

**CITY OF JAMAICA BEACH
ORDINANCE 2017-5**

AN ORDINANCE OF THE CITY OF JAMAICA BEACH, TEXAS, AMENDING THE WATER AND SEWER SYSTEM RATES AND CHARGES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Jamaica Beach, Texas is authorized and required to fix uniform and adequate rates for its services; and,

WHEREAS, the City of Jamaica Beach finds the rates and charges established herein are fair and equitable and serve a valid public purpose; and,

WHEREAS, this ordinance covers topics that include application for service, services offered, service rates and charges, penalty for violation, and providing an effective date;

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

SECTION 1. APPLICATION FOR SERVICE:

(A) Application for Water, Sewer and Garbage Services.

1. Application: Before water, sewer or garbage collection services shall be supplied to any person or to any premises by the City, the person who is to be responsible for the payment of those services or that person's duly authorized agent, shall make written application for those services on a form to be provided by the City. The application shall contain such information regarding the applicant and the service(s) to be provided as established by the City. When completed and approved, the application shall constitute a contract on the part of the applicant to pay the City for the use and benefit of the services provided by the City to that person or premises, and to abide by all regulations relating to those services as those regulations exist and may be amended by the City of Jamaica Beach, County of Galveston, and State of Texas. In making application for water, sewer, and garbage collection services, each applicant shall provide such information and documentation as may be required by City policy including, but not limited to, documentation which establishes the identity

of the applicant and/or establishes the authority of the applicant to make the application on behalf of the applicant or a third party.

2. Application Fee: The City shall collect a total fee of thirty dollars (\$30.00) for each water, sewer, and garbage collection service it establishes.
3. Security Deposit Fees: A deposit shall be made with the City at the time of making an application for water, sewer, and garbage services, the minimum amount of which shall be as follows:
 - (a) Residential: \$250.00
 - (b) Commercial: 3 month estimated average bill.
 - (c) The deposit on any property on which a valid rental property declaration has been filed and is effective pursuant to Section 10 (F) of this Ordinance shall be two hundred fifty dollars (\$250) or an amount equal to three (3) months estimated average bill for all water, sewer and garbage collection services provided to such property.
 - (d) If one person holds the service accounts for twelve (12) or more residential properties, the bills for none of which have been declared by the property owner pursuant to Section 10 (F) of this Ordinance, then the deposit for those accounts shall be no more than six hundred dollars (\$600.00), that deposit being applicable to each and all of these properties.

(B) Deposit Regulations for Refunding, Waiving and Delinquencies.

1. The security deposit may be refunded or added to the customer's utility bill after one (1) year if the account is in good standing and no involuntary disconnection notice have been issued in a twelve (12) month time frame.
2. Customers in good standing (having no involuntary disconnect notices issued in a twelve (12) month time frame or frequent, recent or large delinquencies) that acquire additional property or move from one residence to another in Jamaica Beach, may have the deposit waived.
3. The City shall require persons whose utility bill has been delinquent three (3) months in a twelve (12) month time frame to post a deposit of an estimated average of a three (3) month bill for all water, sewer and garbage collection services provided to the property. The deposit on any property may be raised to four (4) months average bill by the City if the customer's payment history indicates frequent, recent or large delinquencies. Refunding and/or waiving of the deposit does not preclude requiring a future deposit, if the utility bill

has been delinquent three (3) months in a twelve (12) month time frame, or the service was disconnected for non-payment.

4. If a person making a deposit becomes insolvent or bankrupt or makes an assignment for the benefit of creditors, then and in that event, the City shall have the prerogative to apply the deposit to any bill of that person which may be outstanding.

- (C) Use of water without an application or permit: It shall be unlawful for any person or persons to use water from the City without an application or permit or to turn on the City water for use on his premises if the same has been, for any reason, disconnected or before the same has been turned on by the City.
- (D) No new service until application is made: Before any water or sewer service shall be installed to serve any premises from the City system, the person to be responsible for the payment for the services shall make written application for said service, as provided in Section 1 (A) above. No permit for any connection with the City water and sewer system shall be issued until such application is accepted by the City.
- (E) Using or furnishing water without permission: It shall be unlawful for any person to take or use water from the City water system except under the terms and conditions specified in this Ordinance. All owners and occupants of property are hereby prohibited from furnishing water to any person occupying other premises for any purpose whatsoever except with the written consent of the City.

SECTION 2. RATES AND TAP FEES:

- (A) Water Rates: The monthly rates charged by the City of Jamaica Beach for all water provided by the City's waterworks system shall be:
1. Base Rate: twenty-five dollars (\$25.00) for zero (0) up to two thousand (2,000) gallons of metered water consumption; and
 2. Five dollars (\$5.00) for each additional thousand (1,000) gallons of metered water consumption (or prorated amount thereafter).
- (B) Sewer Rates: The monthly rates charged by the City of Jamaica Beach for all sewer services provided by the City's sewer system shall be:
1. Base Rate: thirty-four and 35/100 dollars (\$34.35) for zero (0) up to five thousand (5,000) gallons of metered water consumption; and
 2. Three and 25/100 dollars (\$3.25) for each thousand (1,000) gallons up to ten thousand (10,000) gallons of metered water consumption (or prorated amount thereafter); and

3. No additional charges for sewer overage after ten thousand (10,000) gallons of metered water consumption.
- (C) Garbage Rate: The rate and regulations for garbage service is provided in the City of Jamaica Beach Solid Waste Disposal Service Ordinance.
- (D) Voluntary Fees: The monthly voluntary fee for the Volunteer Fire Department shall be four dollars (\$4.00) and the monthly voluntary fee for EMS shall be one dollar (\$1.00). Voluntary fees are optional. Customers may request at any time for the voluntary fee to be removed and/or increased or decreased.
- (E) Water Tap Fees: The water tap fee shall be six hundred dollars (\$600.00) for residential water tap or connection up to and including a ¾ inch connection to the City's water distribution system, which shall include the meter and meter box and installation thereof. For connections of over ¾ inch, the City will establish tapping charges and water rates by separate order and agreement. No person, other than the properly authorized agents of the city, shall be permitted to tap or make any connection with the mains or distribution pipes of the City's water system. No person, other than the properly authorized agents of the City, shall be permitted to make repairs or additions to or alteration in any tap, pipe, valve, or other fixture connected with the service.

Water consumers are not guaranteed to specific quantity or pressure of water for any purpose whatever, and it is understood that the City is only to furnish a connection with its water system and is in no case to be liable of failure or refusal to furnish water or any particular amount or pressure of water.

- (F) Sewer Taps: residential sewer taps and connections up to and including a 4 inch connection to the City sewer collection system is three hundred-fifty dollars (\$350.00) for each sewer tap. There will be a fifty dollar (\$50.00) inspection fee after the contractor has completed the connection to the tap. No downspouts, swimming pool drains, yard drains, street drains or gutter drains will be permitted to be connected to the City's sanitary sewer facilities.
- (G) Commercial Users: commercial taps are subject to a contract signed by the owner or user (not the contractor). The City may establish a separate monthly rate for water/sewer services for commercial accounts.
- (H) All tap charges and other charges, including deposits, shall be paid for when application for the tap or connection is made and the request for services shall be held in abeyance until such charges have been paid.

SECTION 3. DELINQUENT FEE AND RETURN CHECK FEE:

- (A) Delinquent Fee: All bills for water, sewer and garbage collection are due when billed and must be paid in their entirety on or before the twenty-second (22) of each month. If payment is not made by the due date the bill shall be considered delinquent. Delinquent bills shall be charged a penalty of ten dollars (\$10.00). If payment is not made by the 10th of the following month, services shall be disconnected. The City is hereby authorized to refuse partial payment of water, sewer and/or garbage collection bills.
- (B) Return Check Fee: Should any customer pay for services by check or other negotiable instrument and that check or other negotiable instrument be dishonored or returned, the City shall add a charge of twenty-five dollars (\$25.00) to that customer's bill due to the dishonoring of that check or other negotiable instrument.

SECTION 4. METER TESTING FEES:

- (A) Meter Reread Fee: Should the customer request that the meter be reread within any given month to verify its accuracy, and that the recheck shall indicate that the previous reading or readings were accurate then the City shall add a charge of thirty dollars (\$30.00) to that customer's bill for the reread and each subsequent rereading of that customer's meter.
- (B) Meter Testing Fee: Should the customer request testing of the meter and that testing indicates that the meter was registering accurately or was registering less water than was actually delivered to the customer, then the City shall add a charge of thirty dollars (\$30.00) to that customer for that meter test and each subsequent meter test requested by that customer.
- (C) Data Log Report Fee: Should the customer request a data log report of the meter and that report indicates that the meter was registering accurately, then the City shall add a charge of fifty dollars (\$50.00) to that customer for the meter test and data log report and each subsequent meter test and data log report requested by that customer.

SECTION 5. DISCONNECTION AND RECONNECTION FEES:

- (A) Customers requesting a voluntary disconnection of service will be charged a fee of thirty dollars (\$30.00) on their utility billing. Voluntary disconnection of water service requests must be in writing and will be accomplished within two working days. The voluntary disconnection fee is for reading the meter and turning off the water service to the residence or business. There shall be no occupancy or use of water service at the residence or business.

- (B) Customers requesting reconnection of water service will be charged a fee of one hundred dollars (\$100.00). Reconnection of water service must be in writing to be restored by the current customer of record, or a new application for service made and accepted by the City. The reconnection fee must be paid at the time of the request by the current customer of record, or subsequent customer. Reconnection of service will be accomplished within two working days of receipt of payment by the City.
- (C) In the event any user or customer of the City's water, sewer and/or garbage collection services does not pay the amounts due upon proper billing by the date the same becomes delinquent, the utility department is hereby authorized and directed to order the disconnection of that customer's water service. After water service has been terminated pursuant to this Ordinance, such services may be resumed upon the payment of all past due amounts, up to and including the date of disconnection, plus a reconnection charge of one hundred dollars (\$100.00).
- (D) Emergency reconnection of services after normal working hours, weekends and/or holidays must be approved by the City Water Department Supervisor and the customer shall pay an additional charge of fifty dollars (\$50.00).

SECTION 6. FREE SERVICES PROHIBITED AND RIGHT OF ACCESS:

- (A) All consumers receiving either water or sewer services or both, from the City shall be subject to the provisions of this Ordinance and shall be charged the rates established in this Ordinance and no reduced rate or free service shall be furnished to any such consumer.
- (B) Inspections/Right of Access to City Authorized Person: Any officer, inspector foreman or authorized person of the City shall have free access at all reasonable hours to any premises supplied with City water and sewer services for the purpose of making an inspection thereof or for reading meters. After a meter has been set, the consumer shall at all times keep the space occupied by the meter and the box free from rubbish and obstructions of any kind. 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 or box.
 1. In case any such authorized person shall be prevented in making such an examination the City may cause the water and sewer service to be disconnected from that premises according to the procedures detailed in Section 9 of this Ordinance.
 2. It shall be unlawful for any person to threaten with bodily harm or reprisal by any means any authorized officer or City personnel/agent making an inspection of any premises for City water service purposes or rereading meters, and shall be unlawful for any person to in any way prevent any

authorized officer of the City making an inspection of the premises for City water service purposes or reading meters. Any person violating the provisions of this subsection shall be guilty of a misdemeanor and upon conviction shall be fined.

3. It shall be unlawful for any person to hinder or interfere with any City personnel/agent who is delivering water termination notices pursuant to Section 9 of this Ordinance. It shall further be unlawful for any person, other than an occupant of the premises to which notice is delivered, to remove a water termination notice delivered by the City from any premises to which the City delivered that notice.

SECTION 7. CROSS CONNECTIONS, BACKFLOW AND BACK-SIPHONAGE PROHIBITED BY STANDARD PLUMBING CODE AND UNLAWFUL USE OF WATER OR USE OF SANITARY SEWER FACILITIES:

- (A) Whoever intentionally by any means or device prevents the City or used in connection with the supply of water to any consumer by the City to register the amount of water passing through the meter, or intentionally prevents a meter from duly registering the quantity of water supplied, or in any way interferes with its proper action or just registration, or without the consent of the City intentionally diverts any water from any pipe or pipes of the City or otherwise intentionally uses or causes to be used, without the consent of the City, shall for every such offense be fined as provided for violation of this Ordinance. The presence at any time on or about any such meter or pipe of any device or pipes resulting in the diversion of water or prevention of its free passage and registration by the meter or diverting from the meter as above defined or resulting in the prevention of water from reaching the meter or preventing the just registration of the meter or meters or the taking of any water except through a meter as above set forth shall constitute prima facie evidence of knowledge, on the part of the person owning or having custody and control of the room, building, place or premises where such device or pipe is, of the existence thereof and knowledge of such existence to the person who would be benefited by the failure of the water to be properly metered; and shall further constitute prima facie evidence of intention on the part of such person or persons to defraud, and bring such person prima facie within the scope, meaning and penalties of this Ordinance. It shall be unlawful for any person to use water from the City without an application or permit, or to turn the City water for use on his premises after the same has been for any reason, cut off.
- (B) Whoever intentionally, by any means or device, connects to the City sanitary sewer or allows wastewater to enter the City sanitary sewer to avoid payment of sewer charges shall be fined as provided for a violation of this Ordinance. The location of such a sewer tap unlawfully installed by a customer or his agent shall constitute prima facie evidence of knowledge on the part of the

persons owning or having custody and control of the room, building, place or premises where such device is.

(C) Prohibited Discharges:

1. No person shall discharge or cause to be discharged any storm water, ground water, roof run off, sub-surface drainage, or any water from down spouts, yard drains, yard fountains and ponds or lawn spray into any sanitary sewer.
2. No person shall discharge, or cause to be discharged into any public sewer any substance, material, waters or wastes which creates any condition deleterious to sewer structures, or systems, or treatment processes, or requires unusual facilities, attention, or expense to handle such materials.
3. If any person discharges a substance into the sanitary sewer in violation of this Section, the City Administrator may:
 - (a) Require pretreatment or control of the quantities and rates of discharge of discharge waste to bring the discharge within acceptable limits; and
 - (b) Require payment of surcharge for excessive cost of treatment.

(D) Grease, oil and sand interceptors shall be provided as required in the Standard Plumbing Code.

SECTION 8. BILL FOR ILLEGALLY USED WATER OR ILLEGAL USE OF SANITARY SEWER FACILITIES OR DISCONNECTION OF ILLEGAL FACILITIES:

- (A) Any person or person's illegally using water from the City, as defined in Section 7 of this Ordinance shall be responsible for all water used from the date of last reading of the water meter on that person's place or premises. In the event the meter has been removed by that person or persons or has been circumvented, broken or damaged, then that person or persons shall be billed for an estimated amount of water used during the period of time when that meter was not registering the amount of water used plus the cost of repairing or replacing the meter. Water meter repair/replacement charges shall be determined by the cost.
- (B) Water charge estimates shall be made by the City and shall be based on an average month of the previous year.
- (C) Should the City authorized person remove from any premises any illegal water connection as defined in this Ordinance, the City Water Department Supervisor shall add fifty dollars (\$50.00) to the bill of the customer or user at the premises from which such illegal connections were removed.

- (D) Any person or persons illegally using sanitary sewer facilities shall be billed for all sewer charges which were evaded from the time the customer first connected to the sanitary sewer system. The sewer charge estimate shall be made by the City Water Department Supervisor and shall be based on the established rates at the time the violations were discovered.
- (E) A disconnection does not prevent the use of other enforcement or collection procedures available to the City.
- (F) Indemnity Agreement required under certain circumstances: When, in the opinion of the City Administrator, the property is subject to flooding or the sanitary sewer is subject to being surcharged due to infiltration or storm waters, or the premises is subject to being flooded by an overcharged sewer due to its elevation in relation to the main sewer line, then the owner or user of the premises shall be denied a connection to the sanitary sewer unless the owner or user agrees to install a check or backflow valve in his house sewer and agrees to indemnify fill the City and save it whole and harmless from and against any and all damages, costs, or expenses of every kind, character and nature, whether real or asserted, accruing upon or about the building due to surcharge of the sanitary sewer. Such agreement shall be executed by the owner of the property and filed in the Deed Records of the County, and shall be covenant running with the land and shall be binding on the owner, his successor or assigns.
- (G) Penalty for Violation: Any person, corporation or association, as that term is defined by Section 1.07 (a) of Texas Penal Code, violating any of the provisions of this Section shall, upon conviction, be fined in any sum not exceeding one thousand dollars (\$1000.00); and each and every day that the provisions of this Section are violated shall constitute a separate and distinct offense.

SECTION 9. TERMINATION PROCEDURES:

- (A) Nonemergency Termination: Whenever the City is authorized to terminate a customer's consent and under the provisions of the subsection or whenever the City otherwise terminates water service to a customer in a nonemergency situation other than by the customer's request, the City shall first provide notice in the form and manner described below to the customer and afford the customer an opportunity for a hearing in the form and manner described below before the termination of such services. If after the City has complied with the notice requirements as described below, the customer does not

request a hearing for review of the termination within the specified time, the City may terminate water services to the customer.

1. Notice: Notice must be sent to a water customer at least eight (8) days prior to the proposed termination date of the services to that the customer if notice is sent by mail, or at least five (5) days prior to termination if the notice is delivered by the City. The notice may be incorporated into the customer's monthly bill, or sent by certified letter, or hand delivered to the customer by City personnel/agent designated by the City to deliver such notices. The notice must be written and clearly communicate the following information:
 - (a) The name of the customer whose service is proposed to be terminated;
 - (b) The address where service is proposed to be terminated;
 - (c) The reason for the proposed termination; including the amount of delinquency if nonpayment of charges is the reason for termination;
 - (d) The customer has the right to appear and be heard at a hearing to contest the proposed termination prior to the date of termination.
2. After the deadline for requesting a hearing has passed, a customer may still request a hearing to review the decision to terminate the customer's water service within ten (10) days of the mentioned deadline upon presentation to the City Administrator of an affidavit declaring that the customer, through no fault of that customer did not receive notice of termination in time to act upon the same. When a hearing pursuant to this subsection is requested, the City Administrator shall as soon as practicable make a determination of whether the appeal appears to be meritorious and if the City Administrator finds it meritorious, the City Administrator shall order the continuation or restoration of services.
3. If the customer to whom water service is proposed to be terminated is a landlord who supplies water services to tenant water users, the City shall attempt to give notice to the tenant water users.
4. Hearing: Should any customer request a hearing to review the decision to terminate that customer's water services, the hearing shall be presided over by the City Administrator or any fair and neutral person he may appoint, which person must be of managerial employment and not involved in the original decision to terminate services, hereafter in this connect known as the Hearing Officer. The hearing shall be held no sooner than the next business day, nor later than five (5) days after being requested by the customer. The Hearing Officer may, in his/her discretion, delay or advance the hearing time upon showing of good cause by the customer. At the hearing, the customer shall be given the opportunity to be heard in person to present the customer's case, to present testimony

from other persons, and to admit documents. The customer may be represented by counsel, though the City shall in no case provide counsel for the customer. The customer shall be given the opportunity to confront and cross examine any witnesses appearing against him at the hearing. The customer may request that a representative of the City be present at the hearing and be subject to questioning. However, the rules of evidence for civil or criminal trials need not be enforced. The City's reasons for terminating the customer's water service shall be stated at the hearing. Upon reaching a final decision, the Hearing Officer shall state his reasons for reaching that decision and state the evidence on which he relied in reaching those conclusions. Should the Hearing Officer find in favor of the customer, the customer's water service shall continue. Should the Hearing Officer find against the customer, the customer's service shall be terminated, The Hearing Officer shall have the power to grant extensions and fashion other reliefs as would be equitable.

- (B) Emergency Termination: Whenever the City is specifically authorized by this Ordinance to act pursuant to this subsection or whenever the City shall deem it necessary due to an emergency situation to terminate a customer's water service prior to giving notice and an opportunity for a hearing, the City shall give the customer whose water service has been terminated notice of that termination according to the requirements described below and afford that customer an opportunity for a post termination hearing to review the decision to terminate.
1. Notice: Whenever the City shall terminate a customer's water service pursuant to this subsection, the City shall post notice on the door of the premises to which water service was terminated, if possible, and shall on that day send by certified letter notice to that customer at the customer's usual billing address. The notice shall be in writing and shall clearly communicate the following information:
 - (a) The name of the customer;
 - (b) The address to which service has been terminated;
 - (c) The reason for the termination;
 - (d) The customer has the right to appear and be heard at a hearing to review the termination;
 - (e) The customer must request the hearing for review of the termination within ten (10) days of the termination;
 - (f) The means by which the customer may request the hearing for review of the termination.

2. If the customer to whom water service has been terminated is a landlord who supplies water services to tenant water users, the City shall attempt to give notice to the tenant water users.
3. Hearing: If a customer shall request a hearing to review the prior termination of that customer's services, that request must be lodged by the customer within ten (10) days after the termination and notice. Should the Hearing Officer find in favor of the customer, water services shall be reconnected, otherwise to remain disconnected. The hearing shall in all other respects, nature, procedures and consequences be identical to that described in Subsection (A) of this Section.
4. Notice to Tenant Users: If a customer to whom water service is proposed to be terminated or has been terminated, pursuant to the foregoing provisions of this section, is a landlord who supplied water to tenant users, and the City is aware that the customer supplies water to tenant users, then the City shall provide notice to the tenant users of the proposed termination. The notice to the tenant user needs not state the name of that tenant user nor the name of the water customer, but must communicate sufficient information to inform the tenant user that his premises is covered by the United States mail addressed to the appropriate address or posted on the door of the dwelling or commercial unit, or hand delivered to the tenant or any other person residing at or employed at the tenant's premises.

SECTION 10. LIENS AND COLLECTION FEE:

- (A) After the City has terminated a customer's service pursuant to the requirements of Section 9 of this Ordinance or after the City terminates water service at a customer's request, the City Administrator may file a lien on the property which the terminated service served and in the amount that the customers whose service was terminated owed to the City for service at the time of the termination of services.
- (B) If a property receives services illegally, without having an account with the City, then the City Administrator may file a lien against that property in the amount of the proper charge for services used.
- (C) Any lien authorized by this section shall be filed with the County Clerk of Galveston County, Texas. The City shall then have a privileged lien on as many lots or pieces of property as the terminated services previously served and are described on the lien instrument by the metes and bounds, or by City lot and block description, or by any other adequate description. The lien shall secure the charges made by the City for those above discussed services rendered to that property. Such a lien shall be filed pursuant to the authority

granted in Tex. Rev. Civ. Stat. Ann. Art 1175/ 11 (Vernon 1963) and Tex. Const. art,X1 /5. The Lien shall bear ten percent (10%) per annum interest. The City Administrator shall add to any lien filed pursuant to this section the amount of the filing fee charged by the Count Clerk for that lien. The lien shall be effective against that property if the account holder or user of services of that property was either the owner of that property, a tenant f that property or a permissive holder of that property, or an adverse possessor of that property. It is further provided that for any charges for which the lien authorized by this section is designed to secure, sit may be instituted and recovery in the foreclosure of that lien be had in the name of the City.

- (D) Notice and Hearing: After filing of a lien pursuant to this section, the City Secretary shall within thirty (30) days of the filing of that lien give the owner of the property and the account holder notice that such a lien or liens have been filed on that property and inform the owner and account holder of their rights of appeal. Within thirty (30) of the post mark of the notice sent to the property owner or account holder, the property owner or account holder may appeal the decision to impose the lien on that property to the City Administrator or any fair and impartial person the City Administrator may designate. The City Administrator or his/her designee shall authorize the release of the lien if the property owner or account holder shows that no bill for the above mentioned services to his property encumbered by the lien or liens is owing or if the property owner shows that the encumbered property is and at all times from the hour of the filing of the lien or liens until the time of the appeal has been a homestead as defined by the Texas Constitution. The City Administrator or his/her designee may modify or release the lien to the reflects the true amount of delinquency in payment for services to the property of the owner or account holder demonstrates that a lesser bill is owing than the lien alleged or if the City Administrator cannot show that all the lien alleged is owing. The person last listed on the Galveston County tax records as being the owner of any given piece of property shall be presumed to be the owner for purposes of this subsection and the address listed for the owner on the Galveston County tax records shall be presumed to be the address of the owner.
- (E) Whenever a person or entity pays all principal, interest and the filing fee of a lien validly filed pursuant to this section, the City Administrator shall execute a release of that lien and surrender it to the paying party. The City shall not be responsible for filing that release.

(F) Declaration of Rental Property: The owner of any property, which property is rented to another and such tenant carried City water, sewer, or garbage collection services in that tenant's name may prevent the City from using that property as security for the water, sewer and garbage collection service charges for service to that property and from filing any lien on such property under the provisions of this Ordinance by filing with the City a declaration in writing specifically naming the service address of that property and declaring such to be rental property which the owner does not wish to be security for the water, sewer and garbage collection service charges for services to that property.

1. When such a declaration has been filed with the City prior to the time the account holder begins to receive services, the City may collect a deposit in an amount equal to three (3) months estimated average bill on that account pursuant to Section 1 of this Ordinance. If a property owner wishes to declare in regard to the bill of a person or an entity already receiving services at a particular property, that declaration shall not be effective until the posting of a deposit in an amount equal to three (3) months estimated average bill on that account in the amount required by Section 1 of this Ordinance.
2. An owner of property who files the above described declaration on the property which is rented to another and the tenant is carrying the City water, sewer or garbage collection services in the tenant's name at the time of the passage of this section, then such declaration shall become effective with the posting of a deposit in an amount equal to three (3) months estimated average bill as described in Section 1 of this Ordinance. However, if water service is terminated to that tenant for delinquency in payment, a deposit in an amount equal to four (4) months estimated average bill pursuant to Section 1 of this Ordinance shall be collected before such City water, sewer or garbage collection service is resumed.
3. The declaration of rental property shall be valid only so long as the person making such declaration owns such property, rents such property to another, and the tenant of such property carries water, sewer or garbage collection services in the tenant's name. The owner may revoke the declaration of rental property at any time by so notifying the city in writing.

(G) After the City has terminated a customer's service for non-payment or after the City terminates water service at a customer's request, the City may contract with a collection agency to collect the amount that the customers whose service was terminated owed plus assess a collection fee in an amount

not to exceed 30%. The collection fee will be added to all unpaid balances submitted to the collection agency regardless of age.

SECTION 11. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 12. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 13. This Ordinance shall be and become effective October 1, 2017, from and after its adoption.

APPROVED AND ADOPTED this the 18th day of September, 2017.



STEVE SPICER, MAYOR

ATTEST:



LUPE RUSHING, CITY SECRETARY