



City of Garden Ridge

9400 Municipal Parkway
Garden Ridge, Texas 78266-2600
(210) 651-6632
Fax (210) 651-9638

AGENDA **RESCHEDULED REGULAR CITY WATER COMMISSION MEETING**

Wednesday, November 20, 2013 at 6:00 P.M.

The Garden Ridge City Water Commission will meet in regular session on Wednesday, November 20, 2013 at 6:00 p.m. in the City Council Chambers, City Hall, 9400 Municipal Parkway, Garden Ridge, Texas. This meeting is open meeting, open to the public, subject to the Open Meetings Law of the State of Texas, and as required by law, notice is hereby posted on Friday, November 15, 2013 before 5:00 p.m., providing time, place, date and agenda thereof. The meeting facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours in advance of this meeting.

1. Call to Order
2. Roll Call
3. Citizen's Participation – 3 minute limit per citizen

Rules for Citizen's Participation:

The Water Commission welcomes citizen participation and comments at all of their Commission Meetings. As a courtesy to your fellow citizens and out of respect to our appointed officials, we must request that if you wish to speak, that you please follow these guidelines.

- a. Direct your comments to the entire Commission, not to an individual member, nor to the audience.
- b. Show the Water Commission the same respect and courtesy that you would like to be shown.
- c. Limit remarks to three (3) minutes per citizen during Item 3.
- d. Citizen comments may be deferred to a specific Business Item set forth in Section 5, below, if such comments pertain to such Business Item.

*NOTE: The Texas Open Meetings Act permits a member of the public or a member of the governmental body to raise a subject that has not been included in the notice for the meeting. However, any discussion of the subject **must be limited** to a proposal to place the subject on the agenda for a future meeting and any response to a question posed to the Commission is limited to either a statement of specific factual information or a recitation of existing policy. TEX. GOV'T CODE § 551.042.*

4. Approval of Minutes
 - a) October 22, 2013 Regular Water Commission Meeting
5. Business Items

The City Water Commission may discuss, consider and/or take possible action on recommendation to the City Council on the following:

- a) Update on Comprehensive Water Plan assignments/projects
 - b) Update on lease of Edwards water rights
 - c) Amend Ordinance 61- 082013 establishing the drought management plan for the City of Garden Ridge; providing definitions, establishing trigger points for Stages 1 through 5, restricting the use of water upon implementation of specific stages of said plan; establishing water surcharge rates for Stages 3 through 5 of said plan; providing a variance procedure; providing a penalty clause; providing for severability and providing an effective date and amending Ordinance No. 61-082013 adopted August 27, 2013
 - d) Review City Ordinances the Water Commission has recommending over-site on Ordinance 7, Ordinance 54, Ordinance 61 and Ordinance 159
 - e) Ordinance regarding organization of, appointment to and responsibilities of city commissions and ad hoc committees of the City of Garden Ridge (Discussion only)
6. Update on actions taken by the City Council in previous City Council Meetings
7. Water Manager Monthly Activity Report
- a) Water pumping/usage from city wells
 - b) Water system infrastructure maintenance, repairs and/or projects
 - c) Static levels, drawdown levels and flow rates on the Trinity Well
 - d) Water and/or Drought Management
8. Adjourn

AGENDA NOTICES:

Decorum Required:

Any disruptive behavior, including shouting or derogatory statements or comments may be ruled out of order by the Presiding Officer. Continuation of this type of behavior could result in a request by the Presiding Officer that the individual leave the meeting, and if refused, an order of removal.

Action by Commission Authorized:

The Commission may vote and/or act upon any item within this Agenda. The Commission reserves the right to retire into executive session concerning any of the items listed on this Agenda, pursuant to and in accordance with Texas Government Code Section 551.071, to seek the advice of its attorney about pending or contemplated litigation, settlement offer or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflict with the Open Meetings Act and may invoke this right where the City Attorney, the Mayor or a majority of the Governing Body deems an executive session is necessary to

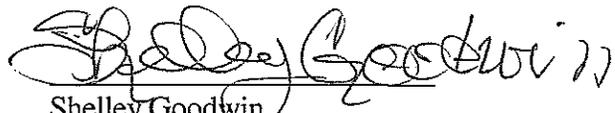
allow privileged consultation between the City Attorney and the governing body, if considered necessary and legally justified under the Open Meetings Act. The City Attorney may appear in person, or appear in executive session by conference call in accordance with applicable state law.

Executive Sessions Authorized:

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

Attendance By Other Elected or Appointed Officials:

It is anticipated that members of other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.


Shelley Goodwin
City Secretary

This is to certify that I, Shelley Goodwin, posted this Agenda at 3:00 p.m. on November 15, 2013 on the bulletin board located at the entrance to the Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas.


Shelley Goodwin
City Secretary



City of Garden Ridge

9400 Municipal Parkway
Garden Ridge, Texas 78266-2600
(210) 651-6632
Fax (210) 651-9638

REGULAR CITY WATER COMMISSION MEETING
MINUTES

Tuesday, October 22, 2013 at 6:00 P.M.

The Garden Ridge City Water Commission met in regular session on Tuesday, October 22, 2013 at 6:00 p.m. in the City Council Chambers, City Hall, 9400 Municipal Parkway, Garden Ridge, Texas. This meeting is open meeting, open to the public, subject to the Open Meetings Law of the State of Texas, and as required by law, notice was hereby posted on Friday, October 18, 2013 before 5:00 p.m., providing time, place, date and agenda thereof. The meeting facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours in advance of this meeting.

1. Call to Order

The meeting was called to order at 6:00 p.m.

2. Roll Call

Present: Chairman Bower
Commissioner Heier
Commissioner Ramirez
Commissioner Kohl

Absent: Commissioner Holloway
Commissioner Pitzen

Also in attendance were: City Administrator Nancy Cain, Water Manager Royce Goddard, and Administrative Assistant Robert Marin.

3. Citizen's Participation – 3 minute limit per citizen

No Comments

4. Approval of Minutes

a) September 24th, 2013 Water Commission Meeting

Motion was made by Commissioner Kohl and seconded by Commissioner Ramirez to approve the minutes of September 24th, 2013 Water Commission Meeting. The motion passed unanimously.



City of Garden Ridge

9400 Municipal Parkway
Garden Ridge, Texas 78266-2600
(210) 651-6632
Fax (210) 651-9638

5. Business Items

The City Water Commission may discuss, consider and/or take possible action on recommendation to the City Council on the following:

a. Update on Comprehensive Water Plan assignments/projects

Each Commissioner and the City Administrator discussed the updates on their assignments of their short term tasks.

b. Update on lease of Edwards water rights

City Administrator Nancy Cain reported that at the September 12th, 2013 City Council meeting it was approved to go forward to negotiate the lease of 400 acre feet of Edwards water rights with the City of Schertz. Nancy has informed the City of Schertz of this and is currently awaiting a copy of the proposed water rights lease. This item is still in process and moving forward.

c. Election of Water Commission Chair and Vice Chair

Motion: Upon motion made by Commissioner Kohl, and seconded by Commissioner Ramirez for Commissioner Jim Bower to continue as Chairman of the Water Commission.

Motion: Upon motion made by Commissioner Heier, and seconded by Commissioner Kohl for Commissioner Pat Ramirez to continue as Vice Chair of the Water Commission.

The Water Commission voted three (3) for, none (0) opposed. The motion carried unanimously.

d. Setting of alternate dates for City Water Commission meetings during November and December 2013

With the upcoming current meetings falling on or near an upcoming holiday, the City has suggested to the Water Commission of setting of alternate dates for their upcoming meetings for November and December 2013. City recommends November 19th and December 17th.

Motion: Upon motion made by Commissioner Heier, and seconded by Commissioner Kohl to accept the alternate dates for the Water Commission meetings during November and December 2013 moving the dates to November 19th and December 17th. The Water Commission voted three (3) for, none (0) opposed. The motion carried unanimously.

6. Update on actions taken by the City Council in previous City Council Meetings

City Administrator Nancy Cain reported that at the October 2nd, 2013 City Council meeting the Council approved the reappointments of Water Commissioners Place 2, 6, and 7 for a two year period expiring in September 30th, 2015.



City of Garden Ridge
9400 Municipal Parkway
Garden Ridge, Texas 78266-2600
(210) 651-6632
Fax (210) 651-9638

7. Water Manager Monthly Activity Report

a) Water pumping/usage from city wells

Water Manager Director Royce Goddard reviewed the monthly water pumping/usage from the city wells and discussed the water system operations

b) Water system infrastructure maintenance, repairs and/or projects

Nothing to report at this time

c) Static levels, drawdown levels and flow rates on the Trinity Well

Water Manager Director Royce Goddard reported that the drawdown level was at 99 feet and that when the well turns off, the water level returns to the current static level of 177.3 feet within 5/6 minutes.

d) Water and/or Drought Management

The City of Garden Ridge is still currently at Stage 3 Watering Restrictions

8. Adjourn

Motion to adjourn was made by Commissioner Ramirez and seconded by Commissioner Heier. The motion passed unanimously and the meeting adjourned at 6:47 p.m.

Robert S Marin
Administrative Assistant

AN ORDINANCE ESTABLISHING THE DROUGHT MANAGEMENT PLAN FOR THE CITY OF GARDEN RIDGE; PROVIDING DEFINITIONS, ESTABLISHING TRIGGER POINTS FOR STAGES 1 THROUGH 5, RESTRICTING THE USE OF WATER UPON IMPLEMENTATION OF SPECIFIC STAGES OF SAID PLAN; ESTABLISHING WATER SURCHARGE RATES FOR STAGES 3 THROUGH 5 OF SAID PLAN; PROVIDING A VARIANCE PROCEDURE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE AND AMENDING ORDINANCE NO. 61-102012 083013 ADOPTED OCTOBER 3, 2012-AUGUST 27, 2013

WHEREAS, The City of Garden Ridge is a Type A, General Law Municipality located in Comal County, Texas, and;

WHEREAS, the 2010 estimated population of the City of Garden Ridge is approximately 3,259 residents. It is anticipated that the City of Garden Ridge will have a population of 4,450 in the year 2015, and;

WHEREAS, the Edwards Aquifer Authority is a regional authority managing water pumped out of the Edwards Aquifer by the City of Garden Ridge and has set standards for the Emergency Water Use Reduction Program in the region;

WHEREAS, the City of Garden Ridge uses both water from the Edwards Aquifer and from the Trinity Aquifer to provide water to residents of the City of Garden Ridge as well as persons residing within the Certificate of Convenience and Necessity (CCN) of the City of Garden Ridge;

WHEREAS, the Trinity Aquifer is currently an unregulated water source;

WHEREAS, the City of Garden Ridge relies on the Trinity Aquifer for the majority of its water resources;

WHEREAS, the level of the Trinity well affects the ability of the city to provide unrestricted water sources; and

WHEREAS, The City of Garden Ridge has determined that certain restrictive measures are required to delay potentially serious water shortage problems from impacting to the detriment of the health, safety and welfare of the Garden Ridge community.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE City of Garden Ridge, TEXAS;

SECTION 1 – Previous Ordinances

City of Garden Ridge Ordinance Number 61-102012 082013 dated October 3, 2012, August 27, 2013 including all attachments and amendments thereto, is hereby amended.

SECTION 2 – Definitions

The following words and terms, when used in this plan, shall have the following meanings unless the context clearly indicates otherwise:

ACT. The Act creating the Edwards Aquifer Authority, namely the Edwards Aquifer Authority Act of May 30, 1993, 73rd Leg.R.S. Ch. 626, 1993 Texas General Laws 2353, as amended.

AESTHETIC USE. The use of water for fountains, waterfalls, and landscape lakes and ponds where such use is entirely ornamental and serves no other functional purpose.

AGRICULTURAL IRRIGATION. Irrigation for the purpose of growing crops commercially for human consumption or to use as feed for livestock or poultry.

BUCKET. Bucket or other container holding five gallons or less, used singly by one person.

CONNECTION. A metered or unmetered delivery point to a customer or other receiver of water from an organized water distribution system.

CONSERVATION. Those practices, techniques, and technologies that will 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 water supply is made available for future or alternative uses.

DEMAND REDUCTION MEASURE. A specific action to be taken by defined categories of users to reduce the pumpage demand on the Edwards Aquifer during a drought.

DOMESTIC TYPE USE. The use of water, other than uses in the outdoor category, for personal needs or for household purposes, such as drinking, bathing, heating, cooking, sanitation or cleaning, whether the use occurs in a residence or in a commercial or industrial facility.

DROUGHT. A period of shortage of precipitation of seasonal or longer duration.

EDWARDS AQUIFER. That portion of an arcuate belt of porous, water-bearing limestones composed of the Edwards Group Limestone and Associated Formations trending from west to east to northeast through Kinney, Uvalde, Medina, Bexar, Comal and Hays Counties.

HAND-HELD HOSE. A hose attended by one person, fitted with a manual or automatic shutoff nozzle.

HEALTHCARE FACILITY. Any hospital, clinic, nursing home or other healthcare or medical research facility.

IMPERVIOUS SURFACE AREA. Any structure or any street, driveway, sidewalk, patio or other surface area covered with brick, paving, tile or other impervious material.

INDUSTRIAL USE. The use of water integral to the production of primary goods and services provided by industrial or commercial facilities, Industrial facilities include facilities which perform such process-specific activities as cooling, boiler feed, cleaning and washing, pollution control, extraction and separation of desirable material from products and waste materials and the incorporation of water into final products, Commercial facilities include, but are not limited to, food service facilities, hotels, retail facilities and nursery operations.

INDUSTRIAL USER. An industrial or commercial water user whose use of water is integral to the production of primary goods and services provided by industrial or commercial facilities.

INDUSTRIAL WELL USER. An industrial user who owns one or more wells that produce water used for industrial or commercial facilities.

IRRIGATOR. A well owner who uses water to irrigate land for growing commercial crops.

LANDSCAPE WATERING. The application of water to grow landscaping plants.

LANDSCAPE PLANT. Any member of the plant kingdom, including any tree, shrub, vine, herb, flower, succulent, groundcover or grass species that grows or has been planted out-of-doors and is used for landscaping purposes or for the support of intensive recreational areas such as playgrounds and playing fields.

LIVESTOCK. Cattle, sheep, goats, hogs, poultry, horses and game, domestic, exotic and other animals and birds, including zoo animals, used for commercial or personal purposes.

LIVESTOCK USE. The use of water for drinking by or washing of livestock.

MSL. Mean sea level.

MUNICIPALITY. A city or other governmental unit with the authority to make and enforce ordinances.

ORDER. A written order of the City Council or Mayor of the City of Garden Ridge, Texas.

OTHER OUTSIDE USE. The use of water outdoors for the maintenance, cleaning and washing of structures and mobile equipment, including automobiles and boats, the washing of streets, driveways, sidewalks, patios and other similar areas.

PERSON. Any individual, firm, entity, corporation, municipal corporation, governmental or proprietary body, including the United States or the State of Texas, or association of persons.

REDUCTION GOAL. The amount of reduction in pumpage volume, expressed in a percentage from baseline pumpage volume for each drought stage.

REUSE. The use by any user of Edwards Aquifer water that has been recycled or reclaimed for any beneficial purpose, after such water has been previously used for any beneficial purpose, whether or not any treatment of such groundwater may be required in connection with such recycling or reclamation.

STAGE. One of the five designated drought stages, which may be declared by the City or the Edwards Aquifer Authority.

SUPPLIER. Any person who supplies water to customers for residential, commercial, industrial, military or other uses, including a public or private water company, water supply corporation, municipality and water district.

TRIGGER CONDITIONS. Those specific conditions of rainfall amounts, Edwards Aquifer water level elevations, spring discharges and water quality which the Authority will monitor and use as indicators of the occurrence of drought conditions for purposes of declaring the various stages.

TRIGGER POINTS. Special conditions experienced by the City of Garden Ridge, which authorize the city to initiate Stage 1 through 5 of the City of Garden Ridge Drought Management Plan.

TRINITY AQUIFER WELL. A source of water for the City of Garden Ridge which is located in the Cow-Creek formation of the Trinity Aquifer.

USE FOR A BENEFICIAL PURPOSE. Water which is used, without regard to priority, for:

- (1) agricultural, commercial, domestic, gardening, industrial, manufacturing, mining, municipal, pleasure, recreational or stock raising purposes-
- (2) exploring for, producing, handling or treating oil, gas, sulfur or other materials; or
- (3) any other purpose that is useful and beneficial to the user.

USER. A person, public or private, who produces, distributes or uses water from an Edwards Aquifer well or from the Trinity Aquifer well.

VARIANCE. An authorized exception from compliance by the user with any provision of the Rules granted by this Ordinance.

WASTE.

- (1) The flowing or producing of groundwater from wells in the Edwards Aquifer or Trinity Aquifer if the water flowing or produced is not used for a beneficial purpose by any user,

- (2) The unreasonable loss of groundwater through faulty design or negligent operation of a well or water delivery or application system; or
- (3) Using quantities of groundwater for a purpose that otherwise would be considered beneficial in excess of quantities reasonably necessary for that purpose.

WATER UTILITY USE. Water used for withdrawal, treatment, transmission and distribution by potable water systems.

SECTION 3 – Demand Reduction Measures

The demand reduction measures for all water uses for Stages 1, 2, 3, 4 and 5 are set out in Appendix A, provided. For clarification, certain permitted and exempt water uses are listed.

Listed below are the trigger points for the various stages of the Drought Management Plan.

Reduction Stage	J-17 Well Level
1	660'
2	650'
3	640'
4	630'
5	As Declared by Edwards

SECTION 4 – Emergency Water Use Reduction

4.01 -- Declaration of Emergency Stages

The Mayor of Garden Ridge is authorized to order, by proclamation, implementation of provisions of Stages 1 through 5 of the City of Garden Ridge Drought Management Plan when the appropriate trigger points as established in this Ordinance are met.

The City of Garden Ridge shall determine when conditions warrant implementation of the Emergency Water Use Reduction Program. The program is implemented when any one of the below Trigger Points is reached. The City of Garden Ridge may advance stages, as needed to effect compliance with pumping limit goals. The various stages may be declared as shown in Appendix A.

TRIGGER POINTS:

- 1) Declaration of Stages 1 through 5 by the Edwards Aquifer Authority and/or at the discretion of the Mayor, City of Garden Ridge.
- 2) The level of the Edwards Aquifer Authority Test Well J-17 reaches a level of Stages 1 through 5 Emergency Water Use Reduction as defined by Edwards Aquifer Authority.
- 3) When the pumping ability of the Trinity Aquifer well drops to 600 GPM or draw down level of the well reaches seventy-five (75) feet above the transponder.
- 4) When the city's pumping capacity is reduced by infrastructure damage or equipment failure.

4.02 -- Public Issuance of Drought Stage Declaration

The Declaration of a critical use stage will be publicly issued by the City of Garden Ridge. Such declaration shall be placed on the City signs and distributed by phone (CTY system), posted on city website and/or published in the official city newspaper.

4.03 -- Restricting the Use of Water

- a. Upon declaration of a critical use stage by the City of Garden Ridge, compliance with the Emergency Water Use Reduction Program demand reduction measures shall be required and compliance with the voluntary measures shall be encouraged.
- b. Demand reduction measures are attached as Appendix A, and are herein incorporated for all purposes.
- c. Upon declaration of a critical use stage by the City of Garden Ridge, the sale of water to a temporary user for use outside the city shall be prohibited. The sale of water to a temporary user for use within the City of Garden Ridge shall be at the discretion of the Public Works Director.

4.04 -- Water Rate Surcharges

- a. Critical Period Surcharges will be implemented in accordance with the following schedule:
 - (1) Stage 3: Customers will be charged the current water rate plus a 100% surcharge for use over 45,000 gallons.
 - (2) Stage 4: Customers will be charged the current water rate plus a 200% surcharge for use over 45,000 gallons.
 - (3) Stage 5: Customers will be charged the current water rate plus a 200% surcharge for use over 45,000 gallons.
- b. Water rate surcharges will remain in effect only so long as the City is in Stages 3, 4 or 5 of the Drought Management Plan.
- c. Water rate surcharges shall coincide with the normal billing cycle of the Garden Ridge Water Department. Surcharges shall be applied to the next billing cycle following the implementation of Stages 3, 4 or 5.
- d. Surcharge revenues shall be held in a reserve fund to be created within the current fiscal year budget. Such revenue is to be used for the following purposes:
 - (1) For the payment of any legal fees, consultant fees, studies, etc. that are incurred because the city is using more water than the allowable rate/amount established by an authorized political entity.
 - (2) For the payment of any fines or administrative penalties imposed by a legal or judicial entity related to excess pumpage, or;
 - (3) For the payment of any fees incurred to pursue alternate water sources.

4.05 – Payment of City-wide Fines and/or Penalties

- a. In the event that a governmental agency levies a fine or penalty against the City of Garden Ridge associated with water usage, the amount of the fine or penalty shall be pro-rated amongst all customers *exceeding the average use and* having an active account with the City during the time period subject to the fine as a recovery assessment.
- b. Each active account holder who exceeds the average water usage for the period subject to the fine, shall have an assessment placed on their water bill during the month immediately following the levy of such a fine or penalty.
- c. The amount of the assessment for any customer shall be based on usage above the average of all customers' water usage for the fine/penalty month. In computing the assessment, the City shall use the following variables: the amount of the fine/penalty (fine); the average usage per water connection for the period of the fine (average); the individual customer's usage above the average; and the total of all customers' usage above the average.

The assessment for any individual customer shall be the amount of the fine, multiplied by the ratio of the individual customers' usage above the average to the total of all customers' usage above the average.

- d. Customers that have received an adjustment to their water bill for a fast meter, customer leaks, etc in accordance with Ordinance 54, Paragraph 14.07 shall have their assessment based upon the approved adjusted amount.
- e. For the purposes of this assessment, average use for the time period of the fine will be determined by the total gallons pumped divided by the number of water customers. Usage below the average shall not be subject to an assessment.

4.06 -- End of Emergency Use Restrictions

a. Trinity Aquifer

The program and/or each stage may be terminated or changed at the discretion of the City of Garden Ridge after the trigger condition of a stage has been exceeded and after considering the 10 day rolling average of the appropriate index well level, pumping trends, current precipitation and the outlook for additional precipitation.

b. Edwards Aquifer

The program and /or each stage may be terminated or changed upon declaration of the Edwards Aquifer Authority (EAA) and/or at the discretion of the Mayor, City of Garden Ridge.

SECTION 5 – Penalties

- a. A person who knowingly or intentionally violates the provisions of this Ordinance shall be deemed guilty of a misdemeanor offense and upon conviction be punished by a fine of not less than twenty-five dollars (\$25.00) and not more than two thousand dollars (\$2,000). Each day's violation constitutes a separate offense. Compliance may also be sought through injunctive relief in the District Court.
- b. No violation, definition or penalty under this section shall have bearing on any violation, definition or penalty under any other section of this Ordinance.

SECTION 6 – Enforcement

a. Applicable to Resident and Non-Resident Customers

For purposes of this Ordinance, it shall be presumed that any person, corporation or association in whose name a water meter connection is registered with the City of Garden Ridge Water Company, has knowingly made, caused, used or permitted to use the water received from the City and that use of said water in a manner contrary to the provisions of Ordinance No.61, or in an amount in excess of the use permitted by the conservation stage in effect, is considered a violation of Ordinance No.61 by that resident person, non-resident person, corporation or association. Proof that the particular premises have a water meter connection registered in the name of the defendant named in a complaint issued under the auspices of Ordinance No.61 shall constitute in evidence a prima facie presumption that the person in whose name such water connection was registered was the person who permitted the illegal use of water to occur on the premises.

b. Applicable to Non-Resident Customers Only

Any non-resident person, corporation or association in whose name a water meter connection is registered with the City of Garden Ridge Water Company who shall violate a provision of Ordinance No.61 and orders promulgated there under when Stage I, Stage II, Stage III, Stage IV, or Stage V are in effect, shall be held strictly liable, and shall be subject to an Administrative Hearing before the City Water Commission to show cause whether water service should be discontinued for all or any part of a day or consecutive days to such non-resident person, corporation or association. Provisions shall be made to allow for the provision of water in an amount necessary to provide for human health and safety requirements. In the event termination is ordered, an appeal to the City Council may be made if filed in

writing with the Mayor within three (3) days of the termination order. Compliance may also be sought through injunctive relief in District Court.

SECTION 7 – Variances

a. Request for Variance

A person may file a written request for a variance from these rules with the City of Garden Ridge. The request must contain the following information;

- (1) The specific nature of the variance requested
- (2) A detailed explanation of why the person believes he/she should be granted the variance, including any supporting documentation;
- (3) A signed statement that the facts contained in the request are true and within the person's personal knowledge.

b. Additional Information

The City of Garden Ridge may request the variance requester to provide additional information, which must be filed within ten calendar days of the request or as otherwise directed in the request.

c. When Variance May be Granted

- (1) The variance is necessary to avoid an unusual, direct and substantial hardship
- (2) There are no other reasonably available means for avoiding the hardship without a variance;
- (3) Granting the variance is consistent with the goals of this Ordinance; and
- (4) Granting the variance will not cause significant harm to any other person or group of persons or result in the City of Garden Ridge being in violation of regulatory requirements.

d. Terms and Conditions of the Variance

- (1) The City of Garden Ridge may grant a variance for such a term and in accordance with any conditions the City of Garden Ridge deems appropriate.
- (2) It shall be a term of every variance granted by the City of Garden Ridge that the variance may be rescinded based on changed circumstances, new information, or failure of the holder of the variance to abide by the terms and conditions of the variance or to comply with these rules or any other order or rule of the City of Garden Ridge.
- (3) The City of Garden Ridge may require a person granted a variance to file reports with the City of Garden Ridge containing such information as the City of Garden Ridge believes relevant to monitoring the continuing appropriateness of the variance.

SECTION 8 – Severability

If any section, paragraph, subdivision, clause or phrase of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part of any provision thereof other than the part so decided to be invalid or unconstitutional.

SECTION 9 – Effective Date

This ordinance shall take effect immediately upon its passage, approval and publication according to law.

PASSED AND APPROVED THIS DAY OF DECEMBER, 2013.

Andrew Dalton, Mayor

ATTEST:

Shelly Goodwin, City Secretary

**APPENDIX A
DEMAND REDUCTION MEASURES**

Watering by automated irrigation systems is restricted year round between the hours of 10 am and 8 pm.

STAGE 1

Stage One Alert begins when the Edwards Aquifer Authority Test Well J-17 level reaches **660** feet mean sea level at the monitored well and is declared by the Edwards Aquifer Authority (EAA) and/or at the discretion of the Mayor, City of Garden Ridge.

1. Water waste is prohibited to include, allowing water to run off onto a gutter, ditch, or drain; or failing to repair a controllable leak.
2. Watering with an irrigation system or sprinkler, permitted only during the hours of 12 a.m. to 10 a.m. and 8 p.m. to 12 a.m.:
3. Watering with an irrigation system or sprinkler, permitted only once a week on the designated watering day:

Last Digit of Address	Day
0 or 1	Monday
2 or 3	Tuesday
4 or 5	Wednesday
6 or 7	Thursday
8 or 9	Friday

Areas without a street address, such as medians, neighborhood entryways or common areas water on Wednesdays.

4. Watering with hand-held hose or drip irrigation permitted any day, any time.
5. Residential, commercial, industrial, and agricultural Edwards Aquifer water users should reduce water consumption by any means available.
6. Washing impervious cover such as parking lots, driveways, streets or sidewalks is prohibited.
7. Non-commercial washing of vehicles and mobile equipment (e.g. washing vehicles at a residence) is permitted any day at any time over landscape or other surface where run off is minimized and with the use of a hose using an automatic shut-off nozzle or bucket of 5 gallons or less.
8. Restaurants and other eating establishments are prohibited from serving groundwater to customers except upon request of the customer.
9. No building permits will be issued to homeowners or pool contractors for the construction of new swimming pools unless verification is provided that 100% of water for filling of pool will be brought in from a water source outside of Garden Ridge.
10. Restrictions apply to well users.

This does not apply to non-potable water, gray water, or treated effluent.

Stage 1 restrictions continue until there is an announcement that Stage 1 has been canceled or that Stage 2 is in effect.

STAGE 2

Stage Two Alert begins when the Edwards Aquifer Authority Test Well J-17 level reaches **650** feet mean sea level at the monitored well and is declared by the Edwards Aquifer Authority (EAA) and/or at the discretion of the Mayor, City of Garden Ridge.

1. Water waste is prohibited to include, allowing water to run off onto a gutter, ditch, or drain; or failing to repair a controllable leak.
2. Watering with an irrigation system or sprinkler, permitted only once a week on the designated watering day during the hours of ~~3~~ 4 a.m. to 8 a.m. and 8 p.m. to ~~10~~ 11 p.m.:

Last Digit of Address	Day
0 or 1	Monday
2 or 3	Tuesday
4 or 5	Wednesday
6 or 7	Thursday
8 or 9	Friday

Areas without a street address, such as medians, neighborhood entryways or common areas water ~~on Wednesdays~~ as if their address ended in a 2.

3. Watering with drip irrigation or a 5 gallon bucket permitted during the hours of ~~3~~ 4 a.m. to 8 a.m. and 8 p.m. to ~~10~~ 11 p.m. any day.
4. Watering with a hand held hose permitted any day, any time.
5. Washing impervious cover such as parking lots, driveways, streets or sidewalks is prohibited.
6. Non-commercial washing of vehicles and mobile equipment (e.g. washing vehicles at a residence) is permitted any day at any time over landscape or other surface where run off is minimized and with the use of a hose using an automatic shut-off nozzle or bucket of 5 gallons or less.
7. Restaurants and other eating establishments are prohibited from serving groundwater to customers except upon request of the customer.
8. No building permits will be issued for the construction of new swimming pools. The City Administrator may grant a variance for the construction of a swimming pool with proof that water for construction and filling of the pool will be brought in from a water source outside of the city.
9. Filling of existing swimming pools is prohibited unless at least 30% of the water is obtained from a source other than City provided. Groundwater may be used to replenish swimming pools to maintenance levels. Drainage of swimming pools is permitted only onto a permeable surface or onto a pool deck where water is transmitted directly to a permeable surface.

10. Restrictions apply to well users.

This does not apply to non-potable water, gray water, or treated effluent.

Stage 2 restrictions continue until there is an announcement that Stage 2 has been canceled or that Stage 3 is in effect.

STAGE 3

Stage Three Alert begins when the Edwards Aquifer Authority Test Well J-17 level reaches **640** feet mean sea level at the monitored well and is declared by the Edwards Aquifer Authority (EAA) and/or at the discretion of the Mayor, City of Garden Ridge.

1. Watering with an irrigation system, soaker hose or sprinkler is permitted every other week beginning on the second Monday after Stage III has been declared and only on designated watering day from 4 a.m. – 8 a.m. and 8 p.m. – 11 p.m.

A watering day calendar based upon the last digit of each address will be prepared, distributed and posted monthly during Stage 3 watering restrictions.

Areas without a street address, such as medians, neighborhood entryways or common areas water as if their address ended in a 2.

2. Watering with a drip irrigation or 5 gallon bucket permitted during the hours of 4 a.m. to 8 a.m. and 8 p.m. to 11 p.m. Monday, Wednesday and Friday.
3. Watering with a hand held hose permitted any day, any time.
4. Watering newly planted landscapes permitted only with a variance from Garden Ridge City Council.
5. Washing cars at home is permitted any day at any time over landscape or other surface where run off is minimized and with the use of hose using automatic shut-off nozzle or bucket of 5 gallons or less. Water runoff into streets is prohibited.
6. Water runoff onto streets is prohibited.
7. No person may use groundwater or city provided water for an ornamental outdoor fountain or similar feature.
8. No building permits will be issued for the construction of new swimming pools. The City Administrator may grant a variance for the construction of a swimming pool with proof that water for construction and filling of the pool will be brought in from a water source outside of the city.
9. Filling of existing swimming pools is prohibited unless at least 30% of the water is obtained from a source other than City provided. Groundwater may be used to replenish swimming pools to maintenance levels. Drainage of swimming pools is permitted only onto a permeable surface or onto a pool deck where water is transmitted directly to a permeable surface.
10. Water customers subject to a 100% surcharge for use over 45,000 gallons.

This does not apply to non- potable water, gray water, or treated effluent.

Stage 3 restrictions continue until there is an announcement that Stage 3 has been canceled or that Stage 4 is in effect.

STAGE 4

Stage Four Alert begins when the Edwards Aquifer Authority Test Well J-17 level reaches **630** feet mean sea level at the monitored well and is declared by the Edwards Aquifer Authority (EAA) and/or at the discretion of the Mayor, City of Garden Ridge.

1. All restrictions in Stage 3.
2. Water customers subject to a 200% surcharge for use over 45,000 gallons.
3. Additional restrictions on water use may be established at the discretion of the City Council.

This does not apply to non- potable water, gray water, or treated effluent.

Stage 4 restrictions continue until there is an announcement that Stage 4 has been canceled or that Stage 5 is in effect.

STAGE 5

Stage Five Alert begins when declared by the Edwards Aquifer Authority (EAA) and/or at the discretion of the Mayor, City of Garden Ridge.

1. All restrictions in Stage 4.
2. Conditions as directed by the Mayor and City Council
3. Use Necessary for Public Health or Safety.
4. Notwithstanding any provision of these rules, groundwater may be used when and to the extent it is necessary to prevent danger to public health, safety or welfare or to the extent required by State or Federal law.
5. Water customers subject to a 200% surcharge for use over 45,000 gallons.

This does not apply to non- potable water, gray water, or treated effluent.

ORDINANCE NO. 7-042013

AN ORDINANCE AMENDING ORDINANCE 7-022011 AMENDMENT #3, RELATED TO THE RULES AND REGULATIONS GOVERNING PLATS, PLANS AND SUBDIVISIONS OF LAND WITHIN THE INCORPORATED AREA AND EXTRATERRITORIAL JURISDICTION OF THE CITY OF GARDEN RIDGE, TEXAS; ESTABLISHING A REQUIREMENT TO PROVIDE TRANSFERABLE WATER RIGHTS OR OTHER WATER RESOURCE ACCEPTABLE TO THE CITY AS AN ALTERNATE WATER SOURCE TO ADD T TO THE WATER SYSTEM INFRASTRUCTURE, TO ALLOW AMPLE WATER SUPPLY TO THE SUBDIVISION, APPLICABLE TO ALL SUBDIVISIONS OF LAND AS PROVIDED; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, under the provisions of the Constitution and laws of the State of Texas, including particularly Chapter 212 of the Local Government Code, as heretofore or hereafter amended, the owner of a tract of land within the limits or in the extraterritorial jurisdiction of a municipality who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts, must have a plat of the subdivision prepared and have the plat approved by the City;

WHEREAS, pursuant to the Ordinances of the City of Garden Ridge, which require the provision of an adequate water supply when subdividing land, including Ordinance 7-042011 Amendment #3; and pursuant to the requirements contained in Chapter 212 of the Texas Local Government Code requiring that a plat conform with the municipality's access to and extension of water mains and the instrumentalities of public utilities, a plat proposed for final approval is not considered to conform with these requirements and the application for plat approval is not considered complete for purposes of consideration by the City Council for approval unless the subdivision is also shown to comply with this Ordinance and any other Ordinance and/or Rule promulgated by the City under its authority provided by §212.002 of the Texas Local Government Code.

WHEREAS, Ordinance No. 7-022011 Amendment #3, prescribing the rules and regulations governing plats and subdivisions of land, must be amended to adequately promote and protect the general health, safety, and welfare of persons residing in and adjacent to the City of Garden Ridge, Texas; and,

WHEREAS, the City of Garden Ridge, Texas, held a public hearing on the subject matter of this ordinance:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARDEN RIDGE, TEXAS, THAT ORDINANCE 7-022011 AMENDMENT #3, IS HEREBY FURTHER AMENDED TO READ AS FOLLOWS:

DEFINITIONS APPLICABLE TO THIS AMENDMENT:

Alley: A minor public right-of-way not intended to provide the primary means of access to abutting **lots**, which is used primarily for vehicular service access to the back or sides of properties otherwise abutting on a **street**.

Connection: A single family residential unit or each commercial or industrial establishment to which potable water is supplied from the City of Garden Ridge water system. In commercial or industrial establishments each leasable unit will be considered as a separate connection in calculating the amount of ample water supply necessary to support the subdivision or land use development.

Lot: An undivided tract or parcel of land having frontage on a public **street** or an approved open space having direct **street** access, and which is, or in the future may be, offered for sale, conveyance, transfer, or improvement, which is designated as a distinct and separate tract, and which is identified by a tract number, lot number, or other symbol in a duly approved **subdivision plat** which has been properly filed of record.

Private Street: A **street** that is not a public thoroughfare.

Subdivider: Any person or any agent thereof, dividing or proposing to divide land so as to constitute a **subdivision** as that term is defined herein. In any event, the term "subdivider" shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner, of land sought to be subdivided.

Subdivision: A division of any tract of land situated within the corporate limits, or within the extraterritorial jurisdiction of the City of Garden Ridge, in two or more parts to lay out a subdivision of the tract, including an addition to the municipality, to lay out suburban, building, or other **lots**, or to lay out **streets, alleys**, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of **lots** fronting on or adjacent to the **streets, alleys**, squares, parks, or other parts. "Subdivision" includes a division of a tract regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. "Subdivision" includes **resubdivision**, but it does not include a division of land for agricultural purposes into parts greater than five acres where each part has **street** access and no public improvement is being dedicated.

Street: A public right-of-way, however designated, other than an **alley**, which carries vehicular traffic or provides vehicular access to adjacent land. All streets are classified by other definitions in this section.

Resubdivision: The division of an existing **subdivision**, together with any change of **lot** size therein, or with the relocation of any **street** lines.

TRANSFERABLE WATER RIGHTS - REQUIREMENT:

In addition to any and all other obligations provided by local ordinance, or other law, the **subdivider** of property must provide transferable water rights or accessible water rights or sources for use by the City of Garden Ridge, Texas to ensure ample water supply necessary to support the **subdivision**. Such source must meet or exceed all standards, requirements and specifications applicable to a water source used by an approved public water supply system pursuant to Texas law and regulations.

The City of Garden Ridge, based on use and intensity of water consumption reasonably anticipated through the examination of the subdivision and land use project as presented in the master planning process, annexation process or request for extension of service within the extraterritorial jurisdiction of the City, shall define the ample water supply necessary for the proposed subdivision or land use project. The amount of accessible or transferable water rights necessary to ensure ample water supply for the City, considering and including the additional water demands placed on the system by the subdivision or land use project shall be determined by the City of Garden Ridge at the time of master plan or land use project approval or upon obtaining service through a voluntary annexation agreement, or upon obtaining service within the extraterritorial jurisdiction of the City, which is within the City's existing or proposed extension of the Certificated of Convenience and Necessity (CCN) establishing the water service area.

In defining the ample water supply necessary for a proposed subdivision or land use project the City of Garden Ridge shall use as the minimum for calculating the ample water supply necessary to support the subdivision or land use project at .6 (6/10) of a gallon per minute per hour per day per year or 0.97 acre feet for each connection planned for a project. The City of Garden Ridge may as it deems in the best interest of the city adjust the amount of water necessary for any project that includes schools, churches, hospitals, medical facilities, landscape nurseries, agricultural or livestock activities, commercial or industrial activities or for any project for which a master meter is requested or will be installed and utilized and/or if it is anticipated that water usage will exceed the minimum amount of water based on .6 (6/10) of a gallon or 0.97 acre feet per connection.

All subdividers or property owners requesting water service from the City of Garden Ridge for new residential development or commercial development, to include annexation of property into the city limits or extension of the city's existing CCN must submit a master plan for the property before the City Water Commission prior to submission of such plan is complete or consideration by the Planning and Zoning Commission. The City Water Commission shall determine the use and intensity of water consumption reasonably anticipated through the examination of the land use project presented. After such determination has been made the City Water Commission shall make recommendation to the City Council of the amount of accessible or transferable water rights necessary to ensure ample water supply to the subdivision, land use project, annexation or CCN extension. The City Council shall make the final finding on the City Water Commission recommendation prior to submission of the master plan, land use project or annexation request to the Planning and Zoning Commission. Any extension of CCN that does not involve subdivision, platting or annexation of property or the extension of any city infrastructure or services other than water may not require Planning and Zoning consideration therefore the finding by the City Council shall be final.

SEVERABILITY CLAUSE:

If any section, paragraph, subdivision, clause or phrase of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part of any provision thereof other than the part so decided to be invalid or unconstitutional.

EFFECTIVE DATE:

This Ordinance shall take effect immediately upon passage and the publication of its caption, as required by state law.

PUBLICATION:

The caption of this ordinance shall be published as required by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GARDEN RIDGE, TEXAS, this, the 3RD day of April, 2013.



JAY FEIBELMAN
MAYOR

ATTEST:

Shelley Goodwin, TRMC
City Secretary

AN ORDINANCE ADOPTING COMPREHENSIVE WATER ORDINANCE NUMBER 54-022010 FOR THE CITY OF GARDEN RIDGE, TEXAS AND REPEALING ORDINANCE 54-012010 ADOPTED JANUARY 6, 2010; PROVIDING DEFINITIONS; STATEMENT OF ORGANIZATION; GENERAL POLICIES; REGULATIONS AND RULES; RATES AND BILLING CYCLES; AND PROVIDING FOR A PENALTY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARDEN RIDGE, COMAL COUNTY, TEXAS:

1. The City Council of the City of Garden Ridge, Texas, hereby repeals Ordinance 54-012010 adopted on January 6, 2010 and adopts Ordinance 54-022010 as the Comprehensive Water Ordinance.

TABLE OF CONTENTS

	<u>PAGE</u>
<u>SECTION 1 -- DEFINITIONS</u> -----	1-1
<u>SECTION 2 -- ORGANIZATION</u> -----	2-1
2.01 -- Statement of Organization	
2.02 -- The City Water Commission	
<u>SECTION 3 -- ORDINANCE</u> -----	3-1
3.01 -- Relevance of Ordinance	
3.02 -- Unlawful to Take Water Other Than Provided by Ordinance	
3.03 -- Failure to Comply With The Ordinance	
3.04 -- Violations of The Water Ordinance	
3.05 -- Punishment and Fines For Violations of The Water Ordinance	
<u>SECTION 4 -- GENERAL POLICY</u> -----	4-1
4.01 -- Water Department not Bound to Sell Water	
4.02 -- Non-Liability for Failure to Supply Water for Fire-Fighting	
4.03 -- Commercial Use Of Water	
4.04 -- Water Supply To Steam Boilers and Closed Water Heaters	
4.05 -- Unlawful to Waste Water	
4.06 -- Unlawful to Obtain Water By Fraud	
4.07 -- No Free Water Allowed	
4.08 -- Privacy Policy	
4.09 -- Identity Theft Policy	
<u>SECTION 5 -- GENERAL SERVICE RULES & REGULATIONS</u> -----	5-1
5.01 -- Customers	
5.02 -- Renters	
5.03 -- Transfers	
5.04 -- Delinquency	
5.05 -- Interruptions of Service	
5.06 -- Customer & Non-Customer Complaints	
5.07 -- Service Agreement	
5.08 -- Priority of Service	
5.09 -- Operating Pressure	
5.10 -- Service Areas	
<u>SECTION 6-- RATES & BILLING (GENERAL)</u> -----	6-1
6.01 -- Committee To Set Rates	
6.02 -- Bills Due When Sent	
6.03 -- Billing Cycle	
6.04 -- How Charges are Computed	
<u>SECTION 7-- DELINQUENT ACCOUNTS</u> -----	7-1
7.01 -- Results of Non-Payment	
7.02 -- Hearing Procedures	
7.03 -- Disconnection of Service	

SECTION 8 -- DISCONTINUANCE AND/OR DISCONNECTION OF WATER SERVICE ----- 8-1

- 8.01 -- Discontinuance of Water Service
- 8.02 -- Disconnection of Water Service

SECTION 9 -- CONTINUATION OF SERVICE----- 9-1

- 9.01 -- General Policy on Disconnection of Water Service
- 9.02 -- Reasons Why Water Service May Not Be Discontinued

SECTION 10 -- DISCONNECTION & RECONNECTION OF SERVICE----- 10-1

- 10.01 -- Charges for Disconnection and Reconnection Service
- 10.02 -- All Past Accounts Must Be Paid For Reconnection Service

SECTION 11 -- WATER CONNECTIONS AND EXTENSIONS (GENERAL) ----- 11-1

- 11.01 -- General Policy Regarding Connections and Extensions
- 11.02 -- Responsibility For Payment of Water Connections
- 11.03 -- Unlawful Connection To Water Mains or Water Pipes
- 11.04 -- All Connections Shall Be Made By The Water Department
- 11.05 -- Every Premise Shall Have A Separate Service Connection
- 11.06 -- Compliance With Plumbing Requirements
- 11.07 -- Water Department Inspections Are Not A Warranty of Liability

SECTION 12 -- DEPARTMENT TO MAKE TAPS, REPAIRS, ETC.----- 12-1

- 12.01 -- Unlawful Taps, Service Pipes or Connections
- 12.02 -- Repair and Renewal of Water Service Pipes

SECTION 13 -- EXTENSION OF WATER SERVICE----- 13-1

- 13.01 -- Extensions Made Only By Department Personnel
- 13.02 -- Connecting Separate Buildings Through One Meter
- 13.03 -- Use Of More Than One Meter Per Building

SECTION 14 -- WATER METERS (GENERAL)----- 14-1

- 14.01 -- All Water Shall Be Measured By Meters
- 14.02 -- Only One Consumer Can Purchase Water Through a Single Meter
- 14.03 -- Reading Meters By Customer
- 14.04 -- Estimated Billings Due To Obstruction Of Access To A Meter
- 14.05 -- Estimated Billings Due To Meter Failure
- 14.06 -- Meter Test On Request of The Customer
- 14.07 -- Adjustment To Bill For Fast Meter, Customer Leaks, Etc.
- 14.08 -- Re-Reading of Meters

SECTION 15 -- CROSS CONNECTION CONTROL ----- 15-1

- 15.01 -- General Policy
- 15.02 -- Definitions
- 15.03 -- Requirements

SECTION 16 -- SERVICE OUTSIDE SERVICE AREAS----- 16-1

- 16.01 -- Water Not Furnished Beyond Areas Authorized By TWC
- 16.02 -- Sections Construing Against The Water Department

SECTION 17 -- OPERATIONS MANAGER OF UTILITIES ----- 17-1

- 17.01 -- Creation of Office Of Operations Manager

- 17.02 -- Reporting Violations Of The Water System
- 17.03 -- Authority To Turn Water On Or Off
- 17.04 -- Tampering With Fire Hydrants And Other Water Department Property
- 17.05 -- Turning On Water Service After Service Has Been Disconnected

SECTION 18 -- EASEMENTS, ACCESS, AND INSPECTIONS----- 18-1

- 18.01 -- Easements
- 18.02 -- Refused Easements
- 18.03 -- Failure To Grant Easement Constitutes A Lien
- 18.04 -- Access To Customer's Premises

SECTION 19 -- DUTIES OF CONSUMERS ----- 19-1

- 19.01 -- Maintaining Condition Of Own Water Lines
- 19.02 -- Safeguarding of Water Department Lines

SECTION 20 -- MAPS OF WATER DEPARTMENT' S WATER SYSTEM----- 20-1

- 20.01 -- Maps Of The Water Department's Water System

SECTION 21 -- CUSTOMER CREDIT POLICY ----- 21-1

- 21.01 -- Deferred Payment Agreements For Residential Customers
- 21.02 -- Re-establishment Of Credit

SECTION 22 -- DEPOSITS FOR WATER SERVICE----- 22-1

- 22.01 -- Policy
- 22.02 -- Record of Deposit
- 22.03 -- Refund of Deposit

SECTION 23 -- WHEN CASH PAYMENT IS REQUIRED ----- 23-1

- 23.01 -- When Cash Payment is Required From a Customer

SECTION 24 -- WATER RATES ESTABLISHED----- 24-1

- 24.01 -- Uniform Rates For Customers Within City Limits
- 24.02 -- Rates For Customers Outside the City Limits
- 24.03 -- Arrangements For Others
- 24.04 -- All Water Passing Through A Meter Will Be Charged
- 24.05 -- Price of Water Passing

SECTION 25 -- RATES----- 25-1

- 25.01 -- Application Of Rates
- 25.02 -- Basic Water Rates For Single Family Residences
- 25.03 -- Basic Water Charges For Commercial And Business Service
- 25.04 -- Water Rates For Temporary Service
- 25.05 -- Customer Service Charges

SECTION 26 -- REQUESTS FOR SERVICES (GENERAL)----- 26-1

- 26.01 -- Requests For Service -- General Policy

SECTION 27 -- NEW SERVICE APPLICATIONS AND CONNECTIONS----- 27-1

- 27.01 -- Applications For Service
- 27.02 -- Approved Applications
- 27.03 -- Disapproved Applications

- 27.04 -- Department Water Main In Place On The Customer's Property
- 27.05 -- Department Water Main Not In Place On The Customer's Property
- 27.06 -- Applications Requiring Professional Engineering Services
- 27.07 -- Policy On Extensions
- 27.08 -- Requests For Non-Standard Service
- 27.09 -- Refusal Of Service
- 27.10 -- Insufficient Grounds For Refusal To Provide Service
- 27.11 -- Types of Service
- 27.12 -- Location Of Water Meters
- 27.13 -- Permits And Easements

SECTION 28 -- REQUESTS FOR SERVICE TO SUBDIVISIONS----- 28-1

- 28.01 -- Requirement For Preliminary Plat
- 28.02 -- Approval of Subdivision Plat
- 28.03 -- When Hydraulic Conditions Warrant Study
- 28.04 -- Approval of Preliminary Subdivision Plan
- 28.05 -- If Water System Cannot Accommodate The Developer's Request
- 28.06 -- If The Subdivision Is Within City Limits Or The City E.T.J.
- 28.07 -- Applications To The Texas Water Commission
- 28.08 -- Consideration Of Developer's Request for Subdivision Service
- 28.09 -- Submission Of Construction Plans
- 28.10 -- Reimbursement Of Expenses
- 28.11 -- Approach Lines To Subdivisions
- 28.12 -- Terms of Agreements Between Customers and Developers
- 28.13 -- Policies, Rates, Fees, Etc., Are Subject To Change

SECTION 29 -- SUBDIVISION PLAT APPROVAL AND WATER SERVICE----- 29-1

- 29.01 -- Execution Of Agreement For Service
- 29.02 -- Developer Shall Prepare Final Subdivision Plat
- 29.03 -- Developer Agreement Regarding Certificates
- 29.04 -- Services To Lots Within The Subdivision
- 29.05 -- Developer's Expenses For Engineering
- 29.06 -- Construction Plans For Off-Site Improvements
- 29.07 -- Construction Of Internal And Off-Site Water Line Systems
- 29.08 -- Developer's Payment Of Construction Costs
- 29.09 -- Off-Site Improvements To Be Dedicated To The Water Department
- 29.10 -- Water Department's Agreement To Accept The Facilities
- 29.11 -- Failure To Complete Terms Of The Agreement

SECTION 30 -- VARIANCES TO SUBDIVISION REQUIREMENTS----- 30-1

- 30.01 -- Authorization For Variances

SECTION 31 -- CONSTRUCTION OF SUBDIVISION MAINS----- 31-1

- 31.01 -- Mains Must Conform To The Master Plan
- 31.02 -- When Oversized Lines Are Required
- 31.03 -- Refunds To The Developer

SECTION 32 -- CAPITAL RECOVERY CREDIT----- 32-1

- 32.01 -- Authority And Limits For Capital Recovery Credits

SECTION 33 -- LINE EXTENSION REQUIREMENTS (GENERAL)----- 33-1

- 33.01 -- Line Extension Requirements

SECTION 34 -- CAPITAL IMPROVEMENTS AND ASSESSMENTS----- 34-1

- 34.01 -- Need for Capital Improvements
- 34.02 -- Definitions
- 34.03 -- Capital Improvement Project Determinations
- 34.04 -- Declaration of Costs and Estimated Assessments
- 34.05 -- Hearing Procedures
- 34.06 -- Right of Appeal
- 34.07 -- Assessment Procedures
- 34.08 -- Assessment Defaults

SECTION 35 -- REBATE PROGRAMS AND WATER CONSERVATION INCENTIVES-----35-1

- 35.01 -- Washing Machine Rebate
- 35.02 -- Ultra-Low Flow Toilet Rebate
- 35.03 -- Hot Water on Demand Systems Rebate

SECTION 36 -- PUBLICATION OF THIS ORDINANCE-----35-1

APPENDIX "A" -- DESIGN CRITERIA FOR SUBDIVISION DISTRIBUTION SYSTEMS----- A-1

- A-01 -- Flow Requirements
- A-02 -- Required Domestic Flow -- Residential
- A-03 -- Required Domestic Flow -- Non-Residential
- A-04 -- Required Fire Flow -- Single-Family Dwelling Areas
- A-05 -- Required Fire Flow -- Other Areas
- A-06 -- Distribution Mains
- A-07 -- Required Pressure
- A-08 -- Minimum Main Size
- A-09 -- Standard Main Size
- A-10 -- Air Release Valves
- A-11 -- Valves
- A-12 -- Fire Hydrants In General
- A-13 -- Fire Hydrants In Single-Family Dwelling Areas
- A-14 -- Customer Service Lines
- A-15 -- Minimum Material And Construction Specifications

APPENDIX "B" -- CITY OF GARDEN RIDGE WATER DEPARTMENT CERTIFICATE----- B-1

APPENDIX "C" -- EASEMENT CERTIFICATE ----- C-1

APPENDIX "D" -- WATER SERVICE AGREEMENT----- D-1

APPENDIX "E" -- CUSTOMER SERVICE INSPECTION CERTIFICATION----- E-1

SECTION 1 -- DEFINITIONS

Words, phrases and terms herein shall be given their usual and customary meaning except where the context clearly indicates a different meaning. Words expressed in the present tense include the future tense; singular words include the plural and the word shall is mandatory. Any office referred to by title means the person employed or appointed to and serving in that position, or that person's duly authorized representative. Definitions not prescribed herein are to be construed in accordance with customary usage in utility and engineering practices.

APPROACH MAIN. A main which brings service to the perimeter of a property.

A.W.W.A. The American Water Work Association.

BILL. A periodic statement containing a list of charges due and payable.

BILLING PERIOD. The time between regularly scheduled meter readings. There will be twelve (12) monthly billing periods in each calendar year.

BOARD/WATER BOARD. The appointed Water Commission for the City of Garden Ridge.

BORDER MAIN. A main which abuts the perimeter of a customer's property and also abuts adjacent property and which may serve additional customers on such abutting or adjacent properties.

CAPITAL RECOVERY CHARGES. An equity recovery fee collected from new customers established for the purpose of recovering the early investment and payments of existing debt service. This charge generates funds for future expansion needed for the increase in water demand by additional customers on the system, or for other such municipal projects deemed appropriate by a majority decision of the City Council, City of Garden Ridge, Texas.

CERTIFICATE OF CONVENIENCE AND NECESSITY. An authorization granted by the Texas Water Commission or the Public Utility Commission to the Water Department for service within a defined territory.

CITY. The City of Garden Ridge, Comal County, Texas.

CONSTRUCTION COST OF MAINS. Construction costs of all mains shall be the costs indicated in the construction contract for the installation of the water system extension, requested by the Single-Customer or the Developer-Customer and signed by said customer and the Water Department.

DELINQUENT ACCOUNT. A past due accounts receivable.

DEVELOPER-CUSTOMER. The person, company, or firm subdividing (or platting) parcel of land for development purposes and who applies for water service for the development of a platted subdivision, a group or groups of platted lots, tracts, etc., upon which more than one residential, commercial or other establishment is to be erected and who has entered into a contract with the Water Department for the extension and installation of certain water distribution and fire protection facilities.

DISCONNECTION OF SERVICE. The locking or removal of a meter.

EASEMENT. See "Utility Easement".

ENGINEER. A person duly authorized and registered under the provisions of the Texas Engineering Registration Act to practice the profession of engineering.

EXTRA TERRITORIAL JURISDICTION or ETJ. The unincorporated areas contiguous to the incorporated limits of any city.

FRONTAGE. That side of the property along which a main is located. If the main is installed within a street Right-of-Way, lots on both sides of the street shall be considered as having frontage.

LOT. An undivided tract or parcel of land having frontage on a public street and which is, or in the future may be offered for sale, conveyance, transfer or improvement: which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed or recorded.

MAIN COVER DEPTH. The depth at which backfill material commences after the prescribed bedding sand has been installed over the main.

MAIN DEPTH. The depth of the ditch bottom on which the main will be installed, after the bottom layer of sand is in place.

MAPS. Maps located of the Water Department depicting line locations size, etc.

METER. An instrument and appurtenances thereto used to measure water volume.

METER CHARGE. A Water Department charge for the water meter installation. The meter charge will depend on the size of the meter requested by the customer.

METER TESTING. Checking or testing the accuracy of a meter.

NORMAL OFFICE HOURS. Monday through Friday from 8:00 AM to 5:00 PM, except for legal or posted holidays.

OFF-DUTY HOURS. All hours that are not normal office hours.

ON-SITE MAIN. A main which provides service within the perimeter of a property or along abutting roadways, alleys, utility easements and/or other Rights-of-Way and which does not meet the definition of a Border Main.

OTHER REGULATORY AGENCY. The Texas Natural Resource Conservation Commission (TNRCC), The Texas Department of Health Resources (TDH), the Texas Water Commission (TWC), U.S. Environmental Protection Agency (EPA), Edward's Aquifer Authority (EAA), and similar agencies as may exercise regulatory authority in the operation of the Water Department.

OVERSIZE MAIN. A main of larger diameter than that required to provide service to and within the customer's property.

PAVEMENT WIDTH. The portion of a street available for vehicular traffic; where curbs are laid, it is the portion between the face of curbs.

PERSON. Any individual, association, firm, corporation, entity, political subdivision, or governmental agency.

PLAT. A complete and exact plan for subdividing a tract of land into lots for building purposes which, if approved, may be submitted to the County Clerk for recording.

POINT OF DELIVERY. The point at which ownership of the water and pipeline transfers from the Water Department to the customer. This is normally the discharge side of the meter.

PRESSURE REGULATOR. An instrument to regulate pressure. If located on the discharge side of a customer's meter, it is owned and maintained by the customer.

P.U.C. The Public Utility Commission of Texas, as established under the Public Utility Regulatory Act of June 1975, Article 1446C, V.A.C.S.

RECORD DRAWINGS. Ink on mylar drawings showing locations and size of the Water Department system as near as possible and conforming to Water Department standards.

RENTER. A person who rents property from another person.

RESTORE SERVICE. To re-establish a disconnected service.

SERVICE. The actual delivery of water to a customer, including all acts done, rendered or performed in the delivery of water by the Water Department.

SERVICE AGREEMENT. A written agreement between the customer and the Water Department outlining the responsibilities of each regarding water service.

SHALL, MAY. The word "shall" is always mandatory. The word "may" is merely directory.

SINGLE-CUSTOMER. A person not qualifying as a Developer-Customer who applies for an extension of water service to one property or lot for a single family dwelling, or other type of establishment, whether existing or to be erected.

SINGLE FAMILY RESIDENTIAL. Service supplied from one meter or one connection to a single building designed, built and used as a single-family residence.

SUBDIVISION. A division of any tract of land within the incorporated limits, or within or partly in the ETJ of the City, or within the County, in two or more parts for the purpose of the laying out any subdivision of any tract of land or any addition of any town or city, or for laying out suburban lots or building lots, or any lots and streets, alleys, or parts or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto. Subdivision includes re-subdivision, but does not include a division of land for agricultural purposes in parcels or tracts of 5 acres or more and not involving any new streets, alleys or easements of access.

SUBDIVIDER (DEVELOPER). Any person or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. In any event, the term 'subdivider' shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner of land sought to be subdivided.

SURVEYOR. A licensed State Land Surveyor or Registered Public Surveyor, as authorized by State statutes to practice the profession of surveying.

TYPES OF CONSUMERS:

- A. SINGLE RESIDENTIAL CUSTOMER. A consumer receiving water service to a single-family residence.
- B. COMMERCIAL CUSTOMER. A consumer receiving water service for a commercial/business establishment.
- C. APARTMENT, CONDOMINIUM, AND DUPLEX CUSTOMERS. A consumer with a single owner, but has several residences or units serviced by one meter.
- D. MUNICIPAL OR GOVERNMENTAL WHOLESALE CUSTOMERS. An entity created by the State that owns and operates distribution systems and purchase water from the Water Department.
- E. OTHER CUSTOMERS. Any consumer not specifically identified above. This includes dual residential customers, temporary service customers, mobile home park customers, etc.

TARIFF. A Texas Water Commission approved operating policy of the system organized into written format and available for public inspection. As used in the sense of the word, this Ordinance is a Tariff.

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION. The State agency designated to regulate water service, water rates, and operation of water systems.

UTILITY EASEMENT. An interest in land granted to the Water Department for installing or maintaining utilities across, over and under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said utilities.

WATER BOARD. The six-member Water Commission appointed by the City of Garden Ridge to govern operations of the water Department.

WATER DEPARTMENT. The municipally owned water company for the City of Garden Ridge, Comal County, Texas.

WATER CONNECTION CHARGES. Those charges of the Water Department to the customer, for the connection of water mains of the Water Department.

WATER MAINS. Water pipe installed to carry water to the customer's property, including all fittings, such as T's, crosses, elbows, fire hydrants, valves, etc., needed to install a proper extension system.

SECTION 2 -- ORGANIZATION

2.01 -- STATEMENT OF ORGANIZATION.

The City of Garden Ridge Water Department is a municipally-owned public utility established for the purpose of furnishing a water supply for domestic residential use, business use, and general farm use in the City of Garden Ridge, the extraterritorial jurisdiction of the City of Garden Ridge, as well as areas outside the extra-territorial jurisdiction of the City of Garden Ridge where no Certificate of Convenience and Necessity is held by another water supply system.

2.02 -- THE CITY WATER COMMISSION.

The City of Garden Ridge will establish a seven-member (six voting and one non-voting member) Commission to be known as the City Water Commission. The Mayor of the City of Garden Ridge will serve as the non-voting member. Commission members shall consist of City residents. The purpose of the Commission is to govern the operation of the City-owned water system and to insure that the water system meets regulatory requirements established by federal, state and other regulatory agencies for municipally owned water systems.

The City Water Commission will be governed by and will report to the City Council of Garden Ridge, said City Council having sole authority to approve water policy and all changes to this Water Ordinance. All changes to this Water Ordinance will be designed to govern the supplying and taking of water service in such a manner as will secure for each consumer the greatest possible latitude in the enjoyment of the service that is consistent with good practice and safety to other consumers.

SECTION 3-- APPLICABILITY OF ORDINANCE

3.01 -- RELEVANCE OF ORDINANCE.

All provisions of this Ordinance shall be deemed to be incorporated into every contract between the Water Department and its water customers and each customer shall be charged with knowledge of the provisions of this Ordinance and, by applying for and accepting water service from the Water Department shall be deemed to have acceded to the provisions of this Ordinance.

3.02 -- UNLAWFUL TO TAKE WATER OTHER THAN PROVIDED BY ORDINANCE.

It is a violation of state and municipal law for a person to take or use water from the water system of the Water Department or to utilize the services of the water system, except under the terms and conditions as specified and stipulated in this Ordinance. Any person violating the terms and provisions of this Ordinance shall be prosecuted in the courts having appropriate jurisdiction.

3.03 -- FAILURE TO COMPLY WITH THE ORDINANCE.

Failure to comply with any provision of this Ordinance relating to the water system of the Water Department shall constitute grounds for discontinuance of water service by the Water Department.

3.04 -- VIOLATIONS OF THE WATER ORDINANCE.

A person commits an offense if that person violates by commission or omission any provision of this Ordinance that imposes upon that person a duty or responsibility. In addition to prohibiting or requiring certain conduct of individuals, it is the intent of this ordinance to hold a corporation, partnership or other association criminally responsible for acts or omissions performed by an agent acting in behalf of the corporation, partnership or other association, and within the scope of his employment.

3.05 -- PUNISHMENT AND FINES FOR VIOLATIONS OF THE WATER ORDINANCE.

That a person who violates a provision of this ordinance is guilty of a separate offense for each day or portion of a day during which the violation is committed, continued or permitted, and each offense is punishable according to the following schedule of fines plus cost of replacement of any damaged items. Any offense not listed below will be punishable by a fine of not less than then (10) dollars nor not more than two thousand (2,000) dollars.

- | | |
|---|------------|
| a. Intentional Damage or Tampering with Water Department property | \$ 150.00 |
| b. Unauthorized use of fire hydrants or water service connections | \$ 150.00 |
| c. Wasting water | \$ 200.00 |
| d. Resale of service | \$ 150.00 |
| e. Unauthorized connection to water mains or services | \$ 500.00 |
| f. Alteration or removal of devices on customer side required by this Ordinance | \$ 100.00 |
| g. Failure to comply with cross-connection control measures required by this Ordinance. | \$ 500.00* |

* Immediate termination of water service until brought into compliance.

Failure to comply with payment of set fees shall result in termination of water service or considered a class C misdemeanor punishable by the appropriate courts of jurisdiction, or both.

SECTION 4-- GENERAL POLICY

4.01 -- WATER DEPARTMENT NOT BOUND TO SELL WATER.

In the sale of water by the Water Department to any person, firm or corporation, and in the supply of water for use in the protection of property against fires, THE CITY OF GARDEN RIDGE WATER DEPARTMENT DOES NOT AGREE, unless by specific contract, nor is the Water Department bound to furnish water of any special or specific or specified amount, but only undertakes to furnish such water and the amount of water that may be supplied from the wells of the Water Department or such other source or sources as the Water Department may select, and in an amount within the capacity of the Water Department's pumping plants.

4.02 -- NON-LIABILITY FOR FAILURE TO SUPPLY WATER FOR FIRE-FIGHTING.

The Water Department exists for the primary purpose of providing a source of potable water for its customers. The Water Department cooperates with its customers in the establishment of fire-fighting support facilities; however, because of the nature of the support facilities, it MAKES NO REPRESENTATION IT IS OFFERING FIRE PROTECTION nor does it contract with its customers to inspect or maintain fire hydrants or tank filling valves. Some areas do not conform with local fire codes.

In the event for any reason the Water Department may become unable to supply water to its customers, or to the municipality for the prevention or suppression of fire, the Water Department will in no manner be liable for damages by reason of any such failure to any customer or customers of the water system, or to any person or persons whose property may have been destroyed by fire, or otherwise damaged.

4.03 -- COMMERCIAL USE OF WATER.

Commercial use of water will be permitted by the Water Department only to the extent of availability to supply domestic needs. Use of water for non-domestic use, such as irrigation, may be curtailed at the Water Department's discretion when the use adversely affects domestic use customers.

4.04 -- WATER SUPPLY TO STEAM BOILERS AND CLOSED WATER HEATERS.

It shall be unlawful for any person to draw water from any Water Department supply pipe directly into any steam boiler which is equipped or arranged for more than fifteen (15) pounds per square inch.

All persons having boilers or closed water heaters supplied with Water Department water are cautioned against the danger of explosion or collapse. The Water Department will not be liable for any damages that may occur on account of the water being shut off for any reason or on account of the breaking of any pipe or fixture by pressure of the water from the Water Department's mains.

Where Water Department water is used to supply a steam boiler of over fifteen (15) pounds of pressure, the owner shall provide a tank of sufficient capacity to afford a supply of at least four (4) hours into which the service pipe must be discharged over the top of the tank, and never into the bottom side.

4.05 -- UNLAWFUL TO WASTE WATER.

It shall be unlawful and subject to the violation provisions of Section 3 of this Ordinance for any person to willfully and negligently waste water supplied by the Water Department in any manner whatsoever, and any person having knowledge of any conditions whereby water is being wasted shall at once notify the Water Department.

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 grounds for the refusal of the Water Department to connect the premises with the Water Department's water system or to continue water service, after having given notice of the intention to shut off the water, pending the necessary correction.

4.06 -- UNLAWFUL TO OBTAIN WATER BY FRAUD.

It shall be unlawful and subject to the violation provisions of Section 3 of this Ordinance for any person to resort to any fraudulent device or arrangement for the purpose of procuring water for himself or others from private connections on premises contrary to the Water Department's regulation.

4.07 -- NO FREE WATER ALLOWED.

No free water shall be allowed to be given by the Water Department to any customer or consumer.

4.08 -- PRIVACY POLICY

The City of Garden Ridge has adopted a privacy policy for the utilities of the City. Refer to City Ordinance 135-112005.

4.09 – IDENTITY THEFT POLICY

The City of Garden Ridge has adopted an identity theft policy for the utilities of the City. Refer to City Ordinance 152-072009.

SECTION 5-- GENERAL SERVICE RULES AND REGULATIONS

5.01 -- CUSTOMERS.

Every person, firm or corporation connected to the water system of the Water Department of Garden Ridge is considered a customer.

5.02 -- RENTERS.

Any customer who rents or leases property to other parties must transfer customer status to renter or leasor.

5.03 -- TRANSFERS.

All transfers from one customer to another customer must be in writing and approved by the Water Department. If a meter is servicing property that is sold, the customer status must be transferred to the new owner customer.

5.04 -- DELINQUENCY.

Any and all customers that have delinquent accounts for more than 45 days, will have their customer status voided after the Water Department has given written notice, in the form of a disconnect notice to the customer, giving the customer 5 days to cure the delinquency. Any and all customers on meters that have been disconnected more than six months, for any reason, will have their customer status voided. The voided customer status will be renewed only on an "as availability of water permits basis" and will be acted upon as a new meter service.

5.05 -- INTERRUPTIONS OF SERVICE.

The Water Department will exercise reasonable efforts to prevent interruptions of service. When interruptions occur, the Water Department shall re-establish service within the shortest time possible. The Water Department is not obliged to notify customers of service interruptions, but will make all possible efforts to do so.

5.06 -- CUSTOMER AND NON-CUSTOMER COMPLAINTS.

Upon complaint to the Water Department, either at the Water Department office, by letter or by telephone, the Operations Manager will promptly make a suitable investigation and advise the complainant of the results. The manager may respond to the complainant in writing or by telephone. In either case, a written record of the complaint and disposition will be kept by the manager and reported monthly to the City Water Commission. If the results are not to the complainant's satisfaction, the complainant may submit to the Water Department a written request to appear before the City Water Commission. The complainant will be placed on the agenda of the next regular City Water Commission meeting.

5.07 -- SERVICE AGREEMENT.

The Water Department must have an executed service agreement with each customer who is brought into the system subsequent to the effective date of this Ordinance. Persons who were customers of the system when the system was acquired by the City of Garden Ridge will be considered to have a service agreement with the Water Department are such agreement will be in accordance with all requirements of this Ordinance.

Failure of a customer to execute an agreement, when required, shall result in a refusal of service or a disconnection of service. Service agreements will be in written form and will acknowledge an understanding of the Ordinance in force when the service agreement is signed. Subsequent changes to said Ordinance will be published in the official newsletter of the City of Garden Ridge or in the newspaper designated as the official newspaper of the City of Garden Ridge.

5.08 -- PRIORITY OF SERVICE.

Priority of service will be in the order of: (1) Emergency Services (Cooperative effort only); (2) Residential in-home use; (3) Agricultural and livestock; (4) Industrial and Commercial; (5) Other.

5.09 -- OPERATING PRESSURES.

Minimum service pressure shall not be below 20 psi operating pressure. Maximum pressures may be at the Water Department's discretion. It will be the customer's responsibility to protect plumbing on the customer's side of the water meter against excessive pressures or surge using individual pressure regulators or other approved devices set forth in the State Plumbing Codes.

5.10 -- SERVICE AREAS.

The Water Department's service area is that area within which its lines and customers are located and which area is approved by the Certificate of Convenience and Necessity issued by the Texas Water Commission. This area is located in Comal County, Texas, and includes the City of Garden Ridge, Texas, and the ETJ areas of the City of Garden Ridge, Texas, not serviced by another water system having possession of a valid Certificate of Convenience and Necessity to serve said areas.

SECTION 6-- RATES & BILLING (GENERAL)

6.01 -- COMMITTEE TO SET RATES.

The City Council of Garden Ridge, Texas, is empowered to establish water rates, water charges, and special service rates where extenuating circumstances exist. The water rates and charges may be revised from time to time.

6.02 -- BILLS DUE WHEN SENT.

All bills shall be considered rendered when delivered to the U.S. Post Office with postage prepaid for mailing to the customer. Failure of the customer to receive any such bill shall in no way relieve the customer of the duty and obligation to pay for the services rendered.

Charges for each account shall be on a continuous basis, from the date of the initial meter installation until notification for discontinuance is received and accepted by the Water Department. Upon receipt and acceptance of an application for discontinuance, the water meter shall be locked or plugged and no additional charges imposed. Service and charges shall resume when an application for new service has been made and accepted and applicable fees paid by the applicant.

6.03 -- BILLING CYCLE.

Water meters will normally be read on the 23rd day of the month. If the 23rd falls on a weekend or holiday, meters will be read the business day nearest the 23rd (before or after). Statements of charges will be mailed as near the first day of the month following the meter reading as possible and shall include charges for the volume of water used and for any other charges due. Payment shall be received by the Water Department on or before the 15th day of the month immediately following the billing. If the 15th of the month falls on Saturday, Sunday or a legal holiday, payment shall be received on the next business day. Payments not received by the close of business on the 15th day of the month following the billing shall be considered delinquent and will incur a 10% penalty fee on any unpaid portion of the bill. This 10% fee will continue to be added to the charges due for each additional 30-day period the charges remain unpaid.

If the customer's account is considered delinquent, in addition to penalties, actions will be initiated in accordance with Section 7.01.

6.04 -- HOW CHARGES ARE COMPUTED.

Billings for water service will reflect charges computed under a "Net Rate" and a "Gross Rate". The "Net Rate" applies if the charges are paid on or before the 15th day of the month following the billing date. The "Gross Rate" applies if charges are paid after the 15th day of the month following the billing date.

(The "Gross Rate" is a combination of the "Net Rate" plus an additional penalty fee (10% of the "Net Rate") because payment of the charges are overdue. An additional ten percent (10%) of the original "Gross Rate" shall be added for each additional thirty (30) day period for which charges remain unpaid.)

SECTION 7 -- DELINQUENT ACCOUNTS

7.01 -- RESULTS OF NON-PAYMENT.

If water bill charges have not been paid by the close of business on the 15th day of the month following billing, the customer's account is considered to be delinquent. The Water Department will issue a written notice to the customer of the intention to disconnect water service. The due date on this Final notice will allow the customer 10 calendar days within which to request, from the City Water Commission's designated representative, a formal hearing. Failure to make payment on or before the specified due date of the Final notice will result in disconnection of service and the customer will incur a disconnect and reconnect fee. If the customer wishes to exercise their right to request a formal hearing, they will need to do so within the same 10-day period of the Final notice, or the customer waives the right to such hearing. In addition to immediate disconnection of water, the Water Department may take appropriate legal action to recover any unpaid balances and applicable fees.

The Water Department may waive the disconnection of service for a customer whose delinquent balance is less than the required deposit for service. If a customer has been served by the Water Department from a period preceeding the deposit requirement, then the disconnection of service may be waived as if a deposit has been secured. A deposit will be required from said customer if said customer is due to be disconnected a second time.

The Water Department may waive the disconnect and reconnect charges, one time, if the customer signs up for auto-draft payments.

7.02 -- HEARING PROCEDURES.

If the customer exercises the right to request a hearing within the 10 day period, the City Water Commission, or its representative, shall inform the customer of the date, time, and location of the next regularly scheduled meeting of the Commission at which formal hearings will be conducted. Information pertaining to the date, time, and location of the hearing shall be conveyed to the customer who requested the hearing within five (5) days after the receipt of the request for formal hearing by the City Water Commission or its designated representative.

At the hearing requested by the customer, the City Water Commission or its designated representative shall examine the facts and circumstances of each case and consider the views expressed by interested parties attending the hearing. The City Water Commission shall render a final decision concerning the rationality, propriety, or existence of utility charges assessed to the customer who requested the hearing. Such decision will be rendered with ten (10) days after the formal hearing and will be sent to the customer via certified mail, return receipt requested.

The disconnection process will be suspended until the hearing has been completed and the decision of the City Water Commission has been rendered and mailed to the customer. Upon receiving the Commission's decision, the customer shall immediately (within three (3) days) pay all prescribed fees or late charges or face immediate disconnect procedures.

7.03 -- DISCONNECTION OF SERVICE.

If a customer whose account is deemed delinquent waives the hearing process outlined in Section 7.02, or the City Water Commission completes the hearing process requested by the delinquent customer and has determined that said customer is delinquent, the City Water Commission is authorized to order the immediate physical disconnection of water service.

Water service shall not be reinstated until all charges shown on the bill, plus a disconnect and a reconnect fee as shown in Section 25, are paid in full.

In addition to the foregoing, the customer whose service was disconnected shall deposit with the Water Department an amount to secure the user's future charges if reconnection of water service is authorized. This deposit shall be in an amount sufficient to cover the "Gross Rate" water charges the user incurred for the previous two months of service, or one hundred (100) dollars whichever amount is higher. The deposit shall be collected before water service is reconnected and shall be refunded in accordance with the regulations of the Water Department.

SECTION 8-- DISCONTINUANCE AND/OR DISCONNECTION OF WATER SERVICE

8.01 -- DISCONTINUANCE OF WATER SERVICE.

No user of water services from the Water Department shall sell any such service and no such service shall be furnished to any user thereof. Any person violating any provision of this regulation shall be subject to the violation provisions of Section 3 of this Ordinance and subject to immediate discontinuance of water service after due notice has been given the customer if the illegal service thereafter continues.

8.02 -- DISCONNECTION OF WATER SERVICE.

Water service may be disconnected for any of the following reasons:

- a. Failure to pay a delinquent account or failure to comply with the terms of a deferred payment agreement;
- b. Violation of the Water Department's rules pertaining to the use of service in a manner which interferes with the service of others or the operation of nonstandard equipment, if reasonable attempt has been made to notify the customer and the customer is provided with a reasonable opportunity to remedy the situation;
- c. When a dangerous condition exists for as long as the condition exists;
- d. For the unlawful removal of any water meter that has been placed, installed or is owned by the Water Department, or in any manner change, interfere with, bypass or tamper with any such meter. The provisions of this paragraph shall not apply to the employees of the Water Department when acting in their official capacity.

In the event any of these situations are discovered or determined, the Water Department shall take such steps to discontinue the improper use and disconnect the meter. Service will thereafter not be resumed to the user/customer until such user/customer shall have paid all estimated charges for consumed water together with any damage to the meter or mains, plus a one hundred dollar (\$100.00) reconnection charge. If tampering or bypassing the meter occurs again, the meter will be removed and legal action taken against the user/customer to restrain such activity and recover damages.

SECTION 9-- CONTINUANCE OF SERVICE

9.01 -- GENERAL POLICY ON DISCONNECTION OF WATER SERVICE.

Unless a dangerous condition exists, or unless the customer requests a service disconnection, service shall not be disconnected on a day, or on a day immediately preceding a day, when personnel of the Water System are not available to the public for the purpose of making connection and reconnection services.

The Water Department may not abandon a customer for a certified service area without giving fourteen (14) days written notice to its customers therein and all similar neighboring utilities, and approval from the Texas Water Commission.

9.02 -- REASONS WHY WATER SERVICE MAY NOT BE DISCONNECTED.

Water service to a customer of the Water Department may not be disconnected due to the following reasons or situations:

- a. Delinquency in payment for service by the previous occupant of the premises. This situation should not occur if Section 5.03 has been complied with. However, should such an event occur, it shall not be a reason to disconnect water service.
- b. Failure to pay for merchandise or charges for non-utility services which are not billed to the user/customer. (Professional services are considered a water service.)
- c. Failure to pay for a different type or class of water service unless the fee for such service is included on the same bill as the water service.
- d. Failure to pay the account of another customer a guarantor thereof, unless the Water Department has, in writing, the guarantee as a condition precedent to providing service.
- e. Failure of a user/customer to pay charges arising from an under billing occurring due to any misapplication of rates more than six (6) months prior to the current billing.
- f. Failure of a user/customer to pay an estimated bill other than a bill rendered pursuant to an approved meter-reading plan, unless the Water Department is unable to read the meter due to circumstances beyond its control.
- g. Failure of a user/customer to pay charges arising from an under billing due to any faulty metering, unless the meter has been tampered with.

SECTION 10 -- DISCONNECTION AND RECONNECTION OF SERVICE

10.01 -- CHARGES FOR DISCONNECTION AND RECONNECTION SERVICE.

Whenever a customer terminates water service at one address and renews a service, a disconnection fee and a reconnection fee shall be assessed against the customer. These charges are set forth in Section 25. Reconnection will only be made after the customer has otherwise completed an application for service and has Water Department approval for a meter at the new address.

10.02 -- ALL PAST ACCOUNTS MUST BE PAID FOR RECONNECTION SERVICE.

When any customer who is liable for water charges shall leave or vacate premises to which such charges are applicable, the customer shall not be furnished water service at a new location or premise until all water service charges owed by the customer are paid. The customer may still take the necessary and timely steps to request a formal hearing, as set forth in Section 7 of this Ordinance.

In the event the customer liable for water charges is responsible for payment of water service charges to more than one residence, location or premise, the Water Department reserves the right to disconnect water service to all residences for which that customer is responsible for payment of water service. Further, reconnection of service to any or all residences may be withheld until all past due accounts are satisfied.

SECTION 11-- WATER CONNECTIONS AND EXTENSIONS (GENERAL)

11.01 -- GENERAL POLICY REGARDING CONNECTIONS AND EXTENSIONS.

The following policies and procedures will apply to all connections and extensions made from and after the effective date of this section:

- a. The Water Department shall supply water to its customers through mains/lines owned or controlled by the Water Department and which shall be located in the streets, between the curb and sidewalk lines or in alleys, adjacent to property being served, or on easements controlled or owned by the Water Department.
- b. No customer shall be provided service unless the property being served has frontage along a Water Department main line.
- c. The Water Department may assess, in addition to the service connection charge, the estimated cost of breaking and replacing pavement necessary to make such connections; such assessment to be paid prior to the work being performed. If the assessment exceeds the actual cost of such pavement crossings, the difference shall be refunded to the customer upon completion of the work.
- d. If a connection or extension requires boring under or crossing over a highway or street the Water Department may assess the estimated cost of boring under or crossing over that highway or street to furnish water service regardless of the distance from the water main to the property line; such assessment to be paid prior to the work being performed. In the event the assessment exceeds the actual cost of boring under or crossing over the highway or street, the excess is refundable to the customer when work is completed.
- e. When a single customer or group of single customers is required to pay the cost of extending water mains in an area where service demands may be made upon those mains, by new customers, then the single customer or group of single customers may enter into a refund contract with the Water Department. This refund contract shall be for a period of fifteen years from the date of the main extension completion or the receipt by the single customer or group of single customers of 100% of the refund due, whichever occurs first. The refund shall in no case exceed the cost of the mains installed.
- f. The Water Department will set a meter, for use by the customer, at the front of the property to be serviced. The meter will sit a distance not to exceed 2 feet off of an adjoining property line and 1 foot off of a Right-of-Way line. When a connection is made by the Water Department to a main on the opposite side of the street, additional charges will be assessed as specified in Section 25.05 (Reference a-3).
- g. All lines constructed and meters installed under the provisions of this section shall be the property of the Water Department and the Water Department shall have full control and jurisdiction over such lines and meters.
- h. All extensions of water main facilities must conform to the City's master plan, ordinances, codes and regulations and must be reviewed by the City Engineer and must be approved by the City Council of Garden Ridge, Texas.
- i. No water service shall be provided unless and until the water connection charges, meter charges, and all other required charges are paid in advance.

11.02 -- RESPONSIBILITY FOR PAYMENT OF WATER CONNECTIONS.

The person who makes application for water service shall be responsible for payment of all charges provided for in this Ordinance until written notice is given the Water Department by such person of the intention to discontinue such service.

11.03 -- UNLAWFUL CONNECTION TO WATER MAINS OR WATER PIPES.

It shall be unlawful for any person to make, or permit to be made, any connection with or to the water mains or service pipes of the Water Department system. It shall also be unlawful to turn on or use water of the Water Department system without first obtaining a connection therefor. Violations will be subject to the provisions of Section 3 of this Ordinance. Application for connections shall be filed with the Water Department on forms prescribed by the Water Department. If the application or applications are approved, the connection shall be effected.

11.04 -- ALL CONNECTIONS SHALL BE MADE BY THE WATER DEPARTMENT.

Upon approval of a connection and payment of the required connection fee, the Water Department shall make, or cause to have made, the necessary connections and furnishing of a meter box and curb stop, the cost of which are included in the meter connection fee.

11.05 -- EVERY PREMISE SHALL HAVE A SEPARATE SERVICE CONNECTION.

Every premise connected with or to any water main, or being supplied with any water from the Water Department, shall have a separate service connection, curb stop, meter (installed by Water Department) and customer supplied shut-off valve (to be installed by customer's plumber).

11.06 -- COMPLIANCE WITH PLUMBING REQUIREMENTS.

No connection shall be made to any house, building or premise to any portion of the Water Department's system if the customer's plumbing has been determined to contain cross connections or other violations of the Health Department requirements or standard building and plumbing codes. When the Water Department becomes aware of and confirms that the plumbing of any house, building or premise already connected to its water system is not or does not comply with the standards of material or workmanship provided for by appropriate provisions of this Ordinance, the Water Department shall have the right and duty, after notice to the owner, occupant or person in charge of such premises, and the failure or refusal of such owner, occupant or person in charge to immediately remedy such condition, to discontinue all or any portion of service provided by the Water Department as may be required or suggested by the situation.

11.07 -- WATER DEPARTMENT INSPECTIONS ARE NOT A WARRANTY OF LIABILITY.

Plumbing inspections made by the Water Department in regards to effecting a water service connection shall not create any liability or warranty for, by or to the Water Department as to the quality or condition of the plumbing of the house, building or premises and such inspections are separate and apart from similar inspections required by other agencies or municipal offices.

SECTION 12-- WATER DEPARTMENT TO MAKE WATER TAPS, CONNECTIONS, REPAIRS, ETC.

12.01 -- UNLAWFUL TAPS, SERVICE PIPES OR CONNECTIONS.

It shall be unlawful and subject to the violation provisions of Section 3 of this Ordinance for any plumber or other person, other than the tapper employed by the Water Department, to tap any water main, make connection with mains or extend service pipes from the main to the meter or to place a stop cock and stop box at that point. All of this equipment shall be under the exclusive control of the Water Department and such taps and service shall be paid for by the plumber or owner ordering the work to be done before work is commenced.

12.02 -- REPAIR AND RENEWAL OF WATER SERVICE PIPES.

The Water Department will make all repairs and renewals of water service pipes from the main to the meter and it shall be unlawful for any person, other than a duly authorized agent of the Water Department to repair or renew any such service pipe from the main to the meter.

SECTION 13-- EXTENSION OF WATER SERVICE FROM ONE PREMISE TO ANOTHER

13.01 -- EXTENSIONS TO BE MADE ONLY BY WATER DEPARTMENT PERSONNEL.

After water is introduced into a building or upon any premises, the same shall not be extended by any plumber or any other person to any other premises for additional fixtures, except upon consent of the Water Department.

13.02 -- CONNECTING SEPARATE BUILDINGS THROUGH ONE METER.

The connecting of separate buildings through one water meter will not be allowed unless authorized in accordance with Section 24.03 of this Ordinance.

13.03 -- USE OF MORE THAN ONE METER PER BUILDING.

Not more than one meter can be supplied to any one building unless an entire separate piping system and separate service connections are provided by the owner of the building, and each meter shall constitute a separate contract, and pay at least the monthly minimum prescribed by this Ordinance.

SECTION 14-- WATER METERS (GENERAL)

14.01 -- ALL WATER SHALL BE MEASURED BY METERS.

All water furnished by the Water Department to its customers shall be measured by a meter and all meters shall conform to Water Department specifications as to size and type.

All water meters connected to the Water Department system are the property of the Water Department. Meters are not owned by the customer whose residence or business served by the meter. The Water Department shall keep all meters owned by it in repair, without expense to the customer, except that the property owner will be charged for meters, boxes and materials damaged or destroyed through the act of negligence, or carelessness of the owner or occupant and for labor costs incurred in reestablishing service.

14.02 -- ONLY ONE CONSUMER CAN PURCHASE WATER THROUGH A SINGLE METER.

Not more than one consumer shall purchase water through any single meter without the consent of the Water Department unless single metering is authorized for more than one unit of occupancy and provided that responsibility for payment of all water services for the single-meter billing is assumed by the single property owner. In cases where single metering is to be used for more than single-unit occupancy and where one of those occupancies requires a higher water use than a single-family residence, a meter sufficient in size to meet the total requirements will be required. The size of the meter will be determined by the Water Department at the time of request for service.

14.03 -- READING METERS BY CUSTOMER.

As a general policy, each customer meter will be read once a month by the Water Department. Under special circumstances and upon approval by the Water Commission, a customer may be authorized to read his/her meter provided the reading is returned to the Water Department in time to effect billing in the normal, established billing cycle.

If a customer is authorized to effect his/her own meter reading, the meter will be read as nearly as possible on the corresponding day of the month, each month, but may be read other than on monthly intervals if circumstances warrant and authorization is received from the Water Commission.

14.04 -- ESTIMATED BILLINGS DUE TO OBSTRUCTION OF ACCESS TO A METER.

If easy access to a water meter is obstructed in any manner whatsoever by a customer, or if entrance to the premises is made dangerous by a vicious animal or otherwise, thereby preventing a meter reader from procuring a reading of the meter, the charges may be estimated for an amount not to exceed double the normal charge. It is further provided that in case the customer does not remedy the condition or should the customer refuse to pay the estimated bill, the Water Department shall have the right to discontinue water services without further notice and service shall not be resumed until the conditions complained of have been remedied and all charges for water service have been paid.

14.05 -- ESTIMATED BILLINGS DUE TO METER FAILURE.

If a meter fails to register the water actually consumed by reason of the register or meter being out of order, the Water Department shall assess the minimum water bill charges to the customer until the defective meter is repaired or replaced.

14.06 -- METER TEST ON REQUEST OF THE CUSTOMER.

Upon request of a customer, the Water Department shall test the accuracy of the customer's meter. The test shall be made at the Water Department's test facility. If it is found that the meter does not register in error more than two (2) percent fast, the customer shall pay the amount as set forth in Section 25.05(i) for making the test and no adjustment of the charges shall be made. If the meter should register more than two (2) percent fast, the consumer shall pay no fee for the meter test and the Water Department shall make appropriate adjustments in the water service charges. Following the completion of any required test, the Water Department shall promptly advise the customer of the date of removal of the meter, and date of the test, the result of the test, and who made the test.

14.07 -- ADJUSTMENT TO BILL FOR FAST METER, CUSTOMER LEAKS, ETC.

- a. **Fast Meter:** Whenever any meter tested by the Water Department is found to have an average error of more than two (2) percent fast (in the Water Department's favor), a refund or credit will be issued to the customer for an overcharge based upon previous usage. An overcharge will not be adjusted for a time period longer than three months prior to the testing and only to the present meter owner.

- b. Non-Registering Meter: When a meter is found not to register for any period, unless bypassed or tampered with, the Water Department shall assess the minimum water bill charges to the customer for the billing period and will take immediate action to repair or replace the defective meter.

- c. Customer Leaks:
 - 1. First adjustment. The Water Department will adjust, at the customer's request, excess usage on one monthly bill per leak, with proper documentation (i.e. receipts) and inspection of repair by Water Department personnel. The customer will pay the basic minimum charges plus fifty percent (50%) of the remaining dollar amount. The adjustment is allowed once in a twenty-four (24) month period.
 - 2. Subsequent adjustments. The Water Operations Manager will report to the Water Commission at the next regularly scheduled meeting any subsequent adjustment requests received from any customer in a twenty-four (24) month period from the last adjustment request. All such requests must be made in writing by the customer. The Water Commissioners may recommend to City Council approval for a subsequent adjustment to a water bill. The adjustment will be no more than one half of the water bill minus the basic charges. Adjustment will only be recommended due to circumstances normally beyond the control of the customer such as vandalism or other criminal activity, or acts of nature.

- d. Adjustments for any water bill, for any reason, must be applied for no more than three months from the billing date of the bill in question.

14.08 -- RE-READING OF METERS.

The Water Department will re-read a customer's meter upon request of the customer. If the reading is determined to be in error, the Water Department will make the necessary adjustment. No charge is made for re-reading the meter unless the Water Department determines that there is no basis for such requested re-reading.

SECTION 15 -- CROSS CONNECTION CONTROL

15.01 -- GENERAL POLICY.

a. PURPOSE

- (1) To protect the public potable water supply of the City of Garden Ridge, Texas from the possibility of contamination or pollution by isolating within the customer's internal distribution system(s) or the customer's private water system(s) such contaminants or pollutants that could backflow into the public water system.
- (2) To promote the elimination or control of existing cross connections, actual or potential, between the customer's inplant potable water system(s) and non-potable water systems, plumbing fixtures, and industrial piping systems.
- (3) To provide for the maintenance of a continuing program of cross-connection control that will systematically and effectively prevent the contamination or pollution of all potable water systems.

b. RESPONSIBILITY. The Water System Manager shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection. If, in the judgment of said System Manager an approved backflow prevention assembly is required at the customer's water service connection; or, within the customer's private water system for the safety of the water system, the System Manager or his/her designated agent shall give notice in writing to said customer to install such an approved backflow prevention assembly(s) at his/her own expense; and, failure, refusal, or inability on the part of the customer to install, have tested, and maintain said assembly(s) shall constitute grounds for discontinuing water service to the premises until such requirements have been satisfactorily met.

15.02 -- DEFINITIONS.

APPROVAL. Accepted by the authority responsible as meeting an applicable specification stated or cited in this section as suitable for the proposed use.

AUXILIARY WATER SUPPLY. Any water supply on or available to the premises other than the purveyor's approved public water supply. These auxiliary waters may include water from other purveyor's public potable water supply or any natural source(s), such as a well, spring, river, stream, harbor, and so forth; used waters; or industrial fluids. These waters may be contaminated or polluted, or they may be objectionable and constitute an acceptable water source over which the water purveyor does not have sanitary control.

BACKFLOW. The undesirable reversal of flow in a potable water distribution system as a result of a cross connection.

BACKFLOW PREVENTER. An assembly or means designed to prevent backflow.

- (1) **Air gap** The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet conveying water or waste to a tank, plumbing fixture, receptor, or other assembly and the flood level rim of the receptacle. These vertical, physical separations must be at least twice the diameter of the water supply outlet, never less than one (1) inch (25mm).
- (2) **Reduced-pressure backflow prevention assembly.** The approved reduced-pressure principle backflow-prevention assembly consists of two (2) independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and below the first check valve. These units are located between two tightly closing resilient-seated shut-off valves as an assembly and equipped with properly located resilient-seated test cocks.
- (3) **Double check valve assembly.** The approved double check valve assembly consists of two internally loaded check valves, either spring loaded or internally weighted, installed as a unit between two tightly closing resilient-seated shut-off valves and fittings with properly located resilient-seated test cocks. This assembly shall only be used to protect against a non-health (that is, a pollutant).

BACKPRESSURE. A pressure, higher than the supply pressure, caused by a pump, elevated tank, boiler, or any other means that may cause backflow.

BACKSIPHONAGE. Backflow caused by a negative or reduced pressure in the supply piping.

CONTAMINATION. An impairment of a potable water supply by the introduction or admission of any foreign substance that degrades the quality and creates a health hazard.

CROSS-CONNECTION. A connection or potential connection between any part of a potable water system and any other environment containing other substances in a manner that, under any circumstances would allow such substances to enter the potable water system. Other substances may be gases, liquids, or solids, such as chemicals, waste products, steam, water from other sources (potable or non-potable), or any matter that may change the color or add odor to the water.

CROSS CONNECTIONS - CONTROLLED. A connection between a potable water system and a non-potable water system with an approved backflow-prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

CROSS-CONNECTION CONTROL BY CONTAINMENT. The installation of an approved backflow-prevention assembly at the water service connection to any customer's premises, where it is physically and economically unfeasible to find and permanently eliminate or control all actual or potential cross-connections within the customer's water system; or it shall mean the installation of an approved backflow-prevention assembly on the service line leading to and supplying a portion of a customer's water system where there are actual or potential cross-connections that cannot be effectively eliminated or controlled at the point of the cross-connection.

HAZARD, DEGREE OF. The term is derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

- (1) Hazard-health. A cross-connection or potential cross-connection involving any substance that could, if introduced in the potable water supply, cause death, illness, spread disease, or have a high probability of causing such effects.
- (2) Hazard-plumbing. A plumbing-type cross connection in a consumer's potable water system that has not been properly protected by an approved air gap or an approved backflow-prevention assembly.
- (3) Hazard-non-health. A cross connection or potential cross connection involving any substance that generally would not be a health hazard but would constitute a nuisance or be aesthetically objectionable, if introduced into the potable water supply.
- (4) Hazard-system. An actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system or of a pollutant or contamination that would have protracted effect on the quality of the potable water in the system.

INDUSTRIAL FLUIDS SYSTEM. Any system containing a fluid or solution that may be chemically, biologically, or otherwise contaminated or polluted in a form a concentration, such as would constitute a health, system, pollution, or plumbing hazard, if introduced into an approved water supply. This may include, but not be limited to: polluted or contaminated waters; all types of process waters and used waters originating from the public potable water system that may have deteriorated in sanitary quality; chemicals in fluid form; plating acids and alkalies; circulating cooling waters connected to an open cooling tower; and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters, such as wells, springs, streams, rivers, bays, harbors, seas, irrigation canals or systems, and so forth; oils, gases, glycerin, paraffins, caustic and acid solutions, and other liquid and gaseous fluids used in industrial or other purposes for fire-fighting purposes.

POLLUTION. The presence of any foreign substance in water that tends to degrade its quality so as to constitute a non-health hazard or impair the usefulness of the water.

SERVICE CONNECTION. The terminal end of a service connection from the public potable water system, that is, where the water purveyor loses jurisdiction and sanitary control over the water at its point of delivery to the customer's water system. If a meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the meter. There should be no unprotected takeoffs from the service line ahead of any meter or backflow-prevention assembly located at the point of delivery to the customer's water system. Service connection shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the public potable water system.

WATER.

- (1) Potable. Water that is safe for human consumption as described by the public health authority having jurisdiction.
- (2) Non-potable. Water that is not safe for human consumption or that is of questionable quality.
- (3) Used. Any water supplied by a water purveyor from a public potable water system to a consumer's water system after it has passed through the point of delivery and is no longer under the sanitary control of the water purveyor.

WATER SYSTEM MANAGER. This person is invested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of this section.

15.03 -- REQUIREMENTS

a. WATER SYSTEM

- (1) The water system shall be considered as made up of two (2) parts: the utility system and the customer system.
- (2) Utility system shall consist of the source facilities and the distribution system, and shall include all those facilities of the water system, under the complete control of the utility, up to the point where the customer's system begins.
- (3) The source shall include all components of the facilities utilized in the production, treatment, storage and delivery of water to the distribution system.
- (4) The distribution system shall include the network of conduits used for the delivery of water the source to the customer's system.
- (5) The customer's system shall include those parts of the facilities beyond the termination of the utility distribution system that are utilized in conveying utility-delivered domestic water to points of use.
- (6) The customer's system shall conform to the current plumbing code for backflow prevention adopted by the City in Ordinance 19. In cases where there is conflict, the stricter code will be enforced.

b. POLICY

- (1) No water service connection to any premises shall be installed or maintained by the water purveyor unless the water supply is protected as required by state laws and regulations and this section. Service of water to any premises shall be discontinued by the water purveyor if a backflow-prevention assembly required by this ordinance is not installed, tested, and maintained, or if it is found that a backflow-prevention assembly has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service will not be restored until such conditions or defects are corrected.
- (2) The customer's system should be open for inspection at all reasonable times to authorized representatives of the City of Garden Ridge Water Department to determine whether cross connections or other structural or sanitary hazards, including violations of these regulations exist. When such a condition becomes known, the Water System Manager shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with State and City Statutes relating to plumbing and water supplies and regulations adopted pursuant thereto.
- (3) An approved backflow-prevention assembly shall be installed on each service line to a customer's water system at or near the property line or immediately before the first branch line leading off the service line whenever the following conditions exist:
 - (a) In the case of premises having auxiliary water supply that is not or may not be of safe bacteriological or chemical quality and that is not acceptable as an additional source by the Water System Manager, the public water system shall be protected against backflow from the premises by installing an approved backflow-prevention assembly in the service line, appropriate to the degree of hazard.

- (b) In the case of premises on which any industrial fluids or any other objectionable substances are handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be protected against backflow from the premises by installing an approved backflow-prevention assembly in the service line, appropriate to the degree of the hazard. This shall include the handling of process waters and waters originating from the utility system that have been subject to deterioration in quality.
 - (c) In the case of premises having (1) internal cross connections that cannot be permanently corrected and controlled, or (2) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impractical or impossible to ascertain whether or not dangerous cross connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow-prevention assembly in the service line.
- (4) The type of protective assembly required under the subsections 15.03(a), 15.03(b), and 15.03(c) shall depend upon the degree of hazard that exists as follows:
- (a) In the case of any premises where there is an auxiliary water supply as defined in Section 15.02 and it is not subject to any of the following rules, the public water system shall be protected by an approved air gap separation or an approved reduced-pressure principle backflow-prevention assembly.
 - (b) In the case of any premises where there is an irrigation system installed
 - (i) If the premises has a traditional septic system, the public water system shall be protected by an approved double-check valve assembly.
 - (ii) If the premises has a septic system with a pump tank, the public water system shall be protected by an approved reduced-pressure principle backflow prevention assembly.
 - (c) In the case of any premises where there is water or substance that would be objectionable but not hazardous to health, if introduced into the public water system, the public water system shall be protected by an approved double check valve assembly.
 - (d) In the case of any premises where there is any material dangerous to health that is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air gap separation or an approved reduced-pressure principle backflow-prevention assembly. Examples of premises where these conditions will exist include sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries and plating plants.
 - (e) In the case of any premises where there are “uncontrolled” cross connections, either actual or potential, the public water system shall be protected by an approved air gap separation or an approved reduced-pressure principle backflow-prevention assembly at the service connection.
 - (f) In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross connection survey, the public water system shall be protected against backflow from the premises by either an approved air gap separation or an approved reduced-pressure principle backflow-prevention assembly on each service to the premises.
 - (g) In the case of any premises where, in the opinion of the Water System Manager, an undue health threat is posed because of the presence of extremely toxic substances, the Water System Manager may require an air gap at the service connection to protect the public water system. This requirement will be at the discretion of the Water System Manager and is dependent on the degree of the hazard.

In the case of any premises where complete containment is necessary, thermal expansion devices will be required to be properly installed at the water heater.

- (5) Any backflow-prevention assembly required herein shall be a model and size approved by the Water System Manager. The term “approved backflow-prevention assembly” shall mean assembly that has been manufactured in full conformance with the standards by the American Water Works Association titled:

AWWA C510-89-Standard for Double Check Valve Backflow-Prevention Assembly, and

AWWA C511-89-Standard for Reduced-Pressure Principle Backflow Prevention Assembly, and have met completely the laboratory and field performance specifications of the Foundation For Cross-Connection Control and Hydraulic Research of the University of Southern California established by,

"Specification of Backflow-Prevention Assemblies"- Section 10 of the most current issue of the Manual of Cross-Connection Control.

Said AWWA and FCCHR standards and specifications have been adopted by the City of Garden Ridge. Final approval shall be evidenced by a "Certificate of Approval" issued by an approved testing laboratory certifying full compliance with said AWWA standards and FCCHR specifications.

The following laboratory has been qualified by the Water System Manager to test and certify backflow preventers:

Foundation for Cross-Connection Control and Hydraulic Research
University of Southern California
University Park
Los Angeles, Ca. 90089

Testing laboratories, other than the laboratory listed above, will be added to an approved list as they are qualified by the Water System Manager.

Backflow preventers that may be subjected to back-pressure or backsiphonages that have been granted a certificate of approval by said qualified laboratory and are listed on the laboratory's current list of approved backflow-prevention assemblies may be used without further laboratory testing or qualification.

- (6) It shall be the duty of the customer-user at any premises where backflow-prevention assemblies are installed to have certified inspections and operational tests made at least once per year for high health hazard devices or once every two years for low health hazard devices. In those instances where the Water System Manager deems the hazard to be great enough, certified inspections may be required at more frequent intervals. These inspections and tests shall be at the expense of the water user and shall be performed by the assembly manufacturer's representative, water Department personnel, or by a certified tester approved by the Water System Manager. It shall be the duty of the Water System Manager to see that these tests are made in a timely manner. The customer-user shall notify the Water System Manager in advance when the tests are to be undertaken so that the Water System Manager may witness the tests if so desired. These assemblies shall be repaired, overhauled, or replaced at the expense of the customer-user whenever said assemblies are found to be defective. A copy of all testing results are to be turned in to the Water System Manager. Records by Water Department and customer-user shall be maintained for a minimum period of three years.
- (7) All presently installed backflow prevention assemblies that do not meet the standards of this section but were approved assemblies for the purpose described herein at the time of installation and that have been properly maintained, shall be tested annually and, be excluded from the requirements of these rules so long as the Water System Manager is assured that they will satisfactorily protect the utility system. Whenever the existing assembly is moved from the present location, fails its annual test, or when the Water System Manager finds the existing device constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting the requirements of this section.

c. INSPECTION

- (1) The customer shall provide the Department with a customer inspection certification (as required in Section 290.46 j of TNRCC rules for public water systems) on all new construction with city water service.
 - (a) Inside city limits- This certification shall be presented to the Department prior to the final inspection of the building. If not received, a Certificate of Occupancy will not be issued and service will be terminated until certification is received.
 - (b) Outside city limits- This certification shall be presented to the Department upon construction completion or service will be terminated immediately until certification is received.
- (2) The customer shall provide the Department with a customer inspection certification (as required in Section 290.46 j of TNRCC rules for public water systems) on all renovation construction with city water service.
 - (a) Inside city limits- This certification shall be presented to the Department prior to the final inspection of the renovation. If not received, service will be terminated until certification is received.
 - (b) Outside city limits- This certification shall be presented to the Department upon renovation

completion or service will be terminated immediately until certification is received.

- (3) The customer shall provide the Department with a customer inspection certification (as required in Section 290.46 j of TNRCC rules for public water systems) if the Department has reason to believe that cross-connections or other potential contaminant hazards exist.

SECTION 16 -- SERVICE OUTSIDE SERVICE AREAS

16.01 -- WATER NOT FURNISHED BEYOND AREAS AUTHORIZED BY TWC.

No water shall be furnished by the Water Department beyond the areas authorized by the Texas Water Commission unless all plumbing, including all fixtures and appliances, through which water from the Water Department is to pass has been approved by the Water Department. In the event additional plumbing is installed on such premises, water service shall be discontinued to such consumer, unless such additional plumbing installation is approved by the Water Department.

16.02 -- SECTIONS CONSTRUING AGAINST THE WATER DEPARTMENT.

Nothing in this section or any other section of this Ordinance shall be now or hereafter be construed to compel the Water Department to furnish water to consumers beyond the Texas Water Commission certificated limits or to continue such service once begun, and the Water Department reserves the right to furnish service to such customers it deems advisable and to, at any time, wholly or partially discontinue the water supply upon violation of any of the terms of this Ordinance, the same as though such customer resided within the certificated territory.

SECTION 17 -- OPERATIONS MANAGER OF THE WATER DEPARTMENT

17.01 -- CREATION OF OFFICE OF OPERATIONS MANAGER.

There is hereby created the office of Operations Manager for the Water Department, which officer shall have general supervision of the water system of the Water Department and shall have general supervision over all employees of the Water Department and shall make repairs deemed necessary and consistent with his or her duties. The Operations Manager shall be given the authority to issue citations for violations of this Ordinance.

17.02 -- REPORTING VIOLATIONS OF THE WATER SYSTEM.

The Operations Manager of the Water Department shall report violations of all regulations governing the establishment, maintenance and operation of the Water Department to the City Water Commission.

17.03 -- AUTHORITY TO TURN WATER ON OR OFF.

Employees of the Water Department are the only individuals having authority to turn water on or off at any Water Department valve. No plumber or other person shall turn water on or off at any Water Department valve without written permission first being obtained from the Operations Manager of the Water Department.

17.04 -- TAMPERING WITH FIRE HYDRANTS AND OTHER WATER DEPARTMENT PROPERTY.

It shall be unlawful and subject to the violation provisions of Section 3 of this Ordinance for any person to open or close any unmetered fire hydrant or stop cock connected with or to the water system of the Water Department or to lift or remove the covers of any gate valves or shutoff thereof, without the permission of the Operations Manager of the Water Department, except in case of fire, and then under the direction of officers of the fire department.

17.05 -- TURNING ON WATER SERVICE AFTER SERVICE HAS BEEN DISCONNECTED.

It shall be unlawful and subject to the violation provisions of Section 3 of this Ordinance for any person to turn on the water supply or service to any building or to any supply pipe where the supply of water has been turned off, for any reason, by the Water Department, without permission of the Operations Manager of the Water Department.

SECTION 18 -- EASEMENTS, ACCESS AND INSPECTIONS

18.01 -- EASEMENTS

Each Water Department customer will, as specified in the Service Agreement, provide any easement required for right-of-way for the purpose of installing, maintaining, and operating such pipe lines and appurtenances which may be deemed necessary for the Water Department for service to the property owner or to other Water Department customers on such form as is required by the Water Department.

18.02 -- REFUSED EASEMENTS.

Any customer who refuses to grant Easements of Right-of-Way, as required by the Water Department, shall be deemed in breach of the Service Agreement and water service will be discontinued.

18.03 -- FAILURE TO GRANT EASEMENT CONSTITUTES A LIEN.

The failure of any customer or non-customer to grant the Water Department an easement may cause the Water Department extra expenses and liability. These extra expenses and liabilities include, but are not limited to, the extra length of following another route and the relocation of water mains when placed in public Right-of-Ways instead of on private easements. In such an event, the Water Department will notify the customer and/or landowner of these damages and will file a notice of record against his or her land in the County Court House records indicating that future water service to this property will be denied until the cost of these damages is recovered.

18.04 -- ACCESS TO CUSTOMERS PREMISES.

A customer of the Water Department shall give the duly authorized agents of the Water Department permission to enter the customer's property at all reasonable times for any purpose incidental to the supplying of water service.

Any person desiring to obtain or to continue to obtain service from the Water Department shall be required to submit to the inspection of his premises by the Operations Manager of the Water Department, or to his representative, when requested to do so.

SECTION 19 -- DUTIES OF CUSTOMERS/CONSUMERS

19.01 -- MAINTAINING CONDITION OF OWN WATER LINES.

Customers/consumers of water from the Water Department shall keep their own service pipelines and apparatus in good repair and condition, protected from freezing at their own risk and expense, and shall prevent all unnecessary waste of water.

It is especially stipulated that no claim shall be made against the Water Department for or by reason of the breakage of any service pipe or service cock, or from any damage by reason of shutting off the water to repair mains, or for any other purpose, and in case of neglect or refusal to promptly repair an imperfection in the service pipes, lines, stops, or other fixtures which the Operations Manager may cause the water to be turned off.

19.02 -- SAFEGUARDING OF WATER DEPARTMENT LINES.

The customer is required to safeguard the Water Department's mains crossing his or her property and prevent construction along or over the easement therein other than as authorized by the terms of the easement.

SECTION 20 -- MAPS OF THE WATER DEPARTMENT'S WATER SYSTEM

20.01 -- MAPS OF THE WATER DEPARTMENT'S WATER SYSTEM.

The Operations Manager shall keep in his or her office maps and plats of the Water Department's water system showing all mains and pipes laid or belonging to the Water Department, giving the size of same and showing the locations of all valves and fire hydrants.

SECTION 21 -- CUSTOMER CREDIT POLICY

21.01 -- DEFERRED PAYMENT AGREEMENTS.

Upon request, a deferred payment agreement may be offered to a residential customer who has expressed an inability to pay all of his or her bill, if the customer's bill exceeds the average monthly bill for that customer for the previous twelve months by three times, and if that customer has not been issued more than two disconnection notices at any time during the preceding twelve months. Such agreements must be applied for in writing and must receive the approval of the City Water Commission. Deferred payment plans will include a finance charge which will be computed at an annual rate of ten percent (10%) simple interest and such charge shall be clearly stated on the deferred payment agreement.

21.02 -- RE-ESTABLISHMENT OF CREDIT.

Every residential customer who was previously served by the Water Department and whose service was discontinued due to nonpayment of billings shall be required to pay all amounts due the Water Department before further water service is rendered. Such applicants are entitled to apply for a deferred payment agreement.

SECTION 22 -- DEPOSITS FOR WATER SERVICE

22.01 -- POLICY

a. RESIDENTIAL OR COMMERCIAL

The Water Department requires a deposit from all permanent residential, commercial and industrial water users in the amount set forth in Section 25.05.

b. TEMPORARY OR SEASONAL

Temporary or seasonal service will be provided at any fire hydrant after the required deposit set forth in Section 25.05 (reference F-1) is received.

22.02 -- RECORD OF DEPOSIT.

When a deposit for service is required, the Water Department shall keep records to show the name and address of each depositor; the amount and date the deposit was made; and each transaction concerning the deposit. In addition:

- a. The Water Department shall issue a receipt of deposit to each applicant from whom a deposit is received and shall provide means whereby a depositor may establish a claim to the deposit if the receipt is lost.
- b. The Water Department shall maintain a record of each unclaimed deposit for a period of at least four years, during which time the Water Department shall make a reasonable effort to return the deposit.

22.03-- REFUND OF DEPOSIT.

If water service is not connected or after disconnection of service, the Water Department shall promptly and automatically refund the customer's deposit in excess of the unpaid bills for service furnished. A transfer of service from one premise to another within the service area of the Water Department shall not be deemed a disconnection within the meaning of these rules, and no additional deposit may be demanded unless permitted by these rules.

SECTION 23 -- WHEN CASH PAYMENT IS REQUIRED

23.01 -- WHEN CASH PAYMENT IS REQUIRED FROM A CUSTOMER.

If a customer pays a bill from the Water Department by check and that check is returned by a financial institution for insufficient or non-sufficient funds, the customer will be required to pay that month's bill in cash and shall be assessed a fee, as set forth in Section 25.05, for a dishonored check. Should the customer refuse to pay the bill or additional fee, the Water Department reserves the right to discontinue service to that customer.

In the event of a second check being returned for the same customer and for the same reasons stated above, the customer shall, in addition to being required to pay the additional fee set forth in Section 25.05, be required to pay all future Water Department bills in cash.

Any deviation from this policy must be approved by a unanimous vote of the City Water Commission.

SECTION 24-- ESTABLISHMENT OF WATER RATES

24.01 -- UNIFORM RATES FOR CUSTOMERS WITHIN CITY LIMITS.

A uniform monthly water usage rate shall be charged to all single-family residence customers who live within the incorporated limits of the City of Garden Ridge and who secure their water service from the City of Garden Ridge Water Department. Such rate is established in Section 25.02.

24.02 -- UNIFORM RATES FOR CUSTOMERS OUTSIDE THE CITY LIMITS.

A uniform monthly water usage rate shall be charged to all single-family residence customers who live outside the incorporated limits of the City of Garden Ridge and who secure water service from the City of Garden Ridge Water Department. Such rate is established in Section 25.02. Justification for a higher rate is that customers within the incorporated limits of Garden Ridge are assessed ad valorem taxes to recover the capital cost of purchasing the water company. The higher rate for customers residing outside the incorporated limits of Garden Ridge enables such customers to enjoy the services of the Water Department and to share a portion of the capital cost of purchasing the water company.

24.03 -- ARRANGEMENTS FOR OTHERS.

Where a residence, business establishment, complete apartment or mobile home unit is not within reach of a water main of the Water Department from which to secure water service, arrangements may be proposed to secure water from another user who receives service from the Water Department. Such arrangements are only authorized with the consent and at the option of the Water Department.

A special permit must be obtained from the Water Department to secure water through another user of the Water Department. The basic monthly water service charge to the customer through which water service is being provided shall be based on the "minimum" water bill rates established in Section 25.02, multiplied by the number of customer units securing water service through such that customer's meter.

Each "minimum" will entitle the user to the regular minimum quantity of water for the classification of service for which the customer's water rates are billed. The regular minimum, additional minimum, and all water used over the minimums by such consumer shall be charged to the customer having the water meter.

24.04 -- ALL WATER PASSING THROUGH A METER WILL BE CHARGED.

All water that passes through a meter of the Water Department shall be charged for, whether used or not.

24.05 -- PRICE OF WATER PASSING.

Whenever water is purchased by any consumer other than through a service connection through the mains of the Water Department (such as water sold to another municipality) and such water is secured from water taps of the Water Department, such consumer shall pay current applicable rates.

SECTION 25 -- RATES

25.01 -- APPLICATION OF RATES

All charges for water connections, meter installations, and miscellaneous items detailed in this Section shall be paid in advance of any service being rendered. There will be no exception to this requirement unless approved, in advance, by a majority vote of the City Water Council or unless otherwise authorized in a Section of this Ordinance. Rates outlined in this Section may be changed from time to time by an approved by a majority vote of the Garden Ridge City Council.

25.02 -- BASIC WATER RATES FOR SINGLE FAMILY RESIDENCES

Basic water rates applicable to single-family residential customers depend on whether the residence to receive service is physically located within the incorporated limits of the City of Garden Ridge, Texas. Single family residences physically located within the extra-territorial jurisdiction area of the City of Garden Ridge, Texas, are considered to be outside the city limits of Garden Ridge, Texas. The rates are as follows:

a.	METERS INSIDE CITY LIMITS	METERS OUTSIDE CITY LIMITS
	Minimum Monthly Charge of \$18.00 (5,000 gallons)	Minimum Monthly Charge of \$33.50 (5,000 gallons)
Each additional 1,000 gallons, up to 15,000	\$1.75	\$3.23
Each additional 1,000 gallons, up to 25,000	\$2.75	\$4.28
Each additional 1,000 gallons, up to 35,000	\$3.75	\$6.02
Each additional 1,000 gallons, up to 45,000	\$4.75	\$7.77
Each additional 1,000 gallons, up to 55,000	\$5.75	\$9.58
Each additional 1,000 gallons, up to 65,000	\$6.75	\$11.37
b. METERS INSIDE CITY LIMITS: Water rates for usage over 65,000 gallons shall be based upon 10,000 gallon block increments. For each 10,000-gallon block, beginning at 65,000 gallons, the applicable rate shall increase by \$ 1.00.		
c. METERS OUTSIDE CITY LIMITS: Water rates for usage over 65,000 gallons shall be based upon 10,000 gallon block increments. For each 10,000-gallon block, beginning at 65,000 gallons, the applicable rate shall increase by \$1.00.		

25.03 -- BASIC WATER CHARGES FOR COMMERCIAL SERVICE.

- a. Classification C-1 -- One Inch (1") Meter (Capacity 25 GPM)
-- See Section 25.02 --
- b. Classification C-2 -- One and One-Half Inch (1.5") Meter (Capacity 50 GPM)
-- See Section 25.02 --
- c. Classification C-3 -- Two Inch (2") Meter (Capacity 80 GPM)
-- See Section 25.02 --

d. Classification F-1 -- Water Drawn From City Fire Hydrants

-- See Section 25.02 Outside City Rates --

NOTE: The customer is responsible for the cost of repairing or replacing any damage to the hydrant, meter, or valve associated with the hydrant while under contract for service.

25.04 -- WATER RATES FOR TEMPORARY SERVICE

See Section 25.02 Outside City Rates

25.05 -- CUSTOMER SERVICE CHARGES

All charges for water connections, meter installations, and miscellaneous items detailed in this Section shall be paid in advance of any service being rendered, except in the case of the charge for returned checks. There shall be no exception to this requirement unless approved by a majority vote of the City Water Commission or otherwise authorized by a Section of this Ordinance.

All of the following listed fees and/or charges apply, effective with the date of this Ordinance, for services rendered by the Water Department.

a. Water Connection Charges.

Water connection charges are separate and apart from other fees and charges for water service. The water connection charge is a one-time non-refundable charge to a new customer when providing requested water service. The water connection charge is not an "impact fee" but merely a fee intended to cover the cost of the water meter itself plus the costs of making the connection to the water system.

The applicable charge depends on the classification of the customer, as shown below, and shall be paid when application for the requested water service is submitted to the Water Department. Application for service must be submitted at the time the building permit for that residence is issued. Applicable water connection charges are as follows:

(1) Single-Family Residence:

1" Meter -----	\$ 1325.00
1.5" Meter-----	\$ 1550.00
2" Meter-----	\$ 1850.00

(The installation charge for larger meters will be negotiated)

(2) Commercial Establishment: The charge will depend on the Commercial Classification of the establishment set forth in Section 25.03.

Commercial Classification C-1-----	\$ 1325.00
Commercial Classification C-2-----	\$ 1550.00
Commercial Classification C-3-----	\$ 1850.00

Where the Water Department approves a connection to a main which is across the street from the lot to be served, an additional charge in the amount of the total costs incurred for such additional services and resurfacing of street areas will apply. These costs are in addition to any fees or charges listed in this Section.

- b. Replace a damaged meter box----- \$ 50.00
- c. Replace damaged valve box----- \$ 150.00
- b. Replace damaged fire hydrant----- \$1400.00
- c. Replace sampling station----- \$ 450.00
- d. Replace air relief valve----- \$ 350.00
- e. Replace valve markers----- \$ 50.00

- h. Excavate, install and/or replace a damaged meter valve-----\$ 150.00
 - i. Excavate, install and/or replace a damaged curb (meter) valve-----\$ 150.00
 - j. Replace a damaged meter:
 - (1) 3/4"-5/8"-1" the cost of the meter plus-----\$ 40.00
 - (2) 1.5" and larger the cost of the meter plus-----\$ 60.00
 - k. Upgrading meter size:
 - (1) 5/8" to 3/4": the difference in price of the meters plus----- \$ 40.00
 - (2) All other upgrades, refer to Section 25.05(a-1)
 - l. Relocate a water meter at the request of or for the benefit of the customer-----refer to Section 25.05(a-1) – meter cost
 - m. Meter Test When The Meter Is Not In Error----- \$ 50.00
 - n. Turn-Off/Disconnection Charges.
 - Resulting from a delinquency or non-payment of water service bills-----\$ 40.00
 - o. Turn-On/Reconnection Charges.
 - Resulting or following a turn-off or disconnection due to delinquency or non-payment of water service bills-----\$ 40.00
 - (NOTE: An additional charge of \$50.00 will be imposed for a turn-on or reconnection required to be performed during non-regular working hours.)
 - p. Turn-Off & Turn-On Transfer of existing meter service to a new customer-----\$ 40.00
 - q. Customer Service Charges. As a general rule, the following service charges will not be assessed the first time Water Department personnel are called to service a problem which is determined, by the Water Department, to be the responsibility of the customer. However, if Water Department personnel are called and respond to a service call which has previously been pointed out (to the customer) as his or her area of responsibility, the following charges apply:
 - (1) On-Duty Service Calls
 - Minimum charge for the first half-hour ----- \$ 30.00
 - Each hour (or fraction thereof) thereafter ----- \$ 40.00
 - (2) Off-Duty Service Calls
 - Minimum charge for the first half-hour ----- \$ 35.00
 - Each hour (or fraction thereof) thereafter ----- \$ 45.00
 - r. Check returned for insufficient or non-sufficient funds----- \$ 25.00
 - s. Deposits
 - (1) Residential Water Deposit
 - (a) Owner -----\$ 150.00
 - (b) Renter -----\$ 150.00
 - (2) Commercial Water Deposit----- \$200.00
 - (3) Fire Hydrant or Temporary Service Deposit-----\$400.00
- (Deposits refundable at termination of service minus any balance on account)

SECTION 26 -- REQUESTS FOR SERVICE - GENERAL POLICY

26.01 -- REQUESTS FOR SERVICE -- GENERAL POLICY

The City of Garden Ridge Water Department has adopted the following Policies relative to requests for services:

Each request for services involving more than one meter, or where there is some question of adequacy of service, may be referred to the Water Department's Engineer for study. The cost of the Engineering Study and report will be paid for in advance by the petitioner.

The Engineer will evaluate the request to determine, under the existing circumstances, what would be the conditions of service and report this to the City Water Commission and to the petitioner.

SECTION 27-- NEW SERVICE APPLICATIONS AND CONNECTIONS

27.01 -- APPLICATIONS FOR SERVICE.

Persons desiring water service are required to complete an "Application For Service" form and submit it to the Water Department. Upon receipt of a properly executed application, the Water Department will notify the applicant in writing, within five (5) working days, as to whether the application has been approved, disapproved, or is being returned for additional information.

27.02 -- APPROVED APPLICATIONS.

If the application is approved, the customer is then required to execute a Customer Service Agreement and return it, along with any required easements and payment for all fees and charges due to the Water Department or the City of Garden Ridge within thirty (30) calendar days of notice. Failure to complete these transactions within the time specified or otherwise agreed upon may, at the Water Department's option, void the approved application for service.

27.03 -- DISAPPROVED APPLICATIONS.

If the application is disapproved on the basis of inability to provide service, the applicant may engage (at the applicant's expense) an Engineer to evaluate the and or determine the water system's capability for providing the requested service. This Engineering report will be used by the Water Department to reevaluate their decision and determine under what conditions water service may or may not be considered for approval.

27.04 -- DEPARTMENT WATER MAIN IN PLACE ON THE CUSTOMER'S PROPERTY.

After approval of the customer's application and receipt by the Water Department of the applicable charges and fees, the Water Department shall effect installation of a standard meter box and a one inch (1") water meter at a mutually agreeable point.

27.05 -- DEPARTMENT WATER MAIN NOT IN PLACE ON THE CUSTOMER'S PROPERTY.

In the event an applicant desires water service on a property which does not currently have adequate Water Department mains in place, or the Water Department mains in place are insufficient to provide the service applied for, the applicant, in addition to paying the appropriate fees and charges, shall pay for additional facilities as may be required to provide the service. Any facilities so provided shall be the property of the Water Department.

27.06 -- APPLICATIONS REQUIRING PROFESSIONAL ENGINEERING SERVICES.

If the services of a registered professional engineer are required as a result of an application for service received by the Water Department, the engineer will be selected by the Water Department and the applicant for service will bear all expenses incurred from these services.

27.07 -- POLICY ON EXTENSIONS.

It is the policy of the Water Department that all extensions or improvements to facilities which are required as a result of an application or applications for service, except those that are part of a program to be financed by a capital improvement program of the City of Garden Ridge and the Water Department, shall be paid for in full by the applicant or applicants for such service, and will include the cost of engineering under Section 28.03. Payment received by the Water Department for such extension or improvement shall be in addition to the water connection and meter charges.

(see Section 11.01)

27.08 -- REQUESTS FOR NON-STANDARD SERVICE.

If an applicant requires other than the standard service and meter provided by the Water Department, such applicant shall be required to pay 'all expenses incurred by the Water Department in excess of the expense that would be incurred in providing the standard service and meter.

27.09 -- REFUSAL TO PROVIDE SERVICE.

The Water Department may decline to provide service to an applicant until such applicant has complied with the state and governmental regulations and approved rules and regulations of the Water Department on file with the Commission governing the service applied for, or for the following reasons:

- a. If the applicant's installation, facilities or equipment is known to be hazardous or of such character that satisfactory service cannot be given; or

- b. If the applicant is indebted to any utility for the same kind of service as that applied for; or
- c. The Water Department's facilities cannot accommodate the requested service.

In the event the Water Department refuses service to an applicant under the provisions of these rules, the Water Department must inform the applicant of the basis of its refusal and inform the applicant that he or she may file a complaint with the Commission regarding the refused service.

27.10 -- INSUFFICIENT GROUNDS FOR REFUSAL TO PROVIDE SERVICE.

The following shall not constitute sufficient cause for the Water Department to refuse to provide service to a present customer or applicant:

- a. Delinquency in payment for service by a previous occupant of the premises to be served; or
- b. Failure to pay for merchandise, or charges for no utility service (except professional services related to service) purchased from the Water Department; or
- c. Failure to pay a bill to correct previous under billing due to misapplication of rates more than six months prior to the date of application; or
- d. Violation of the Water Department's rules pertaining to operation of nonstandard equipment or unauthorized attachments which interferes with the service of others, unless the customer has first been notified and been afforded reasonable opportunity to comply with said rules; or
- e. Failure to pay a bill of another customer as guarantor thereof, unless the guaranty was made in writing to the Water Department as a condition precedent to service; or
- f. Failure to pay the bill of another customer, at the same address, except where the change of customer identity is made to avoid or evade payment of a utility.

27.11 -- TYPES OF SERVICE.

The following are the different categories or types of service authorized by the Water Department:

- a. Single Residential Customer. A single residential customer is a consumer who has one meter for one residence on a single property.
- b. Commercial Customer. A commercial customer is a consumer who receives water for a commercial or business purpose.
- c. Dual Residential Customer. A dual residential customer is a consumer who has one meter for two residences, one of which must be a mobile home. This is considered to be a temporary situation subject to the removal of the second residence from the property. This service may be terminated by the Water Department at any time.
- d. Temporary Service Customer. A temporary service customer is a consumer who will receive water service for a limited period of time. Temporary service can be a metered or a non-metered sale. It is usually for the purpose of road or building construction, or for seasonal service. When using this category of service, water service will be delivered to a point in the distribution system designated by the Operations Manager of the Water Department.
- e. Mobile Home Park Customer. A mobile home park customer is a consumer that receives water through a single meter service, supplying more than two mobile home rental spaces, and the owner supplies water for each unit. No sub-metering or selling of water is allowed. The owner is billed for all service and is responsible for the piping to each unit. This type of service requires a special service agreement.
- f. Apartments, Condominiums and Duplex Customer. These multiple-residence customers are classified as a single consumer having a single owner and are served by one meter. The owner may be a homeowner association or an entity responsible for building maintenance. No sub-metering or selling of water is allowed. The single owner is billed for all service and is responsible for the piping to each unit. This type of service requires a special service agreement.

- g. Municipal Wholesale Customer. Municipal wholesale customers are usually a governmental entity (such as a Municipal Utility District) who own and operate their own distribution systems and purchase water by special contract from the Water Department.

27.12 -- LOCATION OF WATER METERS.

Water meters shall be placed in an easement on the applicant's property or private access road. The Water Department retains the right to choose the location of water meters but, so far as practical, the location should be mutually acceptable to the customer and the Water Department. (see Section 11.01(f))

27.13 --PERMITS AND EASEMENTS.

It shall be the responsibility of the applicant to secure all permits and easements as deemed necessary or required by the Water Department or by governmental agencies.

SECTION 28-- REQUESTS FOR SERVICE TO SUBDIVISIONS

28.01 -- REQUIREMENT FOR PRELIMINARY PLAT.

If the customer requesting service is a developer of lands (as determined by the Water Department), he or she must provide an overall preliminary plan showing the entire intended development together with a proposed water distribution System layout.

28.02 -- APPROVAL OF SUBDIVISION PLAT.

If the Water Department determines that the customer making application for service is required by law to prepare a subdivision plat for approval by local governmental agencies (County or Municipal), or the subdivision is outside the incorporated limits of the City of Garden Ridge or its extra-territorial jurisdiction, consideration of providing service shall be withheld until the required plat has been reviewed and approved by the Planning & Zoning Commission of Garden Ridge, and properly filed, approved and recorded as required by law with County or Municipal governmental agencies.

28.03 -- WHEN HYDRAULIC CONDITIONS WARRANT STUDY.

If the Water Department determines that the hydraulic conditions for a developer's proposed subdivision warrant a study, they will refer the request for service to the Water Department's Engineer for a study of the conditions. Expenses for such a study shall be paid by the applicant and the Engineer's report will, when completed, be forwarded to the City Water Commission.

Although the Engineer 5 report might indicate that service is possible, the report will not constitute an agreement for service. Prior to a decision by the City Water Commission regarding providing service to the customer, the Commission will review the Engineer 5 report to insure that the conditions will not adversely effect the existing customers or other aspects of the water system. If no adverse impact is determined, the City Water Commission will enter into a water service agreement with the Developer.

28.04 -- APPROVAL OF PRELIMINARY SUBDIVISION PLAN.

Approval of the preliminary subdivision plan by the City Water Commission will not constitute an agreement for service for any or all units of the development.

28.05 -- IF WATER SYSTEM CANNOT ACCOMMODATE THE DEVELOPER'S REQUEST.

If the Water Department determines that the existing water system is inadequate to accommodate the requested services, the Developer will be required to construct any approach mains and all internal lines to the Water Department's specifications and dedicate these to the Water Department.

28.06 -- IF THE SUBDIVISION IS WITHIN CITY LIMITS OR THE CITY E.T.J.

If the subdivision of land is within the City Limits or the extra-territorial jurisdiction of any incorporated city or municipality, the developer must obtain approval or variances from the city I municipality for all proposed water lines.

If any part of a subdivision unit is within or adjacent to the extra-territorial jurisdiction of a city or municipality, as determined by the City Water Commission, the water system within the subdivision will be designed to conform to the fire protection standards of the municipality but will not be less than the standards of the Water Department. If the offsite supply mains are not sufficient to support fire hydrants, then the internal mains will be constructed so as to support fire hydrants in the future.

28.07 -- APPLICATIONS TO THE TEXAS WATER COMMISSION.

Upon completing the previous requirements of this Section, the Water Department may then apply to the Texas Water Commission for a Certificate of Convenience and Necessity, if such a certificate is not already in force. If a certificate is denied by the Texas Water Commission, the agreement with the Developer will be terminated and all fees, less expenses, will be refunded.

28.08 -- CONSIDERATION OF DEVELOPER'S REQUEST FOR SUBDIVISION SERVICE.

The Water Department will consider each request for service to a subdivision on a first-come, first-served basis.

In the event the Developer has not connected to the water system within the contracted time allowed, the Water Department reserves the right to either (1) require payment of a minimum monthly water charge, as specified in Section 25.02, for each unit (lot) platted in the subdivision; or (2) terminate the service agreement.

28.09 -- SUBMISSION OF CONSTRUCTION PLANS.

Upon approval of the preliminary plan of development, the developer shall then prepare a (1)-subdivision plat which conforms to all State, County and City regulations; and (2) detailed construction plans for the water system. These plans will be submitted for review and approval of the City Water Commission.

The developer's plans for construction of the water system must be submitted by the developer's engineers to the Texas State Department of Health Resources and to the Water Department's Engineer for approval.

Upon approval of the water system construction plans, the developer will, at the option of the Water Department, contract with the Water Department to construct the subdivision water system. The Water Department will, at its option, perform the construction, or have it performed, under contract with the developer at a price determined by bidding from at least three legitimate private contractors experienced at construction of water systems. The Water Department shall not be bound to accept the lowest construction bid submitted.

28.10 -- REIMBURSEMENT OF EXPENSES.

The developer shall reimburse the Water Department for all legitimate expenses incurred by the Water Department for plan reviews, inspections, tests, legal fees, etc. Such reimbursement will be effected on a monthly basis and no acceptance or use of the water mains will be made until all fees or expenses due the Water Department are paid in full.

28.11 -- APPROACH LINES TO SUBDIVISIONS.

All approach lines to the subdivision are required to be located on easements on private lands. These easements are to be secured by the developer on behalf of and in the name of the Water Department.

28.12 -- TERMS OF AGREEMENTS BETWEEN CUSTOMERS AND DEVELOPERS.

The terms of all agreements between customers and developers will be indicated in written agreements signed by both parties. No communications other than this will be recognized by the Water Department. Variances to this policy may be considered by the City Water Commission for sufficient and compelling reasons.

28.13 -- POLICIES, RATES, FEES, ETC., ARE SUBJECT TO CHANGE.

The policies, rates, fees, requirements, and other terms and conditions detailed in this Section are subject to change, without notice, at any time.

SECTION 29 -- CONDITION FOR SUBDIVISION PLAT APPROVAL AND WATER SOURCE

29.01 -- EXECUTION OF AGREEMENT FOR SERVICE.

Upon execution of an agreement for service and payment of the Water Department's expenses to be incurred for engineering and or legal services in this regard, and satisfactory performance of the other terms herein, the Water Department agrees to offer the availability of water service to lots (one 1" meter per lot) in the subdivision for a period of twenty-four (24) months from the date of the agreement.

29.02 -- DEVELOPER SHALL PREPARE FINAL SUBDIVISION PLAT.

The subdivision developer shall cause to be prepared a final subdivision plat which conforms to City and County Subdivision Regulations and submit this for review by the Water Commission. The developer shall reflect on the plat to be recorded, all required or existing water line easements in the Water Department's favor and upon recordation, furnish the Water Department with a recorded copy of this plat.

The Water Department makes no representation for service to subdivision lots as imposed by a municipality other than the City of Garden Ridge, Texas.

29.03 -- DEVELOPER AGREEMENT REGARDING CERTIFICATES.

The subdivision developer agrees to include the City Of Garden Ridge Water Department Certificate and the Easement Certificate (Appendix A) on the Subdivision plat prior to recording.

29.04 -- SERVICES TO LOTS WITHIN THE SUBDIVISION.

Services to lots within the subdivision will be installed by the Water Department at their initial cost.

29.05 -- DEVELOPER'S EXPENSES FOR ENGINEERING.

The subdivision developer shall, at the developer's expense, engage a professional engineer to prepare construction plans to conform to the City of Garden Ridge Water Department's design standards and those of the regulatory agencies for the internal water distribution system within the subdivision.

These plans shall be submitted to the Water Department for approval and thereafter the developer shall be responsible for securing other governmental agency plan approvals and permits.

29.06 -- CONSTRUCTION PLANS FOR OFF-SITE IMPROVEMENTS.

Construction plans for off-site improvements shall be prepared, at the developer's expense, by the Water Department.

29.07 -- CONSTRUCTION OF INTERNAL AND OFF-SITE WATER LINE SYSTEM.

Construction of the internal and off-site water line system for the subdivision units shall conform to the City of Garden Ridge Water Department's standards of construction. Approval of the plans will be a responsibility of the Water Department and expenses thereof will be an expense to the developer.

At the option of the Water Department, the developer may be permitted to undertake construction of the internal and off-site water line system.

29.08 -- DEVELOPER'S PAYMENT OF CONSTRUCTION COSTS.

Prior to the Water Department executing the Water Department Certificate which has been affixed by the developer to the subdivision plat, the developer shall agree to remit, to the Water Department, the amount estimated by the Water Department for construction of the approach and internal water lines.

Prior to service being initiated to the subdivision, the Water Department will prepare a Final Statement of Cost which represents the Water Department's cost of making these improvements and the developer will remit the difference between the final cost and the estimated amount above. Similarly, the Water Department will return unexpended amounts to the developer.

29.09 -- OFF-SITE IMPROVEMENTS TO BE DEDICATED TO THE WATER DEPARTMENT

Upon completion, the approach lines, the internal water lines, and all other off-site facilities and improvements become the property of the Water Department for their ownership, use and maintenance. When the construction of these facilities has been accomplished by the developer, a twelve (12) month warranty on all facilities is required.

In addition to dedicating off-site improvements to the Water Department, the developer shall agree to pay an additional amount to the Water Department as a pro-rata cost of existing support facilities required to service the facilities. Such payment is to be made upon execution of the Agreement for Service.

If the developer fails to agree to the above dedication and additional payment to service the off-site improvements, the Water Department may void the agreement without refund or penalty.

29.10 -- WATER DEPARTMENT'S AGREEMENT TO ACCEPT THE FACILITIES.

The Water Department agrees, upon completion, to accept the facilities for operation and maintenance and thereafter to offer water services as requested to lot owners within the approved platted areas under the terms then in existence for customers along existing water mains.

Customers requesting service must pay the then current water connection and all other charges associated with securing water service.

Water service to lot owners will be conditional upon the developer having paid all professional service fees incurred by the Water Department's Engineer or Attorney in behalf of the project.

29.11 -- FAILURE TO COMPLETE TERMS OF THE AGREEMENT.

In the event the terms of an agreement relative to subdivision platting and waterline construction are not completed within twelve (12) months, the Water Department may, at its option, void all parts of or change the conditions of the agreement, including initial developer charges. No refunds of developer charges will be made.

The developer may petition the Water Department for time extensions which will be considered by the City Water Commission in light of then current cash flow and availability of water for others.

SECTION 30 -- VARIANCES TO SUBDIVISION REQUIREMENTS

30.01 -- AUTHORIZATION FOR VARIANCES

The City Water Commission may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the City Water Commission shall prescribe only conditions that it deems necessary to or desirable in the public interest. In making the findings herein below required, the City Water Commission shall take into account the nature of the proposed use of land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon the public health, safety, convenience and welfare in the vicinity. No variance shall be granted unless the City Water Commission finds:

- a. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of his or her land; and
- b. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant and would deprive the applicant of the reasonable use of his or her land; and
- c. That the granting of the variance will not be injurious to other customers in the area or detrimental to the public health; and
- d. That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this regulation. Such findings of the City Water Commission, together with the specific facts upon which such variance is granted, shall become a part of the minutes of the City Water Commission meeting that determines whether the requested variance will be granted.

Variations may be granted only when in harmony with the general purpose and intent of this regulation so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary hardship to the developer or subdivider, standing alone, shall not be deemed to constitute undue hardship.

SECTION 31 -- CONSTRUCTION OF SUBDIVISION MAINS

31.01 -- MAINS MUST CONFORM TO THE MASTER PLAN.

All water mains constructed as part of line extension or subdivision agreement will conform to the master plan requirements of the Water Department. All cost of construction will be at the developer's expense.

31.02 -- WHEN OVERSIZED LINES ARE REQUIRED.

Should funds exist and permit, the Water Department may participate in the cost of the materials used to construct the line to a size required beyond that size required be constructed by the developer.

31.03 -- REFUNDS TO THE DEVELOPER.

All refunds due the developer will be in the form of a credit on the charges or pro-rata charges which the developer would owe the Water Department as a result of service to the subdivision.

SECTION 32-- CAPITAL RECOVERY CREDIT FOR CONSTRUCTION COSTS

32.01 -- AUTHORITY AND LIMITS FOR CAPITAL RECOVERY CREDITS.

In the event that a single customer is required to extend off-site mains or approach mains to reach the property to be served, or a subdivision developer is required to construct oversized mains, the City Water Commission may, at its discretion, approve a capital recovery credit to the customer for any and all costs of construction.

If a single customer is required to pay the cost of extending approach mains to his or her property, any capital recovery credit authorized by the City Water Commission shall not exceed the amount the single customer paid in water connection charges for service to his or her lot.

If the Water Department requires that an oversized main or mains be constructed by a subdivision developer (i.e., mains larger than the Water Department minimum size of 6") or requires the subdivision developer to construct mains larger than the developer's subdivision requires, then the difference in the construction cost between the oversized and the regularly required mains can, at the discretion of the City Water Commission, be authorized as a credit against the amount the developer paid in water connection charges.

SECTION 33 -- LINE EXTENSION REQUIREMENTS (GENERAL)

33.01 -- LINE EXTENSION REQUIREMENTS.

The following requirements apply to all line extensions of the Water Department:

- a. All mains shall meet the design and specifications of the Water Department; and
- b. Mains shall be placed in private easements, whenever possible; and
- c. The minimum main size shall be 6"; and,
- d. Main extensions inside the incorporated area of Garden Ridge and its ETJ shall conform with the minimum requirements of the City of Garden Ridge; and
- e. All work done by private contractor and developers shall be guaranteed for a period of one year from the date such work is completed and accepted by the Water Department.
- f. All extensions of water lines shall be across the entire frontage of property being serviced.

SECTION 34 -- CAPITAL IMPROVEMENTS AND ASSESSMENTS

34.01 -- NEED FOR CAPITAL IMPROVEMENTS.

Based on recommendations from the City Water Commission, the City Council of Garden Ridge will determine a need for and effect approval/disapproval of capital improvement project(s) to the city water system. When a capital improvement project(s) is approved, City Council will effect a resolution declaring the need for the improvement project(s) and direct that detailed plans and specifications, to include cost estimates, for the project(s) be prepared and submitted to City Council for approval.

34.02 -- DEFINITIONS. The following definitions apply to this section:

- a. **Benefited Property.** A lot or tract to which water service is made available.
- b. **Cost of improvements.** All costs and expenses incident to construction of improvements to the water system to include associated engineering expenses and fiscal fees.
- c. **Water System Improvements.** The laying of a water main with gates, tees, crosses, taps, meter boxes, manholes or extensions, and any appurtenances required to furnish water for domestic or commercial purposes to the area in which the improvements are constructed, but does not include any off-site appurtenances required to connect the improvements to the existing water system operated by the municipality.

34.03 -- CAPITAL IMPROVEMENT PROJECT DETERMINATIONS.

Upon receipt of detailed plans, specifications and cost estimates for the improvement project(s), City Council will determine:

- a. If cost of the project(s) is to be paid wholly by the City of Garden Ridge Water Department or partly by the Water Department and partly by the owners of the benefited property. If the project(s) cost is to be paid wholly by the City Water Department, City Council will determine the funding procedure and fiscal year the improvements are to be funded and accomplished.
- b. If the project(s) can be accomplished by using personnel and facilities of the City of Garden Ridge Water Department or if professional (outside contracting) assistance is required or appropriate. If outside contacting is required or deemed appropriate, City Council will direct the Water Department (through the Water Department engineer) to formally solicit bids for the approved project. If determined that the improvements can be accomplished utilizing water Department personnel and facilities, the Water Department will be directed to proceed with the improvement project.

34.04 -- DECLARATION OF COSTS AND ESTIMATED ASSESSMENTS.

If the project(s) cost is to be paid partly by the City of Garden Ridge Water Department and partly by the owners of the benefited property, City Council will:

- a. Prior to authorizing construction of the improvement, determine the amount to be paid by the City Water Department and the amount to be paid by the owners of the benefited property. The amount to be paid by the owners of the benefited property shall not exceed ninety (90%) percent of the estimated cost of the improvements.
- b. Establish a date for a public hearing and provide notice of the time, date and place of the hearing to owners of benefited property. Said notice:
 - (1) Will be published in the Official City Newspaper;
 - (2) Will generally describe the property to be benefited and the nature of the improvement for which the City is making the assessment and to which the notice relates;
 - (3) Will describe the water system to be improved or the portion of the system to which the improvements relate;
 - (4) Will state the estimated amount per front foot proposed to be assessed;
 - (5) Will state the estimated total cost of the improvements to be made; and
 - (6) State the time, date and place of a hearing.

- c. File a notice signed by the Mayor, with the County Clerk which substantially shows that the City Council has determined that the water system improvement(s) are necessary, identify the required improvements by location, stating that a portion of the cost of the improvements is to be specifically assessed as a lien against the benefited property, and describing that property.

34.05 -- HEARING PROCEDURES.

In procedures being implemented by this section, the City shall publish the first notice of a public hearing before the 10th day before the date set for the hearing and must publish the notice at least three times in a newspaper of general circulation in the City. Further:

- a. The City Council shall conduct the hearing and insure that each person who owns or claims benefited property or an interest in that property is entitled to be heard.
- b. The City Council shall have the authority to correct any deficiency and may redetermine the amounts of the assessments and other necessary matters.
- c. The City Council may, by ordinance, close the hearing and may levy the assessment for improvements. If assessments are levied:
 - (1) Such levy may take place before, during, or after the construction of the improvements.
 - (3) Such levy may not make any part of such an assessment mature before the acceptance by the City of the improvements for which the assessments are levied.

34.06 -- RIGHT OF APPEAL.

A person who owns or claims assessed property or an interest in that property may appeal the assessment by bringing suit in a court of competent jurisdiction within fifteen (15) days after the date the assessment is levied.

34.07 -- ASSESSMENT PROCEDURES.

In assessments levied under authority of this section, the following terms and conditions apply;

- a. Amounts assessed will not be more than nine-tenths of the estimated cost of improvements against the benefited property and owners of that property;
- b. Amounts assessed will be due and payable to the City not later than thirty calendar days following completion of the improvements for which the assessment was levied and acceptance of the completed improvements by the City.

34.08 -- ASSESSMENT DEFAULTS.

Assessments not paid within the time limits prescribed in Section 34.05 shall be considered in default and will be subject to an interest charge of ten (10%) percent per annum until paid. In addition:

- a. An assessment considered to be in default is collectable with interest, cost of collection, and reasonable attorney's fees.
- b. An assessment considered to be in default is a first prior lien on the assessed property and the lien takes effect on the date that notice of the proposed improvements (see Section 34.02) is made.
- c. An assessment lien for an assessment considered to be in default is superior to any other lien or claim except a state, county, school district, or municipal tax lien.
- d. An assessment considered to be in default is a personal liability and charge against the owners of the assessed property on the date on which the lien takes effect, whether or not the owners are named in a notice, instrument, certificate, or Ordinance provided for under this section.

SECTION 35—REBATE PROGRAMS AND WATER CONSERVATION INCENTIVES

35.01 – WASHING MACHINE REBATE

Customers of the Water Department are entitled to one (1) rebate per household to be credited to their water bill for the proof of purchase and installation of a high efficiency washing machine at the household for which the rebate is being applied. The rebate is allowed for existing residences and businesses.

- a. Washing machines eligible for rebate are only those rated in the Tier 3 Level by the Consortium for Energy, Efficiency (CEE). Tier 3 Level washing machines have a Water Factor (WF) of 4.5 gallons of water per cubic foot of laundry.
- b. Amount of rebate – one hundred dollars (\$100.00).

35.02 – ULTRA-LOW FLOW TOILET REBATE

Customers of the Water Department are entitled to rebates for toilets meeting the EPA WaterSense specifications of 1.28 gallons per flush or less. Each customer is allowed a one-time rebate for each toilet replaced in an existing residence or business (based on the number of toilet locations). In order for the rebate to be credited to their water bill the customer must provide proof of purchase and installation of the toilet/s.

- a. Ultra-low flow toilets are toilets that use no more than 1.28 gallons per flush.
- b. Amount of rebate – seventy-five dollars (\$75.00).

35.03 – HOT WATER ON DEMAND SYSTEM REBATE

Customers of the Water Department are entitle to a one (1) rebate per household to be credited to their water bill for the proof of purchase and installation of an approved Hot Water on Demand System at the household for which the rebate is applied. The rebate is allowed for existing residences and businesses.

- a.

Manufacturer	Model
Metlund D'Mand Systems	S-50T (PF and R), S-70T (PF and R), S-02T (PF and R)
TACO, Inc.	006-DM, 008-DM, 0011-DM
Wirsbo D'Mand Systems	Model 100 and Model 200
- b. Amount of rebate – one hundred fifty dollars (\$150.00)

36 -- PUBLICATION OF THIS ORDINANCE

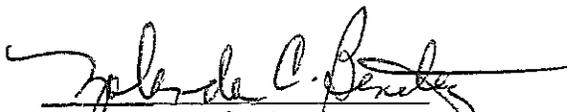
This ordinance shall take effect immediately upon its passage, approval and publication according to law.

PASSED AND APPROVED THIS 3rd DAY OF February, 2010.



Jay E. Feibelman, Mayor

ATTEST:



Yolanda Benitez, City Secretary

APPENDIX "A"

DESIGN CRITERIA FOR SUBDIVISION DISTRIBUTION SYSTEMS

A-01 -- FLOW REQUIREMENTS.

In sizing the distribution system water mains, the required design flow shall be the sum of the required fire flow and two-thirds of the required domestic flow as outlined below.

A-02 -- REQUIRED DOMESTIC FLOW -- RESIDENTIAL.

The required flow for domestic use in residential areas shall be in accordance with the following table:

<u>Maximum Number Of Dwelling Units</u>	<u>Maximum Supply Per Dwelling Unit (G.P.M.)</u>
50-----	4.0
100-----	3.0
200-----	2.0
Over 200-----	1.65 + 14 - 6/C

A-03 -- REQUIRED DOMESTIC FLOW -- NON-RESIDENTIAL.

The required flow for commercial, industrial, or other non-residential areas shall be as determined by the Water Department's Engineer. The requirements determined by the Engineer must be approved by the City Water Board and the City Council of Garden Ridge, Texas.

A-04 -- REQUIRED FIRE FLOW -- SINGLE-FAMILY DWELLING AREAS

The required fire flow for single-family dwelling areas shall be in accordance with the following table:

<u>Maximum Number Of Dwelling Units</u>	<u>Minimum Fire Flow (G.P.M.)</u>
50-----	250
100-----	500
200-----	1000
400-----	1500

A-05 -- REQUIRED FIRE FLOW -- OTHER AREAS.

The required fire flow for areas other than those occupied by single-family dwellings shall be as determined by the Water Department's Engineer. The requirements determined by the Engineer must be approved by the City Water Board and the City Council of Garden Ridge, Texas.

A-06 -- DISTRIBUTION MAINS.

Sufficient distribution mains shall be provided to furnish the required flow at pressures and velocities as herein provided. Mains shall be located to provide service to each lot within a subdivision and to provide a loop whenever possible. All mains shall be installed only in dedicated streets, alleys, utility easements, or on public rights-of-way in favor of the City of Garden Ridge Water Department for the use and benefit of the Water Department.

A-07 -- REQUIRED PRESSURE.

Water pressure in the distribution system shall not be less than 35 pounds per square inch under normal operating circumstances or 20 psi under any circumstances.

A-08 -- MINIMUM MAIN SIZE.

Minimum distribution main diameter shall not be less than 6 inches.

A-09 -- STANDARD MAIN SIZE.

Standard sizes of mains used shall have nominal diameters of six inches, eight inches, and twelve inches.

A-1

A-10 -- AIR RELEASE VALVES.

Design of distribution system mains shall provide for the installation of adequately sized air release valves at appropriately selected locations, as determined by the Water Department's Engineer.

A-11 -- VALVES.

A sufficient number of valves shall be installed so that no single case or accident, breakage, or repair to the water system will necessitate the shutdown of a length of pipe greater than 2000 feet or the length of one street from each crossroad or street to the next crossroad or street, whichever is the shorter distance. Valves shall be resilient wedge_seated gate valves and will open "left".

A-12 -- FIRE HYDRANTS IN GENERAL.

Fire hydrants shall be located along public right of ways, preferably at street intersections. A six-inch (6.) gate valve shall be installed between the water main and each fire hydrant. Fire hydrants shall be the dry-barrel type with safety flange, steam couplings, and sleeve. Fire hydrants shall be installed on no less than six-inch (6") nominal diameter pipe.

Fire hydrants shall be provided in accordance with State Board of Insurance or municipal requirement. Eddy Iowa and American Darling Fire Hydrants shall not be permitted.

A-13 -- FIRE HYDRANTS IN SINGLE-FAMILY DWELLING AREAS

Fire hydrants in single-family dwelling areas shall be located throughout the distribution system so that every building site is within five hundred (500) feet of a fire hydrant. Sufficient fire hydrants shall be provided so that no more than five hundred (500) feet of fire hose will be required to reach from a fire hydrant to the rear of any building site within the area served unless a variance is granted by the City of Garden Ridge.

A-14 -- CUSTOMER SERVICE LINES.

Customer service lines shall be provided to all lots within a subdivision and will have a nominal diameter of one and one-half inches (1.5") copper on dual services and one inch (1") on single services. All customer service lines are to be encased in larger diameter pipe across all road, sidewalk or driveway crossings.

A-15 -- MINIMUM MATERIAL AND CONSTRUCTION SPECIFICATIONS.

Water mains shall be rated as follows: All valves, fittings, and fire hydrants shall be A.W.W.A. approved and shall have mechanical joints. All valves and fire hydrants shall open "left". Solvent weld plastic joints are prohibited. All pipes will be a minimum of class C-900 or C-909 P.V.C. All mains will be installed so as to have a minimum cover of thirty-six (36) inches upon completion of the subdivision and all pipes is to be bedded with select material.

Compaction of street crossings shall be 90% proctor density of the trench.

Disinfection, testing, and other construction standards shall conform to standards of the Texas Natural Conservation Commission and State Health Department.

A-2

APPENDIX "B"

CITY OF GARDEN RIDGE WATER DEPARTMENT CERTIFICATE

Upon request of the customer and payment of all required fees, the City of Garden Ridge Water Department, Garden Ridge, Texas, will provide domestic water service to each lot in this subdivision by Agreement with the Developer.

After _____, the water service will be on an "As Available" and a "First-Come, First-Serve" basis.

(Name of City Water Commissioner)
Water Commissioner
City of Garden Ridge, Texas

(Name of Mayor)
Mayor, City of Garden Ridge, Texas

B-1

APPENDIX "C"

EASEMENT CERTIFICATE *

STATE OF TEXAS §

COUNTY OF COMAL §

CITY OF GARDEN RIDGE §

The owner of the land shown on the plat, and whose name is subscribed hereto, and in person or through duly authorized agent, dedicates to the City of Garden Ridge Water Department of Garden Ridge, Texas, its successors and assigns, a perpetual easement with the right to erect, construct, install, and lay over and across those areas marked as "Utility Easement" pipelines, service lines, water meters, and other water system appurtenances as it requires together with the right of ingress and egress, the right to remove from said lands all trees, shrubs, grasses, pavements, fences, structures, improvements, or other obstructions which may interfere with the facility of the access thereto.

It is agreed and understood that no building, concrete slab or walls shall be placed within said easement areas.

Any monetary loss to the City of Garden Ridge Water Department resulting from modifications required of Water Department equipment located within said easement due to grade change, ground elevation alterations, or other alterations to the easement property shall be charged to the person or persons deemed responsible for said changes or alterations

Upon entering in and upon said easement, the Water Department will endeavor to restore the land surface to a usable condition but is not obligated to restore it to a pre-existing condition.

This easement is subject to the provisions of Title VI of the Federal Civil Rights Act of 1964 and the regulations issued pursuant thereto for so long as the easement continues to be used for the same or similar purposes for so long as the Grantee owns it.

* (This Certificate is to be executed and notarized by the property owner.)

C-1

APPENDIX "D"

WATER SERVICE AGREEMENT

AGREEMENT made this ___ day of _____ 200__ between the CITY OF GARDEN RIDGE WATER COMPANY, a municipal water department organized and operated under the laws of the State of Texas and hereinafter called the Department, and the following named person, hereinafter referred to as the Customer:(NAME)_____

The Department agrees to sell and deliver water service to the Customer and the Customer agrees to purchase and receive water service from the Department in accordance with rules and regulations as specified in City ordinances governing water operations, as amended from time to time by the City of Garden Ridge.

The Customer shall pay the Department for service herein under at the rates and upon the terms and conditions set forth in the rate schedule adopted and from time to time by the Department.

In the event the Customer shall breach this agreement by (1) refusing or failing without just cause to connect to the Department's facility and use same as soon as the facility is available or (2) refusing or failing, without just cause, to pay the minimum monthly water rate as established by the Department, upon the occurrence of either of said events the Customer agrees to pay the Department liquidated damages.

All water shall be metered by meters to be furnished, installed and owned by the Department. The meter is for the sole use of the Customer and is to serve water to only one dwelling or only one business and does not permit the extension of pipe or pipes to transfer water from one property to any another, nor share, resell, or sub-meter water to any other persons, dwelling, business, property, etc.

In the event the total water supply be insufficient to meet all of the needs of the customers, or in the event there's a shortage of water, the Department may probate the water available among the various customers on such basis as is deemed equitable by the Department and may also prescribe a schedule of hours covering the use of water for garden purposes by particular customers and require adherence thereto to prohibit the use of water for garden purposes; provided that, if at any time the total water supply be insufficient to meet all of the needs of all customers, the Department must first satisfy all of the needs of all customers for domestic and livestock purposes before supplying any water for garden purposes.

The Customer shall install, at his own expense, a service line from the water meter or connection to the point of use in accordance with rules of the Department.

The Customer shall provide a Customer Service Inspection Certification to the Department upon construction completion, or service shall be terminated.

The Customer shall hold the Department harmless from any and all claims or demands for damages to real or personal property occurring from the point the Customer ties on to the water meter to the final destination of the line installed by the Customer. The Customer agrees to grant to the Department an easement of right-of-way for the purpose of installing, maintaining, and operating such pipe lines, meters, valves, and any other equipment which may be deemed necessary for the Department on forms required by the Department.

The Department shall have the right to locate a water meter and the pipe necessary to connect the meter on the property of the Customer at a point to be chosen by the Department and shall have access to its property and equipment located upon the Customer's premises at all reasonable times for any purpose connected with or in the furtherance of its business operations and upon discontinuance of service shall have the right to remove any of its property from Customer's premises.

TDL# : _____

Billing Name: _____

Service _____ Location: _____

Mailing Address: _____

Phone #: _____ Work #: _____ # in Household: _____

Circle One: Owner Renter Builder

Customer Signature: _____ Date: _____

New Cust. Fee: _____ Security Deposit: _____ Company Rep.: _____

Acct #: _____ First Billing Date: _____

D-1

APPENDIX "E"

Customer Service Inspection Certification

City of Garden Ridge Water Department

PWS I.D. #0460027

Location of Service: _____

I _____, upon inspection of the private plumbing facilities connected to the aforementioned public water supply do hereby certify that, to the best of my knowledge at the time of inspection:

	Compliance	Non-Compliance
(1) No direct connection between the public drinking water supply and a potential source of contamination exists. Potential sources of contamination are isolated from the public water system by an air gap or an appropriate backflow prevention assembly in accordance with state and local plumbing regulations. Additionally, all pressure relief valves and thermal expansion devices are in compliance with state and local plumbing codes.	<input type="checkbox"/>	<input type="checkbox"/>
(2) No cross-connection between the public drinking water supply and a private water system exists. Where an actual air gap is not maintained between the public water supply and a private water supply, an approved reduced pressure-zone backflow prevention assembly is properly installed and a service agreement exists for annual inspection and testing by a certified backflow prevention device tester.	<input type="checkbox"/>	<input type="checkbox"/>
(3) No connection exists which would allow the return of water used for condensing, cooling or industrial processes back to the public water supply.	<input type="checkbox"/>	<input type="checkbox"/>
(4) No pipe or pipe fitting which contains more than 8.0% lead exists in private plumbing facilities installed on or after July 1, 1988.	<input type="checkbox"/>	<input type="checkbox"/>
(5) No solder or flux which contains more than 0.2% lead exists in private plumbing facilities installed on or after July 1, 1988.	<input type="checkbox"/>	<input type="checkbox"/>

Water service shall not be provided or restored to the private plumbing facilities until the above conditions are determined to be in compliance.

I further certify that the following materials were used in the installation of the plumbing facilities:

<u>Service Lines</u>	Lead <input type="checkbox"/>	Copper <input type="checkbox"/>	PVC <input type="checkbox"/>	Other <input type="checkbox"/>
<u>Solder</u>	Lead <input type="checkbox"/>	Lead Free <input type="checkbox"/>	Solvent Weld <input type="checkbox"/>	Other <input type="checkbox"/>

I recognize that this document shall become a permanent record of the aforementioned Public Water System and that I am legally responsible for the validity of the information I have provided.

Signature of Inspector

Registration Number

Title

Type of Registration

Date

ORDINANCE NO. 159-092010

AN ORDINANCE ESTABLISHING LANDSCAPE AND IRRIGATION SYSTEM REQUIREMENTS FOR RESIDENTIAL AND COMMERCIAL PROPERTIES IN THE CITY OF GARDEN RIDGE FOR THE PURPOSE OF WATER CONSERVATION; PROVIDING FOR VARIANCES AND PROVIDING A PENALTY FOR VIOLATION OF SAID ORDINANCE

WHEREAS, the City of Garden Ridge is a growing community with limited water sources; and

WHEREAS, one water source from which the city pumps water from is legislatively regulated and therefore over pumping from the water source can result in significant fines and levies; and,

WHEREAS, due to weather conditions in south Texas droughts are common and can result in mandatory drought and water conservation restrictions and rules which limit the amount and times at which water can be used by residents and businesses in the city; and

WHEREAS, lot sizes in Garden Ridge are a minimum of $\frac{3}{4}$ acres and landscape and sprinkler systems consume approximately 50% of the water metered at residences and businesses in the city and therefore the city has determined that there are means by which this type of water usage can be reduced; and,

WHEREAS, implementing water conservation standards for landscaping and irrigation systems are necessary to preserve and protect the health and safety of the city's residents to ensure an ample water supply for the City of Garden Ridge.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARDEN RIDGE, TEXAS:

Section 1. Definitions.

Groundcover vegetation – means perennial vegetation that spreads along the ground that is adaptive to traffic and requires minimal maintenance and irrigation

Irrigation system - an underground or above ground system of pipes, fittings and sprinkler heads which when in operation dispenses water onto lawns and landscape

Natural state – means an area or areas of a property on which trees, grasses and other vegetation which are native to the area have remained in their natural state

State licensed irrigator – an individual licensed by the State of Texas to design and install irrigation systems

Summer Dormancy – means the ability of turf grass to survive without water for a period of sixty consecutive days during the months of May through September

Turf grass - means perennial grasses that are adapted to regular mowing and traffic through management

Variance - means an exception to any provisions of this ordinance

Xeriscape – a landscape consisting of a maximum of fifty percent turf grass, with the remaining percentage of landscape incorporating low water use plants and/or pervious hardscape

Section 2. Drought Tolerant Grasses and Ground Cover.

- a) All lawns for new residential and commercial properties and developments must be planted with drought tolerant grasses or other drought tolerant ground cover vegetation that has a period of summer dormancy of sixty consecutive days without water during the months of May through September.

Drought Tolerant Lawn Grasses are limited to:

- St. Augustine varieties: Floratam variety only
- Bermuda varieties: Celebration
GN1
Tex Turf
Tifway 419
Common
Grimes EXP
Tif Sport
- Buffalo varieties: All varieties
- Zoysia varieties: El Toro
Empire
Jamur
Palisades

No more than 50% of the pervious ground cover can be grass.

As guidance turf grass proportion to lot size is limited to:

¾ acre lot = 32,670 square feet 50% pervious ground cover = 16,335 square feet

1 acre lot = 43,560 square feet 50% pervious ground cover = 21,780 square feet

1.25 acre lot = 54,450 square feet 50% pervious ground cover = 27,225 square feet

- b) Existing residential and commercial properties may restore damaged turf. Turf damage not exceeding 50% of the lawn area may be replaced with the same turf existing prior to damage. Turf damage exceeding 50% of the lawn area must be

replanted with acceptable drought tolerant grass as listed in Section 2(a) above. Lawn area does not include any area or areas on a property which have been allowed to remain in its native state.

Section 3. Xeriscape Landscape.

- a) New residential and commercial properties and developments must use xeriscape landscaping on all areas of the yard that are not planted in turf. Builders and developers are restricted to offering Xeriscape landscape plans which meet this ordinance. All new residential and commercial developments must incorporate xeriscape landscape requirements into subdivision covenants. Lawn area does not include any area or areas on a property which have been allowed to remain in its native state.
- b) Replacement landscaping on existing residential and commercial properties must incorporate xeriscape landscaping consistent with this ordinance.

Section 4. Irrigation Systems.

- a) A state licensed irrigator must submit a detailed plan and schematic of an irrigation system (including any new system, the refurbishing of any existing system, and any extension of any existing system) to be installed within the city to the City Water Department for approval and permitting prior to beginning installation.
- b) All new and refurbished sprinkler systems must have rain sensors installed on the system.
- c) The design of all new, refurbished or extensions of existing sprinkler systems should include water conservation features, such as sprinkler heads which emit large drops of water rather than a fine mist, the use of drip irrigation where possible and sprinkler system layouts that limit the impact of wind.
- d) Irrigation systems must comply with any and all other requirements for such systems as regulated through City of Garden Ridge Ordinance numbers 19, 54 and 61.

Section 5. Variance.

A variance to the ordinance is available to any person or entity if they can demonstrate to the City of Garden Ridge City Council after recommendation from the City Water Commission that they possess an alternative plan and seek permitting for an alternative plan that does not meet the specifications of this ordinance but does have the same conservation impact to the property in question. The determination of what constitutes "the same conservation impact to the property in question" shall be in the sole discretion of the governing body and their determination shall be legislative in nature and final. Such determination of a variance shall be based on the information provided to the Council at the time of the requested variance. All such materials must be provided to the

City at least 30 days prior to any requested action by the Commission, and after Commission action, shall be set for City Council consideration at its next meeting. If supplemental information is presented, such application for variance must return to the Commission for action, prior to Council Action.

Section 6. Penalty.

A violation of this ordinance by act, or omission, including the failure to comply with any requirement of this Ordinance shall be considered a Class C misdemeanor and the municipal court shall have jurisdiction over such offense. Any person, firm, or corporation violating any provision of this ordinance shall be fined not less than one-hundred dollars (\$100) and not more than five-hundred dollars (\$500.00) for each offense. Each day such act or omission occurs, and each section of the ordinance violated constitutes a separate and independent offense.

In addition to misdemeanor prosecution, the City may seek civil penalties pursuant to Chapter 54 of the Texas Local Government Code for any violation and obtain injunction, attorney's fees, costs of court and civil penalties of up to either \$1,000 per day or \$5,000 per day as provided by State Law. Civil penalties are cumulative to criminal penalties.

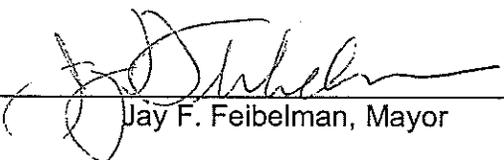
Section 7. Severability

If any section, paragraph, subdivision, clause or phrase of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part of any provision thereof other than the part so decided to be invalid or unconstitutional.

Section 8. Effective Date

This ordinance shall take effect immediately upon its passage, approval and publication according to law.

PASSED AND APPROVED THIS 1st DAY OF SEPTEMBER 2010


Jay F. Feibelman, Mayor

ATTEST:


Yolanda Benitez, City Secretary

November 15, 2013

To: Water Commission

From: City Administrator Cain

Agenda item 5.e) is a discussion only item on the proposed ordinance concerning city commissions. The City Attorney is currently drafting revisions to the ordinance therefore it is not included in the meeting packet. It will be forwarded to you when it is received for your review prior to the meeting.