

ORDINANCE NO. 3583

AN ORDINANCE OF THE CITY OF NORTH RICHLAND HILLS, TEXAS, AMENDING CHAPTER 78, ARTICLE II, SECTIONS 78-62 AND 78-63 OF THE NORTH RICHLAND HILLS CODE OF ORDINANCES; ADOPTING THE 2019 WATER CONSERVATION PLAN AND THE 2019 DROUGHT CONTINGENCY AND EMERGENCY WATER MANAGEMENT PLAN; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES AND REPEAL OF CONFLICTING PROVISIONS; PROVIDING SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of North Richland Hills, Texas (“the City”) is a home rule city acting under its power adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council finds that conservation of water and protection of water supplies is in the best interest of the citizens of the city; and

WHEREAS, water supply relies on rainfall for replenishment, and rainfall can vary significantly from year to year; and

WHEREAS, the occurrence of droughts cannot be predicted as to when one will begin or end, and emergency situations can occur at any time as a result of incidents such as pipeline failures, power outages and pump failures; and

WHEREAS, the Texas Commission on Environmental Quality has mandated the adoption of new Water Conservation and Drought Contingency and Emergency Water Management Plans every five years;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH RICHLAND HILLS, TEXAS:

SECTION 1: The City Council hereby finds the recitals above to be true and correct, and such recitals are hereby incorporated into this Ordinance as if written herein.

SECTION 2: That Section 78-62 of the North Richland Hills Code of Ordinances be replaced in its entirety to be and read as follows:

Sec. 78-62. - Water Conservation Plan adopted.

"The City of North Richland Hills, Texas hereby adopts the 2019 Water Conservation Plan attached hereto. The city commits to implement the requirements and procedures set forth in the adopted plan."

SECTION 3: That Section 78-63(a) of the North Richland Hills Code of Ordinances be replaced in its entirety to be and read as follows:

Sec. 78-63. Drought Contingency and Emergency Water Management Plan.

"(a) *Plan adopted.* The city council hereby approves the 2019 Drought Contingency and Emergency Water Management Plan (the "plan") attached hereto. The city commits to implement the requirements and procedures set forth in the adopted plan."

SECTION 4: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction. Such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrased of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional section. Paragraph, sentence, clause or phrase.

SECTION 5: The City Secretary is here by directed to publish this ordinance or its caption and penalty in the official City newspaper as required by law.

SECTION 6: Any person intentionally, knowingly, recklessly, or with criminal negligence violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed two thousand dollars (\$2,000). Each day any such violation shall be allowed to continue shall constitute a separate violation and be punishable hereunder.

SECTION 7: This Ordinance shall be cumulative of all provisions of the Code of Ordinances of the City of North Richland Hills, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 8: All rights and remedies of the City of North Richland Hills are expressly saved as to any and all violations of the provisions of any ordinances in the Code of Ordinances of the City of North Richland Hills that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 9: It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 10: This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

AND IT IS SO ORDAINED.

PASSED AND APPROVED on this 13th day of May, 2019.

CITY OF NORTH RICHLAND HILLS

By: _____
Oscar Trevino, Mayor

ATTEST:

Alicia Richardson, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Mareshia B. McGinnis, City Attorney

APPROVED AS TO CONTENT:

Caroline Waggoner, Director of Public Works

ATTACHMENT A
2019 Water Conservation Plan

(This Attachment A replaces the previously adopted 2012 and 2014 Water
Conservation Plan)

ATTACHMENT B

2019 Drought Contingency and Emergency Water Management Plan

(This Attachment B replaces the previously adopted 2012 and 2014 Drought Contingency And Emergency Water Management Plan)