

CITY OF HACKBERRY, TEXAS

ORDINANCE NO. 212-11

AN ORDINANCE OF THE CITY OF HACKBERRY, DENTON COUNTY, TEXAS, ADOPTING AN INCREASE IN THE WATER (UTILITY) DEPOSIT FOR HABITUAL FAILURE TO PAY FOR SERVICES AND FAILURE TO PAY IN A TIMELY MANNER, FOR TAMPERING WITH THE WATER SUPPLY, AND FOR VIOLATION OF WATER RESTRICTION REGULATIONS; PROVIDING FOR ENFORCEMENT AND A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVING CLAUSE; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is incumbent upon the City of Hackberry, Texas (the "City") to establish and/or update utility deposits for water/sewer/sanitation; and

WHEREAS, the City generates billing for water usage approximately the 18th of each month and the customer is well into another usage billing cycle/period prior to the designated cutoff date, which often causes the billing for total usage to exceed the existing deposit amount.

WHEREAS, an increase in the utility (water/sewer/sanitation) deposit is necessary to enable the City to absorb the costs of customers that (1) continuously fail to pay their utility bills in a timely manner, (2) fail to pay in time to avoid service interruption, (3) move out without paying their bill, (4) have excessive usage, and (5) violate the water restriction regulations.

WHEREAS, an increase in the utility deposit is necessary to assist the City in maintaining its rates, to encourage water conservation as required by the NTMWD, and to protect, promote and preserve the public health, comfort, convenience, safety and welfare.

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

Section I. Adoption of a Utility (Water/Sewer/Sanitation) Deposit

The Utility (Water/Sewer/Sanitation) Deposit is as follows:

A. Utility Deposit at account initiation –

Water	\$110.00
Sewer	\$ 70.00
Sanitation	\$ <u>20.00</u>
TOTAL:	\$200.00

B. Utility Deposit after second disconnect –

Water	\$220.00
Sewer	\$140.00
Sanitation	\$ 40.00
TOTAL:	\$400.00

C. Utility Deposit for tampering with the water supply –

Water	\$220.00
Sewer	\$140.00
Sanitation	\$ 40.00
TOTAL:	\$400.00

Tampering with the water supply includes; (1.) failure to transfer and/or set up an account with the City within five (5) days of moving into the location, (2.) turning water on at the meter without City approval, (3.) cutting the lock on a meter regardless of the type of lock, (4.) running a straight line into a meter, and (5.) connecting into the water system by any means without City approval.

D. Utility Deposit after third water restriction violation –

Water	\$220.00
Sewer	\$140.00
Sanitation	\$ 40.00
TOTAL:	\$400.00

E. When a customer exhibits payment characteristics that cause concern for the ability to collect payment from a customer, the City may require an increase in the customer's utility deposit up to double the original amount. The Water Department shall notify the customer of any additional deposit required, and provide a detailed accounting for the decision.

Section II. Providing for Adoption of a Resolution

The "Utility Deposit Requirement" may be updated when necessary by the adoption of a Resolution.

Section III. Penalty

The City may discontinue service should a customer refuse to tender the required deposit. Also, the City may enforce this ordinance by issuing a citation for each violation of a provision of this Ordinance that is punishable by a fine not to exceed five hundred dollars (\$500.00). The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin violation. The City retains all legal rights and remedies available to it pursuant to local, state and federal law.

Section IV. Severability

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clause and phrase be declared unconstitutional or invalid.

Section V. Savings

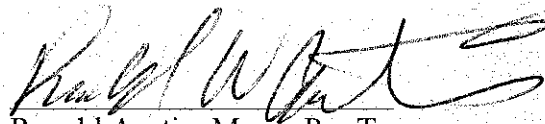
This Ordinance shall be cumulative of all other ordinances of the city and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of, and only to the extent, those ordinances are in direct conflict with the provisions of this Ordinance.

Section VI. Effective Date.

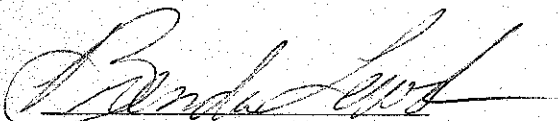
This ordinance shall become effective immediately from and after its adoption and publication of caption, as the law in such cases provide.

ADOPTED by the City Council of the City of Hackberry, Texas, on this the 8th day of November, 2011.

APPROVED:


Ronald Austin, Mayor Pro Tem

Attest:


Brenda Lewallen, City Secretary