



ORDINANCE NO. 198

AN ORDINANCE OF THE CITY OF UHLAND, TEXAS AMENDING ORDINANCE NO. 114 HEALTH AND SANITATION ORDINANCE PROVIDING FOR ESTABLISHING A UTILITY BILLING POLICY AND UTILITY LATE FEES; AND EFFECTIVE DATE

WHEREAS, the City of Uhland ("City") seeks to promote the health, safety and general welfare of the community by preventing death, injury, property damage and urban blight within the city limits; and

WHEREAS, in March 2011, the City enacted Ordinance No. 114, the Health and Sanitation Ordinance, providing for a solid waste franchise contract; and

WHEREAS, the City Council of the City seeks to recoup certain administrative costs related to the provision of solid waste services; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the City Council finds that it is necessary and proper for the good government of the City to amend the Health and Sanitation Ordinance to establish a billing policy for solid waste billing and to provide for the imposition and collection of utility late fees.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Uhland, Texas:

ARTICLE I. FINDINGS OF FACT

The foregoing recitals are adopted as facts and are incorporated fully herein.

ARTICLE II. AMENDMENT AND ENACTMENT

- A. The City of Uhland Health and Sanitation Ordinance No. 114 is hereby amended by adding new Subsections D and E to Section 6. Administrative Action, as contained in *Attachment A*, attached hereto and incorporated fully herein for all intents and purposes.

- B. The City Council of the City of Uhland hereby adopts and enacts the amendments to the City of Uhland Health and Sanitation Ordinance No. 114 establishing a utility billing policy and late fees, as contained in *Attachment A*, attached hereto and incorporated fully herein for all intents and purposes.

ARTICLE III. REPEALER AND SEVERABILITY

REPEALER: All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

SEVERABILITY: Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

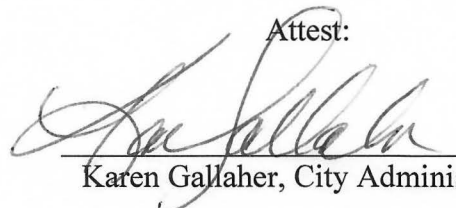
ARTICLE IV. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage.

PASSED AND APPROVED this, the 1 day of November 2017, by a vote of 5 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of Uhland, Texas.

CITY OF UHLAND, TEXAS:


Bryan Geiger, Mayor

Attest:

Karen Gallaher, City Administrator

**CITY OF UHLAND HEALTH AND SANITATION ORDINANCE
SECTION 6. ADMINISTRATIVE ACTION**

D. City of Umland Late Fees.

A utility customer shall have 15 business days from the date the bill is mailed to pay the balance due on their account without penalty. The payment due date is noted on each bill. Any due date falling on a weekend or holiday will be extended to the following business day. Payments made after the payment due date are subject to a late fee. Late fees are assessed on the day after the due date and are 10 percent of the current month balance on commercial accounts, \$5.00 on current month due on residential accounts.

E. Utility Billing Policy.

- a. New service, residential: New residential accounts are to be established in the name of the person(s) requesting the service, on an application acceptable to the City.
- b. New service, commercial: New commercial accounts established in a company or business name must provide the name, identification, and contact information of the manager or a responsible party of the company or business before an account will be established; the customer shall provide the business names and names of the manager or responsible party for any unrelated business entities who jointly own or occupy the premises and will jointly utilize the utility service.
- c. Due date: Bills for waste/recycle collection shall be dated, between the 11th and 15th of the month and mailed. Payment for such bill is due by the end of the month.
- d. Penalty for late payment:
 1. Any bill not paid the end of the month shall be deemed past due and a late fee of \$5.00 on current month due on residential, 10 percent of the current month due on commercial accounts, will be assessed.
 2. Upon written request by a customer with proof that such individual is age 60 years or over, payment may be delayed without penalty until the 25th day after the date the bill is issued. This subsection applies only to residential customers who occupy the entire premises for which the delay is requested.
- e. Disconnection of services:
 1. The service fee for service restoration during regular business hours Monday – Thursday 8:00am to 5:00pm and Friday 9:00am to 3:00pm of any business day (excluding weekends and City Holidays) shall be \$25.00.
 2. Services shall not be restored during any hours other than regular business hours unless the customer requests after hours or same day service and pays the fee set forth above.

- f. Notice: After a bill has become past due the City shall mail to the customer at his last known address, a written notice stating that the bill is presently delinquent and that the customers waste/recycle service will be disconnected if the bill and all fees are not paid within fourteen (14) days of the bill becoming delinquent.
- g. Disconnection hearing. A Customer who has reason to believe that is bill is inaccurate shall have the right to request a hearing before the City Administrator within the aforementioned 14-day period. If for any reason the Administrator is unable to grant a hearing within that time period, the disconnection of utilities shall be delayed until after a hearing is provided. The decision of the Administrator concerning the accuracy of any utility bill shall be deemed final.
- h. Transfers of balances:
 - 1. In order to transfer utilities from one location to another, any outstanding billed amount on the current account must be paid. The final bill for the original account will be transferred to and be payable on the due date of the new account. Service may be discontinued at the new address if the previous balance becomes delinquent.
 - 2. Where a person liable for delinquent charges at one address is found to have an account in his name at another address, the delinquent amounts due at the previous address may be transferred to the account at the new address, and service may be discontinued at the new address until the delinquent amounts are paid. The name on the account need not be the same if ownership or residency can be established by the City.
- i. Joint liability
 - 1. Spouses receiving service to premises they jointly own or occupy are deemed to be joint customers-of-record, notwithstanding that only one spouse may have signed an application, and shall be jointly and severally liable for unpaid delinquent charges
 - 2. If service is provided to property owned by a person jointly with the customer-of-record, or if the customer-of-record is an agent or property manager for one or more owners of property, the joint owners shall all be treated as customers, and each shall remain jointly and severally liable with the customer-of-record for unpaid delinquent charges.
 - 3. The City may request proof of residency or ownership when occupancy and/or liability is in question.
- j. Incomplete or false information:
 - 1. If any of the information provided to the city to establish a utility account or transfer an existing account is incomplete, the city may deny service to the premises or may delay the service until the information is provided to the satisfaction of the City;
 - 2. If any of the information provided to the City to establish a utility account or transfer an existing account is false, the City may disconnect the service to the premises.
- k. Rate adjustment authority: The City Administrator or a designee shall have the authority to adjust the monthly billing calculations/procedures for any customer to correct inequities

that may arise due to methodologies adopted for calculating rates or for such other good cause as may be determined by the City Administrator or designee.