CITY OF WILLOW PARK

ORDINANCE NO. 454-00

AN ORDINANCE AMENDING CHAPTER 11, "PUBLIC UTILITIES" AND ARTICLE 11.400 "SANITARY SEWER SYSTEM" OF THE CODE OF ORDINANCES, CITY OF WILLOW PARK, TEXAS; AND PROVIDING FOR SANITARY SEWER SYSTEM OPERATIONAL PROCEDURES, RULES, FEES, RIGHTS OF APPEAL, DISCONTINUANCE, EXEMPTIONS, LINE EXTENSION AND RELATED MATTERS; AN EFFECTIVE DATE AND REPEALER

WHEREAS, the City of Willow Park wishes to provide for the health, safety and welfare of its citizens; and

WHEREAS, the City possesses a certificate of public convenience and necessity to furnish water service; and

WHEREAS, the City desires to create, provide and maintain both waterwork and waste water facilities that are safe, adequate and efficient for the provision of said service(s); and

WHEREAS, the City will ascertain and fix just and reasonable standards, classifications, regulations, service rules, service standards and practices to be observed in the furnishing of water and waste water services; and

WHEREAS, the City acknowledges and recognizes that the provision of adequate, efficient, and safe water and waste water services to those outside the corporate boundaries of the City of Willow Park depends on: adequacy of supply, age of delivery system and facilities, capacity of the system, pressure within the system, remoteness of the extra-territorial customer and other objective and physical differences; a reasonable basis for different rates and classifications of residential and non-residential customers and customers outside the corporate limits of the municipality is created.

NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS:

SECTION 1. AUTHORIZATION

The Mayor, or appropriate City Official or Mayor's designee is hereby authorized and directed to implement the applicable provisions of this Ordinance.

SECTION 2. APPLICATIONS

The provisions of this Ordinance shall apply to all persons, customers and property served with the City of Willow Park waterworks or waste water, wherever situated. No customer of the City of Willow Park Water System shall knowingly make, cause, use or discharge waste water in a manner contrary to any provision of this or other previously enacted ordinances, or in an amount in excess of that permitted or in a condition, composition or state that is not in accordance with the provisions of this or other ordinances.

SECTION 3. AMENDMENT

Chapter 11, Public Utilities, Article 11.400 Sanitary Sewer System, is amended by adding as follows:

§11.401 DEFINITIONS

Applicant. Any person or party owning or occupying property inside the service area of the city who desires service and has made application for same.

Customer, User, Consumer. An owner, tenant, occupant or resident of a property which is connected to city service lines and who is using the services of the city sanitary sewer system.

Regulatory Authority. The City of Willow Park has jurisdiction and/or regulatory power over the operation of the waterworks and sanitary sewer system.

Service. The receipt of waste water from a customer, including any and all acts done, rendered or performed in the treating, processing, storage, transmission or discharging of waste water by the city.

Water Review Board. A board consisting of one (1) city council member appointed by the city council, the

director/manager of the waterworks and a private citizen selected by the city council. The city council member shall chair all meetings of the board and submit minutes and findings to the city council. The board shall review customer complaints and requests as specified in these service rules and regulations.

Sanitary Sewer System. The system of reservoirs, holding tanks, properties, facilities mains, or pumping treatment equipment owned, operated or maintained by the city, now or in the future whereby waste water is collected, treated and discharged by the city.

§11.402 GENERAL PROVISIONS

(a) Statement of Organization. The waterworks and the sanitary sewer system of Willow Park, Texas, is a municipal utility organized under the laws of the State of Texas for the purpose of providing water or waste water utility services to the public. The municipal utility operating policies, rates, tariffs and regulations are formulated and effected in accordance with the rules, regulations and procedures of the city council of the City of Willow Park, Texas, and other regulatory agencies.

(b) Statement of Non-Discrimination Policy. Service is rendered to all applicants within the city's service area who comply with the provisions of this section regardless of race, color, creed, sex, marital status or national origin.

§11.403 RATE SCHEDULE FOR WASTE WATER SERVICE

The rate schedule for waste water service shall be as set forth in the fee schedule found in Appendix A of this Code.

§11.404 SERVICE RULES AND REGULATIONS

(a) Application for Service. All applications for service will be made on the city's standard application and will be signed by the applicant before waste water service is supplied by the city. A separate application will be made for each service at each separate location, for homes or single business units or for apartments or multiple business units.

(b) New Taps and Service

(1) City Sanitary Sewer Main in Place Abutting User Property. After proper application is made by the applicant, the city shall install a standard connection at the property line as determined by the city no more than ten feet (10') in distance from the existing main, unless customer agrees to pay the additional extension of the service line.

(2) City Sanitary Sewer Main Not on or Abutting User Property (Existing Subdivisions). In the event an applicant desires waste water service to property which does not currently have city mains in place, the applicant shall pay the applicable tap fee and deposit. Any facilities so provided shall be the property of the city and installed at the sole discretion of the City.

(c) Installation. The piping and other equipment past the outlet flange of the meter or connection point, furnished by the customer and on the customer's property, will be maintained by the customer at all times in conformity with the requirements of the City of Willow Park and with the service rules and regulations of the city. The customer will extend his service line to his property boundary at a point nearest the city's existing meter or connection point.

(d) Access to Premises. The city will have the right of access to the customer's premises and property at all reasonable times for the purpose of installing, inspecting or repairing mains or other equipment used in connection with its provision of waste water service, or for the purposes of removing its property and disconnecting lines and for all other purposes, to protect the health and welfare of its customers.

(e) Rates. The customer will be billed monthly for all waste water accepted by the sanitary sewer system at applicable rates as set forth herein in Appendix A of this Code.

(f) Refusal of Service. The city may decline to provide service to an applicant until such applicant has complied with the state and municipal regulations and approved rules and regulations of the sanitary sewer system, on file with the city, governing the services applied for or for the below listed reasons. In the event that the city shall refuse to serve an applicant under the provisions of these rules, the city must inform the applicant of the basis of its refusal and that the applicant may file a complaint with the water review board. Applicant may appeal the decision of the water review board to the city council. Service by the

city may be refused for:

(1) Applicant's facilities inadequate: If the applicant's installation or equipment is hazardous or of such character that satisfactory service cannot be given;

(2) For indebtedness: If the applicant is indebted to any utility for the same kind of service as that applied for, provided, however, that in the event the indebtedness of the applicant for service is in dispute, the applicant may appeal to the water review board. The applicant shall be served if so directed by the board;

(3) Refusal to make deposit: For refusal to make a deposit if applicant is required to make a deposit under these rules;

(4) Delinquency in payment for service by the applicant at the same or different location;

(5) Failure to pay for merchandise or charges for non-utility service purchased from the city;

(6) Failure to pay a bill to correct previous underbilling due to misapplication of rates up to six (6) months prior to the date of the application.

(g) Discontinuance of Service

(1) The due date of the bill for utility service shall be sixteen (16) days after the date of issuance. A bill for utility service is delinquent if unpaid by seven (7) days after the due date. The postmark, if any, on the envelope of the bill, or an issuance date on the bill, if there is no postmark on the envelope, shall constitute proof of the date of issuance. If the due date falls on a holiday or weekend, the due date for payment purposes shall be the next work day after the due date.

(2) A customer's utility service may be disconnected if the bill has not been paid or a deferred payment agreement entered into within twenty-three (23) days from the date of issuance and if proper notice has been given. Proper notice shall consist of a separate mailing or hand delivery at least seven (7) days prior to a stated date of disconnection, with the words "termination notice" or similar language prominently displayed on the notice. The information included in the notice shall be provided to adequately inform the customer. If mailed, the disconnection date may not occur on a holiday or weekend, but shall occur on the next work day after the expiration of the seven day notice period.

(3) A customer who issues the utility a check in payment of service, or for any other reason, which is returned for insufficient funds or is invalid, or not negotiable for any other reason, may have the service disconnected. Customer will be notified by mail (with two (2) business days allowed for receipt) or telephone. Service will be disconnected seven days after notification unless the bill, late charges and related fees are paid. All disconnect fees, service fees due, reconnect fees and a return check charge must be paid prior to service being reconnected:

Example:

Monthly Service	$ 45.06
Late Fee	$ 2.25
Disconnect Fee	$ 23.37
Reconnect Fee	$ 23.37
Return Check Fee $ 15.00	
	$109.05

(4) Utility service may be disconnected seven days after written notice for any of the following reasons:

(i) Failure to pay a delinquent amount for sanitary sewer service or failure to comply with the terms of a deferred payment agreement;

(ii) Violation of the city's rules pertaining to the use of service in a manner which interferes

with the service of others or the operation of nonstandard equipment;

(iii) Failure to comply with deposit or guarantee arrangements where required;

(iv) Tampering with the sanitary sewer meter or equipment or bypassing the same; and

(5) Utility service may be disconnected without notice where a known dangerous condition exists for as long as the condition exists; or where 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.

(6) Sanitary sewer service may not be disconnected for failure to pay charges arising from an underbilling occurring due to any misapplication of rates more than six (6) months prior to the current billings (underbillings will be paid at next billing).

(7) Unless a dangerous condition exists, or unless the customer requests disconnection, service shall not be disconnected on a day, or on a day immediately preceding a day, when personnel of the utility district are not available to the public for the purpose of making collections and reconnecting service.

(h) Deferred Payment Plan. It shall be the policy of the utility to work with customers when hardship cases exist. The director/manager of the utility shall offer, upon written request, a deferred payment plan to any customer who has demonstrated an ability to pay a reasonable portion but not all of his/her bill, if that customer has not previously been delinquent at any time during the preceding twelve (12) months. Such a deferred payment plan shall not exceed two (2) equal monthly payments which are additive to the cost of services for each of the next two (2) months. Customers with hardships which exceed these guidelines or whose request is denied by the director/manager may appeal to the Water Review Board.

(i) Applicant Deposit. The sanitary sewer system requires a deposit from each applicant for waste water service, in a sum reasonably related to anticipated usage.

(1) Establishment of Credit for Permanent Residential Applicants.

(i) The utility may require a residential applicant for service to satisfactorily establish credit, but such establishment of credit shall not relieve the customer from complying with rules for prompt payment of bills;

(ii) Subject to these rules, a residential applicant shall not be required to pay a deposit: If the residential applicant has been a customer of any utility for the same kind of service within the last two (2) years and was not delinquent in the payment of any such utility service account during the last twelve (12) consecutive months of service and has not had more than one (1) occasion where a bill for such utility service was paid after becoming delinquent and never had service disconnected for nonpayment.

(2) Re-establishment of Credit. Every applicant who was previously a customer of the city and whose service was disconnected for failure to pay a bill or meter tampering or bypassing of meter shall be required before service is rendered to pay all amounts due the utility and re-establish credit as provided in §11.404(i)(2), plus pay a deposit as stipulated in §11.404(i).

(i) In cases of meter tampering or bypassing of meter, waste water discharged by the customer, but not metered, may be estimated by the utility based on amounts used under similar conditions during preceding billing periods. Where no previous usage history exists or is considered unreliable due to

meter tampering or bypassing of meter, discharge may be established on the basis of levels of similar customers and under similar conditions.

(ii) The utility will charge for all labor, material and equipment necessary to repair or replace all equipment damaged due to meter tampering or the bypassing of a meter. The charge for the tampering, bypassing or equipment damage will be two hundred dollars ($200.00), or actual costs, whichever is greater.

(3) Exemption From Deposit For Homestead Service. All applicants for permanent, residential (where residence claimed as Homestead for ad valorem tax purposes) service who are sixty-five (65) years of age or older will be considered as having established credit if such applicant does not have an outstanding account balance with the utility, or another utility, for the same utility service which has accrued within the last two (2) years. No cash deposit shall be required of such applicant under these conditions;

(4) Refund of Deposits. Deposits will be refunded upon application tendered after disconnection of services and payment of all sums owed on the account for which a refund of deposit is requested.

(j) Billing

(1) Bills for waste water service shall be rendered monthly unless otherwise authorized by the city, or unless service is terminated before the end of a billing cycle. Service initiated less than one (1) week before the next billing cycle may be billed with the following month's bill. Bills shall be rendered as promptly as possible following the reading of meters.

(2) The customer's bill shall show all the following information, if applicable:

(i) If the meter is read by the utility, the date and reading of the meter at the beginning and at the end of the period for which the bill is rendered;

(ii) The number and kind of units metered;

(iii) The applicable rate schedule title or code;

(iv) The total amount due for water and/or waste water service;

(v) The due date of the bill;

(vi) A distinct marking to identify an estimated bill;

(vii) Late charges applied if paid after the sixteenth (16th) day from the date of issuance billling; and

(viii) Late charges not paid from previous bills.

(3) When there is good reason for doing so, estimated bills may be submitted provided that an actual meter reading is taken every six (6) months. In months where the meter reader is unable to gain access to the premises to read the meter on a regular meter reading trips, or in months where meters are not read, the utility may provide the customer with a postcard and request the customer to read the meter and return the card to the utility. If such postcard is not received by the utility in time for billing, the utility may estimate meter reading and render bill accordingly.

(k) Meters

(1) Master Requirements

(i) Use of meter. All waste water received by the sanitary sewer system shall be charged for based on meter measurements

of water consumption for the identical service period, except where otherwise provided for.

(ii) Where Water is Unmetered. For premises which have a source of water other than city water system, where the spent or used water from which goes into the city wastewater collection system, the customer shall pay, according to the wastewater schedule, based upon an estimate of the amount of water going into the wastewater collection system. In the event of a disagreement as to the amount of such water reaching the wastewater collection system, then a metering device or devices as provided by this section shall be installed by the customer to determine that amount.

(iii) Installation of Meter. Unless otherwise authorized by the council, the customer shall provide and install at the customer's expense and shall continue to own and maintain all meters necessary for the measurement of waste water discharged by the customer into the sanitary sewer system.

(iv) Standard Meter Type. The customer shall not furnish, set up or put in use any meter which is not reliable and not of a type which meets industry standards and must be acceptable to the utility; provided, however, special meters not necessarily conforming to such standard types may be used for investigation or experimental purposes.

(2) Meter Records. The utility shall keep the following records:

(i) Meter Equipment Record. Each utility shall keep a record of all meters used, showing the customer's address, account number and date of the last test.

(ii) Records of Meter Tests. All meter tests shall be properly referenced to the meter record provided for herein. The record of each test made on customer's premises or on request of a customer shall show the identifying number and constants of the meter, the standard meter and other measuring devices used, the date and kind of test made, by whom made, the error (or percentage of accuracy) at each load tested, and sufficient data to permit verification of all calculations.

(3) Meter Readings

(i) Meter Unit Indication: In general, each meter

shall indicate clearly the gallons or other units of water or waste water service for which charge is made to the customer.

(ii) Reading of Meters: As a matter of general practice, service meters shall be read at monthly intervals, and as nearly as possible on the corresponding day of each meter reading period, but may be read at other than monthly intervals if the circumstances warrant.

(4) Meter Tests on Request of Customer. The utility shall, upon the request of a customer, make (without charge, if defective) a test of accuracy of the customer's meter by a certified testing laboratory. The charge for meter testing, if the meter is found to be operating properly as defined by the accuracy standards established by the American National Standards Institute or the American Water Works Association shall be as specified in §11.404. Following the completion of any requested test, the utility shall promptly advise the customer of the date of removal of the meter, the date of the test, the result of the test, and who made the test. Records of the tests and results shall be maintained by the utility and shall be available for customer review.

(5) Bill Adjustment Due to Meter Error. If any meter is found to be outside of the accuracy standards established by the American National Standards Institute, Incorporated, or the American Water Works Association, proper correction shall be made of the previous readings for the period of six (6) months immediately preceding the removal of such meter from service for test, and adjusted bills shall be rendered. No refund is required from the utility except to the customer last served by the meter prior to the testing. If a meter is found not to register for any period, unless bypassed or tampered with, the utility shall make a charge for units used, but not metered, for a period not to exceed six (6) months based on amounts used under similar conditions during period preceding or subsequent thereto, or during corresponding periods in previous years.

§11.405 EXTENSION POLICY

Contributions in aid of construction shall not be required of individual residential customers for production, storage, treatment or transmission facilities, except that developers of property to be ultimately subdivided into five (5) or more serviceable lots, whether in one or multiple phases, may be required to provide contributions in aid of construction in an amount necessary to provide for the entire development facilities compliant with the Texas Department of Health, city ordinances or other federal, state or local regulatory authority. The contribution shall be sufficient to meet the minimum design criteria for production, storage, treatment or transmission facilities as required by the entire development. The city may require developers to install facilities which exceed the minimum requirements for certain subdivisions. Such additional requirements will be based on a city master plan and shall be coordinated with the developer and with the city engineering public works director and the planning and zoning committee. The city shall reimburse the developer or share in the cost of facilities to the extent of added cost of such added requirements or provide an amount agreed to. This policy shall be consistent and applied in a nondiscriminatory manner.

SECTION 7. SEVERABILITY

If for any reason any section, paragraph, subdivision, clause, phrase or provision of this Ordinance shall be held invalid, it shall not affect any valid provisions of this or any other Ordinance of the City of Willow Park to which these rules and regulations relate.

SECTION 8. EFFECTIVE DATE

This Ordinance shall take effect from and after its publication one time in the official publication of the City of Willow Park, Texas which publication shall contain the captions stating in substance the purpose of the ordinance and reciting the penalty provision of the ordinance.

PASSED AND APPROVED this 18th day of April, 2000.

/s/ Les Cooley
Mayor

ATTEST:

/s/ Hetty Haggard
City Secretary/Clerk

APPROVED AS TO FORM:

/s/_____
City Attorney

The Willow Park City Council in acting on Ordinance No. 454-00, did on the 18th day of __April_ 20000 vote as follows:

	FOR	AGAINST
Les Cooley, Mayor	_____	_____
Gene Martin, Place 1	__x__	_____
Sam Bertling, Place 2	__x__	_____
Jim Davis, Place 3	__x__	_____
Doral Risch, Place 4	__x__	_____
Gerald Liepert, Place 5	_x___	_____