

AN ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH AMENDING THE CITY OF FAIR OAKS RANCH CODE OF ORDINANCES, CHAPTER 13 "UTILITIES", ARTICLE 13.06 "WATER CONSERVATION PLAN", SECTION 13.06.006 "LANDSCAPE WATERING MANAGEMENT" TO INCLUDE AN UPDATED WATERING DAY SCHEDULE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City seeks to comply with Title 30 of the Texas Administrative Code, Part 1, Chapter 288, Subchapter A, Rule 288.2 which requires the City to review and update its water conservation plan as new or updated information becomes available; and

WHEREAS, the City wishes to promote the efficient and responsible use of water resources; and

WHEREAS, the City is committed to ensuring that current and future residents of the City have a safe and adequate water supply for domestic use, sanitation and fire protection; and

WHEREAS, the number of water utility customers whose designated watering day falls on Monday based on the last digit of their address is disproportionately high which causes surges in demand and unnecessary stress on the utility; and

WHEREAS, the City Council of the City of Fair Oaks Ranch has determined that an amendment to watering day schedule is warranted as it further enhances and ensures continuity of reliable water resources in accordance with the City's CCN obligations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS:

- PART 1.** Chapter 13 "Utilities", Article 13.06 "Water Conservation Plan"; Section 13.06.006 "Landscape Watering Management" is hereby amended as set forth in the attached **Exhibit A**.
- PART 2.** That the recitals contained in the preamble hereto are hereby found to be true and such recitals are hereby made a part of this ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.
- PART 3.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance be severable, and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared invalid by judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance and the remainder of this ordinance shall be enforced as written.
- PART 4.** That it is officially found, determined and declared that the meeting at which this ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code..

PART 5. This ordinance shall take effect the 1st of March 2024, after its second reading, passage and publication as may be required by governing law.

PART 6. The repeal or amendment of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue or as affecting any rights of the City of Fair Oaks Ranch under any section or provisions of any ordinances in effect at the time of passage of this ordinance.

PART 7. The provisions of this ordinance shall be cumulative of all ordinances not repealed by this ordinance and ordinances governing or regulating the same subject matter as that covered herein.

PASSED and APPROVED on first reading by the City Council of the City of Fair Oaks Ranch, Texas, on this 16th of November 2023.

PASSED, APPROVED, and ADOPTED on second and final reading by the City Council of the City of Fair Oaks Ranch, Texas, on reading this 7th of December 2023.

Gregory C. Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, TRMC, City Secretary

Denton Navarro Rocha Bernal & Zech, P.C.,
City Attorney

Exhibit A

Chapter 13 "Utilities", Article 13.06 "Water Conservation Plan"; Section 13.06.006 "Landscape Watering Management" is hereby amended as follows:

[Deletions shown as strikethrough and additions shown as underscore]

Sec. 13.06.006 Landscape Watering Management

(a) Irrigation of landscaped areas with hose-end sprinklers, soaker hoses, or automatic irrigation systems shall be limited to once a week between the hours of midnight to 10:00 a.m. and 8:00 p.m. to midnight on the authorized watering day according to the following schedule:

Street Address Ending in:	Authorized Watering Day:
<u>0</u>	<u>Sunday</u>
0 or 1 <u>1</u>	Monday
2 or 3	Tuesday
4 or 5	Wednesday
6 or 7	Thursday
8 or 9	Friday
<u>Commercial</u>	<u>Saturday</u>

~~(b) Irrigation of landscaped areas with hose-end sprinklers, soaker hoses, or automatic irrigation systems shall be prohibited during weekends (Saturday and Sunday) without exception.~~

(e) (b) Irrigation of landscaped areas is permitted at any time, including weekends, by means of a handheld hose with a positive shutoff nozzle, a properly functioning drip irrigation system, or a faucet-filled bucket or watering can of five (5) gallons or less.

~~(d)~~ (c) Landscape watering permits.

- (1) Newly planted lawns may not be watered at any time other than the schedule designated in Section 13.06.006(a) except by a permit issued by the City Manager or his/her designee.
- (2) The permit application shall be completed by the property owner and include documentation specifying the type of landscape application and/or installation.
- (3) Permit fee shall be paid in such amount as specified in the City's Master Fee Schedule, found in Appendix A of the City's Code of Ordinances.

- (4) All permits shall be valid for 30 days from the date of issuance. Additional permits may be granted upon request and require approval by the City Manager or his/her designee.
- (5) All permits shall be posted and readily visible from the street.
- (6) Landscape watering permits shall not be issued when the City's drought contingency plan is in effect. Exclusions apply to newly built residential homes and commercial establishments.