

ORDINANCE 2023-05
CITY OF BELLMEAD

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLMEAD, TEXAS, CREATING POLICY AND PROCEDURES FOR UTILITIES UNDER CHAPTER 22, ARTICLE I. IN GENERAL, AMENDING ARTICLE II. MUNICIPAL WATER SYSTEM, AND ADOPTING ARTICLE V. WATER AND SEWER RATES AND COLLECTION; RESCINDING ORDINANCES, RULES, AND POLICIES IN CONFLICT; ADOPTING UTILITY SERVICE REGULATIONS FOR UTILITY SERVICES PROVIDED BY THE CITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, this ordinance incorporates statutory requirements and current procedures;

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

Chapter 22 UTILITIES

ARTICLE I. IN GENERAL

Sec. 22-1. Policy on methods of sewage disposal.

- (a) It shall be unlawful to dispose of any human excreta within the city except in a sanitary water flush closet connected to the city sanitary sewer system or to a septic tank meeting the McLennan County Health District requirements or a chemical toilet or concrete vault toilet according to the specifications of the state department of health.
- (b) The minimum lot size for septic tank or similar sewage disposal facility shall be one (1) acre provided the septic tank and lateral lines must be placed a minimum of one hundred (100) feet horizontal distance and two (2) feet vertical distance from any one-hundred-year flood plain as defined by the most current FEMA Study indicating One-Hundred-year Flood Plains for McLennan County.
- (c) This shall be effective within the extraterritorial jurisdiction of the city.

Sec. 22-2. Connections.

- (a) All primary use structures shall be connected to city water and sewer utilities, except:
 - (1) Where sanitary sewer is not within five hundred (500) feet of an existing structure or an existing lot of record or building lot, but water mains are in place, and where an alternative wastewater disposal system is permitted by the McLennan County Health Department the requirement for connection to sewer will be waived. In the event a sanitary sewer main is constructed to within two hundred (200) feet of said property, the city reserves the right to require connection to the main. This exception shall not apply to new subdivisions or existing platted subdivisions where the usual utility and street facilities have not been constructed.
- (b) Connections will not be made outside the city 's incorporated boundaries.

Sec. 22-3. Connection to public sewer when available.

Every building intended for human habitation or occupancy abutting on a street or alley in which there is a public sewer or which is within two hundred (200) feet of a public sewer shall be connected to the sewer by the owner of the premises in the most direct manner possible and with a separate connection for each house or building.

Sec. 22-4. Application for service.

Persons desiring connection to the city water or sewer system shall:

- (1) Make application to the city for service;
- (2) Provide information as may be required by the city;
- (3) Pay to the city a tapping fee, if one is required; and,
- (4) Make the required deposit. (5) Reside within the city.

Sec. 22-5. Connection to service.

Only city employees and their agents, persons, or firms under contract with the city and persons or firms who have written permission from the city water and sewer department shall be allowed to make connections to city water and/or sewer services.

Sec. 22-6. Suspension of service by city.

When a hazardous or unwarranted breach of service occurs on the customer side of the point of delivery, and such event serves to jeopardize service to other customers in the system, the City reserves the right to suspend customer service without notice, until such situation is corrected. The city shall not be liable for any damage caused by the interruption of service pursuant to this section.

Sec. 22-7. Discontinuance of service by city.

Utility service may be disconnected for all a customer's accounts for any of the following reasons:

- (a) Failure to pay one or more utility bills
- (b) Returned checks, credit card payments, money orders, etc.
- (c) Violation of city utility regulations or ordinances
- (d) Violation of TCEQ guidelines
- (e) Theft of service
- (f) Failure to discontinue or correct a known dangerous or unwarranted condition
- (g) Failure or refusal to provide reasonable access to utility meters

Sec. 22-71. Temporary discontinuance of service by city.

The city reserves the right to temporarily discontinue water service without notice for the purpose of making repairs, system modifications and doing maintenance and in case of an emergency. The city shall not be liable for any damage caused by the interruption of service pursuant to this section.

Sec. 22-72. Discontinuance of service at request of customer.

Persons wishing to have city water or sewer services discontinued shall give notice to the city. Until such notice is received, such persons shall be liable and responsible for the charges related to such services.

Sec. 22-8. Separate meters required.

- (a) Separate water meters for each separate residence not divided into multi-family dwelling units are required.
- (b) Separate water meters shall also be required in each multi-family dwelling unit unless the owner of such unit makes a deposit for and assumes all liability for water and sewer services furnished to such multi-family units. The minimum monthly charge for multi-family dwelling units shall never be less than the minimum residential charge times the number of units.
- (c) Separate water meters for each commercial or industrial establishment.
- (d) Preexisting multiple occupant commercial buildings may be master metered if the building owner assumes all liability for water and sewer services furnished to each unit. The minimum monthly charge for the multi-occupant building shall never be less than the minimum commercial charge times the number of units.

Sec. 22-9. Fire prevention service lines

Any person desiring a fire protection line shall cause a separate water line to be installed on premises. The fire line shall be sized as required by the standards of NFPA 24 and the City's ordinances. The fire marshal for the city must inspect and approve all fire lines. Any person wishing to connect a fire line to the City's water system shall cause an appropriate fire line tap to be installed. In addition to any tapping charges for the fire line, the city shall also apply a fire line demand charge.

Sec. 22-10. Extension of lines.

- (a) New water or sewer lines that need to be constructed will be constructed by the city and shall be built at the customer's expense.
- (b) Any water or sewer line extended shall be sufficiently sized to provide adequate service to the customer, but in no case shall be less than six (6) inches inside diameter. If it should be the decision of the city to oversize a water or sewer line, it shall be the responsibility of the city to pay the difference between the size necessary and the size required.

Sec. 22-11. Sewer cleanouts required.

A sewer "cleanout" shall henceforth be required in the following instances:

- (1) In new subdivisions, or in any extensions of existing subdivisions, the developer shall construct a sewer cleanout as a part of the laid in place tap;
- (2) In existing subdivisions where laid in place taps have already been constructed, new customers shall construct a cleanout at the tap at the time of connection to the tap;

- (3) Any case in which a sewer tap is constructed at the direction of the city, a cleanout shall be added as a part of the tap, at the tap;
- (4) Any case in which an existing customer service line is replaced, a cleanout shall be constructed between the city sewer line and the customer property line.

Sec. 22-12. Miscellaneous standards.

- (a) The director of public works shall determine the length, type, size and location of all water and sewer lines, and shall be responsible for the enforcement of the provisions of this chapter.
- (b) All water and sewer lines shall become the property of the city upon acceptance by the city.
- (c) Location of water meters shall be on public property or public right-of-way adjacent to the street or alley nearest to the water main being served from, as directed by the director of public works. This provision may be waived by the director of public works if the best interests of the city will be served.

Sec. 22-13. Unlawful acts.

Unless specifically permitted by virtue of this chapter, or unless written permission is granted by an appropriate city official, it shall hereafter be unlawful for any person to do any of the following acts:

- (1) Make connection to the city water and/or sewer system in any manner;
- (2) Open any fire hydrant or stopcock connected to the city water system, or receive water from the same, except in case of fire or emergency;
- (3) Place any obstruction within fifteen (15) feet in either direction of a fire hydrant;
- (4) Secure or receive the benefit of city water or sewer service in any manner contrary to city regulations;
- (5) Sell or supply water to other persons;
- (6) Trespass upon any portion of a city water storage tank or disposal plant, or the city owned area on which the same are located;
- (7) Interfere with, tamper with, remove or vandalize in any manner, any device, fixture, or apparatus pertaining or related to, directly or indirectly, the city water or sewer system, including but not limited to any reservoir, tank, fountain, stopcock, valve, hydrant, meter, pipe, manhole or lift station. In the event any such device, fixture or apparatus is found to have been interfered with, tampered with, removed or vandalized tending to show or evidencing that any such act or acts have been committed or performed in violation of any portion or provision of this chapter, the same shall be and constitute prima facie evidence and rebuttable evidentiary presumption of knowledge on the part of the person having subscribed for sewer or water service through any such device, fixture or apparatus, or the person having the custody, control, or management of the place for which such subscription is made, of the performance or commission of any such act or acts prohibited under the terms and provisions of this subsection, that such subscriber or other person performed or committed such act or acts or caused or

occasioned the performance or commission of the same, and shall bring such subscriber or other person prima facie with the scope, meaning and penalties hereof.

ARTICLE II. MUNICIPAL WATER SYSTEM

DIVISION I. GENERALLY

(Code 1972, § 21-1; Ord. No. 2001-011, § 1, 9-11-01; Ord. No. 2015-001, 2-10-2015; Ord. No. 2019-09, 9-10-2019)

Sec. 22-27. Acquisition of water control district; adoption of statute.

The provisions of V.T.C.A., Local Government Code § 43.075, as amended, are hereby made applicable to the city, and the provisions thereof shall be applicable to the city and to McLennan County Water Control and Improvement District No. 3.

(Code 1972, § 21-2)

ARTICLE V. WATER AND SEWER RATES AND COLLECTION

DIVISION I. GENERALLY

Sec. 22-157. Deposits required.

- (a) Each application for city-provided utility services shall be accompanied by a deposit to secure prompt and full payment for city utility services. Deposits will be required for all customers in the appropriate amounts which are set out in Appendix B - Fee Schedule.
- (d) If an existing account which has no deposit or a deposit less than the prevailing amount which is on file with is set out in Appendix B - Fee Schedule, is subject to disconnection for failure to pay an outstanding city utility bill, the user shall be required to make/increase a deposit to the amount which is set out in Appendix B - Fee Schedule before service is reestablished.
- (c) Transfers of service will not be construed as new applications for service, and therefore will not affect the deposit for an account.

Sec. 22-158. Tapping fees.

- (a) There shall be a tapping fee for each water tap made into the city water system, the amount of which will be dependent upon the size, location, and type of tap made. The fee schedule for water taps is set out in Appendix B - Fee Schedule.
- (b) There shall be an inspection fee and/or tapping fee for each sewer tap made into the city sewer system, the amount of which will be dependent upon the size, location and type of tap made. The fee schedule for sewer taps and inspections is set out in Appendix B - Fee Schedule.

- (c) For water taps larger than four (4) inches and for sewer taps larger than six (6) inches, the prospective customer may, with the approval of the director of public works, use a private contractor for these connections.
- (d) Laid in place tap is defined as a customer's service connection to a utility main constructed at the time the utilities and public facilities were constructed in the development by the developer and is clearly located on as-built plans and on the ground.

Sec. 22-159. Meter rereads.

A customer may have a meter reread upon written request to the city water and sewer department.

Sec. 22-160. Reconnect charges.

If a meter is disconnected for any reason other than repair or maintenance by the city, a reconnect charge which is set out in Appendix B - Fee Schedule shall be added to the customer's account.

Sec. 22-161. Transfers of service.

Customers requesting a transfer of service to a new address shall pay a transfer fee which is set out in Appendix B - Fee Schedule.

Sec. 22-162. New service fee.

When applying for an initial new service, a new service fee, which is set out in Appendix B - Fee Schedule, will be charged.

DIVISION 2. WATER RATES

Sec. 22-173. Water rates within the city.

(a) The water rates for customers within the city are set out in Appendix B - Fee Schedule.

Sec. 22-174. Water and sewer rates outside the city.

New water and sewer connections outside city limits are not allowable; however, where service is already provided it shall be at the rate set out in Appendix B - Fee Schedule .

Sec. 22-175. Meter malfunction.

If a water meter malfunctions or fails to register, the customer shall be charged a rate for that month equal to their average monthly bill over the past six (6) months.

Sec. 22-176. Leak rates.

- (a) If a leak occurs between the meter and the residence or place of business, the customer may be eligible for a reduced rate, or leak rate. The leak rate is the lowest water and sewer rate per the customer's class available per Appendix B - Fee Schedule.
- (b) In order to be eligible for the "leak rate," the customer must make a written application to the city director of finance and show proof that there was in fact a leak and that it has been repaired. The decision as to whether the customer shall be eligible shall be at the discretion of a committee composed of the director of finance, director of public works and city manager, or their designees. The decision of this committee shall be final.

DIVISION 3. SEWER CHARGES

Sec. 22-193. Alternate water source.

- (a) In the event a private water source is used by a customer, the city at its option may require either or both of the following methods to determine the amount of discharge into the city sewer system:
 - (1) A meter on the private water supply, operable at all times, such meter to be approved by the city and available for inspection and reading by the city during normal business hours; and/or
 - (2) A metering system to determine the customer's discharge into the city sewer system.
- (b) The amount of discharge into the system and/or the amount of water supplied by the customer shall then be included in the formula determining the customer's sewer charge.
- (c) No private wells shall be authorized in the city.

Sec. 22-194. Sewer rates.

- (a) The sewer rates for customers within the city are set out in Appendix B - Fee Schedule.

Sec. 22-195. Industrial sewer rate cost determination.

At such time as an industry files a written request proposing discharge of industrial waste into the city sewer system, requirements of Public Law 92-500 relating to recovery of operation and maintenance costs (industrial user charge system) and to the recovery of federal grant funds (industrial user charge system) and to the recovery of federal grant funds (industrial user recovery system) shall be developed and submitted to the regional administrator of the Environmental Protection Agency for approval prior to adoption.

DIVISION 4. COLLECTION AND ENFORCEMENT

Sec. 22-207. Payment due date and collection of delinquent accounts.

- (a) *Cycle 1 Billing.* All charges for city-provided utility services shall be due and payable on the first day of the month, or on the next succeeding working day if the first falls on a non- city workday. All charges not paid by the due date shall be considered delinquent.
- (b) *Cycle 2 Billing.* All charges for city-provided utility services shall be due and payable on the fifteenth day of the month, or on the next succeeding working day if the 15th falls on a non-city workday. All charges not paid by the due date shall be considered delinquent.
- (c) *Penalty for late payment.* All charges not paid by the due date of the bill shall be considered delinquent and a late charge, which is set out in Appendix B - Fee Schedule shall be added to the customer's account.
- (d) *Bills not received.* Failure to receive a statement of charges by postal mail or otherwise shall not excuse late payment.

Sec. 22-208. Returned payments.

A penalty in the amount which is set out in Appendix B - Fee Schedule shall be charged and added to each bill for payment of which a check, credit card, money order, etc. is given and the drawee bank returns the item unpaid.

Sec. 22-209. Responsibility for payment when no deposit made.

If a customer obtains city-provided utility services without making application for such services or remains in a place where service is provided after the person who made the deposit for such service has vacated, the customer shall be liable for such services from the date of last reading prior to his occupying the premises or prior to the person who made the deposit vacating the premises, as the case may be.

Sec. 22-210. Deferred payment plan.

The city 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 more than two disconnection notices at any time during the preceding 12 months. A deferred payment plan is to be paid separately from the customer's regular monthly billing and shall carry interest at a rate of 10% simple interest per annum.

Sec. 22-211. Disconnection for nonpayment.

- (a) If a customer fails to pay any bill for city-provided utility services including, but not limited to, water, sewer, drainage, or garbage bill or any portion thereof together with any unpaid or delinquent charges and fees due, the city water and sewer department is hereby authorized and directed to terminate utility services to such customer.
- (b) The following procedures shall be followed prior to any disconnection:

- (1) Service shall not be terminated unless and until a customer is given at least seven (7) days' notice of the termination and of his right to a hearing to protest the termination of the service or any portion of the statement. The customer shall also be advised of the hearing process in the notice.
- (2) Any customer desiring to protest the termination of service or any portion of the statement may informally appeal to the director of finance or his designee either in person or by phone before the service is terminated. If the problem is not resolved informally, the customer has a right to a formal hearing before a hearing board composed of the director of finance, director of public works and the city manager, or their designees.
- (3) The customer may request a formal hearing by filing a written request with the city clerk's office within forty-eight (48) hours of the informal decision. No formal hearing may be had where the sole complaint is that the customer is financially unable to pay the bill and there is no dispute as to the accuracy of the statement or the customer's liability thereof. A payment equal to the customer's average monthly usage at current rates must be received by the city, prior to the date of proposed termination of the service, to prevent discontinuance of service.
- (4) The formal hearing shall be held within five (5) working days from the date of the request. The board's decision is final. If any formal hearing request is deemed frivolous or not bona fide by the board, the board may assess the cost of the formal hearing process on the customer who initiated such formal hearing. Hearing costs shall be determined by the board but shall not exceed thirty dollars (\$100.00). A majority vote of the board members shall be required for any decision. If a board member is disqualified for any reason to sit in a hearing request, the remaining members shall appoint a qualified representative.

Sec. 22-212. Service discontinued until delinquencies paid.

If a customer is delinquent at one (1) location, he shall not be furnished service at a subsequent location until all delinquencies and past due charges are paid in full.

Sec. 22-213. Lien against real property of all customers purchasing utility service from city.

- (a) Pursuant to V.T.C.A. Local Government Code, § 552.0025, the City of Bellmead shall perfect a lien on the real property of any real property owner that fails to pay for city provided utility services, including but not limited to water, waste water treatment, and solid waste collection, after receiving thirty (30) days written notice of the city's intent to perfect said lien unless the customer pays for said services.
- (b) Said lien for delinquent utility bills, shall not apply to any category of real property owner specifically exempted from such a lien pursuant to the provisions of V.T.C.A. Local Government Code, § 552.0025, including:
 - (1) Homestead property;
 - (2) Property on which service was connected in a tenant's name after notice by the property owner to the City of Bellmead that the property is rental property;

- (3) Property on which service was connected in a tenant's name prior to the effective date of the ordinance from which this section is derived.
- (c) The City of Bellmead's lien for delinquent utility bills shall be perfected by filing in the real property records of McLennan County, Texas a notice of lien containing the legal description of the property and the account number for the delinquent charges. Said lien may include penalties, interest, and collection costs, and will be released when said lien is satisfied and paid in full. Interest shall accrue on the lien at the rate of ten (10) percent per annum, beginning on the date that the lien is perfected.

(Ord. No. 2019-13, §§ 1—3, 1-14-2020)

SECTION 2

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 3

That should any section or part of any section, paragraph, or clause of this ordinance be declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, force, or effect of any section or sections or part of a section or paragraph of this ordinance.

SECTION 4

That the Code of Ordinances of the City of Bellmead, Texas as amended shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5

The above changes will become effective upon final reading and approval.

PASSED AND APPROVED ON FIRST READING JUNE 13, 2023.

PASSED AND APPROVED ON SECOND READING AUGUST 8, 2023.

PASSED AND APPROVED ON THIRD AND FINAL READING AUGUSTS 8, 2023.

THE CITY OF BELLMEAD, TEXAS

BY: 
Mayor



ATTEST:



Holly Owens, City Secretary

APPROVED AS TO FORM & LEGALITY:



City Attorney



One Meter per Residence Requirements

It is important for water customers to receive a continuous and adequate supply of water. It is equally important for retail public utilities to have adequate measures in place to help ensure that each water customer receives an adequate supply of water that is protected from contamination from external sources. To help achieve this, rules have been written for the protection of both the customer and the utilities that call for one meter per residence or per commercial connection. The following are excerpts from TCEQ rules. The numbers and letters in brackets indicate where these rules can be found in the Texas Administrative Code (30 TAC).

These rules apply to public water utilities:

One meter is required for each residential, commercial, or industrial service connection. An apartment building or mobile home park may be considered by the utility to be a single commercial facility for the purpose of these sections. The executive director may grant an exception to the individual meter requirement if the plumbing of an existing multiple use or multiple occupant building would prohibit the installation of individual meters at a reasonable cost or would result in unreasonable disruption of

the customary use of the property. [291.89(a)(4)]

Use of meter. All charges for water service shall be based on meter measurements, except where otherwise authorized in the utility's approved tariff. [291.89(a)(1)]

These rules apply to retail public utilities and public water systems:

Each community public water system shall provide accurate metering devices at each service connection for the accumulation of water usage data. [290.44(d)(4)]

Connection - A single family residential unit or each commercial or industrial establishment to which drinking water is supplied from the system. [290.38]

Questions? Contact the Consumer

Assistance group, Water Supply Division, at 512-239-4691 (fax, 512-239-6145) or by mail at this address:

Consumer Assistance MC 153

TCEQ

PO Box 13087

Austin TX 78711-3087



Regular 8/08/2023

Item # 11A

CCM/O 2023-05

CITY COUNCIL MEMORANDUM FOR ORDINANCE

Prepared By: Karen Evans

Approval: Yost Zakhary

Utilities

DESCRIPTION:

Consider **Ordinance 2023-05**; Creating Policy and Procedures for Utilities under Chapter 22, Article I. in General, amending Article II. Municipal Water System and adopting Article V. Water and Sewer Rates and Collection; rescinding ordinances, rules, and policies in conflict; Adopting Utility Service Regulations for utility services provided by the city; and establishing an effective date. **Second and Third Final Reading**

BACKGROUND:

City staff reviewed the utilities ordinance and have attached recommended updates to incorporate statutory requirements and current procedures. The recent automated metering infrastructure project and increased code compliance efforts have identified several issues that need to be addressed via ordinance to include:

- Multiple single-family residences utilizing one meter – violation of state law
- Old yard lines with leaks – leak rate definition
- Lack of water/sewer capacity necessitates moratorium on outside city connections
- Tampering defined
- Establishes requirement for sewer cleanouts going forward
- Establishes requirement to pay past due bills before obtaining additional services
- Establishes requirement to update deposit (if one is not on file) if subject to disconnection prior to having service reinstated.
- Establishes process to request a deferred payment plan and parameters for eligibility.

FISCAL IMPACT or FUNDING SOURCE:

NA

RECOMMENDED MOTIONS:

Staff recommends Creating Policy and Procedures for Utilities under Chapter 22, Article I. in General, amending Article II. Municipal Water System and adopting Article V. Water and Sewer Rates and Collection; rescinding ordinances, rules, and policies in conflict; Adopting Utility Service Regulations for utility services provided by the city; and establishing an effective date.

ATTACHMENT(S):

Ordinance
One Meter Rule