

ORDINANCE NO. 2024-07-60

AN ORDINANCE OF THE CITY OF GREY FOREST, TEXAS (CITY) AMENDING SECTION 13.06.009 “WATER USE RESTRICTIONS DURING DROUGHT RESPONSE STAGES” OF THE CITY CODE TO INCORPORATE WATERING SCHEDULE FOR CERTAIN DAYS OF THE WEEK BASED UPON CUSTOMER STREET ADDRESS AND OTHER AMENDMENTS REGARDING CONSERVATION AND ENFORCEMENT; DECLARING A PUBLIC PURPOSE; INCORPORATING RECITALS; PROVIDING A REPEALER; PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE.

* * * * *

WHEREAS, the City of Grey Forest (“City”) previously adopted Ordinance 123 on August 22, 2000, establishing a drought contingency plan for the City’s municipally-owned retail water utility; and

WHEREAS, the current drought contingency plan does not restrict certain uses of water to designated days of the week; and

WHEREAS, the City Council has determined that it is reasonable and appropriate to further encourage water conservation during certain drought conditions by amending the City’s drought contingency plan to restrict certain uses of water to certain days of the week based upon the last digit of each customer’s street address; and

WHEREAS, the City Council has determined that all amendments to the drought contingency plan set forth herein are necessary and appropriate to serve the health, safety and welfare of the public by helping to ensure that adequate water supplies for essential uses remain available to all customers during drought conditions; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREY FOREST, TEXAS:

SECTION 1. AMENDMENT. Upon adoption of this Ordinance, Article 13.06 – Drought Contingency Plan, Chapter 13 – Utilities of the City’s Code of Ordinances shall be amended at subsections 13.06.009(c) and 13.06.009(d), which shall hereinafter read as follows (additions highlighted and deletions marked by strike-through):

Chapter 13 – Utilities

...

§13.06.009 Water use restrictions during drought response stages.

...

(c) Stage 2 response - Severe water shortage conditions.

(1) Goal. Achieve a 20 percent reduction in total water use. All persons are encouraged to comply with Stage 3 Response requirements to maximize water conservation efforts.

(2) Water use restrictions. Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

(A) Water customers are required to limit the irrigation of landscaped areas to the hours between 6 a.m. to 10 a.m. and 6 p.m. to 10 p.m. on the customer's designated watering days as follows:

Last Digit of Customer Street Address	Designated Watering Days
0-1	Monday, Saturday
2-3	Tuesday, Saturday
4-5	Wednesday, Saturday
6-7	Thursday, Sunday
8-9	Friday, Sunday

(B) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited.

(C) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight.

(D) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

(E) Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the city water system.

(F) All restaurants are prohibited from serving water to patrons except upon request of the patron.

(G) The following uses of water are defined as non-essential and are prohibited:

(i) Wash-down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;

(ii) Use of water to wash down buildings or structures for purposes other than immediate fire protection;

(iii) Use of water for dust control;

(iv) Flushing gutters or permitting water to run or accumulate in any gutter or street; and

(v) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

(3) Exceptions.

(i) For violations relating to landscape irrigation only, it is a defense to prosecution under this section if a person was using a hand-held hose, drip irrigation device, soaker hose, or hand-held bucket; and

- (ii) For all violations under this section, it is a defense to prosecution if a person was using water from a source other than the City's water system, e.g. rain harvesting device, private well, imported water supply, etc.

(d) Stage 3 response - Critical water shortage conditions.

- (1) Goal. Achieve a 30 percent reduction in total water use.
- (2) Water use restrictions. All requirements of Stage 1 and 2 shall remain in effect during Stage 3 except:
 - (A) Water customers are required to limit the irrigation of landscaped areas to the hours between 6 a.m. to 10 a.m. and 6 p.m. to 10 p.m. [by] hand-held watering devices only, on the customer's designated watering days as set forth in Sec. 13.06.009(c)(2)(A).
 - (B) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial carwash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited.
 - (C) The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi-type pools is prohibited.
 - (D) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
 - (E) No application for new development in the city limits with more than 3 homes will be accepted during this stage.
- (3) Exceptions.
 - (i) For violations relating to landscape irrigation only, it is a defense to prosecution under this section if a person was using a hand-held hose, drip irrigation device, soaker hose, or hand-held bucket; and
 - (ii) For all violations under this section, it is a defense to prosecution if a person was using water from a source other than the City's water system, e.g. rain harvesting device, private well, imported water supply, etc.

SECTION 2. AMENDMENT. Upon adoption of this Ordinance, Article 13.06 – Drought Contingency Plan, Chapter 13 – Utilities of the City's Code of Ordinances shall be amended at subsection 13.06.011, which shall hereinafter read as follows (additions highlighted and deletions marked by strike-through):

Chapter 13 – Utilities

...

§13.06.011 Enforcement; penalty.

(a) No person shall knowingly or intentionally allow the use of water from the city water system for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the city council in accordance with provisions of this plan.

(b) Any person who violates this plan is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than two hundred dollars (\$200.00) and not more than two thousand dollars (\$2000.00). Each day that one or more of the provisions in this plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this plan, the city council shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a reconnection charge, as established by the fee schedule in appendix A to this code, and any other costs incurred by the city water system in discontinuing service. In addition, suitable assurance must be given to the city council that the same action shall not be repeated while the plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.

(c) Any person, including a person classified as a water customer of the city water system, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children, and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this plan and that the parent could not have reasonably known of the violation.

~~(d) Any employee of the city water system, and police officer,~~ Any peace officer may issue a citation to a person he/she reasonably believes to be in violation of this article. Violations that are not observed directly by a peace officer shall not be subject to prosecution unless documented by electronic photograph or video recording. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, and the offense charged, and shall direct him/her to appear in the municipal court on the date shown on the citation for which the date shall not be less than 3 days nor more than 5 days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in municipal court to enter a plea of guilty or not guilty for the violation of this plan. If the alleged violator fails to appear in municipal court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in municipal court before all other cases.

SECTION 3. PUBLIC PURPOSE. The City Council finds that all amendments set forth herein are necessary and appropriate to serve the public interest and incorporates all recitals herein.


SECTION 4. REPEALER. All ordinances, resolutions, and municipal orders in conflict herewith are repealed to the extent of such conflict.

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the


validity of the remaining sections of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void; and that in lieu of each clause or provision of this Ordinance that is invalid, illegal, or unenforceable there be added by the Mayor as necessary with the approval of the City Attorney as to form, and as a part of the Ordinance a clause or provision as similar in terms to such invalid, illegal or unenforceable clause or provision as may be possible, legal, valid and enforceable.

SECTION 6. EFFECTIVE DATE. This ordinance shall take effect immediately upon adoption by City Council and publication in the official newspaper of the City.

PASSED, ORDERED AND APPROVED THIS 23rd DAY OF July 2024.

By: 
Paul Garro
Mayor

ATTEST:


Miguel Cantu
City Secretary





AFFIDAVIT OF PUBLICATION OF NEWSPAPER
NOTICE OF PUBLIC HEARING

THE STATE OF TEXAS
COUNT OF BEXAR

BEFORE ME, the undersigned authority, on this day personally appeared
James Lee, publisher of The Echo, who,
being by me duly sworn, upon oath deposes and says:

That the attached NOTICE OF PUBLIC HEARING was published in The Echo, a newspaper published in the English language and of general circulation in the Cities of, Grey Forest, Helotes, San Antonio, and Leon Valley, Texas and in the territory Bexar County, which said territory is described in said NOTICE OF PUBLIC HEARING, in the following issue: Vol. 63 No. 47 7/26, 2024, and that the attached newspaper clipping is a true and correct copy of said published notice.

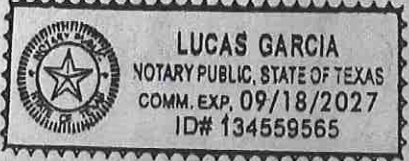
Signed: [Signature]

SWORN TO AND SUBSCRIBED BEFORE ME, this the 31 day of July, 2024

[Signature]

Notary Public in and for BEXAR County, Texas

(SEAL)



Legal Notice

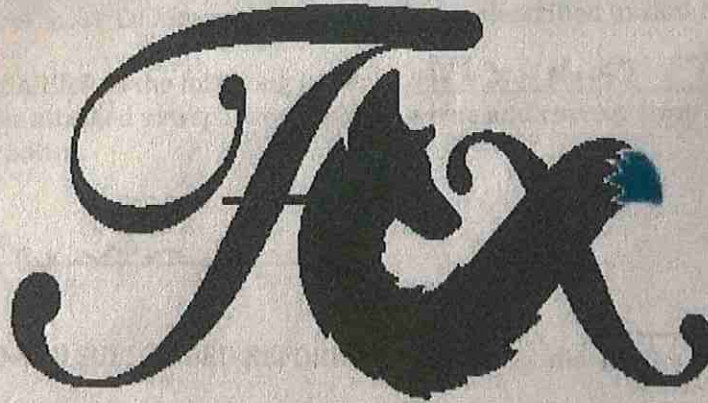
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DULY PASSED AND APPROVED, on the 23rd day of May 2024 at a regular meeting of the City Council of the City of Grey Forest, Texas, which was held in compliance with the Open Meetings Act, Gov't Code §551.001, et. Seq. at which meeting a quorum was present and voting.

/s/ Paul Garro, Mayor

/s/ Miguel Cantu, TRMC
City Secretary



**KITCHEN
& BATH**

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