

ORDINANCE NO. 2013-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, FINDING THAT THE CITY IS IN A MILD DROUGHT; IMPLEMENTING DROUGHT CONTINGENCY MEASURES INCLUDING RESTRICTING LAWN WATERING; PROVIDING FOR NOTICE; PROVIDING A PENALTY OF UP TO \$500.00 PER DAY; AND MAKING OTHER PROVISIONS RELATED THERETO.

WHEREAS, the City Council adopted a water conservation and drought contingency plan (Article 11.700 of the City's Code of Ordinances) to provide for the orderly management and conservation of water resources in drought conditions; and

WHEREAS, the City is experiencing high temperatures and low rainfalls; and

WHEREAS, the trigger conditions for the City's drought contingency measures have occurred; and

WHEREAS, the City Council finds it necessary and proper to implement Step I Curtailment drought contingency measures; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, THAT:

Section 1. Findings. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. Water Curtailment Required. The City imposes the following Step I Water Curtailment Regulations:

A. A person commits an offense if the person waters a residential lawn at an even numbered address (ending in: 0, 2, 4, 6, 8) on Monday, Tuesday, Thursday, Friday, or Sunday. Even numbered addresses are permitted to water with a lawn with a lawn irrigation system on Wednesdays and Saturdays.

B. A person commits an offense if the person waters a residential lawn at an odd numbered address (ending in: 1, 3, 5, 7, 9) on Monday, Tuesday, Wednesday, Friday, or Saturday. Odd numbered addresses are permitted to water with a lawn with a lawn irrigation system on Thursdays and Sundays.

C. A non-residential business (Businesses, Apartments, Parks & Common Areas) commits an offense if it uses an irrigation system to water on Monday, Wednesday, Thursday, Saturday or Sunday. Non-residential businesses are permitted to water with a lawn with a lawn irrigation system on Tuesdays and Fridays.

D. A person or non-residential business commits an offense if either waters a lawn with a lawn irrigation system on a Monday

E. A person or non-residential business commits an offense if either waters a lawn with a lawn irrigation system between the hours of 10:00 a.m. and 6:00 p.m.

F. It is an affirmative defense to prosecution under this section that the person watered the lawn by hand held hose or by a sprinkler attached to a hose.

Section 3. Notice.

A. Notice of this Ordinance may be given by either (1) posting on the City's website, or (2) first class mail.

B. The Mayor or City Administrator are directed to inform the public through the news media that a trigger condition has been reached.

C. The Mayor and City Administrator are authorized to provide to the public specific steps that the public may take to reduce water use including minimizing non-essential water use.

Section 4. Enforcement.

A. If a person is charged with violation of this ordinance on three or more days within any 90 day period, the City Administrator, upon 24 hours written notice to the customer, may discontinue water service to the premises where such violations have occurred. Services discontinued under such circumstances will be restored only upon payment of a reconnection charge of \$50.00, and any other costs incurred by the City in discontinuing service.

B. Any person in apparent control of the premises where a violation occurs or originates is presumed to be the violator, and proof that the violation occurred on the person's premises constitutes a rebuttable presumption that the person in apparent control of the property committed the violation. Parents are presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on the premises under the parent's control constitutes a rebuttable presumption that the parent committed the violation. The presumption may be rebutted by proof that the parent had previously directed the child not to use the water as it was used in violation of the Plan and that the parent could not have reasonably known of the violation.

Section 5. **Notice To TCEQ.** The City Administrator is directed to give notice of the implementation of the Step I curtailment measures to the Executive Director of the Texas Commission on Environment Quality within 5 business days.

Section 6. **Penalty.** Any person who shall intentionally, knowingly, recklessly, or with criminal negligence, violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$500. Each day of violation shall constitute a separate offense.

Section 7. **Repealer.** All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict with this Ordinance only, hereby repealed.

Section 8. **Severability.** In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional and the City Council of the City of Spring Valley Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 9. This Ordinance shall take effect when adopted; provided, however, that the penalty, fine and forfeiture provided herein shall take effect when published in accordance with Chapter 52 of the Texas Local Government Code.

PASSED, APPROVED, AND ADOPTED on this 27th day of August, 2013.



Tom Ramsey
Tom Ramsey, Mayor

ATTEST:

Betty Lusk
Betty Lusk, City Secretary