

STATE OF LOUISIANA
CITY OF WEST MONROE

ORDINANCE NO. _____

MOTION BY: _____

SECONDED BY: _____

AN ORDINANCE TO ENACT SECTION 7-1005 OF THE CODE OF ORDINANCES, CITY OF WEST MONROE, LOUISIANA, TO ESTABLISH A POLICY FOR WAIVER OF CERTAIN WATER AND SEWER CHARGES RESULTING FROM INFRASTRUCTURE DAMAGE TO THE WATER DELIVERY SYSTEM, AND THE DAMAGE HAS NOT BEEN THE RESULT BY ANY ACT OR FAILURE TO ACT BY THE CUSTOMER; TO PROVIDE THE PROVISIONS OF THIS ORDINANCE ARE SEVERABLE; AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, to the extent allowed by law, the City of West Monroe desires to provide for the general welfare of its water and sewer customers in situations where there has been water flow in excess of customary usage which was caused by damage to the water system infrastructure, and the damage has not been the result of any act or failure to act by the customer; and

WHEREAS, Louisiana Constitution Article VII, Section 14 was amended effective November 13 2022, effective December 13, 2022, as follows:

“Section 14. (A) Prohibited Uses. Except as otherwise provided by this constitution, the funds, credit, property, or things of value of the state or of any political subdivision shall not be loaned, pledged, or donated to or for any person, association, or corporation, public or private. Except as otherwise provided in this Section, neither the state nor a political subdivision shall subscribe to or purchase the stock of a corporation or association or for any private enterprise.

*(B) Authorized Uses. Nothing in this Section shall prevent ****

** * **

(15) a political subdivision from waiving charges for water if the charges are the result of water lost due to damage to the water delivery infrastructure and that damage is not the result of any act or failure to act by the customer being charged for the water.

****”*

WHEREAS, the City of West Monroe wishes to establish a policy for waiver of such charges in appropriate circumstances, and authorize the Mayor to exercise that authority,

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED by the Mayor and Board of Aldermen of the City of West Monroe, Louisiana, in regular and legal session convened, that Section 7-1005 of the Code of Ordinances, City of West Monroe, Louisiana, is hereby enacted, to read as follows:

“Sec. 7-1005. Policy concerning waiver of charges.

Notwithstanding the provisions of Sec. 7-1019 and 7-1020, of Sec. 7-2010 and 7-2010.1, or as otherwise provided in this Part, it shall be the policy of the City of West

Monroe that charges and fees for water service which are based upon the quantity of water provided, and the charges and fees for sewer service which are based upon the quantity of water provided may be waived by the Mayor, but only to the extent of the quantity of water which is determined to have been provided but which was unused by the customer, and which was due to damage to the water system infrastructure but only when that damage is not the result of any act or failure to act by the customer who is being charged for the water or by any person for whom the customer is responsible. A waiver may be made as to a particular location or throughout an affected area within the City.”

SECTION 2. BE IT FURTHER ORDAINED, by the Mayor and Board of Aldermen of the City of West Monroe, Louisiana, in regular and legal session convened, that if any provisions or sections of this ordinance are held invalid, such invalidity should not affect the other provisions or sections of this ordinance which can be given in effect without the invalid provisions or sections, and to this end the provisions and sections of this ordinance are hereby declared severable.

The above Ordinance was read and considered by Sections at a public meeting of the Mayor and Board of Aldermen, in regular and legal session convened, voted on by yea or nay vote, passed and adopted the 7th day of March, 2023, the final vote being as follows:

YEA: _____

NAY: _____

NOT VOTING: _____

ABSENT: _____

ATTEST:

APPROVED THIS 7TH DAY OF
MARCH, 2023

CHRISTEN HEATH, CITY CLERK
CITY OF WEST MONROE
STATE OF LOUISIANA

STACI ALBRITTON MITCHELL, MAYOR
CITY OF WEST MONROE
STATE OF LOUISIANA