

ORDINANCE NO. 223

AN ORDINANCE ADOPTING REGULATIONS FOR SHUTTING OFF WATER DUE TO LEAKS FOR UNOCCUPIED HOMES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Annetta, Texas is a Type A general law municipality located in Parker County, 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 Town of Annetta operates its own water system in order to provide water services within and outside the boundaries of the Town; and

WHEREAS, the Town has experienced unintentional high-water usage by customers of unoccupied homes due to leaks; and

WHEREAS, the Town's sole water source is groundwater, and unnecessary use of water by customers owning unoccupied homes due to leaks is harmful to the Town's water supply; and

WHEREAS, the Town Council finds and declares that continuous leaks are a nuisance and a threat to public health and safety; and

WHEREAS, the Town Council finds that conservation of water and protection of water supplies are in the best interest of its citizens and are necessary to protect the public health, safety and welfare; and

WHEREAS, the Town Council desires to establish regulations for shutting off water due to leaks in order to protect the health, safety, and welfare of its residents and water customers.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ANNETTA, TEXAS, THAT:

SECTION 1

The following words, terms and phrases as used in this ordinance shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning:

"Leak" means the Town has determined, through its smart water meters, that a Property is using 10 gallons or more of water per hour for a period of greater than 24 consecutive hours.

"Property" means a lot or tract of real property on which an unoccupied single-family residence is located.

"Owner" means a person or entity having title to the Property where the water service is provided. The term includes any representative as identified on the water application for the Property.

SECTION 2

The Town may disconnect water service at a Property due to a Leak provided all of the following have occurred: (i) the Town has attempted to contact the Owner via electronic mail or telephone at least two times based on contact information provided in Owner's water application and Owner remains unresponsive; and (ii) Town has sent Owner a letter, via certified mail return receipt requested, based on contact information provided in Owner's water application, informing Owner that Town will disconnect water service for the Property and (a) Owner has not responded to Town within 10 days of receipt of the letter, or (b) delivery of the letter is refused or the letter is designated by the postal authorities as undeliverable, as the case may be.

SECTION 3 CUMULATIVE OF ALL ORDINANCES

This ordinance shall be cumulative of all provisions of ordinances of the Town of Annetta except when the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

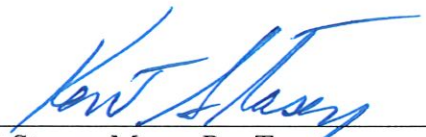
SECTION 4 SEVERABILITY

It is hereby declared to be the intention of the Town 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 invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or 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 Town Council without the incorporation in this ordinance of any such invalid or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5 EFFECTIVE DATE

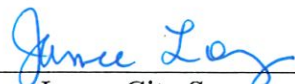
This ordinance shall be in full force and effect after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS 15TH DAY OF SEPTEMBER, 2022.



Kent Stasey, Mayor Pro Tem

Attest:



Jamee Long, City Secretary

