

**CITY OF SANGER, TEXAS**

**ORDINANCE 08-17-23**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANGER, DENTON COUNTY, TEXAS, AMENDING THE CODE OF ORDINANCES, CHAPTER 13 UTILITIES, ARTICLE 13.1600 UTILITY BILLING PROCEDURES, SECTION 13.1602 WHEN BILLS BECOME DELINQUENT, SECTION 13.1603, SERVICE TO BE DISCONTINUED WHEN DELINQUENT, AND SECTION 13.1606 WAIVER OF LATE FEES AND PENALTIES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A CUMULATIVE CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING A SAVINGS CLAUSE; AUTHORIZING PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Sanger (the “City”) is a home rule municipality regulated by state law and Charter; and

**WHEREAS**, the City Council approved Ordinance 11-37-17 adopting utility billing procedures on November 20, 2017; and

**WHEREAS**, the City Council finds that the passage of this Ordinance is in the best interest of the citizens of Sanger.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANGER, TEXAS AMENDS :**

**SECTION 1.** That Sections 13.1602, 13.1603, and 13.1606 be amended as follows:

**13.1602 When Bills Become Delinquent.**

Payments become delinquent on the fifteenth (15th) day following the billing date whereupon a ten percent (10%) late fee is assessed to each delinquent bill.

That Section 13.1603 be amended as follows:

**13.1603 Service to Be Discontinued When Delinquent.**

(a) Service may be discontinued upon due written notice to customers having past due bills on the twenty-seventh (27th) day following the billing date. In addition, a service fee as set forth in the fee schedule in Appendix A of this code will be assessed to all customers whose service has been set to be discontinued. If a customer account is disconnected pursuant to this section, the account must be paid in full before service shall be restored. Failure to receive any notice provided by this section shall not relieve the customer of any liability thereof.

(b) The city may delay disconnecting residential utility service for nonpayment if the national weather service reports a temperature or temperature forecast that:

(1) The average daily temperature is 32 degrees Fahrenheit or below or the average daily temperature is predicted to be 32 degrees Fahrenheit or below for more than 24 consecutive hours.

(2) The temperature is at or above 100 degrees Fahrenheit for five consecutive days and the temperature is forecast to reach or exceed 100 degrees Fahrenheit for the next five days.

(c) If the city delays disconnecting utility service due to weather, it is not required to restore previously disconnected service.

That Section 13.1606 be amended as follows:

**13.1606 Waiver of Late Fees.**

Late fees shall not be waived for any individual customer more than once in any twelve-month-period without the express permission of the finance director. The finance director shall review and approve all requests for the waiver of fees.

**SECTION 2.** That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

**SECTION 3.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, phrases, and words of this Ordinance are severable and, if any word, 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 portions of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance or any such unconstitutional word, phrase, clause, sentence, paragraph, or section.

**SECTION 4.** That this Ordinance shall be cumulative of all other City Ordinances and all other provisions of other Ordinances adopted by the City which are inconsistent with the terms or provisions of this Ordinance are hereby repealed.

**SECTION 5.** This ordinance and the rates herein adopted shall become effective, charged, and applied to services rendered by the City, and all usage by Customers of the City effective with the first billing issued on or after October 1, 2023.

**PASSED AND APPROVED** by the City Council of the City of Sanger, Texas, on this 7<sup>th</sup> day of August 2023.

**APPROVED:**

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**Thomas E. Muir, Mayor**

**ATTEST:**

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**Kelly Edwards, City Secretary**

**APPROVED TO FORM:**

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**Hugh Coleman, City Attorney**