

**ORDINANCE NO. \_\_\_\_\_**

**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.**

WHEREAS, the City of Denton, Texas has previously implemented Chapter 26 “Utilities” of the Code of Ordinances of Denton Texas; and

WHEREAS, it is the intention of the City to further refine the method of gaining the right of entry to access and inspect any water, electric or sewer line &/or meters by City Utilities employees to better serve the citizens of the City of Denton; and

WHEREAS, the Council finds that it is necessary to clarify the method of gaining access for all purposes and such amendments are in the best interest of the citizens of the City of Denton;  
**NOW THEREFORE;**

**THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:**

**SECTION 1.** The recitals contained herein are made a part of this Ordinance as if set forth at length herein.

**SECTION 2.** Chapter 26, Section 26-2 “Right of Entry” is deleted in its entirety and replaced with the following:

Sec. 26-2. Right of Entry.

Employees of the utilities department shall have the authority to enter 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 access is refused, the employee shall have recourse to every remedy provided by law to secure access, including the issuance of an administrative search warrant.

**SECTION 3.** If any section, subsection, paragraph, sentence, clause, phrase, or word in this ordinance, or application thereof to any person or circumstances is held invalid by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council of the City of Denton, Texas hereby declares it would have enacted such remaining portions despite any invalidity.

**SECTION 4.** Save and except as amended hereby, all of the provisions, sections, subsections, paragraphs, sentences, clauses, and phrases of the Code of Ordinances shall remain in full force and effect.

**SECTION 5.** This Ordinance providing for a penalty shall become effective 14 days from the date of its passage, and the City Secretary is hereby directed to cause the caption of this Ordinance to be published twice in the *Denton Record-Chronicle*, the official newspaper of the City of Denton, Texas within 10 days of the date of its passage.

PASSED AND APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
CHRIS WATTS, MAYOR

ATTEST:  
JENNIFER WALTERS, CITY SECRETARY

BY: \_\_\_\_\_

APPROVED AS TO LEGAL FORM:  
AARON LEAL, INTERIM CITY ATTORNEY

BY:  \_\_\_\_\_