

**City of Grandview
Water Service Disconnection Policy**

**ORDINANCE NO. 05-0804A
(AMENDED 03/03/2016)**

AMENDING AN ORDINANCE OF THE CITY OF GRANDVIEW,
AUTHORIZING THE CITY TO DISCONNECT WATER UTILITY
SERVICE IN CERTAIN CIRCUMSTANCES; PROVIDING ONE PAST
DUE NOTICE, LATE PENALTIES OF UP TO 15%, AND
DISCONNECTION FEE OF \$25, AND RECONNECTION FEES OF TO
\$25, EFFECTIVE DATE; REPEALER; SEVERABILITY; AND PROPER
NOTICE AND MEETING

WHEREAS, the City Council of the City of Grandview (“City”) provides water utility service; and

WHEREAS, severe financial and administrative hardships are imposed upon the City by delinquent customer payments; and

WHEREAS, the City Council is authorized by state law to impose certain late fees, require utility deposits, and terminate utility service in some instances; and

WHEREAS, the City Council finds the rules established herein to be reasonable and prudent, and in the best interests of the City of Grandview; and

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

1. POLICY ADOPTED

The following is hereby adopted as the Water Utility Service Disconnection Policy for the City of Grandview:

A. Definitions:

- (1) **Balance:** means the monthly service charge plus any Late Penalties, as may be applicable.
- (2) **Customer:** means the person or persons who have applied for and received Water Utility Services from the City of Grandview.
- (3) **Cut-Off Date:** means on or after 10:00 a.m. on the *last Tuesday* of the month.
- (4) **Disconnection Notice Fee:** means the fee to mail a notice for payment of a returned check and disconnection date for non-payment the fee is \$25.00.
- (5) **Due Date:** means the *10th* of the month by 5p.m., which is when all monthly service charges must be paid-in-full to the City.

- (6) **Returned Check Fee:** means the fee that is established by the City Council as a penalty for payment of a financial obligation owed to the City by a check that is returned by the payee's bank for insufficient funds. The fee is \$30.00.
- (7) **Late Penalty:** means the amount equal to *15%* of the monthly service charge.

B. Delinquency Established:

Except where otherwise provided by this Ordinance, charges for services become delinquent if payment-in-full is not received by the City on or before the Due Date. After the Due Date, the customer must pay the Monthly Service Charge *plus a fifteen percent (15%)* Late Penalty.

C. Bill Not Received:

Failure to receive a bill from the City does not relieve a customer or other person liable for charges under this Ordinance from liability for service.

D. Authority to Discontinue Service:

The Utility Clerk may refuse application for service, discontinue service, or refuse to restore service to:

- (1) A customer who fails to pay the Balance due under this Ordinance by the Cut-Off Deadline;
- (2) A person who violates any portion of the Plumbing Code of the City;
- (3) A person making application for service to property at an address, if the person has delinquent charges outstanding at another address; or
- (4) A customer at any premises if the Utility Clerk determines that a substantial waste of water, or a health hazard is occurring as a result of leaking, damaged, open or disconnected private laterals, pipes, or drains on the premises.

E. Cutting & Plugging Connections:

The Utility Clerk's authority to discontinue service includes the right to cut and plug water or wastewater connections to private property. The costs of cutting and plugging connections will be charged to the customer in addition to the delinquent charges due.

F. Notice of Discontinuance:

The Utility Clerk must notify a customer in the following manner before discontinuing service:

(1) Written Notice:

- (a) The Utility Clerk must send the customer past due notice of pending disconnection on or before the *15th day* of the month in which the bill was mailed.
- (b) The notice must provide a statement of reasons for disconnection and a statement of delinquent charges due, where applicable. The notice must also provide a time, place

and means by which the customer may cure the delinquency or violation, or dispute the validity of the reasons for disconnection, or request a hearing.

- (c) The notice shall be served by deposit in the US mail to the last address provided by customer to the City.

G. Exceptions to Notice Requirement:

Section F (*above*) of this Ordinance does not apply to disconnection of service resulting from a violation of this Ordinance if the Utility Clerk determines that immediate disconnection is necessary to prevent an imminent threat or occurrence of:

- (1) Harm to the health or safety of persons;
- (2) Damage to city or private property; or
- (3) Contamination of the water system.

H. Arrangements for Payment:

(1) **Hearing:** Prior to disconnection of service, delinquent customers may schedule an administrative hearing before the Utility Clerk and Utility Clerk Supervisor. The request for a hearing must be submitted at least *five (5) days* prior to the Cut-Off Date. The request for a hearing must be submitted in person, in writing.

(2) **Payment Agreement:** Not later than three days (3) prior to the Due Date a customer may request a payment agreement. The Utility Clerk Supervisor will approve all payment agreements. If approved the customer must fill out and sign the Payment Agreement Form. The customer may avoid disconnection by paying **half (1/2)** the Balance with the remaining balance due in two equal payments over the following two billing cycles (**1/4 per month for 2 consecutive months**). Late Penalties will apply.

This option is not available to customers who have been delinquent in payment of their Water Utility Service bills one or more times in the preceding six (6) months.

I. Customer's Request to Discontinue Service:

Upon a customer's request for discontinuance of service, the Utility Clerk may discontinue treated or untreated water service to the customer. Upon receipt of the application for termination, the Utility Clerk may remove the water meter and service connections.

However, the customer is liable for all charges incurred prior to removal of the meter. Where service is furnished through more than one meter, the customer may request discontinuance of one or more meters and thereafter be billed on the basis of the remaining meter or meters.

J. Restoration of Service:

(1) **Compliance:** Discontinued service will not be restored until the customer (or other person who has or accepts legal responsibility for violations committed or charges unpaid either pays all charges due, including the charges to restore connections), makes arrangements for payment of the Balance satisfactory to the Utility Clerk, or, where

applicable, ceases violation of the particular code provision in question. The decision to restore service while delinquent charges or code violations still exist rests solely with the Utility Clerk Supervisor.

- (2) **Disconnection Fee:** The City shall assess a flat fee in the amount of *twenty-five dollars (\$25.00)* when disconnecting Water Utility Service to a customer whose delinquency resulted in disconnection for non-payment. This Disconnection Fee shall be due upon each customer's request for reconnection following each disconnection.
- (3) **Reconnection Fee:** The City shall assess a flat fee in the amount of *twenty-five dollars (\$25.00)* prior to reconnecting Water Utility Service to a customer whose delinquency resulted in disconnection. This Reconnection Fee shall be due upon each customer's request for reconnection following each disconnection.
- (4) **Returned Check Fee:** Any customer who attempts to satisfy any delinquent Balance with a check that is returned to the City as is invalid for insufficient funds shall be assessed the Late Fee in addition to any Returned Check Fee.

Any returned check will be charged \$30.00 and must pay cash within 10 days to keep their services turned on including additional fees below:

Returned Checks that are written before the 10th will be charged the 15% late penalty as well as a \$25.00 disconnect notice fee.

Returned Checks that are written after the 15th (late penalty already applied) will be charged the \$25.00 disconnect notice fee.

If more than two (2) NSF checks are written within 6 months you will have to use another payment method.

K. Meter Reading at Cut-Off:

- (1) The Water Utilities Department shall read and document the meter upon disconnection of service.
- (2) Any person other than an authorized employee of the Water Utilities Department who reconnects service commits the offense of Theft of Service/Criminal Mischief. Each offense of Theft of Service/Criminal Mischief shall be punishable as a misdemeanor for which the maximum fine shall be five hundred dollars (\$500.00) per offense.

L. Deposit Forfeiture:

Upon customer's failure to pay the Balance in-full after *thirty (30) days*, the account shall be closed and the deposit forfeited. The deposit shall be applied to the unpaid Balance. The reopening of the account shall require payment of a new deposit and satisfaction of any remaining Balance due.

M. Cumulative Remedies:

Enforcement of this Ordinance does not waive any additional remedies, civil or criminal, available to the City under law.

2. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

3. REPEALER

Any existing or current ordinance, rule or regulation that conflicts with the terms of this Ordinance is hereby repealed and revoked to the extent any conflict. To the extent provisions of Ordinance 116 conflict with the mandates of this Ordinance, 116 those provisions of 116 are hereby repealed.

4. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, and the remainder of this ordinance shall be enforced as written.

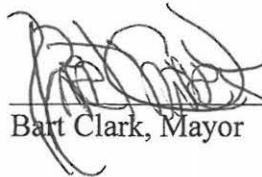
5. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED this, the 3rd day of March 2016, City Council of the City of Grandview, Texas.

CITY OF THE GRANDVIEW

By:



Bart Clark, Mayor

ATTEST:



Rachael Lynch, City Secretary

APPROVED AS TO FORM: