



## **City of Portland Drought Contingency Plan**

### **Section 1. Introduction**

This document is the Drought Contingency Plan (DCP) for the City of Portland (City). This DCP was created so that the City can reduce demand when supplies are low so the residents have enough water to make it through a drought. This DCP clearly explains the triggers initiated by a drought and the steps to be taken during each stage of a drought. There is also information in this DCP which explains the steps to be taken in a water emergency, such as when supplies are cut off or contaminated. The DCP has been prepared in accordance with Texas Administrative Code Title 30 Chapter 288 Subchapter B Rule §288.20 for Municipal Uses by Public Water Suppliers.

### **Section 2. Declaration of Policy and Reason**

In order to conserve the available water supply, to protect the integrity of water supply facilities with particular regard for domestic water use, sanitation, and fire protection, to protect and preserve public health, welfare, and safety, and to minimize the adverse impacts of water supply shortage or other water-supply emergency conditions, the City hereby adopts the following regulations and restrictions on the delivery and consumptions of water.

Water uses regulated or prohibited under this DCP are considered to be non-essential, and continuation of such uses during times of water shortage or other emergency water-supply conditions are deemed to constitute a waste of water, which subjects the offender(s) to penalties as defined in this ordinance.

Currently, the City's water supply is delivered by the San Patricio Municipal Water District and is comprised of three reservoirs: Lake Corpus Christi, Choke Canyon Reservoir and Lake Texana. However, the criteria to trigger drought response stages are based on the combined capacity of Lake Corpus Christi and Choke Canyon Reservoir. Since Choke Canyon Reservoir filled in June 1987, the combined storage of Choke Canyon Reservoir and Lake Corpus Christi has exceeded 60% capacity only about 62% of the time. The water storage levels in Choke Canyon Reservoir and Lake Corpus Christi have generally been 2-4% higher since Lake Texana supplies were added in October 1998.

Even with three reservoirs, the City still faces drought conditions (<50% storage levels) 16% of the time. It is because of this frequency that the following DCP has been developed. This DCP adopts measures that will dramatically cut water consumption in order to conserve water

supplies.

### **Section 3. Public Education**

Public meetings to receive comments on the DCP were held on June 4, 2013 and June 18, 2013. The City will periodically provide the public with information about the DCP, including information about the conditions under which each stage of the DCP is to be initiated or terminated, and the drought response measures to be implemented in each stage. This information will be provided by utility bill inserts, notices in the *Coastal Bend Herald* and/or *Corpus Christi Caller-Times*, and notice on the City's website ([www.portlandtx.com](http://www.portlandtx.com)). Notification to the public about when drought stages go into effect or when restrictions are lifted is explained in more detail in Section 5.

### **Section 4. Coordination with Regional Water Planning Groups**

The service area of the City of Portland is located within the Coastal Bend Regional Water Planning Area (Region N) and the City has provided a copy of this DCP to Region N in care of the Nueces River Authority. The City of Portland shall review and update, as appropriate, the DCP at least every five years based on new or updated information, such as the adoption or revision of the regional water plan.

### **Section 5. Drought Stages Response Notification**

The City Manager, or designee, shall monitor water supply and/or demand conditions on a weekly basis and, in accordance with the triggering criteria set forth in Section 6 of this Chapter, shall determine that a mild, moderate, severe, critical, or emergency water shortage condition exists and shall implement the following notification procedures.

Notification of the Public:

The City Manager, or designee, shall notify the public for every change in drought stage status by any or all of the following:

- City's website ([www.portlandtx.com](http://www.portlandtx.com))
- Publication in the *Corpus Christi Caller-Times*
- Notice on the monthly billing
- Public Service Announcements
- Signs posted in public places

Additional Notification:

The City Manager, or designee shall, at a minimum, notify directly, or cause to be notified directly, the following individuals and entities for every change in drought stage status:

- Mayor and members of the City Council
- Fire Chief
- City and/or County Emergency Management Coordinator
- County Judge and Commissioner(s)
- Major water users (such as industries)
- Critical water users (such as hospitals)
- Parks/street superintendents and public facilities managers
- Texas Commission on Environmental Quality (TCEQ) – note TCEQ executive director must be informed within five (5) business days of mandatory water use restrictions being imposed

**Section 6. Drought Best Management Practices Per Stage**

A summary of water use reduction targets for each drought stage response is presented in the following table. Further discussion on best management practices and implementation practices associated with each stage of response is included below.

<b>Drought Stage Response</b>	<b>CCR/LCC Combined Reservoir Storage Level</b>	<b>Target Demand Reduction Levels</b>
Stage 1- Mild	<50% or if Lake Texana is <40%	5%
Stage 2- Moderate	<40%	10%
Stage 3- Severe	<30%	15%
Stage 4- Critical	<20%	30%
Stage 5- Emergency	Not Applicable	50%

**Sec. 23-121. - Prohibition and regulation of uses.**

For the purposes of this division, the following provisions shall apply:

- (1) No person shall knowingly, recklessly, or with criminal negligence, make, cause, use or permit the use of water from the city system for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this section, or in an amount in excess of that use permitted by the conservation stage in effect pursuant to action taken by the city manager, or his designee, in accordance with the provisions of this section. The provisions of this section shall apply to all uses of water from the city water supply system wherever situated. As used in this division, "person" includes individuals, corporations, partnerships, associations, and all other legal entities.
- (2) The city manager shall promulgate guidelines which shall set forth the

criteria for determining when a particular conservation stage is to be implemented and terminated. Such guidelines shall be updated when, in the opinion of the city manager, the conditions of the water system have changed so as to necessitate such update, such guidelines to be published and filed in the office of the city.

- (3) The use or withdrawal of water from the water supply system of the city for the following purposes or uses is hereby regulated during any period of water shortage commencing with the promulgation of water conservation guidelines and implementation of same by the City Manager and continuing until such water conservation measures are no longer deemed necessary by the city manager in accordance with such guidelines:
  - a. Stage 1 Response - MILD Water Shortage Conditions - Target: Achieve a 5% reduction in daily water demand with the following water use restrictions:
    1. Best Management Practices for Supply Management: The City will enact voluntary measures to reduce or discontinue the flushing of water mains if practicable and utilize reclaimed water for non-potable uses to the greatest extent possible.
    2. Water Use Restrictions for Reducing Demand:
      - a. Water customers are requested to voluntarily limit the irrigation of landscaped areas to once per week. The watering schedule will be determined by the City Manager.
      - b. Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.
  - b. Stage 2 Response - MODERATE Water Shortage Conditions - Target: Achieve a 10% reduction in daily water demand with the following water use restrictions:
    1. Best Management Practices for Supply Management: In addition to the best management practices for supply management listed under Stage 1, the City will also do the following during Stage 2:
      - a. Use more repair crews if necessary to allow for a quicker response time for water-line leak repair; and
      - b. City crews will monitor customers' compliance with Stage 2 restrictions during the course of their daily rounds.

2. The following water use restrictions shall apply to all persons during Stage 2:
  - a. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to once per week. The watering schedule will be determined by the City Manager. However, irrigation of landscaped areas is permitted on any day if it is by means of a hand-held hose (with positive shutoff nozzle), a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system. Exceptions for this restriction may be permitted, upon review and approval by the Water Allocation and Review Committee, for the following uses: new plantings (for up to 60 days), vegetable gardens, athletic playing fields, and botanical gardens. In addition, this restriction does not apply to customers irrigating with well water or an aerobic septic system. Customers irrigating with well water or an aerobic septic system must apply for a permit from the City Water Department to be prominently posted on the premises within two (2) feet of the street number located on the premises.
  - b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days. 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 rinses. 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 upon review of the Water Allocation and Review Committee 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.
  - d. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life.
  - e. Use of water from hydrants shall be limited to fire fighting, 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 City of Portland.
  - f. Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days.

However, if the golf course utilizes a water source other than that provided through City of Portland infrastructure, the facility shall not be subject to these regulations.

- g. The use of water to maintain integrity of building foundations is limited to designated watering days and is only permitted by use of hand-held hose or drip irrigation.
  - h. The following uses of water are defined as non-essential and are prohibited:
    - i. Wash-down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas, except by a commercial power-washing contractor and if it is in the interest of public health and safety.
    - ii. Use of water to wash down buildings or structures for purposes other than immediate fire protection;
    - iii. Use of water for dust control without special permit.
- c. Stage 3 Response - SEVERE Water Shortage Conditions - Target: Achieve a 15% reduction in total daily water demand with the following water use restrictions:
- 1. Best Management Practices for Supply Management: In addition to the best management practices for supply management listed under Stage 2, the City will also do the following:
    - a. Eliminate the flushing of water mains unless required for decontamination and/or public safety; and
    - b. Monitor customers for compliance and notify violators verbally or in writing as the situation dictates.
  - 2. 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 once every other week. The watering schedule will be determined by the City Manager or designee. Customers will be made aware of their designated watering day. However, irrigation of landscaped areas is permitted on any day if it is by means of a hand-held hose (with positive shutoff nozzle), a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system with a positive shutoff device. Exceptions for this restriction may be permitted, upon review and approval by the Water Allocation and Review Committee, for the following uses: new plantings (for up to 60 days), vegetable gardens, athletic playing fields, and botanical gardens. In addition, this restriction does not apply to customers irrigating with well water or an aerobic septic system. Customers irrigating with well water or an aerobic septic system

shall still apply for a permit from the City Water Department to be prominently posted on the premises within two (2) feet of the street number located on the premises.

- b. The watering of golf course fairways is prohibited. The watering of greens and tees are limited to once every other week unless the golf course utilizes a water source other than that provided through City of Portland Water Department infrastructure or done by means of hand-held hoses, hand-held buckets, or drip irrigation.
- d. Stage 4 Response - CRITICAL Water Shortage Conditions - Target: Achieve a 30% or greater reduction in daily water demand with the following water use restrictions:
  1. Best Management Practices for Supply Management: In addition to the best management practices for supply management listed under Stage 3, the City will also do the following:
    - a. Upon written notice, disconnect the water meters of willful violators if absolutely necessary to prevent the deliberate wasting of water.
  2. Water Use Restrictions for Demand Reduction: All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except:
    - a. Irrigation of landscaped areas shall be 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 not in the immediate interest of public health, safety, and welfare is prohibited.
    - c. The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi-type pools, and water parks (unless utilizing water from a non-city alternative source) is prohibited.
    - d. The use of water to maintain the integrity of a building foundation is still permitted on the designated Stage 3 watering day.
    - e. During Stage 4, the following measures are optional water use restrictions that may be implemented by the City Manager, with approval of the City Council, as conditions warrant:
      - i. 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 shall be in effect.

- ii. A drought surcharge of up to and including 100% of the current water rate may be added to the customers' bill to deter discretionary water use.
  - e. Stage 5 Response – EMERGENCY Water Shortage Conditions - Target: Achieve a 50% or greater reduction in daily water demand with the following water use restrictions:
    - 1. Best Management Practices for Supply Management: In addition to the best management practices for supply management listed under Stage 4, the City will also call the ten largest water customers, and if necessary, use runners in key areas to begin spreading the message of a major outage.
    - 2. Water Use Restrictions for Demand Reduction: 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.
      - c. Business process water shall be reduced to a basic amount necessary only for the continuance of a business's workday or product production or protection. Associated uses such as equipment washing shall be deferred.
      - d. During Stage 5, the following measures are optional water use restrictions that may be implemented by the City Manager, with approval of the City Council, as conditions warrant:
        - i. 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 shall be in effect.
        - ii. A drought surcharge of up to and including 100% of the current water rate may be added to the customers' bill to deter discretionary water use.
- (4) The following measures are year-round water conservation best management practices that are in effect at all times, regardless of the reservoir levels or drought contingency levels.
- a. Prohibition on wasting water: Actions leading to wasting of water are prohibited and will be enforced. No person shall:
    - 1. Allow water to run off property into gutters or streets.
    - 2. Permit or maintain defective plumbing in a home, business

establishment or any location where water is used on the premises. Defective plumbing includes out-of-repair water closets, underground leaks, defective or leaking faucets and taps.

3. Allow water to flow constantly through a tap, hydrant, valve, or otherwise by any use of water connected to the City water system.
  4. Use any non-recycling decorative water fountain.
  5. Allow irrigation heads or sprinklers to spray directly on paved surfaces such as driveways, parking lots, and sidewalks in public right-of-ways.
  6. Operate an irrigation system at water pressure higher than recommended, causing heads to mist, or to operate with broken heads.
- b. Time of Irrigation: Irrigation by spray or sprinklers is prohibited between the hours of 10:00 AM and 6:00 PM. It is still permissible to water by hand or by drip irrigation at any time of day, unless the City enters Stage 4 Drought.

**Sec. 23-122. - Allocation and review committee.**

- (a) The allocation and review committee shall be composed of five (5) members appointed to indefinite terms by the city council and serving at its pleasure. The city council shall appoint one (1) of the members to be chairman.
- (b) The committee shall consider requests of water users for special consideration to be given as to their respective particular circumstances and the committee shall hear and decide such requests and is hereby authorized to, in special cases, grant such variance from the terms of this division as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this division will result in unnecessary hardship, and so that the spirit of this division shall be observed and substantial justice done. Should a permit for special exception be granted by such committee, it shall be in effect from the time of granting; provided, that the permit is prominently posted on the premises within two (2) feet of the street number located on the premises. Should protest be received after the granting of any such special permit, the committee shall reconsider the revocation of such permit and shall consider the granting of such permit at a public hearing, notice of which shall have been given at least one

(1) day prior to the holding of such hearing. After the conclusion of such hearing, the committee shall take such action, by way of revocation of such permit, or refusal to revoke the same, or modification of such permit, as the committee may deem proper under the circumstances.

**Sec. 23-123. - Violations, penalty and enforcement.**

- (a) Any person violating any provision of this division shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine as provided in article IV of this chapter. The commission of a violation of each provision, and each separate violation thereof, shall be deemed a separate offense, and upon conviction thereof shall be fined as hereinabove provided. If any person or a second person in the same household or premises is found guilty of a second violation of this article, the director of public works shall be authorized to discontinue water service to the premises where such violation occurs.
- (b) Any police officer, or other city employee designated by the city manager, may issue a citation to a person he reasonably believes to be in violation of this division. The citation shall be prepared in duplicate and shall contain the name and address of alleged violator, if known, and the offense charged, and shall direct him to appear in the city's municipal court no sooner than ten (10) days and no later than twenty-one (21) days of service of the citation. The alleged violator shall be requested to sign the citation and shall be served with a copy of the citation. Service of the citation shall be complete upon the attempt to give it to the alleged violator, to an agent or employee of a violator, or to a person over fourteen (14) years of age who is a member of the violator's immediate family or is a resident at the violator's residence. The alleged violator shall appear in municipal court to make his plea no sooner than ten (10) days and no later than twenty-one (21) days of service of the citation, and failure to so appear shall be a violation of this division. A police officer may arrest for any offense under this division where permitted by state arrest law. Such cases shall be expedited and given preferential setting in municipal court before all other cases.
- (c) A person in apparent control of the property where the violation occurs or originates shall be presumed to be the violator, and proof of facts showing apparent control by such person of the premises and proof that the violation occurred on the premises shall constitute prima facie evidence that such person committed the violation, but such person shall have the right to show that he did not commit the violation. Any person whose name is on file with the utilities department as the customer on the water account for the property where the violation occurs or

originates shall be presumed to be the violator, and proof that the violation occurred on such premises shall constitute prima facie evidence that the customer committed the violation, but such customer shall have the right to show that he did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children, and proof that a child committed a violation on property within the parent's control shall constitute prima facie evidence that such parent committed the violation, but such parent may be excused if he proves that he previously directed the child not to use the water as it was used in the violation and that the parent could not have reasonably known of the violation.

**Sec. 23-124. - Surcharges for Drought Stages 3, 4, 5 and Service Measures**

(a) General

1. The surcharges established herein are solely intended to regulate and deter the use of water during a period of serious drought in order to achieve necessary water conservation. The City Council expressly finds that the drought poses a serious and immediate threat to the public and economic health and general welfare of this community, and that the surcharges and other measures adopted herein are essential to protect said public health and welfare.
2. This section, and the surcharges and measures adopted herein are an exercise of the City's regulatory and police power, and the surcharges and connection fees are conservation rates intended to meet fixed costs as a result of lost revenue.
3. The City Manager or designee is authorized to determine trigger points and surcharges during Stages 3, 4 and 5 Emergency Water Shortage conditions.
4. In this section, institutional customer means city utility customer which operates as a not-for-profit entity.
5. A customer may appeal an allocation or drought surcharge triggering point established under this Section to the Water Allocation and Review Committee on grounds of unnecessary hardship.

(b) Residential water customers, who are not billed through a master water meter.

1. A monthly water usage trigger point shall be 3,000 gallons for residential customers. This trigger point is the maximum amount of

water that a customer can use in a month before being charged a drought rate surcharge.

2. The drought surcharge can be up to and including 100% of the most current water rate.

(c) Residential customers who are billed from a master water meter.

1. A monthly water usage trigger point shall be 3,000 gallons for each residential unit. This trigger point is the maximum amount of water that a customer can use in a month before being charged a drought rate surcharge.
2. The drought surcharge can be up to and including 100% of the most current water rate.

(d) Commercial or institutional customer

1. A monthly water usage allocation shall be established by the City Manager or designee for each commercial or institutional customer.
2. Method of establishing allocation:
  - a. During Stage 4, the commercial or institutional customer's allocation shall be 90 percent of the customer's usage for the corresponding month's billing period during the previous 12 months prior to the implementation of Stage 2 condition.
  - b. 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.
  - c. Provided, however, a customer, 90 percent of whose monthly usage is less than 6,000 gallons, shall be allocated 6,000 gallons.
  - d. The City Manager shall give best effort to see that notice of each commercial or institutional customer's allocation is mailed to such customer.
  - e. If, however, the customer does not receive such notice, it shall be the customer's responsibility to contact the City' Utilities Billing Office to determine the allocation, and the allocation shall be fully effective notwithstanding lack of receipt of written notice.
  - f. Upon request of the customer or at the initiative of the City Manager, the allocation may be reduced or increased by the City Manager,
    1. if one nonresidential customer agrees to transfer part of its allocation to another nonresidential customer, or

2. if other objective evidence demonstrates that the designated allocation is inaccurate under present conditions.
- (e) Commercial, institutional, and industrial customers shall pay the following surcharges:
1. Customers whose allocation is 6,000 gallons through 20,000 gallons per month:
    - a. \$5.00 per 1,000 gallons for the first 1,000 gallons over allocation.
    - b. \$8.00 per 1,000 gallons for the second 1,000 gallons over allocation.
    - c. \$16.00 per 1,000 gallons for the third 1,000 gallons over allocation.
    - d. \$40.00 for each additional 1,000 gallons over allocation.
  2. Customers whose allocation is 21,000 gallons per month or more:
    - a. One times the block rate for each 1,000 gallons in excess of the allocation up through 5 percent above allocation.
    - b. Three times the block rate for each 1,000 gallons from 5 percent through 10 percent above allocation.
    - c. Five times the block rate for each 1,000 gallons from 10 percent through 15 percent above allocation.
    - d. Ten times the block rate for each 1,000 gallons more than 15 percent above allocation.
    - e. The surcharges shall be cumulative.
    - f. 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.
- (f) Nonresidential customer is billed from a master meter.
1. When a nonresidential customer is billed from a master meter which jointly measures water to multiple residential dwelling units (for example: apartments, mobile homes), the customer may pass along any surcharges assessed under this plan to the tenants or occupants, provided that:
    - a. The customer notifies each tenant in writing:
      1. That the surcharge will be passed along.
      2. How the surcharge will be apportioned.

3. That the landlord must be notified immediately of any plumbing leaks.
  4. Methods to conserve water (which shall be obtained from the City).
- b. The customer diligently maintains the plumbing system to prevent leaks.
  - c. The customer installs water saving devices and measures (ideas for which are available from the City) to the extent reasonable and practical under the circumstances.
- (g) Water service to the customer may be terminated under the following conditions:
1. Monthly residential water usage exceeds allocation by 4,000 gallons or more two or more times (which need not be consecutive months).
  2. Monthly water usage on a master meter which jointly measures water usage to multiple residential dwelling units exceeds allocation by 4,000 gallons times the number of dwelling units or more two or more times (which need not be consecutive months).
  3. Monthly nonresidential water usage for a customer whose allocation is 6,000 gallons through 20,000 gallons exceeds its allocation by 7,000 gallons or more two or more times (which need not be consecutive months).
  4. Monthly nonresidential water usage for a customer whose allocation is 21,000 gallons or more exceeds its allocation by 15 percent or more two or more times (which need not be consecutive months).
  5. For residential customers and nonresidential customers whose allocation does not exceed 20,000 gallons, after the first disconnection water service shall be restored upon request for a fee of \$50.
  6. For such customers, after the second disconnection, water service shall be restored within 24 hours of the request for a fee of \$500.
  7. If water service is disconnected a third time for such customer, water service shall not be restored until the City re-enters a level of water conservation less than Stage 3. For master meter customers, the service restoration fees shall be the same as above times the number of dwelling units.
  8. For nonresidential customers whose allocation is 21,000 gallons per month or more:
    - a. After the first disconnection, water service shall be restored upon request for a fee in the amount of "X" in the following

formula:

$$X = \$ 50 \times \text{Customer's Allocation in gallons} / 20,000 \text{ gallons}$$

- b. After the second disconnection for said customers, water service shall be restored within 24 hours of the request for a fee of 10 times "X".
  - c. If water service is disconnected a third time for such customer, water service shall not be restored until the City re-enters a level of water conservation less than Stage 3.
  - d. The City Manager is directed to institute written guidelines for disconnection of water service under this provision, which will satisfy minimum due process requirements, if any.
- (h) It shall be a defense to imposition of a surcharge hereunder, or to termination of service, that water used over allocation resulted from loss of water through no fault of the customer (for example, a major water line break) for the following conditions:
- 1. The customer shall have the burden to prove such defense by objective evidence (for example, a written certification of the circumstances by a plumber).
  - 2. A sworn statement may be required of the customer.
  - 3. This defense shall not apply if the customer failed to take reasonable steps for upkeep of the plumbing system, failed to reasonably inspect the system and discover the leak, failed to take immediate steps to correct the leak after discovered, or was in any other way negligent in causing or permitting the loss of water.
- (i) When this section refers to allocation or water usage periods as "month," monthly," "billing period," and the like, such references shall mean the period in the City's ordinary billing cycle which commences with the reading of a meter one month and commences with the next reading of that meter which is usually the next month.
- 1. The goal for the length of such period is 30 days, but a variance of five days, more or less, will necessarily exist as to particular meters.
  - 2. If the meter reader system is prevented from timely reading a meter by any obstacle which is attributable to the customer, the original allocation shall apply to the longer period without modification.