

**ORDINANCE NO. 2600**

**AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, REVISING CHAPTER 12, UTILITIES, SECTION 15 OF THE CODE OF ORDINANCES THROUGH THE ADOPTION OF A DROUGHT CONTINGENCY AND WATER EMERGENCY RESPONSE PLAN FOR THE CITY OF TERRELL TO PROMOTE RESPONSIBLE USE OF WATER AND TO PROVIDE FOR PENALTIES AND/OR THE DISCONNECTION OF WATER SERVICE FOR NONCOMPLIANCE WITH THE PROVISIONS OF THE DROUGHT CONTINGENCY AND WATER EMERGENCY RESPONSE PLAN; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Terrell, Texas (the “City”), 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 Water Code and the regulations of the Texas Commission on Environmental Quality (the “Commission”) require that the City adopt a Drought Contingency and Water Emergency Response Plan; and

**WHEREAS**, the City has determined an urgent need exists and it is in the best interest of the public to adopt a Drought Contingency and Water Emergency Response Plan; 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; and

**WHEREAS**, the City Council of the City of Terrell desires to adopt a Drought Contingency and Water Emergency Response Plan.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TERRELL THAT:**

**Section 1.** That Section 15 of Chapter 12, Utilities, Water Conservation and Drought Contingency Plan of the Code of Ordinances of the City of Terrell, Texas, is hereby repealed in its entirety.

**Section 2.** That Chapter 12, Utilities of the City of Terrell Code of Ordinances is hereby amended by adopting a new Section 15, Drought Contingency and Water Emergency Response Plan as set forth on Exhibit “A”.

**Section 3.** The City Council hereby approves and adopts the Drought Contingency and Water Emergency Response Plan (the “Plan”), attached hereto as Exhibit “A”, as if recited verbatim herein. The City commits to implement the requirements and procedures set forth in the adopted Plan.

**Section 4.** Any customer, defined pursuant to 30 Tex. Admin. Code, Chapter 291, failing to comply with the provisions of the Plan shall be subject to a fine of up to two thousand dollars (\$2,000.00) and/or discontinuance of water service by the City. Proof of a culpable mental state is not required for a conviction of an offense under this section. Each day a customer fails to comply with the Plan is a separate violation. The City's authority to seek injunctive or other civil relief available under the law is not limited by this section.

**Section 5.** The City Council does hereby find and declare that sufficient written notice of the date, hour, place and subject of the meeting adopting this Ordinance was posted at a designated place convenient to the public for the time required by law preceding the meeting, that such place of posting was readily accessible at all times to the general public, and that all of the foregoing was done as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the posting thereof.

**Section 6.** Should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected.

**Section 7.** The City Manager or his designee is hereby directed to file a copy of the Plan and this Ordinance with the Commission in accordance with Title 30, Chapter 288 of the Texas Administrative Code.

**Section 8.** The City Secretary is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative method of publication provided by law.

**Section 9.** All Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Passed and Approved by the Terrell City Council on this 1st day of April, 2014.

Passed and Adopted by the Terrell City Council on this 15th day of April, 2014.

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Hal Richards, Mayor

Attest:

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John Rounsavall, City Secretary

Approved as to Form:

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Mary Gayle Ramsey, City Attorney