

Water Use Regulation 1.0: Lawn and Garden Restrictions.

1.01 Definitions. As used in this regulation, the following terms shall have their designated meanings:

- A. "Automatic Irrigation System" means Irrigation conducted through any system in which electronic controls open and shut the water supply based on a timing device that controls the flow of water to various zones of lawns and gardens without the need for human intervention.
- B. "Hand-Watering of Plants and Shrubs" means the use of water from the Valley Grove Water System by the application of water to plants and shrubs through a handheld hose that is constantly and personally attended by the person watering those plants and shrubs.
- C. "Irrigation" or "Irrigate" means the use of water from the Valley Grove Water System by the application of that water to lawns, gardens, or plants and shrubs.
- D. "Manual Irrigation System" means Irrigation conducted through any system that is not an Automatic Irrigation System, including but not limited to Irrigation conducted through hose(s) attached to valves and sprinklers.
- E. "Valley Grove Water System" means that water and water supply available to Landowners within Valley Grove Subdivision Phase I, Phase II, Phase III, and Phase IV, as said subdivisions appear in the records of Gallatin County, Montana.
- F. "Landowner" means each and all of the owners of any lot within Valley Grove Subdivision Phase I, Phase II, Phase III, and Phase IV, as said subdivisions appear in the records of Gallatin County, Montana, regardless of whether that lot is leased or otherwise occupied by others, as such landowners appear in the records of Gallatin County, Montana.

1.02 Restrictions. No Landowner shall allow or suffer to permit any Irrigation, except in accordance with the terms of this section.

- A. Hand-Watering of Plants and Shrubs is authorized at any time.
- B. Except as provided in paragraph A, Irrigation shall be confined to those times and those days set forth in this paragraph:
 - 1. Irrigation conducted by or through an Manual Irrigation System shall take place only between the hours of 5:00 AM to 11:00 AM and between the hours of 5:00 PM and 12:00 midnight.
 - 2. Irrigation conducted by or through an Automatic Irrigation System shall take place only between the hours of 5:00 PM and 11:00 AM, although landowners with an Automatic Irrigation System are encouraged to Irrigate between the hours of 10:00 PM and 3:00 AM.
 - 3. No Irrigation shall take place on July 31st or August 31st of any year.
 - 4. Each Landowner with a street address ending in an odd number shall Irrigate only on odd-numbered days, and each Landowner with a street

address ending in an even number shall Irrigate only on even-numbered days.

1.03 Penalties. Any Landowner that Irrigates or suffers his lot to be Irrigated in any manner that violates any term set forth in Section 1.02 shall be subject to the following penalties. Each day that any violation occurs shall be a separate act of violation, although no more than one violation per day shall be deemed to have occurred regardless of the number of restrictions set forth in Section 1.02 that have been violated.

- A. Each day of violation of any term set forth in Section 1.02 may be assessed a fine of \$25.00, provided that, in the event that a landowner has been fined more than \$50.00 in any calendar year, all subsequent fines for the remaining calendar year shall be in an amount of \$50.00 for each day of violation. Notice of the violation setting forth the date and nature of the violation, together with the fine assessed for that violation, shall be sent to the Landowner at his street address, or at such other address that the Landowner provides the Board of Directors of the Valley Grove Homeowners' Association in writing. All fines shall be due and payable at the address set forth in the notice of violation no later than the last day of the month following the month in which the notice of violation was mailed or otherwise served on the Landowner. Fines not paid by the date of payment set forth herein shall accrue interest at the rate of 10%, compounded annually, commencing on the date following the date upon which payment of such fine is due. Liens for the payment of any unpaid fines together with interest thereon may be filed against any lot owned by any Landowner assessed a fine pursuant to the terms of this Section. Acceptance of any payment for any fine that is less than the whole amount due, including interest, shall not be deemed a waiver of the right to collect the whole amount due, including interest, regardless of any restrictive endorsements on any check presented in payment. Each landowner of each lot shall be jointly and severally liable for the whole amount of the fine and the interest thereon, and any part payment of the whole amount due by one landowner shall not relieve that landowner of his obligation to pay the remaining amount.
- B. Any Landowner provided with a notice of violation and assessed a fine pursuant to this Section may be heard on any issue of whether a violation occurred by providing the Board of Directors of the Valley Grove Homeowners' Association in writing with notice of the Landowner's intention to contest the notice of violation no later than the fifteenth day of the month following the month in which the notice of violation was mailed or otherwise served on the Landowner. The Landowner shall thereupon be advised of the time and place that he may be heard upon the issue of whether the violation set forth in the notice of violation occurred. It shall be no defense to a notice of violation issued under this Section that someone other than the Landowner, such as a lessee, tenant, or guest, committed the violation unless the Landowner shows that the violator was wholly without authority to be on his premises, nor shall it be a defense to any notice of violation issued under this Section that other Landowners committed the same or similar acts without a resulting notice of violation or fine. Any election of any

Landowner to contest the fact of any violation identified in the notice of violation shall not postpone the date for payment of the fine, and in the event that the notice of violation is sustained, the Landowner shall promptly pay the whole amount of the fine and all accumulated interest.

- C. In the event that any Landowner refuses or otherwise fails to pay any fine and all interest thereon when due, and that Landowner commits further violations of the terms of Section 1.02 hereof, the Board of Directors of the Valley Grove Homeowners' Association may take such additional steps that it considers appropriate to secure the whole amount of the fines and penalties due from such Landowner, including, without limitation, curtailing or shutting off the water and water supply available to any such Landowner from the Valley Grove Water System until such fines and interest have been paid.