

ORDINANCE NO. 3440

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 16 OF THE CODE OF THE CITY OF MESQUITE BY ADDING A NEW SECTION 16-11 THEREBY PROVIDING FOR THE IMPOSITION OF A LIEN ON AN OWNER'S PROPERTY, OTHER THAN HOMESTEAD OR RENTAL PROPERTY, AFTER NOTICE FOR DELINQUENT BILLS FOR WATER UTILITY SERVICE TO THE PROPERTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, Section 402.0025 of the Texas Local Government Code gives municipalities authority by ordinance to impose a lien on certain owner's property for delinquent bills for utility service to the property; and

WHEREAS, the City of Mesquite provides water utility service to properties within the City and experiences owners being delinquent on payment of bills; and

WHEREAS, the City Council believes it is in the best interest of the citizens of Mesquite to have the ability to impose a lien on eligible properties as a means of securing payment of such delinquent bills.

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

SECTION 1. That Chapter 16 of the Code of the City of Mesquite is hereby amended by adding a new Section 16-11 to read as follows, in all other respects said Code and Chapter to remain in full force and effect.

**Chapter 16**

**WATER AND LIQUID WASTE**

**ARTICLE I. In General**

**Sec. 16-11. Water lien authorized.**

- (a) When delinquent charges imposed by this article for utility service remain unpaid, the Director of Finance may impose a lien against the real property to which such service was delivered. The lien shall include and secure the delinquent charges, penalties, interest and collection costs. The Director of Finance shall perfect the lien by filing a notice of lien containing a legal description of the property and the utility account number for the delinquent charges in the real property records of the county in which the property is located.
- (b) The lien authorized in this section shall not apply to bills for service connected in a tenant's name after notice by the property owner to the municipality that the property is rental property.

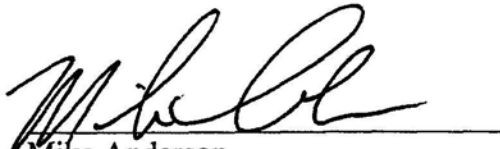
- (c) The lien authorized by this section shall not apply to homestead property as protected by the Texas Constitution.
- (d) The lien authorized in this section is superior to all liens except a bona fide mortgage lien that is recorded before the recording of the city's utility lien in the real property records of the county where the property is located.

SECTION 2. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and remain in full force and effect.

SECTION 3. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

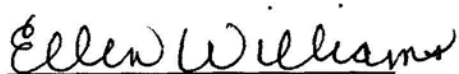
SECTION 4. That the present ordinances of the City of Mesquite are inadequate to provide for securing payment of delinquent utility bills creates an urgency and an emergency for the preservation of the public health, safety and welfare and requires that this ordinance shall take effect immediately from and after its passage.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on this the 20th day of August, 2001.



Mike Anderson  
Mayor

ATTEST:



Ellen Williams  
City Secretary

APPROVED:



B. J. Smith  
City Attorney