

ORDINANCE NO. 1046-2014

AN ORDINANCE AMENDING CHAPTER 13, "UTILITIES", OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED BY REVISING ARTICLE 13.03 "WATER SYSTEM" SPECIFICALLY IN SECTION 13.03.009 "METER DEPOSITS AND OTHER FEES", SECTION 13.03.009 (b) "OTHER UTILITY DEPOSIT FEES" INCORPORATING A FEE FOR IRRIGATION AND LANDSCAPING WATER SERVICE FOR BOTH RESIDENTIAL AND COMMERCIAL RIVER OAKS WATER CUSTOMERS; 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 is not established a deposit fee for an irrigation only water meter and the water administration department has recommended that a deposit fee be established that is listed in the deposit fees, so they can appropriately charge the customer; and

WHEREAS, the City Council has concurred with the water administration department that a separate deposit fee is needed to be included in the city's water deposit fees and have 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" (b) " Other Utility Deposit Fees" to incorporate charges for city services being provided and not currently compensated for.

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", is hereby amended by revising Article 13.03 "Water System", specifically in Section 13.03.009 "Meter Deposit and Other Fees", 13.03.009 (b) "Other Utility Deposit Fees" of the River Oaks Code of Ordinances (2006) as adopted and as amended incorporating a water deposit fee for Irrigation and/or Landscape water meters to now read as follows:

"Section 13.03.009 – Meter Deposits and Other Fees

(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)	Irrigation or Landscaping water (separate Meter on lot)	\$50.00
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	New application for a separate Irrigation or Landscape Water Meter Deposit Fee	\$150.00
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"

**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 28th DAY OF OCTOBER 2014.


Mayor Herman Earwood

ATTEST:


Marvin C. Gregory III
City Secretary