

TOWN OF LAKEWOOD VILLAGE, TEXAS

ORDINANCE NO. 07-13

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, FIXING AND PRESCRIBING THE RATE, CHARGES AND FEES FOR THE WATER AND SEWER SERVICES PROVIDED BY THE TOWN; PROVIDING FOR THE REPEAL OF ORDINANCES 89-01 AMENDED (11/14/02) AND ORDINANCE 07-01; PRESCRIBING CERTAIN POLICIES, RULES AND REGULATIONS IN CONNECTION THEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, heretofore, the Town of Lakewood Village, Texas (hereinafter referred to as “Town”), acquired a water and sewer system in and for the Town; and

WHEREAS, the Town Council of the Town has found, determined and declares that it is necessary and expedient to: (i) fix and prescribe the rates, charges and fees for water and sewer services provided its residents by the Town, and (ii) prescribe certain policies, rules and regulations in connection herewith.

WHEREAS, the Town Council hereby repeals Ordinance 89-01 Amended, dated 11/14/02, and Ordinance 07-01 passed January 2007.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS:

Section 1. Incorporation of premises. That all of the above premises are found and determined to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. Service Required. All property within the corporate limits of the Town are required to comply with the Town’s Water and Sewer System requirements. Septic systems or water wells are strictly prohibited.

Section 3. Fixing Rates, Charges and fees for water Service; Prescribing policies Rules and Regulations Therefore. That the Town Council of the Town hereby fixes and prescribes, upon the effective date of this Ordinance, the following: (i) rates, charges and fees for water service in the Town, and (ii) rules, regulations, policies in connection therewith, which shall be applicable to and the controlling Ordinance relative to the Town’s Water and Sewer System (herein sometimes referred to as the “System”), to-wit:

A. NO FREE SERVICE PERMITTED

No free service of the Town’s System shall be allowed to any person, firm corporation or association whatsoever (hereinafter sometimes referred to collectively as “Customer”).

B. APPLICATION FOR SERVICE AND REQUIRED DEPOSIT

Any Customer desiring water service shall make application therefore to the Town, together with the required deposit, which deposit must be made at the time the application is submitted. Except as may herein otherwise be provided, the deposit for normal residential connection shall be Two Hundred Dollars (\$200.00). The deposit shall be held by the Town so long as the Customer is using the service and the Town shall not pay interest thereon. Upon termination of the service, any unpaid balance shall be charged against the deposit and the remaining, if any, shall be refunded to the customer, at the Town’s discretion, by (i) The Town making the refund available for pick-up at the Town Hall during normal business hours or (ii) Forwarding to the customer by USPO to the last known billing address. If such refund is not claimed or negotiated within one year from issuance, the refund amount shall revert to and be the property of the general funds of the System.

C. WATER TAPPING CHARGES

The charges for tapping water mains and conveying the water up to the property line shall be \$900.00. All costs and expenses for labor and materials incurred by the Customer which costs include, but are not limited to, meter boxes, couplings, tubing and necessary excavation work are the responsibility of the customer.

D. SEWER TAPPING CHARGES

The charges for tapping sewer mains shall be \$900.00 per sewer tap for all subdivisions in the Town where Town sewer service is available. The requirements of the Town’s current Building Ordinance shall prevail in regards to sewer tapping charges.

E. CONNECTION SPECIFICATIONS AND INSPECTION REQUIREMENTS

One inch (1”) meters shall not be allowed on lines smaller than six (6”). All sprinkler system connections shall be installed and maintain double check valves or air gaps. All connections made pursuant to the terms and conditions of this Ordinance shall be inspected by the Town Inspector or a duly designated agent of the Town. The requirements of the Town’s current Building Ordinance shall prevail in regards to connection and inspection requirements.

F. MONTHLY RATES FOR WATER AND SEWER SERVICE

The monthly rates for water and sewer service shall be as follows:

Town Water Service:

<u>Water Quantity</u> (gallons)	<u>Rates</u>
0 to 3,000	\$25.00 per month minimum
3,001 to 9,000	\$25.00 plus \$3.75 per thousand gallons over 3000 gallons
9,001 to 19,000	\$47.50 plus \$3.00 per thousand gallons over 9000 gallons
19,000 to 50,000	\$77.50 plus \$2.00 per thousand gallons over 19000 gallons
Over 50,000	\$139.50 plus \$10.00 per thousand gallons over 50,000 gallons

Water leaks at residences will be handled as follows:

1. Leaks in a service line from property owner's side of the meter will be charged average bill plus \$1.50 per thousand gallons above the average monthly usage.
2. In order number 1 to apply, plumber repair invoices (including location of leak) will have to be provided as proof or an agent of the Town must be called if owner wishes to repair leak himself.
3. The basis for computing the average bill and average usage for 1 and 2 (above) shall be the preceding three months

Town Sewer Service - Flat Rate - \$29.00 per month

G. EFFECTIVE DATE OF RATE CHANGES

Any change made in the monthly rate for the Town water and sewer services within the Town limits of the Town shall become effective on the first regular billing date after the date of adoption by Ordinance therefore.

H. BILLING PROCEDURES FOR WATER AND SEWER SERVICE; DEFERRED PAYMENT PLANS

(1) The Town shall read all water meters once each month and render a monthly bill for water and sewer services to each Customer. Meters shall be read within one day of the fifteenth day of each month. Due dates for each bill shall be the fifth day of the subsequent month with a penalty of five percent (5 %) charged for payments received on or after the sixth day of the month.

(2) A deferred payment plan is any arrangement or agreement between the utility and a customer in which an outstanding bill will be paid in installments. If requested, the Town shall offer a deferred payment plan to any residential customer if the customer's bill is more than three times the average monthly bill for that customer for the previous 12 months and if that customer has not been issued any disconnection notices at any time during the preceding 12 months. A deferred payment plan may include a one-time finance charge that may not exceed 10% of the gross water charges.

I. FAILURE TO PAY FOR SERVICE; DISCONTINUATION OF SERVICE BY THE TOWN; FEES TO RESUME SERVICE

The Town shall discontinue and cut off a customer's water service for failure to pay his/her water bill within forty-five (45) days from the date the bill was mailed to the Customer or when an overdue account balance exceeds the amount of deposit. Payment by the Customer by dishonored check shall constitute non-payment and water service discontinued. Customer will be required to pay a fee of Fifty Dollars (\$50.00) to have said water service resumed if such service is resumed during the hours of 8:00 o'clock a.m. to 4:30 o'clock p.m. any Monday through Friday which is not a legal holiday observed by the Town. A Customer who has had his/her water service discontinued will be required to pay a fee of Seventy-five (\$75.00) to have said water service resumed on a Saturday, Sunday or legal holiday which is observed by the Town or on any day Monday through Friday during the hours 4:30 o'clock p.m. to 8:00 o'clock a.m. Prior to resuming water service which has been discontinued for failure to pay the monthly charges, the Town shall require full payment of the account in addition to payment of the deposit required in subsection B hereof. Unauthorized resumption of service by the customer shall result in meter removal and an additional fee of \$100.00 to be paid prior to the resumption of service.

J. RESERVATION OF RIGHTS BY TOWN

The Town reserves the right at any time to shut off the water in it's mains for the purpose of cleaning, repairing or making any connections or extensions, or for any purpose of repairing machinery, reservoir or any part of the System.

K. INDEMNITY OF TOWN

It is expressly understood as prerequisite to furnishing water service to Customers that the Town is not liable for any damages on account of leakage or breakage of pipes on any premises.

L. NO GUARANTEES

Water customers are not guaranteed a specified quantity of water for any purpose whatever, and are not guaranteed any specified water pressure.

M. CONSENT OF TOWN REQUIRED

No plumber or person, except an employee or agent of the Town, will be allowed to turn on or off any water from the street stop cocks or to tap any street main or pipes belonging to the Town or to do any work in the street or alleys and public grounds in connection with the laying of street service connections and in connection with their mains without the consent of the Town Council.

N. PERMITS REQUIRED FOR WORK ON WATER PIPES

The Town will refuse to turn on the water for any person employing a plumber to make any alterations or extensions of the water pipes on his/her premises, who shall not have first secured the necessary permit to make such changes.

O. UNLAWFUL TO DAMAGE TOWN'S WATERWORKS SYSTEM

It shall be unlawful for any person to damage any property of the Town water and sewer system.

P. ADDITIONAL RULES AND REGULATIONS

The Town reserves the right to make such other rules and regulations, policies and provisions as may be necessary for the preservation, protection and economical administration of its water and sewer system.

Section 4. Savings Clause. That this Ordinance shall be cumulative of all other ordinances or resolutions of the Town of Lakewood Village, Texas affecting the Town's water and sewer system and shall not repeal any of the provisions of said ordinances or resolutions except in those instances where provisions of those ordinances or resolutions are in direct conflict with the provision of this ordinance.

Section 5. Penalty for violation; Continuing Violations. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine in a sum not to exceed Two Thousand Dollars (\$2000.00) for each offense and a separate offense shall be deemed committed upon each day during or on which a violation occurs.

Section 6. Repeal Clause Ordinances 89-01, 89-01 (amended), and Ordinance 07-01 are repealed.

Section 7. Severability Clause. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereto any person or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance; and the Town Council hereby declares it would have passed such invalidity, which remaining portions shall remain in full force and effect.

Section 8. Providing An Effective Date. That this Ordinance shall become effective immediately upon its passage and publication as provided by law.

PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, on this the 13th day of December, 2007.

APPROVED:

Mike Schnittker, Mayor Pro-Tem
Town of Lakewood Village

ATTEST:

Linda Asbell, City Secretary
Town of Lakewood Village