

**WATER & SEWER
Ordinance No. 95-2
(Amended 9-28-2020)**

AN ORDINANCE AMENDING ORDINANCE NO. 95-2 FIXING WATER, SEWER, AND GARBAGE RATES FOR THE CITY OF LYFORD, TEXAS, AND OTHER MATTERS RELATIVE THERETO; PROVIDING THAT SAID ORDINANCE SHALL APPLY TO ALL CUSTOMERS OF THE CITY OF LYFORD WHETHER OR NOT THEIR RESIDENCE, BUSINESS, OR OTHER SERVICE LOCATION IS WITHIN OR OUTSIDE THE CORPORATE LIMITS OF SAID CITY; PROVIDING FOR THE PAYMENT OF BILLS FOR WATER, SEWER, AND GARBAGE SERVICE; DISCONTINUANCE OF SERVICE FOR NONPAYMENT AND A CHARGE FOR RESUMING SERVICES; PRESCRIBING OTHER RULES AND REGULATIONS FOR THE CONDITIONS OF SUCH SERVICE; FIXING A PENALTY OF NOT LESS THAN TWENTY-FIVE DOLLARS (\$25.00) NOR MORE THAN TWO HUNDRED DOLLARS (200.00) WHICH SHALL BE LEVIED AND ASSESSED AGAINST ANYONE CONVICTED OF A VIOLATION OF THIS ORDINANCE; PROVIDING FOR A SAVINGS CLAUSE; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LYFORD, TEXAS:

Section 1. Rates for Water Services: That effective October 1, 2018, the monthly WATER rate for the persons provided water service by the City shall be as specified in Exhibit “A” attached hereto and made a part of for all purposes.

Section 2. Rates for Sewer Services: That effective October 1, 2005, the monthly SEWER rate for the persons provided sewer service by the City shall be as specified in Exhibit “B” attached hereto and made a part of for all purposes.

Section 3. Rates for Garbage Services: That effective October 1, 2020, the monthly GARBAGE rate for the persons provided garbage service by the City shall be as specified in Exhibit “C” attached hereto and made a part of for all purposes.

Section 4. Water connection and tapping charges inside the City limits:

For a three-quarter inch connection (3/4”)	\$350.00
For a three-quarter inch (3/4”) connection—at the discretion of the Public Works Supervisor (so as not to break the paved road)	\$150.00
For larger than a three-quarter inch connection—as determined by the Public Works Supervisor	

Section 5. Sewer connection and tapping charges inside the City limits:

For a four-inch connection (4") **\$350.00**
**For larger than a four inch connection—as determined by the
Public Works Supervisor**

Section 6. Water connection and tapping charges outside the City limits:

For a three-quarter inch connection (3/4") **\$450.00**
**For larger than a three-quarter inch connection---as determined
by the Public Works Supervisor**

Section 7. Sewer connection and tapping charges outside the City limits:

For a four-inch connection (4") **\$450.00**
**For larger than a four inch connection—as determined by the
Public Works Supervisor**

In addition to the foregoing, when necessary to cut paving to make such tap or connection, a charge is hereby ordered to be assessed and collected in a sum equal to the costs as determined by the Public Works Supervisor, of cutting paving and replacing the same of like materials and in as good condition as the original paving. In no event such charge is less than fifty dollars (\$50.00).

Section 8. Water and Sewer Promissory Notes (inside the City Limits):

Any person, firm or corporation (inside the city limits) may request to have the water or sewer connection and tapping charge available to pay in monthly installments by filling out a promissory note between the owner of the property and the City of Lyford. A down payment in the amount of four hundred dollars (\$400.00) shall be due for both services upon request for the service. One hundred dollars (\$100.00) will be due each month for both service fees thereafter until full amount of the note is paid. When non-payment of this monthly charge accrues equal to thirty (30) days, the City of Lyford shall disconnect and not reconnect service until accrued monthly charges have been paid together with the cost of disconnecting and reconnecting of service.

Section 9. Facilities outside the City limits:

The Water Department of the City of Lyford shall not furnish pipe, valves, meters or other facilities and shall not provide labor or other equipment to supply water to any person, firm or corporation located outside or beyond the Corporate limits of the City except that such facilities as are necessary will be furnished to and at the Corporate Limit Line, if deemed to be in the best interest of the public and in accordance with Paragraph F of this Article, nor will the City assume any responsibility for leaks that may occur in any pipe or pipes outside the Corporate Limits and may shut off the water supply when leaks occur and are not promptly repaired. Privately owned waterlines, if approved by the City, shall be a six-inch (6") waterline or larger. Also, those accounts serviced outside the City limits shall be the first to be discontinued water service if a shortage should occur.

Section 10. Multiple services from one connection:

Where water is supplied to more than one family or occupant through a single service pipe, the City shall not undertake to apportion the charge among the several occupants or families, but the bill for such use of water will be charged the user having made application for such service. Only one application shall be accepted under such conditions and the minimum monthly charge for both water and sewer services under such circumstances shall be a multiple of the minimum charge required for a single service by this ordinance. Whenever a multiple connection is requested by the owner to be deleted, the Public Works Supervisor shall verify that such service to that multiple dwelling has been discontinued. In case a multiple connection is suspected to exist, the Public Works Supervisor shall verify by inspection of the dwelling. (See Multi-Service User Policy)

Section 11. Billings and Disconnections:

Water meters will be read on the fifteenth (15th) day of each month, or as soon thereafter as practicable. It is hereby provided that bills for water service shall be mailed monthly and that water meters be read in actual gallons, as indicated on the water meter register and billed in such manner, early enough each month to permit the bill being computed, billed and deposited in the post office on the first day of each month, or as soon thereafter said dates as practicable, and that such bills are due and may be paid on or before the twentieth (20th) day of the month. If a past due or delinquent bill is not paid on or before the twentieth (20th) day of the month, a ten percent (10%) late charge of the current bill balance will be assessed and added to the following month's bill. If unpaid, they shall become delinquent and "Termination Notices" mailed customers, and when such charge for water service is not paid on or before the thirtieth (30th) day of the month by 5:00 o'clock, p.m., then service may be disconnected; and such service shall not be reconnected

until all charges so made are collected together with a twenty dollar (\$20.00) service charge for each disconnection and reconnecting of service, regardless of whether or not water meter is pulled. If any balance less than \$10.00 remains unpaid on the thirtieth (30) day of the month by 5:00 o'clock, p.m., then service to disconnect shall be waived. All reconnects for non-payment shall be made before 5:00 p.m. that same day. Customer includes the owner and/or tenant of the property or any member of the family that owns or occupies the property where the meter is located. Each month one bill will be sent out for each active water meter. If one meter services more than one residence or improvement, a minimum water and sewer fee will be charged for each service (unit) served by the one meter. (Multi-Service User Policy)

Water meters will be read on the fifteenth (15th) day of each month, or as soon thereafter as practicable. If a past due or delinquent bill is not paid on or before the twentieth (20th) day of the month, a ten percent (10%) late charge of the current bill will be assessed and added to the following month's bill.

If shut-off date falls on a Friday, Weekend, or a Holiday observed by the City, service termination will be deferred until the following day. Shut-off accounts for non-payment will be reconnected before 5:00 p.m. the same day. Cases of "extreme hardship" will be referred to the City Commissioners in a formal meeting and the council's decision shall be final.

Section 12. Disconnection Without Notice:

Water utility service may be disconnected without notice for any of the following conditions:

- 1) A known dangerous or hazardous condition exists for which service may remain disconnected for as long as the condition exists, including but not limited to a violation of the Texas Sanitation and Health Protection Law 4477-1, or there is reason to believe a dangerous or hazardous condition exists and the customer/owner refuses to allow access for the purpose of confirming the existence of such condition and/or removing the dangerous or hazardous condition; and
- 2) Service is connected without authority by a person who has not made application for service or who has reconnected service without authority following termination of service for nonpayment; and
- 3) In instances of tampering with the public water systems meter or equipment, by-passing the meter or equipment, or other division of service.

Note: Where reasonable, given the nature of the reason for disconnection, a written statement providing notice of disconnection and the reason therefore shall be posted at the place of common entry or upon the front door of each affected residential unit as soon as possible after service has been disconnected.

Section 13. Meter Tampering and Diversion:

For purposes of this sections policy/ordinance, meter-tampering, by-passing, or diversion shall all be defined as tampering with the public water systems service equipment, by-passing the same, or other instances of diversion, such as:

- 1) Removing a locking or shut-off devise used by the public water system to discontinue service,
- 2) Physically disorienting the meter,
- 3) Attaching objects to the meter to divert service or to by-pass,
- 4) Inserting objects into the meter, and
- 5) Other electrical and mechanical means of tampering with, by-passing, or diverting service.

The burden of proof of meter-tampering, by-passing or diversion is on the public water system. Photographic evidence or any other reliable and credible evidence may be used; however, any evidence shall be accompanied by a sworn affidavit by the public water systems staff when any action regarding meter-tampering as provided for in these sections policy/ordinance is initiated. A court finding of meter tampering may be used instead of photographic or other evidence, if applicable. Unauthorized users of services of the public water system shall be prosecuted to the extent allowed by law under the Texas Penal Code 28.03.

Section 14: This ordinance shall apply to all customers of the City of Lyford whether or not their residence, business or other service location is located within or outside the corporate limits of the City of Lyford.

Section 15: Any customer receiving water, sewer, or garbage services (hereinafter referred to as “utility services”) from the City shall be required to subscribe to and pay for all available utility services. Unless otherwise permitted by the City Council, a customer’s failure to subscribe to and to timely pay for all such available utility services, including refusal to connect to the City’s water and sewer service where available, or subscribe to a garbage container, shall constitute grounds for discontinuing water or sewer services to a customer except where no dwelling exists on the property.

Section 16: Right to collect rates and charges and limitation of liability:

The Water Department of the City of Lyford shall have the right to collect all rates and charges provided in this ordinance and to deposit the same in the depository of the City. It shall have the right to cut temporarily, the water supply without notice to customers in any emergency or of necessity without responsibility attaching to the Water Department or to the City of Lyford. The Water Department or the City shall not be responsible for any damage by water, or otherwise, resulting from defective plumbing, broken or faulty pipes or mains, or resulting from any condition of the water itself or any substance that may be mixed with or be in the water delivered to the customers or others.

Section 17: Written applications for service:

Before any water is furnished to any person, firm or corporation by the Water Department of the City of Lyford, such person, firm or corporation desiring such service must make a written application upon a form supplied by the City. Said application shall state whether the property is occupied by the owner or tenant and shall give the name and address to which the bill shall be mailed, and a phone number where applicant may be reached. If such application is for service to a residence, the name of the head of the family or person in control of such premises shall be given, and if for service to other than a residence, the name or names of the persons in control of the premises or of the business conducted therein shall be given and the application shall show in what name the account shall be carried. The person in control of such premises shall sign said application.

Section 18: Written applications for sewer service (North Alamo Accounts):

No soil or drain pipes constructed to convey sewage from any building or premises shall be connected to the sanitary sewer mains of the City of Lyford until written application therefore shall have been made upon a form provided by the city and the sum of twenty-five dollars (\$25.00) shall be paid therefore when making such application. The Public Works Supervisor shall keep copy of application available on construction work for inspection.

Section 19: Accrual of monthly charges (North Alamo Accounts):

All monthly charges for service shall accrue and shall be payable whether buildings or premises are occupied or not, so long as connection with the sewer system continues.

Section 20: Non-payment of monthly charges (North Alamo Accounts):

When non-payment of monthly charges accrues equal to thirty (30) days, the City of Lyford may cause connection to the sewer system, in streets or alleys, to be disconnected and not reconnected until accrued monthly charges and penalty thereon shall have been paid together with the cost of disconnecting and reconnecting to the sewer system.

Section 21: Water Deposits:

A deposit of one hundred fifty dollars (\$150.00) shall be collected from each applicant for water service at the discretion of the City Secretary. All connects shall be made within 24 hours from the date of deposit collected. The Federal Government or Government Subdivisions will not be required to make such deposits. All such deposits so collected shall be deposited in the designated depository of the City in a separate fund and shall be designated "Meter Deposits Refundable" and shall remain so deposited until such time as applicant shall have given written notice to discontinue service, in which case if applicant's account is paid up to date of discontinuing service, refund will be made upon surrender of the deposit receipt. If applicant should terminate service, service without notice then the deposit shall be applied on unpaid account or such part thereof as is necessary to pay said account. All rates and charges, herein prescribed, for water service to such applicants shall accrue and be charges against such applicant until such time as such applicant or his duly authorized agent gives a written notice, to discontinue the service if filed with the City.

Water deposits shall not be transferable from one person, firm or corporation to another. However, deposits of the same person, firm or corporation, shall be transferable from one location to another in the City of Lyford.

Section 22: "Insufficient Checks" (NSF):

The Water Department may disconnect water for "Insufficient Check" (NSF) or "Account Closed" checks returned and not paid by the depository bank and shall charge a processing fee in the amount of thirty dollars (\$30.00) to the account paid by said check. Checks returned not paid by the depository bank shall not be re-deposited by the Water Department and the Water Department will only accept "Cash", "Cashier's Check", or "Money Order". Water service shall not be restored until the full amount of the check; the processing fee, and the reconnect fee has been paid in full by cash or money order. After a check is returned marked "insufficient funds" or "account closed", the City Secretary can, at her discretion, require future payments to be made in cash or money order. An NSF check will not postpone disconnection of services if not paid on or before the 30th day of the month by 5:00 o'clock p.m. Notice may be mailed to the customer at the discretion of the City Secretary.

Section 23: New application or change of residence:

When any person, firm or corporation shall move into any premises, he or they shall file an application for water service in accordance with the provisions of this ordinance before using any water from the service connection of such premises and it shall be unlawful for any person, firm or corporation to use water without making said application and it is hereby provided that each separate day that such condition shall exist shall constitute a separate offense and anyone so convicted shall be fined in any amount not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00) for each separate offense.

When any customer shall change his residence or place of business, within twelve hours after such change, said customer should give notice thereof to the City in writing. Such notice shall show the name under which account is carried together with location of previous address and location of new address. It shall be the duty of the owners of the property to which water is supplied by the City to cooperate with the City by giving notice when premises become vacant, and if such notice is not given, then the owner or owners of such property shall be liable for all water charged against such applicant as may have been occupying such premises until such notice is given or a new application for service to such premises is filed. Application shall include the physical address of the property to which the City supplies water.

Section 24: Control of property by City:

All main pipes, service pipes, meters, curb stops, meter boxes and any or all other appurtenances of the City of Lyford, including those that may have been furnished by the customer or owner of premises, shall remain under the control of the city and it shall be unlawful for any person, firm or corporation, other than those authorized to do so, to connect, disconnect, move, tamper with or to damage any meter pipe, valve or other appurtenance or to turn off any water service except by the operation of an emergency valve on the supply line located on private property and it is hereby provided that each separate day that a violation exists of the foregoing shall constitute a separate offense and any one so convicted shall be fined in any amount not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00) for each separate offense.

Section 25: Conditions for service:

For the convenience of the customer and a measure of safety and protection of the City, the following regulations are hereby enacted and made part of this ordinance:

- A. The Water Department of the City of Lyford shall install and maintain all service pipe connections from the water mains to the private property lines within the Corporate Limits of the City of Lyford when proper charges have been paid and all other requirements of this ordinance have been met.**
- B. Any consumer shall have the right to have the meter through which the Water Works Supervisor or his representative for the purpose of ascertaining whether it is or is not registering correctly is furnishing water to be examined and tested.**
- C. It shall be unlawful for any consumer, person or persons to willfully or negligently waste water in any manner whatsoever, and any person having knowledge of any condition whereby water is being wasted shall immediately notify the City.**
- D. The refusal or neglect of the owner or occupant to equip and maintain the premises with service connections, utilities or fixtures of approved character and quality to prevent waste of water shall be sufficient grounds for refusal to connect the premises with the water supply of the City or to continue such connection after the City having given the consumer two days notice by mail of intentions to shut off the water supply.**
- E. The City shall have the right to shut off the water supply of any customer after two days written notice by mail of intentions to do so where it has been determined by the Public Works Supervisor of the City that a cross connection, back siphon or other condition that exists that may contaminate the water supply of the City and such premises shall not be reconnected or turned on until such conditions have been remedied and piping of premises disinfected and inspected.**
- F. There shall be installed by the owner or occupant of each premises having water service pipes, an emergency shut-off valve on the service pipe, located inside private property at a point accessible for use in case of emergency and the curb stop of the city shall not be used in lieu thereof.**
- G. On any premises where any character of stored hot water is directly connected to service pipe and mains, the consumer, between the hot water storage and the City's meter, shall install a check valve before water is used.**

- H. It shall be unlawful for any person or persons to draw water from any City pipes direct into any steam boiler. Where such usage of water is made the user must provide a tank of sufficient capacity to afford a supply of water for at least six hours into which the service pipe shall discharge.
- I. Consumers are required to shut off lawn sprinklers or any steady flow of water they may be using whenever a fire occurs, until such fire is extinguished.
- J. It shall be unlawful for any person or persons to injure, damage or tamper with any water meter placed on any service pipe by the City or under its authority or to make any connection with any service pipe or mains without first having obtained a permit therefore, or to change any service connection so as to avoid the registering of water used, or to remove any meter placed by the City, or to substitute any meter for the City's meter, or to reconnect service pipes in any manner when such service has been disconnected by the City on account of non-payment of bills as provided for in this ordinance and it is hereby provided that each separate day that a violation exists, of the foregoing, shall constitute a separate offense.
- K. The Water Department of the City may at any time cut water off from any premises for repairs, extensions or other necessary purposes. The Water Department may cut water for "insufficient check" (NSF) or "account closed" checks returned and not paid by the depository bank and shall charge a processing fee in the amount of thirty dollars (\$30.00) to the account paid by said check.

Section 26: Fire Hydrants:

Fire Hydrants are provided for the sole purpose of extinguishing fires and are to be used and operated by the Water and Fire Departments or such persons as may be given authority by the Public Works Supervisor.

It shall be unlawful for any person to conduct or carry away any water from any fire hydrant without a permit in writing to do so. It shall be unlawful for any person or persons to place upon or about any fire hydrant, gate, valve, curb stop, meter or meter box connected with any service pipe of the City Water Works System any object, material, debris, or a structure of any kind so as to prevent access to appurtenances of the Water Department at any and all times.

Section 27: Public Works Supervisor:

The Commissioners of the City of Lyford shall appoint the Public Works Supervisor and his assistant.

Section 28: Fire protection fees:

A fire protection fee for the City of Lyford shall be charged the customer as a voluntary contribution to be used for maintenance and operation of the fire department. A fire protection fee in the amount of one dollar (\$1.00) or as specified by the customer shall reflect on the water bill on a monthly basis. The fire protection fees billed all customers of the City shall be transferred once a month to the reserve account for these monies to be used at the discretion of the City Council for the maintenance and operation of the fire department.

Section 29: Police protection fees:

A police protection fee for the City of Lyford shall be charged the customer as a voluntary contribution to be used for maintenance and operation of the police department. A police protection fee in the amount of one dollar (\$1.00) or as specified by the customer shall reflect on the water bill on a monthly basis. The police protection fees billed all customers of the City shall be transferred once a month to the reserve account for these monies to be used at the discretion of the City Council for the maintenance and operation of the police department.

GENERAL PROVISIONS

Section 1. Penalties:

Any person, firm or association, or corporation that shall fail to comply with or violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00) for each offense.

Section 2. Savings clause:

If any of the provisions of this ordinance shall be held invalid, it is hereby provided that all other provisions this ordinance, which is not held invalid, shall remain in full force and effect.

Section 3. Repeal of conflicting ordinances:

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. Effective date:

This ordinance shall be in full force and effect after passage, approval, adoption and publication of its description caption.

PASSED, AND APPROVED TO AMEND on this the 28th day of September, 2020.



Jose G. Solis, Mayor

Attest:



City Secretary

EXHIBIT "C"
GARBAGE RATE
10-1-2020

SECTION 1. Rates for Garbage Services within the City Limits

- The following rates are hereby effective **October 1, 2020**, for garbage service within the City Limits of the City of Lyford.

RESIDENTIAL RATES:

- | | |
|--|---|
| 1) Inside City Limits | \$22.00 for 96-gallon cart, per month,
plus \$1.82 sales tax = <u>\$23.82</u> |
| 2) Residential Extra Cart | \$11.00 only for the second 96-gallon cart, per
month, plus \$.91 sales tax = <u>\$11.91</u> |
| 3) Small Business Rate | \$23.50 for 96-gallon cart, per month,
plus \$1.94 sales tax = <u>\$25.44</u> |
| 4) Small Business Rate with Extra Cart | \$12.00 only for the second 96-gallon cart, per
month, plus \$.99 sales tax = <u>\$12.99</u> |

SECTION 2. Rates for Garbage Services Outside the City Limits

- The following rates are hereby effective **October 1, 2020**, for garbage service outside the City Limits of the City of Lyford.

RESIDENTIAL RATES:

- | | |
|-------------------------------------|---|
| 1) Outside City Limits | \$26.76 for 96-gallon cart, per month,
plus \$2.21 sales tax = <u>\$28.97</u> |
| 2) Residential Extra Cart | \$11.00 only for the second 96-gallon cart, per
month, plus \$.91 sales tax = \$11.91 |
| 3) Small Business Rate | \$27.95 for 96-gallon cart, per month,
plus \$2.31 sales tax = <u>\$30.26</u> |
| 4) Small Commercial with Extra Cart | \$12.00 only for the second 96-gallon cart, per
month, plus \$.99 sales tax = <u>\$12.99</u> |