

## ORDINANCE NO. 2020-002

**AN ORDINANCE OF THE CITY OF CLUTE, TEXAS AMENDING CLUTE MUNICIPAL CODE SECTIONS 114-1 ENTITLED MONTHLY BILLING, PRESUMPTION; APPROVING REVISED PROCEDURES FOR THE BILLING, RECEIPT OF PAYMENT, HANDLING OF DELINQUENCIES, TERMINATION AND REINSTATEMENT OF SERVICE FOR WATER AND SEWER; PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Clute is desirous of clarifying and amending the procedures for Billing, payment and other pertinent issues related to the provision of Water and Wastewater Services as detailed in Chapter 114 of the City Code.

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

### **SECTION 1.0**

**PURPOSE:** The purpose of this Ordinance is to amend Chapter 114 of the City's Code to clarify the process for Billing; Deposits; Water Conservation and Cleanliness; Termination and Discharge of Water and Wastewater services.

### **SECTION 2.0**

**BILLING STANDARDS FOR WATER AND WASTEWATER SERVICES:** Section 114-1 shall be amended to read thusly:

"The City Manager *or their designee* shall cause a monthly utility Bill to be sent each customer or consumer who has been furnished water, sewer or solid waste disposal services by the City. A single Bill may be sent for all such services furnished to the same customer or consumer, and such Bill shall also include the monthly voluntary contribution for Emergency Medical Service authorized by section 42-59.

Such Bill shall be sent not later than the tenth day of the month following each service month and shall include all charges and any penalties accruing per this Section. Such Bill shall be deposited in the U.S. post office located in the City, postage prepaid, and directed to such customer or consumer at the last address furnished to the City by such customer or consumer. When so mailed, such Bill shall be presumed to have been received by such customer or consumer at such address within three days of the date of mailing.

*Customers may also elect to receive an electronic version of their Bill and may do so by providing the City with an active email account or visiting the City's utility payment portal. The City will continue to mail bills to all customers to ensure due notice.*

*Further, the following provisions shall apply to Customer Billing:*

- (a) All Bills for service are due when rendered. On residential and commercial accounts, if payment in full is not received by the City by the due date printed on the Bill, a ten percent (10%) late charge up to a maximum of \$150.00 will be added to the Bill. The due date for payment without the addition of the penalty may vary from 21 to 23 days. Upon a customer's request and for good cause shown, the City may waive the late charge one time in a 24-month period, on determination of a Billing Clerk, the Finance Manager or the City Manager.*

- (b) An active account becomes delinquent when full payment is not received by the City on the due date printed on the Bill. Delinquent accounts are subject to termination/ suspension of service pursuant to this article. Should the customer fail to timely pay the total combined monthly Bill for Water, Wastewater, and/ or Solid Waste services, the City may discontinue water service to the customer in accordance with this article for delinquent payments
- (c) Service suspension for the failure to pay timely shall not occur until the 10<sup>th</sup> business day following the due date.
- (d) The City shall not suspend or terminate service for non-payment on a Friday, or the Thursday before a National Holiday which falls on a Friday.
- (e) If a customer does not receive a Bill for service, the customer's obligation to make payment for service rendered is in no way released or diminished."

**SECTION 3.0**

**SEVERABILITY CLAUSE:** That if any provision, word, sentence, paragraph, clause, phrase or section of this Ordinance or its application to any person or circumstances is adjudged or held invalid, void or unconstitutional, the invalid, void or unconstitutional portion shall not affect the validity of the remaining portions of this ordinance which shall remain in full force and effect.

**SECTION 4.0**

**REPEALING CLAUSE:** All provisions in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

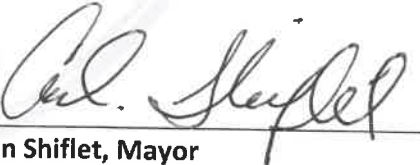
**SECTION 5.0**

**EFFECTIVE DATE:** This Ordinance shall be effective and be in force from and after the descriptive caption of this ordinance has been published twice in the Brazosport Facts

**SECTION 6.0**

**PUBLICATION:** The City Secretary is hereby authorized and directed to publish the caption of this ordinance in the manner and for the length of time prescribed by law.

READ, PASSED AND ADOPTED this 9th day of January, 2020

  
Calvin Shiflet, Mayor

ATTEST:

  
Rosie Poitevint, City Clerk