

ORDINANCE NO. 03-2007

AN ORDINANCE OF THE CITY OF AUSTIN, ARKANSAS;
PROVIDING FOR THE ADOPTION OF A WATER CONSERVATION
PLAN; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE
BE DEEMED SEVERABLE; AND PROVIDING FOR THIS
ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM THE
DATE OF ITS PASSAGE, APPROVAL AND PUBLICATION
ACCORDING TO LAW.

WHEREAS, City Council recognizes that the City's water source is not unending; and

WHEREAS, City Council recognizes the need to conserve water as a precious resource;
and

WHEREAS, Council desires to highlight the importance of conserving water resources;
and

WHEREAS, Council believes this Water Conservation Ordinance to be an important
part of a broad and concerted effort to promote reasonable and responsible water use and
conservation within the City; and

WHEREAS, Council believes that appropriate regulation of outdoor water use will result
in water conservation; and

WHEREAS, Council believes that regulation of outdoor water use as provided herein is a
reasonable measure which will not unduly interfere with the practices of Austin citizens;
and

WHEREAS, council provides for certain exemptions to the outdoor water restrictions;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF
THE CITY OF AUSTIN, ARKANSAS, AS FOLLOWS:

SECTION A: That Austin Ordinance 03-2007 shall be as follows:

Sec. 1. Purpose.

The purpose of this Chapter is to highlight the importance of water conservation and to
promote the responsible use of water within the City through reasonable regulation.

Sec. 2. General Water Usage Regulations.

No person who uses water from the City water supply system shall make, cause, use to permit the use of such water in a manner contrary to the provisions of this Chapter whether or not such person is an account holder or customer of such City water supply system.

Sec. 3. Definitions.

For purposes of this Chapter, the following terms(s) shall have the meaning given herein:

A. **Outdoor Water Use.** The act or process of watering or wetting landscaping, grass, trees, plants, and /or other vegetation by causing water from the City's water supply to flow upon, over, through or into property with sprinklers, sprinkler hoses, soaker hose(s) (water weeping types), drip irrigations systems, in-ground irrigation systems, or by other similar means. And, the Process of using the City's water supply to wash, clean, or any nonessential use conducted outside of the residence or business.

Sec. 4. Outdoor Water Use Restriction.

There shall be a mandatory outdoor water restriction on every Tuesday between the hours of 5:00 a.m. and 10:00 p.m. local time. There shall be a voluntary outdoor water restriction on every Thursday between the hours of 5:00 a.m. and 10:00 p.m. local time.

Sec. 5. Exemptions from Water Conservation Regulations.

The following uses of water shall not be regulated by this Chapter:

- A. Water required to be used for the control of dust or compaction of soil by State and/or Federal statute or regulation;
- B. Water used to prevent or abate public health, safety or accident hazards including, but not limited to, fire suppression, fire prevention, and sanitation when a reasonable method is not available;
- C. Water used for inspection, maintenance, installation or repair of automatic landscape sprinkling systems or of the City's water supply system (including fire hydrants and training facilities);
- D. Water used by City or its agents or franchisees for street sweeping, construction, and maintenance; sewer maintenance; or other established utility and/or public works practices;
- E. Water used for purposes other than outdoor irrigation in the normal and customary course of a business operation and water used by a commercial nursery for watering of nursery stock;
- F. Where water used for outdoor irrigation is gray water (household waste water other than from water closets or kitchen sinks), treated waste water or effluent, reused water, or water from a source other than the City water system, such as collected rainwater.

Sec. 6. Penalties.

- A. Any person violation any of the provisions of this Chapter shall be guilty of a violation and, upon conviction thereof in a court of competent jurisdiction, shall be punished pursuant to this ordinance. Fine for violation of this ordinance shall be \$100.00.
- B. The imposition of a penalty for any violation of this Chapter shall not excuse the violation or permit it to continue.
- C. Each day or part thereof in which an activity occurs which is prohibited by this chapter, shall constitute a separate offense.
- D. For purposes of this chapter, no violation shall be prosecuted unless the City Engineer or designee or the City Police Department has made at least one (1) attempt to contact and to request relief from the person responsible for the violation and the violation has continued or resumed within two (2) hours of the initial contact or attempt to contact.

SECTION B: SEVERABILITY.

Provisions of this Ordinance shall be deemed severable and the invalidity of any provision of this Ordinance shall not affect the validity of remaining provisions.

SECTION C: EFFECT ON OTHER ORDINANCES.

Where the definitions contained in this Ordinance are in conflict with relevant portions of other City of Austin, Arkansas, ordinances the definitions contained within those portions of other ordinances will be unaffected until such time, if any, as they are amended to be consistent with this Ordinance.

SECTION 4: EFFECTIVE DATE.


This Ordinance shall be effective one month after its passage and approval.

PASSED by the City Council and APPROVED by the Mayor this 18th day of December, 2007.



Mayor

ATTEST:



City Secretary