

TOWN OF ADDISON, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING CHAPTER 82 (UTILITIES) OF THE CODE OF ORDINANCES OF THE TOWN BY AMENDING SECTION 82-80.1 (PAYMENT; LATE PAYMENTS), SUBSECTION (C) TO DELETE A PROVISION FOR PAYMENT OF A DELINQUENT UTILITY BILL AND APPLICABLE PENALTY BEING ADDED TO THE NEXT SUCCEEDING BILL, AND BY AMENDING SECTION 82-80.3 (SERVICE TERMINATION PROCEDURES) BY AMENDING SUBSECTIONS (B) AND (C) REGARDING NOTICE AND DATE OF TERMINATION OF WATER AND SEWER UTILITY SERVICE AND SUBSECTION (G) REGARDING RESTORATION OF WATER AND SEWER UTILITY SERVICE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Addison, Texas (the "City") is a home rule municipality having full power of local self government pursuant to Article 11, Section 5 of the Texas Constitution and its Home Rule Charter; and

WHEREAS, the City Council is authorized by Section 2.08.p. of the City Charter to provide for a sanitary sewer and water system, and the City is authorized by law (including, without limitation, Sections 552.001 and 552.017, Tex. Loc. Gov. Code) to own, construct and operate a water and sewer system, to regulate the system, and to prescribe rates therefor; and

WHEREAS, the City desires to amend provisions in its Code of Ordinances regarding payment of a delinquent utility bill, and notice and date of termination, and restoration, of water and sewer utility services, and the City Council finds that the amendments and changes herein made are in the best interests of the City and its citizens and of the public health and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

Section 1. The Code of Ordinances (the "Code") of the Town of Addison, Texas (the "City") is hereby amended as follows (additions are underlined, deletions are ~~struck through~~):

A. Chapter 82 (Utilities), Article I (In General), Division 5 (Rates and Charges) of the Code is hereby amended in part as follows:

1. Section 82-80.1 (Payment; late payments) of the Code is amended by amending subsection (c) thereof to read as follows:

(c) If such bill is not paid, as of the date indicated in this subsection, ~~;~~

~~(4) —~~ sSuch liability shall be discharged upon payment of the delinquent bill, plus a penalty of ten percent of the total amount of the bill, prior to the due date of the next succeeding bill, ~~and provided further that;~~

~~(2) If such payment of a delinquent bill, plus the penalty herein provided, be not paid prior to the due date of the next succeeding bill, the amount of the delinquent bill, plus the penalty herein provided, shall be added to and become a part of the net amount of the next succeeding bill.~~

2. Section 82-80.3 (Service termination procedures) of the Code is amended by amending subsections (b), (c), and (g) thereof to read as follows:

- (b) If by the payment date shown on a utility bill the ~~department director~~ has not received complete payment of the amount(s) shown on the bill, the director shall mail to, or personally serve upon the customer a notice of termination during the final seven days of the month during which the delinquent bill due date falls. Such termination will be effective on the date immediately following the due date of the current bill due (not on delinquent bill due)~~not less than three days after the payment date.~~
- (c) The notice of termination shall contain the following:
- (1) The amount to be paid;
 - (2) The date of the notice of termination;
 - (3) The date of termination, which ~~is~~shall be no less than ten days from the date immediately following the due date of the current bill due (not of the delinquent bill due)~~of the notice of termination;~~
 - (4) Notice that unless the director receives complete payment of the amount shown prior to the date of termination, service shall be terminated under subsection (d);
 - (5) Notice that in lieu of paying the entire amount shown, a customer, prior to the date of termination, may notify the director that he disputes the correctness of all or part of the amount shown, if all or part of the amount shown was not the subject of a previous dispute under section 82-80.2.
- (g) Restoration of service. Discontinued service will not be restored until the customer, owner or some other person either pays all charges due (including (1) a \$50.00 trip fee, (2) delinquent charges, (3) current bill, to restore connections; a \$20.00 reconnection fee and (4) an additional security deposit in the amounts specified at section 82-79.3), or, where applicable, ceases violation of the particular Code provision in question. The decision to restore service while delinquent charges or Code violations still exist rests solely with the director. Whether or not service is disconnected, if a crew member is dispatched to disconnect service, then a \$50.00 trip fee will be charged in addition to the delinquent charges.

Section 2. Savings; Repealer. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in

those instances where the provisions of those Ordinances are in direct conflict with the provisions of this Ordinance. Provided, however, that the repeal of such ordinances or parts of such ordinances, and the amendments and changes made by this Ordinance, shall not affect any right, property or claim which was or is vested in the City, or any act done, or right accruing or accrued, or established, or any suit, action or proceeding had or commenced before the time when this Ordinance shall take effect; nor shall said repeals, amendments or changes affect any offense committed, or any penalty or forfeiture incurred, or any suit or prosecution pending at the time when this Ordinance shall take effect under any of the ordinances or sections thereof so repealed, amended or changed; and to that extent and for that purpose the provisions of such ordinances or parts of such ordinances shall be deemed to remain and continue in full force and effect.

Section 3. Severability. The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 4. Recitals. The above and foregoing recitals are true and correct and are incorporated herein and made a part of this Ordinance.

Section 5. Effective Date. This Ordinance shall become effective upon its passage and approval

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the ____ day of _____, 2014.

Todd Meier, Mayor

ATTEST:

By: _____
Matt McCombs, City Secretary

APPROVED AS TO FORM:

By: _____
John Hill, City Attorney