

**ORDINANCE NO. 351**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANDERA TEXAS AMENDING THE CODE OF ORDINANCES OF THE CITY OF BANDERA, CHAPTER 13, UTILITIES, BY ADOPTING ARTICLE 13.10, TITLED WATER CONSERVATION PLAN; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Texas Local Government Code Chapter 52 and Chapter 54, provide for the adoption and enforcement of municipal ordinances; and

**WHEREAS**, the City of Bandera recognizes that the amount of water available to its customers is limited; and

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

**WHEREAS**, Title 30, Chapter 288 of the Texas Administrative Code and the regulations of the Texas Commission on Environmental Quality (“TCEQ”) require that the City adopt a Water Conservation Plan; and

**WHEREAS**, the City Council of the City of Bandera desires to adopt the City’s Water Conservation Plan as the official City policy for the conservation of water.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BANDERA:**

Section 1. That Chapter 13 Utilities of the Bandera Code of Ordinances is hereby amended by adopting Article 13.10 titled Water Conservation Plan and shall hereafter read “Adopted by Reference” as shown on the attached Exhibit A.

Section 2. That Article 13.10 shall hereafter read “The City of Bandera Water Conservation Plan is hereby approved and adopted by reference and a true copy of such Plan shall be retained by the City Secretary and be available for public inspection during regular business hours of the City of Bandera” as shown on the attached Exhibit A.

Section 3. That the City Council does hereby find and declare that sufficient written notice of the date, hour, place and subject of the meeting adopting this Ordinance was posted at a designated place convenient to the public for the time required by law preceding the meeting, that such place of posting was readily accessible at all times to the general public, and that all of the foregoing was done as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered, and formally acted upon. The City Council further ratifies, approves, and confirms such written notice and posting thereof.

Section 4. That the Mayor or City Administrator is hereby directed to file a copy of the Plan and this Ordinance with TCEQ in accordance with Title 30, Chapter 288 of the Texas Administrative Code.

Section 5. That the City Secretary is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as provided by law.

Section 6. Penalty. That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the penalty provisions of Sec. 13.04.003 of the City of Bandera Code of Ordinances, as amended.

Section 7. The provisions of this Ordinance are declared to be severable. If any section, subsection, sentence, clause, phrase, or portion of this ordinance shall for any reason to be held invalid or unconstitutional by any court of competent jurisdiction, such decisions shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance, but they shall remain in effect; it being the legislative intent that this ordinance shall remain in effect notwithstanding the validity of any part.

Section 8. The provisions of this ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

**PASSED AND APPROVED ON THIS 19<sup>TH</sup> DAY OF APRIL 2018.**

  
Suzanne Schauman, Mayor

Attest:

  
Jill Shelton, City Secretary

**EXHIBIT A**

**CHAPTER 13, UTILITIES, OF THE CITY OF BANDERA CODE OF ORDINANCES  
IS HEREBY AMENDED AS FOLLOWS:**

**ADD:**

**ARTICLE 13.10 WATER CONSERVATION PLAN**

**[Adopted by Reference]**

The City of Bandera Water Conservation Plan is hereby approved and adopted by reference and a true copy of such Plan shall be retained by the City Secretary and be available for public inspection during regular business hours of the City of Bandera.