

ORDINANCE NO. 2021-046

An Ordinance amending the Code of Ordinances of the City of Pasadena, Texas at Chapter 37, Water, Sewers and Sewage Disposal, by amending Section 37-46 - Miscellaneous water service charges, and adding subsection (e) Water Leak Adjustment, for adjustment of utility bill due to leak in customer's water line; providing a repealing clause; providing a savings clause; providing for severability; and providing a penalty.

WHEREAS, the City of Pasadena, Texas office of water billing intends to implement a policy and procedure for the property owners of Pasadena allowing a utility customer of the City of Pasadena, Texas to request an adjustment to their water bill when due to a leak in the customer's water line caused by freezing weather, settlement, corrosion, wear or accident and made pursuant to the requirements of this ordinance. NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PASADENA:

SECTION 1. That the Code of Ordinances of the City of Pasadena, Texas is hereby amended to provide for the following, concerning the adjustment of the water bill due to leak in customers water line at Chapter 37, Water, Sewers and Sewage Disposal, by amending Section 37-46 Miscellaneous water service charges, and adding subsection (e) Water Leak Adjustment, for adjustment of utility bill due to leak in customer's water line, to hereafter read as follows:

## **Sec. 37-46. - Miscellaneous water service charges.**

### **Subsection (e) Water Leak Adjustment**

1. A leak on the customer's side of the meter is considered a private matter and is the responsibility of the property owner to repair.
2. Water bill leak adjustments by the City are not required to be granted and may be provided in the discretion of the City of Pasadena and is subject to an allowance of 50% of the excess amount above normal usage calculated at a reduced rate.
3. Any request for adjustment to water bill due to a leak and loss of water caused by freezing weather, settlement, corrosion, wear or accident shall not be for a period exceeding three consecutive months.
4. Customer may apply for no more than two such adjustments in any twelve-month period for any one account.
5. In order to apply for adjustment, the customer must file a sworn written statement with the City water department on the form provided, within six months of the repair of the water line that includes the following;
  - a. Name, address and account number of the customer requesting the adjustment to their water bill due to leak.
  - b. Duplicate originals (copies) of the water bills sought to be corrected.
  - c. The date(s) on which the water line leak was first discovered and the date that it was repaired.
  - d. The statement that water was lost through the City water meter and that such water was not used by anyone else.
  - e. The statement that documentation is submitted detailing the nature and date of repairs to the customer's water line.

f. The customer making the request for leak adjustment must clearly indicate any additional water consuming devices placed in use on the customer's

premises during the period covered by the water bill.

g. The statement that, in all cases, the City retains the right to make field verifications before approving leak adjustments.

h. The statement of the customer's written certification that the statements in the request for leak adjustment are made based upon personal knowledge; sworn to be true and correct; and shall be subject to criminal prosecution for any false statements made in the request for leak adjustment document submitted to the City.

i. That the customer's sworn statement for leak adjustment is made for the purpose of inducing the City to grant a reduction in the amount of the water bill for which the adjustment is requested.

SECTION 2. That the amendment to Chapter 37 caused by this ordinance and described herein shall become effective upon final reading.

SECTION 3. That all other terms and provisions of such Chapter, except as amended, shall remain in full force and effect.

SECTION 4. That all ordinances in force when this Ordinance becomes effective which are inconsistent with, or in conflict with this Ordinance are hereby expressly repealed insofar as said ordinances are inconsistent with or are in conflict with this Ordinance.

SECTION 5. That all rights and remedies which have accrued in favor of the City under this Chapter and amendments thereto shall be and are preserved for the benefit of the City.

SECTION 6. That the City Council of the City of Pasadena, Texas does hereby declare that if any Section, subsection, paragraph, sentence, clause, phrase, word or portion of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the City Council would have passed and ordained any and all remaining portions of this Ordinance without the inclusion of that portion or portions which may be so found to be unconstitutional or invalid, and declares that its intent is to make no portion of this Ordinance dependent upon the validity of any other portion thereof, and that all said remaining portions shall continue in full force and effect.

SECTION 7. That it shall be unlawful and a misdemeanor to violate any provision or requirement hereof and any person convicted of violating any provision, restriction, requirement, or prohibition of this Chapter shall be fined in a sum of not more than Five Hundred Dollars (\$500.00) for each violation. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION 8. That the City Council officially determines that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place

convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further confirms such written notice and the contents and posting thereof.

(SIGNATURE AND APPROVAL - NEXT PAGE)

PASSED ON FIRST READING by the City Council of the City of  
Pasadena, Texas in regular meeting in the City Hall this the  
\_\_\_\_\_ day of \_\_\_\_\_, A.D., 2021.

APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2021.

\_\_\_\_\_  
JEFF A. WAGNER, MAYOR  
OF THE CITY OF PASADENA, TEXAS

ATTEST:

APPROVED:

\_\_\_\_\_  
LINDA RORICK  
CITY SECRETARY  
CITY OF PASADENA, TEXAS

\_\_\_\_\_  
JAY W. DALE  
CITY ATTORNEY  
CITY OF PASADENA, TEXAS

PASSED ON SECOND AND FINAL READING by the City Council of the  
City of Pasadena, Texas in regular meeting in the City Hall  
this the \_\_\_\_\_ day of \_\_\_\_\_, A. D., 2021.

APPROVED this the \_16\_\_\_\_\_ day of \_\_\_\_\_March\_\_\_\_\_, A.D.,  
2021.

\_\_\_\_\_  
JEFF A. WAGNER, MAYOR  
OF THE CITY OF PASADENA, TEXAS

ATTEST:

APPROVED:

\_\_\_\_\_  
LINDA RORICK  
CITY SECRETARY  
CITY OF PASADENA, TEXAS

\_\_\_\_\_  
JAY W. DALE  
CITY ATTORNEY  
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