

ORDINANCE NO. 2006-02

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR WATER SERVICE; PROVIDING FOR DEPOSITS; PROVIDING FOR A RATE SCHEDULE OF PAYMENT OF BILLS; PROVIDING FOR DISCONTINUATION OF SERVICE; PROVIDING FOR PROTECTION OF THE WATER SYSTEM; PROVIDING A PENALTY; PROVIDING FOR SEVERANCE; PROVIDING FOR PUBLICATION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INGLESIDE ON THE BAY, TEXAS:

Section 1. The City of Ingleside on the Bay owns and operates the water system for the provision of water to its citizens under its authority as a political subdivision. This Ordinance establishes the rules and regulations for the operation of the water system, the provision of water to the citizens from such system, and the charges and bills for such service.

Section 2. Water shall be provided to all applicants entitled to services upon application for service made on the city's standard application or contract form and shall be signed by the customer who shall be either the owner or the person entitled to possession of the premises, legally liable for payment and accepted by the city before service will be supplied by the city.

Section 3. It shall be unlawful for any person to place any rubbish or other obstruction in any utility easement in the city or to plant bushes, trees or shrubs in any such easement or for any person owning or possessing any lot in the city to permit any rubbish, trees, bushes, shrubs or other obstructions to remain in the utility easement on such lot.

Section 4. All applications for service shall be made on the city's standard application or contract form, and shall be signed by the customer who shall be either the owner or person entitled to possession of the premises, legally liable for payment and/or who agrees to be legally liable for payment and accepted by the city before service will be supplied by the city. The city hereby adopts the following form as the standard application or contract form:

The applicant, whose signature appears hereon, applies to the City of Ingleside on the Bay ("City") for the services indicated, to be supplied at the address herein described, and, upon request, at any other local address to which applicant may move.

The applicant agrees to pay for such services as bills are rendered therefore in accordance with the rate, rules and regulations as provided by Ordinance or by the terms and conditions as set forth by the City, a copy of which may be obtained from the City Secretary, as now existing or as may hereafter be enacted and in effect at the time of delivery.

The applicant further agrees to release and discharge the City from any liability for damages suffered: (1) by reason of water service furnished to the premises; (2) by reason of interruption, discontinuance or disconnect of service hereunder from any cause other than negligence by the City; or (3) by reason of the condition, maintenance,

location or systems located on or adjoining the property supplied and by which such services are furnished or delivered.

The applicant acknowledges that he/she is the owner or person legally entitled to possession of the premises, and therefore legally liable for payment for services.

The standard application or contract form provided for above shall be printed in such form as approved by the city.

Section 5: DEPOSITS.

The customer shall, upon request by the city, at any time such request is made either before service begins or after service begins deposit with the city as security for the payment of bills and for the performance of all other obligations of the customer a sum equal to two (2) average monthly bills for service furnished during the preceding twelve-month period or to be furnished as estimated by the city. In case the customer's bills for any two (2) consecutive monthly billing period of normal operation actually prove to exceed appreciably the amount of the deposit, the city may, at its option require the customer to deposit an additional amount of money sufficient to make the total on deposit with the city equal to the amount of bills for two (2) consecutive months. If the customer fails to deposit the additional required sum within ten (10) days of written notice of deposit requirements and penalty for failure to pay by notice sent by Registered Return Receipt U.S. Mail to the customer at the address shown on the customer application, the city may disconnect service without further notice. If experience has proved the customer does not pay water or other utility bills promptly, and as due, the city may require such further and additional deposit to be in any sum deemed necessary to protect the city. Any deposit may be applied to the payment of any overdue utility bill due the city. Any unused portion of the deposit shall be refunded to the customer at any time service is discontinued. The city shall not be under any obligation to pay any interest of any kind on such deposits. In any event, the minimum deposit for service shall be \$ 180.00.

Section 6. WATER USER CLASSIFICATION.

- A. There is hereby the following classification for users of water supply services, both inside and outside the city limits:
 - (1) Residential
 - (2) Other
- B. The various users of each such classification shall include, without necessarily being limited to, the following:
 - (1) Residential
 - Any building, or portion thereof, occupied exclusively by one (1) family as a residence. Each consumer of water living in a separate house must have a separate connection and meter for each house; provided, that in case of hardship or where a residence is not in reach of a city water main, arrangements may be made, at the option of the city to secure water from another user of city water.
 - (2) Other
 - Any use other than residential as defined hereinabove.

(3) Inside City Limits

The entire area within the city limits of this city as they now exist, or may be hereafter amended.

Section 7: MONTHLY WATER RATES.

First 2,000 gallons \$ 39.74
Each additional 1,000 gallons \$ 4.23

Section 8:

- A. Bills for service rendered and water delivered by the water system shall be issued monthly. Payments for such bills shall be due and payable upon issue. Bills shall be mailed as near to the first week of the month following delivery of water. Such bills may be paid as current up to 5:00 p.m. of 20th day of the billing month. Any bill not paid by 5:00 p.m. of 20th day of the billing month shall be delinquent and subject to a late fee.
- B. All accounts not paid by the delinquent date of 5:00 p.m. of 20th day of the billing month shall incur a late fee of ten dollars (\$10.00) plus 1% finance charge of balance for each month not paid.
- C. All accounts not paid by 5:00 p.m. of 27th day of the billing month shall have the water service disconnected. A reconnection fee of seventy-five dollars (\$75.00) shall be collected plus payments of all amounts due on the account before water service is restored. If service is reconnected after normal duty hours, the reconnection charge shall be one hundred dollars (\$100.00).
- D. Any person who, without proper authority reconnects to the water service of the city shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed two hundred dollars (\$200.00).
- E. No free service shall be rendered by the water system and if the city or any instrumentality or agency shall avail themselves of water service, they shall pay for such service at the same rate charged other consumers.
- F. Any customer issuing a check to the city for payment of a utility bill shall be charged thirty dollars (\$30.00) for handling of said check if the check is returned as non-negotiable/non-cashable by any bank for reason of no funds, account closed or for any other reason. The non payment of this charge and the full amount of check issued for payment shall result in the service being disconnected ten (10) days after notification by certified return receipt U. S. Mail.

Section 9: It shall be unlawful for any person to make any connection to the mains or pipes of the waterworks system without first making application to the city, stating fully the several and various uses for which water is wanted, giving the name of the property, the number of the lot and block, name of the street and house numbers. Upon the payment of the tapping fee, the city shall make, or cause to be made, the necessary connections and furnish a curb stop box and curb cock, the cost of which is included in the tap fee, and every premises not now equipped with the curb stop box and curb cock and connected with any water main, or being supplied with any water from the waterworks, shall have a separate service connection, curb stop box and curb

by the city, a permit will be issued. All fees and charges shall be paid for at amounts and rates prescribed herein.

- A. The tapping fee for connection with the waterworks system shall be: \$500.00 plus cost of materials and labor except in the case of apartment complexes, motels, townhouses, multifamily dwellings, etc. and all other facilities other than single-family residential dwellings served by one (1) master meter, in which case the charges shall be:
- B. Apartment complexes, townhouses, multifamily dwellings, etc., served by one (1) master meter:
 - 1. \$300.00 per each unit of two (2) bedrooms or more shown on the plans submitted for building permit;
 - 2. \$250.00 per each one (1) bedroom unit shown on the plans submitted for building permit;
 - 3. \$300.00 per each separate place of business shown on the plans submitted for building permit;
 - 4. \$200.00 per each unit as shown on the plan submitted for a building permit with a density per acre of twelve (12) units or less.
- C. No water connection permit shall be issued for any construction or existing structure on any lot, tract, or plot of land in the city or within its extra-territorial jurisdiction, when applicable, until such plan, plat, or replat of such lot, tract, or plot of land shall conform to the platting requirements of the city and has been approved and accepted by the City Planning and Zoning Commission and the city council.

Section 10. ADDITIONAL WATER SERVICE REGULATIONS.

- A. Meters. All meters shall belong to the city and shall be set by the city. If the meter fails to register, the consumer shall be charged at the average daily consumption as shown by the meter readings taken by the city when the meter was in order. All water that passes through the meter shall be charged for, whether used or not.
- B. Temporary Termination of Service. The city may, at any time, with or without notice, order the water cut off for repairs, extension or other purpose.
- C. 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 except when such damage is due to the negligence of the city.
- D. 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.
- E. Responsibility for 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 as provided for in this Section. 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 tenants.

- F. Turning Water Service On or Off for Special Services. Any person wishing to discontinue the use of water supplied from the waterworks system must give notice thereof to the city; otherwise the charges will be entered until such notice has been given. The charge for shutting off and turning on of such services shall be twenty-five dollars (\$25.00).
- G. Extension of Service to Other Residences. 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 residence for additional fixtures without written permission of the city.
- H. Emergency Shut-Off Valve. Consumer shall install and have approved a "cut-off valve" inside of the service line at a location accessible in case of emergency, and shall not use the curb cock at the meter in lieu thereof except in case of emergency which necessitates immediate shut-off of service.
- I. 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. In the interest of water conservation, if at any time water lines and connection from the meter loop connection into the residence, house, barn, business, yard or similar places become rusted out, broken or in general deteriorated, it shall be the duty of the owner of the premises to place his lines in a good and serviceable condition. The replaced and repaired lines must meet specification set forth by the city.
- J. Fire Hydrant Use Restricted.
1. Fire hydrants shall be provided for the sole purpose of use in extinguishing fires, and shall be used or opened only by the city and/or Fire Departments or such persons as may be given authority by the city.
 2. Unlawful to Obtain Water from Fire Hydrant. It shall be unlawful for any person to carry away water from a fire hydrant without written permission from the 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.
- K. UNLAWFUL ACTS. It shall be unlawful for any person to do, commit, or assist in committing any of the following things or acts:
1. To open or close any fire hydrant, meter box cover or stop cock connected with the waterworks system, or lift or remove the covers of any gate valve or shut-offs thereof, without the written permission of the city, except in the case of fire, and then under the direction of officers of the Fire Department, or in the case of other emergency;
 2. To interfere with, destroy, deface, injure or wantonly force open any gate or door, or in any way whatsoever destroy, injure or deface any part of tank, building or buildings, or appurtenances, fences, trees, shrubs or fixtures or property appertaining to the waterworks system;
 3. To go upon or ascend the stairway or steps, on any elevated water storage tank or stand pipe of the waterworks system, except by written permission of the city;

4. To place any telegraph, telephone, electric light pole, or any obstruction whatsoever within five feet (5') of any fire hydrant;
5. To resort to any fraudulent device or arrangement for the purpose of procuring water for himself or others from private connections on premises contrary to the provisions of this Ordinance;
6. To place upon or about any fire hydrant, gate, valve or curb cock connected with the waterworks system any object, material, debris or structure of any kind, or to interfere in any manner whatsoever with any of the waterworks, or to turn on the water after service has been discontinued;
7. To park any vehicle within fifteen feet (15') of any fire hydrant;
8. To make or permit to be made any connections with the main, or service pipes or the waterworks system or to turn on or use the water of the system without first obtaining a permit;
9. To remove any water meter or water meter lid that has been placed by the city, or to in any manner change, interfere with or tamper with any water meter lid; providing that the provision of this Section shall not apply to the employees or agents of the city when acting in their official capacity;
10. To have in one's possession a key or master key that will unlock water meter lids. This Subsection does not apply to city officials or agents when acting in their official capacity;
11. To install or maintain any utility by-pass or connection between the utility meter and the main source of supply, except as may be installed upon written permission from the city;
12. To turn on any utility meter valve without first having obtained a permit to do so or to turn on such utility meter valve after the same has been turned off by the city or its agents, without first having obtained a permit to do so, or to interfere with any water, electric or gas meter of any other utility supplying equipment;
13. To use any utility after the same had been cut off by the city, its agents or the utility company furnishing such utility under a franchise granted by the city, without first having secured a new permit, upon new application for such utility service. The discovery of an unauthorized by-pass as above mentioned shall be prima facie evidence that such by-pass was installed by and maintained by the person or persons to whom the utility service is received through such unauthorized by-pass. Also, after a utility service has been turned off by the city, discovery that the utility meter valve has been turned on without authorization, shall be prima facie evidence that the person or persons to whom the utility service is being received, turned on such utility meter valve.

Section 11: LIABILITY OF CITY FOR INJURIES AND DAMAGES. The City will not be responsible or liable for injuries or damages caused by or resulting from failure to furnish service of the kind and amount contracted for or injuries and damages resulting from the performance or nonperformance of any acts or things by the city required of it or in any wise connected with the

furnishing of services by city, unless it be shown that the negligence of the city or its agents were the sole proximate cause of the injury or damage complained of.

Section 12. METERING AND TESTING OF METERS.

- A. The customer shall provide at a point on his premises, to be mutually agreed upon, a suitable location for the installation of meters and such other equipment as city may deem necessary to enable it to deliver water under this Ordinance and shall properly protect the city's property on the customer's premises and permit no one to inspect or tamper with the city's installation, apparatus and equipment, except the city's agents and persons authorized by law to do so. All bills shall be calculated upon the registration of such meters.
- B. Should any meter fail to register, the water delivered during the period of failure shall for billing purposes be estimated at the average of the last three (3) previous monthly bills, calculated when the meter was in order.
- C. The city with or without request of the customer may inspect and test meters and whenever any test shall show a meter to be registering in error exceeding four (4) per cent, such meter shall be adjusted within the limits of error so specified and whenever the meters are so adjusted, the reading thereof shall be corrected, and payments be made according. No corrections shall be made, as to any bill rendered by the city, unless requested before the expiration of the calendar month next succeeding the month in which such reading were made.

Section 13. MAINTENANCE OF METERING EQUIPMENT ON CUSTOMER'S PREMISES AND RESPONSIBILITY FOR INJURIES AND DAMAGE THEREFROM. The Customer shall maintain the premises in full compliance with all laws and local ordinances and the rules and regulations of the city effective at any time during the term of the service agreement. The duly authorized agents of the city shall have free access at all reasonable hours to the premises of the customer for the purpose of inspecting installations and equipment, removing the property, reading meters and for other purposes incident to the performance of the service agreement and this article. The city does not, however, assume any duty of inspecting the customer's plumbing, apparatus, machinery or equipment, and will not be responsible therefore, and it is particularly understood that the customer assumes full responsibility for water furnished to him at any location beyond the point of delivery, described as being the point where the water first leaves the meter and enters the line provided or owned by the customer, and agrees to protect and hold harmless the city from all claims for injuries and damages to persons and property occurring upon the premises of the customer, except where it is shown that the negligence of the city or its agents were the sole proximate cause of such injury or damage.

Section 14. CHARGES FOR DAMAGING CITY PROPERTY ON CONSUMER'S PREMISES AND PROVIDING PENALTIES THEREFOR.

- A. Meters, service connections, locks, seals, valves or any other city property broken, damaged or stolen while on the premises of the consumer, or by the consumer or someone acting in his behalf, will be charged to the customer at a fair price based on the cost of the labor and materials necessary to repair or replace the damages, destruction or stolen property. These charges must be paid in person to the city in order to authorize a reconnection of service. The customer may show, as a defense that any such property broken, damaged or stolen was so broken, damaged or stolen, through no fault of and without the consent of the customer.

- B. The breaking, damaging, adjusted, changing, removal or taking of any meter, pipe, service connection, lock seal, valve, or any other city owned property, shall be unlawful and punishable as a misdemeanor. The turning on of any valve so as to provide service from city-owned utility service line, except by an authorized employee of the city or except to return to service interrupted only by the making of repairs requiring the valve to be turned off, is unlawful and punishable as a misdemeanor.

Section 15. PENALTY. The city may enforce this Ordinance by Injunction. Further, each day's violation of this Ordinance shall be a separate offense punishable by a fine in Municipal Court not to exceed \$200.00 for each such offense.

Section 16. REPEALING. That Ordinances 1994-14 and 1996-01 Establishing and modifying Rules and Regulations for Water Service; Providing for Deposits; Providing a Rate Schedule and Payment of Bills; Providing for Discontinuation of Service; Providing for Protection of the Water System; Providing a Penalty; Providing for Severance Providing for Publication and any other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 17. SEVERANCE. In the event any part of this Ordinance is held invalid or unconstitutional for any reason whatsoever, the remainder shall be in full force and effect, it being the intent of the City Council to enact each part of this Ordinance separately and without regard to the remainder.


Section 18. PUBLICATION. The caption of this Ordinance shall be published one time in the official newspaper and this Ordinance shall be effective upon such publication.

Approved City Council Meeting of June 6, 2006.

APPROVED:


Cynthia B. Foster
Mayor

ATTEST:


Diane Hosea
City Secretary

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*Approved City Council Meeting of June 6, 2006
Sept 5, 2006
Diane Hosea*

APPROVED:

Cynthia B. Foster
Cynthia B. Foster
Mayor

ATTEST:

Diane Hosea
Diane Hosea
City Secretary

CITY OF
INGLESIDE
ON THE BAY
HAS PASSED THE
FOLLOWING
ORDINANCES

ORDINANCE
NO 2006-02
ESTABLISHING RULES
AND
REGULATIONS FOR
WATER SERVICE;
PROVIDING FOR
DEPOSITS;
PROVIDING FOR A
RATE SCHEDULE OF
PAYMENT OF BILLS;

PROVIDING FOR
DISCONTINUATION
OF SERVICE;
PROVIDING FOR
PROTECTION OF THE
WATER SYSTEMS;
PROVIDING A
PENALTY;
PROVIDING FOR
SEVERANCE

ORDINANCE
NO 2006-03
ADOPTING AND
APPROVING THE 2006
CERTIFIED
APPRAISAL TAX ROLL

ORDINANCE
NO 2006-4
ADOPTING TAX RATE
AND
LEVYING AD
VALOREM TAXES
FOR THE 2006/2007
FISCAL YEAR

ORDINANCE
NO 2006-05
ADOPTING THE
BUDGET FOR THE
NEXT FISCAL YEAR
The original Ordinances
are on file with the City
Secretary at City Hall.
Published in The Ingleside
Index September 21, 2006

THE STATE OF TEXAS
COUNTY OF SAN PATRICIO:

Before me, the undersigned authority, personally appeared

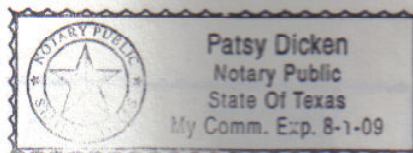
Clay Morgan of The Ingleside Index, who after being
by me duly sworn, on his oath deposes and said:

1. That (he) (~~she~~) is Publisher of The Ingleside Index a weekly newspaper
published in San Patricio County, Texas.

2. That the City of Ingleside on the Bay
Notice of ordinances 2006-02-03-04-05

hereto annexed, was published in the regular issues of said Ingleside Index once
each week for One (1) week successive weeks said publications
having been made on the September 21, 2006

3. That a printed copy of said Notice
as the same appeared in said issues is attached hereto.



Sworn to and subscribed before me this 26th
day of September, 2006.
Patsy Dicken
Notary Public, San Patricio County, Texas

PUBLICATION FEE: \$ 82.77