

**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.

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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 24th day of October 2016.

(CITY SEAL)

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 type="checkbox"/>
M	R. Bowles	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	R. Hoskins	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	D. Jennings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	J. McKown	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	N. Schnell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Died for lack of a second.
Passed / Failed David Stall 10/24/16
David Stall, City Secretary - Date