

ORDINANCE NO. 2655

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING SECTION 12-4 OF CHAPTER 12 OF THE CODE OF ORDINANCES OF THE CITY OF TERRELL, TEXAS, PERTAINING TO NEW REQUIREMENTS FOR UTILITY DEPOSITS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

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

ARTICLE I

THAT Section 12-4 of Chapter 12 of the Code of Ordinances of the City of Terrell, Texas is hereby amended to read as follows:

Section 12-4. Utility Deposits

Any person, firm or corporation hereafter desiring utility service and subscribing to refuse collection service shall deposit with the City as a guarantee of payment for such services, the following amounts as may be applicable:

- 1) Residential Service - \$100.00 per living unit or the average of two (2) months charges for all residential customers within the City as determined by the City secretary, whichever is higher.
- 2) Commercial and Industrial Service – An amount equal to an average two (2) months charges of like or similar customer(s) for each business operation and as determined by the City Secretary. However, in the event such service increases to a point where such deposit is not equal to the charges for an average two (2) months period, then the City Secretary may require the deposit to be increased to conform thereto.

Commercial and/or Industrial customer whose deposit is calculated to be five hundred dollars (\$500.00) or larger may elect to place a surety bond with the City in lieu of a cash bond, provided, the surety company is authorized to do business in Kaufman County, Texas. An assignment of a savings account may be made in lieu of a cash or surety deposit.

Utility deposits shall be refunded only when a customer discontinues services and after deducting any unpaid balances due to the City.

When and if it becomes necessary to discontinue services to any customer because of non-payment of his or her utility bill, the City Secretary may require an additional deposit of One Hundred (\$100.00) or the average of two (2) months charges for all residential customers within the city. Also, when and if a customer or any member of his or her household leaves any unpaid balance due to the City for any such services, then all unpaid bills on the customer's or household member's previous accounts must be paid

and a new deposit up to an average of three (3) months bill be deposited with the City before any such services are to be provided.

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 unconstitutionality 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 in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

ARTICLE IV

THAT this Ordinance will take effect immediately from and after its passage.

PASSED AND APPROVED ON FIRST READING THIS THE 1ST DAY OF MARCH, 2016.

PASSED AND ADOPTED ON SECOND READING THIS THE 15TH DAY OF MARCH, 2016.

Hal Richards, Mayor

ATTEST:

John Rounsavall, City Secretary

APPROVED AS TO FORM:

Mary Gayle Ramsey, City Attorney