



ORDINANCE 2015-04

AN ORDINANCE ADOPTING A WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN FOR THE CITY OF TOM BEAN, TEXAS TO PROMOTE THE RESPONSIBLE USE OF WATER AND TO PROVIDE FOR PENALITIES AND/OR THE DISCONNECTION OF WATER SERVICE FOR NONCOMPLIANCE WITH THE PROVISIONS OF THE WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN

WHEREAS, the City of Tom Bean, Texas (“City”) recognizes that the amount of water available to its water customers is limited; and

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

WHEREAS, the Water Code and the regulations of the Texas Commission on Environmental Quality (“TCEQ”) require that the City adopt a Water Conservation and Drought Contingency Plan; and

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

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

WHEREAS, the City Council of the City of Tom Bean, Texas desires to adopt the attached Water Conservation and Drought Contingency Plan as official City policy for the conservation of water.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOM BEAN, TEXAS THAT:

SECTION 1: The City Council hereby approves and adopts the Water Conservation and Drought Contingency Plan (the “Plan”), attached hereto as Appendix A, as if recited verbatim herein. The City commits to implement the requirements and procedures set forth in the adopted Plan.

SECTION 2: That all ordinances that are in conflict with the provisions of this ordinance are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.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: Any customer, defined pursuant to 30 Texas Administrative Code, Chapter 291, failing to comply with the provisions of the Plan shall be subject to a monetary fine of \$100 and not to exceed \$200 per incident, 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.

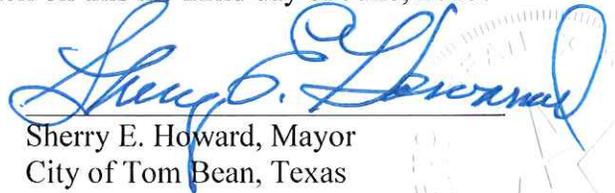
SECTION 4: The City Council does hereby find and declare that sufficient written notice of the date, hour, place and subject of the meeting adopting this Ordinance was posted at a designated place convenient to the public for the time required by law preceding the meeting, that such place of posting 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 5: 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.

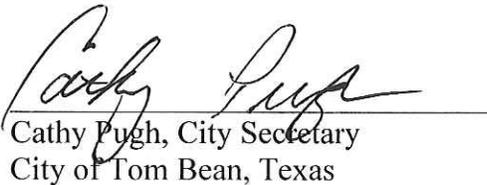
SECTION 6: The Mayor is hereby directed to file a copy of the Plan and this Ordinance with the TCEQ in accordance with Title 30, Chapter 288 of the Texas Administrative Code.

SECTION 7: 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.

PASSED AND APPROVED by the City Council on this the 22nd day of June, 2015.


Sherry E. Howard, Mayor
City of Tom Bean, Texas

ATTEST:


Cathy Pugh, City Secretary
City of Tom Bean, Texas