

**ORDINANCE NO. 5417**

**AN ORDINANCE OF THE CITY OF DENISON, TEXAS, AMENDING CHAPTER 26, "UTILITIES", ARTICLE V, "WATER AND SEWER USE FEES AND CHARGES", SECTION 26-245, "FEE REQUIRED PRIOR TO COMMENCEMENT OF SERVICE", OF THE CODE OF ORDINANCES OF THE CITY, TO CONFORM WITH THE COMPREHENSIVE FEE SCHEDULE; PROVIDING A PENALTY OF UP TO \$2,000 PER VIOLATION; FINDING THAT THE MEETING AT WHICH THIS ORIDNANCE WAS ADOPTED WAS LAWFULLY HELD IN ACCORDANCE WITH THE TEXAS OPEN MEETINGS ACT; PROVIDING REPEALING, SEVERABILITY, AND SAVINGS CLAUSES; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Denison, Texas (hereinafter referred to as "City") is a Home Rule Municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

**WHEREAS**, Chapter 26, Article V, Section 26-236, of the City Code of Ordinances, provides that the City Council shall from time to time establish rates and charges for water and sewer service; and

**WHEREAS**, the City Council adopts a Comprehensive Fee Schedule yearly, which includes a connection fee and security deposit required to be paid by all customers prior to commencement of water service by the City, under Chapter 26, Article V, Section 26-245; and

**WHEREAS**, the City Council has determined that Section 26-245 must be amended to reflect changes made to the Comprehensive Fee Schedule.

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

**SECTION 1. Findings Incorporated.** The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein, are found to be true, and are adopted a legislative findings of the City Council.

**SECTION 2. Section 26-245 Amended.** Chapter 26, "Utilities", Article V, "Water and Sewer Use Fees and Charges", Section 26-245, "Fee required prior to commencement of service", of the Code of Ordinances, is hereby amended in its entirety, as follows (removal of the text marked by strikethrough; additional text marked by underline):

**Sec. 26-245. – Fee required prior to commencement of service.**

There is hereby established a connection fee, as set forth in the City of Denison's Comprehensive Fee Schedule, ~~in the amount of twenty-five dollars (\$25.00)~~ which shall be paid prior to commencement of water service by the city. This connection fee shall not be refunded and shall represent the cost of establishing utility services

and of setting up accounting and billing records for a customer. Applicants for water service shall be required to provide acceptable proof of identity. Each such customer, residential or commercial, shall be charged a security deposit in addition to all other fees set forth, as set forth in the City of Denison's Comprehensive Fee Schedule. ~~as follows:~~

(1) ~~Single family residential customers~~ \$50.00

(2) ~~All other customers~~ 100.00

Under no circumstances shall water service be provided to any person or firm with a previously unpaid account on the records.

**SECTION 3. Severability.** Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, phrase or word thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases and words be declared unconstitutional or invalid.

**SECTION 4. Savings/Repealing Clause.** All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

**SECTION 5. Penalty.** Any person, firm, entity or corporation who violates any provision of this Ordinance, as it exists or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined in a sum not exceeding Two Thousand and No/100 Dollars (\$2,000.00). Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state, and federal law.

**SECTION 6. Publication and Effective Date.** This Ordinance shall become effective immediately upon its adoption and its publication as required by law.

**SECTION 7. Open Meeting.** That it is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

PASSED AND APPROVED BY THE CITY COUNCIL ON THE 6<sup>th</sup> DAY OF OCTOBER 2025.



Robert Crawley, MAYOR

ATTEST:



Christine Wallentine, City Clerk

