

ORDINANCE NO. 2025-04-07C

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SPLENDORA, TEXAS AMENDING CHAPTER 38 ENTITLED "UTILITIES" OF THE CODE OF ORDINANCES; PROVIDING FOR A PENALTY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

* * * * *

WHEREAS, the city council of the City of Splendor has heretofore adopted ordinances, providing rules, regulations and requirements for water services within the city and within the extraterritorial jurisdiction, and outside the municipal boundaries.

WHEREAS, the City Council of the City of Splendor is continually reviewing the provisions of the Code of Ordinances relating to the health, safety and well-being of residents, citizens and inhabitants; and

WHEREAS, the City Council of the City of Splendor finds it necessary to adopt the following amendments to Chapter 38 of the Code of Ordinances; and

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted as findings of fact and conclusions of law by the City Council and made a part hereof for all purposes.

Section 2. Amendments. Chapter 38 entitled "Utilities" of the City of Splendor Code of Ordinances is hereby amended by amending Section 38-24, Article II, Division 1; and amending Section 38-60, Section 38-62, Section 38-64, and Section 38-6, Article II, Division 2, as shown in the attached Exhibit A and incorporated herein for all purposes.

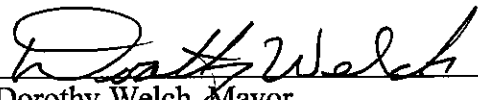
Section 3. Repealing Clause. All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Section 4. Severability. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance be severable, and if any 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 phrases, clauses, sentences or sections of this ordinance, and the remainder of this Ordinance shall be enforced as written.

Section 5. Compliance Clause and Effective Date. The City Council finds, determines and declares that a sufficient written notice was posted and this Ordinance was passed in accordance with the Open Meetings Act. The City Secretary is instructed to publish this Ordinance in the Official Newspaper of the City of Splendor in the manner provided and for the time required by Section 52.011(a) of the Local Government Code, at which time this Ordinance takes effect.

PASSED, APPROVED and ADOPTED by the City Council of the City of Splendor, Montgomery County, Texas on this the 7th day of April 2025.

CITY OF SPLENDORA, TEXAS


Dorothy Welch, Mayor

ATTEST:


Anita Davis
City Secretary

EXHIBIT A

Chapter 38 UTILITIES

ARTICLE II. WATER SERVICE¹

DIVISION 1. GENERALLY

Sec. 38-24. Water meters.

- (a) Title to all water meters and appurtenances, including the meter boxes enclosing the meter, shall vest in the city.
- (b) Each residential, commercial, or industrial service connection served by the city is required to have a separate water meter.
- (c) No person other than a duly authorized agent of the city shall open the meter box, tamper, or in any way interfere with the meter box.
- (d) The city shall maintain, repair, and replace all meters and appurtenances in connection therewith at its own expense except where damaged by negligence. Repairs in this instance will be at the expense of the consumer.
- (e) All meters and meter boxes shall be set by employees or agents of the city, and the city will collect the costs from the developer and/or consumer in advance.
- (f) After a meter has been set, the consumer shall at all times, keep the space occupied by the meter and the meter box, free rubbish or obstruction of any kind.
- (g) Residential customers requesting larger than the 5/8" size meter, will be charged for the difference in the meter cost for the oversized meter.
- ~~(g) As a pre-requisite for obtaining, installing and connecting to a city water line with a larger water meter, the customer shall be required to submit an application to the city utilities department.~~

(Ord. No. 2004-08-05A, § 4, 8-5-2004)

DIVISION 2. RATES AND CHARGES

Sec. 38-60. Billing.

~~A composite billing card will be used by the city. The billing card~~ utility bill will itemize the charges for water, sanitary sewer, **natural gas, and solid waste**. The total of such amounts shall be due and payable to the city on or before the 20th day of the month following the month in which services are rendered and shall become delinquent if not paid by that time. If a consumer fails to pay any amount on or before such due date, a penalty of ten percent of the existing unpaid balance is assessed on each delinquent account on the 21st day of the month.

(Ord. No. 2004-08-05A, § 10, 8-5-2004)

Sec. 38-62. Discontinuance or refusal of all utility services for failure to pay bill, and charges for reconnection.

~~Cut off~~ **Interruption of service - nonpay.** The city, through its designated agent, shall have the right to discontinue water service, sanitary sewer service, and/or gas utility services, to the premises of any consumer at any time after such bill becomes delinquent. A reconnection fee shall be paid before restoring service where such service had been interrupted because of the consumer's failure to pay a bill before it becomes delinquent. The city shall have the right to refuse service to any consumer with a delinquent bill until all outstanding amounts owed by the consumer are paid in full, whether such amounts are owed with respect to the tract for which such consumer is requesting service or otherwise. **Written notice will be given to the consumer stating the reasons for disconnection of service; the date by which service will be discontinued if payment is not made; and information regarding the procedure by which the customer may request a hearing to protest the proposed termination of service. The customer must request the hearing within 10 days of the receipt of the written notice. The hearing will be conducted by the City Administrator and/or the City Administrator's designee and/or any third party the City has contracted with to manage the City's water and sewer system who will have the authority to resolve the issue and rescind the disconnection order in accordance with city policy.**

- (a)
- (b) **Restoration of service.** If service is not restored within 30 days from disconnection, the account will be finalized.
- (c) **Reconnection fee.** To resume water service, the customer must pay the city a charge in the amount established by ordinance. Payment for the reconnection **fee shall be made by any option the city offers for utility payments. must be made in cash, money order and/or cashier's check. No personal checks will be accepted.**
- (d) **Security deposits and charges.** Security deposits and charges shall be as established by ordinance. When the owner/renter/lessee discontinues service, the new owner/renter/lessee, as a pre-requisite to obtaining water service, shall be required to pay the appropriate security deposit, plus a ~~turn-on~~ **connection** fee in the amount established by ordinance. The security deposit will be held for one year and ~~returned~~ **may be**

returned to the customer upon request and review of the consumer's established pay record indicating good, timely payments. A consumer who received a refund on the deposit, and subsequently has an interruption of service for nonpay, shall pay be required to re-establish the deposit on the utility account.

- (e) *Discontinuance upon customer's request.* In the event service is disconnected at the customer's request or due to a leak on the customer's side of the meter, a charge in the amount established by ordinance will be charged to the customer. The charge may be waived with proof of a shut-off valve installed on the customer's side.

Sec. 38-64. Water service connection charges.

- (a) *Charges.* The charges that shall be required for connection to the water system before a work order is issued shall be as established by ordinance.
 - (1) After installation the shut off valve will be the responsibility of the consumer to repair or replace.
 - (2) All commercial meters that require a testable back flow will be required to have an annual test, at the consumer's expense, and the consumer shall provide the city with a copy of that report.
- (b) *Refunds.* Any and all refunds prior to construction are subject to an application fee in the amount established by ordinance. However, once the initial construction work has begun, no refund will be granted.

(Ord. No. 2004-08-05A, § 14, 8-5-2004)

~~Sec. 38-65. Administrative and engineering fees.~~

- ~~(a) *Administrative fees.* The city shall charge an administrative fee in the amount established by ordinance for processing each request for water service and/or review plans and specifications by the city engineer. A processing fee in the amount established by ordinance shall be charged for each subsequent review of the plans and specifications of the water system connection.~~
- ~~(b) *Engineering fees.* No water or sewer extensions will be approved by the city until the plans and specifications have been reviewed by the city engineer. The city engineer or his designated representative must make a final inspection of the water or sewer line extension to the city water system. The city engineer will provide a fee schedule which must be paid in advance before water or sewer extensions can be provided to the customer.~~
- ~~(c) *Water consumption report requests.* The city shall charge an administrative fee in an amount established by ordinance for processing each request for a water consumption report.~~
- ~~(d) *Reprint utility bill requests.* Upon request of customer for a receipt for payment without providing original utility bill, a charge will apply.~~

(Ord. No. 2004-08-05A, § 20, 8-5-2004; Ord. No. 2018-02-05, § 4(Exh. A), 2-5-2018)

Secs. 38-66—38-88. Reserved