

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 IN THE STATE OF 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 water 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 1 (Mild Rationing Conditions) - Outdoor usage of water for purposes such as lawn, tree and garden watering, car washing, filling swimming pools, or other general outdoor activity that consumes water, is prohibited except on days and during hours specified by the Mayor and provided in the notice to each customer.

In the event that a resident requests in writing to fill a new swimming pool that has been recently constructed, the Mayor shall contact the Chief of the Willow Park Volunteer Fire Department and the Waterworks Department Head. If the Mayor, the Fire Chief and the Waterworks Department Head agree that such use and consumption will not endanger the ability to control fires, the Mayor may approve an exemption and grant the request.

(2) Stage 2 (Moderate Rationing Conditions) - All outdoor water usage is prohibited; however, usage for protection of livestock is exempt.

(3) Stage 3 (Severe Rationing Conditions) - All outdoor water usage is prohibited, however, the mayor may provide an exemption for protection of livestock. All consumption shall be limited to each customer by a maximum number of gallons per meter (customer) per week, with notice to each affected customer of the limit imposed.

- (4) All meters shall be read as often as necessary to insure compliance with this program, for the benefit of all customers.
 - (5) During any period when any of the above described stages of water use rationing are imposed, water system customers are prohibited from operating a pressure booster pump or other device that is intended to or that results in a water flow to that customer greater than the volume that would be supplied by the existing water pressure from the City water system.
- (b) Notice Requirements. Written 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 effective immediately. 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 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 pass through the meter in a twenty-four (24) hour period. The cost to be charged to the customers account shall be in accordance with § 11.203; and
 - (2) Upon subsequent violations, 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 fees charged to disconnect and to reconnect water service shall be in accordance with those fees imposed by the Code of Ordinances of the City of Willow Park.
- (d) Exemption or Variances From Rationing Rules. The Mayor may grant any customer an exemption or variance from the uniform rationing program for health reasons.

A customer who is refused an exemption or variance may appeal such action of the waterworks or Mayor by written appeal to the Board of Adjustment. 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 valid.

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 shall be punished as provided in Chapter 1, Section 1.105 of the Code of the Willow Park, Texas, for each offense and 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 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 19th day of August 1997 by a vote of 5 to 0.

APPROVED:

Les Cooley

Les Cooley, Mayor

ATTEST:

Hetty Haggard

Hetty Haggard, City Secretary