

ORDINANCE NO. 2025-10

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BARDWELL, TEXAS, ALLOWING, "LIEN AGAINST REAL PROPERTY OF UTILITY CUSTOMERS FOR DELINQUENT UTILITY BILLS"; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS it is in the best interests of good government and the orderly conducting of day-to-day operations of the city to provide for enforcement of delinquent utility bills; and

WHEREAS, to allow such delinquencies to go unabated would violate the Texas Constitution, Article 3, Section 52; and

WHEREAS, after discussion and deliberation, the Council has determined that it is in the best interests of the City of Bardwell to adopt this ordinance in accordance with Texas Local Government Code Section 51.001.

NOW, THEREFORE, BE HEREBY ORDAINED BY THE CITY COUNCIL OF BARDWELL, TEXAS THAT:

SECTION 1. This ordinance shall be known as "Lien Against Real Property of Utility Customers for Delinquent Utility Bills", and which shall read as follows:

1. General regulations.

(a) Pursuant to section 552.0025 of the Texas Local Government Code, the city shall be entitled to perfect a lien on the real property of any real property owner that fails to pay for city-provided utility services, including, but not limited to, water, wastewater, solid waste and electricity.

(b) Said lien for delinquent utility bills shall not apply to any category of real property specifically exempted from such a lien pursuant to the provisions of section 552.0025 of the Texas Local Government Code, including:

- (1) Homestead property as protected by the Texas Constitution;
- (2) Property on which service was connected in a tenant's name after notice by the property owner to the municipality that the property is rental property; and
- (3) Property on which service was connected in a tenant's name prior to the effective date of the ordinance from which this section is derived.

(c) The city's lien for delinquent utility bills shall be perfected by filing in the real property records of the county a notice of lien containing the legal description of the property and the account number for the delinquent charges. Said lien shall be signed by the city manager or his or her designee and will be released when said lien is satisfied and paid in full. Interest shall accrue on the amount stated in the lien at the rate of ten (10) percent per annum, beginning on the date that the lien is perfected.

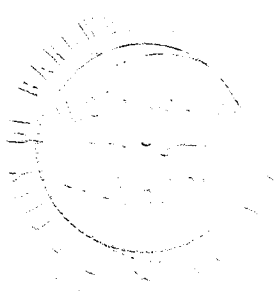
SECTION 2. That all ordinances of the City of Bardwell, Texas in conflict with the provisions of this ordinance be and the same are hereby repealed and all other ordinances of the City of Bardwell, Texas not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 4. That this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provide.

SECTION 5. That all Recitals contained in this Ordinance are fully incorporated herein as if fully written.

PASSED AND APPROVED this 3rd day of November 2025.



APPROVED:

By: Jodie Odlozil
Jodie Odlozil, Mayor

ATTEST:

By: Debbie Strunc
Debbie Strunc, City Secretary