



**Ordinance No. 2016-009**

**UTILITY ORDINANCE**

Amended 10/21/2019

**AN ORDINANCE OF THE CITY OF BELLS, TEXAS ESTABLISHING WATER AND SEWER RATES, WATER METER DEPOSITS, WATER AND SEWER CONNECTION FEES, WATER AND SEWER MAINTENANCE FEES, SOLID WASTE REMOVAL, SOLID WASTE RATES, THIRD PARTY COLLECTIONS, PROVIDING FOR THE ADDITION OF STATE MANDATED SALES TAX TO THE SOLID WASTE SERVICES, FOR INTEREST PENALTIES, DELINQUENT FEES, AND TRANSFER FEES, RETURNED CHECK FEES AND PROVIDING A PENALTY FOR VIOLATIONS.**

**WHEREAS**, the City Council of City of Bells, Grayson County, Texas deems it in the best interest of such city to provide utilities services for the citizens of Bells and its Exterritorial Jurisdiction.

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

**SECTION 1 REPEAL OF PREVIOUS ORDINANCES AND REGULATIONS**

All other ordinances and/or regulations governing City of Bells utility services in conflict with this ordinance are hereby repealed when this ordinance takes effect, provided, however, the repeal of prior ordinances does not waive, excuse, or vacate any balances due for utility services provided hereunder and the City may collect such balances due.

**SECTION 2 DEFINITIONS**

*Customer.* Person responsible for payment and any/all service changes or requests.

*Utility service.* Includes water service, sewer service and solid waste services as provided by the City of Bells.

*Delinquent Account* Account that monthly payment has not been made prior to the 20<sup>th</sup> day of the month the account was billed, or other arrangements made in writing with city. Services will be disconnected on the 20<sup>th</sup> day of the following month of billing.

**SECTION 3 WATER AND SEWER SYSTEMS**

The water and sewer system are public utilities operated and maintained by the City of Bells. The systems shall be operated in accordance with ordinances and policies adopted by the City of Bells, state law, and/or federal law. Subject to such requirements, the Mayor may make such reasonable regulations as to govern the water and sewer systems to ensure their continued operation.

**SECTION 4 APPLICATION FOR UTILITY SERVICE**

Utility service will be charged to all customers. Customers that have an aerobic septic system will provide proof of that system and installation before service is turned on. Any person and/or business required to or desiring to obtain utility service from the City of Bells shall make application on a form supplied by the city and provide a copy of a picture ID.

**SECTION 5 INSTALLATION OF SERVICE**

1. No private service lines shall be connected or tapped to any city water line unless a meter is installed by the city at that connection.
2. No private service lines shall be connected to any city sewer line unless the connection/tap has been made and/or approved by the city.
3. Not more than one (1) premise may be connected to anyone (1) water and/or sewer tap. Exceptions may, however, be grant to this stipulation for situations involving a master meter to serve apartment complexes, mobile home parks, etc.
4. No person shall make or permit to be made any subsidiary connection of another’s premises with his/her utility service.
5. Commercial Units must be individually metered, such as in a strip mall every front entrance constitutes an individual meter.

**SECTION 6 WATER TAPS**

1. The city reserves the right to tap existing city water lines, set water meters and require use of city taps and meters.
2. Any individual or business desiring a water tap shall make application to the city. If said request, in the city’s opinion, is beneficial to the city and/or does not endanger the existing water line and/or water system, the city shall provide all materials, labor and equipment to tap the existing water line. Contractor will be required to expose city’s main line in preparation of tap and be responsible for the backfilling of the exposed line.
3. The city shall make the final determination as to the location of the water tap.
4. The water connection fee is per fee schedule per connection.
5. The city shall tap the existing city water line and install a water meter. The fee does not include the cost of the meter deposit.

**SECTION 7 SEWER TAPS**

1. The city reserves the right to tap existing city sewer lines.
2. Any individual or business desiring a sewer tap shall make said application to the city. If said request, in the city’s opinion, is beneficial to the city and/or does not endanger the existing

- sewer line and/or sewer collection system, the city shall provide all materials, labor and equipment to tap the existing sewer line.
3. Contractor will be required to expose city's main line in preparation of tap and be responsible for the backfilling of the exposed line.
  4. The city shall make the final determination as to the location of the sewer tap.
  5. The sewer connection fee is per fee schedule per connection.

## **SECTION 8 UTILITY DEPOSITS**

In order to establish water, sewer and garbage service, an applicant for said services shall be required to pay a deposit in the amount of per fee schedule per connection, complete an application/service agreement prior to connection and provide a picture ID.

## **SECTION 9 APPLICATION OF DEPOSIT**

Upon the termination of utility service, the deposit will be applied to the balance of the account. The remaining balance, if any, will be returned to the customer.

## **SECTION 10 PREVIOUS SERVICE – OUTSTANDING BALANCES**

Any applicant requesting utility service from the City of Bells that has had previous service and an outstanding balance, at the time of requesting, will be required to pay the previous balance in full in addition to the deposit for new service.

## **SECTION 11 UTILITY RATES**

The rates for the city's utilities are set by City Council and are amended from time to time. The Fee Schedule is provided to display the current rates for city utilities and other charges of services provided by the city.

Sales tax shall be applied as required by State law for services requiring sales tax to be charged.

## **SECTION 12 BILLING AND PENALTY**

1. All charges on utility service bills shall be due and payable to the City of Bells on the 10<sup>th</sup> day of the month.
2. Payments can be made with Cash, Check, Credit Card and/or Electronically.
3. A convenience fee per fee schedule for Credit/Debit card will be added.
4. If payment is not received by the tenth (10<sup>th</sup>) day of the month, a ten percent (10%) penalty shall be assessed on the eleventh day of the month.
5. If the 10<sup>th</sup> day falls on a Weekend or Holiday, the (10%) penalty shall be added the first business day after the 10<sup>th</sup> day of the month.
6. Notwithstanding the provisions of 1 and 2 above, in accordance with Section 182.002 of the Texas Utilities Code, the ten percent (10%) penalty shall not be applied to persons age 60 or older until the 25<sup>th</sup> day after the date on which the bill was issued, provided that such person has made a request for delay, presented reasonable proof of their age, and is a residential customer who has occupied, and shall continue to occupy, the entire premises for which a delay is requested.

**SECTION 13                      DELINQUENCY – TERMINATION OF SERVICE**

1. If full payment or arrangements for full payment for utilities is not received by the city no later than the end of the day on the 19<sup>th</sup> day of the month, all utility services shall be disconnected, locked and delinquent fee applied to the account starting at 8 a.m. the following business day.
2. If the 19<sup>th</sup> day of the month falls on a weekend or holiday, this section will apply to the next business day.

**SECTION 14                      DELINQUENT CHARGES**

1. Should utility service be delinquent due to non-payment of a utility bill, all funds payable to the city, in addition to a delinquent fee per fee schedule, shall be paid prior to reinstatement of utility service.
2. Once all charges and fees (and deposit and application filled out, if needed), services will be turned on the same day. Customer will also be required to fill a new application.
3. Should service be discontinued, the city shall install a lock on the water meter. Should the lock be tampered with, damaged or destroyed the customer will be assessed a fee per fee schedule and such action shall be considered a criminal offense. This fee shall be paid in addition to all deposits, charges and fees.
4. Should any person turn on utility service after the city has disconnected service for non-payment, such action shall be considered a criminal offense.
5. If the service of a customer is delinquent for non-payment more than on two occasions due to non-payment, the city will require the following:
  - a. Payment for the delinquent bill in the form of cash, money order, cashier's check and/or electronically.
  - b. The city retains the option of requiring payment for utility services by cash, money order, cashier's check and/or electronically for all future utility payments.
6. If payment for utility service is made with a check returned for insufficient funds or closed account, utility service is be discontinued immediately.

**SECTION 15                      THIRD PARTY COLLECTION FOR DELINQUENT ACCOUNT**

Council has authorized that after ninety (90) days on a delinquent account the delinquent utility bill will be turned over to a third-party firm for the collection of outstanding utility bills. A collections fee mandated by the third-party and within State governed laws will be assessed to the delinquent at the time the collection agency receives notification of the account in delinquent status.

Customer will then be responsible to make payment in full including the collection fee for services to be reinstated. If required a new application for service and deposit must be submitted.

**SECTION 16                      TRANSFER FEE**

1. Should any person want to transfer utility service from a residence inside the City of Bells to another residence inside the City of Bells, a transfer fee, per fee schedule will be assessed and added to the account for the new address. The request will be made in person by the customer on the account with a picture ID. If a Utility Deposit is not on file, it will be due at the time of transfer. The current and final balance, if any, on the account for the new address will be billed on the next billing cycle.

2. Utility service cannot be transferred from one name to another name.

**SECTION 17                      RETURNED CHECK FEES**

1. If a check is returned from a financial institution due to, but not limited to, insufficient funds, per fee schedule a fee will be assessed. A 10-day notice to customer will be mailed for payment in full. If not paid in full on the 10<sup>th</sup> day from date of letter; Service will be disconnected immediately. Service will be continued after payment is made in full including current bill, disconnect fees, deposit (if needed) and returned check fee.
2. The city retains the right to prosecute for returned checks in accordance with the Texas Penal Code, Section 32.41.
3. Customers having more than two (2) checks returned due to insufficient funds and/or closed account within a period consisting of twelve (12) consecutive months, the city shall no longer accept checks from that individual for a period of 12 months. During the 12-month period, all payments shall subsequently be made in the form of cash, money order, cashier's check and/or electronically.

**SECTION 18                      TEMPORARY SERVICE**

1. Temporary service will be approved for a period not to exceed twenty-four (24) hours after a payment per the fee schedule has been made with application for such service.
2. Temporary service for a period longer than twenty-four (24) hours will require a deposit per fee schedule and will be considered an activity account.

**SECTION 19                      FAILURE TO RECEIVE A BILL**

1. All bills for utility service shall be rendered monthly in accordance with a schedule established by the city. The city shall exercise care in the delivery of utility bills but is not responsible for the service provided by the United States Postal Service.
2. Failure to receive a bill shall not relieve the customer for payment of service received within the prescribed period nor exempt him/her from the responsibility imposed for delinquent charges to the account.

**SECTION 20                      PAYMENT PLANS/EXTENSIONS**

1. The Mayor and/or City Administrator shall be empowered to grant a payment plan for delinquent accounts or an extension. Requestor must be the named account holder with a written request in person for consideration.
2. Payment plans may be granted as three (3) equal payments and payments will be due once a month.
3. The customer will complete a payment plan agreement and provide a picture ID.
4. Payment plans will be granted once only.
5. Extensions may be granted for accounts less than one month past due. Payments will be extended for up to two (2) weeks.
6. Extensions will be granted four (4) times within a twelve (12) month period being January to December.
7. If a customer fails to comply with the provisions of the payment plan or extension, utility service will be disconnected immediately, and customer will not be permitted to establish additional payment schedules.

**SECTION 21                    UTILITY ADJUSTMENTS**

1. The Mayor and/or City Administrator shall be empowered to adjust utility bills when an investigation reveals that the city is in error.
2. In NO case shall an adjustment be granted if the problem is of the fault of the customer.

**SECTION 22                    METER TAMPERING**

1. It is unlawful for any person to turn on water to any premises from the city water system without first obtaining approval from the city.
2. It is unlawful for any person to connect water service to a premise after service has been terminated by the city.
3. It is unlawful to interfere with, disturb or damage, in any manner or form, any water meters, locks, cutoff valves, or other appliances of the city. The customer shall be held responsible for the violation of this section.

**SECTION 23                    DEBRIS REMOVAL**

1. A service fee will be charged to the owner of the property when it becomes necessary to clear a ditch from debris during, before, and/or after a rainstorm to prevent possible flooding. The fee shall be determined by the Mayor and/or City Administrator and will be based upon the amount of work performed by the city.
2. Such service shall be provided at the discretion of the city dependent upon such factors including, but not limited to, existing workload, and scheduling. This provision shall not apply to the accumulation of solid waste due to work performed by contractors and/or individuals/companies hired by the property owners.

**SECTION 24                    CHANGES MADE TO ACCOUNTS**

Any customer wanting to make changes to utility services or personal changes in information recorded by the city in reference to account, shall be done in person with a picture ID or contact city hall for other arrangements. Requestor must be the named account holder with a written request in person for consideration.

**SECTION 25                    BALANCES TO WRITE OFF**

Closed/inactive accounts with a balance of \$20.00 and under will be written off at the end of the fiscal year.

**SECTION 26                    ENFORCEMENT**

The Bells Police Department, Code Enforcement and/or any peace officer shall have the authority to enforce this Ordinance and said officer shall have the right and power to take any such action as deemed by law to protect the City of Bells and/or its citizens.

**SECTION 27                      PENALTY**

Each day that a person remains in violation of this ordinance shall constitute a separate offense. In the prosecution of an alleged violation of this ordinance no proof of a culpable mental state shall be required. A person who violates this section shall be guilty of a class C misdemeanor and shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) for each day or part thereof that the violation occurs. The registered owner of the vehicle and/or the driver is considered the responsible party.

**SECTION 28                      VALIDATION**

If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

**SECTION 29                      CONFLICT**

That all provisions of the ordinances of the City of Bells, Texas, in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 30                      EFFECT DATE**

That this Ordinance shall take effect and be in force from and after its passage and publication as required by law.

**PASSED AND APPROVED this, the 21st, day of October 2019 by the City Council of the City of Bells, Grayson County, Texas;**

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Angela LeBlanc, Mayor

**ATTEST:**

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Pam Winkler, City Secretary