

ORDINANCE NO. 2046

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HIGHLAND PARK, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF HIGHLAND PARK BY AMENDING AND REPLACING SECTION 13.04.001(B) OF THE CODE OF ORDINANCES AND ADOPTING THE 2019 DROUGHT CONTINGENCY PLAN FOR THE TOWN OF HIGHLAND PARK, AND THAT ESTABLISHES: (I) THE CRITERIA FOR THE INITIATION AND TERMINATION OF DROUGHT RESPONSE STATES; (II) THE RESTRICTIONS ON CERTAIN WATER USES; AND (III) THE PROCEDURES FOR THE GRANTING OF VARIANCES; PROVIDING A PENALTY CLAUSE AND/OR THE DISCONNECTION OF WATER SERVICE FOR NONCOMPLIANCE WITH THE PROVISIONS OF THE DROUGHT CONTINGENCY PLAN; PROVIDING A VALIDITY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Highland Park, Texas (the "Town"), recognizes that the amount of water available to the Town and its water utility customers is limited and subject to depletion during periods of extended drought; and

WHEREAS, the Town recognizes that natural limitations due to drought conditions and other acts of God cannot guarantee an uninterrupted water supply for all purposes; and

WHEREAS, in the best interest of the citizens of the Town of Highland Park, Texas, the Town Council of the Town of Highland Park (the "Town Council") deems it expedient and necessary to establish certain rules and policies for the orderly and efficient management of limited water supplies during drought and other water supply emergencies; and

WHEREAS, Title 30, Chapter 288 of the Texas Administrative Code and the regulations of the Texas Commission on Environmental Quality (the "Commission") require that the Town adopt a drought Contingency Plan that establishes minimum regulations and restrictions; and

WHEREAS, the Town Council desires to adopt the Town's Drought Contingency Plan (the "Plan") as the official Town policy for the management of water supplies during drought or other water supply emergencies; and

WHEREAS, the Town is authorized by law to adopt the provisions contained herein, and has complied with all the prerequisites necessary for the passage of this ordinance; and

WHEREAS, all statutory and constitutional requirements for the passage of this ordinance have been adhered to, including, but not limited to the Open Meetings Act; and

WHEREAS, the purpose of this ordinance is to promote the public health, safety, and general welfare of the citizens of the Town of Highland Park;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HIGHLAND PARK, TEXAS:

SECTION 1. That, the statements contained hereinabove are hereby adopted as findings of fact and as a part of the operative provisions hereof as if copied in their entirety.

SECTION 2. That, Section 13.04.001(b) of the Code of Ordinances is amended in its entirety and replaced as follows:

“(b) The 2019 Town of Highland Park Drought Contingency Plan is hereby approved and adopted by reference and a true copy of such plan shall be retained by the Town Secretary and be available for public inspection during all business hours of the Town.”

SECTION 3. That, the Town 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 Town Council further ratifies, approves, and confirms such written notice and the posting thereof.

SECTION 4. That, the Town Administrator or his designee is hereby directed to file a copy of the Plan and this ordinance with the Commission in accordance with Title 30, Chapter 288 of the Texas Administrative Code.

SECTION 5. Penalty. That, any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the penalty provisions of Section 1.01.009 of the Code of Ordinances of the Town of Highland Park, Texas, as amended and/or discontinuance of water service by the Town. 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 Drought Contingency Plan is a separate violation. The Town’s authority to seek injunctive or other civil relief available under the law is not limited by this section.

SECTION 6. Validity. That, all ordinances of the Town of Highland Park in conflict with the provisions of this Drought Contingency Plan ordinance be, and the same are hereby superseded and all other provisions of the ordinances of the Town of Highland Park not in conflict with the provisions of this ordinance shall remain in full force and effect.

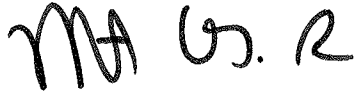
SECTION 7. Severability. That, should any paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be affected.

SECTION 8. Incorporation. That, this ordinance shall be deemed to be incorporated into the Code of Ordinances of the Town of Highland Park, Texas.

SECTION 9. Effective Date. That, this ordinance shall take effect immediately following its passage, approval and publication as provided by law, and it is accordingly so ordained.

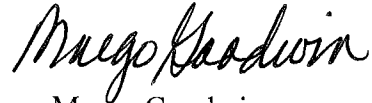
PASSED AND APPROVED this 22nd day of April, 2019.

APPROVED AS TO FORM:



Matthew C. G. Boyle
Town Attorney

APPROVED:



Margo Goodwin
Mayor

ATTEST:



Gayle Kirby
Town Secretary