

**CITY OF CRESSON
ORDINANCE NO. 2023-007**

AN ORDINANCE OF THE CITY OF CRESSON, TEXAS, AMENDING ARTICLE I, "IN GENERAL," OF CHAPTER 12, "ENVIRONMENT," OF THE CODE OF ORDINANCES, CITY OF CRESSON, TEXAS, BY PROVIDING REGULATIONS FOR THE REPAIR OF A WATER OR SEWER LEAK; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Cresson, Texas, is a Type A general-law municipality located in Johnson, Hood, and Parker Counties, Texas, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City of Cresson has adopted a Drought Contingency Plan which provides regulations regarding efficient water use practices for water that is provided by the Bluebonnet Hills Water Supply Corporation; and

WHEREAS, the Drought Contingency Plan does not regulate all of the properties located within the City of Cresson; and

WHEREAS, the City Council of the City of Cresson, desires to provide certain regulations related to efficient water use practices throughout the City; and

WHEREAS, the City Council of the City of Cresson, finds that neglecting to repair water and sewer leaks in neighborhoods has the potential to disrupt the quiet enjoyment of the City's residential neighborhoods and generate undesirable waste; and

WHEREAS, the City Council of the City of Cresson, acknowledges that water and sewer leaks are a potential nuisance and hazard to surrounding areas and neighborhoods in the City of Cresson; and

WHEREAS, the City Council of the City of Cresson, desires to protect the health, safety, and welfare of its citizens by creating a violation for neglecting to repair water and sewer leaks.

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

SECTION 1.

Article I, "In General," of Chapter 12, "Environment," of the Code of Ordinances, City of Cresson, Texas is hereby amended by adding Section 12-2, "Repair of Water and Sewer Leaks," to read as follows:

"Sec. 12-2. - Repair of water and sewer leaks.

- (a) It shall be unlawful for the owner or occupant of any property, building, or residence or other place to allow a water or sewer leak to remain unrepaired once the City of Cresson has given notice of a leak. This includes, but is not limited to, a broken sprinkler head, a leaking valve, leaking or broken pipes, or a leaking faucet.

- (b) All water leaks shall be repaired within 7 days of notice. If a leak has not been repaired within 7 days of notice, water service may be shut off immediately to prevent damage or ponding of water.

Secs. 12-3—12-20. - Reserved."

SECTION 2.

This Ordinance shall be cumulative of all provisions of ordinances of the City of Cresson, Texas, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the provisions of such ordinances are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

All rights and remedies of the City are expressly saved as to any and all violations of the provisions of any ordinances affecting efficient water use practice regulations which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 5.

Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) or the maximum allowed by law for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6.

The City Secretary is hereby authorized and directed to cause publication of the caption and penalty clauses of this Ordinance as provided by law.

SECTION 7.

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

PASSED AND APPROVED this 24th day of October, 2023.

City of Cresson, Texas

By: Teena Conway
Teena Putteet Conway, Mayor

ATTEST.



Katy Froyd, City Secretary