

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS, REPEALING ORDINANCE NOS. 14-04-24, 14-06-32 AND 14-09-50; ADOPTING A NEW WATER MANAGEMENT PLAN TO PROMOTE THE EFFICIENT USE OF WATER AND IMPLEMENTING A DROUGHT CONTINGENCY AND WATER EMERGENCY RESPONSE PLAN; PROVIDING FOR ENFORCEMENT, PENALTIES AND DISCONNECTION OF IRRIGATION AND/OR OTHER WATER SERVICE FOR NONCOMPLIANCE; ESTABLISHING PROCEDURES FOR GRANTING VARIANCES; REQUIRING THE FILING OF THIS ORDINANCE AND PLAN WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY; PROVIDING A SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE, PENALTY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

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

WHEREAS, the City Council recognizes the importance of a viable, long-term water supply for all City water customers; and

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

WHEREAS, the Texas Water Code and the regulations of the Texas Commission on Environmental Quality ("TCEQ") require that the City Council adopt a Water Management Plan for the City that includes a drought contingency and water emergency response plan; and

WHEREAS, the City Council is authorized to adopt ordinances as necessary to preserve and conserve the City's water resources pursuant to Chapter 54 of the Texas Local Government Code; and

WHEREAS, the City Council previously adopted Ordinance Nos. 14-04-24, 14-06-32 and 14-09-50, which implemented and amended a Water Management Plan for the City in accordance with the Texas Water Code, TCEQ regulations and Chapter 54 of the Texas Local Government Code; and

WHEREAS, the City Council has investigated and determined that it would be advantageous and beneficial to the citizens of Frisco to repeal Ordinance Nos. 14-04-24, 14-06-32 and 14-09-50, in their entirety, and replace them with this Ordinance; and

WHEREAS, the City Council has determined that it is an urgent need and in the best interest of the public to adopt a new Water Management Plan; and

WHEREAS, the City Council desires to support the North Texas Municipal Water District (“NTMWD”) by adopting the new Water Management Plan as official City policy for water management; and

WHEREAS, the City Council has investigated and determined that it would be advantageous and beneficial to the citizens of the City to adopt the Water Management Plan as set forth below.

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

SECTION 1. Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. Repeal of Ordinance Nos. 14-04-24, 14-06-32 and 14-09-50. Ordinance Nos. 14-04-24, 14-06-32 and 14-09-50 are hereby repealed, in their entirety, and replaced by this Ordinance. The effective date of the repeal of Ordinance Nos. 14-04-24, 14-06-32 and 14-09-50 shall not occur until the effective date of this Ordinance, at which time Ordinance Nos. 14-04-24, 14-06-32 and 14-09-50 shall be repealed. Such repeal shall not abate any pending prosecution and/or lawsuit or prevent any prosecution and/or lawsuit from being commenced for any violation of Ordinance Nos. 14-04-24, 14-06-32 and/or 14-09-50 occurring before the effective date of this Ordinance.

SECTION 3. Water Management Plan Adopted. The City Council hereby approves and adopts the Water Management Plan attached hereto as Exhibit A and incorporated herein by reference for all purposes. The City commits to implementing the requirements and procedures set forth in the adopted Water Management Plan.

SECTION 4. Filing of Ordinance and Plan with the TCEQ. The City Manager or his designee is hereby directed to file copies of the Water Management Plan and this Ordinance with the TCEQ in accordance with Title 30, Chapter 288 of the Texas Administrative Code.

SECTION 5. Savings/Repealing. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but such repeal shall not abate any pending prosecution for violation of the repealed ordinances, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinances. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 6. Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, clause and phrase thereof regardless of whether any one or more sections, subsections, sentences, clauses or phrases may be declared unconstitutional and/or invalid.

SECTION 7. Penalty. Any customer, defined under 30 Texas Administrative Code Chapter 291, failing to comply with the provisions of the Water Management Plan shall be subject to a fine of up to two thousand dollars and 00/100 dollars (\$2,000.00) per day per occurrence and/or discontinuance of irrigation or 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 Water Management 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 8. Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by the City Charter and by law.

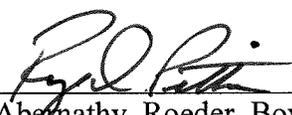
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS on this 21st day of April, 2015.

Maher Maso, Mayor

**ATTESTED TO AND CORRECTLY
RECORDED BY:**

APPROVED AS TO FORM:

Jenny Page, City Secretary



Abemathy, Roeder, Boyd & Hullett, P.C.
Ryan D. Pittman, City Attorneys

Dates of Publication: _____, *Frisco Enterprise*

Exhibit A

City of Frisco
Water Management Plan

[_ pages attached hereto]