

## **ARTICLE VII. EMERGENCY WATER USE PLAN<sup>1</sup>**

### **Sec. 26-135. Definitions.**

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them:

*Gas well operations* means the use of water from the public water system for the purposes of extraction of natural gas to include drilling, fracturing or site pond filling.

*Person* means any individual, partnership, co partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns.

*Plan* means the emergency water use plan.

*User* means any person connected to the city's water system and includes owners and/or occupants of such premises.

*Water* means water taken from any city public water supply or distribution system.

(Ord. No. 7220, § 1, 7-5-05; Ord. No. 9294-2011, § 1, 11-1-11)

### **Sec. 26-136. Plan adoption.**

The purpose of this article is to establish the City of Grand Prairie's policy in the event of shortages or delivery limitations in the city's water supply, or in the case of equipment malfunctions or similar emergency situations. The Emergency Water Use Plan, as revised and dated July 5, 2005, is adopted and shall be incorporated herein as if fully set forth herein and enforceable as part of this article. As recommended by the Texas Water Development Board and the Texas Commission on Environmental Quality, the plan shall consist of escalating phases of water use restrictions that are based on appropriate triggering conditions developed by the city's engineering/utilities services department. The plan shall provide procedures for voluntary and mandatory actions to be placed into effect to temporarily reduce the demand placed upon the city's water supply system during a water shortage emergency. A copy of the plan hereby adopted shall be on file in the office of the city secretary.

(Ord. No. 7220, § 1, 7-5-05)

### **Sec. 26-137. Applicability.**

This article applies to all persons, premises, and retail and wholesale customers receiving water from the city's water system.

(Ord. No. 7220, § 1, 7-5-05)

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<sup>1</sup>Editor's note(s)—Ord. No. 7220, § 1, adopted July 5, 2005, amended Art. VII, §§ 26-135—26-146, in its entirety. Formerly, said article pertained to similar subject matter as enacted by Ord. No. 5629, § 1, adopted Aug. 6, 1996; as amended.

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### **Sec. 26-138. Emergency order—Implementation.**

The director of engineering/utilities services, upon determination by the utility operations manager that the conditions of a water emergency exist, shall advise the city manager. The city manager may order that the appropriate stage of emergency response, as detailed in the plan, be implemented. To initiate effective implementation of the plan, the order must be made by public announcement and published in a newspaper of general circulation in the city within twenty-four (24) hours after such public announcement, which order then becomes immediately enforceable upon publication.

(Ord. No. 7220, § 1, 7-5-05)

### **Sec. 26-139. Same—Duration; change; extension; termination.**

The city manager shall inform the city council of the order as quickly as feasible. Upon the recommendation of the director of engineering/utilities services, the city manager may upgrade or change the stage of emergency in accordance with the appropriate triggering conditions. Any change in the stage of the order must be made in the same prescribed manner. The city manager may terminate the order when a determination has been made that the conditions creating the emergency no longer exist. The termination order shall be issued in the same manner as the initiation order.

(Ord. No. 7220, § 1, 7-5-05; Ord. No. 9294-2011, § 2, 11-1-11)

### **Sec. 26-140. Review; modification.**

It shall be the responsibility of the city's director of engineering/utilities services to periodically review the plan and make recommendations of any needed changes to the city manager. The city manager shall have the authority to approve and direct the incorporation of any needed changes to the plan.

(Ord. No. 7220, § 1, 7-5-05)

### **Sec. 26-141. Enforcement authority.**

The city manager shall have the authority to designate the enforcement authority for this article. The enforcement authority and other duly authorized employees of the city bearing proper credentials and identification are entitled to enter any public or private property at any reasonable time for the purposes of enforcing this article. Persons or occupants of premises who are users of the city's water system shall allow the city or their representative's ready access at all reasonable times to all parts of the premises for the purposes of inspection or in the performance of any of their duties. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(Ord. No. 7220, § 1, 7-5-05)

### **Sec. 26-142. Notice of violation.**

The city may serve a person or user in violation of this article with written notice stating the nature of the violation and providing a time limit for satisfactory compliance, this notice may be in the form of a door hanger.

(Ord. No. 7220, § 1, 7-5-05)

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**Sec. 26-143. Continuing violation.**

The city may order any person or user who remains in violation to show cause before the director of engineering/utilities services why enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the director of engineering/utilities services regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail at least twenty-four (24) hours before the hearing. Service may be made on any agent or officer of a corporation.

(Ord. No. 7220, § 1, 7-5-05)

**Sec. 26-144. Penalty for violation.**

- (a) A person or user who violates any provisions of this article is guilty of a misdemeanor and upon conviction, is punishable by a fine as provided in section 1-8 of the Code of Ordinances of the city, or any amendment thereto or renumbering thereof, for violations of public health, for each act of violation, and for each day of violation.
- (b) In addition to proceeding under the authority of subsection (a) of this section, the city is entitled to pursue all other criminal and civil remedies to which it is entitled under authority of statutes or other ordinances against a person for violations of this article.

(Ord. No. 7220, § 1, 7-5-05)

**Sec. 26-145. Water service termination.**

In addition to other provisions contained in this chapter for water service termination, the city shall have the authority to terminate water service as provided below:

- (1) To make repairs and/or modifications necessary to protect the integrity of the water/wastewater system;
- (2) To abate a public nuisance dangerous to human health; and
- (3) To respond to a second violation of a phase three (3) or four (4) restriction, including, but not limited to, vehicle washing, landscape watering, or construction water use, restricted in the city's emergency water use plan when in effect, which use, in the opinion of the director of engineering/utilities services, threatens the integrity of the city's water system, indicates a conscious indifference to the emergency water use plan, and/or is dangerous to human health.

(Ord. No. 7220, § 1, 7-5-05)

**Sec. 26-146. Emergency relief.**

Nothing within this article shall be construed to limit the authority of the mayor, the city council, or the city manager to seek emergency relief under the provisions of any state or federal disaster relief regulations.

(Ord. No. 7220, § 1, 7-5-05)

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**Secs. 26-147—26-149. Reserved.**