



ORDINANCE NO. 19-0122-04

AMENDING AN ORDINANCE OF THE CITY OF WHITEHOUSE, TEXAS, PROVIDING FOR ACTIVATION, BILLING AND COLLECTIONS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE OF JANUARY 22, 2019.

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

Billing and collection of rates and charges

The billing and collection of the charges levied for the services by this chapter shall be administered by the department, and all such fees shall be payable at the department office in City Hall.

Failure to make payment

- (1) No partial payment for any of the services prescribed in this chapter will be accepted.
- (2) Payment in full for such services will be made at the department office at the City Hall by the 10th the month following the billing or a 10% late fee will be added for the service provided.

Schedule of Water Tap and Meter Activation Fees

<i>Size</i>	<i>Tap and Meter Activation</i>
3/4" tap X 5/8" meter	Market Rate +25%
1" tap X 5/8" meter	Market Rate +25%
1" tap X 1" meter	Market Rate +25%
1 1/2" tap X 1 1/2" meter	Market Rate +25%
2" tap X 2" meter	Market Rate +25%

The tap fee shall include the cost of a tap and service connection from the main line to the meter location when the total length is fifty (50) feet or less and when installation is not by boring or tunneling under a street or other structure. In such cases, the cost of tap and meter shall be the actual cost of furnishing and installing the tap and meter plus a factor of 1.25 to cover overhead and administrative cost. This cost includes all labor, materials, and equipment necessary to make the tap, run the service line and set the meter. Where the water tap has been installed according to department standards by an approved water and sewer contractor, the following schedule shall determine the fee for furnishing the box and meter and installing the meter, said fee being payable in advance. All contractors\developers shall have both the water and sewer tap locations permanently flagged before installation of a meter or sewer connection shall be performed by the city.

<i>Size of Existing Tap</i>	<i>Meter Size</i>	<i>Meter Activation Fee</i>
3/4"	5/8"	Market Rate +25%
1"	5/8"	Market Rate +25%
1"	1"	Market Rate +25%
1 1/2"	1 1/2"	Market Rate +25%
2"	2"	Market Rate +25%

For sizes other than those shown above, the actual cost of furnishing and installing the tap and meter shall be charged time plus a factor of 25% to cover overhead and administrative cost. This cost includes all labor, materials, and equipment necessary to make the tap, run the service line, and set the meter. By permission of the director, water services three (3) inches and larger may be constructed by an approved contractor. Meter pits for three-inch and larger meters will be constructed by the customer desires at customer's expense per City of Whitehouse specifications.

Miscellaneous fees and charges:

Service Transfer Fees	\$ 25.00
Emergency Disconnect Fees	\$ 25.00
Meter Disconnect/Reconnect Fees	\$ 50.00
Payment Late Charges	\$15.00 minimum or 10% of billed services
Meter Testing Fees	\$50.00

Rates for service outside the city shall be based upon a contract price between the city and the individual customer. Water rates shall be at least one hundred fifty (150) percent of the rate for service within the city. The City Manager shall not permit and will not undertake the construction and/or extension of water and/or sewer mains and pipes outside the corporate city limits except to provide service to residents of the city. However, nothing in this subsection shall prevent the governing body from permitting and allowing such construction or extension when in the exclusive judgment of the governing body such is found to be in the best interest and welfare of the citizens of the city.

The water tap and activation fees shall be reviewed annually by the city manager. The city manager shall revise the fee schedule to reflect changes in costs experienced by the department. These changes in the fee schedule shall become effective upon ratification by the city council and filing by the city secretary.

Averaging charge in case of defective meter

Should any meter fail to register correctly the amount of water used by a customer since the previous reading, the right shall exist on the part of the department to estimate the water use based on any three (3) previous months average. If the customer requests a re-read of their meter, the first re-read shall be at no cost to be the customer; however, all re-reads after the first the customer shall be charged *twenty-five (\$25.00) dollars* per each re-read on a monthly bases.

Deposit

A deposit of two hundred (\$200.00) dollars of which fifty (\$50.00) dollars is a non-refundable connection fee and one hundred fifty (\$150.00) dollars is a refundable deposit upon termination of utility service shall be required in advance for each meter from all customers to insure against loss due to nonpayment of bills. If a customer owns multiple properties a deposit cap, excluding connection fees, of \$2500 may be authorized. A customer changing his residence shall have the right to have the deposit transferred to his new residence or place of business if his account is current and not in arrears.

Billing; delinquency; reconnection charges

(1) Meters shall be read monthly and the consumer shall be billed with a statement showing the amount due by him to the city for the amount of utilities used up to the date the meter is read. The bill shall show the date when the account is due. If the bill is not paid when due, the city shall have the right to turn off or disconnect the utility service. The same shall not be restored or turned on until such time as the full amount of money due and owing the City of Whitehouse for delinquent utility service is paid together with a re-connection fee of *fifty (\$50.00) dollars* during business hours from 8:30 a.m. to 4:30 p.m. weekdays Monday through Friday and *one hundred (\$100.00) dollars* after business hours as well as weekends and city declared holidays to cover the cost of disconnecting and restoring such service. A *twenty-five (\$25.00) dollars* charge for each trip required shall be levied

for discontinued utility service. In the event it becomes necessary to remove the utility meter in order to discontinue service, there shall be a fee levied in the amount of *seventy (\$70.00) dollars* to compensate for removal and reinstallation of the utility meter plus any other fees as maybe required.

(2) If any consumer becomes indebted to the department for service at a previous place of consumption, service at their new place of service shall not be permitted or be discontinued by the department until payment in full, plus any service charges, is made.

(3) No plumber or any other person shall open the street curb stop after same has been closed by the department without a written permit first being obtained from the city manager.

Supplying utility service to another by user

No customer shall, without the permission of the city manager, supply utility service to any other person or to other users or suffer them to take it.

Responsibility for leakage

All property owners, their agents and tenants, shall be held responsible as consumers for loss of water/sewer due to leakage in pipe or plumbing inside the discharge side of the meter or on said property, and if lost water is not paid for according to rates provided herein, when it becomes due, the utility service shall be cut off by the department and not turned on until all claims are paid. Service will not be restored until all leaks have been repaired to the satisfaction of the department. If the city manager determines that water loss has occurred due to a concealed or hidden leak and without the knowledge of the customer, the manager may make an adjustment to no more than three (3) monthly utility bills affected by the leak. The customer will pay no less than the normal utility use plus one-half (1/2) of the calculated loss due to the hidden leak.

Extending utility service to another premise

After utility service is introduced into any building or on any premises, the same shall not be extended by any plumber or any other person to any other premises for additional fixtures.

Separate service lines

Two (2) houses shall not be permitted to be supplied with one service pipe unless written permission is received from the director or the governing body in approving a development plan, and then, such supply by a single service pipe shall not be smaller than one (1) inch diameter. In all cases, only one (1) meter may service one (1) house at any time.

Right of entry of the City Manager or his agents

(1) Every person taking utility service from the department shall at all reasonable times permit the city manager or his agents to enter the premises and building for examination of pipes and fixtures, and the manner in which the utility is used, and refusal by any consumer shall result in refusal of utility service from the department until such permission is granted.

(2) Every person taking utility service from the department for a sprinkler system for the purpose of fire protection which is not metered shall at all reasonable times permit the city manager and/or his agents to enter the premises and building for examination of pipes and fixtures and the manner in which the utility service is used, and refusal by any consumer shall result in refusal of utility service from the department until such permission is granted.

Repair or renewing of utility service pipes

The department reserves the right to make all repairs and renewals of service pipes from main to meter and it shall be unlawful for any other person to repair or renew service pipes from main to meter without written consent of

the city manager.

Boilers

All boilers for heating water shall be provided with safety valves, and check valves shall be placed on service pipes to protect the meters from hot water. Any person failing to comply with this provision shall have their utility service cut off and it shall not be turned on again until such valve shall have been installed. All steam boilers connecting directly with the city utility supply are required to provide a tank or tanks for at least twelve (12) hours storage. Churches, auditoriums, theaters, schools, and factories may be supplied through one connection with the water main in the street.

Single connection and commercial classification for certain multiple dwellings

Apartment houses, townhouses, condominium dwellings, mobile home parks under single ownership and other buildings designed for or occupied exclusively by three (3) or more families may be provided water service with a single connection to the main and a single meter. Service shall be classified as commercial service and shall be provided at rates established by the governing body for this class service.

Cutting of utility service for repair work

The right is reserved by the department to temporarily discontinue and to reconnect without notice the utility service to all users for the purpose of making repairs, connections, extensions, and cleaning of mains, machinery, storage reservoirs or any other appurtenances to the utility service system. All users having boilers, air conditioning equipment or other water consuming devices, which may become damaged due to interruption of water service and which are supplied directly with city water, do so at their own risk. The city shall not be liable for any damage that may occur on account of the water being cut off for any purpose. The department further shall not be liable for any damage to plumbing, pipes, or fixtures on premises caused by pressure from the city utility system.

Tapping of water mains

It shall be unlawful for any plumber or person other than an authorized employee of the department or a contractor employed by the department to tap any water main, make any connections with the water main, or extend service pipes from water main to the meter, and to place a curb stop and meter box at that point. All such equipment shall be under exclusive control of the department. Water main taps, service lines, curb stops, meters, meter boxes, and all other appurtenances installed shall be paid for in advance according to schedule of prices.

Diversion of water from metered flow

Whoever by any means or device prevents water from passing through any meter belonging to the department, or prevents any meter used in connection with the supply of water to any consumer by said department from registering the amount of water passing through such meter, or prevents a meter from duly registering the quantity of water supplied or in any way interferes with the proper action or just registration of a meter, or, without the consent in writing of the city manager, diverts the water from any pipe or pipes of the water utilities, or otherwise uses, or causes to be used, without the consent of the city manager, any water produced or distributed by said department, or retains possession of, or refuses to deliver, any meter or other appliance loaned to him by the department for the purpose of furnishing water through same, shall be in violation of these rules and regulations and shall be deemed guilty of a misdemeanor. The presence at any time on and about any such meter or pipe of any device or pipes resulting in the diversion of water or prevention of its free passage and registration by the meter, or resulting in the diversion from the meter as above defined, or resulting in the prevention of water reaching the meter, or resulting in the prevention of the just registration of the meter or meters or the taking of any water except through a meter as above set forth, shall constitute prima facie evidence that the person owning or having custody and control of the room, building, place, or premises where such device or pipe is, or knows of

the pipe or device and be prima facie evidence that the person who would be benefited by the failure of the water to be properly metered is responsible for material of such pipe or device and shall further constitute prima facie evidence of intention on the part of such person or persons to defraud the city by taking water without paying for it.

Use of fire hydrants; damage in water system

It shall be unlawful for any person except a member of the fire department or employee of the department of utilities and public works to take off a cap, to open or use water from a fire hydrant. In exceptional cases where water for construction is not otherwise available on a temporary basis, the city manager may by written permission allow the use of fire hydrants for construction water. In the event such permission is granted, it shall be according to terms and conditions prescribed by the city manager in said written permission. It shall be unlawful for any person to in any manner deface the houses, walls, machinery, equipment, or fixtures connected with or pertaining to the Whitehouse Water Utility System.

Connection to privately owned elevated tanks

Elevated water storage tanks located on the roofs of buildings for water distribution shall have a single connection to water mains, six-inch diameter or smaller, and shall fill over the top of the storage tank with a minimum twelve-inch air gap between discharge pipe and maximum water level. Said elevation tanks and service connection thereto shall be constructed only after the acceptance of the detailed construction plans by the city engineer and city manager and approval of the city council.

Malicious or willful interference with the utility service

It shall be unlawful for any person, individually or in association with others, to willfully break, injure or tamper with any part of the utility system for any purpose whatsoever, or to in any manner to willfully or maliciously interfere with or prevent the running and operation of said system and water distribution and sewage collection performed therein.

Department of water utilities regulations constitute contract

All provisions of this article pertaining to the department shall be deemed to be incorporated in every contract between the department and its customers, and each customer shall be charged with the knowledge of such provisions, and, by applying for and accepting water from department, to have assented to the provisions hereof.

Water well permit

Any person proposing to dig, bore or drill a water well within the city limits shall obtain a permit from the department before beginning the well but after receiving approval from city council. The cost of said permit shall be three hundred (\$300.00) dollars and shall be paid in advance.

Application for permit

The owner of the land on which the well is to be placed shall file an application for permit containing the following information:

- (1) The legal description of the property.
- (2) The location of the well site on the property.
- (3) The proposed depth of the well.
- (4) The name and registration number from the water well drillers board of the well driller
- (5) The size, tubing, and pump proposed.
- (6) The method of well completion proposed.

- (7) The maximum volume of water per day to be used from the well and the purposes for which it is to be used.

Water used in construction charged to property owner

Where a temporary authorization to use water for the construction or repair of property, the water used shall be charged against the owner of the property. A permanent connection for the property shall not be authorized until all temporary use charges are paid. The city reserves the right to estimate the amount of water used.

Installation of check valve or back siphonage prevention device

If, in the judgment of the director of utilities and public works and/or his agents, an approved check valve or backflow and back siphonage prevention device is necessary for the safety of the utility system, the director will give notice in writing to the customer to install such an approved device immediately. The consumer shall install such approved device at his own expense and failure, refusal or inability on the part of the consumer to install such device at once shall constitute a ground for discontinuing utility service to the premises until such device has been installed.

Exposing meter or fire hydrant to damage; moving meter or hydrant

It shall be unlawful to build driveways or other traffic ways in such manner as to expose any meter or fire hydrant to damage from traffic. Whenever the property owner requests the moving of any meter or fire hydrant, the moving cost shall be at the expense of the property owner. Upon deposit of *five hundred (\$500.00) dollars* for moving a fire hydrant and/or *one hundred (\$100.00) dollars* for moving a water meter, the department shall proceed to make the desired change in location.

Vending water

It shall be unlawful for any person to sell or resell water for domestic or any other uses within or without the city without receiving a permit to do so from the city manager. Before granting such permit, the city manager shall submit such application to the city director of public works for written recommendations. Said permit to sell or resell water for domestic or any other use shall be *one thousand (\$1000.00) dollars*.

Sprinkler or fire service

- (1) No connection for a sprinkler or fire service may be permitted unless application therefor has been made to and granted by the department and approved by the building official of the city. A meter of the kind and size prescribed by the director shall be required. The meter shall be furnished and installed at the expense of the consumer.
- (2) The furnishing, installation, maintenance, and inspection of all meters and services, checks, bypasses, valves, piping, etc., necessary for the installation and operation of sprinkler systems and fire services shall be at the expense of the consumer.
- (3) When ground storage reservoirs or fire pumps are installed on private property, such pumps shall discharge into a fire system approved by the director and building official. An approved check valve shall be installed in the owner's fire service between the point where the pump discharges into such service and the connection of such fire service to the city mains to prevent backflow from the fire pump into the city distribution system. The water in such fire storage tanks will be maintained in a potable condition and subject to periodic inspection by the department personnel. Such tanks and water quality shall be maintained in compliance with the standards and requirements of the state department of health and the city. Such tanks shall not be of the pressure type. The delivery of city water to the tank shall be above the tank flow line with a one-foot air gap. The supply line to this tank shall not be controlled by a quick acting valve which will cause water hammer in the distribution system. Water tanks shall be equipped with an overflow pipe at least twelve (12) inches below the city inlet pipe. The overflow pipe shall be protected as to prevent access of insects, birds or animal life into the reservoir. The pipe

shall be at least two (2) inches in diameter larger than the inlet supply line from the city distribution system. Such storage tank shall be provided with a drain pipe and valve for easy drainage of the tank. The drain pipe may not be connected to the city sanitary sewer system.

Compulsory connection to sewerage system

(1) Every building required by the building code to have toilet facilities and every building containing a sewage or privy shall be connected to the city sewerage system except premises where connection is not feasible. Connection is hereby declared to be feasible as to any premise abutting a street, alley or other public way or sewer right-of-way in which a gravity sewer line having sufficient capacity to handle sewage from the building exists. Every sewage fixture or privy in use in a building shall be connected to the city sewerage system.

(2) It shall be the duty of any persons owning or occupying improved property within the city which can be feasibly connected to the city sewerage system to connect such property and the improvements thereon with the city sewer if the same exist in the street, alley, or other public way or utility right-of-way abutting the premises.

(3) When city sewerage services become available to a residence which was formerly without available service, the occupancy of such property shall connect the residence to the city sewer within nine (9) months after the same becomes available. Such connections shall be made subject to the applicable charges provided by the then current ordinances of the city.

(4) The city manager shall notify the owner or occupant of every building to which sewerage service becomes available that service is available to make connection with the city sanitary sewer. Any owner or occupant of a residential and/or commercial building, who fails to make connection with the city's sanitary sewer within nine (9) months after receipt of such notice from the city manager, shall be deemed in violation of this subsection. If said occupant of such property refuses to connect their residence to the city sewerage system within the above stated time period after the same becomes available, the city shall take it upon itself to make the connection or employ a contractor to do the same, and then, place a lien on said property in the amount required to make such connection.

Utility service furnished to departments

All departments of the city shall be provided utility services under the same terms and conditions and at the rates established herein. The departments shall pay for utility service out of appropriations made by the city council for each department.

Sewer tap and activation fees

Sewer *tap* fees. Installation of sewer connections (taps) and services connections from the main to the property line or point of user connection shall be performed only by employees of the department or a contractor approved in writing by the director. The following charge shall be made for sewer connections, payable in advance:

<i>Sewer Tap Fee</i>	Market Rate +25%
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Activation Fees. The tap fee for a 4-inch sewer connection shall include the cost of a tap and service connection from the main to the property line when the total length is fifty (50) feet or less and when installation is not by boring or tunneling under a street or other structure. In such cases the cost of tap and service shall be the actual cost of furnishing and installing the tap and service line plus a factor of 1.25 to cover overhead and administrative cost. Sewer service six (6) inches and larger will require an approved manhole at the junction with the main. The charge for six (6) inch and larger service connection will be the actual cost of construction including labor, equipment, materials, and street restoration, times a factor of 1.25 to cover overhead and administrative costs. By permission of the director, sewer services six (6) inches and larger may be constructed by an approved contractor. It shall be the responsibility of the property owner to maintain the sewer service from the sewer main to and on his property, including the connection to the sewer main. In addition to the sewer tap fee, there is payable in advance a sewer activation fee. The following fees shall be charged: *Sewer Activation Fee* \$ 50.00

WAIVERS

Fees required herein may be waived by the City Council upon application and finding by the City Council that waiver of such fees shall serve an economic development or municipal purpose that promotes the best interest of the citizens of Whitehouse.

Passed and Approved by Whitehouse City Council this 22nd day of January 2019.



Charles Parker, Mayor

ATTEST:



Susan Hargis, City Secretary