

ORDINANCE NO. 879
“Water Utility Connection Deposits”

AN ORDINANCE AMENDING CITY OF GRANITE SHOALS CODE OF ORDINANCES CHAPTER 38 (UTILITIES), ARTICLE III (UTILITY SERVICE TERMS AND CONDITIONS), SECTIONS 38-62 (CONNECTION TO THE UTILITY SYSTEM REQUIRED) AND 38-66 (PAYMENT OF FEES AND SERVICE CHARGES), AND APPENDIX B (SCHEDULE OF FEES AND CHARGES) SECTION R (UTILITY FEES); PROVIDING FOR A SAVINGS CLAUSE, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council (the “Council”) of the City of Granite Shoals, Texas (the “City”) seeks to promote the health, safety and general welfare of the citizens of the City, and the best interests of the City; and

WHEREAS, pursuant to Texas Local Government Code § 51.001, the Council is authorized to adopt an ordinance that is for the good government, peace, or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Texas Local Government Code § 51.012, the Council is authorized to adopt an ordinance, not inconsistent with state law, that the council considers proper for the government, interest, welfare, or good order of the City; and

WHEREAS, the Council seeks to ensure that utility service is adequate and efficient for the citizens of the City; and

WHEREAS, the Council finds that it is in the best interest of the public health, safety, and welfare of the citizens to require connections to the City utility system as provided by this ordinance and the payment of utility deposits in order to pay for the costs of that service; and

WHEREAS, pursuant to Chapter 402 of the Texas Local Government Code and other laws, the City is authorized to operate its utility systems inside or outside its municipal boundaries, to regulate the systems in a manner that protects the interests of the municipality, and to extend the lines of its utility systems inside and outside the municipal boundaries; and

WHEREAS, pursuant to Chapter 13, Texas Water Code and the City’s Water Certificate of Convenience and Necessity (CCN) No. 11450, the City has the authority and responsibility to provide utility services to its customers and qualified service applicants;

WHEREAS, the proposed amendments to the City’s Utilities ordinance promote the public health, safety, and general welfare of the residents of the City, and provide for the safe and orderly operation of the City’s water system.

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

SECTION I – FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Granite Shoals and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

SECTION II – AMENDMENT

Chapter 38 (Utilities), Article III (Utility Service Terms and Conditions), and Appendix B (Schedule of Fees and Charges), Section R (Utility Fees) are hereby amended as follows:

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Sec. 38-62 Connection to the utility system is required.

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(d) All applicants for water service shall deposit with the City as a guarantee of payment of water bills, prior to obtaining water service, a deposit fee as established by the City Council as set out in Appendix B, Section R of the Code of Ordinances as follows:

(1) Commercial and industrial property owners shall pay the deposit amount per meter set out in Appendix B, Section R of the Code of Ordinances.

(2) Residential owner-occupied property owners shall pay the deposit amount per meter set out in Appendix B, Section R of the Code of Ordinances.

(3) Realtors, management firms, or owners of rental properties within the city

(A) Each meter shall be considered a separate account and shall require a separate deposit. For those multifamily accounts with one meter for multiple dwelling units, the deposit will be calculated on a per dwelling unit basis. “Multifamily” for purposes of this section and the deposits outlined in appendix B, Subsection R, shall mean a classification of housing where multiple separate housing units for inhabitants are contained within one building or several buildings within one complex.

(B) The realtor, management firm, or owner of rental property shall apply for water service and pay the deposit for rental properties established in Appendix B, Section R of the Code of Ordinances. The tenant or renter of such properties

shall then separately apply for service as the customer of the City and pay a separate deposit as set out in Appendix B, Section R of the Code of Ordinances.

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Sec. 38-66 Payment of fees and service charges

(a) All bills shall be considered rendered when sent to the customer and failure of customer to receive any such bill shall in no way relieve the customer of the duty to pay for the service.

(b) Payment Requirements.

(1) All payments for utility service are due by close of business on the tenth (10th) of each month after the month for which such service was furnished.

(2) If payment is not made on, or before, the close of business on the tenth (10th) day of the month for the previous month's service, the City shall:

(A) Assess a Late Fee in the amount specified in Article V of this ordinance.

(B) Promptly issue a second written notice to the non-paying customer restating the amount owed by the customer, including the Late Fee. The customer shall be allowed an additional ten (10) calendar days, beyond the tenth (10th) day of the month. If payment is not received by the City by close-of-business of the twentieth (20th) day of the month, the City shall:

(i) terminate service to the customer;

(ii) apply the customer's Utility Deposit, ~~if any~~, to the amount owed on the account; and

(iii) in the case that the customer's Utility Deposit is insufficient to cover the payments owed by the customer, and the City has received a deposit from the owner, realtor, or management firm for this account, the City shall apply that Utility Deposit to the outstanding bill; and

(iv) either refund to the customer the remaining Utility Deposit, if any, or send a revised bill showing the amount outstanding after the application of the Utility Deposit.

(v) Water service will not be terminated to the property if, pursuant to subsection (iii), the Utility Deposit paid by the owner, realtor, or management firm is sufficient to cover the payments owed by the customer. If the Utility Deposit paid by the owner, realtor, or management firm is

insufficient to cover payments owed by the customer, water service will be terminated and the remaining balance and new Utility Deposits must be paid before water service can be restored to the property.

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Appendix B Schedule of Fees and Charges

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§ R Utilities Fees

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Utility deposits:

Residential Utility Service Deposit		
	<u>Resident or</u> <u>tenant</u>	Customers w/2 or more disconnects for non-pay in 6 months
Inside city limits	\$250.00	\$300.00
Outside city limits	\$250.00	\$250.00

Realtor, \$250.00
management firm,
or owner of rental
property

Meter inches	Size	in Utility Deposit	Two or more disconnects in 6 months
1		\$250.00	\$350.00
1-1/2		\$325.00	\$425.00
2		\$350.00	\$450.00
3		\$450.00	\$550.00
4		\$650.00	\$750.00
6		\$850.00	\$950.00
8		\$1,200.00	\$1,300.00

Utility deposits for a meter over eight inches shall be determined by the city council on an individual case-by-case basis.

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SECTION III – SAVINGS CLAUSE. The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any ordinance or provisions of any ordinances at the time of passage of this ordinance.

SECTION IV – SEVERABILITY CLAUSE. If any provision, ordinance, sentence, clause or phrase of this ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Granite Shoals in adopting, and of the Mayor in approving this ordinance, that no portion thereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

SECTION V – REPEALER CLAUSE. The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This ordinance shall not be construed to require or allow any act that is prohibited by any other ordinance.

ARTICLE VI – EFFECTIVE DATE. This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

ARTICLE VII – NOTICE AND MEETING CLAUSE. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

READ, PASSED, AND ADOPTED THIS 9th DAY OF Sept., 2025.



Ron Munos, Mayor

ATTEST:



Dawn Wright
City Secretary

APPROVED AS TO FORM:



Josh Katz, City Attorney