

**ORDINANCE NO. 2014-031**

**AN ORDINANCE OF THE CITY OF ALEDO, TEXAS ADOPTING AN UPDATED WATER CONSERVATION PLAN AND A DROUGHT CONTINGENCY AND EMERGENCY WATER MANAGEMENT PLAN; AMENDING CHAPTER 81 OF THE CITY CODE BY PROVIDING FOR YEAR ROUND WATERING AND IRRIGATION RESTRICTIONS; PROVIDING FOR AFFIRMATIVE DEFENSES AND EXCEPTIONS TO PROSECUTION; PROVIDING FOR VARIANCE PROCEDURES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Aledo, Texas is a type A general-law municipality located in Parker County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the City Council finds that conservation of water and protection of water supplies are in the best interest of its citizens; and

**WHEREAS**, the City has drafted a Drought Contingency and Emergency Water Management Plan and a Water Conservation Plan which comply with Chapter 288, Title 30 of the Texas Administrative Code; and

**WHEREAS**, the City is a wholesale water service customer of the City of Fort Worth; and

**WHEREAS**, as a wholesale customer of the City of Fort Worth, the City is required to institute the same rationing and water use restrictions on City customers as does the City of Fort Worth for so long as any part of the total water supply is furnished by the City of Fort Worth; and

**WHEREAS**, it is necessary to make amendments to Chapter 81 of the City's code of ordinances to reflect the City of Fort Worth's rationing and water use restrictions.

**WHEREAS**, the City Council finds that the amendments set forth herein are in the best interest of the public health, safety and general welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALEDO, TEXAS:**

## **SECTION 1.**

That the Water Conservation Plan, attached hereto as "Exhibit A," and the Drought Contingency and Emergency Water Management Plan, attached hereto as "Exhibit B," are hereby adopted and incorporated herein for all purposes, and replace any previously adopted water conservation and drought contingency and emergency water management plans.

## **SECTION 2.**

That section 81-92 of the code of ordinances is amended to read as follows:

### **Sec. 81-92. Lawn and Landscape Irrigation Restrictions.**

- (a) Lawns and landscaping may be watered on any day, at any time, by handheld hose, drip irrigation, a soaker hose or tree bubbler. (The intent of this measure is to allow for the protection of structural foundations, trees, and other high value landscape materials).

Except for hand watering, drip irrigation and the use of soaker hoses, a Person may only irrigate, water, or cause or permit the irrigation or watering of any lawn or landscape, inclusive of structural foundations, trees, and other high value landscape materials, located on premises owned, leased, or managed by that Person (i) on a day designated as an outdoor water use day for the property's address as shown below; and (ii) between the hours of 12 midnight to 10 a.m. and 6 p.m. to 11:59 p.m. on such day.

- (1) Residential addresses ending in an even number (0, 2, 4, 6 or 8) may water on Wednesdays and Saturdays.
  - (2) Residential addresses ending in an odd number (1, 3, 5, 7 or 9) may water on Thursdays and Sundays.
  - (3) All non-residential locations (apartment complexes, businesses, industries, parks, street and/or roadway medians, etc.) may water on Tuesdays and Fridays.
- (b) Except for hand watering, drip irrigation and the use of soaker hoses, a Person commits an offense if that Person irrigates, waters, or causes or permits the irrigation or watering of any lawn or landscape located on premises owned, leased, or managed by that Person between the hours of 10:00 a.m. and 6:00 p.m.
- (c) Except for hand watering, drip irrigation and the use of soaker hoses, a Person commits an offense if that Person irrigates, waters, or causes or permits the irrigation or watering of any lawn or landscape located on premises owned, leased, or managed by that Person on a day that is not designated as an outdoor water use for that property address as shown in subsection (a) above.
- (d) A Person commits an offense if a Person knowingly or recklessly irrigates, waters, or

causes or permits the irrigation or watering of a lawn or landscape located on premises owned, leased or managed by the Person in a manner that causes:

- (1) a substantial amount of water to fall upon impervious areas instead of a lawn or landscape, such that a constant stream of water overflows from the lawn or landscape onto a street or other drainage area; or
- (2) an irrigation system or other lawn or landscape watering device to operate during any form of precipitation.

(e) A Person commits an offense if, on premises owned, leased, or managed by that Person, a Person operates a lawn or landscape irrigation system or device that:

- (1) has any broken or missing sprinkler head; or
- (2) has not been properly maintained in a manner that prevents the waste of water.

(f) Affirmative Defenses

- (1) It shall be an affirmative defense to prosecution of an offense in subsection(a) that at the time such Person irrigates, waters, or causes or permits the irrigation or watering of any lawn or landscape, such activity was for the purpose of:
  - (A) dust control of a sports field; or
  - (B) the maintenance, repair, or testing of an irrigation system.
- (2) The activity described in subsection f (1) (A) and (B) may only occur within a period of two (2) days no more than once every thirty (30) days. Any such activity requiring a longer period or greater frequency shall require a variance as provided by subsection (g).

(g) Variances

- (1) The City Administrator or official designee may grant variances to the twice per week watering and irrigation restrictions and schedule, if one or more of the following conditions are met:
  - (A) Failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the Person requesting the variance;
  - (B) Compliance with the watering and irrigation restrictions and/or schedule cannot be accomplished due to technical or other limitations; or

- (C) Alternative methods that achieve the same level of reduction in water use can be implemented.
- (2) The City Administrator or official designee may grant variances to allow for establishment of hydromulch, grass sod, or grass seed for new lawns.
- (3) Variances shall be granted or denied at the discretion of the City Administrator or official designee. All petitions for variances shall be in writing and shall include the following:
  - (A) Name and address of the petitioner(s);
  - (B) Purpose of the water use;
  - (C) Specific provisions from which relief is requested;
  - (D) Detailed statement of the adverse effect of the provision from which relief is requested;
  - (E) Description of the relief requested;
  - (F) Period of time for which the variance is sought;
  - (G) Alternative measures that will be taken to reduce water use; and
  - (H) Other pertinent information requested.
- (h) A Person who irrigates, waters, or causes or permits the irrigation or watering by use of an alternative water source such as a well, reclaimed or reused water, or water from the Trinity River is exempt from prosecution if that Person has:
  - (1) Registered such alternative water source with the City;
  - (2) Provided sufficient proof to the City Administrator or official designee that the alternative water source is from a well, reclaimed or reused water or from the Trinity River and has allowed inspection by the Director of Public Works if deemed necessary; and
  - (3) Complied with the City's Backflow and Cross-connection Control Program and City Code Sections 81-53 and 81-111.

PASSED AND APPROVED THIS THE 24<sup>th</sup> DAY OF April 2014

Kit Marshall  
Kit Marshall, Mayor

ATTEST:

Deana McMullen  
Deana McMullen, City Secretary