

ORDINANCE NO. 592
“Utilities”

AN ORDINANCE PROVIDING FOR THE REPEAL OF ORDINANCE NOS. 319, 319A, 319B, 521, AND 540, AND ALL AMENDMENTS THERETO; ESTABLISHING UTILITY SERVICE TERMS AND CONDITIONS; PROVIDING FOR DISCONNECTION AND DISCONTINUANCE OF SERVICE; PROVIDING REQUIREMENTS FOR THE EXTENSION OF SERVICE; REQUIRING CONNECTION TO SYSTEMS; ESTABLISHING REQUIREMENTS FOR USE; PROVIDING FOR THE PAYMENT OF FEES AND SERVICE CHARGES; ESTABLISHING PROHIBITED ACTIVITIES; PROVIDING FOR RATES AND FEES; ESTABLISHING WATER WELL REQUIREMENTS; INCLUDING DROUGHT CONTINGENCY PLAN REQUIREMENTS; PROVIDING FOR A SAVINGS CLAUSE, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Granite Shoals seeks to promote the health, safety and general welfare of the citizens of the City, and the best interests of the City; and

WHEREAS, pursuant to Texas Local Government Code § 51.001, the City Council is authorized to adopt an ordinance that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Texas Local Government Code § 51.012, the City Council is authorized to adopt an ordinance, not inconsistent with state law, that the council considers proper for the government, interest, welfare or good order of the City; and

WHEREAS, the City Council seeks to ensure that utility service is adequate and efficient for the citizens of the City; and

WHEREAS, the Council finds that there are likely to be private wells in the City and in the City’s water service area as reflected in its certificate of convenience and necessity that do not comply with current Texas Commission on Environmental Quality (TCEQ) regulations; and

WHEREAS, the Council finds that such wells often are located within close proximity to septic systems in violation of TCEQ regulations; and

WHEREAS, the Council finds that there are other structures located in the City and in the City’s water service area as reflected in its certificate of convenience and necessity for which there is no safe and reliable water supply; and

WHEREAS, the Council finds that the above situations create a public health risk and a public nuisance; and

WHEREAS, the Council finds that malfunctioning septic systems, or septic systems that do not comply with the current standards as set by the TCEQ create a public health risk and a public nuisance; and

WHEREAS, the City has the authority pursuant to Section 217.042(a) of the Texas Local Government Code to define and prohibit nuisances within its City limits and within 5,000 feet outside the limits; and

WHEREAS, the City has the authority pursuant to Section 217.042(b) of the Texas Local Government Code to enforce all ordinances necessary to prevent and summarily abate and remove a nuisance; and

WHEREAS, the Council finds that the enforcement of this ordinance is necessary to prevent, abate and remove the nuisance that arises from unsafe water wells and malfunctioning septic systems; and

WHEREAS, the City has received grants for installing new connections to the City’s water system at no cost to the property owner and may seek additional grants in the future; and

WHEREAS, the Council finds that it is in the best interest of the public health, safety and welfare of the citizens to require connections to the City utility system as provided by this ordinance; and

WHEREAS, pursuant to Chapter 402 of the Texas Local Government Code and other laws, the City is authorized to operate its utility systems inside or outside its municipal boundaries, to regulate the systems in a manner that protects the interests of the municipality, and to extend the lines of its utility systems inside and outside the municipal boundaries; and

WHEREAS, pursuant to Chapter 13, Texas Water Code and the City’s Water Certificate of Convenience and Necessity (CCN) No. 11450, the City has the authority and responsibility to provide utility services to its customers and qualified service applicants; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRANITE SHOALS, TEXAS:

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ARTICLE II – PREAMBLE

SECTION 1. All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Granite Shoals and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

ARTICLE III – REPEAL OF PREVIOUS ORDINANCES

SECTION 1. This ordinance hereby repeals and replaces Ordinance Nos. 319, 319A, 319B, 521, and 540, and all amendments thereto, and any other ordinances that conflict with the provisions contained herein.

ARTICLE IV – UTILITY SERVICE TERMS AND CONDITIONS

SECTION 1. DEFINITIONS

Words and phrases used in this ordinance shall have the meanings set forth in this ordinance. Words and phrases that are not defined in this ordinance but are defined in this or other ordinances of the City shall be given the meaning set forth in those ordinances. Other words and phrases shall be given their common, ordinary meanings unless the context requires otherwise. Headings and captions are for reference purposes only, and shall not be used in the interpretation of this ordinance.

“Certificate of Convenience and Necessity” (CCN) means the water CCN No. 11450 issued by the Texas Commission on Environmental Quality to the City authorizing the City to be the exclusive retail utility service provider with the area designated by the CCN.

“City” means City of Granite Shoals, County of Burnet, State of Texas, and includes any official, agent or employee acting on behalf of the City.

“City Council” means the City Council of the City of Granite Shoals.

“City Manager” means the City Manager of Granite Shoals or his or her designee.

“City’s utility system” means the facilities owned or operated by the City in the provision of retail utility service within the City’s service area.

“Curb stop” means the valve located near the curb and between the water main and the building used to turn water service on and off to the building.

“Customer” means any person provided utility service by the City of Granite Shoals and its designee.

“Delinquent fees” means a fee imposed in accordance with Article IV, Section 9 for failure to make payment to the City for utility service by the specified due date which resulted in the termination of utility service.

“Developer” means any person or entity that is subject to the City’s subdivision ordinance, or that is an owner of one or more tracts of land for which construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure is proposed.

“ETJ” means the Extraterritorial Jurisdiction of the City of Granite Shoals.

“Meter” means any device used to measure water flow.

“Non-conforming connection” means a utility connection that does not conform with the existing standards of the City.

“Person” means individual, corporation, organization, government or political subdivision or agency, business trust, partnership, association, or any other legal entity.

“Plumbing code” means the International Building Code or such other codes as may be adopted by the City that are applicable to the regulation of plumbing, plumbing fixtures, cross-contamination protection, and back-flow prevention.

“Qualified service applicant” means a person that has met all the applicable requirements as outlined in this ordinance in order to obtain utility service within the City’s service area. An “applicant” is not a “qualified service applicant” unless and until he or she has met all the applicable requirements outlined in this ordinance.

“Service address” means a specific, unique address for a location eligible to receive utility service from the City, including a street name, house number, and if applicable, a building or unit identification letter or number.

“Service area” means the area served by or within the CCN of the City of Granite Shoals for provision of retail utility service.

“Texas Commission on Environmental Quality” or “TCEQ” means the Texas Commission on Environmental Quality or its successor entity.

“Utility improvement agreement” means an agreement between the City and a service applicant providing for the construction and expansion of the utility system necessary to serve the property or subdivision.

SECTION 2. UTILITY SERVICE APPLICATION REQUIREMENTS

- (a) All persons desiring retail utility service from the City or desiring to transfer service from a service location to another service location shall file application with the City at the City's designated location. No connection to the City's utility system shall be made before the person has met the application, fee, and extension requirements of this ordinance.
- (b) The City shall provide utility service to only qualified service applicants and no utility service application shall be accepted by the City Manager unless the application is submitted by a qualified service applicant. The request by a qualified service applicant shall be filled within five working days unless the City and the applicant have entered into a utility improvement agreement. If the City and the applicant have entered into a utility improvement agreement, service will be provided in accordance with that utility improvement agreement.
- (c) A person is a qualified service applicant if the person has met the following conditions:
- (1) The person has submitted a completed and signed utility service application to the City Manager, has presented a valid form of identification to the City, which the City shall keep on file, and has provided the City with verifiable proof of the applicant's right to occupy the service address. For retail service to a corporation, organization, government or political subdivision or agency, business trust, partnership, association, or any other legal entity, the applicant shall also provide verifiable documentation of the applicant's authority to request service on behalf of the entity.
 - (2) For developers in the City limits or ETJ of the City desiring retail utility service from the City, the developer has complied with the City's subdivision regulations to obtain retail utility service from the City for the subdivision.
 - (3) For persons required to obtain a building permit from the City, the person has paid all the required building permitting fees.
 - (4) For persons desiring utility service for property or service connections located outside the City limits of the City, the person has complied with the requirements of Section 3 of this Article.
 - (5) The person has paid all applicable charges and fees prescribed by the City's fee schedules, including any tapping and metering charges, all utility deposits, construction investigation fees, and utility connection and plumbing code inspection fees.
 - (6) The person has complied with the City's extension of utility facilities requirements, if necessary, as provided by Section 4 of this Article and the facilities have been extended, inspected, and accepted by the City.

- (7) The person has paid all the pro rata charges as required by the City's subdivision regulations or Section 4 of this Article, if applicable.
- (8) There is capacity to serve the person or development, or the person or developer has entered into a utility improvement agreement with the City for the expansion of the City's utility facilities, and complied with terms of that agreement.
- (9) The person requesting utility service has provided a service address to which utility service will be provided.
- (10) If required, an inspection of the utility connection has been conducted by a Plumbing Inspector or a Water Supply Protection Specialist licensed by the State Board of Plumbing Examiners or by a customer Service Inspector, licensed by the TCEQ, and such inspection has been approved by the City.
- (d) The City Manager may refuse service to a person if, at the time of the application, the person is indebted to the City, or if that person is indebted to another retail public utility, for the same kind of service for which the person has applied from the City. However, if the person is disputing the indebtedness and is otherwise in compliance with the depository requirements, service shall not be refused.
- (e) No application shall be approved if the City Manager determines that the requested service is for unreasonable consumer uses that will threaten or endanger the City's utility system or threaten the City's ability to provide continuous and adequate service.
- (f) Any person denied service under this ordinance may request review of the City Manager's decision. The request shall be made to the City Manager, who shall place the request before the City Council. The City Manager may request additional information of the person denied service. The City Council may grant or deny service, after review of the request, in accordance with the provisions of this ordinance.
- (g) It shall be unlawful for any person not employed by the City to uncover and make any connection with the utility system of the City without first obtaining the consent of the City.
- (h) When a utility improvement agreement is required by the City in order to obtain utility service from the City, the agreement, at a minimum, shall incorporate the requirements outlined in this ordinance and shall include the following:
- (1) Provide all costs associated with required administration, design, construction, and inspection of facilities for utility service to the applicant's service area and terms by which these costs are to be paid, and specify that the City is under no obligation to provide service to the applicant unless and until all required fees have been paid.

- (2) Describe all fees and costs to be paid to the City, including construction investigation fees, tapping and metering fees, and pro rata reimbursement charges, if applicable.
- (3) Describe the facilities that are required to be constructed and the materials to be used in the construction of the facilities, state the size of each meter to be installed, define who will be responsible for the construction of those projects, and require the facilities to be constructed in accordance with the City's Construction Standards.
- (4) If the facilities are to be constructed by the City, prescribe the procedures by which the applicant shall accept or deny a contractor's bid for facilities to be constructed by the City, thereby committing to continue or discontinue the project.
- (5) Describe the terms and conditions by which the City may terminate its obligations to provide service.
- (6) Outline how the City will administer and oversee the applicant's project with respect to:
 - (A) Design of the applicant's onsite utility facilities;
 - (B) Securing and qualifying bids;
 - (C) Selection of a qualified bidder for construction for facilities the City intends to construct;
 - (D) Dispensing advanced funds for construction of facilities required for the applicant's service;
 - (E) Inspecting construction of facilities; and
 - (F) Testing facilities and closing the project.
- (7) Define the terms by which the applicant shall indemnify the City from all third party claims or lawsuit in connection with the project contemplated.
- (8) Define the terms by which the applicant shall deed all constructed facilities to the City and by which the City shall assume operation and maintenance responsibility, including any enforcement of warranties in connection with construction of the applicant's project.
- (9) Define the terms by which the applicant shall grant title or easement for utilities, constructed facilities, and facility sites and terms by which the applicant shall provide for the securing of required utility easements and sites.

(10) Provide termination date for the agreement.

(11) If applicable, provide for pro rata reimbursement by the owners of all intervening property served by such extension of facilities constructed by or paid for by the applicant. Such pro rata reimbursement provisions shall comply with Section 4 of this Article.

(i) During Stage 4 Critical Water Shortage Conditions, no application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are suspended for such time as the drought response stage is in effect.

SECTION 3. OUTSIDE-CITY UTILITY SERVICE REQUIREMENTS

(a) Except as otherwise provided, this ordinance applies to any retail utility service provided and requested to be provided by the City to premises that are located, in whole or in part, outside the corporate limits of the City.

(b) All customers of the City's utility system, including those customers located in whole or in part outside the corporate limits of the City, shall comply with the cross-contamination and backflow prevention requirements of the City.

(c) Any customer receiving utility services outside the City limits may not maintain connection to the City's utility system or connect to the City's utility system unless the customer is in compliance with the applicable utility ordinances. Customers receiving utility service must at all times be in compliance with state law, the City's plumbing code, and other City ordinances relating to the provision of utility service. Any customer failing to be in compliance or refusing reasonable requests for inspection of facilities connected or to be connected to the City's utilities may be disconnected or declined services.

(d) No retail utility service shall be provided at premises located in whole or part outside the corporate limits of the City unless the person desiring such service has filed an application with the City, the City has determined the application meets the requirements of this ordinance and approved such application, and the person is a qualified service applicant as defined by Section 2 of this Article.

(e) The application for service to property located outside the corporate limits of the City shall include the following statement:

THE APPLICANT UNDERSTANDS AND AGREES THAT ALL ORDINANCES OF THE CITY (AS NOW WRITTEN AND AS HEREINAFTER AMENDED) RELATING TO UTILITY SERVICE OR TO PLUMBING MATTERS, INCLUDING BUT NOT LIMITED TO CROSS-CONNECTION AND BACK-FLOW PROTECTION

REQUIREMENTS, AND INCLUDING ORDINANCES THAT IMPOSE CRIMINAL SANCTIONS, APPLY TO UTILITY SERVICES PROVIDED BY THE CITY TO PREMISES OUTSIDE OF THE CORPORATE LIMITS. THE APPLICANT ALSO UNDERSTANDS AND AGREES THAT THE CITY MAY SUSPEND OR DISCONNECT SUCH SERVICES IN THE EVENT THAT THE APPLICANT OR ANY OTHER PERSON AT THE PREMISES TO BE SERVED FAILS TO COMPLY WITH SUCH ORDINANCE.

(f) No utility service application shall be accepted by the City unless a completed and signed application is submitted to the City that meets the requirements described in Section 2 of this Article, and the person has complied with the following requirements:

(1) The person has paid the prescribed utility connection fee, if required, paid the plumbing code or customer service inspection fees and has presented to the City Manager written evidence from a qualified licensed inspector that the plumbing system at the premises to be served has been inspected and is in compliance with the City's plumbing code;

(2) The person has complied with the City's utility facilities extension requirements as provided by Section 4 of this Article, if necessary.

SECTION 4. EXTENSION OF UTILITY SERVICE

(a) Developers desiring retail utility service from the City shall comply with the City's subdivision regulations to obtain retail utility service from the City for the development and to extend the City's utility system to the development.

(b) Upon meeting the requirements of Section 2 of this Article, signing a utility improvement agreement, and paying all applicable fees and charges due under this ordinance, the City, at the expense of the applicant, may extend all necessary utility facilities to the property plus the distance across the entire frontage necessary to provide the service upon the premises for which the application has been made.

(1) Prior to construction, the applicant shall pay the estimated cost to extend and inspect the utility facilities. If the actual cost to extend and inspect the utility mains and facilities is greater than the estimated costs, the applicant shall pay the City the difference between the actual and estimated costs upon completion of the extension project. If the estimated cost to extend and inspect the utility mains or facilities is greater than the actual cost, the City shall reimburse the applicant the difference between the actual and estimated costs upon completion of the extension project.

(2) If the City and the developer execute a pro rata reimbursement agreement, the owners of all intervening property served by such extension shall be required to pay the

pro rata charges, as set out in the pro rata reimbursement agreement, at such time as their property is connected to the City's utility system.

(c) Upon approval of the City, the developer, property owner or person requesting extension of utility facilities or mains to his or her property may extend the facilities or mains by a competent and reputable contractor. In this case, the facilities shall be consistent with the City's comprehensive plan and utility infrastructure master plans and comply with City standards and specifications. Detailed construction plans for the improvements complying with the City's construction standards and specifications for public works construction shall be drawn by a registered professional engineer and approved by the City Manager prior to any construction. Upon payment of the required Construction Investigation Fee, the construction of the utility facilities shall be inspected by the City. The City Manager shall not accept as City facilities any utility facilities that have not been inspected and approved by the City's inspector. Developers subdividing property shall also comply with the City's subdivision ordinance.

(d) The sizes and type of the facilities proposed to be extended shall be determined by the City and shall be in conformance with City's subdivision regulations, any comprehensive plan and utility infrastructure master plans, and the City's standards and specifications. This provision applies to all applicants regardless whether they subdivide their property or not.

(e) Unless otherwise specified in an agreement between the applicant and the City, the total costs of extending the utility facilities to and across the applicant's property shall be borne solely by the applicant, with the following exceptions:

(1) Upon approval and acceptance of the system by the City, the City may elect to participate in the cost to oversize the facilities.

(2) The City may also pay to the applicant by agreement pro rata charges as received from subsequent applicants who desire to connect to the facilities, with the total payment not to exceed the amount of the original applicant's cost of off-site improvements, less the applicant's pro rata share. The pro rata agreement shall describe when and how payments of the collected pro rata charges are dispersed to the applicant. The maximum period of time for the pro rata reimbursement to the applicant for the off-site mains shall not exceed ten (10) years. The applicant shall have no claim against the City for any expenses not reimbursed and any pro rata charges not received within ten (10) years, nor any fees received after ten (10) years.

(f) In the event the City and an applicant execute a pro rata reimbursement agreement, pro rata charges shall be collected at the time of application for utility service.

(g) In the event that it is determined that the installation of equipment or appurtenances that are necessary to provide the requested utility service such as pump and storage facilities is required in the area between the existing utility facilities and the perimeter of the subdivision or property for which the utility service request has been made, the City Council shall, taking all

circumstances into consideration, determine who shall bear the cost of such necessary equipment and appurtenances, and in what proportion each party shall be liable.

(h) In no event will the City be required to make extensions to or to connect individuals, non-developers, or developers to the utility system if there is no capacity in the utility plant to provide the service. The City may enter into a utility improvement agreement with an applicant for the expansion of the utility plant.

(i) In no event will the City be required to make extensions to or participate in the cost of improvements under the provisions of this ordinance if there are no funds available, or if, at the discretion of the City, the extension or improvement is not practical, or otherwise warranted, or is for an unreasonable consumer use.

(j) All utility facilities are owned and operated by the City. Any extensions of the City's utility facilities made by an applicant or developer, pursuant to a utility improvement agreement, after inspection and acceptance by the City, shall be owned by the City.

(k) Where recorded public utility easements in favor of the City do not exist on the property of an individual, non-developer, or developer who is requesting utility service from the City, the individual, non-developer, or developer shall grant to the City a permanent recorded public utility easement for poles, wires, conduits, drainage channels, storm sewers, sanitary sewer utilities, water lines, gas lines, or other utilities to the City. If the applicant is required to extend service, the applicant shall obtain all necessary public utility easements in favor of and dedicated to the City for the location of all off-site facilities required to provide service to the applicant. The easements shall be at least 10 feet wide; however, if the City determines a greater width is necessary, the City may require a maximum width of up to 30 feet. For developers subject to the City's subdivision ordinance, the easements required by this ordinance shall comply with the City's subdivision regulations. For individuals, non-developers, and developers not subject to the City's subdivision ordinance, the easements required by this ordinance shall extend along all roadway frontages of the property and shall parallel as closely as possible the street line frontage. Failure to grant the required easements shall result in the denial of service.

(l) The City Manager may require a person requesting service to obtain more than one service connection and meter if the service address has more than one building or structure that will be connected to the system and the buildings or structures are separately metered for water service.

SECTION 5. CONNECTION TO THE UTILITY SYSTEM REQUIRED

(a) *Connection is required.*

(1) This Section 5 applies to properties within the City limits of the City. This Section 5 does not apply to properties and uses permitted to drill a water well as provided by Article VI, Section 2(b).

(2) The following properties are required to have buildings and structures located on the property connected to the City's utility system:

(A) property on which the owner or tenant is constructing a new building or structure intended for human habitation or occupancy, and

(i) there is no water well on the property; or

(ii) the existing water well on the property is incapable of serving the new building or structure or of meeting the water supply needs of the new building or structure, is unsafe or unreliable as a potable water supply, is within 50 feet of an existing septic tank, or is within 100 feet of an existing septic system drainfield or spray area.

(B) property on which there is an existing building or structure that is used for human habitation or occupancy, and

(i) the owner or tenant of the property is expanding an existing building or structure located on the property and the existing water well is incapable of serving the expanded building or structure or of meeting the water supply needs of the expanded building or structure, is unsafe or unreliable as a potable water supply, is within 50 feet of an existing septic tank, or is within 100 feet of an existing septic system drainfield or spray area; or

(ii) the existing well is unsafe or unreliable as a potable water supply, is within 50 feet of an existing septic tank, or is within 100 feet of an existing septic system drainfield or spray area.

(b) If a property owner is required to connect to the City's utility system under paragraph (a) of this Section, the owner of the property shall, within 90 days after the same becomes available, connect to the utility system. Such connections shall be made subject to the applicable charges provided by the current City ordinances. The applicant may request a payment plan for payment of the costs associated with connection to the City's system. If the property is not connected to the City utility system within the time prescribed, the City Manager shall provide written notice to the person owning or having possession or control of the property required to be connected to the City's utility system. Such notice shall also state that, upon failure of the property owner or occupant to connect to the City's utility system within 90 days from the date of the notice, the City will connect the property to the City's utility system, and will charge the cost and expense incurred by the City to connect the property to the utility system to the owner of such property, and that the City may place a lien on such property for those costs and expenses, may institute suit against the owner to collect the costs incurred by the City, or may undertake other measures within the City's authority to recover the costs. The notice provided for in this Section shall be

in writing and either served personally or sent by letter addressed to the owner of such property at the address of the property, and at the address as identified by the appraisal district.

(c) A person who is connected to the City's water system but who also has a water well may continue to use the water well for irrigation purposes only; provided, however, that the well has all of the necessary state and local permits, and there are no cross-connections between the water well and the City's water system and the person has complied with the cross-connection prevention requirements of Section 7 of this Article. Once a person's property inside the City limits is connected to the City's water supply system, even if the person's property is subsequently disconnected from the City's water supply system, the person may not use an existing water well for anything other than for irrigation purposes.

SECTION 6. DISCONNECTION AND DISCONTINUANCE OF UTILITY SERVICE

(a) All customers and qualified service applicants of the City's utility systems, including those customers and qualified service applicants located inside and outside the corporate limits of the City, are subject to this Section.

(b) Disconnection at the customer's Request. Upon receipt of a written request from a customer to terminate service at the customer's service location, the City shall terminate service on or before the third day the customer requests termination. No additional notice of termination or discontinuance of notice is required. The City shall refund the customer's utility deposit to the customer if the customer discontinues service and pays all outstanding utility service bills. The City may apply the customer's utility deposit to the customer's unpaid utility account balance before the City refunds the balance of the deposit to the customer.

(c) Disconnection with Notice. Any utility service may be disconnected for any of the following reasons after written notice of disconnection has been provided to the customer. Unless specific notice deadlines are otherwise provided by this ordinance, service will be disconnected after the fifth (5th) day after written notice has been mailed, hand delivered, or posted in a place of common entry or upon the front door of the residential or commercial unit to be disconnected:

(1) Returned Checks. In the event a check, draft, or any other similar instrument is given by a Person to the City for payment of services provided for in this ordinance, and the instrument is returned by the bank or other similar institution as insufficient or non-negotiable for any reason, the City shall mail, via the U.S. Postal Service, a notice requiring redemption of the returned instrument within ten (10) days of the date of the notice to be made in the City office. Redemption of the returned instrument shall be made by cash, money order, or certified check. The City shall disconnect service for failure to meet these terms. The customer whose instruments have been returned as insufficient or non-negotiable for any reason for any two billing periods within a 12-month period shall be considered a bad credit risk by the City and the customer will be required to provide a Utility Deposit in the amount as set out in Article V, Section 6, and

shall be placed on a “cash-only” basis for a period of 12 months. “Cash-only” means certified check, money order, or cash.

(2) Failure to pay a delinquent account for utility service or failure to comply with the terms of a deferred payment agreement;

(3) Violation of the City’s ordinances pertaining to the use of service in a manner which interferes with the service of others or the operation of non-standard equipment and the customer has failed to remedy the problem within the time period provided in the notice.

(4) Failure of the customer to comply with the terms of the City’s Service Agreement, ordinances relating to utility service, or special contract provided that the City has given notice of such failure to comply, as may be required, and customer has failed to comply with a specified amount of time after notification.

(5) Failure to provide access to the meter under the terms of this ordinance or to property at which service is received when there is reason to believe that a hazardous condition or policy violation exists for which access is necessary to verify.

(6) Misrepresentation by any applicant or customer of any fact on any form, document, or other agreement required to be executed by the City.

(7) Failure of customer to meet requirements of the regulatory authority for construction or maintenance of on-site sewage facilities as authorized by the Texas Health & Safety Rules Chapter 366.

(8) Failure of customer to re-apply for service upon notification by the City that customer no longer meets the terms of the service classification originally applied for under the original service application.

(9) Failure of customer to comply with the following Drought Contingency Plan requirements.

(A) During Stage 2 Moderate Water Shortage Conditions, the following restrictions apply:

(i) Mandatory lawn watering schedule. Customers with odd number street addresses may water with sprinklers or other means on Wednesday and Saturday between the hours of 12:00 midnight and 10:00 a.m. and between the hours of 8:00 p.m. and 12:00 midnight, only. Customers with even number street addresses may water with sprinklers or other means on Thursday and Sunday between the hours of 12:00 midnight and 10:00 a.m. and between the hours of 8:00 p.m. and 12:00 midnight only. Irrigation of

landscape is permitted at any time with a hand-held hose or a faucet-filled bucket or water can of five (5) gallons or less.

(ii) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated outdoor water use days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

(iii) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated outdoor water use days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight.

(iv) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a re-circulation system.

(v) Use of water from hydrants shall be limited to fire fighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the City.

(vi) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated outdoor water use days between the hours 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the City, the facility shall not be subject to these regulations.

(vii) All restaurants are prohibited from serving water to patrons except upon request of the patron.

(viii) The following uses of water are defined as non-essential and are prohibited:

- a. Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- b. Use of water to wash down buildings or structures for purposes other than immediate fire protection;
- c. Use of water for dust control;
- d. Flushing gutters or permitting water to run or accumulate in any gutter or street; and
- e. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

(B) During Stage 3 Severe Water Shortage Conditions, the following restrictions apply:

- (i) All requirements of Stage 2 shall remain in effect during Stage 3 except as modified by (B)(ii), (B)(iii), and (B)(iv).
- (ii) Watering of landscaped areas is prohibited except with a hand-held hose or a faucet-filled bucket or watering can of five gallons or less. Customers with odd number street addresses may water on Wednesday and Saturday between the hours of 12:00 midnight and 10:00 a.m. and between the hours of 8:00 p.m. and 12:00 midnight only. Customers with even number street addresses may water on Thursday and Sunday between the hours of 12:00 midnight and 10:00 a.m. and between the hours of 8:00 p.m. and 12:00 midnight only. The use of hose-end sprinklers, soaker hoses, drip irrigation systems and/or sprinkler systems of any type is prohibited at all times.
- (iii) No new landscapes may be installed.
- (iv) The watering of golf course tees is prohibited unless the golf course utilizes effluent from wastewater treatment.

(C) During Stage 4 Critical Water Shortage Conditions, the following restrictions apply:

- (i) All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except as modified by (C)(ii), (C)(iii), (C)(iv), (C)(v), and (C)(vi).

(ii) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 12:00 noon and 5:00 p.m.

(iii) The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi-type pools is prohibited.

(iv) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a re-circulation system.

(v) The watering of landscaped areas is totally and absolutely prohibited.

(d) Disconnection Without Notice.

(1) Utility service may be disconnected without notice for any of the following conditions:

(a) A known dangerous or hazardous condition exists for which service may remain disconnected for as long as the condition exists, including but not limited to a violation of the Texas Health & Safety Rules Chapter 341 or the public drinking water rules and regulations of the TCEQ, or there is reason to believe a dangerous or hazardous condition exists and the customer refuses to allow access for the purpose of confirming the existence of such condition and/or removing the dangerous or hazardous condition.

(b) Failure to comply with the City's Cross Connection Prevention requirements in this ordinance.

(c) Service is connected without authority by a Person who has not made application for service or who has reconnected service without authority following termination of service for nonpayment;

(d) In instances of tampering with the City's meter or equipment, including placing any object or device (such as a magnet or electrical or battery operated device) on or near the meter or the meter box that disrupts the meter's registration of flows, by-passing the meter or equipment, or other diversion or theft of service; or

(e) In instances in which the service connection has been abandoned and is not longer in use.

(2) Where reasonable, given the nature of the reason for disconnection, a written statement providing notice for disconnection and the reason therefore shall be posted at the place of common entry or upon the front door of each affected residential unit as soon as possible after service has been disconnected.

(e) Disconnection Prohibited. Utility service may not be disconnected for any of the following reasons:

(1) Failure of the customer to pay for merchandise or charges for non-utility service provided by the City, unless an agreement exists between the applicant and the City whereby the customer guarantees payment of non-utility service as a condition of service;

(2) Failure of the customer to pay for a different type or class of utility service unless a fee for such service is included in the same bill;

(3) Failure of the customer to pay charges arising from an underbilling occurring due to any misapplication of rates by the City more than four (4) months prior to the current billing;

(4) Failure of the customer to pay the account of another customer as guarantor thereof, unless the City has in writing the guarantee as a condition precedent to service;

(5) Failure of the customer to pay charges arising from an underbilling due to any faulty metering, unless the meter has been tampered with or unless such underbilling charges are due to meter error;

(6) In response to a request for disconnection by an Owner/customer of rental property where the renter is billed directly by the City as authorized by the owner, and the renter's account is not scheduled for disconnection under the requirements for Disconnection of Service in this ordinance.

(f) Disconnection on Holidays and Weekends. Unless a dangerous condition exists or the customer requests disconnection, service shall not be disconnected on a day, or on a day preceding a day, when Personnel of the City are not available to the public for the purpose of making collections and reconnecting service.

(g) Disconnection for Ill and Disabled. The City may not discontinue service for non-payment to a delinquent residential customer permanently residing in an individually metered dwelling unit when that customer establishes that discontinuance of service will result in some person at that residence becoming seriously ill or more seriously ill if service is discontinued. Each time a customer seeks to avoid termination of service under this subsection, the customer must have the attending physician call or contact the City during regular business hours by the sixteenth (16th) day of the month. A written statement must be received by the City from the physician by the twenty-sixth (26th) day of the month to avoid termination of service. The

prohibition against service termination shall last through the month following the receipt of the written statement from the physician or such lesser period as may be agreed upon by the City and customer's physician. The customer shall enter into a Deferred Payment Agreement. Late penalties shall apply.

(h) Disconnection of Master-Metered Services. When a bill for utility services is delinquent for a master-metered service complex (defined as a complex in which a single meter serves two (2) or more residential dwelling units), the following shall apply:

(1) The City shall send a notice to the customer as required. This notice shall also inform the customer that notice of possible disconnection will be provided to the tenants of the service complex in six (6) days if payment is not rendered before that time.

(2) At least six (6) days after providing notice to the customer and at least four (4) days prior to disconnection, the City shall post at least five (5) notices in public areas of the service complex notifying the residents of the scheduled date for disconnection of service.

(3) The tenants may pay the City for any delinquent bill in behalf of the owner to avert disconnection or to reconnect service to the complex.

(i) Reestablishment of Services After Termination. The City shall reconnect service to a customer whose service has been disconnected under this Section if the customer's account is current or the customer has otherwise entered into a deferred payment plan pursuant to this ordinance and is current under that plan, all Late Fees, Delinquent Fees, and Utility Deposits have been paid, and any hazardous or dangerous conditions have been corrected.

(j) The City hereby reserves the right to discontinue service at any time without notice to any and all customers when such discontinuance becomes necessary to repair the system, or any part of the system, to make connections or extensions to the system, to protect the integrity of the system, or to ensure the utility system does not contaminate drinking water or the environment.

(k) Any customer whose service is discontinued under this Section may request review of the City Manager's decision. The request shall be made to the City Manager, who shall place the request before the City Council at the next possible City Council meeting. The City Manager may request additional information of the customer whose service has been discontinued. The City Council may uphold the City Manager's decision to discontinue service, or reinstate the service, after review of the request, in accordance with the provisions of this ordinance.

SECTION 7. REQUIREMENTS FOR USE

Any person using or desiring to use the City's utility system shall meet the following requirements:

(a) The person shall comply with all ordinances applicable to the City's utility system.

(b) No connection to the City's utility system shall be made until the City has approved connection to the utility system, and if required, all facilities are installed and inspected in accordance with this ordinance. The City may disconnect and discontinue utility service at any time the City Manager may deem it advisable to protect the City's utility system.

(c) Under no circumstances may a customer or customer's agent or any other person connect to the City's utility system except as authorized by this ordinance.

(d) Only plumbers licensed by the State of Texas may make utility connections from the structure or building to the utility meter installed in accordance with this ordinance.

(e) The customer shall ensure that the customer's private service line and connection operate properly. The customer shall maintain the customer's private service line and connection in such a way as to be impermeable to stormwater or rain infiltration and inflow. The customer shall immediately repair his private service line or connection should it become broken or damaged.

(f) All customers are responsible for water loss due to service line leaks or breaks on the customer's side of the meter. If the customer or his agent fails to immediately repair or replace the broken or damaged service line, the City, after notification to the customers, may repair or replace the line and may place a lien against the property for the cost and may disconnect the property from City utility system.

(g) Cross-Contamination Prevention.

(1) No direct connection between the public drinking water supply and a potential source of contamination is permitted. Potential sources of contamination shall be isolated from the public water system by an air-gap or an appropriate backflow prevention device.

(2) No cross-connections between the public drinking water supply and a private water system or well is permitted. These potential threats to the public drinking water supply shall be eliminated at the service connection by the installation of an air-gap or a reduced pressure-zone backflow prevention device.

(3) No connection which allows water to be returned to the public drinking water supply is permitted.

(4) No pipe or pipe fitting which contains more than 8.0% lead may be used for the installation or repair of plumbing at any connection which provides water for human use.

(5) No solder or flux which contains more than 0.2% lead can be used for the installation or repair of plumbing at any connection which provides water for human use or consumption.

- (6) A Person or customer may not:
- (A) install or maintain a potable water supply, plumbing fixture, equipment, or construction device that creates a cross-connection, or allows reclaimed, contaminated, or polluted water, mixtures or other substances, or gases, to enter potable water by back siphoning, backpressure, or other means;
 - (B) connect an auxiliary water supply to the City's public water system or a private plumbing system unless a backflow prevention assembly or air gap is installed as required by this ordinance;
 - (C) use a chemical or substance that may cause pollution or contamination of the public water system without installing a backflow prevention assembly or device as required by this ordinance;
 - (D) connect to the public water system a mechanism or system designed to return reclaimed or used water to the public water system;
 - (E) connect a reclaimed water system to the City's public water system or to the potable water system of a customer who receives potable water service from the City's public water system; or
 - (F) connect a vehicle or equipment capable of producing back siphonage or back pressure without installing a backflow prevention assembly or device as required by this ordinance.
- (7) A Person may not install a backflow prevention assembly in a private plumbing system, fire protection system, process water system, irrigation system, or other water distribution system connected to the City's water system unless:
- (A) the assembly has been designed, manufactured, and tested in accordance with the standards adopted by the American Water Works Association; and
 - (B) the assembly has been tested and listed as an approved backflow prevention assembly by the University of Southern California Foundation for Cross Connection Control and Hydraulic Research.
- (h) Customer Duties regarding Backflow Prevention Devices.
- (1) A customer required to have a backflow prevention device shall install a new, replacement, or reconditioned backflow prevention assembly or device in accordance with this ordinance.

(2) Not later than the fifth (5th) day after the date a new, replacement, or reconditioned backflow prevention assembly is installed and tested, a customer shall submit to the City Manager the original test and maintenance report on the backflow prevention assembly.

(3) When a backflow prevention device is required, the City Manager may not install or authorize the installation of a permanent water meter unless the customer has submitted a test and maintenance report for each backflow prevention assembly installed on a site, all inspections of the device are completed as provided in this ordinance, and the device meets the requirements of ordinance.

(4) The customer is responsible for general maintenance and upkeep of a backflow prevention assembly. An owner and the owner's tenant/lessee are jointly responsible for maintenance.

(5) The City Manager may require, at his or her discretion, that any customer install and maintain a backflow prevention assembly if the City Manager determines that such a device is necessary to protect the public water supply system from contamination.

(i) Inspection and Testing of Backflow Prevention Assemblies.

(1) A customer shall test a backflow prevention assembly as required by Section 290.44 (*Water Distribution*) of Title 30 of the Texas Administrative Code.

(2) All inspections and testing shall be conducted by a Plumbing Inspector, or a Water Supply Protection specialists licensed by the State Board of Plumbing Examiners or by a Customer Service Inspector licensed by the Texas Commission on Environmental Quality.

(3) If necessary to protect the City's water system, the City Manager may require testing more frequently than required by state law.

(4) A customer shall pay the cost of testing and related costs.

(5) A customer must repair, overhaul, or replace an assembly that fails a test before returning the assembly to service.

(6) A customer shall keep a record of each test, repair, and overhaul of a backflow prevention assembly and submit the original record to the City Manager not later than the fifth (5th) day after a test, repair, or overhaul.

(j) Removal or Replacement of Backflow Prevention Device.

(1) A customer may not remove from use, relocate, or substitute another backflow prevention device or assembly without the approval of the City Manager.

- (2) A replacement backflow prevention assembly must comply with this ordinance.
- (3) A customer shall replace a backflow prevention assembly or device that:
 - (A) is removed or relocated from an existing installation;
 - (B) the City Manager determines requires more than minimum maintenance;
or
 - (C) constitutes a hazard to the water system or the public health.

(k) Cross Connection Survey.

(1) The City Manager may conduct a cross connection survey of the customer's potable water system as a condition of service to prevent or eliminate cross connections between the customer's potable water system and contamination or pollution sources.

(2) The City Manager shall inspect:

- (A) a building and surrounding property for potential cross connections;
- (B) the availability of an auxiliary or reclaimed water supply;
- (C) the use of a pollutant, contaminant and other liquid, solid, or gaseous substance;
- (D) backflow prevention assembly installation; and
- (E) backflow prevention certification and test records.

(3) The City Manager shall require a customer to eliminate possible cross connections between the customer's potable water systems and the public water supply and shall disconnect water service to the customer until the possible cross connection is eliminated as provided in this ordinance.

SECTION 8. METERS; FIRE HYDRANTS; PROHIBITED ACTIVITIES; PENALTIES

(a) *Connection and Repair of Service.* The City shall install and maintain all service connections from water mains to and including the water meter and back flow prevention devices, with the exception of testable assemblies. All other maintenance and repairs shall be the responsibility of the customer.

(b) *Repairing Meters & Meter Boxes; Testing Meters; Fee.* All water meters and meter boxes furnished by the City shall remain at all times the property of the City, and when rendered

unserviceable through normal wear and tear, the City shall repair or replace the meter. When replacements, repairs or adjustments of any meter or meter box are required because of the act, neglect, or carelessness of the owner or occupant of any premises, any expense caused to the City thereby shall be charged against and collected from the owner, agent or tenant of the premises, and if not paid, service shall be disconnected.

(c) *Taps and Repairs.* Unless otherwise provided by a utility improvement agreement, it shall be unlawful for any person, other than a person employed by the City or with whom the City has contracted, to tap any utility facility, make connection with the utility facility, extend a service line from any utility facility, install a meter, or repair a utility service line from the City's utility facility to the meter, on the City's side of the meter.

(d) *Tampering.* It shall be unlawful for any person other than those authorized by the City to connect, disconnect, move or tamper with City water meters or to turn on or off the water at the curb stop, valve or meter; or to open or tamper with the meter box.

(e) *Use of Fire Hydrants.* It shall be unlawful for any person, except a member of the Fire Department or employee of the City or a person so authorized by the City, to open or use water from a fire hydrant or to take the cap off without permission from the City, except for the use of construction water with the proper construction meter attached to the fire hydrant.

(f) *Interference with Water Service.* It shall be unlawful for any persons to willfully break, injure, tamper, or interfere with any part of the City's utility system for any purpose whatsoever, or in any way prevent the running and operation of such systems and the water supply. It shall be unlawful for any persons to willfully break, injure, tamper, or interfere with a customer's meter or service line, or otherwise interfere with the City's provision of utility service to the customer.

(g) *Opening Curb-Stop:* No plumber or any other person shall open the street curb stop after same has been closed by the City without a written permit first being obtained from the City.

(h) *Exposing Meter or Fire Hydrant to Damage; Moving Meters or Hydrants.* It shall be unlawful to build or construct driveways or other roads or improvements in such manner as to expose any meter or fire hydrant to damage from traffic. Whenever the property owner requests the moving of any meter or fire hydrant, such cost shall be at the expense of the property owner. Upon deposit of an estimated cost of moving the meter or fire hydrant, the City shall proceed to make the desired change in location, after the approval of the Building Inspector and the City.

(i) *Vending Water.* It shall be unlawful for any person to sell or resell City water for domestic or any other uses within or outside the City without receiving a permit to do so from the City. Before the granting of such permit, the City shall submit such application to the City Council and the City inspector for their written recommendations after investigation.

(j) *Access to Meters.* The customer shall provide safe and clear access to the meter at all reasonable times for the purpose of reading, installing, checking, repairing, or placing the meter.

The customer shall provide a key to locked gates. If the gate to the customer's premises is locked, preventing the reading of the meter, an estimated bill shall be rendered to the customer for the month; and a notice shall be sent to the effect that entrance could not be gained and that a key should be furnished or the gate unlocked for each reading period. The City may remove the meter if there is an unsafe or hazardous condition that threatens the safety of the City's employees.

(k) *Penalty.* Any persons convicted of tampering with water meters and/or valves and/or equipment or who shall violate or fail to comply with a provision of this ordinance or the intent of this ordinance or related ordinances or with any of the requirements thereof shall be guilty of a misdemeanor and may be fined any sum not exceeding two thousand dollars (\$2000.00) for each occurrence.

SECTION 9. PAYMENT OF FEES AND SERVICE CHARGES

(a) All bills shall be considered rendered when sent to the customer and failure of customer to receive any such bill shall in no way relieve the customer of the duty to pay for the service.

(b) Payment Requirements.

(1) All payments for utility service are due by close of business on the tenth (10th) of each month after the month for which such service was furnished.

(2) If payment is not made on, or before, the close of business on the tenth (10th) day of the month for the previous month's service, the City shall:

(A) Assess a Late Fee in the amount specified in Article V of this ordinance.

(B) Promptly issue a second written notice to the non-paying customer restating the amount owed by the customer, including the Late Fee. The customer shall be allowed an additional ten (10) calendar days, beyond the tenth (10th) day of the month. If payment is not received by the City by close-of-business of the twentieth (20th) day of the month, the City shall:

(i) terminate service to the customer;

(ii) apply the customer's Utility Deposit, if any, to the amount owed on the account; and

(iii) either refund to the customer the remaining Utility Deposit, if any, or send a revised bill showing the amount outstanding after the application of the Utility Deposit

(3) If a customer presents payment to the City after the close of business on or after 20th day of the month for the previous month's service but before the City disconnects service, the customer shall pay the City the amount owed on the account, which shall include the Late Fee, a Delinquent Fee in the amount specified in Article V, and an additional Utility Deposit as specified in Article V. Failure to pay the additional fees shall result in the termination of service. In the event of termination of service under this subparagraph (3), service shall not be reinstated until the customer has paid all fees as provided in subparagraph (4).

(4) In the event water service is disconnected for failure to pay, water service shall not be reinstated until all of the utility usage charges, the Late Fee, the Delinquent Fee, and a Utility Deposit in an amount set out in Article V are paid in full to the City.

(c) In cases where a customer discovers a leak on the customer's side of meter, the customer may submit a request to the City Manager for relief from the water usage charges. The City Manager may grant the requested relief if the following conditions are met:

(1) The customer's water usage charge for the month or months for which the relief is sought is more than 50 percent higher than the same month or months in the preceding calendar year. If the customer does not have water usage data for the same month or months in the preceding calendar year, no relief may be granted;

(2) The customer demonstrates that the increased water usage was due to a leak and such leak is confirmed by the City;

(3) The customer demonstrates that he or she took immediate action to locate and correct the leak;

(4) The customer presents evidence that the leak has been repaired; and

(5) The customer has paid his or her minimum monthly charge, he or she had paid the lesser of \$1000 or one-half of the water usage charges for which relief is being sought, and the customer is current on all other fees and charges.

(d) If the City Manager determines that relief should be granted, the customer shall be charged at rate set in the City's fee and rate ordinance for the water usage that is in excess of the water usage for the same month or months in the preceding calendar year. The water usage charge paid in advance of the City Manager's decision shall be credited towards the reduced water usage charge and future water bills. Water usage during the period for which relief is requested that is not in excess of the preceding year's water usage for the same month or months shall be charged the current tiered water usage rate. Service to customer will not be disconnected while a request is pending before the City Manager.

(e) If the City Manager determines that relief should not be granted, the customer may appeal the decision to the City Council. To appeal, the customer must submit an appeal request to the City Manager, who will place the matter before the City Council at next possible City Council meeting. The City Council shall determine if relief should be granted based on the factors outline in paragraph (c) of this Section.

ARTICLE V – RATES AND FEES

SECTION 1. WATER RATES

(a) Residential and commercial customers shall be charged the minimum monthly rates per metered water connection as established in the table below for service within the corporate limits of the City and, for service outside the corporate limits of the City. These charges are levied in accordance with the size of the meter serving the customer and are as follows.

Meter Size in Inches	Rate Inside the City Limits	Rate Outside the City Limits
¾	\$36.86	\$ 61.23
1	\$70.98	\$91.86
2	\$91.70	\$292.56
3	\$173.34	\$548.64
4	\$281.79	\$914.38
6	\$485.00	\$1,200.00
8	\$1175.00	\$2,350.00

(b) The first 2,000 gallons of water are included in the minimum monthly charges shown in the table in subsection (a) above.

(c) Water usage above 2,000 gallons shall be billed at the following rates per 1,000 gallons:

Within the City Limits		Outside the City Limits	
2001 – 5000	\$2.75	2001 – 5000	\$3.35
5001 – 8000	\$3.49	5001 – 8000	\$4.16
8001 – 12000	\$4.15	8001 – 12000	\$4.82
12001 - 16000	\$4.75	12001 - 16000	\$6.12
16001 and over	\$5.79	16001 and over	\$7.92

(d) When Stage 2 Moderate Water Shortage Conditions are declared and remain in effect for a majority of the days in a calendar month, water usage above 2,000 gallons shall be billed at the following rates per 1,000 gallons:

Within the City Limits		Outside the City Limits	
2001 – 5000	\$2.75	2001 – 5000	\$3.35
5001 – 8000	\$3.49	5001 – 8000	\$4.16

8001 – 10000	\$4.15	8001 – 10000	\$4.82
10,001 – 12000	\$4.57	10,001 – 12000	\$5.30
12001 - 16000	\$5.23	12001 - 16000	\$6.73
16001 and over	\$6.37	16001 and over	\$8.71

(e) When Stage 3 Severe Water Shortage Conditions are declared and remain in effect for a majority of the days in a calendar month, water usage above 2,000 gallons shall be billed at the following rates per 1,000 gallons:

Within the City Limits		Outside the City Limits	
2001 – 5000	\$2.75	2001 – 5000	\$3.35
5001 – 8000	\$3.49	5001 – 8000	\$4.16
8001 – 10000	\$4.15	8001 – 10000	\$4.82
10,001 – 12000	\$5.03	10,001 – 12000	\$5.83
12001 - 16000	\$5.75	12001 - 16000	\$7.40
16001 and over	\$7.01	16001 and over	\$9.58

(f) When Stage 4 Critical Water Shortage Conditions are declared and remain in effect for a majority of the days in a calendar month, water usage above 2,000 gallons shall be billed at the following rates per 1,000 gallons:

Within the City Limits		Outside the City Limits	
2001 – 5000	\$2.75	2001 – 5000	\$3.35
5001 – 8000	\$3.49	5001 – 8000	\$4.16
8001 – 10000	\$4.15	8001 – 10000	\$4.82
10,001 – 12000	\$5.53	10,001 – 12000	\$6.41
12001 - 16000	\$6.33	12001 - 16000	\$8.14
16001 and over	\$7.71	16001 and over	\$10.54

(g) The minimum fees shown in subsection (a) shall be charged whether the customer actually uses the service or not.

(h) Minimum Monthly Base Charges for water service with a meter over 8 inches will be determined by the City Council on a case by case basis.

(i) The Minimum Monthly Base Charges and the water usage charges apply in addition to any surcharges that may be imposed in accordance with the City’s Drought Contingency Plan.

SECTION 2. TAP FEES

(a) The tap fees (or connection fees) shall be charged to each user connecting to the water system of the City. These fees are applicable only where the existing main is larger than the requested meter size. These fees are non-refundable. When water meter size is equal to or larger

than existing water main an application for service must be made to the City in accordance with Article IV.

(b) Where water meter and valves are to be installed inside the City corporate limits the following tap fees shall apply.

Tap Size in Inches	Tap Fee
$\frac{3}{4}$ inch	\$1,250.00
1	\$1,550.00
2	\$2,600.00
3	\$3,600.00
4	\$4,500.00
6	\$5,500.00
8	\$9,000.00

(c) Where water meter and valves are to be installed outside the City corporate limits.

Tap Size in Inches	Tap Fee
$\frac{3}{4}$ inch	\$1,750.00
1	\$2,300.00
2	\$3,100.00
3	\$4,200.00
4	\$5,000.00
6	\$7,500.00
8	\$11,000.00

(d) Tap Fees for water service with a meter over 8 inches will be determined by the City Council on an individual, case by case basis.

SECTION 3. LATE FEE The Late Fee shall be \$20.00.

SECTION 4. DELINQUENT FEE AND TEMPORARY CONNECTION FEE

(a) A \$40.00 Delinquent fee will be assessed in accordance with Article IV, Section 9, when service has been disconnected for the non-payment of a utility bill.

(b) For a temporary connection, which shall be limited to three (3) days of water usage and 2,000 gallons, the temporary connection fee for residents inside the City limits shall be \$35.00, and for residents outside the City limits shall be \$55.00.

SECTION 5. RECONNECTIONS FEES

This Section applies to reconnections of service for accounts that were placed in an inactive status by the customer. For reconnections of service during regular business hours, the reconnection fee shall be \$40.00. For reconnections of service after 5:00 p.m., on the weekend, or during a City holiday, the reconnection fee shall be \$150.00.

SECTION 6. UTILITY DEPOSITS

(a) At the time of making application for water service, the applicant shall pay a deposit to the City as follows:

(1) For residential utility service inside the corporate City limits the utility deposit shall be \$125.00.

(2) For residential utility service outside the corporate City limits the utility deposit shall be \$175.00

(3) For Commercial customers, the utility deposit shall be:

Meter Size in Inches	Utility Deposit Amount
1	\$250.00
2	\$350.00
3	\$450.00
4	\$650.00
6	\$850.00
8	\$1,200.00

(b) Utility Deposits for a meter over 8 inches shall be determined by the City Council on an individual, case by case basis.

(c) For residential utility customers that have had service terminated two or more times in a six month period for failure to pay the utility bill, or a returned check, the Utility Deposit maintained by the City shall be as follows:

(1) For inside City customers, \$200.00;

(2) For outside City residential customers, \$250.00;

(3) For Commercial customers:

Meter Size in Inches	Utility Deposit Amount
1	\$350.00
2	\$450.00
3	\$550.00
4	\$750.00
6	\$950.00
8	\$1,300.00

SECTION 7. HOSE BIBB VACUUM BREAKERS

New water connections will be inspected and must be brought up to Plumbing Code. Hose Bibb Vacuum Breakers will be placed on all outside faucets, with a fee of \$10.00 per faucet. This fee will be added to the Water Bill.

SECTION 8. INSPECTION REQUIRED

Should any water service, residential or commercial, be discontinued or disconnected for a period of ninety (90) day or more, a customer service inspection will be required. If the inspection is performed by the City, a fee of FIFTY DOLLARS (\$50.00) will be charged and collected at the time application for water service is made. Service will be contingent upon receipt by the City of an inspection report from the licensed inspector.

SECTION 9. CONSTRUCTION INVESTIGATION FEE

For all requests for utility service which require the extension or expansion of utility mains or facilities, as provided by Article IV, Section 4, a fee of five percent (5%) of the total cost of construction of utilities shall be collected from the applicant for utility service prior to construction of the utilities by the applicant. The purpose of the fee is to cover the City’s labor costs associated with the inspection of the newly constructed facilities.

ARTICLE VI – WATER WELL REQUIREMENTS

SECTION 1. APPLICABILITY

This Article applies to water wells inside the City Limits of the City.

SECTION 2. NEW WELLS

(a) Except as otherwise specifically provided in this Article or under an existing annexation service plan or annexation agreement, it shall be unlawful for any person to drill, dig, or otherwise construct or install a new water well of any type or expand the capacity of an existing well.

(b) A person may drill, construct, or install a new water well in areas zoned as an agricultural district, provided that the well is used for domestic use or agricultural use, and that the well is drilled, installed, constructed and completed, in accordance with local groundwater district, federal and state laws and regulations. Agricultural use shall mean any use or activity involving agriculture, including irrigation.

(c) The City of Granite Shoals may drill, dig, or otherwise construct or install water wells.

SECTION 3. EXISTING WELLS

(a) Wells in existence and in use at the time of the adoption of this ordinance may be used as a primary source of water, provided that they meet all state and local regulations related to water wells and the person is not required to connect his or her property to the City's water supply system as provided in Article IV, Section 5 of this ordinance.

(b) As provided in Article IV, Section 5 of this ordinance, a person who has a well in existence and in use as of the effective date of this ordinance, and who is required to connect to the City's water supply system may continue to use the water well for irrigation purposes; provided, however, that the well has all of the necessary state and local permits, the well and the utility service connection have been inspected by a licensed inspector and an inspection report presented to the City that there are no cross-connections between the water well and the City's water system.

(c) All wells must be either in use or capped in accordance to local and state regulations and no well may be abandoned.

ARTICLE VII – DROUGHT CONTINGENCY REQUIREMENTS

SECTION 1. APPLICABILITY

All persons, including customers of the City and other users of the City's water utility system shall comply with the City's Drought Contingency Plan as adopted and amended by the City.

ARTICLE VIII – SAVINGS CLAUSE. The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any ordinance or provisions of any ordinances at the time of passage of this ordinance.

ARTICLE IX – SEVERABILITY CLAUSE. If any provision, ordinance, sentence, clause or phrase of this ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Granite Shoals

in adopting, and of the Mayor in approving this ordinance, that no portion thereof or provision or regulation contained herein shall be come inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

ARTICLE X – REPEALER CLAUSE. The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This ordinance shall not be construed to require or allow any act that is prohibited by any other ordinance.

ARTICLE XI – EFFECTIVE DATE. This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

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

READ, PASSED, AND ADOPTED THIS 23rd DAY OF October, 2012.

Dennis A. Maier, Mayor

ATTEST:

APPROVED AS TO FORM:

**Ronda Reichle
City Secretary**

Brad Young, City Attorney

Published on _____ and _____ in accordance with Section 3.13(3) of the City Charter.