SECTION 2.0 -- SERVICE RULES AND POLICIES (CONTINUED)

between a public water supply system and a private water source (ex. private well) will be allowed. A customer shall not connect, or allow any other person or party to connect, onto any water lines on his premises.

Section 2.06 - Customer Service Inspections

Applicants for new service connections or facilities which have undergone extensive plumbing modifications are required to furnish the utility a completed customer service inspection certificate. The inspection certificate shall certify that the establishment is in compliance with the Texas Commission on Environmental Quality (TCEQ) Rules and Regulations for Public Water Systems, Section 290.46(j). The Utility is not required to perform these inspections for the applicant/customer, but will assist the applicant/customer in locating and obtaining the services of a certified inspector.

Section 2.07 - Back Flow Prevention Devices

No water connection shall be allowed to any residence or establishment where an actual or potential contamination hazard exists unless the public water facilities are protected from contamination by either an approved air gap, backflow prevention assembly, or other approved device. The type of device or backflow prevention assembly required shall be determined by the specific potential hazard identified in 290.47(i) Appendix I, Assessment of Hazards and Selection of Assemblies of the TCEQ Rules and Regulations for Public Water Systems.

The use of a backflow prevention assembly at the service connection shall be considered as additional backflow protection and shall not negate the use of backflow protection on internal hazards as outlined and enforced by local plumbing codes. When a customer service inspection certificate indicates that an adequate internal cross-connection control program is in effect, backflow protection at the water service entrance or meter is not required.

At any residence or establishment where it has been determined by a customer service inspection, that there is no actual or potential contamination hazard, as referenced in Section 290.47(i) Appendix I, Assessment of Hazards and Selection of Assemblies of the TCEQ Rules and Regulations for Public Water Systems, then a backflow prevention assembly or device is not required. Outside hose bibs do require, at a minimum, the installation and maintenance of a working atmospheric vacuum breaker. All backflow prevention assemblies or devices shall be tested upon installation by a TCEQ certified backflow prevention assembly tester and certified to be operating within specifications. Backflow prevention assemblies which are installed to provide protection against health hazards must also be tested and certified to be operating within specifications at least annually by a certified backflow prevention assembly tester.

If the utility determines that a backflow prevention assembly or device is required, the utility will provide the customer or applicant with a list of TCEQ certified backflow prevention assembly testers. The customer will be responsible for the cost of installation and testing, if any, of backflow prevention assembly or device. The customer should contact several qualified installers to compare prices before installation. The customer must pay for any required maintenance and annual testing and must furnish a copy of the test results demonstrating that the assembly is functioning properly to the utility within 30 days after the anniversary date of the installation unless a different date is agreed upon.

The Utility adopts the Uniform Plumbing Code pursuant to TCEQ Rule 290.46(i). The piping and other equipment on the premises furnished by the customer will be maintained by the customer at all times in conformity with the requirements of the PUC and/or TCEQ, the Uniform Plumbing Code and with the service rules and regulations of the Utility. The customer will bring out his service line to his property line at the point on the customer's property mutually acceptable to the customer and the Utility subject to such requirements as may exist by PUC and/or TCEQ rule. No water service smaller than 5/8" will be connected.

SECTION 2.0 -- SERVICE RULES AND POLICIES (CONTINUED)

No pipe or pipe fitting 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. No solder or flux which contains more than 0.25% lead can be used at any connection which provides water for human use.

Section 2.08 - Access to Customer's Premises

The utility will have the right of access to the customer's premises at all reasonable times for the purpose of installing, testing, inspecting or repairing water mains or other equipment used in connection with its provision of water service, or for the purpose of removing its property and disconnecting lines, and for all other purposes necessary to the operation of the utility system including inspecting the customer's plumbing for code, plumbing or tariff violations. The customer shall allow the utility and its personnel access to the customer's property to conduct any water quality tests or inspections required by law. Unless necessary to respond to equipment failure, leak or other condition creating an immediate threat to public health and safety or the continued provision of adequate utility service to others, such entry upon the customer's property shall be during normal business hours and the utility personnel will attempt to notify the customer that they will be working on the customer's property. The customer may require any utility representative, employee, contractor, or agent seeking to make such entry identify themselves, their affiliation with the utility, and the purpose of their entry.

All customers or service applicants shall provide access to meters and utility cutoff valves at all times reasonably necessary to conduct ordinary utility business and after normal business hours as needed to protect and preserve the integrity of the public drinking water supply.

Threats to or assaults upon utility personnel shall result in criminal prosecution.

Section 2.09 - Meter Requirements, Readings, and Testing

One meter is required for each residential, commercial, or industrial connection. All water sold by the utility will be billed based on meter measurements. The utility will provide, install, own and maintain meters to measure amounts of water consumed by its customers.

Meters will be read at monthly intervals and as nearly as possible on the corresponding day of each monthly meter reading period unless otherwise authorized by the Commission.

Meter tests. The utility will, upon the request of a customer, and, if the customer so desires, in his or her presence or in that of his or her authorized representative, make without charge a test of the accuracy of the customer's meter. If the customer asks to observe the test, the test will be made during the utility's normal working hours at a time convenient to the customer.

Whenever possible, the test will be made on the customer's premises, but may, at the utility's discretion, be made at the utility's testing facility. If within a period of two years the customer requests a new test, the utility will make the test, but if the meter is found to be within the accuracy standards established by the American Water Works Association, the utility will charge the customer a fee which reflects the cost to test the meter up to a maximum $25 for a residential customer. Following the completion of any requested test, the utility will promptly advise the customer of the date of removal of the meter, the date of the test, the result of the test, and who made the test.

Section 2.10 - Billing

(A) Regular Billing

Bills from the utility will be mailed monthly unless otherwise authorized by the Commission. The due date of bills for utility service will be at least sixteen (16) days from the date of issuance. The postmark on the

SECTION 2.0 -- SERVICE RULES AND POLICIES (CONTINUED)

bill or, if there is no postmark on the bill, the recorded date of mailing by the utility will constitute proof of the date of issuance. Payment for utility service is delinquent if full payment, including late fees and the regulatory assessment, is not received at the utility or the utility's authorized payment agency by 5:00 p.m. on the due date. If the due date falls on a holiday or weekend, the due date for payment purposes will be the next workday after the due date.

(B) Late Fees
A late penalty of either $5.00 or 10.0% will be charged on bills received after the due date. The penalty on delinquent bills will not be applied to any balance to which the penalty was applied in a previous billing. The utility must maintain a record of the date of mailing to charge the late penalty.

(C) Information on Bill
Each bill will provide all information required by the PUC rules. For each of the systems it operates, the utility will maintain and note on the monthly bill a local or toll-free telephone number (or numbers) to which customers can direct questions about their utility service.

In the event of a dispute between a customer and a utility regarding any bill for utility service, the utility will conduct an investigation and report the results to the customer. If the dispute is not resolved, the utility will inform the customer that a complaint may be filed with the Commission.

(D) Prorated Bills
If service is interrupted or seriously impaired for 24 consecutive hours or more, the utility will prorate the monthly base bill in proportion to the time service was not available to reflect this loss of service.

Section 2.11- Payments

All payments for utility service shall be delivered or mailed to the utility's business office. If the business office fails to receive payment prior to the time of noticed disconnection for non-payment of a delinquent account, service will be terminated as scheduled. Utility service crews shall not be allowed to collect payments on customer accounts in the field. Payment of an account by any means that has been dishonored and returned by the payer or payee's bank, shall be deemed to be delinquent. All returned payments must be redeemed with cash or valid money order. If a customer has two returned payments within a twelve month period, the customer shall be required to pay a deposit if one has not already been paid.

Section 2.12 - Service Disconnection

(A) With Notice
Utility service may be disconnected if the bill has not been paid in full by the date listed on the termination notice. The termination date must be at least 10 days after the notice is mailed or hand delivered. If the customer elects to receive electronic communications, the disconnect notice may be emailed in lieu of mailing or hand delivery.

The utility is encouraged to offer a deferred payment plan to a customer who cannot pay an outstanding bill in full and is willing to pay the balance in reasonable installments. However, a customer's utility service may be disconnected if a bill has not been paid or a deferred payment agreement entered into within 26 days from the date of issuance of a bill and if proper notice of termination has been given.

Notice of termination must be a separate mailing or hand delivery in accordance with the PUC Rules.

(B) Without Notice.
Utility service may also be disconnected without notice for reasons as described in the PUC Rules.

SECTION 2.0 -- SERVICE RULES AND POLICIES (CONTINUED)

Section 2.13 - Reconnection of Service

Utility personnel must be available during normal business hours to accept payments on the day service is disconnected and the following day unless service was disconnected at the customer's request or due to a hazardous condition.

Service will be reconnected within 36 hours after the past due bill, reconnect fees and any other outstanding charges are paid or the conditions which caused service to be disconnected are corrected.

Section 2.14 - Service Interruptions

The utility will make all reasonable efforts to prevent interruptions of service. If interruptions occur, the utility will re-establish service within the shortest possible time. Except for momentary interruptions due to automatic equipment operations, the utility will keep a complete record of all interruptions, both emergency and scheduled and will notify the Commission in writing of any service interruptions affecting the entire system or any major division of the system lasting more than four hours. The notice will explain the cause of the interruptions.

Section 2.15 - Quality of Service

The utility will plan, furnish, and maintain production, treatment, storage, transmission, and distribution facilities of sufficient size and capacity to provide a continuous and adequate supply of water for all reasonable consumer uses. Unless otherwise authorized by the Commission, the utility will maintain facilities as described in the TCEQ Rules and Regulations for Public Water Systems.

Section 2.16 - Customer Complaints and Disputes

If a customer or applicant for service lodges a complaint, the utility will promptly make a suitable investigation and advise the complainant of the results. Service will not be disconnected pending completion of the investigation. If the complainant is dissatisfied with the utility's response, the utility must advise the complainant that he has recourse through the PUC complaint process. Pending resolution of a complaint, the Commission may require continuation or restoration of service.

The utility will maintain a record of all complaints which shows the name and address of the complainant, the date and nature of the complaint and the adjustment or disposition thereof, for a period of two years after the final settlement of the complaint.

In the event of a dispute between a customer and a utility regarding any bill for utility service, the utility will conduct an investigation and report the results to the customer. If the dispute is not resolved, the utility will inform the customer that a complaint may be filed with the Commission.

Section 2.17 – Customer And Utility Liability

Customer shall be liable for any damage or injury to utility-owned property shown to be caused by the customer, his invitees, his agents, his employees, or other directly under his control.

Limitation on Product/Service Liability - Public water utilities are required to deliver water to the customer's side of the meter or service connection that meets the potability and pressure standards of the Texas Commission on Environmental Quality. The utility will not accept liability for any injury or damage to individuals or their property occurring on the customer's side of the meter when the water delivered meets

SECTION 2.0 -- SERVICE RULES AND POLICIES (CONTINUED)

these state standards. The utility makes no representations or warranties (expressed or implied) that customer's appliances will not be damaged by disruptions of or fluctuations in water service whatever the cause. The utility will not accept liability for injuries or damages to persons or property due to disruption of water service caused by: (1) acts of God, (2) acts of third parties not subject to the control of the utility if the utility has undertaken such preventive measures as are required by TCEQ rules, (3) electrical power failures in water systems not required by TCEQ rule to have auxiliary power supplies, or (4) termination of water service pursuant to the utility's tariff and the TCEQ's rules.

The utility is not required by law and does not provide fire prevention or fire fighting services. The utility therefore does not accept liability for fire-related injuries or damages to persons or property caused or aggravated by the availability (or lack thereof) of water or water pressure (or lack thereof) during fire emergencies. Utility may (but is not required to) contract with individual customers/applicants to provide water service capacities to their properties in excess of the TCEQ's domestic water system regulations so that such water volumes and pressures may be used by the customer/applicant or local fire department (at their sole election and responsibility) for fire fighting purposes. Such additional water service capacities shall be provided only in response to and according to design criteria and/or plans prepared by the customer/applicant's registered professional engineer. Notwithstanding any understanding or intent of such customer/applicant for the use of such excess water service capacity, Utility does not profess, state, warrant, guarantee, or imply that such additional water service capacity is, or shall ever be, adequate or sufficient for fire fighting. Utility neither possesses nor claims to possess knowledge or expertise in fire fighting or the requirements of fire fighting. No statement or action of Utility shall ever be implied or meant to suggest that any facilities of Utility comply with any state or local fire code.

SECTION 3.0 – EXTENSION POLICY

Section 3.01 - Standard Extension Requirements

Line Extension and Construction Charges: No Contribution in Aid of Construction may be required of any customer except as provided for in this approved extension policy.

The Utility is not required to extend service to any applicant outside of its certified service area and will only do so under terms and conditions mutually agreeable to the Utility and the applicant, in compliance with PUC rules and policies, and upon extension of the Utility's certified service area boundaries by the PUC.

The applicant for service will be given an itemized statement of the costs, options such as rebates to the customer, sharing of construction costs between the utility and the customer, or sharing of costs between the customer and other applicants prior to beginning construction.

Section 3.02 - Costs Utilities and Service Applicants Shall Bear

Within its certified area, the utility will pay the cost of the first 200 feet of any water main or distribution line necessary to extend service to an individual residential customer within a platted subdivision.

However, if the residential customer requesting service purchased the property after the developer was notified in writing of the need to provide facilities to the utility, the utility may charge for the first 200 feet. The utility must also be able to document that the developer of the subdivision refused to provide facilities compatible with the utility's facilities in accordance with the utility's approved extension policy after receiving a written request from the utility.

Residential customers will be charged the equivalent of the costs of extending service to their property from the nearest transmission or distribution line even if that line does not have adequate capacity to serve the customer. However, if the customer places unique, non-standard service demands upon the system, the customer may be charged the additional cost of extending service to and throughout their property, including the cost of all necessary transmission and storage facilities necessary to meet the service demands anticipated to be created by that property.

Unless an exception is granted by the PUC, the residential service applicant shall not be required to pay for costs of main extensions greater than 2" in diameter for water distribution and pressure wastewater collection lines and 6" in diameter for gravity wastewater lines.

Exceptions may be granted by the PUC if:

- adequate service cannot be provided to the applicant using the maximum line sizes listed due to distance or elevation, in which case, it shall be the utility's burden to justify that a larger diameter pipe is required for adequate service;

- or larger minimum line sizes are required under subdivision platting requirements or building codes of municipalities within whose corporate limits or extraterritorial jurisdiction the point of use is located; or the residential service applicant is located outside the CCN service area.

If an exception is granted, the Utility shall establish a proportional cost plan for the specific extension or a rebate plan which may be limited to seven years to return the portion of the applicant's costs for overriding as new customers are added to ensure that future applicants for service on the line pay at least as much as the initial service applicant.

SECTION 3.0 -- EXTENSION POLICY (CONTINUED)

For purposes of determining the costs that service applicants shall pay, commercial customers with service demands greater than residential customer demands in the certified area, industrial, and wholesale customers shall be treated as developers. A service applicant requesting a one inch meter for a lawn sprinkler system to service a residential lot is not considered nonstandard service.

If an applicant requires service other than the standard service provided by the utility, such applicant will be required to pay all expenses incurred by the utility in excess of the expenses that would be incurred in providing the standard service and connection beyond 200 feet and throughout his property including the cost of all necessary transmission facilities.

The utility will bear the full cost of any over-sizing of water mains necessary to serve other customers in the immediate area. The individual residential customer shall not be charged for any additional production, storage, or treatment facilities. Contributions in aid of construction may not be required of individual residential customers for production, storage, treatment or transmission facilities unless otherwise approved by the Commission under this specific extension policy.

Section 3.03 - Contributions in Aid of Construction

Developers may be required to provide contributions in aid of construction in amounts sufficient to furnish the development with all facilities necessary to provide for reasonable local demand requirements and to comply with TCEQ minimum design criteria for facilities used in the production, transmission, pumping, or treatment of water or TCEQ minimum requirements. For purposes of this subsection, a developer is one who subdivides or requests more than two meters on a piece of property. Commercial, industrial, and wholesale customers will be treated as developers.

Any applicant who places unique or non-standard service demands on the system may be required to provide contributions in aid of construction for the actual costs of any additional facilities required to maintain compliance with the TCEQ minimum design criteria for water production, treatment, pumping, storage and transmission.

Any service extension to a subdivision (recorded or unrecorded) may be subject to the provisions and restrictions of 16 TAC 24.86(d). When a developer wishes to extend the system to prepare to service multiple new connections, the charge shall be the cost of such extension, plus a pro-rata charge for facilities which must be committed to such extension compliant with the TCEQ minimum design criteria. As provided by 16 TAC 24.85(e)(3), for purposes of this section, commercial, industrial, and wholesale customers shall be treated as developers.

A utility may only charge a developer standby fees for unrecovered costs of facilities committed to a developer's property under the following circumstances:

- Under a contract and only in accordance with the terms of the contract; or
- if service is not being provided to a lot or lots within two years after installation of facilities necessary to provide service to the lots has been completed and if the standby fees are included on the utility's approved tariff after a rate change application has been filed. The fees cannot be billed to the developer or collected until the standby fees have been approved by the commission.
- For purposes of this section, a manufactured housing rental community can only be charged standby fees under a contract or if the utility installs the facilities necessary to provide individually metered service to each of the rental lots or spaces in the community.

SECTION 3.0 -- EXTENSION POLICY (CONTINUED)

Section 3.04 - Appealing Connection Costs

The imposition of additional extension costs or charges as provided by Sections 3.0 - Extension Policy of this tariff shall be subject to appeal as provided in this tariff, PUC rules, or the rules of such other regulatory authority as may have jurisdiction over the utility's rates and services. Any applicant required to pay for any costs not specifically set forth in the rate schedule pages of this tariff shall be given a written explanation of such costs prior to payment and/or commencement of construction. If the applicant does not believe that these costs are reasonable or necessary, the applicant shall be informed of the right to appeal such costs to the PUC or such other regulatory authority having jurisdiction over the utility's rates in that portion of the utility's service area in which the applicant's property(is) is located.

Section 3.05 - Applying for Service

The Utility will provide a written service application form to the applicant for each request for service received by the Utility's business offices. A separate application shall be required for each potential service location if more than one service connection is desired by any individual applicant. Service application forms will be available at the Utility's business office during normal weekday business hours. Service applications can be sent by mail, email, or fax upon request. Completed applications can be returned by mail, email or fax.

Where a new tap or service connection is required, the service applicant shall be required to submit a written service application and request that a tap be made. A diagram, map, plat, or written metes and bounds description of precisely where the applicant desires each tap or service connection is to be made and, if necessary, where the meter is to be installed, along the applicant's property line may also be required with the tap request. The actual point of connection and meter installation must be readily accessible to Utility personnel for inspection, servicing, and meter reading while being reasonably secure from damage by vehicles and mowers. If the Utility has more than one main adjacent to the service applicant's property, the tap or service connection will be made to the Utility's nearest service main with adequate capacity to service the applicant's full potential service demand. Beyond the initial 200 feet, the customer shall bear only the equivalent cost of extending from the nearest main. If the tap or service connection cannot be made at the applicant's desired location, it will be made at another location mutually acceptable to the applicant and the Utility. If no agreement on location can be made, the applicant may refer the matter to the PUC for resolution.

Section 3.06 - Qualified Service Applicant

A "qualified service applicant" is an applicant who has: (1) met all of the Utility's requirements for service contained in this tariff, PUC rules and/or PUC order, (2) has made payment or made arrangement for payment of tap fees, (3) has provided all easements and rights-of-way required to provide service to the requested location, (4) delivered an executed customer service inspection certificate to the Utility, if applicable, and (5) has executed a customer service application for each location to which service is being requested.

The Utility shall serve each qualified service applicant within its certified service area as soon as practical after receiving a completed service application. All service requests will be fulfilled within the time limits prescribed by PUC rules once the applicant has met all conditions precedent to achieving "qualified service applicant" status. If a service request cannot be fulfilled within the required period, the applicant shall be notified in writing of the delay, its cause and the anticipated date that service will be available. The PUC service dates shall not become applicable until the service applicant has met all conditions precedent to becoming a qualified service applicant as defined by PUC rules.

SECTION 3.0 -- EXTENSION POLICY (CONTINUED)

Section 3.07 - Developer Requirements

As a condition of service to a new subdivision, the Utility shall require a developer (as defined by PUC rule) to provide permanent recorded public utility easements as a condition of service to any location within the developer's property.

APPENDIX A -- DROUGHT CONTINGENCY PLAN

"This page incorporates by reference the utility's Drought Contingency Plan, as approved and periodically amended by the Texas Commission on Environmental Quality."

APPENDIX B -- SAMPLE SERVICE AGREEMENT
(Utility Must Attach Blank Copy)

APPENDIX C -- APPLICATION FOR SERVICE
(Utility Must Attach Blank Copy)

SEWER UTILITY TARIFF

Docket Number: 42982

Quadvest, L.P.
(Utility Name)

P.O. Box 409
(Business Address)

Tomball, Texas 77377
(City, State, Zip Code)

281/356-5347
(Area Code/Telephone)

This tariff is effective for utility operations under the following Certificate of Convenience and Necessity:

20952

This tariff is effective in the following county:

Harris, Montgomery and Liberty

This tariff is effective in the following cities or unincorporated towns (if any):

None

This tariff is effective in the following subdivisions and water quality permit numbers:

Bauer Road: Permit No. 14675-001
Bella Vista: Permit No. 15061-001
Benders Landing: Permit No. 14755-001
Lonestar Ranch Section III, Lonestar Ranch Section IV and Somerset: Permit No. 14029-001
Creekside Village: Permit No. 14531-001
Magnolia Lakes: Permit No. 1452-001
Magnolia ISD, Mostyn Manor: Permit No. 14711-001
Decker Oaks Subdivision: WQ0013863-001
Grand San Jacinto: WQ0015192-001
Victoria Station: WQ0014266-001

TABLE OF CONTENTS

The above utility lists the following sections of its tariff (if additional pages are needed for a section, all pages should be numbered consecutively):

SECTION 1.0 -- RATE SCHEDULE 2
SECTION 2.0 -- SERVICE RULES AND POLICIES 4
SECTION 3.0 -- EXTENSION POLICY 9

APPENDIX A -- SAMPLE SERVICE AGREEMENT

SECTION 1.0 - RATE SCHEDULE

Rates Effective April 8, 2013

Meter Size	Monthly Flat Rate (Includes 0 gallons)
5/8" x 3/4"	$67.50
3/4"	$67.50
1"	$67.50
1 ½"	$337.50
2"	$540.00
3"	$1,012.50
4"	$1,687.50
6"	$3,375.00
8"	$5,400.00
10"	$7,762.50

Residential sewer service will be billed the monthly flat rate only.

Non-residential service connections will be billed the monthly flat rate plus $3.33 per 1,000 gallons of actual water meter usage as supplied by the water utility.

Rates Effective January 8, 2014

Meter Size	Monthly Flat Rate (Includes 0 gallons)
5/8" x 3/4"	$76.00
3/4"	$76.00
1"	$76.00
1 ½"	$380.00
2"	$608.00
3"	$1,140.00
4"	$1,900.00
6"	$3,800.00
8"	$6,080.00
10"	$8,740.00

Residential sewer service will be billed the monthly flat rate only.

Non-residential service connections will be billed the monthly flat rate plus $3.33 per 1,000 gallons of actual water meter usage as supplied by the water utility.

FORM OF PAYMENT: The utility will accept the following forms of payment:
Cash X ,Check X ,Money Order X , Credit Card X ,Other (specify) Bank Draft

THE UTILITY MAY REQUIRE EXACT CHANGE FOR PAYMENTS AND MAY REFUSE TO ACCEPT PAYMENTS MADE USING MORE THAN $1.00 IN SMALL COINS. A WRITTEN RECEIPT WILL BE GIVEN FOR CASH PAYMENTS.

SECTION 1.0 - RATE SCHEDULE CONT.

REGULATORY ASSESSMENT 1.0%
PUC RULES REQUIRE THE UTILITY TO COLLECT A FEE OF ONE PERCENT OF THE RETAIL MONTHLY BILL AND TO REMIT FEE TO THE TCEQ.

Section 1.02 - Miscellaneous Fees

TAP FEE (Gravity Sewer) for 5/8 x 3/4-inch water meter $790.00
TAP FEE COVERS THE UTILITY'S COSTS FOR MATERIALS AND LABOR TO INSTALL A STANDARD RESIDENTIAL CONNECTION. AN ADDITIONAL FEE TO COVER UNIQUE COSTS IS PERMITTED IF LISTED ON THIS TARIFF.

TAP FEE $870.00
TAP FEE COVERS THE UTILITY'S COSTS FOR MATERIALS AND LABOR TO INSTALL A STANDARD 3/4" and 1" METER. AN ADDITIONAL FEE TO COVER UNIQUE COSTS IS PERMITTED IF LISTED ON THIS TARIFF.

TAP FEE (Large Meter) ..... Actual Cost
TAP FEE IS THE UTILITY'S ACTUAL COST FOR MATERIALS AND LABOR FOR TAP SIZE INSTALLED.

TAP FEE (Unique costs) ..... Actual Cost
FOR EXAMPLE, A ROAD BORE FOR CUSTOMERS OUTSIDE OF SUBDIVISIONS OR RESIDENTIAL AREAS.

RECONNECTION FEE
THE RECONNECT FEE MUST BE PAID BEFORE SERVICE CAN BE RESTORED TO A CUSTOMER WHO HAS BEEN DISCONNECTED FOR THE FOLLOWING REASONS (OR OTHER REASONS LISTED UNDER SECTION 2.0 OF THIS TARIFF):

a) Non-payment of bill (Maximum $25.00) $25.00
b) Customer's request that service be disconnected $50.00

TRANSFER FEE $45.00
THE TRANSFER FEE WILL BE CHARGED FOR CHANGING AN ACCOUNT NAME AT THE SAME SERVICE LOCATION WHEN THE SERVICE IS NOT DISCONNECTED

LATE CHARGE (EITHER $5.00 OR 10% OF THE BILL) 10%
PUC RULES ALLOW A ONE-TIME PENALTY TO BE CHARGED ON DELINQUENT BILLS. A LATE CHARGE MAY NOT BE APPLIED TO ANY BALANCE TO WHICH THE PENALTY WAS APPLIED IN A PREVIOUS BILLING.

RETURNED CHECK CHARGE $25.00
RETURNED CHECK CHARGES MUST BE BASED ON THE UTILITY=S DOCUMENTABLE COST.

SECTION 1.0 - RATE SCHEDULE CONT.

CUSTOMER DEPOSIT RESIDENTIAL (Maximum $50) $50.00

COMMERCIAL & NON-RESIDENTIAL DEPOSIT ..... 1/6TH OF ESTIMATED ANNUAL BILL

SERVICE RELOCATION FEE ..... Actual Cost to relocate that service connection
THIS FEE MAY BE CHARGED IF A CUSTOMER REQUESTS RELOCATION OF AN EXISTING SERVICE CONNECTION

SEASONAL RECONNECTION FEE:
BASE RATE TIMES NUMBER OF MONTHS OFF THE SYSTEM NOT TO EXCEED SIX MONTHS WHEN LEAVE AND RETURN WITHIN A TWELVE MONTH PERIOD.

GOVERNMENTAL TESTING, INSPECTION AND COSTS SURCHARGE:
WHEN AUTHORIZED IN WRITING BY PUC AND AFTER NOTICE TO CUSTOMERS, THE UTILITY MAY INCREASE RATES TO RECOVER INCREASED COSTS FOR INSPECTION FEES AND WATER TESTING. [PUC Subst. R. 24.21(K)(2)]

LINE EXTENSION AND CONSTRUCTION CHARGES:
REFER TO SECTION 3.0--EXTENSION POLICY FOR TERMS, CONDITIONS, AND CHARGES WHEN NEW CONSTRUCTION IS NECESSARY TO PROVIDE SERVICE.

SECTION 1.0 - RATE SCHEDULE

Meter Size	Monthly Flat Rate
5/8" x 3/4"	$33.00
1"	$55.00
1½"	$110.00
2"	$176.00
2½"	$264.00
3"	$330.00
4"	$550.00

Residential sewer service will be billed the monthly flat rate plus $7.00 per 1,000 gallons of actual water meter usage.

For sewer rate purposes, residential water usage is based on the average water consumption for December, January and February and is reset annually. Users without usage experience for those months shall be billed $63.00 per month, based on a 5/8" meter. Non-residential customers are billed on each month's metered water consumption.

FORM OF PAYMENT: The utility will accept the following forms of payment:
Cash X ,Check X ,Money Order X , Credit Card X ,Other (specify) Bank Draft

THE UTILITY MAY REQUIRE EXACT CHANGE FOR PAYMENTS AND MAY REFUSE TO ACCEPT PAYMENTS MADE USING MORE THAN $1.00 IN SMALL COINS. A WRITTEN RECEIPT WILL BE GIVEN FOR CASH PAYMENTS.

REGULATORY ASSESSMENT 1.0%

PUC RULES REQUIRE THE UTILITY TO COLLECT A FEE OF ONE PERCENT OF THE RETAIL MONTHLY BILL AND TO REMIT FEE TO THE TCEQ.

Section 1.02 - Miscellaneous Fees

TAP FEE (Standard) for 5/8 x 3/4-inch water meter $750.00

TAP FEE COVERS THE UTILITY'S COSTS FOR MATERIALS AND LABOR TO INSTALL A STANDARD RESIDENTIAL CONNECTION. AN ADDITIONAL FEE TO COVER UNIQUE COSTS IS PERMITTED IF LISTED ON THIS TARIFF.

TAP FEE (Non-Standard) ..... Actual Cost

TAP FEE IS THE UTILITY'S ACTUAL COST FOR MATERIALS AND LABOR FOR TAP SIZE INSTALLED.

RECONNECTION FEE

THE RECONNECT FEE MUST BE PAID BEFORE SERVICE CAN BE RESTORED TO A CUSTOMER WHO HAS BEEN DISCONNECTED FOR THE FOLLOWING REASONS (OR OTHER REASONS LISTED UNDER SECTION 2.0 OF THIS TARIFF):

a) Non-payment of bill (Maximum $25.00) $25.00

TRANSFER FEE $25.00

THE TRANSFER FEE WILL BE CHARGED FOR AN APPLICANT FOR SERVICE WHO IS A TRANSFEREE FROM AN EXISTING UTILITY CUSTOMER.

SECTION 1.0 - RATE SCHEDULE CONT.

LATE CHARGE (EITHER $5.00 OR 10% OF THE BILL) $5.00
PUC RULES ALLOW A ONE-TIME PENALTY TO BE CHARGED ON DELINQUENT BILLS. A LATE CHARGE MAY NOT BE APPLIED TO ANY BALANCE TO WHICH THE PENALTY WAS APPLIED IN A PREVIOUS BILLING.

RETURNED CHECK CHARGE $25.00
RETURNED CHECK CHARGES MUST BE BASED ON THE UTILITY'S DOCUMENTABLE COST.

CUSTOMER DEPOSIT RESIDENTIAL (Maximum $50) $50.00

COMMERCIAL & NON-RESIDENTIAL DEPOSIT ..... 1/6TH OF ESTIMATED ANNUAL BILL

EQUIPMENT DAMAGE FEE: ..... Actual Costs
IF FACILITIES OR EQUIPMENT HAVE BEEN DAMAGED DUE TO TAMPERING, NEGLIGENCE, OR UNAUTHORIZED USE OF EQUIPMENT, RIGHT-OF-WAY, OR DUE TO OTHER ACTS FOR WHICH THE UTILITY INCURS LOSSES OR DAMAGES SHOWN TO BE CAUSED BY THE CUSTOMER, THE CUSTOMER SHALL BE LIABLE FOR THE ACTUAL COSTS FOR ALL LABOR, MATERIAL, AND EQUIPMENT USE FEES NECESSARY FOR REPAIR, REPLACEMENT, OR OTHER CORRECTIVE ACTIONS TAKEN BY THE UTIILITY .THE UTILITY SHALL PROVIDE AN ITEMIZED BILL OF SUCH CHARGES TO THE CUSTOMER. EXCEPT IN CASES OF METER TAMPERING OR SERVICE DIVERSION, THE UTILITY MAY NOT DISCONNECT SERVICE, OR REFUSE RECONNECTION, OF A CUSTOMER REFUSING TO PAY DAMAGE CHARGES.

CUSTOMER SERVICE INSPECTION FEE $75.00
SERVICE APPLICANTS MAY CHOOSE TO HAVE CUSTOMER SERVICE INSPECTIONS REQUIRED BY TCEQ RULE 290.46(j) PERFORMED BY ANY STATE LICENSED INSPECTOR OF THEIR CHOICE. UNLESS THE SERVICE APPLICANT CHOOSES TO ARRANGE FOR AND PAY FOR THE INSPECTION INDEPENDENTLY, THE UTILITY MAY CHARGE SERVICE APPLICANTS THE CUSTOMER SERVICE INSPECTION FEE AT THE TIME THEY APPLY FOR SERVICE.

GOVERNMENTAL TESTING, INSPECTION AND COSTS SURCHARGE:
WHEN AUTHORIZED IN WRITING BY PUC AND AFTER NOTICE TO CUSTOMERS, THE UTILITY MAY INCREASE RATES TO RECOVER INCREASED COSTS FOR INSPECTION FEES AND WATER TESTING. [PUC Subst. R. 24.21(K)(2)]

LINE EXTENSION AND CONSTRUCTION CHARGES:
REFER TO SECTION 3.0--EXTENSION POLICY FOR TERMS, CONDITIONS, AND CHARGES WHEN NEW CONSTRUCTION IS NECESSARY TO PROVIDE SERVICE.

SECTION 2.0 – SERVICE RULES AND POLICIES

The utility will have the most current Public Utility Commission of Texas (PUC or Commission) Rules, Chapter 24, Water Utility Regulation, available at its office for reference purposes. The Rules and this tariff shall be available for public inspection and reproduction at a reasonable cost. The latest Rules or Commission approved changes to the Rules supersede any rules or requirements in this tariff.

Section 2.01 – Application for Sewer Service

All applications for service will be made on the utility's standard application or contract form (attached in the Appendix to this tariff), will be signed by the applicant, any required fees (deposits, reconnect, tap, extension fees, etc. as applicable) will be paid and easements, if required, will be granted before service is provided by the utility. A separate application or contract will be made for each service location.

Section 2.02 – Refusal of Service

The utility may decline to serve an applicant until the applicant has complied with the regulations of the regulatory agencies (state and municipal regulations) and for the reasons outlined in the PUC Rules. In the event that the utility refused to serve an applicant, the utility will inform the applicant in writing of the basis of its refusal. The utility is also required to inform the applicant that a complaint may be filed with the Commission.

Section 2.03 – Fees and Charges & Easements Required Before Service Can Be Connected

(A) Customer Deposits

If a residential applicant cannot establish credit to the satisfaction of the utility, the applicant may be required to pay a deposit as provided for in Section 1.02 – Miscellaneous Fees of this tariff. The utility will keep records of the deposit and credit interest in accordance with PUC Rules.

Residential applicants 65 years of age or older may not be required to pay deposits unless the applicant has an outstanding account balance with the utility or another water or sewer utility which accrued within the last two years.

Nonresidential applicants who cannot establish credit to the satisfaction of the utility may be required to make a deposit that does not exceed an amount equivalent to one-sixth of the estimated annual billings.

Refund of deposit – If service is not connected, or after disconnection of service, the utility will promptly refund the customer's deposit plus accrued interest or the balance, if any, in excess of the unpaid bills for service furnished. The utility may refund the deposit at any time prior to termination of utility service but must refund the deposit plus interest for any residential customer who has paid 18 consecutive without being delinquent.

SECTION 2.0 – SERVICE RULES AND POLICIES (Continued)

(B) Tap or Reconnect Fees
A new customer requesting service at a location where service has not previously been provided must pay a tap fee as provided in Section 1. A customer requesting service where service has previously been provided must pay a reconnect fee as provided in Section 1. Any applicant or existing customer required to pay for any costs not specifically set forth in the rate schedule pages of this tariff shall be given a written explanation of such costs prior to request for payment and/or commencement of construction. If the applicant or existing customer does not believe that these costs are reasonable or necessary, the applicant or existing customer shall be informed of their right to appeal such costs to the PUC or such other regulatory authority having jurisdiction over the utility's rate in that portion of the utility's service area in which the applicant's or existing customer's property(ies) is located.

Fees in addition to the regulate tap fee may be charged to cover unique costs not normally incurred as permitted by 30 TAC 24.86(a)(1)(C) if they are listed on this approved tariff. For example, a road bore for customers outside a subdivision or residential area could be considered a unique cost.

(C) Easement Requirement
Where recorded public utility easements on the service applicant's property do not exist or public road right-of-way easements are not available to access the applicant's property, the Utility may require the applicant to provide it with a permanent recorded public utility easement on and across the applicant's real property sufficient to provide service to that applicant. Such easement(s) shall not be used for the construction of production, storage, transmission or pressure facilities unless they are needed for adequate service to that applicant.

Section 2.04 - Utility Response to Applications for Service

After the applicant has met all the requirements, conditions and regulations for service, the utility will install tap and utility cut-off and/or take all necessary actions to initiate service. The utility will serve each qualified applicant for service within 5 working days unless line extensions or new facilities are required. If construction is required to fill the order and if it cannot be completed within 30 days, the utility will provide the applicant with a written explanation of the construction required and an expected date of service.

Except for good cause where service has previously been provided, service will be reconnected within one working day after the applicant has met the requirements for reconnection.

Section 2.05 - Customer Responsibility

The customer will be responsible for furnishing and laying the necessary customer service pipe from the tap location to the place of consumption. Customers will not be allowed to use the utility's cutoff.

SECTION 2.0 – SERVICE RULES AND POLICIES (Continued)

2.06 - Access to Customer's Premises

All customers or service applicants shall provide access to utility cutoffs at all times reasonably necessary to conduct ordinary utility business and after normal business hours as needed to protect and preserve the integrity of the public drinking water supply.

Section 2.07 - Back Flow Prevention Devices

No water connection shall be made to any establishment where an actual or potential contamination or system hazard exists without an approved air gap or mechanical backflow prevention assembly. The air gap or backflow prevention assembly shall be installed in accordance with the American Water Works Association (AWWA) standards C510, C511 and AWWA Manual M14 or the University of Southern California Manual of Cross-Connection Control, current edition. The backflow assembly installation by a licensed plumber shall occur at the customer's expense.

The back flow assembly shall be tested upon installation by a recognized prevention assembly tester and certified to be operating within specifications. Back flow prevention assemblies which are installed to provide protection against high health hazards must be tested and certified to be operating within specifications at least annually by a recognized back flow prevention device tester. The maintenance and testing of the back flow assembly shall occur at the customer's expense.

Section 2.10 - Billing

(A) Regular Billing
Bills from the utility will be mailed monthly unless otherwise authorized by the Commission. The due date of bills for utility service will be at least sixteen (16) days from the date of issuance. The postmark on the bill or, if there is no postmark on the bill, the recorded date of mailing by the utility will constitute proof of the date of issuance. Payment for utility service is delinquent if full payment, including late fees and the regulatory assessment, is not received at the utility or the utility's authorized payment agency by 5:00 p.m. on the due date. If the due date falls on a holiday or weekend, the due date for payment purposes will be the next workday after the due date.

(B) Late Fees
A late penalty of either $5.00 or 10% will be charged on bills received after the due date. The penalty on delinquent bills will not be applied to any balance to which the penalty was applied in a previous billing. The utility must maintain a record of the date of mailing to charge the late penalty.

SECTION 2.0 – SERVICE RULES AND POLICIES (Continued)

(C) Information on Bill
Each bill will provide all information required by the PUC Rules. For each of the systems it operates, the utility will maintain and note on the monthly bill a local or toll-free telephone number (or numbers) to which customers can direct questions about their utility service.

(D) Prorated Bills
If service is interrupted or seriously impaired for 24 consecutive hours or more, the utility will prorate the monthly base bill in proportion to the time service was not available to reflect this loss of service.

Section 2.11- Payments

All payments for utility service shall be delivered or mailed to the utility's business office. If the business office fails to receive payment prior to the time of noticed disconnection for non-payment of a delinquent account, service will be terminated as scheduled. Utility service crews shall not be allowed to collect payments on customer accounts in the field.

Payment of an account by any means that has been dishonored and returned by the payor or payee's bank, shall be deemed to be delinquent. All returned payments must be redeemed with cash or valid money order. If a customer has two returned payments within a twelve month period, the customer shall be required to pay a deposit if one has not already been paid.

Section 2.12 - Service Disconnection

(A) With Notice
Utility service may be disconnected if the bill has not been paid in full by the date listed on the termination notice. The termination date must be at least 10 days after the notice is mailed or hand delivered. The utility is encouraged to offer a deferred payment plan to a customer who cannot pay an outstanding bill in full and is willing to pay the balance in reasonable installments. However, a customer's utility service may be disconnected if a bill has not been paid or a deferred payment agreement entered into within 26 days from the date of issuance of a bill and if proper notice of termination has been given.

Notice of termination must be a separate mailing or hand delivery in accordance with the PUC Rules.

(B) Without Notice
Utility service may also be disconnected without notice for reasons as described in the PUC Rules.

SECTION 2.0 – SERVICE RULES AND POLICIES (Continued)

Section 2.13 - Reconnection of Service

Utility personnel must be available during normal business hours to accept payments on the day service is disconnected and the following day unless service was disconnected at the customer's request or due to a hazardous condition. Service will be reconnected within 24 hours after the past due bill, reconnect fees and any other outstanding charges are paid or the conditions which caused service to be disconnected are corrected.

Section 2.14 - Service Interruptions

The utility will make all reasonable efforts to prevent interruptions of service. If interruptions occur, the utility will re-establish service within the shortest possible time. Except for momentary interruptions due to automatic equipment operations, the utility will keep a complete record of all interruptions, both emergency and scheduled and will notify the Commission in writing of any service interruptions affecting the entire system or any major division of the system lasting more than four hours. The notice will explain the cause of the interruptions.

Section 2.15 - Quality of Service

The utility will plan, furnish, and maintain and operate production, treatment, storage, transmission, and collection facilities of sufficient size and capacity to provide continuous and adequate service for all reasonable consumer uses and to treat sewage and discharge effluent of the quality required by its discharge permit issued by the Commission. Unless otherwise authorized by the Commission, the utility will maintain facilities as described in the TCEQ Rules.

Section 2.16 - Customer Complaints and Disputes

If a customer or applicant for service lodges a complaint, the utility will promptly make a suitable investigation and advise the complainant of the results. Service will not be disconnected pending completion of the investigation. If the complainant is dissatisfied with the utility's response, the utility must advise the complainant that he has recourse through the TCEQ complaint process. Pending resolution of a complaint, the commission may require continuation or restoration of service.

The utility will maintain a record of all complaints which shows the name and address of the complainant, the date and nature of the complaint and the adjustment or disposition thereof, for a period of two years after the final settlement of the complaint.

In the event of a dispute between a customer and a utility regarding any bill for utility service, the utility will conduct an investigation and report the results to the customer. If the dispute is not resolved, the utility will inform the customer that a complaint may be filed with the Commission.

Section 2.17 - Customer Liability

Customer shall be liable for any damage or injury to utility-owned property shown to be caused by the customer.

SECTION 3.0 -- EXTENSION POLICY

Section 3.01 - Standard Extension Requirements

LINE EXTENSION AND CONSTRUCTION CHARGES: NO CONTRIBUTION IN AID OF CONSTRUCTION MAY BE REQUIRED OF ANY CUSTOMER EXCEPT AS PROVIDED FOR IN THIS APPROVED EXTENSION POLICY.

The Utility is not required to extend service to any applicant outside of its certified service area and will only do so under terms and conditions mutually agreeable to the Utility and the applicant, in compliance with PUC rules and policies, and upon extension of the Utility's certified service area boundaries by the PUC.

The applicant for service will be given an itemized statement of the costs, options such as rebates to the customer, sharing of construction costs between the utility and the customer, or sharing of costs between the customer and other applicants prior to beginning construction.

Section 3.02 - Costs Utilities and Service Applicants Shall Bear

Within its certified area, the utility will pay the cost of the first 200 feet of any water main or distribution line necessary to extend service to an individual residential customer within a platted subdivision.

However, if the residential customer requesting service purchased the property after the developer was notified in writing of the need to provide facilities to the utility, the utility may charge for the first 200 feet. The utility must also be able to document that the developer of the subdivision refused to provide facilities compatible with the utility's facilities in accordance with the utility's approved extension policy after receiving a written request from the utility.

Residential customers will be charged the equivalent of the costs of extending service to their property from the nearest collection line even if that line does not have adequate capacity to serve the customer. However, if the customer places unique, non-standard service demands upon the system, the customer may be charged the additional cost of extending service to and throughout their property, including the cost of all necessary transmission and storage facilities necessary to meet the service demands anticipated to be created by that property.

Unless an exception is granted by the PUC, the residential service applicant shall not be required to pay for costs of main extensions greater than 6" in diameter for gravity wastewater lines.

SECTION 3.0 -- EXTENSION POLICY (Continued)

Exceptions may be granted by the PUC if:

- adequate service cannot be provided to the applicant using the maximum line sizes listed due to distance or elevation, in which case, it shall be the utility's burden to justify that a larger diameter pipe is required for adequate service;

- or larger minimum line sizes are required under subdivision platting requirements or building codes of municipalities within whose corporate limits or extraterritorial jurisdiction the point of use is located; or the residential service applicant is located outside the CCN service area.

If an exception is granted, the Utility shall establish a proportional cost plan for the specific extension or a rebate plan which may be limited to seven years to return the portion of the applicant's costs for oversizing as new customers are added to ensure that future applicants for service on the line pay at least as much as the initial service applicant.

For purposes of determining the costs that service applicants shall pay, commercial customers with service demands greater than residential customer demands in the certified area, industrial, and wholesale customers shall be treated as developers.

If an applicant requires service other than the standard service provided by the utility, such applicant will be required to pay all expenses incurred by the utility in excess of the expenses that would be incurred in providing the standard service and connection beyond 200 feet and throughout his property including the cost of all necessary transmission facilities.

The utility will bear the full cost of any over-sizing of sewer mains necessary to serve other customers in the immediate area. The individual residential customer shall not be charged for any additional treatment facilities. Contributions in aid of construction may not be required of individual residential customers for production, storage, treatment or transmission facilities unless otherwise approved by the Commission under this specific extension policy.

Section 3.03 - Contributions in Aid of Construction

Developers may be required to provide contributions in aid of construction in amounts sufficient to furnish the development with all facilities necessary to provide for reasonable local demand requirements and to comply with TCEQ minimum design criteria for facilities used in the production, collection, transmission, pumping, or treatment of sewage or TCEQ minimum requirements. For purposes of this subsection, a developer is one who subdivides or requests more than two meters on a piece of property. Commercial, industrial, and wholesale customers will be treated as developers.

SECTION 3.0 -- EXTENSION POLICY (Continued)

Any applicant who places unique or non-standard service demands on the system may be required to provide contributions in aid of construction for the actual costs of any additional facilities required to maintain compliance with the TCEQ minimum design criteria for water production, treatment, pumping, storage and transmission.

Any service extension to a subdivision (recorded or unrecorded) may be subject to the provisions and restrictions of 30 TAC 24.86(d). When a developer wishes to extend the system to prepare to service multiple new connections, the charge shall be the cost of such extension, plus a pro-rata charge for facilities which must be committed to such extension compliant with the TCEQ minimum design criteria. As provided by 30 TAC 24.85(e)(3), for purposes of this section, commercial, industrial, and wholesale customers shall be treated as developers.

A utility may only charge a developer standby fees for unrecovered costs of facilities committed to a developer's property under the following circumstances:

- Under a contract and only in accordance with the terms of the contract; or
- if service is not being provided to a lot or lots within two years after installation of facilities necessary to provide service to the lots has been completed and if the standby fees are included on the utility's approved tariff after a rate change application has been filed. The fees cannot be billed to the developer or collected until the standby fees have been approved by the commission or executive director.
- for purposes of this section, a manufactured housing rental community can only be charged standby fees under a contract or if the utility installs the facilities necessary to provide individually metered service to each of the rental lots or spaces in the community.

Section 3.04 - Appealing Connection Costs

The imposition of additional extension costs or charges as provided by Sections 3.0 - Extension Policy of this tariff shall be subject to appeal as provided in this tariff, PUC rules, or the rules of such other regulatory authority as may have jurisdiction over the utility's rates and services. Any applicant required to pay for any costs not specifically set forth in the rate schedule pages of this tariff shall be given a written explanation of such costs prior to payment and/or commencement of construction. If the applicant does not believe that these costs are reasonable or necessary, the applicant shall be informed of the right to appeal such costs to the PUC or such other regulatory authority having jurisdiction over the utility's rates in that portion of the utility's service area in which the applicant's property(ies) is located.

Section 3.05 - Applying for Service

The Utility will provide a written service application form to the applicant for each request for service received by the Utility's business offices. A separate application shall be required for each potential service location if more than one service connection is desired by any individual applicant.

SECTION 3.0 -- EXTENSION POLICY (Continued)

Service application forms will be available at the Utility's business office during normal weekday business hours. Service applications will be sent by prepaid first class United States mail to the address provided by the applicant upon request. Completed applications should be returned by hand delivery in case there are questions which might delay fulfilling the service request. Completed service applications may be submitted by mail if hand delivery is not possible.

Where a new tap or service connection is required, the service applicant shall be required to submit a written service application and request that a tap be made. A diagram, map, plat, or written metes and bounds description of precisely where the applicant desires each tap or service connection is to be made and, if necessary, where the meter is to be installed, along the applicant's property line may also be required with the tap request. The actual point of connection and meter installation must be readily accessible to Utility personnel for inspection, servicing, and meter reading while being reasonably secure from damage by vehicles and mowers. If the Utility has more than one main adjacent to the service applicant's property, the tap or service connection will be made to the Utility's nearest service main with adequate capacity to service the applicant's full potential service demand. Beyond the initial 200 feet, the customer shall bear only the equivalent cost of extending from the nearest main. If the tap or service connection cannot be made at the applicant's desired location, it will be made at another location mutually acceptable to the applicant and the Utility. If no agreement on location can be made, the applicant may refer the matter to the PUC for resolution.

Section 3.06 - Qualified Service Applicant

A "qualified service applicant" is an applicant who has: (1) met all of the Utility's requirements for service contained in this tariff, PUC rules and/or PUC order, (2) has made payment or made arrangement for payment of tap fees, (3) has provided all easements and rights-of-way required to provide service to the requested location, (4) delivered an executed customer service inspection certificate to the Utility, if applicable, and (5) has executed a customer service application for each location to which service is being requested.

The Utility shall serve each qualified service applicant within its certified service area as soon as practical after receiving a completed service application. All service requests will be fulfilled within the time limits prescribed by PUC rules once the applicant has met all conditions precedent to achieving "qualified service applicant" status. If a service request cannot be fulfilled within the required period, the applicant shall be notified in writing of the delay, its cause and the anticipated date that service will be available. The PUC service dates shall not become applicable until the service applicant has met all conditions precedent to becoming a qualified service applicant as defined by PUC rules.

Section 3.07 - Developer Requirements

As a condition of service to a new subdivision, the Utility shall require a developer (as defined by PUC rule) to provide permanent recorded public utility easements as a condition of service to any location within the developer's property.

North Harris County
REGIONAL WATER
Authority

Jimmie Schindewolf, P.E.
General Manager

February 22, 2017

Tomball, City of
Owner's Representative
501 James St.
Tomball, TX 77375

Re: North Harris County Regional Water Authority
Rate Order and Updated Pricing Policy

Dear Owner's Representative:

Please consider this letter as a reminder of actions that were taken by the North Harris County Regional Water Authority (the "Authority") Board of Directors (the "Board") at its regular monthly Board meeting held on December 5, 2016. The Authority Board conducted a Budget Workshop on November 28, 2016, and a Public Hearing on December 5, 2016 to review and discuss the possibility of increasing the Authority's well pumpage fee and the cost of surface water. At its regular meeting on December 5th, the Board adopted an increase of the current well pumpage fee from $2.40 per 1,000 gallons to $2.90 per 1,000 gallons and an increase in the cost of surface water from $2.85 per 1,000 gallons to $3.35 per 1,000 gallons. These new rates will become effective as of April 1, 2017 with the payment due date of June 18, 2017.

Factors that impacted this decision include:

- The Harris-Galveston Subsidence District completed an update of the 1999 Regulatory Plan and adopted a 2013 Regulatory Plan. A major requirement of that plan is that the Authority achieve a 60% use of surface water by 2025 as compared to the current 30% requirement. In order to reach that 60% mandate, the Authority will have to deliver surface water to a significant number of additional utility districts which will require construction of a greatly expanded water transmission and distribution system.
- In addition, the Authority will be required to participate in the cost of the City's expansion of the Northeast Water Purification Plant as well as construction of a second transmission line from the plant and will also have to pay the Authority's prorata share of the cost of constructing the Luce Bayou Interbasin Transfer Project.

Enclosed for your information and reference is a copy of the Updated Pricing Policy. We will soon post a revision of the Authority's brochure, "The Rising Cost of Water", on the Authority website. The brochure will also be available in bulk quantities – at no charge – for

3648 Cypress Creek Pkwy., Suite 110 ♦ Houston, TX 77068 ♦ 281-440-3924 ♦ Fax: 281-440-4104
Visit online: www.nhcrwa.com

utility districts to distribute to their customers. Please notify Lisa Sagstetter (281) 440-3924 if you would like to place an order for the brochure.

We certainly appreciate your support and cooperation. Please call Cyndi Plunkett, Authority Financial Assistant, at (281) 440-3924 if you have any questions or need any additional information relative to the Authority fees.

Sincerely,

Jimmie Schindewolf, P.E.
General Manager

JAS/lr

Attachment

xc: Authority Board of Directors
Robin S. Bobbitt, Radcliffe Bobbitt Adams Polley PLLC
Jon Polley, Radcliffe Bobbitt Adams Polley PLLC
Tom Rolen, P.E., AECOM Technical Services, Inc.
Cyndi Plunkett, Authority Financial Assistant

North Harris County REGIONAL WATER Authority

UPDATED 12/5/16

UPDATED PRICING POLICY OF THE NORTH HARRIS COUNTY REGIONAL WATER AUTHORITY (Effective April 1, 2017)

This Updated Pricing Policy of the North Harris County Regional Water Authority (this "Updated Pricing Policy") is intended to define the Cost of Water paid to the Authority for Water used within the Authority and is an integral part of the Authority's Rate Order (the "Rate Order"), adopted on October 5, 2009. Unless specifically defined otherwise, capitalized terms in this Updated Pricing Policy shall have the meanings defined in the Rate Order.

Effective April 1, 2017, the following Cost of Water will apply to and be due by users of Water within the Authority:

Authority Water	$3.35 per 1,000 gallons
Water pumped from a Non-Exempt Well	$2.90 per 1,000 gallons
Imported Water	$2.90 per 1,000 gallons

In addition to the above Fees, the Authority shall continue to provide a credit to each Converted Entity that constructed a Chloramine System prior to December 1, 2015 in accordance with the Authority's prior policy and procedures. Such credits shall be calculated as outlined below. Furthermore, any credits for capital contributions paid to the Authority by a Payor shall continue as provided in the applicable written agreement executed between the Payor and the Authority.

The Authority may revise the above Fees and modify, delete or add any credit(s), subject to the provisions of any applicable written agreements, if and when necessary. Payors will be notified of any such changes.

Chloramination Credits

The annual Chloramination Credit shall be calculated by amortizing the cost of the Chloramine System at 6% interest over a 30-year period, which shall begin the year the facilities are placed in service. The annual Chloramination Credit amount will be divided by 12 and the resultant amount will be credited monthly toward the fees payable to the Authority for the Water used by the Converted Entity.

New/Replacement Facilities

In order to help facilitate the effective implementation of the GRP, any Payor who anticipates the construction of new or replacement Water production, storage and/or treatment facilities and/or related appurtenances shall advise the Authority of those plans as early in the process as possible. The Authority will review such proposed improvements for conformity with the goals of the GRP and the possibility of the Authority being able to address those needs (i.e., by providing water in lieu of the Payor having to construct or replace facilities). Within the limits of its jurisdiction, the Authority will regulate construction of such facilities to accomplish the goals of the GRP.

Policy Implementation

The General Manager is authorized to take any actions on behalf of the Authority necessary and convenient to accomplish the purposes of this Updated Pricing Policy. The General Manager is also authorized to take actions necessary to comply with any special credit provisions provided under any agreements that may exist between a Payor and the Authority.

00219137

Chapter 46 - UTILITIES[1]

Footnotes:

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Editor's note— With the adoption of Ordinance No. 80-6 on November 17, 1980, the city surrendered its jurisdiction to regulate electric utility rates to the Public Utility Commission of Texas.

State Law reference— V.T.C.A., Utilities Code ch. 1 et seq.; water and utilities, V.T.C.A., Local Government Code ch. 401 et seq.

ARTICLE I. - IN GENERAL

Sec. 46-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Utility means and includes water, sewer and/or any other utility service furnished by the city to consumers thereof.

(Code 1978, § 24-1; Code 1993, § 82-1)

Sec. 46-2. - Scope of provisions.

All pertinent provisions of this chapter are hereby made a part of the terms and conditions whereby the city shall furnish any utility service to any person, or whereby the city shall make any utility connections, or perform any work of any kind in connection with the furnishing of any utility service pursuant to the rules and regulations of the city council.

(Code 1978, § 24-2; Code 1993, § 82-2)

Sec. 46-3. - Service to comply with technical provisions.

Any utility service furnished under the provisions of this chapter shall be in accordance with and in compliance with all applicable technical provisions of this Code, state law and city ordinances, rules and regulations.

(Code 1978, § 24-3; Code 1993, § 82-3)

Sec. 46-4. - Rules, regulations.

The city council shall have the authority to establish by rule or regulation such standards and specifications as may be deemed necessary for the installation, construction and maintenance of any utility service system owned and operated by the city within or without the city and under the management of the city council. Such rules, regulations, standards and specifications shall be filed in the office of the city secretary. Violation of such rules, regulations, standards and specifications shall be deemed a misdemeanor.

(Code 1978, § 24-4; Code 1993, § 82-4)

Sec. 46-5. - Inspection.

In order to protect the utility service supply, the city will not make any water or sewer taps until the premises involved have been inspected and approved by the plumbing inspector.

(Code 1978, § 24-5; Code 1993, § 82-5)

Sec. 46-6. - Right of entry.

Any authorized inspector of the city shall have free access at any time to all premises supplied with any utility service by the city for the purpose of examination in order to protect the utility services from abusive use.

(Code 1978, § 24-6; Code 1993, § 82-6)

Sec. 46-7. - Termination of service authorized.

The city shall have the right to disconnect or refuse to connect or reconnect any utility service for any of the following reasons:

(1) Failure to meet the applicable provisions of law.

(2) Violation of the rules and regulations pertaining to utility service.

(3) Nonpayment of bills.

(4) Willful or negligent waste of service due to improper or imperfect pipes, fixtures, appliances or otherwise.

(5) Molesting any meter, seal or other equipment controlling or regulating the supply of utility service.

(6) Theft or diversion and/or use of service without payment therefor.

(7) Vacancy of premises.

(Code 1978, § 24-7; Code 1993, § 82-7)

Sec. 46-8. - Liability of city for damage.

The city shall not be liable for any damage to any customer of any utility service furnished by the city due to backflow of the sewerage system, failure of supply, interruption of service or any other cause outside the direct control of the city.

(Code 1978, § 24-8; Code 1993, § 82-8)

Sec. 46-9. - Utility service—Application required.

Any person desiring any utility service furnished by the city shall make application for the same to the utility office. Such application shall contain the applicant's name, address and the uses for which such utility service is desired.

(Code 1978, § 24-9; Code 1993, § 82-9)

Sec. 46-10. - Same—Not available to debtors.

The city may decline or fail to or cease to furnish utility service to any person who may be in debt to the city for any reason, except ad valorem taxes and special assessments.

(Code 1978, § 24-10; Code 1993, § 82-10)

Sec. 46-11. - Same—Approval of application.

Approval of the application for any utility service by the utility office shall be deemed permission for such service.

(Code 1978, § 24-11; Code 1993, § 82-11)

Sec. 46-12. - Same—Use assumed.

All premises connected to any utility service of the city shall be assumed to be using such utility service and the owner or occupant shall be charged therefor so long as such premises shall remain connected with the utility service.

(Code 1978, § 24-12; Code 1993, § 82-12)

Sec. 46-13. - Not to use contrary to permit.

Any person having a permit from the city for the use of any utility service offered by the city who shall use such utility service for any purpose other than mentioned in such permit or who shall make any unauthorized changes in such service shall be deemed guilty of a misdemeanor.

(Code 1978, § 24-13; Code 1993, § 82-13)

Sec. 46-14. - Damage, trespass of equipment.

It shall be unlawful for any person, not having authority to do so, to open any water hydrant or tamper with any utility service furnished by the city to consumers, or to in any other way molest, damage or trespass upon any equipment or premises belonging to the city connected with any utility service.

(Code 1978, § 24-14; Code 1993, § 82-14)

State Law reference— Criminal mischief, V.T.C.A., Penal Code § 28.03; criminal trespass, V.T.C.A., Penal Code § 30.05.

Sec. 46-15. - Temporary interruption of service.

The city reserves the right to cut off any utility service without notice in case of emergencies. When an interruption in service is necessary for the maintenance and improvement of the utility system, affected customers will be notified as circumstances permit.

(Code 1978, § 24-15; Code 1993, § 82-15)

Sec. 46-16. - Restricting use.

The city reserves the right to at any time restrict or prevent the use of any utility service furnished by the city during periods of emergency or circumstances demanding such restriction or prevention of use.

(Code 1978, § 24-16; Code 1993, § 82-16)

Sec. 46-17. - Sale of service by customer.

It shall be unlawful for any person to resell to others any utility service obtained from the city, except for master metered multifamily residential complexes with greater than 12 units, or by special arrangement with the city council.

(Code 1978, § 24-17; Code 1993, § 82-17; Ord. No. 2006-10, § 1, 10-16-2006)

Sec. 46-18. - Connections to service.

Connections for any utility service furnished by the city shall be made only under the supervision of the plumbing inspector; provided, however, that all connections to the city sewer system shall be made by the department of public works.

(Code 1978, § 24-18; Code 1993, § 82-18; Ord. No. 90-02, § 24-18, 5-7-1990)

Sec. 46-19. - Separate connections.

Every building, structure or consumer in the city shall have a separate utility service connection, except multifamily residential complexes with greater than 12 units shall be master metered.

(Code 1978, § 24-19; Code 1993, § 82-19; Ord. No. 2006-10, § 2, 10-16-2006)

Sec. 46-20. - Unlawful connections.

Any person who shall make any connection in any manner to any utility system, whether owned by the city or not, without the prior knowledge and consent of the owner of such utility system, shall be deemed guilty of a misdemeanor.

(Code 1978, § 24-20; Code 1993, § 82-20)

Sec. 46-21. - Connection or disconnection by other than city employees prohibited.

No person, other than employees of the city, shall be authorized to connect, turn on, turn off or disconnect any utility service offered by the city, or remove, replace or repair any equipment connected to any such utility service.

(Code 1978, § 24-21; Code 1993, § 82-21)

Sec. 46-22. - Maintenance of system by consumer.

The consumer of any utility service furnished by the city shall maintain and keep in good repair all connections, appliances and other apparatus installed and used in connection with such utility service.

(Code 1978, § 24-22; Code 1993, § 82-22)

Sec. 46-23. - Sewer line maintenance and construction.

(a) *Sanitary sewer tap.* All sanitary sewer taps to the city main line or any other city sanitary sewer line shall be constructed by the department of public works, except when otherwise noted on the city construction plans and approved by the department of public works. No customer, private contractor, private plumber or other entity shall be allowed to make connections to the city sewer line, except when such connection is allowed by the city and noted on the city-approved construction plans.

(1) The customer is responsible for the construction and maintenance of the building sewer line.

(2) For the purpose of this section, the term "building sewer line" shall be defined as the sewer line which runs between the building and the property line, utility easement, city property line, edge of the right-of-way, or other point as designated by the department of public works where the maintenance of the sewer line by the city begins.

(3) The city is responsible for the maintenance of the city main line and all sewer lines and sewer taps at all points other than the building sewer line.

(4) A current schedule of the foregoing rates, charges and deposits shall be maintained in the office of the city secretary.

(b) *Maintenance of building sewer line.* If the improper maintenance of a building sewer line causes such line to receive dirt or exterior water into the building line, the owner shall be notified by the city and may be given up to ten days, as determined by the department of public works, to repair the building sewer line. Upon a necessity for immediate repairs, the city shall be authorized to cut off the water to the property until such repairs are made. Upon major sewer problems, such as at apartments or commercial connections, the department of public works may extend the time in which to make such repairs; provided, however, the city may keep the water shut off during the repair period.

(1) If during the repair of the building sewer line it is determined by the department of public works that the sewer leak or stoppage is in the city's main and not in the building sewer line, the city will take over the repair of such leak or stoppage and the true owner may be reimbursed a reasonable amount, which amount, if any, will be as determined by the department of public works.

(2) If the owner of the building sewer line does not repair the sewer line within the time allowed after said notice, the department of public works may cause the water service to the property to be terminated, and/or may cause the sewer service to be disconnected totally from the city main line and/or may, through the city's plumbing inspector, cause to be filed a complaint in the municipal court for failing to repair such building sewer line as requested.

(3) Any owner who violates any part of subsection (b)(2) of this section shall be guilty of a misdemeanor and, upon conviction, shall be subject to punishment as provided in section 1-14 for each offense. Each day that such repairs are not made shall constitute a separate and distinct offense.

(4) If the water service has been disconnected totally from the city main line as the result of the owner of the building sewer line failing to repair the sewer line or as a result of a determination that the building sewer line should be repaired, then in that event, a reconnection fee as currently established or as hereafter adopted by resolution of the city council from time to time shall be paid by the customer prior to reconnection of the service.

(5) If the sewer service has been disconnected totally from the city main line as the result of the owner of the building sewer line failing to repair the sewer line as requested by the department of public works, and thereafter, the department of public works determines that the building sewer line has been repaired as required and is requested to reconnect to the main sewer line, the building line shall be reconnected to the city main line, but only after the city has received a fee as currently established or as hereafter adopted by resolution of the city council from time to time for reconnection of the service.

(Code 1978, § 24-23; Code 1993, § 82-23; Ord. No. 90-02, § 24-23, 5-7-1990; Ord. No. 96-20, § 2, 12-2-1996)

Sec. 46-24. - Water tap and service line construction and maintenance.

(a) The city will tap the water main and extend the service line across the street right-of-way or utility easement to the property line and set the meter box.

(b) At this point, the customer will tie into the meter and construct the service line to the building. The city will maintain the water service line from the water main to the water meter located adjacent to the customer property line.

(c) The customer will maintain the building service line from the point it ties into the water meter to the customer building.

(d) A current schedule of the foregoing rates, charges and deposits shall be maintained in the office of the city secretary.

(e) No free water service shall be allowed or permitted and, to the extent that the city and its departments, except for the city's waterworks system, they shall avail themselves of the services of the city's water works system, they shall pay therefor the same rates charged other customers.

(f) The waterworks system shall be operated on a fully metered basis to its customers, without exception.

(g) No dual connections shall be allowed; dual connections being more than one user on a single meter.

(Code 1978, § 24-24; Code 1993, § 82-24)

Sec. 46-25. - When connection with sewer main is compulsory.

The owner of every tract of land abutting or adjacent to Lizzie Lane or Persimmon, which tract of land is served by city sewer service, or which tract abuts on a street in which or adjacent to which a sewer line is constructed by the funding through community development block grant, shall be required to connect to such sewer line within 60 days after such sewer line is placed in service and such owners shall discharge the wastewater from any structures on such land into the sewer system; provided, however, nothing in this section shall restrict the right of the city to limit the types of discharges which are allowed into the city's sewer system.

(Code 1993, § 82-25; Ord. No. 89-07, § 24-25, 5-1-1989)

Secs. 46-26—46-53. - Reserved.

ARTICLE II. - RATES AND CHARGES

Sec. 46-54. - Meters.

Meters for the measurement of utility services furnished by the city shall be furnished and installed by, and shall remain the property of, the city.

(Code 1978, § 24-34; Code 1993, § 82-46)

Sec. 46-55. - Separate metering of irrigation systems.

(a) Upon approval of proper plans and specifications by the city, property owners may request and have set on public property or in an easement as set forth in this section, a water meter which will be used solely for the purpose of metering water for irrigation systems and cooling towers. The volume of water which goes through such meter shall be charged the same rate as for potable water, but shall not be subject to the sewer charge of the city.

(b) All separately metered irrigation systems and cooling tower systems, shall be tied directly into a city main and shall be equipped with such valves and apparatuses as shall be required in the sole discretion of the city. All such systems shall comply with the laws of the state regulating irrigation and cooling tower systems, which at this time consist primarily of the Irrigation Act, V.T.C.A., Water Code ch. 11.

(c) The second meter must be installed on public property or in an easement granted to the city, thereby granting the city free access thereto. If a second meter for irrigation purposes or cooling towers is in addition to an existing meter and the existing meter has already been assessed an impact fee or a capital recovery fee, no impact fee shall be payable for the setting of the second meter. All other costs involved with the setting of such meter, including tap fees charged by the city, shall be the same as for the setting of a new meter under any other applicable city codes.

(d) The city shall be responsible for reading both meters when there is a dual metering system, and the utility department will, in its sole discretion, determine the amount of water being used for irrigation and for cooling towers and the amount of water being used for domestic purposes by the property owner and will, therefore, in its sole discretion, determine the amount of water which is subject only to the water charge and the amount that will be used to determine the amount of sewer charges due from the property owner.

(Code 1993, § 82-47; Ord. No. 90-04, § 24-25, 7-2-1990; Ord. No. 2000-19, § 1, 9-18-2000)

Sec. 46-56. - Deposits required.

(a) *Residential.* There shall be no utility deposit for city services for customers who are the owners of the property served when the customers actually physically occupy such property or when the owners of the property are residents of the city and they own the property in which they reside and the owner is paying for all of the utilities for the property served. Along with the application for utility service, the nonowner or nonresident applicant therefor shall be required to pay the city a deposit, such deposit to be the higher of an amount as currently established or as hereafter adopted by resolution of the city council or an amount equal to two months of the customer's bill based upon an average bill for the customer; however, if such service increases to a point where such deposit is not equal to the charges for an average two-month period, the required deposit may be increased to conform thereto. Any nonowner or nonresident applicant who has placed a residential utility deposit with the city may receive a return of such deposit after such customer has established a five-year good pay record with the city. The utility deposit will be refunded upon the written request of the person making the initial deposit.

(b) *Commercial.* The utility deposit for commercial services for commercial customers shall be the higher of an amount as currently established or as hereafter adopted by resolution of the city council or an amount equal to two months of the customer's bill based upon an average bill for the customer. All commercial customers' utility bills shall be reviewed annually in January of each year to determine whether or not the deposit is equal to at least an average of two months' bills for the customer.

(1) Commercial customers who had a five-year good pay record on the effective date of the ordinance form which this section is derived or who shall later establish a five-year good pay record shall then be exempt from the deposit requirements of this subsection (b). Any commercial customer who becomes delinquent more than ten days twice in any 12-month period shall be required to meet the deposit requirements of this subsection (b).

(2) The requirement of a utility deposit for commercial customers shall apply to all commercial customers within the city.

(c) *Building contractors' deposit.* The deposit required of building contractors shall be as currently established or as hereafter adopted by resolution of the city council.

(d) *Fire hydrant meter deposit.* The deposit required for each fire hydrant meter shall be as currently established or as hereafter adopted by resolution of the city council.

(Code 1978, § 24-35; Code 1993, § 82-48; Ord. No. 88-12, 12-19-1988)

Sec. 46-57. - Refund of deposit.

Refunds of deposits made for utility service shall be made upon the termination of such utility service only after payment of all indebtedness to the city for such utility service. Application of the deposit may be made in partial or total settlement of accounts when the supply is cut off for nonpayment of the bill, or for any infraction or violation of any ordinance, rule or regulation of the city relative to utility services offered by the city.

(Code 1978, § 24-36; Code 1993, § 82-49)

Sec. 46-58. - Determination of charges for utility services.

The rates and charges for the consumption of utility services furnished by the city, as well as the charges and fees for connection thereto, shall be as currently established or as hereafter adopted by resolution of the city council.

(Code 1978, § 24-37; Code 1993, § 82-50; Ord. No. 93-07, § 3, 6-7-1993; Ord. No. 96-20, § 3, 12-2-1996; Ord. No. 2000-07, §§ 1—3, 4-3-2000)

Sec. 46-59. - Handling charge; bad check charge.

(a) There shall be a charge per city utility customer per monthly billing to assist in defraying postage and billing costs as currently established or as hereafter adopted by resolution of the city council.

(b) The city shall impose a penalty for all checks given to the city for debts owed when such checks are returned by the financial institution. The amount of such penalty shall be as determined by the city council from time to time, and on file in the office of the city secretary.

(Code 1978, § 24-37.1; Code 1993, § 82-51)

Sec. 46-60. - When payment due.

All bills for utility services furnished by the city shall be due and payable prior to 12:00 midnight of the tenth day following the date of such bill; provided, however, that if such due date shall fall on a Sunday or a legal holiday observed by the city, then such bill shall be due and payable by 12:00 midnight of the following business day.

(Code 1978, § 24-38; Code 1993, § 82-52)

Sec. 46-61. - Penalty for failure to pay.

If any consumer of utility services furnished by the city shall fail to pay his bill therefor when the same is due, a penalty as determined by the city council shall be imposed.

(Code 1978, § 24-39; Code 1993, § 82-53)

Sec. 46-62. - Disconnection for nonpayment.

If bills for utility services shall not be paid when the same become due, the city shall have the right to disconnect and discontinue all utility services furnished by the city to the consumer so in arrears.

(Code 1978, § 24-40; Code 1993, § 82-54)

Sec. 46-63. - Reconnection after disconnection.

If utility service is disconnected for nonpayment of the bill, the consumer thereof shall have the right to have the same reconnected only upon the payment of the amount due, and in addition thereto, a reconnection fee which shall be as determined by resolution of the city council from time to time and on file in the office of the city secretary.

(Code 1978, § 24-41; Code 1993, § 82-55)

Sec. 46-64. - Voluntary discontinuance of service.

Consumers wishing to discontinue the use of any utility service shall give written notice thereof at the city hall. Failure to do so shall render them liable for the payment of all bills until such notice has been given.

(Code 1978, § 24-42; Code 1993, § 82-56)

Sec. 46-65. - Franchised public utilities.

The city council shall fix and approve the rates charged by any private or public utility company franchised by the city and doing business within the city. It shall be unlawful for any such public utility company or any officer or employee thereof to assess or charge for services rendered any rate other than the rate so fixed and approved.

(Code 1978, § 24-44; Code 1993, § 82-58)

Secs. 46-66—46-88. - Reserved.

ARTICLE III. - INDUSTRIAL WASTES

Sec. 46-89. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approving authority means the mayor and the city council or their duly authorized representative.

Biochemical oxygen demand (BOD) means the quantity of oxygen by weight, expressed in mg/l, utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five days at a temperature of 20 degrees Celsius.

Building sewer means the extension from the building drain to the public sewer or other place of disposal (also called house lateral and house connection).

Chemical oxygen demand (COD) means a measure of the oxygen consuming capacity of inorganic and organic matter present in the water or wastewater expressed in mg/l as the amount of oxygen consumed from a chemical oxidant in a specific test, but not differentiating between stable and unstable organic matter and thus not necessarily correlating with biochemical oxygen demand.

Control manhole means a manhole giving access to a building sewer at some point before the building sewer discharge mixes with other discharges in the public sewer.

Control point means a point of access to a course of discharge before the discharge mixes with other discharges in the public sewer.

Garbage means animal and vegetable wastes and residue from preparation, cooking, and dispensing of food; and from the handling, processing, storage and sale of food products and produce.

Industrial waste means waste resulting from any process of industry, manufacturing, trade, or business from the development of any natural resource, or any mixture of the waste with water or normal wastewater, or distinct from normal wastewater.

Industrial waste charge means the charge made on those persons who discharge industrial wastes into the city's sewerage system.

Milligrams per liter (mg/l) means the same as parts per million and is a weight to volume ratio; the milligram per liter value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

Natural outlet means any outlet into a watercourse, ditch, lake or other body of surface water or groundwater.

Normal domestic wastewater means wastewater excluding industrial wastewater discharged by a person into sanitary sewers and in which the average concentration of total suspended solids is not more than 250 mg/l and BOD is not more than 250 mg/l.

Overload means the imposition of organic or hydraulic loading on a treatment facility in excess of its engineered design capacity.

pH means the reciprocal of the logarithm (base 10) of the hydrogen ion concentration expressed in grams per liter.

Public sewer means pipe or conduit carrying wastewater or unpolluted drainage in which owners of abutting properties shall have the use, subject to control by the city.

Sanitary sewer means a public sewer that conveys domestic wastewater, industrial wastes or a combination of both, and into which stormwater, surface water, groundwater and other unpolluted wastes are not intentionally passed.

Slug means any discharge of water, wastewater, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

Standard methods means the examination and analytical procedures set forth in the latest edition, at the time of analysis, of Standard Methods for the Examination of Water and Wastewater as prepared, approved, and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

Storm sewer means a public sewer which carries stormwaters and surface waters and drainage and into which domestic wastewater or industrial wastes are not intentionally passed.

Stormwater means rainfall or any other forms of precipitation.

Superintendent means the water and wastewater superintendent of the city or his duly authorized deputy, agent or representative.

Suspended solids means solids, measured in mg/l, that either float on the surface of, or are in suspension in, water, wastewater or other liquids, and which are largely removable by a laboratory filtration device.

To discharge means to deposit, conduct, drain, emit, throw, run, allow to seep or otherwise release or dispose of, or to allow, permit or suffer any of these acts or omissions.

Trap means a device designed to skim, settle or otherwise remove grease, oil, sand, flammable wastes or other harmful substances.

Unpolluted wastewater means water containing:

(1) No free or emulsified grease or oil;

(2) No acids or alkalis;

(3) No phenols or other substances producing taste or odor in receiving water;

(4) No toxic or poisonous substances in suspension, colloidal state, or solution;

(5) No noxious or otherwise obnoxious or odorous gases;

(6) Not more than ten mg/l each of suspended solids and BOD; and

(7) Color not exceeding 50 units as measured by the Platinum-Cobalt method of determination as specified in Standard Methods.

Waste means rejected, unutilized or superfluous substances in liquid, gaseous, or solid form resulting from domestic, agricultural or industrial activities.

Wastewater means a combination of the water-carried waste from residences, business buildings, institutions, and industrial establishments, together with any groundwater, surface water and stormwater that may be present.

Wastewater facilities mean all facilities for collection, pumping, treating, and disposing of wastewater and industrial wastes.

Wastewater service charge means the charge on all users of the public sewer system whose wastes do not exceed in strength the concentration values established as representative of normal wastewater.

Wastewater treatment plant means any city-owned facilities, devices, and structures used for receiving, processing and treating wastewater, industrial waste, and sludges from the sanitary sewers.

Watercourse means a natural or manmade channel in which a flow of water occurs, either continuously or intermittently.

(Code 1978, § 24-56; Code 1993, § 82-81)

Sec. 46-90. - Prohibited discharges—Generally.

(a) No person may discharge into public sewers any waste which by itself or by interaction with other wastes may:

(1) Injure or interfere with wastewater treatment processes or facilities;

(2) Constitute a hazard to humans or animals; or

(3) Create a hazard in receiving waters of the wastewater treatment plant effluent.

(b) All discharges shall conform to requirements of this article.

(Code 1978, § 24-57; Code 1993, § 82-82)

Sec. 46-91. - Same—Chemical discharges.

(a) No discharge into public sewers may contain:

(1) Cyanide greater than 1.0 mg/l;

(2) Fluoride other than that contained in the public water supply;

(3) Chlorides in concentrations greater than 250 mg/l;

(4) Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas; or

(5) Substances causing an excessive chemical oxygen demand (COD).

(b) No waste or wastewater discharged into public waters may contain:

(1) Strong acid, iron pickling wastes or concentrated plating solutions whether neutralized or not;

(2) Fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit (zero to 65 degrees Celsius);

(3) Objectionable or toxic substances, exerting an excessive chlorine requirement, to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the approving authority for such materials; or

(4) Obnoxious, toxic, or poisonous solids, liquids, or gases in quantities sufficient to violate the provisions of section 46-90(a).

(c) No waste, wastewater, or other substance may be discharged into public sewers which have a pH lower than 5.5 or higher than 9.5, or any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel at the wastewater facilities.

(d) All waste, wastewater or other substance containing phenols, hydrogen sulfide or other taste and odor producing substances shall conform to concentration limits established by the approving authority. After treatment of the composite wastewater, concentration limits may not exceed the requirements established by state, federal or other agencies with jurisdiction over discharges to receiving waters.

(Code 1978, § 24-58; Code 1993, § 82-83)

Sec. 46-92. - Same—Heavy metals and toxic materials.

The following list of heavy metals and toxic materials, but not limited to, shall not be discharged into the sewer system.

(1) Arsenic.

(2) Barium.

(3) Boron.

(4) Cadmium.

(5) Chromium (total).

(6) Copper.

(7) Lead.

(8) Manganese.

(9) Mercury.

(10) Nickel.

(11) Selenium.

(12) Silver.

(13) Zinc.

(14) Antimony.

(15) Beryllium.

(16) Bismuth.

(17) Cobalt.

(18) Molybdenum.

(19) Tin.

(20) Uranylion.

(21) Rhenium.

(22) Strontium.

(23) Tellurium.

(24) Herbicides.

(25) Fungicides.

(26) Pesticides.

(Code 1978, § 24-59; Code 1993, § 82-84)

Sec. 46-93.- Same—Garbage.

(a) No person may discharge garbage into public sewers unless it is shredded to a degree that all particles can be carried freely under the flow conditions normally prevailing in public sewers. Particles greater than one-half inch in any dimension are prohibited.

(b) The approving authority is entitled to review and approve the installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater.

(Code 1978, § 24-60; Code 1993, § 82-85)

Sec. 46-94. - Same—Stormwater and other unpolluted drainage.

No person may discharge into public sanitary sewers:

(1) Unpolluted stormwater, surface water, groundwater, roof runoff or subsurface drainage;

(2) Unpolluted cooling water;

(3) Unpolluted industrial process waters; or

(4) Other unpolluted drainage.

(Code 1978, § 24-61; Code 1993, § 82-86)

Sec. 46-95. - Same—Temperature.

No person may discharge liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius), or any substance which causes the temperature of the total wastewater treatment plant influent to increase at a rate of ten degrees Fahrenheit (minus 12 degrees Celsius) or more per

hour, or a combined total increase of plant influent temperature to 110 degrees Fahrenheit (43 degrees Celsius).

(Code 1978, § 24-62; Code 1993, § 82-87)

Sec. 46-96. - Same—Radioactive wastes.

(a) No person may discharge radioactive wastes or isotopes into public sewers without the permission of the approving authority.

(b) The approving authority may establish, in compliance with applicable state and federal regulations, regulations for discharge of radioactive wastes into public sewers.

(Code 1978, § 24-63; Code 1993, § 82-88)

Sec. 46-97. - Same—Impairment of facilities.

(a) No person may discharge into public sewers any substance capable of causing:

(1) Obstruction to the flow in sewers;

(2) Interference with the operation of treatment processes of facilities; or

(3) Excessive loading of treatment facilities.

(b) Discharges prohibited by subsection (a) of this section include, but are not limited to, materials which exert or cause concentrations of:

(1) Inert suspended solids greater than 250 mg/l, including, but not limited to:

a. Fuller's earth;

b. Lime slurries; and

c. Lime residues.

(2) Dissolved solids greater than 1,500 mg/l, including, but not limited to:

a. Sodium chloride; and

b. Sodium sulfate.

(3) Excessive discoloration, including, but not limited to:

a. Dye wastes; and

b. Vegetable tanning solutions.

(4) BOD, COD, or chlorine demand in excess of normal plant capacity.

(c) No person may discharge into public sewers any substance that may:

(1) Deposit grease or oil in the sewer lines in such a manner as to clog the sewers;

(2) Overload skimming and grease handling equipment;

(3) Pass to the receiving waters without being effectively treated by normal wastewater treatment processes due to the nonamenability of the substance to bacterial action; or

(4) Deleteriously affect the treatment process due to excessive quantities.

(d) No person may discharge any substance into public sewers which:

(1) Is not amenable to treatment or reduction by the processes and facilities employed; or

(2) Is amenable to treatment only to such a degree that the treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(e) The approving authority shall regulate the flow and concentration of slugs when they may:

(1) Impair the treatment process;

(2) Cause damage to collection facilities;

(3) Incur treatment costs exceeding those for normal wastewater; or

(4) Render the waste unfit for stream disposal or industrial use.

(f) No person may discharge into public sewers solid or viscous substances which may violate subsection (a) of this section if present in sufficient quantity or size, including, but not limited to:

(1) Ashes;

(2) Cinders;

(3) Sand;

(4) Mud;

(5) Straw;

(6) Shavings;

(7) Metal;

(8) Glass;

(9) Rags;

(10) Feathers;

(11) Tar;

(12) Plastics;

(13) Wood;

(14) Unground garbage;

(15) Whole blood;

(16) Paunch manure;

(17) Hair and fleshings;

(18) Entrails;

(19) Paper products, either whole or ground by garbage;

(20) Slops;

(21) Chemical residues;

(22) Paint residues; or

(23) Bulk solids.

(Code 1978, § 24-64; Code 1993, § 82-89)

Sec. 46-98. - Compliance with existing authority.

(a) Unless exception is granted by the approving authority, the public sewer system shall be used by all persons discharging:

(1) Wastewater;

(2) Industrial waste;

(3) Polluted liquids; or

(4) Unpolluted waters or liquids.

(b) Unless authorized by the state water quality board, no person may deposit or discharge any waste included in subsection (a) of this section on public or private property in or adjacent to any:

(1) Natural outlet.

(2) Watercourse.

(3) Storm sewer.

(4) Other area within the jurisdiction of the city.

(c) The approving authority shall verify prior to discharge that wastes authorized to be discharged will receive suitable treatment within the provisions of laws, regulations, ordinances, rules and orders of federal, state and local governments.

(Code 1978, § 24-65; Code 1993, § 82-90)

Sec. 46-99. - Pretreatment; control of discharges; rejection.

(a) If discharges or proposed discharges into public sewers may deleteriously affect wastewater facilities, processes, equipment or receiving waters; create a hazard to life or health; or create a public nuisance; the approving authority shall require:

(1) Pretreatment to an acceptable condition for discharge to the public sewers;

(2) Control over the quantities and rates of discharge; and

(3) Payment to cover the cost of handling and treating the wastes.

(b) The approving authority is entitled to determine whether a discharge or proposed discharge is included under subsection (a) of this section.

(c) The approving authority shall reject wastes for discharge into the public sewers when:

(1) It determines that a discharge or proposed discharge is included under subsection (a) of this section; and

(2) The discharger does not meet the requirements of subsection (a) of this section.

(Code 1978, § 24-66; Code 1993, § 82-91)

Sec. 46-100. - Review and approval.

(a) If pretreatment or control is required, the approving authority shall review and approve design and installation of equipment and processes.

(b) The design and installation of equipment and processes must conform to all applicable statutes, codes, ordinances and other laws.

(c) Any person responsible for discharges requiring pretreatment, flow-equalizing or other facilities shall provide and maintain the facilities in effective operating condition at his own expense.

(Code 1978, § 24-67; Code 1993, § 82-92)

Sec. 46-101. - Requirements for traps.

(a) Discharges into public sewers requiring a trap include:

(1) Grease or waste containing grease in excessive amounts;

(2) Oil;

(3) Sand;

(4) Flammable wastes; and

(5) Other harmful ingredients.

(b) Any person responsible for discharges requiring a trap shall at his own expense and as required by the approving authority:

(1) Provide equipment and facilities of a type and capacity approved by the approving authority;

(2) Locate the trap in a manner that provides ready and easy accessibility for cleaning and inspection; and

(3) Maintain the trap in effective operating condition.

(Code 1978, § 24-68; Code 1993, § 82-93)

Sec. 46-102. - Requirements for building sewers.

Any person responsible for discharges through a building sewer carrying industrial wastes shall, at his own expense and as required by the approving authority:

(1) Install an accessible and safely located control manhole;

(2) Install meters and other appurtenances to facilitate observation, sampling and measurement of the waste; and

(3) Maintain the equipment and facilities.

(Code 1978, § 24-69; Code 1993, § 82-94)

Sec. 46-103. - Sampling and testing.

(a) Sampling shall be conducted according to customarily accepted methods, reflecting the effect of constituents upon the sewage works and determining the existence of hazards to health, life, limb, and property.

(b) Examination and analysis of the characteristics of waters and wastes required by this article shall be:

(1) Conducted in accordance with the latest edition of Standard Methods; and

(2) Determined from suitable samples taken at the control manhole provided or other control point authorized by the approving authority.

(c) BOD and suspended solids shall be determined from composite sampling.

(d) The city may select an independent firm or laboratory to determine flow, BOD and suspended solids.

(e) The city is entitled to select the time of sampling at its sole discretion so long as at least annual samples are taken.

(Code 1978, § 24-70; Code 1993, § 82-95)

Sec. 46-104. - Payment and agreement required.

(a) Persons making discharges of industrial waste shall pay a charge to cover the cost of collection and treatment.

(b) When discharges of industrial waste are approved by the approving authority, the city or its authorized representative shall enter into an agreement or arrangement providing:

(1) Terms of acceptance by the city; and

(2) Payment by the person making the discharge.

(Code 1978, § 24-70; Code 1993, § 82-96)

Sec. 46-105. - Industrial waste charge and added costs.

(a) If the volume or character of the waste to be treated by the city does not cause overloading to the sewage collection, treatment, or disposal facilities of the city, then prior to approval, the city and the person making the discharge shall enter into an agreement which provides that the discharger pay an industrial waste charge to be determined from the schedule of charges.

(b) If the volume or character of the waste to be treated by the city requires that wastewater collections, treatment, or other disposal facilities of the city be improved, expanded, or enlarged in order to treat the waste, then prior to approval, the city and the person making the discharge shall enter into an agreement which provides that the discharger pay in full all added costs the city may incur due to acceptance of the waste.

(c) The agreement entered into pursuant to subsection (a) of this section shall include but not be limited to:

(1) Amortization of all capital outlay for collecting and treating the waste, including new capital outlay and the proportionate part of the value of the existing system used in handling and treating the waste;

(2) Operation and maintenance costs including salaries and wages, power costs, costs of chemicals and supplies, proper allowances for maintenance, depreciation, overhead, and office expense; and

(3) Amortization shall be completed in a 20-year period and payment shall include all debt service costs.

(Code 1978, § 24-72; Code 1993, § 82-97)

Sec. 46-106. - Formula for charges.

Industrial waste charges for discharges into the public sewers shall be calculated by the following formula:

$$Ci = KW (BOD/200 + SS/200)$$

Where

Ci = Charge to industrial user

K = Percent (expressed as a decimal fraction)

W	=	Water charge in $
BOD	=	Total BOD in mg/l
SS	=	Total SS in mg/l

(Code 1978, § 24-73; Code 1993, § 82-98)

Sec. 46-107. - Adjustment of charges.

(a) The city shall adjust charges at least annually to reflect changes in the characteristics of wastewater based on the results of sampling and testing.

(b) Increases in charges shall be retroactive for two billing periods and shall continue for six billing periods unless subsequent tests determine that the charge should be further increased.

(c) The city shall review, at least semiannually, but not less than annually, the basis for determining charges, and shall adjust the unit treatment cost in the formula to reflect increases or decreases in wastewater treatment costs based on the previous year's experience.

(d) The city shall bill the discharger by the month and shall show industrial waste charges as a separate item on the regular bill for water and sewer charges. The discharger shall pay monthly in accordance with practices existing for payment of sewer charges.

(Code 1978, § 24-74; Code 1993, § 82-99)

Sec. 46-108. - Charges for prior users.

A person discharging industrial wastes into public sewers prior to the effective date of the ordinance from which this article is derived may continue without penalty so long as he:

(1) Does not increase the quantity or quality of discharge, without permission of the approving authority;

(2) Had discharged the industrial waste at least six months prior to the effective date of Ordinance No. 75-5; and

(3) Applied for and was granted a permit no later than 150 days after the effective date of Ordinance No. 75-5.

(Code 1978, § 24-75; Code 1993, § 82-100)

Sec. 46-109. - Conditions of permits.

(a) The city may grant a permit to discharge to persons meeting all requirements of the savings clause provided that the person:

(1) Submitted an application within 120 days after the effective date of Ordinance No. 75-5 on forms supplied by the approving authority;

(2) Secured approval by the approving authority of plans and specifications for pretreatment facilities when required;

(3) Had complied with all requirements for agreements or arrangements, including, but not limited to, provisions for:

a. Payment of charges;

b. Installation and operation of pretreatment facilities; and

c. Sampling and analysis to determine quantity and strength; and

(4) Provided a sampling point subject to the provisions of this article and approval of the approving authority.

(b) A person applying for a new discharge of wastes into public sewers shall:

(1) Meet all conditions of subsection (a) of this section; and

(2) Secure a permit prior to discharging any waste.

(Code 1978, § 24-76; Code 1993, § 82-101)

Sec. 46-110. - Power to enter property.

(a) The superintendent and other duly authorized employees of the city bearing proper credentials and identification are entitled to enter any public or private property at any reasonable time for the purpose of enforcing this article.

(b) Anyone acting under this authority shall observe the establishment's rules and regulations concerning safety, internal security and fire protection.

(c) Except when caused by negligence or failure of the company to maintain safe conditions, the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the sampling operation.

(d) The superintendent and other duly authorized employees of the city bearing proper credentials and identification are entitled to enter all private properties through which the city holds a negotiated easement for the purposes of:

(1) Inspection, observation, measurement, sampling or repair;

(2) Maintenance of any portion of the sewerage system lying within the easements; and

(3) Conducting any other authorized activity.

All activities shall be conducted in full accordance with the terms of the negotiated easement pertaining to the private property involved.

(e) No person acting under authority of this section may inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the public sewers.

(Code 1978, § 24-77; Code 1993, § 82-102)

Sec. 46-111. - Authority to disconnect service.

(a) The city may terminate water and wastewater disposal service and disconnect an industrial customer from the system when:

(1) Acids or chemicals damaging to sewer lines or treatment process are released to the sewer causing rapid deterioration of these structures or interfering with proper conveyance and treatment of wastewater;

(2) A governmental agency informs the city that the effluent from the wastewater treatment plant is no longer of a quality permitted for discharge to a watercourse, and it is found that the customer is delivering wastewater to the city's system that cannot be sufficiently treated or requires treatment that is not provided by the city as normal domestic treatment; or

(3) The industrial customer:

a. Discharges industrial waste or wastewater that is in violation of the permit issued by the approving authority;

b. Discharges wastewater at an uncontrolled, variable rate in sufficient quantity to cause an imbalance in the wastewater treatment system;

c. Fails to pay monthly bills for water and sanitary sewer services when due; or

d. Repeats a discharge of prohibited wastes to public sewers.

(b) If service is disconnected pursuant to subsection (a)(2) of this section, the city shall:

(1) Disconnect the customer;

(2) Supply the customer with the governmental agency's report and provide the customer with all pertinent information; and

(3) Continue disconnection until such time as the industrial customer provides additional pretreatment or other facilities designed to remove the objectionable characteristics from his industrial wastes.

(Code 1978, § 24-78; Code 1993, § 82-103)

Sec. 46-112. - Notice.

The city shall serve persons discharging in violation of this article with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory compliance.

(Code 1978, § 24-79; Code 1993, § 82-104)

Sec. 46-113. - Continuing prohibited discharges.

No person may continue discharging in violation of this article beyond the time limit provided in the notice.

(Code 1978, § 24-80; Code 1993, § 82-105)

Sec. 46-114. - Failure to pay.

In addition to sanctions provided for by this article, the city is entitled to exercise sanctions provided for by the other ordinances of the city for failure to pay the bill for water and sanitary sewer service when due.

(Code 1978, § 24-82; Code 1993, § 82-107)

Sec. 46-115. - Grease and grit traps.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Director means the city's director of public works or the director's designated representative.

Generator means any commercial establishment, profit or nonprofit, which produces grease trap and grit trap wastes.

Grease and grit trap wastes means wastes collected within grease traps and grit traps, as regulated by 31 Texas Admin. Code §§ 330.531 and 330.532, as amended.

Manifest means the manifest for transportation/disposal of grease and grit trap wastes as required by the state water commission (31 Texas Admin. Code §§ 330.445 and 330.906, as amended).

(b) *Coverage.* Every generator which operates and maintains a grease trap or grit trap in the city is governed by this section. The city's department of public works shall maintain a list of generators for purposes of administering this section. The director of public works, or the director's designated representative, shall be responsible for the administration of this section.

(c) *Manifest reporting to the city.* A generator shall mail (or may deliver) a copy of the manifest to the director of public works, attention: Utilities, City of Tomball, 501 James Street, Tomball, Texas 77375 (phone number 351-5484, at the service center), within 15 days after the date of the manifest. The director will accept a legible Xerox copy of the manifest which is provided to the generator by a transporter.

(d) *Monitoring.* Based upon the information collected from the manifests the director of public works will monitor the cleaning and maintenance of grease and grit traps in the city, taking into consideration the generator's expected output of grease and/or grit wastes. This information may then be used to determine whether a generator's grease and grit trap wastes are entering the waste stream for treatment at the municipal sewage treatment plant.

(Code 1993, § 82-108; Ord. No. 93-05, §§ 1—6, 5-3-1993)

Secs. 46-116—46-143. - Reserved.

ARTICLE IV. - WATER, WASTEWATER, AND DRAINAGE CAPITAL RECOVERY FEES

DIVISION 1. - GENERALLY

Sec. 46-144. - Intent.

This article is intended to impose water, wastewater, and drainage capital recovery fees, as established in this article, in order to finance public facilities, the demand for which is generated by new development in the designated service area.

(Code 1993, § 82-132; Ord. No. 2003-02, § 2(82-132), 3-17-2003)

Sec. 46-145. - Authority.

The city is authorized to enact the ordinance from which this article is derived in accordance with V.T.C.A., Local Government Code ch. 395, which authorizes home rule cities, among others, to enact or impose impact fees (capital recovery fees) on land within their corporate boundaries or extraterritorial jurisdictions, as charges or assessments imposed against new development in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and

attributable to such new development; and by the city Charter. The provisions of this article shall not be construed to limit the power of the city to adopt such article pursuant to any other source of local authority, nor to utilize any other methods or powers otherwise available for accomplishing the purposes set forth in this ordinance, either in substitution of or in conjunction with this article. Guidelines may be developed by resolution or otherwise to implement and administer this article.

(Code 1993, § 82-133; Ord. No. 2003-02, § 2(82-133), 3-17-2003)

Sec. 46-146. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Area-related facility means a capital improvement or facility expansion which is designated in the capital improvements plan and which is not a site-related facility. The term "area-related facility" may include a capital improvement which is located off site, within or on the perimeter of the development site.

Assessment means the determination of the amount of the maximum capital recovery fee per service unit which can be imposed on new development pursuant to this article.

Building permit means written permission issued by the city for the construction, repair, alternation or addition to a structure.

Capital construction cost of service means costs of constructing capital improvements or facility expansions, including and limited to the construction contract price, surveying and engineering fees, land acquisition costs (including land purchases, court awards and costs, attorney's fees and expert witness fees), and the fees actually paid or contracted to be paid to an independent qualified engineer or financial consultant preparing or updating the capital improvements plan who is not an employee of the city.

Capital improvements advisory committee or *advisory committee* means the advisory committee appointed by the city council, consisting of at least five members who are not employees of the city, not less than 40 percent of which shall be representatives of the real estate, development or building industries, and including one member representing the extraterritorial jurisdiction of the city; or consisting of the planning and zoning commission, including one regular or ad hoc member who is not an employee of the city and which is representative of the real estate, development or building industry, and one representative of the extraterritorial jurisdiction area of the city; which committee is appointed to regularly review and update the capital improvements program in accordance with the requirements of V.T.C.A., Local Government Code § 395.001 et seq., or its successor statute.

Capital improvements program or *capital improvements plan (CIP)* means the plan which identifies water, wastewater, and drainage capital improvements or facility expansions pursuant to which capital recovery fees may be assessed.

Capital recovery fee means the fee to be imposed upon new development, calculated based upon the costs of facilities in proportion to development creating the need for such facilities. The term "capital recovery fee" does not include dedication of rights-of-way or easements, construction or dedication of site-related water distribution, wastewater collection, or drainage facilities required by other ordinances or this Code; or pro rata fees placed in trust funds for the purpose of reimbursing developers for oversizing or constructing water or sewer mains or lines or drainage facilities.

Certificate of occupancy means a certificate issued by the building official which certifies that all code-required systems have been inspected and are in compliance with the city codes and that the building may be occupied.

Commercial development means all development that is neither residential nor industrial.

Comprehensive plan (master plan) means the comprehensive long-range plan, adopted by the city council, which is intended to guide the growth and development of the city and which includes analysis, recommendations and proposals for the city regarding such topics as population, economy, housing, transportation, community facilities and land use.

Credit means the amount of the reduction of a capital recovery fee for fees, payments or charges for the same type of capital improvements for which the fee has been assessed.

Director means the city's director of public works.

Drainage facility means those improvements or facility expansions to provide drainage service, including land or easements, more particularly described in the CIP.

Drainage facility expansion means expansion of the capacity of any existing drainage improvement identified in the CIP, for the purpose of serving new development, not including the repair, maintenance, modernization or expansion of such existing drainage facility to serve existing development.

Drainage improvements plan means that portion of the CIP, as may be amended from time to time, which identifies the drainage facilities or drainage expansions and their associated costs, which are necessitated by and attributable to new development, and for a period not to exceed ten years, and which are to be financed in whole or in part through the imposition of drainage facilities capital recovery fees, pursuant to this article.

Facility expansion means the expansion of the capacity of an existing facility which serves the same function as an otherwise necessary new capital improvement in order that the existing facility may serve new development. Facility expansion does not include the repair, maintenance, modernization or expansion of an existing facility to better serve existing development.

Final subdivision plat means the map, drawing or chart on which is provided a subdivider's plan of a subdivision, and which has received final approval by the planning and zoning commission or the city council, and which is recorded with the office of the county clerk.

Growth-related costs means capital construction costs of service related to providing additional service units to new development, either from excess capacity in existing facilities, from facility expansions or from new capital facilities. The term "growth-related costs" does not include:

(1) Construction, acquisition or expansion of public facilities or assets other than capital improvements or facility expansions identified in the capital improvements plan;

(2) Repair, operation or maintenance of existing or new capital improvements or facility expansions;

(3) Upgrading, updating, expanding or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental or regulatory standards;

(4) Upgrading, updating, expanding or replacing existing capital improvements to provide better service to existing development;

(5) Administrative and operating costs of the city; and

(6) Principal payments and interest or other finance charges on bonds or other indebtedness, except for such payments for growth-related facilities contained in the capital improvements program.

Industrial development means development which will be assigned to the industrial customer class of the water or wastewater utilities; generally development in which goods are manufactured, or development which is ancillary to such manufacturing activity.

Land use assumptions means projections of changes in land uses, densities, intensities and population therein over at least a ten-year period, adopted by the city, as may be amended from time to time, upon which the capital improvement plan is based.

Living unit equivalent (LUE) means a basis for establishing equivalency among and within various customer classes based upon the relationship of the continuous duty maximum flow rate in gallons per minute for a water meter of a given size and type compared to the continuous duty maximum flow rate in gallons per minute for a five-eighths inch diameter simple water meter, using American Water Works Association C700-C703 standards. The table of LUE equivalents can be found in the appropriate fee schedules adopted by resolution of the city council from time to time.

Multifamily residence means a structure on a single lot designed to accommodate more than one dwelling unit.

New development means a subdivision of land; or the construction, reconstruction, redevelopment, conversion, structural alteration, relocation or enlargement of any structure; or any use or extension of the use of land; any of which increases the number of service units.

Offset means the amount of the reduction of a capital recovery fee designed to fairly reflect the value of area-related facilities, pursuant to rules herein established or administrative guidelines, provided and funded by a developer pursuant to the city's subdivision regulations or requirements.

Residential development means a lot developed for use and occupancy as a single-family or multifamily residence, as authorized by chapter 48.

Service area means an area within the corporate boundaries and within the extraterritorial jurisdiction as defined by V.T.C.A., Local Government Code § 43.001, to be served by the water, wastewater, and drainage capital improvements or facilities expansions specified in the capital improvements program applicable to the service area.

Service unit means a standardized measure of consumption, use, generation or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards for a particular category of capital improvements or facility expansions, expressed in living units equivalent.

Single-family residence means a single-family dwelling unit.

Site-related facility means improvement or facility which is for the primary use or benefit of a new development and/or which is for the primary purpose of safe and adequate provision of water, wastewater, or drainage facilities to serve the new development, and which is not included in the capital improvements plan, and for which the developer or property owner is solely responsible under subdivision and other applicable regulations.

Tap purchase means the filing with the city of a written application for a water or wastewater tap and the acceptance of applicable fees by the city. The term "tap purchase" shall not be applicable to a master water meter or master wastewater connection purchased from the city by a wholesale customer such as a water district, political subdivision of the state, or other wholesale utility customer; nor shall it be applicable to a meter purchased for and exclusively dedicated to fire protection.

Wastewater facility means improvement for providing wastewater service, including, but not limited to, land or easements, treatment facilities, lift stations or interceptor mains. The term "wastewater facility" excludes wastewater lines or mains which are constructed by developers, the costs of which are reimbursed from pro rata charges paid by subsequent users of the facilities and which are maintained in dedicated trusts. The term "wastewater facilities" also excludes dedication of rights-of-way or easements or construction or dedication of on-site wastewater collection facilities required by valid ordinances of the city and necessitated by and attributable to the new development.

Wastewater facility expansion means expansion of the capacity of any existing wastewater improvement for the purpose of serving new development, not including the repair, maintenance, modernization or expansion of an existing wastewater facility to serve existing development.

Wastewater improvements plan means that portion of the CIP, as may be amended from time to time, which identifies the wastewater facilities or wastewater expansions and their associated costs which are necessitated by and which are attributable to new development, and for a period not to exceed ten years, and which are to be financed in whole or in part through the imposition of wastewater facilities capital recovery fees, pursuant to this article.

Water facility means an improvement for providing water service, including, but not limited to, land or easements, water supply facilities, treatment facilities, pumping facilities, storage facilities or transmission mains. The term "water facility" excludes water lines or mains which are constructed by developers, the costs of which are reimbursed from pro rata charges paid by subsequent users of the facilities and which are maintained in dedicated trusts. The term "water facilities" also exclude dedication of rights-of-way or

easements or construction or dedication of on-site water distribution facilities required by valid ordinances of the city and necessitated by and attributable to the new development.

Water facility expansion means expansion of the capacity of any existing water improvement for the purpose of serving new development, not including the repair, maintenance, modernization or expansion of an existing water facility to serve existing development.

Water improvements plan means that portion of the CIP, as may be amended from time to time, which identifies the water facilities or water expansions and their associated costs which are necessitated by and which are attributable to new development, and for a period not to exceed ten years, and which are to be financed in whole or in part through the imposition of water facilities capital recovery fees, pursuant to this article.

Wholesale customers means water or wastewater customers of the city's utilities which purchase utility service at wholesale rates for resale to their retail customers.

(Code 1993, § 82-134; Ord. No. 2003-02, § 2(82-134), 3-17-2003)

Sec. 46-147. - Applicability of capital recovery fees.

(a) This article shall be uniformly applicable to new development which occurs within the water, wastewater, and drainage service areas, except for new development which occurs within the service areas of the city's wholesale customers. It shall be the policy of the city to revise contracts with wholesale customers, when the terms of current contracts are completed, to effectively charge wholesale customers capital recovery fees for the new development within the wholesale customers' service area, such fees being equivalent to capital recovery fees charged to retail customers of the city's utilities.

(b) No new development shall be exempt from the assessment of capital recovery fees, except as provided under subsection (c) of this section. However, the city council may determine that, for reasons of applicant hardship or for reasons of general community welfare, the applicable fees may be paid by the city into the appropriate utility funds in lieu of payment by the applicant.

(c) Residents of the city who convert individual septic or other individual sewage treatment systems to the city's centralized wastewater system shall be exempt from the payment of wastewater capital recovery fees.

(Code 1993, § 82-135; Ord. No. 2003-02, § 2(82-135), 3-17-2003)

Sec. 46-148. - Assessment and collection of capital recovery fees.

Capital recovery fees imposed by this article shall be assessed and collected in accordance with the provisions of V.T.C.A., Local Government Code ch. 395.

(Code 1993, § 82-136; Ord. No. 2003-02(82-136), § 2, 3-17-2003)

Sec. 46-149. - Establishment of water, wastewater, and drainage service areas.

(a) Water, wastewater, and drainage service areas are hereby established as each are identified and described in the CIP attached to the ordinance from which this article is derived and made a part of this article.

(b) The service areas shall be established consistent with any facility service area established in the CIP for each utility. Additions to the service area may be designated by the city council consistent with the procedure set forth in V.T.C.A., Local Government Code ch. 395.

(Code 1993, § 82-137; Ord. No. 2003-02, § 2(82-137), 3-17-2003)

Sec. 46-150. - Land use assumptions.

Land use assumptions used in the development of the capital recovery fees are hereby adopted and are more particularly described in the CIP attached to the ordinance from which this section is derived and made a part of this article. These assumptions may be revised by the city council according to the procedure set forth in V.T.C.A., Local Government Code ch. 395.

(Code 1993, § 82-138; Ord. No. 2003-02, § 2(82-138), 3-17-2003; Ord. No. 2014-12, § 2, 6-2-2014)

Sec. 46-151. - Service units.

(a) Service units are established in accordance with generally accepted engineering and planning standards.

(b) Service units for water and wastewater capital recovery fees shall be calculated as follows:

(1) For platted lots and for lots on which new development will occur without platting, and for which no water or wastewater meter has been purchased, service units are established as follows:

a. Residential new development (single-family residences): 1.55 water LUEs per acre; 1.55 wastewater LUEs per acre.

b. Residential new development (multifamily residences): 4.47 water LUEs per acre; 4.47 wastewater LUEs per acre.

c. Commercial new development: 1.94 water LUEs per acre 1.94 wastewater LUEs per acre.

d. Industrial new development: 1.72 water LUEs per acre 1.30 wastewater LUEs per acre.

(2) Before issuance of a certificate of occupancy, service units shall be calculated based on living units equivalent as determined by the size of the water meters for the development, or, alternatively, based on the recommendation of the director as a result of an engineering report prepared by a qualified professional engineer licensed to perform such professional engineering services in the state, which demonstrates that the number of LUEs of service for the new development will be more than those indicated by the size of the water meter.

(3) If the director determines that the water pressure in the city's transmission main is significantly higher or lower than standard pressure such that the size of the water meter is not indicative of actual service demand, the director may adjust the number of LUEs based on a smaller or larger sized meter that more accurately reflects the flow rate and the system pressure conditions.

(4) If a fire demand meter (tap) is purchased for a property, the meter size utilized to calculate the number of LUEs shall be the dimension of the portion of the fire demand meter that reflects the meter size which would provide only domestic service to the property. Such reduced meter size shall then be utilized to calculate the number of LUEs.

a. The meter types used to calculate the number of LUEs shall be either simple or compound meters.

b. To avoid the use of fire flow volumes for domestic usage, the owner of any property for which a fire demand meter is purchased shall be required to execute a restrictive covenant on a form approved by the city attorney, which covenant shall acknowledge the right of the city to assess such fees to subsequent owners of the property. Such covenant shall be executed prior to the purchase of the fire demand meter and shall be filed in the deed records of the county.

(5) Upon issuance of certificate of occupancy for construction on lots for which no water meter has been purchased, service units shall be established by a professional engineer licensed in the state, and shall be approved by the director of public works.

(c) A service unit for calculation of drainage capital recovery fees shall be per developed acre.

(d) The city council may revise the service units designation according to the procedure set forth in V.T.C.A., Local Government Code ch. 395, or its successor statute.

(Code 1993, § 82-139; Ord. No. 2003-02, § 2(82-139), 3-17-2003)

Sec. 46-152. - Capital recovery fees per service unit.

The maximum capital recovery fee per service unit for each service area shall be computed by dividing the growth-related capital construction cost of service in the service area identified in the capital improvements plan for that category of capital improvements, by the total number of projected service units anticipated within the service area which are necessitated by and attributable to new development, based on the land use assumptions for that service area, and subtracting credits in the form of future rate or tax contributions to CIP funding.

(Code 1993, § 82-140; Ord. No. 2003-02, § 2(82-140), 3-17-2003)

Sec. 46-153. - Assessment of capital recovery fees.

(a) The approval of any subdivision of land or of any new development shall include as a condition the assessment of the capital recovery fee value applicable to such development.

(b) Assessment of the capital recovery fee value for any new development shall be made in accordance with the provisions of V.T.C.A., Local Government Code ch. 395.

(c) Following assessment of the capital recovery fee values pursuant to subsection (b) of this section, no additional capital recovery fees or increases thereof shall be assessed against that development unless the number of service units increases, as set forth under section 46-151.

(d) Following the lapse or expiration of approval for a plat, a new assessment must be performed at the time a new application for such development is filed.

(Code 1993, § 82-141; Ord. No. 2003-02, § 2(82-141), 3-17-2003)

Sec. 46-154. - Calculation of capital recovery fees.

(a) Following the request for new development as provided in section 46-153, the city shall compute capital recovery fees due for the new development in the following manner:

(1) The amount of acreage of each land use type shall be determined from the subdivision plat or other appropriate document;

(2) The applicable service units per acre shall be determined according to section 46-151;

(3) The acreage of each land use type shall be multiplied by the applicable service units per acre, respectively, and service units for all land uses for the development shall be summed;

(4) The total service units shall be multiplied by the appropriate per-unit fee amount determined as set forth in section 46-152; and

(5) Fee credits and offsets shall be subtracted as determined by the process prescribed in section 46-156.

(b) Upon application for a building permit, the city shall compute the capital recovery fees due in the following manner:

(1) The number of LUEs shall be determined by the size of the water meter purchased or by evaluation of the director of public works at the time of tap purchase, as determined according to section 46-151;

(2) LUEs shall be summed for all meters purchased for the development;

(3) The total service units shall be multiplied by the appropriate per-unit fee value determined as set forth in section 46-152; and

(4) Fee credits and offsets shall be subtracted.

(c) The amount of each capital recovery fee due for a new development, whether calculated at time of final plat approval or at time of building permit issuance, shall not exceed an amount computed by multiplying the fee value assessed per service unit pursuant to section 46-152 by the number of service units generated by the development.

(Code 1993, § 82-142; Ord. No. 2003-02, § 2(82-142), 3-17-2003)

Sec. 46-155. - Collection of capital recovery fees.

(a) No certificate of occupancy shall be issued until all capital recovery fees have been paid to the city, or until a "notice of capital recovery fee due is recorded as provided in this section, except as provided otherwise by contract.

(b) For a development which has paid capital recovery fees under the provisions of this article or its predecessors, after final plat approval and prior to certificate of occupancy issuance, fee adjustments shall be made as follows:

(1) The number of LUEs determined at the time of final plat recordation, if any, shall be compared to the number of LUEs determined by the size of the water meter purchased or by evaluation of the director of public works at the time of tap purchase, as set forth in section 46-151.

(2) If the number of LUEs determined by the size and type of the water meter for the development is greater than the number of LUEs attributed to the development at the time of plat recordation, the additional LUEs shall be multiplied by the appropriate per-unit fee value assessed in accordance with section 46-153, and such additional capital recovery fees shall be collected at the time of certificate of occupancy issuance.

(3) If the number of LUEs determined by the size and type of the water meter for the development is less than the number of LUEs attributed to the development at the time of plat recordation, the excessive LUEs shall be multiplied by the appropriate per-unit fee value assessed in accordance with section 46-153 for refund to the fee payer according to the provisions of section 46-159.

(c) In the event that a water tap is sold as the result of a conversion from an individual well, the appropriate fee shall be collected at the time of tap purchase, except as provided below:

(1) At the option of the applicant, and with the approval of the director, the capital recovery fees for such customers may be paid in increments over a period of not more than three years, with interest computed on the unpaid balance at the statutory rate as set forth in V.T.C.A., Finance Code ch. 302.

(2) If the applicant chooses the extended payment option set forth in subsection (c)(1) of this section, the applicant shall, as a condition of tap sale, sign and file with the city clerk, and consent to the recordation of a "notice of capital recovery fee due," which shall be recorded as a lien against the subject property. The city shall release the lien held only upon payment in full of the capital recovery fees and any late penalties and applicable interest.

(3) Late payments shall subject the applicant to a penalty of ten percent of the amount due and additional interest in addition to all other remedies available to the city as lienholder.

(d) Upon the request of an applicant, the city may at its sole discretion enter into a payment agreement subject to the provisions below and according to guidelines established by the city, as amended from time to time:

(1) If the applicant chooses this delayed payment option, the applicant shall, as a condition of plat approval, sign and file with the city clerk, and consent to the recordation of, a notice of capital recovery fee due, which shall be recorded as a lien against the subject property. The city shall release the lien held only upon payment in full of the capital recovery fees due on any property with such lien.

(2) No provision of this article shall be construed to limit the powers of the city pursuant to any other source of local authority, including the authority to enter into contracts and to charge the statutory rate of interest on obligations to the city as set forth in V.T.C.A., Finance Code ch. 302.

(Code 1993, § 82-143; Ord. No. 2003-02, § 2(82-143), 3-17-2003)

Sec. 46-156. - Establishment of accounts.

(a) The city finance department shall establish separate interest-bearing accounts, in a bank authorized to receive deposits of city funds, for each major category of capital facility for which a capital recovery fee is imposed pursuant to this article.

(b) Interest earned by each account shall be credited to that account and shall be used solely for the purposes specified for funds authorized in section 46-157.

(c) The city's finance department shall establish adequate financial and accounting controls to ensure that capital recovery fees disbursed from the account are utilized solely for the purposes authorized in section 46-157. Disbursement of funds shall be authorized by the city at such times as are reasonably necessary to carry out the purposes and intent of this article; provided, however, that any fee paid shall be expended within a reasonable period of time, but not to exceed ten years from the date the fee is deposited into the account.

(d) The city finance department shall maintain and keep adequate financial records for each such account, which shall show the source and disbursement of all revenues, which shall account for all monies received, and which shall ensure that the disbursement of funds from each account shall be used solely and exclusively for the provision of projects specified in the capital improvements program as area-related capital projects. The city finance department shall also maintain such records as are necessary to ensure that refunds are appropriately made under the provision in section 46-159.

(Code 1993, § 82-146; Ord. No. 2003-02, § 2(82-146), 3-17-2003)

Sec. 46-157. - Use of proceeds of capital recovery fee accounts.

(a) The capital recovery fees collected may be spent only for the purposes for which they were imposed and within the service area for which they were adopted, as shown in the CIP and as authorized by this article. The capital recovery fees collected pursuant to this article may be used to finance or to recoup capital construction costs of service. Capital recovery fees may also be used to pay the principal sum and interest and other finance costs on bonds, notes or other obligations issued by or on behalf of the city to finance such capital improvements or facilities expansions.

(b) Capital recovery fees collected pursuant to this article shall not be used to pay for any of the following expenses:

(1) Construction, acquisition or expansion of capital improvements or assets other than those identified for the appropriate utility in the capital improvements plan;

(2) Repair, operation or maintenance of existing or new capital improvements or facilities expansions;

(3) Upgrading, expanding or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental or regulatory standards;

(4) Upgrading, expanding or replacing existing capital improvements to provide better service to existing development; provided, however, that capital recovery fees may be used to pay the costs of upgrading, expanding or replacing existing capital improvements in order to meet the need for new capital improvements generated by new development; or

(5) Administrative and operating costs of the city.

(Code 1993, § 82-147; Ord. No. 2003-02(82-147), § 2, 3-17-2003)

Sec. 46-158. - Appeals.

(a) The property owner or applicant for new development may appeal the following decisions to the city council:

(1) The applicability of a capital recovery fee to the development;

(2) The amount of the capital recovery fee due;

(3) The availability or the amount of an offset or credit;

(4) The application of an offset or credit against a capital recovery fee due;

(5) The amount of the refund due, if any.

(b) The burden of proof shall be on the appellant to demonstrate that the amount of the fee or the amount of the offset or credit was not calculated according to the applicable capital recovery fee schedule or the guidelines established for determining offsets and credits.

(c) The appellant must file a notice of appeal with the city clerk within 30 days following the decision. If the notice of appeal is accompanied by a bond or other sufficient surety satisfactory to the city attorney in an amount equal to the original determination of the capital recovery fee due, the development application or tap purchase may be processed while the appeal is pending.

(Code 1993, § 82-148; Ord. No. 2003-02, § 2(82-148), 3-17-2003)

Sec. 46-159. - Refunds.

(a) Any capital recovery fee or portion thereof collected pursuant to this article which has not been expended within ten years from the date of payment shall be refunded, upon application, to the record owner of the property at the time the refund is paid, or, if the capital recovery fee was paid by another governmental entity, to such governmental entity, together with interest calculated from the date of collection to the date of refund at the statutory rate as set forth in V.T.C.A., Finance Code ch. 302.

(b) A capital recovery fee collected pursuant to this article shall be considered expended if the total expenditures for capital improvements or facilities expansions authorized in section 46-157 within ten years following the date of payment exceeds the total fees collected for such improvements or expansions during such period.

(c) If a refund is due pursuant to subsections (a) and (b) of this section, the city shall prorate the same by dividing the difference between the amount of expenditures and the amount of the fees collected

by the total number of service units assumed within the service area for the period to determine the refund due per service unit. The refund to the record owner or governmental entity shall be calculated by multiplying the refund due per service unit by the number of service units for the development for which the fee was paid, and interest due shall be calculated upon that amount.

(d) Upon completion of all the capital improvements or facilities expansions identified in the capital improvements plan upon which the fee was based, the city shall recalculate the maximum impact fee per service unit using the actual costs for the improvements or expansions. If the maximum impact fee per service unit based on actual cost is less than the impact fee per service unit paid, the city shall refund the difference, if such difference exceeds the impact fee paid by more than ten percent. The refund to the record owner or governmental entity shall be calculated by multiplying such difference by the number of service units for the development for which the fee was paid, and interest due shall be calculated upon that amount.

(e) Upon the request of an owner of the property on which a capital recovery fee has been paid, the city shall refund such fees if:

(1) Existing service is available and service is denied;

(2) Service was not available when the fee was collected and the city has failed to commence construction of facilities to provide service within two years of fee payment; or

(3) Service was not available when the fee was collected and has not subsequently been made available within a reasonable period of time considering the type of capital improvement or facility expansion to be constructed, but in any event later than five years from the date of fee payment.

(f) As set forth in section 46-155, the city shall refund excess fee payments as determined by the difference between fee payments made before building permit issuance and actual fee payments due based on calculations made at the time of water or wastewater tap purchase.

(g) Petition for refunds shall be submitted to the director of public works on a form provided by the city for such purpose. Within one month of the date of receipt of a petition for refund, the director must provide the petitioner, in writing, with a decision on the refund request, including the reasons for the decision. If a refund is due to the petitioner, the director shall notify the city treasurer and request that a refund payment be made to the petitioner. The petitioner may appeal the determination to the city council, as set forth in section 46-158.

(Code 1993, § 82-149; Ord. No. 2003-02, § 2(82-149), 3-17-2003)

Sec. 46-160. - Updates to plan and revision of fees.

The city shall review the land use assumptions and capital improvements plan for water, wastewater, and drainage facilities in accordance with V.T.C.A., Local Government Code, ch. 395. The city council shall accordingly then make a determination of whether changes to the land use assumptions, capital improvements plan or capital recovery fees are needed and shall, in accordance with the procedures set forth in V.T.C.A., Local Government Code ch. 395, either update the fees or make a determination that no update is necessary.

(Code 1993, § 82-150; Ord. No. 2003-02, § 2(82-150), 3-17-2003)

Sec. 46-161. - Functions of advisory committee.

(a) The functions of the advisory committee are those set forth in V.T.C.A., Local Government Code ch. 395, and shall include the following:

(1) Advise and assist the city in adopting land use assumptions;

(2) Review the capital improvements plan regarding water, wastewater, and drainage capital improvements and file written comments thereon;

(3) Monitor and evaluate implementation of the capital improvements program;

(4) Advise the city of the need to update or revise the land use assumptions, capital improvements program and capital recovery fees; and

(5) File a semiannual report evaluating the progress of the city in achieving the capital improvements plans and identifying any problems in implementing the plans or administering the capital recovery fees.

(b) The city shall make available to the advisory committee any professional reports prepared in the development or implementation of the capital improvements plan.

(c) The council city shall adopt procedural rules for the committee to follow in carrying out its duties.

(Code 1993, § 82-151; Ord. No. 2003-02, § 2(82-151), 3-17-2003)

Sec. 46-162. - Agreement for capital improvements.

(a) The city council may enter into an agreement with the owner of a new development to construct or finance some of the public improvements identified in the CIP. In the case of such approval, the property owner must enter into an agreement with the city prior to fee collection. The agreement shall be on a form approved by the city, and shall establish the estimated cost of improvement, the schedule for initiation and completion of the improvement, a requirement that the improvement shall be completed to city standards, and any other terms and conditions the city deems necessary. The director shall review the improvement plan, verify costs and time schedules, determine if the improvement is contained in the CIP, and determine the amount of the applicable credit for such improvement to be applied to the otherwise applicable capital recovery fee before submitting the proposed agreement to the city council for approval.

(b) The city and such owner either may agree that the costs incurred or funds advanced will be credited against the capital recovery fees otherwise due from the new development, or they may agree that the city shall reimburse the owner for such costs from capital recovery fees paid from other new developments which will use such capital improvements or facility expansions, which fees shall be collected and reimbursed to the owner at the time the other new development records its plat.

(Code 1993, § 82-152; Ord. No. 2003-02, § 2(82-152), 3-17-2003)

Sec. 46-163. - Use of other financing mechanisms.

(a) The city may finance water, wastewater, and drainage capital improvements or facilities expansions designated in the capital improvements plan through the issuance of bonds, through the formation of public improvement districts or other assessment districts, or through any other authorized mechanism, in such manner and subject to such limitations as may be provided by law, in addition to the use of capital recovery fees.

(b) Except as otherwise provided in this article, the assessment and collection of a capital recovery fee shall be additional and supplemental to, and not in substitution of, any other tax, fee, charge or assessment which is lawfully imposed on and due against the property.

(c) The city council may decide that the city shall pay all or part of capital recovery fees due for a new development taking into account available offsets and credits pursuant to duly adopted criteria.

(Code 1993, § 82-153; Ord. No. 2003-02, § 2(82-153), 3-17-2003)

Sec. 46-164. - Capital recovery fees as additional and supplemental regulation.

(a) Capital recovery fees established by this article are additional and supplemental to, and not in substitution of, any other requirements imposed by the city on the development of land or the issuance of building permits or the sale of water or wastewater taps or the issuance of certificates of occupancy. Such fees are intended to be consistent with and to further the policies of the city's comprehensive plan, capital improvements plan, subdivision regulations and other city policies, ordinances and resolutions by which the city seeks to ensure the provision of adequate public facilities in conjunction with the development of land.

(b) This article shall not affect, in any manner, the permissible use of property, density of development, design and improvement standards and requirements, or any other aspect of the development of land or provision of public improvements subject to the zoning and subdivision regulations or other regulations of the city, which shall be operative and remain in full force and effect without limitation with respect to all such development.

(Code 1993, § 82-154; Ord. No. 2003-02, § 2(82-154), 3-17-2003)

Sec. 46-165. - Relief procedures.

(a) Any person who has paid a capital recovery fee, or an owner of land upon which a capital recovery fee has been paid, may petition the city council to determine whether any duty required by this article has not been performed within the time so prescribed. The petition shall be in writing and shall state the nature of the unperformed duty and request that the act be performed within 60 days of the request. If the city council determines that the duty is required pursuant to this article and is late in being performed, it shall cause the duty to commence within 60 days of the date of the request and to continue until completion.

(b) The city council may grant a variance or waiver from any requirement of this article, upon written request by a developer or owner of property subject to this article, following a public hearing, and only upon finding that a strict application of such requirement would, when regarded as a whole, result in confiscation of the property.

(c) The city council may grant a waiver from any requirement of this article on other grounds, as may be set forth in administrative guidelines.

(d) If the city council grants a variance or waiver to the amount of the capital recovery fees due for a new development under this section, it shall cause to be appropriated from other city funds the amount of the reduction in the capital recovery fees to the account in which the fees would have been deposited.

(Code 1993, § 82-155; Ord. No. 2003-02, § 2(82-155), 3-17-2003)

Sec. 46-166. - Schedule of maximum capital recovery fees.

(a) The schedule of maximum capital recovery fees shall be as currently established or as hereafter adopted by resolution of the city council from time to time.

(b) This section may be amended by the city council according to the procedure set forth in V.T.C.A., Local Government Code ch. 395.

(Code 1993, § 82-156; Ord. No. 2003-02, § 2(82-156), 3-17-2003; Ord. No. 2009-12, § 2(82-156), 6-1-2009; Ord. No. 2014-22, § 13, 8-4-2014)

Secs. 46-167—46-185. - Reserved.

DIVISION 2. - WATER CAPITAL RECOVERY FEES

Sec. 46-186. - Water service area.

(a) There is hereby established a water service area, which is specifically described and defined in the CIP attached to the ordinance from which this article is derived and made a part of this article.

(b) The boundaries of the water service area may be amended from time to time, and new water service areas may be delineated, pursuant to the procedures in section 46-149.

(Code 1993, § 82-166; Ord. No. 2003-02, § 2(82-166), 3-17-2003)

Sec. 46-187. - Water capital improvement plan.

(a) The water capital improvement plan for the city, as set forth in the CIP attached to the ordinance from which this article is derived and made a part of this article, is hereby adopted. A copy of such plan shall be maintained on file in the office of the city secretary.

(b) The water capital improvement plan may be amended from time to time, pursuant to the procedures set forth in V.T.C.A., Local Government Code ch. 395.

(Code 1993, § 82-167; Ord. No. 2003-02, § 2(82-167), 3-17-2003)

Sec. 46-188. - Water facilities fees.

(a) The maximum capital recovery fees per service unit for water facilities are hereby adopted and incorporated in section 46-166.

(b) The capital recovery fees per service unit for water facilities may be amended from time to time, pursuant to the procedures in section 46-152.

(Code 1993, § 82-168; Ord. No. 2003-02, § 2(82-168), 3-17-2003)

Secs. 46-189—46-214. - Reserved.

DIVISION 3. - WASTEWATER CAPITAL RECOVERY FEES

Sec. 46-215. - Wastewater service area.

(a) There is hereby established a wastewater service area, which is specifically described and defined in the CIP attached to the ordinance from which this article is derived and made a part of this article.

(b) The boundaries of the wastewater service area may be amended from time to time, and new wastewater service areas may be delineated, pursuant to the procedures in section 46-149.

(Code 1993, § 82-181; Ord. No. 2003-02, § 2(82-181), 3-17-2003)

Sec. 46-216. - Wastewater capital improvement plan.

(a) The wastewater capital improvement plan for the city, as set forth in the CIP attached to the ordinance from which this article is derived and made a part of this article, is hereby adopted. A copy of such plan shall be maintained on file in the office of the city secretary.

(b) The wastewater capital improvement plan may be amended from time to time, pursuant to the procedures set forth in V.T.C.A., Local Government Code ch. 395.

(Code 1993, § 82-182; Ord. No. 2003-02, § 2(82-182),.3-17-2003)

Sec. 46-217. - Wastewater facilities fees.

(a) The maximum capital recovery fees per service unit for wastewater facilities are hereby adopted and incorporated in section 46-166.

(b) The capital recovery fees per service unit for wastewater facilities may be amended from time to time, pursuant to the procedures in section 46-152.

(Code 1993, § 82-183; Ord. No. 2003-02, § 2(82-183), 3-17-2003)

Secs. 46-218—46-242. - Reserved.

DIVISION 4. - DRAINAGE CAPITAL RECOVERY FEES

Sec. 46-243. - Drainage service area.

(a) There are hereby established four drainage service areas, which are specifically described and defined in the CIP attached to the ordinance from which this article is derived and made a part of this article.

(b) The boundaries of each drainage service area may be amended from time to time, and new drainage service areas may be delineated, pursuant to the procedures in section 46-149.

(Code 1993; § 82-190; Ord. No. 2003-02, § 2(82-190), 3-17-2003)

Sec. 46-244. - Drainage capital improvement plan.

(a) The drainage capital improvement plan for each service area, as set forth in the CIP attached to the ordinance from which this article is derived and made a part of this article, is hereby adopted. A copy of such plan shall be maintained on file in the office of the city secretary.

(b) The drainage capital improvement plan may be amended from time to time, pursuant to the procedures set forth in V.T.C.A., Local Government Code ch. 395.

(Code 1993, § 82-191; Ord. No. 2003-02; § 2(82-191), 3-17-2003)

Sec. 46-245. - Drainage facilities fees.

(a) The maximum capital recovery fees within each service area are per service unit for drainage facilities and are hereby adopted and incorporated in section 46-166.

(b) The capital recovery fees per service unit for drainage facilities may be amended from time to time, pursuant to the procedures in section 46-152.

(Code 1993, § 82-192; Ord. No. 2003-02, § 2(82-192), 3-17-2003)

Secs. 46-246—46-268. - Reserved.

ARTICLE V. - GAS LINES

Sec. 46-269. - When construction permitted.

All persons, including subdividers, property owners and developers, who own or control property which is so situated with reference to any gas line in the city as, in the opinion of the city council, or such officer as may be designated for the purpose, to make it practical to connect with any gas line, may at their cost and expense lay and construct gas lines in and along the streets and ways of the city to connect with such gas lines in accordance with the master plan of the city and such conditions as may be prescribed by the ordinances or the city council and by the state railroad commission.

(Code 1978, § 5-81; Code 1993, § 82-1)

Sec. 46-270. - When payback is applicable; basis.

The payback provisions of this article shall only apply to extensions of main trunk lines to the property line of the subdivider. Any lines constructed within the subdivision or property of the subdivider, or those which are feeder lines, shall not be taken into consideration when determining the amount of payback under this article. It is hereby declared that all gas lines laid under the provisions of this article shall be in all respects owned, managed, controlled and regulated by the city, and connections made therewith shall be governed and regulated in the same manner as connections with any gas lines, except that the right is hereby reserved to subdividers constructing same to receive, for private service connections, a payback for the subdivider's cost of constructing the gas line. Such payback amount is to be based upon a pro rata share of the initial cost of the construction as it relates to the number of square feet in the tract being serviced by the private service connection. The amount of reimbursement to the subdividers constructing the gas lines shall be established by the city council after a hearing, establishing the cost of the construction and the area to be serviced.

(Code 1978, § 5-82; Code 1993, § 82-207)

Sec. 46-271. - Approval by the city.

(a) Before beginning any construction of the improvements authorized in this article, complete plans and specifications for such improvements shall have first been completely approved by the state railroad commission, the director of public works and the city engineer as meeting the state's and city's standards.

(b) The director of public works, or his duly authorized representative, shall from time to time inspect the construction of all utility facilities during the course of construction to see that the same shall comply with the state's and city's standards governing the same. In this regard, free access shall be accorded the director of public works and his duly authorized representative by the subdivider, his agents and employees. Inspection by the director of public works or a failure of the director of public works to inspect construction shall not in any way impair or diminish the obligation of the subdivider to install improvements in accordance with the plans and specifications therefor as approved by the state railroad commission, the city engineer and director of public works in accordance with the state's and city's standards.

(Code 1978, § 5-83; Code 1993, § 82-208)

Sec. 46-272. - Preparation of map.

Upon the construction of the gas line by the subdivider, who has a right of payback for the construction of such gas line, the city shall prepare a map indicating the area within which any use of the gas lines would require a payback to the subdivider who constructed the gas line. This map designating the area in which a payback would result shall be placed on public record at the city hall and all developers applying for permits shall be made aware of the existence of the map and the cost of developing and using the gas lines.

(Code 1978, § 5-84; Code 1993, § 82-209)

Sec. 46-273. - Conformity to railroad commission and city standards.

The gas lines constructed under this article shall conform to the specifications of the state railroad commission and to the recommendations of the city engineer and director of public works, in the design, size and layout of the gas distribution system. The gas line shall be acceptable, without penalty, to the state railroad commission and shall be approved by the city engineer and the director of public works. All materials and installations for gas lines shall be in accordance with the railroad commission's standards and the city standards for same and shall be approved by the railroad commission and by the director of public works and by the city engineer.

(Code 1978, § 5-85; Code 1993, § 82-210)

Sec. 46-274. - Violations.

Any subdivider who lays or constructs any gas line or makes any connection with any gas line for which a payback would be due under this article without having first complied with the provisions of this article or who shall refuse to permit the city to make connection with any of the proposed gas lines, or interfere therewith, or who shall violate any of the provisions of this article shall be guilty of an offense. Cumulative of any other remedy available to it, the city may proceed by injunction or other appropriate remedy to correct any violation of this article.

(Code 1978, § 5-86; Code 1993, § 82-211)

Secs. 46-275—46-296. - Reserved.

ARTICLE VI. - WATER AND SEWER LINES

Sec. 46-297. - When construction permitted.

All persons, including subdividers, property owners and developers, hereinafter referred to as "subdividers," who own or control property which is so situated with reference to any sewer or water line in the city as, in the opinion of the city council or such officer as may be designated for the purpose, to make it practical to connect with any sewer or water line, may, at their cost and expense, lay and construct water and sewer lines in and along the streets and ways of the city to connect with such water and sewer lines in accordance with the master plan of the city and such conditions as may be prescribed by the city ordinances.

(Code 1978, § 5-61; Code 1993, § 82-231)

Sec. 46-298. - When payback is applicable; basis.

The payback provisions of this article shall only apply to extensions of main trunk lines to the property line of the subdivider. Any lines constructed within the subdivision or property of the subdivider, or those which are feeder lines, shall not be taken into consideration when determining the amount of payback under this article. It is hereby declared that all sewers and water lines laid under the provisions of this article shall be in all respects owned, managed, controlled and regulated by the city, and connections made therewith shall be governed and regulated in the same manner as connections with any sewers and water lines, except that the right is hereby reserved to subdividers constructing same, to receive, for private service connections, a payback for the subdivider's cost of constructing the water and/or sewer line. Such payback amount is to be based upon a pro rata share of the initial cost of the construction as it relates to the number of square feet in the tract being serviced by the private service connection. The amount of reimbursement to the subdividers constructing the water and/or sewer lines shall be established by the city council after a hearing, establishing the cost of the construction and the area to be serviced.

(Code 1978, § 5-62; Code 1993, § 82-232)

Sec. 46-299. - Approval by the city.

(a) Before beginning any construction of the improvements authorized in this article, complete plans and specifications for such improvements shall have first been completely approved by the director of public works and the city engineer as meeting the city's standards.

(b) The director of public works, or his duly authorized representative, shall from time to time inspect the construction of all utility facilities during the course of construction to see that the same shall comply with the city's standards governing the same. In this regard, free access shall be accorded the director of public works and his duly authorized representative by the subdivider, his agents and employees. Inspection by the director of public works or a failure of the director of public works to inspect construction shall not in any way impair or diminish the obligation of the subdivider to install improvements in accordance with the plans and specifications therefor as approved by the city engineer and director of public works in accordance with the city's standards.

(Code 1978, § 5-63; Code 1993, § 82-233)

Sec. 46-300. - Preparation of map.

Upon the construction of the water or sewer line by the subdivider, who has a right of payback for the construction of such water or sewer line, the city shall prepare a map indicating the area within which any use of the water or sewer lines would require a payback to the subdivider who constructed the water or sewer line. This map designating the area in which a payback would result shall be placed on public record at the city hall and all developers applying for permits shall be made aware of the existence of the map and the cost of developing and using the water and sewer lines.

(Code 1978, § 5-64; Code 1993, § 82-234)

Sec. 46-301. - Conformity to city standards.

The water and/or sewer lines constructed under this article shall conform to the recommendations of the city engineer and director of public works, in the design, size and layout of the water distribution system. The water design shall be acceptable, without penalty, to the state fire insurance commission and

shall be approved by the city engineer and the director of public works. All materials and installations for water and sewer lines shall be in accordance with the state department of health standards and the American Water Works Association standards and with the city's standards for same and shall be approved by the city engineer and the director of public works.

(Code 1978, § 5-65; Code 1993, § 82-235)

Sec. 46-302. - Violations.

Any subdivider who lays or constructs any sewer and/or water line or makes any connection with any sewer and/or water line for which a payback would be due under this article without having first complied with the provisions of this article or who shall refuse to permit the city to make connection with any of the proposed sewer and/or water lines, or interfere therewith, or who shall violate any of the provisions of this article shall be guilty of an offense. Cumulative of any other remedy available to it, the city may proceed by injunction or other appropriate remedy to correct any violation of this article.

(Code 1978, § 5-66; Code 1993, § 82-236)

Sec. 46-303. - Extension of city-owned utilities; requiring connections to city water, sewer and gas lines for service of new construction.

(a) *Utility extensions by the city.* It is the policy of the city to extend any or all municipally-owned utilities to unserved residences or businesses when budgeted and appropriated city funds for such extension are available, in accordance with the criteria below:

(1) Requests for extensions will be addressed in the order in which they are received. The availability of funds for that specific program will be the first requirement considered.

(2) Annual estimated revenue to the city over five years must equal or exceed the estimated cost of installation to be paid by the city, less applicable capital recovery fees. Revenue is estimated by the finance director, based on current average annual billings for the category of use. Construction cost is estimated by the public works director using current unit pricing for materials, equipment use and labor.

(3) Full payments of the required contribution to the city have all been received for the specific program.

(4) The city will extend water utility service if adequate service can be provided in compliance with the state water commission regulations and guidelines and as necessary to supply fire protection services, including the sizing of lines as determined appropriate by the city to meet anticipated future service needs. Sewer service will be extended consistent with available capacity, including the sizing of lines as determined appropriate by the city to meet anticipated future service needs. Gas service will be extended in a similar manner.

(5) This policy does not impose any obligation on the city to extend city utilities when such extensions are the responsibility of the owner, builder or developer.

(b) *Nondiscriminatory administration of policy.* It is the policy and goal of the city to provide utilities, in accordance with the guidelines of this article, to all citizens on an equal, nondiscriminatory basis. The city is committed to the furtherance of this policy and goal.

(c) *Water, sewer and gas connections required for new construction.* All new construction, residential or commercial, shall be connected to and use the city-owned water, sewer and gas utilities if such utility service lines are located within 100 feet of any property lines of the subject lot, tract or parcel of land at the time of construction. New construction does not include remodeling or add-ons to existing residential or commercial improvements.

(Code 1993, § 82-237; Ord. No. 93-08, §§ 3—6, 7-12-1993)

Secs. 46-304—46-324. - Reserved.

ARTICLE VII. - WATER CONSERVATION[2]

Footnotes:

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State Law reference— Authority to require water conservation, V.T.C.A., Local Government Code §§ 401.006, 551.006.

Sec. 46-325. - Declaration of policy, purpose, and intent.

(a) In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the city hereby adopts the following regulations and restrictions on the delivery and consumption of water.

(b) Water uses regulated or prohibited under this drought contingency plan, hereafter referred to as the "plan," are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offenders to penalties as defined in section 46-333.

(Code 1993, § 82-251; Ord. No. 2002-20, § 1, 9-3-2002)

Sec. 46-326. - Authorization.

The director of public works, or his designee is hereby authorized and directed to implement the applicable provisions of this plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The director of public works or his designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this plan.

(Code 1993, § 82-252; Ord. No. 2002-20, § 1, 9-3-2002)

Sec. 46-327. - Application.

The provisions of this plan shall apply to all persons, customers, and property utilizing water provided by the city. The terms "person" and "customer" as used in the plan include individuals, corporations, partnerships, associations, and all other legal entities.

(Code 1993, § 82-253; Ord. No. 2002-20, § 1, 9-3-2002)

Sec. 46-328. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Aesthetic water use means water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Commercial and institutional water use means water use that is integral to the operations of commercial and nonprofit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation means those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer means any person, company, or organization using water supplied by the city.

Domestic water use means water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Even-numbered address means street addresses, box numbers, or rural postal route numbers ending in zero, two, four, six, or eight and locations without addresses.

Industrial water use means the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use means water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

Nonessential water use means water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:

(1) Irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this plan;

(2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;

(3) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;

(4) Use of water to wash down buildings or structures for purposes other than immediate fire protection;

(5) Flushing gutters or permitting water to run or accumulate in any gutter or street;

(6) Use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;

(7) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;

(8) Failure to repair a controllable leaks within a reasonable period after having been given notice directing the repair of such leaks; and

(9) Use of water from hydrants for construction purposes or any other purposes other than fire fighting.

Odd-numbered address means street addresses, box numbers, or rural postal route numbers ending in one, three, five, seven, or nine.

Waste of water or *water wasting* means the application of water, provided through the city's potable water system, to soil or to the ground, at a rate of flow that, or in quantity that, exceeds the rate of the water's absorption into the ground. The standing of water on the ground, or the running of water over the ground into a ditch or into gutter or other means of drainage, whether natural or manmade, shall be prima

facie evidence that water has been applied at an excessive rate of flow and/or in an excessive quantity; provided, however, the following shall not constitute water wasting:

(1) Inadvertent and incidental splashing or spilling of water during water applications; or

(2) Leakage of water due to plumbing or piping disruptions or breaks, when such disruptions or breaks are promptly repaired or such repairs are promptly undertaken and diligently pursued until completion.

Water production capacity means sum of the design pumping capacities of ground water wells connected to the city's water system.

(Code 1993, §.82-254; Ord. No. 2002-20, § 1, 9-3-2002)

Sec. 46-329. - Criteria for initiation and termination of drought response stages.

(a) *Monitoring authority of water supply.* The director of public works or his designee shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the plan, that is, when the specified "triggers" are reached.

(b) *Triggering criteria.* The triggering criteria described below are based on known system design conditions and performance capabilities.

(1) *Stage 1 trigger—Mild water shortage conditions.*

a. *Requirement for initiation.* Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses defined under stage 1 in section 46-332(1), when total daily water demand equals or exceeds 60 percent of the city's water production capacity for three consecutive days.

b. *Requirement for termination.* Stage 1 of the plan may be rescinded when the triggering event condition has ceased to exist for a period of three consecutive days.

(2) *Stage 2 Trigger—Moderate water shortage conditions.*

a. *Requirement for initiation.* Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses defined under stage 2 in section 46-332(2), when total daily water demand equals or exceeds 70 percent of the city's water production capacity for three consecutive days.

b. *Requirement for termination.* Stage 2 of the plan may be rescinded when the triggering event condition has ceased to exist for a period of three consecutive days. Upon termination of stage 2, stage 1 becomes operative.

(3) *Stage 3 trigger—Severe water shortage conditions.*

a. *Requirement for initiation.* Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses defined under stage 3 in section 46-332(3), when total daily water demand equals or exceeds 80 percent of the city's water production capacity for three consecutive days.

b. *Requirement for termination.* Stage 3 of the plan may be rescinded when the triggering event condition has ceased to exist for a period of three consecutive days. Upon termination of stage 3, stage 2 becomes operative.

(4) *Stage 4 triggers—Critical water shortage conditions.*

a. *Requirement for initiation.* Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses defined under stage 4 in section 46-332(4), when total daily water demand equals or exceeds 90 percent of the city's water production capacity for three consecutive days.

b. *Requirement for termination.* Stage 4 of the plan may be rescinded when the triggering event condition has ceased to exist for a period of three consecutive days. Upon termination of stage 4, stage 3 becomes operative.

(5) *Stage 5 triggers—Emergency water shortage conditions.*

a. *Requirements for initiation.* Customers shall be required to comply with the requirements and restrictions for stage 5 of this plan when the director of public works, or his designee, determines that a water supply emergency exists if any of the following triggers exist:

1. Total daily water demand equals or exceeds 95 percent of the city's water production capacity for three consecutive days;

2. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or

3. Water supply sources are contaminated.

b. *Requirements for termination.* Stage 5 of the plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three consecutive days. Upon termination of stage 5, stage 4 becomes operative.

(Code 1993, § 82-255; Ord. No. 2002-20, § 1, 9-3-2002)

Sec. 46-330. - Wasting water; vegetative watering.

It shall be unlawful for any person to cause, allow, or otherwise permit water wasting when applying water to grounds, lawns, plants, trees, shrubs, bushes, or other vegetative matter, or when applying water for any landscaping or agricultural purpose of any kind.

(Code 1993, § 82-256; Ord. No. 2002-20, § 1, 9-3-2002)

Sec. 46-331. - Notices.

(a) Upon the determination that a stage 2 or higher water condition exists, the city shall provide for notification to each customer of such condition, as applicable, of all water use restrictions then in effect, and of the penalties for failure to comply with the imposed restrictions. Such notice shall be given to each customer within the city by publication in the city's official newspaper. Additional means of notification may be employed at the discretion of the city council and/or the city manager.

(b) At such time that the water supply system has been restored to below a stage 2 condition, the city shall provide notice of the termination of the condition either through available media sources or through written notice in the manner provided in subsection (a) of this section.

(Code 1993, § 82-257; Ord. No. 2002-20, § 1, 9-3-2002)

Sec. 46-332. - Drought response stages.

The director of public works or designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in section 46-329, shall determine that a mild, moderate, severe, critical, or emergency condition exists and shall implement the following notification procedures:

(1) *Stage 1 response—Mild water shortage conditions.*

a. *Goal:* Achieve a voluntary ten percent reduction in daily water demand.

b. *Supply management measures.* The city will reduce waterline flushing at the discretion of the director of public works or designate.

c. *Voluntary water use restrictions.*

1. Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (zero, two, four, six or eight), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (one, three, five, seven or nine), and to irrigate landscapes only between the hours of 7:00 p.m. and 5:00 a.m. on designated watering days. No watering is permitted on Mondays.

2. All operations of the city shall adhere to water use restrictions prescribed for stage 2 of the plan.

3. Water customers are requested to practice water conservation and to minimize or discontinue non-essential water use.

(2) *Stage 2 response—Moderate water shortage conditions.*

a. *Goal.* Achieve a 20 percent reduction in daily water demand.

b. *Supply management measures.* The city will reduce waterline flushing at the discretion of the director of public works or designate and will adhere to the stage 2 response water use restrictions defined in subsection (2)c of this section.

c. *Water use restrictions.* Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

1. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Thursdays and/or Sundays for customers with a street address ending in an even number (zero, two, four, six or eight), and Wednesdays and/or Saturdays for water customers with a street address ending in an odd number (one, three, five, seven or nine), and irrigation of landscaped areas is further limited to the hours of 7:00 p.m. and 5:00 a.m. on designated watering days. However, irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, a faucet-filled bucket or watering can of five gallons or less, or drip irrigation system.

2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 7:00 p.m. and 5:00 a.m. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. 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.

3. 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 watering days between the hours of 7:00 p.m. and 5:00 a.m.

4. 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 recirculation system.

5. Use of water from hydrants shall be limited to firefighting, 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.

6. Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours of 7:00 p.m. and 5:00 a.m.

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.

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

8. All nonessential water use as defined in section 46-328 is prohibited.

(3) *Stage 3 response—Severe water shortage conditions.*

a. *Goal.* Achieve a 30 percent reduction in daily water demand.

b. *Supply management measures.* The city will eliminate waterline flushing unless required for health and welfare of the public and will adhere to the stage 3 response water use restrictions defined in subsection (3)c of this section.

c. *Water use restrictions.* All requirements of stage 2 shall remain in effect during stage 3 except:

1. The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the city.

2. The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

(4) *Stage 4 response—Critical water shortage conditions.*

a. *Goal.* Achieve a 40 percent reduction in daily water demand.

b. *Supply management measures.* The city will eliminate waterline flushing unless required for health and welfare of the public and will adhere to the stage 4 response water use restrictions defined in subsection (4)c of this section.

c. *Water use restrictions.* All requirements of stages 2 and 3 shall remain in effect during stage 4 except:

1. 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 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10:00 p.m.

2. The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.

3. 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 recirculation system.

4. 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 hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

(5) *Stage 5 response—Emergency water shortage conditions.*

a. *Goal.* Reduce delivery of water where appropriate to address emergency conditions.

b. *Supply management measures.* The city will eliminate waterline flushing unless required for health and welfare of the public and will adhere to the stage 5 response water use restrictions defined in subsection (5)c of this section.

c. *Water use restrictions.* All requirements of stages 2, 3, and 4 shall remain in effect during stage 5 except that:

1. Irrigation of landscaped areas is absolutely prohibited.
2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.
3. Provision of alternative water supplies . In the event of source contamination or failure, at the discretion of the director of public works, or his designee, alternative water supplies shall be provided to affected citizens. Alternative supplies may include, but are not limited to, bottled water, alternate groundwater wells, or hook up to another public or private water supplier.

(Ord. No. 2002-20, § 1, 9-3-2002; Ord. No. 2013-16, § 2, 10-7-2013)

Sec. 46-333. - Penalties for violation of this article.

(a) *Criminal penalties.* Any person who shall violate any provision of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed $2,000.00. Each day of violation shall constitute a separate offense.

(b) *Discontinuance of water service for failure to comply.*

(1) *First notice.* The city shall provide written notice, by hand delivery, to each customer deemed to be in violation hereof, by affixing such written notification to the front door or main entrance of the place of violation.

(2) *Second notice.* In the event a customer commits violations of this article on two separate occasions during any single serious water condition or emergency water condition, service to such customer shall be discontinued following written notice thereof to such customer by registered or certified mail, return receipt requested.

(3) *Reconnection.* No service which has been disconnected pursuant to this section shall be restored until such violation is discontinued, payment has been made to the city of a reconnection fee as currently established or as hereafter adopted by resolution of the city council from time to time and the violator has reimbursed the city for any and all costs incurred by the city, including reasonable attorney's fees, in the enforcement of this article.

(4) *Liabilities cumulative.* The liabilities of a customer under this subsection (b) of this section for reconnection fees and costs shall be in addition to and cumulative of any and all other criminal penalties for which such customer may otherwise be liable hereunder, and to any other remedy available to the city, whether at law or in equity.

(Code 1993, § 82-259; Ord. No. 2002-20, § 1, 9-3-2002)

Sec. 46-334. - Adoption of water conservation and drought contingency plan.

There is hereby adopted for the city a water conservation and drought contingency plan, a true and correct copy of which is filed and maintained in the office of the city secretary.

(Code 1993, § 82-260; Ord. No. 2002-20, § 1, 9-3-2002; Ord. No. 2013-16, § 3, 10-7-2013)

Sec. 46-335. - Variances.

(a) The director of public works, or his designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this plan if it is determined that failure to grant such variance

would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

(1) Compliance with this plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the plan is in effect.

(2) Alternative methods can be implemented which will achieve the same level of reduction in water use.

(b) Persons requesting an exemption from the provisions of this article shall file a petition for variance with the city within five days after the plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the director of public works, or his designee, and shall include the following:

(1) Name and address of the petitioners.

(2) Purpose of water use.

(3) Specific provisions of the plan from which the petitioner is requesting relief.

(4) Detailed statement as to how the specific provision of the plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this article.

(5) Description of the relief requested.

(6) Period of time for which the variance is sought.

(7) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this plan and the compliance date.

(8) Other pertinent information.

(c) Variances granted by the city shall be subject to the following conditions, unless waived or modified by the director of public works or his designee:

(1) Variances granted shall include a timetable for compliance.

(2) Variances granted shall expire when the plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

(d) No variance shall be retroactive or otherwise justify any violation of this plan occurring prior to the issuance of the variance.

(Code 1993, § 82-261; Ord. No. 2002-20, § 1, 9-3-2002)

Sec. 46-336. - Coordination with regional water planning groups.

The service area of the city is located within the region H water planning group and the city has provided a copy of this plan to the region H water planning group.

(Code 1993, § 82-262; Ord. No. 2002-20, § 1, 9-3-2002)

Sec. 46-337. - Public involvement.

Opportunity for the public to provide input into the preparation of the plan was provided by the city by means of scheduling and providing public notice of a public meeting to accept input on the plan. Public input on the plan was addressed in preparing the plan.

(Code 1993, § 82-263; Ord. No. 2002-20, § 1, 9-3-2002)

Sec. 46-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Utility means and includes water, sewer and/or any other utility service furnished by the city to consumers thereof.

(Code 1978, § 24-1; Code 1993, § 82-1)

Sec. 46-2. - Scope of provisions.

All pertinent provisions of this chapter are hereby made a part of the terms and conditions whereby the city shall furnish any utility service to any person, or whereby the city shall make any utility connections, or perform any work of any kind in connection with the furnishing of any utility service pursuant to the rules and regulations of the city council.

(Code 1978, § 24-2; Code 1993, § 82-2)

Sec. 46-3. - Service to comply with technical provisions.

Any utility service furnished under the provisions of this chapter shall be in accordance with and in compliance with all applicable technical provisions of this Code, state law and city ordinances, rules and regulations.

(Code 1978, § 24-3; Code 1993, § 82-3)

Sec. 46-4. - Rules, regulations.

The city council shall have the authority to establish by rule or regulation such standards and specifications as may be deemed necessary for the installation, construction and maintenance of any utility service system owned and operated by the city within or without the city and under the management of the city council. Such rules, regulations, standards and specifications shall be filed in the office of the city secretary. Violation of such rules, regulations, standards and specifications shall be deemed a misdemeanor.

(Code 1978, § 24-4; Code 1993, § 82-4)

Sec. 46-5. - Inspection.

In order to protect the utility service supply, the city will not make any water or sewer taps until the premises involved have been inspected and approved by the plumbing inspector.

(Code 1978, § 24-5; Code 1993, § 82-5)

Sec. 46-6. - Right of entry.

Any authorized inspector of the city shall have free access at any time to all premises supplied with any utility service by the city for the purpose of examination in order to protect the utility services from abusive use.

(Code 1978, § 24-6; Code 1993, § 82-6)

Sec. 46-7. - Termination of service authorized.

The city shall have the right to disconnect or refuse to connect or reconnect any utility service for any of the following reasons:

(1) Failure to meet the applicable provisions of law.

(2) Violation of the rules and regulations pertaining to utility service.

(3) Nonpayment of bills.

(4) Willful or negligent waste of service due to improper or imperfect pipes, fixtures, appliances or otherwise.

(5) Molesting any meter, seal or other equipment controlling or regulating the supply of utility service.

(6) Theft or diversion and/or use of service without payment therefor.

(7) Vacancy of premises.

(Code 1978, § 24-7; Code 1993, § 82-7)

Sec. 46-8. - Liability of city for damage.

The city shall not be liable for any damage to any customer of any utility service furnished by the city due to backflow of the sewerage system, failure of supply, interruption of service or any other cause outside the direct control of the city.

(Code 1978, § 24-8; Code 1993, § 82-8)

Sec. 46-9. - Utility service—Application required.

Any person desiring any utility service furnished by the city shall make application for the same to the utility office. Such application shall contain the applicant's name, address and the uses for which such utility service is desired.

(Code 1978, § 24-9; Code 1993, § 82-9)

Sec. 46-10. - Same—Not available to debtors.

The city may decline or fail to or cease to furnish utility service to any person who may be in debt to the city for any reason, except ad valorem taxes and special assessments.

(Code 1978, § 24-10; Code 1993, § 82-10)

Sec. 46-11. - Same—Approval of application.

Approval of the application for any utility service by the utility office shall be deemed permission for such service.

(Code 1978, § 24-11; Code 1993, § 82-11)

Sec. 46-12. - Same—Use assumed.

All premises connected to any utility service of the city shall be assumed to be using such utility service and the owner or occupant shall be charged therefor so long as such premises shall remain connected with the utility service.

(Code 1978, § 24-12; Code 1993, § 82-12)

Sec. 46-13. - Not to use contrary to permit.

Any person having a permit from the city for the use of any utility service offered by the city who shall use such utility service for any purpose other than mentioned in such permit or who shall make any unauthorized changes in such service shall be deemed guilty of a misdemeanor.

(Code 1978, § 24-13; Code 1993, § 82-13)

Sec. 46-14. - Damage, trespass of equipment.

It shall be unlawful for any person, not having authority to do so, to open any water hydrant or tamper with any utility service furnished by the city to consumers, or to in any other way molest, damage or trespass upon any equipment or premises belonging to the city connected with any utility service.

(Code 1978, § 24-14; Code 1993, § 82-14)

State Law reference— Criminal mischief, V.T.C.A., Penal Code § 28.03; criminal trespass, V.T.C.A., Penal Code § 30.05.

Sec. 46-15. - Temporary interruption of service.

The city reserves the right to cut off any utility service without notice in case of emergencies. When an interruption in service is necessary for the maintenance and improvement of the utility system, affected customers will be notified as circumstances permit.

(Code 1978, § 24-15; Code 1993, § 82-15)

Sec. 46-16. - Restricting use.

The city reserves the right to at any time restrict or prevent the use of any utility service furnished by the city during periods of emergency or circumstances demanding such restriction or prevention of use.

(Code 1978, § 24-16; Code 1993, § 82-16)

Sec. 46-17. - Sale of service by customer.

It shall be unlawful for any person to resell to others any utility service obtained from the city, except for master metered multifamily residential complexes with greater than 12 units, or by special arrangement with the city council.

(Code 1978, § 24-17; Code 1993, § 82-17; Ord. No. 2006-10, § 1, 10-16-2006)

Sec. 46-18. - Connections to service.

Connections for any utility service furnished by the city shall be made only under the supervision of the plumbing inspector; provided, however, that all connections to the city sewer system shall be made by the department of public works.

(Code 1978, § 24-18; Code 1993, § 82-18; Ord. No. 90-02, § 24-18, 5-7-1990)

Sec. 46-19. - Separate connections.

Every building, structure or consumer in the city shall have a separate utility service connection, except multifamily residential complexes with greater than 12 units shall be master metered.

(Code 1978, § 24-19; Code 1993, § 82-19; Ord. No. 2006-10, § 2, 10-16-2006)

Sec. 46-20. - Unlawful connections.

Any person who shall make any connection in any manner to any utility system, whether owned by the city or not, without the prior knowledge and consent of the owner of such utility system, shall be deemed guilty of a misdemeanor.

(Code 1978, § 24-20; Code 1993, § 82-20)

Sec. 46-21. - Connection or disconnection by other than city employees prohibited.

No person, other than employees of the city, shall be authorized to connect, turn on, turn off or disconnect any utility service offered by the city, or remove, replace or repair any equipment connected to any such utility service.

(Code 1978, § 24-21; Code 1993, § 82-21)

Sec. 46-22. - Maintenance of system by consumer.

The consumer of any utility service furnished by the city shall maintain and keep in good repair all connections, appliances and other apparatus installed and used in connection with such utility service.

(Code 1978, § 24-22; Code 1993, § 82-22)

Sec. 46-23. - Sewer line maintenance and construction.

(a) *Sanitary sewer tap.* All sanitary sewer taps to the city main line or any other city sanitary sewer line shall be constructed by the department of public works, except when otherwise noted on the city construction plans and approved by the department of public works. No customer, private contractor, private plumber or other entity shall be allowed to make connections to the city sewer line, except when such connection is allowed by the city and noted on the city-approved construction plans.

(1) The customer is responsible for the construction and maintenance of the building sewer line.

(2) For the purpose of this section, the term "building sewer line" shall be defined as the sewer line which runs between the building and the property line, utility easement, city property line, edge of the right-of-way, or other point as designated by the department of public works where the maintenance of the sewer line by the city begins.

(3) The city is responsible for the maintenance of the city main line and all sewer lines and sewer taps at all points other than the building sewer line.

(4) A current schedule of the foregoing rates, charges and deposits shall be maintained in the office of the city secretary.

(b) *Maintenance of building sewer line.* If the improper maintenance of a building sewer line causes such line to receive dirt or exterior water into the building line, the owner shall be notified by the city and may be given up to ten days, as determined by the department of public works, to repair the building sewer line. Upon a necessity for immediate repairs, the city shall be authorized to cut off the water to the property until such repairs are made. Upon major sewer problems, such as at apartments or commercial connections, the department of public works may extend the time in which to make such repairs; provided, however, the city may keep the water shut off during the repair period.

(1) If during the repair of the building sewer line it is determined by the department of public works that the sewer leak or stoppage is in the city's main and not in the building sewer line, the city will take over the repair of such leak or stoppage and the true owner may be reimbursed a reasonable amount, which amount, if any, will be as determined by the department of public works.

(2) If the owner of the building sewer line does not repair the sewer line within the time allowed after said notice, the department of public works may cause the water service to the property to be terminated, and/or may cause the sewer service to be disconnected totally from the city main line and/or may, through the city's plumbing inspector, cause to be filed a complaint in the municipal court for failing to repair such building sewer line as requested.

(3) Any owner who violates any part of subsection (b)(2) of this section shall be guilty of a misdemeanor and, upon conviction, shall be subject to punishment as provided in section 1-14 for each offense. Each day that such repairs are not made shall constitute a separate and distinct offense.

(4) If the water service has been disconnected totally from the city main line as the result of the owner of the building sewer line failing to repair the sewer line or as a result of a determination that the building sewer line should be repaired, then in that event, a reconnection fee as currently established or as hereafter adopted by resolution of the city council from time to time shall be paid by the customer prior to reconnection of the service.

(5) If the sewer service has been disconnected totally from the city main line as the result of the owner of the building sewer line failing to repair the sewer line as requested by the department of public works, and thereafter, the department of public works determines that the building sewer line has been repaired as required and is requested to reconnect to the main sewer line, the building line shall be reconnected to the city main line, but only after the city has received a fee as currently established or as hereafter adopted by resolution of the city council from time to time for reconnection of the service.

(Code 1978, § 24-23; Code 1993, § 82-23; Ord. No. 90-02, § 24-23, 5-7-1990; Ord. No. 96-20, § 2, 12-2-1996)

Sec. 46-24. - Water tap and service line construction and maintenance.

(a) The city will tap the water main and extend the service line across the street right-of-way or utility easement to the property line and set the meter box.

(b) At this point, the customer will tie into the meter and construct the service line to the building. The city will maintain the water service line from the water main to the water meter located adjacent to the customer property line.

(c) The customer will maintain the building service line from the point it ties into the water meter to the customer building.

(d) A current schedule of the foregoing rates, charges and deposits shall be maintained in the office of the city secretary.

(e) No free water service shall be allowed or permitted and, to the extent that the city and its departments, except for the city's waterworks system, they shall avail themselves of the services of the city's water works system, they shall pay therefor the same rates charged other customers.

(f) The waterworks system shall be operated on a fully metered basis to its customers, without exception.

(g) No dual connections shall be allowed; dual connections being more than one user on a single meter.

(Code 1978, § 24-24; Code 1993, § 82-24)

Sec. 46-25. - When connection with sewer main is compulsory.

The owner of every tract of land abutting or adjacent to Lizzie Lane or Persimmon, which tract of land is served by city sewer service, or which tract abuts on a street in which or adjacent to which a sewer line is constructed by the funding through community development block grant, shall be required to connect to such sewer line within 60 days after such sewer line is placed in service and such owners shall discharge the wastewater from any structures on such land into the sewer system; provided, however, nothing in this section shall restrict the right of the city to limit the types of discharges which are allowed into the city's sewer system.

(Code 1993, § 82-25; Ord. No. 89-07, § 24-25, 5-1-1989)

Secs. 46-26—46-53. - Reserved.