

ORDINANCE NO. 1030-2014

AN ORDINANCE AMENDING CHAPTER 13, "UTILITIES", DIVISION 2 "WATER SERVICE POLICY" OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED BY REVISING CHAPTER 13 "UTILITIES", ARTICLE 13.03 "WATER SYSTEM" SPECIFICALLY IN SECTION 13.03.009 "METER DEPOSITS AND OTHER FEES" REVISING CERTAIN FEES WHEN PERTAINING TO METER TESTING, RECONNECTION FEES AND AFTER HOURS FEES; CHANGING THE TERM RECONNECTION FEES TO ADMINISTRATIVE FEES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of River Oaks is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, there currently are no fees established for testing meters in excess of one-inch and no fees applicable to after-hours reconnection of utility services disconnected for non-payment ; and

WHEREAS, the term reconnection fee as is currently provided in other fees is not uniform with the Utility Policy and should be revised to be called Administrative fees; and

WHEREAS, there are additional costs for testing water meters when requested for by the customer since the city does not have the equipment to test meters over one-inch in size; and

WHEREAS, pursuant to Chapter 291, TCEQ "Utility Regulations", specifically in Sec. 291.88 "Discontinuance of Service" Utility personnel must be available during normal business hours to accept payment on the day service is disconnected and the day after service is disconnected, unless the disconnection is at the customer's request or due to the existence of a dangerous condition related to the type of service provided; and

WHEREAS, once the past due service charges and applicable reconnect fees are paid or other circumstances which resulted in disconnection are corrected, the utility must restore service within 36 hours.; and

WHEREAS, the city has always provided customers the availability to have water reconnected after hours by sending the cut-off list over to the Police Department dispatcher after regular hours up to 10:00 P.M; and

WHEREAS, due to the additional costs of providing after hours overtime for water personnel to reconnect water services, it necessitates that an additional charge be incorporated in order to recover those costs; and

WHEREAS, the City Council has concluded after due and careful consideration with the adoption of this ordinance to amend the River Oaks Code of Ordinances (2006) by revising Article 13.03 "Water System", specifically in Section 13.03.009 "Meter Deposit and Other Fees" to incorporate charges for city services being provided and not currently

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVER OAKS:

SECTION 1.

With the adoption of this ordinance, Chapter 13 "Utilities", revising Article 13.03 "Water System", specifically in Section 13.03.009 "Meter Deposit and Other Fees" of the River Oaks Code of Ordinances (2006) as adopted and as amended shall be revised to now read as follows:

"Section 13.03.009 -- Meter Deposits and Other Fees

(a) Each water customer shall put up a water meter deposit, which may be applied to the payment of any unpaid balance on the customer's water bill. When a deposit is used to pay the unpaid portion of a bill, the customer must restore the original amount plus the new application deposit amount for delinquent charges. The following water meter deposits shall be made:

<u>Occupancy Type</u>	<u>Description</u>	<u>Amount of Deposit</u>
Single-family residential	Owner responsible for payment of bill	\$ 100.00
Single-family residential	Renter responsible for payment of bill	200.00
Single-family residential	New application for owner due to account being finaled for delinquent charges	150.00
Single-family residential	New application for renter due to account being finaled for delinquent charges	300.00
Two-family residential (duplex)	(Separate deposit for each family unit) Owner responsible for payment of bill	100.00
Two-family residential (duplex)	(Separate deposit for each family unit) Renter	200.00

	responsible for payment of bill	
Two-family residential (duplex)	(Separate deposit for each family unit) New application for owner due to account being finaled for delinquent charges	150.00
Two-family residential (duplex)	(Separate deposit for each family unit) New application for renter due to account being finaled for delinquent charges	300.00
Commercial	Restaurant	400.00
Commercial	Office	150.00
Commercial	Day care	325.00
Commercial Facility	Church	200.00
Commercial	Retail	150.00
Commercial	Beauty shops and barber shops	225.00
Commercial	Automotive service and repair	250.00
Commercial	Convenience and grocery stores	300.00
Industrial	Manufacturing	300.00

Multifamily	Apartments (per unit)	75.00
Construction	Fire hydrant meter	1,000.00
Commercial	Other/not otherwise listed	150.00
Commercial	New application due to account being finalized for delinquent charges	100.00 plus initial deposit amount

(Ordinance 778-08 adopted 3/25/08)

(b) Other utility deposit fees. For customers that make application for other city utilities including sanitation and wastewater and have no available water service or for other water occupancy types not before mentioned in subsection (a) above are required to put up a utility deposit, which may be applied to the payment of any unpaid balance on the customer's bill. When a deposit is used to pay the unpaid portion of a bill, the customer must restore the original amount plus the new application deposit amount for delinquent charges. The following other utility deposits shall be made:

<u>Occupancy Type</u>	<u>Utility Type</u>	<u>Amount of Deposit</u>
Residential (single or two-family owner)	Sanitation only	\$25.00
Residential (single or two-family owner)	Wastewater only	\$50.00
Residential (single or two-family owner)	Sanitation and wastewater	\$75.00
Residential (single or two-family renter)	Sanitation only	\$50.00
Residential (single or two-family renter)	Wastewater only	\$100.00
Residential (single or two-family renter)	Sanitation and wastewater	\$150.00

Residential (single or two-family owner)	New application due to account being finaled for delinquent charges	\$50.00 plus initial deposit amount
Residential (single or two-family renter)	New application due to account being finaled for delinquent charges	\$100.00 plus initial deposit amount
Commercial	Sanitation only	\$50.00
Commercial	Wastewater only	\$100.00
Commercial	Sanitation and wastewater	\$150.00
Commercial	New application due to account being finaled for delinquent charges	\$100.00 plus initial deposit amount
Commercial/residential	Temporary deposit. Good for 15 days only	\$50.00 plus service charge
Commercial/residential	Realtor/property management sanitation only	\$50.00
Commercial/residential	Realtor/property management sanitation only	\$50.00
Commercial/residential	Realtor/property management wastewater only	\$75.00
Commercial/residential	Realtor/property management sanitation and wastewater	\$125.00
Commercial/residential	Realtor/property management sanitation, wastewater and water	\$150.00

(Ordinance 957-2012 adopted 10/23/12)

(c) In addition to the meter deposit, water customers will be charged the following fees:

- (1) Service charge for initiating water service: \$15.00.

(2) Meter testing fee, effective after January 1, 1994 (fee is waived if meter is defective):

(A) .75" meter: \$25.00

(B) 1" meter: \$25.00

(C) Any meter measuring greater than 1": the actual cost to send the meter to be tested

(3) Transfer fee: \$25.00.

(4) Meter rereads. Customers requesting rereadings of the meter after the monthly bills have been mailed out will be charged a fee according to the schedule below. All fees are based on a calendar year:

(A) First meter reread: no charge.

(B) Second meter reread: \$5.00.

(C) Third meter reread: \$10.00.

(D) Four or more: \$10.00 plus \$5.00 for each reread over 3.

(5) Administrative fee for nonpayment by the 25th day after billing: \$25.00.

(6) Pull meter charge. If the meter has to be pulled, it is required that prior to reconnection of service that the customer pay an additional fee of \$25.00 for the charge of pulling the meter plus any other applicable fee(s).

(7) Water service tampering as provided for in [section 13.03.015](#).

(8) After-hours reconnection fee: \$75.00 in addition to the administrative fee and any other applicable fee(s)

SECTION 2. Cumulative Clause

This Ordinance shall be Cumulative of all provisions of Ordinances and of the River Oaks Code of Ordinance, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances or Code, in which case the conflicting provisions of such Ordinances or Code are hereby repealed.

SECTION 3. Severability Clause

It is hereby declared to be the intentions of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction,

such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section..

**SECTION 4.
SAVINGS**

All rights and remedies of the City of River Oaks are expressly saved as to any and all violations of the provisions of the City of River Oaks Code of Ordinances (2006) or any other ordinances affecting meter deposit fees and other utility fee charges which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

**SECTION 5.
PENALTY**

In accordance to Section 1.01.009, "General penalty for violations of code; continuing violations", of the City of River Oaks Code of Ordinances (2006) as adopted and as amended; whenever in this code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this code or any such ordinance shall be punished by a fine of not exceeding five hundred dollars (\$500.00). Each day any violation of this code or of any ordinance shall continue shall constitute a separate offense.

**SECTION 6.
PUBLICATION**

The City Secretary of the City of River Oaks is hereby directed to publish in the official newspaper the caption, savings clause, penalty clause, publication clause and effective date clause of this ordinance one (1) time after the adoption of this ordinance as authorized by Chapter 5, Section 5.02(c) of the Charter of the City of River Oaks.

**SECTION 7.
EFFECTIVE DATE**

This Ordinance shall be in full force and effect after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED THIS THE 24th DAY OF JUNE 2014.



Mayor Herman Earwood

ATTEST:



Marvin C. Gregory III
City Secretary