



## ORDINANCE NO. 112- 2016

**AN ORDINANCE OF THE CITY OF ORCHARD, TEXAS, AMENDING THE ORIGINAL WATER AND SEWER ORDINANCE PASSED AND APPROVED HERETOFORE ON THE FOURTEENTH DAY OF MAY, 1975, BY ADDING A NEW SECTION ESTABLISHING LIMITATIONS ON THE PROVISION OF FUTURE WATER AND SEWER SERVICE BY THE CITY TO NEW ACCOUNTS LOCATED OUTSIDE THE CITY LIMITS; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO SEND NOTICE TO ALL EXISTING WATER AND SEWER CUSTOMERS; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$500 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith.**

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**WHEREAS**, the Texas Local Government Code authorizes the City to operate water and sewer service inside or outside the municipal boundaries, and to regulate the system in a manner that protects the interest of the municipality;

**WHEREAS**, the City Council of the City of Orchard, Texas (the "City"), has determined that it is in the best interest of the City to eliminate the creation of new water and sewer service accounts outside of the city limits; and

**WHEREAS**, the City finds that it is reasonable and necessary to distinguish between existing accounts that the City provides services to outside the city limits and future requests for new service to property outside the City limits;

**WHEREAS**, the City finds that providing such services is proprietary in nature and the determination of territorial extensions for such services is of the sound discretion of the City Council; and

**WHEREAS**, the City finds that limiting new accounts for water and sewer services to addresses within the city limits and existing accounts outside the city limits until such accounts are closed is reasonable and nondiscriminatory and is for the good government, peace, order, and trade and commerce of the citizens of City; now, therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORCHARD, TEXAS,**

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The City's Water and Sewer Ordinance, as originally adopted on May 14, 1975, is hereby amended by adding the following section:

"The City will not provide new water and sewer service to locations outside the city limits of the City. The City will continue to service accounts established prior to the effective date of this Ordinance and located outside the City until such account is closed, transferred, terminated or otherwise ceases to be provided water and/or sewer service at such location."

Section 3. The Mayor, or his designee, is hereby authorized to send notice of this Ordinance to all existing water and sewer customers, including all existing customers located outside the city limits.

Section 4. Penalty.

Any person who shall violate any provision of this Ordinance, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed Five Hundred Dollars (\$500). Each day of violation shall constitute a separate offense.


Section 5. Severability.

In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of provision hereto other than the part declared invalid or unconstitutional; and the City Council of the City of Orchard, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

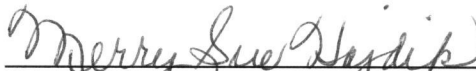
Section 6. Repeal.

All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

PASSED, APPROVED, and ADOPTED this 6th day of July 2016.

  
Rod Pavlock, Mayor

ATTEST:

  
Merry Sue Hajdik, City Secretary