

**ORDINANCE NO. 08092012-014**

**AN ORDINANCE AMENDING CHAPTER 13 (UTILITIES) OF THE CODE OF ORDINANCES OF THE CITY OF MOULTON, TEXAS BY AMENDING SECTION 13.02.031 RELATING TO DUE DATES FOR UTILITY BILLS; REPEALING ANY INCONSISTENT PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Moulton, Texas ("City") is a municipality incorporated and operating under the Laws of the State of Texas; and

**WHEREAS**, pursuant to Texas Local Government Code § 51.001, the City 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 City 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**, 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;

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

**WHEREAS**, the City has determined that it is in the best interest of the public; for the purpose of promoting the health, safety and welfare of its citizens; and to ensure good government, peace, and order in the City to amend the dates by which utility bills are due.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MOULTON, TEXAS, THAT:**

**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 Moulton and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

## **SECTION 2. AMENDMENT**

Chapter 13 of the Code of Ordinances of the City of Moulton, Texas is hereby amended by amending Section 13.02.031 as follows:

Sec. 13.02.031 Due dates.

(a) Utility bills for services will mailed on or before the 10<sup>th</sup> day of the month with payment due by close of business (COB) on the 25<sup>th</sup> day of the month, unless the 25<sup>th</sup> occurs on a weekend or holiday, in which case, the payment is due by the close of business on the next regular business day.

(b) A utility bill is delinquent if not paid by the due date. If a Customer fails to pay the utility bill by the close of business on the due date, the City shall:

(1) Assess a Late Penalty Fee in the amount of a ten-percent (10%) of the total monthly service charge due;

(2) Promptly issue a second written notice to the non-paying user restating the amount owed plus the 10% penalty owed by the Customers. The Customer shall be allowed an additional five (5) calendar days from the date of the second notice within which to pay the amount due plus the Late Penalty Fee.

(c) Utility service shall be terminated if a Customer fails to pay his utility bill(s) within five (5) calendar days after the date of the second written, unless the 5<sup>th</sup> day after the date of the second notice occurs on a weekend or holiday, in which case, utility service shall be terminated the next regular business day.

(d) Failure of the Customer to receive a utility bill from the City shall in no way relieves the Customer of the duty to pay for such service.

(e) The City reserves the right to change its billing cycles if the work load or other factors requires such a change. After a billing period has been changed, the billings shall be sent on the new change date unless otherwise determined by the City.

### **SECTION 3. SAVINGS**

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 a discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this ordinance.

### **SECTION 4. SEVERABILITY**

If any provision, section, 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 Moulton 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 5. REPEALER**

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 ordinance 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 which is prohibited by any other ordinance.

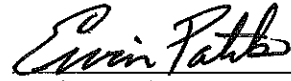
### **SECTION 6. EFFECTIVE DATE**

This ordinance shall take effect immediately from and after its passage and publication as may be required by law.

### **SECTION 7. NOTICE AND MEETING**

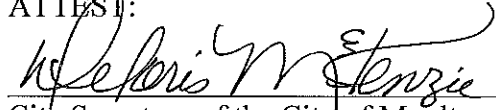
It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**PASSED, ADOPTED AND APPROVED THIS 9<sup>th</sup> DAY OF AUGUST, 2012.**



Ervin Patek, Mayor  
City of Moulton, Texas

ATTEST:



City Secretary of the City of Moulton, Texas