

**ORDINANCE NO. 54-122019**

**AN ORDINANCE ADOPTING A COMPREHENSIVE WATER COMPANY FOR THE CITY OF GARDEN RIDGE; PROVIDING DEFINITIONS; STATEMENT OF ORGANIZATION; ESTABLISHING A WATER COMMISSION; GENERAL POLICIES; REGULATIONS AND RULES; RATES AND BILLING CYCLES; PROVIDING FOR A PENALTY; PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council hereby adopts a formal set of policies and procedures for the establishment and operation of a municipal water company for the City of Garden Ridge, Texas; and

**WHEREAS**, the City Council has determined that maintenance and collection of service within state law is necessary for the public health of the citizens and the protection of the environment and natural resources of the City; and

**WHEREAS**, the City Council finds that City of Garden Ridge Water Company will comply with all TCEQ requirements; and

**WHEREAS**, the City Council finds that the proposed revisions promote the health, safety and welfare of the City and Ordinance 54-072019 is amended as contained herein.

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

**SECTION 1. FINDINGS.**

The findings set out herein are found to be true and correct and are hereby adopted by the City Council and made a part of this Ordinance for all purposes.

**SECTION 2. ORDINANCE REVISIONS.**

Ordinance 54-072019 is revised and provided for below:

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**SECTION 3. 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* is a main which brings service to the perimeter of a property.

*Approval* means 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* means 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.

*A.W.W.A.* is the American Water Work Association.

*Backflow Preventer* is an assembly or means designed to prevent backflow.

- *Air Gap* is 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, neverless than one (1) inch (25mm).

- *Reduced-Pressure Backflow Assembly* is 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.
- *Double Check Value Assembly* is 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).

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

*Backsiphonage* is backflow caused by a negative or reduced pressure in the supply piping.

*Benefited Property* means a lot or tract to which water service is made available.

*Bill* is the periodic statement containing a list of charges due and payable.

*Billing Period* is the time between regularly scheduled meter readings. There will be twelve (12) monthly billing periods in each calendar year.

*Board or Water Board* is the six-member Water Commission appointed by the City of Garden Ridge to govern operations of the water Department.

*Border Main* is the 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* is 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* is an authorization granted by the Texas Water Commission or the Public Utility Commission to the Water Department for service within a defined territory.

*City* is the City of Garden Ridge, Comal County, Texas.



*Construction Cost of Mains* is 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.

*Contamination* means 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.

*Cost of Improvements* means all costs and expenses incident to construction of improvements to the water system

*Cross-Connection* means 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* means 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 Contamination* means 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.

*Delinquent Account* is a past due accounts receivable.

*Developer-Customer* is 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* is the locking or removal of a meter.

*Easement* shall refer to "Utility Easement".

*Engineer* is 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* is the unincorporated areas contiguous to the incorporated limits of any city.

*Frontage* is the 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.

*Hazard, Degree of* is 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.

- *Hazard-Health* is 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.
- *Hazard-Plumbing* is 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.
- *Hazard-Non-Health* is 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.
- *Hazard-System* is 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* is 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 alkalis; 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.

*Lot* is 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* is the depth at which backfill material commences after the prescribed bedding sand has been installed over the main.

*Main Depth* is the depth of the ditch bottom on which the main will be installed, after the bottom layer of sand is in place.

*Maps* are maps located of the Water Department depicting line locations size, etc.

*Meter* is an instrument and appurtenances thereto used to measure water volume.

*Meter Charge* is 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* is checking or testing the accuracy of a meter.

*Normal Office Hours* is Monday through Friday from 8:00 AM to 5:00 PM, except for legal or posted holidays.

*Off-Duty Hours* are all hours that are not normal office hours.

*On-Site Main* is 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* is 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), Texas Commission on Environmental Quality (TCEQ), and similar agencies as may exercise regulatory authority in the operation of the Water Department.

*Oversize Main* is a main of larger diameter than that required to provide service to and within the customer's property.

*Pavement Width* is the portion of a street available for vehicular traffic; where curbs are laid, it is the portion between the face of curbs.

*Person* is any individual, association, firm, corporation, entity, political subdivision, or governmental agency.

*Plat* is 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* is 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.

*Pollution* means 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.

*Pressure Regulator* is 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.* is the Public Utility Commission of Texas, as established under the Public Utility Regulatory Act of June 1975, Article 1446C, V.A.C.S.

*Records Drawings* are ink on mylar drawings showing locations and size of the Water Department system as near as possible and conforming to Water Department standards.

*Renter* is a person who rents property from another person.

*Restore Service* means to re-establish a disconnected service.

*Service* means 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* is a written agreement between the customer and the Water Department outlining the responsibilities of each regarding water service.

*Service Connection* means 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.

*Shall May* means the word "shall" is always mandatory. The word "may" is merely directory.

*Single-Customer* is 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* means service supplied from one meter or one connection to a single building designed, built and used as a single-family residence.

*Subdivision* is 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)* is 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* is a licensed State Land Surveyor or Registered Public Surveyor, as authorized by State statutes to practice the profession of surveying.

*Types of Consumers:*

- *Single Residential Customer* is a consumer receiving water service to a single-family residence.
- *Commercial Customer* is a consumer receiving water service for a commercial/business establishment.
- *Apartment, Condominium, and Duplex Customers* is a consumer with a single owner, but has several residences or units serviced by one meter.
- *Municipal or Governmental Wholesale Customers* is an entity created by the State that owns and operates distribution systems and purchase water from the Water Department.
- *Other Customers* is any consumer not specifically identified above. This includes dual residential customers, temporary service customers, mobile home park customers, etc.

*Tariff* is 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* is the State agency designated to regulate water service, water rates, and operation of water systems.

*Utility Easement* means 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:*

- *Potable* means water that is safe for human consumption as described by the public health authority having jurisdiction.
- *Non-Potable* means water that is not safe for human consumption or that is of questionable quality.
- *Used* means 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 Connection Charges* are those charges of the Water Department to the customer, for the connection of water mains of the Water Department.

*Water Department* is the municipally owned water company for the City of Garden Ridge, Comal County, Texas.

*Water Mains* are water pipes 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.

*Water System Improvements* means 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.

*Water System Manager* means 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.

#### **SECTION 4. ORGANIZATION.**

##### **4.01 -- 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.

##### **4.02 -- 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 ensure 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 5. APPLICABILITY OF ORDINANCE.**

##### **5.01 -- 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.

#### 5.02 -- 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.

#### 5.03 -- 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.

#### 5.04 -- 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.

#### 5.05 – 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 6. GENERAL POLICY.

#### 6.01 -- 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.

#### 6.02 -- 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.

#### 6.03 -- 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.

#### 6.04 -- 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.

#### 6.05 -- UNLAWFUL TO WASTEWATER.

It shall be unlawful and subject to the violation provisions of Section 4 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.

**6.06 -- UNLAWFUL TO OBTAIN WATER BY FRAUD.**

It shall be unlawful and subject to the violation provisions of Section 4 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.

**6.07 -- NO FREE WATER ALLOWED.**

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

**6.08 -- PRIVACY POLICY**

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

**6.09 -- 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 7. GENERAL SERVICE RULES AND REGULATIONS.**

**7.01 -- CUSTOMERS.**

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

**7.02 -- RENTERS.**

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

**7.03 -- 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.

**7.04 -- 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.

7.05 -- 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.

7.06 -- 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.

7.07 -- 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 and 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.

7.08 -- 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.

7.09 -- 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.

7.10 -- 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 8. RATES & BILLING (GENERAL).**

### **8.01 -- 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.

### **8.02 -- 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.

### **8.03 -- BILLING CYCLE.**

Water meters will normally be read on the 23<sup>rd</sup> day of the month. If the 23<sup>rd</sup> falls on a weekend or holiday, meters will be read the business day nearest the 23<sup>rd</sup> (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 8.01.

### **8.04 -- 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 9. DELINQUENT ACCOUNTS.**

9.01 -- 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 preceding 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.

9.02 -- 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.

9.03 -- DISCONNECTION OF SERVICE.

If a customer whose account is deemed delinquent waives the hearing process outlined in Section 9.02, 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 27, 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 10. DISCONTINUANCE AND/OR DISCONNECTION OF WATER SERVICE.**

### **10.01 -- 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 5 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.

### **10.02 -- 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 11. CONTINUANCE OF SERVICE.**

**11.01 -- 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.

**11.02 -- 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:

Delinquency in payment for service by the previous occupant of the premises. This situation should not occur if Section 7.03 has been complied with. However, should such an event occur, it shall not be a reason to disconnect water service.

- a) 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.)
- b) 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.
- c) 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.
- d) 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.
- e) 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.
- f) 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 12. DISCONNECTION AND RECONNECTION OF SERVICE.**

**12.01 -- 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 27. 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.

**12.02 -- 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 8 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 13. WATER CONNECTIONS AND EXTENSIONS (GENERAL).**

#### **13.01 -- 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 27.05 (Reference A).
- 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.

#### 13.02 -- 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.

#### 13.03 -- 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 5 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 affected.

#### 13.04 -- 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.

#### 13.05 -- 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).

#### 13.06 -- 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.

13.07 -- 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 14. WATER DEPARTMENT TO MAKE WATER TAPS, CONNECTIONS, REPAIRS, ETC.**

14.01 -- UNLAWFUL TAPS, SERVICE PIPES OR CONNECTIONS.

It shall be unlawful and subject to the violation provisions of Section 5 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.

14.02 -- 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 15. EXTENSION OF WATER SERVICE FROM ONE PREMISE TO ANOTHER.**

15.01 -- 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.

15.02 -- 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 26.03 of this Ordinance.

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

Not more than one meter can be supplied to anyone 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 16. WATER METERS (GENERAL).**

16.01 -- 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.

16.02 -- 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.

16.03 -- 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.

16.04 -- 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.

16.05 -- 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.

16.06 -- 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 27.05 (L) 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.

16.07 -- ADJUSTMENT TO BILL

- 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) Leak Adjustment: Upon request from a water customer, the City may authorize a reduction to a water bill for a water leak or criminal activity which results in increased water usage. Water customers must notify the Water Department no later than the due date of the water bill that a leak adjustment will be requested. After notification to the Water Department, the water customer must submit a Water Leak Adjustment Request form (Appendix "F") with supporting documentation within 90 days to the Water Department. Water usage that is determined to have resulted from a leak that was not reasonably detectable will be charged at the first-rate tier above 5,000 gallons. All other water usage will be charged at their respective rate tiers. Any leak adjustment spanning more than one billing period shall be considered a single event unless compelling evidence suggests otherwise. The Water Manager will review each request, research and investigate the circumstances of each claim. Requests for leak adjustments that extend 6 months beyond the billing period in which the leak was detected will not be considered.
  1. If the water leak is determined to be the responsibility of the City in part or in full, the Water Manager shall adjust the customer's water bill by crediting the amount of water usage determined to be the City's responsibility.
  2. If a water leak is determined not to be the responsibility of the City, the Water Manager may, at his discretion, adjust a water bill up to \$250.00. For higher adjustments, the request will be forwarded to the Water Commission for review and action.

3. Leak adjustment requests that the Water Manager deems do not contain all information necessary for a thorough Water Department investigation will be submitted to the Water Commission.
4. Leak adjustments up to \$500.00 considered by the Water Commission can be recommended to the City Administrator for action. Adjustments over \$500.00 will be forwarded to City Council for review and action.
5. All leak adjustment requests and actions will be reported to the Water Commission and City Council in the Water Manager's Monthly Report.

16.08 -- 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 17. CROSS CONNECTION CONTROL.**

17.01 -- 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 implant 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.

17.03 -- 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:

- i. 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.
  - ii. 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.
  - iii. 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 17.03(a), 17.03(b), and 17.03(c) shall depend upon the degree of hazard that exists as follows:
- i. In the case of any premises where there is an auxiliary water supply as defined in Section 3 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.
  - ii. In the case of any premises where there is an irrigation system installed
    - a) If the premises has an on-site sewage treatment facility, the public water system shall be protected be an approved reduced-pressure principle backflow prevention assembly.
  - iii. 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.
  - iv. 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.

- v. 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.
- vi. 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.

c) INSPECTION

1. The customer shall provide the Department with a customer inspection certification (as required by TCEQ rules for public water systems) on all new construction with city water service.
  - i. 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.
  - ii. 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 TCEQ rules for public water systems) on all renovation construction with city water service.
  - i. 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.
  - ii. 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 by TCEQ rules for public water systems) if the Department has reason to believe that cross-connections or other potential contaminant hazards exist.

## **SECTION 18. SERVICE OUTSIDE SERVICE AREAS.**

### **18.01 -- 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.

### **18.02 -- 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 19. OPERATIONS MANAGER OF THE WATER DEPARTMENT.**

### **19.01 -- 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.

### **19.02 -- 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.

### **19.03 -- 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.

### **19.04 -- TAMPERING WITH FIRE HYDRANTS AND OTHER WATER DEPARTMENT PROPERTY.**

It shall be unlawful and subject to the violation provisions of Section 4 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.

**19.05 -- TURNING ON WATER SERVICE AFTER SERVICE HAS BEEN DISCONNECTED.**

It shall be unlawful and subject to the violation provisions of Section 5 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 20. EASEMENTS, ACCESS AND INSPECTIONS.**

**20.01 -- 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.

**20.02 -- 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.

**20.03 -- 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.

**20.04 -- 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 21. DUTIES OF CUSTOMERS/CONSUMERS.**

**21.01 -- 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.

21.02 -- 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 22. MAPS OF THE WATER DEPARTMENT'S WATER SYSTEM.**

22.01 -- 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 23. CUSTOMER CREDIT POLICY.**

23.01 -- 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.

23.02 -- 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 24. DEPOSITS FOR WATER SERVICE.**

24.01 -- 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 27.05.
- b) TEMPORARY OR SEASONAL - Temporary or seasonal service will be provided at any fire hydrant after the required deposit set forth in Section 27.05 (Reference R-3) is received.

24.02 -- 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.

24.03-- 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 25. WHEN CASH PAYMENT IS REQUIRED.**

25.01 -- 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 27.05, 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 27.05, 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 26. ESTABLISHMENT OF WATER RATES.**

26.01 -- 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 27.02.

26.02 -- 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 27.02. 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.

#### 26.03 -- 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 27.02, 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.

#### 26.04 -- 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.

#### 26.05 -- 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 27. RATES AND FEES.**

#### 27.01 -- 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.

#### 27.02 -- 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 \$25.00 (5,000 gallons)	Minimum Monthly Charge of \$41.25 (5,000 gallons)
Each additional 1,000 gallons, up to 15,000	\$2.74	\$4.42
Each additional 1,000 gallons, up to 25,000	\$4.53	\$6.27
Each additional 1,000 gallons, up to 35,000	\$6.49	\$9.07
Each additional 1,000 gallons, up to 45,000	\$8.63	\$12.07
Each additional 1,000 gallons, up to 55,000	\$10.45	\$14.82
Each additional 1,000 gallons, up to 65,000	\$12.28	\$17.54
Each additional 1,000 gallons, up to 75,000	\$14.10	\$19.37
Each additional 1,000 gallons, up to 85,000	\$15.93	\$21.19
Each additional 1,000 gallons, up to 95,000	\$17.75	\$23.02

b) METERS INSIDE CITY LIMITS: Water rates for usage over 95,000 gallons shall be based upon 1,000 gallon block increments with the applicable rate of 19.57

c) METERS OUTSIDE CITY LIMITS: Water rates for usage over 95,000 gallons shall be based upon 1,000 gallon block increments with the applicable rate of 24.84

27.03 -- BASIC WATER CHARGES FOR COMMERCIAL SERVICE.

- a) Classification C-1 -- One Inch (1") Meter (Capacity 25 GPM)
  - 1. See Section 27.02
  
- b) Classification C-2 -- One and One-Half Inch (1.5") Meter (Capacity 50 GPM)
  - 1. See Section 27.02
  
- c) Classification C-3 -- Two Inch (2") Meter (Capacity 80 GPM)
  - 1. See Section 27.02
  
- d) Classification F-1 -- Water Drawn From City Fire Hydrants
  - 1. See Section 27.02 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.*

27.04 -- WATER RATES FOR TEMPORARY SERVICE

See Section 27.02 Outside City Rates

27.05 -- 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 26.03.

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.

- A. Replace a damaged meter box-----\$50.00
- B. Replace damaged valve box-----\$150.00
- C. Replace damaged fire hydrant-----\$1400.00
- D. Replace sampling station-----\$450.00
- E. Replace air relief valve-----\$350.00
- F. Replace valve markers-----\$50.00
- G. Excavate, install and/or replace a damaged meter valve-----\$150.00
- H. Excavate, install and/or replace a damaged curb (meter) valve-----\$150.00
- I. 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
- J. 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 27.05(a-1)
- K. Relocate a water meter at the request of or for the benefit of the customer refer to Section 27.05(a-1) – meter cost
- L. Meter Test When The Meter Is Not In Error-----\$50.00
- M. Turn-Off/Disconnection Charges.  
 Resulting from a delinquency or non-payment of water service bills-----\$40.00
- N. 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.)

O. Turn-Off & Turn-On Transfer of existing meter service to a new customer-----\$40.00

P. 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

Q. Check returned for insufficient or non-sufficient funds-----\$30.00

R. 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)

27.06 CUSTOMER FEES

The City of Garden Ridge Water Department may be assessed management fees, program fees and pumping fees for water that is allocated from, pumped from and/or supplied from the Edwards Aquifer and/or the Trinity Aquifer. The assessment of such fees as a pass-through fee to all water customers is authorized. Such fees will be collected from all water customers of the Garden Ridge Water Department. The charges will be billed monthly as a separate charge on customer water bills. No pass-through fees shall be charged if there is not metered use by the customer during the billing period. These charges shall be reviewed annually and adjusted as necessary for the full recovery of such fees assessed to the City of Garden Ridge Water Department.

**SECTION 28. REQUESTS FOR SERVICE (GENERAL POLICY).**

28.01 -- 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 29. NEW SERVICE APPLICATIONS AND CONNECTIONS.**

### **29.01 -- 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.

### **29.02 -- 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.

### **29.03 -- 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.

### **29.04 -- 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.

### **29.05 -- 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.

### **29.06 -- 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.

29.07 -- 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 30.03. Payment received by the Water Department for such extension or improvement shall be in addition to the water connection and meter charges. (see Section 12.01)

29.08 -- 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.

29.09 -- 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.

29.10 -- 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.

#### 29.11 -- 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.

29.12 -- 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 12.01(f))

29.13 --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 30. REQUESTS FOR SERVICE TO SUBDIVISIONS.**

30.01 -- 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.

30.02 -- 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.

30.03 -- 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 ensure 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.

30.04 -- 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.

30.05 -- 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.

30.06 -- 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 or 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.

30.07 -- 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.

30.08 -- 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 27.02, for each unit (lot) platted in the subdivision; or (2) terminate the service agreement.

30.09 -- 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.

30.10 -- 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.

30.11 -- 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.

30.12 -- 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.

30.13 -- 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 31. CONDITION FOR SUBDIVISION PLAT APPROVAL AND WATER SOURCE.**

31.01 -- 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.

31.02 -- 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.

31.03 -- SERVICES TO LOTS WITHIN THE SUBDIVISION.

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

31.04 -- 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.

31.05 -- CONSTRUCTION PLANS FOR OFF-SITE IMPROVEMENTS.

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

31.06 -- 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.

31.07 -- 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.

31.08 -- 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.

31.09 -- 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.

### 31.10 -- 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 32. VARIANCES TO SUBDIVISION REQUIREMENTS.**

### 32.01 -- 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 33. CONSTRUCTION OF SUBDIVISION MAINS.**

#### **33.01 -- 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.

#### **33.02 -- 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.

#### **33.03 -- 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 34. CAPITAL RECOVERY CREDIT FOR CONSTRUCTION COSTS.**

#### **34.01 -- 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 35. LINE EXTENSION REQUIREMENTS (GENERAL).**

#### **35.01 -- 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 36. CAPITAL IMPROVEMENTS AND ASSESSMENTS.**

#### **36.01 -- 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.

#### **36.02 -- 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.

#### **36.03 -- 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.

#### 36.04 -- 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.
  2. 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.

#### 36.05 -- 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.

**36.06 -- 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.

**36.07 -- ASSESSMENT DEFAULTS.**

Assessments not paid within the time limits prescribed in Section 36.05 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 36.02) 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 37. REBATE PROGRAMS AND WATER CONSERVATION INCENTIVES.**

**37.01 – 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).

**37.02 – 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).

### 37.03 – HOT WATER ON DEMAND SYSTEM REBATE

Customers of the Water Department are entitled to a one (1) rebate per household to be credited to their water bill for the proof of purchase and installation of a Tankless Hot Water Heater or Recirculating Hot Water System at the household for which the rebate is applied. The rebate is allowed for existing residences and businesses. The rebate will be 10 percent (10%) of the cost of a Tankless Hot Water Heater or Recirculating Hot Water System excluding labor for installation and the total rebate shall not exceed \$200 (two hundred dollars).

### 37.04 - RESIDENTIAL IRRIGATION DESIGN REBATE

Customers of the Water Department are entitled to one (1) Residential Irrigation Design rebate per household of up to \$800 (maximum) to be credited to their water bill for the proof of purchase and installation of any combination of options, depending on the number of zones converted or capped, and if the irrigation remains at or below a personalized schedule for water use over a one year period and all rebate requirements as set forth below are complied with. Only existing irrigation systems are eligible for the rebate. All rebates will be applied to customer's water accounts in a series of two installments if the requirements for each installment are met.

a) Customers will be eligible to receive the first installment of the Residential Irrigation Design Rebate upon completion of the following:

1. Submission of a licensed irrigator's redesign of a water customer's irrigation system which includes any combination of the Irrigation Design criteria approved by the Water Manager and a personalized schedule for water use over a one-year period, and,
2. The approved irrigation system redesign must be completed in accordance with all city ordinances and state laws governing irrigation system installation and design, and,
3. The Water Manager will provide the water customer with an approved Residential Irrigation Design Rebate application upon final inspection of the completed irrigation system redesign.

b) Customers will be eligible to receive the second (final) installment of the Residential Irrigation Design Rebate if water usage has remained at or below the personalized schedule of water usage over a one-year period beginning upon the date of the final inspection.

### IRRIGATION DESIGN REBATE CRITERIA

\$450	Disabling entire irrigation system	Removal of the backflow device, backflow box, all valve boxes and the controller. Cutting the “T” connection and capping snugly to the mainline. Removal and capping of an existing zone valve.
\$250	Capping a zone	Area is now hardscape, has been converted to bedding area instead of turf, or plants are mature and do not require regular irrigation.
\$200	Converting a pop-up spray zone to drip/bubblers	Converting a zone currently irrigated by pop-up spray or rotor irrigation system. Conversion from fixed sprays and rotors to drip system, emitters must not exceed 1 gallon per hour per emitter. Drip irrigation must consist of: (1) Half-inch tubing with built-in emitters; or (2) Smaller point-source tubing connected laterally with individual emitters for specific plants. Tubing with laser holes is not eligible for rebate. Fittings must not be the barbed connection fittings but compression fittings that are more secure. System must include: (1) Pop-up head with its nozzle closed or capped and the stem painted a bright color; or (2) Manufactured flag indicator. This will indicate that the zone is working properly. Misters are not allowed. Bubblers must be nonadjustable, fixed flow – not to exceed 1 gallon/minute per head.
\$150	Splitting a zone to beds and turf	Conversion of a single zone that covers both turf and beds to two separate zones for turf and beds.

### 37.05 – SWIMMING POOL FILTER REPLACEMENT REBATE

Customers of the Water Department are entitled to one (1) Swimming Pool Filter Replacement rebate per household of \$250 to be credited to their water bill for the proof of purchase and installation of a high efficiency cartridge filter system for swimming pools that replace sand and diatomaceous earth (D.E.) filters. The rebate applies only to high-efficiency cartridge filter systems purchased after May 6, 2015.

### 37.06 WATERSAVER PATIOSCAPE REBATE

Customers of the Water Department are entitled to one (1) WaterSaver Patioscape rebate per household of \$100 to be credited to their water bill with proof of replacing 200 square feet of grass with an approved patioscape when complying with the following requirements:

- a) Capping of irrigation system spray heads/rotors or drip lines in the area where the patioscape is installed.
- b) Rebate is for grass/turf replacement with Patioscape only.

- c) Existing beds and /or patios in existence at the time of passage of this ordinance are not eligible.
- d) Patioscape must be at least 200 contiguous feet.
- e) Patioscape must be at least 10 feet wide and cannot be used to create a pathway/walkway.
- f) Foundation for patioscape must be free of debris and be of a hard packed, pervious sub-soil.
- g) Patioscape must be flagstone, steppingstones or pavers. No other materials can be substituted.
- h) A pre inspection of the patioscape location and post inspection of the patioscape must be conducted by the Water Manager.

**SECTION 38. CUMULATIVE AND SAVINGS.**

This Ordinance is cumulative of all provisions of ordinances of the City of Garden Ridge, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. All previous versions of this Ordinance to the extent that they are in conflict herewith are repealed.


**SECTION 39. SEVERABILITY.**

The provisions of this Ordinance are declared to be severable. If any section, sentence, clause, or phrase of the Ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decisions shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect; it being the legislative intent that this Ordinance shall remain in effect notwithstanding the validity of any part. In the event that changes are made to state law, the provisions of state law will govern in the event of a conflict.

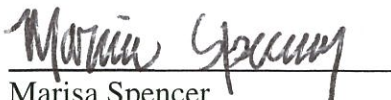
**SECTION 40. EFFECTIVE DATE.**

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

**PASSED AND APPROVED ON** this 4<sup>th</sup> day of December, 2019.

  
\_\_\_\_\_  
Larry Thompson  
Mayor

ATTEST:

  
\_\_\_\_\_  
Marisa Spencer  
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-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.

**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

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.)

**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 pipelines, 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.

Billing  
Name: \_\_\_\_\_

Service Location:  
\_\_\_\_\_

Mailing Address:  
\_\_\_\_\_

Phone #: \_\_\_\_\_ Work #: \_\_\_\_\_ Cell #: \_\_\_\_\_

Customer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

New Cust. Fee: \$40.00      Security Deposit: \$150.00      BOTH WILL BE ON FIRST BILL!

Acct #: \_\_\_\_\_ First Billing Date: \_\_\_\_\_

**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.		
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.		
3. No connection exists which would allow the return of water used for condensing, cooling or industrial processes back to the public water supply.		
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.		
5. No solder or flux which contains more than 0.2% lead exists in private plumbing facilities installed on or after July 1, 1988.		

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:

- Service Lines    Lead             Copper             PVC             Other   
Solder            Lead             Lead Free             Solvent Weld             Other

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

\_\_\_\_\_  
 Title

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Registration Number

\_\_\_\_\_  
 Type of Registration

# APPENDIX "F"

For Office Use Only  
\_\_\_\_ - \_\_\_\_ W

## WATER LEAK ADJUSTMENT REQUEST

To Be Completed By Customer

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Billing Period: \_\_\_\_\_

Bill Amount: \_\_\_\_\_ Email Address: \_\_\_\_\_

Please explain circumstances of the higher bill: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Do you suspect criminal activity? Circle: YES NO

**If yes, please submit a copy of your Police Report.**

What corrective measures/repairs have been made? Please provide documentation/receipts.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What are you specifically requesting of the Water Department? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature Date

Please attach supporting documentation to this page.



To Be Completed By Water Department

Bill Amount: \_\_\_\_\_ Average Bill Amount: \_\_\_\_\_

Date Received: \_\_\_\_\_ Received By: \_\_\_\_\_

Historic Usage and Analysis: \_\_\_\_\_

Customer History of Requests: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

=====

Water Manager Review and Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Additional information requested: \_\_\_\_\_ Date Requested: \_\_\_\_\_

Additional Information submitted: \_\_\_\_\_ Date Received: \_\_\_\_\_

Amount Approved: \_\_\_\_\_

Disapproved: \_\_\_\_\_

Referred to Water Commission: \_\_\_\_\_

\_\_\_\_\_  
Water Manager or Designee Signature

\_\_\_\_\_  
Date

Water Commission Recommendation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Referred to City Administrator: \_\_\_\_\_ Date: \_\_\_\_\_

Referred to City Council: \_\_\_\_\_ Date: \_\_\_\_\_

Reason referred to City Council: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Water Commission Chair

\_\_\_\_\_  
Date

=====  
City Council Action: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Amount Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date