

ORDINANCE NUMBER 2023-04-10

AN ORDINANCE AMENDING CHAPTER 14, ARTICLE III, “RATES, CHARGES AND BILLING PROCEDURE” OF THE CODE OF ORDINANCES OF THE CITY OF DECATUR, TEXAS BY REPEALING AND REPLACING SECTION 14-98 “WATER DEPOSITS”; BY REPEALING AND REPLACING SECTION 14-104 “DUE DATE FOR BILLS; DELINQUENCY; RECONNECTION”; AND BY ADOPTING A NEW SECTION 14-105 “LIENS”; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE AUTHORIZING A FINE NOT MORE THAN \$500 A DAY FOR EACH VIOLATION; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Decatur is a Home Rule Municipality acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution; and

WHEREAS, pursuant to the laws of the State of Texas and the City of Decatur, the City Council may adopt, publish, amend, or repeal ordinances as necessary for the proper performance of government functions; and

WHEREAS, the staff of the City of Decatur has recommended that the City Council adopt certain procedures related to nonpayment of fees for water services; and

WHEREAS, the City Council finds it necessary and proper to adopt procedures related to deposits, suspension of service, reconnection to service, and placing a lien on properties for nonpayment of fees related to water use in accordance with Section 552.0025 of the Texas Local Government Code and Sections 24.165 and 24.167 of the Texas Administrative Code; and

WHEREAS, the City Council is of the opinion that the adoption of these procedures will promote the prompt payment of fees for water services and serve the health, safety, and welfare of the community.

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

SECTION 1. INCORPORATION OF PREMISES. The foregoing recitals are the findings of the City Council and are incorporated into this Ordinance as if set forth fully herein.

SECTION 2. AMENDMENTS. The following amendments to the Code of Ordinances are hereby approved.

2.01. Section 14-98, “Water Deposits,” of Chapter 14, Article III of the Decatur Code of Ordinances is hereby repealed and replaced in its entirety as follows:

“Sec. 14-98. – Water Deposits and Refunds

The amount required for a water deposit charged by the city for water service is on file in the city secretary's office. Refunds for deposits shall be provided to Property Owners that utilize the service for a consecutive period of eighteen (18) months and in that period have no history of late payments, cutoff charges, or any penalty or fee of any kind. The refund provision of this paragraph does not apply to Tenants. Tenant deposits shall remain on the account to be applied to the Tenant's final bill upon vacating the premises. Should the Tenant deposit fail to cover the final bill, the Property Owner will be responsible for the remaining outstanding balance. New Tenants shall not be allowed to start service until all outstanding balances are paid in full."

2.02. Section 14-104, "Due Date for Bills; Delinquency; Reconnection," of Chapter 14, Article III of the Decatur Code of Ordinances is hereby repealed and replaced in its entirety as follows:

"Sec. 14-104 – Due Date for Bills; Delinquency; Reconnection

Bills for services rendered by the water and sewer systems will be sent out by the first of the month. The due date for these bills will be on the 15th day of each month. If a bill is not paid by the 15th day of the month, a penalty will be applied, and a delinquency notice will be issued to the customer and Landlord of rental properties. Customer shall have ten (10) additional days to pay the past due balance in full. Failure to remit payment shall result in the discontinuance of water and sewer services. In the event of discontinuance of service, an additional fee, which is on file in the City Secretary's office, shall be charged for reconnection to the system. Water service shall be disconnected if the bill for sewer service is not paid as noted above even if the bill for water service has been paid."

2.03. Section 14-105, "Liens," is hereby added to Chapter 14, Article III of the Decatur Code of Ordinances as follows:

"Sec.14-105 – Liens

The City of Decatur may impose a lien on any property with a delinquent water bill not paid within thirty (30) days. Notice of Lien will be sent to the property owner including the balance due for such service and the date on which the amount became delinquent.

The lien shall be perfected by recording a notice in the real property records of Wise County containing a legal description of the property and the City of Decatur account number associated with the delinquent charges. The lien may include penalties, interest, and collection costs."

SECTION 3. CUMULATIVE. This Ordinance shall be cumulative of all other ordinances of the City of Decatur and shall not repeal any of the provisions of such ordinances, except in those instances designated herein or where provisions of such ordinances are in direct conflict with the

provisions of this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to any such ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of such ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 4. SEVERABILITY. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared void, ineffective or unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such voidness, ineffectiveness or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5. PENALTY. It shall be unlawful for any person, corporation, or other entity to violate any provision of this Ordinance, and any person intentionally, knowingly, or recklessly violating or failing to comply with any provision of this Ordinance shall be fined, upon conviction, not less than One Dollar (\$1.00) nor more than Five Hundred Dollars (\$500), and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 6. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall take effect on its final passage and publication, and it is so ordained.

PRESENTED ON FIRST READING ON THE 10TH DAY OF APRIL, 2023.

PRESENTED ON SECOND READING AND APPROVED ON THE 24th DAY OF April, 2023, BY A VOTE OF 7 AYES, 0 NAYS, AND 0 ABSTENTIONS, AT A REGULAR MEETING OF THE DECATUR CITY COUNCIL.

APPROVED:



Mike McQuiston, MAYOR

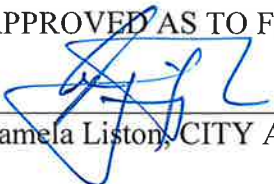


ATTEST:



Asucena Garcia, CITY SECRETARY

APPROVED AS TO FORM:



Pamela Liston, CITY ATTORNEY