

ORDINANCE NO. 346-93

AN ORDINANCE AMENDING CHAPTER 11, PUBLIC UTILITIES, OF THE CODE OF THE CITY OF WILLOW PARK, TEXAS, RELATING TO PROVISIONS FOR AN EMERGENCY WATER RATIONING PLAN; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY; AND, PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS.

I.

Chapter 11.209 of the Code of Ordinances, City of Willow Park, Texas, is hereby amended by deleting the existing Section and substituting the following:

§11.209 EMERGENCY WATER RATIONING PLAN

(a) Declaration of Emergency. When demand on the system exceeds production or storage capability measured over a twenty-four (24) hour period, and refilling of storage facilities is rendered critical, or when the city reasonably foresees that demand for water is likely to exceed supply, the Mayor may declare an emergency to exist and thereafter, ration water in the following manner:

(1) Stage- I (Mild Rationing Conditions)

outdoor usage of water for purposes, such as lawn, tree and garden watering, car washing, filling swimming pools (with the exception of new pools), etc., must be accomplished on alternate days and during hours specified by the city.

(2) Stage 2 (Moderate Rationing Conditions)

All outdoor water usage is prohibited; however, usage for livestock is exempt;

(3) Stage 3 (Severe Rationing Conditions)

All outdoor water usage is prohibited and livestock may be exempted by the city. All consumption shall be limited to each customer by a maximum number of gallons per meter (customer) per week, with notice to each customer of this matter.

(4) All meters shall be read as often as necessary to insure compliance with this program, for the benefit of all customers.

(b) Notice Requirements. Notice of the proposed rationing shall be mailed or delivered to each customer or, should an emergency require immediate implementation of the rationing plan, such notice will be given to each customer as may be practicable under the circumstances then prevailing and the rationing will be immediately effective. Should such emergency implementation be necessary, written notice will still be sent to each customer as provided above.

(1) Contents of Notice. Notice of the imposition of emergency water rationing shall be contain the following information:

- (i) The affected service area;
- (ii) The date rationing shall begin;
- (iii) The date rationing shall end (if known); and
- (iv) The stage of rationing to be employed and a description of the rationing to be imposed.

(c) Violation of Emergency Rationing Provisions. Any knowing violation of the emergency rationing provisions will constitute a violation of this Code invoking the penalty clause contained elsewhere in this Code but, in addition to the foregoing, the city may impose the following penalties:

- (1) upon first knowing violation, and with the concurrence of the Mayor, or the Mayor Pro Tem if the mayor is unavailable, the waterworks may install a flow restricter in the line to limit the amount of water which will pace through the meter in a twenty-four (24) hour period. The cost to be charged to the customer's account shall be in accordance with §11.203; and,
- (2) upon subsequent violation(s), the waterworks may terminate service at the meter for a period of seven (7) days, or until the end of the calendar month, whichever is less. The normal disconnect and reconnect fees of the waterworks shall apply for restoration of service in accordance with §11.204.

(d) Exemption or Variances From Stage 3 Rationing Rules. The Mayor may grant any customer an exemption or variance from uniform rationing program for health reasons.

A customer who is refused an exemption or variance may appeal such action of the waterworks by written appeal to the Water Review Board. The waterworks shall treat all customers equally concerning exemptions and variances, and shall not employ discrimination in such grants.

II.

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

III.

Should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

IV.

Wherever in this Ordinance an act is prohibited or made or declared to be unlawful or an offense or a misdemeanor, or wherever the doing of an act is required or the failure to do an act is declared to be unlawful, the violation of any such provision of this Ordinance shall be punished as provided in Chapter 1, Section 1F of the Code of the City of Willow Park, Texas, for each offense or for each day such offense shall continue if it is one classified as a continuing offense. No penalties shall be greater or less than the penalty provided for the same or similar offense under the laws of the State of Texas.

V.

This ordinance shall be in full force and effect from and after the date of its passage and publication as required by law.

PASSED AND ADOPTED this the 17th day of August, 1993.

APPROVED:

William J. Clemens

WILLIAM J. CLEMENS, Mayor

ATTEST:

Barbara Kilough

City Secretary

APPROVED:

Walter W. Leonard

WALTER W. LEONARD, City Attorney