

**City of Friendswood
Application for Adjustment of Water Bill
Excusable Defect**

Name of Applicant: _____ Account Number: _____

Service Address: _____ Phone: _____

<u>Date Of Bill</u>	<u>Service Period</u>	<u>Consumption</u>	<u>Water Amt</u>	<u>Sewer Amt</u>
_____	From: _____ To: _____	_____	_____	_____

Date of Defect: _____ Date Defect Repaired: _____

Exact nature of incident and description of repairs:

Did excess water move through the City's sewer system? Yes/No

Were additional water appliances placed in use on the premises during the billing period referenced above or preceding 12 months? Yes / No

If yes, describe appliances: _____

The water was lost through the city water meter serving this property and the water was not used in any manner by anyone.

I am personally familiar with all of the matters and facts stated in this application. I further acknowledge that these facts are based on personal knowledge and are true and correct. I understand that this application is a government record subject to criminal prosecution for false statements under chapter 37 of the Texas Penal Code. My signature is certification that this application contains no false statements.

Applicant's Signature

Date

Approval Signature (Director of Administrative Services)

Date

Average Consumption: _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FRIENDSWOOD, TEXAS, CHAPTER 86, UTILITIES, REVISING SECTIONS 86-94 AND 86-95; PROVIDING RULES AND REGULATIONS GOVERNING ADJUSTMENTS OF WATER USAGE BILLS DUE TO DEFECTS IN CUSTOMER LINES, AND ADJUSTMENTS OF WATER USAGE BILLS DUE TO UNUSUAL AND INEXPLICABLY LARGE USAGE; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$500 PER VIOLATION; AND PROVIDING FOR SEVERABILITY.

Section 1. Chapter 86, Utilities, is hereby amended revising subsection 94 to read as follows:

Sec. 86-94. Adjustment of bill as result of defect in customer's line.

- a) Any residential, commercial, multifamily or outdoor customer of the city may request an adjustment of any water bill submitted to him by the city for water usage because of a loss of water through an excusable defect in the customer's water line provided that only one bi-monthly bill out of six consecutive bi-monthly bills may be adjusted, by filing a sworn written application with the utility official and mailing or delivering the same to the department within six months of the repair of the excusable defect. Such application shall contain the following matters and such other information as the utility official may require:
 - (1) The name of the customer, the address or description of the property or premises furnished water, the bill which is sought to be corrected, the date of the bill and the period of water usage covered thereby.
 - (2) A statement of the date on which the excusable defect in the customer's water line was discovered and the date on which it was repaired; and a statement that water was lost through the city water meter serving such property and that such water was not used in any manner by anyone.
 - (3) A written acknowledgment that the customer makes the statements shown on the application and swears to their truth for the purpose of requesting the city to grant a reduction in the amount of the water bill for which a correction is requested.
 - (4) The application shall show whether or not there have been any additional water appliances placed in use on the customer's premises during the period covered by such bill or in the preceding twelve (12) months.
 - (5) Documentation shall be submitted detailing the exact nature and date of the repairs to the customer's water line.
 - (6) This documentation should also include proof or statement by the customer or vendor making the repair whether or not the additional/excess water flowed through the city's sewer system.
 - (7) A statement that the customer is personally familiar with all of the matters of facts stated in the application and sworn to therein, that they are made on his/her personal knowledge and that they are each true and correct.
 - (8) The customer shall execute a statement setting forth an understanding that the application is a government record subject to criminal prosecution for false statements under chapter 37 of the Texas Penal Code and shall state that the applicant/account holder certifies that the application contains no false statements.
 - (9) As used in this section, the term "excusable defect" shall mean a rupture or leakage of the customer's water line(s) as may be caused by freezing weather, settlement, corrosion, wear or accident. The term does not apply to defective or out-of-repair faucets or other plumbing fixtures, such as toilets.
- b) Applications under this section shall be made on forms prescribed by the Director of Administrative Services.
- c) Upon receipt of a properly completed application, the utility official shall review such application, and if he/she approves the same as being in compliance with this section, the customer's bill shall be corrected by applying to the amount of the water consumption shown thereon in excess of the customer's average water usage, a rate of charge equal to one-half of the normal rate of such water usage of customer's rate classification, which reduction in rate shall be accomplished in the following manner:
 - (1) The customer's average water usage over the prior twelve (12) months shall be determined. If the customer has not had water service at the service address for a sufficient length of time to make such determination, then the average water usage over a period of twelve months for city water customers will be used. This average water usage so determined will hereafter be referred to as "average usage".
 - (2) From the total water consumption shown on the bill submitted for correction, the average usage will be deducted. The resulting figure will hereafter be referred to as "excess usage".
 - (3) The excess usage will be considered consumption beyond the average usage, and one-half of the regular rate for consumption beyond the average usage (for customer's rate classification) will be applied to the excess usage and this will determine the amount the customer must pay for the excess usage.
 - (4) The regular rate for the customer's rate classification will be applied to the average usage and this amount will be added to the amount due for the excess usage and the total of those two amounts will be the amount that the customer must pay for water usage during the period covered by the adjusted bill.
 - (5) If the commercial, multi-unit commercial or multi-unit residential customer provides documentation that the excess water usage did not flow through the city's sewer system, the sewer charges included on the customer's bill in question will be adjusted to charge for the customer's twelve (12) month average sewer usage. This sewer adjustment would not apply to single unit residential customers as sewer charges are based on winter months average for this customer class. As referenced in this section, winter months is defined as November through February.
- d) If an excusable defect (leak) occurs during the winter months average calculation period for a single unit residential customer, sewer charges for the customer will be based on that customer's prior year winter months average at the location.
- e) If a single unit residential customer has not established a prior year winter months average at the location, the city-wide winter months average will be used to bill for sewer charges.
- f) Any correction authorized in the section shall be accomplished if the bill under consideration for adjustment has already been paid, by crediting the customer's account with the amount thereof, to be applied against charges for water and/or sewer thereafter accruing. If a customer, whose account has been so credited, discontinues water service before the amount of the credit shall have been absorbed by such subsequent charges, the remaining balance shall be refunded by check payable to the customer and mailed to the forwarding address provided by the customer at the time of service discontinuance, if all other sums due the city have been paid. If such bill has not already been paid, the correction shall be made by reducing the amount of such bill accordingly.
- g) A determination by the Director of Administrative Services, or their designee, of the amount of a correction to be made in a customer's water bill in accordance with the provisions of this section shall be final.

Section 3. Penalty. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$500. Each day of violation shall constitute a separate offense.

Section 4. Severability. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate the Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Friendswood, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.