

Revised September 11, 2009

ORDINANCE NO: 2009-12

AN ORDINANCE
AMENDING ORDINANCE NO. 2006-02 TO PROVIDE
FOR A LIEN FOR NON-PAYMENT OF WATER BILLS; PROVIDING
FOR SEVERANCE; PROVIDING FOR PUBLICATION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INGLESIDE ON THE BAY, TEXAS:

Section 1. That Ordinance No. 2006-02 passed and approved by the City Council of the City of Ingleside on the Bay, Texas on the 5th day of September, 2006 be and the same is hereby amended by amending Section 2 thereof to hereafter read:

Section 2.

A. Water shall be provided to all applicants entitled to services upon application for service made on the city's standard application or contract form and shall be signed by the customer who shall be either the owner or the person entitled to possession of the premises, legally liable for payment and accepted by the city before service shall be supplied by the city.

B. A lien is hereby imposed on the property for which service is supplied for any delinquent bills for municipal utility service to the property in accordance with Section 552.0025, Local Government Code, as it now reads or as it may hereafter be amended. Provided no lien shall attach to any homestead as protected by the Texas Constitution. No lien shall apply to bills for service connected in a tenant's name after notice by the property owner to the City that the property is rental property. The lien shall not apply to bills for service connected in a tenant's name prior to the effective date of this Ordinance.

C. The lien provided herein shall be perfected by recording in the real property records of San Patricio County, Texas a notice of lien containing a legal description of the property, the utility account number and the amount of delinquency including penalties, interest and collection costs. **The City's lien is a privileged lien subordinate only to the tax liens and all previously recorded bona fide Mortgage liens attached to the real property to which the City's lien attaches and interest accruing at the rate of ten (10) percent per annum on the amount due. The lien shall be extinguished if the owner reimburses the City for the total amount due.**

Section 2. The following language shall be included on the City's standard application or contract form as provided by Section 4, Ordinance No. 2006-02:

“A lien may be imposed on the property receiving utility service for any delinquent bill for such service.”

Section 3. In the event any part of this Ordinance is held invalid or unconstitutional for any reason whatsoever, the remainder shall be in full force and effect, it being the intent of the City Council to enact each part of this Ordinance separately and without regard to the remainder.

Section 4. The caption of this Ordinance shall be published one time in the official newspaper and this Ordinance shall be effective upon such publication.

PASSED AND APPROVED this the _____ day of September, 2009.

INGLESIDE ON THE BAY

Howard Gillespie
Mayor

ATTEST:

Diane Hosea
City Secretary