

## ORDINANCE NO. 2018-05

AN ORDINANCE OF THE CITY OF OVILLA, TEXAS, TO AMEND CHAPTER 13, ARTICLE 13.03, SECTION 13.03.123 OF THE CODE OF ORDINANCES OF THE CITY OF OVILLA ESTABLISHING REQUIREMENTS FOR MAKING BILLING ADJUSTMENTS FOR WATER LEAKAGE AND; AMEND CHAPTER 13, ARTICLE 13.03.121 OF THE CODE OF ORDINANCES OF THE CITY OF OVILLA ESTABLISHING ACCEPTABLE METHODS OF PAYMENT OF BILLS; REPEAL CHAPTER 13, ARTICLE 13.03, SECTION 13.03.115 OF THE CODE OF ORDINANCES OF THE CITY OF OVILLA AND; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERANCE CLAUSE; PROVIDING FOR INCORPORATION INTO THE OVILLA CODE OF ORDINANCES; PROVIDING FOR IMMEDIATE EFFECT; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City Council has found that the current practice of making billing adjustments for water leakage is not consistent with the Code of Ordinances regarding billing adjustments; and

WHEREAS, the City Council of Ovilla wishes to establish a billing adjustment process that is reasonable for the City of Ovilla, Texas; and

WHEREAS, the City Council of Ovilla wishes to establish a billing adjustment process that is reasonable for the residents of the City of Ovilla, Texas that have experienced a water leak that was not reasonably detectable and would cause undue financial hardship on the resident; and

WHEREAS, the City Council of Ovilla has found that credit/debit cards and other forms of electronic payment are not authorized as acceptable forms of payment for collection of bills in the Code of Ordinances; and

WHEREAS, the City Council of Ovilla wishes to establish that credit/debit cards and other forms of electronic payment are acceptable forms of payment for collection of bills for the City of Ovilla, Texas; and

WHEREAS, the City Council of Ovilla has found conflicts within the Code of Ordinances regarding deposits for utility services; and

WHEREAS, the City Council of Ovilla wishes to eliminate the conflicts within the Code of Ordinances regarding utility deposits for the City of Ovilla, Texas;

WHEREAS, the City Council finds and determines it is in the best interest of the citizens of the City of Ovilla to amend the Code of Ordinances to establish a billing adjustment process; establish acceptable forms of payment for collection of bills; and establish a single method of utility deposits.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS:

### SECTION 1.

#### AMENDMENT OF CHAPTER 13, ARTICLE 13.03, SECTION 13.03.123 OF THE CODE OF ORDINANCES OF THE CITY OF OVILLA, TEXAS

CHAPTER 13, ARTICLE 13.03, SECTION 13.03.123 "Billing Adjustments" of the Code of Ordinances of the City of Ovilla, Texas, is hereby amended to read as follows:

The city may adjust a utility bill for overbilling or underbilling when any of the following occur: failure to read the meter, misreading a meter, application of an improper rate schedule, or typographical or computational errors.

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Water leakage. When a customer experiences a substantial (30% or greater) increase in his or her water or wastewater usage from a hidden water leak, the department will adjust the amount up to one-half the total amount of the largest bill in the previous three (3) months. The department will adjust a bill only if a customer presents a plumber's statement which indicates:

The water leak was not reasonably detectable from the surface;

The leak has been repaired; and

The type of repairs made.

The public works director may request additional information before determining if a water leak was reasonably detectable based upon the facts presented prior to his or her approval of the adjustment. A customer may receive one (1) adjustment during a twelve-month period, unless the city manager determines that extenuating circumstances justify allowing an additional adjustment.

### **AMENDMENT OF CHAPTER 13, ARTICLE 13.03, SECTION 13.03.121 OF THE CODE OF ORDINANCES OF THE CITY OF OVILLA, TEXAS**

CHAPTER 13, ARTICLE 13.03, SECTION 13.03.121 "Acceptable Methods of Payment of Bills" of the Code of Ordinances of the City of Ovilla, Texas, is hereby amended to read as follows:

Bills may be paid by cash, check, credit/debit card, other electronic means or money order. The city may refuse payment by check if, through experience or other information, they have reason to believe the check will not be honored at the customer's bank.

### **REPEAL OF CHAPTER 13, ARTICLE 13.03, SECTION 13.03.115 OF THE CODE OF ORDINANCES OF THE CITY OF OVILLA, TEXAS**

CHAPTER 13, ARTICLE 13.03, SECTION 13.03.115 "Deposit" of the Code of Ordinances of the City of Ovilla, Texas, is hereby repealed in its entirety.

#### **SECTION 2. SAVINGS CLAUSE**

In the event that any other Ordinance of the City of Ovilla, Texas, heretofore enacted is found to conflict with the provisions of the Ordinance, this Ordinance shall prevail.

#### **SECTION 3. SEVERANCE CLAUSE**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

#### **SECTION 4. INCORPORATION INTO THE CODE OF ORDINANCES**

The provisions of this ordinance shall be included and incorporated in the City of Ovilla Code of Ordinances and shall be appropriately renumbered, if necessary, to conform to the uniform numbering system of the Code.

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SECTION 5. EFFECTIVE DATE

Because of the nature of the interests and safeguards sought to be protected by this Ordinance and in the interest of the citizens of the City of Ovilla, Texas, this Ordinance shall take effect immediately after passage, approval and publication, as required by law.

SECTION 6. PUBLICATION

The City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.

PASSED, ADOPTED and APPROVED by the City Council of Ovilla, Texas, on this the 12th day of March 2018.



Richard Dormier, Mayor

ATTEST:

  
Pamela Woodall, City Secretary

APPROVED AS TO FORM:

  
Ron G. MacFarlane, Jr., City Attorney