

ORDINANCE NO. 2011-2

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CUMBY, TEXAS PERTAINING TO ILLEGAL WATER CONNECTIONS AND / OR THE THEFT OF WATER RELATED TO THE WATER SUPPLY FOR THE CITY OF CUMBY.

WHEREAS, the City of Cumby, Texas (the "City") recognizes that the amount of water available to its water customers is limited; and

WHEREAS, the City seeks to adopt an ordinance pertaining to illegal water connections and theft of water.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CUMBY THAT:

SECTION 1: The City council hereby approves and adopts this Ordinance as described herein.

SECTION 2: A person commits an offense of theft of water by any of the following actions:

- (a) A person may not knowingly tamper, connect to, or alter any component of the City's water system including valves, meters, meter boxes, lids, hydrants, lines, pump stations, ground storage tanks, and elevated storage tanks. This shall include direct or indirect efforts to initiate or restore water service without the approval of the City.
- (b) If, without the written consent of the Mayor or in the absence of the Mayor the Mayor Pro Tem, the person knowingly causes, suffers or allows the initiation or restoration of water service to the property after termination of service(s). For purposes of this section, it shall be assumed that the owner, occupant, or person in control of the property caused, suffered, or allowed the unlawful initiation or restoration of service(s).
- (c) A person may not knowingly make or cause a false report to be made to the City of a reading of a water meter installed for metered billing.
- (d) A person commits a separate offense each day that the person performs an act prohibited by this section or fails to perform an act required by this section.

SECTION 3: An offense under this Ordinance is a Class C misdemeanor punishable by a fine of up to Two Thousand (\$ 2,000.00) dollars and / or discontinuance of water service by the City.

SECTION 4: Should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected.

SECTION 5: This Ordinance shall supersede any prior Ordinance in conflict herewith, and such prior conflicting Ordinance or parts thereof are hereby repealed to the extent that they conflict with this Ordinance.

PASSED AND APPROVED THIS 4th DAY OF JANUARY, 2011.


JEFF STRICKLAND, MAYOR

ATTEST:


CITY SECRETARY

