

**ORDINANCE NO. 1037-2014**

**AN ORDINANCE AMENDING ARTICLE 13.02 "UTILITY POLICY", DIVISION 2 "WATER SERVICE POLICY" SPECIFICALLY UNDER SECTION 13.02.032 "DELINQUENT CHARGES", SECTION 13.02.033 "PAYMENT ARRANGEMENTS" AND 13.02.039 "RECONNECTION" OF THE RIVER OAKS CODE OF ORDINANCES BY REPEALING THE MINIMUM ACCOUNT BALANCE PROVISION FORMERLY PROVIDED FOR IN THE CODE OF ORDINANCES AND PROVIDING THAT BILLS PAID AFTER 8:00 P.M. WILL NOT BE RESTORED UNTIL THE NEXT BUSINESS DAY; REPEALING THE FORMER ORDINANCES IN CONFLICT THEREOF; 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 Section 13.02.032 "Delinquent Charges" of the Water Service Policy as amended if a customer's account is not paid or a written payment agreement with the city secretary, mayor or mayor's designee has not been made by 5:00 p.m. on the twenty-fifth (25th) day following the billing date, the customer will automatically be charged a \$25.00 administrative fee and the water service shall be disconnected on the following business day beginning at 8:00 a.m.; 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 Section 13.02.039 "Reconnection" to be consistent with the Water Service Policy regarding delinquent bills, disconnection of service and reconnection of service. .

**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 13.02.032 "Delinquent Charges" subsections (b), (c) and (d) of the River Oaks Code of Ordinances (2006) as adopted and as amended shall be revised to now read as follows:

**"Section 13.02.032 – Delinquent Charges**

(b) Charges for the city's water and sanitary sewer services furnished become past due at 5:00 p.m. fifteen (15) days after the billing date if the city does not receive payment. If the customer fails to pay the bill and has an account balance of \$5.00 or greater by this due date, the account shall be assessed a late charge of 10% of the past due amount or \$5.00, whichever is greater.

(c) The water utility office, as a courtesy, will send out late notices ("pink slips" or "second notice") to each premises in which the account has become past due at the time

the account is assessed with the late charge. In addition to describing the late charge, the second notice will advise the customer that if the past due balance is not paid within 10 days (a total of 25 days after the billing date), then such delinquent utility accounts are subject to being scheduled for discontinued service or cut off at 5 p.m. on the twenty-fifth (25th) day following the billing date. The account holder must contact the utility office in order to make any payments or payment arrangements prior to 5 p.m. on the twenty-fifth (25th) day following the billing date.

(d) If a customer's account is not paid and has an account balance of \$5.00 or greater by this date or a written payment agreement with the city secretary, mayor or mayor's designee has not been made by 5:00 p.m. on the twenty-fifth (25th) day following the billing date the customer will automatically be charged a \$25.00 administrative fee and the water service shall be disconnected on the following business day beginning at 8:00 a.m.

## **SECTION 2.**

With the adoption of this ordinance, Article 13.02 "Utility Policy", Division 2 "Water Service Policy", Section 13.02.033 "Payment Arrangements" subsection (i), of the River Oaks Code of Ordinances (2006) as adopted and as amended shall be revised to now read as follows:

### **"Section 13.02.033 – Payment Arrangements**

If a customer's account is not paid and has an account balance of \$5.00 or greater by this date or a written payment agreement with the city secretary, mayor or mayor's designee has not been made by 5:00 p.m. on the twenty-fifth (25th) day following the billing date, the customer will automatically be charged a \$25.00 administrative fee and the water service shall be disconnected on the following business day beginning at 8:00 a.m.

## **SECTION 3.**

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 (2006) as adopted and as amended shall be revised to now read as follows:

### **"Section 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 8:00 p.m. will not be restored until the next business day.

(c) The police department will be given a list of those customers that remain cut off as of 5:00 p.m. on the day of cutoff; if a customer calls the police department, the police dispatcher can advise the customer that they were turned off for nonpayment, and that the customer can make payment of all fees and charges owing to the police dispatcher. If such payment is made to the police dispatcher, the police dispatcher will call the city water department personnel to turn the water service back on up until 8:00 p.m. After 8:00 p.m., the water cannot be turned back on until the next business day.

(1) 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.”

#### **SECTION 4.**

##### **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 5.**

##### **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 6.**

##### **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 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 7.**

##### **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 8.**

**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. Ordinance numbers 1031-2014 & 1035-2014 are hereby repealed.

**SECTION 9.**

**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 10.**


**EFFECTIVE DATE**

This Ordinance shall be in full force and effect as of October 1, 2014 after its passage and publication as required by law, and it is so ordained.

**PASSED AND APPROVED THIS THE 26<sup>th</sup> DAY OF AUGUST 2014.**

  
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Mayor Herman Earwood

**ATTEST:**

  
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Marvin C. Gregory III  
City Secretary