

**ORDINANCE NO. 22-2020**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARION,  
TEXAS, CREATING FORGIVENESS PROCEDURE FOR EXCESSIVE  
WATER SERVICE BILL; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on August 21, 2017, the City Council adopted Ordinance No. 11-2017 which, among other things, set out fees for the disconnection of water service;

**WHEREAS**, there are situations in which Marion water customers have leaks on their property that result in unusual and excessive water usage;

**WHEREAS**, these leaks waste water;

**WHEREAS**, it is in the best interest of the City that water customers promptly fix the leaks;

**WHEREAS**, when individuals promptly fix leaks, the City Council can consider crediting a percentage of the unusual and excess water usage caused by the repaired leak; and

**WHEREAS**, the City Council finds that it is in the best interest of the City to, on a case-by-case basis, issue a credit to individuals and entities that have repaired water leaks on their property.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARION, TEXAS, THAT:**

**Part 1. Enacted.**

**Sec. 1.01 Water credit policy**

- (a) Customers who have experienced water loss due to the following reasons may request an adjustment to their accounts:
- (1) Underground leaks
  - (2) Leaks behind walls
  - (3) Leaks in the slab
- (b) The adjustment must be received in writing with proof of repairs: plumbing invoices or receipt of plumbing supplies. The request for this adjustment must be made within 6 months of the repair date. A customer may be granted an adjustment once every three years. The date the adjustment is granted is the first day of the three-year period.
- (c) The adjustment will be made at one-half the difference between the customer's highest monthly consumption during the leak period and the average of the two normal consumption months immediately preceding the leak period.
- (d) Credits under this Ordinance may be used in conjunction with other payment options allowed by other City ordinances.

(e) Current water rates will be used to determine the amount to be adjusted to the customer's account.

Example: 9,000 gallons – highest monthly consumption billed with leak  
5,000 gallons – normal comparable consumption two-month average

Adjustment formula:  $\frac{9,000 \text{ gallons} - 5,000 \text{ gallons}}{2} = 2,000 \text{ gallons}$

2,000 gallons of water to be credited based on current water rates

(f) If the leak occurs during the three-month period in which the City averages water usage for calculation of monthly wastewater charges, the City will use the month preceding the three-month period in place of the month in which the leak occurred. Example: If the City uses December, January, and February water usage to calculate the monthly wastewater charge and the leak occurs during one of these three months, the City will use November in the calculation in place of the month during which the leak occurred or highest leak.

## **Part 2. Amendment and Repeal of Conflicting Ordinances**

All ordinances and parts of ordinances in conflict herewith shall be and are hereby amended and repealed to the extent of such conflict, as of the effective date of this ordinance; save and except that any such amended or repealed ordinance or provision shall remain in full force and effect with respect to any notice given, complaint filed, or charge levied prior to the effective date of this ordinance.


## **Part 3. Effective Date.**


This Ordinance shall be in force and effect from the date it is passed and approved.

## **Part 4. Open Meetings.**

It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public, and public notice of the time, place, and purpose of the said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code.

PASSED AND APPROVED this 7<sup>th</sup> day of December 2020.

  
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Victor Contreras, Mayor

ATTEST:  
  
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Maria Hernandez, City Administrator

