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ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE CHAPTER 15-9 RELATING TO SERVICE LINE EXTENTIONS, WATER SERVICE TERMINATION, AND UNEXPECTED HIGH WATER USE AND LEAKS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. City Code Section 15-9-1(*Definitions*) is amended to add a new definition of director to read as follows and to renumber the remaining definitions accordingly:

(8) DIRECTOR means the director of the applicable department, or the director's designee.

PART 2. City Code Section 15-9-1(16) is amended to read as follows:

(17) [(16)] UTILITY SERVICE means:

- (a) for drainage service, providing or maintaining facilities to collect, convey, and treat stormwater runoff in the city;
- (b) for electric service, making electric power and energy available to a customer, including non-metered outdoor lighting;
- (c) for solid waste service, making available or providing garbage, trash, rubbish, miscellaneous waste collection and disposal, street cleaning and litter removal services in the city;
- (d) for transportation services, providing and maintaining facilities for the City's transportation system;
- (e) for water service, [~~providing and~~] maintaining facilities to make water available to a customer at the point of delivery;
- (f) for reclaimed water service, [~~providing and~~] maintaining facilities to make reclaimed water available to a customer at the point of delivery; and
- (g) for wastewater service, [~~providing and~~] maintaining facilities to make wastewater collection and treatment service available to a customer at the point of entry.

PART 3. City Code Section 15-9-31 (*Utility Service Provided*) is amended to add a new subsection (D) to read as follows:

1 (D) The City may refuse to provide water service to a service address if the director
2 determines that there is no City-approved means of wastewater disposal at the service
3 address.

4 **PART 4.** Subsection (B) of City Code Section 15-9-101 (*Basis for Termination of*
5 *Service*) is amended to read as follows:

6 (B) The City may disconnect a customer's utility service after notifying the
7 customer, if:

8 (1) the customer fails to:

- 9 (a) visibly post the service address on a structure or meter location;
10 (b) pay a delinquent utility account balance;
11 (c) comply with the terms of a deferred payment agreement;
12 (d) comply with credit security requirements;
13 (e) connect to the City's distribution or collection facilities as required by
14 Section 15-9-173 (*Relocation of City Distribution or Collection Facility*);
15 [øf]
16 (f) comply with Section 15-9-37 (*Customer's Responsibilities*); [øf]
17 (g) comply with Chapter 6-4 (*Water Conservation*); or
18 (h) comply with Chapter 15-5 (*Private Sewage Facilities*) and Chapter 15-
19 11 (*Private Lateral Sewer Lines*); or

20 (2) the customer installs or operates equipment that interferes with utility service to
21 another person.

22 **PART 5.** City Code Section 15-9-141 (*Adjustment of Excess Water Bill if Leaks are*
23 *Repaired*) is amended to read as follows:

24 (A) A single-family residential customer who receives a water bill showing metered
25 consumption that exceeds the customer's expected volume at that service address for
26 up to two consecutive billing periods may apply for a bill adjustment under this
27 section if:

28 (1) the director determines the volume exceeding the customer's expected volume
29 was due to water [line] leaks at the service address that were not within the customer's
30 control;

31 (2) the customer exercised due diligence in repairing the leaks; and

(3) the customer has not received any billing adjustment under this section within the preceding 12 months.

(B) Within 90 days of having the leaks repaired, the customer must submit documentation in a form acceptable to the director that all water ~~[line]~~ leaks on the customer's property that contributed to the excess consumption have been repaired.

(C) A customer is not eligible for a bill adjustment under this section if the director determines that~~[: (1) the customer has been or is wasting water in violation of Section 6-4-12 (Water Waste Prohibited); (2) the customer has violated [has been or is violating]~~ any provision of, or rule adopted under, Chapter 6-4 of this Code (*Water Conservation*) within the 90 days before repairing the leak~~[: (3) the cause for any amount of the customer's excess consumption is an unrepaired visible water leak, dripping faucet, broken sprinkler head, pool crack, or malfunctioning pool auto-filler.]~~

(D) For the purposes of this section, the director will determine a customer's expected volume (EV) for a given billing period by using one of the following methods:

- (1) Metered volume used at the service address for the same month in the previous year;
- (2) Average metered volume used at the service address for the same month over multiple years;
- (3) Average metered volume used at the service address for similar seasonal months in prior years;
- (4) Metered volume used at the service address for subsequent similar months;
- or
- (5) Average metered volume used at the service address for current seasonal months.

(E) If the director determines that the customer qualifies for a bill adjustment pursuant to ~~under~~ this section, the director will recalculate the bills for up to two consecutive billing periods ~~[in accordance with the following formula by establishing an adjusted total volume]~~ and charge the customer ~~[charging a rate for a portion of the volume that exceeds]~~ for the expected volume.

~~[(1) The adjusted total volume (ATV) is the sum of the actual metered volume (AMV) of water consumed less fifty percent of the actual metered volume that exceeds expected volume (EV). The preceding sentence is represented by the formula: $ATV = AMV - ((AMV - EV) / 2)$.~~

~~(2) Charges for the adjusted total volume will be the sum of: (a) the expected volume (EV) charged at the rate for single family residential customers; and (b) the volume represented by that portion of the adjusted total volume equal to~~

1 ~~(AMV-EV)/2 charged at the lower of the rate for single family residential~~
2 ~~customers, or a rate for excess usage.]~~

3 (F) If by using the adjusted total volume for a bill adjustment under this section the
4 customer's corresponding wastewater volume would be lower than the volume
5 originally billed to the customer, the director may adjust the corresponding
6 wastewater charges.

7 (G) If a customer receives a bill adjustment under this section, the director may
8 consider the adjusted total volume used in that adjustment to determine the customer's
9 wastewater average for the applicable cycle during which the adjustment was
10 received.

11 (H) A customer who applies for and receives an adjustment pursuant to this section
12 may not request an administrative hearing under Chapter 15, Article 12
13 (Administrative Review and Hearing) [A determination by the director under this
14 section is final and may not be appealed].

15 (I) A customer who applies for [receives] a bill adjustment under this section may not
16 apply for an adjustment under Section 15-9-142 (*Adjustment of High-Volume Water*
17 *Bill*) [~~request an administrative hearing under Article 12 (Administrative Review and~~
18 ~~Hearing)~~] for the same [water] billing period [~~to which the credit is applied in order~~
19 ~~to dispute the administrative adjustment, or the remaining amount of the excess usage~~
20 ~~charged to the customer~~].

21 (J) A customer seeking a bill adjustment pursuant to this section who fails to meet any
22 filing request, hearing, or appeal deadline; appearance, or other requirement outlined
23 either in this section or in Chapter 15-9, Article 12 (Administrative Review and
24 Hearing) waives the customer's right to any further review, hearing or appeal in the
25 City's administrative review and hearing process.

26 **PART 6.** City Code Section 15-9-142 (*Adjustment of High-Volume Water Bill*) is
27 amended to read as follows:

28 (A) A single-family residential customer whose bill shows consumption at the service
29 address for up to two consecutive billing cycles that is at least three times the expected
30 volume may apply to the director for an adjustment to the bill under this section if:

31 (1) the customer files the request for an adjustment no later than 90 days after the
32 customer's [~~receipt of the~~] bill date; and

33 (2) the customer has not received an adjustment under this section within the
34 preceding 24 months. The customer must have at least four [~~12~~] months of
35 uninterrupted water billing history, in addition to the disputed period, at the service
36 address for which the application is filed.

1 (B) For the purposes of this section, the director will determine a customer's expected
2 volume (EV) for a given billing period by using one of the following methods [~~by~~
3 ~~using the customer's metered volume used at the service address for the same month~~
4 ~~over the prior two years. If records of the customer's metered volume used at the~~
5 ~~service address for the same month over the prior two years are not available, then the~~
6 ~~director will determine the customer's expected volume by considering~~]:

- 7 (1) Metered volume used at the service address in the same month in the
8 previous year;
- 9 (2) Average metered volume used at the service address in similar seasonal
10 months in prior years;
- 11 (3) Metered volume used at the service address for the same month in the prior
12 two years [~~subsequent similar months~~]; or
- 13 (4) Average metered volume used at the service address for current seasonal
14 months.

15 (C) To apply for a bill adjustment under this section, the customer must use a form
16 approved by the director that includes a statement that the application is a
17 governmental record subject to criminal prosecution for false statements under
18 Chapter 37 of the Texas Penal Code.

19 (D) Upon receiving an application, the director of the utility will investigate the cause
20 for excessive volume of consumption, which investigation may include, but is not
21 limited to:

- 22 (1) inspection of the customer's water meter for indication of leaks and accuracy
23 testing;
- 24 (2) review of the customer's billing record including historical usage of the
25 service address;
- 26 (3) review of meter reads to determine if any estimated reads affected the
27 customer's bill;
- 28 (4) audit of the customer's irrigation system settings;
- 29 (5) review of any new construction conducted at the service address; and
- 30 (6) inspection of any new water consuming appliances installed in the past
31 twelve months.

32 (E) If the initial investigation reveals a billing or meter error, the director shall
33 proceed in accordance with Section 15-9-140 (*Billing Adjustments*).

34 (F) A customer is not eligible for a bill adjustment under this section if the director
35 determines that:

1 (1) ~~[the customer has been or is wasting water under Section 6-4-12 (*Water Waste*~~
2 ~~*Prohibited*); (2)]~~ the customer has violated any provision of, or rule adopted under,
3 Chapter 6-4 of this Code (*Water Conservation*) within 90 days before the start of
4 the disputed period; [~~(3)~~]

5 (2) the cause for any amount of the customer's excess consumption was a visible
6 water leak, dripping faucet, broken sprinkler head, pool crack, or malfunctioning
7 pool auto-filler; or

8 (3) voluntary, customer-elected water intensive uses~~[including but not limited to a~~
9 ~~pool, vanity pond, or spa]~~ could be a cause for the excess metered consumption.

10 (G) If the director determines that the customer qualifies for a bill adjustment under
11 this section, the director will recalculate the bills for up to two consecutive billing
12 periods and charge the customer for the expected volume.

13 (H) If by using the adjusted total volume for a bill adjustment under this section the
14 customer's corresponding wastewater volume would be lower than the volume
15 originally billed to the customer, the director may adjust the corresponding
16 wastewater charges.

17 (I) If a customer receives a bill adjustment under this section, the director may
18 consider the adjusted total volume used in that adjustment to determine the customer's
19 wastewater average for the applicable cycle during which the adjustment was
20 received.

21 (J) A customer who applies for and receives an adjustment pursuant to this section
22 may not request an administrative hearing under Chapter 15, Article 12
23 (*Administrative Review and Hearing*) for the same billing period [~~A determination by~~
24 ~~the director under this section is final and may not be appealed~~].

25 (K) A customer who applies for [~~receives~~] a bill adjustment under this section may not
26 apply for an adjustment under Section 15-9-141 (*Adjustment of Excessive Water Bill if*
27 *Leaks are Repaired*) for the same billing period [~~request an administrative hearing~~
28 ~~under Article 12 (*Administrative Review and Hearing*) for the same water billing~~
29 ~~period to which the credit is applied in order to dispute the administrative adjustment,~~
30 ~~or the remaining amount of the excess usage charged to the customer~~].

31 (L) A customer seeking a bill adjustment pursuant to this section who fails to meet
32 any filing request, hearing, or appeal deadline; appearance; or other requirement
33 outlined either in this section or in Chapter 15-9, Article 12 (*Administrative Review*
34 *and Hearing*) waives the customer's right to any further review, hearing or appeal in
35 the City's administrative review and hearing process.

PART 7. Subsection (A) City Code Section 15-9-151 (*Installation and Maintenance*) is amended to read as follows:

(A) The City shall [~~install and~~] maintain utility lines and equipment on the City's side of the point of delivery.

PART 8. Subsection (C) of City Code Section 15-9-152 (*Design and Installation Guidelines*) is amended to read as follows:

(C) A person authorized to install a customer's installation or the City's water utility equipment or facilities shall comply with the City's Utilities Criteria Manual, standards, and specifications [~~Water and Wastewater Design Criteria Manual~~].

PART 9. City Code Section 15-9-158 is re-titled *Development Compliance* [~~100 Foot Rule~~] and Subsection (A) is amended to read as follows:

(A) The City may, at its expense, extend a water or wastewater line [~~for a maximum distance of 100 feet~~] to serve a legal tract in the full purpose municipal boundaries of the City if funds are available to pay the cost of installing the line.

PART 10. Subsection (A) of City Code Section 15-9-173 (*Relocation of a City Distribution or Collection Facility*) is amended to read as follows:

(A) If the City relocates a distribution or collection facility, each affected customer shall move and reconnect the customer's connection to the new facility not later than the 120th [~~60th~~] day after the City sends written notice to the customer.

This ordinance takes effect on _____, 2018.

PASSED AND APPROVED

_____, 2018 §
 §
 § _____
 Steven Adler
 Mayor

APPROVED: _____ **ATTEST:** _____
Anne L. Morgan Jannette S. Goodall
City Attorney City Clerk