

## **ORDINANCE #05-293**

**AN ORDINANCE OF THE CITY OF MASON ESTABLISHING THE PROCEDURES RELATED TO OBTAINING UTILITY SERVICE, MONTHLY PAYMENT REQUIREMENTS, ASSESSING PENALTIES FOR DELINQUENT BILLS, EXECUTING A DEFERRED PAYMENT AGREEMENT, DISCONTINUANCE AND RE-ESTABLISHMENT OF UTILITY SERVICE; ESTABLISHING THE CONDITIONS WHEREBY THE CITY MAY REFUSE TO PROVIDE OR MAY TERMINATE UTILITY SERVICE; AND REPEALING ORDINANCE 256 AND ANY OTHER ORDINANCE(S) IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE.**

**WHEREAS**, the City of Mason wishes to provide for a proper and orderly means of administering the City's utility services,

***NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF  
MASON, TEXAS:***

### **SECTION 1 (of 11)**

#### **TITLE, PURPOSE AND SCOPE**

##### **1.1 Title**

This ordinance shall be known as the City of Mason Utility Ordinance.

##### **1.2 Purpose**

These regulations have been established to:

- 1.2a Provide procedures for obtaining the City's utility services.
- 1.2b In the interest of public safety, where applicable, insure that customer systems receiving City utilities are in compliance with the City of Mason Plumbing Ordinance and the City of Mason Electrical Ordinance.
- 1.2c. Establish procedures to protect the financial interests of the City while making reasonable effort to accommodate customer needs.

##### **1.3 Scope**

This ordinance shall apply to all applicants for and recipients of the City's utility services.

## **SECTION 2 (of 11)**

### **REQUEST FOR SERVICE**

#### **2.1 Application Requirement**

##### **2.1a Information required.**

Name; mailing address; TDL number; address where utility service is requested; type of utility service requested, employment information (name of employer, address, phone number, position, years employed); spouse's name, TDL number and employment information; information on last utility service provider (name, location, telephone number and account number); banking information (name, address and telephone number).

##### **2.1b Identification required.**

Drivers license or other picture ID shall be required. If applicant is a minor, proof must be submitted showing that the minor's disabilities have been removed by marriage, court order or otherwise.

##### **2.1c Disclosure required.**

Disclosure shall be made as to whether or not the applicant or anyone in the applicant's household had utilities with the City, and if so under what name the account was set up.

##### **2.1d Signature required.**

The applicant shall sign and date the application, certifying the information provided is correct, agreeing to pay the monthly utility bill and agreeing to the terms of this ordinance.

##### **2.1e Selection of deposit refund method.**

The customer shall choose whether to receive the deposit refund provided for in § 2.2b3 in cash or as a credit to their account.

## **2.2 Deposit**

A deposit shall be required before City utilities are provided to new or re-established customers.

2.2a The amount of deposit shall be as set forth in the Fee Schedule.

2.2b Refund/Retention policy

2.2b1 The deposit shall be immediately refunded if utility service is not provided.

2.2b2 The deposit, less any unpaid utility bills, fees or penalties due the City, shall be refunded upon discontinuance of utility service.

2.2b3 When the customer has paid bills for service for 24 consecutive billings without having service disconnected for non-payment of bill; and without having more than two occasions in which a bill was delinquent, the City shall promptly and automatically refund the deposit to the customer in the form of cash or as a credit to their account.

2.2b4 A transfer of service from one premise to another within the service area of the City shall not be deemed a disconnection within the meaning of these rules, and no additional deposit may be demanded unless elsewhere permitted by these rules.

2.2b5 If the customer does not meet the refund criteria in § 2.2b3 above, the City shall retain the deposit until such time as the criteria are met.

2.2c No interest will be paid on deposits held by the City.

## **2.3 Satisfaction of Past-due Financial Obligations to the City**

All past-due financial obligations to the City on the part of the applicant, the applicant's current spouse or domestic partner, the applicant's former spouse or domestic partner (for any bills incurred during the time of their marriage or cohabitation), or other co-habitants of the property for which utilities are being requested to the City shall be satisfied before utility service is provided or re-established.

## **2.4 Code compliance requirements**

Customer systems shall be in compliance with the City's ordinances before utility service is provided or re-established.

2.4a The electrical system of an applicant or customer of the City electric utility shall be in compliance with the City of Mason Electrical Ordinance.

2.4b The plumbing system of an applicant or customer of the City water and wastewater utilities shall be in compliance with the City of Mason Plumbing Ordinance.

## **2.5 Payment of applicable fees**

Prior to providing utility service the applicant must pay, or must enter into a deferred payment plan to pay, all applicable utility construction fees, permit and inspection fees and connect fees as set for in the Fee Schedule.

### **SECTION 3 (of 11) REFUSAL OF SERVICE**

The City shall have the right to refuse to provide utility service to any applicant failing to satisfy the requirements of Section 2 of this ordinance.

### **SECTION 4 (of 11) MONTHLY PAYMENT REQUIREMENTS**

#### **4.1 Monthly Billing**

Monthly charges for utility service shall be as set forth in the Fee Schedule. Full payment shall be delivered to City Hall at 124 Moody Street, Mason, Texas on or before the due date.

#### **4.2 Late Payment Penalties**

A penalty shall be assessed against delinquent utility bills as set forth in the Fee Schedule.

**SECTION 5 (of 11)**  
**NOTIFICATION PROCEDURES**

**5.1 Delinquent Bill Notice**

A delinquent bill notice will be mailed or hand delivered within three days after the utility bill or deferred payment plan becomes delinquent and will also serve as a notice of discontinuance of service as provided for in § 5.2

**5.2 Notice of Discontinuance of Service**

When a condition exists entitling the City to discontinue service under the provisions of § 7.1 the customer shall be given written notification, either hand delivered or by mail, 7 days prior to the discontinuance of their utility service, setting out the basis for discontinuance of service. If a customer is deceased, such notice shall be given to the customer's executor or legal representative if the City has been furnished with satisfactory evidence of the appointment of such executor or legal representative.

**5.3 Red Tag Notice**

One day prior to the discontinuance of utility service a red tag notice will be hung on the door knob of the property where service is to be discontinued (if service is provided to a structure) and a fee shall be assessed in accordance with the Fee Schedule.

**SECTION 6 (of 11)**  
**DEFERRED PAYMENT PLANS**

At the discretion of the Mayor or City Administrator, a deferred payment plan may be entered into as a means of satisfying the financial obligations of a utility applicant or customer to the City.

**6.1** The City may decline to offer the plan based on an assessment of the consumer's credit history.

**6.2** Only utility construction fees and past due utility bills shall qualify for deferred payment plans.



- 6.3** The deferred payment plan shall not exceed 12 months and the total amount due shall be divided into equal monthly payments in accordance with the length of the plan.
- 6.4** The deferred payment plan shall be in writing and shall be signed by the utility applicant or customer and by the Mayor or City Administrator.
- 6.5** Failure to comply with all the terms of the deferred payment plan may result in discontinuance of utility service and in a demand for immediate payment of all sums due the City.
- 6.6** The agreement must include the following statement, "If you are not satisfied with this agreement, do not sign. If you do sign this agreement, you will give up your right to dispute the amount due under the agreement except for the City's failure or refusal to comply with the terms of the agreement."

## **SECTION 7 (of 11)**

### **DISCONTINUANCE OF UTILITY SERVICE**

#### **7.1 Discontinuances Requiring Notification**

Unless corrective action to the City's satisfaction has been taken within 7 days of the issuance of notification, utility service may be discontinued for:

- 7.1a Failure to pay a delinquent utility bill; or,
- 7.1b Failure to comply with all the terms of a deferred payment plan; or,
- 7.1b Use of service in a manner which unreasonably interferes with the service of others; or,
- 7.1c Failure to comply with deposit requirements; or,
- 7.1d Creation of a condition where the meter cannot be read, or is difficult to read because of:
  - 7.1d.1 Unsafe conditions.
  - 7.1d.2 Continual interference with the meter reader.
  - 7.1d.3 Physical obstacles.

7.1d.4 Dangerous animals.

**7.2 Disconnects Prohibited Before Weekends or Holidays**

Utility disconnects made in accordance with § 7.1 shall be made during regular business hours, but shall not be made on the day before a holiday or weekend.

**7.3 Discontinuances Exempt from Notification**

Without notification utility service may be discontinued immediately upon:

- 7.2a Request of the customer in whose name the account was established; or,
- 7.2b Discovery that false, misleading or incorrect information was provided in the utility application that resulted in a different disposition of the application than would have resulted had the correct information been supplied; or,
- 7.2c Determination that a dangerous condition or situation exists; or,
- 7.2d Discovery of tampering with or bypassing City meter(s) or equipment or other theft of services; or,
- 7.2e Discovery of unauthorized connection or re-connection of utility service.

**SECTION 8 (of 11)**

**RE-ESTABLISHING UTILITY SERVICE**

Utility service may be re-established only after:

- 8.1** All issues causing the discontinuance of service have been resolved to the City's satisfaction; and,
- 8.2** A reconnect fee as set forth in the Fee Schedule, and all other fees and penalties due the City have been paid in full; and,
- 8.3** The customer's application and deposit have been updated in accordance with the City's current requirements.
- 8.4** All the requirements of section 2 of this ordinance have been satisfied.

## **SECTION 9 (of 11)**

### **DEFINITIONS**

- 9.1 Applicant:** Any person or business entity requesting utility service from the City.
- 9.2 Customer:** Any recipient of the City's utility service.
- 9.3 Delinquent:** Unpaid by the due date.
- 9.4 Due Date:** Full payment of utility bills is due by the 15<sup>th</sup> day after the issuance of the bill. The postmark on the envelope of the bill, or in the absence of a postmark the date on the bill, shall constitute proof of the date of issuance. If the due date falls on a holiday or weekend, the due date for payment purposes shall fall on the next business day.
- 9.5 Fee Schedule:** City of Mason Rate and Fee Schedule.
- 9.5 The City:** The City of Mason.
- 9.6 Utility Service:** Water, wastewater, electric and/or garbage collection service.

## **SECTION 10 (of 11)**

### **MISCELLANEOUS PROVISIONS**

- 10.1 Ordinances in Conflict**  
City of Mason Ordinance 256 and all other ordinances or parts of ordinances in conflict with this ordinance are hereby expressly repealed.
- 10.2 Severability**  
If any portion of this ordinance shall be declared unconstitutional or in violation of the general laws of the State of Texas, such declaration shall not affect the remainder of this ordinance which shall remain in full force and effect.
- 10.3 Disclaimer**



Under no circumstances will the City be liable for losses incurred resulting from the discontinuance of service due to a customer's failure to pay for utility service or for any other reason for discontinuance of service required by this ordinance.

**SECTION 11 (of 11)**  
**EFFECTIVE DATE**

*PASSED and APPROVED this the 26th day of September, 2005.*

APPROVED:

/s/ Brent Hinckley, Mayor

ATTEST:

/s/ Pattie Grote, City Secretary