

ORDINANCE NO. 3525

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 16 OF THE CODE OF THE CITY OF MESQUITE BY DELETING SECTIONS 16-1 THROUGH 16-4 IN THEIR ENTIRETY AND ADDING NEW SECTIONS 16-1 THROUGH 16-4 THEREBY AMENDING THE RATES CHARGED FOR SERVICES PROVIDED BY THE WATER DEPARTMENT OF THE CITY OF MESQUITE; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

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 deleting Sections 16-1 through 16-4 in their entirety and adding new Sections 16-1 through 16-4 to read as follows, in all other respects said Code and Chapter to remain in full force and effect:

CHAPTER 16

ARTICLE I. IN GENERAL

Sec. 16-1. Water rates.

The water rates to be charged and collected by the City from all customers obtaining service from the waterworks system of the City shall be and are hereby fixed as set forth below:

Residential water rates

Minimum – 1,000 gallons (minimum monthly charge).....	\$4.65
All over 1,000 gallons per 1,000 gallons.....	\$2.30

Commercial and industrial water rates

Minimum – 1,000 gallons.....	\$4.65
All over 1,000 gallons per 1,000 gallons.....	\$2.30

Apartment water rates

Minimum – 1,000 gallons.....	\$3.50
All over 1,000 gallons per 1,000 gallons.....	\$2.30

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.

Sec. 16-2. Deposits for service.

A deposit shall be made at the time of making application for water service and must remain in force as long as the customer is receiving service, the minimum amount of which shall be as follows:

- (1) *Initial deposit and requirements.*
 - a. Residential: Fifty dollars (\$50.00).
 - b. Commercial: Thirty-five dollars (\$35.00) or three (3) months' estimated water utility bill, whichever is larger.
 - c. This deposit shall remain in effect at all times until service is terminated.

Commercial customers whose deposits are calculated to be two hundred fifty dollars (\$250.00) or larger may elect to place a surety bond or an irrevocable letter of credit or may execute an assignment of a savings account to the City in lieu of a cash bond. Any surety bond, letter of credit or assignment of a savings account must be in a form and format approved by the City. The company writing the surety bond must be authorized to do business in Dallas County. If a commercial customer's deposit that is placed in the form of a surety bond, letter of credit or savings account expires or is cancelled for any reason, such deposit must be replaced within thirty (30) days of notice of such expiration or cancellation.

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

- (2) *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 nonpayment of his water utility bill, the City shall require an additional minimum deposit of seven dollars and fifty cents (\$7.50) up to a maximum deposit of seventy-five dollars (\$75.00) or three (3) months' estimated water utility bill, whichever is larger, before water service is reconnected. Nonpayment 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 16-3.
- (3) *Same – 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 nonpayment of his water utility bill, the City shall require an additional minimum deposit of ten dollars (\$10.00) up to a maximum deposit of seventy-five dollars (\$75.00) or three (3) months' estimated water utility bill, whichever is larger, before water service is reconnected. Nonpayment 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 16-3.

- (4) *Deficient deposits, commercial.* When and if it is found that a commercial customer's deposit is insufficient to cover three (3) months' estimated water utility bill and that the commercial customer is two (2) months' past due three (3) times in a one-year period, the commercial customer shall be required to place additional deposit, surety bond, irrevocable letter of credit or assignment of a savings account, great enough to equal three (3) months' estimated water utility bill.
- (5) *Additional construction on a commercial customer's property.* When construction occurs on commercial property that is expected to cause additional consumption to occur, the customer's deposit requirement may be recalculated and increased sufficient to cover an estimated three-month water utility bill. Such additional deposit must be furnished to the City within thirty (30) days of recalculation by the City and may be placed in any allowable form described in Section 16-2(1). Failure to furnish such increased deposit shall result in the disconnection of the customer's water service as provided in Section 16-4.
- (6) *Customer returning to City, residential or commercial.* When and if a customer has previously lived in Mesquite and had city water utility service and applies to have water utility service again, the following conditions must be met before water service will be connected:
 - a. Identification must be provided of the person in whose name the service is to be billed by supplying a driver's license number or other identification showing proof of name;
 - b. All unpaid bills on the customer's previous account must be paid; and
 - c. The amount of deposit required will be 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.
- (7) *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).

- (8) *Fire hydrant meter deposit.* Customers requesting a meter be placed on a fire hydrant shall be required to pay a deposit of seven hundred dollars (\$700.00).

Sec. 16-3. Billing and collection procedure.

(a) 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 fifteen (15) days from the billing date within which time the customer may pay the actual (net) amount of his bill.

(b) 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 fifteen (15) days from the billing date, and that if not paid within fifteen (15) days, water service shall be disconnected.

(c) If the water service is disconnected, the customer must pay the total bill due plus an additional deposit according to Section 16-2(2) or (3) above plus a reconnection fee before water service will be reconnected. The reconnection fee is as follows:

- (1) 7:00 a.m. to 6:00 p.m. Monday through Friday..... \$20.00
- (2) After 6:00 p.m. or on weekends and holidays..... \$25.00

(d) If the customer pays the water services representative 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 16-2(2) or (3) above plus a service fee of five dollars (\$5.00).

(e) A service charge of ten dollars (\$10.00) will also be charged for each service call that a water services representative makes to a customer that has been disconnected for nonpayment 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.

(f) A service charge of twenty-five dollars (\$25.00) will be charged if a meter has been removed for nonpayment of a water utility bill.

(g) A service charge of fifty dollars (\$50.00) will be charged when a jumper is removed.

(h) Water may be turned on for cleaning purposes for ten (10) days with an advance payment of seven dollars and fifty cents (\$7.50).

(i) 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 8:00 p.m. on the fifth day, the customer's service shall be disconnected. The requirements for an additional deposit, as stated in Section 16-2(2) or (3) above, plus the reconnection fee as stated in subsection (c) of this section must be paid before the customer's water service is reconnected.

(j) A service charge of ten dollars (\$10.00) will be charged for a transfer of service within Mesquite.

(k) A service charge as provided in Chapter 1 of this Code will be charged each time a check is returned from the bank.

Sec. 16-4. Disconnection of service upon failure to pay bills generally; failure to place a required service deposit, additional deposit or replace an expired or cancelled deposit; repeated discharge of prohibited waste; and failure to comply with backflow and cross-connection requirements.

The following shall be sufficient cause to disconnect any and all services to the water or sanitary sewer mains of the City of Mesquite:

- (1) Failure to pay when due monthly bills for water or sanitary sewer services including any applicable penalties and charges imposed for failing to pay such services on time;
- (2) Failure to maintain a service deposit calculated under Section 16-2;
- (3) Failure to pay the established sewer charge for industrial waste when due including any surcharge for industrial waste discharged to the sanitary sewer mains as established in Section 16-91;
- (4) Repeated discharge of prohibited waste to the sanitary sewer; and
- (5) Failure to install, test or maintain backflow preventors or comply with any other requirements as set forth in Chapter 5, Article VI, Division 5.5, relating to backflow and cross-connection provisions.

SECTION 2. 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 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 4. That the present water rates charged for services provided by the City of Mesquite are inadequate requires the adoption of new rates and 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 and publication of said ordinance, as the law in such cases provides.

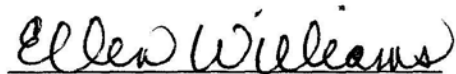
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 16th day of September, 2002.



Mike Anderson
Mayor

ATTEST:

APPROVED:



Ellen Williams
City Secretary



B. J. Smith
City Attorney