

**ORDINANCE # 2016-009**  
**Water and Sewer Ordinance**

**AN ORDINANCE OF THE CITY OF BELLS, TEXAS ESTABLISHING WATER AND SEWER RATES, WATER METER DEPOSITS, WATER AND SEWER CONNECTION FEES, WATER AND SEWER MAINTENANCE FEES, TRASH REMOVAL, GARBAGE RATES, AND PROVIDING FOR THE ADDITION OF STATE MANDATED SALES TAX TO THE GARBAGE PORTION FOR INTEREST PENALTIES, RE-CONNECTION CHARGES, AND TRANSFER FEES, RETURNED CHECK FEES AND PROVIDING A PENALTY FOR VIOLATIONS.**

**NOW THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLS, TEXAS:**

**SECTION 1                    REPEAL OF PREVIOUS ORDINANCES AND REGULATIONS**

All other ordinances and/or regulations governing City of Bells water, trash and sewer service in conflict with this ordinance are hereby repealed when this ordinance takes effect, provided, however, the repeal of prior ordinances does not waive, excuse, or vacate any balances due for water services provided hereunder and the City may collect such balances due.

**SECTION 2                    DEFINITIONS**

*Customer.*                    Person responsible for payment and any/all service changes or requests.

*Utility service.*            Includes water service, sewer service and garbage/trash services as provided by the City of Bells.

**SECTION 3                    WATER AND SEWER SYSTEMS**

1. The water system and sewer system are public utilities operated and maintained by the City of Bells. The systems shall be operated in accordance with ordinances and policies adopted by the City of Bells, state law, and/or federal law. Subject to such requirements, the Mayor may make such reasonable regulations as to govern the water and sewer systems to ensure their continued operation.

**SECTION 4                    APPLICATION FOR UTILITY SERVICE**

Utility service will be charged to all customers. Customers that have an aerobic septic system will provide proof of that system and installation before service is turned on. Any person and/or business required to or desiring to obtain utility service from the City

of Bells shall make application on a form supplied by the city and provide a copy of a picture ID.

## **SECTION 5                   INSTALLATION OF SERVICE**

1. No private service lines shall be connected or tapped to any city water line unless a meter is installed by the city at that connection.
2. No private service lines shall be connected to any city sewer line unless the connection/tap has been made and/or approved by the city.
3. Not more than one (1) premise may be connected to any one (1) water and/or sewer tap. Exceptions may, however, be granted to this stipulation for situations involving a master meter to serve apartment complexes, mobile home parks, etc.
4. No person shall make or permit to be made any subsidiary connection of another's premises with his/her utility service.

## **SECTION 6                   WATER CONNECTION/TAPS**

1. The city reserves the right to tap existing city water lines, set water meters and require use of city taps and meters.
2. Any individual or business desiring a water tap shall make said request to the city. If said request, in the city's opinion, is beneficial to the city and/or does not endanger the existing water line and/or water system, the city shall provide all materials, labor and equipment to tap the existing water line.
3. The city shall make the final determination as to the location of the water tap.
4. The water connection fee is \$750.00 per connection.
5. In return for payment of such fee, the city shall tap the existing city water line and install a water meter. The fee does not include the cost of the meter deposit as provided in Section 7.

## **SECTION 7                   SEWER CONNECTION/TAPS**

1. The city reserves the right to tap existing city sewer lines.
2. Any individual or business desiring a sewer tap shall make said request to the city. If said request, in the city's opinion, is beneficial to the city and/or does not endanger the existing sewer line and/or sewer collection system, the city shall provide all materials, labor and equipment to tap the existing sewer line.
3. The city shall make the final determination as to the location of the sewer tap.
4. The sewer connection fee is \$750.00 per connection.

## **SECTION 8                   WATER METER DEPOSITS**

In order to establish water, sewer and garbage service, an applicant for said services shall be required to pay a deposit in the amount of \$150.00 to the city, complete an application/service agreement prior to connection and provide a picture ID.

**SECTION 9 APPLICATION OF DEPOSIT**

Upon the termination of utility service, the deposit will be applied to the balance of the account. The remaining balance, if any, will be returned to the customer.

**SECTION 10 PREVIOUS SERVICE – OUTSTANDING BALANCES**

Any applicant requesting utility service from the City of Bells that has had previous service and an outstanding balance, at the time of requesting, will be required to pay the previous balance in full in addition to the deposit for new service.

**SECTION 11 WATER RATES**

The following monthly rates shall be charged for water service within city limits of Bells, TX for Residential and Commercial.

For the first 1,000 gallons (minimum)	\$30.00
For the next 16,000 gallons	\$4.15 per 1000 gallons
For the next 26,000 gallons	\$4.50 per 1000 gallons
For the next 41,000 gallons	\$5.00 per 1000 gallons
For the next 999,999,999 gallons	\$5.50 per 1000 gallons

Residential **Outside Bells city limits** minimum charge will be \$60.00

**SECTION 12 SEWER RATES**

The following monthly rates shall be charged for sewer service:

<b>RESIDENTIAL</b>	
For the first 1,000 gallons (minimum)	\$16.00
For the next 5,000 gallons	\$3.00 per 1000 gallons
For the next 999,999,999 gallons	\$0.00 per 1000 gallons

<b>COMMERCIAL</b>	
For the first 4,000 gallons (minimum)	\$19.00
For the next 5,000 gallons	\$4.25 per 1000 gallons
For the next 5,000 gallons	\$4.00 per 1000 gallons
For the next 5,000 gallons	\$3.75 per 1000 gallons
For the next 999,999,999 gallons	\$3.00 per 1000 gallons

**SECTION 13 GARBAGE RATES**

1. All residences inside the city limits shall be required to use the City of Bells Residential/Duplex Garbage service in accordance with the following schedule:

\$16.00 (per month) + sales tax\*

2. All apartment owners will be billed for trash service. Individual renters will not be responsible for their own trash service.

Large residential trash containers supplied by the city will be charged at cost +25%.

SERVICE TYPE	RATE
Extra poly cart (residential/duplex)	\$5.00 each
Commercial hand pick up	\$17.46
Extra poly cart (commercial)	\$10.00 each
2 yard bin – once weekly	\$75.67
2 yard bin – twice weekly	\$145.54
3 yard bin – once weekly	\$84.43
3 yard bin – twice weekly	\$173.20
4 yard bin – once weekly	\$101.89
4 yard bin – twice weekly	\$189.22
6 yard bin – once weekly	\$126.64
6 yard bin – twice weekly	\$234.34
6 yard bin – thrice weekly	\$336.40
8 yard bin – once weekly	\$148.47
8 yard bin – twice weekly	\$274.98
8 yard bin – thrice weekly	\$373.61
Deliver/pick up rate for non-payment	\$86.87

\*Sales tax shall be in an amount required by law

#### **SECTION 14 BILLING AND PENALTY**

1. All charges on utility service bills shall be due and payable to the City of Bells on the 10<sup>th</sup> day of the month.
2. Payments can be made with Cash, Check or Credit Card. Note: Credit/Debit card will be added a convenience fee of 5% to balance.
3. If payment is not received by the tenth (10<sup>th</sup>) day of the month, a ten percent (10%) penalty shall be assessed on the following business day.
4. If the 10<sup>th</sup> day falls on a Weekend or Holiday, the (10%) penalty shall be added the day after the following business day.
5. Notwithstanding the provisions of 1 and 2 above, in accordance with Section 182.002 of the Texas Utilities Code, the ten percent (10%) penalty shall not be

applied to persons age 60 or older until the 25<sup>th</sup> day after the date on which the bill was issued, provided that such person has made a request for delay, presented reasonable proof of their age, and is a residential customer who has occupied, and shall continue to occupy, the entire premises for which a delay is requested.

## **SECTION 15                    DELINQUENCY – TERMINATION OF SERVICE**

1. If full payment or arrangements for full payment for utilities is not received by the city no later than the end of the day on the 19<sup>th</sup> day of the month, all utility services shall be disconnected, locked and disconnect fees applied to the account starting at 8 a.m. the following business day.
2. If the 19<sup>th</sup> day of the month falls on a weekend or holiday, this section will apply to the next business day.
3. Customers will continue to billed monthly base charges until payment is made in full or account is transferred to a collection agency.

## **SECTION 16                    DISCONNECT CHARGES**

1. Should utility service be discontinued due to non-payment of a utility bill, all funds payable to the city, in addition to a disconnect fee of \$50.00, shall be paid prior to reinstatement of utility service.
2. Once all charges and fees (and deposit and application filled out, if needed), services will be turned on the same day. Customer will also be required to fill a new application.
3. Should service be discontinued, the city shall install a lock on the water meter. Should the lock be tampered with, damaged or destroyed the customer will be assessed with a \$75.00 fee and such action shall be considered a criminal offense. This fee shall be paid in addition to all deposits, charges and fees listed in #2 of this section.
4. Should any person turn on utility service after the city has disconnected service for non-payment, such action shall be considered a criminal offense.
5. If the service of a customer is discontinued for non-payment more than on 2 occasions due to non-payment, the city will require the following:
  - a. Payment for the delinquent bill in the form of cash, money order, and/or cashier's check.
  - b. The city retains the option of requiring payment for utility services by cash, money order, and/or cashier's check for all future utility payments.
6. If payment for utility service is made with a check returned for insufficient funds or closed account, utility service is be discontinued immediately.

## **SECTION 17                    TRANSFER FEE**

1. Should any person want to transfer utility service from a residence inside the City of Bells to another residence inside the City of Bells, a transfer fee, in the amount of \$25.00 will be assessed and added to the account for the new address. The request will be made in person by the customer on the account with a picture ID. If a deposit (see section 7 – WATER METER DEPOSITS) is not on file, it will be due at

- the time of transfer. The current and final balance, if any, on the account for the new address will be billed on the next billing cycle.
2. Utility service cannot be transferred from one name to another name.

## **SECTION 18                    RETURNED CHECK FEES**

1. If a check is returned from a financial institution due to, but not limited to, insufficient funds, the check will be re-run once more (a total of 2 times at the bank). If returned a second time, a \$30.00 fee will be assessed and a letter will be mailed to you. You will have 10 days from date of the letter to pay in full. If not paid in full on the 10<sup>th</sup> day from date of letter; then **Service will be disconnected immediately**. Service will be continued after payment is made in full including current bill, disconnect fees (\$50.00), deposit (if needed) and the \$30.00 returned check fee.
2. The city retains the right to prosecute for returned checks in accordance with the Texas Penal Code, Section 32.41. Please pay in full within (10) days.
3. Should a customer have more than two (2) checks returned due to insufficient funds and/or closed account within a period consisting of twelve (12) consecutive months, the city shall no longer accept checks from that individual for a period of 24 months. During the 24 month period, all payments shall subsequently be made in the form of cash, money order, and/or cashier's check.

## **SECTION 19                    TEMPORARY SERVICE**

1. Temporary service will be approved at no charge for a period not to exceed one (1) hour.
2. A request for temporary service for a period longer than one (1) hour will require a deposit of \$150.00. Upon the termination of utility service, the deposit will be applied to the balance of the account. The remaining balance, if any, will be returned to the customer.

## **SECTION 20                    FAILURE TO RECEIVE A BILL**

1. All bills for utility service shall be rendered monthly in accordance with a schedule established by the city. See Section 13. The city shall exercise care in the delivery of utility bills, but is not responsible for the service provided by the United States Postal Service.
2. Failure to receive a bill shall not relieve the customer for payment of service received within the prescribed period nor exempt him/her from the responsibility imposed for delinquent accounts.

## **SECTION 21                    PAYMENT PLANS/EXTENSIONS**

1. The Mayor and/or his/her designee shall be empowered to grant a payment plan for delinquent accounts or an extension.    **REQUEST IN PERSON NAMED ON THE ACCOUNT.**

2. Payment plans may be granted for delinquent accounts more than 3 months and \$300.00 or more past due. Payment plans will be divided in 3 equal payments and payments will be due once a month.
3. The customer will complete a payment plan agreement and provide a picture ID.
4. Extensions may be granted for accounts less than one month past due. Payments will be extended for up to two (2) weeks.
5. Payment plans will be granted once only.
6. Extensions will be granted four (4) times within a twelve (12) month period.
7. If a customer fails to comply with the provisions of the payment plan or extension, utility service will be disconnected immediately and he/she will not be permitted to establish additional payment schedules.

## **SECTION 22                    UTILITY ADJUSTMENTS**

1. The Mayor and/or his/her designee shall be empowered to make adjustments on utility bills when an investigation reveals that the city is in error.
2. In NO case shall an adjustment be granted if the problem is of the fault of the customer.

## **SECTION 23                    METER TAMPERING**

1. It is unlawful for any person to turn on water to any premises from the city water system without first obtaining approval from the city.
2. It is unlawful for any person to connect water service to a premise after service has been terminated by the city.
3. It is unlawful to interfere with, disturb or damage, in any manner or form, any water meters, locks, cutoff valves, or other appliances of the city. The customer shall be held responsible for the violation of this section.

## **SECTION 24                    TRASH REMOVAL RATES**

1. Trash blocking drainage – a service fee of \$50.00 - \$200.00 will be charged to the owner of the property when it becomes necessary to clear a ditch of trash and/or debris during, before, and/or after a rainstorm to prevent possible flooding. The fee shall be determined by the Mayor and will be based upon the amount of work performed by the city.
2. Such service shall be provided at the discretion of the city dependent upon such factors including, but not limited to, existing work load, and scheduling. This provision shall not apply to the accumulation of trash due to work performed by contractors and/or individuals/companies hired by the property owners.

## **SECTION 25                    CHANGES MADE TO ACCOUNTS**

Any customer wanting to make changes in their utility service or personal changes in information recorded by the city in reference to their bill, shall be done in person with a

picture ID or contact city hall for other arrangements. Note: only the person who is named on the account can make changes on the account.

**SECTION 26 BALANCES TO WRITE OFF**

Closed/inactive accounts with a balance of \$20.00 and under will be written off at the end of the fiscal year.

**SECTION 27 PENALTY**

1. The penalty for violating any section of this ordinance shall be punishable by a fine not to exceed five hundred dollars (\$500.00).
2. Each day any violation of this Code of Ordinance shall continue shall constitute a separate offense.

**SECTION 28 VALIDATION**

If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

**PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2015.

**ATTEST:**

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Joanna Duevel, City Secretary  
City of Bells, Texas

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Angela LeBlanc, Mayor  
City of Bells, Texas