

ORDINANCE NO. 2068

AN ORDINANCE AMENDING CHAPTER 86, "UTILITIES", ARTICLE II, "WATER AND SANITARY SEWER SYSTEMS," DIVISION I, "GENERALLY," SECTION 86-26, "RULES, REGULATIONS, POLICIES AND PROCEDURES", OF THE CODE OF ORDINANCES OF THE CITY OF EULESS, TEXAS BY PROVIDING REGULATIONS FOR OUTDOOR WATERING; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Euless, Texas is a home rule city acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, in order to preserve and protect the public health, safety and welfare of its citizens the City Council has previously adopted regulations governing the operation, maintenance, improvement and extension of the municipally owned water and sewerage system; and

WHEREAS, the City Council has determined that it is in the best interest of the public health, safety and welfare to regulate the use of potable water within the City and to adopt regulations governing water facilities, distribution systems, transportation, and use.

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

SECTION 1.

Chapter 86, "Utilities", Article II, "Water and Sanitary Sewer Systems", Division I "Generally," Section 86-26, "Rules, regulations, policies and procedures", of the Code of Ordinances of the City of Euless is amended to hereby include 86-26 (e) to read as follows:

Sec. 86-26. Rules, regulations, policies and procedures.

(e) Outdoor watering, using city provided potable water, through sprinklers or irrigation systems is limited at each service address to twice per week in accordance with the published schedule. New landscape plantings may be watered through sprinklers or irrigations systems for a maximum of 45 days immediately following planting to promote establishment.

SECTION 2.

CUMULATIVE CLAUSE. This Ordinance shall be cumulative of all provisions of the City Code and other ordinances of the City of Euless, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of other ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.

SECTION 3.

SEVERABILITY CLAUSE. That 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 invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid or unconstitutional phrase, clause, sentence, paragraph or sections.

SECTION 4.

PENALTY FOR VIOLATION. Any person, firm or corporation violating any of the terms and provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in accordance with Chapter 1, "General Provisions", Section 1-12, "General Penalty," Euless Code of Ordinances. Each instance of a violation of any provision of this ordinance is a separate offense.

SECTION 5.

SAVINGS CLAUSE. All rights and remedies of the City of Euless are expressly saved as to any and all violations of the provisions of the City Code or any other ordinances regulating water and sewer systems that have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 6.

PUBLICATION CLAUSE. The City Secretary of the City of Euless is hereby directed to publish the caption, penalty clause and effective date of this ordinance in the official newspaper of the City of Euless, as required by Section 12 of Article II of the Charter of the City of Euless.

SECTION 7.

EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication as required by the City Charter and the laws of the State of Texas.

PRESENTED AND PASSED ON FIRST AND FINAL READING at a regular meeting of the Euless City Council on June 9, 2015 by a vote of ____ ayes, ____ nays, and ____ abstentions.

APPROVED:

Linda Martin, Mayor

ATTEST:

Kim Sutter, TMRC, City Secretary

APPROVED AS TO FORM:

Wayne K. Olson, City Attorney