

ORDINANCE NO. 2226

AN ORDINANCE AMENDING THE CITY OF KELLER CODE OF ORDINANCES, CHAPTER 19, WATER AND SEWERS, ARTICLE XIV, WATER CONSERVATION AND DROUGHT CONTINGENCY, SECTION 19-1605.

WHEREAS, the City of Keller, Texas recognizes that the amount of water available to its water customers is limited; and

WHEREAS, the City recognizes that due to natural limitations, drought conditions, system failures and other acts of God which may occur, the City cannot guarantee an uninterrupted water supply for all purposes at all times; and

WHEREAS, the City has determined it is in the best interest of the public to amend section 19-1605, paragraph (f) to include an expanded description of water systems; and

WHEREAS, the City has determined it is in the best interest of the public to amend the title of section 19-1605 to better reflect what it pertains to; and

WHEREAS, pursuant to Chapter 54 of the Local Government Code, the City is authorized to adopt such Ordinances necessary to preserve and conserve its water resources.

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

Section 1: THAT, the above findings are hereby found to be true and correct and are incorporated herein in their entirety,

Section 2: THAT, Chapter 19, Water and Sewers, Article XIV, Water Conservation and Drought Contingency, Section 19-1605, the title of which is hereby changed to "Irrigation & Water System Requirements",

Section 3: THAT, Chapter 19, Water and Sewers, Article XIV, Water Conservation and Drought Contingency, Section 19-1605, paragraph (f) be amended to read "A person commits an offense if, on premises owned, leased, or managed by that person, a person operates a lawn or landscape irrigation system, a pool system, private plumbing system, or a fire line/fire protection system or device that has not been properly maintained in a manner that prevents the waste of water.",

Section 4: THAT, Chapter 19, Water and Sewers, Article XIV, Water Conservation and Drought Contingency, Section 19-1605, paragraph (f)(1) and paragraph (f)(2) be hereby removed,

Section 5: THAT, this Ordinance shall become effective upon its adoption and publication provided by law.

AND IT IS SO ORDAINED.

Passed and approved by a vote of 6 to 0 on this the 20th day of May, 2025.

CITY OF KELLER, TEXAS

BY: _____
Armin R. Mizani, Mayor

ATTEST:

Kelly Ballard, City Secretary

Approved as to Form and Legality:

L. Stanton Lowry, City Attorney

**CITY OF KELLER
WATER CONSERVATION ORDINANCE**

ORDINANCE NO. __¹

ARTICLE XIV. WATER CONSERVATION AND DROUGHT CONTINGENCY

Sec. 19-1605. – ~~Lawn and Landscape Irrigation Restrictions~~ Irrigation & Water System Requirements

(a) Lawns and landscaping may be watered on any day, at any time, by handheld hose, drip irrigation, a soaker hose, or tree bubbler. (The intent of this measure is to allow for the protection of structural foundations, trees, and other high value landscape materials).

(b) Except for hand watering, drip irrigation and the use of soaker hoses, a person may only irrigate, water, or cause or permit the irrigation or watering of any lawn or landscape, inclusive of structural foundations, trees, and other high value landscape materials, located on premises owned, leased, or managed by that person:

(1) On a day designated as an outdoor water use day for the property's address as shown below; and

(2) Between the hours of 12 midnight to 10:00 a.m. and 6:00 p.m. to 11:59 p.m. on such day.

a. Residential addresses ending in an even number (0, 2, 4, 6 or 8) may water on Wednesdays and Saturdays.

b. Residential addresses ending in an odd number (1, 3, 5, 7 or 9) may water on Thursdays and Sundays.

c. All non-residential locations (apartment complexes, businesses, industries, parks, street and/or roadway medians, and the like) may water on Tuesdays and Fridays.

(c) Except for hand watering and the use of soaker hoses, a person commits an offense if that person irrigates, waters, or causes or permits the irrigation or watering of any lawn or landscape located on premises owned, leased, or managed by that person between the hours of 10:00 a.m. and 6:00 p.m.

(d) Except for hand watering, drip irrigation and the use of soaker hoses, a person commits an offense if that person irrigates, waters, or causes or permits the irrigation or watering of any lawn or landscape located on premises owned, leased, or managed by that person on a day that is not designated as an outdoor water use for that property address as shown in subsection (b) above.

(e) 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:

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

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

(f) A person commits an offense if, on premises owned, leased, or managed by that person, a person operates a lawn or landscape irrigation system, a pool system, private plumbing system, or a fire line/fire protection system that ~~has not been properly maintained in a manner that prevents the waste of water.~~

~~(1) Has any missing sprinkler head or broken parts; or~~

~~(2) Has not been properly maintained in a manner that prevents the waste of water.~~

(g) Affirmative defenses.

(1) It shall be an affirmative defense to prosecution of an offense in section 19-1605, subsection (b), that at the time such person irrigates, waters, or causes or permits the irrigation or watering of any lawn or landscape, such activity was for the purpose of:

a. Establishing hydro mulch, grass sod, or grass seed;

b. Dust control of a sports field; or

c. For the maintenance, repair, or testing of an irrigation system.

(2) Such activity described in section 19-1605, subsection (g) (1) (a) may be an affirmative defense to prosecution only if the activity occurred for a period of thirty (30) consecutive days or less. After the thirtieth (30th) consecutive day of such activity, a person who irrigates, waters, or causes or permits the irrigation or watering of any lawn or landscape in violation of this section shall be subject to administrative fees and criminal penalties.

(3) The activity described in section 19-1605, subsection (g)(1) b. and c. may only occur within a period of two (2) days no more than once every thirty (30) days. Any such activity requiring a longer period or greater frequency shall require a variance as provided by section 19-1607.

(h) It shall be exception to prosecution of an offense in this section, if a person who irrigates, waters, or causes or permits the irrigation or watering does so by use of an alternative water source such as a well, reclaimed or reused water, or water from the Trinity River if that person has:

(1) Registered such alternative water source with the city;

(2) Provided sufficient proof to the director of public works that the alternative water source is from a well, reclaimed or reused water or from the Trinity River and has allowed inspection by the director of public works if deemed necessary; and

(3) Complied with the city's backflow and cross-connection control program, Article XVII, Cross Connection Control, sections 19-2000 through 19-3150.