

UTILITY ORDINANCE NO. 09112017-04

AN ORDINANCE CREATING RULES AND REGULATIONS FOR FURNISHING CITY UTILITIES AND SETTING RATES FOR CHARGES THEREFORE FOR THE CITY OF GRANGER, TEXAS, APPLICATIONS FOR SERVICES; UTILITY DEPOSIT; CONNECTION AND REPAIR OF SERVICE; METERING; RATES AND CHARGES FOR SERVICES INSIDE OF CITY LIMITS; RATES AND CHARGES FOR SERVICES; PAYMENT OF RATES AND CHARGES; INTERRUPTION OF SERVICE; SEWER CONNECTIONS; MAINTENANCE OF WATER SYSTEM; RESPONSIBILITY FOR LEAKAGE; TURNING WATER SERVICE ON AND OFF; EXTENSION OF SERVICE TO OTHER PREMISES; RIGHT OF ENTRY; SERVICE PIPES AND MAINS; BOILER SAFETY VALVE REQUIREMENT; LAYING OF SERVICE PIPE; EMERGENCY SHUT-OFF VALVE; FIRE HYDRANT USE RESTRICTED; DEFACING, BREAKING INTO OR TAMPERING WITH WATERWORKS PROPERTY; WASTE OF WATER PROHIBITED; WATER USAGE RESTRICTED DURING EMERGENCIES; TEMPORARY TERMINATION OF SERVICE; RESALE OF WATER; INCORPORATION OF THIS ORDINANCE INTO CONSUMER CONTRACT; CROSS-CONNECTION CONTROL PROGRAM; DRILLING OF WATER WELLS; LIABILITY OF CITY FOR DAMAGE; PROVIDING A PENALTY UPON CONVICTION OF TWO HUNDRED DOLLARS (\$200.00) AND THAT EACH TRANSACTION SHALL CONSTITUTE A SEPARATE OFFENSE; SEVERABILITY.

WHEREAS, it is deemed necessary to promulgate rules and regulations in order to provide water, sewer and garbage services to all citizens of City of Granger, Texas; and

WHEREAS, it is necessary to prescribe rates for these utility services and institute rules for the collection of revenues for these services;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRANGER, TEXAS, as follows:

**SECTION 1. Application for services.** Written application shall be made to the City upon forms furnished therefore for water, sewer, garbage collection or any other utility service which may be furnished by the City. Such application shall state the name and address of the applicant, the type of utility service desired, the purposes for which the application is made, and such other information as the City may request.

All applicants are required to have water, sewer service, garbage collection or any other utility service which may be furnished by the City. Exceptions:

- A. Applicants not occupying the home may request water only (if water usage for any month is over 300 gallons, all services will be added to the billing); or
- B. Applicants not living in the city limits of the City where these services are not provided.

**SECTION 2. Utility Deposit.**

- A. **Amount of Deposit.** Along with the application for water service the applicant shall pay to the City a deposit in the amount equal to **one hundred fifty dollars (\$150.00)** on such property.
- B. **Refund of Deposit.** Any deposit made in the City by any applicant shall be held by the City until such applicant's utility service for which the deposit was made shall be terminated. Upon termination of such service, the applicant shall be entitled to a refund of said deposit, less any amount which is due and owing to the City.

**SECTION 3. Connection and Repair of Service.** The City shall install and maintain all service connections from water mains to the customer's meter within the City and it shall be unlawful for any other person or persons to repair or renew service pipe from main to meter.

It shall be unlawful for any plumber or other person, other than the tapper employed by the City, to tap any street main, make connection with the street main or extend service pipe from main; said work to be under exclusive control of the City.

**SECTION 4. Metering.** Meters shall be required to measure the consumption of each utility service furnished by the City, except garbage collection and sewage service.

- A. **Control of Meters.** All meters, curb cocks, goosenecks, valves, and meter boxes connected with the City's water main and service pipe, including those furnished at the expense of consumers of property owners, shall remain under direct control of the city.
- B. **Tampering with Meters.** It shall be unlawful for any person other than those authorized by the City to connect, disconnect, move, or tamper with any such meter, or to turn on or off the water at the curb cock, valve, or meter; or to open or tamper with any meter box. A tampering fee of one hundred dollars (\$100.00) plus a thirty five dollar (\$35.00) connect fee will be charged by the City.

**SECTION 5. Rates and Charges for Services.** The City Council shall fix and approve the rates charged by a privately owned public utility company doing business within the city. It shall be unlawful for any such public utility company, or any officer or employee thereof, to assess or charge for services rendered at any rate other than the rate so fixed or approved.

- A. **Tap Charges Inside the City Limits.** A charge shall be made by the City for each water tap and sewer tap made to the City's water and sewer system as follows:

|            |              |   |
|------------|--------------|---|
| Water Tap: | 5/8" or 3/4" | \$2,500.00  |
|            | 1"           | \$3,000.00 plus extra costs for pipe or copper tubing |
|            | 2"           | \$3,500.00 plus extra costs for pipe or copper tubing |
| Sewer Tap: |              | \$2,500.00  |

- B. **Tap Charges Outside City Limits.** Two (2) times inside city limit rates plus any additional expenses.
- C. **Garbage Collection and Disposal Charges Inside City Limits.** The following monthly charges shall be made for the collection and disposal of garbage or trash by the city.
  - 1. **Residential, Commercial Containers, & Dumpsters:** 5% surcharge on the rate charged to the City from the contracted solid waste company as amended annually. Having a flat surcharge on the solid waste contract creates built-in flexibility to this ordinance. This Utility Ordinance will not have to be amended each time a new solid waste contract is negotiated and approved. Solid Waste charges in the Utility Billing Department will take place each time the solid waste contract is amended.
  - 2. **Garbage Collection days.**
    - a. Garbage collections will be made on Thursday for residential, commercial container and commercial dumpster pickup.
    - b. Garbage collections will be made on Monday for commercial dumpster twice-a-week pickup.
- D. **Garbage Collection and Disposal Charges Outside City Limits.**
  - 1. Two (2) times inside city limits rate.
  - 2. Residential or Commercial property within three hundred (300') feet of the city limit line is to have trash and garbage collected.

E. **Sewer Rates Inside City Limits.** The following schedule of monthly charges and rates for sanitary sewer service furnished by the city shall be, and such is hereby adopted and established, as follows:

|                           |                                      |                                  |
|---------------------------|--------------------------------------|----------------------------------|
| <b><u>Residential</u></b> | First 2,000 gallons (minimum)        | <b>\$25.00</b> per month         |
|                           | From 2,000 gallons to 20,000 gallons | <b>\$ 0.79</b> per 1,000 gallons |
|                           | From 20,001 gallons                  | <b>\$ 1.04</b> per 1,000 gallons |
| <b><u>Commercial</u></b>  | First 2,000 gallons (minimum)        | <b>\$31.50</b> per month         |
|                           | From 2,000 gallons to 20,000 gallons | <b>\$ 0.79</b> per 1,000 gallons |
|                           | From 20,001 gallons                  | <b>\$ 1.04</b> per 1,000 gallons |

2. **Commercial (Includes Schools).** Base charges include two (2) sewer facilities, outlet and/or wastewater drainage. Extra wastewater drainage/sewer facilities are **twelve dollars fifty cents (\$12.50) additional** per sewer facility, outlet and/or extra wastewater drainage.

3. **Churches.** Base charge is the same as commercial rates for the first two sewer facilities and each additional sewer facility will be charged an additional **five dollars fifty cents (\$5.50)**.

F. **Sewer Rates Outside City Limits.**

1. All sewer rates shall be two (2) times inside city limit rates. *(This provision shall not be construed, however, as requiring the city to furnish any sewer outside the municipal limits of the City of Granger.)*
2. No sewer utilities will be extended outside the city limits to any area, land, sub-division or lot that has not complied with all the requirements of the sub-division regulations of the city.

G. **Water Rates Inside City Limits.** The following schedule of monthly rates or charges for water service furnished by the city shall be, and such is hereby adopted and established, as follows:

|                           |                                      |                                  |
|---------------------------|--------------------------------------|----------------------------------|
| <b><u>Residential</u></b> | First 2,000 gallons (minimum)        | <b>\$28.86</b> per month         |
|                           | From 2,000 gallons to 20,000 gallons | <b>\$ 5.80</b> per 1,000 gallons |
|                           | From 20,001 gallons                  | <b>\$ 6.20</b> per 1,000 gallons |
| <b><u>Commercial</u></b>  | First 2,000 gallons (minimum)        | <b>\$31.14</b> per month         |
|                           | From 2,000 gallons to 20,000 gallons | <b>\$ 5.80</b> per 1,000 gallons |
|                           | From 20,001 gallons                  | <b>\$ 6.20</b> per 1,000 gallons |

H. **Water Rates Outside City Limits.**

1. Base charge shall be one and one-half times the inside city limit rate. Per gallon charges will be the same as inside city limit rates. Therefore, outside the city limit water rates shall be as follows:

|                           |                                      |   |
|---------------------------|--------------------------------------|---|
| <b><u>Residential</u></b> | First 2,000 gallons (minimum)        | <b>\$43.29</b> per month - 1.5 times the inside base rate |
|                           | From 2,000 gallons to 20,000 gallons | <b>\$ 5.80</b> per 1,000 gallons -same as inside rate     |
|                           | From 20,001 gallons                  | <b>\$ 6.20</b> per 1,000 gallons -same as inside rate     |
| <b><u>Commercial</u></b>  | First 2,000 gallons (minimum)        | <b>\$46.71</b> per month - 1.5 times the inside base rate |
|                           | From 2,000 gallons to 20,000 gallons | <b>\$ 5.80</b> per 1,000 gallons -same as inside rate     |
|                           | From 20,001 gallons                  | <b>\$ 6.20</b> per 1,000 gallons -same as inside rate     |

2. No water utilities will be extended outside the city limits to any area, land, sub-division or lot that has not complied with all the requirements of the sub-division regulations of the city.

**SECTION 6. Payment of Rates and Charges.** The rates and charges fixed and prescribed by the provisions of this Ordinance shall be due and payable at City Hall on or before 5:00 p.m. on the fifteenth (15<sup>th</sup>) of the month, a ten percent (10%) penalty will be charged. If not paid by the twenty-fifth (25<sup>th</sup>) of the same month, service will be discontinued the following work day and without further notice. Schools, churches and government agencies are exempt from late payment penalties.

**SECTION 7. Interruption of Service.**

- A. Disconnection of Service for Non-Payment.** In the event that any consumer of utility services furnished by the City does not pay the rates and charges on or before the service suspension date for the same billing period, the City shall have the authority to disconnect or terminate, or cause to be disconnected or terminated all utility services furnished such consumer.
- B. Service Suspension Fee.** Any consumer of utility services furnished by the City, whose service charges are unpaid by the service suspension date as noted in SECTION 6, shall be assessed a suspension fee of **Seventy-Five dollars (\$75.00)**, after 5 PM that day. Services shall not be restored until all fees have been paid.
- C. Financial Hardship Exceptions.** In the interest of humane and compassionate management and administration of public service, the City Administration reserves the right to evaluate assessed utility charges, penalties, disconnection and reconnection services applied and payment deadlines implemented, in unique and extraordinary circumstances. For purposes of this policy, unique and extraordinary shall be defined as life changing event(s) causing major financial disruption or hardship. All final determinations will be left to the discretion of the City Administration.

**SECTION 8. Sewer Connections.**

- A. Sewer Connections Required.** All owners or occupants of buildings, or agents for owners, situated within one hundred and fifty feet (150') of a sanitary sewer are hereby required to construct, or cause to be constructed suitable water closets on their property, and to connect the same with the city sanitary sewer system under the direction and supervision of the city.
- B. Maintenance.** It shall be the duty of any owner or occupant of any building connected with the city sanitary system to keep and maintain the connection to the sewer system in perfect condition and free from obstruction.
- C. Restriction.** It shall be unlawful for any person to build, construct, dig, maintain or use any dry toilet, surface privy, cesspool or septic tank within the city; provided, however when connection to the city sanitary sewer system is impossible or impracticable at any time the construction, maintenance and use of a septic tank constructed in conformity to State Law and the requirements of Williamson County and approved by the Health Officer may be permitted until such time as connection to the sewer system may be made.

**SECTION 9. Maintenance of Water System.** The City shall constantly inspect all parts of said water system and maintain them in good condition; and shall keep in good repair at all times for constant service, all pumps, machinery, hydrants and all other waterworks fixtures and property. The City shall at all times endeavor to keep a sufficient supply of water in the tanks: 1) to assure adequate fire protection and pressure; 2) to make taps and connections to mains and repairs, etc.; and 3) to keep said water system in good condition.

**SECTION 10. Responsibility of Leakage.** All property owners, their agents and/or tenants shall be held responsible as consumers for loss of water due to leakage in pipes or plumbing on the discharge side of the meter or on the property; and if this water is not paid for according to the rates provided herein, when it becomes due, the water shall be cut off by the City and not turned on again until all claims are paid or adjusted to the satisfaction of the City. In the event of any change during this time of payment of billing for past leakage, the landlord and/or property owner shall be held accountable for payment of this billing before service will be extended and water furnished to a second or other tenant.

**SECTION 11. Turning Water Service On or Off.** No plumber or any other person shall turn water service on or off from the street stop cock without a written permit being first obtained from the City Utility Department, except in cases of emergency.

**SECTION 12. Extension of Service to Other Premises.** 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 without written permission of the City.

**SECTION 13. Right of Way.** Every person taking service from the City shall at all reasonable times permit the City, its Superintendent, or agents, to enter any premises and building for examination of pipes, connections and fixtures and to determine how the water is being used. Refusal of the right of entry by any consumer shall result in refusal of a water supply from the City Water until such permission is granted.

**SECTION 14. Service Pipes and Mains.**

- A. Repair of Service Pipes.** The City Water reserves the right to make all repairs and renewals of service pipes from the main to the curb, and it shall be unlawful for any other person or persons to repair or renew service pipe from the main to the meter.
- B. Repair of Mains.** It shall be unlawful for any plumber or person, other than the tapper employed by the City, to tap any street main, make connection with the street main or to extend service pipes from the main; said work shall be under the exclusive control of the City.

**SECTION 15. Boiler Safety Valve Requirement.** All consumers' water heaters and boilers for heating water shall be provided with safety valves to protect the water meter from hot water. All steam boilers connected directly with the City water supply are required to provide a tank or tanks for storage purposes. Any consumer failing to comply with this provision shall have his water supply cut off and not turned on again until such valve has been installed; and, if a water meter has been damaged by failure to comply with this Section, then the consumer shall pay for such damages.

**SECTION 16. Regulation on Laying of Service Pipe.** All service pipes shall be laid at least eighteen inches (18") under the ground and provided with a gate valve inside the property line, such as to properly drain all pipes above ground.

**SECTION 17. Emergency Shut-Off Valve.** Consumer shall install and have an approved gate valve inside of the property line with six (6") inches from the meter box in case of emergency, and shall not use the curb cock at the meter in lieu thereof. When no gate valve is found and it is necessary for the homeowner to have water cut off at the meter, there will be a **Thirty Five dollar (\$35.00)** charge added to the utility bill.

**SECTION 18. Fire Hydrant Use Restricted.** Fire hydrants shall be provided for the sole purpose of use in extinguishing fires, and shall be used or opened only by the Water and Fire Departments or such persons as may be given authority by the City.

It shall be unlawful for any person to carry away water from a hydrant without written permission from City, or to place upon or about any fire hydrant, gate valve, curb cock, meter, or meter box, any object, material debris, or structure of any kind so as to prevent immediate access to same.

**SECTION 19. Defacing, Breaking Into or Tampering with Water Property.**

- A. Property.** It shall be unlawful for any person in any manner to deface the houses, walls, machinery or fixtures connected with or pertaining to the City and its water system.
- B. Water System.** It shall be unlawful for any person to break, damage, or tamper with any part of the water system of the City for any purpose whatsoever, or in any other manner maliciously interfere with or prevent the running and operation of such system and the water supply therein.

**SECTION 20. Waste of Water Prohibited.** It shall be unlawful for any person to willfully or negligently waste water in any manner whatsoever. Any person having knowledge of any condition whereby water is being wasted shall immediately notify the City.

**SECTION 21. Water Usage Restricted During Emergencies.** In case of fire or other emergency or a shortage in the water supply, water consumers shall be required to shut off lawn sprinklers or any steady flow of water in use when fire or emergency occurs, and keep the same off until the emergency is under control.

**SECTION 22. Temporary Termination of Service.** The City may, at any time, without notice, order the water cut off for repairs, extension, or other purposes from any premises connected to the system.

**SECTION 23. Resale of Water.**

- A. Restricted.** It shall be unlawful for any customer of City water to knowingly resell, give or otherwise furnish water to any land or premises outside of the corporate limits of the city without first having received a permit therefore approved by the City Council.
- B. Permit Required.** Any consumer or city water within the corporate limits of the City who desires to resell, give, permit or otherwise furnish water to land or premises outside of the corporate limits shall first make

application in writing for a permit to do so with the City Secretary of the City of Granger, Williamson County, Texas, stating the use or uses to be made of such water the maximum amount of water estimated to be resold or furnished monthly outside the corporate limits. Upon receipt of such application for said permit, the City Secretary shall forthwith refer such application to the City Council, who shall have the sole and absolute authority to grant or refuse such application for such permit in accordance with what it believes to be the best interest of the City, its citizens, and residents.

- C. **Violation.** In the event that any consumer of City water violates or continues to violate the provisions of this Section, after the effective date of this Ordinance, and refuses to immediately discontinue the resale or the furnishing of water to land or premises outside the corporate limits of the City, the City Secretary shall have the authority after giving written notice to such consumer by Certified United States Mail, Return Receipt Requested, to immediately cease and desist from such violation to disconnect and suspend, all water service to The land or premises of the consumer from which the water is being supplied to the land or premises outside the corporate limits of the City.

**SECTION 24. Incorporation of this Ordinance into Consumer Contract.** All of the provisions of this ordinance shall be deemed to be incorporated into every contract between the City Water and its consumers, and each consumer shall be charged with the responsibility for knowledge of the provisions of this Ordinance, and by applying the responsibility for knowledge of the provisions of this Ordinance, and by applying for an accepting water from the City Water, to have assented to the provisions hereof.

**SECTION 25. Cross-Connection Control Program**

A. **Definitions**

1. **Manual M14:** The American Water Works Association's *Recommended Practice for Backflow Prevention and Cross-Connection Control*, current edition.
2. **TCEQ:** The Texas Commission on Environmental Quality.
3. **290 Rules:** The TCEQ's rules and regulations for public water systems, which appear in Title 30, Texas Administrative Code, Chapter 290.

B. **General**

1. No water-service connection shall be made to any establishment where a potential or actual contamination hazard exists unless the water supply is protected in accordance with the 290 Rules and this ordinance. The water purveyor shall discontinue water service if a required air gap or backflow prevention assembly is not installed, maintained, and tested in accordance with the 290 Rules and this ordinance.
2. No backflow protection at the water service meter is required where an adequate internal cross-connection control program is in place.

C. **Installation, Testing, and Maintenance of Backflow Prevention Assemblies**

1. All backflow prevention assemblies must be tested upon installation by a licensed backflow prevention assembly tester and certified to be operating within specifications. Backflow prevention assemblies that are installed to protect against health hazards must also be tested and certified to be operating within specifications at least annually by a recognized backflow prevention assembly tester.
2. Backflow prevention assemblies installed on fire suppression systems must be tested by a backflow prevention assembly tester permanently employed by an approved fireline contractor.
3. Gauges used for backflow prevention assembly testing must be tested for accuracy at least annually in accordance with the AWWA's Manual M14 or the current edition of the University of Southern California's *Manual of Cross-Connection Control*. A copy of the gauge accuracy test report must be submitted to the City of Granger to demonstrate the gauge has been tested for accuracy.

4. A recognized backflow prevention assembly tester must hold a current license issued from the TCEQ.

**D. Customer Service Inspections**

1. A customer service inspection must be completed before the provision of continuous water service to all new construction, on any existing service when the water purveyor has reason to believe that cross-connections or other contaminant hazards exist, or after any material improvement, correction, or addition to the private water-distribution facilities.
2. Only individuals with the following credentials shall be recognized as capable of conducting a customer service inspection:
  - a. Plumbing inspectors and water-supply-protection specialists that have been licensed by the Texas State Board of Plumbing Examiners.
  - b. Customer service inspectors that have been licensed by the TCEQ.
3. The customer service inspection must certify that:
  - a. No direct connection between the public drinking water supply and a potential source of contamination exists. Potential sources of contamination must be isolated from the public water system by a properly installed air gap or an appropriate backflow prevention assembly.
  - b. No cross-connection between the public water supply and a private water source exists. Where an actual, properly installed air gap is not maintained between the public water supply and a private water supply, an approved reduced-pressure-zone backflow prevention assembly is properly installed and a service agreement exists for annual inspection and testing by a recognized backflow prevention assembly tester.
  - c. No connection exists that allows water to be returned to the public drinking water supply.
  - d. No pipe or pipe fitting that contains more than 0.25 percent lead is used for the installation or repair of plumbing at any connection that supplies water for human use.
  - e. No solder or flux that contains more than 0.2 percent lead is used for the installation or repair of plumbing at any connection that provides water for human use.

**E. Irrigation Systems**

1. Any irrigation system that is connected to a public or private potable water supply must be connected through a backflow prevention assembly approved by the Texas Commission on Environmental Quality.
2. Backflow prevention assemblies installed on irrigation systems that are classified as health hazards must be tested at least annually or as required by the adopted plumbing code.

**F. Fire-Hydrant Protection**

1. An approved reduced-pressure principle backflow prevention assembly (RPBA) is be the minimum protection for fire-hydrant water meters that are being used for a temporary water supply during any construction or other uses which would pose a potential hazard to the public water supply.
  - a. An RPBA must be installed if any solution other than potable water can be introduced into the system.
  - b. It is the responsibility of all persons engaging in the use and rental of a fire-hydrant water meter to abide by the conditions of this article. All fire-hydrant meter rentals shall meet the current requirements of the City.

**SECTION 26. Drilling water wells.**

**A. Permit Fee Regulations.** Any person desiring to drill water well within the limits of the City shall be governed by the following rules, regulations and procedures:

1. A permit shall be obtained from the Building Inspector, who shall issue the same upon a form prepared for that purpose before any drilling operations of any kind whatsoever are conducted or commenced.
2. A fee shall be paid to the City in accordance to the City's Building Permit Fee Schedule.

**B. Construction of a Windmill.** In the event of the erection of a windmill over a well or to generate power within the corporate limits of the City, such windmill shall be kept at a distance of not less than thirty feet (30') from all overhead electric wires, and the erection of the same shall be under the supervision and control of the Building Inspector.

**SECTION 27. Liability of City for Damage.** The City shall not be liable for any damage to property of any consumer of any utility service furnished by the City.

**SECTION 28. Penalty.** Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction, shall be subject to a fine of not more than two hundred dollars (\$200.00). Each transaction in violation of any of the provisions hereof shall be deemed a separate offense.

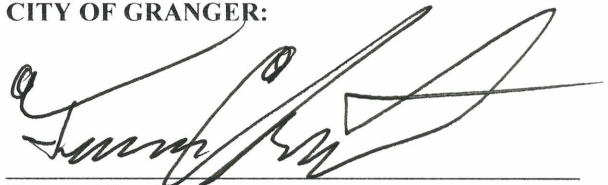
**SECTION 29. Repeal.** All ordinances that are in conflict with the provisions of this ordinance are hereby repealed, and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 30. Severability.** It is hereby declared to be the intention of the City Council that the section, paragraphs, sentences, clauses, and phrases are separable, and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional or invalid by the valid judgement, or decree of any court of competent jurisdiction such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of unconstitutional or invalid phrases, clauses, sentences, paragraphs, or sections.

**Record Vote on September 11, 2017.**

| Council Member Name | Ayes              | Nays | Abstain |
|---------------------|-------------------|------|---------|
| Jill Cox            | Motion to approve | -    | -       |
| Linda Vrabel        | Aye               | -    | -       |
| Monica Stojanik     | Second            | -    | -       |
| Monica Schwitzer    | Aye               | -    | -       |
| Hugh Tidwell        | Aye               | -    | -       |

**CITY OF GRANGER:**



**Trevor Cheatham  
Mayor**

**ATTEST:**



**Andrew Bill  
City Administrator**