

ORDINANCE NO. 2021-02

AN ORDINANCE OF THE CITY OF OVILLA, TEXAS, REPEALING AND REPLACING CHAPTER 13, ARTILCE 13.03 (WATER AND WASTEWATER), DIVISION 2 (WATER SERVICE), SECTION 13.03.043 (BILLING DATE, DELINQUENT DATE AND DISCONNECT DATE) OF THE CODE OF ORDINANCES OF THE CITY OF OVILLA; PROVIDING NEW REGULATIONS PERTAINING TO WATER UTILITY BILLING; PROVIDING A BILLING DUE DATE, DELINQUENCY DATE AND PROVIDING FOR DISCONTINUANCE AND DISCONNECTION OF SERVICE; AMENDING APPENDIX A (FEE SCHEDULE), ARTICLE 7, SECTION A7.003(C) (OTHER CHARGES) OF THE CODE OF ORDINANCES, PROVIDING A PAYMENT EXTENSION PLAN FEE; 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 of Ovilla (the "City") provides water and wastewater utility services for the residents of the City; and

WHEREAS, the City's staff periodically reviews the City's ordinances and recommends revisions thereto based on current needs, outdated provisions, changes in the law, advances in technology, changes in costs and necessary fees, and for the protection of citizens of the City; and

WHEREAS, City staff has reviewed the current water utility billing ordinance and has recommended substantial revisions to same; and

WHEREAS, due to the number of recommended revisions, the City's attorney has recommended a complete repeal and replacement of section 13.03.043 of the City's Code of Ordinances; and

WHEREAS, the City Council finds and determines that the recommended repeal and replacement of section 13.03.043 relating to water utility billing, delinquencies, discontinuance and disconnection as set forth herein are in the best interest of the citizens of the City.

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

SECTION 1. REPEAL AND REPLACEMENT OF CHAPTER 13, ARTICLE 13.03, DIVISION 2, SECTION 13.03.043 OF THE OVILLA CODE OF ORDINANCES

Chapter 13, Article 13.03, Division 2, Section 13.03.043 of the Ovilla Code of Ordinances is hereby repealed in its entirety and is replaced with the following provisions:

Sec. 13.03.043 Bill payment due dates, delinquencies and disconnections.

(a) Due Date and Delinquency Fee. Charges for services furnished become delinquent if payment is not received by the city at 105 S. Cockrell Hill Road, Ovilla, Texas 75154 on or before the due date, which is fifteen (15) days after the bill is rendered, or the next business day if the due date falls on a Saturday, Sunday, or holiday when the city is not open for business. After the due date, the customer must pay a delinquent charge of ten percent (10%) of the unpaid balance, which includes water charges, sewer service, sanitation, sales tax and other related fees included on the monthly bill. The monthly bill will include

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- (1) the service date and the due date;
 - (2) the amount due for services rendered (including all previous delinquent charges, if any, still due and owing), if the bill is paid by the due date; and
 - (3) the delinquent charge due if the customer fails to pay the bill by the due date.
- (b) Authority to waive delinquent charges. The charges for delinquent payment may be waived if the customer can show good cause for the delinquency. The decision to waive the delinquent fees rests solely with the city manager or the city manager's designee.
- (c) Payment Extension Plan. Upon request, and upon a showing of good cause and necessity, the city manager or designee may authorize a payment extension plan subject to the following provisions:
- (1) the customer must pay any outstanding delinquent charges and a payment extension plan fee as set forth in the Fee Schedule in Appendix A, Section A7.003(c)(4);
 - (2) payment extension plans will be for no more than 90-days;
 - (3) no more than one (1) payment extension plan is authorized per calendar year;
 - (4) customer must pay in full the past due balance on or before the 90-day payment extension due date;
 - (5) the customer must keep current on all other utility bills owed to the city; and
 - (6) any customer who fails to comply with the provisions of the payment extension plan will be subject to immediate disconnection.
- (d) Bill not received. Failure to receive a bill from the department does not relieve a customer or other person liable for charges under this section from liability for payment for service.
- (e) Authority to discontinue service. The city manager or the city manager's designee may refuse application for service, discontinue, disconnect, or refuse to restore, service to:
- (1) a customer who fails to pay any charges due under this article within seven (7) days after the sending of notice of discontinuance;
 - (2) a customer who violates any provision of this Article 13.03 or the plumbing code set for in Article 3.02, Division 4, of this code of ordinances;
 - (3) a person making application for service to property at an address, if the person has delinquent charges outstanding at another address;
 - (4) a customer who fails to pay the required security deposit or who pays said deposit with a check which is returned for insufficient funds; or
 - (5) a customer at any premises if the city manager determines that a substantial waste of water or a health hazard is occurring as a result of leaking, damaged, open or disconnected private laterals, pipes or drains on the premises.
- (f) Disconnection, cutting and plugging connections. The authority of the city manager, or the city manager's designee, to discontinue service includes the right to disconnect, cut and plug water or wastewater connections to private property. The costs of cutting and plugging connections will be charged to the customer in addition to the delinquent charges due.
- (g) Restoration of service. Discontinued service will not be restored until the customer, owner or some other person either pays all charges due (including the charges to restore service or connections), makes arrangements for payment satisfactory to the city manager, or the city manager's designee, or, where applicable, ceases violation of the particular code provision in question. The

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decision to restore service while delinquent charges or code violations still exist rests solely with the city manager or the city manager's designee.

(h) Notice of discontinuance/disconnection. The city manager must notify a customer in the following manner before discontinuing service under subsection (e):

- (1) The city manager or designee must send the customer at least seven (7) days' advance written notice of pending discontinuance.
- (2) The notice must provide a statement of reasons for cutoff and a statement of delinquent charges due, where applicable. The notice must also provide a time, place and means by which the customer may cure the delinquency or violation or dispute the validity of the reasons for discontinuance.
- (3) The notice may be served either in person, by mail, or by posting notice to the front entry way to the premises in question.

(i) Exceptions to notice requirement. Subsection (f) does not apply to discontinuance of service resulting from a violation of this article if the city manager determines that immediate discontinuance is necessary to prevent an imminent threat or occurrence of:

- (1) harm to the health or safety of persons;
- (2) damage to city or private property; or
- (3) contamination of the city water, sewer or other systems.

(j) Customer's request to discontinue. Upon a customer's written request, the department may discontinue service to the customer. Upon receipt of the request, the department may remove the water meter and service connections. However, the customer is liable for all charges incurred prior to removal of the meter. Where service is furnished through more than one (1) meter, the customer may request discontinuance of one (1) or more meters and thereafter be billed on the basis of the remaining meter or meters.

(k) Cumulative remedies. Enforcement of this section does not waive any additional civil, criminal remedies available to the city under state law.

SECTION 2. AMENDMENT OF APPENDIX A (FEE SCHEDULE), ARTICLE A7, SECTION A7.003(C) OF THE OVILLA CODE OF ORDINANCES

Appendix A, Article A7, Section A7.003(c) of the Ovilla Code of Ordinances is hereby amended by the addition of subsection (4) to read as follows

(c) Other Charges.

* * *

(d) Payment Extension Plan Fee: \$50.00

SECTION 3. 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 4. SEVERANCE CLAUSE

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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 5. INCORPORATION INTO THE CODE OF ORDINANCES

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

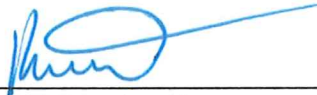
SECTION 6. EFFECTIVE DATE

Because of the nature of interest and safeguard 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 7. 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, APPROVED and ADOPTED by the City Council of Ovilla, Texas on this the 11th day of January, 2021.

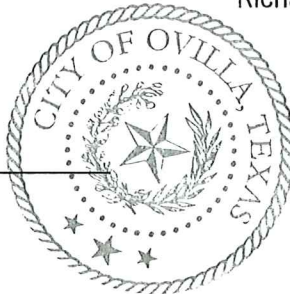


Richard Dormier, Mayor

ATTEST:



G Miller, City Secretary



APPROVED AS TO FORM:



Ron G. MacFarlane, Jr. City Attorney