

ORDINANCE NO. 0-06C-19

AN ORDINANCE OF THE CITY OF CROCKETT, TEXAS AMENDING CHAPTER 19, UTILITIES, OF THE CROCKETT CODE; AMENDING SECTION 19-16, PAYMENT OF BILLS, REQUIRING PAYMENT OF WATER, SEWER AND GARBAGE BILLS BY THE LANDOWNER AND PROVIDING DUE DATES AND PENALTIES FOR LATE PAYMENT AND EXEMPTING LANDOWNERS OVER AGE 65 FROM THE LATE PAYMENT PENALTY, AMENDING SECTION 19-17, PROVIDING THAT THE TRANSFER ACCOUNT APPLIES ONLY TO LANDOWNERS; ADDING SECTION 19-19, TO PROVIDE PROCEDURES FOR APPLICATIONS FOR WATER, SEWER AND GARBAGE SERVICE, READING METERS, BILLING, BILLING DISPUTES, DISCONNECTION, DEFERRED PAYMENT PLANS AND LEAKS; ADDING SECTION 19-20 TO PROVIDE FOR A LIEN FOR UNPAID WATER, SEWER AND GARBAGE BILLS; AMENDING SECTION 19-22 TO PROVIDE THAT WATER METERS ARE FURNISHED ONLY TO LANDOWNERS; AMENDING SECTION 19-36 TO PROVIDE FOR APPLICATIONS FOR CONNECTIONS SOLELY BY LANDOWNERS; AMENDING SECTION 19-37 PROVIDING FOR WATER MATERS TO BE INSTALLED ONLY AT THE REQUEST OF THE LANDOWNER; AMENDING SECTION 19-40 TO REQUIRE METER DEPOSITS TO BE MADE BY THE LANDOWNER; PROVIDING A SEVERABILITY CLAUSE; CONTAINING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

THE COUNCIL OF THE CITY OF CROCKETT, TEXAS HEREBY ORDAINS:

SECTION I:

Section 19-16 of the Crockett Code is hereby amended to read as follows:

Sec. 19-16. Payment of bills.

(a) The rates and charges fixed and prescribed for the waterworks and sanitary systems shall be paid to the City simultaneously by the owner of the real property for which the service is provided. Payment in full shall be made on or before the date shown on the monthly statement. The City shall refuse to accept payment for part of such service. All water, sewer, and garbage service billings to the landowner not paid by the due date shall incur an additional penalty of fifteen (15) percent, and the landowner will be sent a termination notice giving the landowner ten (10) days from the date of the notice to pay the full balance, including penalty, in order to prevent disconnection of services for nonpayment.

(b) If disconnected for nonpayment, no property of a landowner shall be reconnected to City water, sewer or garbage services until payment in full is received for all past due bills, plus the penalty and a reconnection charge. The reconnection charge for first or second time reconnection will be fifty dollars (\$50.00).

For third, and all subsequent reconnections, the penalty will be seventy-five dollars (\$75.00). All landowners, with the exception of those who qualify for temporary water service under subsection 19-46(a), are billed for water, sewer, and garbage on their bill after requesting service unless any portion of the three (3) services is not available. The landowner will not be billed for services not available.

(c) Any payment made by check will be subject to a thirty dollar (\$30.00) service charge for each time a check is returned by the bank for any reason. Any delinquent account paid by a check that is returned by the bank shall be subject to immediate disconnection of service. To reinstate service, full restitution must be received for the check, applicable service charges, penalties and a seventy-five dollar (\$75.00) reconnection charge. Cash may be required for payment on any account that has had payment by check returned by the bank in the past.

(d) The additional penalty of fifteen (15) percent for late payment of charges for water, sewer and garbage service shall not apply to landowners sixty-five (65) years of age or over, if payment in full is made no later than thirty (30) days after the due date. In order to claim this exemption, a landowner must make application at the City water office and furnish proof of age.

SECTION II.

Section 19-17 of the Crockett Code is hereby amended to read as follows:

Sec. 19-17. Transfer Account.

(a) Any person, corporation, partnership, limited liability company or other entity who owes any amount of money to the City for water, sewer or garbage fees shall not be permitted a water or sewer connection at any premises which the delinquent debtor subsequently purchases until all delinquencies have been paid in full. Further, any person, corporation, partnership, limited liability company or other entity be found to be purchasing any premises and owing any amount of delinquent water, sewer or garbage fees to the City of Crockett shall have the water and sewer connections immediately disconnected to those premises so purchased until all delinquencies are paid in full.

(b) If disconnected or terminated for nonpayment, no landowner shall be reconnected to City water, sewer or garbage services until payment in full is received for all past due bills, plus the penalty and reconnection charge. The charge for first or second

reconnection will be fifty dollars (\$50.00). For third, and all subsequent, reconnections the charge will be seventy-five dollars (\$75.00).

(c) Any payment made by check will be subject to a thirty dollar (\$30.00) service charge each time a check is returned by the bank for any reason. Any delinquent account paid by a check that is returned by the bank shall be subject to immediate disconnection of service. To reinstate service, full restitution must be received for the check, applicable service charges, and the applicable penalty and reconnection charge. Cash may be required for payment on any account that has had payment by check returned by the bank in the past.

SECTION III.

Section 19-19 is added to the Crockett Code as follows:

Section 19-19. Policy and Procedures.

1. DEFINITIONS

A. "Customer" as used in this ordinance, means the owner of the real property to which water, sewer and garbage service is furnished.

2. APPLICATION FOR SERVICE

- A. The City of Crockett requires all new customers and customers purchasing additional real property to complete a written application for utility service in person at the City Hall located at 200 N. 5th Street, Crockett, Texas 75835 between the hours of 8:30 a.m. and 5:00 p.m. Monday through Friday.
- B. Each customer shall sign a contract agreeing to be responsible for all bill payments, and listing the address where service is to be provided, the mailing address, if different from service address, and addresses of other real property owned in the City. Each customer may also be asked to provide employer information, credit references, and social security and driver's license numbers to help prevent identity theft.
- C. With the permission of the City Administrator, an application may be mailed, e-mailed or faxed to the customer and returned to the City Hall in the same

manner.

- D. Each customer shall pay a \$150.00 security deposit for each premise where water, sewer and garbage service is to be furnished. This amount shall be credited to any outstanding bill upon termination of service provision. Any remaining amount will then be returned to the customer.

3. UTILITY METER READING PROCEDURE

- A. Water meters are read monthly beginning on the 1st of the month and completing the meter route on approximately the 20th of the month. All readings are actual readings, unless circumstances dictate otherwise.
- B. Once the route is completed, water utility staff will enter the readings into the utility billing system. Various reports are printed as follows:
 - 1. Meter Proof Report;
 - 2. Meter Reading Exception Report;
 - 3. Stuck Meter Report ran after bills are printed.
- C. Water utility billing staff will review the reports, and, if any discrepancies are found, the billing staff will report them to the Public Works Foreman and/or Administrator. In the event of a discrepancy, the department will re-read the meter to make sure the meter is working correctly, and, if not, will ensure the problem gets resolved within 5 days. If unable to get in contact with the customer to repair the meter, billing staff will issue an estimated billing for that month with a notation on the billing statement that this is an estimated reading.
- D. Once all meters have been read and all discrepancies are corrected, the billings are ready to be calculated.

4. UTILITY BILLING PROCEDURE

- A. The billing process begins on the 24th or 25th of the month following the reading. Reports are printed, reviewed, and corrections are made if needed.

- B. Utility bills are generally sent out on the 27th of the month. If the last business day falls on the weekend, then they are sent out the Friday before.
- C. Water/Sewer Utility Bill Payments are due on the 10th of the month.
- D. The next business day following the 10th, a one-time 15% late payment penalty is applied to the delinquent accounts.

5. UTILITY BILLING DISPUTES

- A. As soon as a customer believes there is a discrepancy, the customer should first contact the billing office to try to resolve the problem.
- B. If the dispute cannot be resolved, billing staff shall refer the customer to the City Administrator. The City Administrator shall review substantive rules applicable to water and sewer service providers to attempt to resolve customer disputes.
- C. If a customer is over charged or is due a refund other than a deposit, an adjustment may be made for the entire period of overcharges. If the customer was under charged, the City may back bill the customer for the amount that was under billed. The back billing may not exceed 12 months unless such undercharge is a result of meter tampering, bypass, or diversion by the customer. If the under billing is \$25.00 or more, the City shall offer to such customer a deferred payment plan option for the same length of time as that of the under billing. In cases of meter tampering, bypass, or diversion, the City Administrator may offer a customer a deferred payment plan.
- D. If a meter is found to be outside of the accuracy standards established by the American Water Works Association, proper correction shall be made of previous readings for the 6 months immediately preceding the removal of such meter from service for the test. Alternatively, the City may, at its sole discretion, replace the meter in question with a new meter. Readings from the newly calibrated meter will be used to substantiate or repudiate the readings taken from the previous meter. No refund

is required by the City except to the customer last served by the meter prior to the testing. If a meter is found not to register for any period, unless bypassed or tampered with, the City shall make a charge for units used, but not metered, based on the customer's average usage. Average usage will be the average of the customer's usage for the preceding 12-month period. Where no previous usage history exists, consumption for calculating the average monthly usage will be estimated on the basis of usage levels of similar customers under similar circumstances.

6. DISCONNECTION PROCEDURE

- A. The next business day following the 10th of every month, a past-due account list is printed and disconnection warnings are mailed to each customer whose account is delinquent. The notice will be sent out at least 10 calendar days prior to the first date of the proposed disconnection.
- B. Once the notice is sent the customer has an additional 10 days to pay the balance on the account in full or set up a deferred payment plan on the delinquent amount. Due to administrative costs a notice is not sent if the account balance is under \$50.00.
- C. Utility service may be disconnected or refused for any of the following reasons, including, but not limited to:
 - 1. Failure to pay in full a delinquent account, including delinquent bills from a previous address;
 - 2. Failure to comply with the terms of a deferred payment plan;
 - 3. Diversion of service or interference around the meter;
 - 4. Refusal to permit authorized utility personnel the necessary access to the base meter; and
 - 5. Failure to comply with Texas state statutes or the Crockett Code pertaining to utility services.
- D. Prior to the actual disconnection of water service,

the Utility Department shall make a reasonable effort to inform the customer of the disconnection.

E. Examples of arrangements that can be made to avoid disconnection, include, but are not limited to, the following:

1. Pay the account in full;
2. Set up a deferred payment plan. Prior to disconnection, the City will not offer another deferred payment agreement if a customer has defaulted on a previous deferred payment agreement and his or her ability to pay has not significantly changed;
3. Informal Agreement. At the discretion of the billing office, a verbal agreement may be considered between the City and a customer 65 years of age or older to allow 5 extra business days to make payment without having to set up a payment plan. The decision will be based on the customer's payment history. Any subsequent violation will nullify the customer's ability to enter into an informal agreement.

7. DEFERRED PAYMENT PLAN

The City may offer a deferred payment plan to any customer if the customer's bill is delinquent and if the customer has not been issued a disconnection notice at any time during the preceding twelve (12) months.

- A. If a customer requests a payment plan, then the customer will be asked to complete a deferred payment agreement.
- B. Twenty-Five percent (25%) of the past due bill is acceptable for down payment, but is negotiable.
- C. The billing office will set up payments that ensure (if met) the current balance as well as any past due balance will be paid in full in three months. Payment plans lasting in excess of three months should only be entered into under unusual circumstances. Billing staff must have the consent of the City Administrator prior to entering into a deferred payment plan in excess of three months.

- D. If the customer and the billing staff agree to the terms of the payment plan, then both will sign, and a copy of the agreement will be given to the customer. The copy given to the customer will highlight the terms of the agreement along with a deferred payment schedule. If a payment is missed or current charges are not paid on time, the account is subject to disconnection and the entire balance becomes due and payable in full.
- E. If the customer has made no attempt to reconcile with the City the delinquent amount due, the City shall proceed with the disconnection process.
- F. Water service will be re-connected:
 - 1. After the customer has paid the account arrears and penalty and paid the re-connection fee; or
 - 2. Has set up a deferred payment plan and has paid the re-connection fee.
- G. In the event service is disconnected and the customer has satisfied the requirements for reconnection, the reconnection fee will be applied. Reconnection will be performed during business hours (Monday - Friday; 8:30 a.m. - 4:00 p.m.).

8. LEAKS

If the City is able to determine that a water leak occurred at a particular property and the leak in no way entered the sanitary sewer system, the City may credit a portion of the sewer bill.

SECTION IV.

Section 19-20 is added to the Crockett Code as follows:

Section 19-20. Lien.

A lien will be imposed on real property if any portion of the water and sewer service charges (including penalties) to that real property is not paid within thirty (30) days after the date it was due. Such lien shall be perfected by recording same in the real property records of Houston County, Texas. The notice of lien must contain a legal description of the property, the City's utility account number for the delinquent charges and the name of the

landowner. The lien shall include the amount past due, penalties, interest and collection costs. The City's lien shall be superior to all other liens. Simultaneously with the recording of the lien at the office of the County Clerk, a notice thereof shall be mailed to the landowner at his last known address by certified United States Mail, return receipt requested.

SECTION V.

Section 19-22 of the Crockett Code is hereby amended to read as follows:

Sec. 19-22. Meters to be set by City; separate meters required.

(a) All meters whether private or belonging to the waterworks system shall be set for the landowner by the employees of the city. If the meter fails to register, the landowner will be charged at the average daily consumption as shown by the meter when in order. All water that passes through the meter shall be charged for, whether used or not.

(b) Each separate residence must have a separate connection and meter. Where a residence is not in reach of a City water main, arrangements may be made, at the option of the City, to secure water from another user of City water.

SECTION VI.

Section 19-36 of the Crockett Code is hereby amended to read as follows:

Sec. 19-36. Application for connection.

It shall be unlawful for any person to make connection to the mains or pipes of the waterworks system without first making application to the City, in compliance with Section 19-19 of this Article. Upon the payment of the tapping fee, the director of water utilities shall make, or have made, the necessary connections and furnish a curb stop box and curb cock. Each premise connected with any water main, or being supplied with any water from the waterworks system, shall have a separate service connection, curb stop box and curb cock installed by and at the expense of the owner of the premises. If the application is approved by the director of water utilities, a permit will be issued. All fees and charges shall be paid for at amounts and rate fixed by applicable sections of this Article.

A landowner applying for new service must make application with the City water office before putting up his deposit and must be eighteen (18) years or older. If a landowner making application in either the husband's name or wife's name (or wife's previous name) owes a delinquent bill in either name or names to the City, the delinquent bills must be paid before the application is approved.

SECTION VII.

Section 19-37 of the Crockett Code is hereby amended to reach as follows:

Sec. 19-37. Water rates.

(a) The monthly rates or charges for service furnished by the City's water works system inside the City limits shall be as follows:

- (1) The rates for residential water shall be twenty-four dollars and sixty-seven cents (\$24.67) base rate, plus forty-eight and nine-tenths cents (\$.489) per hundred gallons used.
- (2) The rates for commercial water shall be thirty-four dollars and seventy-one cents (\$34.71) base rate, plus forty-eight and nine-tenths cents (\$.489) per hundred gallons used.
- (3) Rates for water service outside the City limits shall be two (2) times those inside the City limits.

(b) Where there is more than one (1) residential unit (including apartments), business, mobile home, or trailer connected to one (1) meter, the minimum charge for water-sewer-garbage will be assessed for each of the units served by the meter.

(c) Water meters.

- (1) Water meters shall be installed at the request of the owner of the improvements on the real property (hereinafter called the "property owner"). If the property involved is a detached entity having open space on all exterior walls or an apartment or duplex complex, each detached entity shall have its own meter. All water meters shall be titled in the name of the property owner. The property owner shall pay for the installation of the water meters and for all water that flows through the

water meters.

- (2) It shall be the duty of the property owner if more than one (1) residential unit (including apartments, mobile homes, trailers) is connected to a water meter to:

- a. Notify the City water department before the connection is made; and

- b. Collect the base and additional charges for water-sewer-garbage from each occupier of an additional residential unit (including apartments, mobile homes, or trailers). The property owner shall also collect for any additional amount the meter registers above the minimum on water and sewer.

- (3) Payment for water, sewer and garbage service shall be the responsibility of the property owner, and the City will look to the property owner for such payment. The property owner will be billed for the base charge and all water flowing through meters in his name. The occupier of the extra residential units, mobile homes or trailers will not be billed.

(d) This section shall be retroactive and shall apply to all persons presently using water meters.

(e) Definition of Unit. A unit for water and sewer purposes is a unit that contains within itself connections for and fixtures used for water and sewer. A space occupied by lessee is not a unit if the water and sewer facilities are used in common by all the lessees.

(f) Bulk water sales.

- (1) The City of Crockett shall be allowed to sell bulk water to customers at the following rates: A basic monthly service charge of four hundred dollars (\$400.00) and an additional one dollar and ninety cents (\$1.90) per one hundred (100) gallons purchased.

- (2) Whenever a City employee is required to dispense the water to a purchaser of bulk water, an additional service charge of ten dollars (\$10.00) shall be assessed against the purchaser.

SECTION VIII.

Section 19-40 of the Crockett Code is hereby amended to read as follows:

Sec. 19-40. Meter deposit.

(a) Each property owner shall make a meter deposit in at least the following amounts when service is applied for:

Residential, \$150.00

Commercial, \$200.00

(b) Additional deposits may be required:

(1) Should the deposit amount be insufficient to pay an average monthly bill, or if experience has proven that a landowner does not pay water bills promptly and as due, or if a new landowner applying for service cannot show sufficient financial ability to be able to pay future billings, the City Administrator may require the meter deposit to be in any sum he or she deems necessary to protect the City from unpaid water and sewer bills.

(2) The meter deposit may be applied to the payment of any water and sewer charges overdue to the City. Any unused portion of the deposit shall be refunded to the landowner at the time service is discontinued.

(c) Those property owners renting premises to a tenant on the effective date of this ordinance, when the meter deposit was made by the tenant, will be required to make a new meter deposit for the leased premises when the tenant's meter deposit has been refunded to the tenant or service has otherwise been terminated.

SECTION IX. Severability.

The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION X. Repealing Clause

All Ordinances, or parts of Ordinances, inconsistent or in

conflict with the provisions of this Ordinance are hereby repealed.


SECTION XI: Effective Date.

This Ordinance shall become effective immediately upon its passage.

PASSED AND ADOPTED this 17 day of June, 2019
at a regular meeting of the City Council of the City of Crockett,
Texas.

CITY OF CROCKETT

BY:


TANTHIA FISHER, MAYOR

ATTEST:


MITZI THOMPSON, CITY SECRETARY

APPROVED:


WILLIAM R. PEMBERTON,
CITY ATTORNEY