

ORDINANCE NO. 17-2020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARION, TEXAS, CREATING EXCEPTIONS TO WATER SERVICE DISCONNECTIONS AND CREATING PAYMENT PLAN OPTIONS FOR WATER SERVICE CUSTOMERS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on August 21, 2017, the City Council adopted Ordinance No. 11-2017 which, among other things, set out fees for the disconnection of water service;

WHEREAS, in the advent of COVID-19, many water customers have become delinquent on their City accounts;

WHEREAS, the City Council should determine the need and, if necessary, allow for exceptions to the utility billing requirement authorizing City staff to administer a payment plan option; and

WHEREAS, the City Council finds that these exceptions and payment plan options should be adopted permanently and be utilized after the COVID-19 Declaration of Disaster and Stay at Home orders by the state, county and city are lifted.

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

Part 1. Enacted.

Sec. 1.01 Exceptions and Payment Options.

(a) Exceptions to Utility Provisions. The City Council may make exceptions to water service disconnections for good cause. The following criteria shall be used in determining whether a good cause exception is to be granted:

- 1 whether the good cause exception would undermine the purpose of the Ordinance 11-2017 or this Ordinance;
- 2 whether the good cause exception would further the purpose of the Ordinance 11-2017;
- 3 whether the good cause exception is warranted due to difficult or impossible circumstances;
- 4 whether the need for a good cause exception could have been avoided with reasonable foresight;
- 5 whether the good cause exception, if not granted, would produce an illogical result;
- 6 whether the good cause exception would be a material variance from the Ordinance 11-2017; and
- 7 whether the good cause exception would unduly prejudice or burden the City or affected persons.

(b) Senior Citizens. An individual age 60 or older may request a delay without penalty of the payment due date of a bill for utility services provided to them. The delayed due date will be the 25th day of the month. This applies only to residential customers who occupy the entire premises for which a delay is requested. This section also allows for an elderly person to request a delay of subsequent bills without penalty.

It shall be the responsibility of any service applicant to notify the City of their eligibility for this program by completing a form drafted by the City. Forms will be available at City Hall.

(c) Disabled Individual. A disabled individual may request a delay without penalty of the payment due date of a bill for utility services provided to them. The delayed due date will be the 25th day of the month. This applies only to residential customers who occupy the entire premises for which a delay is requested. This section also allows for a disabled person to request a delay of subsequent bills without penalty.

It shall be the responsibility of any service applicant to notify the City of their eligibility for this program by completing a form drafted by the City. Forms will be available at City Hall.

(d) Payment Extensions. In the event a customer is unable to pay their bill prior to the disconnection date, a customer may elect to file for an extension for additional time to pay without being disconnected. Requests for payment extensions must be filed in writing on an approved City of Marion form and signed. At no time may an extension go past the 5th day of the following month. Granting a payment extension does not eliminate any past due penalties. It simply extends the time to make a final payment prior to disconnection. An administrative fee of \$5.00 shall apply to all approved requests and that amount will be added to the following month's bill.

(e) Deferred Payment Plan. Upon application with the City, customer may enter into a deferred payment plan allowing for an outstanding bill to be paid in installments. The deferred payment plan is available to any residential customer if that customer's bill is more than two times the average monthly bill for that customer for the previous 12 months and if that customer has not been issued more than two disconnection notices at any time during the preceding 12 months. The City will apply an administrative fee of \$5.00 to the bill for the month following the initiation of the installment plan to all approved requests.

(f) Disconnection for ill customers. The City will not discontinue service to a delinquent residential customer when that customer establishes that some person residing at that residence will become seriously ill or more seriously ill if service is discontinued. To avoid disconnection under these circumstances, the customer and a physician must complete a Medical Necessity Program application and provide such completed application to the City prior to the stated date of disconnection. Service may be disconnected in accordance with this Water Tariff and state law if the next month's bill and the past due bill are not paid by the due date of the next month's bill, unless the customer enters into a deferred payment plan in accordance with (e) of this Section.

Part 2. Amendment and Repeal of Conflicting Ordinances

All ordinances and parts of ordinances in conflict herewith shall be and are hereby amended and repealed to the extent of such conflict, as of the effective date of this ordinance; save and except that any such amended or repealed ordinance or provision shall remain in full force and effect with respect to any notice given, complaint filed, or charge levied prior to the effective date of this ordinance.


Part 3. Effective Date.

This Ordinance shall be in force and effect from the date it is passed and approved.


Part 4. Open Meetings.

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

PASSED AND APPROVED this 1st day of June 2020.



Victor Contreras, Mayor

ATTEST:


Maria Hernandez, City Administrator

