

ORDINANCE NO. 087-072

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 18, UTILITIES, OF THE CODE OF ORDINANCES, TOWN OF ADDISON, TEXAS, PROVIDING FOR A RIGHT OF ENTRY BY CITY EMPLOYEES; PROVIDING FOR STATEMENTS INCONSISTENT WITH CHAPTER; DEFINING TERMS; PROVIDING FOR APPLICATION FOR SERVICE; PROVIDING FOR SECURITY DEPOSITS, AMOUNTS, USE AND REFUNDS; PROVIDING FOR COLLECTION REGULATIONS; PROVIDING FOR PAYMENTS AND LATE PAYMENTS; PROVIDING FOR RESIDENTIAL CUSTOMER DISPUTES; PROVIDING FOR SERVICE TERMINATION PROCEDURES; PROVIDING FOR LIABILITY OF THE TOWN FOR FAILURE TO PROVIDE OR FOR INTERRUPTION OF SERVICE; PROVIDING FOR JOINT OWNERS OR USERS, LIABILITY FOR CHARGES AND TRANSFER OF ACCOUNTS; PROVIDING A LIEN PROCEDURE AND NOTICE THEREOF; PROVIDING FOR NOTICE OF VACANCY OR TRANSFER OF PROPERTY; REQUIRING PERMISSIONS OF OWNER BEFORE USING WATER; PROVIDING FOR MISCELLANEOUS CHARGES; PROVIDING FOR DISCREPANCIES IN AMOUNT OF BILL; PROVIDING FOR WATER USED IN CONSTRUCTION; PROVIDING FOR METERS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON,  
TEXAS:

Published 11/5/87



11/5/87



SECTION 1. That Chapter 18, Article I, Division I, of the Code of Ordinances, Town of Addison, Texas, is hereby amended to add Sec. 18-4 to read as follows:

Sec. 18-4. Right of Entry of City Employees.

The Director, the city environmental health officer and other duly authorized employees of the City acting as their duly authorized agents and bearing proper credentials and identification, shall be permitted to gain access to such properties as may be necessary for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article.

SECTION 2. That Chapter 18, Article I, Division I, of the Code of Ordinances, Town of Addison, Texas, is hereby amended to add Sec. 18-5 to read as follows:

Sec. 18-5. Statements Inconsistent With Chapter.

Any oral statements made by Addison representatives and agents which are inconsistent with or violate the provisions of this chapter, or which would effectively waive the terms and provisions of this chapter, are hereby declared to be null and void unless made in writing and authorized by Council.

SECTION 3. That Chapter 18, Article I, Division II, of the Code of Ordinances, Town of Addison, Texas, is hereby amended by amending Sec. 18-79 to read as follows:

Sec. 18-79. Definitions.

The following definitions apply in the construction of this chapter:

**Applicant:** A Person who makes application to receive a Service from the Department.

**City or Town:** Town of Addison, Texas.

**Commercial Customer:** Nonresidential Consumer who receives Service from the City under this chapter. Such

term includes, but is not limited to, all businesses, restaurants, hospitals, apartments, etc.

Consumer or Customer: A Person who:

(a) has an account in his name with the Department for a Service;

(b) has made application for a Service, and the Service has been provided or made available by the Department at the location specified in the application; or

(c) uses, receives or benefits from Service, even though no account for Service may exist or no application for Service may have been made.

Department: The water and sewer department of the City.

Director: The Director of the Department or his authorized assistants, representatives and designees.

Permittee: A Person granted a permit under this chapter.

Person: An individual, private or public corporation, partnership, association, governmental entity, firm, industry or other entity.

Property owner: The record title holder of premises who receives Service from the City.

Residential customer: Owners or occupiers of single-family dwellings who receive Service from the City under this chapter. Such term includes individually metered homes, townhomes, condominiums and duplexes.

Service: All water and water-related Service provided for the use and benefit of Persons inside and outside the City through the operations and facilities of the Department, including, but not limited to:

- (a) supply of treated water;
- (b) wastewater collection, treatment and disposal;
- (c) building and extension of service mains;

- (d) providing of meters and service connection to property;
- (e) discontinuance, restoration or repair of service;
- (f) issuance and use of permits;
- (g) extension or replacement of service mains for which pro rata or other assessments are charged;
- (h) collections of rates or fees for service; and
- (i) other Department activities for the benefit of the general public authorized under this chapter.

SECTION 4. That Chapter 18, Article I, Division 5, of the Code of Ordinances, Town of Addison, Texas, is hereby amended to add Secs. 18-79.1, 18-79.2, 18-79.3, 18-79.4 and 18-79.5 to read as follows:

Sec. 18-79.1. Application for Service.

- (a) Application required. A Person shall not use a Service without first making the proper application for the Service with the Director. The application must be made on forms provided by the Director.
- (b) Contract. The application constitutes a contract to pay all charges for Service and to abide by all provisions of this chapter, the provisions of this Code and other local, state and federal laws relating to the Service.
- (c) Accurate information. An Applicant shall furnish proper identification and correct information when applying for Service. If information is not furnished or is false, the application may be denied and Service, when provided, may be discontinued. A Person commits an offense if he knowingly makes a false statement on an application for Service under this Chapter.
- (d) Use without application. A Person who occupies premises and uses Service without making application is responsible for all water used from the date of the last meter reading previous to that person occupying the premises. If the Person is a tenant and the Owner of the pre-

mises has failed to give the notice required in Section 18-82.1, then the Owner is jointly and severally responsible with the tenant for the charges.

(e) No new applications accepted. Should water, sewer or sanitation (refuse collection) Service be discontinued to any premises because of violations of any of the provisions of this Ordinance or this Code, no new application shall be accepted from any Person to continue Service to such premises under any other name so long as the premises are in the control of the original Customer, whether Owner or occupier, until all penalties, bills and damages due to the Department have been paid in full or until agreement relating to payment thereof has been reached between the Customer and the Department.

Sec. 18-79.2. Security Deposits.

(a) From whom required. All users or Consumers of Services under this Chapter are required to submit a security deposit to the Director in the amounts herein described at Sec. 18-79.3. Such deposit in one of the forms specified in paragraph (b) herein is due when the application for service is made.

(b) Form of security. The Applicant for Service must submit a security deposit in one of the following forms:

- (1) cash;
- (2) surety bond;
- (3) other equivalent security approved by the Director.

(c) Failure to provide security. The Director may discontinue Service if a person fails to:

- (1) make a required security deposit with his application; or
- (2) increase the amount of his security deposit after being notified that an increase is required.

Sec. 18-79.3. Security Deposit Amounts.

(a) Commercial Customers shall make security deposits as follows:

(1) An amount equivalent to two times the average estimated monthly bill, but not in an amount less than \$25.00, is the required security deposit amount for all Commercial Customers who make application for service the first time subsequent to the passage of this ordinance.

(2) An amount equivalent to two times the average monthly bill for the past 12 months for the location served is required of the following Commercial Customers currently being served:

(i) those having paid for any Service during the past 12 months with an insufficient funds check;

(ii) those whose water has been cut off during the past 12 months;

(iii) those whose account has been delinquent for two or more months;

(iv) those whose past credit history with the department has proved that they do not pay utility bills promptly and as due;

(v) those whose deposit becomes insufficient to pay two times the average monthly bill.

(b) Residential Customers shall make security deposits as follows:

(1) Each Residential water Consumer shall make a security deposit in at least the sum of Twenty-Five and no/100 Dollars (\$25.00). Should a \$25.00 deposit be insufficient to pay an average monthly bill or if experience has proved that a Customer does not pay utility bills promptly and as due, the Director may require the deposit to be in any sum deemed necessary to protect the Town.

Sec. 18-79-4. Use of Security Deposits.

(a) Accounting requirements. The Director shall keep:

(1) accurate records of all security deposits, including, but not limited to, the depositor's name, amounts deposited and deposits refunded; and

(2) separate accounts of all security deposits.

(b) Administration of deposits. The Director shall administer cash security deposits in accordance with the following rules:

(1) A deposit will be applied toward payment of the final bill amount due the City when a service account is closed or becomes inactive due to delinquency.

(2) A deposit, less amounts due for service, will be returned to the customer when service is discontinued.

(3) Deposits may be invested by the City, but sufficient cash shall be accounted for and kept on hand to meet the normally anticipated level of refunds.

Sec. 18-79.5. Security Deposit Refunds.

(a) Refund requirements. In his sole discretion, the Director may refund a security deposit to the Residential customer when the Customer meets all of the following conditions:

(1) the Customer has been receiving service for 12 continuous months;

(2) the Customer has acquired a satisfactory credit history with the Department;

(3) the Customer has not made payment during the past 12 months with a check returned due to insufficient funds; and

(4) the Customer has no delinquent bills outstanding.

(b) Refusal to refund. Notwithstanding subsection (a), the Director may refuse to refund a security deposit where the Director determines from the circumstances of a Customer's account that there is a substantial risk of financial loss to the Department.

(c) Review for eligibility. The Director shall review all Residential Customer payment histories at least once a year to determine eligibility for refund. The Director will make refunds by check payable to the Customer.



SECTION 5. That Chapter 18, Article I, Division 5, of the Code of Ordinances, Town of Addison, Texas, is hereby amended by amending Sec. 18-80 to read as follows:

Sec. 18-80. Collection Regulations.

The Director is authorized to promulgate regulations and procedures, not in conflict with this Code, the City Charter or applicable state or federal laws or regulations, concerning the collection of charges for Service and the handling of customer accounts, receipts and reports.

SECTION 6. That Chapter 18, Article I, Division 5 of the Code of Ordinances, Town of Addison, Texas, is hereby amended to add Secs. 18-80.1, 18-80.2, 18-80.3, 18-80.4, 18-81.1, 18-81.2, 18-81.3, 18-82.1, 18-82.2, 18-83.1 and 18-83.2 to read as follows:

Sec. 18-80.1. Payment; Late Payments.

(a) All charges under this Ordinance, including any penalties assessed, unless otherwise specifically provided for, shall be payable monthly in accordance with bills rendered therefor to the Customer by the Department. "Render" shall mean deposit in the U.S. mail by the Department.

(b) The bill as rendered shall be the net amount due and payable to the Department for all Services. The charges so rendered shall be due and payable upon receipt of such bill and shall become delinquent after the tenth day of the following month.

(c) Payment shall be made to the Department as provided in this subsection.

(1) If payment is to be made by mail, whether in cash or by check, the date of receipt by the Department shall be conclusively deemed to be the date of the postmark upon the envelope that contains the payment; provided that, the payment enclosed in said envelope is fully negotiable; provided further that, the burden of proof as to the date of receipt in such a case shall be upon the party asserting it.

(2) If payment is to be made in person and in cash, the date of receipt shall be the date stamped upon the cash receipt issued therefor by the Department; provided that, if payment in person is to be made by check, the date of receipt shall be the date of receipt stamped upon the reverse thereof as part of the endorsement of the Department.

(d) If such bill is not paid, as of the date indicated in this subsection:

(1) Such liability shall be discharged upon payment of the delinquent bill, plus the penalty herein provided, prior to the due date of the next succeeding bill, and provided further that

(2) If such payment of a delinquent bill, plus the penalty herein provided, be not paid prior to the due date of the next succeeding bill, the amount of the delinquent bill, plus the penalty herein provided, shall be added to and become a part of the net amount of the next succeeding bill.

(e) Failure to receive any bill provided by this section shall not relieve the Customer of any liability therefor.

Sec. 18-80.2. Residential Customer Dispute.

(a) At any time before the date of termination of Service for nonpayment of the amount(s) shown on a utility bill, a notice of rejection or a notice of termination, a Residential Customer may dispute the correctness of all or part of the amount(s) shown in accordance with the provisions of this ordinance. A Residential Customer shall not be entitled to dispute the correctness of all or part of the amount(s) if all or part of the amount(s) was (were) the subject of a previous dispute under this section.

(b) The procedure for Residential Customer disputes shall be as follows:

(1) Before the date of termination, the Residential Customer shall notify the Director, orally or in writing, that he disputes all or part of the amount(s) shown on a utility bill, a notice of rejection or a notice of termination, stating as completely as possible the basis for the dispute.

(2) If the Director determines that the present dispute is untimely or that the Residential Customer previously disputes the correctness of all or part of the amount(s) shown, the Director shall mail to the Customer a notice stating that the present dispute is untimely or invalid. The Director shall then proceed as if the Customer had not notified him of the present dispute.

(3) If the Director determines that the present dispute is not untimely or invalid under this section, the Director, within three (3) days after receipt of the Customer's notice, shall arrange an informal meeting between the Residential Customer and himself or a designee.

(4) Based on the Department's records, the Customer's allegations and all other relevant materials available to the Director, he shall resolve the dispute, attempting to do so in a manner satisfactory to both the City and the Customer.

(5) Within five (5) days of completion of the meeting, the Director shall mail to the Customer a copy of his decision resolving the dispute.

(6) If the decision is unsatisfactory to the Customer, the Customer, within five (5) days of his receipt of the Director's decision, may request, in writing, a formal hearing before the City Manager.

(7) The formal hearing before the City Manager shall be held within ten (10) days of the City's receipt of the Customer's written request.

(8) At the hearing the Director and the Customer shall be entitled to present all evidence that is, in the City Manager's view, relevant and material to the dispute, and to examine and cross-examine witnesses. A tape-recorded (or at the option of the utility, a stenographic) record of the hearing may be maintained.

(9) Based on the record established at hearing, the City Manager, within five (5) days of the completion of the hearing, shall issue his written decision formally resolving the dispute. His decision shall be final and binding on the City and the Customer.

(c) Utilization of this dispute procedure shall not relieve a Residential Customer of his obligation to timely

and completely pay all other undisputed utility charges and/or installments and surcharges, and the undisputed portion(s) of the amount(s) which is (are) the subject of the present dispute. Notwithstanding subsection (d), failure to timely and completely pay all such undisputed amounts shall subject the Residential Customer to termination of Service in accordance with the provisions of this ordinance.

(d) Until the date of the City Manager's or the Director's decision, whichever is later, the Director shall not terminate the Service of this Residential Customer and shall not issue a notice of termination to him solely for nonpayment of the disputed amount(s). If it is determined that the Customer must pay some or all of the disputed amount(s), the Director shall promptly mail to, or personally serve upon the Customer a notice of termination as provided in Sec. 18-80.3.

Sec. 18-80.3. Service Termination Procedures.

(a) Except as provided in Sec. 18-80.2 (d), and 18-80.4, the provisions of this Section shall govern all terminations of Service for nonpayment of utility charges and/or installments and surcharges by Residential and Commercial Customers.

(b) If by the payment date shown on a utility bill or a notice of rejection the Director has not received complete payment of the amount(s) shown on the bill or the notice, the Director shall mail to, or personally serve upon the Customer a notice of termination at least three (3) days after the payment date.

(c) The notice of termination shall contain the following:

- (1) the amount to be paid;
- (2) the date of the notice of termination;
- (3) the date of termination, which shall be at least ten (10) days from the date of the notice of termination;
- (4) notice that unless the Director receives complete payment of the amount shown prior to the date of termination, Service shall be terminated under subsection (d);

(5) notice that in lieu of paying the entire amount shown, a Residential Customer, prior to the date of termination, may notify the Director that he disputes the correctness of all or part of the amount shown, if all or part of the amount shown was not the subject of a previous dispute under Sec. 18-80.2.

(d) If, prior to the date of termination,

(1) the Director has not received complete payment of the amount shown on the notice of termination; or

(2) the Residential Customer has not notified the Director that he disputes the correctness of all or part of the amount shown on the notice of termination,

then the Director shall terminate Service on the date of termination.

(e) If the Director receives payment of the entire amount shown on the notice of termination prior to the date of termination, such payment shall be considered a timely and complete payment for purposes of this ordinance.

(f) Cutting and plugging connections. The Directors' authority to discontinue Service includes the right to cut and plug water or wastewater connections to private property. The costs of cutting and plugging connections will be charged to the Customer in addition to the delinquent charges due.

(g) Restoration of Service. Discontinued Service will not be restored until the Customer, Owner or some other Person either pays all charges due (including the charges to restore connections; a Twenty and no/100 Dollars (\$20.00) reconnection fee and a security deposit in the amount specified at Sec. 18-79.3), or, where applicable, ceases violation of the particular code provision in question. The decision to restore Service while delinquent charges or code violations still exist rests solely with the Director.

(h) Exceptions to notice requirement. Notice as provided in this ordinance does not apply to discontinuance of Service resulting from a violation of this chapter if the Director determines that immediate discontinuance is necessary to prevent an imminent threat or occurrence of:

(1) harm to the health or safety of Persons;

- (2) damage to City or private property; or
- (3) contamination of the water system.

(i) Customer's request to discontinue. Upon a Customer's written request, the Director may discontinue Service to the Customer. Upon receipt of the request, the Director may remove the water meter and Service connections. However, the Customer is liable for all charges incurred prior to removal of the meter. Where Service is furnished through more than one meter, the Customer may request discontinuance of one or more meters and thereafter be billed on the basis of the remaining meter or meters.

(j) Cumulative remedies. Enforcement of this section does not waive any additional remedies, civil or criminal, available to the City under law.

Sec. 18-80.4. Liability of the Town for Failure to Provide or for Interruption of Service.

All persons having boilers, air conditioning equipment or other water consuming devices, which may become damaged due to interruption of water service, and which are supplied directly with Town water, do so at their own risk. Except for willful and intentional misconduct, the Town shall not be liable for any damage that may occur on account of the water being cut off for any purpose, for failure to provide any service, or on account of the breaking of any pipe or fixture by pressure of the water from the Town mains.

Except for willful and intentional misconduct, the utilities department or the Director of Utilities thereof shall not be responsible, nor shall the Town be liable for any damage by water resulting from defective plumbing, broken or faulty services or water mains, or from water being cut off, or resulting from any condition of the water itself or any substance that may be mixed with or be in the water as delivered to the consumer.

Sec. 18-81.1. Joint Owners or Users; Liability for Charges; Transfer of Accounts.

(a) Benefits in general. Service is deemed to benefit:

- (1) the occupants of premises served;
- (2) the owners of premises served; and

(3) the property served.

(b) Charges a lien. A delinquent charges remain unpaid and the procedures of section 18-81.2 are substantially followed, those delinquent charges shall constitute a lien against the real property served.

(c) Personal liability. The Customer in whose name the account for Service exists has the primary personal liability for Service rendered under this Chapter. Nevertheless, where Service is provided to a tenant or occupant in a single-family residence or to more than one tenant or occupant through a master meter or single service connection, if the Customer in whose name the account exists fails, refuses or is unable to pay charges due, the other owners and occupants will remain jointly and severally liable for the unpaid delinquent charges. The Director may refuse or discontinue Service in the same manner provided for in section 18-80.3 until all delinquent charges are paid.

Sec. 18-81.2. Lien Procedure.

(a) Authority. The City is authorized, in accordance with provisions of Local Government Code Ch. 149 §402.017(c) Article 1175(11) of the Texas Revised Civil Statutes, to perfect the lien upon property which occurs as provided in Section 18-81.1, for the purpose of securing the payment of delinquent charges incurred as a result of Service to the property.

(b) Execution and recording. The lien must be:

(1) executed by the City Manager and acknowledged by a notary public of the State of Texas; and

(2) filed in the deed or lien records of the county in which the property is located.

(c) Additional charges; correction lien. Should additional delinquent charges be incurred subsequent to the date of the original lien's execution, a correction lien may be executed and filed, fixing the additional delinquent charges. The correction lien, when filed of record, shall relate back to the date of recording of the original lien and shall become a part of the original lien.

(d) Suit to foreclose. The City Attorney, at the request of the Director, may file suit to judicially

foreclose the lien in a state court of competent jurisdiction. The suit may not be filed earlier than 60 days after the recording date of the lien.

(e) Release of lien. Upon certification by the Director that all delinquent charges which existed against the property have been fully paid, the City Manager is authorized to execute a release of the lien. After execution, the Director shall deliver the release to the Customer to be filed in the deed or lien records of the county in which the property is located.

(F) Cumulative remedies. This section is cumulative of any other remedies, methods of collection or security available to the Director or the City under the Charter and ordinances of the City or under state law. This section does not affect the Director's authority to refuse or to furnish service when delinquent charges exist.

Sec. 18-81.3. Notice of Lien.

(a) Form of notice. Prior to recording of the water lien, the Director shall send notice, by certified mail, return receipt requested, that a lien will be fixed on the property in accordance with law. The notice must provide a time, place and means by which the charges causing the lien may be paid. The notice must be sent to:

(1) the Customer in whose name the account for service to the property exists; and

(2) the last known record owner of the property according to the tax rolls of the City, if the Customer is not the owner.

(b) Absence of notice. Absence of receipt of notice does not affect the enforceability of a lien perfected under Sec. 18-81.2.

Sec. 18-82.1. Notice of Vacancy or Transfer of Property.

(a) When notice given. The Customer, or the owner of property served, must notify the Director within three (3) days after the occurrence of:

(1) any total vacancy in the property served;

(2) any change in ownership, whether by sale, foreclosure, business reorganization or otherwise; or



(3) any occupancy of previously vacant property.

(b) Failure to notify. Failure to give notice in accordance with Subsection (a) shall render the owner and the Customer, if he is not the owner, jointly and severally liable for all charges due against the property. Upon receipt of notice under Subsection (a) (1) or (a) (2), the Director shall prepare a final bill for the account.

Sec. 18-82.2. Permission of Owner or Customer to be Secured Before Using Water; Use Before Filing Application for Service.

(a) Use without consent. A Person commits an offense if, where water is furnished to any premises, the Person knowingly takes water from any faucet or water connection on the premise without first securing the consent of, and making arrangements with, the Owner of the premises or the Customer in whose name the account exists. This section does not apply to a Person employed by the City who is engaged in work of an emergency nature in his official capacity as a city employee.

(b) Use without application. A Person commits an offense if he knowingly diverts or uses water from any part of the water system without making application and without receiving the Director's consent to use a Service. Absence of an account for Service on file with the Department constitutes prima facie proof of the lack of the Director's consent to use a Service.

Sec. 18-83.1. Miscellaneous Charges and Provisions; Rates Where no Charge Specified.

(a) Returned check charge. A charge of \$15.00 will be assessed when a Customer pays a service bill by check, the check is presented to the bank, and the bank does not honor the check.

(b) Where no charge specified. When charges for a Service are not specified in this Chapter, the Director shall establish charges which are based on the cost of performing the services, including, but not limited to, such services as the moving of meter locations, repair to damaged facilities, field location of mains, fire hydrant relocation, installation of traffic lids on meter boxes, replacement of a meter with a meter larger than one inch, water and wastewater main abandonments, installation and removal of temporary service, abandonment of manholes and provision of printed materials.

(c) Where money credited. All sums of money collected as a charge or fee authorized under this chapter, at the rates specified in this chapter, shall be credited to the appropriate water and wastewater fund of the City.

(d) The service charges and fees provided in this section shall be in addition to, not in lieu of, any charges, fees, rates or penalties assessed under other provisions of this ordinance or of the Code of Ordinances, Town of Addison.

Sec. 18-83.2 Discrepancies in Amount of Bill.

In any case in which there appears to be a material discrepancy in the net amount of the bill rendered to the Customer, it shall be the duty of the Department, upon written notice from the Customer, to send an inspector to inspect and to verify the reading of the meter within five (5) days of receipt of the complaint, at no charge to the Customer; provided that if the number of such complaints shall exceed three (3) within any six (6) month period, the Department shall be entitled to charge the Customer Five and no/100 Dollars (\$5.00) for any inspection made as provided in this subsection during the succeeding twelve (12) month period, said charge to be added to and made a part of the net amount of the bill next rendered to the Customer by the Department after the inspection is made.

SECTION 7. That Chapter 18, Article II, of the Code of Ordinances, Town of Addison, Texas, is hereby amended by amending Secs. 18-87 and 18-88 to read as follows:

Sec. 18-87. Water Used in Construction of Premises.

Water used in the construction or repair of any premises shall be charged against the owner of such premises, who shall be conclusively presumed to be the customer for all purposes of this ordinance.

Sec. 18-88. Repeal.

SECTION 8. That Chapter 18, Article II, of the Code of Ordinances, Town of Addison, Texas, is hereby amended by amending Sec. 18-90 and Sec. 18-95 to read as follows:

Sec. 18-90. Meters.

All meters will become the property of the Town after installation. If the meter becomes out of order and fails to register, the Consumer will be charged at the average daily consumption as shown by the meter when in order. All water that passes through the meter shall be charged for, whether used or not. Each Residential Consumer of water living in a separate house must have a separate connection and meter for each house.

Sec. 18-95. Repeal.

SECTION 9. That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 10. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional.

SECTION 11. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a penalty of fine only not to exceed the sum of Four hundred Dollars (\$400.00) for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

SECTION 12. The fact that the present code of Ordinances

does not provide for water payment collection and therefore, inadequate to properly safeguard the general public health and safety, creates an emergency and an imperative public necessity, and the ordinance shall take effect and be in force from and after its adoption.

DULY PASSED by the City Council of the Town of Addison, Texas, this the 27th day of October, 1987.

APPROVED:

  
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MAYOR

ATTEST:

  
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CITY SECRETARY