

ORDINANCE #210504-01

CITY PROVIDED UTILITY SERVICES AND FEE STRUCTURES

AN ORDINANCE OF THE CITY OF BIG LAKE, TEXAS, FOR THE GOVERNING OF WATER, WASTEWATER, GAS AND SANITATION POLICIES AND FEE STRUCTURES FOR SERVICES WITHIN THE CITY LIMITS OF BIG LAKE, TEXAS; REPEALING THE EXISTING ORDINANCES #190903-03, #910930-3 AND ORDINANCE ADOPTED ON JUNE 2, 1949, NOW KNOWN AS ORDINANCE #490602 AND ALL ORDINANCES OR PARTS THEREOF IN CONFLICT WITH THIS ORDINANCE, PROVIDING FOR: A FINDING OF FACT; POPULAR NAME PURPOSE; DEFINITIONS; REQUIREMENTS; INVESTIGATION AND NOTICE OF VIOLATIONS; ABATEMENTS; ENFORCEMENT INCLUDING MAXIMUM FINE OF \$500.00 FOR ORDINANCE VIOLATIONS UNLESS THE VIOLATION IS RELATED TO FIRE SAFETY, HEALTH AND PUBLIC SANITATION IN WHICH THE MAXIMUM FINE IS \$2000.00 PER DAY PER VIOLATION; INJUNCTIVE RELIEF AND OTHER AVAILABLE REMEDIES; MANAGEMENT OF CONFLICTING PROVISIONS; SEVERABILITY; REPEAL CLAUSE; EFFECTIVE DATE AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Big Lake ("City") has established, policies that will promote the public health, safety, morals and general welfare within the City through the enactment of responsible rules for water, wastewater, gas and sanitation applications, deposits, metered connections, billing and payments, delinquent accounts, termination of services, property liens, discontinuance or refusal of services, utility service rates/fees and general policies; and

WHEREAS, the City Council has reviewed the costs associated with operating the water, wastewater, gas and sanitation systems (the utilities) and seeks to establish fair, reasonable and efficient guidelines for the assessment and collection of fees related to the City's utility services; and

WHEREAS, the City Council must continue to operate city utilities in a financially solvent manner, ensuring economic stability of the City; and

WHEREAS, pursuant to section 51.001, Texas Local Government Code, the City Council is authorized to adopt an ordinance that is for good government, peace or order of the City and is necessary for carrying out a power granted by law to the City; and

WHEREAS, pursuant to section 51.012, Texas Local Government Code, The City Council may adopt an ordinance, not inconsistent with state law, that is necessary for the government, interest, welfare or good order of the City as a body politic; and

NOW THEREFORE, be it ordained by the City Council of the City of Big Lake, Texas, County of Reagan, State of Texas that:

SECTION 1.0: FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Big Lake and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2.0: POPULAR NAME

This Ordinance shall be commonly referred to as "City Provided Utility Services and Fee Structures".

SECTION 3.0: PURPOSE

The purpose and intent of this Ordinance is to establish policies and guidelines for residents and customers that utilize city utility services including; application of services, billing and payment procedures, water, wastewater, gas and sanitation rates, and line tapping of fees and procedures.

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SECTION 4.0: DEFINITIONS

Unless the context requires otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated:

- 4.1 **ACTIVE ACCOUNT**: means, as of any given date, an account that has monthly transactions and has not been cancelled or sent to delinquent account status.
- 4.2 **ALLEY**: a public right-of-way used primarily for utility services located between two buildings.
- 4.3 **APARTMENT**: a building containing separate residential units.
- 4.4 **CITY**: the City of Big Lake, Texas, a municipal corporation and political subdivision within the County of Reagan, within the State of Texas; consisting of one (Mayor) and five (5) Councilmember at Large.
- 4.5 **CITY COUNCIL**: the governing body of the City of Big Lake, Texas.
- 4.6 **COMMERCIAL**: a customer engaged in commerce or work intended for commerce.
- 4.7 **CONTAINER**: a receptacle for the deposit of solid waste.
- 4.8 **CUSTOMER**: any individual or commercial business who has an active account with the City.
- 4.9 **DELINQUENT ACCOUNT**: an account not paid in full by end of posted business hours on the 21st each month.
- 4.10 **DUPLEX**: a building that consists of two (2) separate residential units.
- 4.11 **ESCROW DEPOSIT**: a sum money paid to the City by customer and applied to a contract to be returned after fulfillment of condition described in this ordinance; a legal document summarizing the agreement between parties.
- 4.12 **HOTEL/MOTEL**: a commercial establishment that provides temporary lodging within separate units under a single building.
- 4.13 **INSIDE CITY LIMITS**: property located within the approved boundary/border called Big Lake and approved by the City Council of Big Lake.
- 4.14 **MAN-CAMPS**: a commercial establishment that provides temporary lodging on one property with multiple units.
- 4.15 **METER CONNECTION**: a single-family residential unit or each commercial or industrial establishment to which drinking water is supplied from the City of Big Lake's Public Water Source (PWS).
- 4.16 **MULTI-FAMILY**: a building that houses four (4) or more separate residential units to reside.
- 4.17 **NONRESIDENTIAL**: not residential; "the commercial or nonresidential areas of a city/town".
- 4.18 **OFFICE BUILDING**: a commercial establishment that provides for more than one office space.
- 4.19 **ORDINANCE**: this ordinance establishing rules regarding water, sewer, gas and sanitation services.
- 4.20 **OUTSIDE CITY LIMITS**: property located outside the approved boundary/borders of the City of Big Lake.
- 4.21 **PERSON**: an individual, corporation, organization, government agency, business, trust, partnership, association or any other legal entity.
- 4.22 **PROPERTY LEIN**: a legal claim on assets that allows the holder to obtain access to the property if debts are not paid.
- 4.23 **PRO RATE FEE**: a fee made against the customer to pay for the extension of utility lines.
- 4.24 **PUBLIC WATER SYSTEM**: a service that provides potable water to customers.
- 4.25 **RAW SEWAGE**: sewage that has not been treated through the wastewater treatment process.

- 4.26 **RENTAL PROPERTY**: real or improvement property from which the owner receives a payment from the occupant(s), known as tenants, in return for occupying or using the property. Rental properties may be either residential or commercial.
- 4.27 **RESIDENTIAL**: owner of real property or improvements not of commercial use.
- 4.28 **RV/MOBILE HOME PARKS**: a commercial establishment that allows for one or more recreational vehicle or mobile home to house a mobile dwelling within said property.
- 4.29 **SINGLE FAMILY RESIDENTIAL**: an independent residential dwelling that houses one (1) family.
- 4.30 **TCEQ**: the Texas Commission on Environmental Quality (TCEQ) is the environmental agency for the State of Texas.
- 4.31 **TEMPORARY DISCONNECTION**: an account that has requested a disconnection for all or some utility services for a period of time up to six (6) months and will be billed a monthly "Temporary Disconnection" fee of \$15.00.
- 4.32 **UTILITIES**: a service for water, wastewater, gas and or sanitation, provided by the City.

SECTION 5.0: APPLICATION FOR UTILITY SERVICE(S)

Before the City provides any or all utility services, the owner or occupant of the property or business must complete an application and sign a service agreement provided by the City.

- 5.1 **Binding Contract**: The application shall contain a contract binding the applicant(s) to pay the stipulated service rates at the time and in the manner provided for in this Ordinance, reserving the City the right to enforce all rates and collect all charges in the manner prescribed in this Ordinance.
- 5.2 **Co-Applications**: Spouse, room-mate, parent or any individual that will occupy the resident or partnership within a business/entity must co-sign on utility applications. All account holders are subject to any and all financial obligations listed within this Ordinance and agreed upon by signing the application. Changes to the account must be cohesively agreed upon and attested on all City documents. Changes to the account are the responsibility of both applicants to notify the City of such changes.
- 5.3 **Reapplying for Service or Transfer**: Only the applicant(s) can request a transfer of services or disconnection. The City requires a customer to pay delinquent bills and fees prior to establishing new service or requesting transfer of services.
- a) An application for services will not be accepted from a different resident living at the same address as the customer whose bill is delinquent or services is disconnected for lack of payment.
 - b) The City will not transfer or connect service in the name of a different person for the same service address so long as the delinquent or disconnected customer continues to reside at that service address.
 - c) A person applying for new service at a service address for which service has been disconnected for lack of payment and the delinquent customer no longer resides may be required to provide proof that the new service will be for persons other than the delinquent or disconnected customer.
 - d) In the event that such new service is connected under a different person's name at the service address and it is subsequently determined that the delinquent or disconnected customer still resides at the service address, the City may disconnect service after giving no less than twenty-four (24) hour notice to any person residing at the service address. Such notice may be verbal, by telephone, door hanger, or hand delivery.
 - e) Service will not be disconnected if all past due fees owed by the original customer are paid prior to the time and date specified in the Ordinance
 - f) The City shall not require payment from a new customer for previous tenant's delinquent account at the same service address so long as the new customer was not living with, or conducting business with the previous applicant at the time the delinquency of account occurred.
- 5.4 **Death or Incapacity of a Customer**: Upon the death or permanent incapacity of an applicant, the account must be updated by completion of a new contract by the new property owner or person having lawful control of the property; or closing out said account and releasing the escrow deposit to pay for accrued fees within ninety (90) days unless an extension of time has been granted by the City.

- 5.5 **False Information:** Any person making a false statement in the application shall be deemed guilty of a misdemeanor and shall, upon conviction, be subject to civil and/or criminal penalties as prescribed herein.
- 5.6 **Service Interruption:** If the supply or service shall be interrupted or fail because of an accident or any cause whatsoever, the City shall not be liable for damages for such interruption or failure, nor shall such failure or interruption for any reasonable period of time be held to constitute a breach of the contract, nor the City or in any way to relieve the customer from performing the obligations of the contract.

SECTION 6.0: ESCROW DEPOSIT(S)

Each customer, before utilizing City utilities, shall make a deposit in advance that will remain as an “Escrow” deposit, legally binding to the applicant for the duration of services.

- 6.1 **Escrow Deposits:**
- a) May only be used for balances remaining to finalize closed accounts or for a remaining balance of an unpaid account.
 - b) Escrow deposits are not transferable unless an applicant gives approval in writing noting the account the escrow will be bound to.
- 6.2 **Deposits for Residential and Commercial Customers:**
- a) \$150.00 for Water and Wastewater services
 - b) \$200.00 for Gas services
- 6.3 **Deposits for Hotels, Motels, Apartments Complexes, RV/Mobile Home Parks and Man-Camps:**
- a) \$600.00 for Water and Wastewater services
 - b) \$400.00 for Gas services
- 6.4 **Deposit for Sanitation:** If a customer has no utilities and requests sanitation services, a deposit of three (3) times the current sanitation rate is required.
- 6.5 **Deposit for Delinquent Customer:** Any customer moving away from Big Lake leaving a final bill in excess of the deposit, will be required, should they return, to pay all amounts owed, a \$20.00-Service Charge, and a deposit equal to two times (2x) the deposit required from a new customer.

SECTION 7.0: METERED CONNECTIONS

Each customer utilizing the City’s Public Water System (PWS) must comply with Texas Commission of Environmental Quality’s (TCEQ) 30 TAC 290 laws, resulting in a meter for each residence, building, business or commercial structure. No temporary or permanent connection to another metered structure, building, residence or business is allowed by law.

- 7.1 **Meter Connection(s):** Under 30 TAC 290.38(16) “connection” is defined as “A single-family residential unit or each commercial or industrial establishment to which drinking water is supplied” from the Public Water Source (PWS). The TCEQ interprets an “active connection” as a connection that is completed or existing and able to supply drinking water from the PWS to a single-family residential unit or each commercial or industrial establishment, regardless of whether the single-family residential unit, commercial or industrial establishment is occupied or unoccupied.
- 7.2 **Meter Connection Requirements:** Community PWSs must provide an individual meter at each residential, commercial, or industrial service connection under 30 TAC 290.44(d)(4). When a new residence or business is added to an existing service location, another water meter shall be required for each additional service requested.
- a) **Single-Family Residential** – Residential homes require one (1) meter connection:
 - b) **Duplexes** – Duplexes require two (2) water meter connections.
 - c) **Apartments and Office Buildings** – Apartments, Commercial Office Buildings require one (1) meter connection.
 - d) **RV/Mobile Home Parks** – Parks require one (1) meter connection per four (4) sites.
 - e) **Man-Camps** – Camps require one (1) meter per four (4) sites
 - f) **Hotel/Motel** – Require one (1) meter connection.

SECTION 8.0: BILLING CYCLE AND PAYMENTS

Rates and fees for City utility services shall be billed to the customer for all services on the same utility bill. The City will send a monthly bill including but not limited to water, wastewater, gas and sanitation fees, landfill dumping fees, late fees, NSF (Non-Sufficient Funds), service charges and/or any other fees related to services.

- 8.1 Failure to receive a bill from the City does not relieve a customer of their responsibility to pay for services by the due dates outlined in the ordinance.
- 8.2 **Interference of Meter Readings:** If unable to read meters due to the following but not limited to; vehicles, pets, brush, debris, gates, etc., will require the meter reader to place a "Utility Notice" within a visible area seen by the resident notifying them of interference. If resident does not contact the City before billing, an average water usage rate for the previous three (3) months will be billed. Correction of estimated readings will be made in the next billing cycle.
- 8.3 **Damaged Meters:** Meters that are not working properly will be replaced immediately upon report by the meter reader. Customers with broken meters will be billed an average of usage based upon the previous three (3) months. If the meter is not changed within one (1) month, the customer will be billed the minimum rate until the meter is replaced or repaired.
- 8.4 **Sealed/(Locked) Meters:** In the event a meter box is sealed/(locked) by the City due to disconnections and has been tampered with; the following will apply:
- a) The account holder must notify the City immediately and local law enforcement will be contacted. Failure to notify the City office immediately will result in charges being assessed and considered an "active account" where all allowable fees are to be billed.
 - b) If responsible party is known, other than account holder, the responsible party will be charged all fees. If responsible party is not known, the account holder will be responsible for all fees.
- 8.5 **Over and Under Read Meters:** Minimum charges will be made on any over-read meters and an adjustment made to the customer's account. Customers with under-read meters will be billed the full amount on the next regular billing cycle.
- 8.6 **Existing Service to Multiple Residence or Business Location:** For existing water service accounts where more than one resident or business is served by a single meter, the amount of consumption will be charged to the person having authorized the account and paid the deposit. Each of the other residences or businesses will be billed the minimum.
- a) **Apartments and Office Buildings:** In the case of office buildings and apartment complexes the consumption will be charged to the person authorizing the account and having paid deposit.
 - b) **Duplexes:** Duplexes will be required to have a water meter for each apartment.
- 8.7 **Billing Cycle:**
- a) Due dates that fall on a weekend or holiday will progress to the following scheduled business day.
 - b) Utility bills must be mailed on or before the last day of the month.
 - c) It shall be the policy of the City to encourage the timely payment of utility bills. All utility bills shall be due by closing on the 15th day of the month, or the first business day after the 15th if it falls on a weekend or holiday.
 - d) Bills that are not paid by the 15th shall be assessed a \$5.00 penalty.
 - e) Accounts will need to be paid in full by the 20th of each month by posted closing time, or the first business day after the 21st if it falls on a weekend or holiday.
 - f) Accounts will be considered past due on the 21th of each month and will result in disconnection of services and assessed a non-payment fee of \$50.00.
 - g) A \$75.00 fee will be assessed for all meters installed after posted business hours or on weekends due to non-payment.

- 8.8 **Senior Citizen Discount:** Residents at the age of sixty-five (65) will receive a fifteen percent (15%) discount on water, wastewater, gas and sanitation fees, excluding taxes and any other fees; and will meet the following requirements:
- a) Resident must pay utility bill in full by the 10th of the month and can only receive discount on one (1) residential account; and
 - b) The discount can only be applied to homesteaded property or primary residence of account holder; and
 - c) Discounts do not apply to any commercial accounts.
- 8.9 **Meter Reread and Meter Calibration Request:** The City shall allow for customers to request a reread of their meter in the event they do not feel the billing is accurate. In the event the City receives a request for reread, a City employee will be sent to address and manually read the meter and then compare the reading to the electronic reading on file.
- a) A Meter Reread fee of \$25.00 is due in advance before the requests is submitted to the utility department. If there is found to be an error, the \$25.00 credit will be applied to the account.
 - b) If a further meter evaluation is requested, thus requiring meter to be sent to manufacture for calibration testing, a \$50.00 service fee is due before meter is sent. If the calibration proves it is a faulty meter, the \$50.00 credit will be applied to the account.
- 8.10 **Payments:**
- a) **Partial Payments:** Partial payments will be received only up until the due date. The full amount due must be made by end of posted business hours on the 20th. Failure to make these payments will render the bill delinquent and service will be discontinued.
 - b) **Credit/Debit Card Payments:** Payments made by Credit/Debit Card that accrue a convenience fee charged by third party credit card companies, will be the responsibility of the customer at the time of credit card processing. The City will not receive any form of revenue from such transaction and will only receive the full amount billed to the customer by the City.
 - c) **Nonsufficient Check Payment (NSF):** Payments made by nonsufficient (NSF) check, the City shall attempt to contact the customer one time to notify the customer that the check is NSF and shall charge the customer a NSF service charge of \$30.00. NSF checks and NSF service charges not paid within three (3) days from notification will be treated as failure to pay and shall be subject to disconnection. Three (3) returned checks in a twelve (12) month period will result in checks no longer being accepted by the City.
- 8.11 **Temporary disconnections:** The City recognizes that various circumstances exist which require temporary disconnection of services and are willing to meet this demand. During the period of disconnection, the account holder remains responsible for potential water loss, theft of services or tampering with equipment that has been sealed resulting in criminal mischief.
- a) A temporary disconnection of services may be requested at any time.
 - b) Up to six (6) months is the maximum allowable time for temporary disconnections.
 - c) A waiver must be signed by account(s) holders requesting the temporary disconnection before sealing of meters.
 - d) A new waiver must be signed within fifteen (15) days prior to the end of the six (6) month period if you wish to extend the disconnection.
 - e) If a new waiver is not signed the account will automatically return to “active account” status subject to full base rate fees.
 - f) A \$50.00 disconnection fee is payable prior to disconnection.
 - g) A monthly fee \$15.00 will be billed as long as account remains as a “temporary disconnect fee.”
 - h) Senior citizens are not required to pay a temporary disconnection rate at any time.

SECTION 9.0: DELINQUENT ACCOUNTS:

Delinquent accounts are accounts not paid in full by end of posted business hours on the 21ST and will have utilities discontinued immediately.

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- 9.1 **Non-Payment Fees:** The following fees will be paid in full before reconnection of services; evaluated on a calendar year per last disconnection.
- a) First Occurrence - \$50.00
 - b) Second Occurrence - \$60.00
 - c) Third Occurrence - \$75.00
 - d) Fourth Occurrence or more - \$100.00
- 9.2 Customers will be charged at the normal base rates for services during the time service is disconnected for non-payment. An account will be closed thirty (30) days after disconnection for non-payment. For rental property, property owner may verify vacancy.
- 9.3 Nonsufficient (NSF) check received on a delinquent account will result in immediate disconnection of services along with a \$30.00 service charge.

SECTION 10.0: TERMINATION OF SERVICES

- 10.1 Upon termination of services, a final meter reading and or disconnection of utility services will be posted and a final bill computed. This final bill is due immediately upon receipt.
- 10.2 Escrow Deposits will be refunded only after all accounts are paid in full.
- 10.3 After ninety (90) days of non-payment an account shall be sent to an accredited collection agency of City Councils choosing. An additional percentage based upon current contract with collection agency will be added to total amount due.

SECTION 11.0: PROPERTY LIEN FOR DELINQUENT ACCOUNTS

- 11.1 Delinquent utility bills shall become a lien upon the property against which the services are charged as authorized by Local Government Code, Section 552.0025. The City Council is hereby authorized and empowered to enforce collection on delinquent accounts as per the Constitution and laws of the State of Texas. Ordinances of the City shall, by virtue of the customer accounts ledger, fix and establish a lien upon such real property for the payment of utility bill, penalty and interest, and the interest and penalty collected from such delinquent accounts shall bear interest from date of delinquency at the rate prescribed by State law
- a) The City may by ordinance impose a lien against a customer's property, unless such property is a homestead as protected by the Texas Constitution
 - b) The City's lien shall not apply to bills for service connected in a tenant's name after notice by the property owner to the City that the property is rental property.
 - c) The City's lien shall not apply to bills for service connected in a tenant's name prior to the effective date of the ordinance imposing the lien.
 - d) The City's lien shall be perfected by recording in the real property records of the county in which the property is located a notice of lien containing a legal description of the property and the account number for the delinquent charges. The City's lien may include penalties, interest, and collection costs.
 - e) The City's lien will be inferior to a bona fide mortgage lien that is recorded before the recording of the City's lien in the real property records of the county in which the property is located. The City's lien is superior to all other liens, including previously recorded judgment liens and any liens recorded after the City's lien.

SECTION 12.0: DISCONTINUANCE OR REFUSAL OF SERVICES

- 12.1 The City may refuse a continuance of services, decline of application or restoration of services for the following:
- a) A customer who fails to pay any charges due outlined in this ordinance or violates any portion of this Ordinance
 - b) On an account's premises that has substantial waste of water, a health or safety hazard, or damage to the environment is occurring as a result of leaking, damaged, open, or disconnected private laterals, pipes, or drains on the premises

- c) A customer who refuses to install or maintain backflow prevention devices or other equipment or practices intended to protect the City's water supply from cross-connections or other contamination
 - d) Failure to discontinue or correct a known dangerous or unwarranted condition.
 - e) Inability to obtain reasonable access to utility meters.
 - f) Theft of service by unlawful connection by any persons securing City water, wastewater or gas services without consent of the City.
 - g) A customer at any premises that has substantial waste of water, a health or safety hazard, or damage to the environment is occurring as a result of leaking, damaged, or open or disconnected private laterals, pipes, or drains on the premises.
 - h) City Water or Gas CAN NOT be used for resale, oilfield use or water trucks. A violation will result in a fine, and/or termination of City utilities.
- 12.2 **Raw Sewage:** If at any time any customer is determined to be running raw sewage onto private or public property, water services will be terminated until the proper arrangements are made to dispose of the sewage.
- 12.3 **Petroleum Waste or Damaging Substances:** If at any time the City determines that a customer is flushing petroleum wastes or any damaging substances into City sewer lines, the City may discontinue all utility services immediately. Customer will be required to make adequate and appropriate arrangements for the proper disposal of such wastes before services will be restored.
- 12.4 **Damage to City Property:**
- a) It shall be unlawful for any person, except an employee of the City to tamper and/or interfere with any meters, regulators, water or wastewater lines, gas lines, fire hydrants, regulator stations or any other property belonging to the City. Texas Penal 28.03 Criminal Mischief
 - b) The party determined by City staff to be responsible for damage to City property shall pay for repair or replacement costs plus necessary labor costs upon demand. Should the responsible party refuse or fail to make payment within thirty (30) days, or otherwise determined by City Administrator/Secretary, the City may at its discretion disconnect service until such time as payment is made in full.

SECTION 13.0: WATER RATES:

The following rates shall apply to customers of the PWS of the City of Big Lake:

13.1 **Inside City Limit Water Rates:**

- a) 1 to 4,000 gallons (minimum) Base Rate \$21.00
- b) Over 4,000 gallons \$8.40 per one thousand (1,000) gallons

13.2 **Outside City Limit Water Rates:**

- a) 1 to 4,000 gallons (minimum) Base Rate \$36.00
- b) Over 4,000 gallons \$12.40 per one thousand (1,000) gallons

13.3 Any additional connection on Residential property for RV/Mobile Homes will be billed an additional one-half of "Residential Base Rate" fee for wastewater.

SECTION 14.0: WASTEWATER RATES

The following rates shall apply to customers of the Wastewater System of the City of Big Lake

14.1 All water accounts both inside and outside city limits will have an automatic wastewater fee, if available to a wastewater connection, applied to their monthly bill.

14.2 **Inside City Limit Wastewater Rates:**

- a) Residential Base Rate: \$25.00
- b) Commercial Base Rate: \$78.00

- c) Commercial Usage Rate: \$1.00 per one thousand (1,000) gallons of water usage
- 14.3 Outside City Limit Wastewater Rates:
 - a) Residential Base Rate \$40.00
 - b) Commercial Base Rate \$100.00
 - c) Commercial Usage Rate: \$1.00 per one thousand (1,000) gallons of water usage
- 14.4 RV and Mobile Home Parks Wastewater Rates:
 - a) Commercial Base Rate per Park: \$78.00
 - b) Each RV Connection Base Rate \$12.50
 - c) Each Mobile Home Connection Base Rate \$19.00
- 14.5 Wastewater Line Flushing Rates: Residents may request two (2) sewer cleanouts per year at no cost to resident. The following criteria must be met before services are initiated:
 - a) A waiver must be signed stating the City will not be held liable for damages sustained by use of City equipment; and
 - b) Flushing of lines must be conducted during normal business hours of the City; and
 - c) After the two (2) services have been completed resident must pay a service fee of \$50.00 before services are initiated.

SECTION 15.0: GAS RATES

The following rates shall apply to customers of the Natural Gas System of the City of Big Lake:

- 15.1 Inside City Limit Gas Rates:
 - a) 2 MCF Minimum Bill (Base Rate) \$30.00
 - b) Each MCF \$15.00
- 15.2 Outside City Limit Wastewater Rates:
 - a) 2 MCF Minimum Bill (Base Rate) \$45.00
 - b) Each MCF \$22.50
- 15.3 Gas Utility Rates are subject to all appropriate State & Local Sales Tax.

SECTION 16.0: SANITATION RATES

The following rates shall apply to customers utilizing sanitation services of the City of Big Lake:

- 16.1 Customer that use the City's sanitation service shall be charged the fees set out herein to ensure health, safety and cleanliness of the City. All water accounts both inside and outside City limits will have an automatic wastewater fee, if available to a wastewater connection, applied to their monthly bill. All customers shall be required to pay sanitation fees.
- 16.2 Residential customers sanitation services will include one (1) 3.0/yard container per three (3) Residential Accounts.
 - a) Inside City Limit Sanitation Base Rate: \$30.00
 - b) Outside City Limit Sanitation Base Rate: \$43.00
- 16.3 Any additional connection on Residential property for RV/Mobile Home use shall pay an additional one-half "Base Rate" fee for sanitation services.
- 16.4 Commercial Sanitation Rates:

The following fees are based on one (1) container per pick-up schedule requested by customer.

	Inside:	Outside:
a) 1 x/week	\$50.00	\$75.00
b) 2 x/week	\$95.00	\$142.50
c) 3 x/week	\$140.00	\$210.00

d) 4 x/week	\$185.00	\$277.50
e) 5 x/week	\$230.00	\$345.00

16.5 RV and Mobile Home Parks Commercial Services:

- a) RV Park customers sanitation services will include one (1) 3.0 yard container per four (4) RV sites
- b) Mobile Home Park customers sanitation services will include one (1) 3.0 yard container per three (3) mobile home sites.

16.6 Landfill Dumping Rates:

- a) Per visit to landfill excluding Demolition Rate:

\$10.00 up to one (1) ton
\$10.00 per ton after the first ton
- b) Local Demolition Inside City Limit Rate: \$35.00 per ton
- c) Demolition Outside City Limits Rate: \$60.00 per ton

16.7 Residents shall be allowed Free Dumping at the City landfill on the first (1st) Saturday each month. Free dumping excludes Demolition items.

16.8 Sanitation Rates are subject to all appropriate State & Local Sales Tax.

SECTION 17.0: NEW SERVICE TAPS ON EXISTING UTILITY LINES AND RATES

All taps and extension of water and wastewater lines will conform to the Texas Commission of Environmental Quality's (TCEQ) requirements. Taps and extension of gas lines will adhere to the requirements set forth by the Texas Railroad Commission.

17.1 New Service Tap on Existing Utility Lines Requirements:

- a) A maximum of 25ft from utility main will be considered for tapping fees and use of existing utility line. A greater distance will be classified as "New" utility line listed in a separate ordinance.
- b) All tapping fees must be paid in advance before work begins. Tapping fees are non-refundable unless otherwise decided by City Council.
- c) After completion the City will resume ownership and control of the new utility lines and meters.
- d) Tapping fees are paid in addition to the required Escrow Deposit.
- e) Should the City be required to cut into an existing street to install utility lines to customer; a "Street Cut" fee of \$500.00 will be assessed in addition to tapping fees required for utility services.
- f) All new connections to the City's utilities lines outside of City limits shall pay a one-time fee of \$2500.00 in addition to tapping fees and escrow deposits per utility services.
- g) Only authorized agents or employees of the City will be allowed to tap City lines.
- h) No meter will be set on private property without a written easement granted to the City and properly recorded at the County Clerk's office.
- i) All connections on the private side of the meters will be the responsibility of the customer requesting service
- j) A sewer clean-out will be placed in the City's right of way and maintained by the City.

17.2 New Service Tap on Existing Utility Lines Rates:

- a) Inside City Limit Tapping Rates:
 - i. ¾" Tapping Rate: \$250.00
 - ii. 1" Tapping Rate \$300.00
 - iii. 2" or Larger Tapping Rate: Construction cost plus one-half cost of meter
- b) Outside City Limit Tapping Rates:
 - i. ¾" Tapping Rate: \$350.00
 - ii. 1" Tapping Rate \$425.00
 - iii. 2" or Larger Tapping Rate: Construction cost plus one-half cost of meter

- c) Additional Tapping Fees:
 - i. Street Cut Fee: \$500.00
 - ii. Outside City Limit: \$2,500.00

SECTION 18.0: GENERAL POLICIES

- 18.1 Liability for Damage: No responsibility or liability for the backup of sewage into the customer's yard or home will be assumed by the City.
- 18.2 Private Sewage Disposal Unlawful: Due to the potential health hazards of using a private sewage facility; it shall be unlawful for any person, corporation, firm or organization to disconnect from the City sewer system and establish or return to a private sewage facility.
- 18.3 No Trespassing: Trespassers onto City property that enclose the Water Treatment Plant, Wastewater Treatment Plant, Stand Pipes or City Water Wells will be prosecuted.
- 18.4 Courtesy Required: Every attempt will be made by City employees to treat each customer in a fair and courteous manner. Any customer not in agreement with the policies set forth herein is invited to meet with the City Council at any regularly scheduled meeting.
- 18.5 Exceptions by Council Only: Any deviation from the above policies will be made only by the City Council in regular session.
- 18.6 Periodic Review: This Utility Ordinance will be reviewed periodically by the City Council.
- 18.7 Water Loss: The City is not held financially responsible for water loss due to a leak or breakage after the meter.

SECTION 19.0: PENALTY

Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined a sum not to exceed the amount allowed by law. Every violation of this Ordinance and each day that such violation continues shall constitute a separate offense.

SECTION 20.0: SEVERABILITY

If any section, subsection, clause, phrase, or sentence of this Ordinance or the application thereof by any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance to other persons and circumstances.

SECTION 21.0: REPEAL CLAUSE

All Ordinances and Resolutions of the City of Big Lake, Texas, in conflict herewith are hereby expressly repealed.

SECTION 22.0: MATTERS NOT ADDRESSED SPECIFICALLY BY THIS ORDINANCE BUT BY STATE STATUE.

- 22.1 Dumping of Solid Waste on Property or Into Waters:
 TEXAS HEALTH AND SAFETY CODE
 TITLE 5. SANITATION AND ENVIRONMENTAL QUALITY
 SUBTITLE B. SOLID WASTE, TOXIC CHEMICALS, SEWAGE, LITTER, AND WATER. CHAPTER
 365. LITTER Sec. 365.012. ILLEGAL DUMPING; DISCARDING LIGHTED MATERIALS;
 CRIMINAL PENALTIES.
 - a) A person commits an offense if the person disposes or allows or permits the disposal of litter or other solid waste at a place that is not an approved solid waste site, including a place on or within 300 feet of a public highway, on a right-of-way, on other public or private property, or into inland or coastal water of the state.
- 22.2 Impairment or Interruption of Public Service:

- a) Section 22.07, Penal Code - Paragraph (a) (4) - A person commits an offense if he threatens to commit any offense involving violence to any person or property with intent to cause impairment or interruption of public communications, public transportation, public water, gas or power supply or other public service. An offense under Subdivision (4) of Subsection (a) of this section is a felony of the third degree.
- b) Section 28.03, Penal Code - Paragraph (a) states that a person commits an offense if, without the effective consent of the owner: (1) he intentionally or knowingly damages or destroys the tangible property of the owner; or (2) he intentionally or knowingly tampers with the tangible property of the owner and causes pecuniary loss or substantial inconvenience to the owner or a third person or (3) he intentionally or knowingly makes markings, including inscriptions, slogans, drawings, or paintings, on a tangible property of the owner.
 - i. An offense under this section is a Class C misdemeanor if the amount of pecuniary loss is less than \$50; a Class B misdemeanor if the amount of pecuniary loss is \$50 or more but less than \$500; a Class A misdemeanor if the amount of pecuniary loss is \$500 or more but less than \$1,500 or less than \$1,500 and the act causes in whole or in part impairment or interruption of any public water supply, or causes to be diverted in whole, in part, or in any manner, including installation or removal of any device for any such purpose, any public water supply, regardless of the amount of the pecuniary loss; a felony of the third degree if the amount of pecuniary loss is \$20,000 or more but less than \$100,000; a felony of the second degree if the amount of the pecuniary loss is \$100,000 or more but less than \$200,000; a felony of the first degree if the amount of pecuniary loss is \$200,000 or more.

22.3 Theft of Service: Section 31.04, Penal Code:

- a) A person commits theft of service if, with intent to avoid payment for service that he/she knows is provided only for compensation:
 - i. he intentionally or knowingly secures performance of the service by deception, threat, or false token;
 - ii. having control over the disposition of services of another to which he is not entitled, he intentionally or knowingly diverts the other's services to his own benefit or to the benefit of another not entitled to them; or
 - iii. he intentionally or knowingly secures the performance of the service by agreeing to provide compensation and, after the service is rendered, fails to make payment after receiving notice demanding payment.
- b) For the purpose of this section, intent to avoid payment is presumed if:
 - i. customer failed to make payment under a service agreement within 10 days after receiving notice demanding payment.
 - 1) for purposes of Subsections (1)(c), (2)(a), notice shall be in writing, sent by registered or certified mail with return receipt requested to the customer listed on the service agreement.
 - 2) if written notice is given in accordance with Subsection (i), it is presumed that the notice was received no later than five days after it was sent.
- c) an offense under this section is:
 - i. a Class C misdemeanor if the value of the service stolen is less than \$20;
 - ii. a Class b misdemeanor if the value of the service stolen is \$20 or more but less than \$500;
 - iii. a Class A misdemeanor if the value of the service stolen is \$500 or more but less than \$1,500;

- iv. a state jail felony if the value of the service stolen is \$1,500 or more but less than \$20,000;
- v. a felony of the third degree if the value of the service stolen is \$20,000 or more but less than \$100,000;
- vi. a felony of the second degree if the value of the service stolen is \$100,000 or more but less than \$200,000; or
- vii. a felony of the first degree if the value of the service stolen is \$200,000 or more.

EACH and every provision of this ORDINANCE has been duly voted on and approved by the City Council, and all Ordinances in conflict herewith are hereby repealed from and after its passage as provided by law.

This Ordinance shall take effect upon completion of publication as provided by law.

INTRODUCED AND APPROVED ON THE 20th DAY OF APRIL 2021, AND
PASSED AND ADOPTED ON THE 11th DAY OF MAY 2021, by a vote of
4 (ayes) to 0 (nays) and 1 (abstentions) of the City Council of the City of Big Lake, Texas.

~~CITY OF BIG LAKE~~


Phil Pool - Mayor

ATTEST:



Sheri Benson – City Secretary

