

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, AMENDING THE CITY OF KELLER CODE OF ORDINANCES BY AMENDING CHAPTER 19, WATER AND SEWERS, ARTICLE XIV, WATER CONSERVATION AND DROUGHT CONTINGENCY, SECTIONS 19-1602, 19-1604, AND 19-1620, TO ESTABLISH ENFORCEMENT PROCEDURES, PROGRESSIVE ADMINISTRATIVE FEES AND PENALTIES, AND PROVISIONS FOR NON-EMERGENCY IRRIGATION SYSTEM LOCK-OUT AND WATER SERVICE TERMINATION; PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; AUTHORIZING PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

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 entered into an Amendatory Wholesale Water Contract with the City of Fort Worth whereby the City of Keller has enacted ordinances that are necessary to implement and enforce conservation measures equal to that of the City of Fort Worth; and

WHEREAS, the City has determined it is in the best interest of the public to amend sections 19-1602, 19-1604, 19-1620, to include a progressive enforcement process; and re-establishment of service to locked or shut off irrigation systems or meters; and penalties for violation; and

WHEREAS, the City has determined it is in the best interest of the public to amend the titles of section 19-602, 19-1604, 19-1620, to better reflect what they pertain 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 19-1602, the title of which is hereby changed to “Enforcement”,

Section 3: THAT, Chapter 19, Water and Sewers, Article XIV, Water Conservation and Drought Contingency, Section 19-1602, Enforcement be hereby amended to read as follows:

Sec. 19-1602. Enforcement

The director or the director’s designee may enforce violations of this ordinance in his or her discretion. The director or the director’s designee may assess administrative noncompliance fees, lock-out fees, and lock tampering fees in addition to any criminal penalty assessed for a violation of this article as described below. Each day that a violation occurs shall constitute a separate violation.

(a) Except as provided in subsection (b), the director may:

(1) provide written warnings to customers;

(2) after providing a written warning, assess administrative noncompliance fees as approved by City Council for violations of this article;

(3) notify the responsible party, including, but not limited to, the owner or operator of the irrigation system, that the irrigation system may be locked-out if subsequent violations occur after the assessment of administrative noncompliance fees;

(4) place a locking mechanism on an irrigation system if continued violations occur after notifying the responsible party that their irrigation system may be locked- out; and

(5) terminate water service to irrigation systems found to be operating in violation of this article after a lock-out has occurred and service has been restored.

(b) Immediate enforcement for egregious or hazardous conditions.

The director or the director’s designee may not order the immediate lock-out of an irrigation system for the first violation of this article unless it is necessary to prevent:

(1) Excessive or continuous water loss creating flooding or infrastructure damage;

(2) Unsafe or unsanitary conditions; or

(3) Any other condition determined by the director or the director’s designee to pose a significant risk to public health, public safety, or the City’s water supply.

Notice of the action taken and the reason for the immediate lock-out of an irrigation system pursuant to this section shall be provided to the customer as soon as practicable.

(c) Irrigation System Lock-out

(1) The director or the director’s designee may install a locking device on a double check valve to the irrigation system, or at the meter for

systems with a dedicated meter, found to be operating in violation of this article and may assess a lock-out fee as approved by the city council.

(2) Notice of the lock-out shall be left on the premises to advise the individual responsible for the irrigation system.

(3) Notice shall also be sent by United States postal service to the person identified as the city's water customer notifying that person that the irrigation system has been locked out. The notice shall indicate the amount of the lock-out fee and the restoration fee. The notice shall provide the procedures for payment of the fees and the procedure to request a hearing to contest the assessment of the fees.

(4) It shall be unlawful for any person to tamper with, cause damage to, or remove a locking device placed by the director or the director's designee on a double check valve or a meter.

Section 4: THAT, Chapter 19, Water and Sewers, Article XIV, Water Conservation and Drought Contingency, Section 19-1604, the title of which is hereby changed to "Re-Establishment of Service to Locked or Shut Off Irrigation Systems or Meters".

Section 5: THAT, Chapter 19, Water and Sewers, Article XIV, Water Conservation and Drought Contingency, Section 19-1604, Re-Establishment of Service to Locked or Shut Off Irrigation Systems or Meters be hereby amended to read as follows:

Sec. 19-1604. - Re-Establishment of Service to Locked or Shut Off Irrigation Systems or Meters

The locking device will be removed by the director of public works or the director's designee within three (3) working days after payment and verification that the violation has been remedied. If the director or his or her designee reasonably determines additional inspections of the irrigation system or meter after service is restored are required to ensure compliance with this article, the account holder or individual responsible for the irrigation system or meter shall allow City staff to enter the premises to perform such inspections.

Section 6: THAT, Chapter 19, Water and Sewers, Article XIV, Water Conservation and Drought Contingency, Section 19-1620, Penalty for Violation be hereby amended to read as follows:

Sec. 19-1620. - Penalty for violation.

A progressive enforcement process shall apply to any person, firm or corporation violating any provision of this article under the discretion of the director of public works or the director's designee.

(a) Enforcement Process

(1) First violation: Written notice of violation accompanied by educational information on proper irrigation scheduling.

(2) Second violation: Written notice of violation accompanied by educational information on proper irrigation scheduling plus an administrative fee of \$25

(3) Third violation: Written notice of violation accompanied by educational information on proper irrigation scheduling plus an administrative fee of \$50.

(4) Fourth violation: Administrative fee of \$75 and written notification by US mail to the property owner, property manager, or business representative for commercial properties.

(5) Subsequent violations: Temporary shut-off of irrigation service and assessment of a shut-off and restoration fee in accordance with the City's adopted Water Department fee schedule.

(b) Each day that a violation occurs constitutes a separate violation. However, the utility will generally aggregate violations into a single enforcement action administered within a customer's monthly billing cycle.

Section 7: THAT, if any provision of this ordinance is invalidated, by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

Section 8: 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 ___ to ___ on this the 6th day of January, 2026.

CITY OF KELLER, TEXAS

BY: _____
Armin Mizani, Mayor