

**ORDINANCE NO. O-2020-003**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
MAGNOLIA, TEXAS AMENDING CHAPTER 94 "UTILITIES" OF THE  
CODE OF ORDINANCES OF THE CITY OF MAGNOLIA, TEXAS BY  
AMENDING ARTICLES II, III AND IV; PROVIDING FOR  
SEVERABILITY; PROVIDING FOR A PENALTY; AND PROVIDING AN  
EFFECTIVE DATE.**

\* \* \* \* \*

**WHEREAS**, the City Council of the City of Magnolia, Texas has studied the present provisions of Chapter 94 "Utilities" of the Code of Ordinances of the City of Magnolia; and

**WHEREAS**, the City Council is continually reviewing the provisions of the Code of Ordinances relating to the elimination of hazards and other circumstances which generally impact the health, safety and well-being of residents, citizens and inhabitants and its Children;

**WHEREAS**, the City Council finds it necessary to adopt the following amendments to Chapter 94 of the Code of Ordinances; and

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

**Section 1.** Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted as findings of fact and conclusions of law by the City Council and made a part hereof for all purposes.

**Section 2.** Amendments. Chapter 94 entitled "Utilities" of the City of Magnolia Code of Ordinances is hereby amended by amending section 94-50 of Article II that is attached hereto as Exhibit "A" and incorporated herein for all purposes.

**Section 3.** Amendments. Chapter 94 entitled "Utilities" of the City of Magnolia Code of Ordinances is hereby amended by adding a new section 94-83 to Article III that is attached hereto as Exhibit "A" and incorporated herein for all purposes.

**Section 4.** Amendments. Chapter 94 entitled "Utilities" of the City of Magnolia Code of Ordinances is hereby amended by amending section 94-120 of Article IV that is attached hereto as Exhibit "A" and incorporated herein for all purposes.

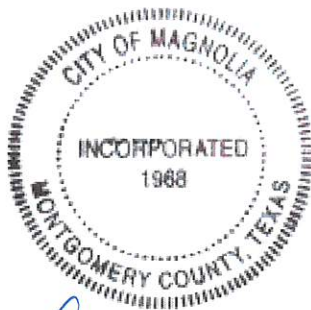
**Section 5.** Repealing Clause. All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be

cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

**Section 6.** Severability. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance be 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 or sections of this ordinance, and the remainder of this Ordinance shall be enforced as written.

**Section 7.** Compliance Clause and Effective Date. The City Council finds, determines and declares that a sufficient written notice was posted and this Ordinance was passed in accordance with the Open Meetings Act. The City Secretary is instructed to publish this Ordinance in the Official Newspaper of the City of Magnolia in the manner provided and for the time required by Section 52.011(a) of the Local Government Code, at which time this Ordinance takes effect.

**PASSED, APPROVED and ADOPTED** by the City Council of the City of Magnolia, Montgomery County, Texas on this the 14<sup>th</sup> day of January 2020.



CITY OF MAGNOLIA, TEXAS

A blue ink signature of Todd Kana, Mayor of Magnolia, Texas. The signature is written in a cursive style. Below the signature is a horizontal line.

Todd Kana, Mayor

ATTEST:

A blue ink signature of Lynne George, City Secretary. The signature is written in a cursive style. Below the signature is a horizontal line.

Lynne George, CPM, TRMC  
City Secretary

## EXHIBIT “A”

### CHAPTER 94

#### UTILITIES

#### ARTICLE II. WASTEWATER TREATMENT

##### Sec. 94-50. – Notice.

The city shall ~~service~~ **provide** persons discharging in violation of this article with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory compliance. Persons served with notice may request a hearing with the City Administrator within ten (10) days after receiving notice. The City Administrator is given authority to determine compliance with the written notice and if no compliance the City Administrator is giving authority to disconnect services.

#### ARTICLE III. RATES AND FEES

##### Sec. 94.83.-Notice of Overdue Payment

If any user or customer of water and/or sewer service does not pay the rates and charges within thirty (30) days of the mailing date, then a late notice shall be sent to the delinquent customer whose accounts have not been paid. The late notice shall apprise customers the reason of the late notice; the date by which service will be discontinued if payment is not made; and the ability to request a hearing within ten (10) days of the notice with the City Administrator or his/her designee to consider any complaint of erroneous billing and protest the proposed termination of service. The City Administrator and his/her designee is empowered to review disputed bills and rectify error, if any and make a final decision on the termination of service.

Secs. 94-84—94-107. - Reserved.

#### ARTICLE IV. WATER

##### DIVISION 1. - GENERALLY

##### Sec. 94-120. – Termination of service.

###### For Violations

(a) The city administrator or his/her designee may terminate water or wastewater service in accordance with this section.



- (b) The city administrator or his/her designee may terminate water or wastewater service if the customer, owner, tenant, or lessee does not correct a violation within ~~five~~ ten (10) days after the person becomes aware of the violation by written notice unless a show cause hearing has been set pursuant to Section 94-124.
- (c) The city administrator or his/her designee may refuse or terminate water or wastewater service if all required corrections have not been made.
- (d) The city administrator or his/her designee may terminate water or wastewater service if a customer fails to terminate a connection between a potable water system and an auxiliary water supply, including a water well.