

**ORDINANCE NO. 196**

**AN ORDINANCE IMPOSING A MORATORIUM ON ALL NEW WATER CUSTOMERS IN THE CITY OF PELICAN BAY AND IMPOSING A MORATORIUM ON OUTSIDE WATER USE UNTIL THE WATER SUPPLY IS INCREASED OR REPAIRED TO THE POINT THAT THERE IS SUFFICIENT WATER TO SERVE EXISTING CUSTOMERS; ESTABLISHING A PENALTY; AND AUTHORIZING PUBLICATION.**

**WHEREAS**, THE CITY OF PELICAN BY IS UNABLE TO PROVIDE ADEQUATE WATER SERVICE TO ITS EXISTING CUSTOMERS, DUE TO INADEQUATE WATER SUPPLY AND CONTINUING DROUGHT; AND

**WHEREAS**, SUBCHAPTER E OF CHAPTER 212 OF THE TEXAS LOCAL GOVERNMENT CODE APPLIES TO MORATORIA TO RESIDENTIAL CUSTOMERS; AND

**WHEREAS**, THE NEW CITY WELL REQUIRED TO PROVIDE ADEQUATE WATER HAS NOT BEEN APPROVED FOR PRODUCTION BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY; AND

**WHEREAS**, TWO PUBLIC HEARINGS WERE HELD AFTER PUBLICATION OF NOTICE OF TIME AND PLACE AT LEAST FOUR DAYS PRIOR THERETO IN A NEWSPAPER OF GENERAL CIRCULATION IN THE CITY; AND

**WHEREAS**, THE CITY COUNCIL DESIRES TO ENACT WATER RESTRICTIONS AND TO IMPOSE A MORATORIUM ON RESIDENTIAL CUSTOMERS IN ORDER TO PROTECT THE HEALTH AND SAFETY OF ITS CUSTOMERS UNTIL SUCH TIME AS THE CITY CAN SECURE ADDITIONAL WATER; **NOW THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PELICAN BAY, TEXAS:**

SECTION 1: THAT NO WATER METER SHALL BE SET AND NO WATER CONNECTION SHALL BE ALLOWED FOR ANY NEW RESIDENTIAL WATER CUSTOMER IN THE CITY . IF THERE IS AN EXISTING WATER METER FOR A LOCATION AT THE TIME THIS ORDINANCE IS PASSED, A NEW CUSTOMER MAY BE ALLOWED TO UTILIZE THE CONNECTION. BEGINNING THE FIFTH BUSINESS DAY AFTER PUBLICATION OF NOTICE OF A PUBLIC HEARING HEREON, A TEMPORARY MORATORIUM ON BUILDING PERMITS, AUTHORIZATIONS AND APPROVALS NECESSARY FOR SUBDIVISION OR SITE PLANNING OF REAL PROPERTY OR CONSTRUCTION SHALL BE IN EFFECT.

SECTION 2: NO BUILDING PERMIT SHALL BE ALLOWED FOR ANY NEW RESIDENCE OR COMMERCIAL ESTABLISHMENT AND NO MOBILE HOME, HUD CODE MANUFACTURED HOUSING, OR INDUSTRIALIZED HOUSING SHALL BE ALLOWED IN THE CITY, EXCEPT AS A REPLACEMENT OF FOR A STRUCTURE WHICH HAS AN EXISTING WATER CONNECTION.

SECTION 3: ALL OUTSIDE WATERING, WASHING OF AUTOMOBILES AND TRUCKS, FILLING OF SWIMMING POOLS, AND OTHER UNESSENTIAL OUTSIDE WATER USAGE IS HEREBY PROHIBITED.

SECTION 4: THIS MORATORIUM SHALL CONTINUE UNTIL THE CITY IS ABLE TO INCREASE ITS WATER SUPPLY TO A POINT THAT IT IS CAPABLE OF SERVING EXISTING CUSTOMERS.

SECTION 5: VIOLATION OF SECTION 3 OF THIS ORDINANCE IS PUNISHABLE BY A FINE OF FIVE HUNDRED DOLLARS (\$500.00). EACH DAY ANY SUCH VIOLATION SHALL CONTINUE SHALL CONSTITUTE A SEPARATE OFFENSE PUNISHABLE HEREUNDER.

SECTION 6: THE CITY SECRETARY SHALL CAUSE THE DESCRIPTIVE PUBLICATION AND PENALTY CLAUSES HEREOF TO BE PUBLISHED.

**AND IT IS SO ORDAINED.**

PASSED ON FIRST READING ON THE 8 DAY OF March, 2008, BY A VOTE OF 4 TO 0.

PASSED ON SECOND READING ON THE 11 DAY OF March, 2008, BY A VOTE OF 4 TO 0.

**CITY OF PELICAN BAY**

BY:

SANDY TOLBERT, MAYOR

ATTEST:

  
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DIANE HESTER, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

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GEORGE A. STAPLES, ATTORNEY

NOTE: THIS ORDINANCE MUST BE PASSED ON SECOND READING WITHIN 12 DAYS AFTER THE DATE OF THE FIRST PUBLIC HEARING. TWO PUBLIC HEARINGS ARE REQUIRED AND THE MEETINGS MUST BE SEPARATED BY AT LEAST FOUR DAYS.