

**KENDLETON CITY REVISED
REVISED ORDINANCE NO. 0615**

WATER AND SEWER SYSTEM USAGE AND RATES

AN ORDINANCE OF THE CITY OF KENDLETON, TEXAS ESTABLISHING WATER AND SEWER POLICIES, RATES, AND FEES; PROVIDING DEFINITIONS, TAP AND INSPECTION FEES; REGULATORY ASSESSMENTS, SWIMMING POOL INSPECTIONS, PLUMBING REGULATIONS, PROHIBITIONS AGAINST CROSS-CONNECTIONS AND UNACCEPTABLE PLUMBING PRACTICES, LATE PAYMENT FEES, TERMINATION AND RECONNECTION OF SERVICE, RETURNED CHECK POLICIES AND FEES, NEW ACCOUNT FEES, SECURITY DEPOSITS, REQUIREMENTS FOR SERVICE, AND MISCELLANEOUS PROVISIONS; PROVIDING OFFENSES AND PENALTIES, PROVIDING NON-LIABILITY OF THE CITY AND ITS AGENTS, EMPLOYEES, OFFICERS, AND REPRESENTATIVES; AND PROVIDING A SEVERANCE CLAUSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KENDLETON, TEXAS DULY ASSEMBLED.

SECTION 1: DEFINITIONS

- A. **"Single Family Residential User"** means any user of the City's water and sewer system that consists of one residence designed for use and occupancy by a single family unit.
- B. **"Multi-Family Residential User"** means any use of the City's water and sewer system, other than a Single Family Residential User or a Commercial User that consists of a building designed for use and occupancy by multi-family units, including apartments, townhouses, and other multi-family dwelling units.
- C. **"Commercial User"** means any user of the City's water and sewer system that is not a Single Family Residential User or a Multi-Family Residential User, including, but not limited to, commercial establishments, churches, and schools.
- D. **"Consumer"** means the occupant of a residential, commercial or industrial structure within the area of the City, whether the owner, renter or lessee.
- E. **"System"** means the water and/or sanitary sewer facilities of the City and all extensions and additions thereto, whether now in place or constructed in the future.
- F. **"Delinquent Bill"** means a bill for water and/or sewer service that has not been paid within twenty (20) days after the date of the bill for the preceding month's service. It is not the date of mailing or receipt, but the bill's date that starts the time.

G. **"Owner"** means the record title owner of a residential, commercial, or industrial structure within the City, whether an individual, partnership, or corporation.

H. **"Operator"** means the person, firm, corporation, municipal corporation or political subdivision with which the City has contracted for operation and maintenance of the City system. This may be the City itself or duly appointed agents.

I. **"Separate Connection"** means each residential unit occupied by a separate family or person, including separate apartments and townhouses within a single building, and each business unit occupied by a separate business, including separate establishments within a single building.

J. **"Nontaxable Entity"** means an entity that is exempt from ad valorem taxation under state law. The presumption is that all users are subject to these rates.

K. **"Unacceptable Plumbing Practices"** mean practices not accepted by or that are in violation of the Southern Standard Plumbing Code, the Uniform Plumbing Code or the National Standard Plumbing Code.

SECTION 2: TAP AND INSPECTION FEES

A. Residential and Commercial User Water Taps

- (1) *Connections required.* Any person using water service within the corporate limits of the city must connect to the city service line or main when the service line or main exists within one hundred twenty (120) feet of that person's property. Any person who has a service line or main available in accordance with this subsection must make a connection within thirty (30) days of such availability. Failure to make a connection to such service line or main shall constitute a violation of this subsection and persons in violation hereof shall be subject to the fines and penalties as described in section 7 and section 14 of this ordinance.
- (2) Prior to the connection of a Residential User to the City's water system, a tap fee of **\$600.00 is for residential** to be paid to the City for 5/8", 3/4" tap and a 1" tap is \$760.00 for commercial user to cover the cost of making said connection and the cost of materials. The user is also be responsible for repairing or restoring any yards, sidewalks, streets or other improvements affected by the installation of the tap to the satisfaction of the City's inspector within thirty (30) days of the installation date. Upon a failure of the user to complete the repairs timely, the City's operator will make such repairs and bill the user **3 times** the City's cost of doing the repairs. Any necessary road boring fees shall be extra and be the responsibility of the User.

- (3) Prior to the connection of all other Residential and Commercial Users a tap fee of **3 times** the cost to the City for installing the tap, meter and any service line shall be paid to the City. The user shall also be responsible for repairing or restoring any yards, sidewalks, streets or other improvements affected by the installation of the tap to the satisfaction of the City's inspector within thirty (30) days of the installation. Upon failure of the user to complete the repairs timely, the City's operator will make such repairs and bill the user **3 times** the City's cost.

B. Non-Taxable Entity Water Tap

Prior to the connection of a Commercial User that is exempt from the payment of ad valorem property, a tap fee equal to the City's **actual installation costs** and any necessary service lines, plus such User's pro rata share of the City's actual cost of the facilities is to be paid to the City. The user is also responsible for repairing or restoring any yards, sidewalks, streets or other improvements affected by the installation of the tap to the satisfaction of the City's inspector within thirty (30) days of the installation. Upon failure of the user to complete the repairs timely, the City's operator will make such repairs and bill the user **3 times** the City's cost of doing the repairs.

C. Temporary Meters

During construction, a builder or contractor may use water from a fire hydrant only after paying a **\$50.00** installation fee and a **\$750.00** deposit to the City for installation of a temporary meter and use of a fire hydrant wrench. Such deposit will be returned after the builder or contractor completes all construction. The deposit may be applied by the City to the cost of water usage by a builder, contractor, or their agent and the cost of repair of any damage to the hydrant or other City facilities caused by a builder, contractor, or their agent.

D. Pre-Facility Inspection

All builders or contractors for property owners within the City must contact the City Operator prior to starting any work on property within the City and conduct an inspection to verify City facilities. If any City facility is either damaged or cannot be located, the operator will make the necessary repairs to locate and make visible the facility at the expense of the City. A copy of the inspection will be given to the builder's or contractor's representative. After the inspection and any necessary work is completed, the builder or contractor will then be responsible for paying the costs of all damages, adjustments, relocations and repairs found during the Final site Survey. The cost for each inspection is **\$50.00**.

E. Facility Inspection

After construction has been completed on the property, but before service is transferred to a User, the City Operator will conduct a Final site Survey to re-inspect the water tap, meter and all other City facilities on the property for a fee of **\$50.00** (The fee shall be collected at the time the tap fee is paid). The property owner, builder or contractor will be held responsible for any damages or adjustments to City facilities and the cost of repairing, adjusting or relocating the facilities (the "Back charges") before service begins to a User. If any re-inspections of the facilities are required, a fee of **\$50.00** must be paid for each such re-inspection before service will be transferred to a subsequent User. Payment of the Back charges, or any inspection or re-inspection fees, is to be made on or before the last day of the month for said charges. The City may withhold the provision of service to the property or to any other property owned by any User, property owner, builder or contractor who has failed to timely pay the Back charges or any inspection or re-inspection. All user accounts must be current with the City to obtain new service.

F. Sewer Connection Tap Fees and Inspection

All connections to the City's sewer system are to be made in accordance with the City's policy. Prior to connection, a fee of **\$600.00** is payable to the City for an approved city connection. No sewer connection or house lead is to be covered in the ground before a representative of the City has inspected the connection. A fee of **\$50.00** shall be charged for each Single family Residential sewer inspection and a fee of **\$100.00** shall be charged for each Multi-family Residential or Commercial sewer inspection made by the City. If a sewer connection fails an inspection, an additional inspection fee at the same rate shall be paid to the City prior to re-inspection. Any necessary road boring fees shall be extra and be the responsibility of the User.

G. Grease Trap Inspections

Any User responsible for a discharge requiring a trap and sampling well shall provide equipment and facilities of a type and capacity approved by the City, locate the trap in a manner that provides ready and easy access for cleaning and inspection, and maintain the trap in effective operating condition. It is the responsibility of the User to maintain and service such User's trap. All traps shall be cleaned a minimum of once a month for each grease trap installed, there shall be charged a flat rate inspection fee of **\$80.00**. The operator may re-inspect a grease trap that he suspects is not being maintained properly at any time, and each such inspection shall be charged a fee of **\$125.00** per re-inspection.

H. Sewer and Water Complaints

A. Any user reporting a water or sewer problem must first assess if the leak/blockage is on the City-side or the consumer-side of the connection. If City undertakes to repair a problem with the system, and the problem is determined to be the City's responsibility, repairs will be made accordingly. If, however, the City inspector determines the problem to be User related, (e.g. requiring the use of a plumber to repair at the User's expense), the User will be assessed a fee of **\$50.00** per hour to cover the cost and time required for the inspection.

B. From time to time a customer will have a water leak which goes undetected for a period of time which results in an unusually high water bill. Accordingly, each residential customer is allowed a one-time adjustment to his/her water bill if the unusually high water usage is the result of a problem on the customer's side of the meter. In making the adjustment, the Operator will average the previous two month bills and charge the customer according to this Rate Order, provided, however, the adjustment will not be applied to the customers' portion of the regulatory assessment set forth in Section 4 hereof. Customer shall be responsible for customer's portion of the regulatory assessment for the total amount of water appearing on the water bill.

I. Hauled Water

Any User of a metered or non-metered service connection for the purposes of filling a container for transport shall be assessed a **\$50.00** fee per truck for the first 1,000 gallons and **\$2.00** per 1,000 gallons thereafter.

SECTION 3: REGULATORY ASSESSMENT

As required by the Texas Water Code, each User of the City's water and sanitary sewer system is hereby assessed a charge of 1/2% of the City's charge for water and sewer service. This assessment is included in the rate schedules listed below and will be forwarded to the Texas Natural Resource Conservation Commission for use in paying costs and expenses incurred in its regulation of water systems. Additionally, a **voluntary donation of \$3.00** will be allowed on each monthly billing statement should the user wish to contribute to the operational costs for providing Fire and Emergency Medical services to the City of Kendleton. All such donations will be used only for the Fire Department and EMS.

SECTION 4: WATER

A. Monthly Rates

- (1) Single family Residential Users
Single family Residential Users are to be charged monthly for water as follows:

First 3,000 gallons	\$25.00 (minimum)	All over 3,000 gallons
		\$2.00 per 1,000 gallons

Monthly Water Rates: (In City Limits) \$25.00 Base to 3,000
Monthly Sewer Rates: (In City Limits) \$25.00 Base to 3,000

Monthly Water Rates: (Out City Limits) \$40.00 Base to 3,000
Monthly Sewer Rates: (Out City Limits) \$40.00 Base to 3,000

- (2) Multi-family Residential Users
 - a. Single Meter: Each multi-family building that is served by a single meter is to be charged monthly for water at the minimum rate applicable to Single Family Residential Users times the number of units within the building. Water usage in excess of 3,000 gallons per unit per month is being charged at the rates quoted above for Single Family Residential Users.
 - b. Multiple Meters: If a multi-family building is served by more than one meter, water delivered through each meter is to be charged the minimum rate for Single Family Residential Users times the number of units served through such meter, with consumption over the minimum charged at the rates quoted above for Single Family Residential Users.
- (3) Commercial Users
Each business unit occupied by a separate business, including separate establishments within a single building, whether connected by a single meter or multiple meters, shall be charged monthly for water as follows:

Within City: First 3,000 gals. \$50.00 (minimum)

Outside City Building: First 3,000 gals. \$75.00 (minimum)

All over 3,000 gals. \$2.00 per 1,000 gals.

- (4) Irrigation Systems
Metered water connections established solely for providing water to irrigation systems are to be charged monthly for water usage at the above-quoted rates that apply to such type of User. There shall be no sewer service charge for irrigation meters.
- (5) The fee for any 1000 gallon unit shall also apply to any portion of a 1000

gallon unit. Incremental use over the gallonage will be charged at the next highest level.

B. Pressure of Water

The City intends to use all reasonable efforts to supply adequate pressure of water to any User. The City does not guarantee to any User a specific quantity or pressure of water for any purpose. The City is required only to furnish a connection to its water system and in no case is the City liable for the failure or refusal to furnish water or any particular amount or pressure of water.

C. Sale or Use of Water

It is an unauthorized use of City services or facilities for any person, firm, or entity to sell or otherwise use water from the City's water system without the authorization of the City Council as follows:

Commercial Users:

First 3,000 gallons to	\$150.00 (minimum)
All over 3,000 gallon	\$6.00 per 1,000 gallons
All over 10, 000 gallons	\$11.00 per thousand gallons

SECTION 5: SEWER

(1) Single Family: Residential Users:

First 3,000 gals.	\$25.00 (minimum)
All over 3,000 gals.	\$2.00 per 1,000 gals.

(2) Multi-Family Residential Users:

First 3,000 gals.	\$50.00 (minimum)
All over 3,000 gals.	\$2.00 per 1,000 gals.

(3) Commercial Users:

First 3,000 gals.	\$75.00 (minimum)
All over 3,000 gals.	\$2.00 per 1,000 gals.

(4) The fee for any 1000 gallon unit shall also apply to any portion of a 1000 gallon unit.

(5) Sewer fees are based on the amount of water used and the City is not required to prove that the water went into the City's sewer system.

A. Quality of Sewage

(1) Domestic Waste

Only ordinary liquid and water-carried waste from domestic activities that is amenable to biological treatment and that is discharged from sanitary conveniences of buildings connected to a public sanitary sewer system are to be discharged in the City's sanitary sewer lines. Waste resulting from any process of commerce or industry may not be discharged in the City's sanitary sewer lines except as authorized pursuant to subsection (b) below.

(2) Commercial and Industrial Waste

All Discharges other than waste described in subsection (a) are prohibited unless the user has applied to and received written authorization from the City for such discharge. The applicant must file a statement with the City containing the following information:

- a. Name and address of applicant;
- b. Type of industry, business, activity, or other waste-creative process;
- c. Quantity of waste to be discharged;
- d. Typical analysis of waste;
- e. Type of pretreatment proposed; and
- f. Such other information as the City may request in writing.

The City has the right to reject any application for discharge of non-domestic waste into the City's sanitary sewer lines, if the City determines in its sole discretion that the proposed discharge may be harmful to the City's sanitary sewer system or the environment. The City also has the right in approving any application for the discharge of non-domestic waste to impose any limitations on such discharge that the City determines in its sole discretion to be necessary to protect the City's sanitary sewer system or the environment.

(3) National Categorical Pretreatment Standard

If a user is subject to a national categorical pretreatment standard pursuant to regulations promulgated by the Environmental Protection Agency under section 307 of the Federal Clean Water Act, the user is prohibited from discharging pollutants into the City's sanitary sewer system in violation of applicable categorical pretreatment standards.

(4) City Testing: Pretreatment

The City has the right to sample and test any user's discharge at the discretion of the City's operator, with no limit as to the frequency of the tests, and to charge the user for the City's cost of such sampling and testing. The City also has the right to require pretreatment, at the user's expense, of any discharge of non-domestic waste if the City determines in its sole discretion that pretreatment of such waste is necessary to protect the City's sanitary sewer system or the environment, even if pretreatment is not otherwise required pursuant to subsection (c) above.

SECTION 6: SWIMMING POOL INSPECTIONS AND REINSPECTION

Every User who plans to construct or install a swimming pool within the City needs to notify the City's operator in writing prior to commencing construction of the pool. Upon notification by the User of the intention to construct or install a swimming pool, the User will pay an inspection fee of **\$125.00**. After the notification is received, the City's operator will check that all drains from the swimming pool are connected to the City's sanitary sewer system. After the drains have been installed and before service is authorized, the User will notify the City's operator, who will make a final inspection of all swimming pool drains to verify that the proper connection is made. If deemed necessary to re-inspect the swimming pool there will be a **\$75.00** re-inspection fee.

SECTION 7: PLUMBING REGULATIONS; PROHIBITION AGAINST CROSS-CONNECTIONS AND UNACCEPTABLE PLUMBING PRACTICES; PENALTY FOR VIOLATION

Pursuant to Chapter 290 of the Texas Administrative Code, the City adopts the following plumbing regulations, which apply to all users of the City's potable water distribution system.

A. Plumbing Code

The City hereby adopts by reference as the City's plumbing code the Uniform Plumbing Code.

B. Plumbing Fixtures

A User is not permitted to install any plumbing fixture that does not comply with a state and City approved plumbing code.

C. Prohibition Against Water contamination

No direct connection between the City's potable water distribution system and a potential source of contamination is permitted. Potential sources of contamination shall be isolated from the City's potable water distribution system by the installation of an air-gap or an appropriate backflow prevention device in accordance with state plumbing regulations. In addition, all pressure relief valves and thermal expansion devices must be in accordance with state and City plumbing codes.

D. Backflow Prevention Assemblies

All sprinkler systems, spas and pools must have backflow prevention assemblies installed by the User at the User's sole cost and expense. In addition, the City, in its sole discretion, may require a non single family residential User to install a backflow prevention assembly at any meter(s) servicing such a User's property. The City in its sole discretion may require any User to install other backflow prevention assemblies at any fixture in order to prevent contamination of the City's water distribution system or if the User's plumbing system poses a high health hazard. A high health hazard is defined by

the Texas Natural Resource Conservation Commission as a "cross connection, potential cross-connection, or other situation involving any substance that could cause death, illness, spread of disease, or has a high probability of causing such effects if introduced into the potable drinking water supply". If the City determines that a User must install a backflow prevention assembly as protection against a high health hazard, the backflow prevention assembly used must comply with a state and City approved plumbing code and must be tested and certified at least annually by the City's operator. The cost will be **\$125.00**, which is due and payable prior to the test.

The user is responsible for insuring that all backflow prevention assemblies are tested upon installation by a recognized backflow prevention assembly tester. A list of certified backflow prevention assembly inspectors can be obtained from the local office of the Texas Natural Resource Conservation Commission. If this test is performed by the City's operator or its subcontractor, the cost will be **\$75.00**, which is due and payable prior to the test. The User is solely responsible for the cost of the test. If the City requires the installation of a backflow prevention assembly in order to prevent a serious threat to the City's public water supply, then the City, in its sole discretion, may immediately terminate service to the User. In that event, service will not be restored until the backflow prevention assembly has been installed and tested and a signed and dated original of a "Backflow Prevention Assembly Test and Maintenance Report" has been provided to the City's operator.

If the City determines that a backflow prevention assembly must be installed pursuant to this Ordinance for reasons other than to eliminate a serious threat to the City's public water system, the User must install the backflow prevention assembly within five (5) working days after receipt of notice from the City that such installation is required. In addition, the User must provide the City's operator with a signed and dated original of a "Backflow Prevention Assembly Test and Maintenance Report" in the form attached to this Ordinance as Exhibit "B" within three (3) working days of the installation of the backflow prevention assembly and within three (3) working days of any subsequent repair, maintenance or testing of such assembly. If the User fails to provide the testing certificate within this time, the City in its discretion may terminate service to the User pursuant to the terms of this Ordinance. The City's operator will retain such reports for a minimum of three (3) years.

E. Customer Service Inspections

A customer service inspection is required prior to the time the City (i) provides continuous water service to new construction, (ii) provides water service to private plumbing facilities that have been added to existing construction or materially improved or corrected, or (iii) continues service to a User when the City has reason to believe that cross-connections or other unacceptable plumbing practices exist. The cost of such customer service inspection is

\$100.00 for Single Family Residential Users and will be determined on an individual basis for other Users. All fees relating to the customer service inspections shall be paid by the User prior to the inspections, and if the inspection is made in connection with new construction, the fee will be collected with the tap fee.

Prior to initiating service to new construction or buildings containing new plumbing fixtures, the User must provide the City's operator with a signed and dated "Customer Service Inspection certification" in the form attached to this Ordinance as Exhibit "B". The City's operator will retain such inspection certifications for a minimum of ten (10) years. If the City's operator does not perform the initial customer service inspection, the User will need to obtain a final inspection certificate from the City's operator prior to receiving service. In connection with this final plumbing inspection, the User shall allow its property to be inspected by the City's operator or its subcontractors during normal business hours for possible cross-connections and other unacceptable plumbing practices that violate this Ordinance. The cost of this final plumbing inspection shall be **\$50.00** for Single Family Residential Users and will be determined on an individual basis for other Users. The cost of this final inspection shall be paid by the User prior to the final plumbing inspection. Thereafter, the City's operator or its subcontractors may, at the discretion of the City and/or the City's operators, periodically inspect a User's plumbing system during normal business hours for identifying possible cross-connections and other unacceptable plumbing practices that violate the City's Ordinance.

F. Prohibition Against Cross-Connection

No cross-connection between the City's potable water distribution system and a private water system is permitted. Where an actual air gap is not maintained between the public water supply and a private water supply, an approved reduced pressure-zone backflow prevention assembly must be properly installed and such assembly must be annually inspected and tested by a certified backflow prevention device tester. A list of certified backflow prevention device testers may be obtained from the local office of the Texas Natural Resource Conservation Commission. By accepting service from the City, all Users agree to allow such annual inspection and testing of backflow prevention assemblies to take place during normal business hours. If any user refuses to allow such annual inspection and testing, service to such User will be discontinued until such inspection and testing is completed.

No connection that allows water to be returned to the City's potable water distribution system is permitted. This includes, but is not limited to, any device pursuant to which water is removed from the City's potable water distribution system, circulated through a User's system for condensing, cooling and heating of fluids or industrial processes, including but not limited to a heat exchange system, and routed back to the City's potable water distribution system.

G. Notice of Unacceptable Plumbing Practices

The City shall notify the user in writing of any cross-connection or other unacceptable plumbing practice that has been identified during the customer's service inspection, the final plumbing inspection, any periodic re-inspection, or any other inspection. At its sole cost and expense, the User shall immediately correct any unacceptable plumbing practice on its premises and properly install, test and maintain any backflow prevention device required by the City within 2 working days of receipt of notice of the improper cross-connection. The User shall provide copies of all testing and maintenance records on such devices to the City within 3 working days of the testing or maintenance. If the User fails to correct the noted unacceptable plumbing practice, the City may immediately terminate water service or, at the User's sole cost and expense, eliminate the cross-connection or correct the unacceptable plumbing practice.

H. Penalty for Violation

The failure of a User to comply with the terms of this section will be considered a violation of this Ordinance. If such a violation occurs, or the City determines the existence of a serious threat to the integrity of the City's water supply, the City in its sole option, may, in addition to all other legal remedies available to it, including those remedies set out in this Ordinance immediately terminate service or, at the User's sole cost and expense, install the plumbing fixtures or assemblies necessary to correct the unacceptable plumbing practice. If the City terminates service in order to preserve the integrity of the City's water supply, service will be restored only when the source of the potential contamination no longer exists or until additional safeguards have been taken. All expenses associated with the enforcement of this section shall be billed to the User.

SECTION 8: LATE PAYMENTS

A. Late Payment Charge

Unless payment of monthly water or sewer bill or other charge is received on or before the delinquency date or 20 days after the date of the bill, a late payment charge of 10% of the unpaid balance will be due the City to cover the City's costs of collection of such delinquent amount. All accounts not paid by the due date will be considered delinquent. If any part of a user's bill is delinquent, all user charges are due and payable.

B. Delinquent Letter Fee

A fee of \$10.00 will be charged by the City for each notice of termination mailed to ant to cover the City's costs associated with such notice.

SECTION 9: TERMINATION AND RECONNECTION OF SERVICE

A. Monthly Bills and Termination

The City may disconnect service for failure to pay any charge, including any late

charge, by the 3rd day after the due date. Prior to disconnecting services, the City will mail a written notice by United States First Class mail to the User at the service address. The notice will provide the User the delinquent payment, the date service will be disconnected or additional service withheld if payment is not made, the date, time and place of the next scheduled meeting of the City Council and of the opportunity to contest, explain or correct the charges, services, or disconnection, by presenting in person or in writing such matter to the City Council at the next scheduled meeting as shown on the notice. The notice will be mailed at least 3 days prior to the date of the scheduled meeting of the City Council. A written statement by the City's operator that the notice was mailed is prima facie evidence of delivery of the same.

B. Termination for Ordinance Violations

Any User who violates any provision of this Ordinance, in addition to being subject to the penalties described in Section 14(C), shall be subject to having water and sewer service terminated; provided, however, that prior to disconnecting service for such violation, the City will give written notice, by mail or otherwise, to such user of the pending disconnection and shall give such User the opportunity to contest, explain, or correct the violation of the Ordinance at a meeting of the City Council.

C. Reconnection

If service to a User is disconnected for any cause, a fee of **\$20.30** will be due for disconnects due to delinquency and a reconnection fee of **\$30.00** for residential Users and a fee of **\$60.00** for commercial Users is to be paid to the City before service is again commenced at such location. In addition, such User shall be required to pay a security deposit of 3 times their monthly bill as described in Section 12 of this Ordinance, less any prior security deposit on file in the City's records for such User, before service is reconnected. Payment of all amounts under this section must be in the form of cash, cashier check, or money order.

D. Pulled Meters

If usage is detected on a User's water meter after the City has terminated service to such user, such User's meter will be pulled and a **\$50.00** fee, in addition to the **\$30.00** reconnection fee described in Section 9(C) and the penalties described in Section 14(C) of this Ordinance, shall be collected before service is again commenced to such User. Payment of such fee must be in the form of cash, cashier's check, or money order.

SECTION 10: RETURNED CHECKS

In the event that a User's check is returned unpaid by said User's bank for any cause, a charge of **\$40.00** will be added to such User's bill to cover the City's cost of handling. If such User's account is also more than thirty (30) days delinquent, the account shall be scheduled for termination and notice thereof shall be given as provided in section 9(A) above. In such event, payment for the amount due on such account must be in the

form of cash, cashier's check, or money order.

SECTION 11: NEW ACCOUNT FEE

A non-refundable fee of **\$30.00** shall be charged for each new account in order to cover the City's costs of setting up such account. Such fee shall be paid prior to service being initiated and is in addition to the security deposit required under Section 12 of this Ordinance.

SECTION 12: SECURITY DEPOSIT

A. Security Deposits

A deposit of **\$140.00** applies to all new Single Family Residential Users in the City. A deposit of **\$300.00** applies to all new Commercial or Multi Family Users in the City. A deposit equal to 3 times the average monthly utility bill as determined by the City's operator is required of all other Users in the City. Such sums shall be required prior to service being initiated and shall be held by the City as a deposit to assure prompt payment of all charges for utility service. No interest will be allowed on such deposits.

B. Deposit Transfers

Security deposits may not be transferred from one User to another; however, a User who moves from one address to another within the City may have the security deposit from the account at the previous address transferred to the account at the new address.

C. Builder Deposits

A **\$750.00** deposit is required of a builder at the time a request for each initial water tap is made for a residence, commercial building, or other structure in the City. The deposit will be refunded by the City upon transfer of the account from such builder to a homeowner; provided, however, that the deposit is to be forfeited as a penalty in the event any provision of this Ordinance or the City's Policy Manual regarding Sanitary Sewer Facilities, Service Lines and Connections, as may be amended from time to time, is violated. The deposit may be applied by the City to the cost of repair of any damage caused to City property by the builder or builder's agent, whereupon it will be the builder's responsibility to reinstate the original amount of the deposit prior to the City's operator making any additional water taps for said builder.

SECTION 13: REQUIREMENTS FOR SERVICE

A. Platting Requirement

Prior to initial connection to the City's water or sewer system, a User is to submit to the City's operator proof that the User's property has been platted in accordance with the City ordinances. Acceptable proof of platting includes a copy of the recorded plat or a certificate that the property is legally exempt from the platting process. All properties that are built on prior to water and sewer

service being available to that property are exempt from the platting requirement.

B. Permits

Any applicant requesting connection to the City's system must have obtained all necessary permits. The City may require proof that a permit has been obtained or requirement for such permit has been waived.

C. Plumbing Material Restrictions

(1) Prohibition on Use of Specified Materials

The use of the following materials are prohibited in all improvements connected to the City's water system:

- a. Any pipe or pipe fitting which contains more than 8.0% lead; and
- b. Any solder or flux which contains more than 0.2% lead.

D. Approval of Plans

Before any connection, other than a Single Family Residential User connection, is made to the City's water, sewer, or drainage system, or before any reconnection is made, the person requesting such connection shall submit to the City's engineer for review and approval the water, sanitary sewer, and drainage plans and specifications for the property for which the connection is sought. Such plans shall clearly show the estimated volumes of water of effluent and the proposed points of connection to the City's system. A copy of such approved plans, with the engineer's approval indicated thereon, shall be submitted to the City's operator. Any modifications of such plans shall require re-approval by the City's engineer. The City reserves the right to require removal of any connection made in violation of this Section.

E. Access to Premises

The City will have the right of access to the customer's premises at all times reasonable for the purpose of installing, inspecting or repairing water and sewer mains or other equipment used in connection with its provision of water and sewer service, or for the purposes of removing its property and disconnecting lines and for all other purposes, to protect the health and welfare of its customers.

SECTION 14: MISCELLANEOUS PROVISIONS

A. Future Adjustments

The City reserves the right to increase rates and fees from time to time when, in the opinion of the City Council, such increases are required to cover the costs of administration, efficient operation, and adequate maintenance of the City's facilities.

B. No Free Service

No free service shall be granted to any user for water or sewer services furnished by the City whether such user is a charitable or eleemosynary institution, a political subdivision, or a municipal corporation, and all charges for water and sewer service shall be made as set forth in this law.

C. Penalties for Violation

Any person who:

- (1) Violates any Section of this Ordinance; or
- (2) Makes unauthorized use of City services or facilities; or
- (3) Causes damage to City facilities by using such facilities in a manner or for a purpose contrary to the purpose for which such facilities were designed; or
- (4) Violates the City's Rules and Regulations Governing Sewer Lines and Sewer Connections; or
- (5) Constructs facilities or buildings that are not included in the approved plans for development described in this Ordinance.

shall be subject to a penalty of up to **\$500.00** for each breach of each one of the foregoing provisions. Each day that a breach of any provision hereof continues shall be considered a separate breach.

1ST penalty \$150.00 + any other cost to the city

2nd penalty \$300.00 + any other cost to the city

3rd penalty \$500.00 + any other cost to the city

This penalty shall be in addition to the other penalties, fees and charges provided by this Ordinance and the laws of the State of Texas and in addition to any other legal rights and remedies of the City as may be allowed by law.

D. Maintenance and Repair

It is the responsibility of each User to maintain the water and sewer lines from the building served to the point of connection to the City's system.

E. Move out notice

All users must notify the City operator at least 10 days prior to the end of their service. The manager or agent for a multi family user must give the City notice of a move out when it receives notification from a tenant.

F. Out-of-City Service

The City Council shall determine whether to provide any utility service to areas outside of the City and the terms and conditions for such service. The minimum fees will be at least **1.6 times** the standard City rates.

G. No Liability of City

Neither the City nor its agents, employees, officers, or representatives shall bear any liability to any person other than the City for any act, omission, or condition in any way directly or indirectly related to the subject matter of this ordinance.

H. Severance Clause

If any portion or provision of this ordinance is ever held to be invalid for any reason, then the remainder of this ordinance shall remain valid and in full force and effect.

I. Effective Date

This Ordinance shall take effect from the date of its passage and approval.

PASSED AND APPROVED the _____ day of _____, 20____.

APPROVED BY

DARRYL K. HUMPHREY, SR.
MAYOR

ATTESTED BY

VERONICA HARRIS
CITY SECRETARY