

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING AND UPDATING CHAPTER 53 OF THE CITY CODE OF ORDINANCES REGARDING THE CITY'S DROUGHT CONTINGENCY PLAN BY AMENDING AND UPDATING THE PUBLIC NOTIFICATION POLICY, AND AUTHORIZING DRIP IRRIGATION PROVISIONS UNDER STAGE 2 RESTRICTIONS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY FOR A VIOLATION OF CHAPTER 53, AS A CLASS C MISDEMEANOR AND A FINE IN AN AMOUNT NOT TO EXCEED \$2,000.00; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, in compliance with applicable legal requirements and the City of Pflugerville's wholesale water contract with the Lower Colorado River Authority, the City Council desires to amend and update its drought contingency plan; and

WHEREAS, the City has declared that because safe, high quality drinking water is a precious resource, the protection of the general health, safety, and welfare of its citizens requires that the waste or unreasonable use, or unreasonable method of use of water be prevented; and

WHEREAS, Title 30, Section 288.20(c) of the Texas Administrative Code requires all retail public water suppliers, including the City, to review and update, as appropriate, the City's drought contingency plan at least every five years.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

Section 2. Amendment to Municipal Code of Ordinances. The City of Pflugerville, Texas, Code of Ordinances, Title V (titled "Public Works"), Chapter 53 (titled "Water and Sewers") is hereby amended by adding language that is underlined and deleting language that is struck through as follows:

§ 53.208 TRIGGERING CRITERIA FOR INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES.

The City will monitor water supply and/or demand conditions on a daily basis and will advise the Mayor and the City Council when conditions warrant initiation or termination of each stage of

the Plan. The City Manager may order that the appropriate stage of water conservation be implemented or terminated in accordance with the applicable provisions of this Subchapter by public notification. Public notification of the initiation or termination of drought response stages will be by means of ~~notice mailed to the service address of each water customer no later than the billing date~~ posting notices on the City website and social media sites. The triggering criteria described below are based on the statistical analysis of the vulnerability of the city's water source under drought of record conditions.

§ 53.209 DROUGHT RESPONSE STAGES.

The Public Works Department will monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in § 53.208 of the Plan, will recommend to the City Manager the extent of the conservation required through the implementation or termination of particular conservation stages in order for the city to prudently plan for and supply water to its customers. The City Manager may order the appropriate stage of water conservation implemented or terminated in accordance with the applicable provisions of this Subchapter by public notification. The conservation stage will take effect immediately upon public notification:

(B) Stage 2 - Moderate Water Shortage Conditions

(6) The Stage 2 restrictions do not apply to the following:

(a) The necessary use of water other than for landscape irrigation, by a governmental entity in pursuit of a governmental function for the benefit of the public, including for a capital improvement construction project;

(b) the necessary use of water, other than for landscape irrigation, for land development including roadway base preparation, flushing utility lines, dust control, concrete or asphalt work and building construction;

(c) The necessary use of water for repair of a water distribution facility, residential and commercial plumbing, or a permanently installed landscape irrigation system; ~~and~~

(d) The use of water under a variance granted by the Review Board in accordance with § 53.212; ~~and~~

(e) Drip irrigation systems as long as any leaks are repaired in a timely manner, and there's no ponding or runoff do to over watering.

Section 3. Severability. If any provision of this Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of this Ordinance will not be affected and, in lieu of each illegal, invalid, or unenforceable provision, a provision as similar in terms to

the illegal, invalid, or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this Ordinance.

Section 4. Repealer. This Ordinance shall be cumulative of all other ordinances of the City of Pflugerville, and this Ordinance shall not operate to repeal or affect any other ordinances of the City of Pflugerville except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, are hereby repealed.

Section 5. Penalty. That a violation of this Ordinance shall be an offense punishable upon conviction as prescribed in Chapter 53 of this Code of Ordinances.

Section 6. Effective Date. This Ordinance will take effect upon its adoption by the City Council in accordance with Section 3.15(d) of the City Charter.

PASSED AND APPROVED this ____ day of _____, 2019.

CITY OF PFLUGERVILLE, TEXAS

By: _____
VICTOR GONZALES, Mayor

ATTEST:

KAREN THOMPSON, City Secretary

APPROVED AS TO FORM:

CHARLES E. ZECH, City Attorney
DENTON NAVARRO ROCHA BERNAL & ZECH, PC