

ORDINANCE NO. 20240709-004

AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS REPEALING AND REPLACING ORDINANCE NO. 20201208-008; ADOPTING A DROUGHT CONTINGENCY AND WATER EMERGENCY MANAGEMENT PLAN; REPEALING AND REPLACING CHAPTER 26, ARTICLE V, OF THE CODE OF ORDINANCES OF THE CITY OF ANGLETON, TEXAS; PROVIDING FOR A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 11.1272 of the Texas Water Code and 30 Tex. Admin. Code §288.20, the City of Angleton, 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 first adopted a drought contingency plan on April 22, 2014 by enacting Ordinance No. 2014-O-4F; and

WHEREAS, on December 8, 2020, the City repealed Ordinance No. 2014-O-4F and adopted a new drought contingency plan by enacting Ordinance No. 20201208-008; and

WHEREAS, plans to ensure water conservation throughout the State of Texas are constantly being reviewed, updated, and modified to insure conservation for the benefit of the health, safety, and welfare of the residents of the City of Angleton; 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. 20201208-008 and Chapter 26 of the Code of Ordinances of the City of Angleton, Texas;

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

SECTION 1. That all of the facts recited in the preamble to this Ordinance are hereby found by the City Council to be true and correct and are incorporated herein by this reference and expressly made a part hereof, as if copied herein verbatim.

SECTION 2. Ordinance Number 20201208-008 and Chapter 26, Article V, of the Code of Ordinances of the City of Angleton, Texas, is hereby repealed in its entirety.

SECTION 3. The City of Angleton, Texas, hereby adopts the “City of Angleton 2024 Drought Contingency and Water Emergency Management Plan” attached hereto as Exhibit A and incorporated herein for all purposes.

SECTION 4. This “Plan” may be amended or updated as necessary or as mandated by the “Texas Water Development Board”.

SECTION 5. All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

SECTION 6. 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 7. 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 8. 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 9. Effective date. This Ordinance shall be and become effective immediately upon its adoption.

SECTION 10. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED THIS THE 9TH DAY OF JULY 2024.

CITY OF ANGLETON, TEXAS

John Wright
Mayor

ATTEST:

Michelle Perez, TRMC
City Secretary