

**CITY OF LAVON, TEXAS
ORDINANCE NO. 2019-06-04**

Sewer Service

AN ORDINANCE OF THE CITY OF LAVON, TEXAS, AMENDING CHAPTER 12, "UTILITIES", ARTICLE 12.03, "SEWER SERVICE", TO AMEND THE RULES, REGULATIONS, AND PROCEDURES FOR SEWER SERVICES PROVIDED BY THE CITY OF LAVON; PROVIDING A PENALTY CLAUSE; PROVIDING FOR SEVERABILITY, SAVINGS AND REPEALING CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE OF THE ORDINANCE.

WHEREAS, the City of Lavon, Texas owns and operates its municipal wastewater collection and treatment facilities (hereinafter, the "system"); and

WHEREAS, on November 17, 2009, the City Council of the City of Lavon, Texas (the "City Council") adopted Ordinance No. 2009-11-03, as amended by Ordinance No. 2010-02-01 adopted February 16, 2010, and as amended by Ordinance No. 2014-06-04 adopted June 3, 2014, that set the construction, operation extension, and regulation of the system and system services; and

WHEREAS, the City Council previously adopted a comprehensive Fee Schedule, as amended by Ordinance No. 2017-02-03 adopted February 7, 2017, Ordinance No. 2017-03-01 adopted March 7, 2017, Ordinance No. 2017-09-07 adopted September 19, 2017, and Ordinance No. 2018-04-01 adopted April 17, 2018, that found that the wastewater rates were fair, just, and reasonable and that the services were adequate and efficient, and remain to be as of the adoption of this Ordinance; and

WHEREAS, the City Council has reviewed the amendments herein and finds and determines that the adoption of this Ordinance is in the best interest of the City and its citizens to clarify the rules, regulations and procedures for providing sewer service; and

WHEREAS, the City Council further finds and determines that the amendments imposed by this Ordinance are characterized as reasonable, necessary, and proper for the good government of the City and for the protection of the public health, safety and welfare of its citizens.

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

SECTION 1. RECITALS:

The City Council hereby finds that the statements set forth in the recitals of this Ordinance are true and correct, and the City Council hereby incorporates such recitals as part of this Ordinance.

SECTION 2. AMENDMENT:

Chapter 12, "Utilities", Article 12.03, "Sewer Service" of the Code of Ordinances of the City of Lavon, Texas is hereby amended entirely as follows:

ARTICLE 12.03. SEWER SERVICE

Sec. 12.03.001 Penalty

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this article shall be fined not more than five hundred dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

Sec. 12.03.002 Mandatory connection to city sewer system

(a) Connection required. The owners of all buildings, homes or other structures designed for human occupancy for residential, commercial or industrial purposes within the city, which structures are situated in any part of the city where a sanitary sewer presently exists or may hereafter exist, and where the property line of the land upon which any such building, home, or structure is situated extends to within 100 feet of any city sewer line that presently or may hereafter exist, shall be and are hereby required to construct or cause to be constructed a sanitary water closet or closets within each such structure and to connect or cause to be connected such sanitary water closet or closets with the city sewer system.

(b) Exception. An exception to subsection (a) of this section shall be an on-site sewage facility that complies with the rules adopted in section 12.04.004, On-site Sewage Facilities, of this chapter.

Sec. 12.03.003 General regulations

(a) Free service prohibited. No free sewer service will be permitted.

(b) Sewer Taps. The city shall charge the customer a reasonable fee for providing service from the city's system to the customer's property line. Placement and location of the sewer tap lines shall be at the discretion of the city. The tap fee shall be paid by the customer prior to commencement of service.

(c) Sewer system shall be operated on metered basis.

(d) Dual connections prohibited. Dual connections (more than one user on a single meter) shall be prohibited.

Sec. 12.03.004 Residential rates

Residential sewer rates are provided in appendix A, as amended, to this code.

Sec. 12.03.005 Computation of fee for commercial customers

(a) New and current commercial sewer customers shall sign a waiver granting the city permission to obtain their previous months' water usage from Bear Creek Special Utility District. The fee will then be computed based on actual usage and the living unit equivalence.

(b) If a commercial customer fails to provide the city with this waiver, the monthly bill will be as set forth in the fee schedule in appendix A, as amended, of this code until the waiver is issued.

Sec. 12.03.006 Sewer Tap fees

Residential and commercial tap fees are provided in appendix A, as amended, to this code.

Sec. 12.03.007 Delinquent accounts

(a) Billing date. All sanitary sewer bills go out on or about the 20th of every month.

(b) Due date. Payments for sanitary sewer service are due on the 10th day of the month following the billing date above (subsection (a)). 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.

(c) Past due penalty. All fees associated with this can be found in the fee schedule in appendix A, as amended, of this code.

(d) Notices.

(1) 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.

(2) 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 the disconnection date. Should the Thursday prior to disconnection fall on a holiday it will be the first business day prior to that holiday.

(3) At the time of disconnection the city employee who 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.

(e) Disconnection of service.

(1) Any sanitary sewer service account for which full payment has not been received or suitable arrangements have been made by 9 a.m. on the disconnect date may be disconnected by the city.

(2) The city may disconnect services by any means appropriate, including cutting, blocking, stopping or removing the sanitary sewer service line.

(3) No sanitary sewer service will be reconnected until all unpaid utility bills, reconnection fees and other fees are paid in full to the city.

(f) Fees. The city will assess fees on delinquent accounts as appropriate. All fees associated with this can be found in the fee schedule in appendix A, as amended, of this code.

(g) Extreme hardship cases. Except as provided below, the city 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 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 prior to the stated date of disconnection. The city shall be solely responsible for determining whether a customer meets the requirements of this subsection. 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.

(h) Deferred payment plan. A deferred payment plan is an agreement between a delinquent customer and the city, 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 the delinquent amount divided by four or less months plus the 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:

(1) Provides up to but not more than four months to pay all delinquent amounts, in equal or as near equal as possible monthly payments;

(2) Includes a deferred payment fee;

(3) Provides that, in the event of any default of the deferred payment plan, services shall be terminated without further notice.

- (i) Additional rules; closed accounts.
 - (1) The city may develop forms and rules that are consistent with the purposes stated herein.
 - (2) The city has the authority to plug all residential sanitary sewer accounts that have been closed. These accounts will be unplugged with no additional fees at such time as a new resident comes into city hall, signs up for service and pays their administration fees.
 - (j) Returned check fee. If any customer pays for sanitary sewer services with a check that is dishonored for any reason, there is hereby assessed a returned 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 the fee schedule in appendix A, as amended, of this code.
- (j) Offenses; tampering with sewage works.
 - (1) 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.
 - (2) It shall be unlawful for any person to use or allow to be used any sanitary sewer system which is currently disconnected under this section.
 - (3) It shall be unlawful to remove any notice of disconnection while the sanitary sewer service is disconnected.
- (k) Lien for unpaid charges.
 - (1) Pursuant to chapter 552 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 state 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 section.
 - (2) The city administrator and city attorney shall perfect the city's lien procedures.

SECTION 3. SAVINGS/REPEALING CLAUSE:

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 4. SEVERABILITY:

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Lavon hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences clauses and phrases be declared unconstitutional or invalid.

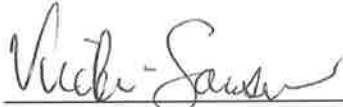
SECTION 5. EFFECTIVE DATE:

This Ordinance shall become effective immediately upon its adoption and its publication as required by law.

SECTION 6. OPEN MEETINGS:


That it is hereby found and determined that the meeting at which this Ordinance was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given, all as required by Article 551.041, Texas Government Code.

PASSED AND APPROVED by the City Council of the City of Lavon, Texas this 4th day of June 2019.



Vicki Sanson, Mayor

ATTEST:



Kim Dobbs
City Administrator/ City Secretary

