

ORDINANCE NO. 2022-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS (“CITY COUNCIL”), AMENDING THE CODE OF ORDINANCES OF THE CITY OF MONTGOMERY, TEXAS (“CODE”), CHAPTER 90, UTILITIES, ARTICLE II, WATER AND SEWER SERVICE, DIVISION 2, SERVICE RATES AND CHARGES, SECTION 90-63, PENALTY FOR FAILURE TO PAY BILL BEFORE BECOMING DELINQUENT, BY AMENDING THE PENALTY AMOUNT FOR A CUSTOMER’S FAILURE TO PAY THEIR BILL BEFORE BECOMING DELINQUENT

WHEREAS, the City of Montgomery, Texas, (“City”), owns and operates a utility system as defined by and pursuant to Texas Local Government Code, Section 552.001; and

WHEREAS, the City operates its utility system for the purpose of providing water service and sanitary sewer services to the residents of the City; and

WHEREAS, the City currently charges a 20 percent penalty to customers for failure to pay their bill before it becomes delinquent; and

WHEREAS, the City Council of the City of Montgomery, Texas, ("City"), has determined that it is necessary and in the best interests of the City and its citizens to amend Chapter 90 "Utilities" Article II, Water and Sewer Service, Division 2, Service Rates and Charges, Section 90-63, Penalty for Failure to Pay Bill Before Becoming Delinquent, by amending the penalty amount for a customer’s failure to pay their bill before becoming delinquent.

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

Section 1. The City Council adopts the findings and recitals above as true and correct.

Section 2. The City Code of Ordinances, Chapter 90 "Utilities," Article II, Water and Sewer Service, Division 2, Service Rates and Charges, Section 90-63, Penalty for Failure to Pay Bill Before Becoming Delinquent, is amended by revising the penalty amount for a customer’s failure to pay their bill before becoming delinquent as set out in Appendix A, attached hereto.

Section 3. If any word, phrase, clause, sentence, paragraph, section or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section, or other part of this Ordinance to any other persons or circumstances, shall be affected thereby.

Section 4. The City Council officially finds, determines, and declares that a sufficient written notice of the date, hour, place, and subject of each meeting at which this Ordinance was discussed, considered, or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times

during such discussion, consideration and action. The City Council ratifies, approves, and confirms such notices and the contents and posting thereof.

Section 5. This Ordinance shall be effective immediately upon its passage and adoption.

PASSED AND APPROVED this the ____ day of _____, 2022.

Byron Sanford, Mayor

ATTEST:

Nicola Browe, City Secretary

APPROVED AS TO FORM:

Alan P. Petrov, City Attorney

APPENDIX A

(Language to be added shown by underline, language to be deleted shown by strike-out).

Sec. 90-63. - Penalty for failure to pay bill before becoming delinquent.

A charge of ~~20~~ _____ percent of the amount of the consumer's bill, including the amount of a bill for standby charges, shall be added thereto when such bill becomes delinquent. In addition, any consumers who do not have a deposit with the city will be required to make a deposit before service will be restored.