

## **ORDINANCE NO 20230919-05**

Effective 1<sup>st</sup> billing, January 1, 2024 (Nov. 15-Dec. 15, 2023 reading)

An ordinance amending the policies and regulations governing the operation of the utilities in the City of Timpson, Texas, and repealing all previous ordinances, resolutions, agreements, and other municipal documents and correspondence in conflict herewith

**Be it ordained by the City Council of Timpson, Texas:**

### **Section 1 –Statutory Authorization, purpose, and repeal of previous ordinances and resolutions**

#### **1.01 Statutory authorization**

Whereas, the Texas Local Government Code, § 402.001, authorizes a City to own and operate public utility systems for electricity, gas, & water and sewer service.

#### **1.02 Purpose**

The purpose of this ordinance is to: (1) establishes a policy for its utilities; (2) state regulations; and (3) provides procedures and charges for extending utilities services to new and existing customers.

#### **1.03 Repeal**

All prior ordinances, resolutions, agreements, other municipal documents, and other correspondence in conflict herewith are repealed. All rights and privileges acquired by the City Council under them are reserved for the City Council and are not waived.

### **Section 2-Organization**

#### **2.01 Statement of Organization**

The City of Timpson Utility Department is a municipally owned public utility established for the purpose of furnishing electricity, a water supply system, and sewer system within the city limits of Timpson, Texas. Electric and water service outside the city limits may be served at the discretion of the Timpson City Council through negotiations with prospective customers.

The Utility Business Office shall be open for all purposes on all business days from 8:00 A.M. to 5:00 P. M., Monday through Friday, except for holidays approved by the City Council.

#### **2.02 Rates, deposits, penalties, and service charges**

The utility business office is hereby authorized to charge and collect monthly service charges for electricity, water, and sewer and solid waste disposal. The amounts to be charged shall be established by Resolution or Ordinance of the City Council and adjusted from time to time as necessary to sustain efficient utility services, comply with laws and regulations, and retire debt service.

#### **2.03 Creation of Position of Public Works Supervisor**

There is hereby created the position of Public Works Supervisor. The Public Works Supervisor shall have general supervision of the utility departments for the City of Timpson. The Public Works Supervisor shall report to the Mayor and duties shall be performed in accordance with the City's Personnel policy and job description.

#### 2.04 The City Electric Department

The City of Timpson by this Ordinance hereby establishes a City Electric Department. The purpose of the Department is to govern the operation of the City owned electrical distribution system and to insure that electrical service meets requirements established by federal, state, and other regulatory agencies for municipally owned electrical systems.

#### 2.05 The City Water Department

The City of Timpson by this Ordinance hereby establishes a City Water Department. The purpose of the Department is to govern the operation of the City owned water system and to insure that the water system meets requirements established by federal, state, and other regulatory agencies for the municipally owned public water systems.

The City Water Department will be operated by a certified operator with at least a Class C license under the supervision of the Public Works Supervisor. The Public Works Supervisor shall be responsible to the Mayor. The City Council shall have sole authority to establish water policy and make changes to water rates.

#### 2.06 The City Sewer Department

The City of Timpson by this Ordinance hereby establishes a City Sewer Department. The purpose of the Department is to govern the operation of the City owned sewer system and to insure that the sewer system meets requirements established by federal, state, and other regulatory agencies for the municipally owned sewer systems.

The City Water Department will be operated by a certified operator with at least a Class C license under the supervision of the Public Works Supervisor. The Public Works Supervisor shall be responsible to the Mayor. The City Council shall have sole authority to establish sewer policy and make changes to sewer rates.

### **Section 3 - Applicability of Ordinance**

#### 3.01 Relevance of Ordinance:

All provisions of this Ordinance shall be deemed to be incorporated into every contract between the City and its utility customers and each customer shall be charged with knowledge of the provisions of this Ordinance and by applying for and accepting utility service from the City, shall be deemed to have acceded to the provisions of this Ordinance.

#### 3.02 Application of Service:

- 3.02a Each residential/commercial customer requesting any utility service from the City of Timpson is required to complete and application with the Utility Secretary.
- 3.02b Rental property service requires a copy of the lease agreement or the property owners' authorization letter for tenant/customer.
- 3.02c Property/accounts that fall into Estate status while active, will be terminated for non-payment and will only be reconnected with an application, proper deposits/fees, and documentation of ownership/heirship.
- 3.02d Property/accounts that fall into Estate status shall be updated into current customer status in a timely manner; 12 months or less is recommended. Deposits may be required.

### 3.03 Meter Readings:

Meters are read by City of Timpson employees on or about the 15<sup>th</sup> of each month. The billing period generally covers the dates from 15<sup>th</sup> of the last month to the 15<sup>th</sup> of the reading month.

### 3.04 Bills for Utility Service:

Bills for the meter-reading period are prepared and mailed by the first of the following month. The due date of bills for utility service is the 15<sup>th</sup> calendar day of the month. If the 15<sup>th</sup> falls on a weekend or holiday, bills are accepted on the first business day thereafter without penalty.

Bills may be paid at Austin Bank in Timpson, Texas, thru the 15<sup>th</sup> of each month or through the next business day if the 15<sup>th</sup> calendar day falls on a weekend or holiday. No bills are accepted at Austin Bank after the due date.

Bills may be paid on-line at [www.thepaymentgroup.com](http://www.thepaymentgroup.com). Fees may apply.

A bill is considered delinquent if unpaid by the due date. Late payments must be made at City Hall, 456 Jacob Street, either in person or by mail. Utility bills are not to be collected by employees outside the City Office.

Bills may include Electric, Water/Sewer & Garbage services, taxes and an optional donation to the Timpson Fire Department.

### 3.05 Billing Questions:

All inquiries concerning bills should be made during regular office hours from 8:00 A.M. to 4:45 P.M. at City Hall, 456 Jacob Street, Timpson, TX, or by telephone at 254-2421.

### 3.06 Billing Disputes:

In the event of a billing dispute between a customer and the City of Timpson, the City shall forthwith make an investigation as required by the particular case, and will report the result of the investigation back to the customer. In the event the dispute is not resolved, the customer has the right to appeal the ruling to the City Council through a written request to the City Secretary's Office. The City Secretary shall schedule the customer for a hearing with the Council at its next regularly scheduled meeting. Any decision of the City Council shall be recorded in writing in the minutes. Every decision of the Council shall be final, except when such decision shall affect vested rights of the appellant to the extent that the appellant may have a legal right to pursue a remedy in a court of competent jurisdiction. The appellant will have 30 days to file their suit; otherwise, the ruling of the City Council shall become final.

### 3.07 Disconnection for Delinquent Bills:

If a bill is not paid by the 15<sup>th</sup> day of the month, or if the 15<sup>th</sup> falls on a weekend or holiday, by the following business day, a disconnect notice will be mailed to the customer. If the bill is not paid by the 5<sup>th</sup> workday after the due date, service will be cutoff on the next working day. Service will not be cutoff on a day immediately preceding a day when personnel of the City of Timpson are not available to the public for the purpose of making collections and reconnecting service.

### 3.08 Payment Arrangements:

Customers experiencing unusual financial difficulties or emergencies may request a payment arrangement in which an outstanding bill is allowed to be paid after the due date but before the date of the next bill. No payment arrangement will be granted simply for the customer's convenience. All requests for pay arrangements should be directed to the Utility Secretary. The Utility Secretary will have sole authority to grant extensions.

3.09 Funded Assistance:

Funded financial assistance may be available for persons in need of assistance with their electric and or water/sewer utility payments. For additional information, customers may contact the following agencies:

Salvation Army @ First Baptist Church  
Timpson, TX  
936-254-2220

Tri-County Community Action, Inc.  
1462 Loop 500 East  
Center, TX 75935  
936-598-6315

Shelby County Outreach  
906 Shelbyville St.  
Center, TX 75935  
936-598-4990

Texas Department of Housing and Community Affairs  
Energy Assistance  
P. O. box 13941  
Austin, TX 78711-3941  
(512) 475-3800

3.10 Termination of Service:

- a) Failure to pay a delinquent account or meet the terms of a deferred payment plan.
- b) Violation of the City's rules for the use of service provided that the City will make every attempt to notify the customer of the problem and allow the customer to remedy the situation.
- c) Failure to comply with the City's deposit requirements.

3.11 Consumer Deposit:

1. Non-rental Residential customers:

- a) Electric Service: A deposit of \$200.00 is required.
- b) Water Service: A deposit of \$40.00 is required with no waiver or letter of credit accepted.

2. Rental Residential customers:

The deposit for all utilities on a rental residential property may be calculated from the most recent twelve-month period of the prior occupant's bills, by using twice the average monthly bill, with the minimum as follows:

- 1. Electric - \$500.00

	Electric	Water
Efficiency	\$300.00	\$40.00
Timpson Housing Auth.	\$200.00	--
Timpson Sr. Apts.	\$200.00	\$40.00

- 2. Water - \$40.00

3. Commercial Customers:

All commercial utility account deposits will be determined by calculating twice the average monthly bill, from the most recent twelve-month period of the prior occupant's bill, with the minimum being as follows:

1. Electric Deposit: \$500.00 (If a commercial customer's service is disconnected due to non-payment of a bill, an additional deposit of \$400.00 shall be required before service is reconnected)
2. Water Deposit: \$100.00 (If service is disconnected due to non-payment of a bill, an additional deposit of \$100.00 shall be required before service is reconnected)

A deposit may be reduced if the applicant can furnish a letter of credit from another electric utility which states that during the last twelve (12) months of consecutive service at a **COMMERCIAL** facility, the applicant was not delinquent on more than one (1) occasion and never had service disconnected for non-payment, and is not presently delinquent on a payment of any utility account

**Exception:**

An existing City of Timpson Commercial customer that desires to open an additional business in the City limits of Timpson Texas may qualify for a reduced deposit. If an existing commercial customer has not had a late payment in the past twelve months, the required deposit for an additional business for an existing City of Timpson Commercial customer will be as follows:

1. Electric-\$0.00
2. Water-\$100.00

4. Transfer of Deposit: There will be a **\$25.00** charge for transferring service to a different address. Using the above formula, if your original deposit at your current residence is less than the deposit required to the transferring address you will be required to deposit the difference before service is transferred.

3.12 Deposit Refund:

Deposits are applied upon disconnection of service to the final billing. The City of Timpson will promptly and automatically refund the deposit to the customer at the customer's last known address. No interest will be paid on the deposit.

3.13 Customer Charges:

Base Rate:

The City will charge a Kilowatt per Hour charge based on a formula supplied by Deep East Texas Electric Cooperative. The KWH charged by the City will include any increase or decrease for power adjustment charged by the supplier.

Return Check Charge: The City will charge a fee of **\$35.00** for each incident of an insufficient funds check. An insufficient funds check will not be re-deposited in the bank. The City will notify the customer of the NSF check and give them 5 workdays to make the check good with cash money. If the customer does not retrieve the NSF check within 5 workdays, service to the residence will be terminated.

Minimums:

The following minimums apply:

Service	Residential	Commercial
Water (1 <sup>st</sup> 2,000 gal)	\$19.50	\$29.25
Sewer (1 <sup>st</sup> 2,000 gal)	\$12.50	\$17.75
Electric	\$5.00	\$8.50

Late Charge:

The City will charge a later fee of \$10.00 if a utility bill is not paid by the 15<sup>th</sup> of the month or the first business day following if the 15<sup>th</sup> falls on a holiday or on a weekend.

The City of Timpson will offer an over-65-residential late fee waiver with the completed form that includes: ID with DOB, Account Name, Residential primary property, and only 1 meter per household.

Taps for Water and Sewer Service:

Each building having water and sewer service on a property shall have its own tap. No dual connections (being more than one customer on a single line) shall be permitted.

Minimum Rate for Taps are as follows (4 hours or less labor)

- 1) Water tap = \$450.00
- 2) Sewer tap = \$250.00

*\*If taps require additional man hours a fee may be charged.*

Temporary Service

Temporary service may be supplied in accordance with the current KWH rate charged by the City except that the consumer shall pay in addition a fee of \$20.00 (the cost of connecting and disconnecting service). The City reserves the right to require a deposit in advance. Minimum deposit of \$100.00 – max term is 90 days, and can be renewed after payment is received.

Contractor Water

A rate of **\$25.00** for 1<sup>st</sup> thousand gallons and **\$10.00** for additional per 1,000 gallons, will be charged for water sold to transient contractors.

3.02 Meter Tampering:

- (a) A person commits an offense, if, without the effective consent of the City:
- 1) he or she intentionally or knowingly damages or destroys the tangible property of the owner;
  - 2) he or she intentionally or knowingly tampers with the tangible property of the owner and causes pecuniary loss or substantial inconvenience to the owner or a third person; or
  - 3) he or she intentionally or knowingly makes markings, including inscriptions, slogans, drawings, or paintings, on the tangible property
- (b) Except as provided by Subsection (f), an offense under this section is:

A class C misdemeanor if

1. the amount of pecuniary loss is less than \$20; or
2. it causes substantial inconvenience to others;

A Class B misdemeanor if the amount of pecuniary loss is \$20 or more but less than \$500;

A Class A misdemeanor if the amount of pecuniary loss is:

1. \$500 or more but less than \$1,500; or
2. less than \$1,500 and the actor causes in whole or in part impairment or interruption of public communications, public transportation, public water, gas, or power supply, or other public service, or causes to be diverted in whole, in part, or in any manner, including installation or removal of any device for the purposes listed herein.

A state jail felony if the amount of pecuniary loss is \$1,500 or more but less than \$20,000

A felony of the third degree if the amount of the pecuniary loss is \$20,000 or more, but less than \$100,000

A felony of the second degree if the amount of the pecuniary loss is \$100,000 or more but less than \$200,000;

A felony of the first degree if the amount of pecuniary loss is \$200,000 or more

- (c) For the purposes of this section, it shall be presumed that a person who is receiving the economic benefit of public communication, water, gas, or power from the City has knowingly tampered with the tangible property of the owner if the supply has been:
- 1) diverted from passing through a metering device; or
  - 2) prevented from being correctly registered by a metering device; or
  - 3) Activated by any device installed to obtain services without a metering device.
- (d) The term “public communication, public transportation, public water, gas or power supply, or other public service “shall mean, refer to, and include any such services subject to regulation by the Public Utility Commission of Texas, the Railroad Commission of Texas, or the Texas Commission on Environmental Quality, or any such services enfranchised by the State of Texas or any political subdivision thereof.
- (e) When more than one item of tangible property, belonging to one or more owners, is damaged, destroyed, or tampered with in violation of this section pursuant to one scheme or continuing course of conduct, the conduct may be considered as one offense, and the amounts of pecuniary loss to property may be aggregated in determining the grade of the offense.
- (f) An offense under this section is a state jail felony if the damage or destruction is inflicted on a place of worship, human burial, a public monument, or a community center that provides medical, social, or educational programs and the amount of the pecuniary loss to real property or to tangible personal property is less than \$20,000.

### 3.14 Consumer Responsibility

- (a) ***Nature of Supply***-The City’s undertaking extends only to the supply of service at the point of delivery to the residence or commercial entity. The Consumer is warned of the risk of damage to property and the possibility of fire or personal injury resulting from improper wiring and manner of attachment or use and maintenance of electric appliances, fixtures and apparatus, and is advised to allow no one except experienced and capable electricians to install or make any change, alteration, additions, or repairs.
- (b) ***Consumer Liability***-The Consumer assumes full responsibility for the current upon consumer’s premises at and from the point of delivery thereof, and for the wires, apparatus, devices and appurtenances thereon, used in connection with service. Consumer shall indemnify, save harmless and defend the City against all claims, demands, cost or expense for loss, damage, or injury to persons or property in any manner directly or indirectly arising from, connected with, or growing out of the transmission or use of current by Consumer at or on Consumer’s side of point of delivery.
- (c) ***Changes in Consumer’s Wiring and Equipment***-All equipment supplied by the city for the use of each Consumer has a definite capacity and for this reason, it shall be the responsibility of the Consumer to notify the City before any change is made in the load characteristics or location of equipment at his installation. Failure to give such notice shall render the Consumer liable for any damage to meters or accessories, transformers, or wires of the City caused by the additional or changed installation.
- (d) ***Protection by Consumer***-Consumer shall protect the equipment of the City on his premises and shall not interfere with or alter or permit interference with or alteration of City’s meters or other property except by duly authorized representatives of the City. When loss or damage to the property of the City is due to, or caused by carelessness, neglect, or misuse by Consumer or other

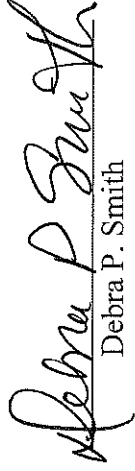
unauthorized persons, the consumer shall pay for the cost of the necessary replacement and repairs.

3.15 Access to Premises: Duly authorized representatives of the City shall have the right of ingress and egress to the premises of Consumer at all times for the purpose of constructing, inspecting, maintaining, meter reading, or removing City property. The City has the right to terminate service at any time a consumer, upon reasonable notice, refuses access to the premises.

***This City of Timpson, Ordinance No. 2023919-05, shall become effective upon its passage and adoption.***

***PASSED this 19th day of September 2023, at a regular meeting of the City Council of the City of Timpson, there being a quorum present, by 3 yeas and 1 nay votes, and approved by the Mayor on the date above set out.***

Approved:



Debra P. Smith  
Mayor

ATTEST:



Misty Burgess  
City Secretary