

ORDINANCE NO. 3236

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS ENABLING THE CITY MANAGER TO DECLARE A WATER SUPPLY EMERGENCY AND ESTABLISHING RESTRICTIONS FOR OUTDOOR WATERING DURING SUCH EMERGENCY; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND DECLARING AN EMERGENCY AND AN EFFECTIVE DATE.

WHEREAS, high temperatures and lack of rainfall have caused the City to experience record water consumption for periods during the month of July; and

WHEREAS, it has been determined that the City's ability to maintain water pressure and adequate fire protection capabilities may from time to time require restrictions be placed on outside watering of lawns and landscaping;

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

SECTION 1. That the City manager may place restrictions on outside use of water as follows:

A. Upon the recommendation of the Director of Community Development and Utilities Superintendent that the condition of the water supply of the City is such that it is not anticipated to meet the needs of the metered water users of the City and of the Fire Department, the City Manager may declare that an emergency water situation exists and, upon providing notice to the public, implement the following Emergency Water Conservation Plan by placing mandatory restrictions on outside watering as follows:

(1) That the use and withdrawal of water by any person for the purpose of watering a lawn or other landscaping at any location within the city shall be prohibited all day Sunday and between the hours 8:00 a.m. and 8:00 p.m., Monday through Saturday. The use and withdrawal of water at any location within the City after 8:00 p.m. and before 8:00 a.m. for the purpose of watering a lawn or other landscaping shall be limited to three days a week based upon the last digit of the street address of the location to be watered as follows:

(a) Street address locations ending in 1, 3, 5, 7 or 9 are allowed to water on Monday, Wednesday and Friday only.

(b) Street addresses ending in 0, 2, 4, 6 or 8 are allowed to water on Tuesday, Thursday and Saturday only.

(2) That the watering restrictions set forth in (A)(1) above shall not apply to commercial plant nurseries and sales centers or to the watering of a newly installed lawn or landscaping. For the purposes of this ordinance newly installed lawn or landscaping shall be limited to grass, trees and shrubs which have been installed for a period of less than 6 months. Newly installed lawns or landscaping shall not include seasonal flowers.

(B) To implement the Emergency Water Conservation Plan for outside watering notification must occur as follows:

- (1) Make public announcements,
- (2) Post notices throughout the City, and
- (3) Publish notice in a newspaper of general circulation.

OR,

Make door to door notification in person and/or through written notice posted on front doors of residences in addition to (B)(1)(2)&(3) above.

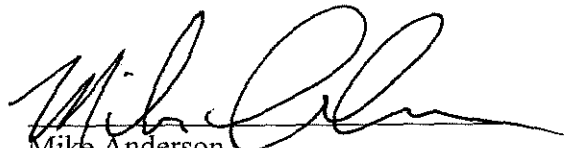
Where notification is made by means of (B)(1)(2)&(3) the watering restrictions shall be in effect immediately upon publication of the notice in the newspaper. Where door to door notification is used in addition to (B)(1)(2)&(3), the restrictions will be in effect immediately upon such notification.

SECTION 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 4. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense.


SECTION 5. That the present ordinances of the City of Mesquite are inadequate to provide for adequate water pressure and fire protection creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately upon its passage.

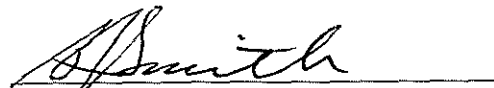
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 20th day of July, 1998.


Mike Anderson
Mayor

ATTEST:

APPROVED:


Ellen Williams
City Secretary


B. J. Smith
City Attorney