

An Ordinance of the City of Plano, Texas, amending Division 4, Drought and Emergency Response Plan, of Article II, Water, of Chapter 21, Utilities, of the City of Plano Code of Ordinances by adding Sections 21-59.7 and 21-60.3; adding pro rata water curtailment requirements in Stage 3 and in any wholesale water contract; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause, and an effective date.

WHEREAS, on April 22, 2024, the City Council of the City of Plano passed Ordinance No. 2024-4-9, codified as Division 4, Drought and Emergency Response Plan, of Article II, Water, of Chapter 21, Utilities, of the City of Plano Code of Ordinances; and

WHEREAS, the Texas Commission on Environmental Quality, after reviewing the City's ordinance, recommended that the Drought and Emergency Response Plan be revised to include pro rata water curtailment requirements in Stage 3 and in any wholesale water contract in accordance with Texas Water Code Section 11.039; and

WHEREAS, staff recommends amending the City's Drought and Emergency Response Plan to include pro rata water curtailment requirements in Stage 3 and in any wholesale water contract in accordance with Texas Water Code Section 11.039; and

WHEREAS, after consideration of the recommendation of staff and all matters attendant and related thereto, the City Council is of the opinion that it is in the best interest of the City and its citizens to amend Division 4, Drought and Emergency Response Plan, of Article II, Water, of Chapter 21, Utilities, of the City of Plano Code of Ordinances.

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

Section I. Division 4, Drought and Emergency Response Plan, of Article II, Water, of Chapter 21, Utilities, of the City of Plano Code of Ordinances, is amended by adding the following new Sections 21-59.7 and 21-60.3 to read as follows:

“Sec. 21-59.7 Pro Rata Curtailment

In the event that the triggering criteria specified in Section 21-59.5 for initiation of Stage 3 have been met, the City Manager is authorized to initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code, §11.039.”

“Sec. 21-60.3 Water Curtailment in Wholesale Water Contracts

Every wholesale water contract (treated and untreated water) entered into or renewed after the adoption of this Plan, including any contract extensions, will contain language notifying parties to the contract, that in a case of shortage of water resulting from a drought, the water to be distributed shall be divided in accordance with Texas Water Code Section 11.039.”

Section II. All provisions of the Code of Ordinances of the City of Plano, codified or uncodified, in conflict with the provision of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, codified or uncodified, not in conflict with this Ordinance shall remain in full force and effect.

Section III. 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 phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

Section IV. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this ordinance.

Section V. Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(b) of the City Code of Ordinances for each offence. Every day a violation continues shall constitute a separate offense.

Section VI. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED on the 22nd day of July, 2024.

John B. Muns, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY