

ORDINANCE 2019-026-1209

AN ORDINANCE OF THE TOWN OF ANTHONY, TEXAS ESTABLISHING RULES AND REGULATIONS FOR PROVIDING WATER & SEWER SERVICES.

WHEREAS, the GOVERNING BODY did hold a duly noticed Public Hearing; and

WHEREAS, the GOVERNING BODY did consider testimony from staff and the public before reaching its decision; and

WHEREAS, pursuant to the statutory authority granted to the GOVERNING BODY as a municipality under Texas Local Government Code Section 51.001, the GOVERNING BODY may adopt, publish, amend, or repeal an ordinance, rule, or police regulation that: (1) is for the good government, peace, or order of the municipality or for the trade and commerce of the municipality; and (2) is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality; and

WHEREAS, pursuant to the statutory authority granted to the municipality as a Type A General-Law Municipality under Texas Local Government Code Section 51.012, the municipality may adopt an ordinance, act, law, or regulation, not inconsistent with state law, that is necessary for the government, interest, welfare, or good order of the municipality as a body politic; and

WHEREAS, the GOVERNING BODY does make the following finding:

1. That it is in the best interest of the municipality and to otherwise provide for the good government and order and fiscally prudent administration of the municipality that rules and regulations be established for providing water & sewer services.

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF ANTHONY, TEXAS: that in consideration of the aforementioned findings and testimony, it hereby ordains that it does hereby approve the establishment of the following rules and regulations for providing water & sewer services:

Section 1. AUTHORITY AND PURPOSE.

AUTHORITY: This Ordinance is adopted pursuant to the enabling provisions of Texas Local Government Code Section 51.001 and Section 51.012.

PURPOSE: The purpose of this ordinance is to establish rules and regulations for providing water & sewer services.

Section 2. RULES AND REGULATIONS FOR PROVIDING WATER & SEWER SERVICES.

A. Application for Water & Sewer Service

1. All persons (including tenants under landlord-tenant arrangements) shall apply for water and sewer services directly with the Town's water department as follows:
 - a. Fill out, sign and submit a water & sewer application.
 - b. Submit a copy of the persons' proof of ownership of the property to be serviced. Tenants shall submit a copy of tenant's lease agreement.
 - c. Submit a photocopy of the person's driver's license or other acceptable form of identification including but not limited to a state-issued identification or U.S. passport.
 - d. Pay the applicable utility deposit in the amount established by Town Council Resolution.
 - e. Agree to abide by all of the Town's water and sewer ordinances

B. Utility Deposits

1. A person's utility deposit shall be applied toward the person's final bill.
2. The Town shall not be required to place utility deposits in an interest bearing account.
3. The Town shall maintain an accurate record and accounting of utility deposits.
4. Utility deposits shall not be transferable to other properties. A new utility deposit shall be required if a person moves/transfers from one property to another property (including tenants that move/transfer from one leased premises to another leased premises).

C. Termination of Water & Sewer Service

1. All persons terminating water & sewer service shall notify in writing the Town's water department of the person's request to close water & sewer services to the property. Notice shall be made

using the Town's authorized form for closing water & sewer services.

2. Specific Rules for Termination of Water & Sewer Service under Landlord-Tenant Arrangements:

a. Within five (5) business days of the termination of a tenant's lease, the tenant shall notify in writing the Town's water department of the tenant's request to close water & sewer services to the property. Notice shall be made using the Town's authorized form for closing water & sewer services.

b. Within five (5) business days of the termination of a tenant's lease, the landlord shall also notify in writing the Town's water department of the surrendering of the premises by the tenant and shall request that water & sewer services to the property be closed. Notice shall be made using the Town's authorized form for closing water & sewer services.

D. Applicability to Landlord-Tenant Arrangements with the Anthony Housing Authority

1. These rules and regulations shall also apply to landlord-tenant arrangements with the Anthony Housing Authority.

Section 3. SEVERABILITY.

Should any section, paragraph, clause or provision of this Ordinance for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 4. REPEALER.

All ordinances or resolutions or parts thereof, inconsistent with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency or conflict. This repealer shall not be construed to revive any ordinance or resolution or part thereof, heretofore repealed.

Section 5. EFFECTIVE DATE.

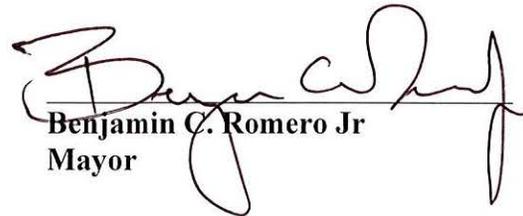
This ordinance shall be effective as provided by law.

Section 6. PROPER NOTICE & MEETING.

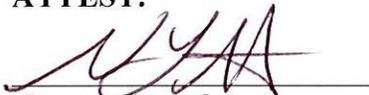
It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code 551.

PASSED, ADOPTED AND APPROVED THIS 23 DAY OF DECEMBER, 2019.

APPROVED:


Benjamin C. Romero Jr
Mayor

ATTEST:


Norma Gonzalez
Town Clerk



ROLL CALL VOTE:

Mayor Pro-Tem Shawn Weeks
Councilor Jose Garcia
Councilor Eddie Chavez
Councilor Louie Alfaro

 YES _____
 YES _____
 YES _____
 YES _____