be maintained for the utility's Leak Detection Program, including but not limited to the following:
 - Annual inspections

RESOLUTION NO. 2019-1

EXHIBIT A

LUMBERTON MUNICIPAL UTILITY DISTRICT DROUGHT CONTINGENCY PLAN

Section I: Declaration of Policy, Purpose, and Intent

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 Lumberton Municipal Utility District hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this Drought Contingency Plan (the Plan) 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 XI of this Plan.

Section II: Public Involvement

Opportunity for the public to provide input into the preparation of the Plan was provided by the Lumberton Municipal Utility District by providing copies in the office for public review and comments.

Section III: Public Education

The Lumberton Municipal Utility District will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of press releases.

Section IV: Coordination with Regional Water Planning Groups

The service area of the Lumberton Municipal Utility District is located within the Region I area and Lumberton Municipal Utility District has provided a copy of this Plan to the Region I regional water planning group or groups.

Section V: Authorization

The District Manager, or his/her designee is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The District Manager or his/her designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

Section VI: Application

The provisions of this Plan shall apply to all persons, customers, and properly utilizing water provided by the Lumberton Municipal Utility District. The terms "person" and "customer" as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

Section VII: Definitions

For the purposes of this Plan, the following definitions shall apply:

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

Commercial and institutional water use: water use which is integral to the operations of commercial and non-profit 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, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer: any person, company, or organization using water supplied by Lumberton Municipal Utility District.

Domestic water use: water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Even number address: street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

Non-essential water use: water uses that are not essential nor 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;

- (d) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (e) flushing gutters or permitting water to run or accumulate in any gutter or street;
- (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 a reasonable period after having been given notice directing the repair of such leak(s); and
- (i) use of water from hydrants for construction purposes or any other purposes other than firefighting.

Odd numbered address: street addresses, box numbers, or rural postal route numbers ending in 1, 3,5,7, or 9.

Section VIII: Criteria for Initiation and Termination of Drought Response Stages

The District Manager or his/her designee shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified "triggers" are reached.

The triggering criteria described below are based on *a statistical analysis of the vulnerability of the water source under drought of record conditions, or based on known system capacity limits.*

Stage 1 Triggers - **MILD** Water Shortage Conditions

Requirements for initiation

Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section VII - Definitions, when total daily water demand equals or exceeds 6 million gallons for 5 consecutive days of 6 million gallons on a single day.

Requirement-, for termination

Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 5 consecutive days.

Stage 2 Triggers - **MODERATE** Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section IX of this Plan when total daily water demand equals or exceeds 6.5 million gallons for 5 consecutive days of 6.5 million gallons on a single day.

Requirements for termination

Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 5 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.

Stage 3 Triggers - **SEVERE** Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this Plan when total daily water demand equals or exceeds 7 million gallons for 5 consecutive days of 7 million gallons on a single day.

Requirements for termination

Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 5 consecutive days. Upon termination of Stage 3, Stage 2 becomes operative.

Stage 4 Triggers - **CRITICAL** Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 4 of this Plan when total daily water demand equals or exceeds 8 million gallons for 5 consecutive days of 8 million gallons on a single day.

Requirements for termination

Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 5 consecutive days. Upon termination of Stage 4, Stage 3 becomes operative.

Stage 5 Triggers - **EMERGENCY** Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions for Stage 5 of this Plan when District Manager, or his/her designee, determines that a water supply emergency exists based on:

1. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or
2. Natural or man-made contamination of the water supply source(s).

Requirements for termination

Stage 5 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days.

Stage 6 Triggers- **WATER ALLOCATION**

Requirements for initiation

Customers shall be required to comply with the water allocation plan prescribed in Section IX of this Plan and comply with the requirements and restrictions for Stage 5 of this Plan when total daily water demand equals or exceeds 7 million gallons for 5 consecutive days of 7 million gallons on a single day.

Requirements for termination - Water allocation may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 5 consecutive days.

Note: The inclusion of WATER ALLOCATION as part of a drought contingency plan may not be required in all cases. For example, for a given water supplier, an analysis of water supply availability under drought of records conditions may indicate that there is essentially no risk of water supply shortage. Hence, a drought contingency plan for such a water supplier might only address facility capacity limitations and emergency conditions (e.g., supply source contamination and system capacity limitations).

Section IX: Drought Response Stages

The District Manager, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section VIII of this Plan, shall determine that a mild, moderate, severe, critical, emergency or water shortage condition exists and shall implement the following notification procedures:

Notification

Notification of the Public:

The District Manager or his/ her designee shall notify the public by means of a publication in a newspaper of general circulation and public service announcements.

Additional Notification:

The District Manager or his/ her designee shall notify directly, or cause to be notified directly, the following individuals and entities:

- Utility Board of Directors,
- City of Lumberton Fire Chief(s)
- City and/or County Emergency Management
- Coordinator(s) County Judge & Commissioner(s)
- State Disaster District/ Department of Public Safety
TCEQ (required when mandatory restrictions are imposed) Major water users
- Critical water users, i.e. hospitals

Note: The plan should specify direct notice only as appropriate to respective drought stages.

Stage 1 Response - **MILD** Water Shortage Conditions

Target: Achieve a voluntary 25% reduction in daily water demand.

Best Management Practices for Supply Management:

Measures, if any, to be implemented directly by Lumberton Municipal Utility District to manage limited water supplies and/or reduce water demand by reduced or discontinued flushing of water mains.

Voluntary Water Use Restrictions for Reducing Demand:

- (a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only between the hours of midnight and 10:00 a.m. and 8:00 p.m. to midnight on designated watering days.
- (b) All operations of the Lumberton Municipal Utility District shall adhere to water use restrictions prescribed for Stage 2 of the Plan.
- (c) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

Stage 2 Response - **MODERATE** Water Shortage Conditions

Target: Achieve a 30% reduction in daily water demand.

Best Management Supply for Supply Management:

Measures, if any, to be implemented directly by Lumberton Municipal Utility District to manage limited water supplies and/or reduce water demand by reduced or discontinued flushing of water mains, reduced or discontinued irrigation of public landscaped areas.

Water Use Restrictions for Demand Reduction. Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

- (a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at any time if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinse. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
- (c) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight.
- (d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (e) Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the Lumberton Municipal Utility District.

- (f) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the Lumberton Municipal Utility District the facility shall not be subject to these regulations.
- (g) All restaurants are prohibited from serving water to patrons except upon request of the patron.
- (h) The following uses of water are defined as non-essential and are prohibited:
 - 1. Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 - 2. Use of water to wash down buildings or structures for purposes other than immediate fire protection;
 - 3. Use of water for dust control;
 - 4. Flushing gutters or permitting water to run or accumulate in any gutter or street; and
 - 5. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Stage 3 Response - **SEVERE** Water Shortage Conditions

Target: Achieve a 50% reduction in daily water demand.

Best Management Practices for Supply Management:

Measures, if any, to be implemented directly by Lumberton Municipal Utility District to manage limited water supplies and/or reduce water demand by reduced or discontinued flushing of water mains, reduced or discontinued irrigation of public landscaped areas.

Water Use Restrictions for Demand Reduction. All requirements of Stage 2 shall remain in effect during Stage 3 except:

- (a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.
- (b) The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the Lumberton Municipal Utility District.
- (c) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

Stage 4 Response - **CRITICAL** Water Shortage Conditions

Target: Achieve a 60% reduction in daily water demand.

Best Management Practices for Supply Management:

Measures, if any, to be implemented directly by Lumberton Municipal Utility District to manage limited water supplies and/or reduce water demand by reduce or discontinue flushing of water mains, reduced or discontinued irrigation of public landscaped areas.

Water Use Restrictions. All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except:

- (a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6:00 a.m. and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems are prohibited at all times.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10 p.m.
- (c) The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi- type pools is prohibited.
- (d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (e) No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

Stage 5 Response - **EMERGENCY** Water Shortage Conditions

Target: Achieve a 70% reduction in daily water demand.

Best Management Practices for Supply Management:

Measures, if any, to be implemented directly by Lumberton Municipal Utility District to manage limited water supplies and/or reduce water demand reduce or discontinue flushing of water mains, reduced or discontinued irrigation of public landscaped areas.

Water Use Restrictions. All requirements of Stage 2, 3, and 4 shall remain in effect during Stage 5 except:

- (a) Irrigation of landscaped areas is absolutely prohibited.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.

Stage 6 Response - **WATER ALLOCATION**

In the event that water shortage conditions threaten public health, safety, and welfare, the District Manager is hereby authorized to allocate water according to the following water allocation plan:

Single-Family Residential Customers

The allocation to residential water customers residing in a single-family dwelling shall be as follows:

Persons per Household	Gallons per Month
1 or 2	6,000
3 or 4	7,000
5 or 6	8,000
7 or 8	9,000
9 or 10	10,000
11 or more	12,000

"Household" means the residential premises served by the customer's meter. "Persons per household" includes only those persons currently physically residing at the premises and expected to reside there for the entire billing period. It shall be assumed that a particular customer's household is comprised of two (2) persons unless the customer notifies the Lumberton Municipal Utility District of a greater number of persons per household on a form prescribed by the District Manager. The District Manager shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every residential customer. If, however, a customer does not receive such a form, it shall be the customer's responsibility to go to the Lumberton Municipal Utility District offices to complete and sign the form claiming more than two (2) persons per household. New customers may claim more persons per household at the time of applying for water service on the form prescribed by the District Manager. When the number of persons per household increases so as to place the customer in a different allocation category, the customer may notify the Lumberton Municipal Utility District on such form and the change will be implemented in the next practicable billing

period. If the number of persons in a household is reduced, the customer shall notify the Lumberton Municipal Utility District in writing within two (2) days. In prescribing the method for claiming more than two (2) persons per household, the District Manager shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of persons in a household or fails to timely notify the Lumberton Municipal Utility District of a reduction in the number of people in a household shall be fined not less than \$100.00.

Residential water customers shall pay the following surcharges:

\$5 for the first 1,000 gallons over allocation.

\$10 for the second 1,000 gallons over allocation.

\$15 for the third 1,000 gallons over allocation.

\$20 for each additional 1,000 gallons over allocation.

Surcharges shall be cumulative.

Master-Metered Multi-Family Residential Customers

The allocation to a customer billed from a master meter which jointly measures water to multiple permanent residential dwelling units (e.g., apartments, mobile homes) shall be allocated 6,000 gallons per month for each dwelling unit. It shall be assumed that such a customer's meter serves two dwelling units unless the customer notifies the Lumberton Municipal Utility District of a greater number on a form prescribed by the District Manager. The District Manager shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every such customer. If, however, a customer does not receive such a form, it shall be the customer's responsibility to go to the Lumberton Municipal Utility District offices to complete and sign the form claiming more than two (2) dwellings. A dwelling unit may be claimed under this provision whether it is occupied or not. New customers may claim more dwelling units at the time of applying for water service on the form prescribed by the District Manager. If the number of dwelling units served by a master meter is reduced, the customer shall notify the Lumberton Municipal Utility District in writing within two (2) days. In prescribing the method for claiming more than two (2) dwelling units, the District Manager shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of dwelling units served by a master meter or fails to timely notify the Lumberton Municipal Utility District of a reduction in the number of people in a household shall be fined not less than \$100.00. Customers billed from a master meter under this provision shall pay the following monthly surcharges:

\$ 5 for 1,000 gallons over allocation up through 1,000 gallons for each dwelling unit.

\$10 thereafter, for each additional 1,000 gallons over allocation up through a second 1,000 gallons for each dwelling unit.

\$ 15 thereafter, for each additional 1,000 gallons over allocation up through a third 1,000 gallons for each dwelling unit.

\$20 thereafter for each additional 1,000 gallons over allocation.

Surcharges shall be cumulative

Commercial Customers

A monthly water allocation shall be established by the District Manager, or his/her designee, for each nonresidential commercial customer other than an industrial customer who uses water for processing purposes. The non-residential customer's allocation shall be approximately 75% of the customer's usage for corresponding month's billing period for the previous 12 months. If the customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no history exists. Provided, however, a customer, 75% of whose monthly usage is less than 6000 gallons, shall be allocated 6000 gallons. The District Manager shall give his/her best effort to see that notice of each non-residential customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the Lumberton Municipal Utility District to determine the allocation. Upon request of the customer or at the initiative of the District Manager the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the customer's normal water usage, (2) one nonresidential customer agrees to transfer part of its allocation to another nonresidential customer, or (3) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Board of Directors. Nonresidential commercial customers shall pay the following surcharges:

Customers whose allocation is 0 gallons through 6,000 gallons per month:

- \$ 5 per thousand gallons for the first 1,000 gallons over allocation.
- \$ 10 per thousand gallons for the second 1,000 gallons over allocation.
- \$ 15 per thousand gallons for the third 1,000 gallons over allocation.
- \$ 20 per thousand gallons for each additional 1,000 gallons over allocation.

Customers whose allocation is 10,000 gallons per month or more:

- 1 times the block rate for each 1,000 gallons in excess of the allocation up through 5 percent above allocation.
- 1.5 times the block rate for each 1,000 gallons from 5 percent through 10 percent above allocation.
- 1.75 times the block rate for each 1,000 gallons from 10 percent through 15 percent above allocation.
- 2 times the block rate for each 1,000 gallons more than 15 percent above allocation

The surcharges shall be cumulative. As used herein, "block rate" means the charge to the customer per 1,000 gallons at the regular water rate schedule at the level of the customer's allocation.

Industrial Customers

A monthly water allocation shall be established by the District Manager or his/her designee, for each industrial customer, which uses water for processing purposes. The industrial customer's allocation shall be approximately 90% of the customer's water usage baseline. Ninety (90) days after the initial imposition of the allocation for industrial customers, the industrial customer's allocation shall be further reduced to 85% of the customer's water usage baseline. The industrial customer's water use baseline will be computed on the average water use for the 6-month period ending prior to the date of implementation of Stage 2 of the Plan. If the industrial water customer's billing history is shorter than 6 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists. The District Manager shall give his/her best effort to see that notice of each industrial customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the Lumberton Municipal Utility District to determine the allocation, and the allocation shall be fully effective notwithstanding the lack of receipt of written notice. Upon request of the customer or at the initiative of the District Manager the allocation may be reduced or increased, (1) if the designated period does not accurately reflect the customer's normal water use because the customer had shut down a major processing unit for repair or overhaul during the period, (2) the customer has added or is in the process of adding significant additional processing capacity, (3) the customer has shut down or significantly reduced the production of a major processing unit, (4.) the customer has previously implemented significant permanent water conservation measures such that the ability to further reduce water use is limited, (5) the customer agrees to transfer part of its allocation to another industrial customer, or (6) if other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Board of Directors. Industrial customers shall pay the following surcharges:

Customers whose allocation is 0 gallons through 6,000 gallons per month:

- \$ 5 per thousand gallons for the first 1,000 gallons over allocation.
- \$ 6 per thousand gallons for the second 1,000 gallons over allocation.
- \$ 7 per thousand gallons for the third 1,000 gallons over allocation.
- \$ 8 per thousand gallons for each additional 1,000 gallons over allocation.

Customers whose allocation is 10,000 gallons per month or more:

- 1 times the block rate for each 1,000 gallons in excess of the allocation up through 5 percent above allocation.
- 1.5 times the block rate for each 1,000 gallons from 5 percent through 10 percent above allocation.
- 1.75 times the block rate for each 1,000 gallons from 10 percent through 15 percent above allocation.
- 2 times the block rate for each 1,000 gallons more than 15 percent above allocation.

The surcharges shall be cumulative. As used herein, "block rate" means the charge to the customer per 1,000 gallons at the regular water rate schedule at the level of the customer's allocation.

Section X: Enforcement

- (a) No person shall knowingly or intentionally allow the use of water from the Lumberton Municipal Utility District for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this 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 his/her designee, in accordance with provisions of this Plan.
- (b) Any person who violates this Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than fifty dollars (\$50) and not more than five hundred dollars (\$ 500). Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the District 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 re-connection charge, hereby established at \$40.00, and any other costs incurred by the Lumberton Municipal Utility District in discontinuing service. In addition, suitable assurance must be given to the District Manager that the same action shall not be repeated while the Plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.
- (c) Any person, including a person classified as a water customer of the Lumberton Municipal Utility District, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. 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 any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation.
- (d) Any designated employees of the Lumberton Municipal Utility District, police officer, or other Lumberton Municipal Utility District employee designated by the District Manager, may issue a citation to a person he/she reasonably believes to be in violation of this Ordinance. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the Justice of Peace Office on the date shown on the citation for which the date shall not be less than 3 days nor more than 5 days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence.

The alleged violator shall appear in Justice of Peace Office to enter a plea of guilty or not guilty for the violation of this Plan. If the alleged violator fails to appear in front of Justice of Peace, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in Justice of Peace before all other cases.

Section XI: Variances

The District Manager, or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

- (a) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is effect.
- (b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Resolution shall file a petition for variance with the Lumberton Municipal Utility District within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the District Manager, or his/her designee, and shall include the following:

- (a) Name and address of the petitioner(s).
- (b) Purpose of water use.
- (c) Specific provision(s) of the Plan from which the petitioner is requesting relief.
- (d) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- (e) Description of the relief requested.
- (f) Period of time for which the variance is sought.
- (g) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (h) Other pertinent information.

Variances granted by the Lumberton Municipal Utility District shall be subject to the following conditions, unless waived or modified by the District Manager or his/her designee:

- (a) Variances granted shall include a timetable for compliance.
- (b) Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.