

## ORDINANCE 2253

**AN ORDINANCE AMENDING CHAPTER 26 "WATER AND SANITARY SEWERS" ARTICLE II, "IN GENERAL" OF THE CODE THE CITY OF HURST (1968), AS AMENDING SECTION 26-36, BY AMENDING EXHIBIT "A", DROUGHT CONTINGENCY/EMERGENCY WATER MANAGEMENT PLAN SECTION, 4.1 PUBLIC EDUCATION TO FURTHER READ PUBLIC EDUCATION/INVOLVEMENT AND PROVIDE PUBLIC INVOLVEMENT TO ACCEPT INPUT ON THE PLAN; BY AMENDING SECTION 4.6 PROVIDING NOTIFICATION TO REGION C PLANNING GROUP; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS,** the City Council finds that conservation of water and the protection of water supplies are in the best interest of its citizens; and

**WHEREAS,** the City is required to submit updated and accurate water conservation and drought contingency and emergency water management plans to the Texas Commission on Environmental Quality (TCEQ), Region C Planning Groups and the Texas Water Development Board by May 1, 2014 in accordance with Title 30 of the Texas Administration Code, Chapter 288; and

**WHEREAS,** staff recommends that the City Council adopt the amendment to SECTION 4.1 Public Education by providing public involvement to accept input on the plan and SECTION 4.6 Coordination with Region C Planning Group to the drought contingency and emergency water management plan referenced in section 26-36 of the City Code; and

**WHEREAS,** the City recognizes due to public necessity to actively involve the public in the drought emergency management planning efforts and notify the proper authorities to remain in compliance with the Texas Commission on Environmental Quality (TCEQ); and

**WHEREAS,** the Water Conservation Plan proposes a goal of reducing the rolling five year average water consumption to a level of 152 gallons per capita per day by 2019 and 147 gallons per capita per day by 2024; and

**WHEREAS**, securing future water supplies will require proving to state permitting agencies that existing water supplies are being used efficiently.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HURST, TEXAS:**

Section 1. **THAT** Code of the City of Hurst, Texas (1968) as amended, Chapter 26, "Water and Sanitary Sewers", Article II, "In General", Section 26-36 "Drought Contingency Plan Adopted" is hereby further amended to replace the Drought Contingency/Emergency Management Plan as Exhibit "A" with the revised Exhibit "A" to this Ordinance and incorporated herein for all purposes.

**SECTION 3.  
CUMULATIVE PROVISIONS**

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Hurst, Texas (1968), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such Ordinances and such Code are hereby repealed.

**SECTION 4.  
SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council that the phrase, clause, sentence, paragraph or section of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutionality phrase, clause, sentence, paragraph or section.

**SECTION 5.  
PENALTY CLAUSE**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance to include Exhibit "A" shall be fined not more

than two thousand dollars (\$2,000) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 6.  
RIGHTS AND REMEDIES**

All rights and remedies of the City of Hurst, Texas, are expressly saved as to any and all violations of the provisions of the ordinances amended herein, which have accrued at the time of the effective date of this ordinance and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

**AND IT IS SO ORDERED.**


Passed on the first reading on the 12<sup>th</sup> day of August 2014 by a vote of 6 to 0.

Approved on the second reading on the 26<sup>th</sup> day of August 2014 by a vote of 6 to 0.

**ATTEST:**

**CITY OF HURST**

  
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Rita Frick, City Secretary

  
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Richard Ward, Mayor

**Approved as to form and legality:**

  
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City Attorney