

ORDINANCE NO. 1442-2024

AN ORDINANCE AMENDING CHAPTER 13 “UTILITIES” ARTICLE 13.02 “UTILITY POLICY” OF THE RIVER OAKS CODE OF ORDINANCES (2020) AS AMENDED SPECIFICALLY IN SECTION 13.02.039 “RECONNECTION”, SUBSECTION (e) INCREASING THE FEE TO \$25.00 WHEN THE CUSTOMER THAT HAS BEEN DISCONNECTED IS NOT PRESENT FOR RECONNECTION; AMENDING CHAPTER 13 “UTILITIES” ARTICLE 13.03 “WATER SYSTEM” OF THE RIVER OAKS CODE OF ORDINANCES (2020) AS AMENDED SPECIFICALLY UNDER SECTION 13.03.009 “METER DEPOSITS AND OTHER FEES” INCREASING ADMINISTRATIVE FEES AND SERVICE CHARGES; ESTABLISHING METER TEST FEES IN ACCORDANCE TO RULE § 24.169 OF THE TEXAS ADMINISTRATIVE CODE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of River Oaks is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, due to increased administrative, fuel and labor costs, it is recommended to increase administrative fees for accounts that are disconnected for nonpayment and change the fees when the customer that has been disconnected and is not available to be reconnected; and

WHEREAS, likewise due to increased administrative, fuel and labor costs, it is recommended to increase service fees for new services; and

WHEREAS, the meter testing charges needs to be amended in order to bring that section into compliance with the Texas Administrative Code under Rule § 24.169; and

WHEREAS, the City Council has concluded that the rates and charges herein are justifiable due to increased administrative, fuel and labor costs to be codified into Article 13.02 and Article 13.03 of the River Oaks Code of Ordinances (2020) as amended to provide enough revenues to offset the cost of service.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVER OAKS:

SECTION 1.

With the adoption of this Ordinance, Section 13.02.039 “Reconnection”, subsection (e) of Article 13.02 “Utility Policy” of the River Oaks Code of Ordinances (2006) shall be amended to now read as follows:

Section 13.02.039 “Reconnection” under subsection (e)

“(e) If a door tag is received by the customer requesting reconnection after payment and are not at the property to sign the affidavit; a **\$25.00 fee** (for each offense) will be added to the customer’s account to be reconnected.”

SECTION 2.

With the adoption of this Ordinance, Section 13.03.009 “Meter Deposits and Other Fees”, subsection (c) of Article 13.03 “Water System” of the River Oaks Code of Ordinances (2020) shall be amended to now read as follows:

In addition to the meter deposit, water customers will be charged the following fees:

- (1) Service charge for initiating water service: \$25.00.
- (2) Meter testing fee, effective after this Ordinance is effective: Upon the request of a customer, the Water Department shall make, without charge, a test of the accuracy of the customer's meter. If the customer asks to observe the test, the test shall be conducted in the customer's presence or in the presence of the customer's authorized representative. The test shall be made during the utility's normal working hours at a time convenient to the customer.

If the meter has been tested by the City or a testing facility at the customer's request, and within a period of two years the customer requests a new test, the City shall make the test, but if the meter is found to be within the accuracy standards established by the American Water Works Association, the City may charge the customer a fee which reflects the cost to test the meter, but this charge shall in no event be more than \$25 for a residential customer as follows:

(A) .75" meter: \$25.00.

(B) 1" meter: \$25.00.

(C) Any meter measuring greater than 1": The actual cost to send the meter to be tested.

(Texas Administrative Code Rule § 24.169 "Meters" – (d) "Meter Tests on Request of Customers")

(3) Transfer fee: \$25.00.

(4) Meter rereads. Customers requesting rereading of the meter after the monthly bills have been mailed out will be charged a fee according to the schedule below. All fees are based on a calendar year:

(A) First meter reread: No charge.

(B) Second meter reread: \$5.00.

(C) Third meter reread: \$10.00.

(D) Four or more: \$10.00 plus \$5.00 for each reread over 3.

(5) Administrative fee for nonpayment by the 25th day after billing: \$50.00.

(6) Pull meter charge. If the meter has to be pulled, it is required that prior to reconnection of service that the customer pay an additional fee of \$25.00 for the charge of pulling the meter plus any other applicable fee(s).

(7) Water service tampering as provided for in section **13.03.015**.

(8) After-hours reconnection fee: \$75.00 in addition to the administrative fee and any other applicable fee(s)."

(Ordinance 1030-2014 adopted 6/24/14; Ordinance 1046-2014 adopted 10/28/14; Ordinance 1376-2023 adopted 4/11/2023; Ordinance # 1442-2024 adopted 11-05-2024)

SECTION 3 CUMULATIVE CLAUSE

This Ordinance shall be Cumulative of all provisions of Ordinances and of the River Oaks Code of Ordinance, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances or Code, in which case the conflicting provisions of such Ordinances or Code are hereby repealed.

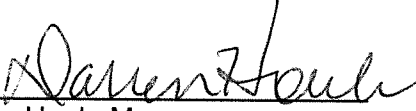
**SECTION 4.
SEVERABILITY CLAUSE**

It is hereby declared to be the intentions of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any 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 phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

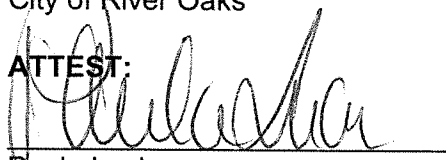
**SECTION 5.
EFFECTIVE DATE**

This Ordinance shall be in full force and effect after its passage by a majority vote of the City Council of the City of River Oaks and the legal publication of this ordinance if any is required and it is so ordained.

APPROVED THIS THE 5th DAY OF NOVEMBER 2024.



Darren Houk, Mayor
City of River Oaks

ATTEST:


Paula Luck
City Secretary
City of River Oaks