

ORDINANCE NO. 2225

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, FIXING WATER RATES, CUSTOMER METER DEPOSITS AND POLICY FOR BILLING AND COLLECTION; BY REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; BY PROVIDING FOR A SEVERABILITY CLAUSE; BY PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED (\$200.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

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

SECTION 1. Water Rates - Effective October 1, 1985 the water rates to be charged and collected by the City of Mesquite, Texas, from all customers obtaining service from said Waterworks System of said City, shall be and are hereby fixed as set forth below:

First 1,000 gallons (minimum monthly charge)	\$3.50
Next 9,000 gallons . . . . .	1.00 per 1,000 gals.
Over 10,000 gallons . . . . .	.85 per 1,000 gals.

Apartment complexes with more than one unit are billed by dividing the total number of gallons consumed by the number of units in the apartment complex and computing the bill as though each unit was a separate residence using the average number of gallons.

SECTION 2. Deposits for Service - That a deposit shall be made at the time of making application for water service, the minimum amount of which shall be as follows:

Residential . . . . .	\$25.00
Commercial . . . . .	35.00 or three months estimated water utility bill whichever is larger

Commercial customers whose deposit is calculated to be Two Hundred Fifty Dollars (\$250.00), or larger, may elect to place a Surety Bond with the City in lieu of a Cash Bond. The surety company must be authorized to do business in Dallas County, Texas. An assignment of a savings account may be made in lieu of a cash or surety deposit.

Residential and Commercial customers must provide identification of the person in whose name the service is to be billed by supplying a drivers license number or other identification showing proof of name.

(a) Additional Deposits - Residential - When and if it is found that the deposit required, and as collected according to the above schedule, is not sufficient to protect the City from losses, and it becomes necessary to disconnect service to any customer because of non-payment of his water-utility bill, the City shall require an additional deposit of Seven Dollars and Fifty Cents (\$7.50), up to a maximum deposit of Seventy Five Dollars (\$75.00) or three months estimated water-utility bill whichever is larger, before water service is reconnected. Non-payment of a customer's water charge occurs when a two-month bill is not paid on the due date specified on the water-utility bill as defined in Section 3 of this ordinance.

(b) Additional Deposits - Commercial - When and if it is found that the deposit required, and as collected according to the above schedule, is not sufficient to protect the City from losses, and it becomes necessary to disconnect service to any customer because of non-payment of his water-utility bill, the City shall require an additional deposit of Ten Dollars (\$10.00), up to a maximum deposit of Seventy Five Dollars (\$75.00) or three months estimated water-utility bill whichever is larger, before water service is reconnected. Non-payment of a customer's water charge occurs when a two-month bill is not paid on the due date specified on the water-utility bill as defined in Section 3 of this ordinance.

(c) Deficient Deposits - Commercial - When and if it is found that a commercial customer was connected for water-utility service before the deposit requirement of three months estimated water-utility bill was in effect, and that commercial customer is two months past due three times in a one-year period, the commercial customer shall be required to place additional deposit or surety bond great enough to equal three months estimated water-utility bill.

(d) Customer Returning to the City - Residential or Commercial - When and if a customer has previously lived in Mesquite and had City water-utility services and applies to have water-utility service again, the following conditions must be met before water service will be connected:

- (1) Identification must be provided of the person in whose name the service is to be billed by supplying a drivers license number or other identification showing proof of name.
- (2) All unpaid bills on the customer's previous accounts must be paid.
- (3) The amount of deposit required will be the same amount as the customer had when service was disconnected at the previous address, or the deposit must be enough to equal the amount of unpaid bills that the customer had outstanding, whichever is greater.

(e) Builder's Deposit - When and if a builder is in the process of constructing a residential house, a deposit of Five Dollars (\$5.00) per house being constructed is required. For each commercial establishment being constructed, the builder is required to place a deposit of Fifteen Dollars (\$15.00).

(f) Fire Hydrant Meter Deposit - When and if a customer requests that a meter be placed on a fire hydrant, the customer is required to place a deposit of Three Hundred Fifty Dollars (\$350.00). Requests for such fire hydrant meters are usually made by paving contractors and others that do not have a regular meter from which to obtain City water.

SECTION 3. Billing and Collection Procedure - The meter for each water utility customer shall be read monthly, and the customer shall be billed for the water used since the last previous meter reading. There shall be a period of ten days from the billing date within which time the customer may pay the actual (net) amount of his bill.

If the bill is not paid by the due date as set out on the face of the bill, a penalty of ten (10%) percent is added, and the gross amount is then due. Should any customer's bill remain unpaid on the billing date for the next month's bill, the unpaid amount will appear on the bill as being in "previous balance". The customer shall receive a written notice stating that the total amount of the bill (shown as net amount) shall be due and payable within ten days from the billing date, and that if not paid within ten days, water service shall be disconnected.

If the water service is disconnected, the customer must pay the total bill due, plus an additional deposit according to Section 2 (a) or (b) above, plus a reconnection fee before water service will be reconnected. The reconnection fee is as follows:

8:00 a.m. to 5:00 p.m. Monday through Friday	\$ 5.00
After 5:00 p.m. or on weekends and holidays	\$ 10.00

If the customer pays the Customer Serviceman when he goes to the house or business to disconnect the service for nonpayment, the customer must pay the total bill due plus the additional deposit according to Section 2 (a) or (b) above plus a service fee of Three Dollars (\$3.00).

A service charge of Five Dollars (\$5.00) will also be charged for each service call that a Customer Serviceman makes to a customer that has been disconnected for non-payment when a customer reconnects his water service himself without paying the total amount due or if a customer has moved into a house and turned the water on without placing a deposit with the City.

A service charge of Ten Dollars (\$10.00) will be charged if a meter has been removed for non-payment of a water-utility bill.

A service of Fifty Dollars (\$50.00) will be charged when a jumper is removed.

Water may be turned on for cleaning purposes for ten days with an advance payment of Five Dollars (\$5.00).

When and if a customer pays his water-utility bill by check and the customer's bank will not honor the check, the check is returned to the City and written notice is mailed to the customer giving five (5) days in which to redeem the check. If the returned check is not redeemed by the customer by 3:00 p.m. on the fifth (5th) day, the customer's service shall be disconnected. The requirements for an additional deposit as stated in Section 2 (a) or (b) above plus the reconnection fee as stated in paragraph 3 of this section must be paid before the customer's water service is reconnected.

A service charge of \$5.00 will be charged each time a check is returned from the bank.

SECTION 4. That all ordinances of the City of Mesquite in conflict with the provisions of this ordinance be, and the same are hereby repealed. To the extent that such ordinances or portions thereof not in conflict herewith, the same shall remain in full force and effect.

SECTION 5. That should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal, or unconstitutional and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Hundred (\$200.00) Dollars for each offense.

SECTION 7. Whereas, the water-utility rates, meter deposits and policy for billing and collection are inadequate and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this

00297

ORDINANCE/PAGE 5


ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas on the 16th day of September A.D., 1985.

  
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Mrs. Brunhilde Nystrom  
Mayor

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Lynn Prugel  
City Secretary

\_\_\_\_\_  
Elland Archer  
City Attorney

00298

