

ORDINANCE 07-008

AN ORDINANCE OF THE CITY OF OVILLA, TEXAS AMENDING CITY CODE CHAPTER 11, SECTION 16.00 IMPLEMENTING A WATER MANAGEMENT PLAN; REQUIRING THE PUBLIC NOTIFICATION OF SUCH PLAN; ALLOWING FOR VARIANCES FROM SAID PLAN, ESTABLISHING VIOLATIONS AND PENALTIES; REPEALING CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND SETTING AN EFFECTIVE DATE.

WHEREAS, as part of the overall goal to protect the regional water resources and assist in the protection of current and future water resources available in North Texas; and

WHEREAS, the City Council finds that as partner of Dallas Water Utilities it is appropriate and necessary to implement a water management plan to ensure adequate water supply for the City's water customers and the preservation of adequate water pressure in case of fire; and

WHEREAS, the City Council is desirous to implement a more aggressive approach to water conservation efforts;

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

SECTION 1

That Chapter 11, Section 16.00, of the Code of Ordinances, City of Ovilla, Texas is hereby amended to read as follows:

§ 16.00 Water Management Plan

The purpose of this plan is to establish procedures in the event of shortages or delivery limitations in the City of Ovilla water supply, or in the case of equipment malfunctions or similar situations that affect the city's management plan and shall apply to all customers that obtain their water from the City's water supply system.

SECTION 2

That Chapter 11, of the Code of Ordinances, City of Ovilla, Texas is hereby amended by adding a new Section 16.10, which said section shall read as follows:

§16.10 Year Round Water Use Management

1. A person, business, or entity (herein referred to as “person”) who obtains water directly or indirectly from the City shall comply with this section at all times throughout the year.
2. The following constitute a waste of water and are prohibited:
 - a. Operating a permanently installed irrigation system with:
 - i. A broken head; or
 - ii. A head that is out of adjustment where the arc of the spray head is over a street or parking lot.
 - b. During irrigation, whether through a permanently installed irrigation system, hand held hose, or a hose with a sprinkler head attached:
 - i. Allowing water to run off a property such that there is a trail of water that is running in the street for a distance of 50 feet or greater; or
 - ii. Allowing water to pond in the street or parking lot to a depth greater than ¼ an inch.

SECTION 3

That Chapter 11, of the Code of Ordinances, City of Ovilla, Texas is hereby amended by adding a new Section 16.15, which said section shall read as follows:

§ 16.15 Stage 1 – Voluntary Water Awareness

1. If one or more of the following occurs, then Stage I shall be implemented:
 - a. The City of Dallas initiates action and request customer cities to do likewise during high demand periods;
 - b. The City of Ovilla experiences three consecutive days of water usage at ninety (90) percent of water storage capacity;
 - c. The Administrative Official (the City Administrator or his designee) determines that an emergency exists within the City’s water system including, but not limited to:
 - i. Unforeseen situation that limits distribution of water;
 - ii. Short or long term equipment failure;
 - iii. Natural or man-made contamination of the water supply.
2. With the implementation of Stage I, the following actions shall be implemented:
 - a. The City shall encourage the reduction of water use through a voluntary watering schedule. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems should be limited to:

Watering Days	Last Digit in House Number
Mondays and Thursdays	0, 1, 2, and 3
Tuesdays and Fridays	4, 5, and 6
Wednesdays and Saturdays	7, 8, and 9
No watering on Sundays	

- b. Accelerate public information efforts to teach reduced water usage
 - c. Notify major water users and request voluntary water use reductions, including usage at construction sites
 - d. Reduce city government use of water for vehicle washing, landscape watering, and park usage.
3. Watering of lawns shall be prohibited for all who obtain water from the City between the hours of 10:00 a.m. and 6:00 p.m.

SECTION 4

That Chapter 11, of the Code of Ordinances, City of Ovilla, Texas is hereby amended by adding a new Section 16.20, which said section shall read as follows:

§ 16.20 Stage 2 – Mandatory Water Watch

- 1. If one or more of the following occurs, then Stage 2 shall be implemented:
 - a. The City of Dallas initiates action and request customer cities to do likewise during high demand periods;
 - b. The City of Ovilla experiences five (5) consecutive days of water pumping in excess of one hundred (100) percent of total capacity; or
 - c. Stage 1 voluntary restrictions fail to alleviate continued potable water depletion.
- 2. With the implementation of Stage 2, the following actions shall be implemented:
 - a. All water customers are limited to watering of landscape and/or exterior water uses as detailed below:

Watering Days	Last Digit in House Number
Mondays and Thursdays	0, 1, 2, and 3
Tuesdays and Fridays	4, 5, and 6
Wednesdays and Saturdays	7, 8, and 9
No watering on Sundays	

- b. Watering of landscaped areas is only allowed between the hours of 12:00 midnight and 10:00 a.m. and 6:00 p.m. and 12:00 midnight on permitted days.
- c. Vehicles may be washed at commercial auto washes; or may be washed at residences by the use of a water bucket or container, or a hand-held hose with a positive shutoff nozzle. Home washing may only occur on permitted days;

- d. Foundations may be watered with “hand-held” water hoses or the use of soaker hoses on permitted days.
- e. The hosing off of paved areas, building, windows, or other surfaces is prohibited except to alleviate an immediate health or safety hazard.

SECTION 5

That Chapter 11, of the Code of Ordinances, City of Ovilla, Texas is hereby amended by adding a new Section 16.25, which said section shall read as follows:

§ 16.25 Stage 3 – Water Crisis

- 1. If one or more of the following occurs, then Stage 3 shall be implemented:
 - a. The City of Dallas initiates action and request customer cities to do likewise during high demand periods;
 - b. The Administrative Official determines that an emergency exists within the City’s water system including, but not limited to:
 - i. Unforeseen situation that limits distribution of water;
 - ii. Short or long term equipment failure;
 - iii. Natural or man-made contamination of the water supply; or
 - c. Stage 2 restrictions fail to alleviate continued potable water depletion.
- 2. With the implementation of Stage 3, the following actions shall be implemented:
 - a. All water customers are limited to watering of landscape and/or exterior water uses between the hours of 5:00 a.m. and 10:00 am and between 6:00 p.m. and 12:00 midnight. As detailed below:

Watering Days	Last Digit in House Number
Mondays and Thursday	0, 1, 2, and 3
Tuesdays and Friday	4, 5, and 6
Wednesday and Saturday	7, 8, and 9
No watering on Sundays	

- i. Watering shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems is prohibited at all times.
 - b. The 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 or commercial service stations is prohibited;
 - i. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10:00 p.m.

- c. The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi type pools is prohibited.
- d. Foundations may be watered for a two-hour period on the permitted day with a soaker or hand-held hose equipped with a positive shutoff nozzle.
- e. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- f. Water used for construction purposes shall be prohibited between the hours of 2:00 p.m. and 9:00 p.m. daily during this Stage.
- g. Permitting of new swimming pools, hot tubs, spas, ornamental ponds and fountain construction is prohibited.
- h. A ten (10) percent rate increase for high water demand users (greater than 20,000 gallons per month per account) shall be initiated.
- i. The Administrative Official may impose further restrictions, if necessary.

SECTION 6

That Chapter 11, of the Code of Ordinances, City of Ovilla, Texas is hereby amended by adding a new Section 16.30, which said section shall read as follows:

§ 16.30 Stage 4 – Water Emergency

1. If one or more of the following occurs, then Stage 4 shall be implemented:
 - a. The City of Dallas initiates action and request customer cities to do likewise during high demand periods;
 - b. The Administrative Official determines that an emergency exists within the City's water system including, but not limited to:
 - i. Unforeseen situation that limit distribution of water;
 - ii. Short or long term equipment failure;
 - c. Natural or man-made contamination of the water supply
2. With implementation of Stage 4, the following actions shall be implemented:
 - a. Irrigation of landscaped areas is prohibited.
 - b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited.
 - c. No landscaping of new areas.
 - d. Previous stage requirements that are not in conflict with this Section remain in effect.
 - e. The Administrative Official may take additional actions not listed, if deemed necessary.

SECTION 7

That Chapter 11, of the Code of Ordinances, City of Ovilla, Texas is hereby amended by adding a new Section 16.35, which said section shall read as follows:

§16.35 Additional Emergency Water Use Management

Nothing in this Ordinance shall be construed to restrict the ability of the City Administrator to completely restrict any and all use of water in an emergency in the immediate interest of the public health, safety and welfare.

SECTION 8

That Chapter 11, of the Code of Ordinances, City of Ovilla, Texas is hereby amended by adding a new Section 16.40, which said section shall read as follows:

§16.40 Public Notification of Water Use Restrictions

It shall be the responsibility of the Administrative Official to make all reasonable efforts to properly inform the general public and city water customers of any and all water use restrictions as defined by this Ordinance. Said notifications as to the various stages of water use restrictions that may exist at any given time may not be limited to but shall at least include posting along with other public notices at the City of Ovilla City Hall.

SECTION 9

That Chapter 11, of the Code of Ordinances, City of Ovilla, Texas is hereby amended by adding a new Section 16.80, which said section shall read as follows:

§16.80 Variances

1. A person who receives water service directly or indirectly from the City of Ovilla and is subject to the regulations of this Ordinance may file an application for a variance from this Ordinance for any property that receives water. The Administrative Official may require the applicant to provide information deemed necessary to evaluate the variance request.
2. The Administrative Official may grant a variance from the requirements of this Ordinance after determining that special circumstances exist and that compliance with this Ordinance:
 - a. Will adversely affect the health, sanitation, or fire protection for the public or the applicant; or
 - b. Will substantially threaten the applicant's property.
3. A variance for the irrigation/watering of new landscaping associated with new construction of main residential or commercial buildings may be granted by the Administrative Official. Irrigation under this variance may not exceed the following schedule:

- a. Stage 2
 - i. For the first ten days after installation, every day;
 - ii. For day 11 through day 20, every other day,
 - iii. After the twentieth day, irrigation may only occur on the permitted day based on location address.
- b. Stage 3
 - i. During Stage 3, this variance may only be granted for watering of landscaping in the front yard of a main residential structure new construction.
 - ii. For the first ten days after installation, every day;
 - iii. For day 11 through day 20, every other day,
 - iv. After the twentieth day, irrigation may only occur on the permitted day based on location address.
- c. Council shall set a fee to be included in the Appendix of this Code to cover the administrative costs of handling variance requests as well as to assist in the funding of the City's public notification efforts.
- d. If a variance is granted, the applicant shall keep a copy of the variance in a location of the affected property, accessible and visible to the public.

SECTION 10

That Chapter 11, of the Code of Ordinances, City of Ovilla, Texas is hereby amended by adding a new Section 16.85, which said section shall read as follows:

§ 16.85 Violation and Penalties

It shall be unlawful for any person to violate any provisions of this Ordinance, which shall remain in effect at the designated times. Any person who violates this Ordinance or part thereof shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than \$100.00 nor more than \$2,000.00 and each day the violation continues shall constitute a separate offense.

1. The City of Ovilla is hereby authorized to discontinue water service to any person(s) who is convicted of two or more distinct violations of this Ordinance. Services discontinued under such circumstances shall be restored only upon the payment of a reconnection fee twice that as established in the Appendix of this Code.
2. Upon the first notice of a violation under this Ordinance, the City shall issue a written warning. Subsequent violations shall be referred to the Municipal Court.

SECTION 11

All parts of ordinances in conflict herewith are repealed to the extent of such conflict only. In the event of a conflict or inconsistency between this Ordinance and any other

code or ordinance, the terms of the most restrictive ordinance shall govern. Sections 16.01 through 16.09 of the existing Code are hereby repealed.

SECTION 12

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph, or section.

SECTION 13

This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the laws of the State of Texas.

PASSED AND APPROVED ON THIS 23 DAY OF April,
2007.

Walter A. "Bee" Tu
MAYOR

Michael Rees
CITY SECRETARY