

MOTION WAS MADE BY Councilmember Dale Evans, SECONDED BY Councilmember Charles Moore, THAT THE FOLLOWING ORDINANCE BE PASSED:

ORDINANCE NO. 2009-326

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF PANORAMA VILLAGE, TEXAS, AMENDING ORDINANCE NO. 2001-270, DATED DECEMBER 17, 2001, ADOPTING CHANGES TO THE CITY DROUGHT CONTINGENCY PLAN; REQUIRING RAIN SENSORS ON ALL NEWLY PERMITTED IRRIGATION SYSTEMS; PROVIDING ADDITIONAL WATER CONSERVATION RESTRICTIONS FOR OUTDOOR WATERING DURING CERTAIN DROUGHT RESPONSE STAGES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CONFLICT CLAUSE; PROVIDING AN OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE AFTER PUBLICATION AS PROVIDED BY LAW.

WHEREAS, the City Council of City of Panorama Village recognizes that the amount of water available to the City and its water utility customers is limited and subject to depletion during periods of extended drought; and

WHEREAS, Section 11.1272 of the Texas Water Code and applicable rules of the Texas Commission on Environmental Quality require all public water supply systems in Texas to prepare a drought contingency plan; and

WHEREAS, the City Council of the City of Panorama Village, Texas passed a Drought Contingency Plan by Ordinance No. 2001-270, dated December 17, 2001; and

WHEREAS, the City Council believes that further steps need to be taken to preserve our natural water resources from unnecessary waste and usage;

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

I.

DROUGHT CONTINGENCY PLAN

The revised City Drought Contingency Plan attached and incorporated here as Exhibit "A", is hereby adopted as the official policy of the City.

II.

SEVERABILITY CLAUSE

If any part or parts of the Ordinance shall be held unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining parts of this ordinance. It is hereby declared that the remaining parts of this Ordinance shall have been ordained and passed had it been known that such parts hereof would be declared unconstitutional and invalid.

III.

REPEALING CLAUSE

All ordinances, or parts of ordinances and motions in conflict with the provisions of this Ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect, to include the criminal penalty and such other provisions as set out in City Ordinance No. 2001-270.

IV.

TEXAS OPEN MEETINGS CLAUSE

It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that the public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

V.

EFFECTIVE DATE

This Ordinance shall be effective after its passage and publication, as provided by law.

PASSED AND APPROVED this 24th day of March 2009.



HOWARD KRAVETZ, Mayor

ATTEST:

A handwritten signature in cursive script, appearing to read 'Lisa Evans', is written over a horizontal line.

LISA EVANS, City Secretary

APPROVED AS TO FORM:

A horizontal line is drawn above the name 'LARRY L. FOERSTER, City Attorney'. A faint, illegible handwritten signature is visible above the line.

LARRY L. FOERSTER, City Attorney

When Drought Response Stage III is initiated, the following surcharges and fines shall become effective:

- A. Water Rates:
 1. Water rates for the first 2,000 gallons shall remain at the rate established in Ordinance 00-252 or any subsequent ordinance establishing New Water Rates.
 2. Water usage after the first 2,000 gallons shall have a surcharge of an additional ½ % per day for the days that the Response Stage III is in effect.
- B. Fines:
 1. Any resident violating the Response Measures shall be subject to a \$50.00 per violation fine.

Drought Response Stage	Triggering Criteria	Goal	Response Measures
<u>Stage I</u> Mild Conditions	Initiate when daily water demand equals or exceeds 75% of the system's safe operating capacity for three consecutive days or exceeds 80% of system capacity on a single day.	Raise public awareness of the situation	Request voluntary reduction in non-essential water use.
<u>Stage II</u> Moderate Condition	Total daily water demand equals or exceeds 80% of the system's safe operating capacity for three consecutive days or equals or exceeds 90% of system capacity on a single day.	Reduce and maintain daily water demand at or below 80% of system capacity	Initiate mandatory restrictions on certain non-essential water uses (i.e.; lawn watering limited to certain days and times.)
<u>Stage III</u> Severe Conditions	Total daily water demand equals or exceeds 90% of the system's safe operating capacity for three consecutive days, or equals or exceeds 100% of capacity on a single day.	Reduce and maintain daily water demand at or below 85% of system capacity.	Initiate more stringent water use restrictions, (e.g., lawn watering limited to one day per week and no car washing or recreational boats.)
<u>Stage IV</u> Emergency Conditions	Total daily water demand equals or exceeds 100% of the system's capacity or system outage due to equipment failure.	Reduce water usage below reduced system capacity.	Initiate emergency response procedures.

CITY OF PANORAMA VILLAGE, TEXAS

**DROUGHT CONTINGENCY PLAN
EXHIBIT "A"**

I.

Panorama Village, Texas is a TYPE A GENERAL LAW incorporated city located in Montgomery County, with a population of approximately 2000 residents.

The source of its water is currently from three (3) wells as follows:

Water Well No. 1	=	500 g pm capacity
Water Well No. 2	=	700 g pm capacity
Water Well No. 3	=	750 g pm capacity
Total		1,950 g pm

Daily Capacity is 2,808,000 gallons per diem

Storage capacity is as follows:

Ground Storage	-	200,000 + 167,000 = 367,000 gallons
Elevated Storage	-	150,000 x 2 = 300,000 gallons
Total Storage		367,000 + 300,000 = 667,000 gallons

II.

All new irrigation systems must be installed with an automatic shutoff rain sensor device that will temporarily disengage an irrigation system during and immediately after precipitation. The system must be properly maintained and functioning at all times.

III.

All residents in the City shall comply with the following table of drought contingency stages. When drought response Stages I, II or III are initiated, the following drought contingency measures shall be effective:

- A. All lawn irrigation watering is prohibited from 10:00 a.m. to 6:00 p.m. beginning April 1 and ending October 31 of each year.
- B. All outdoor watering during precipitation is prohibited.
- C. Lawn and landscape irrigation shall be limited to twice per week.

IV.