

## **ORDINANCE # 1180-2018**

AN ORDINANCE AMENDING ARTICLE 13.01 "GENERAL PROVISIONS", DIVISION 2 "WATER SERVICE POLICY" SPECIFICALLY IN SEC. 13.02.038 "WAIVER OF CHARGES; ADJUSTMENTS TO BILL" REVISING 13.02.038 SUBSECTION (e) REPLACING OFFICE MANAGER WITH ASSISTANT CITY SECRETARY AND BY INCORPORATING SECTION 13.02.038 (f) AUTHORIZING CITY SECRETARY/ASSISTANT CITY SECRETARY TO WAIVE THE ADMINISTRATION FEE ONE TIME ANNUALLY FOR JUST CAUSE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; 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**, the City adopted a Water Service Policy for the purpose to set forth the procedures relating to delinquent charges for the city's water and sanitary sewer services, to set forth the city's policy and procedures for discontinuance (cutoff) of such utility accounts/service, for reinstatement of utility accounts/service, and other related matters.; and

**WHEREAS**, pursuant to Section 13.02.038 "Waiver of charges; adjustments to bill" under Section 13.02.038 (e) there is a one-time waiver annually of a late charge on a customer's water bill if requested for by the account holder when approved by the City Secretary/Office Manager; and

**WHEREAS**, there is no such a provision when involving the \$25 Administrative Fee that is charged when a customer fails to make the utility payment by the deadline; and

**WHEREAS**, Pursuant to Section 13.02.038 (e) due to reorganizational adjustments within the city's administration department, Office Manager therein has been changed to become the Assistant City Secretary necessitating the change; and

**WHEREAS**, the City Council has determined after due and careful consideration that there may be unforeseen emergency conditions that could result in a customer not being able to make their utility payment on time which will cause the utility system to automatically assess a \$25 administration fee to their account and the council further finds that in an effort to promote good customer service that a one-time annual waiver of the Administration fee would be prudent and therefore authorize the City Secretary/Assistant City Secretary to approve a one-time annual request if there is proven just cause for the request by the account holder.

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

### **SECTION 1.**

That Article 13.01 "General Provisions" of the City of River Oaks Code of Ordinances (2006) with the adoption of this ordinance, specifically Section 13.02.038 "Waiver of Charges; Adjustments to Bill" is amended by revising Section 13.02.038 subsection (e) and by incorporating subsection (f) to now read as follows:

**SEC. 13.02.038 "Waiver of charges; adjustment to bill"**

"(e) Upon approval by the city secretary/Assistant City Secretary a late fee can be waived once annually upon request by the account holder.

(f) Upon approval by the City Secretary/Assistant City Secretary an Administration Fee can be waived once annually upon request by the account holder when there is acceptable written proof provided by the account holder that justifies there being an unforeseen emergency resulting in the account holder's inability to pay the utility bill on time."

## **SECTION 2.**

### **CUMULATIVE**

This Ordinance shall be cumulative of all provisions of Ordinances of the city, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

## **SECTION 3.**

### **SEVERABILITY**

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 water service policies 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**

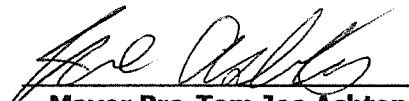
The City Secretary of the City of River Oaks is hereby directed to publish in the official newspaper the caption, savings clause, penalty clause, publication clause and effective date clause of this ordinance one (1) time after the adoption of this ordinance as authorized by Chapter 5, Section 5.02(c)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

**SECTION 7.**

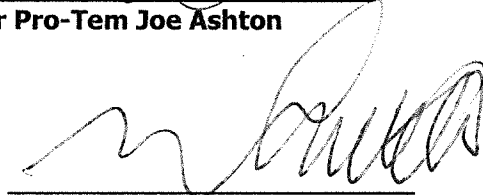
**EFFECTIVE DATE**

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 10th DAY OF APRIL 2018.**

  
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**Mayor Pro-Tem Joe Ashton**

**ATTEST:**

  
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**Marvin C. Gregory III**  
**City Secretary**  
**City of River Oaks**