

ORDINANCE 2015-01

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 2. Chapter 86, Utilities, is hereby amended revising subsection 95 to read as follows:

Sec. 86-95. Adjustment of unusually large bill.

- a) Any single-family residential, multi-family residential, commercial or outdoor customer who receives a water bill for any given billing period that is computed on the basis of a gross quantity greater than 200 percent of the average bi-monthly gross quantity applicable to such customer, may request an adjustment of the bill in the manner provided in this section; provided, that for any given customer, only one such bi-monthly bill out of any series of six (6) consecutive bi-monthly bills may be adjusted under this section. The average monthly gross quantity applicable to a customer means the average gross quantity for water service to the same premises during the months immediately preceding the period for which the adjustment is sought. In order to request such an adjustment, the customer shall file an application for the adjustment on a form furnished by the utility official. The application form shall contain a statement setting forth and understanding that the application is a government record subject to criminal prosecution for false statements under chapter 37 of the Texas Penal Code, and the customer shall state that the application contains no false statements. The application shall identify the bill and briefly state:
- 1) The reasons for the request for the adjustment;
 - 2) A description of the additional water appliances or fixtures, if any, that have been placed in use by the customer during the billing cycle in question or the preceding twelve (12) months;
 - 3) That there have been no plumbing repairs or necessity therefore during the billing period for which an adjustment is sought or that the nature of any plumbing defects was not such as would explain the additional usage; and
 - 4) Such other information as the application may require.
- b) Upon receiving such application, the utility official shall make an investigation to determine if an error was made, which investigation shall include inspection of the customer's water meter for accuracy and review of the customer's billing record. If the initial investigation reveals a billing or meter error, the utility official shall make an adjustment to correct the error. If the investigation does not reveal an error, the utility official may make such further investigation as the utility official deems advisable and shall give full consideration to the statements contained in the customer's application. If the utility official concludes that, in all reasonable probability, the customer was charged for more water than the customer consumed during the billing period in question but is unable to account to such unusual quantity, the utility official shall re-compute the bill using as a gross quantity 200 percent of the average bi-monthly gross quantity applicable to the customer.
- c) Sewer charges for single unit residential customers are not eligible for adjustment 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 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.
- e) In the event that an adjustment is made under this subsection, it 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 thereafter accruing. If a customer whose account so credited discontinues water service before the amount of the credit has 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 discontinuance, if all other sums due the city have been paid. If such bill has not already been paid, the adjustment shall be made by reducing the amount of such bill accordingly.

A determination by the Director of Administrative Services, or their designee, of the amount of a correction to be made in an 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.