

AN ORDINANCE AMENDING CHAPTER 32. UTILITIES, ARTICLE VI. DROUGHT AND EMERGENCY CONTINGENCY PLAN, OF THE CITY OF ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR ENFORCEMENT; AND CALLING FOR A PUBLIC HEARING.

WHEREAS, the City Council of the City of Abilene affirms that limited water resources necessitate a year round water use management plan, and that the general welfare of the customers of the City of Abilene's Water Utility System requires that water resources be put to maximum beneficial use, and that the waste, unreasonable use, or unreasonable method of use of water be prevented; and

WHEREAS, in recognition of limited water resources, and that these conditions exist year round, it has become necessary to revise and amend the Drought and Emergency Contingency Plan; now therefore,


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

- PART 1:** That Chapter 32. Utilities, Article VI. Drought and Emergency Contingency Plan, of the City of 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 section of this Ordinance is held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining Ordinance provisions or sections, which shall remain in full force and effect.
- PART 3:** That any person, firm, or corporation, violating any of the Water Conservation Plan provisions of this Ordinance shall be assessed a penalty as set forth by the procedures contained in Division 3. Water Conservation Plan Enforcement.

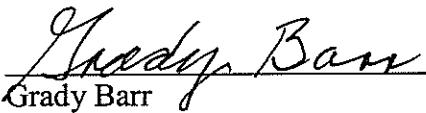
PASSED ON FIRST READING this 25th day of July, 2002.

PASSED ON SECOND AND FINAL READING after public hearing this 26th day of July, 2002.

ATTEST:

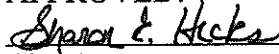


Jo Moore
City Secretary



Grady Barr
Mayor

APPROVED:



Sharon E. Hicks
City Attorney

EXHIBIT A

CODE OF THE CITY OF ABILENE ARTICLE VI. WATER CONSERVATION PLAN

DIVISION 1. GENERALLY

Sec. 32-140. Declaration of policy.

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire prevention and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Abilene hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this Water Conservation Plan (the Plan) are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply conditions are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Sections 32-147 through 32-155 of this Plan.

No person shall make, cause, use or permit the use of water from the City of Abilene Water Utility System for residential, commercial, industrial, agricultural, governmental or any other purpose in a manner contrary to provisions of this Plan or in an amount in excess of that use permitted by the plan in effect pursuant to action taken by the Mayor or his/her designee in accordance with the provisions of this Plan.

Sec. 32-141. Authorization.

The Mayor, Mayor Pro Tempore, or the City Manager, if so designated, is hereby authorized, consistent with the Charter of the City of Abilene, Sections 21 and 22, to exercise those powers considered to be reasonable or necessary for the protection of persons or property in assessing the current state of our water supply and directing the City Manager to implement or terminate any stage, phase, or portion of the Water Conservation Plan. Implementation and termination of any stage may occur, but is not mandated to occur, when conditions warrant.

Sec. 32-142. Application.

The provisions of this Plan shall apply to persons, customers, and property utilizing the Abilene Water Utility System wherever situated, including customers such as water supply corporations, and any others that receive water from the City of Abilene on a contract basis. If a shortage of water in the City's water supply occurs, the water to be distributed shall be divided among all users pro rata, according to the amount each may be entitled to, so that preference is given to no one and everyone suffers alike.

These water use restrictions do not apply to the use of alternate water sources, including non-potable water and well water. The City of Abilene strongly encourages the use of alternative water sources for landscape purposes.