

**TOWN OF FAIRVIEW, TEXAS**  
**ORDINANCE NO. 2024-21**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS, AMENDING THE CODE OF ORDINANCES, TOWN OF FAIRVIEW, TEXAS. CHAPTER 13 "UTILITIES", BY AMENDING ARTICLE 13.07 "WATER CONSERVATION PLAN", AND PROVISIONS THEREIN; PROVIDING FOR A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**WHEREAS**, the Town has determined an urgent need in the best interest of the public to adopt a Water Conservation Plan; and

**WHEREAS**, pursuant to Chapter 54 of the Local Government Code, the Town is authorized to adopt such Ordinances necessary to preserve and conserve its water resources and said provisions have been codified in the Code of Ordinances, Town of Fairview, Texas (Fairview Code), under Chapter 13 "Utilities"; and

**WHEREAS**, the Town Council of the Town of Fairview desires to amend said Chapter 13 of the Fairview Code by adopting the current North Texas Municipal Water District (the "NTMWD") Water Conservation and Water Resource and Emergency Management Plan as official Town policy for the conservation of water.

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

**Section 1.** The recitals set forth in the preamble of this ordinance are incorporated herein by reference as if set forth in full for all purposes.

**Section 2.** Chapter 13, "Utilities", Article 13.07, "Water Conservation Plan" of the Fairview Code is hereby amended by repealing said article in its entirety and replacing it with the attached Exhibit "A" Water Conservation and Water Resource and Emergency Management Plan ". The Town Council hereby approves and adopts the NTMWD Model Water Conservation

Plan (the "Plan"), attached hereto as Addendum A, as if recited verbatim herein. The Town commits to implementing the requirements and procedures set forth in the adopted Plan.

**Section 3.** Any customer, defined pursuant to 30 Tex. Admin. Code Chapter 291, failing to comply with the provisions of the Plan and the regulations adopted under this ordinance shall be subject to a fine of up to two thousand dollars (\$2,000.00) and/or discontinuance of water service by the Town. Proof of a culpable mental state is not required for a conviction of an offense under this section. Each day a customer fails to comply with the Plan is a separate violation. The Town's authority to seek injunctive or other civil relief available under the law is not limited by this section.

**Section 4.** The Town 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 Town Council further ratifies, approves and confirms such written notice and the posting thereof.

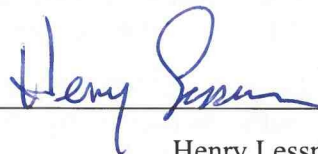
**Section 5.** Should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected.

**Section 6.** The Town Manager or his/her 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.

**Section 7.** The Town Secretary is hereby authorized and directed to cause publication of the descriptive caption of this ordinance as an alternative method of publication provided by law.

**Section 8.** This ordinance shall take effect upon passage and publication and it is accordingly so ordained.

PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW,  
TEXAS, ON THIS THE 26th DAY OF AUGUST 2024.



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Henry Lessner, Mayor

Town of Fairview, Texas

ATTEST:

  
Joshua Stevenson, Town Secretary

APPROVED AS TO FORM:

  
Clark McCoy, Town Attorney

