

ORDINANCE NO. 1700

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3 AN ORDINANCE AMENDING THE CITY OF KELLER CODE OF  
4 ORDINANCES, CHAPTER 19, WATER AND SEWERS, ARTICLE XIV,  
5 WATER CONSERVATION AND DROUGHT CONTINGENCY, SECTION  
6 19-1600, ADOPTION OF PLAN AND POLICIES, BY DELETING  
7 ATTACHMENT "A", WATER CONSERVATION PLAN, IN ITS ENTIRETY  
8 AND ADDING A NEW ATTACHMENT "A", WATER CONSERVATION PLAN  
9 FOR THE CITY OF KELLER, AND BY DELETING ATTACHMENT "B",  
10 DROUGHT CONTINGENCY AND EMERGENCY WATER MANAGEMENT PLAN,  
11 IN ITS ENTIRETY AND ADDING A NEW ATTACHMENT "B", DROUGHT  
12 CONTINGENCY AND EMERGENCY WATER MANAGEMENT PLAN FOR THE  
13 CITY OF KELLER; PROVIDING A SEVERABILITY CLAUSE;  
14 PROVIDING A PENALTY; AUTHORIZING PUBLICATION; AND  
15 ESTABLISHING AN EFFECTIVE DATE.

16 WHEREAS, the City of Keller, Texas (the "City"),  
17 recognizes that the amount of water  
18 available to its water customers is limited;  
19 and

20 WHEREAS, the City recognizes that due to natural  
21 limitations, drought conditions, system  
22 failures and other acts of God which may  
23 occur, the City cannot guarantee an  
24 uninterrupted water supply for all purposes  
25 at all times; and

26 WHEREAS, the 80th Texas Legislature amended Section  
27 13.146 of the Texas Water Code to require  
28 each retail public utility that provides  
potable water service to 3,300 or more  
connections to submit a Water Conservation  
Plan to the Texas Water Development Board  
(TWDB) by July 1, 2014 and submittal of an  
annual report due each year by the same  
date; and

WHEREAS, the City of Fort Worth updated its Drought  
Contingency and Emergency Water Management  
Plan in April of 2014; and

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WHEREAS, the City of Keller, by contract, must adopt no less than the same restrictions and requirements of the City of Fort Worth when it comes to the Drought Contingency and Emergency Water Management Plan; and

WHEREAS, the City has determined an urgent need in the best interest of the public to adopt a new Water Conservation Plan and a new Drought Contingency and Emergency Water Management Plan; and

WHEREAS, pursuant to Chapter 54 of the Local Government Code, the City is authorized to adopt such Ordinances necessary to preserve and conserve its water resources.

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

Section 1: THAT, the above findings are hereby found to be true and correct and are incorporated herein in their entirety.

Section 2: THAT, Chapter 19, Water and Sewers, Article XIV, Water Conservation and Drought Contingency, Section 19-1600 Adoption of plan and policies, is hereby amended by deleting Attachment "A", Water Conservation Plan, in its entirety and adding a new Attachment "A", Water Conservation Plan for the City of Keller, and by deleting Attachment "B" Drought Contingency and Emergency Water Management Plan, in its entirety and adding a new Attachment "B", Drought Contingency and Emergency Water Management Plan for the City of Keller.

Section 3: THAT, the City commits to implement the requirements and procedures set forth in the adopted Plans.

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Section 4: THAT, any customer, defined pursuant to 30 Texas Administrative Code Chapter 291, failing to comply with the provisions of either Plan shall be subject to a fine of up to Two Thousand Dollars (\$2,000.00) 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 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 5: 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 6: THAT, 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: THAT, the City Manager or his designee is hereby directed to file a copy of this Ordinance and the Water Conservation Plan with the Texas Water Development Board and a copy of the Ordinance and the Drought Contingency and Emergency Water Management Plan with the Texas Commission on Environmental Quality.

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Section 8: THAT, the City Secretary is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative method of publication provided by law.

Section 9: THAT, this Ordinance shall become effective upon its adoption and publication provided by law.

AND IT IS SO ORDAINED.

Passed and approved by a vote of 6 to 0 on this the 17th day of June, 2014.

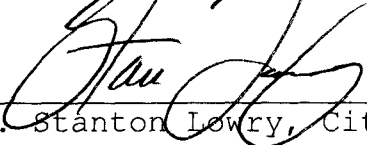
CITY OF KELLER, TEXAS

BY:   
Mark Mathews, Mayor

ATTEST:

  
Sheila Stephens, City Secretary

Approved as to Form and Legality:

  
L. Stanton Lowry, City Attorney