

**CITY OF SAGINAW, TEXAS
ORDINANCE NO. 2026-07**

AN ORDINANCE OF THE CITY OF SAGINAW, TEXAS, AMENDING SUBDIVISION II, “DROUGHT CONTINGENCY AND EMERGENCY WATER MANAGEMENT PLAN,” OF DIVISION 3, “WATER MANAGEMENT,” OF ARTICLE III, “WATER,” OF CHAPTER 98, “UTILITIES,” OF THE SAGINAW CITY CODE TO ADD SECTION 98-231, “ENFORCEMENT,” ADOPTING AN ENFORCEMENT PROCESS FOR VIOLATIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS THEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Saginaw, Texas (the “City”) is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, the City Council finds that conservation of water and protection of water Supplies are in the best interest of the residents of the City of Saginaw; and

WHEREAS, the City Council previously adopted a Drought Contingency and Emergency Water Management Plan; and

WHEREAS, the City Council desires to clarify the City’s ability to enforce its Drought Contingency and Emergency Water Management Plan

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAGINAW, TEXAS THAT:

SECTION 1.

Subdivision II, “Drought Contingency and Emergency Water Management Plan,” of Division 3, “Water Management,” of Article III, “Water,” of Chapter 98, “Utilities,” of the Saginaw City Code is hereby amended to add new Section 98-231, “Enforcement,” to read as follows:

“Sec. 98-231. – Enforcement.

The City Manager or designee may enforce violations of this Division in his or her discretion. The City Manager or 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. Each day a violation occurs shall constitute a separate violation.

(a) Except as provided in subsection (b), the City Manager or designee 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 Division;
- (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 City Manager or 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 City Manager or 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 City Manager or 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 provided by the city council.
- (2) Notice of the lock-out fee 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 water department director or designee on a double check valve or a meter.

(d) *Removal of locking device.* The locking device will be removed by the City Manager or designee within three working days after the customer provides payment and verification that the violation has been remedied. If the City Manager or designee reasonably determines additional inspections of the irrigation system or meter after service is restored are required to ensure compliance with this Division, the account holder or individual responsible for the irrigation system or meter shall allow City staff to enter the premises to perform such inspections.

(e) *Administrative fee.* If the City Manager or designee determines the imposition of an administrative fee is appropriate for a violation of this Division, the following shall be imposed on a customer. Upon a customer's first violation of this Division, the City Manager or designee shall provide a written notice of the violation to the customer. Upon a second violation, the City Manager or designee shall impose an administrative fee of \$25.00 on a customer. Upon a third violation, the City Manager or designee shall impose an administrative fee of \$50.00 on a customer. Upon a fourth violation, the City Manager or designee shall impose an administrative fee of \$75.00 on a customer accompanied by a written notice sent by United States Postal Service. All subsequent violations will result in a temporary shut off of the irrigation service and a shut-off and restoration fee will be imposed against the customer in accordance with the City's fee schedule."

SECTION 2.

It is hereby the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional or invalid section, paragraph, sentence, clause, or phrase.

SECTION 3.

This Ordinance shall be cumulative of all provisions of the City except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 4.

Any person, firm, or corporation violating any of the terms and provisions of this Ordinance shall be deemed to be guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed \$2,000.00. Each such violation shall be deemed a separate offense and shall be punishable as such hereunder.

SECTION 5.

All rights and remedies of the City are expressly saved as to any and all violations of the provisions of any ordinances affecting the subject matter herein, which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

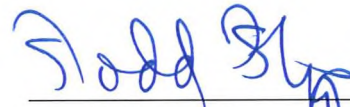
SECTION 6.

The City Secretary is hereby directed to publish at least twice in the official newspaper of the City, the caption and the penalty clause of this ordinance in accordance with Section 52.013(b) of the Local Government Code.

SECTION 7.

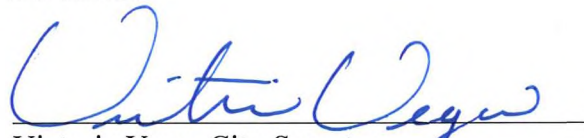
This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the laws of the State of Texas.

PASSED AND APPROVED on this 21st day of April, 2026 at a regular meeting of the City Council of the City of Saginaw, Texas.



Todd Flippo, Mayor

ATTEST:



Victoria Vega, City Secretary

APPROVED AS TO FORM:



Bryn Meredith, City Attorney

