

CHAPTER 51: WATER

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GENERAL PROVISIONS**§ 51.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FLEXIBLE BASE PAVEMENT. All types of pavement having native stone, crushed rock or gravel base.

PAVED. Any concrete pavement of Portland cement or asphaltic concrete base pavement, concrete driveway, walk, curb or gutter and all types of pavement having native stone, crushed rock or gravel base.

RIGID BASE PAVEMENT. All pavements of Portland cement or asphaltic concrete or having concrete base and all concrete driveways, walks, curbs and gutters.

(`97 Code, § 16-26)

§ 51.02 APPLICATION FOR SERVICE; FEE FOR TURNING ON.

Application to have water turned on shall be made in writing to the City Secretary and contain an agreement by the applicant to abide by and accept all of the provisions of this chapter as conditions governing the use of the city water supply by the applicant. A fee which is on file in the City Secretary's office shall be paid by the applicant to the city for turning on the water.

(`97 Code, § 16-27)

§ 51.03 COMPLIANCE WITH ORDINANCES PREREQUISITE TO SERVICE; EXCEPTION.

No water shall be turned on for service on or in premises in which the plumbing does not comply with the ordinances of the city. Water may be turned on for construction work in unfinished buildings subject to provisions made by the City Council.

(`97 Code, § 16-28)

§ 51.04 CONFORMITY WITH PLATTING REQUIREMENTS PREREQUISITE TO SERVICE.

It shall be unlawful to service or connect any lot, tract or plat of land, or any part thereof, for the use of the owner or purchaser of the land, or any part thereof, with a water connection, unless the plan, plot or replat of the lot or tract of land shall conform to the platting requirements of the city and shall have been approved by the City Council.

(`97 Code, § 16-29) Penalty, see § 10.99

§ 51.05 AUTHORIZED PERSONS TO TURN ON WATER.

No water from the city supply shall be turned on for service at any premises by any person but the Superintendent of Public Works or some other person authorized by him or her to perform this service.

(`97 Code, § 16-30)

CONNECTIONS; INSTALLATIONS; SERVICE

§ 51.20 CONNECTIONS TO MAINS.

(A) No connection with a water main shall be made without a permit being issued and 24 hours notice having been given to the Superintendent of Public Works. All such connections shall be made and all work done at the expense of the applicant who shall also furnish materials necessary for the work. All such connections shall be made under the supervision of the Superintendent of Public Works, and no connection shall be covered until the work has been inspected by him or her. The connection shall be made by authorized city employees through a corporation cock.

(B) Applications for the connections must be made to the City Secretary and fees determined and collected by the city which fees are on file in the City Secretary's office.

(C) The Superintendent of Public Works will furnish an estimate of cost to all applicants for water service connections larger than two inches in diameter, and all such applicants will make a deposit of the estimated amount before the city will issue a permit for the installation of the connection. The final cost will be adjusted upon completion of the work, but in no event will the final cost be less than the flat charge prescribed above for a two-inch service connection. Should the final cost of the work exceed the amount deposited, the city will furnish the party making such a deposit a statement showing the amount of the excess, and the statement will constitute notice that the excess amount is due. The city, at its option, may refuse or discontinue water service to the property until full payment has been made for the work performed. If upon completion of the work for which deposit has been made the final cost is less than the amount of the estimate or deposit, a refund of the overpayment will be immediately made to the party from whom the deposit was received.

(D) As an alternative to the procedure prescribed by division (C) of this section, applicants for service connections larger than two inches in diameter may request the city to furnish a price at which the Department of Public Works will install the connection at the premises where service is desired, without regard to the actual cost of the installation. The city may then, at its option, furnish the price to the applicant. The price will never be less than the flat charge prescribed in this section for a two-inch service connection. If the applicant agrees to pay the price, then he or she shall make full payment to the city before work is begun on the installation, and no further adjustments of the price of this installation will be made to the applicant.

(E) The flat rate charges and the estimates of costs prescribed above for service connections larger than two inches in diameter shall include all costs incident to making the installation of the service connection required, including the necessary repairs to pavement of any kind or character involved in making the service connection. The city shall make the necessary pavement repairs, the cost of same to be included in the cost figures as enumerated above.

(F) In no event shall the city be required, where payment of the estimated cost is made under this section, to make any surveys, street grading or staking off on the ground of the applicant or applicant's subdivision for the purpose of making his or her installation, but all of the work shall be done by the developer at his or her own cost and expense and shall be done to the satisfaction of the city.

(`97 Code, § 16-31)

§ 51.21 INSTALLATION OF SERVICE LINES BETWEEN CORPORATION COCK AND CURB COCK.

(A) Water service connecting lines, from the corporation cock to the curb cock, shall be installed by the city, without additional charge to the owner of the property, except that the owner shall pay an extra length charge for the service connecting lines exceeding 100 feet in length at the rates which are on file in the City Secretary's office.

(B) At the option of the city, the service lines between the corporation cock and curb cock may be installed by the owner of the property under the supervision of the Water Superintendent. In such cases, the owner must submit engineering plans and specifications for approval of the City Engineer. No such construction between the corporation cock and the curb cock may be initiated without prior approval of the City Engineer. The installation shall be inspected by the Water Superintendent prior to refilling of the trenches. Should any defects in construction, workmanship or materials be revealed by the inspection, or should there be any deviation from the approved engineering plans and specifications, the defects and deviations shall be corrected promptly.

(`97 Code, § 16-32)

§ 51.22 SERVICE INSTALLATIONS TO CONFORM TO CITY'S SPECIFICATIONS.

No water service shall be installed unless it conforms to city specifications and is acceptable to the Superintendent of Public Works. A copy of city specifications shall be kept on file by the City Secretary and shall be open to inspection by any persons interested.

(`97 Code, § 16-33)

§ 51.23 PROXIMITY OF SERVICE PIPE TO DRAIN PIPES, SEWER PIPES.

It shall be unlawful to place any water service pipe in the same excavation with, or parallel to and directly over, any drain pipe or sewer pipe.

(`97 Code, § 16-34) Penalty, see § 10.99

§ 51.24 SHUTOFF OR SERVICE BOXES ON SERVICE PIPE.

Shutoff boxes or service boxes shall be placed on every water service pipe and shall be located between the curblines and the sidewalk line where possible. The boxes shall be so located that they are easily accessible and shall be protected from frost and freezing.

(`97 Code, § 16-35)

§ 51.25 CITY TO MAINTAIN SERVICES FROM MAIN TO METER OR FROM MAIN TO PROPERTY LINE.

The city will maintain, at its own expense and at their original sizes, all water services from the main to the meter, or from the main to the property line, whichever is the shorter distance, so long as the consumer continues the use thereof. Whenever use of a service is abandoned by the consumer, this obligation to maintain the service shall cease.

(`97 Code, § 16-36)

§ 51.26 RESPONSIBILITY FOR REPAIR OF SERVICE PIPES, PLUMBING SYSTEMS.

All repairs of water service pipes and plumbing systems of buildings shall be made by and at the expense of the owners of the premises served. The city may, in case of an emergency, repair any service pipes, and if this is done, the cost of the repair work shall be repaid to the city by the owner of the premises served at rates or a price adequate for recovery of costs.

(`97 Code, § 16-37)

§ 51.27 RESALE OR DISTRIBUTION OF WATER BY CUSTOMER.

No water shall be resold or distributed by the recipient thereof from the city supply to any premises other than that for which application has been made and the meter installed in accord with this chapter, except in case of emergency.

(`97 Code, § 16-38)

§ 51.28 TAMPERING WITH, INJURING AND THE LIKE WATERWORKS PROPERTY.

It shall be unlawful for any person not authorized by the city to tamper with, alter or injure any part of the city waterworks or supply system or any water meter.

(`97 Code, § 16-39) Penalty, see § 10.99

METERS**§ 51.40 WHEN REQUIRED.**

(A) All premises using the city water supply must be equipped with an adequate water meter furnished by the city and owned by the city. Water service may be supplied by the city at a flat rate or charge until the meter is installed.

(B) Before any premises are occupied, a water meter shall be installed therein as herein required, or application made for the water service at the flat rate or charge until the meter can be installed, or no water shall be furnished the premises.

(C) During the construction of any building and before a water meter is installed as herein provided, the contractor so constructing the building may be permitted to use the city water supply by making application therefor and paying the flat rate prescribed in this chapter.

(`97 Code, § 16-56)

§ 51.41 LOCATION.

Water shall be installed in a location that will be of easy access to city personnel.
(`97 Code, § 16-57)

§ 51.42 READING.

The Superintendent of Public Works shall read or cause to be read every water meter used in the city at such times as are necessary to ensure that bills can be sent out at the proper time.
(`97 Code, § 16-58)

§ 51.43 REQUESTS FOR REREADING.

(A) Any sewer and water customer desiring to have a water meter reread in order to verify the accuracy of a monthly billing statement shall deposit with the City Secretary the sum which is on file in the City Secretary's office to ensure that the request for the rereading of a meter is made in good faith.

(B) If upon rereading of the meter it is determined by the city that the meter has been previously misread, the deposit shall be applied to the current or future water bills of the person requesting the rereading of the meter.

(C) If upon rereading of the meter it is determined by the city that no misreading has occurred, the deposit shall be retained by the city as partial payment of the cost of rereading the water meter.
(`97 Code, § 16-59) (Ord. 1981-J, passed 10-27-81)

§ 51.44 TESTING.

Any city water meter shall be taken out and tested upon complaint of the customer and upon the payment of a fee which is on file in the City Secretary's office. If upon test the meter is found to read in excess of 103% of the true amount, it shall be repaired or replaced and the fee returned to the consumer.
(`97 Code, § 16-60)

*SERVICE CHARGES***§ 51.55 CHARGES PRESCRIBED.**

(A) All persons occupying or using property upon which any building is erected, having a connection with any mains or pipes used in connection with the city water system, shall pay the monthly charges based upon the amount of water consumed which are on file in the City Secretary's office.

(B) The rate for unmetered water service furnished pursuant to § 51.40 shall be the rate which is on file in the City Secretary's office.
(`97 Code, § 16-76)

§ 51.56 DEPOSIT.

A deposit for each commercial account, including each dwelling unit in an apartment building and each other residential dwelling unit not occupied as a residence by the owner and a deposit for each residential dwelling unit occupied as a residence by the owner or owners, which is on file in the City Secretary's office, shall be made with each application for city water service. The sum shall be retained by the city to ensure payment of all water bills. A deposit in an amount to be set by the Superintendent of Public Works which is on file in the City Secretary's office shall be made with each application in the name of the owner of any rental property and that the amount of each such deposit required for the continuation of city water service may be increased or decreased as the Superintendent of Public Works deems necessary to accomplish the purpose of this section. When service to the applicant is discontinued permanently, the deposit, less any amount still due the city for water service, shall be refunded without interest.

(`97 Code, § 16-77)

§ 51.57 BILLING.

Bills for water used shall be dated and sent out at such times as may be directed by the Mayor and City Council.

(`97 Code, § 16-78)

REGULATION OF CHARGES AND COLLECTIONS

§ 51.70 APPLICATION FOR SERVICE; CONTENTS OF APPLICATION.

(A) *Application required.* A person shall not use the water service without first making the proper application for the service with the city. The application must be made on forms provided by the city. The city is authorized to establish other procedures, not in conflict with this division or state law, to process and accept customer applications and to collect and process security deposits as necessary to secure customer accounts.

(B) *Restriction of application.* The person making the application shall include that person's spouse, if any, as an applicant on the application. If unmarried or unrelated individuals or unrelated business entities who jointly own or occupy premises desire service, the city may require application to be made jointly in the names of those individuals or business entities. The city may also require application for service to be made only by and in the name of the owner of the property if the city determines that substantial risk of financial loss to the city would occur as a result of acceptance of an application from a person other than the owner.

(C) *Contract.* The application constitutes a contract to pay all charges for service and to abide by all provisions of this chapter, the provisions of this code and all other local, state and federal laws relating to the service.

(D) *Fee.* An applicant must pay an application fee in accordance with this division.

(E) *Accurate information.* A person commits an offense if he or she knowingly makes a false statement on an application for water service under this chapter.

(F) *Use without application.* A person who occupies premises and uses services without making application is responsible for all water used from the date of the last meter reading previous to that person occupying the premises. If the person is a tenant and the owner of the premises has failed to give the required notice, then the owner is jointly and severally responsible with the tenant for the charges. ('97 Code, § 16-86) (Ord. 1992-D, passed 6-9-92)

§ 51.71 SECURITY DEPOSITS; EXEMPTIONS.

(A) *Form of security.* Unless exempted under this subchapter, when a customer applies for service, he or she must also submit a security deposit in one of the following forms:

- (1) Cash;

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(2) Guaranty bond;

(3) Letter of credit drawn on a state or federally-chartered lending institution;

(4) Guarantee letter from another person who has an account with the city for service and has a satisfactory credit history with the city; or

(5) Other equivalent security approved by the city.

(B) *Amount.* The city shall establish the amount of a security deposit in accordance with this subchapter.

(C) *Failure to provide security.* The city may refuse or discontinue service if a person fails to:

(1) Make the required security deposit; or

(2) Increase the amount of his or her security deposit after being notified that an increase is required.

(D) *Exemptions.* The city may make exemptions for security deposits for:

(1) A person seeking residential service who presents proof that he or she is 65 years of age or older; or

(2) A person seeking residential service who presents proof that he or she owns or is presently buying the residence to be served or otherwise provides satisfactory proof of good credit rating.

(E) *Use of security deposit.* The city shall keep accurate records of all security deposits, including, but not limited to, the depositor's name, amounts deposited and deposits refunded and separate accounts of all security deposits.

(F) *Administration of deposits.* The city shall administer cash security deposits in accordance with the following rules:

(1) A deposit will be applied toward payment of the final bill amount due the city when a service account is closed or becomes inactive due to delinquency, transfer of ownership or other reasons. A deposit made to secure service to premises may be transferred or applied toward payment of a final bill due on any other premises within the city where service is provided in the depositor's name.

(2) Deposits earn simple interest at an annual percentage rate to be fixed by the city each year, which rate shall approximate the average interest rate earned by the city on its cash deposits for the previous year, less 2%.

(3) Interest ceases to accrue on a deposit when service is discontinued.

(4) A deposit and accrued interest, less amounts due for service, will be returned to the customer when service is discontinued unless the deposit is transferred to another address, either at the request of the customer or as provided in this subchapter.

(5) Deposits may be invested or used for capital improvements, but sufficient cash shall be accounted for and kept on hand to meet the normally-anticipated level of refunds.
(`97 Code, § 16-87) (Ord. 1992-D, passed 6-9-92)

§ 51.72 SECURITY DEPOSIT REFUNDS.

(A) *Generally.* The city may refund a security deposit to the customer when the customer has acquired a satisfactory credit history with the city.

(B) *Refusal to refund.* Notwithstanding division (A) of this section, the city may refuse to refund a security deposit when the city determines from the circumstances of a customer's account that there is a substantial risk of financial loss to the city.
(`97 Code, § 16-88) (Ord. 1992-D, passed 6-9-92)

§ 51.73 PAYMENTS OF FEES FOR SERVICES; DELINQUENCY OF CHARGES; DISCONTINUANCE OR REFUSAL OF SERVICE; NOTICE OF DISCONTINUANCE.

(A) *When charges are delinquent; bill items.* Except where otherwise provided by written contract between the customer and the city, charges for services furnished become delinquent if payment is not received by the city on or before the due date, which is 15 days after the bill rendering. After the due date, the customer must pay the standard charge. The city shall send the customer a monthly billing indicating:

- (1) The service date and the date due;
- (2) The amount due for services rendered (including all previous delinquent charges, plus interest, if any, still due and owing), if the bill is paid by the due date; and
- (3) The standard charge due if the customer fails to pay the bill by the due date.

(B) *Bill not received.* Failure to receive a bill from the city does not relieve a customer or other person liable for charges under this subchapter for liability for service.

(C) *Authority to discontinue service.* The city may refuse application for service, discontinue service or refuse to restore service to:

(1) A customer who fails to pay any charges due under this subchapter within seven days after the sending of notice of discontinuance;

(2) A person who violates any provision of this subchapter, the plumbing code or §§ 52.56 and 52.57 and §§ 52.15 through 52.27;

(3) A person making application for service to property at an address, if the person has delinquent charges outstanding at another address; or

(4) A customer at any premises if the city determines that a substantial waste of water, or a health hazard, is occurring as a result of leaking, damaged, open or disconnected private laterals, pipes or drains on the premises.

(D) *Restoration of service.* Discontinued service will not be restored until the customer or other person who has or accepts legal responsibility for violations committed or charges unpaid either pays all charges due (including charges to restore connections), makes arrangements for payment satisfactory to the city or, where applicable, ceases violation of the particular code provision in question. The decision to restore service while delinquent charges or code violations still exist rests solely with the city.

(E) *Notice of discontinuance.* The city must notify a customer in the following manner before discontinuing service:

(1) The city must send the customer at least seven days' advance written notice of pending discontinuance.

(2) The notice must provide a statement of reasons for cutoff and a statement of delinquent charges due, where applicable. The notice must also provide a time, place and means by which the customer may cure the delinquency or violation or dispute the validity of the reasons for the discontinuance.

(3) The notice may be served either in person or by mail.

(F) *Exceptions to notice requirements.* Notice requirements do not apply to discontinuance of service resulting from a violation of this subchapter if the city determines that immediate discontinuance is necessary to prevent an imminent threat or occurrence of:

(1) Harm to the health or safety of persons;

- (2) Damage to the city or private property; or
- (3) Contamination of the water system.

(G) *Cumulative remedies.* Enforcement of this subchapter does not waive any additional remedies, civil or criminal, available to the city under law.
(`97 Code, § 16-89) (Ord. 1992-D, passed 6-9-92; Am. Ord. 1993-O, passed 9-14-93)

§ 51.74 NEW APPLICATION FOR PREMISES WITH DELINQUENT CHARGES.

(A) *When new application not accepted.* Where service has been discontinued, refused or posted for discontinuance at a premises due to nonpayment of delinquent charges or a violation of this subchapter, a new application will not be accepted from another person to resume service in the same place under another name so long as the previous customer continues to occupy or own the premises as his or her residence or place of business until:

- (1) All delinquent charges are paid;
- (2) Arrangements for payment satisfactory to the city are made; or
- (3) The violation is abated.

(B) *Avoidance.* This subchapter also applies to premises where service is furnished to a tenant and the premises are transferred to a person with notice of discontinuance for the purpose of avoiding payment of charges or avoiding enforcement of this division.
(`97 Code, § 16-90) (Ord. 1992-D, passed 6-9-92)

§ 51.75 WATER LIEN PROCEDURE.

(A) *Authority.* The city is authorized, in accordance with the provisions of the Tex. Loc. Gov't Code, Art. 402.0025, to perfect the lien upon the property when delinquent charges remain unpaid and the procedures set out in this subchapter are followed. This subchapter shall not apply to delinquent charges for service where a tenant is the customer of record, if the owner of the property served has sent notice to the city that the property is rental property.

(B) *When lien is perfected.* The lien may be perfected only when charges incurred by a customer for service become delinquent and when the city determines that other means for fully collecting the delinquency are inadequate or unavailable.

(C) *Form of the lien.* Upon request by the city, the form of the lien must be prepared by the City Attorney. The form must contain:

- (1) A statement indicating the purpose of the lien;
- (2) The address of the property which is the subject of the lien, where the address is ascertainable;
- (3) A complete legal description of the property which is the subject of the lien; and
- (4) The amount of delinquent charges, including penalties, interest and collection costs, if any, incurred upon the property as of the date of execution of the lien.

(D) *Execution and recording.* The lien must be:

- (1) Executed by the Mayor and acknowledged by a notary public of the state;
- (2) Approved as to form by the City Attorney; and
- (3) Filed in the deed or lien records of Dallas County.

(E) *Priority of lien.* The lien is superior to all other liens except a bona fide mortgage lien recorded prior to the recording of the city's lien in the lien or deed records of Dallas County.

(F) *Additional charges; correction lien.* Should additional delinquent charges be incurred subsequent to the date of the original lien's execution, a correction lien may be executed and filed, in the form provided above, fixing the additional delinquent charges. The correction lien, when filed of record, shall relate back to the date of recording of the original lien and shall become a part of the original lien.

(G) *Suit to foreclose.* The City Attorney, at the request of the city, may file suit to judicially foreclose the lien in a state court of competent jurisdiction. The suit may not be filed earlier than 60 days after the recording of the lien.

(H) *Release of lien.* Upon certification by the city that all delinquent charges which existed against the property have been fully paid, the Mayor is authorized to execute a release of the lien. The release shall be prepared and approved as to form by the City Attorney and shall be duly acknowledged. After execution, the city must immediately file the release in the deed or lien records of Dallas County.

(I) *Cumulative remedies.* This subchapter is cumulative of any other remedies, methods of collection or security available to the city or under state law. This subchapter does not affect the city's authority to refuse or to furnish service when delinquent charges exist.

(`97 Code, § 16-91) (Ord. 1992-D, passed 6-9-92)

§ 51.76 NOTICE OF WATER LIEN.

(A) *Form of notice.* Prior to recording of the water lien, the city shall send notice, by certified mail, return receipt requested, that a lien will be fixed on the property in accordance with law. The notice must provide a time, place and means by which the charges causing the lien may be paid or disputed. The notice must be sent to:

(1) The customer in whose name the account for service to the property exists; and

(2) The last known record owner of the property according to the tax rolls of the city, if the customer is not the owner.

(B) *Absence of notice.* Absence of receipt of notice does not affect the enforceability of a lien perfected under this subchapter.

(`97 Code, § 16-92) (Ord. 1992-D, passed 6-9-92)

§ 51.77 NOTICE OF VACANCY OR TRANSFER OF PROPERTY.

(A) *When notice given.* The customer, or the owner of property served, must notify the city within three days after the occurrence of:

(1) Any total vacancy in the property served;

(2) Any change in ownership, whether by sale, foreclosure, business reorganization or otherwise; or

(3) Any occupancy of previously vacant property.

(B) *Failure to notify.* Failure to give notice in accordance with division (A) of this section shall render the owner and customer, if he or she is not the owner, jointly and severally liable for all charges due against the property. Upon receipt of notice under division (A)(1) or (A)(2), the city shall prepare a final bill for the account.

(`97 Code, § 16-93) (Ord. 1992-D, passed 6-9-92)

