

APPENDIX E

ORDINANCE NO. 2968

AN ORDINANCE OF THE CITY OF CARROLLTON, TEXAS AMENDING TITLE V, CHAPTER 52 OF THE CARROLLTON CITY CODE BY THE ADOPTION OF SECTION 52.093 ADOPTING A LANDSCAPE WATER MANAGEMENT ORDINANCE; PROVIDING FOR A PENALTY IN THE MAXIMUM AMOUNT OF \$2,000.00 PER DAY; PROVIDING THAT A CULPABLE MENTAL STATE IS NOT REQUIRED FOR COMMITTING AN OFFENSE THEREUNDER; PROVIDING FOR A SAVINGS, REPEAL, AND SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Carrollton, Texas (the “City”), recognizes that the amount of water available to the City and its water customers is limited; and

WHEREAS, landscape water management is necessary to ensure that water being used for lawn and landscape irrigation is being applied in a manner that prevents waste and conserves our water resources;

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

SECTION I

That Section 52.093 shall be adopted to read as follows:

- A. Lawn and Landscape Irrigation Restrictions
1. A person commits an offense if he/she allows exterior plumbing leaks to exist.
 2. A person commits an offense if he/she irrigates, waters, or causes or allows the irrigation or watering of lawn or landscape located on any property owned, leased, or managed by that person in such a manner that causes:
 - a. A constant stream of water onto a street or alley in excess of fifty (50) feet from the property, or
 - b. Irrigating lawn or landscape during any form of precipitation. This includes automatic sprinkler systems, or
 - c. Irrigating lawn or landscape when the ambient temperature is below 32 degrees Fahrenheit.
 3. A person commits an offense if he/she operates a lawn or irrigation system or device on property that he/she owns, leases, or manages that:
 - a. Has broken or missing sprinkler head(s), or
 - b. Has not been properly maintained to prevent the waste of water.

- B. Rain Sensors and Freeze Gauges
1. Any new irrigation system installed within the city's customer service area on or after October 1, 2005, must be equipped with rain and freeze sensing devices designed to prevent operation of the irrigation system during any form of precipitation or when the ambient temperature is below 32 degrees Fahrenheit.
 2. A person commits an offense on property owned, leased or managed by him/her if he/she:
 - a. Installs or allows the installation of new irrigation systems in violation of Subsection B.1, or
 - b. Operates or allows the operation of an irrigation system that does not comply with Subsection B.1.
- C. Variances - The City Manager or his/her designee may, in special cases, grant variances from the provisions in Subsection A.1 or Subsection B. to persons demonstrating extreme hardship or need. Variances may be granted only under all of the following circumstances and conditions:
1. Applicant must sign a compliance agreement agreeing to irrigate or water the lawn and/or landscape only in the amount and manner permitted by the variance.
 2. The variance must not cause an immediate significant reduction to the City's water supply.
 3. The extreme hardship or need requiring the variance must relate to the health, safety, or welfare of the person making the request.
 4. The health, safety, and welfare of the public and the person making the request must not be adversely affected by the requested variance.
- D. Revocation of Variances - The City Manager or his/her designee may revoke a variance granted when he/she determines that:
1. The conditions of Subsection C are not being met or no longer apply,
 2. The terms of the compliance agreement are violated, or
 3. The health, safety, or welfare of other persons requires revocation.

SECTION 2

That neither allegation nor evidence of a culpable mental state is required for proof of an offense under this ordinance.

SECTION 3

That, save and amended by this ordinance, Title V of the Carrollton City Code shall remain in full force and effect.

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SECTION 4

That all ordinances or parts of ordinances in conflict with this ordinance are specifically repealed.

SECTION 5

That the provisions of this ordinance are severable in accordance with Section 10.07 of the Carrollton City Code.

SECTION 6

That this Ordinance shall become effective from and after its passage as permitted by law.

DULY PASSED AND APPROVED by the City Council of the City of Carrollton, Texas, this 19th day of April 2005 .



Mark Stokes, Mayor

ATTEST:

Ashley Mitchell, City Secretary

APPROVED AS TO FORM:

(R. Clayton Hutchins
City Attorney

APPROVED AS TO CONTENT:

Stephen M. Jenkins, P.E.
Director of Public Works