

**ORDINANCE No. 2016-230
CITY OF SHOREACRES, TEXAS**

AN ORDINANCE PROHIBITING THE MISUSE OR WASTE OF CITY WATER; PROVIDING FOR THE SUSPENSION OF WATER SERVICE FOR WASTE OF CITY WATER; PROVIDING FOR THE RESTORATION OF WATER SERVICE; PROVIDING FOR A PENALTY FOR NONCOMPLIANCE; CONTAINS A SAVINGS CLAUSE; CONTAINING A SEVERABILITY CLAUSE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

* * * * *

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

That the Shoreacres City Code is hereby amended by adding a section, to be numbered 66-61, which section reads as follows:

Section 66-61. Waste or misuse of water prohibited.

- (a) No person shall recklessly, flagrantly or wantonly misuse or waste, or cause to be misused or wasted, water supplied by the City, or conveyed through the City's water transmission facilities. For purposes of this section, the following are specifically determined to constitute reckless, flagrant or wanton misuse and waste:
- (1) Any irrigation of lawns or plants which, due to excess application of water, results in an excessive and/or prolonged flow of water off the property being irrigated;
 - (2) Use of any plumbing system, irrigation system, connection or fixture, which by reason of misuse, damage, disrepair, inadequate maintenance or dilapidation, wastes City water;
 - (3) Any plumbing system, irrigation system, connection or fixture, which by reason of misuse, damage, disrepair, inadequate maintenance or dilapidation, results in an excessive and/or prolonged flow of water off the property or into the public right-of-way, river, stream, bayou, creek, lake, bay, into a storm drainage system, or into a sanitary sewer system.

That the Shoreacres City Code is hereby amended by adding a section, to be numbered 66-62, which section reads as follows:

Section 66-62. Preventing waste of water – suspension of water service.

(a) In order to prevent the waste of water, the city administrator is authorized or his/her authorized designee to suspend water service whenever:

(1) There is visible, excessive, and prolonged flow of water off the property; and, the utility superintendent has certified that the customer's consumption exceeds 1,500 gallons over a period of not less than twenty-four (24) hours and no more than thirty-two (32) hours and provided the written notice required by subsection (b) is issued to the customer; or,

(2) The utility superintendent has certified that the customer's consumption exceeds 100,000 gallons over a period of twenty-one (21) days or less and provided the written notice required by subsection (c) is issued to the customer.

(b) Upon a complaint of waste of water by the visible, excessive, and prolonged flow of water off the property, the utility superintendent shall read the meter and provide a written notice of the complaint to the customer or place such notice at the public entry door of the service location. The notice shall inform the customer of the initial meter reading together with the date and time of the reading and that use in excess of 1,500 gallons over the next twenty-four (24) hours to thirty-two (32) hours may result in suspension of water service.

(c) Upon a finding that the customer's consumption exceeds 100,000 gallons in less than twenty-one (21) days the utility superintendent shall provide a written notice of service suspension to the customer or place such notice at the public entry door of the service location. The notice shall inform the customer of the two meter readings, the date and time of each reading, and the volume of water consumed.

That the Shoreacres City Code is hereby amended by adding a section, to be numbered 66-63, which section reads as follows:

Section 66-63. Restoration of suspended water service.

Water service that has been suspended in accordance with Sec. 66-62 shall only be restored (reconnected) upon the customer's payment of a fifty dollar (\$50.00) reconnection fee and payment in-full of any outstanding utility balance due the City on the account.

That the Shoreacres City Code is hereby amended by adding a section, to be numbered 66-64, which section reads as follows:

Section 66-64. Penalty for noncompliance.

Users of city water, except for the city, that do not comply with section 66-62 or 66-63 shall be subject to a penalty as provided in section 1-14 for each day of noncompliance.

* * * *

That if any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance; and,

That the City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public 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 the contents and posting thereof.

PASSED AND APPROVED this the 28th day of November 2016.

(CITY SEAL)

Mayor has returned this document without a signature

Kimberly Sanford, Mayor

ATTEST:

David K. Stall, CFM, TEM
City Secretary

M/2		Yea	Nay	N/V	Absent
	K. Sanford	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
M	R. Bowles	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	R. Hoskins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	D. Jennings	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Z	J. McKown	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	N. Schnell	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Passed / Failed 11.28.16
David Stall, City Secretary - Date

City of Shoreacres



RECONSIDERATION

The below referenced ordinance or resolution, a copy of which is attached hereto was considered and passed by City Council on December 6, 2016.

Ordinance/Resolution

No. O-2016-230

Caption

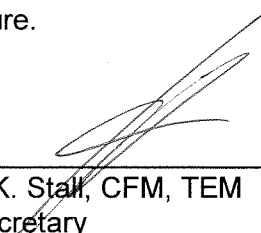
AN ORDINANCE PROHIBITING THE MISUSE OR WASTE OF CITY WATER; PROVIDING FOR THE SUSPENSION OF WATER SERVICE FOR WASTE OF CITY WATER; PROVIDING FOR THE RESTORATION OF WATER SERVICE; PROVIDING FOR A PENALTY FOR NONCOMPLIANCE; CONTAINS A SAVINGS CLAUSE; CONTAINING A SEVERABILITY CLAUSE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

On December 1, 2016, Ordinance No. 2016-230 was vetoed by the Mayor and sent back to City Council unsigned for reconsideration. A copy of the Return for Reconsideration is attached hereto.

On December 6, 2016, City Council met and reconsidered Ordinance No. 2016-230.

Certification of Reconsideration, Approval, and Adoption

I hereby certify that Ordinance No. 2016-230 was reconsidered and passed by City Council on December 6, 2016, and as a result thereof is effective immediately without the mayor's signature.



David K. Stall, CFM, TEM
City secretary

12.07.2016

Date

M/Z		Yea	Nay	N/V	Absent
	K. Sanford	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	R. Bowles	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	R. Hoskins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	D. Jennings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Z	J. McKown	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M	N. Schnell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Passed / Failed

12.07.16

David Stall, City Secretary - Date

Veto

Post by KimSanford » Thu Dec 01, 2016 11:13 am

Council:

I have vetoed all 3 items passed on Monday. The issue for the past three yrs has been stagnant water not a clean water break. The clean water break is something that has happened in the past couple months and has not been the center of the majority of the complaints. The health issue is from stagnant water and raw sewage. I also don't agree with passing an ordinance for one house. I don't believe passing the ordinance to cut someone's water off is appropriate. If they pay for the water, it's theirs bought and paid for the city cannot cut their water off except for non payment.

With regards to the budget amendment, we have almost exhausted our budget for attorney fees. Bowles stated on the record he has "personal" issue with me and was the reason behind his ordinance removing access to the books. Mr. Bowles, you are not allowed to vote on issues that are personal and using your seat for personal vendetta is official misconduct. Additionally, I believe your statements slanderous. You have at almost every council meeting proposed something against the Mayor which the citizens have to pay for. I believe what you are doing is official oppression and I will be pursuing litigation against you personally.

With regard to the removal of access, Mr. Stall has ran our city bills through his personal credit cards for eleven years, he has refused access to those statements. Council has attempted to charge Mayor expenses for my request for copies of all payments to Mr. Stall which I'm entitled to in my official capacity at no charge. Additionally, council passed a resolution requesting I reimburse the city for a Open Records Request I made as a citizen. I believe this to be in violation of the public information act. If the city was going to charge me for my request they are required by law to send me an invoice notifying me of the cost prior to releasing the information. The city can not charge me months later for a ORR I already received. If there was any cash back rewards or anything similar that Mr. Stall received as a result of running the city bills through his credit card, I believe that belongs to the city but I don't know what benefit he has received because he refuses to provide copies of those which I believe to be public information. I am entitled to access as the budget officer. Mr. Stall has shredded time sheets and maneuvered sick time. I do not trust him to give me what I asked for. Additionally, under state law I am to inspect the conduct of municipile officers. Your interfering with that duty by not allowing me to see the books in their true form. This raises even more concern for me.

Finally, I believe Bowles should have to reimburse the citizens for attorney fees that he has racked up having the attorney research and draft ordinances against myself. I believe the attorney also needs to reimburse the citizens for the bad advice he gave council last year that cost the city thousands in tax dollars as well as the tax money spent for the attorney to discuss David Stalls contract with David Stall. The city should not be footing the bill for council to attack other council members either. Get your own attorney and stop spending the citizens tax dollars.

Mayor Sanford