

ORDINANCE NO. 1197-04-19

AN ORDINANCE AMENDING CHAPTER 13, SECTION 13 TO REVISE AND CLARIFY PROVISIONS RELATED TO COMBINED UTILITY BILLING STATEMENTS, UTILITY APPLICATIONS; DELINQUENCY PAYMENTS; PARTIAL PAYMENTS, DISCONNECTION, AND COLLECTION FEES; REPEALING ALL PARTS OF ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AN OPEN MEETINGS CLAUSE; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the city council of the City of Hondo approved ordinances establishing Chapter 13 of the Code of Ordinances to establish comprehensive and well-defined procedures for the operation of municipal utilities, including water and electrical service; and

WHEREAS, the city now wishes to revise and clarify certain provisions of the Chapter 13 relating to combined utility billing statements, utility applications; delinquency payments; partial payments, disconnection, and collection fees.

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

SECTION 1. AMENDMENT. Chapter 13 of the City of Hondo Code of Ordinances is amended as follows:

A. Section 13.01.001 is deleted in its entirety and replaced with the following:

- (a) Monthly charges for each and all four (4) services shall be made to each customer on one (1) monthly statement. Said statement shall show the monthly charge for each service separately and the total for all four services combined, together with any other pertinent data in line with existing practice.
- (b) Customer shall be required to pay the total charge for all four (4) of said services for each month for which such customer is billed, and that no payment less than the full amount due for all four (4) of said services for each of such months, as shown by each of such statements, shall be accepted by the city. Failure to pay the full total due as shown on each such statement shall constitute same a delinquent account and constitute an express refusal to pay for each of said four (4) services, whether considered separately or collectively.
- (c) All such combined statements of account shall be payable on the first day of each calendar month for the charges for said four (4) services for the preceding billing month. Water, sewer, electric, and solid waste services shall be discontinued on which the full combined statement shall not have been paid on or before the twenty-fifth (25th) day of the month in which such statement was rendered.
- (d) The provisions of this section shall apply to all statements issued on and after the

adoption hereof.

B. Section 13.02.032(d) is deleted in its entirety and replaced with the following:

(d) The city shall require any new customer or any present customer transferring services to a new location to sign a new service application prior to the services being connected. A customer whose signature appears on an application for service connect shall be responsible for any balance due on the water, sewer, electric, and solid waste service accounts, regardless of who benefits from the use of such service. Each account shall remain active until such time as the account balance is paid and the account is closed by the customer whose signature appears on the application.

C. Section 13.02.036 is deleted in its entirety and replaced with the following:

(a) All charges for water, sewer, electric, and solid waste service furnished or rendered by the city shall be due and payable upon receipt. Each customer has fifteen (15) days to remit payment to the city on the balance due on the account without being assessed a late penalty. After 5:00 p.m. on the fifteenth (15th) day, the account will be deemed a delinquent account and shall be assessed a ten percent (10%) late penalty that will be added to the balance owed on the account.

(b) City will use reasonable care to ensure the proper delivery and mailing of utility bills and notices of disconnect; however, failure of a customer to receive a bill or notice shall not relieve the customer of the responsibility for the payment of water, sewer, electric, and solid waste service charges within the prescribed period.

D. Section 13.02.038 is deleted in its entirety and replaced with the following:

Partial payments by Customers shall not be accepted by City. Charges for water, sewer, and electric service are included with the billing statement for solid waste services, and all such charges shall be due and payable concurrently. Customer payments for only water and sewer service charges will be deemed a partial payment and shall not be accepted as such.

E. Section 13.02.039 is deleted in its entirety and replaced with the following:

Accounts that remain unpaid after 5:00 p.m. on the twenty-fifth (25) day after charges are due and payable shall be designated on a listing ordering disconnects for failure to pay, and such orders to disconnect shall be executed by designated employees of the city. The city reserves the right to disconnect and discontinue all utility services provided by City to any property for which an account is delinquent without further notice, and such property shall not be reconnected, and no additional water, sewer, electric, and solid waste service furnished, until all delinquent accounts and charges have been paid in full. If the twenty-fifth (25th) day of the month occurs on a weekend or holiday, then the disconnect orders will be issued on the day following the next regular business day.

F. Section 13.02.043 is deleted in its entirety and replaced with the following:

A collection fee shall be assessed on accounts placed on the disconnect list. The collection fee is in addition to the reconnect fee that shall also be assessed on the account. The collection fee and reconnection fee will both be assessed on the account on the date the account is placed on the disconnect list. Services shall be reconnected only upon receipt of all applicable charges and fees. Customer payment must be remitted to City prior to 5:00 p.m. on the twenty-fifth (25) day after charges are due and payable to City to avoid assessment of a collection fee and reconnect fee.

SECTION 2. Recitals. The City Council finds the recitals contained in the preamble to this ordinance are true and correct and incorporates them for all purposes.

SECTION 3. Conflicts. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict with all remaining portions not conflicting being saved from repeal herein.

SECTION 4. Severability. If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 5. Open Meetings. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as a required by the Open Meetings Act, Chapter 551, Local Government Code.

SECTION 6. Effective Date. This ordinance shall be effective from and after its approval and passage in accordance with the Texas Local Government Code and the city charter.

PASSED AND APPROVED THIS 22nd DAY OF APRIL, 2019.



James W. Danner Sr.
Mayor

ATTEST:



Miguel Cantu
City Secretary



