

TOWN OF PONDER
ORDINANCE 24-11

AN ORDINANCE AMENDING ORDINANCE 18-18; AMENDING THE DAILY WATER CONSERVATION PLAN; PROVIDING FOR NOTICE REQUIREMENT; PROVIDING FOR A CUMULATIVE CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, heretofore the Town of Ponder, Texas has enacted an Ordinance decreasing daily water consumption to level consistent with supply; and

WHEREAS, said Ordinance has, from time to time, been amended; and

WHEREAS, the Town Council for the Town of Ponder, Texas has determined that it is necessary and expedient to amend said Ordinance; and

WHEREAS, the Town Council for the Town of Ponder, Texas realizes the necessity to decrease daily water consumption to levels consistent with supply; and

WHEREAS, the Town Council for the Town of Ponder, Texas needs precautions to limit the daily water consumption to ensure that all customers have a safe and adequate supply of water.

NOW, THEREFORE, LET IT BE ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF PONDER, TEXAS;

SECTION 1

The facts, findings and recitations set out in the preamble of this Ordinance are hereby adopted and made part of this Ordinance the same as if they were recited herein in full.

**SECTION 2
DAILY WATER CONSERVATION PLAN**

All persons using water for lawn and garden watering or irrigation during the period of May 15 to September 15 of each year shall do so in the following manner:

STAGE 1

Customers must immediately reduce landscape irrigation systems and hose-end sprinklers to a maximum of two (2) days per week. Irrigation of landscape areas and building foundations is still permitted at any time using a handheld hose, drip irrigation or a soaker hose.

Customers are required to follow a mandatory time-of-day landscape irrigation schedule. No outdoor watering with automatic irrigation systems and hose-end sprinklers can occur from 8:00 am to 8:00 pm.

Twice Per Week Water Schedule

Residential address ending in 0,2,4,6,8 shall water on Monday and Thursday

Residential address ending in 1,3,5,7,9 shall water on Tuesday and Friday

STAGE 2 (Emergency State)

Customers must immediately reduce landscape irrigation systems and hose-end sprinklers to a maximum of one (1) day per week. Irrigation of landscape areas and building foundations is still permitted at any time using a handheld hose, drip irrigation or a soaker hose.

Customers are required to follow a mandatory time-of-day landscape irrigation schedule. No outdoor watering with automatic irrigation systems and hose-end sprinklers can occur from 8:00 am to 8:00 pm.

Once Per Week Water Schedule

Residential address ending in 0,2,4,6,8 shall water on Thursday

Residential address ending in 1,3,5,7,9 shall water on Tuesday

STAGE 3 (Emergency State)

The following are prohibited:

1. Washing vehicles
2. Refilling empty swimming pool
3. Filling new swimming pool
4. New lawn variances
5. Lawn and garden watering or irrigation

The Mayor will appoint and authorize a Town employee to issue citations to customers that are in non-compliance with the water conservation plan.

The Director of Public Works of the Town of Ponder has the authority to implement all three (3) stages of the Water Conservation Plan as noted in the criteria in Exhibit A of this ordinance and without prior Town Council approval.

**SECTION 3
NOTICE REQUIREMENT**

Written notice will be published on the Town of Ponder website prior to implementing the conservation plan. Mailed notice must be given 72 hours prior to the start of the conservation plan.

If notice is hand delivered, the Town may not enforce the provisions of the plan until 24 hours after the notice is delivered. Written notice will contain the following information:

1. Date conservation will begin
2. Date conservation will end
3. Stage of conservation and rules that apply
4. Explanation of penalties for violations

SECTION 4 CUMULATIVE CLAUSE

This Ordinance shall be cumulative of all provisions of ordinance of the Town of Ponder, Texas except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 5 SAVINGS CLAUSE

All rights and remedies of the Town of Ponder, Texas are expressly saved as to any and all violations of the provisions of any other Ordinance affecting water conservation, which have secured at the time of the effective date of this Ordinance; and as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 6

It is hereby declared to be the intention of the Town Council of the Town of Ponder that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph section of this Ordinance should be declared unconstitutional by valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, since the same would have been enacted by the Town Council without incorporation in this Ordinance of any unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 7 PENALTY CLAUSE

STAGE 1 (Emergency State)

1. A customer who is found to have violated Stage 1 for the first time will receive a warning and will not be assessed a penalty.
2. A customer who is found to have violated Stage 1 for a second time will be assessed a penalty not to exceed \$500.

3. A customer who continuously violates Stage 1 will be assessed a penalty of \$500 per violation.

STAGE 2 (Emergency State)

1. A customer who is found to have violated Stage 2 for the first time will be assessed a penalty not to exceed \$500.
2. A customer who continuously violates Stage 2 will be assessed a penalty of \$500 per violation and/or water may be disconnected.

STAGE 3 (Emergency State)

1. A customer who is found to have violated Stage 3 for the first time will be assessed a penalty not to exceed \$500
2. A customer who continuously violates Stage 3 will be assessed a penalty of \$500 per violation and water service will be disconnected.

**SECTION 8
EFFECTIVE DATE**

That this Ordinance shall become effective from and after its passage and publication as required by law.

DULY PASSED AND APPROVED BY A VOTE OF _____ AYES _____ NAYS AND _____ ABSTENTIONS this the _____ day of _____, 2024.

APPROVED:

John Bassler, Mayor

ATTEST:

Sheri N. Clearman, Town Secretary

EXHIBIT A

WELL PRODUCTION

Well #2 – 135gpm – 194,400 gpd

Well #3 – 70 gpm – 100,800 gpd

Well #4 – 90 gpm – 129,600 gpd

Well #5 – 160 gpm – 230,400 gpd

Well #6 – 25 gpm – 36,000 gpd

Well #7 – 260 gpm – 374,400 gpd

Total production – 1,065,600 gpd

CRITERIA FOR IMPLEMENTING WATER CONSERVATION PLAN

75% - 799,200 gpd for 3 consecutive days – Stage 1 implementation

80% - 852,480 gpd for 3 consecutive days – Stage 2 implementation

85% - 905,760 gpd for 3 consecutive days – Stage 3 implementation