

ORDINANCE NO. 28025

An ordinance amending Sections 49-18.1, 49-18.2, 49-18.4, 49-18.5, and 49-18.9 of CHAPTER 49, "WATER AND WASTEWATER," of the Dallas City Code, as amended; adjusting rates and charges for treated water service, wastewater service, wholesale water and wastewater service to governmental entities, and untreated water service; providing requirements for the use and return of a fire hydrant meter; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Section 49-18.1, "Rates for Treated Water Service," of Article II, "Rates, Charges and Collections," of CHAPTER 49, "WATER AND WASTEWATER," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 49-18.1. RATES FOR TREATED WATER SERVICE.

(a) Form of rate. The monthly rate for treated water service to a customer consists of:

- (1) a customer charge; and
- (2) a usage charge.

(b) Billing cycle. In this section, water used per month is based upon the billing cycle of the department.

(c) Rate tables. The director shall charge customers for treated water service in accordance with the following tables:

- (1) Water Service Customer Charges.

METER SIZE

RATE PER METER

5/8-inch meter

\$4.18 [~~4.00~~]

3/4-inch meter

5.45 [~~5.25~~]

28025

102463

1-inch meter	<u>7.90</u> [7.63]
1-1/2-inch meter	<u>14.88</u> [14.37]
2-inch meter	<u>23.21</u> [22.44]
3-inch meter	<u>55.68</u> [53.87]
4-inch meter	<u>92.80</u> [89.77]
6-inch meter	<u>185.57</u> [179.53]
8-inch meter	<u>310.70</u> [300.73]
10-inch meter or larger	<u>475.11</u> [457.82]

(2) Usage Charge—Rate Per 1,000 Gallons.

TYPE OF USAGE

(A) Residential:

(i)	Up to 4,000 gallons	<u>\$1.56</u> [1.54]
(ii)	4,001 to 10,000 gallons	<u>3.15</u> [3.00]
(iii)	10,001 to 15,000 gallons	<u>4.33</u> [4.20]
(iv)	Above 15,000 gallons	<u>5.80</u> [5.38]

(B) General service:

(i)	Up to 10,000 gallons	<u>2.14</u> [2.03]
(ii)	Above 10,000 gallons	<u>2.61</u> [2.50]
(iii)	Above 10,000 gallons and 1.4 times annual average monthly usage	<u>3.83</u> [3.68]

(d) Applicability of rates to meters. The charges for water service in Subsection (c) of this section apply to each meter that exists at a customer's premises. A customer may request removal of inactive meters to combine services through a single meter. If, within one year, a customer requests removal and restoration of a meter that is used for lawn sprinkling, air conditioning, or other seasonal purposes, the customer shall pay a reconnection charge that is equal to the monthly customer charge in Subsection (c) of this section multiplied by the number of months the service was discontinued.

(e) Rates where no meter exists. If a customer is without a meter, the minimum usage charge per month is based upon the average monthly usage for a customer in the same service class at the rate specified in Subsection (c) of this section. The customer charge is based upon the size of the service line at the property.

(f) Election for certain general water service customers. A general water service customer inside the city who uses at least 1,000,000 gallons of water per month may elect, in writing, to be assessed the special charges under this subsection instead of the regular general service rate, according to the following conditions:

(1) The customer must agree to pay each year:

(A) the monthly customer charge provided in Subsection (c);

(B) \$1,650.21 [~~1,593~~] per month as a usage charge on the first 1,000,000 gallons used in a billing period; and

(C) \$2.15 [~~2.05~~] per 1,000 gallons used in excess of 1,000,000 gallons per month.

(2) The customer must agree that consumption billed during any billing period ending in May, June, July, August, September, and October will not exceed 1.5 times the average monthly consumption billed in the previous winter months of December through March.

(3) To be eligible for the special rate, a customer's maximum hourly water usage during a seven-day period must not be greater than seven times the average hourly usage rate for the same seven-day period.

(4) If a customer's usage of water exceeds the amounts allowed under Subsection (f)(2) or (f)(3), the customer will be notified that the customer will be billed at the regular usage charge stated in Subsection (c) for a minimum of 12 months, and such additional time until the customer can demonstrate to the satisfaction of the director that the requirements of Subsection (f)(2) and (f)(3) can be maintained.

(5) The director may grant a variance to Subsection (f)(4) where special circumstances warrant.

(g) Adjusted rates for hidden water leaks. When a customer experiences a substantial increase in water or wastewater usage from a hidden water leak and the customer meets the requirements of Section 49-9(e), the director will adjust the account and bill the customer:

(1) an estimated amount of normal water usage for the period at the regular rate;

(2) the excess water usage caused by the hidden leak at the following applicable rate:

TYPE OF USAGERATE PER 1,000 GALLONS

(A) Residential	<u>1.56</u> [1.54]
(B) General service	<u>2.14</u> [2.03]
(C) Optional general service	<u>2.15</u> [2.05]
(D) Municipal service	<u>2.03</u> [1.96]

and

(3) the applicable wastewater rate prescribed in Section 49-18.2(c), based on an adjustment of wastewater volume to estimated normal volume, where adjustment is appropriate.

(h) Billing based on full month. If a customer requests discontinuance of service at an address where uninterrupted service was provided for a period of time so short that the only bill for services rendered would be the final bill, such billing will be computed as though service had been furnished for a full billing month.

(i) Rates for municipal purpose water service. Water service to property owned by the city of Dallas that is used solely for municipal purposes may be charged \$2.03 [~~1.96~~] per 1,000 gallons of water used."

SECTION 2. That Section 49-18.2, "Rates for Wastewater Service," of Article II, "Rates, Charges and Collections," of CHAPTER 49, "WATER AND WASTEWATER," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 49-18.2. RATES FOR WASTEWATER SERVICE.

(a) Form of rate. The monthly rate for wastewater service to a customer consists of:

- (1) a customer charge;
- (2) a usage charge; and
- (3) a surcharge for excessive concentration of wastes, if applicable.

(b) Billing cycle. In this section, water used per month is based upon the billing cycle of the department.

(c) Rate tables. The director shall charge a customer for wastewater service in accordance with the following tables:

28025

102463

Wastewater Service Charges.

(1) Monthly customer charges

<u>METER SIZE</u>	<u>RATE PER METER</u>
5/8-inch meter	\$ <u>3.95</u> [3.77]
3/4-inch meter	<u>4.94</u> [4.78]
1-inch meter	<u>7.16</u> [6.93]
1-1/2-inch meter	<u>13.51</u> [13.07]
2-inch meter	<u>21.09</u> [20.41]
3-inch meter	<u>50.61</u> [48.97]
4-inch meter	<u>84.33</u> [81.60]
6-inch meter	<u>168.66</u> [163.21]
8-inch meter	<u>282.51</u> [273.38]
10-inch meter or larger	<u>430.08</u> [416.18]

- (2) Monthly residential usage charge \$4.34 [~~4.26~~] per 1,000 gallons of the average water consumption billed in the months of December, January, February, and March, or of the actual month's water consumption, whichever is less, up to a maximum charge of 40,000 gallons per month
- (3) Monthly general service usage charge \$2.85 [~~2.74~~] per 1,000 gallons of water used
- (4) Monthly usage charge for Section 49-18.1(f) customer \$2.79 [~~2.68~~] per 1,000 gallons of water used
- (5) Monthly general service usage charge for wastewater separately metered \$2.88 [~~2.77~~] per 1,000 gallons of wastewater discharged
- (6) Monthly surcharge for excessive concentrations of waste An amount calculated in accordance with Sections 49-18.12, 49-48 and 49-49 of this chapter

- | | | |
|-----|---|--|
| (7) | Monthly surcharge for excessive concentrations of waste for wastewater separately metered | An amount calculated in accordance with Sections 49-18.12, 49-48 and 49-49 of this chapter |
|-----|---|--|

(d) Where residential water service is not used. If a residential customer does not receive water service solely from the city, the director shall estimate water used per month to determine the usage charge in Subsection (c).

(e) Where general water service is not used. If a general service customer does not receive water service solely from the city, the customer must install and maintain, at the customer's expense, adequate meters that measure total water usage from other sources and that meet American Water Works Association standards. The customer must pay an additional customer charge of \$10.00 per month for each meter, regardless of size, installed under this subsection. When a meter is inaccurate, the director may estimate water usage.

(f) Rates for municipal purpose wastewater service. Wastewater service to property owned by the city of Dallas that is used solely for municipal purposes may be charged \$2.36 [~~2.28~~] per 1,000 gallons of water used."

SECTION 3. That Section 49-18.4, "Rates for Wholesale Water and Wastewater Service to Governmental Entities," of Article II, "Rates, Charges and Collections," of CHAPTER 49, "WATER AND WASTEWATER," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 49-18.4. RATES FOR WHOLESALE WATER AND WASTEWATER SERVICE TO GOVERNMENTAL ENTITIES.

(a) Form of rate. The director may provide wholesale water service to governmental entities. The service will be furnished in accordance with a written contract at the rates prescribed in this section and under such other terms and conditions as the city council deems reasonable. The rate for wholesale water service to a governmental entity will consist of:

- (1) a volume charge and a demand charge; or
- (2) a flat rate charge.

(b) Rate table. The director shall charge a governmental entity for wholesale water service in accordance with the following:

- (1) The volume charge for treated water is \$0.3722 [~~3826~~] per 1,000 gallons of water used, and the annual water year demand charge is \$187,263 [~~179,991~~] per each mgd, as established by the highest rate of flow controller setting.

(2) If a flat rate charge for treated water is provided by contract, or in the absence of a rate of flow controller, the charge is \$1.5426 [~~5076~~] per 1,000 gallons of treated water used.

(3) A monthly readiness-to-serve charge will be assessed for any standby service point. The monthly fee, based on size of connection, is as follows:

<u>Size of Connection</u>	<u>Monthly Standby Fee</u>
3-inch	\$ <u>55.68</u> [53.87]
4-inch	<u>92.80</u> [89.77]
6-inch	<u>185.57</u> [179.53]
8-inch	<u>310.70</u> [300.73]
10-inch or larger	<u>475.11</u> [457.82]

(4) The rate for regular untreated water service to a governmental entity is \$0.4768 [~~4971~~] per 1,000 gallons of untreated water used. The rate for interruptible untreated water service to a governmental entity is \$0.2277 [~~2331~~] per 1,000 gallons of untreated water used.

(c) Revisions. Unless otherwise provided in this chapter, if the written contract for wholesale service between the city and a governmental entity provides for revision of rates, the charges under the written contract must comply with the charges provided in this section.

(d) Emergency exchanges. The director may, in the interest of the city and its customers, make connection agreements with other governmental entities for emergency exchange of water.

(e) Wholesale wastewater rates. The director may provide wholesale wastewater service to other governmental entities by contract, in accordance with the following rules:

(1) The monthly rate for wholesale wastewater service is \$2.0005 [~~1.9341~~] per 1,000 gallons of wastewater discharged. The director is authorized to compensate those governmental entities located within the boundaries of the city for the city's use of integrated facilities owned by those governmental entities.

(2) An infiltration and inflow adjustment factor of 33.5 [~~28.0~~] percent will be added to the average water consumption for the months of December, January, February, and March to determine billable volume for a governmental entity with unmetered wholesale wastewater service.

(3) If the BOD or suspended solids concentration of waste discharged exceeds 250 mg/L, the governmental entity must pay a surcharge calculated in accordance with Section 49-18.12(1)(A) or (B), whichever applies.

(f) Treatment of water owned by another governmental entity. The director may provide treatment services at the Elm Fork water treatment plant to water owned by another governmental entity in accordance with a written contract. The volume charge for treating water owned by another governmental entity is \$0.3076 [~~2957~~] per 1,000 gallons of water treated, and the annual water year demand charge is \$46,279 [~~49,890~~] per each mgd, as established by the maximum demand capacity set forth in the contract."

SECTION 4. That Section 49-18.5, "Rate for Untreated Water," of Article II, "Rates, Charges and Collections," of CHAPTER 49, "WATER AND WASTEWATER," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 49-18.5. RATE FOR UNTREATED WATER.

(a) Regular rate. The charge for untreated water is \$0.4768 [~~4971~~] per 1,000 gallons of water used.

(b) Interruptible rate. The charge for interruptible service is \$0.2277 [~~2331~~] per 1,000 gallons of water used.

(c) Reservoir supply permits. The director may authorize contracts with owners of property abutting water supply lakes or streams for the domestic use of untreated water. A contract under this subsection may not allow withdrawal of untreated water in excess of 10 acre-feet per year. A charge for water used will be made as provided in Subsection (a) or (b). The term of such contracts may not exceed three years, but the contracts are renewable at the option of the city. An application for a contract or contract renewal under this subsection must be accompanied by a nonrefundable processing fee of \$63.

(d) Commercial contracts for untreated water.

(1) Short-term contracts. The director may authorize short-term contracts, without the necessity of council approval, with owners of property abutting water supply lakes or streams for the commercial use of untreated water. A contract under this paragraph may not allow withdrawal of untreated water in excess of 10 acre-feet per year. A charge for water used will be made as provided in Subsection (a) or (b). The term of such contracts may not exceed three years, but the contracts are renewable at the option of the city. An application for a short-term contract or contract renewal must be accompanied by a nonrefundable processing fee of \$225.

(2) Long-term contracts. The director may authorize long-term contracts, with council approval, with owners of property abutting water supply lakes or streams for the commercial use of untreated water. A contract under this paragraph may allow withdrawal of untreated water in excess of 10 acre-feet per year. A charge for water used will be made as provided in Subsection (a) or (b). The term of such contracts may exceed three years, and are renewable at the option of the city. An application for a long-term contract or contract renewal must be accompanied by a nonrefundable processing fee of \$385.

(e) Treatment plant effluent. Wastewater treatment plant effluent may be purchased for one-half of the regular rate for untreated water. No distribution facilities will be provided by the city."

SECTION 5. That Section 49-18.9, "Charges for Use of Fire Hydrants," of Article II, "Rates, Charges and Collections," of CHAPTER 49, "WATER AND WASTEWATER," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 49-18.9. CHARGES FOR USE OF FIRE HYDRANTS.

A person requesting use of water from a fire hydrant pursuant to Section 49-27 shall pay the following application charges:

(1) a deposit of \$1,000 to be refunded when the service is discontinued and the meter is returned to the city by the person or the person's authorized representative, less any unpaid fees for services and any costs to repair damage in excess of normal wear;

(2) a monthly fire hydrant service charge of \$55.68 [~~53.87~~]; and

(3) a usage charge for water that will be billed at the general service rate prescribed in Section 49-18.1(c)(2)(B)."

SECTION 6. That, unless specifically provided otherwise by this ordinance or by state law, a person violating a provision of this ordinance governing fire safety, zoning, or public health and sanitation, including dumping of refuse, is, upon conviction, punishable by a fine not to exceed \$2,000 and that a person violating any other provision of this ordinance is, upon conviction, punishable by a fine not to exceed \$500.

SECTION 7. That CHAPTER 49 of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance.

SECTION 8. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of CHAPTER 1 of the Dallas City Code, as amended.

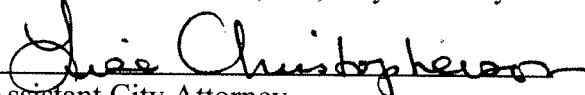
28025

102463

SECTION 9. That this ordinance will take effect on October 1, 2010, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By 
Assistant City Attorney

Passed SEP 22 2010

LC/DCC/00491A