

ORDINANCE NO. 2019-1304

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, REPEALING AND REPLACING ORDINANCE NO 2011-1037; ADOPTING A DROUGHT CONTINGENCY PLAN; ADOPTING A REGIONAL WATER PLAN; PROVIDING FOR A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, under section 11.1272 of the Texas Water Code and 30 Tex. Admin. Code § 288.20, the City of Fulshear, Texas (“City”), is required to adopt a drought contingency plan and to review and update, as appropriate, the drought contingency plan, at least every five years, based on new or updated information, such as the adoption or revision of the regional water plan; and

WHEREAS, the City previously adopted a drought contingency plan by the adoption of Ordinance No. 2011-1037; and

WHEREAS, since the adoption of Ordinance No. 2011-1037, there has been an adoption or revision of the regional water plan; and

WHEREAS, based on such new or updated information, and after providing the opportunity for public input, the City finds it appropriate to update its drought contingency plan by repealing and replacing Ordinance No. 2011-1037;

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

Section 1. Ordinance No. 2011-1037 is hereby repealed.

Section 2. The Drought Contingency Plan attached hereto as Exhibit A is hereby adopted and is incorporated herein for all purposes.

Section 3. The 2016 Regional Water Plan prepared by Region H Water Planning Group is hereby adopted and incorporated herein by this reference for all purposes, the same being available at:
http://www.twdb.texas.gov/waterplanning/rwp/plans/2016/H/Region_H_2016_RWP.pdf.
For informational purposes, a summary of the 2016 Regional Water Plan is attached hereto as Exhibit B.

Section 4. To the extent of any conflict between the Drought Contingency Plan adopted herein and the 2016 Regional Water Plan adopted herein, and to the extent allowed by law, the provisions of the Drought Contingency Plan shall apply.

Section 5. Penalty. Any person who violates or causes, allows, or permits another to violate any provision of this ordinance, rule, or police regulation of the city shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine or penalty not to exceed five hundred dollars (\$500.00), provided that if such rule, ordinance, or police regulation governs fire safety, zoning, or public health and sanitation, other than the dumping of refuse, the fine or penalty shall not exceed two thousand dollars (\$2,000.00), and further provided that if such rule, ordinance, or police regulation governs the dumping of refuse, the fine or penalty shall not exceed four thousand dollars (\$4,000.00). Each occurrence of any violation of this ordinance, rule, or police regulation shall constitute a separate offense. Each day on which any such violation of this ordinance, rule, or police regulation occurs shall constitute a separate offense.

Section 6. 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 Fulshear, Texas declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 7. Repeal. All other ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 8. Effective date. This Ordinance shall be and become effective immediately upon its adoption.

PASSED, APPROVED, and ADOPTED this, the 27th day of August, 2019.





Aaron Groff, Mayor

ATTEST:



Kimberly Kopecky, City Secretary