

ORDINANCE NO. 225

AN ORDINANCE AMENDING ORDINANCE NO. 223 ADOPTING TESTING REQUIREMENTS AND SAFETY MEASURES BEFORE DISCONNECTED WATER SERVICE MAY BE REINSTATED; PROVIDING A PENALTY FOR VIOLATION; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Annetta, Texas (“Town”), 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 operates its own water system in order to provide water services within and outside the boundaries of the Town; and

WHEREAS, the Town passed Ordinance No. 223 to regulate and prevent unintentional high-water usage by customers of unoccupied homes; and

WHEREAS, the reconnecting Properties with disconnected water service may result in the introduction of contaminants to the Town water supply;

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 that requiring testing of Properties prior to the reconnection of water service is necessary to prevent the introduction of contaminants to the Town’s water supply, and protection of the water supply is in the best interest of its citizens and necessary to protect the public health, safety and welfare; and

WHEREAS, the Town Council desires to amend regulations for shutting off water to require passed safety tests 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(ies)” 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.

1. No water connection from any public drinking water supply system shall be allowed to any residence or establishment where an actual or potential contamination hazard exists unless the public water facilities are protected from contamination.
2. Prior to restoration of disconnected water services, all of the following must occur:
 - a. The Town will install a meter with backflow prevention device, at the Property owner’s expense;
 - b. Town operations staff shall select representative locations within the customer’s facilities and will obtain water samples to send to a TCEQ-approved lab for chlorine residual and Bac-T testing;
 - c. If either chlorine residual or BAC-T testing fails potable water requirements, water customer shall be responsible for employing a licensed plumber to flush and disinfect the private plumbing; and
 - d. Testing and flushing required in this Section shall be repeated until the testing passes potable water requirements;
 - e. After passage of all testing requirements, full service may be restored.
3. The Property Owner or water service customer shall be responsible for all costs of testing and backflow prevention device installation required for water service restoration. Fees may be established by Council and designated in the Town Fee Schedule.

SECTION 4. PENALTY

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

deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum of not more than two-thousand dollars (\$2,000) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 5.
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 6.
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.

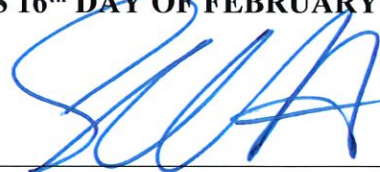
**SECTION 7.
PUBLICATION**

The Town Secretary is hereby directed to publish this Ordinance in compliance with State law.

**SECTION 8.
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 16th DAY OF FEBRUARY, 2023.



Sandy Roberts, Mayor

Attest:



Jamee Long, City Secretary

