

ORDINANCE NO. 089-002

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 18, UTILITIES, OF THE CODE OF ORDINANCES, TOWN OF ADDISON, TEXAS, ESTABLISHING WATER RATES; ADDING DEFINITIONS; PROVIDING FOR CUSTOMER DISPUTE PROCEDURES; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. That Section 18-77 of the Code of Ordinances, Town of Addison, Texas, is hereby amended to read as follows:

Sec. 18-77. Water rates.

The Customer classifications, minimum bills, and consumption charges shall be as follows:

Minimum monthly bills shall be applied to all Customers based upon Customer classification and shall include an allowance for volume based upon water consumed as follows:

<u>Customer Classification</u>	<u>Minimum Monthly Bill</u>	<u>Volume Included</u>
Single family Residential	\$ 8.10	2,000 gallons
Multi-Family Residential	48.95	15,000 gallons
Municipal/Schools	64.50	20,000 gallons
Commercial Large (meter size greater than or equal to two inches)	118.55	37,000 gallons
Commercial Small (meter size less than two inches)	11.50	3,000 gallons
Industrial Large (meter size greater than or equal to two inches)	259.45	80,000 gallons
Industrial Small (meter size		

less than two inches)	10.50	3,000 gallons
Hotel/Motel	260.10	80,000 gallons
Sprinkler Large (meter size greater than or equal to two inches)	81.45	27,000 gallons
Sprinkler Small (meter size less than two inches)	16.80	5,000 gallons
Fire Meters	26.60	8,000 gallons

All volume which exceeds the amount allowed in the minimum bill will be charged at a rate of \$1.62 per 1,000 gallons of water consumed for all Customer classifications.

SECTION 2. That Section 18-79 of the Code of Ordinances, Town of Addison, Texas, is hereby amended to delete the Sprinkler Meter Classification and to add the following definitions to read as follows:

Sprinkler Large Classification: Accounts which have meters two inches or greater in size and have been established for the sole purpose of providing water for irrigation of lawns and landscaped areas.

Sprinkler Small Classification: Accounts which have meters less than two inches in size and have been established for the sole purpose of providing water for irrigation of lawns and landscaped areas.

SECTION 3. That Section 18-80.2 of the Code of Ordinances, Town of Addison, Texas, is hereby amended to read as follows:

Sec. 18-80-2. Customer dispute.

(a) At any time before the date of termination of Service for nonpayment of the amount(s) shown on a utility bill, a notice of rejection or a notice of termination, a Customer may dispute the correctness of all or part of the amount(s) shown in accordance with the provisions of this Ordinance. A Customer shall be entitled to dispute the correctness of all or part of the amount(s) if all or part of the amount(s) was (were) the subject of a previous dispute under this section.

(b) The procedure for Customer disputes shall be as follows:

(1) Before the date of termination, the Customer shall notify the Director, orally or in writing, that he disputes all or part of the amount(s) shown on a utility bill, a notice of rejection or a notice of termination, stating as completely as possible the basis for the dispute.

(2) If the Director determines that the present dispute is untimely or that the Customer previously disputed the correctness of all or part of the amount(s) shown, the Director shall mail to the Customer a notice stating that the present dispute is untimely or invalid. The Director shall then proceed as if the Customer had not notified him of the present dispute.

(3) If the Director determines that the present dispute is not untimely or invalid under this section, the Director, within three (3) days after receipt of the Customer's notice, shall arrange an informal meeting between the Customer and himself or a designee.

(4) Based on the Department's records, the Customer's allegations and all other relevant materials available to the Director, he shall resolve the dispute, attempting to do so in a manner satisfactory to both the City and the Customer

(5) Within five (5) days of completion of the meeting, the Director shall mail to the Customer a copy of his decision resolving the dispute.

(6) If the decision is unsatisfactory to the Customer, the Customer, within five (5) days of receipt of the Director's decision, may request, in writing, a formal hearing before the City Manager.

(7) The formal hearing before the City Manager shall be held within ten (10) days of the City's receipt of the Customer's written request.

(8) At the hearing the Director and the Customer shall be entitled to present all evidence that is, in the City Manager's view, relevant and material to the dispute, and to examine and cross-examine witnesses. A tape-recorded (or at the option of the City Manager, a stenographic) record of the hearing may be maintained.

(9) Based on the record established at hearing, the City Manager, within five (5) days of the completion of

the hearing shall issue his written decision formally resolving the dispute. His decision shall be final and binding on the City and the Customer.

(c) Utilization of this dispute procedure shall not relieve a Customer of his obligation to timely and completely pay all other undisputed utility charges and/or installments and surcharges, and the undisputed portion(s) of the amount(s) which is (are) the subject of the present dispute. Notwithstanding subsection (d), failure to timely and completely pay all such undisputed amounts shall subject the customer to termination of service in accordance with the provisions of this Ordinance.

(d) Until the date of the City Manager's or the Director's decision, whichever is later, the Director shall not terminate the service of this Customer and shall not issue a notice of termination to him solely for nonpayment of the disputed amount(s). If it is determined that the customer must pay some or all of the disputed amount(s), the Director shall promptly mail to, or personally serve upon the customer a notice of termination as provided in section 18-80.3.

SECTION 4. That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance 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 be 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 thereof other than the part so decided to be invalid, illegal, or unconstitutional.

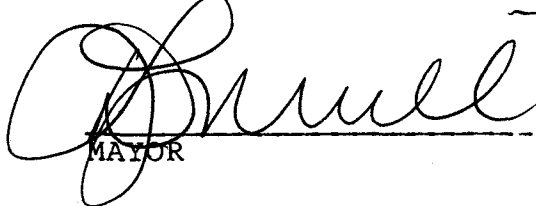
SECTION 6. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a

misdemeanor and, upon conviction, shall be punished by a penalty of fine only not to exceed the sum of Four hundred Dollars (\$400.00) for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

SECTION 7. The fact that the present code of Ordinances does not provide for water rates and customer disputes and therefore is inadequate to properly safeguard the general public health and safety, creates an emergency and an imperative public necessity, and the ordinance shall take effect and be in force from and after its adoption.

DULY PASSED by the City Council of the Town of Addison, Texas, this the 10th day of January, 1989.

APPROVED:


MAYOR

ATTEST:


CITY SECRETARY

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