

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 35 “WATER AND SEWERS”, ARTICLE III “CHARGES”, OF THE CODE OF THE CITY OF FORT WORTH (2015), AS AMENDED, BY AMENDING ARTICLE II “METERS”, SECTION 35-39, “MONTHLY READINGS; CUSTOMER CHARGES; STRAIGHT CONNECTIONS”; ARTICLE III “CHARGES”, SECTION 35-56, “WATER AND SEWER RATES WITHIN CITY” TO INCLUDE A NEW SUBSECTION L; SECTION 35-61 “DEPOSIT REQUIRED”, SUBSECTION (A) “FORM OF SECURITY” AND SUBSECTION (C) “FAILURE TO PROVIDE SECURITY”; SECTION 35-63 “WHERE AND WHEN BILLS PAYABLE”; MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES; REPEALING ALL ORDINANCES AND PROVISIONS OF THE FORT WORTH CITY CODE IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH:

SECTION 1.

That Section 35-39, “Monthly Readings”, Article II “Meters”, of Chapter 35 of the Code of the City of Fort Worth (2015), as amended, is hereby amended as follows:

§ 35-39 MONTHLY READINGS; CUSTOMER CHARGES; STRAIGHT CONNECTIONS.

- (a) Meters shall be read and the customer notified monthly of the amount of water or sewer service charges incurred by that customer for such month. Such notice may be furnished by depositing a bill for water and/or sewer service charges with the United States postal service directed to the last known address of the customer. Such water and sewer service charges shall be paid pursuant to rules and regulations adopted by the city council and amended from time to time. If such water and sewer charges are not paid after notice is given pursuant to such rules and regulations, field action may be taken by dispatching a service representative to lock, plug or remove the water meter and/or disconnect the sewer line. A disconnect charge according to the City’s adopted fee schedule in section 35-56 (l) will be added to the customer’s account for field action for delinquent nonpayment, and payment of the delinquent account while conducting such field action shall not relieve the customer of the disconnect fee. In cases where the water and/or sewer service has been terminated, such service or services shall not

be restored until the total amount due, including all charges prescribed in this section, has been paid in full.

- (b) When water service has been terminated by a locking device and the water service line or meter installation or lock has been removed or damaged, an additional broken lock charge as specified in Section 35-56 (1) shall be assessed to the customer's account.
- (c) All customers requesting the activation of water and/or sewer service will be requested to place a deposit in accordance with Section 35-61.
- (d) For all customers requesting a transfer of service, a charge shall be assessed on the customer's account as specified in Section 35-56 (1).
- (e) The customer shall be assessed a reactivation fee for all work performed by the City in setting a meter or activating/reactivating water and/or sewer service a fee as specified in Section 35-56 (1).
- (f) A non-sufficient funds fee will be added to the customer's account for all checks, bank drafts, credit card or debit card charges returned or refused payment from a customer's bank. If the customer does not remit payment for the returned charge, the City may terminate service and assess a fee as specified in Section 35-56 (1).
- (g) A straight connection is defined as any type of device installed in lieu of a water meter, connecting the city's water service pipe to a private service pipe for the purpose of obtaining unmetered water. Whenever a straight connection is found in lieu of a water meter, the straight connection shall be removed by the City and a straight connection charge as specified in Section 35-56 (1) will be made applied to the customer's account for the removal of such straight connection. When a straight connection is found at a location where there is no record of a request for service to the location, a special charge for the straight connection removal shall be added at the time of future activation, for subsequent activation and to all estimated water billings and fees, and it shall be paid by the party requesting the activation.
- (h) Resumes. All customers requesting account information and history such as consumption and associated charges will not be charged for this service unless the historical information requested exceeds three (3) years. If the information requested is for the time period greater than one (1) year, a charge as specified in Section 35-56 (1) will be added to the customer's account.
- (i) Meter testing. All customers requesting a meter test will be provided with one meter test per year, per customer account, at no charge. Any customer requesting more than one meter test per year will be assessed a charge as specified in Section 35-56 (1), provided that the meter test indicated that the meter is functioning

properly and is usable at another location. No charge will be assessed to the customer if the meter is not functioning properly.

- (j) Meter replacement. The City will only replace meters that are found not to be properly functioning after testing and validation. If a meter replacement is requested after a meter test determines the meter to be functioning properly, a meter replacement charge as specified in Section 35-56 (l) will be applied to the customer’s account.
- (k) After hours service connection charge. All customers requesting the connection of service outside of normal business hours will be assessed a charge as specified in Section 35-56 (l), for field action for the after-hours service.
- (l) Same day service charge. All customers requesting the same day connection of service will be assessed a charge according as specified in Section 35-56 (l) for field action for the same day service which will be added to the customer’s account.

SECTION 2.

That Section 35-56, “Water and Sewer Rates Within City”, Article III “Charges”, of Chapter 35 of the Code of the City of Fort Worth (2015), as amended, is hereby amended to include subsection (m) as follows:

Account Services	
New Meter Set	\$60
Standard Activation/Transfer	\$20
Same Day Activation/Transfer	\$25+
Same Day After Hours Activation/Transfer	\$50+
Other Field Services	
First meter test/investigation per 12-months	No Charge
Additional test/investigation per 12-months*	\$75
Investigation By Appointment	\$100
Meter Replacement by Request	Actual Cost
Replacement Installation by Request (<2’)	\$60
Replacement Installation by Request (>2’)	Actual Cost
Tampering/Theft	
Tampering, damage, inactive/unauthorized consumption	\$150 + estimated use + cost of damage
Meter Removal	\$60

Delinquency	
Late Payment	10% past due
Disconnect / Lock / Shut off	\$20
Broken Lock	\$25
Standard Reactivation	\$20
Same Day Reactivation	\$25+
Same Day After Hours Reactivation	\$50+

+ equals the standard charge plus the additional charge.

SECTION 3.

That Section 35-61, “Deposit Required”, Subsection (a) “Form of Security” and Subsection (c) “Failure to Provide Security”, Article III “Charges”, of Chapter 35 of the Code of the City of Fort Worth (2015), as amended, is hereby further amended as follows:

- (a) *Form of Security.* Unless exempted herein, all customers shall be required to make a deposit in one of the following forms:
- (1) Cash;
 - (2) Guarantee bond in a form and from a surety company acceptable to the director of the water department;
 - (3) Letter of credit drawn on a state or federally chartered lending institution located in Tarrant County, Texas; provided however, that in the event the letter of credit is not renewed at least 15 days prior to the date of expiration, the letter of credit may be drawn upon and the funds so received shall become a cash deposit; and
 - (4) Assignment to the City of Fort Worth of certificate of deposit in a state or federally chartered lending institution located in Tarrant County, Texas.
- (c) *Failure to Provide Security.* The Director of the Water Department or his or her duly authorized representative may refuse or discontinue service to any person, firm or corporation who fails to make a required security deposit or fails to increase the amount of the security deposit after having been notified that an increase is required.

SECTION 4.

That Section 35-56, “Where and When Bills Payable”, Article III “Charges”, of Chapter 35 of the Code of the City of Fort Worth (2015), as amended, is hereby amended as follows:

§ 35-63 WHERE AND WHEN BILLS PAYABLE

Bills for water and service charges shall become due and payable to the City, in person, over the phone, by mail, online or as otherwise indicated on the customer’s bill within 21 days from the date of the bill. If a customer has not paid the bill in full within 24 days of the date of the bill, a late charge shall be assessed against all unpaid current charges on the bill according to the specified in Section 35-56 (1).

SECTION 5.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (2015), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 6.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 7.

This ordinance shall take effect on April 1, 2020.

APPROVED AS TO FORM AND LEGALITY:

Christa R. Lopez-Reynolds
Sr. Assistant City Attorney

ADOPTED: _____