

TOWN OF FAIRVIEW, TEXAS
ORDINANCE NO. 2023-12

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS, AMENDING APPENDIX A, "FEE SCHEDULE," OF THE FAIRVIEW CODE OF ORDINANCES, BY AMENDING ARTICLE A4.000, "UTILITY RATES AND CHARGES", REGARDING WATER ADJUSTMENTS; PROVIDING A SAVING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS:

Section 1. That Section A4.001, "Water service", in Appendix A, "Fee Schedule," of the Fairview Code of Ordinances, is hereby amended by repealing and replacing subsection (p); to hereafter read as follows:

"(p) Water adjustments. The town will not provide a water adjustment unless an accidental leak causes an increase of at least \$250 over the customer's average monthly bill. Calculation of potential adjustment will be determined by taking the difference in usage history and leak gallons at the current North Texas Municipal Water District plus fifty 50% percent. The customer must have six (6) months of consumption history—excluding months during which a leak occurred—to be considered for adjustment calculation. The customer must provide evidence that the leak was repaired prior to an adjustment being made. An adjustment may be made for a period of up to two consecutive months, including the month of repair and only one leak adjustment per 18-month period shall be allowed. Adjustment request must be by written application and submitted to Utility Billing within thirty (30) days of the repair. If the date of repair cannot be verified, an adjustment will not be made. The customer must provide evidence that the leak was repaired by a contractor or provide receipts for repair parts and/or affidavit verifying that the customer repaired the leak themselves with purchased parts or parts on-hand. While request is under review, customer must continue to pay as billed (excluding leak month(s)), maintaining account in good standing.

Section 2. That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction be subject to a fine in accordance with the general provisions of the Fairview Code of Ordinances.

Section 3. That Appendix A, Article A4.000 of the Town of Fairview Code of Ordinances shall remain in full force and effect save and except as amended by this ordinance.

Section 4. That the sections, paragraphs, sentences, phrases, clauses and words of this ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this ordinance or application thereof to any person, firm or corporation, or to any circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance, and the Town Council hereby declares that it would have adopted such remaining portions of this ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

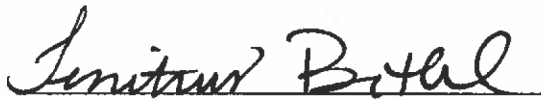
Section 5. That this ordinance shall take effect on May 2, 2023, and it is accordingly so ordained.

PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS, the 2nd day of May 2023.



Henry Lessner, Mayor
Town of Fairview, Texas

ATTEST:



Tenitrus Bethel, Town Secretary
Town of Fairview, Texas

APPROVED AS TO FORM:



Clark McCoy, Town Attorney

