



## **ORDINANCE 2015-03**

### **AN ORDINANCE PERTAINING TO ILLEGAL WATER CONNECTIONS AND/OR THE THEFT OF WATER RELATED TO THE WATER SUPPLY FOR THE CITY OF CITY OF TOM BEAN**

WHEREAS, the City Council of the City of Tom Bean has adopted a Water Conservation and Drought Contingency and Water Emergency Response Plan; and

WHEREAS, the City Council recognizes that the amount of water available to its water customers is limited; and

WHEREAS, pursuant to Chapter 54 of the Local Government Code, the City Council of the City of Tom Bean is authorized to adopt such policies necessary to preserve and conserve available water supplies; and

WHEREAS, the City Council of the City of Tom Bean seeks to adopt an Ordinance pertaining to illegal water connections and theft of water;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TOM BEAN THAT:

SECTION 1: The Tom Bean City Council hereby approves and adopts this Ordinance as described herein.

SECTION 2: That all ordinances that are in conflict with the provisions of this ordinance are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3: A person commits an offense of theft of water by any of the following actions:

(a) A person may not knowingly tamper, connect to, or alter any component of the City's water system including valves, meters, meter boxes, lids, hydrants, lines, pump stations, ground storage tanks, and elevated storage tanks. This shall include direct or indirect efforts to initiate or restore water service without the approval of the City.

(b) If, without the written consent of the Mayor, the person knowingly causes, suffers, or allows the initiation or restoration of water service to the property after termination of service(s). For purposes of this section, it shall be assumed that the owner, occupant, or person in control of the property caused, suffered, or allowed the unlawful initiation or restoration of service(s).

(c) A person may not knowingly make or cause a false report to be made to the City of a reading of a water meter installed for metered billing.

(d) A person commits a separate offense each day that the person performs an act prohibited by this section or fails to perform an act required by this section.

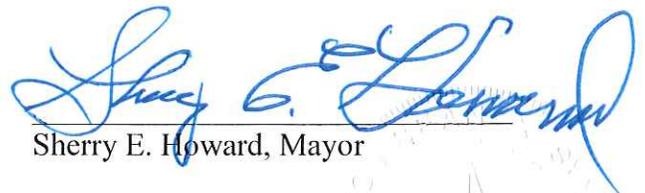
SECTION 4: An offense under this Ordinance is a Class C misdemeanor punishable by a monetary fine of up to two thousand dollars (\$2,000.00) and/or discontinuance of water service by the City.

SECTION 5: The Tom Bean City Council does hereby find and declare that the meeting at which this Ordinance is passed is open to the public as required by law and sufficient written notice of the date, hour, place and subject of the meeting considering this Ordinance was posted at a designated place convenient to the public for the time required by law preceding this 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 City Council further ratifies, approves and confirms such written notice and the posting thereof.

SECTION 6: 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 7: The City 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.

PASSED AND APPROVED this the 8th day of June, 2015.

  
Sherry E. Howard, Mayor

ATTEST:

  
Cathy Pugh, City Secretary