AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIDLOTHIAN, TEXAS ADOPTING LANDSCAPE AND LAWN IRRIGATION CONSERVATION MEASURES FOR PROPERTIES LOCATED WITHIN THE CORPORATE BOUNDARY OF THE CITY OF MIDLOTHIAN, ATTACHED HERETO AS EXHIBIT "A"; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY THAT ANY VIOLATION OF THE TERMS OF THIS ORDINANCE IS DECLARED TO BE A MISDEMEANOR, AND ANY PERSON FOUND TO BE GUILTY THEREOF SHALL BE PUNISHABLE BY A FINE NOT TO EXCEED ONE THOUSAND DOLLARS ($1,000), AND EACH DAY THAT SUCH VIOLATION CONTINUES SHALL CONSTITUTE A SEPARATE OFFENSE AND SHALL BE PUNISHABLE ACCORDINGLY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Midlothian, Texas (City) is a home rule city within the State of Texas, with full power of local self government; and

WHEREAS, the City recognizes that the quantity of water available to the City is limited; and

WHEREAS, the City recognizes the need for efficient use of existing water supplies; and

WHEREAS, the City understands that conserving water is essential for the long-term stability of the community and for the health, safety and welfare of its citizens; and

WHEREAS, on April 22, 2008, the City Council approved a Water Conservation Plan through the adoption of Ordinance No. 2008-22, as may be amended from time to time; and

WHEREAS, the Water Conservation Plan proposes a reduction in the per capita water consumption over the next five (5) and ten (10) years.

NOW THEREFORE, be it ordained by the City Council of the City of Midlothian, Texas:

SECTION 1. Adoption
That the Landscape and Lawn Irrigation Conservation Measures for Properties Located Within the Corporate Boundary of the City of Midlothian attached hereto as Exhibit "A" and made part hereof for all purposes is, and the same hereby, adopted as the official policy of the City.

SECTION 2. Cumulative Effect
This Ordinance shall be cumulative of all other ordinances of the City of Midlothian, Texas and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this Ordinance and all other ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.
SECTION 3. Severability Clause
That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional.

SECTION 4. Penalty
Any person, firm or corporation who shall violate any of the provisions of this Ordinance or who shall fail to comply with any provision hereof shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine not to exceed one thousand dollars ($1,000), and each day that such violation continues shall constitute a separate offense and shall be punishable accordingly.

SECTION 5. Effective Date
That this Ordinance shall become effective from and after its passage as permitted by law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Midlothian, Texas, on this the 12th day of April, 2011.

APPROVED:

Boyce L. Whatley, Mayor

ATTEST:

Lou Jameson, City Secretary

APPROVED AS TO FORM:

Don Stout, City Attorney
Landscape and Lawn Irrigation Conservation Measures

Exhibit A

That the Landscape and Lawn Irrigation Conservation Measures for Properties Located Within the Corporate Boundary of the City of Midlothian (City) and made part hereof for all purposes is, and the same hereby, adopted as the official policy of the City.

Landscape and Lawn Irrigation Restrictions

(a) No person shall knowingly or recklessly irrigate, water or cause or permit the irrigation or watering of any landscaping or lawn located on premises owned, leased or managed by them in a manner that causes a substantial amount of water to fall upon impervious areas instead of a landscape or lawn, such that a constant stream of water overflows from the landscape or lawn onto the street or other drainage facility.

(b) No person shall knowingly or recklessly operate a landscape or lawn irrigation system or device on premises owned, leased or managed by them that:

   (1) has any broken or missing sprinkler head(s); or

   (2) operates during any form of measurable precipitation or when temperatures are at or below freezing; or

   (3) has not been properly maintained in a manner that prevents the waste of water.

Irrigation System Rain and Freeze Sensors

(a) All irrigation systems installed after the adoption of this Ordinance must be equipped with properly functioning rain and freeze sensors.

(b) Any existing commercial, retail or industrial irrigation system installed before the adoption of this Ordinance must be equipped with properly functioning rain and freeze sensors within two (2) years from the adoption date of this Ordinance.

(c) It shall be unlawful for any person to knowingly or recklessly install, operate, or cause or permit the installation of or the operation of, an irrigation system in violation of this Ordinance on premises owned, leased or managed by them.

Exemption

The governmental use of water which is necessary to preserve or protect the health, safety and welfare of the public is exempt from any and all restrictions or mandates set forth in these requirements.
Landscape and Lawn Irrigation Conservation Measures

Enforcement

For Properties Receiving Water Service from the City of Midlothian:

(a) The City shall have the right to enforce all provisions or mandates contained herein for any irrigation systems or other landscape or lawn watering devices found to be operating in violation of this Ordinance, including but not limited to, the issuing of citations and/or the turning off of water service with the installation of a locking device (either at the water meter or backflow prevention device), such service may be reinstated in accordance with current City policies.

(b) Notice shall be left on the premise to advise the owner/operator that the water or backflow prevention device has been turned off.

(c) It shall be unlawful for any person to tamper with, cause damage to or remove a locking device placed by the City.

For Properties Not Receiving Water Service from the City of Midlothian but located within the Corporate Boundary:

(a) The City shall have the right to enforce all provisions or mandates contained herein for any irrigation systems or other landscape or lawn watering devices found to be operating in violation of this Ordinance through the issuing of citations.

(Ordinance 2011-____ adopted 4-12-11)