

CITY OF ROYSE CITY, TEXAS
ORDINANCE NO. 08-11-689

AN ORDINANCE OF THE CITY OF ROYSE CITY, TEXAS, AMENDING SECTION 13.02.007 OF THE CITY OF ROYSE CITY CODE OF ORDINANCES (TAMPERING WITH OR BYPASSING METER); PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS the City of Royse City, Texas, is a home rule municipality acting under its home rule charter and authority vested by state law;

WHEREAS the City provides various utility services to the residents of the City, and in providing such services, the City has an interest in preventing unlawful damage to the City's equipment and in being compensated for damage to the City's equipment; and

WHEREAS the City is authorized to recover reasonable fees for providing utility services.

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

SECTION 1

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

SECTION 2

That Section 13.02.007 of the City of Royse City Code of Ordinances (Tampering with or bypassing meter) is hereby amended to read as follows:

(a) The city will prosecute persons who tamper with or bypass a water meter that has been turned off and/or locked. Tampering with or bypassing a meter shall be prosecuted in accordance with the Code of Criminal Procedure and/or the Penal Code, as they exist or may be amended.

(b) In addition to any other remedies the City may have, the customer will be billed for expenses for damage to, replacement of, destruction of or misuse of the City's equipment and for water and sewer services not recorded on the customer's meter by reason of the tampering or service diversion at the appropriate rate (the amount of which may be estimated by the City from the best available data). Such expenses may be added to the customer's utility bill.

SECTION 3

That all provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 4

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Royse City hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 5

This Ordinance shall be effective upon its passage and publication as required by law.

DULLY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROYSE CITY, TEXAS on this 11th day of November, 2008.



JIM MELLODY, Mayor

ATTEST:


BRENDA CRAFT, City Secretary



APPROVED AS TO FORM:


JASON DAY, City Attorney

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