

Water and Sewer Use Ordinance

No. 245.1

AN AMENDMENT 245.1 OF AN ORDINANCE OF THE CITY OF BEVIL OAKS, TEXAS AMENDING ORDINANCE 245 AND establishing standards and regulations for the protection of the City's potable water and wastewater facilities; providing definitions; requiring the supply of potable water for human consumption and preparation of food or drink; setting standards for water service pipe and fittings, distribution pipe and fittings, and the protection of the water supply against backflow and crossconnections; authorizing City personnel to enter property for inspection or maintenance; establishing method of setting user charges; authorizing the disconnection of service for nonpayment or violation of water protection standards; establishing requirements for service; providing for penalties including prosecution in the appropriate court if a state or federal statute is violated, a fine in appropriate court of up to \$500 in Municipal Court for violations of Division I and/or civil damages; Assessment of Fees up to \$500 by the Utilities Clerk; making it illegal to injure, tamper with or damage water distribution or treatment facilities; providing for standards for use of grease and grit traps; setting industrial waste standards; including a validity clause and the effective date of this ordinance.

WHEREAS, the City of Bevil Oaks has provided facilities for the production and distribution of potable water to promote the health, safety and convenience of its people;

WHEREAS, the control and protection of the quality of those potable water and wastewater facilities require regulations for its use and enjoyment;

WHEREAS, existing ordinances and regulations for the use of the City's potable water and wastewater facilities must be amended and supplemented for various reasons, including requirements of the Environmental Protection Agency and the Texas Water Commission, and:

WHEREAS, technological updates to the City's water metering system has made it possible to adjust bills for leaks on a more accurate basis and in a manner more equitable for the City's residents, and amendment to the billing adjustment system is necessary.

NOW, therefore be it ordained by the City Council of the City of Bevil Oaks, Texas:

Amendment 245.1 Shall be stated below. All additional Language is underlined and in *italics*. All deleted language shall be ~~struckthrough~~. All sections that do not contain alterations shall remain in full force and effect.

PART I: WATER AND SEWER REGULATIONS

DIVISION I: GENERALLY

SECTION IV

Payment of Charges and Deposits

(i) Billing adjustments are given for water leaks, if requested by a user, ~~for a monthly bill that is double their monthly average water usage;~~ as long as all of the qualifications are met below, and only one adjustment is allowed per two year period.

(1) With the updated technology used by the City of Bevil Oaks Water Department for recognizing leaks, and the ability to notify residents sooner, the leak adjustment requirements will be as stated below.

(2) Once the resident has been notified by city personnel, the resident has fifteen (15) days to fix the leak and request the adjustment, showing proof the leak has been rectified.

(3) An adjustment for a leak where the leak was detected by the software used by city personnel, an adjustment will be calculated as follows:

(a) City personnel will take the total for the leak shown on the software (which residents can see for themselves on eyeonwater.com) starting at the hour the leak started and stopping at the hour after the leak stopped.

(b) They will then multiply that usage by the current cost per gallon for sewer only.

(c) That amount will be taken off the bill during which the leak took place or the bill immediately following.

(4) Should the system not read or show the leak for a reason deemed not the residents fault, it will be determined as follows:

(1)(a) A user's monthly average water usage is determined by totaling a user's water usage for three months prior to the billing period for which they are requesting an adjustment and dividing by three to determine a monthly average usage.

(2)(b) The user's monthly average is deducted from the total amount of water usage shown on the bill to be adjusted, and that balance is then divided by two.

(3)(c) The result is the amount of the adjustment to made to the user's sewer account.

(4)(d) City personnel must be satisfied prior to a billing adjustment being made that excess usage was not due to a user's neglect in the installation, operation or maintenance of the water service. City personnel must also be satisfied that the cause of the abnormally high billing for water and sewer services was not due to increased usage by the user, but rather due to a leak in the water service system and the resident has provided proof of repair.

(5) The City must be notified within ~~sixty (60) days~~ fifteen (15) days following receipt of a bill for which adjustment is requested.

~~(6) If the City, through early detection efforts, has notified the user of a leak in the water service system, in addition to the above stated requirements, the user shall request~~

~~an adjustment and take appropriate action to remedy the leak within fifteen (15) days of notice. Otherwise, the user shall not be eligible for an adjustment.~~

PASSED AND APPROVED FROM this 04 day of April, 2018.

EFFECTIVE FROM this 04 day of April, 2018.

ATTEST:

Rebecca M. Ford
Rebecca M. Ford, Mayor
City of Bevil Oaks, Texas

City Secretary
City of Bevil Oaks



ORDINANCE 245.1

Rate Schedule – Effective October 4, 2018

Usage Fees

- (a) A usage fee will be added to each sewer connection in the amount of \$23.50 for each monthly bill as set forth in Ordinance #245. This fee will increase to \$39\90 starting January 1, 2019.

Water Service Rates

- (a) Effective as Effective Date noted in the title, Water Service Rates are \$0.013/gallon. Minimum usage charged assessed is \$1,000 gallons (#13.00 for water service, minimum charges also apply for wastewater usage).
- (b) Water service (water and sewer tap) connections
 - (1) The following fees shall be charged on all water and sewer installations requiring the following sizes of service connections:

RESIDENTIAL TAP FEES

5/8" WATER TAP	\$ 1,250.00
1 " WATER TAP	\$ 1,380.00
OVER 1 + WATER TAP	COST + 10%
4" SEWER TAP	\$1,250.00
STANDARD LPSS TAP on Standard Street Width	\$1,250.00
6" SEWER TAP	COST + 10%
WATER AND SEWER TAPS on Highway and Streets or in Excess of 28' PAVEMENT WIDTH	COST + 10%

COMMERCIAL OR SPECIAL TAP FEES

SEWER TAPS (ALL SIZES)	Require Estimate
SPECIAL TAPS	COST + 10%
NOTE: Not to be less than Residential	
DUAL SEWER CONNECTIONS/SINGLE LINE TAP	\$1,250.00
NOTE: For 2 Units on Same Lot	
SPECIAL ITEMS	COST + 10%
LPSS (Lower Pressure Sewer System)	\$3500.00
NOTE: Installing at Customer Request, Flush Valves, Fire Plugs, Manhole Cleanouts, Etc.	
	COST + 10%

- (2) For each item listed above, an additional charge will be added to cover paving repair costs. Paving repair costs shall be estimated by the engineer for the City of Bevil Oaks with the cost thereof to be based on current prices of labor, equipment and materials

established by the engineer. These prices shall be reviewed annually to ensure the adequacy of the prices to cover the total cost of construction of the water and sanitary sewer utility. Any adjustment the director of water utilities deems necessary will be presented to Council for approval.

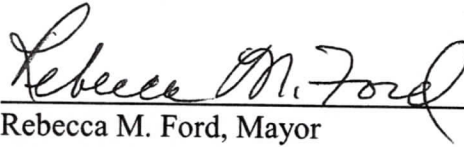
Wastewater Service Rates

- (a) Effective as Effective Date noted in the title, Wastewater Service Rates are \$0.013/gallon. Minimum usage charged assessed is \$1,000 gallons (#13.00 for Wastewater service, minimum charges also apply for water usage).

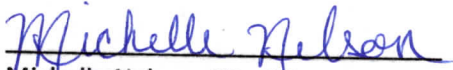
held to be invalid, such invalidity shall in no way affect the remaining portions of this Ordinance and to such end the various portion and provisions of this Ordinance are declared to be severable.

PASSED AND APPROVED AND EFFECTIVE FROM this 4th day of April, 2018.

ATTEST:



Rebecca M. Ford, Mayor
City of Bevil Oaks, Texas



Michelle Nelson, City Secretary
City of Bevil Oaks, Texas

Water and Sewer Use Ordinance*

No. _____

AN ORDINANCE OF THE CITY OF BEVIL OAKS, TEXAS AMENDING ORDINANCE 245 establishing standards and regulations for the protection of the City's potable water and wastewater facilities; providing definitions; requiring the supply of potable water for human consumption and preparation of food or drink; setting standards for water service pipe and fittings, distribution pipe and fittings, and the protection of the water supply against backflow and crossconnections; authorizing City personnel to enter property for inspection or maintenance; establishing method of setting user charges; authorizing the disconnection of service for nonpayment or violation of water protection standards; establishing requirements for service; providing for penalties including prosecution in the appropriate court if a state or federal statute is violated, a fine in appropriate court of up to \$500 in Municipal Court for violations of Division I and/or civil damages; Assessment of Fees up to \$500 by the Utilities Clerk; making it illegal to injure, tamper with or damage water distribution or treatment facilities; providing for standards for use of grease and grit traps; setting industrial waste standards; including a validity clause and the effective date of this ordinance.

WHEREAS, the City of Bevil Oaks has provided facilities for the production and distribution of potable water to promote the health, safety and convenience of its people;

WHEREAS, the control and protection of the quality of those potable water and wastewater facilities require regulations for its use and enjoyment; and

WHEREAS, existing ordinances and regulations for the use of the City's potable water and wastewater facilities must be amended and supplemented for various reasons, including requirements of the Environmental Protection Agency and the Texas Water Commission:

NOW, therefore be it ordained by the City Council of the City of Bevil Oaks, Texas:

PART I: WATER AND SEWER REGULATIONS

DIVISION I: GENERALLY

**Section I
Purpose**

The purpose of this ordinance shall be to establish standards for the use of the City's potable water facilities in order to maintain the systems financial stability and to protect the health and safety of it's citizens and the public.

Section II
Water service Rates

- (a) Effective as of Effective Date noted below, all Water Service Rates shall be detailed in the attached Rate Schedule. The Rate Schedule may be amended from time to time with the Effective Date of such adjustment noted in the title of the Rate Schedule.
- (b) The most recent Rate Schedule shall govern billing practices.

SECTION III
Wastewater Service Rates

- (a) Effective as of Effective Date noted below, Wastewater Service shall be detailed in the attached Rate Schedule. The Rate Schedule may be amended from time to time with the Effective Date of such adjustment noted in the title of the Rate Schedule.
- (b) The most recent Rate Schedule shall govern billing practices.

SECTION IV
Payment of Charges and Deposits

- (a) All bills shall be due on the 21st of each month, unless the 21st is a Saturday, Sunday or legal holiday as defined by Federal law (5 U.S.C. 6103), in which case the bills shall be due the following business day. Payment must be made by close of business or 5 pm, whichever is earlier. For example, at 5:01 pm any unpaid bill will be assessed a late fee.
- (b) Failure or refusal by any customer to pay any bill to the city, upon demand, shall constitute a breach of contract, and water and sewer service may, within ten (10) days from notice of such failure, be discontinued to the customer, and such services shall not be renewed until the customer has paid all delinquent bills, plus the following applicable service charges:
 - (1) Meter removed: \$55.00.
 - (2) Service killed at the main line: \$300.00.
 - (3) Second trip on service turn-on/Discretionary requests to shutoff: \$27.50.
 - (4) Disconnect fee: \$25.00
 - (5) Reconnect fee: \$25.00
 - (6) Returned check: \$35.00.
 - (7) Late fee: \$15.00.
 - (8) Tampering fee: \$100.00 (first occurrence)
 - (9) Tampering fee: \$500.00 (all subsequent occurrences after first occurrence of tampering)

- (10) Emergency calls for customer-side water/sewer issues: Actual costs plus call-out fee as charged by the City's utility contractor. Such fees shall be incurred and assessed if the customer uses the after-hours emergency City service and contractor confirms the issue is on the customer's side of the water/sewer service.
- (11) Sewer blockage assessment: if the a customer contacts the City's utility contractor to assess a sewer blockage and the customer does NOT have a sewer cleanout installed in on the customer's side, then the customer shall be assessed, at a minimum, the call-out fee charged by the City's utility contractor. Any additional costs incurred under the direction of the City's utility contractor to remedy a sewer blockage on the customer's side shall be assessed as incurred.
- (c) Damaged equipment – actual cost for equipment and any labor charged by the City's utility contractor. Water service will be discontinued until payment for the damaged equipment is received.
- (d) Owner/Tenant Account Responsibility: the actual owner (as indicated by the Jefferson County Appraisal District records or recorded property records presented by owner) shall be responsible for all charges incurred by users present on the owner's property. If the owner is landlord leasing the property, whether the tenant is compliant with the City's utility account registration requirements does not affect whether the property will receive water and sewer service. The owner is responsible for paying all charges previously assessed pertaining to the residence for the owner's or the previous tenant's use, such as charges related to damages to City equipment or water used when a tenant was not present. The actual owner must have a zero balance for all water meter accounts associated with the property before any tenant is authorized to receive water service.

(c) Any meter locked out for non-payment will be reconnected within 24 hours if payment is tendered directly to a city employee during regular business hours. Otherwise, reconnections shall occur no later than the following business day following payment of all delinquent charges and surcharges.

(d) No meter will be turned on unless an applicant/user is home to verify proper functioning of all plumbing fixtures.

(e) Tampering – tampering shall be defined as any unauthorized access to the meter box or City water equipment. This shall include, but is not limited to the following: opening the meter box lid, damaging the meter box or any equipment contained therein; turning valves to stop or start water service;

(e) The City Utilities clerk may require from any applicant for water/sewer service a cash deposit to secure payment of water and sewer charges or any other charges that may accrue, and when such deposit is made on behalf of Home Owners it shall be One Hundred Dollars (\$100.00), plus a non-refundable application fee (\$10.00); for all rental tenants the deposit is one hundred and fifty dollars, plus a non-refundable application fee (\$10.00); provided, however, additional deposits may be required from any applicant to pay past due charges or to accrue for the services. Failure to pay the additional deposit will forfeit the

right to water and sewer services and the same may be discontinued five (5) days after notice to pay such additional deposit.

(f) Users who request installation of a second meter shall incur installation costs as charged by the City's utility contractor. Such charges shall include but not be limited to the following equipment and service charges: actual cost of the meter and endpoint; cost of the meter lid and box; cost of equipment and labor to install a second tap on the respective water line. All second meters shall incur an additional surcharge for administrative overhead of \$3.00 per month.

(g) Payment of a delinquent account and/or for reconnection with a check from an account with insufficient funds will result in immediate disconnection. Reconnection in such instances will require payment in full with cash, money order, credit card or cashier's check.

(h) If a user pays an account with check drawing upon an account(s) with insufficient funds more than once, the City shall require all future accounts payments be made with cash, money order, credit card or cashier's check. Such a request shall be in writing and shall note which months' account balance were paid with checks drawn upon an account(s) with insufficient funds.

(i) Billing adjustments are given for water leaks, if requested by a user, for a monthly bill that is double their monthly average water usage; one adjustment is allowed per two year period.

(1) A user's monthly average water usage is determined by totaling a user's water usage for three months prior to the billing period for which they are requesting an adjustment and dividing by three to determine a monthly average usage.

(2) The user's monthly average is deducted from the total amount of water usage shown on the bill to be adjusted, and that balance is then divided by two.

(3) The result is the amount of the adjustment to made to the user's sewer account.

(4) City personnel must be satisfied prior to a billing adjustment being made that excess usage was not due to a user's neglect in the installation, operation or maintenance of the water service. City personnel must also be satisfied that the cause of the abnormally high billing for water and sewer services was not due to increased usage by the user, but rather due to a leak in the water service system.

(5) The City must be notified within sixty (60) days following receipt of a bill for which adjustment is requested.

(6) If the City, through early detection efforts, has notified the user of a leak in the water service system, in addition to the above-stated requirements, the user shall request an adjustment and take appropriate action to remedy the leak within fifteen (15) days of notice. Otherwise, the user shall not be eligible for an adjustment.

SECTION V

Connection to water and sewer systems and fees

(a) Required. All property owners owning property within the city shall be required to connect to the City's water and sewer system ("requirement"). The only exception to this requirement is owners of water wells who have been approved water well users as of the date of the passage of this ordinance. No new construction of wells shall be permitted at any premises including those premises currently subject to exception from this requirement. The exception from this requirement shall expire upon replacement of the current well site. Further, the exception from this requirement shall continue so long as the wells remain in continuous use and the water well users remain current on all sewer charges and minimum monthly water and wastewater use charges. Those users entitled to the exception are at the following addresses: 13395 Wayside, and 7080 Sweetgum; and property identified by Ordinance Variance 27.1. This exception applies exclusively to current resident owners. Any change in ownership or occupancy by tenants shall require a tap to the City's water system.

(b) Connections to be made by water utilities department; tampering, etc., prohibited.

(1) It shall be unlawful for any person or agent of any company to make connections with or any opening into the city sanitary sewer or water system.

(2) It shall be unlawful for any person or agent of any company to open, close or tamper with water system appurtenances. All water and sanitary sewer connections shall be made by City utilities personnel or persons authorized by the appointed water utilities director.

(c) Each detached dwelling unit shall be served by a separate meter. At the option of the owner, a building containing more than one dwelling unit or a mobile home park may be served by a single meter of a size to be determined by the water department. Accessory buildings, including guest quarters, may be served by the same meter that serves the main building. It shall be unlawful for any person or company to furnish water to a separate detached business or dwelling unit by means of a water hose or other similar hose connection.

(d) Customer-side shutoff valves: Each customer shall have a shutoff valve capable of shutting off all water supplied to the property installed on the customer-side of the meter.

(d) Meter and tap fees. All meters used for measuring the flow of water or sewer shall be approved by the City or its appointed director of water utilities.

(e) Connection permits required; applications. Application for connection permits shall be made in writing to the building official by the property owner or his authorized agent.

SECTION VI

Testing Water Meters

(a) Any customer to whom water is furnished through a meter shall have the right to demand that his water be tested for accuracy, and when the customer wishes such test made, he shall deposit with the water department one hundred dollars (\$100.00) for each meter he desires to be tested.

(b) If any meter through which a customer is being supplied water is found, upon test, to be inaccurate by more than two (2) percent plus, the amount deposited for making such test is to be returned to the customer and all charges against the customer shall be credited for the proportionate amount the bill is increased because of over-registration of the meter.