

CITY OF WILLOW PARK

ORDINANCE NO. 423-98

AN ORDINANCE AMENDING CHAPTER 11, *PUBLIC UTILITIES*, ARTICLE 11.209, *EMERGENCY WATER RATIONING PLAN*, SUBPARAGRAPH (e) OF THE CODE OF ORDINANCES, CITY OF WILLOW PARK, TEXAS, AND PROVIDING A PENALTY

WHEREAS, it is the intent of the City of Willow Park, to provide for the public health, safety and general welfare of citizens and their property; and

WHEREAS, the provision of adequate water resources to the citizens is necessary for health, safety and general welfare; and

WHEREAS, in conditions of drought, certain measures must be put in place to preserve the water resources and to assure the water resources maximum beneficial use and that waste or unreasonable use be prevented; and

WHEREAS, when excessive demand of the water resources exceeds the ability to resupply the existing capacity and to provide an adequate and reasonable storage amount for proper beneficial use and protection of the safety, health and general welfare of the citizens and to maintain an adequate pressure in the system, certain enforcement measures to implement the water conservation plan are necessary.

NOW THEREFORE:

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

SECTION 1. AUTHORIZATION

The Mayor, or appropriate City Official or Mayor's designee is hereby authorized and directed to implement the applicable provisions of this Ordinance.

SECTION 2. APPLICATIONS

The provisions of this Ordinance shall apply to all persons, customers and property served with the City of Willow Park water, wherever situated. No customer of the City of Willow Park Water System shall knowingly make, cause, use or permit the use of water received from the City for residential, commercial, industrial,

governmental or any other purpose in a manner contrary to any provision of this or other previously enacted ordinances, or in the amount in excess that use permitted by the conservation stage in effect pursuant to action taken by the Mayor in accordance with the provisions of this or other ordinances.

SECTION 3. AMENDMENT

Chapter I 1, *PUBLIC UTILITIES*, Article 11.209, *Emergency Water Rationing Plan*, subparagraph (c) of the Code of Ordinances of the City of Willow Park, Texas shall be amended by deleting the following:

~~(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 restrictor 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 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 fees to disconnect and reconnect service of the waterworks shall apply for restoration of service in accordance with § 11.204.~~

Chapter I 1, *PUBLIC UTILITIES* Article 11.209, *Emergency Water Rationing Plan*, subparagraph (c) *Violation of Emergency Rationing Provisions* of the Code of Ordinances of the City of Willow Park, Texas shall be amended to add new subparagraphs (1) - (3), to read as follows:

(1) It shall be unlawful to violate any term or condition imposed under the

Emergency Water Rationing Plan. A customer who violates any term or condition imposed by the emergency rationing notice may be issued a citation, or for the first violation thereof, the customer may receive a written warning or citation. Each separate occurrence or day of violation shall be deemed a separate offense. Each offense shall be punished by a fine of not less than \$50 nor more than \$500.

(2) Any customer who after receiving a citation or written warning may upon any subsequent violation of any term or condition imposed by the emergency rationing notice, have water service terminated. The termination shall be by the waterworks of the City of Willow Park, Texas. Termination does not require conviction in a court of jurisdiction and the dismissal, acquittal or other disposition of a citation under (1) above is not an affirmative defense. Termination of water service is in addition to any other penalty which may be imposed hereunder. The period of termination shall not exceed seven (7) days and restoration shall be as provided in Chapter 11, Article 11.204 including payment of disconnect and reconnect fees. Water service shall be reconnected immediately upon application to the waterworks and in compliance with provisions of Chapter 11, Art. 11.204. Said reconnection shall not be a defense, bar or mitigation of any offense as alleged in (1) hereof.

(3) Any appeal by the customer of termination of water service to a location shall be to the Mayor. The Mayor upon a finding of imminent serious health risk, as required herein, may modify the period of termination that is set forth in (2) by the waterworks if provided competent, reliable written documentation of the imminent serious health risk that is life threatening and unavailability of any other adequate water source. The decision of the Mayor may be appealed by the customer to the Board of Adjustment.

Said appeal shall be under the same standards of proof as set out herein.

SECTION 4. REPEAL OF CONFLICTING ORDINANCES

All Ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict; and, Ordinance No. 346-93, as passed and approved by the City Council on August 17, 1993 is particularly repealed; and, Ordinance No. 405-97, passed and approved by the City Council on August 18, 1997 is particularly repealed.

SECTION 5. SEVERABILITY

If for any reason any section, paragraph, subdivision, clause, phrase or provision of this Ordinance shall be held invalid, it shall not affect any valid provisions of this or any other Ordinance of the City of Willow Park to which these rules and regulations relate.

SECTION 6. EFFECTIVE DATE

This Ordinance shall take effect from and after its publication one time in the official publication of the City of Willow Park, Texas which publication shall contain the captions stating in substance the purpose of the ordinance and reciting the penalty provision of the ordinance.

PASSED AND APPROVED this 21st day of July, 1998.

/s/ Les Cooley

Mayor

ATTEST:

/s/ Hetty Haggard

City Secretary

APPROVED AS TO FORM:

/s/ Rider Scott

City Attorney

The Willow Park City Council in acting on Ordinance No. 423-98, did on the 21st day of July 1998 vote as follows:

	<u>FOR</u>	<u>AGAINST</u>
Les Cooley, Mayor	<u> x </u>	_____
Gene Martin, Place 1	<u> x </u>	_____
Sam Bertling, Place 2	_____	<u>Abstained</u>
Jim Davis, Place 3	<u> x </u>	_____
Doral Risch, Place 4	<u> x </u>	_____
Gerald Liepert, Place 5	<u> x </u>	_____