

**AN ORDINANCE OF THE TOWN OF PROSPER, TEXAS, AMENDING SECTION 13.05.001, "PLAN ADOPTED," OF ARTICLE 13.05, "WATER CONSERVATION AND WATER RESOURCE AND EMERGENCY MANAGEMENT PLAN," OF CHAPTER 13, "UTILITIES," OF THE TOWN'S CODE OF ORDINANCES; ADOPTING A WATER CONSERVATION AND WATER RESOURCE AND EMERGENCY MANAGEMENT PLAN; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.**

**WHEREAS**, the Town of Prosper, Texas (the "Town"), recognizes that the amount of water available to its water customers is limited; and

**WHEREAS**, the Town recognizes that due to natural limitations, drought conditions, system failures and other acts of God which may occur, the Town cannot guarantee an uninterrupted water supply for all purposes at all times; and

**WHEREAS**, the Texas Water Code and the regulations of the Texas Commission on Environmental Quality (the "Commission") require that the Town adopt a Water Resource and Emergency Management Plan; and

**WHEREAS**, the Town has determined an urgent need in the best interests of the public to adopt a Water Resource and Emergency Management Plan; and

**WHEREAS**, pursuant to Chapters 51 and 54 of the Texas Local Government Code, the Town is authorized to adopt any such ordinances necessary to preserve and conserve its water resources; and

**WHEREAS**, the Town Council of the Town of Prosper, Texas ("Town Council"), desires to adopt an amended Water Conservation and Water Resource and Emergency Management Plan for the Town of Prosper as official Town policy for water conservation; and

**WHEREAS**, the Town Council has investigated and determined that it will be advantageous and beneficial to the citizens of Prosper and will protect the public health, safety and welfare to adopt a Water Resource and Emergency Management Plan.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:**

**SECTION 1**

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**SECTION 2**

From and after the effective date of this Ordinance, Section 13.05.01, "Plan Adopted," of Article 13.05, "Water Conservation and Water Resource and Emergency Management Plan" of Chapter 13, "Utilities," of the Town's Code of Ordinances is amended to read as follows:

**“Sec. 13.05.001      Plan Adopted**

The Town Council hereby approves and adopts for the town, its citizens and water customers the new Water Conservation and Water Resource and Emergency Management Plan (the “Plan”), attached to this Ordinance as Exhibit A and incorporated herein for all purposes. A copy of this Ordinance and the Plan are available in the Town Secretary’s Office.”

**SECTION 3**

The Town Council hereby approves and adopts the Plan, as referenced in Section 2 of this Ordinance, as if recited verbatim herein. The Town commits to implement the requirements and procedures set forth in the adopted Plan.

**SECTION 4**

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

**SECTION 5**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town of Prosper hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

**SECTION 6**

The Town Manager or his designee is hereby directed to file a copy of the Plan and this Ordinance with the Commission in accordance with Title 30, Chapter 288 of the Texas Administrative Code, as amended.

**SECTION 7**

Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined a sum not exceeding Two Thousand Dollars (\$2,000.00), and each and every day that such violation continues shall be considered a separate offense; provided, however, that such penal provision shall not preclude a suit to enjoin such violation. The Town of Prosper retains all legal rights and remedies available to it pursuant to local, state and federal law.

**SECTION 8**

This Ordinance shall take effect and be in full force from and after its passage and publication, as provided by the Revised Civil Statutes of the State of Texas and the Home Rule Charter of the Town of Prosper, Texas.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 16<sup>th</sup> DAY OF APRIL, 2024.

APPROVED:

\_\_\_\_\_  
David F. Bristol, Mayor

ATTEST:

\_\_\_\_\_  
Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Terrence S. Welch, Town Attorney

**EXHIBIT A**

**(Water Conservation and Water Resource and Emergency Management Plan)**