

**ORDINANCE NO. 1344-2022**

**AN ORDINANCE AMENDING CHAPTER 13, "UTILITIES", DIVISION 2 "WATER SERVICE POLICY" OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED BY INCORPORATING SECTION 13.02.045 "BILL DELAY PROCEDURES"; PROVIDING DELAY OF BILL PAYMENT DATE UPON REQUEST FOR ELDERLY INDIVIDUALS WHO IS 60 YEARS AND OLDER IN AGE PURSUANT TO CHAPTER 182 "RIGHTS OF UTILITY CUSTOMERS"; FURTHERMORE, IN ADDITION PROVIDING FOR THE DELAY OF BILL PAYMENT DATE UPON REQUEST BY THE DISABLED INDIVIDUAL AS AUTHORIZED BY THE FEDERAL SOCIAL SECURITY ADMINISTRATION, 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**, pursuant to Chapter 182 of the Texas Utilities Code, on request by an elderly individual that is at least 60 years of Age or older, a utility shall delay without penalty the payment date of a bill for providing utility service to that individual until the 25th day after the date the bill is issued; and

**WHEREAS**, the City of River Oaks does not currently have a policy for the delay of bill for disabled individuals who cannot afford a late fee every month since they are on a fixed income and only receive a check only once a month; and

**WHEREAS**, the Utility Manager of the City of River Oaks upon research recommends that a late fee waiver for disabled individuals be also added and also that pursuant to Chapter 182 of the Texas Utilities Code that the elderly bill delay also be incorporated into the City's Code of Ordinances; and

**WHEREAS**, the city council concludes that both the waiver for disabled persons providing they are authorized by the Federal Social Security Administration as a disabled person and that the elderly bill delay for individuals 60 and over pursuant to Chapter 182 of the Texas Utilities Code both be incorporated in Chapter 13 "Utilities" in Division 2 "Water Service Policy" specifically in Section 13.02.045 "Bill Delay Procedures" of the River Oaks Code of Ordinances (2020); 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 (2020) by incorporating Section 13.02.045 "Bill Delay Procedures" to be consistent with Chapter 182 of the Texas Utilities Code and by adding Disabled individuals that are authorized by the Federal Social Security Administration as herein incorporated in this Ordinance.

**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", Division 2 "Water Service Policy", Section 13.02.045 "Bill Delay Procedures" of the River Oaks Code of Ordinances (2020) as adopted and as amended shall be incorporated to now read as follows:

**"Section 13.02.045 – Bill Delay Procedures**

**(a) Definitions.**

- (1) "Elderly individual" means an individual who is 60 years of age or older;
- (2) "Disabled individual" under this section means an individual that is authorized by the Federal Social Security Administration;
- (3) "Utility" means an electric, gas, water, or telephone utility operated by a public or private entity.

**(b) Elderly Individual.** Pursuant to the Utilities Code in Section 182.002 "Delay of Bill Payment Date for Elderly Individual", the delay of bill payment date for the elderly individual, upon request by an elderly individual, a utility shall delay without penalty the payment of a utility bill for providing utility service for that elderly individual until the 25<sup>th</sup> day after the bill is issued as provided:

(1) Late Penalty Waiver. A customer who is 60 years of age or older may request, in writing, a standing waiver of the late penalty, for utility payments made after their due date. Late payments will still initiate a late notice, and the actual payment history will be recorded. Non-payment of the utility account by the disconnect date on the late notice will result in disconnection. The disconnection fee will not be waived.

(2) Age must be verifiable. Waiver applies only to the account holder; accountholder must occupy the entire residence for which the delay is requested. A utility may require an individual requesting a delay under this subchapter to present reasonable proof that the individual is 60 years of age or older.

(3) Request for Delay. An elderly individual may request that the utility implement the delay for the most recent utility bill; or the most recent utility bill and each subsequent utility bill.

(4) Certification of applicant. A signature will be required to certify that customer has met all of the provisions as provided for in this section for the delay of bill payment date for elderly individuals; and met the city requirements and certify that they understand that the request is not transferrable to any other person or tenant and if for any reason the status as the occupant ceases then any approval of this application is rescinded in its entirety.

**(c) Disabled Individual.** A customer who is disabled, as authorized by the Federal Social Security Administration, may request, in writing, a standing waiver of the late penalty, for utility payments made after their due date as set forth above in subsection (b) "Elderly individuals". Late payments will still initiate a late notice, and the actual payment history will be recorded.

(1) Non-payment of the utility account by the disconnect date on the late notice will result in disconnection. The disconnection fee will not be waived. A customer's disabled status must be verified by an Award Letter from the Social

Security Administration. Waiver applies only to the account holder; account holder must occupy the entire residence for which the delay is requested.

(2) A disabled individual may request that the utility implement the delay for the most recent utility bill; or the most recent utility bill and each subsequent utility bill.

(3) Certification of applicant. A signature will be required to certify that customer has met all of the provisions as provided for in this section for the delay of bill payment date for disabled individuals; and met the city requirements and certify that they understand that the request is not transferrable to any other person or tenant and if for any reason the status as the occupant ceases then any approval of this application is rescinded in its entirety.”

## **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 Clause**

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 Utility Policy procedures 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 Clause**

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 Clause**

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.

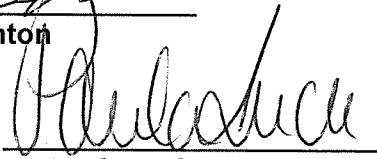
**SECTION 7.  
Effective Date**

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 26th DAY OF APRIL 2022.**

  
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Mayor Joe Ashton

ATTEST:

  
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Paula Luck  
City Secretary