

ORDINANCE NO. 3797-09-2010

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, AMENDING THE LEWISVILLE CITY CODE, CHAPTER 16, UTILITIES, BY PROVIDING FOR THE EMERGENCY CLEANING OF PRIVATE RESIDENTIAL SANITARY SEWER LINES UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR INSTALLMENT PAYMENTS OF WATER AND/OR SEWER CAPITAL RECOVERY FEES UNDER CERTAIN CIRCUMSTANCES; ALLOWING STATE LICENSED IRRIGATORS TO SET METERS BELONGING TO THE WATER SYSTEM; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Lewisville has determined that for the health, welfare and safety of its citizens certain amendments to the Lewisville Code of Ordinances, Chapter 16, Utilities, are necessary;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, THAT:

SECTION 1. Chapter 16, Article II., Section 16-26 is hereby amended by adding the following new definitions:

After-hours shall mean between 10:00 p.m. and 6:59 a.m. on Monday through Friday and all day on Saturdays, Sundays, and designated city holidays.

Normal working hours shall mean between 7:00 a.m. and 9:59 p.m. on Monday through Friday.

Private line shall mean the privately-owned sewer line from the building or dwelling to the right-of-way.

SECTION 2. Chapter 16, Article II., is hereby amended by adding the following new division and sections:

DIVISION 5. PRIVATE RESIDENTIAL SEWER SERVICE LINE CLEANING

Sec. 16-99. Emergency cleaning of private residential sewer lines.

- (a) Upon request of a property owner/occupant, the city will provide two free emergency cleanings of private residential sewer service lines during normal working hours per calendar year. Any subsequent cleaning during normal working hours will be billed at the rates set out in section 2-201.
- (b) Emergency cleanings requested after-hours will be billed to the property owner/occupant at the rates set out in section 2-201.
- (c) Failure to pay for services rendered will result in service disconnection for non-payment.

Sec. 16-100. Procedure.

- (a) Upon request for service, the city will dispatch a service crew and assess the nature of the request.
- (b) Prior to the start of the work, the property owner/occupant, who must be at least 18 years of age or older, must sign a consent/release form provided by the city.
- (c) The sewer cleaning service can only be provided at locations that have a functional clean out connection for access to the service line.
- (d) City employees shall not enter into a home or perform any work to locate the clean out or make any alteration to the clean out.
- (e) The city will attempt to unstop the line. The crew will complete the report section and again secure the property owner's/occupant's signature to confirm completion of work. The property owner/occupant shall be notified if the removal of the stoppage was unsuccessful.
- (f) The maintenance and repair of sewer service lines is the responsibility of the property owner. All city codes and ordinances must be followed regarding repair work.

SECTION 3. Chapter 16, Article IV., Section 16-207 is hereby amended adding the following new subsection:

- (l) *Installment payments.* The property owner of an existing single family structure located in a single family zoned district to which water and/or sewer service is not currently provided by the city may request to pay water and/or sewer capital recovery fees in installment payments in lieu of a one-time lump sum.

- (1) Owners of property located in commercial, multifamily or any other non-single family zoned property are not eligible for installment payment agreements.
- (2) An eligible property owner may request installment payments from the Community Development department, using the application form provided by the city. The completed form must include a copy of the property's most recent receipt or statement from one of the taxing entities, which include Denton County, Lewisville Independent School District or the City of Lewisville.
- (3) Prior to application for installment payments, all associated fees, including, but not limited to, permit fees, deposit fees, water fees, administration fees, monthly usage fees and monthly garbage service fees, must be paid in full. Payment of these fees is in addition to payment of the capital recovery fee.
- (4) The term of the installment payment agreement may be for twelve, twenty-four, thirty-six, forty-eight, or sixty months, whichever is chosen by the property owner.
- (5) The principal amount shall be established based upon the capital recovery fee for the year in which the installment payment agreement is signed. The capital recovery fee shall be adjusted annually on January 1 of each year and is calculated every year to establish the annual requirements.
- (6) Interest will be included in the installment payments.
- (7) The installment payment amount shall be included on the water (usage) bill. Accordingly, the water bill will include the capital recovery fee installment amount, actual water service fee and garbage fee. Failure to pay the installment amount in addition the monthly water and garbage fees will result in termination of service.
- (8) If the property is sold, transferred, or undergoes any transition in which new ownership occurs, the balance of the installment payment agreement is required to be paid in full prior to reconnection of service.
- (9) If the property is rented/leased and the renter/lessee agrees to make the installment payments, the renter/lessee and the property owner must apply for the installment payment agreement. Although both the renter/lessee and the property owner apply for the installment payments, the property owner is ultimately responsible for the payment of any unpaid fees associated with the agreement. If the renter/lessee changes during the term of the agreement, a new deposit and agreement shall be required to continue the installment payments. It is the responsibility of the property owner to

ensure that a new agreement is signed by the new renter/lessee and returned to the City.

SECTION 4. Chapter 16, Article V., Section 16-234(a) is hereby amended by deleting the current language in its entirety and in its place inserting the following new language:

- (a) All meters belonging to the water system shall be set by the employees of the city or by state-licensed plumbers or by state-licensed irrigators as it strictly relates to the permitted and allowable meter set for new structures only. If the meter becomes inoperative and fails to register, the consumer will be charged at the average daily consumption as shown by the meter when in order. All water that passes through the meter shall be charged for, whether used or not.

SECTION 5. REPEALER. Every ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

SECTION 6. SEVERABILITY. If any section, sentence, clause, or phrase of this ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect.

SECTION 7. PENALTY. Any person, firm or corporation who violates any provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof in the Municipal Court, shall be subject to a fine of not more than \$500.00 for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

SECTION 8. EFFECTIVE DATE. This Ordinance shall take effect and be in full force and effect from and after the date of its passage and publication as required by law.

SECTION 9. EMERGENCY. It being for the public welfare that this Ordinance be passed creates an emergency and public necessity and the rule requiring this Ordinance be read

on three separate occasions be, and the same is hereby, waived and this Ordinance shall be in full force and effect from and after its passage and approval and publication, as the law in such cases provides.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF 5 TO 0, ON THIS THE 13TH DAY OF SEPTEMBER, 2010.

APPROVED:

Dean Ueckert, MAYOR

ATTEST:

Julie Heinze, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY