

CITY OF THE COLONY, TEXAS

ORDINANCE NO. 2012-1975

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, AMENDING OF THE CODE OF ORDINANCES, CHAPTER 12, ARTICLE VI, SECTION 12-103, ENTITLED “UTILITY CONNECTIONS”, BY ADDING A NEW SUBSECTION (A)(2)E., BY AUTHORIZING THE REMOVAL OF WATER AND SEWER METERS UPON REMOVAL OF STRUCTURES FROM THE PROPERTY; AMENDING CHAPTER 12, ARTICLE VI, SECTION 12-118 ENTITLED “OFFENSES AGAINST THE WATER SYSTEM; PRIMA FACIE EVIDENCE”, BY ADDING A NEW SUBSECTION (C)(22), BY PROHIBITING PERSONS FROM KNOWINGLY CAUSING, OR ALLOWING THE INITIATION OR RESTORATION OF WATER SERVICE TO PROPERTY AFTER TERMINATION OF SERVICES WITHOUT THE WRITTEN CONSENT OF THE CITY MANAGER OR HIS DESIGNEE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF A FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR EACH AND EVERY OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council has discussed and considered such revisions and has determined that it is in the best interest of the City of The Colony, Texas, to amend Chapter 12, Article VI, Section 12-118 by adding a new subsection (c)(22) to address the initiation of water service without the effective consent of the City Manager or his designee.

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

SECTION 1. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. That the Code of Ordinances of the City of The Colony, Texas, be, and the same is, hereby amended by amending Chapter 12, Article VI, Section 12-103, entitled “Utility connections,” by adding a new subsection (a) (2) e., which shall read as follows:

“Sec. 12-103. Utility connections.

...

- e. Whenever metering is provided for receiving water and sewer service, and the residential or commercial structure is demolished and removed from said property, said meter(s) shall be removed from the property at the direction of the director of public works.”

SECTION 3. That the Code of Ordinances of the City of The Colony, Texas, be, and the same is, hereby amended by amending Chapter 12, Article VI, Section 12-118, entitled “Offenses against the water system; prima facie evidence,” by adding a new subsection (c) (22), which shall read as follows:

“Sec. 12-118. Offenses against the water system; prima facie evidence.

...

(c) It shall be unlawful for any person to: . . .

(22) If, without the written consent of the city manager or the city manager’s designee, the person knowingly causes, suffers or allows the initiation or restoration of water service to the property after termination of services(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 services(s).”

SECTION 4. If any section, article paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any persons or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5. That all provisions of the Ordinances of the City of The Colony, Texas, in conflict with the provisions of this ordinance be, and the same are hereby amended, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 6. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of The Colony, Texas, shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense. Every day a violation occurs shall constitute a separate offense.

SECTION 7. This Ordinance shall become effective from and after its date of passage in accordance with law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, THIS 18th day of September , 2012.

/s/Joe McCourry, Mayor

ATTEST:

/s/Christie Wilson, City Secretary

APPROVED AS TO FORM:

/s/Jeff Moore, City Attorney