

TOWN OF FAIRVIEW, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS, CREATING A REBATE PROGRAM TO ENCOURAGE WATER CONSERVATION; RESTRICTING CERTAIN WASTEFUL IRRIGATION PRACTICES; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council, in accordance with the provisions of state law and the applicable ordinances of the town, have given the required notices, if any, and have held the required public hearings, if any, regarding this amendment to the Fairview Town Code; and

WHEREAS, the Town Council finds that it is in the public interest to make the amendments described herein; now, therefore,

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS:

Section 1. The Town hereby establishes a rebate program for persons purchasing and installing certain low water use household appliances and fixtures for retrofitting existing single family structures. The public works director or his/her designee shall be authorized to prepare a list on an annual basis of appliances and fixtures for which rebates shall be given, and shall be further authorized to establish administrative procedures for implementing the rebate program. Rebates shall be \$50.00 per appliance, or the full cost of the replacement appliance, whichever amount is less.

Section 2. The Town hereby establishes a rebate program for persons purchasing and installing certain residential rain and freeze sensors for retrofitting existing single family irrigation systems. The public works director or his/her designee shall be authorized to prepare a list on an annual basis of irrigation systems for which rebates shall be given, and shall be further authorized to establish administrative procedures for implementing the rebate program. Rebates shall be \$50.00 per system, or the full cost of the retrofit, whichever amount is less.

Section 3. The Town hereby establishes a rebate program for persons purchasing and installing certain residential rain barrels for harvesting rainwater for irrigation uses. The public works director or his/her designee shall be authorized to prepare a list on an annual basis of barrels for which rebates shall be given, and shall be further authorized to establish administrative procedures for implementing the rebate program. Rebates shall be \$25.00 per barrel, or the full cost of the barrel, whichever amount is less.

Section 4. All new or replacement irrigation systems must have an approved rain and freeze sensor, and shall also be designed to reduce water demand through the use of zones.

Section 5. It shall be unlawful to water any lawn area between 9:00 a.m. and 7:00 p.m. any day between June 1 and September 15.

Section 6. That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction be subject to a fine in accordance with the general provisions of the Fairview Code of Ordinances.

Section 7. That the sections, paragraphs, sentences, phrases, clauses and words of this ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this ordinance or application thereof to any person, firm or corporation, or to any circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance, and the Town Council hereby declares that it would have adopted such remaining portions of this ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 8. That this ordinance shall take effect upon passage and publication, and it is accordingly so ordained.

PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS, this 3rd day of May 2005.