

ORDINANCE NO. 2023-O-04

AN ORDINANCE OF THE CITY OF LULING, TEXAS, AMENDING CHAPTER 110, UTILITIES, ARTICLE I, IN GENERAL OF THE CODE OF ORDINANCES OF THE CITY OF LULING; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Luling (“City”) is a Texas home rule municipality; and

WHEREAS, pursuant to the laws of the State of Texas, including Texas Local Government Code section 51.001, the City Council has the authority to adopt, publish, amend or repeal an ordinance that is for the good government, peace or order of the City; and

WHEREAS, as a home rule municipality, Texas Local Government Code Section 51.072 confirms that the City has the full power of local self-government; and

WHEREAS, the City has adopted various regulations related to its provision of utilities which are located in Chapter 110 of the City’s Code of Ordinances; and

WHEREAS, after evaluating the current utility regulations the City Council desires to amend Chapter 110 to include the utility disconnection regulations; and

WHEREAS, the City Council finds that the amendments located herein are for the good government, peace, and order of the City and to the benefit of the City’s utility systems;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Luling, Texas that:

I. AMENDMENTS

Chapter 110, Utilities, Article I, In General, Section 110-17, Discontinuance of Service for Nonpayment of the Code of Ordinances of the City of Luling, Texas is hereby amended in its entirety to read as follows:

Sec. 110-17 Utility billing.

- (a) All utility meters (electric and water) are normally read during a week beginning on the 16th of each month.
- (b) A preliminary billing calculation is prepared after all meters are read and is reviewed by the Utility Billing/Collection Supervisor for potential billing errors.
- (c) Potential billing errors are investigated/re-read to determine if actual errors exist. Actual errors are corrected prior to the final billing calculation.
- (d) A final billing calculation and utility billing statements are prepared and mailed on the last business day of the month (excluding weekends and official City Holidays).

Chapter 110, Utilities, Article I, In General, Section 110-18, Discontinuance of Service for Other Reasons of the Code of Ordinances of the City of Luling, Texas is hereby amended in its entirety to read as follows:

Sec. 110-18 Utility collections.

- (a) Due Dates – all due dates noted are for that date or the next business day if it falls on a weekend or official City Holiday.
- (b) Amounts reflected on the monthly billing statements are due and payable upon receipt regardless of proper delivery by the postal service.
- (c) The City provides a drop box in the alley behind City Hall as a convenience to customers for payment of utility bills. Drop box payments are collected by the City staff at 8 a.m. each business day and any payment collected in the box at that time will be processed as of the preceding day, excluding any payments being made for an active arrangement which must be received in the Utility offices and posted by 5:00 p.m. on the arrangement date.
- (d) A penalty of 10% of the total utility bill is assessed after the 16th of each month.

Chapter 110, Utilities, Article I, In General, Section 110-19, Distributed Generation of the Code of Ordinances of the City of Luling, Texas is hereby amended in its entirety to read as follows:

Sec. 110-19 Arrangements.

- (a) Arrangements are a written contract between the utility customer and the City to provide the utility customer additional time to fully pay for the current month's billing statement and penalties assessed.
- (b) Arrangements must be requested in person at City Hall. Written documentation outlining the terms of the arrangement will be prepared in duplicate and must be signed by the customer. Upon completion of the written arrangement, one copy will be retained by the City and one copy will be given to the customer.
- (c) Full payment of the current utility billing under arrangement must be made no later than the last business day of the month.
- (d) Any payment under arrangement made after the arrangement date is considered a delinquent arrangement payment and will be placed on a failed arrangement cut off.
- (e) Utility customers will only be allowed 2 arrangements in a calendar year.
- (f) If the first arrangement is failed, the account will not be eligible for a second arrangement in the same calendar year.
- (g) If an arrangement date has been set after the 16th all late penalties will apply being that full payment will not have been received before the posted due date.
- (h) Utility customers under a current arrangement will be excluded from the monthly cut-off list.
- (i) Once an arrangement date has been set it may not be moved. However, if there are extenuating circumstances the current arrangement would need to be "failed" before creating an additional arrangement for no later than the last business day of the current month. Such an adjustment will be approved at the discretion of the Utilities Supervisor.
- (j) Arrangements are not permitted to be made into the following month unless approved by

the Utilities Supervisor. If an arrangement has been approved into the following month the entire balance at that arrangement date will need to be paid in full.

Chapter 110, Utilities, Article I, In General, Section 110-20, Connection Policy and Procedure Manual Adopted of the Code of Ordinances of the City of Luling, Texas is hereby amended in its entirety to read as follows:

Sec. 110-20 Disconnection and reconnection for non-payment.

- (a) The cut-off day is any day after the 16th of the month and is clearly referenced on the monthly utility bill.
- (b) All customer accounts not paid in full by the cut-off day are considered delinquent unless a current arrangement has been made. These accounts will be placed on a cut-off list prepared by the utility billing department.
- (c) Once the cut-off list is completed it is delivered to utility staff in the field for disconnection of services. Customer accounts on this list are deemed cut-off regardless of actual disconnection and a disconnection fee of \$50.00 is assessed.
- (d) Customers must remit full payment of the account, including the \$50.00 disconnect penalty, in order to be removed from the cut-off list (if actual disconnection has not yet taken place) or to have service be reinstated.
- (e) Utility customers of the City of Luling whose accounts do not have an active deposit and have been disconnected for non-payment shall be required to pay all amounts due to the City for utility services and to submit a new deposit before service will be reinstated.
- (f) If a utility is turned off for non-payment of services, and only after the customer has satisfied all requirements of their delinquent account, public utilities has up to 24 hours to reinstate all utilities that were cut-off due to non-payment; excluding holidays and weekends.

Chapter 110, Utilities, Article I, In General, Section 110-21, Offense and Penalties of the Code of Ordinances of the City of Luling, Texas is hereby amended in its entirety to read as follows:

Sec. 110-21 Reconnection of delinquent accounts after normal business hours.

- (a) The Utility Department will provide the Dispatch Office with a list of all disconnected customers as of 5 p.m. on cut-off day. The purpose of the list submitted to dispatch is only to notify of those accounts that have been disconnected for non-payment and will not receive response to an after-hour call out.
- (b) All payments for accounts that have been turned off for non-payment must be submitted to the Public Utilities office during regular business hours.

Chapter 110, Utilities, Article I, In General, of the Code of Ordinances of the City of Luling, Texas is hereby amended by adding Section 110-22 to read as follows:

Sec. 110-22 Contracts for non-payment.

- (a) Contracts for payment are written agreements between the utility customer and the City

of Luling to allow the customer up to 12 months to pay for services under unusual circumstances.

- (b) Approval or denial of proposed contracts will be based on the account holder's credit history. The City reserves the right to deny any contract agreement proposed.

Chapter 110, Utilities, Article I, In General, of the Code of Ordinances of the City of Luling, Texas is hereby amended by adding Section 110-23 to read as follows:

Sec. 110-23 Public assistance.

- (a) There exist certain programs or organizations that provide public assistance for utility bills. It is up to the utility customer to establish this assistance.
- (b) If said assistance is obtained, direct payment or a confirmation must be faxed to the utility billing and collection office by the program or organization providing support.
- (c) Certain programs or organizations may require a copy of the utility customer's 12 month's billing history in order to establish assistance. The utility department can have this printed at a flat rate of \$2.50 if requested by the account holder.
- (d) Any balance on the customer's account remaining after the assistance payment has been applied must be paid in full by the cut-off date to avoid being placed on the cut-off list.

Chapter 110, Utilities, Article I, In General, of the Code of Ordinances of the City of Luling, Texas is hereby amended by adding Section 110-24 to read as follows:

Sec. 110-24 Tampering.

- (a) Tampering with a water and/or electric meter is defined as the unauthorized act of altering or adjusting the reading on a water and/or electric meter, turning a water and/or electric meter on after it has been turned off by an authorized city representative, piping to the water and/or jumpers to the electric meter or to allow water and/or electric service after water and/or electric meter has been removed by an authorized person, or any other act to provide for or allow water and/or electric service when such services have been otherwise discontinued.
- (b) Tampering with a water or electric meter will result in the meter being locked or removed from that location, a \$200.00 tampering fee, and a \$100.00 reinstallation fee must be paid in full to the City of Luling along with the current balance on that account in order to restore utility services. Criminal charges may also be filed for the illegal tampering of a water and/or electric meter.

Chapter 110, Utilities, Article I, In General, of the Code of Ordinances of the City of Luling, Texas is hereby amended by adding Section 110-25 to read as follows:

Sec. 110-25 Refusal of services.

The City of Luling reserves the right to refuse utility services based on the following:

- (a) residence or location does not comply with municipal regulations according to our Code

Enforcement Office;

- (b) if the applicant is known to be indebted to the city in the past due to any unsettled accounts;
- (c) for refusal to submit a deposit, insufficient identification, inability to provide proof of ownership or permission to be at requested location;
- (d) or any additional reason deemed necessary for the protection of the City's utility systems by the Utilities Supervisor.

Chapter 110, Utilities, Article I, In General, of the Code of Ordinances of the City of Luling, Texas is hereby amended by adding Section 110-26 to read as follows:

110-26 Distributed generation.

- (a) This section is intended to provide for the orderly, safe and effective interconnection and parallel operation of distributed generation facilities with the City electric system by customers of the City's electric utility.
- (b) The City is authorized to enact this division by the Public Utility Regulatory Act, V.T.C.A., Texas Utility Code § 31.005 (Vernon 1998, and Supp. 2005) (PURA) and successors, which authorizes and encourages electric utilities to establish customer option programs that encourage the reduction of air contaminant emissions including distributed energy generation technology. Also, the Public Utility Regulatory Act, V.T.C.A., Texas Utility Code § 39.101(b)(3) (Vernon 1998 and Supp. 2005) (PURA) entitles all Texas electric customers to access to onsite distributed generation. Finally, the Texas Public Utility Regulatory Act, V.T.C.A. Texas Utility Code § 39.916 (Vernon 1998, and Supp. 2005) (PURA) and its successors authorizes electric utilities to establish requirements for and allow the interconnection and parallel operation of distributed renewable generation, and requires the Public Utility Commission of Texas to promulgate rules and regulations for the implementation of interconnection and parallel operation of distributed renewable generation.
- (c) All distributed generation systems operating in the City shall comply with the City's connection policy and procedure manual and its successors.
- (d) Any person violating this section by interconnecting distributed generation to the City's electric system without a complete application and executed agreement, or operating a distributed generation system that does not meet the specification set forth in this section commits a misdemeanor and upon conviction may be subject to the penalties provided in section 1-8 of this Code of Ordinances.

II. REPEALER

All provisions of the ordinances of the City of Luling in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the ordinances of the City of Luling, not in conflict with the provisions of this Ordinance, shall remain in full force and effect. 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 as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

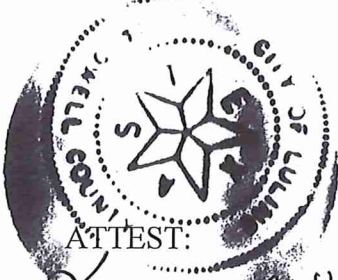
III. SEVERABILITY

It is the intention of the City Council that this Ordinance, and every provision thereof, shall be considered severable and the invalidity of any section, clause or provision or part or portion of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

IV. EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE 30th DAY OF MARCH, 2023.



ATTEST:

Martha C. Velasquez
Martha Velasquez, City Secretary

A handwritten signature in cursive script, appearing to read "CJ Watts".

Hon. CJ Watts, Mayor
City of Luling, Texas