

ORDINANCE NO: 2021.03.11B

CODE OF ORDINANCE – TITLE V; CHAPTER 50 WATER & SEWER REGULATIONS

City of Overton – Water Leak Adjustment Policy

AN ORDINANCE AMENDING – CODE OF ORDINANCES - TITLE V: WATER AND SEWER REGULATIONS; CHAPTER 50: WATER AND SEWER - ADOPTING A LEAK ADJUSTMENT POLICY; PROVIDING FOR A REPEALER CLAUSE FOR ALL ORDINANCES IN CONFLICT HEREWITH; CONTAINING A SEVERABILITY CLAUSE AND SAVINGS CLAUSE; AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council understands that a water leak can result in a utility bill that is higher than normal, and that this can place a significant financial burden on a customer; and

WHEREAS, the Council desires to create some relief for customers who have been affected by water leaks that are hidden or difficult to detect, and who take prompt action to repair the leak upon becoming aware of it; and

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

SECTION 1. FINDINGS OF FACT

That all of the above premises are hereby found to be true and correct legislative and factual findings of the City of Overton and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. ADDITION AND AMENDMENTS TO TITLE V: WATER AND SEWER REGULATIONS; CHAPTER 50: WATER AND SEWER

That the City of Overton hereby adopts the *Water Leak Adjustment Policy* which is attached hereto as Exhibit “A”. The following section are hereby added as follows:

- §50.39 – Water Leak Adjustment Policy

SECTION 3. SEVERABILITY

That this Ordinance shall be and is hereby declared to be cumulative of all other Ordinances of the City of Overton, and this Ordinance shall not operate to repeal or affect the Code of Ordinances of the City of Overton or any Ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting

provisions, if any, in such Code of Ordinances are hereby repealed. That all Ordinances or parts of Ordinances in conflict herewith be, and the same are hereby, repealed to the extent of such conflict.

SECTION 4. REPEALER

That should any provision of the Ordinance be held invalid or unconstitutional the remainder of such Ordinance shall not be deemed to affect the validity of any other provision of said Ordinance.

SECTION 5. SAVINGS CLAUSE

That all rights and privileges of the City of Overton are expressly saved as to any and all violation of the provision of any Ordinances affecting the subject matter, which have accrued at the time of the effective date of this Ordinance, and, as to such accrued at the time of the effective date of this Ordinance; and as to such accrued violation and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 7. EFFECTIVE DATE

That this Ordinance shall become effective and shall be in full force and effect on and after its passage and publication as required by state law on March 11, 2021. Any requests made for an adjustment previous to March 11, 2021 will be processed per the new policy.

SECTION 8. PROPER NOTICE AND MEETING

That it is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED, this the 11th day of March, 2021.

CITY OF OVERTON, TEXAS

C.R. Evans, Jr., MAYOR

ATTEST:

Sherry Roberts, TRMC

EXHIBIT A

“APPENDIX A”

**CITY OF OVERTON
WATER LEAK ADJUSTMENT
POLICY**

As adopted herein

CITY OF OVERTON

WATER LEAK ADJUSTMENT POLICY

Approved March 11, 2021

ABOUT LEAK ADJUSTMENTS

The City of Overton's water leak policy provides for a credit to be made to a customer's account when the customer has had a concealed leak. A concealed leak is defined as an underground leak in the service line, underground leak in the sprinkler line, leak in a wall, or a leak under a building.

REQUEST FOR ADJUSTMENTS

The City may adjust a monthly bill that is excessive due to leakage if the affected customer has satisfied the following conditions:

- a. Complete a *Request for Water Leak Adjustment* form within sixty (60) days of completed repairs.
- b. Attach copies of the plumbing bill -or- receipts of plumbing supplies (if you repaired the leak yourself) to the above *Adjustment* form. Receipt dates must be within a reasonable timeframe of the leak.
- c. If repairs were made by someone other than a professional plumber, photographs of the completed project must be attached to the *Adjustment* form.
- d. Return both the *Request for Water Leak Adjustment* form and receipts to the Utility Billing Department either in person at City Hall or email to utilities@cityofoverton.com.

ADJUSTMENT CREDITS

One credit adjustment in a twelve-month period, per property address may be given for a concealed leak. The amount of the credit will be determined by calculating 50% of the total amount of the largest bill in the previous three (3) months less the usage for the average consumption billed for the previous December, January, and February months or the previous six (6) months average consumption (the lesser of the two). For example: normal monthly usage is 10,000 gallons, with leak billed at 20,000 gallons, the adjustment will be for amount equivalent to 5,000 gallons. Any leaks approved per policy, where water does not enter the City's sewer system, the sewer consumption charge will be adjusted up to the limit billed less normal usage for sewer service. The City caps residential sewer at 9,000 gallons per month.

Adjustments will be made after the customer's consumption has returned to normal usage. Seeing that consumption has returned to normal usage may take a full billing cycle and depending on the timing of the customer's request, and the adjustment, if approved, may not be applied for up to two (2) months. Requests made according to the *Policy* can be approved by the Utility Billing Department; otherwise, the request must have the Finance Director or City Manager's approval.

Continue to make your regular monthly payments as scheduled. Failure to maintain monthly payments will forfeit eligibility for a partial leak credit and puts the water service at risk of service interruption without further notice.

Any approved leak adjustment will be reflected on the billing statement.

OTHER LEAK ADJUSTMENTS

Adjustments are not normally issued for sprinkler head leaks, toilet leaks, dripping faucets or other above ground leaks. However, they will be reviewed if an unusual situation occurs. Water loss due to theft, vandalism, negligence or construction damage is not covered.

EXAMPLES:

A customer fills out and returns a *Water Leak Adjustment Request* because of a concealed leak. Their average consumption for the previous December, January, and February bills is 6,000 gallons. Their latest bill shows usage of 24,000 due to the unknown leak. Repairs were made and the customer has met all requirements for the adjustment.

Water Adjustment

1. Consumption for normal and leak consumption:	24,000
2. Average consumption for December – January:	<u>6,000</u>
3. Leak consumption (#1 – #2):	18,000
4. Consumption adjustment (#4/2):	9,000

Sewer Adjustment

1. Consumption for normal and leak consumption:	24,000
2. Average consumption for December – January:	6,000
3. Sewer consumption billed (9,000 max)	<u>9,000</u>
4. Consumption adjustment (#3 - #2)	3,000