

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS, AMENDING TITLE 13, CHAPTER 13.04, ARTICLE VII OF THE CODE OF ORDINANCES OF THE CITY OF GEORGETOWN, TEXAS REGARDING MISCELLANEOUS UTILITY SERVICE RATES AND CHARGES; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; INCLUDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Georgetown (the “City”) last modified miscellaneous utility account fees in 2012; and

WHEREAS, the City completed a cost recovery review of the current miscellaneous utility account fees; and

WHEREAS, the City wishes to implement miscellaneous utility account fees that recover the cost of service; and

WHEREAS, the City Council of the City of Georgetown wishes to amend the current miscellaneous utility fees and adopt proposed fees effective on all utility accounts, for any services provided or charges incurred on or after **October 1, 2022**.

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

SECTION 1. The meeting at which this ordinance was approved was in all things conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

SECTION 2. The facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim.

SECTION 3. Section 13.04. “Miscellaneous” of the Code of Ordinances of the City of Georgetown, Texas is hereby amended to read as set forth in **Exhibit A** attached hereto and by this reference incorporated herein.

SECTION 4. All ordinances and resolutions, or parts of ordinances and resolutions, in conflict with this Ordinance are hereby repealed, and are no longer of any force and effect.

SECTION 5. If any provision of this ordinance or application thereof to any person or circumstance, shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

SECTION 6. The Mayor is hereby authorized to sign this ordinance and the City Secretary to attest. This ordinance shall become effective and be in full force and effect on October 1, 2022.

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Description: Miscellaneous Utility Fee Ordinance
Date Approved: _____, 2022

PASSED AND APPROVED on the 1st reading at regular meeting of the City Council of Georgetown, Texas, on this the _____ day of _____, 2022.

PASSED AND APPROVED on the 2nd and final reading at a regular meeting of the City Council of Georgetown, Texas on this the _____ day of _____, 2022.

ATTEST:

THE CITY OF GEORGETOWN:

Robyn Densmore, City Secretary

By: _____
Josh Schroeder, Mayor

APPROVED AS TO FORM:

Skye Masson, City Attorney

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Exhibit A
Ch. 13.04, Article VII
Effective October 1, 2022

Sec. 13.04.190. Payment and collection.

- A. Payments shall be considered timely and not delinquent if the payment is received prior to the due date (15 days following the billing date for service), or payment is received in the overnight depository by 8:00 a.m. the following day. If the due date falls on a weekend or a legal City holiday, such time for payment shall be extended to the next business day.
- B. When payment is not received by the due date, a ten percent penalty will be added to the account, and a final notice will be mailed. If payment is not received by the following month's due date (or the next business day, if a weekend or City holiday,) a Field Customer Service Representative (FCSR) will be dispatched to the location to disconnect the utility service. If the account is disconnected, the customer will be required to pay the account in full, by cash, credit card, or money order, before services will be reconnected. In addition, the customer may be required to make the standard utility deposit pursuant to Section 13.04.230.
- C. After a utility bill has been mailed to the address provided by the customer for that account, the customer is responsible for payment. If the customer has not received a bill, the customer is responsible for obtaining the amount of the bill from the Utility Office and for making timely payment.
- D. Exceptions to Service.
 - 1. Utility customers that do not have water and electric service through the City, but do have unmetered City services; including, but not limited to garbage, wastewater, and stormwater drainage, may have their water or electric service disconnected by their non-City provider through an inter-local agreement between the City and that entity, if payment for their City utility account is not received by the tenth day following the due date on the utility bill (or the next business day, if a weekend or City holiday.)
 - 2. A final notice will be provided to past due City utility customers on the tenth day following the due date (or the next business day, if a weekend or City holiday) informing them that a disconnection of utilities has been scheduled with their non-City provider of the utility, and that they have 24 hours to pay the past due balance to the City or the disconnection will be completed. If the account is disconnected, the customer will be required to pay the account in full, by cash, credit card, or money order, before services will be reconnected. Rules and times of reconnection will be determined by the entity performing the reconnection of utilities.

Sec. 13.04.210. Temporary Electric Meter and Electric Service Trip Fee.

- A. An Electric temporary meter charge of \$215 will apply in instances where there is no meter pedestal available and electric crews are dispatched to set up temporary electric service to the location during construction. Electric crews will later return to the location to install the permanent electric meter and remove the temporary meter.
- B. An Electric service trip fee of \$120 will apply in instances when electric crews are dispatched to set up electric service, whether temporary or permanent, at a site location and the site location is not ready for electric service. This electric service trip fee shall be in addition to any other fees, including the electric temporary meter charge in Subsection A.

Sec. 13.04.220. Other services and charges—All utility services.

- A. New account set-up or transfer account fee: \$75.00. In order to transfer utilities from one location to another, any outstanding bill on the current account must be paid prior to transfer. The final bill for the original account will be transferred to and payable on the due date of the new account.
- B. Reconnection of Service fee: \$95.00. This fee applies to same day service reconnection requests if received by 4:00 PM Monday – Friday excluding weekends and City holidays.
- C. After Hours Reconnection of Service fee: \$125.00. This fee applies to same day service reconnection requests received after 4:00 PM Monday – Friday and is applicable to utility meter connects and reconnects taking place any time other than Monday – Friday 8:00 AM – 5:00 PM including weekends and City holidays.
- D. Customer Service Processing Fee: \$75.00. This charge is for the processing and review of required inspections needed outside the City's extraterritorial jurisdiction in connection with water utility service.
- E. Repayment Plan Administration fee: \$15.00. Payment plans are approved on a case-by-case basis for unique circumstances such as a substantial water leak or substantial electric equipment malfunction. The City Utilities allow customers the ability to pay the balance owed in up to six (6) monthly installments. The monthly installments will be added to the customer's monthly utility bill and any default by the customer will terminate the repayment plan and service will be disconnected if payment is not made in full by the customer.
- D. Exceptions/Fees.
 - 1. Disconnection by Non-City Entity. Determined by entity disconnecting utility service. Payment is to be made to the City, in addition to the Final Notice Fee and past due balance. The City will reimburse the Non-City entity for the Disconnection Fee.
 - 2. Late Penalty Waiver.
 - a. A customer who is 60 years of age or older may request, in writing, a standing waiver of the late penalty, for utility payments made after their due date. Late payments will still initiate a late notice, and the actual payment history will be recorded. Non-payment of the utility account by the disconnect date on the late notice will result in disconnection. Age must be verifiable. Waiver applies only to the account holder or their spouse.
 - b. An industrial or larger customer, with an existing contract or development agreement with the City, may enter an additional contract with the City to waive late penalties in return for specific payment arrangements. Late payments will still initiate a late notice, and the actual payment history will be recorded. Non-payment of the utility account by the disconnect date on the late notice will result in disconnection.
 - c. A customer who is disabled, as authorized by the Federal Social Security Administration, may request, in writing, a standing waiver of the late penalty, for utility payments made after their due date. Late payments will still initiate a late notice, and the actual payment history will be recorded. Non-payment of the utility account by the disconnect date on the late notice will result in disconnection. A customer's disabled status must be verified by an Award Letter from the Social Security Administration. Waiver applies only to the account holder or their spouse.

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Sec. 13.04.230. Deposits.

- A. Residential. A \$150.00 deposit is required on each dwelling unit unless otherwise specified by this Section or if the customer can provide an original letter of credit from another utility company for the most recent 12-month period preceding the connect date that has no late payments or insufficient checks; or if the customer elects to pay their utility bill via automatic draft from their credit or debit card or bank account for the following 12-month period.
- B. Nonresidential. Unless otherwise specified by this Section, or by the City Council, nonresidential establishments are required to post a utility deposit equal to at least twice the average monthly bill of that establishment or a similar establishment of its kind. The minimum nonresidential deposit is \$150.00. The deposit may be waived with a letter of credit or surety bond from a financial institution for the amount of the deposit for a 12-month period following service initiation. The deposit may also be waived with a letter of credit from another utility company for the most recent 36-month period preceding the connect date that shows no late payments or insufficient checks. The business represented in the letter of credit must have the same owner and be of a similar size and usage as the business requesting services. The deposit may be waived if the customer elects to pay their utility bill via automatic draft from their credit or debit card or bank account for the following 12-month period.
- C. Federal and State Political Subdivisions. Federal and State political subdivisions are not required to post a utility deposit.
- D. Satisfactory Payment History Deposit Refund. The required utility deposit shall be refunded to a utility customer after one year of satisfactory payment history for utility services. Satisfactory payment history is defined as a payment history that does not include any Non-Sufficient Fund (NSF) payments or any charge of a ten percent penalty for nonpayment by the due date, as provided in Subsection 13.04.190 B.
- E. Satisfactory Payment History Deposit Waiver.
 - 1. A utility deposit is not required from a former residential customer who previously established a satisfactory payment history with the City during the most recent one-year period during which the customer was a customer of the City.
 - 2. A current residential customer, who has a 12-month satisfactory payment history, can apply for utility service at another residential location without posting a deposit.
 - 3. A current non-residential customer, who has a 36-month satisfactory payment history, can apply for utility service at another non-residential location without posting a deposit.
 - 4. A deposit is not required of a current non-residential customer expanding an existing business into a contiguous space having separate meters, as long as that business has maintained a satisfactory payment history for the 12 months prior to the time of expansion; the name on the account is the same; and the account cannot stand on its own, if the original account closed.
- F. Deposit Required After Termination. A standard utility deposit is required of any utility customer, regardless of payment history, if utility service has been discontinued for nonpayment. Utility customers shall thereafter be entitled to a satisfactory payment history deposit refund upon the completion of the required one-year satisfactory payment history, as computed from the date of reconnect, in accordance with the provisions of this Section.
- G. Present customers having a lower than currently established deposit are not required to increase their deposit amount to the currently established amount, even when transferring the deposit to a

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new location. However, such customers establishing a new, additional service or having service terminated due to nonpayment are required to make the currently required deposit.

Sec. 13.04.240. Damaging, bypassing, connecting, tampering, etc., of meters.

- A. It is unlawful for any person to damage, destroy, connect, tamper or otherwise, in any way, interfere with the operation of utility meters or meter reading equipment within the City, including but not limited to the tampering, adjustment, connection, breakage, or removal of any seals, and including any hookup or connections that have the effect of bypassing a meter or meters, so that a customer is receiving utility service of any character by virtue of such hookup or connection.
- B. There shall be a presumption that the utility customer, as shown by City records, was the party who has damaged, destroyed, connected or otherwise tampered with such meter or appurtenances, as prohibited in this Section, but such presumption shall be rebuttable.
- C. Meter Tampering Fine: \$585.00. This fee shall be assessed for any violation of the provisions of this Section, with each violation constituting a separate offense. This fee shall be in addition to any costs accrued for the replacement or repair of damaged meters or meter reading equipment, or unbilled consumption.