

ORDINANCE 18 - 02

AN ORDINANCE OF THE CITY OF COMMERCE, TEXAS, REPEALING THE CITY'S DROUGHT CONTINGENCY PLAN ADOPTED AS DIVISION 4, "DROUGHT CONTINGENCY PLAN" OF ARTICLE II. "WATER AND SEWER" OF CHAPTER 94, "UTILITIES" OF THE CODE OF ORDINANCES OF THE CITY AND ADOPTING AN UPDATED DROUGHT CONTINGENCY PLAN FOR THE CITY CODIFIED AS DIVISION 4, ARTICLE II, CHAPTER 94 OF THE CODE OF ORDINANCES OF THE CITY; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR AN AMENDMENT TO ADOPT THE DROUGHT CONTINGENCY PLAN; ESTABLISHING CRITERIA FOR ENCOURAGING WATER SAVING PRACTICES ON A CONTINUAL BASIS, AS WELL AS DURING EMERGENCY SITUATIONS; ESTABLISHING WATER SAVING GOALS; ESTABLISHING RESTRICTIONS ON CERTAIN WATER USES; ESTABLISHING PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS IN THE PLAN, ESTABLISHING PROCEDURES FOR GRANTING VARIANCES; PROVIDING A CUMULATIVE REPEALER; PROVIDING SEVERABILITY; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE, AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED UPON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Commerce recognizes that the amount of water available to its customers is limited and subject to depletion, especially during periods of extended drought; and

WHEREAS, the City of Commerce recognizes that natural limitations cannot guarantee an unlimited and uninterrupted water supply for all purposes; and

WHEREAS, Section 11.1272 of the Texas Water Code and applicable rules of the Texas Commission on Environmental Quality require all public water supply systems in Texas to prepare a drought contingency plan; and

WHEREAS, the City has adopted and continued to maintain a Drought Contingency Plan since July 2002, codified in Division 4 of Article 2 of Chapter 94 of the Code of Ordinances of the City; and

WHEREAS, as authorized under law, and in the best interests of the citizens of Commerce, the Commerce City Council deems it expedient and necessary to update the Drought Contingency Plan as set forth in Exhibit A in order to continue to maintain rules and policies for the orderly and efficient management of limited water supplies;

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

SECTION 1. INCORPORATION OF PREMISES

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. AMENDMENT/ADOPTION OF PLAN

Division 4, "Drought Contingency Plan" of Article II, "Water and Sewer" of Chapter 94, "Utilities" of the Code of Ordinances of the City of Commerce, Texas, the "Drought Contingency Plan" is hereby repealed in its entirety, and a new "Drought Contingency Plan" as set forth in Exhibit "A", a copy of which is attached hereto and incorporated herein, is hereby adopted and codified as Division 4, "Drought Contingency Plan" of Article II, "Water and Sewer" of Chapter 94, "Utilities" of the Code of Ordinances of the City of Commerce.

SECTION 3. CUMULATIVE REPEALER

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim, or lawsuit which has been initiated or has arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 4. SEVERABILITY

Should any paragraph, sentence, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

SECTION 5. PENALTY

Any person who knowingly, intentionally or recklessly violates any provision of this Ordinance, upon conviction, shall be deemed guilty of a misdemeanor and shall be fined a sum not to exceed two thousand dollars (\$2,000.00) for each offense, and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

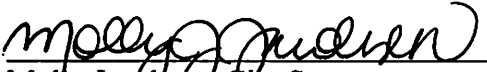
SECTION 6. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage, compliance with reading requirements of the City Charter, and the public of the caption, as the law in such cases provides.

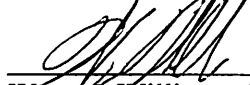
FIRST READING – DULY PASSED BY THE CITY OF COMMERCE, TEXAS, on
May 15, 2018.

SECOND READING – DULY PASSED BY THE CITY OF COMMERCE, TEXAS
on June 19, 2018.

ATTEST:


Molly Jacobsen, City Secretary

CITY OF COMMERCE:


Wyman Williams, Mayor

(seal)

I, Molly Jacobsen, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of an ordinance, and that the same has not been repealed and is in full force and effect.


Molly Jacobsen, City Secretary

(seal)

Sworn to and subscribed before me, on this the 21st day of June 2018, to certify which witness my hand and seal of office.

(seal)


Notary Public, State of Texas

