ORDINANCE NO. 2509

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING SECTION 12-8 OF THE CODE OF ORDINANCES OF THE CITY OF TERRELL, TEXAS, PERTAINING TO CHARGES FOR CONNECTIONS AND DISCONNECTIONS OF UTILITY SERVICES; BY ADDING 12-8 (C) REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS:

ARTICLE I.

THAT Section 12-8 of Chapter 12 of the Code of Ordinances of the City of Terrell, Texas, is hereby amended by adding 12-8(C):

Section 12-8 Connections and/or Reconnections of Utility Services.

C. The City may impose a lien against an owner's property, unless said property is a homestead as protected by the Texas Constitution, for delinquent bills for municipal utility service to the property.

A lien shall not apply to bills for service connected in a tenant's name after notice by the property owner to the City that the property is rental property.

A lien shall apply to bills for service connected in a tenant's name prior to the effective date of this Ordinance.

A lien shall be perfected by recording in the Real Property Records of Kaufman County, Texas, the county where the property is located by a Notice of Lien containing a legal description of the property and the utility account number for the delinquent charges claimed in said lien including penalties, interest and collection costs.

ARTICLE II.

THAT all Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

ARTICLE III.

THAT it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionally shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

ARTICLE IV.

This Ordinance will take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

PASSED AND APPROVED ON THIS THE 18TH DAY OF OCTOBER, 2011.

PASSED AND ADOPTED ON THIS THE 1ST DAY OF NOVEMBER, 2011.

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HAL RICHARDS, MAYOR

ATTEST:

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JOHN ROUNSAVALL, CITY SECRETARY

APPROVED AS TO FORM:

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MARY GAYLE RAMSEY, CITY ATTORNEY