

**CITY OF PANHANDLE
ORDINANCE NO. 604**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PANHANDLE, TEXAS, AMENDING THE CODE OF ORDINANCES CHAPTER 13, UTILITIES, ARTICLE 13.100 WATER AND SEWERS, BY ADDING THE REQUIREMENT THAT ONLY AN OWNER OF PROPERTY MAY OPEN WATER AND SEWER ACCOUNTS; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Panhandle has a large number of water and sewer accounts that are opened by tenants under lease agreements; and

WHEREAS, many of the accounts opened by tenants are not paid when the tenants vacate the real property and the deposits on those accounts are not sufficient to cover the delinquent charges; and

WHEREAS, the owner of each parcel of real property ("landlord") unfairly benefits from the City allowing tenants to open water and sewer accounts that are not paid upon tenants vacating the landlord's property; and

WHEREAS, the City desires to amend its ordinances to require that only owners of real property may open water and sewer accounts for the real property where water and sewer service will be provided.

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

**SECTION 1
AMENDMENTS**

THAT, Section 13.105 is AMENDED to read as follows:

Sec. 13.105 Water and Sewer Accounts and Deposits

- (a) Water and sewer service accounts may only be opened by the owner of the real property to which water and/or sewer service will be provided. The owner of the real property will be the customer for water and sewer service.
- (b) The deposit for water and sewer services to be paid to the city shall be \$75.00. The city shall hold the deposit as long as the customer receives service from the city. Upon discontinuation of service, the final bill shall be deducted from the deposit and the remaining deposit, if any, or the final bill shall be mailed to the customer. The city manager has the authority to waive a required

deposit as special circumstances as may be needed from time to time for various reasons.

SECTION 2
REPEALER

THAT, Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided, however, that any complaint, action, claim or lawsuit that has been initiated or has arisen under or pursuant to any of the ordinances or sections thereof that have been specifically repealed on the date of adoption of this Ordinance shall continue to be governed by the provisions of such ordinance or section thereof and for that purpose the ordinance or section thereof shall remain in full force and effect.

SECTION 3
SEVERABILITY

THAT, if any provision, section, subsection, sentence, clause or the application of the same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this Ordinance or the application thereby shall remain in effect, it being the intent of the City Council of the City of Panhandle in adopting this Ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.

SECTION 4
EFFECTIVE DATE

THAT, this ordinance shall become effective from and after its adoption and publication as required by law.

PASSED, APPROVED, AND ADOPTED, on the 12th day of March, 2020, at a regular meeting of the City Council of the City of Panhandle, Texas, which meeting was held in compliance with the Open Meetings Act, Tex Gov't Code, §551.001, et.seq., at which meeting a quorum was present and voting.

Doyle Robinson, Mayor

ATTEST:

Veronica Willburn, City Secretary

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THAT, this ordinance shall become effective from and after its adoption and publication as required by law.

PASSED, APPROVED, AND ADOPTED, on the _____ day of February, 2020, at a regular meeting of the City Council of the City of Panhandle, Texas, which meeting was held in compliance with the Open Meetings Act, Tex Gov't Code, §551.001, et.seq., at which meeting a quorum was present and voting.

Doyle Robinson, Mayor

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