

ORDINANCE NO. 2015-9718

AN ORDINANCE AMENDING CHAPTER 52 ENTITLED "WATER AND SEWER RATES" OF THE CODE OF CIVIL AND CRIMINAL ORDINANCES OF THE CITY OF IRVING, TEXAS, PROVIDING FOR NEW MONTHLY WATER AND SEWER RATES; PROVIDING AN EFFECTIVE DATE; AND PROVIDING A SEVERABILITY CLAUSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS:

SECTION 1. That Section 52-1 of Chapter 52 of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, is hereby amended to read as follows:

**Sec. 52-1. Monthly water rates.**

The following monthly rates are hereby established and shall be collected for water services furnished through the facilities of the City of Irving:

- (1) *Monthly service charge for residential, apartment, commercial, industrial, and large industrial customers.*<sup>1</sup>

The following monthly service charges for residential, apartment, commercial, industrial, and large industrial customers, based on meter size, include the first three thousand (3,000) gallons of consumption:

5/8" meter.....	\$ 10.03
3/4" meter.....	10.03
1" meter.....	12.16
1 1/2" meter.....	17.05
2" meter.....	24.07
3" meter.....	38.75
4" meter.....	54.24
6" meter.....	94.86
8" meter.....	119.80
10" meter.....	174.14
12" meter.....	259.30

- (2) *Monthly service charge for private fire lines.*

The following monthly service charge for private fire line, based on private fire line size, includes the first three thousand (3,000) gallons of consumption:

3/4" line.....	\$ 10.03
1" line.....	12.16
1 1/2" line.....	17.05
2" line.....	24.07
3" line.....	38.75
4" line.....	54.24
6" line.....	94.86

8" line .....	119.80
10" line .....	174.14
12" line .....	259.30

(3) *Monthly usage charge.*<sup>2</sup>

a. Residential water rates:

Next 7,000 gallons of water, per 1,000 gallons .....	\$ 4.05
Next 10,000 gallons of water, per 1,000 gallons .....	4.37
All over 20,000 gallons:	
October-May consumption, per 1,000 gallons .....	\$ 4.67
June-September consumption, per 1,000 gallons.....	5.14

b. Apartment water rates:

Next 7,000 gallons of water, per 1,000 gallons .....	\$ 4.05
Next 10,000 gallons of water, per 1,000 gallons .....	4.37
All over 20,000 gallons:	
October-May consumption, per 1,000 gallons .....	\$ 4.67
June-September consumption, per 1,000 gallons.....	5.04

c. Commercial and industrial water rates:

Next 7,000 gallons of water, per 1,000 gallons .....	\$ 4.05
Next 10,000 gallons of water, per 1,000 gallons .....	4.37
All over 20,000 gallons:	
October-May consumption, per 1,000 gallons .....	\$ 4.67
June-September consumption, per 1,000 gallons.....	5.04

d. Large industrial and private fire line water rates:

All over 3,000 gallons of water, per 1,000 gallons .....	\$ 3.83
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- (4) *Customer receiving water at one (1) location through more than one (1) meter:* If the city does not have a single meter of sufficient size to meter the water volume of an apartment, commercial or industrial customer and more than one (1) meter must be used to meter the water quantity, the minimum water rate will be applied to one (1) of said multiple meters only.

Any customer receiving water service at one (1) location or complex through more than one (1) meter will receive only one (1) 20,000 gallon allowance during the summer period, June through September consumption, before the conservation rate is applied.

A large industrial customer is defined as a business which uses water in the production of a product and has an average consumption of 8 million gallons per month or greater. If the customer is receiving water service at one (1) location or complex through more than one (1) meter the total of the meters will be used for the calculation of the monthly average and the rate will apply to all meters serving the complex.

- (5) *Water used by the city for firefighting purposes will not be charged.*

<sup>1</sup>The monthly service charge includes a per meter per month regulatory fee by the Texas Commission on Environmental Quality.

<sup>2</sup>The monthly usage charge includes a percentage allocated to water treatment by and water purchases from the City of Dallas.

SECTION 2. That Section 52-3 of Chapter 52 of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, is hereby amended to read as follows:

**Sec. 52-3. Monthly sewer rates.**

The following monthly rates are hereby established and shall be collected for sewerage services furnished by the City of Irving:

- (1) *Residential and apartment user charge<sup>1</sup>*

Monthly service charge .....	\$ 5.83
Over 2,000 gallons, per 1,000 gallons .....	3.13

In addition to the monthly service charge per meter, a master-metered residential service location shall pay an amount equal to one (1) minimum monthly service charge for sewer service for each dwelling unit.

*New residential customer:*

The maximum bill shall not exceed \$35.00 per month for single-family residential service locations until a three-month average has been established as described in section 52-5.

(2) *Commercial user charge*<sup>1</sup>

Monthly service charge .....	\$29.65
Over 10,000 gallons, per 1,000 gallons .....	3.39

(3) *Industrial user charge*<sup>2</sup>

Monthly service charge .....	\$44.49
Over 15,000 gallons, per 1,000 gallons .....	3.39

<sup>1</sup>Sewer charges for each year shall be computed on the basis of the average monthly metered water consumption for January, February, and March of each year as reflected in the bills received by customers for the months of February, March, and April. Reading dates for these periods being approximately January 16 through April 15 varying year to year as actual water billing cycles occur.

The new consumption average shall become effective as to bills mailed after April 30 of each year.

The water utilities director or designee has the authority to make adjustments to customer's water and sewer bills based upon an examination of facts.

The user charge includes a percentage allocated to sewer treatment by the Trinity River Authority.

<sup>2</sup>Sewer user charge rates computed on the basis of monthly metered water sale.

The user charge includes a percentage allocated to sewer treatment by the Trinity River Authority.

SECTION 3. That Section 52-5 of Chapter 52 of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, is hereby amended to read as follows:

**Sec. 52-5. Sewer user's charge for new residential and commercial customers.**

Sewer user's charge for new residential and commercial customers shall be computed on eighty (80) percent of the actual monthly metered water sales until the three (3) winter months' average meter sales is determined, but if said computation is not reasonable according to the information available to the water utilities director or designee, said water utilities director or designee may recompute said charge using data compiled from other similarly situated type of customer.

SECTION 4. That Section 52-7 of Chapter 52 of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, is hereby amended to read as follows:

**Sec. 52-7. Deposits.**

(a) *General rule.*

- (1) Commercial and multi-family accounts must provide the city with a security deposit before receiving water service.
- (2) Other accounts, including individual residential accounts, may be required to furnish a deposit prior to receiving water service.
- (3) Security deposits shall bear no interest and will be returned when the water service is discontinued if all bills have been paid and all other obligations met.
- (4) Security deposits may be set at two (2) times the average bill for city services, unless service has been discontinued to a location for nonpayment.
- (5) When service has been discontinued due to nonpayment, the new deposit, along with all associated fees for disconnection and prior amounts due, must be received prior to the restoration of service. A deposit for water service may be adjusted to four (4) times the amount of the highest bill when service has been discontinued to that location due to nonpayment.
- (6) The minimum deposit for residential services shall be equal to two (2) times the minimum charge for city services. The minimum deposit for apartment, commercial, and industrial services shall be equal to a two (2) times the average bill or two (2) times the minimum charge, whichever of the two (2) is greatest.

New multi-family service locations shall be assessed an additional forty-five dollars (\$45.00) for each dwelling unit.

(b) *Exceptions to the requirement of a security deposit or refunds of security deposits for current accounts.* Accounts may be excused from the requirement of a security deposit, if the conditions set out in the sections below are met.

- (1) *Exception to the requirement of a deposit for new customers over sixty-five (65) years of age.* New customers over sixty-five (65) years of age may be excused from the requirement of a security deposit if they present evidence of their age and either verification of established credit (such as one (1) credit card or credit account), or a letter of credit issued by a municipal utility or other utility company verifying that their account is fully paid.
- (2) *Other accounts—Exception to the requirement of a deposit.* This category does not include multi-family master-metered accounts or hotels/motels. An account in this category may be excused from the requirement of a security deposit if all of the conditions set out in one (1) of the sections below are met:

- a. The customer is establishing an account and has had an account for similar service with the City of Irving which has been active for a minimum of twelve (12) months and the account is current, the account has not been disconnected during the past twelve (12) months, there have not been more than two (2) delinquent payments during the last twelve (12) months, and there have not been any checks or electronic debits that were dishonored by the customer's bank.
  - b. The customer has had a similar type account within the past three (3) years for a minimum of twelve (12) months and their final bill was paid in full, i.e., there is nothing due on the account, the service on the account was not disconnected for nonpayment during the last twelve (12) months of service, there were no more than two (2) delinquent payments during the last twelve (12) months of service, and no checks or electronic debits were dishonored by the customer's bank.
  - c. The customer applies for and is approved to have monthly payments automatically deducted from their banking account for a minimum of twelve (12) months.
- (3) *Refunds for current accounts.* Single-family residential customers who have had their current account with the City of Irving for a minimum of twelve (12) months and who have had no more than two (2) delinquent payments (bill paid after due date), who have not had any checks or electronic debits dishonored by the customer's bank and are not currently delinquent shall be eligible to have their security deposit refunded by a credit applied to the utility bill no later than December 31 of the yearly period in which the customer is entitled to refund.

SECTION 5. That Section 52-15 of Chapter 52 of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, is hereby amended to read as follows:

**Sec. 52-15. Payment agreements.**

A customer may enter into a payment agreement with the city no more than two (2) times per calendar year. This agreement provides for payment installments to be made against the customer's account for up to three (3) months, unless otherwise authorized by the water utilities director or designee and is subject to interest charges of six (6) percent. If the customer fails to meet the terms of the payment agreement, water service will be discontinued and will not be restored until the past due amount plus other applicable charges are paid in full.

SECTION 6. That the new rates established by this ordinance shall take effect on October 1, 2015, however, prior rates shall be effective for service to said date.

SECTION 7. That the terms and provisions of this ordinance shall be deemed to be severable and that if the validity of any section, subsection, sentence, clause, or phrase of this ordinance should be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS, on first reading on September 3, 2015.

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BETH VAN DUYNE  
MAYOR

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS, on second and final reading on September 17, 2015.

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BETH VAN DUYNE  
MAYOR

ATTEST:

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Shanae Jennings  
City Secretary

APPROVED AS TO FORM:

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Charles R. Anderson  
City Attorney