

**TOWN OF LAKEWOOD VILLAGE
CRITICAL WATER EMERGENCY
ORDINANCE 23-10**

AN ORDINANCE OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS PROVIDING FOR EMERGENCY WATER OPERATIONS; ESTABLISHING EMERGENCY WATER RATES; ESTABLISHING A WATER RATIONING PLAN; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lakewood Village, Texas is a Type A General Law Municipality located in Denton County, Texas, created in accordance with provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, in August 2021 water well #2 failed and was deemed unrepairable, thereby reducing the town's water production by 30 percent; and

WHEREAS, until a new well can be constructed, the Town will be unable to provide fire flow unless residents significantly reduce their consumption; and

WHEREAS, in order to manage water use a strict water rationing plan limiting the operation of irrigation systems is essential;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, THAT:

Section 1: Findings

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

Section 2: Penalty Clause

A. Violation

A person who knowingly violates any provision of this chapter is guilty of separate offenses for each day during which the violation is continued after notification. Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined by this ordinance.

B. Fine

After a single warning, the first offense is punishable for a fine up to \$500. The minimum fine established in this paragraph shall be doubled for the second conviction of the same offense within any 12-month period and tripled for the third and subsequent convictions of the same offense within any 12-month period. At no time shall the minimum fine exceed the maximum fine of \$2,000. After 4 violations, the town may prevent the use of the irrigation

system. If the use of irrigation has been discontinued due to repeated violations it may not be reinstated until the critical water emergency has been lifted.

Section 4: Legal Rights

The penal provision imposed under this Ordinance shall not preclude the Town of Lakewood Village from filing suit to enjoin the violation. The Town of Lakewood Village retains all legal rights and remedies available to it pursuant to local, state, and federal law.

Section 5: Severability

A. Unconstitutional or Invalid Section

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect.

B. Independent Sections

The Town 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 and/or phrases be declared unconstitutional or invalid.

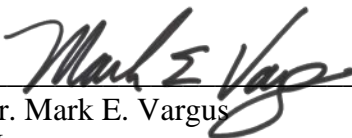
Section 6: Estoppel / Waiver

The failure of the Town to enforce any term or condition of this Ordinance shall not constitute a waiver or estoppel or any subsequent violation of this Ordinance.

Section 7: Effective Date

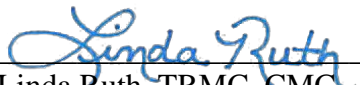
The amendments to this Ordinance shall become effective from and after its date of passage and publication as provided by law, and shall remain in force until such time as the Mayor or Town Council determine that the water emergency provisions are no longer necessary.

PASSED AND APPROVED by the Town Council of the Town of Lakewood Village, Texas
this the 10th day of August, 2023



Dr. Mark E. Vargus
Mayor

ATTESTED:



Linda Ruth, TRMC, EMC
Town Administrator/Town Secretary





WATER EMERGENCY ORDINANCE

Adopted: April 14, 2022
Amended: July 14, 2022
Amended: August 10, 2023

SECTION 1 Responsibility for Enforcement

Enforcement of this Ordinance shall be the responsibility of the Mayor, Mayor Pro-tem, his/her designee, or any persons duly appointed by the Town Council.

SECTION 2 Limitations on Irrigation Systems

3.1 Irrigation systems can only be operated between the hours of 9 a.m. and 9 p.m. Irrigation can only be done on the following days based on the dwelling address:

Monday & Thursday: Carrie, Highridge, Hillside
Tuesday & Friday: Stowe, Woodcrest, Lakecrest, Meadowlake
Wednesday & Saturday: Melody, Green Meadow, Peninsula, Parkwood
Sunday: <NONE>

SECTION 3 Exceptions

4.1 Typical above ground oscillating sprinklers attached to a garden hose can be used on any day between the hours of 9 a.m. and 9 p.m. Only one such sprinkler is allowed on each property. Hand watering is permitted at any time.

4.2 Washing of cars and boats is permitted so long as the hose has an automatic shut-off nozzle. The use of water to wash or remove debris from driveways is not permitted.

4.3 Filling of pools is permitted on any day between the hours of 9 a.m. and 9 pm.

SECTION 4 Emergency Water Rates

5.1 For usage under 20,000 gallons, the rates shall be those adopted in the Town's consolidated fee ordinance. For usage over 20,000 gallons, the following rates shall apply and supersede those in the consolidated fee ordinance.

20,000 gallons - 30,000 gallons → \$12.00 per 1000 gallons
30,001 gallons - 50,000 gallons → \$25.00 per 1000 gallons
> 50,000 gallons → \$50.00 per 1000 gallons

SECTION 5 Excessive Water Usage

It shall be unlawful for anyone to use more than 50,000 gallons in a billing period.

End of Exhibit A

Adoption and Summary of Amendments

Ordinance Number	Date	Summary
23-10	August 10, 2023	<ul style="list-style-type: none">• Added top tier for consumption over 50,000 gallons
22-18	July 14, 2022	<ul style="list-style-type: none">• Restricted watering hours to 9am to 9pm• Change top billing tier to 30,000 gallons• Added provision for reinstatement of irrigation service disconnected for violations.
22-12	April 14, 2022	<ul style="list-style-type: none">• Initial Adoption