

ORDINANCE NO. 2024-02-21-05

**AN ORDINANCE AMENDING PART I OF THE CITY'S
CODE OF ORDINANCES, CHAPTER 22, ARTICLE II,
SECTION 22-30 AND PART I OF THE CITY'S CODE OF
ORDINANCES, CHAPTER 34, ARTICLE III, SECTION 34-
69**

WHEREAS, the City of Rollingwood is a General Law Type A City under the statutes of the State of Texas; and

WHEREAS, the City Council of the City of Rollingwood (“City Council”) previously established a Code of Ordinances; and

WHEREAS, in order to more clearly set forth the process for appeals regarding water and wastewater services, the City Council finds and determines that Sections 22-30 and 34-69 shall be amended to align with the city’s policy on Utility Bill Appeals.

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

SECTION 1. All the above premises are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. Part I of the City’s Code of Ordinances Chapter 22, Article II, Section 22-30 and Part I of the City’s Code of Ordinances, Chapter 34, Article III, Section 34-69 are hereby amended as provided in Exhibit A, with deletions from the code delineated as ~~strike throughs~~ and additions as underlined.

SECTION 4. All provisions of the ordinances of the City of Rollingwood in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and all other provisions of the ordinances of the City of Rollingwood not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 5. Should any sentence, paragraph, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 6. This ordinance shall take effect immediately from and after its passage and the publication of the caption as the law provides.

APPROVED, PASSED AND ADOPTED by the City Council of the City of Rollingwood, Texas, on the _____ day of _____, 2024.

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APPROVED:

Gavin Massingill, Mayor

ATTEST:

Desiree Adair, City Secretary

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59 **EXHIBIT A**

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61 **Sec. 22-30. – Payment; termination of service; lien for unpaid charges; appeals; restoration**
62 **of service.**

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64 (d) Appeals.

- 65
66 (1) A customer who alleges that a charge for water service is incorrect may give notice
67 of appeal of the charge to the city secretary or his designee by written notice mailed
68 or hand delivered to the city's administrative offices to the attention of the city
69 secretary. Only the following shall constitute bases of an appeal:
70
71 a. An alleged error in the volume of water charged, whether because of a
72 defective meter, a leak or malfunction in piping or equipment belonging to
73 the city, or mistake in meter-reading;
74 b. An error in the applicable charge, whether the type of usage or size of tap;
75 ~~or~~
76 c. An error in any charge not based on volume of use, such as tap fee or capital
77 recovery fee;
78 d. Excessive water use due to confirmed leaks in the customer's plumbing and
79 other equipment; or
80 e. A bill that exceeds the highest monthly volume use during the preceding 12
81 months by 40% with no leaks confirmed.
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83 Complaints about rates adopted by the city council and applied to the customer shall not
84 constitute a proper basis for an appeal.
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87 **Sec. 34-69. – Payment; termination of service; lien for unpaid charges; appeals; restoration**
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- 102 c. An error in any charge not based on volume of use, such as tap fee or capital
- 103 recovery fee;
- 104 d. Excessive water use due to confirmed leaks in the customer's plumbing and
- 105 other equipment; or
- 106 e. A bill that exceeds the highest monthly volume use during the preceding 12
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