

**CITY OF SEABROOK
ORDINANCE NO. 2018-05**

AMENDING THE WATER CONSERVATION & DROUGHT CONTINGENCY PLAN

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS AMENDING CHAPTER 95, "UTILITIES", ARTICLE III, "WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN" OF THE CODE OF ORDINANCES OF THE CITY OF SEABROOK, TEXAS BY UPDATING THE UTILITY PROFILE USING THE PREVIOUS FIVE YEARS WATER USE DATA; UPDATING THE WATER CONSERVATION GOALS BASED ON THE HISTORIC USE DATA; SHOWING THE UPDATE TO THE WATER RATE STRUCTURE; AND BY INCORPORATING THE ENTIRE PLAN INTO THE CODE INSTEAD OF BY REFERENCE ONLY, AS DEPICTED IN EXHIBIT "A".

THIS ORDINANCE PROVIDES A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE RELATING TO FIRE SAFETY AND FIVE HUNDRED DOLLARS (\$500.00) FOR ALL OTHER OFFENSES; REPEALS ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDES FOR SEVERABILITY AND PROVIDES FOR AN EFFECTIVE DATE

WHEREAS, the City of Seabrook, Texas (the "City) recognizes that the amount of water available to the City and its water customers is limited; and,

WHEREAS, the City recognizes that due to normal limitations due to 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, applicable law and regulations of the Texas Commission on Environmental Quality require that the City update and adopt a Water Conservation and Drought Contingency Plan (Plan) every five years; and,

WHEREAS, the City Council of the City of Seabrook approved Ordinance 2009-02 on March 17, 2009, which adopted the Water Conservation and Drought Contingency Plan by reference only, and it has been determined that for easy reference by the public, the Plan document shall now be contained in full in the Seabrook Code of Ordinances; and

WHEREAS, the City Council of the City of Seabrook approved Ordinance 2012-13, on May 15, 2012, which added a new section to the Seabrook Code of Ordinances entitled, "Drought Contingency Plan for a Wholesale Public Water Supplier"; and

WHEREAS, the Plan has been updated to update the Utility Profile using the previous five years' water use data; to update the Water Conservation Goals based on the historic use data; and to show the update to the Water Rate Structure.

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

SECTION 1. The facts and recitations contained in the above preamble of this Ordinance are hereby incorporated herein for all purposes.

SECTION 2. AMENDMENT TO THE CODE.

Chapter 95 of the Code of Ordinances of the City of Seabrook entitled "Utilities", Article III, "Water Conservation" is amended by updating Section 95-80, "Water Conservation and Drought Contingency Plan" by updating the Utility Profile using the previous five years' water use data; updating the Water Conservation Goals based on the historic use data; and showing the update to the Water Rate Structure, as contained in Exhibit "A" attached hereto and incorporated by reference.

SECTION 3. PENALTY CLAUSE.

Any person violating any of the provisions of this division shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in a sum not to exceed \$2,000.00 for each offense relating to fire safety and \$500.00 for all other violations. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues. The City may seek further injunctive relief to stop on-going violations of this ordinance.

SECTION 4. REPEAL OF CONFLICTING ORDINANCES.

All ordinances or parts of ordinances in conflict or inconsistent with this Ordinance are hereby expressly repealed.

SECTION 5. SEVERABILITY.

In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Seabrook, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

SECTION 6. NOTICE.

The City Secretary shall give notice of the enactment of this Ordinance by promptly publishing it or its descriptive caption and penalty after final passage in the official newspaper of the City; the Ordinance to take effect upon publication.

PASSED AND APPROVED on first reading with a quorum present, by an affirmative vote of a majority of Councilmembers present, in accordance with Seabrook City Charter Section 2.10 on this 16th day of January, 2018.

PASSED, APPROVED, AND ADOPTED on final reading with a quorum present, by an affirmative vote of a majority of Councilmembers present, in accordance with Seabrook City Charter Section 2.10 on this 6th day of February, 2018.

By: _____
Thomas G. Kolupski
Mayor

ATTEST:

By: _____
Robin Hicks, TRMC
City Secretary

APPROVED AS TO FORM:

Steven L. Weathered
City Attorney