

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AMENDING TITLE V “PUBLIC WORKS” OF THE CODE OF MANSFIELD, TEXAS BY REPEALING CHAPTER 54 “WATER DEMAND MANAGEMENT AND DROUGHT CONTINGENCY PLAN” IN ITS ENTIRETY; BY RE-ADOPTING A NEW CHAPTER 54 “WATER DEMAND MANAGEMENT AND DROUGHT CONTINGENCY PLAN,” SETTING FORTH UPDATED REGULATIONS FOR WATER CONSERVATION AND DROUGHT CONTINGENCY MEASURES AS THE OFFICIAL CITY POLICY; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2000.00) FOR EACH OFFENSE; PROVIDING FOR PUBLICATION; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Mansfield, Texas (the “City”), recognizes that the amount of water available to the City and its water customers is limited and subject to depletion during periods of extended drought; and,

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

WHEREAS, the Section 11.1271 and 11.1272 of the Texas Water Code and applicable rules of the Texas Commission on Environmental Quality (the “Commission”) require that the City prepare and adopt a Water Conservation Plan and Drought Contingency Plan; and,

WHEREAS, as authorized by law, and in the best interest of the citizens of the City of Mansfield, Texas, the City Council deems it expedient and necessary to encourage water conservation and to establish certain rules and policies for that mirror an area wide effort to educate water users and preserve an invaluable resource during times of drought.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS; THAT:

SECTION 1.

Title V “Public Works” of the Code of Mansfield, Texas is hereby amended by repealing Chapter 54 “Water Demand Management and Drought Contingency Plan” in its entirety and re-adopting a new Chapter 54 “Water Demand Management and Drought Contingency Plan” attached hereto as Addendums A and B, as if recited verbatim herein.

SECTION 2.

All ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared void, ineffective, or unconstitutional by the valid judgment or final decree of a court of competent jurisdiction, such voiding, ineffectiveness, or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections hereof, since the same would have been enacted by the City Council without the incorporation of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

Any customer, defined pursuant to 30 Tex. Admin. Code Chapter 291, failing to comply with the provisions of this Ordinance 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.

The caption and penalty clause of this Ordinance shall be published in compliance with Section 3.13 of the City Charter.

SECTION 6.

This ordinance shall take effect immediately from and after its passage on the first and final reading and publication as required by law, and it is so ordained.

DULY PASSED ON THE FIRST AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS 22ND DAY OF APRIL, 2024.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Bradley Anderle, City Attorney