

**SEC. 49-21.1. CONSERVATION MEASURES RELATING TO LAWN AND LANDSCAPE IRRIGATION.**

(a) Purpose. Lawn and landscape irrigation practices within the city, especially during the summer months, can cause a waste of valuable water resources. The purpose of this section is to mandate that water be used for lawn and landscape irrigation in a manner that prevents waste, conserves water resources for their most beneficial and vital uses, and protects the public health.

(b) Lawn and landscape irrigation restrictions.

(1) A person commits an offense if, during the period from April 1 through October 31 of any year and between the hours of 10:00 a.m. and 6:00 p.m. on any day during that period, he irrigates, waters, or causes or permits the irrigation or watering of any lawn or landscape located on premises owned, leased, or managed by him.

(2) A person commits an offense if he knowingly or recklessly irrigates, waters, or causes or permits the irrigation or watering of a lawn or landscape located on premises owned, leased, or managed by the person in a manner that causes:

(A) a substantial amount of water to fall upon impervious areas instead of upon the lawn or landscape, such that a constant stream of water overflows from the lawn or landscape onto a street or other drainage area; or

(B) an irrigation system or other lawn or landscape watering device to operate during any form of precipitation.

(3) A person commits an offense if, on premises owned, leased, or managed by him, he operates a lawn or landscape irrigation system or device that:

(A) has any broken or missing sprinkler head; or

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

(c) Rain sensing devices and freeze gauges.

(1) Any new irrigation system installed within the city on or after January 1, 2002 must be equipped with rain sensing devices and freeze gauges approved as to number and type by the director.

(2) Any irrigation system installed before January 1, 2002 may not be operated after January 1, 2005 without being equipped with rain sensing devices and freeze gauges approved as to number and type by the director.

(3) A person commits an offense if, on premises owned, leased, or managed by him, he:

(A) installs, or causes or permits the installation of, a new irrigation system in violation of Subsection (c)(1);

(B) operates, or causes or permits the operation of, an irrigation system that does not comply with Subsection (c)(1); or

(C)operates, or causes or permits the operation of, an irrigation system that does not comply with Subsection (c)(2).

(d) Variances. The director may, in special cases, grant variances from the provisions of Subsection (b)(1) or Subsection (c) to persons demonstrating extreme hardship and need. The director may grant variances only under all of the following circumstances and conditions:

- (1) The applicant must sign a compliance agreement on forms provided by the director, and approved by the city attorney, agreeing to irrigate or water a lawn or landscape only in the amount and manner permitted by the variance.
- (2) Granting of a variance must not cause an immediate significant reduction in 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 requesting it.
- (4) The health, safety, and welfare of other persons must not be adversely affected by granting the variance.

(e) Revocation of variances. The director may revoke a variance granted when the director determines that:

- (1) the conditions of Subsection (d) are not being met or are no longer applicable;
- (2) the terms of the compliance agreement are being violated; or
- (3) the health, safety, or welfare of other persons requires revocation. (Ord. Nos. 24745; 26518)

## SEC. 49-2. CHAPTER ENFORCEMENT.

(a) Authority. The director is authorized to enforce the provisions of this chapter.

(b) Civil jurisdiction. This chapter may be enforced by civil court action as provided by state and federal law.

(c) Offenses. A person who violates Sections [49-3\(e\)](#), [49-16](#), [49-19\(c\)](#), [49-20\(f\)](#), [49-21.1](#), [49-23\(c\)](#), [49-25\(c\)](#), [49-27\(b\)](#), [49-31\(a\)](#), [49-34](#) and [49-37](#) of this chapter is guilty of a separate offense for each day or portion of a day during which the violation continues.

(d) Penalty.

- (1) Each offense under Sections [49-20](#), [49-25\(c\)](#), [49-27\(b\)](#), [49-31\(a\)](#), [49-34](#), [49-21.1](#), and [49-37\(a\)\(3\)](#) is punishable by a fine not to exceed \$2,000. Every other offense under this chapter is punishable by a fine not to exceed \$500.
- (2) In addition to the maximum fine prescribed by Subsection (d)(1), an offense under Section [49-20](#) or [49-21.1](#) is punishable by a fine of not less than \$250. This minimum fine will be doubled for the second conviction of the same offense within any 12-month period and trebled for the third and subsequent convictions of the same offense

within any 12-month period. At no time may the minimum fine exceed the maximum fine established in Subsection (d)(1).

(e) Culpability. A person is criminally responsible for a violation of this chapter if the person:

(1) commits or assists in the commission of a violation; or

(2) is a customer, owner, tenant, permittee or other person in control of the premises determined to be the source of a violation.

(f) Exception. This section does not apply to Article IV of this chapter. (Ord. Nos. 19201; 19682; 21606; 24745)