

AN ORDINANCE OF THE CITY OF LEON VALLEY, TX, CITY COUNCIL AMENDING THE LEON VALLEY CODE OF ORDINANCES, CHAPTER 14 UTILITIES, ARTICLE 14.11 WATER CONSERVATION AND DROUGHT MANAGEMENT, DIVISION 3 DROUGHT MANAGEMENT, SECTION 14.11.073 DEFINITIONS AND SECTION 14.11.074 DEMAND REDUCTION MEASURES TO AMEND THE HOURS FOR WATERING, REVISE THE DEFINITION OF “STAGE”, ADD A SURCHARGE TO (C), AND ADD (1) (E) STAGE V AND (3) (E) STAGE V; AND AMEND APPENDIX A FEE SCHEDULE, ARTICLE A11.000 WATER AND SEWER FEES, SECTION A11.001 GENERALLY TO ADD A SUBSECTION (S) CRITICAL PERIOD DROUGHT MANAGEMENT SURCHARGES, TO CREATE FEES FOR CERTAIN WATER USAGE THRESHOLDS DURING STAGES III, IV, AND V CRITICAL PERIOD DROUGHT MANAGEMENT; PROVIDING FOR REPEALER, SEVERABILITY, AND SAVING CLAUSES; PROVIDING FOR A PENALTY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 14 Utilities, Division 3 Drought Management requires that Leon Valley water customers observe certain critical period drought management regulations, but it does not provide for a Stage V Critical Period; and

WHEREAS, Appendix A Fee Schedule does not provide for the collection of drought surcharges as stated in Chapter 14 Utilities Drought Management regulations; and

WHEREAS, a portion of the city’s residents are connected to the San Antonio Water System and SAWS does collect a drought management surcharge on those residents, which is confusing to the citizens as a whole; and

WHEREAS, to be fair and uniform city-wide, the City Council now wishes to amend the Code to include the Stage V Critical Period Management and to establish fees for drought management surcharges and non-compliance charges;

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

SECTION 1. Chapter 14 Utilities, Article 14.11 Water Conservation and Drought Management, Division 3 Drought Management, Section 14,11.073 Definitions, the definition of “Stage” is here by amended as follows:

“Stage. One of five designated drought stages which may be declared by the city.”

SECTION 2. Section 14.11.074 Demand reduction measures is hereby amended to revise watering hours, add a surcharge to Stage III, and add subsections to #'s 1 and 3 as stated in Exhibit A attached hereto.

SECTION 3. Appendix A Fee Schedule, Article A11.000 Water and Sewer Fees, Section A11.001 Generally is hereby amended to add a Subsection (s) mandating a surcharge and a non-compliance charge to be compatible with SAWS charges as follows:

“(s) Critical Period Drought Management Surcharge

Drought management surcharges are in effect under Stages III, IV, and V Critical Period Drought management declarations and the fees to be charged are as currently adopted by the San Antonio Water System as Drought Surcharge and Non-Compliant Charges, incorporated by reference as though copied herein fully. Stage V surcharges are to be the same as in Stage IV, unless otherwise revised by SAWS.”

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 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 5. 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 or 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 6. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 20th day of August, 2024.

APPROVED

CHRIS RILEY

MAYOR

Attest:

SAUNDRA PASSAILAIGUE, TRMC

City Secretary

Approved as to Form:

City Attorney