

CITY OF WELLS

ORDINANCE NO. 2016-03

AN ORDINANCE ESTABLISHING WATER AND SEWER RULES
AND REGULATIONS, WATER METER DEPOSITS, INSIDE AND
OUTSIDE THE CITY OF WELLS, TEXAS, AND FURTHER
PROVIDING FOR RETURNED CHECK FEES.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
WELLS, TEXAS:**

SECTION 1. Repeal of Previous Ordinances and Regulations.

1. All other ordinances and/or regulations governing City of Wells water and sewer service in conflict with this ordinance are hereby repealed when this ordinance takes effect, provided, however, the repeal of prior ordinances does not waive, excuse, or vacate any balances due for water services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. Water and Sewer Systems.

1. The water system and sewer system are public utilities operated and maintained by the City of Wells. The systems shall be operated in accordance with ordinances and policies adopted by the City of Wells, State law, and/or Federal law. Subject to such requirements, the City Supervisor make such reasonable regulations as to govern the water and sewer systems to ensure their continued operation.
2. For the purpose of this ordinance, the terms "water service" and "utility service" shall be inclusive of water service, sewer service as provided by the City of Wells.
3. For the purpose of this ordinance, the term "customer" shall mean the person responsible for payment and/or all persons acting for him/her or by his/her direction.

SECTION 3. Application for Water Service.

1. Any person and/or business required to or desiring to obtain water service from the City of Wells shall make application on a form supplied by the City. The application shall include: a) name of the individual to be responsible for the payment of utility service; b) the driver's license number; d) the applicant's employer; e) the applicant's work telephone number; f) address to be served; g) valid mailing address, to which bills are to be sent; h) home telephone number; i) the signature of the individual responsible for payment and j) proof of identification.
2. The person responsible for the payment of utility service shall agree that he/she will abide by all ordinances, rules, policies, and/or regulations governing water and sewer service provided by the City.

SECTION 4. 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 water or sewer service.
5. If approved by the City, additional water services may be provided to residences and/or businesses for water to be utilized for purposes such as outside watering, swimming pools, etc. In this situation, water provided by such separate service will not be discharged through the City's sewer system.

SECTION 5. Water Connection/Taps.

1. The City reserves the right to tap existing City water lines, set water meters, and require the use of City taps and meters.
2. Any individual or business desiring a water tap shall make a said request to the City. If a 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 the meter and all materials, labor and equipment to tap the existing water line for a fee of \$800.00 per tap.
3. The City shall make the final determination as to the location of the watertap.
4. 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 6. 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 a said request to the City. If a 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 for a fee of \$800.00 per tap.
3. The City shall make the final determination as to the location of the sewertap.

SECTION 7. Application of Deposit.

1. Upon the termination of water service at the request of the customer, the deposit or any portion of the deposit remaining shall be returned to the customer when water and all other charges have been paid.

SECTION 8. Previous Service - Outstanding Balance.

1. Any applicant requesting water service from the City who has previously had City water service and has, at the time of application, an outstanding balance on his/her previous water service must pay the outstanding balance in full in addition to the meter deposit prior to receiving new service.

SECTION 9. Billing and Penalty.

1. All charges on utility service bills will be mailed out the last business day of the month and are payable on the first (1) day of the month to the City at the City Hall.

2. If payment is not received by the sixteenth (16th) of the month, a ten percent (10%) penalty shall be assessed.
3. 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 25th 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 10. Delinquency - Termination of Service.

1. The final day to pay all charges on utility service is the twenty-fifth (25) of every month; weekends and holidays included. A \$100.00 non-payment fee penalty shall be assessed if full payment is not received by the City by the final day to pay. On the next business day, the customer will be notified by an official door hanger being placed at the service address that an unpaid balance is due. The customer then has until twelve noon the next business day to pay, after which the City will disconnect service. A \$100.00 non-payment fee will be added even if services have not been disconnected.

SECTION 11. Re-connection Charges.

1. Should utility service be discontinued due to non-payment of a utility bill, all funds due to the City shall be paid prior to reinstatement of utility service. If full payment is not received 30 days following a turn off for non-payment the deposit on file will be applied to all unpaid portions of the account. All remaining credit balance on file will be refunded back to the customer. All remaining negative balance will be subject to collections as provided in Section 8.
2. If a customer requires service after the 30 days and the deposit has been applied to the account balance a new service deposit will be required.
3. Should any person turn on water service, after the City has discontinued the service for non-payment, such action shall be considered a criminal offense.
4. Should a customer be repeatedly disconnected due to non-payment, the City may require the following:
 - a) Payment of 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 bills by cash, money order, and/or cashier's check for all future utility billings.
2. If payment is made with a check returned insufficient funds due to the issuance of a disconnection notice, water will be immediately disconnected.

SECTION 12. Transfer Fee.

1. The City does not charge a transfer fee for transferring service within the City's utility service system. The customer will remain responsible for all usage charged for the service address up to the day of the transfer and for the water usage at the service address the account is being transferred to effective on the date of transfer

SECTION 13. Returned Check Fees.

1. Any customer who pays his/her utility bill with a check which is returned from the financial institution due to, but not limited to, insufficient funds and/or closed account shall be assessed a \$30.00 fee.

2. The City will not rerun returned checks. The City retains the right to prosecute for returned checks in accordance with the Texas Penal Code.
3. If a check is returned unpaid due to the financial institution error, the financial institution shall submit written verification of such error. In this situation, the fee shall be waived.
4. Should a customer have more than two (3) 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 14. Temporary Service.

1. Should a customer request temporary service, no deposit shall be required, unless the customer is in arrears on other accounts.
2. The duration of such temporary service shall not exceed fourteen (14) calendar days. Customer shall be billed for actual usage.
3. Should the account become delinquent, the customer shall not be allowed to begin any new service until all delinquent monies are paid.

SECTION 15. Failure to Receive a Bill.

1. All bills for utility service shall be rendered monthly in accordance with a schedule established by the City. 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 16. Meter Tampering.

1. It is unlawful for any person to turn on the 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 premises 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 head of household or property owner involved shall be held responsible for the violation of this section.
4. Tampering fees of up to five hundred dollars (\$500.00) shall be assessed where a meter has been interfered with, disturbed, or damaged.

SECTION 17. Compliance; No free service.

1. No free water or wastewater service shall be rendered to any person. No utility connection shall be received without the payment of the deposit amount set by the City as herein set forth, or as otherwise established by ordinance.

SECTION 18. Violation Fine.

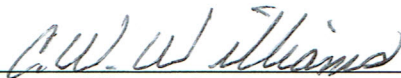
1. Any person violating the provisions of this Ordinance shall be deemed guilty of a Class C misdemeanor, and upon conviction shall be punished by a fine not to exceed Two Hundred (\$200.00) Dollars for each violation.

SECTION 19. Validation.

1. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutionally, 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.


This ordinance shall take effect June 13, 2016.

PASSED AND APPROVED by the City Council of the City of Wells, Texas at a regular meeting this the 13th day of June 2016.



C. W. Williams, Mayor
City of Wells

ATTEST:



Melanie Williamson, City Secretary
City of Wells

AMENDMENT TO ORDINANCE # 2018-06

On this 11th day of June 2018, the City Council voted to amend Ordinance # 2016-03.

AN ORDINANCE ESTABLISHING WATER AND SEWER RULES AND REGULATIONS,
WATER METER DEPOSITS, INSIDE AND OUTSIDE THE CITY OF WELLS, TEXAS,
AND FURTHER PROVIDING FOR RETURNED CHECK FEES.


By adding the following:

SECTION 20. Utility Connections Inside the City Limits of Wells.

1. At no time can a dwelling or business located in the city limits of Wells be connected to a personal water well or sewer septic tank. The City of Wells exercises its right to supply water and wastewater disposal to all citizens living within the city limits of Wells.
2. Cross-contamination of well water and city water is prohibited.
3. All wastewater is required to go into the sewer system; this includes all gray water. Gray water is not allowed to run onto the ground per the Texas Commission on Environmental Quality (TCEQ). Gray water is defined as wastewater from showers; bathtubs; handwashing lavatories; sinks that are used for disposal of household or domestic products; sinks that are not used for food preparation or disposal; and clothes-washing machines. Any customer that has gray water running on the ground must make the necessary repairs for their gray water to run into the city sewer system.
4. Personal water wells can only be used for the watering of livestock and irrigation.

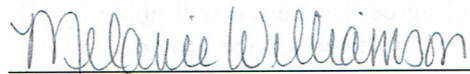
If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutionally, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

PASSED AND APPROVED THE 11TH DAY OF JUNE, 2017.



Mayor

ATTEST:



City Secretary