

City of Lavon, Collin County, Texas

ORDINANCE NO. 2009-11-03

Delinquent Sanitary Sewer Accounts

AN ORDINANCE ESTABLISHING PROCEDURES CONCERNING DELINQUENT SANITARY SEWER ACCOUNTS AND PROVIDING FOR TERMINATION OF SERVICE AFTER NOTICE TO THE CUSTOMERS, AND PROVIDING FOR A LIEN OF NON-HOMESTEAD PROPERTY TO SECURE THE PAYMENT OF MUNICIPAL UTILITY BILLS.

WHEREAS, the City provides sanitary sewer service to some residents of the City of Lavon; and

WHEREAS, the City has determined that it is necessary to collect reasonable rates for its service in a prompt manner; and

WHEREAS, the City has determined that some customers have taken unfair advantage of the City's leniency in collecting overdue accounts and believe it to be unfair practice to allow customers to continue receiving services while their accounts remain unpaid; and

WHEREAS, the City is expressly authorized by Texas Water Code §13.250(d) to discontinue service for non-payment of service; and

WHEREAS, the City has determined that the policies set out in this ordinance are fair and just, and are likely to reduce or cure the unfair acts mentioned above.

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

I. Billing Dates

All sanitary sewer bills go out on or about the 20th of every month.

II. Due Dates

A. Payments for sanitary sewer service are due on the 10th day of the month following the billing date above (I). Payments not received by the 10th day of the month are considered past due. Should the 10th fall on a weekend or holiday a grace period will be granted until the next business day.

III. Past Due Penalty

All fees associated with this can be found in Ordinance No. 2008-02-01, Comprehensive Fee Schedule as amended or superseded.

IV. Notices

- A. Any delinquent sanitary sewer service account outstanding by the due date of the month following the billing cycle shall receive a disconnect notice as a part of their next bill.
- B. Customers that have arrears on their bills will receive a disconnection notice. This notice will include a date that services will be disconnected. Red door hangers will be put on all customer doors to be disconnected the Thursday prior to disconnection date. Should the Thursday prior to disconnection fall on a holiday it will be the first business day prior to that holiday.
- C. At the time of disconnection the city employee whom is disconnecting the service will affix a notice to the front door of the residence or business which shall read, "WARNING Sanitary Sewer Service has been disconnected from this residence or business and it is unlawful to use sanitary sewer system at this location or remove this notice until sanitary sewer service is lawfully reconnected", or similar wording that conveys the same information.

V. Disconnection

- A. Any Sanitary Sewer Service Account for which full payment has not been received or suitable arrangements have been made by 9am on the disconnect date may be disconnected by the city.
- B. The City may disconnect services by any means appropriate including cutting, blocking, stopping or removing the sanitary sewer service line.
- C. No Sanitary Sewer Service will be reconnected until all unpaid utility bills, reconnection fees and other fees are paid in full to the city.

VI. Fees

The City will assess fees on delinquent accounts as appropriate. All fees associated with this can be found in Ordinance No. 2008-02-01, Comprehensive Fee Schedule as amended or superseded.

VII. Extreme Hardship Cases

Except as provided below, the City of Lavon will not terminate sewer service to a delinquent residential customer permanently residing in an individually metered dwelling unit, when the customer establishes to the City of Lavon that discontinuance of service will result in some person at that residence becoming seriously ill or more seriously ill. To avoid disconnection under these circumstances, the customer must provide a

written statement from a physician to the City of Lavon prior to the stated date of disconnection. The City of Lavon shall be solely responsible for determining whether a customer meets the requirements of this paragraph. Sewer service may be disconnected with additional notice if the customer's next monthly sewer bill and the past due bill are not paid by the due date of the next monthly sanitary sewer bill.

VIII. Deferred Payment Plan

A Deferred Payment Plan is an agreement between a delinquent customer and the City of Lavon, which will allow delinquent customer to pay off previous unpaid utility bills, other city fees and the current monthly bill in equal payments over no more than four months. The payment amount will include delinquent amount divided by four or less months plus current month's bill. There shall be a written agreement required in order to execute a deferred payment plan. The following items will be required in the written agreement:

- A. Provides up to, but not more than four months to pay all delinquent amounts, in equal or as near equal as possible monthly payments;
- B. Includes a deferred payment fee;
- C. Provides that in the event of any default of the deferred payment plan, services shall be terminated without further notice.

IX. Additional Authority of the City

The city may develop forms and rules that are consistent with the purposes stated herein.

X. Return Check Fee

If any customer pays for sanitary sewer services with a check that is dishonored for any reason, there is hereby assessed a return check fee, plus the amount of any charges imposed on the City by the bank or banks that handled the check. All fees associated with this can be found in Ordinance No. 2008-02-01, Comprehensive Fee Schedule as amended or superseded.

XI. Tampering with Sewer Works

- A. It shall be unlawful for an unauthorized person to damage, break, destroy, uncover, deface or tamper with any structure, locks, plugs, appurtenance or equipment which is a part of the sewage works.
- B. It shall be unlawful for any person to use or allow to be used any sanitary sewer system which is currently disconnected under this ordinance.
- C. It shall be unlawful to remove any notice of disconnection while the sanitary sewer service is disconnected.

XII. Penalty

- A. Any person violating any portion of this Ordinance shall be deemed guilty of a Class "C" misdemeanor and upon conviction be punishable by a fine not more than two thousand dollars (\$2,000.00).
- B. Each act shall constitute a separate violation under this Ordinance and shall result in a separate fine.

XIII. Lien

- A. Pursuant to Chapter 402 of the Texas Local Government Code, there is hereby imposed a lien on each property that is served by the City's sanitary sewer system to secure the payment of delinquent municipal utility accounts. This lien does not attach to property that is a homestead protected by the Texas Constitution, nor does it secure the payment of any municipal utility bills that were incurred by a tenant of the property prior to the effective date of this ordinance.
- B. The City Manager and City Attorney shall perfect the City's lien procedures.


XIV. Severability

In case any one or more of the provisions contained in this agreement shall, for any reason, be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision of the agreement, and the agreement shall be considered as if such invalid, illegal, or unenforceable provision had never been a part of it.


XV. Effective Date

This Ordinance shall be in full force and effect from and after its passage and it is so ordained.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LAVON,
COLLIN COUNTY, TEXAS ON THIS 17 DAY OF November, 2009.**

By: 
The Honorable Norma Martin, Mayor

ATTEST:


Linda Ardis, City Secretary