

ORDINANCE NO. 5103

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE CITY CODE BY REVISING CHAPTER 16 (WATER AND LIQUID WASTE), ARTICLE I (IN GENERAL), TO REPEAL SEC. 16-12 IN ITS ENTIRETY AND REPLACE WITH NEW SEC. 16-12 (ADOPTION OF WATER CONSERVATION PLAN, AND THE WATER RESOURCE AND EMERGENCY MANAGEMENT PLAN) FOR THE PURPOSE OF UPDATING SAID PLANS TO PROMOTE RESPONSIBLE USE OF WATER AND TO PROVIDE FOR PENALTIES AND/OR THE DISCONNECTION OF WATER SERVICE FOR NONCOMPLIANCE WITH THE PLAN PURSUANT TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) GUIDELINES AND REQUIREMENTS; REPEALING ORDINANCE NO. 4691; AND PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council of the City of Mesquite, Texas (“**City Council**”), to protect the public health, safety, and welfare; and

WHEREAS, the City’s current 2019 Water Conservation Plan and Drought Contingency and Emergency Management Plan is in need of updates in accordance with the Texas Commission On Environmental Quality (“**TCEQ**”) Guidelines and Requirements; and

WHEREAS, the City of Mesquite, Texas (the “**City**”), recognizes that the amount of water available to its water 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, the Water 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 has determined an urgent need in the best interest of the public to adopt a Water Conservation Plan; and

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WHEREAS, the City Council desires to adopt the North Texas Municipal Water District (the “NTMWD”) Model Water Conservation Plan as official City policy for the conservation of water; and

WHEREAS, on April 4, 2024 the City published a NOTICE OF PUBLIC HEARING in the Daily Commercial Record, Volume 136, Issue 066, regarding the updated 2024 City Water Conservation Plan and Water Resource and Emergency Management Plan (“Plans”); and

WHEREAS, on April 15, 2024 the City Council conducted a *Public Hearing* for the purpose of gathering input from residents on the proposed changes to the City’s Plans; and

WHEREAS, this ordinance will repeal and replace [Ordinance No. 4691](#), passed and approved by the City Council on July 1, 2019, adopting the 2019 Water Conservation Plan and the 2019 Drought Contingency and Emergency Management Plan; and

WHEREAS, the City is a home-rule municipality acting under its Charter adopted, and amended, by the electorate pursuant to Article 11, [Section 5](#) of the Texas Constitution and [Chapter 9](#) of the Texas Local Government Code; and

WHEREAS, a home-rule municipality has full power of local self-government, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 51, [Section 51.072\(a\)](#); and

WHEREAS, the City shall have the power to enact and enforce ordinances necessary to protect health, life, and property and to prevent and summarily abate and remove all nuisances, and to preserve and enforce good government, order, and security of the City and its inhabitants, pursuant to Article III, [Section 2](#) of the Mesquite City Charter; and

WHEREAS, a home-rule municipality may enforce ordinances necessary to protect health, life, and property, and to preserve the good government, order, and security of the municipality and its inhabitants, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 54, [Section 54.004](#), as amended; and

WHEREAS, upon full review and consideration of all matters attendant and related thereto, the City Council is of the opinion this ordinance should be approved and adopted.

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

SECTION 1. Recitals Incorporated.

The City Council hereby finds and determines the recitals made in the preamble of this ordinance are true and correct, and hereby incorporates such recitals here in the body of this ordinance as if copied in their entirety.

SECTION 2. Repealing Ordinance No. 4691.

That Ordinance No. 4691 is repealed as of the date of this ordinance.

SECTION 3. Adoption of Plans.

The City Council hereby approves and adopts the **2024 Plans** as identified in **EXHIBIT A**, and said **EXHIBIT A** is attached hereto and made a part hereof.

SECTION 4. Mesquite City Code Text Amendment.

Amending Chapter 16 – WATER AND LIQUID WASTE.

The Mesquite City Code is hereby amended by deleting existing Sec. 16-12 in its entirety and adding new Sec. 16-12 (Adoption of Water Conservation Plan, and the Water Resource and Emergency Management Plan) and said section shall now read as follows, and in all other respects, said Code, Chapters, and Articles shall remain in full force and effect:

* * *

**Sec. 16-2. – Adoption of Water Conservation Plan, and the
Water Resource and Emergency Management Plan.**

- (a) *Adoption of the plans.* The City Council of the City of Mesquite hereby adopts the City of Mesquite 2024 Water Conservation Plan, and the Water Resource and Emergency Management Plan, which are incorporated herein by reference as if set forth in full.
- (b) *Location of the plans.* A copy of the plans shall be kept on file in the Office of the City Secretary.
- (c) *Orders issued under the plans.* The City Manager, or his/her designee, is authorized to order that the appropriate stage of emergency response be implanted as detailed in the Water Resource and Emergency Management Plan. To be effective, the order must be:
 - (1) Made by public announcement; and
 - (2) Published in a newspaper of general circulation in the City within twenty-four (24) hours after the public announcement, which order becomes immediately effective upon publication.

(Ord. No. 4383, § 2, 9-21-15; Ord. No. 4691, § 2, 7-1-19)

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SECTION 5. Filing with the TCEQ.

The City Manager, or his/her designee, is hereby directed to file a copy of this Ordinance and the Plan with the Texas Commission on Environmental Quality (“TCEQ”) in accordance with Title 30, Chapter 288 of the Texas Administrative Code, as amended or successor.

SECTION 6. Conflicts Resolution Clause.

In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Mesquite and the provisions of this Ordinance, the provisions of this Ordinance shall be controlling.

SECTION 7. Severability Clause.

Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance and the Mesquite City Code, as hereby or previously amended, which shall remain in full force and effect.

SECTION 8. Penalty Clause.

8.1 Any violation of the provisions or terms of this ordinance by any “person,” as defined in Mesquite City Code, Chapter 1, [Section 1-2](#), shall be deemed a Class C Misdemeanor criminal offense, and upon conviction thereof, shall be subject to a penalty of fine, or any other general penalties, as provided in Mesquite City Code, Chapter 1, [Section 1-6](#), as amended.

8.2. Any “customer,” defined pursuant to 30 Tex. Admin. Code Chapter 291, as amended or successor, failing to comply with the provisions of the Plan shall be subject to a fine of up to two thousand dollars (\$2,000.00) and/or discontinuance/disconnection of water service by the City.

SECTION 9. Publication.

The descriptive caption of this ordinance shall be published in the City’s official newspaper in accordance with Mesquite City Charter, Article IV, [Section 24](#); and Texas Local Government Code, Chapter 52, [§ 52.013](#).

SECTION 10. Effective Date.

This ordinance after its passage and publication shall take effect on, and be in force from and after, five (5) days after publication thereof, in accordance with Mesquite City Charter, Article IV, [Section 24](#), and it is accordingly so ordained.

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**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
MESQUITE, TEXAS, ON THE 6th DAY OF MAY 2024.**

DocuSigned by:

Daniel Aleman Jr.

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Daniel Alemán, Jr .
Mayor

ATTEST:

DocuSigned by:

Sonja Land

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Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:

DocuSigned by:

David L. Paschall

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David L. Paschall
City Attorney