

AN ORDINANCE ESTABLISHING A CIVIL PENALTY FOR TAMPERING WITH WATER METERS; REPEALING CONFLICTING ORDINANCES; AND, PROVIDING FOR A SEVERABILITY CLAUSE.

WHEREAS: The City of Devine is a Type A General Law municipality that owns and operates water and sewer systems; and,

WHEREAS: Texas Local Government Code Section 552.001 authorizes a municipality to regulate its water and sewer systems in a manner that protects the interests of the municipality; and,

WHEREAS: The City of Devine has experienced an increase in tampering with water meters; and,

WHEREAS: Due to the tampering with water meters, the City of Devine has incurred increased costs for repairs to the water meters and loss of revenue from the sale of water; and,

WHEREAS: It is the finding of the City Council of the City of Devine that water system customers are in the best position to prevent tampering with water meters; and,

WHEREAS: Texas Local Government Code Section 51.001 authorizes the governing body of any municipality to adopt, publish, amend, or repeal an ordinance, rule or police regulation that is for the good government, peace, or order of the municipality or for the trade and commerce of the municipality and is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality;

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

Section 1. Tampering. Tampering is the unauthorized act of altering or adjusting the reading on a water meter, turning a water meter on after it has been turned off by an authorized city representative, installing piping, hoses, or any other means to bypass the water meter or to allow water use after the water meter has been removed by an authorized person, to divert in any manner water from the water system, to remove any lock placed on the water meter by an authorized person, to act in any manner to provide for or allow water service when such service has been discontinued or disconnected, or to damage any water meter in any manner.

Section 2. Civil Penalty. If a water meter servicing any location on the City of Devine's water system is found to have been tampered with, the meter shall be locked or removed without prior notice. A civil penalty of \$200.00 shall be charged to the account associated with the tampered meter. In addition, the cost of locking, removing, replacing, repairing, and/or reinstalling the meter will be charged to the account. Water service shall not be restored to the location until the civil

penalty and all associated costs are paid. The civil penalty is in addition to any criminal prosecution that may be instituted.

Section 3. Appeal. A water system customer shall have the right to appeal the decision of the Public Utility Director to the City Administrator according to the City's established rules and procedures pertaining to utility services.

Section 4. Repeal. Any existing ordinance or portion of an existing ordinance in conflict with the terms of this ordinance is hereby repealed.

Section 5. Code of Ordinances. It is the intention of the City Council that this Ordinance shall become a part of the Code of Ordinances of the City of Devine and may be renumbered and codified therein accordingly.

Section 6. Effective Date. This ordinance shall take effect immediately upon its passage, approval and official publication as provided by law.

Section 7. Severability. If any section, provision, subdivision, clause or part of this ordinance shall be adjudged or held unconstitutional or invalid, it shall not affect the validity of this ordinance as a whole or any other part or provision contained herein.

PASSED, APPROVED AND ADOPTED at the regular meeting of the Devine City Council held on the 20th day of September, 2016.


WILLIAM L. HERRING, MAYOR

ATTEST:


DORA V. RODRIGUEZ, CITY SECRETARY

