

WATER

DIVISION 1. GENERALLY

Definitions.

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

Backflow preventer means an anti-siphon device to prevent backflow of water from customer's system to the city water system.

Corporation stop means a device or valve placed by the city on the city's side of its meter for exclusive use of the city.

Cross connection means a physical connection or other arrangement through which a potable water system may be contaminated by back siphonage or backflow.

Customer in line stop means a valve placed on the customer side of meter for use by the customer.

Meter means the instrument installed to measure the volume of water delivered.

Potable water means water which is satisfactory for drinking, culinary and domestic purposes, and meets the requirements of the health authority having jurisdiction.

Pressure regulator means a device to regulate the pressure of water from the city's water system to the customer's system.

Rate means every compensation, tariff, charge, fare, toll, rental, and classification or any of those items demanded, observed, charged, or collected whether directly or indirectly by any retail public utility for any service, product and any rules, regulations, practices, or contracts affecting that compensation, tariff, charge, fare, toll, rental, or classification.

Water main means a water supply pipe for public or community use.

Water service pipe means the pipe from the water main or other water supply source to the property served.

Penalties.

- (a) *Civil and criminal penalties.* The city shall have the power to administer and enforce the provisions of this division as may be required by governing law. Any person, firm, or corporation violating any provision of this division is subject to suit for injunctive relief as well as prosecution for criminal violations.
- (b) *Criminal prosecution.* Any person, firm, or corporation violating any provision of this division shall, upon conviction, be fined a sum not exceeding \$2,000.00. Each day that a provision of this division is violated shall constitute a separate offense. An offense under this division is a class C misdemeanor.
- (c) *Civil remedies.* Nothing in this division shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this division and to seek remedies as allowed by law, including but not limited to the following:
 - (1) Injunctive relief to prevent specific conduct that violates the division or to require specific conduct that is necessary for compliance with the division;

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- (2) A civil penalty up \$1,000.00 a day, when it is shown that the defendant was actually notified of the provisions of the division and, after receiving notice, committed acts in violation of the division or failed to take action necessary for compliance with the division; and
- (3) Any and all other available relief allowed by law

Compliance with article prerequisite to service.

The city shall not supply water to any business or residence unless this article and section 102-179 are complied with.

Turning supply on or off.

It shall be unlawful for any person, other than a duly authorized employee or agent of the city, to turn on or off the water supply to any premises at the curb stop, valve or meter. Any person violating this provision shall, upon conviction, be punished.

Unauthorized use or waste of water.

- (a) It shall be unlawful for any person to take or use water from the water system of the city, except under the terms and conditions specified and stipulated in this article. All owners and occupants of property are prohibited from furnishing water supply to others for any purpose other than specified in this article.
- (b) It shall be unlawful for any person to willfully or negligently wastewater in any manner whatsoever, and any person having knowledge of any condition whereby water is being wasted shall at once notify the city. The refusal or neglect of an owner or occupant to equip and maintain the premises with proper service connections, utilities or fixtures of approved character and quality to prevent waste of water shall be sufficient ground for the refusal of the city to connect the premises with the city waterworks or to continue such service after having given notice of intention to shut off the water, pending the necessary correction.

Limitation on use of water during fire.

Consumers of city water shall shut off sprinklers or any steady flow of water they may be using whenever a fire occurs and keep the water shut off until the fire is out.

Unauthorized use of fire hydrants.

Fire hydrants are provided by the city for the sole purpose of use to extinguish fire and are to be used and opened only by the water distribution and fire departments or such persons as may be given authority by the city. It shall be unlawful for any person to conduct or carry away any water from any fire hydrant without authority from the city.

Obstructing fire hydrants, gate valves, curb stops, manholes or meters.

It shall be unlawful for any person to place upon or about any fire hydrant, gate valve, curb stop, manhole, water meter or meter box connected with any pipe of the city any object, materials, debris or structure of any kind.

Customer's notice of change of address.

If any customer of the city's water service change his place of business or residence, notice shall be given the city within 24 hours after such change.

DIVISION 2. CONNECTIONS

Application and contract for service.

- (a) Before water shall be supplied to any premises by the city, the owner or occupant of the premises shall make written application therefor upon a form provided by the city, which application shall serve as an agreement and contract on the part of the applicant to pay for connections and for all water used at the stipulated rates and in the manner provided for in this article, reserving to the city the right to enforce and collect all rates and charges as provided for in this article and to change rates or to temporarily discontinue the service without notice to the consumer, and that the city shall not be responsible for any damage by water or otherwise resulting from defective or faulty plumbing, broken or faulty service or water mains or resulting from any condition of the water itself or from any substance that may be by nature mixed with or be in the water delivered to the consumer.
- (b) The application shall state whether the premises are or will be occupied by the owner or tenant and shall give the name and address to which the bills shall be mailed and the name of the person in control of the premises or of the business conducted therein or thereon and shall show in whose name the account shall be carried for water furnished.
- (c) It shall be unlawful for any person to use water from any service connection until application for such service has been filed at the cashier's office in the municipal building, 205 North River Street in accord with this section.
- (d) The utility billing office will require account holders to provide proof of identity through a state-issued driver's license, state-issued identification card, or other identification with a photograph to verify the identity of the applicant for service. Residential utility accounts shall be established in the names of the individuals owning or leasing the residence.
- (e) If any person makes any false statement in an application for water service connections or water supply service, he shall, upon conviction, be punished as provided in section 1-14.
- (f) Person(s) who reside outside of the city limits and are applying for water will submit a copy of their approved On-Site Sewage Facility from the Office of Emergency Management and Permits before any connections are made.

City to install and maintain service connections.

The city shall install and maintain all water service connections, except as otherwise provided in section 102-101.

Tap fee; water.

- (a) The cost of making a tap to the city water main shall be paid for by the applicant for water service. For services larger than two inches, the city water department will provide a cost estimate of required materials upon application for service.
- (b) The minimum cost or fee for making a three-fourths, one and two-inch tap to a city water main shall be as established by the city council.
- (c) When a laid in place water tap has been made by a developer, the minimum cost for a water tap already laid in place shall be as established by the city council. The term "laid in place water tap" means a tap whereby a city-approved service line has been extended from the main to the property line by the developer.

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- (d) City forces will be responsible for locating the laid in place water taps from the record drawings furnished by the developer. If those drawings are inaccurate, the developer will be required to locate the laid in place taps.

Connections with unauthorized lines.

The city will not connect to any water lines which are laid unauthorized through or across private property, and private water lines cannot be laid or remain laid or connected through or across any public street, alley or road.

Service provided through mains located in streets, alleys or roads.

Neither water service connections nor water supply service can be provided for any premises where no water mains exist in the street, alley or road adjacent to the property for which such service connection and water supply service is sought, and no water service connection or water supply service shall be provided, except through connections made prior to March 20, 1962, over, through, across or along any private easement or right-of-way.

Main extensions.

- (a) Where water service is desired and no main exists in an adjoining street, alley or road from which to make the connection, the applicant for water service shall make a written request to the city for service. The request shall be accompanied by a nonrefundable application fee in the amount established by the city council and a detailed preliminary map or plat prepared by a registered professional engineer showing the location of the proposed water line, the proposed usage requirements and surrounding conditions, to include roadways, street pavements, railroad crossings, utility easements, rock excavations, drainage and other physical obstructions to the main extension.
- (b) The director of utilities shall review the application to ascertain compliance with all applicable federal, state and local regulations and requirements, with specific attention to the impact of the proposed extension on the city's existing water distribution system and production plant. Any application not in compliance with such regulations and requirements or creating a requirement for service in excess of the existing capacity of the water distribution system or production plant, shall be rejected.
- (c) If the director of utilities ascertains that the application satisfies the requirements of this section or can be made to satisfy such requirements with modification, he shall recommend to the city council that the application shall be approved or approved subject to requisite modifications. If the application does not satisfy such requirements and cannot be made to satisfy such requirements, he shall recommend that it be disapproved. Required modifications may include any requirements for oversizing of the proposed extension main that the director of utilities deems appropriate in light of expected future usage of the main. The director of utilities shall then prepare a cost estimate for the proposed extension main and shall submit the estimate to the city council with his recommendations. The estimate shall include but not be limited to all procurement, engineering, administrative and construction costs associated with the main extension project. The city council shall approve or disapprove the application, with or without modifications, and the director of utilities will notify the applicant in writing of the council's action within 60 days of the date of application. The applicant shall also be advised of the estimated cost of the project, less the cost of any oversizing requirements imposed by the director of utilities in excess of the actual requirements of the applicant as determined by the city.
- (d) Within 30 days of receipt from the director of utilities of the notice of approval, approval with modification or disapproval, the applicant shall deposit with the city a cash sum in the full amount of the cost estimate of the project, less the cost of any oversizing requirements imposed by the director of utilities in excess of the actual requirements of applicant as determined by the city. Within 90 days from the date of receipt of the deposit, the city shall commence work on the main extension and use every reasonable effort to complete the extension in a timely manner.

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- (e) The director of utilities shall calculate the per extension line front foot cost of the main extension. The cost of the main extension will be prorated to property owners benefiting from the extension on a per extension line front foot basis. The per extension line front foot cost will be applied to the extension line front footage of the lot to which service is desired and shall be due at the time connection is made in addition to any other service or connection charges required by the city. These prorated charges shall be refunded to the original applicant by the city as they are received. The total aggregate amount to be repaid to the applicant shall never exceed the total amount paid by the applicant to the city less the applicant's per extension line front foot pro rata share of the total project cost. After refund of the sum to the applicant or after five years from the date of the original deposit, whichever shall occur first, all or any portion of the deposit remaining unrefunded to the applicant shall be conclusively deemed to have become the property of the city as partial compensation for the cost of operating and maintaining the extension line and the depreciation thereof. If the city shall, at any time, lawfully discontinue any utility service to the applicant because of failure to pay any utility service charge or fee, all right to any further repayment shall immediately terminate. If the main is further extended beyond the point covered by the applicant's deposit and no additional deposit is made by the applicant, no refund shall be made on account of service connections on such extension of the main beyond the present extension. No refund will be made for any consumer connected after five years from the date of original deposit. The right to any such refund will terminate upon assignment or sale of the property first serviced in the original application.
- (f) Absolute legal and equitable title to the main extension, wherever laid, and to all property installed by the city to provide utility service shall remain vested in the city, its successors and assigns, and the city shall at all times exercise all rights of ownership and control over the main extension and property use for all purposes in its Charter or as allowed by law, and make such extensions thereof and connections therewith as the city deems appropriate.

Cross connections are prohibited.

Cross connections of water furnished by the city with any other source of water supply shall not be made or maintained. The state and federal regulations forbid cross connections or any arrangement of piping which could in any way cause or permit any induction of contamination into the city water supply system, and this and all other state and federal regulations shall be strictly enforced.

Unauthorized making or changing of service connections.

It shall be unlawful for any person to make any connection with any water service pipe without first having obtained authority from the city or to change any service connection to avoid the registration of water used by any consumer.

Backflow prevention assemblies.

- (a) *General.* No water connection shall be made to any establishment where a potential or actual contamination hazard exists unless the water supply is protected in accordance with the Texas Commission on Environmental Quality (TCEQ) Rules and Regulations for Public Water Systems (290 Rules), the International Plumbing Code as adopted by the City of Smiley, and this section. The water purveyor may discontinue water service if a required backflow prevention assembly is not installed, maintained and tested in accordance with the 290 Rules and this section.
- (b) *Backflow prevention assembly installation, testing and maintenance.*
- (1) All backflow prevention assemblies shall be tested upon installation by a licensed 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 specification at least annually. Backflow assemblies which are installed to provide protection against the hazard posed by residential irrigation (sprinkler) systems must also be tested and certified to be operating within specifications at least once every three years.

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- (2) All backflow prevention assemblies shall be installed and tested in accordance with the manufacturer's instructions, the American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control (Manual M14) or The University of Southern California Manual of Cross-Connection Control.
 - (3) Assemblies shall be repaired, overhauled, or replaced at the expense of the customer whenever said assemblies are found to be defective. Original forms of such test, repairs, and overhaul shall be kept and submitted to the City of Smiley within five working days of the test, repair or overhaul of each backflow prevention assembly.
 - (4) No backflow prevention assembly or device shall be removed from use, relocated, or other assembly or device substituted without approval of the City of Smiley. Whenever the existing assembly or device is moved from the present location or cannot be repaired, the backflow assembly or device shall be replaced with a backflow prevention assembly or device that complies with this section as approved by the American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control (Manual M14), current edition, University of Southern California Manual of Cross-Connection Control, current edition, or the current plumbing code of the City of Smiley, whichever is more stringent.
 - (5) Test gauges used for backflow prevention assembly testing shall be tested for accuracy at least annually in accordance with the American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control (Manual M14), current edition, or the University of Southern California's Manual of Cross-Connection Control, current edition. The original gauge accuracy test form must be submitted to the City of Smiley within five working days after the gauge has been tested for accuracy.
 - (6) A recognized backflow prevention assembly tester must hold a current license from the Texas Commission on Environmental Quality.
- (c) *Customer service inspections.*
- (1) The customer shall allow his property to be inspected for possible cross-connection and other potential contamination hazards. These inspections shall be conducted by the water system or its designated agent prior to initiating new water service; when there is reason to believe that cross-connection or other potential contamination hazards exist; or after any major changes to the private water distribution facilities. The inspections shall be conducted during the water system's normal business hours.
 - (2) A customer service inspection shall be completed prior to providing continuous water service to all new construction, on any existing service when the water purveyor has reason to believe that cross-connections or other contaminant hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities.
 - (3) Only individuals with the following credentials shall be recognized as capable of conducting a customer service inspection:
 - a. Plumbing inspectors and water supply protection specialists that have been licensed by the Texas State Board of Plumbing Examiners.
 - b. Customer service inspectors that have completed a commission-approved course, passed an examination administered by the executive director, and hold current professional license as a customer service inspector.
 - (4) The customer service inspection must certify that:
 - a. No direct connection between the public drinking water supply and a potential source of contamination does not exist. Potential sources of contamination shall be isolated from the public water system by a properly installed air gap or an appropriate backflow prevention assembly.
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- b. No cross-connection between the public water supply and a private water source exists. Where an actual properly installed air gap is not maintained between the public water supply and a private water supply, an approved reduced pressure-zone backflow prevention assembly is properly installed and a service agreement exists for annual inspection and testing by a recognized backflow prevention assembly tester.
 - c. No connection exists which allows water to be returned to the public drinking water supply is permitted.
 - d. No pipe or pipe fitting which contains more than eight percent lead was used for the installation or repair of plumbing at any connection that provides water for human use.
 - e. No solder or flux which contains more than 0.2 percent lead has been used for the installation or repair of plumbing at any connection that provides water for human use. A minimum of one lead test shall be performed for each inspection.
- (d) *Thermal expansion.* With the installation of backflow prevention assemblies at the service connection, a "closed-system" is created. This closed-system could result in injury to the water system customer or damage to the customer's property if adequate safety measures, such as the installation of thermal expansion tanks, are not implemented.
- (1) Thermal expansion may cause damage ranging from leaking faucets to a ruptured water heater if the condition is not addressed.
 - (2) The City of Smiley shall provide customers with information regarding thermal expansion when the city requires a backflow prevention assembly to be installed at the customer's service connection. The city shall not accept any liability resulting from thermal expansion at a customer's property.
- (e) *Fire hydrant protection.* An approved double-check valve backflow prevention assembly (DCVA) or reduced-pressure principle backflow prevention assembly (RPBA) shall be the minimum protection for fire hydrant water meters which are being used for a temporary water supply during any construction or other uses which could pose a potential hazard to the public water supply.
- (1) A RPBA must be installed if any solution other than potable water can be introduced into the system.
 - (2) It is the responsibility of all persons engaging in the use and rental of a fire hydrant water meter to abide by the conditions of this article. All fire hydrant meter rentals shall meet the current requirements as provided for by the city.

Responsibilities for customer yard piping.

- (a) The City of Smiley will maintain, repair, and replace water service lines and meters from the distribution main to the outlet side of the meter, including the outlet side meter coupling.
- (b) The customer is responsible for installation, maintenance, repair and replacement of customer side equipment, including, but not limited to, pressure regulating valves and yard piping extending from the outlet side of the meter coupling throughout the remainder of the customer's property in accordance with the plumbing code adopted by the city.
- (c) The customer is responsible for all maintenance of the pressure regulating valve on the customer side of the meter.

DIVISION 3. METERS

Required.

Consumers shall be supplied with water by the city only by measurement through a meter.

Size and location.

The water distribution department shall in all cases decide on the size and location of the water meter based on information supplied by the applicant. Such meter shall be so located as to be accessible at all times to meter readers, checkers, inspectors and other authorized city employees.

Prerequisites to setting.

No water meter shall be set until the water meter application and contract have been signed and accepted by the city, and then not until water service connections are provided in full, keeping with the city's rules and regulations.

Connecting separate properties through one meter.

The connecting of separate properties through one water meter will not be allowed.

Use of more than one meter per building or space.

Not more than one meter can be supplied to any one building or lease space, with the exception of meters for lawn sprinkler systems.

Ownership; repair and replacement.

All water meters furnished by the city shall remain at all times the property of the city and shall be maintained and repaired, when rendered unserviceable by fair wear and tear, or renewed by the city. When replacement, repairs or adjustments of any meter are rendered necessary by the act, neglect or carelessness of the owner or occupant of any premises, any expenses caused to the city thereby shall be charged against and collected from the owner or occupant of the premises, and if not paid, all services shall be discontinued.

Control of meters, curb stops, valves and meter boxes.

All water meters, curb stops, valves and meter boxes connected with the water distribution mains and service lines, including those furnished at the expense of the consumer or property owner, shall remain under the direct control of the city. The city water department shall require a customer in line stop valve for the use of the customer on the customer's side of the meter. This valve shall be installed and maintained by the customer at the customer's expense.

Interfering with meter or meter box.

It shall be unlawful for any person, other than a duly authorized employee or agent of the city, to connect, disconnect, move, injure, damage or tamper with any water meter or to open, move or tamper with any meter box. Any person violating this section, upon conviction, shall be punished as set forth in section 1-14.

Prohibition on Master Meters and Sub-Metering.

- (a) Each dwelling unit, manufactured home, or commercial space shall be served by a separate individual meter connected directly to the City's water system.
- (b) Master meters serving multiple units, with private sub-metering or internal distribution, are prohibited. No customer shall install, allow, or support any piping arrangement that provides service to more than one dwelling unit, residence, or business through a single City meter, except where expressly authorized by the City for irrigation systems or temporary construction water.
- (c) Any violation of this section constitutes a separate offense for each day water service is provided in violation. Upon conviction, the violator shall be subject to fines as provided in Section 1-14 of this Code, and the City may terminate water service until compliance is achieved.
- (d) In addition to criminal penalties, the city may impose a civil penalty of up to \$1,000 per day and seek injunctive relief under applicable law.
- (e) The City may need removal of unauthorized master meter connections at the owner's expense and shall not reconnect service until all fines, fees, and costs of correction are paid in full.

DIVISION 4. DEPOSIT AND SERVICE CHARGES

Payment-guaranty deposit.

Every applicant for water service shall be required to make a payment-guaranty deposit per meter for residential and commercial customers in the amount as established by the city council.

Single point delivery.

The rates in this division are based upon the supply of water to the entire premises through a single delivery and metering point. A separate supply of water for the same consumer at other points of consumption shall be separately metered and billed.

Rates.

- (a) *Generally.* The rates for water supplied by the city shall be as established in this section.
- (b) *City residential customers.*
- (1) *Applicability.* This rate is applicable to single-family residential customers whose residence is inside the city limits for all domestic usage where all water is taken through a single meter. Service will be furnished under this rate schedule subject to the established rules and regulations of the city covering this type of service.
 - (2) *Rate.* The rates shall be as established by the city council.
 - (3) *Minimum charge.* The minimum charge shall be as established by the city council and set forth in appendix C to this Code.
 - (4) *Multiple-dwelling units.* Multiple-dwelling units, when served under one meter, shall be billed under the applicable rate schedule for the amount of water usage measured, plus an additional charge as established by the city council for each additional residence connected to the meter.

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- (c) *Residential customers whose residence is outside the city limits.*
- (1) *Applicability.* This rate is applicable to every single-family residential customer whose residence is outside the city limits for all domestic water usage where all water is taken through a single meter. Service will be furnished under this rate schedule subject to the established rules and regulations of the city covering this type of service.
 - (2) *Rate.* The rates shall be as established by the city council by resolution and set forth in appendix C to this Code.
 - (3) *Minimum charge.* The minimum charge shall be as established by the city council.
 - (4) *Multiple-dwelling units.* Where more than one dwelling is served through one meter, rates will be charged at the commercial rate.
 - (5) There will be no extension of city-owned and -operated water or sewer utilities to any area outside the corporate city limits until said property is annexed into the city limits. Any extension to city owned and operated water and sewer utilities will be accomplished at the customer's expense. All water and sewer lines will be of a size and type specified by the city and will become city property after completed and approved by the city. Service shall commence after the utility deposit, new connection fee, and installation charge for all utility extensions are paid in full
- (d) *Commercial and industrial customers inside city.*
- (1) *Applicability.* This rate is applicable to all consumers billed through a single meter for water usage used for a commercial or industrial business establishment. Service will be furnished under this rate schedule subject to the established rules and regulations of the city covering this type of service.
 - (2) *Rate.* The rates shall be as established by the city council and set forth in appendix C to this Code.
- (e) *Commercial and industrial customers outside city limits.*
- (1) *Applicability.* This rate shall be applicable to all consumers billed through a single meter for water usage used for a commercial or industrial business establishment outside city limits. Service will be furnished under this rate schedule subject to the established rules and regulations of the city covering this type of service.
 - (2) *Rate.* This rate shall be established by the city council.

Rates for water purchased at city public works warehouse yard tap.

The rates for purchases of water at the city public works warehouse yard tap are the rates set forth by the city council as commercial water rates.

Changing rates; rebates and refunds prohibited.

The rates prescribed by this division cannot be changed, altered or varied except by city council action. No officer, agent or employee of the city or its water department shall have authority to give, grant or permit any changes, variations, rebates or refunds on bills for water supplied.

Meter reading and billing.

Water meters shall be read on such dates as shall be designated by the director of utilities and the customer notified promptly in writing of the amounts of consumption since the last meter reading and the amount of the bill. Meters shall be read once each month. If a customer has commenced his service during any particular billing, such meter shall be read at the termination of the billing period then current, and the customer notified promptly in writing of the amount of consumption since the last meter reading and the amount of the bill. Bills shall be rendered when mailed to the customer by the city, but failure to receive any bill by any customer shall not relieve such customer of the necessity of paying for water furnished within the times stipulated in this division.

Amount of charge when meter out of order.

Whenever a water meter is found to be out of order or not registering correctly, the charge or bill for that particular month shall be based on the average daily consumption when the meter was or is working correctly.

Responsibility for payment for multiple users.

- (a) When water is supplied to more than one owner, occupant or family through a single service pipe on which there is a meter, the city will not undertake to apportion the charge for such use of water among the several owners, occupants or families, but the bill for such use of water will be charged against the owner or occupant for whose premises the service shall have been provided by regular application. Such owner or occupant shall be fully responsible for payment of the gross consumption in accordance with the meter registration.
- (b) When a property owner desires to connect more than one building to the water supply through one meter, the owner must sign up and be responsible for all of the water passing through the meter.

Payment and delinquency.

- (a) All bills for water furnished by the city shall be payable at city hall, 207 Steele St., Smiley, Texas 78159.
- (b) The rates listed in this division and as established by the city council are net, payable 15 days after being rendered. The gross rates are ten percent higher than the net rates listed. If the current monthly bill is not paid and received at the municipal building (207 Steele Street, Smiley, Texas 78159) within 15 days after being rendered, the gross rates shall apply.

Accrual until notice given to discontinue service.

All charges for water service rendered by the city shall accrue and be charged against the person who signed the application and contract for service until such time as written notice is given the city by such person or his duly authorized agent to discontinue the service.

Reconnection policy.

- (a) The failure to pay all bills for water service furnished to any consumer within the time stipulated for such payment shall be deemed notice for the discontinuance of water service, and water shall be cut off and shall not be cut on again until all bills, including penalties, are paid in full, together with a reconnection fee per meter as established by the city council, plus any applicable deposit fee. The water service shall be discontinued as to all uses thereof for those consumers who fail to pay for the charges within 20 days after the date of the original billing.
- (b) If any customer requires temporary disruption of water service because a private cut off is inoperative or cannot be found, that customer shall contact the water distribution department to turn on or off the water supply from the city's cutoff. For each trip the water department makes, a fee as established by the city council will be charged to the customer.
- (c) There will be a connection fee to have new services connected or when services are transferred to a new location. The fees are as established by city council.

ARTICLE IV. WASTEWATER

DIVISION 1. GENERALLY

Unlawful disposal.

- (a) It shall be unlawful for any person to throw or deposit or allow any person under his control to throw or deposit, on the surface of the ground or in any hole or vault in or under the surface of the ground on any lot within the city limits, except in the proper and necessary manuring of the soil, any water which has been used for domestic purposes or any liquid or solid filth, feces or urine.
- (b) It shall be unlawful for any person to allow any slops or washwater or wastewater of any kind to flow over the pavement or into any open gutter or into any street.
- (c) Any person who desires to make connection to the city wastewater system within the city limits shall do so in compliance with section 102-179.

DIVISION 2. CONNECTIONS

Required.

- (a) All owners or occupants of buildings and structures situated within the city limits where sanitary wastewater systems exist are required to connect the premises with the city wastewater system under the standards provided in the plumbing ordinances in chapter 18 of this Code.
- (b) It shall be unlawful and a violation of this section for any person, as lessor, to lease, demise or rent to any tenant whether for a consideration or, as a tenant at will or by sufferance, any building or structure which is not connected with the wastewater system as provided by this section.

Tap fee.

- (a) The cost of making a tap to the city's wastewater main shall be paid by the applicant for wastewater service. The applicant shall pay a cash deposit with the application, which deposit shall be in an amount equal to the city wastewater department's estimated cost. Any overpayment on the estimated cost of the work shall be refunded on demand after the tie-in work is completed. Any deficiency in the estimated cost shall be charged against the applicant's current wastewater bill account.
- (b) The minimum cost of the fee for making a regular tap to a city wastewater main shall be set as established by the city council.
- (c) When a laid in place wastewater tap has been made by a developer, the minimum cost for a wastewater tap already laid in place shall be as established by the city council. The term "laid in place wastewater tap" means a tap whereby a city-approved service line has been extended from the main to the property line by the developer.
- (d) City forces will be responsible for locating the laid in place wastewater taps from the as-built plans furnished by the developer. If those plans are inaccurate, the developer will be required to locate the laid in place taps.

Maintenance of water closets and wastewater connections.

It shall be the duty of all persons required by this article to connect to the city's wastewater system to maintain the water closets on his premises and the wastewater connection in perfect condition and free from any obstruction.

Main extensions (wastewater).

(1) *Generally.*

- (a) Where water or wastewater service is desired and no main exists in an adjoining street, alley or road from which to make the connection, the applicant for service shall make a written request to the city for service.
- (b) The extension must be of a size that conforms to the city's construction design and materials standards and the provisions of the city master plan and capital improvements plans that pertain to utility development, and the design and construction of the extension must meet all state and city regulations.
- (c) All water and wastewater mains shall be sized to provide necessary service to the tract to be developed. The cost of water mains up to eight inches, or of a size required to serve a tract being developed, whichever is larger, shall be paid in full by the applicant.
- (d) Any required valves, fire hydrants, appurtenances or other equipment, appliances or improvements related to and required for the water or wastewater line must be paid for by the applicant. Any necessary boring for line extensions will be at the applicant's expense.
- (e) The extension must be made in a public utility easement or public right-of-way. If an easement or right-of-way is not in place, it will be the applicant's responsibility to acquire an easement on behalf of the city. The form of the easement shall be subject to approval by the city.
- (f) The extension must begin at a city approved point at which adequate capacity is available at time of issuance of site or building permit. Until capacity is adequately demonstrated by the applicant or upon expiration of the site or building permit, the city does not warrant or guarantee line capacity and there shall be no recourse against the city for failure of line capacity to serve the needs of any property.
- (g) Ownership of line extensions, appurtenances and facilities will be transferred to the city upon final acceptance of the improvements by the city. Operation and maintenance of the improvements will become the responsibility of the city upon final acceptance, with the exception of any warranty items.
- (h) Permitting and acceptance of improvements shall follow the process for public improvement construction plans in the city's unified development code.
- (i) Water main extensions shall be consistent with the requirements of the city's fire codes.
- (j) "City manager" in this section shall refer to the city manager or his authorized designee.

(2) *Extension to adjacent properties.*

- (a) Wherever the subject property adjoins undeveloped land, or wherever required to serve the public good, utilities shall be extended to adjacent property lines to allow connection to these utilities by adjacent property owners when such adjacent property is platted and/or developed. The extension shall be made along the entire frontage of the property to a point at which extensions and connections to future subdivisions or developments can be made. If the property or development is not adjacent to a public right-of-way, the extension of water or wastewater lines shall be accomplished in such a manner as to allow future extensions and connections to new subdivisions or developments.
- (b) Pipe stubouts shall be located in manholes to facilitate the future extension of wastewater lines.

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- (c) The planning and zoning commission may waive this requirement through a subdivision variance due to physical or legal constraints on the subject property or on the adjacent property to which service is required to be extended.
- (3) *Requests outside city limits.*
- (a) Applications for connection to or extension of the city wastewater system for property located outside the city limits will be granted only with the approval of the city manager. Each such application must be accompanied by either a written request for annexation of the applicant's property, or a capital improvement agreement outlining the construction of wastewater lines, the provision of easements, and a means for payment of wastewater fees in accordance with either wastewater produced or metered water used.
- (4) *City construction of extensions.* In certain situations such as short extensions where no design work is necessary, the city may, but shall not be required to, construct a water or wastewater line with funds provided by the owner or developer to serve a development in lieu of construction by the owner or developer subject to any requirements of this section and any terms and conditions imposed by the city. Before the city may construct facilities under this section, the owner or developer shall execute an agreement approved by the city manager setting forth the terms and conditions under which the city will perform such service.
- (5) *Oversizing.*
- (a) Where it is determined that water and/or wastewater mains need to be of a larger size or a lift station of a greater capacity than is required to serve the tract to be developed, the city may require the developer to install such oversize improvements. The city will pay the oversizing cost subject to the limits and requirements of the Texas Local Government Code, § 212.072, consisting of the difference between the actual cost of the city-required line and the engineer's approved estimated cost for an eight-inch line, or the line size required to properly serve the use proposed by the applicant as determined by the city manager, whichever is greater.
 - (b) Manholes, cleanouts, odor control facilities and other required appurtenances, equipment, appliances or improvements may be subject to city oversizing participation.
 - (c) Payment from the city will be due only after the improvements are dedicated to and accepted by the city.

Cleaning and repair of private sanitary sewer service lines.

- (a) The property owner/occupant is responsible for cleaning or clearing all stoppages in the private sanitary sewer service line from the house or business to the tap at the city sewer main. The city will not clean or clear any stoppage located in the private sanitary sewer service line regardless of the location of the stoppage.
- (b) The property owner/occupant is responsible for all repairs, including emergency repairs, to the private sanitary sewer service line from the house or business to the property line.
- (c) Upon verification from a licensed plumber of a defective sanitary sewer line from the property line to the main, the city will repair the private sanitary sewer service line.

Procedure.

- (a) The property owner/occupant is responsible for cleaning or clearing all private sanitary sewer service line stoppages.
- (b) If the property owner/occupant determines via camera inspection by a licensed plumber, or by other valid means, that there is a defective service line pipe located between the property line and the sanitary sewer main, the owner/occupant or their plumber should contact the city to schedule an inspection.

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- (c) The city may re-verify property owner/occupant camera inspection report. If there is no functional clean out connection at the property line near the street or alley for access to the service line, the property owner/occupant, who must be at least 18 years of age or older, must sign a consent and release form provided by the city before the city can perform the re-verification camera inspection using the clean out near the house or business. The property/owner occupant is responsible for locating any clean out, or installing one if one does not exist. City employees shall not enter onto private property to perform any work to locate the clean out or make any alteration to the clean out. If the camera inspection confirms the location of the defect within the public right-of-way, the city will schedule and complete repairs at no cost to the owner/occupant.
 - (d) The maintenance and repair of private sanitary sewer service from the house or business to the property line is the responsibility of the property owner. This includes clearing obstructions, repairing a defect that allows the introduction of extraneous flow of debris into the sanitary sewer system, repairing a defect that allows discharge of sewage on the property, and keeping a clean out cap tight and in place on the private sanitary sewer service line. All applicable plumbing and city codes and ordinances must be followed regarding repair work.

DIVISION 3. FEES AND SERVICE CHARGES

Residential customer rates.

- (a) *Applicability.* The residential customer rate shall be applicable to single-family residential customers using city wastewater services for household purposes. Service will be furnished under this rate schedule subject to the established rules and regulations of the city covering this type of service.
- (b) *Rate.* The rate shall be as established by the city council.
- (c) *Minimum bill.* The minimum bill shall be as established by the city council.
- (d) *Multiple-dwelling units.* Multiple-dwelling units, where served under one water meter, shall be billed under the applicable rate schedule for commercial customers.

Commercial and industrial customer rates.

- (a) *Applicability.* The rates established for commercial and industrial customers shall be applicable to all consumers using city wastewater services for a commercial or industrial business establishment. Service will be furnished under this rate schedule subject to the established rules and regulations of the city covering this type of service.
- (b) *Rate.* The rate shall be as established by the city council.
- (c) *Minimum bill.* The minimum bill shall be as established by the city council.

Conditions of service and rate for certain commercial customers.

- (a) A special rate will be provided for wastewater service for commercial establishments in those cases where the greater portion of the water purchased by the consumer from the city is not disposed of through the wastewater system. The special rate provided for in this section shall be effective for only so long as the greater portion of the water is not disposed of through the wastewater system of the city. This rate shall be as established by the city council.
- (b) Such consumer shall not be entitled to the rate established in this section unless and until he has made a formal request with justification to the director of utilities for the establishment of such rate and an agreement to enter into a contract with the city for a period of not less than one year is made.

Changing rates; rebates and refunds prohibited.

The rates prescribed by this division cannot be changed, altered or varied, except by city council action. No officer, agent or employee of the city or its wastewater department shall have the authority to give, grant or permit any changes, variation, rebates or refunds on bills for wastewater service supplied.

Availability of and rates for service outside city.

- (a) Wastewater service shall be available to any user outside the city limits when the property owned or occupied by such user is adjacent to wastewater line of the city or borders a street containing such wastewater line. In such instance the charge for making the wastewater tap will be double the charge made for such tap within the city limits.
- (b) Users of wastewater service of the city furnished outside the city limits will be charged the rates prescribed for such service for the category of customer concerned within the city. In addition each such customer shall be charged a monthly rate as established by the city council, per month, over and above such charges for services.

Billing.

Consumers shall be notified in writing of the amounts of their bills for wastewater service each month. Bills shall be considered rendered when mailed to consumers by the city, but failure to receive any bill by any consumer shall not relieve such consumer of the duty and necessity of paying for wastewater service within the time stipulated in this division. If a consumer commences service within any one monthly period, as determined by the schedule for water and electric meter readings, so that bills for such service shall become due within a period of less than one month after such consumer commences services at such address, such consumer shall be charged his proportionate share of the monthly charges for service for the portion of such monthly period he has used such service at such address.

Where payable.

All bills for wastewater service shall be payable at the cashier's office in the municipal building, 207 Steele Street, Smiley, Texas 78159.

Due date; penalty for delinquency.

Bills for wastewater service shall be due and payable 15 days after being rendered. A penalty of ten percent of the total amount of the consumer's bill shall be added upon failure to pay any bill within the time provided in this section.

Delayed payment.

The rates as established by the city council in this division are net, payable 15 days after being rendered. The gross rates are ten percent higher than the net rates listed. If the current monthly bill is not paid and received at the municipal building (207 Steele Street, Smiley, Texas 78159), within 15 days after being rendered, the gross rates shall apply.

Administration fee due to late payment.

The failure to pay all bills for wastewater service furnished to any consumer within the time stipulated for such payment shall be deemed notice for the discontinuance of wastewater service, and water shall be cut off and shall not be cut on again until all bills, including penalties, are paid in full, together with an administrative fee as established by the city council, per meter, for regular hours reconnection, or a fee as established by the city council, per meter, for after hours reconnection, plus any applicable deposit fee. The water service shall be

discontinued as to all uses thereof for all consumers who fail to pay for the charges within 20 days after the date of the original billing.