

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF UNIVERSITY PARK, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF UNIVERSITY PARK, CHAPTER 13 "UTILITIES", SECTION 13.03.012 (a), BY ADOPTING A NEW WATER CONSERVATION PLAN; PROMOTING RESPONSIBLE USE OF WATER; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) AND/OR THE DISCONNECTION OF WATER SERVICE FOR NONCOMPLIANCE WITH THE PROVISIONS OF THE WATER CONSERVATION PLAN; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City recognizes the need to make efficient use of its water supply; and

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) and the Texas Water Development Board (TWDB) have developed guidelines and requirements governing the development of water conservation plans; and

WHEREAS, Title 30, Chapter 288 of the Texas Administrative Code and the regulations of the TCEQ require that the City adopt a Water Conservation Plan; and

WHEREAS, the City Council of the City of University Park desires to adopt a new Water Conservation Plan as official City policy for the conservation of water; **NOW, THEREFORE**,

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

SECTION 1. That Section 13.03.012(a) of the Code of Ordinances of the City of University Park, Texas, which heretofore adopted a Water Conservation Plan by reference, is hereby amended to adopt "The 2014 Water Conservation Plan for the City of University Park" by reference and a true copy of such plan shall be retained by the City Secretary and Director of Public Works and be available for public inspection during all business hours of the City of University Park.

SECTION 2. That the City Council does hereby find and declare that sufficient written notice of the date, hour, place and subject of the meeting adopting this ordinance was posted at a designated place convenient to the public for the time required by law preceding the meeting, that such place of posting was readily accessible at all times to the general public, and that all of the foregoing was done as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the posting thereof.

SECTION 3. That the City Manager or his designee is hereby directed to file a copy of the Plan and this ordinance with the TCEQ, TWDB, and the Region C Water Planning Group in accordance with Title 30, Chapter 288 of the Texas Administrative Code.

SECTION 4. That the City Secretary is hereby authorized and directed to cause publication of the descriptive caption of this ordinance as provided by law.

SECTION 5. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to a penalty of fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense and/or discontinuance of water service by the City. 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 Water Conservation Plan is a separate violation. The City's authority to seek injunctive or other civil relief available under the law is not limited by this section.

SECTION 6. Should any paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be affected.

SECTION 7. This ordinance shall take effect immediately following its passage and the publication of the caption, as the law and Charter in such cases provide.

DULY PASSED AND APPROVED by the City Council of the City of University Park, Texas, on this 15th day of April 2014.

APPROVED:

W. RICHARD DAVIS, MAYOR

ATTEST:

LIZ SPECTOR, CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY (rld;4-09-14;65578)

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