

ORDINANCE NO. 082806-02

AN ORDINANCE OF THE CITY OF MERKEL, TEXAS, RELATING TO UTILITY SERVICES INCLUDING MANDATORY REQUIREMENT FOR WATER AND SEWER HOOK-UPS WITHIN THE CITY OF MERKEL; PROVIDING FOR EXCEPTIONS; PROVIDING A PENALTY AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MERKEL, TAYLOR COUNTY, TEXAS:

SECTION 1.

That utility services within the city limits shall be regulated according to the requirements set forth in Exhibit A which is incorporated by reference and made a part of this ordinance.

SECTION 2.

That exceptions to Section 1 of this ordinance are as stated in Exhibit A.

SECTION 3.

That any person, firm, or corporation violating this Ordinance shall be deemed guilty of a class "C" misdemeanor, and upon conviction thereof shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense.

SECTION 4.

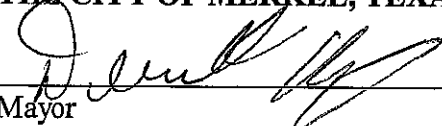
That all ordinances or parts of ordinances in conflict herewith are hereby repealed, and

SECTION 5.

Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper.


PASSED AND APPROVED this the 28th day of August, 2006.

THE CITY OF MERKEL, TEXAS



Mayor

Attest:



City Secretary

Exhibit A

Sec.1. Definitions

For the purposes of this chapter the word "utility" shall be construed to mean and include water, sewer and/or any other utility service furnished by the city to consumers thereof.

Sec. 2. Scope of provisions.

All pertinent provisions of this chapter are hereby made a part of the terms and conditions whereby the city shall furnish any utility service to any person, or whereby the city shall make any utility connections, or perform any work of any kind in connection with the furnishing of any utility service pursuant to the rules and regulations of the city council.

Sec. 3. Service to comply with technical provisions.

Any utility service furnished under the provisions of this chapter shall be in accordance with and in compliance with all applicable technical provisions, state law and city ordinances, rules and regulations.

Sec. 4. Rules, regulations.

The city council shall have the authority to establish by rule or regulation such standards and specifications as may be deemed necessary for the installation, construction and maintenance of any utility service system owned and operated by the city within or without the city and under the management of the council. Such rules, regulations, standards and specifications shall be filed in the office of the city secretary. Violation of such rules, regulations, standards and specifications shall be deemed a misdemeanor.

Sec. 5. Inspection outside city.

In order to protect the utility service supply, the city will not make any water or sewer taps or supply or furnish water outside the city limits until the premises involved have been inspected and approved by the plumbing inspector; provided, however, that nothing contained in this chapter or any other ordinance of the city shall be construed to compel the city to furnish water to consumers outside the city or to continue such supply once begun.

Sec. 6. Right of entry.

Any authorized inspector of the city shall have free access at any time to all premises supplied with any utility service by the city for the purpose of examination in order to protect the utility services from abusive use.

Sec. 7. Termination of service authorized.

The city shall have the right to disconnect or refuse to connect or reconnect any utility service for any of the following reasons:

- (a) Failure to meet the applicable provisions of law;
- (b) Violation of the rules and regulations pertaining to utility service;
- (c) Nonpayment of bills;
- (d) Willful or negligent waste of service due to improper or imperfect pipes, fixtures, appliances or otherwise;
- (e) Molesting any meter, seal or other equipment controlling or regulating the supply of utility service;
- (f) Theft or diversion and/or use of service without payment therefor;
- (g) Vacancy of premises.

Sec. 8. Liability of city for damage.

The city shall not be liable for any damage to any customer of any utility service furnished by the city due to backflow of the sewerage system failure of supply, interruption of service or any other cause outside the direct control of the city.

Sec. 9. Utility service—Application required.

Any person desiring any utility service furnished by the city shall make application for the same to the utility office. Such application shall contain the applicant's name, address and the uses for which such utility service is desired.

Sec. 10. Same—Permit.

Approval of the application for any utility service by the utility office shall be deemed permission for such service.

Sec. 11. Same—Use assumed.

All premises connected to any utility service of the city shall be assumed to be using such utility service and the owner or occupant shall be charged therefor so long as such premises shall remain connected with the utility service.

Sec. 12. Not to use contrary to permit.

Any person having a permit from the city for the use of any utility service offered by the city who shall use such utility service for any purpose other than mentioned in such permit or who shall make any unauthorized changes in such service shall be deemed guilty of a misdemeanor.

Sec. 13. Damage, trespass of equipment.

It shall be unlawful for any person, not having authority to do so, to open any water hydrant or tamper with any utility service furnished by the city to consumers, or to in any other way molest, damage or trespass upon any equipment or premises belonging to the city connected with any utility service.

Sec. 14. Temporary interruption of service.

The city reserves the right to cut off any utility service without notice in case of emergencies. When an interruption in service is necessary for the maintenance and improvement of the utility system, affected customers will be notified as circumstances permit.

Sec. 15. Restricting use.

The city hereby reserves the right to at any time restrict or prevent the use of any utility service furnished by the city during periods of emergency or circumstances demanding such restriction or prevention of use.

Sec. 16. Sale of service by customer.

It shall be unlawful for any person to resell to others any utility service obtained from the city except only by special arrangement with the city council.

Sec. 17. Mandatory Connections to Service.

All residences and business properties within the city limits shall be connected to city water and sewer utilities as provided in this ordinance. Connections for any utility service furnished by the city shall be made only under the supervision of the city's plumbing inspector.

Sec. 18. Unlawful connections.

Any person who shall make any connection in any manner to any utility system, whether owned by the city or not, without the prior knowledge and consent of the owner of such utility system shall be deemed guilty of a misdemeanor.

Sec. 19. Unlawful use.

No person, other than employees of the city, shall be authorized to connect, turn on, turn off or disconnect any utility service offered by the city, or remove, replace or repair any equipment connected to any such utility service.

Sec. 20. Utilities for mobile homes restricted.

It shall be unlawful for any public utility company handling gas, water or electricity to provide service to any housetrailer or mobile home which is not lawfully situated within the limits of the city as specified in the city's zoning ordinance.

Sec. 21. Maintenance of system by consumer.

The consumer of any utility service furnished by the city shall maintain and keep in good repair all connections, appliances and other apparatus installed and used in connection with such utility service.

Sec. 22. Discontinuance of service.

The city shall give consumers of utility services at least twenty-five (25) days from the issuance date to pay such bills before terminating or disconnecting such service under the provisions of this chapter.