

ORDINANCE NO. 1120-2

AN ORDINANCE OF THE CITY OF LINDSAY, TEXAS, AMENDING CHAPTER 50 "UTILITY SERVICE" BY AMENDING SECTION 50.05 "USERS LIABLE FOR BILLS" AND SECTION 50.48 "OWNER OF PROPERTY TO GIVE NOTICE OF VACANCY" TO SPECIFY PERSONS RESPONSIBLE FOR CHARGES FOR UTILITY SERVICES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lindsay, Texas, is a Type A general law municipality located in Cooke County, created in accordance with Chapter 6 of the Local Government Code, and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Council of the City of Lindsay previously adopted regulations codified in Chapter 50 of the Lindsay, Texas Code of Ordinances regulating utility service; and

WHEREAS, the City Council now desires to amend those regulations in the best interest of the public health, safety and welfare of the citizens and the public.

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

SECTION 1.

Section 50.05 "Users Liable for Bills" of Chapter 50 "Utility Service" of the Lindsay, Texas Code of Ordinances is hereby amended to read as follows:

"§50.05 PERSONS RESPONSIBLE FOR CHARGES.

(A) A utility account holder is liable for all charges for utility services furnished to the property on the account. Any person over the age of eighteen (18) residing at the residence at the time that utility services are furnished is liable for all charges for utility services furnished to the property.

(B) The owner of the property on a utility account shall be jointly liable for all charges for utility services furnished to the property, even if the owner is not the account holder or does not reside at the property. The city shall have a lien against the property for all charges for utility services furnished to an account on the property.

(C) If multiple persons reside at a property but are not all named as an account holder, all persons that reside at the property shall be liable for all charges for utility services furnished to the property.

(D) If multiple persons reside at a property and one or more of those persons liable for utility services furnished to the property changes residences, the persons changing residences shall continue to be liable for all charges for utility services furnished prior to the change of residence and shall not be furnished utility services at a new residence until all charges for utility services that the person is liable for have been paid. If any person that is liable to the city for charges for utility services furnished to the person changes residences and is thereafter located using water at some other residence, utility service to the person's current residence shall be turned off until all charges for utility services that the person is liable for have been paid."

SECTION 2.

Chapter 50 "Utility Service" of the Lindsay, Texas Code of Ordinances is hereby amended by amending Section 50.048 "Owner of Property to Give Notice of Vacancy" to read as follows:

"§50.048 OWNER OF PROPERTY TO GIVE NOTICE OF VACANCY.

The owner of property to which utility service is furnished by the city shall give notice of vacancy to the city on the next business day after the property becomes vacant. Any utility services furnished shall remain the responsibility of the account holder and any persons over the age of eighteen (18) that resided at the property at the time the utility services were furnished. Any utility services provided shall also be the responsibility of the owner of the property to which the utility services were furnished. Failure to pay for utility services may result in a lien placed on the property."

SECTION 3. CUMULATIVE

This Ordinance shall be cumulative of all provisions of ordinances of the City of Lindsay, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 4. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections 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.

SECTION 5. PENALTY

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be

guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$500.00.

**SECTION 6.
SAVINGS**

All rights and remedies of the City of Lindsay are expressly saved as to any and all violations of the ordinances of the City of Lindsay related to operating mobile food units within the City that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 7.
PUBLICATION**

The City Secretary is authorized and directed to cause publication of the descriptive caption and penalty clauses of this ordinance as provided by law.

**SECTION 8.
EFFECTIVE DATE**

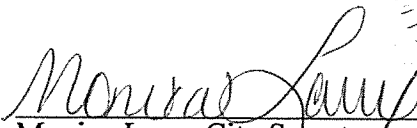
This Ordinance shall be in full force and effect after its passage and publication.

PASSED AND APPROVED ON THIS 3 DAY OF November, 2020.



tt Neu, Mayor

ATTEST:



Monica Laux, City Secretary