

ORDINANCE NO. 2015-9754

AN ORDINANCE AMENDING SECTION 41-6 OF CHAPTER 41 ENTITLED "WATER AND SEWER SYSTEMS" OF THE CODE OF CIVIL AND CRIMINAL ORDINANCES OF THE CITY OF IRVING, TEXAS, BY PROVIDING FOR WATER SERVICE FROM FIRE HYDRANTS; PROVIDING A PENALTY; AND PROVIDING A SEVERABILITY CLAUSE.

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

SECTION 1. That Section 41-6 of Chapter 41 entitled "Water and Sewer Systems" of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, is amended in its entirety to read as follows:

Sec. 41-6. Water service from fire hydrants or other appurtenances to the water system.

(a) It is unlawful for any person to obtain water from the city water system through a fire hydrant or other connection which is not metered in compliance with this section.

(b) In order to secure approval to obtain water from a fire hydrant or other connection to the city water system which is not permanently metered by the city, the person shall make application to the city for a permit which shall be issued only pursuant to the following conditions:

- (1) The applicant shall state his or her name, address, billing address, and telephone number, if an individual. If the applicant is a business, the applicant shall state its business name, address, billing address, and telephone number;
- (2) No permit for water service shall be processed if the applicant's water bill is in arrears;
- (3) The applicant shall provide a physical location address for where the meter will be used and the purpose of the water use;
- (4) Meter leased from city.
 - a. The applicant shall post a meter deposit, determined annually by the director and adopted in the fiscal year budget based on the then-current cost of the meter and accessories plus an administrative fee to cover the costs of reviewing, processing, and issuing a permit, with the customer service office for each meter leased from the city which shall be refunded at the time applicant returns the meter to the city in a timely manner and in an undamaged condition. Should the meter be damaged, the city shall retain the meter deposit until the meter has been repaired or replaced, and the difference between the meter repair or replacement cost and the amount of the deposit shall be refunded to applicant. Should the applicant fail to pay the final water bill, the city may pay the bill from the meter deposit and refund the balance, if any;
 - b. The applicant shall place a meter deposit at the City of Irving Customer Service Office, 825 West Irving Boulevard, Irving, Texas 75060, or at the Valley View Municipal Complex, 333 Valley View Lane, Irving, Texas 75061; and
 - c. After the meter deposit has been paid, the applicant must pick up the meter at the Valley View Municipal Complex.

- (5) The meter shall only be connected to the city water system at the location specified in the application. The applicant is responsible for calling the utility billing office if the location of where the meter is being used changes. If the meter is found at another location within or outside the city limits of City of Irving, the water utilities department shall remove the meter. If the water utilities department is unable to recover the meter, then the meter deposit shall be forfeited. The applicant may only reacquire the meter by making a new application and posting another meter deposit;
- (6) An applicant shall use the water only for the purpose stated in the application and if the water is not being used for that purpose, the water utilities department shall remove the meter. If the water utilities department is unable to recover the meter, then the meter deposit shall be forfeited. The applicant may only reacquire the meter for stated purposes by making a new application and posting another meter deposit;
- (7) The applicant shall use a fire hydrant wrench, as approved by the water utilities department, when attaching or removing a meter from a fire hydrant and when turning the operating nut to adjust the flow from the fire hydrant. The applicant shall use a meter stand, as provided by the water utilities department, when operating a meter from a fire hydrant. If the applicant does not use a fire hydrant wrench or meter stand as required by this section, the water utilities department shall remove the meter, and should the meter be damaged, the city shall retain the meter deposit until the meter has been repaired or replaced, and the difference between the meter repair or replacement cost and the amount of the deposit shall be refunded to the applicant. If the water utilities department is unable to recover the meter then the meter deposit shall be forfeited. The applicant may only reacquire the meter by making a new application and posting another meter deposit.
- (8) The applicant shall pay a nonrefundable water payment application fee of not less than \$100.00;
- (9) The applicant shall provide a meter reading to the utility billing office for a monthly consumption reading no earlier than the 20th and no later than the 25th of each month;
- (10) If the applicant fails to provide a meter reading to the utility billing office as required by subsection (b)(9), the minimum bill shall be \$125.00 and the maximum bill may be determined by the application of previous water usage data and/or the purposes for which the water was used;
- (11) The applicant shall return the meter to the Valley View Municipal Complex for a quarterly monthly consumption reading by the 25th of every third month from the month the meter was issued to the applicant;
- (12) If the applicant fails to return the meter to the Valley View Municipal Complex as required by subsection (b)(11), the minimum bill shall be \$175.00 and the maximum may be determined by the application of previous water usage data and/or the purposes for which the water was used;

- (13) The applicant shall be charged for the water consumed each month an amount equal to the amount the applicant would pay under the rates then in effect plus a base charge set annually by the director and adopted in the fiscal year budget or as otherwise adopted by city council. Should applicant fail to pay applicant's bill, the water utilities department shall immediately remove the meter from the city water system and retain possession of the meter until the bill is paid;
- (14) Should the city discover the meter is broken or not accurately registering water service, the water utilities department shall remove the meter and the applicant shall be billed not less than \$100.00 and may be billed an amount by the utility billing office that reflects more accurately the estimate of water utilized by applicant based upon previous water usage data and/or the purposes for which the water was used. Should the applicant wish to continue water service, the applicant shall make a new application for a replacement water meter and posting another meter deposit;
- (15) The lease is valid for only 12 months, and the meter must be returned to the Valley View Municipal Complex for an annual check as required by rules promulgated by Texas Commission on Environmental Quality (Title 30 Texas Administrative Code, Chapter 290). A new meter will be issued with new deposit requirements and the bill finalized for consumption and any necessary repairs. Should an applicant fail to return the meter to Valley View Municipal Complex within 10 days after expiration of the lease, the water utilities department shall recover the meter. If the water utilities department is unable to recover the meter, then the meter deposit shall be forfeited;
- (16) The applicant is responsible for securely safeguarding the meter at all times. If a meter is stolen while in possession of applicant, the applicant will bear full responsibility for the cost of the meter. The theft must be reported immediately to the Irving Police Department and to the utility billing office. The account will be closed, and the meter deposit shall be forfeited for failure of applicant to return the meter. Should the applicant wish to continue water service, the applicant shall make a new application, and place another meter deposit for a replacement water meter. If the meter has been stolen, before the time of the monthly reading, a minimum of 100,000 gallons will be charged to the account. The exact amount of usage will be estimated by the city, based on the history of usage, size of project and other factors. The city's estimate of the amount of estimated usage and the cost of such water service shall be final and unappealable.
- (17) The applicant shall not resell water from the city water system.

SECTION 2. Any person violating or failing to comply with any provision of this ordinance shall be fined upon conviction, not less than \$1.00 nor more than \$2,000.00. Each day in which one or more of the provisions of this ordinance is violated shall constitute a separate offense.

SECTION 3. 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
December 10, 2015.

BETH VAN DUYNE
MAYOR

ATTEST:

Shanae Jennings
City Secretary

APPROVED AS TO FORM:

Charles R. Anderson
City Attorney