

## **ORDINANCE NO. 1354-2022**

**AN ORDINANCE AMENDING CHAPTER 13 "UTILITIES" ARTICLE 13.02 "UTILITY POLICY", DIVISION 2 "WATER SERVICE POLICY" SPECIFICALLY UNDER SECTION 13.02.039 "RECONNECTION" AND SECTION 13.02.040 "REQUIREMENTS FOR NEW APPLICATIONS FOR UTILITY SERVICE" REPEALING THE FORMER SECTIONS 13.02.039 AND 13.02.040 IN CONFLICT THEREOF BY AMENDING THE RECONNECTION PROCEDURE FOR WATER SERVICE RECONNECTION AND BY AMENDING THE IDENTIFICATION REQUIREMENTS FOR NEW UTILITY SERVICE APPLICATIONS; 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**, identification cards must have an address listed on them and for collection purposes the collection agency wants to ensure the person on the utility account is the right person; and

**WHEREAS**, in applying for water service, the applicant must provide a closing disclosure, current lease or current property management agreement with his/her name or business on the paperwork and Lease agreements must have the move in dates and list which party is responsible for paying the utility bills, which helps determine if the applicant has current rights to start service at that property; and

**WHEREAS**, Staff recommends the need to change the reconnection procedure for water service reconnection and add a fee for chronic violators that get door tagged 3 or 4 times in one day and each time they are not at home where the city can reconnect utility service and therefore with the wear and tear on city equipment, it has become necessary to charge a fee to recoup the additional costs incurred by the City; and

**WHEREAS**, Staff finds that the reconnection and identification procedures must be considered for amendment in both Sections 13.02.039 and 13.02.040 of the Water Policy in order not to continue with the unnecessary disruptions that further complicate the intended procedures designed to simplify the process; and

**WHEREAS**, the City Council has concluded after due and careful consideration that with the adoption of this ordinance, the changes will simplify the collection procedures and will also establish a definite process to follow when involving the disconnection and reconnection of service that will be in the best interest of the city and citizens alike; and

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

### **SECTION 1.**

With the adoption of this ordinance, Article 13.02 "Utility Policy", Division 2 "Water Service Policy", Section 13.02.039 "Reconnection" of the River Oaks Code of Ordinances (2020) as adopted and as amended shall be revised to now read as follows:

**“Sec. 13.02.039 Reconnection**

- (a) Service for accounts turned off due to nonpayment will not be reconnected until the delinquent bill is paid in full and only after all accounts on the cutoff list have been disconnected, unless due to an office error.
- (b) Service will be restored within the same day the delinquent bill is paid in full; however, bills paid after 5:00 p.m. in the drop box or by web payment will not be restored until the next business day.
- (c) If a customer is disconnected due to non-payment and pays the delinquency online, the customer is required to call the water department to get reconnected.
- (d) Someone over the age of 18 will need to be home to sign an affidavit for the reconnection of water.
- (e) If a door tag is received by the customer requesting reconnection after payment and are not at the property to sign the affidavit; a \$15.00 fee (for each offense) will be added to the customer’s account to be reconnected.
- (f) If applicable, when water service has been disconnected due to nonpayment, there will be an additional charge for water turned back on after normal business hours as provided for in section 13.03.009 of this code.
- (g) All applicable fees pursuant to section 13.03.009 of this code when applicable, including but not limited to a pull meter charge, upon approval by the city manager or his/her designee may be included on the next monthly bill.”

**SECTION 2.**

With the adoption of this ordinance, Article 13.02 “Utility Policy”, Division 2 “Water Service Policy”, Section 13.02.040 “Requirements for new applications for utility service” of the River Oaks Code of Ordinances (2020) as adopted and as amended and subsection (i) shall be revised to now read as follows:

**“Sec. 13.02.040 Requirements for new applications for utility service**

- (a) When required, the applicant must first make application for a certificate of occupancy inspection at the address the utility service is being requested for.
- (b) Applicant must file an application for water service with the water utility office.
- (c) Applicant must pay the most recently adopted utility deposit fee and service charge as required by this code.
- (d) Application for utility service, if applicable, includes the following:
  - (1) Applicant must provide a valid United States government issued or Consular issued photo identification card.
  - (2) Applicant's telephone number.
  - (3) Mailing address.

- (4) Billing address.
  - (5) Date of application.
  - (6) Date service will commence.
  - (7) Applicant's signature required on application for water service, indicating that applicant agrees to all of the provisions stated on the application form.
  - (8) Applicant must provide a closing disclosure, current lease or current property management agreement with his/her name on the paperwork. Lease agreements must have the move in dates and list which party is responsible for paying the utility bills.
  - (9) Proof may be required to substantiate that the person making application for service is the same person, and that avoidance is not being attempted in order to keep the previous person on the account that is still living there from having to pay the delinquent bill on the account.
- (e) When required, permanent water service cannot be commenced until after the certificate of occupancy inspection is performed by the city's inspection department."

### **SECTION 3.**

#### **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 4.**

#### **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 5.**

#### **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 (2020) 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 6.**

#### **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 7.**

#### **REPEALING CLAUSE**

With the adoption of this ordinance, all ordinances or provisions previously adopted that are in conflict hereof, shall be repealed in their entirety.

#### **SECTION 8.**

#### **PUBLICATION**

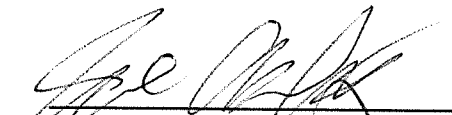
The City Secretary of the City of River Oaks is hereby directed to publish in the official newspaper the caption, savings clause, penalty clause, publication clause and effective date clause of this ordinance one (1) time after the adoption of this ordinance as authorized by Chapter 5, Section 5.02(c)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

#### **SECTION 9.**

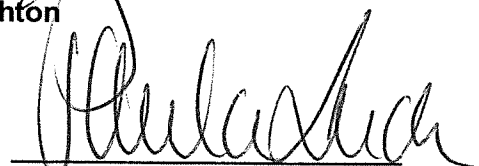
#### **EFFECTIVE DATE**

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 9<sup>th</sup> DAY OF AUGUST 2022.**

  
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Mayor Joe Ashton

**ATTEST:**

  
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Paula Luck  
City Secretary