

**ORDINANCE NO. 2006-10**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY DELETING SECTION 82-17 THEREOF AND SUBSTITUTING THEREFORE A NEW SECTION 82-17, PROVIDING FOR THE UNLAWFUL RESALE OF UTILITY SERVICES, EXCEPT FOR MASTER METERED COMPLEXES WITH MORE THAN TWELVE UNITS AND OTHER SPECIAL ARRANGEMENTS APPROVED BY CITY COUNCIL; BY DELETING SECTION 82-19 AND SUBSTITUTING THEREFORE A NEW SECTION 82-19, PROVIDING FOR SEPARATE UTILITY SERVICE CONNECTIONS FOR EVERY BUILDING, STRUCTURE OR CONSUMER, EXCEPT MULTIFAMILY RESIDENTIAL COMPLEXES WITH MORE THAN TWELVE UNITS SHALL BE MASTER METERED; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$500 FOR EACH DAY OF VIOLATION HEREOF; AND PROVIDING FOR SEVERABILITY.**

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WHEREAS, the City Council of the City of Tomball recognizes the burden of requiring each separate unit in a larger multifamily residential complex to be individually metered for water service; and

WHEREAS, the City Council has determined that multifamily residential complexes with greater than twelve units should be mastered metered to alleviate this burden; now, therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:**

**Section 1.** The Code of Ordinances of the City of Tomball, Texas, is hereby amended by deleting Section 82-17, and substituting therefore a new Section 82-17 to read as follows:

**“Sec. 82-17. Sale of service by customer.**

It shall be unlawful for any person to resell to others any utility service obtained from the city, except for master metered multifamily residential complexes with greater than twelve (12) units, or by special arrangement with the city council.”

**Section 2.** The Code of Ordinances of the City of Tomball, Texas, is hereby amended by deleting Section 82-19, and substituting therefore a new Section 82-19 to read as follows:

**“Sec. 82-19. Separate connections.**

Every building, structure or consumer in the city shall have a separate utility service connection, except multifamily residential complexes with greater than twelve (12) units shall be master metered.”

**Section 3.** 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 \$500. Each day of violation shall constitute a separate offense.

**Section 4.** 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 or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, 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.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 2<sup>ND</sup> DAY OF OCTOBER 2006

COUNCILMAN QUINN	<u>AYE</u>
COUNCILMAN LAZENBY	<u>AYE</u>
COUNCILMAN FAGAN	<u>AYE</u>
COUNCILMAN HARVEY	<u>AYE</u>
COUNCILMAN DRIVER	<u>AYE</u>

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 16<sup>TH</sup> DAY OF OCTOBER 2006.

COUNCILMAN QUINN	<u>AYE</u>
COUNCILMAN LAZENBY	<u>ABSENT</u>
COUNCILMAN FAGAN	<u>AYE</u>
COUNCILMAN HARVEY	<u>AYE</u>
COUNCILMAN DRIVER	<u>AYE</u>

(signed) H. G. Harrington  
H. G. HARRINGTON, Mayor

ATTEST:

(signed) Doris Speer  
DORIS SPEER, City Secretary