



City of Denton

City Hall
215 E. McKinney Street
Denton, Texas
www.cityofdenton.com

AGENDA INFORMATION SHEET

DEPARTMENT: Utilities

CM/ DCM/ ACM: Mario Canizares

DATE: July 18, 2017

SUBJECT

Consider adoption of an ordinance of the City of Denton, Texas amending certain provisions of Chapter 26 of the Denton code of ordinances, specifically Section 26-2 to provide for clarification of the means of gaining access to a premises needed by utility employees; providing for a severability clause, savings clause, and an effective date.

BACKGROUND

Code of Ordinances Section 26-2 was added in 1966 and states that employees of the utility department have authority to access a house or premises for the purpose of inspecting water, electric or sewer lines or any water or electric meter for the purpose of making necessary repairs. An addition was added to the Inspections and Abatement Warrants Section 19-86 in 1989 specifying that inspectors must have permission or obtain an administrative search warrant prior to entering a residence.

Utility meters and equipment should be located outside and it would be extremely rare for an employee to need to gain access to a residence. There have been rare instances where a utility meter has been modified so that it is obstructed and under Section 19-86, the City would need to obtain an administrative search warrant to access a meter if the homeowner does not consent to entry. Another exception to gaining entry, if the homeowner does not consent, would be for imminent danger or peril to human life, limb or property. This may occur if there was a public safety emergency requiring the electricity to be turned off in the residence.

The proposed amendment to Section 26-2 clarifies the Code to identify that employees of the utilities department shall have the authority to enter **the land or accessory buildings or structures** at any reasonable time in the regular line of duty for the purpose of gaining access to inspect or make repairs, rather than the house or premises. If such access is refused, then the City has recourse to access through the issuance of an administrative search warrant. A redline of the proposed revisions is shown below.

Sec. 26-2. - Right of entry.

Employees of the utilities department shall have the authority to enter ~~any house or premises~~ the land or any accessory building or structure at any reasonable time in the regular line of duty for the purpose of gaining access to ~~inspect~~ any water, electric or sewer line or any water or electric meter or for the purpose of making necessary repairs. If such ~~entry access~~ is refused, the employee shall have recourse to every remedy provided by law to secure ~~entry access, including the issuance of an administrative search warrant~~.

RECOMMENDATION

Staff recommends approval of the ordinance.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

Background on this item was included in staff reports to City Council on Friday, June 9, 2017 and Friday, June 16, 2017.

FISCAL INFORMATION

There is no fiscal impact associated with the passage of this ordinance.

STRATEGIC PLAN RELATIONSHIP

The City of Denton's Strategic Plan is an action-oriented road map that will help the City achieve its vision. The foundation for the plan is the five long-term Key Focus Areas (KFA): Organizational Excellence; Public Infrastructure; Economic Development; Safe, Livable, and Family-Friendly Community; and Sustainability and Environmental Stewardship. While individual items may support multiple KFAs, this specific City Council agenda item contributes most directly to the following KFA and goal:

Related Key Focus Area: Public Infrastructure
Related Goal: 2.3 Promote superior utility services and facilities

EXHIBITS

Respectfully submitted:
Dr. Kenneth Banks
General Manager of Utilities

Prepared by:
Charlie Rosendahl
Management Analyst