

**CITY OF COCKRELL HILL, TEXAS**

**ORDINANCE NO. 2012-07172012B**

**AN ORDINANCE OF THE CITY OF COCKRELL HILL, TEXAS, AMENDING THE CITY OF COCKRELL HILL CODE OF ORDINANCES, CHAPTER 5, "WATER" BY ESTABLISHING A NEW DIVISION TO BE ENTITLED "WATER CONSERVATION"; PROVIDING RESTRICTIONS REGARDING THE FREQUENCY AND DAYS FOR WATERING LAWNS AND LANDSCAPE IN THE CITY USING HOSE-END SPRINKLERS AND AUTOMATIC IRRIGATION SYSTEMS; ESTABLISHING A PENALTY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, it is essential for the City of Cockrell Hill, Texas ("City") to conserve its available water supply and protect the integrity of future water resources needed for the economic growth of the city and for the health, safety, and welfare of the citizens of the city; and

**WHEREAS**, the City Council of the City of Cockrell Hill finds that it is for the benefit and protection of the public health, safety, and welfare to require all persons and premises using the city's water system to limit the watering of lawns and landscape with hose-end sprinklers or automatic irrigation systems to twice a week and on designated outdoor water use days.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COCKRELL HILL, TEXAS, THAT:**

**Section 1.** The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**Section 2.** The Code of Ordinances of the City of Cockrell Hill, be, and the same is, hereby amended by adding a new division, entitled "Water Conservation" to Chapter 51, entitled "Water," which shall read as follows:

***"WATER CONSERVATION***

**§ 51.95 WATER CONSERVATION AND DROUGHT CONTINGENCY PLANS**

The City of Cockrell Hill, Texas Water Conservation and Drought Contingency Plan, as adopted in Ordinance 2006-F and as may be amended, is hereby established as the Water Conservation and Drought Contingency Plan for the City.

**§ 51.96 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, the person irrigates, waters, or causes or permits the irrigation or watering of any lawn or landscape located on premises owned, leased, or managed by the person. It is a defense to prosecution under this paragraph that the person was only using water from a source other than the city's water or wastewater system.
- (2) A person commits an offense if, at any time during the year, the person irrigates, waters, or causes or permits the irrigation or watering of any lawn or landscape located on premises owned, leased, or managed by the person with a hose-end sprinkler or automatic irrigation system on a day other than a designated outdoor water use day for the property address. It is a defense to prosecution under this paragraph that the person was:
  - (A) using a hand-held hose, drip irrigation device, soaker hose, or hand-held bucket;
  - (B) irrigating during the repair or testing of a new or existing automatic irrigation system;
  - (C) irrigating nursery stock at a commercial plant nursery; or
  - (D) only using water from a source other than the city's water or wastewater system.
- (3) A person commits an offense if the person 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 automatic irrigation system or other lawn or landscape watering device to operate during any form of precipitation.

(4) A person commits an offense if, on premises owned, leased, or managed by the person, the person operates a lawn or landscape automatic 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 and freeze sensing devices.

(1) Any automatic irrigation system installed or operated within the city must be equipped with a working rain and freeze sensing device.

(2) A person commits an offense if, on premises owned, leased, or managed by the person, the person:

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

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

(d) Variations. The City Council may, in special cases, grant variations from the provisions of Subsections (b)(1), (b)(2), or (c) to persons demonstrating extreme hardship and need. The City Council may grant variations only under all of the following circumstances and conditions:

(1) The applicant must sign a compliance agreement on forms provided by the City, 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 City Council may revoke a variance granted when the City Council 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.”

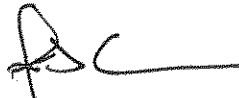
**Section 3.** If any section, article paragraph, sentence, clause, phrase or word in this Ordinance, or application thereto any persons or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**Section 4.** All provisions of the Ordinances of the City of Cockrell Hill, Texas, in conflict with the provisions of this ordinance be, and the same are hereby amended, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

**Section 5.** Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Cockrell Hill, Texas, shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense. Every day a violation occurs shall constitute a separate offense.

**Section 6.** This Ordinance shall become effective from and after its date of passage and publication in accordance with law.

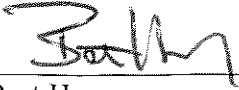
**PASSED AND APPROVED** the 17 day of July, 2012.



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Luis Carrera, Mayor  
City of Cockrell Hill, Texas

ATTEST:



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Bret Haney  
City of Cockrell Hill, Texas

[SEAL]

APPROVED AS TO FORM:



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Robert F. Brown, City Attorney  
City of Cockrell Hill, Texas