

**ORDINANCE No. 2017-258  
CITY OF SHOREACRES, TEXAS**

AN ORDINANCE AMENDING CITY OF SHOREACRES CITY CODE AMENDING SECTION 66-187 DISCONTINUATION OF SERVICE; CONTAINS A SAVINGS CLAUSE; CONTAINING A SEVERABILITY CLAUSE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

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

That section 66-187 of the Shoreacres City Code is hereby amended to read as follows:

**Sec. 66-187. - Discontinuation of service.**

(a) The City of Shoreacres reserves the right to discontinue water and sewer service to any customer who is ten days delinquent in payment of any charges set out in this chapter. Notice of the city's right to discontinue service is printed on all water bills and on all applications for water service. ~~[The city shall not be required to serve any additional notice(s) to a customer before service is discontinued.]~~ On the day of, or the first business day after a customer is delinquent on his or her water bill, the city shall mail a delinquent reminder notice to the customer. The delinquent reminder notice shall contain the date of discontinuance of service and the total amount due to prevent a discontinuance of service. The date of the discontinuance of service must be the first day of a 3 day contiguous period, including weekends and holidays, when the city has 3 full business days scheduled within the 3 day period.

(b) If any person shall refuse or neglect to pay the charges for water service (which bill shall include the total charges for water service, sewer service and garbage service) furnished by the city, on or before 27 days after the date of the mailing of the bill to the consumer, such water service shall be immediately disconnected, and further water service shall not be permitted, except by authorized representatives of the city.

(c) When the water supply to any property or premises has been disconnected or otherwise terminated by the city water department for failure of the consumer to pay any water charges due and owing to the city, the water service shall not be resumed until and after all delinquent charges have been fully paid and satisfied, or satisfactory arrangements have been made with the water department to pay such delinquent bill, and such delinquent consumer has made any required deposit with the department.

(d) In cases where the water meter has been disconnected or service has otherwise been terminated by the city for nonpayment of charges for water, sanitary sewer and garbage services, and the consumer has complied with the requirements of the city,

service will be restored on a same day basis if the request is made by the consumer during the hours of 8:00 a.m. through 3:30 p.m., Monday through Thursday, or during the hours of 8:00 a.m. through 12:00 p.m., Friday, except holidays approved by the city council. The service restoration fee shall be in the amount of \$25.00. In cases where the water meter has been disconnected or otherwise terminated by the city water department for nonpayment of charges for water, sanitary sewer and garbage services, and the consumer has developed a pattern of habitually failing to pay for the services that have been received, the amount of the service restoration fee will be doubled, and the consumer will be required to have placed on deposit an amount that is double the amount established by this Code. For the purposes of determining this fee, the consumer will be allowed three service terminations in a 12-month period at the normal rate and all others will be assessed at the increased rate.

(e) In cases where the water meter has been disconnected or otherwise terminated by the city water department for nonpayment of charges for water, sanitary sewer and garbage services, and service is restored to the consumer (by someone other than authorized city personnel) before all delinquent charges have been fully paid and satisfied, or satisfactory arrangements have been made with the water department to pay such delinquent bill, the city shall immediately proceed to disconnect and discontinue any further service to the consumer and provide a locking mechanism to deny further service to the consumer until the outstanding amount is resolved in compliance with subsection (c) of this section. In cases where the discontinuance of service had to be achieved by the use of a locking mechanism, an additional fee of \$25.00 shall be assessed. If the locking mechanism is removed or otherwise altered to allow service continuance before satisfactory arrangements have been made with the city, another additional fee in the amount of \$25.00 shall be assessed.

(f) In cases where the consumer has been provided service by means of an unauthorized tap or hook-up, an administrative penalty in an amount of \$200.00 shall be assessed. In addition, in such cases where the water meter has been disconnected or other means taken to terminate service at the location, and the consumer has had service made available through an unauthorized tap or hookup which was not installed by city personnel, the unauthorized tap or hookup will be physically removed by city personnel.

(g) In cases where the water meter has been disconnected or otherwise terminated by the city water department for nonpayment of charges for water, sanitary sewer and garbage services, and the consumer has failed to comply with the requirements of the city, the amounts due the city will be transferred to any other service accounts that the consumer has with the city.

(h) Any or all of the foregoing charges and fees may be included in regular or special billing of the city water department, and shall be in addition to all other charges, fees or penalties which may be provided by this chapter.

(i) In cases where any person gives the city a check in payment of water and sewer services which is not honored by the drawee' bank for any reason, an additional charge shall be levied against such person, and such charge shall be the maximum charge authorized by state law.

(j) The city shall close the account of any customer whose service was discontinued for non-payment and has remained disconnected for 30 days. The utility deposit will be applied to the amount owed and the deposit balance, if any, refunded to the customer. Restoration of service will require a new application for service and a new utility deposit.

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That if any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance; and,

That the City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

PASSED AND APPROVED this the 13th day of March, 2017.

( CITY SEAL )

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Kimberly Sanford, Mayor

ATTEST:

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David K. Stall, CFM, TEM  
City Secretary

M/2		Yea	Nay	N/V	Absent
<input type="checkbox"/>	K. Sanford	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	R. Bowles	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	R. Hoskins	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	D. Jennings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	J. McKown	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	N. Schnell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Passed / Failed \_\_\_\_\_  
David Stall, City Secretary - Date