

ORDINANCE NO. 2014-XXX

AN ORDINANCE OF THE CITY OF DENTON, TEXAS PROVIDING FOR THE SCHEDULE OF MISCELLANEOUS FEES, DEPOSITS, BILLINGS AND PROCEDURES FOR ADMINISTRATIVE SERVICES TO CITY UTILITIES CUSTOMERS CONTAINED IN ORDINANCE NO. 2013-233; ADDING THE CREDIT CARD PROCESSING SERVICE FEE; PROVIDING FOR A REPEALER; PROVIDING FOR A SUSTAINABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. That the schedule of charges for general utility services as generally provided for in Chapter 26 of the Code of Ordinances; and for services to other City of Denton customers and taxpayers, are hereby established as follows:

SERVICE CHARGES AND PROCEDURES SCHEDULES

| | | |
|----|--|-------------|
| A. | <u>ACCOUNT CONNECTION AND RECONNECTION CHARGES</u> | <u>PAGE</u> |
| | Meter Connection Charge | 3 |
| | Meter Reconnection Process Charge | 3 |
| | Unauthorized Usage Penalty | 4 |
| | New Customer Application Charge | 4 |
| B. | <u>METER CHARGES</u> | |
| | Meter Reading | 5 |
| | Meter Testing | 5 |
| | Meter Tampering and/or Damage Charge | 5 |
| | Meter Inaccessibility Charge | 6 |
| C. | <u>MISCELLANEOUS FEES, CHARGES AND DEPOSITS</u> | |
| | Returned Payment Charge | 7 |
| | Service Deposits | 7 |
| | Waiver of Service Deposits | 8 |

| | | |
|--|---|---|
| Late Payment Charge Due on Delinquent Balances | | 8 |
| Interest Charge on Past Due Account Balance | 9 | |
| Interest Earned on Contract Retainage | 9 | |
| Credit Card Processing Service Fee | 9 | |

ACCOUNT CONNECTION AND RECONNECTION PROCESS CHARGES
(Effective 10/01/14)

For the purposes of this rate schedule, business hours shall be defined as Monday through Friday, 8:00 AM to 5:00 PM.

METER CONNECTION CHARGE

APPLICATION

Applicable when a customer requests service on a first time basis where no permanent service previously existed and where a new account number is established or, when a customer requests service at an address which has existing or previous service, with an existing account number and history, and the electric and/or water meter must be installed or activated for readiness.

CHARGE

| | | |
|----------------|--|---------|
| First | Service Requested | \$23.00 |
| First same day | Service Requested, guaranteed same day service | \$61.00 |
| First business | Service Requested, after hours | \$61.00 |

METER RECONNECTION PROCESS CHARGE

APPLICATION

Applicable when a customer's account is processed for disconnection due to nonpayment.

CHARGE

Delinquent Service Fee \$46.00
(When service is disconnected at the electric meter socket or the water meter)

Delinquent Service Fee \$168.00
(When a service truck is required or the water meter has been removed)

Reconnect Charge, guaranteed same day service
(In addition to delinquent service fees) \$61.00

| | |
|--|----------|
| Reconnect Charge, guaranteed same day service (When a service truck is required or the water meter has been removed) | \$231.00 |
|--|----------|

When more than one trip, within twenty-four (24) hours, is required to restore a customer's service, a Return Trip Charge, in addition to the Reconnection Charge, shall be applied for each additional trip.

| | |
|--|---------|
| Return Trip Charge during business hours | \$23.00 |
|--|---------|

| | |
|---|---------|
| Return Trip Charge after business hours | \$61.00 |
|---|---------|

UNAUTHORIZED USAGE PENALTY

APPLICATION

Applicable to any customer that fails to request connection of services within 24 hours of occupancy in a new service location.

CHARGE

| | | |
|--------------|---------------|---------|
| Unauthorized | Usage Penalty | \$30.00 |
|--------------|---------------|---------|

NEW CUSTOMER APPLICATION FEE

APPLICATION

Applicable when a customer requests new service or is added to an existing account and provides Social Security or Tax ID information to verify identity and credit history.

CHARGE

| | |
|--|---------|
| New Residential Customer Application Charge - per person | \$3.00 |
| New Commercial Customer Application Charge | \$16.00 |

METER CHARGES
(Effective 10/01/14)

METER READING

APPLICATION

Applicable to any electric or water utility customer who requests a reading of a city meter due to a contested billing more than twice in the previous twelve (12) months, and no error is found.

CHARGE

| | |
|------------------------|---------|
| Per Additional Reading | \$46.00 |
|------------------------|---------|

METER TESTING

APPLICATION

Applicable to any customer who requests the testing of a city meter previously tested within the past four (4) years and the meter is found to be within accuracy standards.

CHARGE

| | | |
|------------|-------------|---------------------|
| Per Test | \$62.00/KWH | Electric Meter |
| \$93.00/KW | | /KWH Electric Meter |
| \$93.00 | | Water Meter |

ACCURACY STANDARDS

A meter is defined as within accuracy standards when found to be plus or minus two percent (2%) or less.

METER TAMPERING AND/OR DAMAGE CHARGE

APPLICATION

Applicable to any person that tampers with, damages, or illegally connects to a city electric, water, or wastewater utility system.

CHARGE

| | | |
|-----------|----------|--|
| Per Event | \$310.00 | minimum per electric connection per system |
| Per Event | \$200.00 | minimum per water connection per system |

METER INACCESSIBILITY CHARGE

APPLICATION

Applicable to any customer who prevents the regular and routine reading, maintenance, repair or removal of any city meter due to inaccessibility of the meter.

CHARGE

| | | |
|-----|-------|---------|
| Per | event | \$46.00 |
|-----|-------|---------|

MISCELLANEOUS FEES, CHARGES, AND DEPOSITS
(Effective 10/01/14)

RETURNED PAYMENT CHARGE

APPLICATION

Applicable when a customer's or taxpayer's check, or money order, or bank draft for payment of fees, fines, court costs, taxes, utilities, or other charges has been dishonored by the maker's bank and returned to the City of Denton unpaid.

CHARGE

| | |
|-----------|---------|
| Per Check | \$27.00 |
|-----------|---------|

SERVICE DEPOSITS

APPLICATION

Applicable when a residential customer requests utility service in the City of Denton service area and does not have twelve (12) months of good credit standing with the City of Denton or demonstrates a passing credit rating through an external credit reporting agency.

Applicable when a commercial customer does not have twenty-four (24) months of good credit standing with the City of Denton or demonstrates a passing credit rating through an external credit reporting agency. Not applicable when a commercial customer provides an irrevocable letter of credit to the City of Denton as security for payment.

CHARGE

| | |
|----------------------|---|
| Residential Customer | An amount up to 1/6 of the last 12 months of billing at the service location. If utility service is disconnected for non-payment or the account is consistently past due, then the customer will be required to pay a deposit sum up to 1/6 of the last 12 months of billing at the service location. |
| Commercial Customer | An amount up to 1/6 of the last 12 months of billing at the service location. If utility service is disconnected for non-payment or the account is consistently past due, then the customer will be required to pay a deposit sum up to 1/6 of the last 12 months of billing at the service location. |

Deposits will earn interest for the customer. The applicable rate of interest will be adjusted semi-annually to equal the rate of a one-year United States Treasury Note on October 1 and

April 1 of each year. If refund of deposit is made within thirty (30) days of receipt of deposit, no interest payment will be made. If the City retains the deposit more than thirty (30) days, payment of interest, at the current rate, shall be made retroactive to the date the deposit was paid,

A. Payment of the interest to the customer shall be made at the time the deposit is returned or credited to the customer's account.

B. The deposit shall cease to earn interest on the date it is returned or credited to the customer's account.

WAIVER OF SERVICE DEPOSITS

APPLICATION

Applicable when an Applicant is a citizen of the City of Denton, Texas and who also is a "victim of family violence," applies for utility service in the City of Denton, Texas. To be a qualified as a "victim of family violence" an Applicant must secure and provide a certification letter, provided by one of the certifying entities to the Utilities Customer Service Department.

If a proper, dated and completed certification letter is presented by or on behalf of the Applicant to the Utilities Customer Service Department, and its issuance is verified by the Utilities Customer Service Department, then the requirement of a utility deposit shall be waived for that Applicant. This provision is applicable solely to "victims of family violence" as defined by Texas Family Code, §71.004, as amended. No other relief from the City's utility rates, or deposits, or charges, or fees is hereby provided to "victims of family violence."

LATE PAYMENT CHARGE DUE ON DELINQUENT BALANCES

APPLICATION

To cover a portion of the administrative costs of collecting past due balances, a late payment charge shall be assessed on the fifth business day following the due date.

CHARGE

\$20.00 late payment charge

INTEREST CHARGE ON PAST DUE ACCOUNT BALANCE

APPLICATION

Interest shall be assessed on any past due account balance (excluding late payment charges) that remains unpaid at the time of the current month's billing calculation. The interest provided for and assessed herein shall be due and payable on the due date of the current month's billing statement.

CHARGE

1% / month on all past due charges and account balances unpaid at the time of the current month's billing calculation.**

**Under no circumstances shall the interest charge provided for herein exceed the legal rate of interest. To the extent that it does so, the charge is inadvertent, and the City intends only to assess, charge and collect such interest rate that does not exceed the highest lawful rate.

INTEREST EARNED ON CONTRACT RETAINAGE

Contract retainage will earn interest for the contractor as provided by TEX. REV. CIV. STAT. ANN. Article 6252, Sec.5b (Vernon Supp. 1992). The rate of interest will be adjusted semi-annually to equal the interest rate of a one year United States Treasury Note on October 1 and April 1 of each year. Payment of the interest shall be made at the time the retainage is paid to the contractor.

CREDIT CARD PROCESSING SERVICE FEE

APPLICATION

Applicable when a non-residential customer remits payment for fees, fines, court costs, taxes, utilities, or other charges using a credit card. Charge is assessed by the City of Denton's payment processing vendor after the customer has confirmed the payment amount and authorized the fee.

CHARGE

| | |
|-------------------------|--|
| Per Payment Transaction | 2.7% of the payment amount remitted using the non-residential customer's credit card |
|-------------------------|--|

SECTION 2. All ordinances or parts of ordinances in force when the provisions of this ordinance became effective which are in consistent, or in conflict with the terms or provisions contained in this ordinance are hereby repealed to the extent of any such conflict.

SECTION 3. If any section, subsection, paragraph, sentence, clause, phrase or word in this ordinance, or application thereof to any person or circumstances is held invalid by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance, and the City Council of the City of Denton, Texas, hereby declares it would have enacted such remaining portions despite any such invalidity.

SECTION 4. This ordinance shall become effective, charged, and applied to all services occurring on and after October 1, 2014; and a copy of said fees and charges shall be maintained on file in the Office of the City Secretary of Denton, Texas.

PASSED AND APPROVED this the _____ day of _____, 2014.

CHRIS WATTS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

By: _____

APPROVED AS TO LEGAL FORM:
ANITA BURGESS, CITY ATTORNEY

By: _____