

ORDINANCE NO. 2014-15

AN ORDINANCE OF THE CITY OF WYLIE, TEXAS, REPEALING ORDINANCE NO. 2009-11, CODIFIED AS DIVISION 3 (WATER CONSERVATION AND DROUGHT CONTINGENCY AND WATER EMERGENCY RESPONSE PLAN) OF ARTICLE IV (WATER) OF CHAPTER 114 (UTILITIES) OF THE WYLIE CODE OF ORDINANCES AND ADOPTING A WATER CONSERVATION PLAN TO PROMOTE THE RESPONSIBLE USE OF WATER; REQUIRING THE FILING OF THIS ORDINANCE AND PLAN WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY; PROVIDING FOR PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING REPEALING, SAVINGS AND SEVERABILITY CLAUSES, AN EFFECTIVE DATE AND FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Wylie, Texas ("City Council") previously adopted Ordinance No. 2009-11 of the City of Wylie, Texas ("Wylie"), codified as Division 3 (Water Conservation and Drought Contingency and Water Emergency Response Plan) of Article IV (Water) of Chapter 114 (Utilities) of the Wylie Code of Ordinances, which established a Water Conservation Plan ("Water Conservation Plan"); and

WHEREAS, Wylie recognizes that the amount of water available to its water customers is limited and further recognizes the importance of a long-term water supply for its water customers; and

WHEREAS, Wylie recognizes that because of natural limitations, drought conditions, system failures and other acts of God which may occur, Wylie cannot guarantee an uninterrupted water supply for all purposes at all times; and

WHEREAS, the Texas Water Code and the regulations of the Texas Commission on Environmental Quality ("TCEQ") require that Wylie adopt a Water Conservation Plan; and

WHEREAS, Wylie has investigated and determined that it is an urgent need and in the best interest of the public to repeal the existing Water Conservation Plan and adopt the Water Conservation Plan as set forth below; and

WHEREAS, pursuant to Chapter 54, TEX. LOC. GOV'T CODE, Wylie is authorized to adopt such Ordinances as are necessary to preserve and conserve its water resources; and

WHEREAS, the City Council has investigated and determined that it would be advantageous and beneficial to the citizens of Wylie to repeal Ordinance No. 2009-11 in its entirety, to replace the existing Water Conservation Plan and to adopt the North Texas Municipal Water District ("NTMWD") Model Water Conservation Plan, as modified for Wylie, as Wylie's official policy for the conservation of water; and

WHEREAS, the City Council has investigated and determined that the adoption of the Water Conservation Plan will be advantageous and beneficial to the citizens of Wylie and will protect the public health, safety and welfare.

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

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. Repeal of Ordinance No. 2009-11. Ordinance No. 2009-11, codified as Division 3 (Water Conservation and Drought Contingency and Water Emergency Response Plan) of Article IV (Water) of Chapter 114 (Utilities) of the Wylie Code of Ordinances, is hereby repealed in its entirety and replaced by this Ordinance. The effective date of the repeal discussed in this Section shall not occur until the effective date of this Ordinance, at which time Ordinance No. 2009-11 shall be repealed. Such repeal shall not abate any pending prosecution and/or lawsuit or prevent any prosecution and/or lawsuit from being commenced for any violation of Ordinance No. 2009-11 occurring before the effective date of this Ordinance.

SECTION 3: Plan Adopted. The City Council hereby approves and adopts the Water Conservation Plan ("Plan"), attached hereto as **Exhibit "A"** and incorporated herein by reference for all purposes. Wylie commits to implement the requirements and procedures set forth in the adopted Plan.

SECTION 4: Penalty. Any customer, as defined by 30 TEX. ADMIN. CODE Chapter 291, failing to comply with the provisions of the Plan shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not exceeding TWO THOUSAND AND 00/100 DOLLARS (\$2,000.00) per day per occurrence and/or discontinuance of water service by Wylie. 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. Wylie's authority to seek injunctive or other civil relief available under the law is not limited by this section. Wylie retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 5. Filing of Ordinance and Plan with the TCEQ. The City Manager or her designee is hereby directed to file one (1) copy of each of the Plan and this Ordinance with the TCEQ in accordance with 30 TEX. ADMIN. CODE Chapter 288.

SECTION 6: Savings/Repealing. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 7: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Wylie hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and/or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses and/or phrases is declared unconstitutional and/or invalid.

SECTION 8: Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by law and the City Charter.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS on this 22nd day of April, 2014.


Eric Hogue, Mayor

ATTESTED TO AND CORRECTLY RECORDED BY:


Carole Ehrlich, City Secretary

Date of Publication: April 30, 2014 in the Wylie News



EXHIBIT "A"
Water Conservation Plan

The City of Wylie's
Water Conservation Plan
can be obtained by contacting the City Secretary's Office