

CITY OF GUNTER, TEXAS

ORDINANCE NO. 2019-06-20-01

AN ORDINANCE OF THE CITY OF GUNTER, TEXAS, PRESCRIBING PENALTIES FOR THE VIOLATION OF THE CUSTOMER SERVICE AGREEMENT REQUIRED FOR RECEIPT OF WATER AND WASTEWATER SERVICES FROM THE CITY

WHEREAS, the City Council of the City of Gunter, Texas ("City") has determined that the Customer Service Agreement required for receipt of water and wastewater services from the City is a reasonable, fair and legal agreement between the City and prospective water and wastewater customers; and

WHEREAS, the City Council desires to clarify the penalties that may be imposed if a customer violates any term(s) of the Agreement; now therefore

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GUNTER, TEXAS, THAT THE FOLLOWING PENALTIES MAY BE IMPOSED IF A WATER AND/OR WASTEWATER CUSTOMER OF THE CITY VIOLATES ANY TERM(S) OF THE CUSTOMER SERVICE AGREEMENT:

Section 1. Penalty for Violation

Any person, firm, corporation or business entity violating the terms of the Customer Service Agreement shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to termination of water services provided by the City and a fine not exceeding five hundred dollars (\$500.00). Each violation shall constitute a separate offense. The penal provisions imposed under this section shall not preclude the city from filing suit to enjoin the violation.

Section 2. Savings/Repealing.

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

Section 3. Severability

Should any section, subsection, sentence, clause, phrase of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this ordinance shall remain in full force and effect. The City of Gunter hereby declares that it would have passed this ordinance, and each section, subsection,

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sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

Section 4. Effective Date

This ordinance shall take effect immediately upon and after its passage and publication as provided by law.

Section 5. Open Meetings

It is hereby found and determined that the meeting at which this ordinance was passed was open to the public as required by law, and that public notice of the time, place and purpose of said meeting was given, all as required by Article 551.041, Texas Government Code.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GUNTER, TEXAS on this 20th day of June, 2019, by the following vote:

AYES 5

NAYS 0

ABSTENTIONS _____

Approved:

Mark Millar

Mark Millar, Mayor

Attest:

Detra Gaines

Detra Gaines, City Secretary



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