

ORDINANCE NO. 2010-425

AN ORDINANCE OF THE CITY OF CEDAR HILL, TEXAS, AMENDING CHAPTER 18, ARTICLE II, OF THE CODE OF ORDINANCES OF THE CITY OF CEDAR HILL BY CORRECTING THE ADDRESS OF THE CITY'S UTILITY BILLING OFFICE; INCREASING THE AMOUNT OF RETURNED CHECK CHARGES AND OTHER FEES; PROVIDING FOR LIMITATIONS ON PAYMENT BY CHECK IN CERTAIN INSTANCES; PROVIDING FOR ASSESSMENT OF CHARGES NOT OTHERWISE SPECIFIED; PROVIDING FOR THE ASSESSMENT OF A WATER SERVICE RECONNECTION FEE DUE TO TAMPERING; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City Council of the City of Cedar Hill, Texas, finds and determines that payment of water utility bills from customer checking accounts with insufficient funds imposes an undue burden on the resources of the City of Cedar Hill; and

WHEREAS, the retuned check charges and other fees in the City of Cedar Hill's Water and Sewer Ordinance have not been increased since 1989 and the existing returned check charge and other fees do not adequately offset the resulting expense and labor demands upon the City of Cedar Hill; and

WHEREAS, tampering with water systems and connections, such as preventing water from passing through a meter used to furnish water to a premises; causing a water meter to incorrectly register the amount of water used; bypassing or diverting water around a meter, main, hydrant or other connection; removing a water meter; or preventing wastewater from flowing from a premises, is prohibited under Chapter 18, Article II, Section 18-56 of the Code of Ordinances of the City of Cedar Hill; and

WHEREAS, the City Council of the City of Cedar Hill, Texas, finds and determines that tempering with water systems and connections requires repeated service procedures and repairs by the City, resulting in significant material costs and labor demands upon the City; and

WHEREAS, the City Council of the City of Cedar Hill, Texas, further finds and determines that the owners of premises within the City of Cedar Hill have the responsibility to comply with, and to ensure that all residents of the premises comply with, the provisions of Chapter 18, Article II, Section 18-56 of the Code of Ordinances of the City of Cedar Hill, Texas; and

WHEREAS, the City Council of the City of Cedar Hill, Texas, further finds and determines that it is in the best interest of the public health, safety and welfare of the citizens of the City of

Cedar Hill to increase the returned check charges under the Water and Sewer Ordinance, set limitations on the payment of water and sewer bills by check after a check has been returned for insufficient funds, and to assess a water service reconnection fee against the owners of premises wherein water service or connections have been tampered with.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILL, TEXAS, THAT:

SECTION 1. AMENDMENT OF CHAPTER 18, ARTICLE II, SECTION 18-22(a) OF THE CODE OF ORDINANCES OF THE CITY OF CEDAR HILL, TEXAS

Chapter 18, Article II, Section 18-22(a) of the Code of Ordinances of the City of Cedar Hill, Texas, is hereby amended to delete the reference read to "502 Cedar Street" and replacing same with "285 Uptown Blvd., Bldg. 100."

SECTION 2. AMENDMENT OF CHAPTER 18, ARTICLE II, SECTION 18-24(f) OF THE CODE OF ORDINANCES OF THE CITY OF CEDAR HILL, TEXAS

Chapter 18, Article II, Section 18-24(f) of the Code of Ordinances of the City of Cedar Hill, Texas, is hereby amended to read as follows (deletions noted with strikes and additions noted with underlines):

(f) *Water Leakage.* When a customer experiences a substantial increase in their water usage from an undetected water leak, the department will adjust the amount of the water usage bill for that month up to one-half the total amount of the largest bill for water usage in the previous three (3) months. The department will adjust a bill only if a customer presents a plumber's statement or a written statement prepared by the customer which indicates:

- (1) The water leak was not reasonably detectable from the surface;
- (2) The leak has been repaired; and
- (3) The type of repairs made.

The director may request additional information before determining if a water leak was reasonably detectable based upon the facts presented. A customer may receive only one (1) adjustment during a twelve-month period, unless the city manager determines that extenuating circumstances justify allowing additional adjustments.

SECTION 3. AMENDMENT OF CHAPTER 18, ARTICLE II, SECTION 18-33(c) OF THE CODE OF ORDINANCES OF THE CITY OF CEDAR HILL, TEXAS

Chapter 18, Article II, Section 18-33(c) of the Code of Ordinances of the City of Cedar Hill, Texas, is hereby amended to read as follows (deletions noted with strikes and additions noted with underlines):

(c) *Inspection fee for meter reading verification.* Meter reading verifications in excess of the number provided free in accordance with section 18-24(e) shall be charged to the customer for a fee of twenty dollars (\$20.00) per inspection.

SECTION 4. AMENDMENT OF CHAPTER 18, ARTICLE II, SECTION 18-40(b) AND (c) OF THE CODE OF ORDINANCES OF THE CITY OF CEDAR HILL, TEXAS

Chapter 18, Article II, Section 18-40(b) and (c) of the Code of Ordinances of the City of Cedar Hill, Texas, are hereby amended to read as follows:

(b) *Returned Checks.* A customer will be assessed the maximum amount allowed under Section 3.506 of the Texas Business and Commerce Code when the customer pays a service bill by check, the check is presented to the bank, and the bank does not honor the check. In addition to the foregoing, the customer must pay future service bills with cash, money order, or certified funds from a local bank, for a period of six (6) months.

(c) *Where no charge specified.* When charges for service are not specified in this article, the City Manager shall establish charges for performing services including, but not limited to, such services as reconnecting water services during work hours, holidays and after-hours; moving meter locations; repairing damaged facilities; field location of mains; fire hydrant relocation; installation of traffic lids on meter boxes; replacing a meters; water and wastewater main abandonments; installing and removing temporary service, and abandonment of manholes.

SECTION 5. AMENDMENT OF CHAPTER 18, ARTICLE II, SECTION 18-56 OF THE CODED OF ORDINANCES OF THE CITY OF CEDAR HILL, TEXAS

Chapter 18, Article II, Section 18-56 of the Code of Ordinances of the City of Cedar Hill, Texas, is hereby amended by addition of subsection (d) thereto, to read as follows (underlined portion):

Sec. 18-56. Tampering with or damaging systems; unlawful use of water; *prima facie* evidence.

(a) *Tampering with or damaging system.* A person commits an offense if, without the written permission of the city manager, he knowingly:

- (1)Damages or destroys part of the water or wastewater systems;
- (2)Tampers with part of the water or wastewater systems; or
- (3)Damages, destroys or tampers with a fire hydrant within the city.

(b) *Certain conditions creating prima facie evidence of tampering.* For purposes of this section, it is prima facie evidence that a person has tampered under subsections (a)(2) or (a) (3) if the person is a customer, owner or person in control of the premises, and:

- (1) Water is prevented from passing through a meter used or furnished by the department to supply water to the premises;
- (2) A meter used or furnished by the department is prevented from correctly registering the quantity of water supplied to the premises;
- (3) Water is diverted or bypassed by the use of a device, from or around a pipe, main, meter, hydrant or other connection of the department;
- (4) A meter or service connection of the department used for service to premises is removed; or
- (5) Wastewater is prevented or diverted from flowing from premises into the wastewater system.

(c) *Prima facie evidence of knowledge.* The existence on premises of a device used for any of the unlawful purposes stated in this section shall constitute prima facie evidence of knowledge of the unlawful purpose on the part of the customer, owner or person in control of the premises.

(d) *Water service reconnection fee.* The owner of a premises is responsible for and shall be assessed a fee of \$500.00 for each time the City corrects, adjusts, repairs or replaces any part of a water system in order to properly reconnect water service to a premises where there exists prima facie evidence of tampering as set forth in subsection (b) hereof.

SECTION 6. SAVINGS CLAUSE

All ordinances of the City of Cedar Hill in conflict with the provisions of this ordinance shall be, and the same are hereby, repealed; provided, however, that all other provisions of said ordinances not in conflict herewith shall remain in full force and effect.

SECTION 7. SEVERANCE CLAUSE

Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance or of the Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

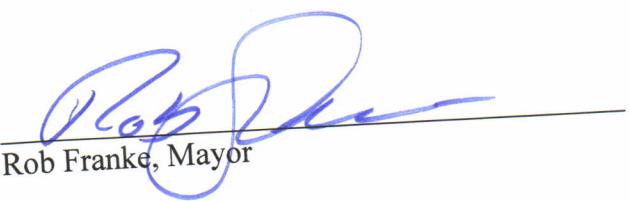
SECTION 8. EFFECTIVE DATE

This ordinance shall take effect immediately from and after its passage and publication of the caption as required by law.

SECTION 9. PUBLICATION

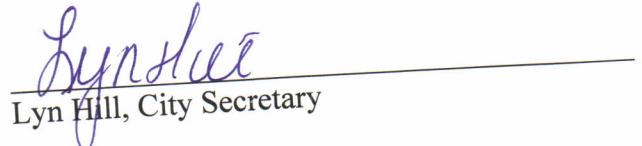
The City Secretary is hereby authorized and directed to cause publication of the descriptive caption hereof as an alternative method of publication as provided by law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Cedar Hill, Texas on this the 14TH day of December, 2010.



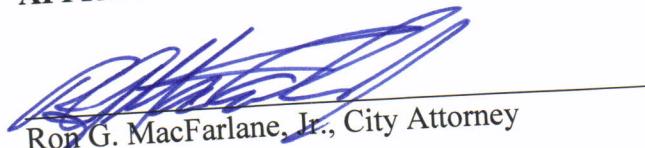
Rob Franke, Mayor

ATTEST:



Lyn Hill, City Secretary

APPROVED AS TO FORM:



Ron G. MacFarlane, Jr., City Attorney

Best Southwest

Focus Daily News

1337 Marilyn Avenue • P O Box 1714 • DeSoto, TX 75123 • (972) 223-9175

AFFIDAVIT OF PUBLICATION

State of Texas

County of Dallas

Personally appeared before the undersigned, a Notary Public within and for said county and state, Rhonda K Smith, of Focus Daily News, a general circulation newspaper published at 1337 Marilyn Avenue, DeSoto, Texas, 75115, County of Dallas, State of Texas, who, being duly sworn, states on oath that an advertisement:

Ordinance 2010 - 425

was published in the said publication on

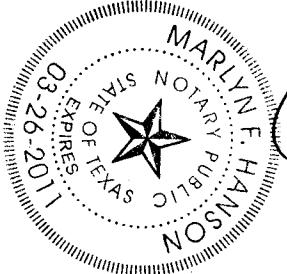
Dec 19 2010

Rhonda K Smith

Rhonda K Smith, Focus Daily News

Sworn and subscribed before me this the 30 day of Dec, 2010.

My commission expires March 26, 2011.



Notary Public

CH-12/19

295L

HILL

NOTICES

LEGAL NOTICE--CEDAR HILL

ORDINANCE NO. 2010-425

AN ORDINANCE OF THE CITY OF CEDAR HILL, TEXAS, AMENDING CHAPTER 18, ARTICLE II, OF THE CODE OF ORDINANCES OF THE CITY OF CEDAR HILL BY CORRECTING THE ADDRESS OF THE CITY'S UTILITY BILLING OFFICE; INCREASING THE AMOUNT OF RETURNED CHECK CHARGES AND OTHER FEES; PROVIDING FOR LIMITATIONS ON PAYMENT BY CHECK IN CERTAIN INSTANCES; PROVIDING FOR ASSESSMENT OF CHARGES NOT OTHERWISE SPECIFIED; PROVIDING FOR THE ASSESSMENT OF A WATER SERVICE RECONNECTION FEE DUE TO TAMPERING; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILL, TEXAS, THAT:

SECTION 1. AMENDMENT OF CHAPTER 18, ARTICLE II, SECTION 18-22(a) OF THE CODE OF ORDINANCES OF THE CITY OF CEDAR HILL, TEXAS

Chapter 18, Article II, Section 18-22(a) of the Code of Ordinances of the City of Cedar Hill, Texas, is hereby amended

33(c) OF THE CODE OF ORDINANCES OF THE CITY OF CEDAR HILL, TEXAS

Chapter 18, Article II, Section 18-33(c) of the Code of Ordinances of the City of Cedar Hill, Texas, is hereby amended to read as follows (deletions noted with strikes and additions noted with underlines):

(c) *Inspection fee for meter reading verification.* Meter reading verifications in excess of the number provided free in accordance with section 18-24(e) shall be charged to the customer for a fee of twenty dollars (\$20.00) per inspection.

SECTION 4. AMENDMENT OF CHAPTER 18, ARTICLE II, SECTION 18-40(b) AND (c) OF THE CODE OF ORDINANCES OF THE CITY OF CEDAR HILL, TEXAS

Chapter 18, Article II, Section 18-40(b) and (c) of the Code of Ordinances of the City of Cedar Hill, Texas, are hereby amended to read as follows:

(b) *Returned Checks.* A customer will be assessed the maximum amount allowed under Section 3.506 of the Texas Business and Commerce Code when the customer pays a service bill by check, the check is presented to the bank, and the bank does not honor the check. In addition to the foregoing, the customer must pay future service bills with cash, money order, or certified funds from a local bank, for a period of six (6) months.

(c) *Where no charge speci-
fied*

pered under subsections (a)(2) or (a) (3) if the person is a customer, owner or person or person in control of the premises, and:

(1) Water is prevented from passing through a meter used or furnished by the department to supply water to the premises;

(2) A meter used or furnished by the department is prevented from correctly registering the quantity of water supplied to the premises;

(3) Water is diverted or bypassed by the use of a device, from or around a pipe, main, meter, hydrant or other connection of the department;

(4) A meter or service connection of the department used for service to premises is removed; or

(5) Wastewater is prevented or diverted from flowing from premises into the wastewater system.

(c) *Prima facie evidence of knowledge.* The existence on premises of a device used for any of the unlawful purposes stated in this section shall constitute *prima facie* evidence of knowledge of the unlawful purpose on the part of the customer, owner or person in control of the premises.

(d) *Water service reconnection fee.*

The owner of a premises is responsible for and shall be assessed a fee of \$500.00 for each time the City corrects, adjusts, repairs or replaces any part of a water system in order to properly reconnect water service to a premises where there exists *prima facie* evi-

SECTION 2. AMENDMENT OF CHAPTER 18, ARTICLE II, SECTION 18-24(f) OF THE CODE OF ORDINANCES OF THE CITY OF CEDAR HILL, TEXAS

Chapter 18, Article II, Section 18-24(f) of the Code of Ordinances of the City of Cedar Hill, Texas, is hereby amended to read as follows (deletions noted with strikes and additions noted with underlines):

(f) *Water Leakage.* When a customer experiences a substantial increase in their water usage from an undetected water leak, the department will adjust the amount of the water usage bill for that month up to one-half the total amount of the largest bill for water usage in the previous three (3) months. The department will adjust a bill only if a customer presents a plumber's statement or a written statement prepared by the customer which indicates:

(1) The water leak was not reasonably detectable from the ~~surface~~;

(2) The leak has been repaired; and

(3) The type of repairs made.

The director may request additional information before determining if a water leak was reasonably detectable based upon the facts presented. A customer may receive only one (1) adjustment during a twelve-month period, unless the city manager determines that extenuating circumstances justify allowing additional adjustments.

SECTION 3. AMENDMENT OF CHAPTER 18, ARTICLE II, SECTION 18-

City manager shall establish charges for performing services including, but not limited to, such services as reconnecting water services during work hours, holidays and after-hours; moving meter locations; repairing damaged facilities; field location of mains; fire hydrant relocation; installation of traffic lids on meter boxes; replacing a meters; water and wastewater main abandonments; installing and removing temporary service, and abandonment of manholes.

SECTION 5. AMENDMENT OF CHAPTER 18, ARTICLE II, SECTION 18-56 OF THE CODE OF ORDINANCES OF THE CITY OF CEDAR HILL, TEXAS

Chapter 18, Article II, Section 18-56 of the Code of Ordinances of the City of Cedar Hill, Texas, is hereby amended by addition of subsection (d) thereto, to read as follows (underlined portion):

Sec. 18-56. Tampering with or damaging systems; unlawful use of water; prima facie evidence.

(a) *Tampering with or damaging system.* A person commits an offense if, without the written permission of the city manager, he knowingly:

(1) Damages or destroys part of the water or wastewater systems;

(2) Tampers with part of the water or wastewater systems; or

(3) Damages, destroys or tampers with a fire hydrant within the city.

(b) *Certain conditions creating prima facie evidence of tampering.* For purposes of this section, it is prima facie evidence that a person has tam-

SECTION 6. SAVINGS CLAUSE

All ordinances of the City of Cedar Hill in conflict with the provisions of this ordinance shall be, and the same are hereby, repealed; provided, however, that all other provisions of said ordinances not in conflict herewith shall remain in full force and effect.

SECTION 7. EVERANCE CLAUSE

Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance or of the Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 8. EFFECTIVE DATE

This ordinance shall take effect immediately from and after its passage and publication of the caption as required by law.

SECTION 9. PUBLICATION

The City Secretary is hereby authorized and directed to cause publication of the descriptive caption hereof as an alternative method of publication as provided by law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Cedar Hill, Texas on this the 14TH day of December, 2010.

HHR 12/19/10