

ORDINANCE NO. 2024 - _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING CHAPTER 90, UTILITIES, ARTICLE II, WATER AND SEWER SERVICE, DIVISION 2, SERVICE RATES AND CHARGES, SECTION 90-57, RETURNED CHECK CHARGE; AND AMENDING SECTION 90-61 AND 90-62, DISCONTINUATION OR REFUSAL OF WATER SERVICE FOR FAILURE TO PAY BILLS AND DISCONTINUANCE OF WATER SERVICE UPON REQUEST OF CONSUMER, RESPECTIVELY, OF THE CODE OF ORDINANCES OF THE CITY OF MONTGOMERY, TEXAS; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE UPON PUBLICATION AND APPROVAL BY CITY COUNCIL.

WHEREAS, Amending Section 90-57, Returned Check Charge, of the Code of Ordinances of the City of Montgomery, Texas ("City Code"), by reducing the returned check charge from \$50.00 to \$30.00; and

WHEREAS, Amending and restating in its entirety Section 90-61, Discontinuation or Refusal of Water Service for Failure to Pay Bills, of City Code, by reducing the restoration fee, from \$75.00 to \$50.00; and

WHEREAS, Amending and restating in its entirety Section 90-62, Discontinuance of Water Service upon Request of Consumer; and

WHEREAS, the City Secretary caused to be posted a notice of public bearing on this matter; and

WHEREAS, the City Council, pursuant to such notice, held its public hearing and heard all persons wishing to be heard for and against the reduced fees, on 9th day of April, 2024.

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. City Code, Chapter 90 "Utilities," Article II, Water and Sewer Service, Division 2, Service Rates and Charges, Section 90-57, Returned Check Charge, is hereby amended by reducing the returned check charge from \$50.00 to \$30.00.

Section 3. City Code, Chapter 90 "Utilities," Article II, Water and Sewer Service, Division 2, Service Rates and Charges, Section 90-61, Disconnection or Refusal of Water Service for Failure to Pay, is hereby amended by reducing the restoration fee, from \$75.00 to \$50.00.

Section 4. City Code, Chapter 90 "Utilities," Article II, Water and Sewer Service, Division 2, Service Rates and Charges, Section 90-61, Discontinuation or Refusal of Water Service for Failure to Pay Bills, and Section 90-62, Discontinuance of Water Service upon Request of

Consumer shall be amended and restated in their entirety, respectively, as follows:

Section 90-61, shall be amended and restated in its entirety to read:

"The city, through its designated agent, shall have the right to discontinue service and cut off the supply of water to a consumer at any time after such bill becomes delinquent. A charge established by ordinance of the city council, to be paid by check or cash, will be made for restoring water service where such service has been discontinued because of the consumer's failure to pay a bill before it becomes delinquent. The amount of such charge shall be kept on file in the city secretary's office. The city shall have the right to refuse service to any customer with a delinquent bill for standby charges and/or for interest on such charges until all outstanding amounts owed by the consumer are paid in full, whether such amounts are owed with respect to the tract for which such consumer is requesting service or otherwise."

Section 90-62, shall be amended and restated in its entirety to read:

"Whenever a consumer of city water temporarily or permanently abandons the structure being served and no longer wishes to be furnished with water service, he shall notify the city's operator at least two days prior to the time he desires such service discontinued. A charge, established by ordinance of the city council, shall be made for discontinuing and for restoring water service where such service is discontinued or restored at the request of the consumer, and he is not delinquent in the payment of any bill at the time of either request. The amount of such charge shall be kept on file in the city secretary's office."

Section 4. All provisions of the ordinances of the City of Montgomery in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Montgomery, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 5. 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 6. 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 7. This Ordinance shall be effective immediately upon publication, passage and adoption by City Council.

PASSED AND APPROVED on the ____ day of _____, 2024.

Byron Sanford, Mayor

ATTEST:

Nici Browe, City Secretary

APPROVED AS TO FORM:

Alan Petrov, City Attorney