

**ORDINANCE NO. 2023-47**

**AN ORDINANCE OF THE CITY OF TOMBALL AMENDING ITS CODE OF ORDINANCES, SECTION 46-55, SEPARATE METERING OF IRRIGATION SYSTEMS; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.**

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**WHEREAS**, the City Staff presented the proposed text amendment regarding the sperate metering of irrigation systems; and

**WHEREAS**, the City Council finds it be in the best interest of the City to approve the text amendment as contained in this ordinance desires to prohibit parking, stopping, or standing on street designated below; now, therefore,

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

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

**Section 2.** Article II, Administration, of Chapter 46, Utilities of the Code of Ordinances of the City of Tomball, Texas is hereby amended as set out in Exhibit A, attached hereto and made a part of this Ordinance for all purposes.

**Section 3.** In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance 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 hereof other than the part declared to be invalid or unconstitutional; and the City Council 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, or whether there be one or more parts.

**Section 4.** Any person who shall intentionally, knowingly, recklessly or with criminal negligence 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 \$2,000. Each day of violation shall constitute a separate offense.

**Section 5.** This Ordinance shall take effect immediately from and after its passage and the publication of the caption hereof, as provided by law.

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 6<sup>TH</sup> DAY OF NOVEMBER, 2023.

COUNCILMAN FORD	<u>Yea</u>
COUNCILMAN STOLL	<u>Yea</u>
COUNCILMAN DUNAGIN	<u>Yea</u>
COUNCILMAN TOWNSEND	<u>Yea</u>
COUNCILMAN PARR	<u>Yea</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 20<sup>TH</sup> DAY OF NOVEMBER, 2023.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DUNAGIN	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN PARR	_____

\_\_\_\_\_  
Lori Klein Quinn, Mayor

ATTEST:

\_\_\_\_\_  
Tracylynn Garcia, City Secretary

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## Sec. 46-55. Separate Metering of Irrigation Systems.

- (a) Upon approval of proper plans and specifications by the City, property owners may request and have set on public property or in an easement as set forth in this section, a water meter which will be used solely for the purpose of metering water for irrigation systems and cooling towers. The volume of water which goes through such meter shall be charged the same rate as for potable water but shall not be subject to the sewer charge of the city.
- (b) All separately metered irrigation systems and cooling tower systems shall be tied directly into a City main and shall be equipped with such valves and apparatuses as shall be required in the sole discretion of the city. All such systems shall comply with the laws of the state regulating irrigation and cooling tower systems, which at this time consist primarily of the Irrigation Act, V.T.C.A., Water Code Ch. 11.
- (c) The second meter must be installed on public property or in an easement granted to the City, thereby granting the City free access thereto. If a second meter for irrigation purposes or cooling towers is requested, in addition to an existing meter, the customer shall pay the applicable capital recovery fee (impact fee). Such fees shall be determined by the size of the water meter to be installed for the requested service. ~~and the existing meter has already been assessed an impact fee or a capital recovery fee, no impact fee shall be payable for the setting of the second meter.~~ All other costs involved with the setting of such meter, including tap fees charged by the City, shall be the same as for the setting of a new meter under any other applicable City codes.
- (d) The City shall be responsible for reading both meters when there is a dual metering system, and the utility department will, in its sole discretion, determine the amount of water being used for irrigation and for cooling towers and the amount of water being used for domestic purposes by the property owner and will, therefore, in its sole discretion, determine the amount of water which is subject only to the water charge and the amount that will be used to determine the amount of sewer charges due from the property owner.

(Code 1993, § 82-47; Ord. No. 90-04, § 24-25, 7-2-1990; Ord. No. 2000-19, § 1, 9-18-2000)