

Ordinance 2020-3

AN ORDINANCE OF THE BALMORHEA CITY COUNCIL OF THE CITY OF BALMORHEA, TEXAS AMENDING ORDINANCE 2016-5 FOR WATER SERVICE STANDARDS & REGULATIONS (WHICH ITSELF REVISED ORDINANCES 1013, 1050, 1085, 1095, AND 1097), CORRECTING CERTAIN TERMINOLOGY, PROVIDING FOR AN EFFECTIVE DATE, SUPERSEDEANCE AND SEVERABILITY.

**WHEREAS**, a city's ability to operate its water system of public safety, health and welfare, and provides for orderly development of the city;

**WHEREAS**, Texas Law allows a municipality to regulate its city-operated water system for purposes of furnishing water to its inhabitants;

**WHEREAS**, in regulating and operating said water system, a city may impose reasonable fees to ensure the delivery of adequate water to its inhabitants; and

**WHEREAS**, the City recognizes a need to revise and clarify the language and terminology of its water service standards and regulations.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BALMORHEA, TEXAS:**

WATER SERVICE STANDARDS & REGULATIONS

Article I. City Water Service

Section I: Scope of city's undertaking in furnishing water. In the sale of water by the city to any person within and without the city, and in the supply of water for municipal use for the protection of property against fires, the city does not agree, nor is the city bound to furnish water of any special or specific analysis, or in any special or specified amount, but only undertakes to furnish such water and the amount of water that may be supplied from the reservoir of the city, or such other sources as the city may select, and in an amount within the capacity of the source and city's pumping plants.

Section II: Rules applicable within and without city. All of the rules and regulations contained in this article applicable to patrons within the city shall likewise be applicable to patrons outside the city.

Section III: Rules constitute agreement. All patrons of the water system of the city before being furnished water by the city must agree and do agree, by the request for water service from the city water system, to comply with the applicable rules and regulations of the city council, as well as all of the provisions of this article.

Section IV: Compliance with rules. The city shall not furnish water to any person unless such person has complied with all the rules and regulations of the city water system: and if any patron of the city water system violates any of the such rules and regulations the city shall shut off the water from the premises of such violator.

Section V: Non liability of city for failure of water supply. In the event of accident by reason of which the city may become unable to supply water to the patrons of the city, within and outside the city, or to the municipality for the prevention or suppression of fire, the city will in no manner be liable for damages by reason of any failure of the water system to supply water to any patron of the water system, or to any person whose property may have been destroyed by fire or otherwise damaged.

Section VI: Deposit and disbursement of receipts. All receipts from the city water system shall be paid into the treasury of the city, such receipts to be disbursed by the city council in such manner as the city council may direct.

Section VII: Extensions to be under superintendent's supervision. All pipes or mains for the extension of the city water system shall be laid under the management and control of the city water department superintendent.

Section VIII: Rates - Collection of charges. All permits for the use of water shall be issued by the collector of water accounts, who shall collect the proper amounts as per date established; such permit to be granted only upon written request to the city collector of water accounts. All collections for the use of water shall be evidenced by a stub, which shall show the date when made, from whom collected, and the period covered by collection. The collector of water accounts shall keep a roll or list in numbered order of all patrons of the city water system, showing the rates, and amounts paid by each patron. The collector of water accounts shall pay all sums of money coming into his hands, arising from the city water system, into the treasury of the city weekly.

Section IX: Rate Schedule.

- A. All rates for water service shall be uniform and equal as they apply to separate classes of service and no free service shall be granted.
- B. Charges for water connections to the city water system shall be based on the size of such meter connection and are hereinafter set out in schedule form in the Rate Chart.
- C. Deposit for water along with the application for water service shall be the rate contained in the Rate Chart.
- D. Rates for water consumed are based on the water consumed as registered by each consumer's meter and are hereinafter set out in schedule form in the Rate Chart.
- E. Rates and charges for the below are contained in the Rate Chart.
  - a. Water Rate Schedule for Treated Water
  - b. Water Rate Schedule for Raw Water
  - c. Schedule for New Meter Installation

F. There will be additional charges for any materials necessary in the installation.

Section X: No refund where use discontinued. No patron of the city water system shall be entitled to any refund for the unexpired portion of any month for which the minimum charge has been made by reason of discontinued use of water during such month.

Section XI: Change of occupancy, notice, fee. Where any person moves from a house or building and the same is thereafter occupied by another person, such other person shall be and is hereby required to report such change in occupancy to the collector of water accounts.

A. If a person wishes to allow another person to use the meter deposit he has made on a certain meter, he must come to City Hall and give written notice of the same. If written notice is not on file at City Hall, the person wishing to use the meter must make another deposit.

Section XII: Billing and Payment Due. All charges are billed on the first and are due on or before the 17th of the same month. If such rents and charges are not paid within these 17 days a penalty is added to the total amount. If the 17th falls on the weekend the payment is due the next business working day. If the total amount is not then paid before the 25th day of that same month, the water shall be cut off without any further notice and shall not be restored until the charges and penalties are paid and an additional sum for restoring such service has been paid. Penalty and charges for such services are contained in Rate Chart.

A. Failure to receive bill for water used shall be no excuse for nonpayment.

B. Charges will be estimated when access is prohibited. If a meter reader is, in the opinion of the city water department, unable to procure a reading of the meter owing to the building being locked or vacant or the occupant not permitting entrance or entrance to the premises is made precarious by a vicious dog or otherwise, or easy access to meter is obstructed in any manner whatsoever, the charges may be estimated for the amount not to exceed double the normal charge, and it is further provided that in case the consumer does not remedy the condition and should be further refuse to pay the estimated bill, the city water department shall have the right to discontinue the service without further notice and service shall not be resumed until the conditions complained of have been remedied and all charges for water service and reconnection paid.

C. If a meter fails to register the water actually consumed by reason of the register of meter getting out of order, the city water department may estimate the charge by the normal consumption, taking into consideration the season of the year. This estimate may be based on the consumption either before or after the period that the meter fails to register the water consumed.

D. Meter testing. If a patron complains of the charges for water supplied him and if he demands that the meter supplying his premises be tested, the city water department may

remove and test the meter. The customer will pay the cost of the testing, if the meter is not at fault.

E. Each constitutes separate service. Each meter installed at any premises shall constitute a separate service and must be paid for as such.

F. Meter Required. Water from the city water system shall be sold and delivered by the city through its mains only to patrons at whose premises water meters are installed, from water meter readings and water meter computations only.

G. Multiple use of meter in existing buildings. In existing cases where more than one building is served by a single meter, the entire amount of water consumed and registered through such meter shall be billed to the building nearest the meter and shall include an additional minimum for each and every other building served by such meter, and such procedure shall continue until such buildings are separately metered.

### Section XIII: Superintendent of Water Department

A. There is hereby created the office of superintendent of the city water department who shall be appointed by the city council.

B. The superintendent of the city water department shall, under the direction of the chief executive officer, have full charge of the city water system, and of all property, fixtures, appurtenances and supplies belonging thereto.

C. The superintendent of the city water department shall see that all officers and employees of the city water system do their duty and that the applicable rules and regulations of the city council are complied with.

D. The superintendent of the city water system shall keep in his office, maps and plats of the city showing all mains and pipes laid or belonging to the city, giving the size of same, and showing the locations of all valves and fire hydrants.

E. The superintendent of the city water department shall see that all patrons of the city water system shall obey the rules and regulations prescribed for the management of the city water system, and he shall see that all persons using water have paid for the same and for this purpose shall keep a list of all patrons.

F. The superintendent of the water department shall report all violations of this ordinance to the city council.

G. The superintendent of the city water department shall cut off and disconnect such water service of any patron who fails to pay for services within 25 days of due date. If he does not, he shall be personally liable to the city for the total amount due of unpaid bills.

Section XIV: Application for connection, manner of connecting, cost. It shall be the policy of the city to supply water to its patrons through mains and lines owned and controlled by the city.

Therefore, all connections within the city limits or to individual patrons outside the city limits shall be made in the following manner:

A. An application for water service shall be made to the city water department on a regular form provided by the department.

B. All lines constructed and meters installed under the provisions of this section shall be the property of the city and the city shall have full control and jurisdiction over such lines and meters.

C. The location and size of all meters shall be designated by the city water superintendent and all distances necessitated by installation shall be measured by the most direct route along the streets or alleys of the city.

D. Before a patron can have service connected he must make an application at City Hall and pay a meter deposit. Combination water and sewer deposit rates are contained in Rate Chart.

E. Every water user shall have a cutoff valve between the meter box and his home or building.

F. The deposit will be applied to the payment of any unpaid or discontinued service at the end of 60 days. The balance of the account, if due the customer will be refunded, if the forwarding address is known. If the patron owes the city an additional amount he will be billed accordingly.

H. Separate meter for each residence or building in new service. For any service hereafter installed each individual residence or building making connection with the city water system shall have a separate meter and no new connection shall be made by the city unless such individual residence or building is separately metered.

I. One meter for two or more houses presently so connected. In all cases where two or more houses or buildings are now served by one meter, separate charges shall be made for each house and building and no allowance shall be made for a vacancy of either house or building unless the owner shall furnish satisfactory proof to the city council that water service to such house or building has been disconnected; and at the same time by a written application agrees that in the event of a reconnection, the same shall be equipped with a separate meter and a separate charge paid therefor.

Section XV: Right of entry of officer, right to shut off water for repairs. etc. Every patron of the city water system agrees by requesting city water service, that the city water department superintendent or anyone acting under the direction of the city council, shall at reasonable times be permitted to enter any premises or building in which water is used. It is expressly agreed and must be understood that the city reserves the right at any time to shut off the water in the mains

for the purpose of repairing the same, making connections or extensions to the same, and for cleaning same, and in so doing the city shall not be liable in any manner for damages.

A. Notifications of shutoff. In the event of a planned shutoff, all the patrons of the city water system will be notified by public notice to be posted in the following places: City Hall, Post Office, and the City Bulletin Board.

B. Consent of council required. No patron of the city water system shall permit any person to tap any water pipe leading into his premises without the consent of the city council.

C. Persons authorized to make tap. No plumber or other person, except the city water department superintendent, or other person acting under the direction of the city council, shall be allowed to tap any city water main or any service pipe.

Section XVI: Tampering with or injury to system. It shall be unlawful for any person to tamper with, injure or deface any hydrants, stopcocks, standpipes or other city water system fixtures, or use or take from the city water system any water except in accordance with the rules and regulations governing such system, or use or injure any water pipe, sewer pipe, or any other property whatever belonging to the city water system, except as permitted by the regulations of the city council.

A. Fire hydrants can only be opened by members of the Fire Department and the Water department.

B. Only authorized personnel shall climb the water tower or standpipe at any time.

C. There will be no telegraph, telephone, or electric utility pole placed within three feet of a fire hydrant.

D. No person except an employee of the water department shall turn on water at any meter or supply pipe that has been turned off for nonpayment.

Section XVII Cross connections with other sources. Cross connections between piping receiving water from city water mains and piping receiving water from any other source or storage is positively forbidden, and the city reserves the right when it discovers the existence of any such cross connections to immediately and without further notice disconnect the service connecting such piping with the city mains. Anyone desiring to use water from some other source in addition to the connection may do so by using a storage tank and delivering the city water supply into the tank four inches above the overflow line and charge end and the top of the tank. The water from the other source may then be piped into the tank and the service lines taken from the tank in any manner desired.

Section XIX: Treated water outside city limits. A patron wishing treated city water to be piped outside the city limits may apply to the city council to have his property annexed to the city. If annexation is requested and approved, the patron will pay the total cost of installation and regular

water rates. If annexation is not approved, he must pay total cost of installation and double water rates.

Section XX: Misdemeanor. Any violation of this ordinance shall constitute a misdemeanor. Conviction thereof shall be punished by a fine of up to \$100 for each violation. Each violation of each or any part of this ordinance shall be a separate offense and where such violation is a continued act, each day such a violation is continued, or permitted to continue shall be a separate offense and be punishable accordingly.

Section XXI: Returned checks. When a check received by the city for payment of a water bill or for a deposit is returned to the city by the bank, the patron will receive notice by mail or phone if possible and unless the check is made good within 3 days from the date of notice, water service will be discontinued until such check is made good.

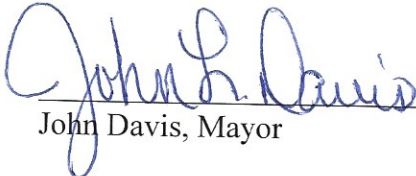
Section XXII: Final billing after cutoff. If a patron does not pay his final billing within 60 days of cutoff, deposit will be forfeited and applied to the balance. If there is a balance due after the deposit is applied, the patron will be billed for that balance.

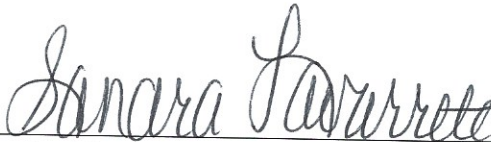
Section XXIII: Supersedence. This Ordinance supersedes all previously adopted ordinances and resolutions pertaining to water service standards and regulations, including Ordinance 1097 passed October 10, 2019, Ordinance 1013 passed May 29, 1958, Ordinance 1050 passed September 13 1977, Ordinance 1085 passed July 7, 1981, Ordinance 1095 passed August 13, 1985, and Ordinance 1097 passed August 12, 1987. Any fees not included in this ordinance shall continue to be of full force and effect. All provisions of any Ordinance or Resolution of the City of Balmorhea in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict, and all other provisions of any Ordinance or Resolution of the City of Balmorhea not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section XXIV: Severability. If any article, section, subsection, clause, paragraph, sentence or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such invalid article, section, subsection, clause, paragraph, sentence or phrase shall in no way affect the validity of the remaining portions of this Ordinance; and it is hereby declared to be the intention of the City Council to enact each section and portion thereof individually, and each such section shall stand individually if necessary, and be in force regardless of the determined invalidity or unconstitutionality of any article, section, subsection, clause, paragraph, sentence or phrase thereof.

**PASSED AND APPROVED THIS** 10 **DAY OF** February 2020.

ATTEST:

  
John Davis, Mayor

  
Sandra Navarrete, City Secretary