

AN ORDINANCE AMENDING CHAPTER 32, "UTILITIES," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 32, "Utilities," of the Abilene Municipal Code be amended as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00). Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense.

PART 4: That the City Council hereby finds that an emergency exists requiring suspension of the rule provided in Section 18 of the City Charter requiring ordinances to be read on two (2) separate days, and said rule is hereby suspended and this emergency ordinance, being a penal ordinance, shall take effect after publication at twelve midnight on September 14, 1984 (except for the minimum fines, which shall be effective September 20, 1984). The immediate passage of said ordinance is necessary for the preservation of the public peace, safety and welfare, to-wit: the immediate implementation of revised Stage 4 mandatory water conservation measures, along with the other amendments, is necessary to preserve and prudently use the City's water resources in this continuing drought.

PASSED this 13 day of September, A.D. 19 84.

ATTEST:

Patricia Patton
CITY SECRETARY

David Stubbeman
MAYOR

APPROVED:

Andy Landers
CITY ATTORNEY 00544

EXHIBIT A

ORDINANCE NO. 97-1984

PART 1: Amend Section 32-143 Application, by adding to the end of the section the following:

These water use restrictions only apply to water from the City of Abilene water treatment system. Citizens are encouraged to develop and use alternate sources of water.

PART 2: Amend Section 32-144 d. "Stage 4. Mandatory Compliance-Water Emergency," by deleting the current restrictions 1 and 2 and their exceptions and replacing them with the following:

1. All irrigation of lawns is prohibited.
2. The washing of all automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment is prohibited unless:
 - (1) the washing is at a commercial car wash utilizing recycled water systems and/or hand-held spray nozzles of 2 g.p.m. or less and operating Tuesday through Saturday; or,
 - (2) the washing is in the immediate interest of the public health, safety, or welfare.

PART 3: Amend Section 32-145 by changing the first word in line 13 ("published") to publicized.

PART 4: Amend Section 32-146 by adding a new subsection "f" as follows:

- f. Changes in water supply conditions due to unanticipated higher water usage, weather, or other developments may necessitate changes in the recommended criteria for implementation of different stages. Specifically, the implementation of the stages referred to above may occur when the elevation of the Ft. Phantom reservoir is within four-tenths (4/10) of a foot of the suggested elevation for implementation of that stage.

PART 5: Amend Section 32-147 by deleting it.

PART 6: Add a new Section 32-147 as follows:

Section 32-147 Fines

1. During Stage 3 herein, the maximum fine shall be Two Hundred Dollars (\$200.00).
2. During Stages 4 and 5 herein, the maximum fine shall be raised to One Thousand Dollars (\$1,000.00) with the following minimum fines:
 - a. Upon conviction of any violation at a residence - Fifty Dollars (\$50.00).
 - b. Upon conviction of any violation at a commercial (including apartments) or industrial location - Seventy-five Dollars (\$75.00).