

ORDINANCE # 11-37-17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANGER, TEXAS AMENDING CHAPTER 13, UTILITIES OF THE CODE OF ORDINANCES; ARTICLE 13.300 TAMPERING WITH UTILITY SERVICE EQUIPMENT; ARTICLE 13.1300 INSTALLATION OF UNDERGROUND ELECTRICAL SERVICE; ARTICLE 13.1400 INSTALLATION OF STREET LIGHTS; ARTICLE 13.1600 UTILITY BILLING PROCEDURES; ARTICLE 13.1700 AVERAGE MONTHLY PAYMENT PLAN; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR A PENALTY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 13, UTILITIES of the Sanger Code of Ordinances is hereby amended revising all of the following Articles and Sections within said Chapter to read as follows:

ARTICLE 13.300 TAMPERING WITH UTILITY SERVICE EQUIPMENT

- (a) It shall be unlawful for any person to do, commit or assist in committing any of the following things or acts:
- (1) To tamper with any utility meter used in connection with providing water and/or electricity by the city.
 - (2) Intentionally, by any means or device, prevent electricity and/or water from passing through any meter belonging to the city or used in connection with the service of electricity and/or water by the city.
 - (3) Intentionally prevent a meter from duly registering the quantity of electricity and/or water supplied by the city.
 - (4) Intentionally manipulate a meter from duly registering the quantity of electricity and/or water passing through it.
 - (5) Intentionally divert any electricity and/or water so as to prevent registration by a duly installed meter.
 - (6) Damage, destroy or remove any meter installed by the city to measure the service of electricity and/or water.
 - (7) Tampering Fee. In the event the user or customer or their agent restores water services or electric services after service has been disconnected by the city or the user or customer or their agent tampers with the water meter or the electric meter or service line appurtenances in any manner, a tampering fee as set forth in the fee schedule in the appendix of this code shall be collected in addition to the reconnect fees. (Ordinance 13-97 adopted 10/6/97)

- (b) Should damage done to any utility service provision equipment be the result of any action taken by a person in an effort to unlawfully utilize services, such theft of service may also be punishable in accordance with V.T.C.A., Penal Code, Section 31.04. (1992 Code of Ordinances, Chapter 11, Article 11.300, Section 11.301)
- (c) All damages incurred by the City, including but not limited to water loss, the cost to repair damage and the cost of damage caused to affected properties shall be paid by the person who does the damage or who is responsible for the same.

ARTICLE 13.1300 INSTALLATION OF UNDERGROUND ELECTRICAL SERVICE

- (a) The preconstruction requirements are outlined below, and construction is to be according to the specifications required by the city.
 - (1) Present names and numbers of all contractors involved in the development/business.
 - (2) Present drawing of development including all utility easements, roads and fire protection.
 - (3) Businesses will give the load factor for the facility. Developments with any special needs, such as 3-phase equipment, will need to provide voltage and load factor.
 - (4) Business developers will be required to install the ductwork and the secondary service to the position designated by the City of Sanger Electric Department.
 - (5) The Developer shall be responsible for the entire expense of the ductwork and installation. The minimum depth of installation for primary shall be five-feet (5'); and, three-feet (3') for secondary unless otherwise approved by the city. All ducts shall be required to have one-foot (1') of cushion sand cover.
 - (6) The Developer shall be required to install two (2) runs of conduit for a single-phase primary line and one (1) run on a secondary line. A development that requires 3-phase will place four (4) runs of conduit.
 - (7) The contractor installing the ductwork shall contact the city electric department upon the placement of conduit in the trench before cover up begins. Red electric burial tape shall be placed a minimum of 12" above all electrical conduit.
 - (8) Transformer pads will be provided by the city and shall be placed and leveled by the developer. Secondary pedestals will be provided by the city and shall be set and leveled by the developer.
 - (9) Transformer stub-ups shall be placed by the developer as directed by the electric department. The area where excavation has taken place for the placement of transformers, shall be compacted and meet the City of Sanger's

Construction Standards, before pads and transformers are to be set. The developer shall be financially responsible to the city for transformers shifting or settling for one year from the time that the project has been accepted by the city.

(10) Street lighting must meet city ordinances and must be stubbed and marked at those locations by the developer. The cost for street lighting will be the developer's responsibility.

(11) The city shall provide all primary and secondary service conductor intended for residential service and will also install the secondary conduit beginning after the first twenty-feet (20') into the lot from pedestal to the residence. A meter base is also included at no cost to the builder. Primary and secondary service conductors are to be pulled into the conduit and to be marked and terminated by the developer.

(12) Cover up, clean up and compaction of the ditch line of all electrical trenches shall be completed by the developer.

(13) The developer will be responsible for maintaining trench lines that may settle and for transformers and pedestals that also settle for a period of one year after completion.

(14) The city reserves the right to refuse permits to any contractors involved in the placement of conduit or utility lines based on qualifications and referrals.

- (b) The customer or developer shall be responsible for furnishing and installing and the expenses related thereto, of conduit for the installation of all on-site underground development feeder, lateral and service lines utilized to provide electric utility service to the subdivision. The specifications for the conduit shall be approved by the electrical department prior to installation.

ARTICLE 13.1400 INSTALLATION OF STREET LIGHTS

- (a) If customer requests a street light and a pole is conveniently located, customer can lease the light fixture for a fee as set forth in the fee schedule in the appendix of this code.

ARTICLE 13.1600 UTILITY BILLING PROCEDURES

Sec. 13.1601 Utility Billing Procedures

All bills for municipal water, sewer, sanitation and electric service are due and payable at city hall on the first (1st) day of the month. Failure to receive any bill provided by this section shall not relieve the customer of any liability thereof.

Sec. 13.1602 When Bills Become Delinquent

Payments become delinquent after the fifteenth (15th) day of each month whereupon a ten percent (10%) penalty is assessed to each delinquent bill.

Sec. 13.1603 Service to Be Discontinued When Delinquent

Service may be discontinued upon due written notice to customers having past due bills on the twenty-seventh (27th) day of the month. In addition, a fee as set forth in the fee schedule in the appendix of this code will be assessed to all customers whose service has been discontinued.

Sec. 13.1604 Returned Checks

A fee as set forth in the fee schedule in the appendix of this code, will be charged for each returned check.

Sec. 13.1605 Accessibility of Meters

- (a) All utility meters shall at all times be reasonably accessible to employees of the City of Sanger whose duty it is to read such meters.
- (b) Should a utility meter be deemed inaccessible by the meter-reader by reason of locked gate(s), dangerous dog(s) etc., the city shall require the customer to obtain remote readers and shall charge the customer a reasonable fee for the installation and maintenance thereof.

Sec. 13.1606 Waiver of Late Fees and Penalties

Late fees shall not be waived for any individual customer more than once in any twelve-month period without the express permission of the finance director. The finance director shall review and approve all requests for the waiver of fees.

Sec. 13.1607 Extension of Time for Payment of Utility Bills

Extensions of time for the payment of utility bills shall not be granted more than twice in any twelve-month period without the express permission of the finance director. No extension shall be granted for longer than five days without the express permission of the finance director, provided that extensions for senior citizens and disabled customers, if requested, can be granted up to the third day of the following month. The finance director shall review an extension list each month.

Sec. 13.1608 Adjustment of Excess Water Bill if Leaks are Repaired

- (a) Any customer of the City may request a bill adjustment of a water bill from the City because of loss of water through a leak in the customer's water line for a period not to exceed two (2) consecutive months if:
 - (1) The customer files the request for an adjustment no later than 90 days after the billing date of the date in question
 - (2) The consumption exceeding the customer's expected consumption was due to water line leaks at the service address that were not within the customer's control;
 - (3) The customer exercised due diligence in repairing the leaks; and
 - (4) The customer has not received any billing adjustment under this section within the preceding 12 months.

- (b) Within 90 days of the billing date of the bill in question, the customer shall file an application for the adjustment on a form furnished by the City and provide documentation of the repair detailing the exact nature and date of repair(s) to the applicant's water line. The application form shall contain a statement setting forth an understanding that the application is a government record subject to criminal prosecution for false statements under the Texas Penal Code, as amended, and the customer shall state that the application contains no false statements.
- (c) For the purposes of this section, the finance director will determine a customer's expected consumption for a given billing period using one of the following methods:
 - (1) Average consumption used at the service address for the same month over multiple years;
 - (2) Average consumption used at the service address for similar season months in prior years;
 - (3) Consumption at the service address for the same month in the previous year;
 - or
 - (4) Consumption at the service address for current seasonal months.
- (d) If the customer is eligible for a bill adjustment under this section, up to two (2) consecutive bills shall be adjusted as follows:
 - (1) Expected consumption shall be subtracted from actual consumption to determine excess consumption.
 - (2) One half (1/2) of excess consumption shall be added to expected consumption to determine adjusted consumption.
 - (3) Adjusted consumption shall be calculated according to the applicable rates for the customer for the billing period.
 - (4) The adjustment allowed shall equal the amount of the original bill minus the calculated bill amount for the adjusted consumption
- (e) If by using the adjusted total consumption for a bill adjustment under this section the customer's corresponding wastewater volume would be lower than the volume originally billed to the customer, the wastewater charges may also be adjusted.
- (f) A determination by the finance director under this section is final and may not be appealed.

Sec. 13.1609 Adjustment of High-Volume Water Bill

- (a) Any single family residential customer of the City whose bill shows consumption at the service address that is at least three (3) times the expected consumption may apply for an adjustment for a period not to exceed one (1) month if:
 - (1) The customer files the request for an adjustment no later than 90 days after the billing date of the date in question;
 - (2) The customer has not received an adjustment under this section within the preceding 36 months; and

- (b) Within 90 days of the billing date of the bill in question, the customer shall file an application for the adjustment on a form furnished by the City. The application form shall contain a statement setting forth an understanding that the application is a government record subject to criminal prosecution for false statements under the Texas Penal Code, as amended, and the customer shall state that the application contains no false statements.
- (c) Upon receiving an application, the City will investigate the cause for excessive consumption, which investigation may include, but is not limited to:
 - (1) Inspection of the customer's water meter for indication of leaks and accuracy testing;
 - (2) Review of the customer's billing record including historical usage of the service address;
 - (3) Audit of the customer's irrigation system settings;
 - (4) Review of any new construction conducted at the service address; and
 - (5) Inspection of any new water consuming appliances installed in the past twelve months.
- (d) For the purposes of this section, the finance director will determine a customer's expected consumption for a given billing period using one of the following methods:
 - (1) Average consumption used at the service address for the same month over multiple years;
 - (2) Average consumption used at the service address for similar season months in prior years;
 - (3) Consumption used at the service address for the same month in the previous year; or
 - (4) Consumption used at the service address for current seasonal months.
- (e) If the customer is eligible for a bill adjustment under this section, one (1) bill shall be adjusted as follows:
 - (1) Expected consumption shall be subtracted from actual consumption to determine excess consumption.
 - (2) One half (1/2) of excess consumption shall be added to expected consumption to determine adjusted consumption.
 - (3) Adjusted consumption shall be calculated according to the applicable rates for the customer for the billing period.
 - (4) The adjustment allowed shall equal the amount of the original bill minus the calculated bill amount for the adjusted consumption
- (f) If by using the adjusted total consumption for a bill adjustment under this section the customer's corresponding wastewater volume would be lower than the volume originally billed to the customer, the wastewater charges may also be adjusted.
- (g) Exceptions to this section for extraordinary circumstances may be considered with approval of the city manager.

- (h) A determination by the finance director under this section is final and may not be appealed.

ARTICLE 13.1700 AVERAGE MONTHLY PAYMENT PLAN

(a) Plan Adopted.

(1) Qualified customers of utilities may enroll in a plan designed to provide average monthly utility bills, such plan to be known as the "average monthly payment plan."

(2) Utility bills will be continuously averaged based on usage of the previous twelve (12) months history. Said payment will vary according to usage and rate adjustments, as provided for herein.

(b) Average Monthly Payment Plan. The average monthly payment plan is available for payment of charges for all services.

(c) Prerequisites for Participation in Plan. In order to qualify for participation in said plan, potential customers must have an established credit record with the City of Sanger Utilities. The following shall be considered proof of an established credit record as required herein:

(1) Customer may not have more than two (2) late payments in the last twelve (12) months.

(2) Absence of any utility service termination in the past twelve (12) months; and

(3) Absence of an outstanding balance with the City of Sanger Utilities.

(d) Application. Customers interested in participation in the average monthly payment plan must apply by completing an application form as maintained on file in the utility billing office. Said application shall be subject to review and denial or approval by the City of Sanger Utilities.

(e) Effect of Rate Adjustments. Any rate adjustments imposed during the normal course of business by the City of Sanger Utilities shall be included in the bill as they become effective.

f) Termination. A customer's participation in the average monthly payment plan shall terminate under the following circumstances:

(1) When service is terminated.

(2) When a penalty for late payment is applied to the account.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 3. It is hereby declared to be the intention of the City Council that the

sections, paragraphs, sentences, clauses, phrases and words of this Ordinance are severable and, if any word, 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 portions of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional word, phrase, clause, sentence, paragraph, or section.

SECTION 4. Any person, firm or corporation who shall violate any of the provisions of this article shall be guilty of a misdemeanor and upon conviction shall be fined in accordance with the general penalty provision found in The Code of Ordinances, Section 1.109 General Penalty for Violations of Code.

SECTION 5. This ordinance will take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

DULY PASSED, APPROVED AND ADOPTED by the City Council of the City of Sanger, Texas, on this 20th day of November, 2017.



APPROVED:

Thomas E. Muir
Thomas E. Muir, Mayor

ATTEST:

Cheryl Price
Cheryl Price, City Secretary