

ORDINANCE NO. 3237

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS ENABLING THE CITY MANAGER TO DECLARE A WATER SUPPLY EMERGENCY EXISTS AND TO IMPLEMENT AN EMERGENCY WATER CONSERVATION PLAN ESTABLISHING SUCH RESTRICTIONS AS ARE NECESSARY FOR THE PUBLIC SAFETY AND WELFARE; 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; PROVIDING FOR TERMINATION OF WATER SERVICE WHERE VIOLATIONS OCCUR AND DECLARING AN EMERGENCY AND AN EFFECTIVE DATE.

WHEREAS, drought conditions have caused the City to experience record water consumption for periods during the month of June and July and such conditions are expected to continue throughout the summer; and

WHEREAS, the City's supply of water has been decreased by North Texas Municipal Water District to such an extent that normal use patterns are no longer possible; and

WHEREAS, it has been determined that the City's ability to maintain water storage reserves, pressure and adequate fire protection capabilities may require restrictions and/or prohibitions be placed on use of outside water;

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 that the condition of the water supply and distribution system 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 a "water emergency" exists and upon providing notice to the public, implement an Emergency Water Conservation Plan as necessary for the protection of the public safety and welfare. Such plan may include but not be limited to the placing of voluntary or mandatory restrictions on outside watering of lawns and other landscaping, washing of vehicles, filling and refilling of private swimming pools,

jacuzzis, spas, ponds and fountains, and all other outside use of water. Such restrictions may include prohibition of any or all outside use of water.

B. To implement an Emergency Water Conservation Plan, notification must occur as follows:

1. Make public announcements;
2. Post notices throughout the City;
3. Provide written notice to each water customer explaining the restrictions and/or prohibitions to be implemented, the effective date of the restrictions/prohibitions, and the penalties for violation of mandatory restrictions or prohibitions.

C. An Emergency Water Conservation Plan will take effect upon sending each customer the written notification as required in Section B. 3. above. If such notices are hand delivered by posting notices on each water customer's front door, the provisions of the plan may be enforced 24 hours following the delivery. If the notices are mailed, provisions of the plan may be enforced 72 hours after such notices are sent.

SECTION 3. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this Ordinance, including specifically Ordinance No. 3236 passed by the City Council on July 20, 1998, to the extent of such conflict are hereby repealed.

SECTION 4. 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 5. That where an Emergency Water Conservation Plan implemented pursuant to this ordinance includes mandatory restrictions or prohibitions, any person, firm, or corporation violating any of the restrictions or prohibitions of such Emergency Water Conservation Plan and thus 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 6. That an Emergency Water Conservation Plan may be enforced by termination of water service and removal of the meter from a location where noncompliance with mandatory outside water restrictions or prohibitions of a plan is occurring. Prior to termination of service and removal of a meter, a water customer will be personally contacted by the City, informed that a mandatory restriction or prohibition, as the case may be, on outside use

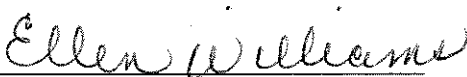
of water is in effect and given written notice that if they fail to follow the restrictions or prohibitions their service may be terminated and their meter removed. In the event personal contact with the water customer cannot be made, a written notice shall be posted on the water customer's front door. The notice left on the front door shall indicate the date and time of the posting and provide a telephone number for the customer to call for information. Should the water customer violate the restrictions or prohibitions of a plan after receiving such notice the City may terminate service and remove the meter from the location where the violations occur. If a water customer's service is terminated and/or the meter removed pursuant to this section, notice of the date and time of such termination will be posted on the water customer's front door. All costs for the reinstallation of service shall be the responsibility of the water customer.

SECTION 7. That the present ordinances of the City of Mesquite are inadequate to provide for and insure adequate water supply, 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 30th day of July, 1998.

  
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Mike Anderson  
Mayor

ATTEST:

  
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Ellen Williams  
City Secretary

APPROVED:

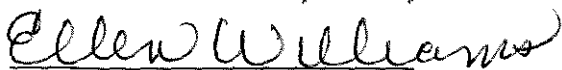
  
\_\_\_\_\_  
B. J. Smith  
City Attorney




2. That a true, full and correct copy of the aforesaid Ordinance passed at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; that said Ordinance has been duly recorded in said City Council's minutes of said Meeting; that the above and foregoing paragraph is a true, full and correct excerpt from said City Council's minutes of said Meeting pertaining to the passage of said Ordinance; that the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of said City Council as indicated therein; that each of the officers and members of said City Council was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the aforesaid Meeting, and that said Ordinance would be introduced and considered for passage at said Meeting, and each of said officers and members consented, in advance, to the holding of said Meeting for such purpose, and that said Meeting was open to the public and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

3. That the Mayor of said City has approved and hereby approves the aforesaid Ordinance; that the Mayor and the City Secretary of said City have duly signed said Ordinance; and that the Mayor and the City Secretary of said City hereby declare that their signing of this Certificate shall constitute the signing of the attached and following copy of said Ordinance for all purposes.

SIGNED AND SEALED the 3rd day of August, 1998.

  
City Secretary

  
Mayor

SEAL