

CITY OF WILLOW PARK

ORDINANCE NO. 558-07

AN ORDINANCE OF THE CITY OF WILLOW PARK, TEXAS ADOPTING A WATER CONSERVATION PLAN BY AMENDING CHAPTER 11, "PUBLIC UTILITIES", ARTICLE 11.200, "WATERWORKS SYSTEM REGULATIONS", BY ADDING A NEW SECTION 11.213 TO THE MUNICIPAL CODE OF ORDINANCES; PROVIDING FOR A PENALTY, REPEALER, AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City of Willow Park, Texas ("City") is a municipal corporation organized under the laws of the State of Texas; and

WHEREAS, it is the intent of the City to protect the health, safety and welfare and well being of its citizens; and

WHEREAS, the City Council of the City has investigated and determined that it would be advantageous and beneficial to the citizens of the City to adopt a Water Conservation Plan as set forth below; and

WHEREAS, the primary water resource for municipal water wells, city permitted wells or private wells, is ground water; and

WHEREAS, the city has the authority to preserve, protect and conserve water resources for the health, safety and welfare of its citizens.

NOW THEREFORE: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS:

SECTION 1. AUTHORIZATION

The Mayor, City Administrator, or the City Administrator's designee, is hereby authorized and directed to implement the applicable provisions of this Ordinance. Any reference to the City Administrator is deemed to include the City Administrator's designee.

SECTION 1. RECITALS

All of the above precatory statements are true and correct and incorporated herein for all purposes.

SECTION 3. AMENDMENT

Amending Chapter 11, "Public Utilities", Article 11.200, "Waterworks System Regulations" by adding a new Section, as follows:

§11.213 "Water Management Conservation Plan"

A. Purpose

The purpose of these water management regulations is to provide standards to conserve and prevent the diminution or waste of water resources.

B. Water Management Conservation Provisions

1. A person violates the Water Management Conservation Provisions and commits an offense if, during the period from April 1 to October 31 of any year, the person:

a. knowingly or recklessly causes or allows the irrigation or watering of any lawn or landscape located on any property owned, leased, used, or managed by the person between the hours of 10:00 a.m. and 6:00 p.m.

b. knowingly or recklessly causes or allows the irrigation or watering of lawn or landscape located on any property owned, leased, used, or managed by a person in such a manner that causes over-watering lawn or landscape, such that causes a constant stream of water to overflow from the lawn or landscape onto a street or other drainage area; or

c. knowingly or recklessly causes or allows irrigation of lawn or landscape during any form of precipitation. This restriction applies to all forms of irrigation, including automatic sprinkler systems; or

d. knowingly or recklessly causes or allows irrigation of lawn or landscape when the temperature reaches 40°F or below. This restriction applies to all forms of irrigation, including automatic sprinkler systems; or

e. knowingly or recklessly causes or allows the irrigation of impervious surfaces or other non-irrigated areas.

2. A person commits an offense if the person knowingly or recklessly operates a lawn or irrigation system or device on property that the person owns, leases, uses, or manages that:

a. has broken or missing sprinkler head(s); or

b. has not been properly maintained to prevent the waste of water.

C. Procedures for Enforcing Water Management Conservation Provisions

1. Violations of Water Management Conservation Provisions under this Section may be enforced by any combination of warnings, reconnection fees, suspension of service, citations, monetary penalties and other fees as follows:

a. On the first violation, customers will be notified by posting notification on any door of the structure a door hanger that they have violated a mandatory water use regulation.

b. On the second violation, the City of Willow Park will disconnect the irrigation system and post notification of violation and may require a reconnection fee, possible monetary penalties, or both.

c. On the third violation, the City of Willow Park will disconnect water service, post notification of violation and impose reconnection fees, fines, and/or citations.

2. Notwithstanding Paragraph 1 above, the City of Willow Park maintains the right, at any violation level, to disconnect irrigation systems and/or water services to a customer and impose reconnection fees, possible monetary penalties, or both.

3. Any City of Willow Park employee, as designated by the City Administrator, or designee, may implement any provision of the enforcement process of the Water Conservation Plan.

SECTION 4. PENALTY PROVISIONS

Any person, firm, corporation or business entity that violates this Ordinance upon conviction shall be deemed guilty of a misdemeanor and shall be fined a sum not exceeding two hundred dollars (\$200.00). Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Willow Park from filing suit to enjoin violation. Willow Park retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 5. SAVINGS/REPEALING CLAUSE

All provisions of any Ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed Ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the Ordinance. Any remaining portions of said Ordinances shall remain in full force and effect.

SECTION 6. SEVERABILITY

Should any section, paragraph, subdivision, clause, phrase or provision of this Ordinance shall be held invalid, it shall not affect any valid provisions of this or any other Ordinance of the City of Willow Park to which these rules and regulations relate.

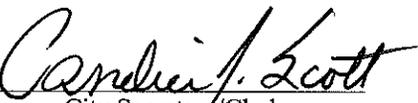
SECTION 7. EFFECTIVE DATE

This Ordinance shall take effect from and after the publication in a newspaper of general circulation.

PASSED AND ADOPTED this 17th day of April, 2007.

/s/ 
Mayor

ATTEST:

/s/ 
City Secretary/Clerk

APPROVED AS TO FORM:

/s/ 
City Attorney

The Willow Park City Council in acting on Ordinance No. 558-07 did on the 17th day of April, 2007, vote as follows:

	<u>FOR</u>	<u>AGAINST</u>
Brad Johnson, Mayor	_____	_____
Barry K. Tatum, Place 1	_____	_____
J. Teresa Welch, Place 2	_____	_____
Hale Alderman, Place 3	_____	_____
Kenneth Hawkins, Place 4	_____	_____
Marvin Glasgow, Place 5	_____	_____