

Ordinance No. 2024-05
Village of Salado
County of Bell
June 6, 2024

ORDINANCE NO. 2024-05

AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS, PROVIDING FOR THE IMPOSITION OF A LIEN ON AN OWNER'S PROPERTY, OTHER THAN HOMESTEAD OR RENTAL PROPERTY, AFTER NOTICE FOR DELINQUENT BILLS FOR UTILITY SERVICE TO THE PROPERTY: FINDINGS OF FACT; EFFECTIVE DATE; REPEALER; SEVERABILITY CLAUSE; AND PROPER NOTICE AND MEETING.

WHEREAS, pursuant to Texas Local Government Code § 51.032, the Board of Aldermen (the "Board") of the Village of Salado, Texas (the "Village") is authorized by law to adopt an ordinance, not inconsistent with state law, that it considers proper for the government of the Village and is necessary or proper for carrying out a power granted by law to the Village; and

WHEREAS, Section 552.0025 of the Texas Local Government Code gives municipalities the authority by ordinance to impose a lien on certain property for delinquent bills for municipal utility service to certain property; and

WHEREAS, the Board of Aldermen (the "Board") of the Village has determined that it is in the best interest of the citizens of the Village to have the ability to impose a lien on eligible properties as a means of securing payment for delinquent bills for utility services; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, TEXAS:

SECTION I. ENACTMENT PROVISIONS

- A. Findings of Fact:** All of the above premises are hereby found to be true and correct legislative and factual findings of the Village of Salado and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.
- B. Popular Name:** This Ordinance shall be commonly referred to as "The Lien for Delinquent Utility Services Bills Ordinance."
- C. Scope:** This Ordinance, and the rules and regulations adopted herein, shall apply generally within the Village limits.
- D. Effective Date:** This Ordinance shall take effect immediately upon passage and publication.

SECTION II. ADOPTION

Ordinance No. 2024-05 is hereby adopted as follows:

1. When delinquent charges imposed by this article for any utility services provided by the Village remain unpaid, the Village Administrator may impose or authorize the imposition of a lien against the real property to which service is being provided, or intended to be provided. The lien shall include and secure any delinquent charges, penalties, interest, and collection costs. The Village Administrator shall perfect or authorize the perfection of 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.
2. 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.
3. The lien authorized by this Ordinance shall not apply to homestead property protected by the Texas Constitution.
4. The lien authorized in this Ordinance is superior to all liens except for a bona fide mortgage lien that is recorded before the recording of the Village's utility lien in the real property records of the county where the property is located.

SECTION III. SAVINGS CLAUSE

The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the Village under any section or provisions of any ordinances at the time of passage of this ordinance.

SECTION IV. SEVERABILITY CLAUSE

If any provision, section, sentence, clause or phrase of this Ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this Ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the Board of Aldermen of the Village of Salado in adopting, and of the Mayor in approving this Ordinance, that no portion thereof or provision or regulation contained herein shall be come inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

SECTION V. REPEALER CLAUSE

The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is

apparent. This Ordinance shall not be construed to require or allow any act which is prohibited by any other Ordinance.

SECTION VI. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION VII. NOTICE AND MEETING CLAUSE

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION VIII. PUBLICATION

This Ordinance shall become effective immediately upon the date of its publication as required by Section 52.011 of the Texas Local Government Code. The Village Secretary is hereby directed to cause the caption of this Ordinance to be published in the manner required by law.

PASSED AND APPROVED on SECOND READING this, the 6 day of June, 2024, by a vote of 4 (ayes) to 0 (nays) and 0 abstentions vote of the Board of Aldermen of the Village of Salado, Texas.


Bert Henry, Mayor

ATTEST:


Debra Bean, Village Secretary

Approved to Form:

Josh Katz, Village Attorney