

CERTIFICATE FOR ORDER

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

I, the undersigned officer of the Board of Directors of Fort Bend County Municipal Utility District No. 155, hereby certify as follows:

1. The Board of Directors of Fort Bend County Municipal Utility District No. 155 convened in regular session on January 9, 2023, inside the boundaries of the District, and the roll was called of the members of the Board:

Donna Johnson	President
Brett Telford	Vice President
Jessica Robach	Secretary
Christina Garcia	Assistant Vice President
Dwayne Grigar	Assistant Secretary

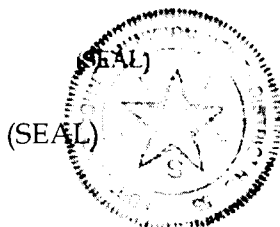
and all of said persons were present, thus constituting a quorum. Whereupon, among other business, the following was transacted at the meeting: a written

AMENDED RATE ORDER

was introduced for the consideration of the Board. It was then duly moved and seconded that the order be adopted, and, after due discussion, the motion, carrying with it the adoption of the order, prevailed and carried unanimously.

2. A true, full, and correct copy of the aforesaid order adopted at the meeting described in the above and foregoing paragraph is attached to and follows this certificate; the action approving the order has been duly recorded in the Board's minutes of the meeting; the persons named in the above and foregoing paragraph are the duly chosen, qualified, and acting officers and members of the Board as indicated therein; each of the officers and members of the Board was duly and sufficiently notified officially and personally, in advance, of the time, place, and purpose of the aforesaid meeting, and that the order would be introduced and considered for adoption at the meeting, and each of the officers and members consented, in advance, to the holding of the meeting for such purpose; the meeting was open to the public as required by law; and public notice of the time, place, and subject of the meeting was given as required by Chapter 551, Texas Government Code, and Section 49.063, Texas Water Code.

SIGNED AND SEALED on January 9, 2023.



Jessica Robach
Secretary, Board of Directors

AMENDED RATE ORDER AND REGULATIONS GOVERNING WATER
AND SANITARY SEWER LINES AND CONNECTIONS

WHEREAS, Fort Bend County Municipal Utility District No. 155 (the "District") is constructing and will own a water, sanitary sewer and storm sewer and drainage system (the "System") designed to serve present and future inhabitants within the District; and

WHEREAS, the Board of Directors deems it necessary to adopt an Amended Rate Order and Regulations Governing Water and Sanitary Sewer Lines and Connections ("Rate Order"); Now, Therefore,

BE IT ORDERED BY THE BOARD OF DIRECTORS OF FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 155 THAT:

Section 1: Definitions. The following words or phrases shall have the meanings indicated below:

A. "Single Family Residential User" - means a user of the District's System that consists of one residence designed for use and occupancy by a single family unit.

B. "Non-Single Family Residential User" - means any user of the District's System other than a Single Family Residential User including, but not limited to, commercial establishments, apartments, churches, schools, and multi-family dwelling units.

C. "Irrigation User" - means any user of the District's water and sewer system that is a user of the District's System only for purposes of irrigation in public areas.

D. "Non-Taxable User" - means a user that is exempt from ad valorem taxation by the District under the Property Tax Code, including, but not limited to, schools and churches.

Section 2: Tap and Inspection Fees

A. Single Family Residential User Water Tap. Prior to connection to the District's water system, a tap fee in the amount shown in Exhibit "A" shall be paid to the District to cover the cost of making said connection and the cost of providing the water meter. Connections to the District's water system shall not be allowed prior to an approved sewer inspection, and all such connections shall be inspected by the District's operator or its subcontractor.

B. Non-Single Family Residential User Connection. Connections to the District's System shall not be allowed prior to receipt by the District's operator of (a) the

District's engineer's letter of no objection and (b) payment of the tap fee. All water system connections shall be made by the District's operator or its subcontractors and all sewer connections shall be inspected by the District's operator or its subcontractors. Prior to any connection being made to the District's water system by a Non-Single Family Residential User, such User shall:

(1) pay a tap fee shown in Exhibit "A"; and

(2) present a written request to the District stating the amount of capacity desired, identifying the tract for which service is desired including a scale plat thereof, and describing the improvements to be constructed thereon, accompanied by schematic drawings and construction prints of the proposed connection lines and connection points to the District's System. The District's engineer will review the plans and note any required revisions. The engineer will then return the plans, as approved, to the User with a notation that he has no objection to the connection(s) being made to the District's System by the District's operator as per the approved (and if appropriate, revised) plans.

C. Irrigation User Water Tap. Prior to any connection being made to the District's water system by an Irrigation User, for use in a public area, such User shall pay a tap fee in the amount shown in Exhibit "A".

D. Non-Taxable Users. Non-Taxable users shall pay a tap fee in the amount shown in Exhibit "A". The District will provide and install all meters and taps. All connections to the District's System shall be made by a representative of the District.

E. Sewer Connection Inspection. All connections to the District's sewer system shall be made in accordance with the provisions of the Rules and Regulations Governing Sewer House Lines and Sewer Connections. All connections to the District's sewer system shall be inspected by the District's operator or its subcontractor prior to being covered in the ground. In the event a sewer connection is made and covered without such inspection, water service at such location shall be terminated and shall not be allowed until an approved sewer connection inspection has been performed. An inspection fee shall be paid to the District at the time the tap fee is paid in the amount shown in Exhibit "A". If a sewer connection fails the inspection, an additional inspection at the same inspection fee is to be paid to the District prior to reinspection.

F. Pre-Facility Inspection. All builders or contractors for property owners within the District must contact the operator, prior to starting any work on property within the District, to do an inspection to verify District facilities. If any District facility is either damaged or cannot be located, the operator will make necessary repairs or locate and make visible the facilities at the expense of the District. A copy of the inspection will be given to the builder's or contractor's representative. After the

inspection and any necessary work is completed, the builder or contractor will then be responsible for paying the costs of all damages, adjustments, relocations and repairs found during the Final Site Survey. The cost for the inspection is shown on Exhibit "A" and is payable with the tap fee.

G. Facility Inspection. Immediately upon completion of the District's operator's installation of the initial water tap and meter, and the sewer connection and inspection, the operator will conduct an initial facility inspection. At such inspection, the operator shall make note of the condition and location of all District facilities on the property. After construction has been completed on the property, but before service is transferred to a User, the District's operator will conduct a Final Site Survey to reinspect the water tap, meter and all other District facilities on the property for a fee in the amount shown in Exhibit "A". (The fee shall be collected at the time the tap fee is paid.) In connection with the above inspection or any other time, the property owner, builder or contractor will be held responsible for any damages or adjustments to District facilities or other conditions that might reasonably be expected to cause damage to District facilities, and the cost of correcting such conditions, repairing, adjusting or relocating the facilities (the "Backcharges"). Such charges are payable immediately, and shall be paid before service shall be initiated to a User. If any reinspections of the facilities are required to ensure that the District's facilities are repaired, relocated or adjusted, a fee in the amount shown in Exhibit "A" shall be charged for each such reinspection before service will be transferred to a subsequent User. Payment of the Backcharges, or any inspection or reinspection fees, shall be made on or before the 30th day after the date of the invoice for said charges. The District may withhold the provision of service to the property or to other property owned by any User, property owner, builder or contractor who has failed to timely pay for the Backcharges or any inspection or reinspection fee, including specifically the provision of additional taps; provided, however, the District shall follow the notification procedures set forth in Section 8 prior to withholding the provision of service.

H. Grease Trap Inspection. For each grease trap installed, there shall be charged a monthly flat rate inspection fee in the amount shown in Exhibit "A". If the operator is required to reinspect the grease trap, such reinspection shall be charged at the same rate.

I. Builder Responsibilities

(1) Street Cleaning. The builder and developer will be responsible for ensuring that the street in front of their lots stays free from the accumulation of trash, sediment, dirt, and all other debris. Street cleaning will be done by street scraping or by using a vacuum sweeper. Washing sediments into the sewer inlets is prohibited by the District and the Environmental Protection Agency ("EPA").

(2) Concrete Wash-Out Site. Each builder will provide a single, dedicated concrete wash-out site on one of the builder's reserved lots, for use during construction. The site selected will be reviewed with the District and developer, and an identification sign must be erected on the site by the builder prior to use.

The builder will clean and maintain the site as necessary and is responsible for the proper and legal disposal of concrete. Silt fencing must be installed along the curb in front of the wash-out site as well as an access pad.

The builder will inform its subcontractors of the location and purpose of the concrete wash-out site.

(3) Other Builder Responsibilities. The builder is responsible for observing all signs and for enforcing the District's Rate Order with all employees, suppliers, and subcontractors. Builders are responsible for conducting regular inspections of their erosion control measures to ensure they are functioning properly.

(4) Failure to Comply. Failure of a builder to comply with these builder responsibilities will be considered a violation of this Rate Order and will subject the builder to penalties set forth in Section 20 of this Rate Order. Further, the District, at its sole option, may perform or have performed any of the builder's responsibilities and backcharge the builder for the cost. Failure to timely pay a backcharge or to comply with these responsibilities will subject the builder to termination of service in accordance with Section 8 or withholding of taps in accordance with Section 2(G) of this Rate Order.

Section 3: Platting Requirement. Prior to initially connecting to the District's water, sewer or drainage systems, a User shall submit to the District's operator proof that the User's property has been platted in accordance with the subdivision ordinances of the City of Rosenberg. Acceptable proof of platting includes a copy of the recorded plat, or a certificate from the City of Rosenberg that the property has been platted or that the property is legally exempt from the platting process.

Section 4: Plumbing Material Restrictions

A. Prohibition on Use of Specified Materials. The use of the following plumbing materials is prohibited in any and all improvements connected to the District's water system:

- (1) Any pipe or pipe fitting that contains more than a weighted average of 0.25% lead; and
- (2) Any solder or flux that contains more than 0.2% lead.

B. Customer Service Inspection Certification. Before the District will provide water and sewer service to any new improvement, a fully executed Customer Service Inspection Certification, in the form attached as Exhibit "D", signed by a state-licensed plumber, must be submitted to the District.

Section 5: Water and Sewer Rates and Garbage and Recycling Service

A. City of Rosenberg Regulations. All Users are subject to the regulations of the City of Rosenberg Code of Ordinances, Chapter 29, Articles II and III. A current copy of Articles II and III is attached hereto as Exhibit "G"; however, Users are advised to ensure their use of the System does not violate any future amendments to Articles II and III.

B. Regulatory Assessment. Pursuant to the Texas Water Code, each User of the District's System is hereby assessed a regulatory assessment charge of one-half of one percent of the District's charge for service. This assessment is included in the rate schedules attached hereto as Exhibit "B" and will be forwarded to the Texas Commission on Environmental Quality (the "Commission"), as required by the Texas Water Code, and used by the Commission to pay costs and expenses incurred in its regulation of water districts.

C. User Fees. Each User within the District shall be charged for service on a monthly basis according to the volume of water used and in accordance with the schedule attached as Exhibit "B." There shall be no proration for partial monthly use.

D. Enhanced Payment Options. Any User may pay the monthly water and sewer bill via the payment options provided through the District and its operator, including, but not limited to, online check and credit card payments, check and credit card payments processed over the telephone, and payment through various area retail locations. These enhanced payment options are made available through service providers who may charge Users a convenience fee in connection with some payment options. Such convenience fees are the sole responsibility of the User and are separate from any amount owed by the User to the District. Non-payment of any such convenience fee shall subject the User to termination of service in accordance with this Rate Order.

E. Garbage and Recycling Service. Each Single Family Residential User shall receive garbage and recycling service. No exceptions will be made.

F. Homeowner Association Fees. Water service will be provided to public esplanades or public green spaces within the District for irrigation purposes only at the

rate indicated on Exhibit "B." All such public taps shall be required to have meters, which shall be installed by the District's operator.

G. Temporary Water Service

(1) The District's operator shall be authorized to make a temporary connection to any fire hydrant or flushing valve upon receipt of a written request for temporary water service. Such temporary service shall be supplied only through a District meter installed by the District's operator.

(2) The person applying for temporary water service shall be required to deposit \$1,000.00 with the District to secure the payment for water supplied by the District and the safe return of the District's meter. Upon receipt of full payment for temporary water used and return of the meter in good condition, the deposit will be returned; provided, however, any damage to the meter or unpaid balances will be paid from the deposit.

(3) The monthly fee for temporary water service shall be \$50.00 for costs of installation plus \$2.50 per 1,000 gallons of water used.

H. Fire Protection Fees

(1) Each residential unit in the District that is connected to the public water supply system on or before the 20th (twentieth) day of the preceding month shall be charged a monthly fee for fire protection services in accordance with the schedule attached as **Exhibit B**. A residential unit shall mean any building or part of a building designed for permanent occupancy by one family. A detached single family residence is considered one residential unit, a duplex is considered two residential units; and each living unit in an apartment complex is considered one residential unit.

(2) Each improved nonresidential property in the District that is connected to the public water supply system on or before the 20th (twentieth) day of the immediately preceding month shall be charged a monthly fee for fire protection services for each 2,000 square feet or part thereof of building floor area in accordance with the schedule attached as **Exhibit B**. "Improved nonresidential property" means any improved real property, whether or not such property is tax-exempt, on which there is located a building or structure that is not residential property. The square footage used to determine the charge is based on the records of the Fort Bend Central Appraisal District. The monthly charge for improved nonresidential property does not apply to improved nonresidential property owned by the District.

Section 6: Quality of Sewage

A. City of Rosenberg Regulations. All Users are subject to the regulations of the City of Rosenberg Code of Ordinances, Chapter 29, Articles II and III, regulating wastewater discharges. A current copy of Articles II and III are attached hereto as Exhibit "G"; however, Users are advised to ensure their use of the System does not violate any future amendments to Articles II and III.

B. Domestic Waste. Only ordinary liquid and water-carried waste from domestic activities that is amenable to biological treatment and that is discharged from sanitary conveniences of buildings connected to a public sanitary sewer system shall be discharged into the District's sanitary sewer lines. Waste resulting from any process of commerce or industry may not be discharged into the District's sanitary sewer lines except as authorized pursuant to subsection (C) below.

C. Commercial and Industrial Waste. All discharges other than waste described in subsection (B) are prohibited unless the user has applied to and received written authorization from the District for such discharge. The applicant must file a statement with the District containing the following information:

- (1) Name and address of applicant;
- (2) Type of industry, business, activity, or other waste-creative process;
- (3) Quantity of waste to be discharged;
- (4) Typical analysis of the waste;
- (5) Type of pretreatment proposed; and
- (6) Such other information as the District may request in writing.

The District shall have the right to reject any application for discharge of non-domestic waste into the District's sanitary sewer lines if the District determines in its sole discretion that the proposed discharge may be harmful to the District's sanitary sewer system or the environment. The District also shall have the right in approving any application for the discharge of non-domestic waste to impose any limitations on such discharge that the District determines in its sole discretion is necessary to protect the District's sanitary sewer system or the environment.

In addition, the Board of Directors may require a commercial or industrial User to execute a Wastewater Services Agreement, to further identify and regulate use of and discharge into the District's system. Failure of a commercial or industrial User to timely execute a Wastewater Services Agreement may subject the User to termination of service as provided herein.

D. National Categorical Pretreatment Standard. If a User is subject to a national categorical pretreatment standard pursuant to regulations promulgated by the EPA under Section 307 of the federal Clean Water Act, the User is prohibited from discharging pollutants into the District's sanitary sewer system in violation of applicable categorical pretreatment standards.

E. District Testing; Pretreatment. The District shall have the right to sample and test any User's discharge at the discretion of the District's operator, with no limit as to the frequency of the tests, and to charge the User for the District's cost of such sampling and testing. The District also shall have the right to require pretreatment, at the user's expense, of any discharge of non-domestic waste if the District determines in its sole discretion that pretreatment of such waste is necessary to protect the District's sanitary sewer system or the environment, even if pretreatment is not otherwise required pursuant to subsection D above.

Section 7: Maintenance and Repair. It shall be the responsibility of each User to maintain the water, sanitary sewer and storm sewer lines from the home or building to the point that the User's lines connect to the District's systems.

Section 8: Termination

A. Charges for water, sewer and fire protection service shall be billed monthly. All bills shall be payable on the 20th day after the date of the statement for said charges. Unless payment of the monthly bill is received on or before the 20th day after the date of said statement or unless payment of any Backcharges is received on or before the 30th day after the date of the invoice, such account shall be considered delinquent and a one-time late charge equal to ten percent (10%) of the unpaid balance shall be charged. The District may, in its discretion, disconnect water service for failure to pay all charges and Backcharges, including interest, by the 50th day after the due date; provided, however, that prior to disconnecting services, the District shall send written notice by United States first class mail to the User or entity at the appropriate address and provide the User or entity with an opportunity to contest, explain or correct the charges, services, or disconnection, at a meeting of the Board of Directors of the District. To cover the District's costs charged by the operator, a fee in the amount shown in Exhibit "A" shall be charged by the District for each such notice of delinquency mailed to a User. The written notice shall inform the User or entity of the amount of the delinquent payment, the date service will be disconnected or additional service withheld if payment is not made, the date, time and place of the next scheduled meeting of the Board of Directors, and of the opportunity to contest, explain or correct the charges, services, or disconnection, by presenting in person or in writing such matter to the Board of Directors at the next scheduled meeting as shown on the notice. The date specified for disconnection shall be ten (10) days after the date of the next scheduled meeting of the Board of Directors as shown in the notice and the date for

withholding additional service shall be the date of that Board meeting. The notice shall be deposited, postage prepaid, in a post office or official depository under the care and custody of the United States Postal Service at least ten (10) days prior to the date of the scheduled meeting of the Board of Directors. A written statement by the District's operator that the notice was so mailed and a certificate of mailing by the United States Postal Service shall be prima facie evidence of delivery of same. The Board shall inform the Users or entities to whom notice has been sent such notice of the Board's determination by posting a door hanger at the appropriate address giving notice of water termination.

B. Notwithstanding any provisions of this Rate Order to the contrary, a User or entity may not be charged late fees nor have service disconnected for nonpayment of a bill that is due during an extreme weather emergency until after the emergency is over. A User or entity may, within thirty (30) days from the date the extreme weather emergency is over, request from the District a payment schedule for any unpaid bill that is due during an extreme weather emergency. Upon receipt of a timely payment schedule request, the District shall provide, in writing, a payment schedule and a deadline for accepting the payment schedule. The District or the District's operator may, at the discretion of the District and/or the District's operator, determine the terms of the payment schedule described in this paragraph in accordance with applicable laws and regulations. If a User or entity requests a payment schedule pursuant to this paragraph, the District shall not disconnect the User or entity from service for nonpayment of bills that are due during an extreme weather emergency unless: (1) the payment schedule has been offered and the User or entity has declined to accept the payment schedule in a timely fashion; or (2) the User or entity has violated the terms of the payment schedule. Any preexisting disconnection notices issued to a User or entity for nonpayment of bills due during an extreme weather emergency are suspended upon the timely request for a payment schedule made under this paragraph; provided, however, that if: (1) the User or entity does not timely accept a payment schedule offered by the District; or (2) the User or entity violates the terms of the payment schedule, then any suspended disconnection notices may be reinstated. A User or entity who violates the terms of a payment schedule shall be subject to disconnection from service pursuant to the provisions of this Rate Order. For purposes of this paragraph, "extreme weather emergency" means a period when the previous day's highest temperature in an area did not exceed 28 degrees Fahrenheit and the temperature is predicted to remain at or below that level for the next 24 hours according to the nearest National Weather Service reports for that area. For purposes of this paragraph, an "extreme weather emergency" is over on the second business day the temperature exceeds 28 degrees Fahrenheit.

C. Any person, corporation or other entity who violates any provision of this Rate Order, in addition to being subject to the penalties described in Section 20 below, shall be subject to having service terminated; provided, however, that prior to

disconnecting service for such violations, the District shall give written notice by first class mail or otherwise, to such person, corporation or other entity, of the pending disconnection, and shall give such person, corporation or other entity the opportunity to contest, explain or correct the violation of the Rate Order at a meeting of the Board of Directors of the District. Such disconnection shall be in addition to penalties that may be imposed by the District under Section 20 of this Rate Order.

D. If service to a User is disconnected for nonpayment of a delinquent bill or for any cause legally authorized, a reconnection fee and a security deposit in the amounts shown in Exhibit "A", payable in accordance with Section 12 below, shall be paid prior to service being restored. Payment of fees and charges under this Section must be in the form of cash, cashier's check, or money order.

E. In the event that the District's operator removes a User's meter due to unauthorized reconnection of service subsequent to its termination by the District, a reinstallation fee in the amount shown in Exhibit "A" shall be paid prior to service being restored.

Section 9: Swimming Pool Inspections and Fee. Every User who plans to construct or install a swimming pool within the District shall notify the District's operator in writing prior to commencing construction of the pool. Upon notification by the User of the intention to construct or install a swimming pool, the User shall pay an inspection fee in the amount shown in Exhibit "A". After the notification is received, the District's operator shall ensure that all drains from the swimming pool are connected to the District's sanitary sewer system. After the drains have been installed, the User shall notify the District's operator, who shall make an inspection of all swimming pool drains and backflow prevention devices to verify that the proper connections are made, before service is authorized for said swimming pool.

Section 10: No Guarantee of Specific Quantity or Pressure of Water. The District does not guarantee any User any specific quantity or pressure of water for any purpose whatsoever, and all Users understand and agree that the District is not liable for failure or refusal to furnish any particular amount or pressure of water to any User at any time.

Section 11: Returned Check Charge. The District will charge a fee in the amount shown in Exhibit "A" to any User for each check given to the District for payment that must be returned for any reason. Payments attempted to be made by a check that is returned shall be considered delinquent unless cash or certified funds are presented to the District for payment within the time period required by Section 8 of this Rate Order.

Section 12: Security Deposit. For Users that have been disconnected in accordance with Section 8 of this Rate Order, a non-interest bearing deposit in the amount indicated in Exhibit "A" shall be required to be paid prior to service being restored. Such User shall be required to pay an additional deposit each time such User is subsequently disconnected in accordance with Exhibit "A". The security deposit shall be held by the District as a deposit to ensure prompt payment of all charges for water and sewer service in the future.

Section 13: Transfer Fee. A fee in the amount shown in Exhibit "A" shall be charged by the District to all Users opening an account to cover the expense to the District for the transfer of service from one User to a subsequent User.

Section 14: Permit Requirement. Before any connection is made to the District's System, the person requesting such connection shall provide to the District a copy of: (1) a Development Permit from Fort Bend County, Texas; or (2) a Waiver for the Development Permit from Fort Bend County, Texas.

Section 15: Easements. Before service is provided to any User, the person requesting such service shall grant an easement of ingress and egress to and from the meter for such maintenance and repair as the District, in its judgment, may deem necessary.

Section 16: Plumbing Regulations; Prohibition against Cross-Connections and Unacceptable Plumbing Practices; Penalty for Violation. Pursuant to Chapter 290 of the Texas Administrative Code, the District adopts the following plumbing regulations, which apply to all users of the District's potable water distribution system.

A. Service Agreements. Prior to receiving service from the District to new construction or to buildings containing new plumbing fixtures, or prior to having service reconnected to any building after termination of water service, a User must execute a Service Agreement in the form attached to this Rate Order as Exhibit "E".

B. Plumbing Fixtures. A User is not permitted to install any plumbing fixture that is not in compliance with a state approved plumbing code and the plumbing code, if any, required by the city in whose jurisdiction the District is located.

C. Prohibition Against Water Contamination. No direct connection between the District's potable water distribution system and a potential source of contamination is permitted. Potential sources of contamination shall be isolated from the District's potable water distribution system by the installation of an air-gap or an appropriate backflow prevention device in accordance with state plumbing regulations. In addition, all pressure relief valves and thermal expansion devices must be in accordance with

state plumbing codes and the plumbing code, if any, required by the city in whose jurisdiction the District is located.

D. Backflow Prevention Assemblies. All sprinkler systems, spas and pools must have backflow prevention assemblies installed by the User at the User's sole cost and expense. In addition, the District, in its sole discretion, may require a non single family residential User to install a backflow prevention assembly at any meter(s) servicing such User's property. The District, in its sole discretion, also may require any User to install other backflow prevention assemblies at any fixture in order to prevent contamination of the District's potable water distribution system or if the User's plumbing system poses a high health hazard. A high health hazard is defined by the Commission as a "cross-connection, potential cross-connection, or other situation involving any substance that could cause death, illness, spread of disease, or has a high probability of causing such effects if introduced into the potable drinking water supply." If the District determines that a User must install a backflow prevention assembly as a protection against a high health hazard, the backflow prevention assembly used must comply with a state approved plumbing code and the plumbing code, if any, required by the city in whose jurisdiction the District is located, and must be tested and certified at least annually by a recognized backflow prevention assembly tester. A list of certified backflow prevention assembly inspectors can be obtained from the local office of the Commission.

The User is responsible for insuring that all backflow prevention assemblies are tested upon installation by the District's operator. The User is solely responsible for the cost of this test. If the District requires the installation of a backflow prevention assembly in order to prevent a serious threat to the District's public water supply, then the District, in its sole discretion, may immediately terminate service to the User. In that event, service will not be restored until the backflow prevention assembly has been installed and tested and a signed and dated original of a "Backflow Prevention Assembly Test and Maintenance Report" in the form attached to this Rate Order as Exhibit "F" has been provided to the District's operator.

If the District determines that a backflow prevention assembly must be installed pursuant to this Rate Order for reasons other than to eliminate a serious threat to the District's public water system, the User must install the backflow prevention assembly within five (5) working days after receipt of notice from the District that such installation is required. The User must arrange for the District's operator to prepare a "Backflow Prevention Assembly Test and Maintenance Report" in the form attached to this Rate Order as Exhibit "F" within three (3) working days of the installation of the backflow prevention assembly and within three (3) working days of any subsequent repair, maintenance or testing of such assembly. If the User fails to provide the testing certificate within this time, the District, in its discretion, may terminate service to the

User pursuant to the terms of this Rate Order. The District's operator will retain such reports for a minimum of three (3) years.

E. Customer Service Inspections. A customer service inspection is required prior to the time the District (i) provides continuous water service to new construction, (ii) provides water service to private plumbing facilities that have been added to existing construction or materially improved or corrected, or (iii) continues service to a User when the District has reason to believe that cross-connections or other unacceptable plumbing practices exist. The cost of such customer service inspection is set out in Exhibit "A" and will be the sole responsibility of the User and must be performed by the District's operator, who is a certified waterworks operator holding an endorsement from the Commission. All fees relating to the customer service inspection shall be paid by the User prior to the inspection, and if the inspection is made in connection with new construction, the fee will be collected with the tap fee.

Prior to initiating continuous service to new construction or buildings containing new plumbing fixtures, the User must provide the District's operator with a signed and dated "Customer Service Inspection Certification" in the form attached to this Rate Order as Exhibit "C". The District's operator will retain such inspection certifications for a minimum of ten (10) years. Thereafter, the District's operator or its subcontractors may, at the discretion of the District and/or the District's operator, periodically inspect a User's plumbing system during normal business hours for the purpose of identifying possible cross-connections and other unacceptable plumbing practices that violate this Rate Order.

F. Prohibition Against Cross-Connections. No cross-connection between the District's potable water distribution system and a private water system is permitted. Where an actual air gap is not maintained between the public water supply and a private water supply, an approved reduced pressure-zone backflow prevention assembly must be properly installed and such assembly must be annually inspected and tested by a certified backflow prevention device tester. A list of certified backflow prevention device testers may be obtained from the local office of the Commission. By accepting service from the District, all Users agree to allow such annual inspection and testing of backflow prevention assemblies to take place during normal business hours. If any User refuses to allow such annual inspection and testing, service to such User will be discontinued until such inspection and testing is completed.

No connection that allows water to be returned to the District's potable water distribution system is permitted. This includes, but is not limited to, any device pursuant to which water is removed from the District's potable water distribution system, circulated through a User's system for condensing, cooling and heating of fluids or industrial processes, including but not limited to a heat exchange system, and routed back to the District's potable water distribution system.

G. Notice of Unacceptable Plumbing Practices. The District shall notify the User in writing of any cross-connection or other unacceptable plumbing practice that has been identified during the customer service inspection, any periodic reinspection, or any other inspection. At its sole cost and expense, the User shall immediately correct any unacceptable plumbing practice on its premises and properly install, test and maintain any backflow prevention device required by the District within five (5) working days of receipt of notice of the improper cross-connection. The User shall provide copies of all testing and maintenance records on such devices to the District within three (3) working days of the testing or maintenance. If the User fails to correct the noted unacceptable plumbing practice, the District may immediately terminate water service or, at the User's sole cost and expense, eliminate the cross-connection or correct the unacceptable plumbing practice.

H. Penalty for Violation. The failure of a User to comply with the terms of this Section will be considered a violation of this Rate Order. If such a violation occurs, or if the District determines the existence of a serious threat to the integrity of the District's water supply, the District, in its sole option, may, in addition to all other legal remedies available to it, including those remedies set out in Section 20 of this Rate Order, immediately terminate service or, at the User's sole cost and expense, install the plumbing fixtures or assemblies necessary to correct the unacceptable plumbing practice. If the District terminates service in order to preserve the integrity of the District's water supply, service will be restored only when the source of the potential contamination no longer exists or until additional safeguards have been taken. Any and all expenses associated with the enforcement of this Section shall be billed to the User.

Section 17: Drainage Facilities And Unauthorized Materials. For the purpose of providing drainage capacity and services to drain the land located within its boundaries, the District has constructed, owns and operates a drainage and storm sewer system (collectively, the "Drainage Facilities"). It is essential that the District maintain the Drainage Facilities and ensure that they are kept clear of any objects or debris that may block them and interfere with their intended purpose. The District's Drainage Facilities are solely allowed to carry storm water rainfall and anything deposited into such system shall be unauthorized. Any individual who disposes, or is responsible for the disposal, of trash, household or other hazardous materials, construction materials or debris, chemicals, other debris, or grass, tree and yard clippings, or anything else prohibited under regulations implemented pursuant to the Federal Water Pollution Control Act or any state equivalent act, or that might potentially impede the free flow of storm water runoff ("Unauthorized Materials") in the Drainage Facilities or the District's Right-of-Way will be responsible for (1) removing such Unauthorized Materials and restoring the Drainage Facilities to their prior condition or (2) reimbursing the District for all costs of removal and restoration if

the District opts, at its sole discretion, to perform such work. In addition to or in place of the foregoing, the District may assess a penalty or disconnect the customer's water service to collect such penalty for such violation under Section 20 of this Rate Order.

Section 18: No Free Service. No free service shall be granted to any User for services furnished by the District's System whether such User be a charitable or eleemosynary institution, a political subdivision or municipal corporation, and all charges for service shall be made as required herein.

Section 19: Required Service. No service shall be given from the District's System unless such User agrees to take water, sanitary sewer, storm sewer and drainage, and garbage and recycling services, except in those instances where the Board determines that all such services are not necessary for the preservation of the sanitary condition of water within the District.

Section 20. Stormwater Quality Compliance. Consistent with the requirements set forth in the Texas Pollutant Discharge Elimination System General Permit Number TXR040000, the District has a Stormwater Management Program (SWMP) in effect. In accordance with the SWMP, the District has adopted a Stormwater Guidance Manual setting forth the rules and regulations with which all the storm sewer users of the District's stormwater system must comply.

Section 21: Penalties for Violation. Any person, corporation or other entity who:

- (1) violates any Section of this Rate Order or Articles II and III of the City of Rosenberg Code of Ordinances;
- (2) makes unauthorized use of District services or facilities;
- (3) causes damage to District facilities by using such facilities in a manner or for a purpose contrary to the purpose for which such facilities were designed;
- (4) uses or permits the use of any septic tank or holding tank within the District;
- (5) violates the District's Rules and Regulations Governing Sewer Lines and Sewer Connections;
- (6) violates the District's Order Adopting a Drought Contingency Plan; or
- (7) constructs facilities or buildings which are not included in the approved plans for development under Section 2(B)(2) of this Agreement; or

(8) violates the rules and regulations contained in the District's Stormwater Guidance Manual.

shall be subject to termination of service in accordance with the procedures set forth in Section 8 of this Rate Order and a penalty of \$5,000.00 and/or disconnection of water service for each breach of each one of the foregoing provisions. Each day that a breach of any provision hereof continues shall be considered a separate breach.

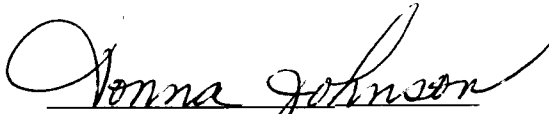
This penalty shall be in addition to the other penalties, fees and charges provided by this Rate Order and the laws of the State of Texas and in addition to any other legal rights and remedies of the District as may be allowed by law.

Section 22: Applicability of Rate Order. This Rate Order and all of the provisions herein apply only to utility service provided to land within the District. The Board of Directors shall determine whether to provide any utility service to areas outside of the District and the terms and conditions for such service.

Section 23: Effective Date. This Order supersedes all prior orders, resolutions, and other actions of the Board concerning fees and charges for water and sewer services and takes effect March 9, 2020.

[EXECUTION PAGE FOLLOWS]

ADOPTED this 9th day of January, 2023.


President, Board of Directors

ATTEST:


Secretary, Board of Directors



LIST OF EXHIBITS

- Exhibit "A" - Fees
- Exhibit "B" - Rates
- Exhibit "C" - Standard Sanitary Sewer Usage Rates
- Exhibit "D" - Customer Service Inspection Certification
- Exhibit "E" - Service Agreement
- Exhibit "F" - Backflow Prevention Assembly Test and Maintenance Report
- Exhibit "G" - City of Rosenberg Code of Ordinances, Articles II and III

EXHIBIT "A"

FEES

1. TAP FEES

A. Single Family Residential Users

In the case of a 5/8 inch water meter, the tap fee shall be: \$490

In the case of a 3/4 inch water meter, the tap fee shall be: \$640

In the case of a 1 inch water meter, the tap fee shall be: \$940

In the case of a 1 1/2 inch water meter, the tap fee shall be: \$3,210

In the case of a 2 inch water meter, the tap fee shall be: \$4,500

In the case of a water meter larger than 2 inch, a tap fee equal to two (2) times the District's actual cost of installing the tap, meter, and necessary service lines shall be paid to the District.

B. Non-Single Family Residential User

User shall pay a tap fee equal to three (3) times the District's actual cost of installing the tap, meter, and necessary service lines, and repairing or restoring any yards, sidewalks, streets, landscape, property or other improvements affected by the installation (the "Installation Costs"). The District's operator will produce an estimate for the Installation Costs, which will be sent to the User. The User shall pay the Installation Costs, plus 20% thereof, prior to the installation of the tap. If the actual Installation Costs are greater than the estimated Installation Costs paid by the User, the difference must be paid by the User before the District will provide service to the User. If the actual Installation Costs are less than the estimated Installation Costs paid by the User, a refund for the difference shall be issued to the User.

C. Irrigation User

(1) Private User:

In the case of a 1-1/2 inch water meter, the tap fee shall be: \$3,210

In the case of a 2 inch water meter, the tap fee shall be: \$4,500

In the case of a 2 inch water meter located on a boulevard, in addition to the tap fee shown above, for any linear feet of pipe needed to make the tap in excess of 25 feet, there shall be an additional per foot linear charge of: \$ 7.50

(2) Homeowner Association User:

Irrigation taps will be set for homeowner associations at the District's cost for same.

D. Non-Taxable Users

- (1) Non-Taxable Users shall pay a tap fee equal to the District's actual cost of installing the tap, meter and any necessary service lines and the cost of repairing or restoring any yards, sidewalks, landscape, property, streets or other improvements affected by the installation (as determined by the District's operator) plus the User's pro rata share of the District's actual cost of the facilities necessary to provide District services to the non-taxable User that are financed or to be fully or partially financed by the District's tax bonds (as determined by the District's consultants and approved by the Board of Directors) (the "Installation Costs").

- (2) The District's operator will produce an estimate of the Installation Costs, which will then be approved by the Board of Directors and be sent to the User. The User shall pay the estimated Installation Costs, plus 20%, prior to installation of the tap. If the actual Installation Costs are greater than the estimated Installation Costs paid by the User, the difference must be paid by the User before the District will provide service to the User. If the actual Installation Costs are less than the estimated Installation Costs paid by the User, a refund for the difference shall be issued to the User.
- (3) Homeowners Associations shall pay a tap fee equal to the District's actual cost of installing the tap, meter and any necessary service lines and the cost of repairing or restoring any yards, sidewalks, landscape, property, streets or other improvements affected by the installation (as determined by the District's operator).

2. SEWER CONNECTION INSPECTION FEE

Single Family Residential connection: \$50

Non-Single Family Residential connection: \$125

3. FACILITY INSPECTION FEE \$50

Reinspection fee \$50

4. PRE-FACILITY & POST-FACILITY INSPECTION FEE \$50 each

5. GREASE TRAP INSPECTION FEE

Monthly Rate \$85

Reinspection Rate \$85

6. **CUSTOMER SERVICE INSPECTION FEE**

Residential \$75

Commercial \$175

7. **BACKFLOW PREVENTION DEVICE TEST**

Residential \$50

Commercial \$175

8. **SWIMMING POOL INSPECTION FEE** \$75

9. **FEE TO MAIL NOTICE OF DELINQUENCY TO USER**

Fee to Mail Notice \$7

Fee for Door Hanger Termination Notice \$25

10. **RECONNECTION FEE** \$50

11. **SECURITY DEPOSIT** \$75 first deposit per single family residential equivalent connection for customers who own the property; and \$150 first deposit per single family residential equivalent connection for customers who lease the property; and \$25 per single family residential equivalent connection following each disconnection until the amount of deposit being held is \$450 per single family residential equivalent connection

12. **REINSTALLATION FEE DUE TO METER REMOVAL** \$50

13. **FEE FOR RETURNED CHECK** \$25

14. **TRANSFER FEE** \$20

15. FEE FOR PROCESSING BUILDER BACKCHARGES \$15

EXHIBIT "B"

RATES

1. Water rates shall include a quantity charge of One Dollar and Fifty Cents (\$1.50) for each 1,000 gallons of metered water over zero, plus a base service charge based on water meter size to be determined as follows:

1" Meter and under	\$ 16.00
1-1/2"	26.00
2"	32.00
3"	68.00
4"	185.00
6"	362.00
8"	453.00

2. GRP FEE

The City of Rosenberg, Texas ("City") assesses a GRP Fee to the District for each 1,000 gallons of surface water delivered and/or ground water pumped ("GRP Fee"). In addition to the water rates set forth herein, each User within the District, of whatever class (including, without limitation, irrigation users and fire protection meter users), shall be billed a separate amount for each 1,000 gallons of water delivered by the District to such User in a billing cycle, times the then-current City GRP Fee.

3. Sewer rates shall include a quantity charge of Two and 30/100 Dollars (\$2.30) for each 1,000 gallons of metered water over zero, plus a base service charge based on water meter size as follows:

1" Meter and under	\$ 30.00
1-1/2"	47.00
2"	46.00
3"	94.00
4"	262.00
6"	515.00
8"	644.00

Sewer charges for billing periods April through September shall not exceed the average usage established during the billing periods of October through March. New Users, whether Single Family Residential or Non-Single Family Residential, with no historical usage for the October through March period, shall be billed for

sewer usage during the April through September period which does not exceed adopted Standard Sanitary Sewer Usage Rates attached hereto as Exhibit C.

4. Fire Protection Services

Each single user shall be assessed a flat fee per month for fire protection services based on the actual charge to the District by the City of Rosenberg for such services.

5. Fire Protection Meter

The water rate for a fire protection meter shall be a monthly rate of \$9.62 plus \$1.05 per 1,000 gallons of water metered over zero.

6. Homeowner Associations

Meters Using Water and Sewer Service:

\$9.50 Per Month for meters using both water and sewer services plus \$0.50 per 1,000 gallons of water metered over zero.

Meters Using Water Service only:

\$5.00 per month for meters using water service only plus \$0.50 per 1,000 gallons of water metered over zero.

EXHIBIT "C"

STANDARD SANITARY SEWER USAGE RATES

CALCULATE VALUE BASED ON THE FOLLOWING DATA:

A) Residential Development

Single Family Residential	315 GPD/Unit
Townhouse/Patio/Cluster Homes	315 GPD/Unit
Duplex/Triplex	315 GPD/Unit
Fourplex	270 GPD/Unit
Condominium	270 GPD/Unit
Apartment with Washer/Dryer	270 GPD/Unit

B) Institutional Development

Church

Auditorium	1 GPD/Seat
Administration Building	15 GPD/Capita
Day School Classroom	10 GPD/Capita

School

Unspecified	15 GPD/Capita
Elementary	10 GPD/Capita
Day Care Center	10 GPD/Capita
Residential	100 GPD/Capita
Dormitory	90 GPD/Capita

Hospital	200 GPD/Bed
Nursing Home	90 GPD/Bed
Prison	280 GPD/Capita

C) Office Development

Office Building	0.10526 GPD/Square Feet
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D) Retail Development

Retail Store	0.07 GPD/Square Feet
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E) Restaurant Development

Average Full Service 10-12 Hours	35 GPD/Seat
Twenty Four (24) Hour Full Service	50 GPD/Seat
Tavern or Lounge (No Food Service)	10 GPD/Seat

	Soda Fountain	10 GPD/Seat
	Fast Food Paper Plate Service	10 GPD/Seat
	Monterey House	13 GPD/Seat
	Cafe	20 GPD/Seat
	Bakery	0.225 GPD/Square Feet
	Pizza Parlor	8 GPD/Seat
	Fast Food (No Seating)	0.07 GPD/Square Feet
F)	Coiffure Development	
	Beauty Shop	150 GPD/Shampoo Bowl
	Barber Shop	150 GPD/Shampoo Bowl
	Supercuts Barber Shop	77 GPD/Shampoo Bowl
G)	Cleaning Development	
	Washateria (Based on 50 G/Wash and 10 washes/day)	500 GPD/Machine
	Car Wash	
	Individual Bay, Self-service w/o reclaim (wand type)	300 GPD/Bay
	Individual Bay, Self-service with reclaim (wand type)	0 GPD/Bay
	Commercial w/o reclaim (tunnel type)	1200 GPD
	Commercial with reclaim (tunnel type)	0 GPD
H)	Recreational Development	
	Theatre	
	Indoor	5 GPD/Seat
	Drive-In	5 GPD/Space
	Skating Rink	5 GPD/Capita
	Bowling Alley	200 GPD/Lane
	Swimming Pool	5 GPD/Swimmer
	Stadium	3 GPD/Seat
	Country Club	100 GPD/Member and 25 GPD/Guest

	Health Club/Spa w/swimming pool and/or whirlpool	10GPD/Member/Day
	Health Club/Spa w/out swimming pool and/or whirlpool	5GPD/Member/Day
	Raquetball Club	160.25GPD/Court
I)	Service Station Development	
	Station with service (maximum of 1000 GPD if no car wash)	500 GPD/Island
	Self Service Station	0.07 GPD/Square Feet
J)	Hotel/Motel Development	
	Hotel/Motel (excluding restaurant)	79 GPD/Room
	Hotel/Motel (w/kitchenettes)	135 GPD/Room
K)	Industrial Development	
	Warehouse	0.03 GPD/Square Feet
	Factory w/shower	25 GPD/Capita
	Factory w/o shower	20 GPD/Capita
	Factory Residential	80 GPD/Capita
	Industrial Laundry	300 GPD/50 lbs.
	Clothes or	5000 GPD/Machine
	Manufacturing	0.05 GPD/Square Feet
L)	Transportation Terminal Development	
	Transportation Terminal (excluding restaurants)	5 GPD/Passenger
M)	Other	
	Film Processor	1260 GPD/Processor
	Fire Station	90 GPD/Capita
	Funeral Homes	675 GPD/Body
	Technicolor One Hour Photo Store	1000 GPD/Store
	Toilet	80 GPD/Toilet

EXHIBIT "D"
Customer Service Inspection Certification

Name of PWS _____

PWS I.D. # _____

Location of Service _____

I, _____, upon inspection of the private plumbing facilities connected to the
aforementioned public water supply do hereby certify that, to the best of my knowledge:

		Compliance	Non- Compliance
(1)	No direct connection between the public water supply and a potential source of contamination exists. Potential sources of contamination are isolated from the public water system by an air gap or an appropriate backflow prevention assembly in accordance with state plumbing regulations. Additionally, all pressure relief valves and thermal expansion devices are in compliance with state plumbing codes.	ف	ف
(2)	No cross-connection between the public drinking water supply and a private water system exists. Where an actual air gap is not maintained between the public water supply and a private water supply, an approved reduced pressure zone backflow prevention assembly is properly installed and a service agreement exists for annual inspection and testing by a certified backflow prevention device tester.	ف	ف
(3)	No connection exists which would allow the return of water used for condensing, cooling or industrial processes back to the public water supply.	ف	ف
(4)	No pipe or pipe fitting which contains more than a weighted average of 0.25% lead exists in private plumbing facilities installed on or after July 1, 1988.	ف	ف
(5)	No solder or flux which contains more than 0.2% lead exists in private plumbing facilities installed on or after July 1, 1988.	ف	ف
(6)	No plumbing fixture is installed which is not in compliance with a state approved plumbing code.	ف	ف

Water service shall not be provided or restored to the private plumbing facilities until the above conditions are determined to be in compliance.

I further certify that the following materials were used in the installation of the plumbing facilities:

Service Lines:	Lead	ف	Copper	ف	PVC	ف	Other	ف
Solder:	Lead	ف	Lead Free	ف	Solvent Weld	ف	Other	ف

I recognize that this document shall become a permanent record of the aforementioned Public Water System and that I am legally responsible for the validity of the information I have provided.

Signature of Inspector

Registration Number

Title

Type of Registration

Date

License Expiration Date

EXHIBIT "E"

SERVICE AGREEMENT

- I. **PURPOSE.** The Fort Bend County Municipal Utility District No. 155 ("District") is responsible for protecting the drinking water supply from contamination or pollution that could result from improper plumbing practices. The purpose of this service agreement is to notify each customer of the plumbing restrictions that are in place to provide this protection. The District enforces these restrictions to ensure the public health and welfare. Each customer must sign this agreement before the District will begin service. In addition, when service to an existing connection has been suspended or terminated, the District will not re-establish service unless it has a signed copy of this agreement.
- II. **PLUMBING RESTRICTIONS.** The following unacceptable plumbing practices are prohibited by State regulations.
 - A. No direct connection between the public drinking water supply and a potential source of contamination is permitted. Potential sources of contamination shall be isolated from the public water system by an air-gap or an appropriate backflow prevention device.
 - B. No cross-connection between the public drinking water supply and a private water system is permitted. These potential threats to the public drinking water supply shall be eliminated at the service connection by the installation of an air-gap or a reduced pressure-zone backflow prevention device.
 - C. No connection that allows water to be returned to the public drinking water supply is permitted.
 - D. No pipe or pipe fitting which contains more than a weighted average of 0.25% lead may be used for the installation or repair of plumbing at any connection which provides water for human use.
 - E. No solder or flux which contains more than 0.2% lead can be used for the installation or repair of plumbing at any connection which provides water for human use.
- III. **SERVICE AGREEMENT.** The following are the terms of the service agreement between the Fort Bend County Municipal Utility District No. 155 (the "District") and [NAME OF CUSTOMER] (the "Customer").

- A. The District will maintain a copy of this agreement as long as Customer and/or the premises is connected to the District's water system.
 - B. Customer shall allow his/her property to be inspected for possible cross-connections and other unacceptable plumbing practices. These inspections shall be conducted by the District or its designated agent prior to initiating new water service; when there is reason to believe that cross-connections or other unacceptable plumbing practices exist; or after any major changes to the private plumbing facilities. The inspections shall be conducted during the District's normal business hours.
 - C. The District shall notify Customer in writing of any cross-connection or other unacceptable plumbing practice that has been identified during the initial inspection or the periodic reinspection.
 - D. Customer shall immediately correct any unacceptable plumbing practice on his/her premises.
 - E. Customer shall, at his/her expense, properly install, test, and maintain any backflow prevention device required by the District. Copies of all testing and maintenance records shall be provided to the District.
 - F. Customer understands and agrees that the District does not guarantee any specific quantity or pressure of water for any purpose whatsoever and that the District is not liable to customer for failure or refusal to furnish any particular amount or pressure of water to Customer at any time.
- IV. **ENFORCEMENT.** If Customer fails to comply with the terms of the Service Agreement, the District shall, at its option, either terminate service or properly install, test, and maintain an appropriate backflow prevention device at the service connection. Any expenses associated with the enforcement of this Service Agreement shall be billed to Customer.

CUSTOMER'S SIGNATURE: _____

DATE: _____

ADDRESS: _____

EXHIBIT "F"

Backflow Prevention Assembly Test and Maintenance Report

The following form must be completed for each assembly tested. A signed and dated original must be submitted to the public water supplier for recordkeeping purposes.

BACKFLOW PREVENTION ASSEMBLY TEST AND MAINTENANCE REPORT

NAME OF PWS: _____

PWS I.D. #: _____

LOCATION OF SERVICE: _____

The backflow prevention assembly detailed below has been tested and maintained as required by TCEQ regulations and is certified to be operating within acceptable parameters.

ف Not needed at this address

TYPE OF ASSEMBLY

ف Reduced Pressure Principle

ف Pressure Vacuum Breaker

ف Double Check Valve

ف Atmosphere Vacuum Breaker

Manufacturer: _____ Size: _____

Model Number: _____ Located At: _____

Serial Number: _____

	Reduced Pressure Principle Assembly			Pressure Vacuum Breaker	
	Double Check Valve Assembly		Relief Valve	Air Inlet	Check Valve
	1st Check	2nd Check		Opened at _____ psid	_____ psid
Initial Test	DC - Closed Tight RF _____ psid Leaked ف	Closed Tight ف Leaked ف	Opened at _____ psid	Did Not Open ف	Leaked ف
Repairs and Materials Used					
Test After Repair	DC - Closed Tight RF _____ psid Leaked ف	Closed Tight ف	Opened at _____ psid	Opened at _____ psid	_____ psid

The above is certified to be true.

Firm name: _____

Certified Tester: _____

Firm Address: _____

Cert. Tester No.: _____

Date: _____

EXHIBIT "G"
CITY OF ROSENBERG CODE OF ORDINANCES,
CHAPTER 29, ARTICLES II AND III

ARTICLE II. WATER*

***Cross references:** Water and sanitary sewer funds, § 2-66; plumbing and gas standards, § 6-171 et seq.

State law references: Water system owned and operated by city, V.T.C.A., Local Government Code § 402.013.

DIVISION 1. WATER SERVICE

Sec. 29-26. City's reserved rights; liability exemption.

(a) *Shutting off all water; purposes.* The city reserves the right at any time to shut off the water in its mains for the purpose of cleaning, repairing or making any connections or extensions, or for the purpose of repairing machinery, reservoir or any part of the waterworks system.

(b) *Exemption from liability.* The city shall not be liable for any damages on account of leakage or breakage of pipes on any premises.

(c) *Proof of ownership.* Whenever ownership is a prerequisite to any right in this article, the city reserves the right to consider any reasonable proof thereof.

(d) *Right to make other rules.* The city reserves the right to make such other rules and regulations as may be necessary for the preservation, protection and economical administration of its water system.

(Code 1960, § 27-1; Ord. No. 90-02, § 1, 2-20-90)

Sec. 29-27. Right of entry; time; purposes.

Every person taking water from the city shall, at all reasonable times, permit the city water employee, or other officer or agent of the city, to enter his premises or buildings to examine his water pipes and fixtures, the manner in which the water is used and for the purpose of repairing, reading or testing the meters.

(Code 1960, § 27-2)

Sec. 29-28. Securing pipe repairs; persons authorized to receive notice.

All repairs of the city's pipes, whether made necessary from leaks or other causes, will receive attention by giving information to the city water service employee or city secretary.

(Code 1960, § 27-3)

Sec. 29-29. Property rights designated.

(a) *Pipe; property line.* The property of the city ends and the property of the landlord or property owner begins where the service pipe running on the premises connects with the curbstop at the meter.

(b) *Water meter and box.* Each water meter and box shall be the property of the city and shall be subject to inspection, readings, repairs and removal by the city at all times. Each water meter and box shall be installed outside and adjacent to the property limits conveniently accessible to the city or as directed by the public works department.

(Code 1960, § 27-4)

Sec. 29-30. Service line--Distance from main.

(a) *Distance furnished by city.* The service initiation fee as set in section 29-37 shall include the cost of furnishing service lines to the property line of any person living in the city on the effective date of the ordinance from which this section is derived for a distance of not more than one hundred twenty (120)

feet in open cut from any existing service line or main where there is or will be only one (1) consumer to be supplied from such service line.

(b) *Payment by consumer.* Any person within the city limits desiring a service line that requires the laying of more than one hundred twenty (120) feet of line will be furnished water by the city by his paying for any additional line over and above one hundred twenty (120) feet.

(c) *Connections required.* Any person using water service within the corporate limits of the city must connect to the city service line or main when the service line or main exists within one hundred twenty (120) feet of that person's property. Any person who has a service line or main available in accordance with this subsection must make a connection within thirty (30) days of such availability. Failure to make a connection to such service line or main shall constitute a violation of this subsection and persons in violation hereof shall be subject to the fines and penalties as described in section 1-13 of this Code.

(Code 1960, § 27-5; Ord. No. 90-02, § 2, 2-20-90)

Sec. 29-31. Same--Outside city limits; to city boundary.

The city will not lay or furnish service lines outside the city limits except upon approval by a majority vote of city council. The applicant must pay for any extension of service lines required to serve his property.

(Code 1960, § 27-6; Ord. No. 92-26, § 2, 9-15-92)

Sec. 29-32. Meter installation; separate meters; charges outside city.

(a) *Inside city.* The city will furnish meters and install meters within the city limits. Each separate house or premises must be provided with a separate meter and connection and is subject to all the rules and regulations contained in this article.

(b) *Outside city; installation fee.* Each consumer outside the city limits must pay the regular installation fee as set forth in section 29-37, plus an additional amount representing ten (10) percent of the regular fee.

(c) *Outside city; separate meters.* Each separate house or premises outside the city must be provided with one (1) separate meter and connection, is subject to all the rules and regulations contained in this article and shall pay the rates for water service as set forth in section 29-50(d).

(Code 1960, § 27-7)

Sec. 29-33. Contract of supply; no specified quantity; ample for purposes named; violations; rationing of water.

(a) Water consumers are not guaranteed a specified quantity of water for any purpose whatsoever but simply an ample quantity for the purposes named in the permit. All other purposes to which water may be applied is a direct violation of the agreement made between the city and consumer at the time of granting the permit, and any persons so violating such agreement shall be subject to the fines and penalties as described in section 1-13.

(b) The city council shall declare when an emergency water shortage exists, requiring the rationing of water in the city to provide fire protection, protect city equipment and to protect the health of the citizens of the city. If the council is unable to promptly convene to make such declaration, the mayor may declare such an emergency water shortage. Upon declaration of an emergency, the council, or the mayor acting if the council is unable to convene, shall adopt a water rationing plan as submitted by the city manager. Such plan may provide for the city manager to declare an end to water rationing upon certain conditions and may allow the city manager to grant variances from the water rationing plan and set forth water use restrictions or prohibitions and other provisions. Any persons violating a water rationing plan adopted by the council or the mayor will be subject to the fines and penalties as described in section 1-13.

(Code 1960, § 27-8)

Sec. 29-34. Tapping water mains; city water service employees only; consent.

No plumber or other person, except the water service employees of the city, shall be allowed to tap any street main or pipes belonging to the city or to do any work in the streets, alleys or public grounds in connection with the laying of the street service connections and in connection with their mains, without the consent of the public works department. Persons violating this provision shall be subject to the fines and penalties as described in section 1-13.

(Code 1960, § 27-9)

Sec. 29-35. Application for service; required signature; location.

(a) Application for the introduction of water on any premises in the city must specify the location of the premises and be either signed by the owner of the premises or signed by the applicant. If water is used at a premises for which a water and sewer services application has not been made, then the owner of the premises shall be billed for the water so used and shall be responsible for the payment thereof.

(b) Persons indebted to city. No water or sewer service will be furnished to any person who is indebted to the city for any utility-related debts.

(Code 1960, § 27-10; Ord. No. 90-02, § 3, 2-20-90; Ord. No. 91-03, § 1, 5-7-91)

Sec. 29-36. Deposit; use and final disposition.

(a) *Required; amount.* Deposits as set forth in this section shall be paid to the city at the time of applying for the water to be turned on at the premises. Where the applicant is the owner and occupant of the premises or where the owner of a non-owner-occupied property has other owner-occupied service within the city and has no history of delinquency within the last six (6) months and is responsible for the utility bill for the non-owner-occupied premises, no such deposit shall be required. The amount of the required deposit shall be determined according to the following schedule:

(1) *Residential service.*

TABLE INSET:

Type of Service	Deposit Amount
Single-family rental property	\$125.00
Single-family rental property, senior citizen over 65	65.00
Mobile home parks, per mobile home space	125.00

(2) *Commercial/industrial or combination residential and commercial/industrial service, including multiple dwelling units.* The amount of the required deposit shall be determined by the utility department staff, based upon the estimated water, wastewater (sewer) and solid waste charges for two (2) months and the nature of the business, with a minimum deposit of one hundred sixty dollars (\$160.00). However, if the applicant is a commercial and industrial user, as defined in this section, with an existing account with the city having no history of delinquency within the last six (6) months on the existing account, no deposit shall be required on any additional account at such other service address.

(b) *Service transfers.* A customer who applies for a transfer of an existing service account to different premises within the city shall be required to make the deposits specified in subsection (a) and pay the service initiation fee set forth in section 29-37(c). Any amounts on deposit with the city for any transferred account shall be applied first toward the payment of any amounts owed on such account and any amounts remaining on deposit shall be refunded to the customer in accordance with subsection (f). However any customer who has not had a delinquent account within the last six (6) months may request a transfer of any amounts on deposit with the city to any new account.

(c) *Short-term water service for other than construction purposes.* Short-term water service of fifteen (15) days or less for other than construction purposes, such as maintenance, shall not require a deposit to be placed with the city. The customer requiring such service will, however, be required to pay the minimum monthly charge for such service requested prior to the connection of such service. Upon termination of short-term service, any usage exceeding the minimum monthly charge shall be billed.

(d) *Construction water usage.* Short-term water service to be used during any construction project within the city limits shall require a deposit of three hundred fifty dollars (\$350.00). Upon receipt of an application for service and the required deposit, the city shall provide a hydrant meter for the purposes of measuring the construction water usage. The meter shall be read in accordance with section 29-49 and water usage shall be billed at the rate of four dollars (\$4.00) per one thousand (1,000) gallons.

(e) *Bulk water usage.* Bulk water usage shall be in compliance with the following:

(1) Customers requesting bulk water service for a fixed quantity shall not be required to make a deposit. Customers requesting bulk water for an unspecified quantity shall be required to pay a deposit of three hundred fifty dollars (\$350.00).

(2) Bulk water shall be defined as water to be taken in a container in a measured capacity which does not require a metering device.

(3) The taking of bulk water shall be during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except holidays, unless an application for after-hours delivery is filed by the customer and approved by the director of public works.

(4) Bulk water customers will be responsible for paying overtime charges incurred, if applicable, in addition to the rate of four dollars (\$4.00) per one thousand (1,000) gallons assessed for the usage of bulk water within the city limits.

(f) *Refunds.* Deposits shall be held by the city as long as the customer continues to use water at the premises for which such deposit was made. Upon request, a deposit will be refunded to the customer after all obligations on any account for water, sewer, and solid waste with the city have been satisfied. If no request for a refund is made within three hundred sixty-five (365) days from the date service is discontinued, any amounts remaining on deposit after payment of all amounts owed on such account shall be forfeited to the city.

(g) *Security/deposits.* Letters of credit are acceptable in lieu of cash for payment of deposits as required in this section in appropriate circumstances as determined by the director of finance and administration.

(Code 1960, § 27-11; Ord. No. 90-02, § 4, 2-20-90; Ord. No. 92-26, § 3, 9-15-92; Ord. No. 2002-37, § 1, 9-17-02; Ord. No. 2003-05, § 1, 2-4-03)

Sec. 29-37. Tapping water mains; connection rates; service initiation fees.

(a) The uniform charge for tapping the water mains and conveying the water up to and including the curbstop, water meter and box at the property line shall be as set forth in the schedule of prices on water connections as follows:

(1) 3/4-inch × 5/8-inch water service, including cost of meter . . . \$565.00

(2) 1-inch water service, including cost of meter . . . 640.00

(3) 1 1/2-inch and over water service--As set by the public works department

(b) A fee of four dollars (\$4.00) per foot of boring shall be paid by a person requesting a one-inch or smaller tap into the city's water mains for such extension of pipe in excess of forty (40) feet. Boring for taps larger than one (1) inch shall be subject to a fee set by the public works department, which fee shall be calculated to recover the full cost of performing the bore requested.

(c) A service initiation fee of fifteen dollars (\$15.00) shall be paid by any person applying for water service to the city at the time of application therefore.

(Code 1960, § 27-12; Ord. No. 90-02, § 5, 2-20-90; Ord. No. 2003-40, § 1, 9-2-03)

Sec. 29-38. Plumber returns; contents; required before water supplied.

(a) *Required.* Plumbers shall make full and complete returns, to the city water employee or the city secretary, of waterworks installed under any permit granted him.

(b) *Required information.* The return shall state the use for which the water is to be applied and the number and character of each fixture.

(c) *Time to report; supplying water.* Returns must be made by the plumber doing the work within two (2) days after the completion of the work, as water will not be turned on to any premises until after the returns are made.

(d) *Compliance.* The work reported shall be in accordance with the rules and regulations prescribed in this article.

(Code 1960, § 27-13)

Sec. 29-39. Restoring terminated water service.

No plumber or other person shall restore any water service to premises for which the city has terminated water service without consent of the public works department. If it is determined by inspection of the public works department that terminated water service has been restored at a specific location without such consent, the customer in whose name the account appears or the owner of the property, if the account is inactive, shall be assumed to have restored the water service. Any person violating this section shall be subject to the fines and penalties as described in section 1-13 of this Code.

(Code 1960, § 27-14; Ord. No. 90-02, § 6, 2-20-90)

Sec. 29-40. Permit required; refusal to supply water.

The city will refuse to turn on the water for any person employing a plumber to make any alterations or extensions of the water pipes on his premises, who shall not have first secured the necessary permit to make such changes.

(Code 1960, § 27-15)

Sec. 29-41. Curbstop and waste connection; location.

(a) Every water connection in the city system in service and made prior to March 1, 1965, shall be furnished with a curbstop and waste valve located between the city meter and the premises served and below the action of frost, so situated as to be conveniently shut off and to prevent freezing. Combination curbstops and waste valves shall not be installed underground in a water supply system. Any fixture or device which incorporates a curbstop and waste fixture is prohibited if the waste opening is underground or in any location that wastewater or waterborne contaminants may enter the device or water supply from the ground or other source by reversal of flow.

(b) Every water connection with the city system made on and after March 1, 1965, shall be furnished and provided with a curbstop and waste valve of good quality and approved by the plumbing inspector of the city, to enable water supply cutoff by the owner or occupant (or their representative) of the premises to be served, same to be located on the private property to be served and placed one (1) foot from the city water meter at the property line connection and below the action of frost and which curbstop and waste valve may be used for draining the supply pipe to prevent freezing and for turning off the water for repairs. In a building having two (2) or more apartments, each apartment shall be controlled by a separate curbstop and waste valve, same to be in addition to such curbstop required near the city meter.

(Code 1960, § 27-16)

Sec. 29-42. Multiple users of same service.

(a) *Each party liable for minimum charges.* In case two (2) or more parties or families are supplied with water from the same service pipe, but occupy separate buildings or separate offices or parts of the same building, each party or family shall be liable for and pay not less than the minimum water charges for each building, office or part of the same building.

(b) *Owner's liability for bill.* The owner of the building or premises shall be liable to the city for all water charges when the building is occupied by or leased to more than one (1) tenant.

(c) *Cutting off supply upon default.* If any one (1) user of water from the same service line becomes delinquent or refuses to pay his part of the water charges, then the water service may be cut off by the city and remain cut off until all water charges in arrears have been fully paid.

(Code 1960, § 27-17)

Sec. 29-43. Vacant houses; notice required; charge if not disconnected.

Any consumer of services at any premises that will be vacant for any period of time must give notice of such vacancy at the utility billing office so that the water and sewer service may be turned off. If water service is left on during the vacancy, the minimum charge will be applied.

(Code 1960, § 27-18)

Sec. 29-44. Waste or unreasonable use; city's remedies; frozen pipes.

(a) *Fraudulent representations; unauthorized use; waste; authorized action.* In case of fraudulent representations on the part of the applicant or the use of water for purposes not embraced in the application or lease or of willful or unreasonable waste of water, the city shall have the right to forfeit any payment made, turn off the water and recover all damages.

(b) *Frozen pipes; no deduction.* No deduction will be made for the time any service pipe may be frozen.

(c) *Running water to prevent freezing.* Water running to waste or to keep the pipe from freezing is prohibited.

(Code 1960, § 27-19)

Sec. 29-45. Credit adjustments; payment extensions.

(a) A customer who deems his account to have had an extraordinary increase in consumption may appeal to the utility billing department for a credit adjustment. This appeal shall be made in writing and will denote all the relevant facts relating to the situation as known by the customer. Upon examining the facts, the city manager or his designee shall render a decision in writing to the customer explaining the city's decision and the credit adjustment to be given, if any. Consideration may be given for unavoidable leaks and unexplainable consumption in accordance with the following guidelines:

(1) If a customer has an average of less than three hundred thousand (300,000) gallons of water usage per month based on the prior twelve (12) months of historic usage, consideration may be given for unavoidable leaks and unexplainable consumption which amounts to one hundred fifty (150) percent or more of the normal consumption for that account with normal consumption defined as the consumption of the same account for the same month in the prior year or the average consumption for the account for the past twelve (12) months, whichever is greater.

(2) If a customer has an average of over three hundred thousand (300,000) gallons of water usage per month, based on the prior twelve (12) months of historic usage, and the customer has documented proof of a repaired leak, consideration may be given for a credit adjustment calculated in the following manner: Compare the amount billed to the twelve-month average bill and to the amount billed in the same month in the prior year. A credit adjustment may be given in the amount of one-half (1/2) of the lower of the two (2) differences.

(b) If a customer has a verifiable hardship due to illness, disability, unemployment, or similar situation, an extension may be granted, not to exceed thirty (30) days. Such request shall be in writing and will denote all the relevant facts relating to the situation as known by the customer. Upon examining the facts, the city manager or his designee shall render a decision in writing to the customer explaining the city's decision and the terms and conditions of the extension to be given, if any. Except in extreme hardship cases, the extension may not be granted past the due date of the following month's bill.

(Code 1960, § 27-20; Ord. No. 90-02, § 7, 2-20-90; Ord. No. 2002-42, § 1, 11-5-02)

Sec. 29-46. Termination.

(a) *Notice and appeals.* Except as provided in subsection (d) of this section, payments on accounts received by the city at its utility billing department or at an authorized payment agency after 5:00 p.m. of the fifteenth day after the billing date printed on the bill, as set forth in section 29-49, shall be subject to a penalty of ten (10) percent of the unpaid current balance. The city may, in its discretion, render such accounts delinquent and disconnect service for failure to pay all charges, including penalties, by the twenty-fifth day after the billing date. The city may also disconnect service for violation of any provisions in this chapter. Prior to disconnecting services, the city shall send written notice by United States first-class mail to the customer whose account is delinquent at the address of the connection and provide the customer with an opportunity to appeal such disconnection to the city council. The written notice shall inform the customer of the amount of the delinquent account, the date service will be disconnected if payment is not made; the right to request an appeal no less than five (5) days prior to the scheduled date of disconnection, if disputed; the date, time and place a hearing on such appeal may be held; and the name and phone number of the city employee at the utility billing department to schedule an appearance for appeal. The notice shall be deposited, postage paid, in a post office or official depository under the care and custody of the United States Postal Service at least ten (10) days prior to the scheduled date of disconnection. A certificate of mailing by the United States Postal Service shall be prima facie evidence of delivery of such notice. If the customer elects to appeal the scheduled disconnection, the utility billing department is authorized to attempt settlement of the dispute with the customer and make

recommendations to the city council at the hearing on such appeal. The city council shall hear and consider the matter and any recommendations made by the utility billing department at such hearing and inform the customer of the city council's determination by sending written notice by United States first-class mail to the customer at the address of the connection.

(b) *Reconnection fees.* Water and sewer service shall be terminated for nonpayment by closing the curbstop. If service to an account terminated is restored without approval of the public works department, the city may, at its sole discretion, pull the meter for the discontinued service. Water and sewer service shall not be restored after termination until all amounts due on the account have been paid, together with the required reconnection fee. The reconnection fee shall be determined according to the following schedule:

Status of AccountReconnection Fee

Upon disconnection at curbstop . . . \$30.00

Upon meter removal . . . 100.00

(c) *Required deposit.* The deposit amount required before restoring water and sewer service to any person whose account with the city has been terminated in accordance with subsection (a) of this section shall be fifty dollars (\$50.00) provided that the total of all deposits required under this section and section 29-36(a) shall not exceed two hundred fifty dollars (\$250.00).

(d) *Payment by governmental agency.* Payment on an account of a state or political subdivision is due not later than the thirtieth day after receipt of the bill in accordance with and subject to the provisions and penalties prescribed in V.T.C.A., Government Code § 2251.001 et seq., and are not subject to penalty provisions as prescribed in this section. However, such accounts are subject to all other fines and fees as prescribed herein.

(e) *Persons indebted to city.* No water or sewer service will be furnished to any person who is indebted to the city for any utility-related debts.

(Code 1960, § 27-21; Ord. No. 90-02, § 8, 2-20-90; Ord. No. 90-09, § 1, 3-6-90; Ord. No. 91-03, §§ 2--6, 5-7-91; Ord. No. 92-26, § 4, 9-15-92; Ord. No. 2003-28, § 1, 5-20-03)

Sec. 29-47. Metering service--Required.

All service shall be properly metered by a standard water meter, which shall be the property of the city and shall be kept in repair by the city.

(Code 1960, § 27-22)

Sec. 29-48. Same--Not registering; determination of bill.

Where meters are found not to register, the rate of the previous month will be taken as a basis for the amount of water consumed and payment shall be made accordingly.

(Code 1960, § 27-23)

Sec. 29-49. Monthly bills; date of payment.

All meters shall be carefully read once each month, and the bills therefor shall be prepared accordingly. Bills shall be due and payable on the date set by the utility billing department and the due date shall be printed on the bill. If a bill is not paid in full by the due date, the account for which the bill was prepared shall become subject to a penalty as prescribed in section 29-50(a)(5) and may be declared delinquent and service terminated in accordance with section 29-46, and the customer shall become subject to all the fines, penalties, and fees prescribed therein.

(Code 1960, § 27-24; Ord. No. 90-02, § 9, 2-20-90; Ord. No. 92-26, § 5, 9-15-92)

Sec. 29-50. Metered rates.

(a) The city will furnish water through meters, and the following charges will be made by the city for water furnished to consumers:

(1) *Single-family residences.* Rates for single-family residences shall be as follows:

a. The minimum monthly charge for single-family residences shall be the sum of nine dollars and seventy cents (\$9.70), for which up to two thousand (2,000) gallons of water may be used.

b. For use of over two thousand (2,000) gallons up to five thousand (5,000) gallons, there shall be a charge of two dollars and fifty cents (\$2.50) per thousand gallons.

c. For use of over five thousand (5,000) gallons up to ten thousand (10,000) gallons, there shall be a charge of two dollars and fifty-seven cents (\$2.57) per thousand gallons.

d. For all water used over ten thousand (10,000) gallons, there shall be a charge of two dollars and seventy-two cents (\$2.72) per thousand gallons.

(2) *Multiple-dwelling units.* Rates for multiple-dwelling units shall be as follows:

a. The minimum monthly water usage and charge for multiple-dwelling units (except mobile home parks and travel trailer parks, as defined in section 14-1 of this Code) shall be the product obtained by multiplying the single-family residence minimum monthly water usage by eighty (80) percent of the total number of units in the complex (single-family residential service rate times total number of units times eighty (80) percent).

b. The minimum monthly water usage and charge for mobile home parks and travel trailer parks shall be the product of the number of occupied spaces times one hundred (100) percent of the minimum single-family residence monthly usage and rate. The utility department shall determine the number of units occupying spaces at mobile home parks and travel trailer parks once during each calendar quarter.

c. Charges for the use of water above the minimum for multiple-dwelling units, including mobile home parks and travel trailer parks, shall be the same as for single-family residences.

(3) *Commercial/industrial users.* The minimum monthly charge for commercial/industrial uses for up to two thousand (2,000) gallons of water shall be based on meter size, as described below. All water used over two thousand (2,000) gallons will be two dollars and fifty cents (\$2.50) per thousand gallons.

TABLE INSET:

Meter Size	Minimum Charge per Unit
3/4 inch	\$9.70
1 inch	\$29.10
2 inch	\$48.50
3 inch	\$67.90
4 inch	\$106.70
6 inch	\$145.50

(4) *Combination residential and commercial/industrial users.* Combination residential and commercial/industrial users whose primary activity is not commercial/industrial related will be classified as multiple-dwelling units and will be charged using the multiple-dwelling unit formula at one hundred (100) percent of the minimum single-family residence monthly usage and rate. Combination residential and commercial/industrial users whose primary activity is commercial/industrial in nature shall be charged the appropriate commercial/industrial rates.

(5) *Penalty for late payments.* All fees become due upon the city's issuance of a monthly bill and are payable on the date stated on the bill. Payments received after the due date stated on the bill shall be subject to a ten (10) percent penalty on the unpaid current balance. Residential accounts for the principal residence only of persons over the age of sixty-five (65) shall not be subject to the penalty for late payments as prescribed in this section. Persons over the age of sixty-five (65) may declare only one (1) principal residence for which he is responsible for payment of the monthly bill. However, such accounts are subject to all other fines and fees as prescribed herein.

(b) The charge for turning on water for all users will be fifteen dollars (\$15.00).

(c) Persons over the age of sixty-five (65) shall receive a discount of one dollar (\$1.00) on single-family residential water service and one dollar (\$1.00) on single-family residential sewer service, upon application to the utility billing department.

(d) All users of city water service outside city limits shall pay one and one-half (1 1/2) times the amount of the applicable minimum charge as set forth in subsection (a) and one and one-half (1 1/2) times the amount of all applicable charges as set forth in subsection (a) for water used above the minimum charge.

(e) Customers shall be billed minimum charges for the first and last months of service for water and wastewater service on a prorated basis of the actual number of days service was provided. Solid waste charges for the first and last months of service shall be based on the city's actual cost to the contracted solid waste collection company.

(Code 1960, § 27-25; Ord. No. 89-58, § 1, 9-28-89; Ord. No. 90-02, §§ 10, 11, 2-20-90; Ord. No. 90-55, § 9, 9-4-90; Ord. No. 92-26, § 6, 9-15-92; Ord. No. 2002-31, § 1, 9-3-02)

Cross references: Penalties for late payment of sewer bill, § 29-133(5); penalties, deposits and other charges for solid waste collection, § 19-34.

Sec. 29-51. Laying pipes across streets; written consent.

It shall be unlawful for any person to lay or maintain any water pipe across any street or alley within the city without written consent from the public works department.

(Code 1960, § 27-26)

Sec. 29-52. City apparatus--Tampering; valves, meters, etc.

It shall be unlawful for any person to turn on or off the water from any street valve, curbstop, meter connection or box, or in any manner interfere with any street valve covering, fire hydrant, or other apparatus belonging to the city water system, without consent from the public works department.

(Code 1960, § 27-27)

Sec. 29-53. Same--Damaging.

It shall be unlawful for any person to damage any property of the city waterworks.

(Code 1960, § 27-28)

Sec. 29-54. Street hydrants, fire plugs.

No person shall use the water from any street hydrant or fire plug without consent from the public works department.

(Code 1960, § 27-29)

Sec. 29-55. Pollution.

No person shall be foul, pollute, put in, or allow any offensive matter to enter the city water system.

(Code 1960, § 27-31)

Sec. 29-56. Hitching animals to fire hydrants, pipes and fixtures.

No person shall hitch or stand any animal to any of the fire hydrants, pipes or fixtures of the city waterworks.

(Code 1960, § 27-32)

Sec. 29-57. Fraudulent devices for procuring water; permit required.

Any person building or making repairs, alterations or additions to mains or pipes of the city water system, without a written permit from the public works department specifying the particular repairs, alterations or additions to be made, or who may resort to any fraudulent device or arrangement for the purpose of procuring water for himself or others from the mains or from private connections or premises contrary to the rules and regulations of the city shall be subject to the fines and penalties as described in section 1-13.

(Code 1960, § 27-33)

Sec. 29-58. Consumer supplying others; extending private line; permit requirements.

- (a) *Supplying others with water.* No consumer shall supply water to or allow it to be taken by other persons or families except for use on the premises.
 - (b) *Making extensions or traps on individual supply; permit requirements.* After water is introduced into any building or upon any premises, no consumer shall make or employ any plumber or other person to make any tap or connection with the works upon his premises for alterations, extensions or attachments without a written permit from the city specifying the particular change to be made and the plumber authorized to make such change.
 - (c) *Violations.* Any violation of any of the prohibitions contained in this article shall subject the water to be summarily cut off.
- (Code 1960, § 27-34)

Sec. 29-59. Private water wells.

It shall be unlawful for any person to drill or repair any private water well within the city limits when city water service is available.

(Code 1960, § 27-35)

Sec. 29-59.1. Connection fees to be paid for connections in the extraterritorial jurisdiction of the city and located in the boundaries of a municipal utility district.

The municipal utility district shall pay a connection fee of two thousand dollars (\$2,000.00) to the city for each equivalent single-family connection made to the water and wastewater system; payment shall be made at time of plat approval and before any connection.

(Ord. No. 2003-01, § 1, 1-7-03)

DIVISION 2. CROSS-CONNECTION CONTROLS

Sec. 29-60. Purpose.

The purpose of this division is to protect the public water supply from the possibility of contamination or pollution by isolating within the user's system such contaminants or pollutants which could backflow into the public water supply; and to provide for the monitoring and enforcement by a continuing program of backflow prevention, which will prevent the contamination or pollution of the city potable water supply.

(Ord. No. 98-14, § 2, 4-21-98)

Sec. 29-61. Responsibility.

(a) *The department.* The public works department, hereinafter called "department," of the city is vested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of this division and to prevent water from unapproved sources to enter the potable water system. No water service connection to the premises of a type specified in this division shall be installed or maintained unless the public water supply is protected as required by this division.

(b) *The user.* The user shall not allow any pollutants and contaminants to enter the public potable water system from the point of delivery from the public potable water system. The user shall at his own expense install, operate, test and maintain approved backflow preventive assemblies as directed by the department.

(Ord. No. 98-14, § 2, 4-21-98)

Sec. 29-62. Definitions.

The following words and terms, when used in this division, shall have the following definitions, unless the context clearly indicates otherwise:

Approved means accepted by the department as meeting an applicable specification stated or cited in this division as suitable for the proposed use.

Auxiliary water supply means any water supply on or available to the premises other than the public potable water supply, including, but not limited to, water from another purveyor's public potable water supply, treated effluent, wastewaters or industrial fluids.

Backflow means the reversal of the normal flow of water caused by either backpressure or backsiphonage.

Backflow preventive assembly means an assembly or means designed to prevent the reversal of the normal flow of water caused by either backpressure or backsiphonage.

(1) *Air gap.* The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of said vessel. Any approved air-gap shall be at least double the diameter of the supply pipe, measured vertically, above the overflow rim of the vessel, and in no case less than one (1) inch.

(2) *Reduced pressure principle assembly.* An assembly of two (2) independently acting approved check valves with hydraulically operating, mechanical independent differential pressure relief valve located between the check valves and, at the same time, below the first check valve. The unit shall include properly located test cocks and tightly closing shutoff valves at each end of the assembly. The entire device shall meet the design and performance specifications as determined by a recognized laboratory and approved by the department for backflow prevention assemblies. To be approved, these devices must be readily accessible for in-line testing and maintenance.

(3) *Double check valve assembly.* An assembly of two (2) independently operating approved check valves with tightly closing shutoff valves on each end of the check valves, plus properly located test cocks for the testing of each check valve. The entire assembly shall meet the design and performance standards as determined by a recognized laboratory and approved by the department for backflow prevention assemblies. To be approved these devices must be readily accessible for in-line testing and maintenance.

(4) *Pressure vacuum breaker assembly.* An assembly containing an independently operating loaded check valve and an independent operating loaded air inlet valve located on the discharge side of the check valve. The assembly will be equipped with properly located test cocks and tightly closing shutoff valves located at each end of the assembly.

Backpressure means the flow of water or other liquids, mixtures or substances under pressure into the distribution pipes of a potable water supply from any source other than the intended source.

Backsiphonage means the flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply from any source other than its intended source caused by the reduction of pressure in the potable water supply system.

City means the City of Rosenberg, Texas.

Contamination means an impairment of the quality of the potable water by sewage, industrial fluids or waste liquids, compounds or other materials to a degree which creates an actual or potential hazard to the public health through poisoning or through the spread of disease.

Cross-connection means any physical connection or arrangement of piping or fixtures between two (2) otherwise separate piping systems, one (1) of which contains potable water and the other nonpotable water or industrial fluids through which, or because of which, backflow may occur into the potable water system. This would include any temporary connections, such as swing connections, removable sections, four-way plug valves, spools, dummy section of pipe, swivel or change-over devices or sliding multiport tube.

Pollution means the presence of any foreign substance (organic, inorganic or biological) in the water which tends to degrade its quality so as to constitute a hazard or impact the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.

Tester, certified shall mean a person who has proven his/her competency to the satisfaction of the department. Each person certified to make competent tests or to repair, overhaul and make reports on backflow preventive assemblies shall be conversant with the applicable laws, rules and regulations and have had experience in plumbing or pipe fitting or have other qualifications which are equivalent in the opinion of the department. A certified tester must complete and meet all requirements as established by the Texas Natural Resource Conservation Commission.

Water, nonpotable means water which is not safe for human consumption.

Water, potable means any water which, according to recognized standards recognized by the city, the Texas Natural Resource Conservation Commission and the United States Environmental Protection Agency, is safe for human consumption.

Water, service connection means the terminal end of the service connection from the public water system at its point of delivery to the user's water system. If a meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the meter. Unprotected takeoffs from the service line will not be permitted upstream of any meter or any backflow prevention

device located at the point of delivery to the user's water system. Service connection shall also include water service connection from a fire hydrant and other temporary or emergency water service connections from the public potable water system.

(Ord. No. 98-14, § 2, 4-21-98)

Sec. 29-63. Approval.

(a) Backflow preventive assemblies required hereunder shall be approved by the department and shall be installed by and at the expense of the user.

(b) The department may approve backflow assemblies when such assemblies have met the criteria set forth in section 29-66.

(c) Assemblies shall be specified and located on the construction plans for all new buildings, additions with new service, and changes of use of existing buildings where required by section 29-65. Approval shall be obtained prior to issuance of the building permit. This section does not apply to building permits applied for prior to the effective date of this division except as provided for in section 29-70.

(Ord. No. 98-14, § 2, 4-21-98)

Sec. 29-64. Installation of devices.

(a) Assemblies may be installed at the service connection or near the property line but in all cases before the first branch line leading off of the service line, and in an accessible location approved by the department.

(b) Backflow preventive assemblies shall have at least the same cross-sectional area as the water service and or water meter. In those instances where a continuous water supply is necessary, two (2) sets of backflow preventive assemblies shall be installed in parallel, if the water supply cannot be interrupted for the testing of the assemblies.

(c) No bypass shall be installed around backflow preventive assemblies.

(d) Double check valve assemblies shall be installed as prescribed by the department. These assemblies may be installed below ground in a vault, if approved in writing, on a case-by-case basis by the department.

(e) Reduced pressure principle assemblies shall be installed above ground and as prescribed by the department.

(f) All pressure-type backflow prevent assemblies, which are designed for periodic field testing, shall be equipped with gate valves on both the upstream and downstream side of the assembly. In addition, test cocks shall be provided and located so that test equipment may be connected to the assembly at such points that the pressure in each pressure zone may be detected and, in addition, a test cock shall be located upstream of the upstream gate valve as close as possible to the upstream gate valve.

(Ord. No. 98-14, § 2, 4-21-98)

Sec. 29-65. Backflow preventive assembly, general application.

(a) An approved backflow assembly of the type specified in this section shall be the minimum installation of each device connection (whether from a fire hydrant, temporary regular or other water service connection for the following types of general applications). Each user shall be considered on a case-by-case basis and final determination of device type shall be made by the department.

(b) Any premises where water supplied by the city is subject to deterioration in sanitary quality and there is the potential for its entry into the public water system shall be protected as required by the department.

Backflow Preventive Assembly General Provisions

TABLE INSET:

	Non-Health Hazard (Pollutant)		Health Hazard (Contaminant)		Sewage	

	Backsiphonage	Backpressure	Backsiphonage	Backpressure	Backsiphonage	Backpressure
Air Gap	X	X	X	X	X	X
Reduced Pressure Zone	X	X	X	X		
Double Check	X	X				
Pressure Vacuum Breaker	X		X			
Spill Resistant Vacuum Breaker	X		X			
Atmospheric Vacuum Breaker	X		X			

(Ord. No. 98-14, § 2, 4-21-98)

Sec. 29-66. Approved backflow preventive devices.

(a) As designated in section 29-63, the standard installation of each service connection to the premises or each system requiring an approved backflow preventive assembly shall be a model and size approved by the department.

(b) The term "approved backflow preventive assembly" means an assembly approved by the department and shall mean an assembly that has been manufactured in full conformance with the standards established in the American Water Works Association-AWWA C506-78 most recent revised publication "Standards for Reduced Pressure Principle and Double Check Valve Backflow Preventive Assemblies," and have met completely the laboratory and field performance specifications of the Foundation for Cross-Control and Hydraulic Research (FCCCHR) of the University of Southern California established by specifications of backflow preventive assembly, section 10 of the most current issue of the "Manual of Cross-Connection Control," or such other third party certifying entity approved by the department.

(c) Backflow preventive assemblies which may be subject to backpressure or backsiphonage that have been fully tested and have been granted a certificate of approval by FCCCHR may be listed on the current list of "approved backflow preventive assemblies," which will be available upon written request to the department.

(Ord. No. 98-14, § 2, 4-21-98)

Sec. 29-67. Maintenance, testing and records.

(a) The user shall maintain accurate records of tests and repairs to backflow preventive devices and provide the department with copies of such records. The records shall be on forms approved by the department and shall include the list of materials or replacement parts used.

(b) Testing, maintenance and repairs to such devices shall be made at the customer's expense by a certified backflow prevention device tester that is approved by the department or any other agency designated by the department to prescribe test methods or to certify or approve persons to conduct such tests. It shall be the duty of the user to require that these tests are made at the time of the initial installation and at least once a year thereafter.

(c) The user shall notify the department fifteen (15) days in advance when the annual tests are to be done, so that an official representative of the department witnesses the test if so desired.

(d) Following the installation of any assembly required by this division, it shall be tested by a certified tester. The test results shall be submitted to the department with a request for inspection approval before the certificate of occupancy can be issued.

(e) Following the repair, repiping, overhaul or relocation of an assembly, the user shall have it inspected by the department and tested by a certified tester.
(Ord. No. 98-14, § 2, 4-21-98)

Sec. 29-68. Inspections.

The user's system must be open for inspection at all reasonable times and in all emergencies to authorized representatives of the department to determine whether cross-connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the department may deny or immediately discontinue service to the premises by providing a physical break in the service line until the user has corrected the condition in conformance with this division.

(Ord. No. 98-14, § 2, 4-21-98)

Sec. 29-69. Discontinuance of service.

The service of water to any premises may be discontinued by the department if a backflow preventive assembly required by this division is not installed, tested and maintained, if it has been found that a backflow preventive assembly has been removed or bypassed, or if a cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected. Service may also be terminated by the city upon twenty (20) days notice in writing in the case of a nonemergency.

(Ord. No. 98-14, § 2, 4-21-98)

Sec. 29-70. Existing devices and users.

(a) If the department determines that a user's backflow preventive assembly does not meet current standards, the user shall retrofit his assembly so it will meet current standards.

(b) Whenever it is determined by the public works director or his authorized representative that a water service poses an actual or potential threat to the physical properties of the water system or potability of the public water system, a device complying with this division shall be installed.

(Ord. No. 98-14, § 2, 4-21-98)

Sec. 29-71. Penalty.

Any violations of this division shall constitute a misdemeanor and shall be punished in accordance with the provisions as set out in subsection 1-13(a) of this Code.

(Ord. No. 98-14, § 2, 4-21-98)

Secs. 29-72--29-75. Reserved.

ARTICLE III. SANITARY SEWER SYSTEM*

*Cross references: Water and sanitary sewer funds, § 2-66; plumbing and gas standards, § 6-171 et seq.

DIVISION 1. GENERALLY

Sec. 29-76. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approving authority shall mean the administrative officer or his duly authorized representative.

BOD (biochemical oxygen demand) shall mean the quantity of oxygen by weight, expressed in mg/l, utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five (5) days at a temperature of twenty (20) degrees centigrade.

Building sewer shall mean the extension from the building drain to the public sewer or other place of disposal (also called house lateral and house connection).

COD (chemical oxygen demand) shall mean measure of the oxygen-consuming capacity of inorganic and organic matter present in the water or wastewater expressed in mg/l as the amount of oxygen consumed

from a chemical oxidant in a specific test, but not differentiating between stable and unstable organic matter and thus not necessarily correlating with biochemical oxygen demand.

Control manhole shall mean a manhole giving access to a building sewer at some point before the building sewer discharge mixes with other discharges in the public sewer.

Control point shall mean a point of access to a course of discharge before the discharge mixes with other discharges in the public sewer.

Garbage shall mean animal and vegetable wastes and residue from preparation, cooking, and dispensing of food; and from the handling, processing, storage and sale of food products and produce.

Industrial waste shall mean waste resulting from any process of industry, manufacturing, trade, or business from the development of any natural resources, or any mixture of the waste with water or normal wastewater, or distinct from normal wastewater.

Industrial waste charge shall mean the charge made on those persons who discharge industrial wastes into the city's sewerage system.

Milligrams per liter (mg/l) shall mean the same as parts per million as is a weight-to-volume ratio; the milligram per liter value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

Natural outlet shall mean any outlet into a watercourse, ditch, lake, or other body of surface water or groundwater.

Normal domestic wastewater shall mean wastewater excluding industrial wastewater discharged by a person into sanitary sewers and in which the average concentration of total suspended solids is not more than two hundred (200) mg/l and BOD is not more than two hundred (200) mg/l.

Overload shall mean the imposition of organic or hydraulic loading on a treatment facility in excess of its engineered design capacity.

pH shall mean the reciprocal of the logarithm (base 10) of the hydrogen ion concentration expressed in grams per liter.

Public sewer shall mean pipe or conduit carrying wastewater or unpolluted drainage in which owners of abutting properties shall have the use, subject to control by the city.

Sanitary sewer shall mean a public sewer that conveys domestic wastewater or industrial wastes or a combination of both, and into which stormwater, surface water, groundwater, and other unpolluted wastes are not intentionally passed.

Slug shall mean any discharge of water, wastewater, or industrial waste which in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four-hour concentration or flows during normal operation.

Standard methods shall mean the examination and analytical procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater" as prepared, approved, and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

Storm sewer shall mean a public sewer which carries stormwater and surface water and drainage and into which domestic wastewater or industrial wastes are not intentionally passed.

Stormwater shall mean rainfall or any other form of precipitation.

Suspended solids (SS) shall mean solids measured in mg/l that either float on the surface of, or are in suspension in, water, wastewater, or other liquids, and which are largely removable by a laboratory filtration device.

To discharge shall mean to deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of, or to allow, permit or suffer any of these acts or omissions.

Trap shall mean a device designed to skim, settle, or otherwise remove grease, oil, sand, flammable wastes or other harmful substances.

Unpolluted wastewater shall mean water containing:

- (1) No free or emulsified grease or oil;
- (2) No acids or alkalis;
- (3) No phenols or other substances producing taste or odor in receiving water;
- (4) No toxic or poisonous substances in suspension, colloidal state, or solution;
- (5) No noxious or otherwise obnoxious or odorous gases;
- (6) Not more than ten (10) mg/l each of suspended solids and BOD; and

(7) Color not exceeding fifty (50) units as measured by the platinum-cobalt method of determination as specified in Standard Methods.

Waste shall mean rejected, unutilized or superfluous substances in liquid, gaseous, or solid form resulting from domestic, agricultural, or industrial activities.

Wastewater shall mean a combination of the water-carried waste from residences, business buildings, institutions, and industrial establishments, together with any groundwater, surface water, and stormwater that may be present.

Wastewater facilities shall mean all facilities for collection, pumping, treating, and disposing of wastewater and industrial wastes.

Wastewater service charge shall mean the charge on all users of the public sewer system whose wastes do not exceed in strength the concentration values established as representative of normal wastewater.

Wastewater treatment plant shall mean any city-owned facilities, devices, and structures used for receiving, processing and treating wastewater, industrial waste, and sludges from the sanitary sewers.

Watercourse shall mean a natural or manmade channel in which a flow of water occurs, either continuously or intermittently.

(Code 1960, § 27-41)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 29-77. Violations; furnishing city false information.

Any person violating any of the provisions of this article or knowingly furnishing the city with false or fraudulent information, or failing to comply with the provisions hereof, shall be guilty of an offense and, upon conviction thereof, shall be fined as provided in section 1-13 of this Code. Each and every day that such violation continues shall constitute a separate offense and be punishable as such. This penalty shall be in addition to any other remedy, penalty or sanction provided for herein.

(Code 1960, § 27-86)

Secs. 29-78--29-90. Reserved.

DIVISION 2. SEWER USE REGULATIONS

Sec. 29-91. Prohibited discharges.

(a) No person may discharge to public sewers any waste which by itself or by interaction with other wastes may:

- (1) Injure or interfere with wastewater treatment processes or facilities;
- (2) Constitute a hazard to humans or animals; or
- (3) Create a hazard in receiving waters of the wastewater treatment plant effluent.

(b) All discharges shall conform to requirements of this division.

(Code 1960, § 27-42)

Sec. 29-92. Chemical discharges.

(a) No discharge to public sewers may contain:

- (1) Cyanide greater than 1.0 mg/l;
- (2) Fluoride other than that contained in the public water supply;
- (3) Chlorides in concentrations greater than two hundred fifty (250) mg/l;
- (4) Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas; or
- (5) Substances causing an excessive chemical oxygen demand (COD).

(b) No waste or wastewater discharged to public waters may contain:

- (1) Strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not;
- (2) Fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (zero and sixty-five (65) degrees Centigrade);
- (3) Objectionable or toxic substances, exerting an excessive chlorine requirement, to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the approving authority for such material; or
- (4) Obnoxious, toxic, or poisonous solids, liquids, or gases in quantities sufficient to violate the provisions of section 29-91(a).

(c) No waste, wastewater, or other substance may be discharged into public sewers which has a pH lower than 5.5 or higher than 9.5, or any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel at the wastewater facilities.

(d) All waste, wastewater, or other substances containing phenols, hydrogen sulfide, or other taste- and odor-producing substances, shall conform to concentration limits established by the approving authority. After treatment of the composite wastewater, concentration limits may not exceed the requirements established by state, federal, or other agencies with jurisdiction over discharges to receiving waters.

(Code 1960, § 27-43)

Sec. 29-93. Heavy metals and toxic materials.

(a) No discharges may contain concentrations of heavy metals greater than amounts specified in subsection (b) of this section.

(b) The maximum allowable concentrations of heavy metals stated in terms of milligrams per liter (mg/l), determined on the basis of individual sampling in accordance with "Standard Methods" are:

- (1) Arsenic . . . 0.05 mg/l;
- (2) Barium . . . 5.0 mg/l;
- (3) Boron . . . 1.0 mg/l;
- (4) Cadmium 0.02 . . . mg/l;
- (5) Chromium (total) . . . 5.0 mg/l;
- (6) Copper . . . 1.0 mg/l;
- (7) Lead . . . 0.1 mg/l;
- (8) Manganese . . . 1.0 mg/l;
- (9) Mercury . . . 0.005 mg/l;
- (10) Nickel . . . 1.0 mg/l;
- (11) Selenium . . . 0.02 mg/l;
- (12) Silver . . . 0.1 mg/l;
- (13) Zinc . . . 5.0 mg/l;

(c) No other heavy metals or toxic materials may be discharged into public sewers without a permit from the approving authority specifying conditions of pretreatment, concentrations, volumes, and other applicable provisions.

(d) Prohibited heavy metals and toxic materials include but are not limited to:

- (1) Antimony,
- (2) Beryllium,
- (3) Bismuth,
- (4) Cobalt,
- (5) Molybdenum,
- (6) Tin,
- (7) Uranyl ion,
- (8) Rhenium,
- (9) Strontium,
- (10) Tellurium,
- (11) Herbicides,
- (12) Fungicides, and
- (13) Pesticides.

(Code 1960, § 27-44)

Sec. 29-94. Garbage.

(a) No person may discharge garbage into public sewers unless it is shredded to a degree that all particles can be carried freely under the flow conditions normally prevailing in public sewers. Particles greater than one-half (1/2) inch in any dimension are prohibited.

(b) The approving authority is entitled to review and approve the installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater.

(Code 1960, § 27-45)

Sec. 29-95. Stormwater and other unpolluted drainage.

- (a) No person may discharge to public sanitary sewers:
 - (1) Unpolluted stormwater, surface water, groundwater, roof runoff or subsurface drainage;
 - (2) Unpolluted cooling water;
 - (3) Unpolluted industrial process waters; or
 - (4) Other unpolluted drainage.
 - (b) In compliance with the state water quality act and other statutes, the approving authority may designate storm sewers and other watercourses into which unpolluted drainage described in subsection (a) of this section may be discharged.
- (Code 1960, § 27-46)

Sec. 29-96. Temperature.

No person may discharge liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (sixty-five (65) degrees Centigrade), or any substance which causes the temperature of the total wastewater treatment plant influent to increase at a rate of ten (10) degrees Fahrenheit or more per hour, or a combined total increase of plant influent temperature to one hundred ten (110) degrees Fahrenheit.

(Code 1960, § 27-47)

Sec. 29-97. Radioactive wastes.

- (a) No person may discharge radioactive wastes or isotopes into public sewers without the permission of the approving authority.
- (b) The approving authority may establish, in compliance with applicable state and federal regulations, regulations for discharge of radioactive wastes into public sewers. (Code 1960, § 27-48)

Sec. 29-98. Impairment of facilities.

- (a) No person may discharge into public sewers any substance capable of causing:
 - (1) Obstruction to the flow in sewers;
 - (2) Interference with the operation of treatment processes of facilities; or
 - (3) Excessive loading of treatment facilities.
- (b) Discharges prohibited by (a) above include, but are not limited to materials which exert or cause concentrations of:
 - (1) Inert suspended solids greater than two hundred fifty (250) mg/l including but not limited to:
 - a. Fuller's earth;
 - b. Lime slurries; and
 - c. Lime residues.
 - (2) Dissolved solids greater than nine hundred seventy-five (975) mg/l including but not limited to:
 - a. Sodium chloride; and
 - b. Sodium sulfate.
 - (3) Excessive discoloration including but not limited to:
 - a. Dye wastes; and
 - b. Vegetable tanning solutions.
 - (4) BOD, COD, or chlorine demand in excess of normal plant capacity.
 - (c) No person may discharge into public sewers any substance that may:
 - (1) Deposit grease or oil in the sewer lines in such a manner as to clog the sewers;
 - (2) Overload skimming and grease handling equipment;
 - (3) Pass to the receiving waters without being effectively treated by normal wastewater treatment processes due to the nonamenability of the substance to bacterial action; or
 - (4) Deleteriously affect the treatment process due to excessive quantities.
 - (d) No person may discharge any substance into public sewers which:
 - (1) Is not amenable to treatment or reduction by the processes and facilities employed; or
 - (2) Is amenable to treatment only to such a degree that the treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
 - (e) The approving authority shall regulate the flow and concentration of slugs when they may:
 - (1) Impair the treatment process;
 - (2) Cause damage to collection facilities;

- (3) Incur treatment costs exceeding those for normal wastewater; or
 - (4) Render the waste unfit for stream disposal or industrial use.
 - (f) No person may discharge into public sewers solid or viscous substances which may violate subsection (a) of this section if present in sufficient quantity or size including but not limited to:
 - (1) Ashes;
 - (2) Cinders;
 - (3) Sand;
 - (4) Mud;
 - (5) Straw;
 - (6) Shavings;
 - (7) Metal;
 - (8) Glass;
 - (9) Rags;
 - (10) Feathers;
 - (11) Tar;
 - (12) Plastics;
 - (13) Wood;
 - (14) Unground garbage;
 - (15) Whole blood;
 - (16) Paunch manure;
 - (17) Hair and fleshings;
 - (18) Entrails;
 - (19) Paper products, either whole or ground by garbage grinders;
 - (20) Slops;
 - (21) Chemical residues;
 - (22) Paint residues; or
 - (23) Bulk solids.
- (Code 1960, § 27-49)

Sec. 29-99. Compliance with existing authority.

Any person producing sewer discharge within the city limits shall, within thirty (30) days from the date of a written notice by the public works department, obtain a permit and connect to the city sewer system, when such system exists within one hundred twenty (120) feet of the person's property limits.

(Code 1960, § 27-50; Ord. No. 92-26, § 7, 9-15-92)

Sec. 29-100. Approving authority requirements.

(a) If discharges or proposed discharges to public sewers may deleteriously affect wastewater facilities, processes, equipment or receiving waters, create a hazard to life or health or create a public nuisance the approving authority shall require:

- (1) Pretreatment to an acceptable condition for discharge to the public sewers;
- (2) Control over the quantities and rates of discharge; and
- (3) Payment to cover the cost of handling and treating the wastes.

(b) The approving authority is entitled to determine whether a discharge or proposed discharge is included under subsection (a) of this section.

(c) The approving authority shall reject wastes when:

- (1) It determines that a discharge or proposed discharge is included under subsection (a) of this section.
- (2) The discharger does not meet the requirements of subsection (a) of this section.

(Code 1960, § 27-51)

Sec. 29-101. Approving authority review and approval.

(a) If pretreatment or control is required, the approving authority shall review and approve design and installation of equipment and processes.

(b) The design and installation of equipment and processes must conform to all applicable statutes, codes, ordinances and other laws.

- (c) Any person responsible for discharges requiring pretreatment, flow-equalizing, or other facilities shall provide and maintain the facilities in effective operating condition at his own expense.
(Code 1960, § 27-52)

Sec. 29-102. Requirements for traps.

- (a) Discharges requiring a trap include:
- (1) Grease or waste containing grease in excessive amounts;
 - (2) Oil;
 - (3) Sand;
 - (4) Flammable wastes; and
 - (5) Other harmful ingredients.
- (b) Any person responsible for discharges requiring a trap shall at his own expense and as required by the approving authority:
- (1) Provide equipment and facilities of a type and capacity approved by the approving authority;
 - (2) Locate the trap in a manner that provides ready and easy accessibility for cleaning and inspection; and
 - (3) Maintain the trap in effective operating condition.
- (Code 1960, § 27-53)

Sec. 29-103. Requirements for discharges through building sewer carrying industrial wastes.

Any person responsible for discharges through a building sewer carrying industrial wastes shall, at his own expense and as required by the approving authority:

- (1) Install an accessible and safely located control manhole;
 - (2) Install meters and other appurtenances to facilitate observation, sampling and measurement of the waste; and
 - (3) Maintain the equipment and facilities.
- (Code 1960, § 27-54)

Sec. 29-104. Sampling and testing.

- (a) Sampling shall be conducted according to customarily accepted methods, reflecting the effect of constituents upon the sewerage works and determining the existence of hazards to health, life, limb, and property. (Note: The particular analyses involved will determine whether a twenty-four-hour composite sample from all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls. Where applicable, sixteen-hour, eight-hour or some other period may be required. Periodic grab samples are used to determine pH.)
- (b) Examination and analyses of the characteristics of waters and wastes required by this article shall be:
- (1) Conducted in accordance with the latest edition of "Standard Methods"; and
 - (2) Determined from suitable samples taken at the control manhole provided or other control point authorized by the approving authority.
- (c) BOD and suspended solids shall be determined from composite sampling.
- (d) The city may select an independent firm or laboratory to determine flow, BOD, and suspended solids.
- (e) The city is entitled to select the time of sampling at its sole discretion so long as at least annual samples are taken.
- (Code 1960, § 27-55)

Sec. 29-105. Payment and agreement required.

- (a) Persons making discharges of industrial waste shall pay a charge to cover the cost of collection and treatment.
- (b) When discharges of industrial waste are approved by the approving authority, the city or its authorized representative shall enter into an agreement or arrangement providing:
- (1) Terms of acceptance by the city; and
 - (2) Payments by the person making the discharge.

(Code 1960, § 27-56)

Sec. 29-106. Industrial waste charge and added costs.

(a) If the volume or character of the waste to be treated by the city does not cause overloading the sewage collection, treatment, or disposal facilities of the city, then prior to approval, the city and the person making the discharge shall enter into an agreement which provides that the discharger pay an industrial waste charge to be determined from the schedule of charges.

(b) If the volume or character of the waste to be treated by the city requires that wastewater collection, treatment, or other disposal facilities of the city be improved, expanded, or enlarged in order to treat the waste, then prior to approval, the city and the person making the discharge shall enter into an agreement which provides that the discharger pay in full all added costs the city may incur due to acceptance of the waste.

(c) The agreement entered into pursuant to subsection (a) of this section shall include but not be limited to:

(1) Amortization of all capital outlay for collecting and treating the waste, including new capital outlay and the proportionate part of the value of the existing system used in handling and treating the waste;

(2) Operation and maintenance costs including salaries and wages, power costs, costs of chemicals and supplies, proper allowances for maintenance, depreciation, overhead, and office expense; and

(d) Amortization shall be completed in a twenty-year period and payment shall include all debt service costs.

(Code 1960, § 27-57)

Sec. 29-107. Schedule of charges.

Industrial waste charges shall be calculated by the following formula:

$C_i = k_w (BOD/200 + SS/200)$

C_i = Charge to industrial users

k = Percentum (expressed as a decimal fraction)

w = Water charge in \$

BOD = Total amount of BOD in mg/l.

SS = Total amount of SS in mg/l.

(Code 1960, § 27-58)

Sec. 29-108. Adjustment of charges.

(a) The city shall adjust charges at least annually to reflect changes in the characteristics of wastewater based on the results of sampling and testing.

(b) Increases in charges shall be retroactive for two (2) billing periods and shall continue for six (6) billing periods unless subsequent tests determine that the charge should be further increased.

(c) The city shall review (at least annually/semiannually/other, but not less than annually) the basis for determining charges and shall adjust the unit treatment cost in the formula to reflect increases or decreases in wastewater treatment costs based on the previous year's experience.

(d) The city shall bill the discharger by the month and shall show industrial waste charges as a separate item on the regular bill for water and sewer charges. The discharger shall pay monthly in accordance with practices existing for payment of sewer charges.

(Code 1960, § 27-59)

Sec. 29-109. Savings clause.

A person discharging industrial wastes into public sewers prior to the effective date of this division may continue without penalty so long as he:

(1) Does not increase the quantity or quality of discharge, without permission of the approving authority;

(2) Has discharged the industrial waste at least six (6) months prior to the effective date of this division; and

(3) Applies for and is granted a permit no later than thirty (30) days after the effective date of this division.

(Code 1960, § 27-60)

Sec. 29-110. Conditions of permits.

(a) The city may grant a permit to discharge to persons meeting all applicable requirements of this article provided that the person:

- (1) Submits an application on forms which are on file in the city secretary's office;
- (2) Secures approval of plans and specifications for pretreatment facilities when required; and
- (3) Has complied with all requirements for agreements or arrangements including, but not limited to, provisions for:

- a. Payment of charges;
- b. Installation and operation of pretreatment facilities; and
- c. Sampling and analysis to determine quantity and strength; and

(4) Provides a sampling point subject to the provisions of this article and approval of the approving authority.

(b) A person applying for a new discharge permit shall:

- (1) Meet all conditions of subsection (a) of this section; and
- (2) Secure a permit prior to discharging any waste.

(Code 1960, § 27-61)

Sec. 29-111. Power to enter property.

(a) The director of public works and other duly authorized employees of the city bearing proper credentials and identification are entitled to enter any public or private property at any reasonable time for the purpose of enforcing this division.

(b) Anyone acting under this authority shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection.

(c) Except when caused by negligence or failure of the company to maintain safe conditions, the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the sampling operation.

(d) The director of public works and other duly authorized employees of the city bearing proper credentials and identification are entitled to enter all private properties through which the city holds a negotiated easement for the purposes of:

- (1) Inspection, observation, measurement, sampling, or repair;
- (2) Maintenance of any portion of the sewerage system lying within the easements; and
- (3) Conducting any other authorized activity.

All activities shall be conducted in full accordance with the terms of the negotiated easement pertaining to the private property involved.

(e) No person acting under authority of this provision may inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the public sewers.

(Code 1960, § 27-62)

Sec. 29-112. Authority to disconnect service.

(a) The city may terminate water and wastewater disposal service and disconnect an industrial customer from the system when:

(1) Acids or chemicals damaging to sewer lines or treatment process are released to the sewer causing rapid deterioration of these structures or interfering with proper conveyance and treatment of wastewater;

(2) A governmental agency informs the city that the effluent from the wastewater treatment plant is no longer of a quality permitted for discharge to a watercourse, and it is found that the customer is delivering wastewater to the city's system that cannot be sufficiently treated or requires treatment that is not provided by the city as normal domestic treatment; or

(3) The industrial customer:

a. Discharges industrial waste or wastewater that is in violation of the permit issued by the approving authority;

- b. Discharges wastewater at an uncontrolled, variable rate in sufficient quantity to cause an imbalance in the wastewater treatment system;
 - c. Fails to pay monthly bills for water and sanitary sewer services when due; or
 - d. Repeats a discharge of prohibited wastes to public sewers.
- (b) If service is disconnected pursuant to subsection (a)(2) of this section, the city shall:
- (1) Disconnect the customer;
 - (2) Supply the customer with the governmental agency's report and provide the customer with all pertinent information; and
 - (3) Continue disconnection until such time as the industrial customer provides additional pretreatment or other facilities designed to remove the objectionable characteristics from his industrial wastes.
- (Code 1960, § 27-63)

Sec. 29-113. Notice.

The city shall serve persons discharging in violation of this division with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory compliance.

(Code 1960, § 27-64)

Sec. 29-114. Continuing prohibited discharges.

No person may continue discharging in violation of this division beyond the time limit provided in the notice.

(Code 1960, § 27-65)

Sec. 29-115. Penalty.

- (a) The penalty upon conviction for violation of this division shall be as provided in section 1-13 of this Code.
- (b) In addition to proceeding under authority of subsection (a) of this section, the city is entitled to pursue all other criminal and civil remedies to which it is entitled under authority of statutes or other ordinances against a person continuing prohibited discharges.
- (Code 1960, § 27-66; Ord. No. 90-55, § 9, 9-4-90)

Sec. 29-116. Failure to pay.

In addition to sanctions provided for by this division, the city is entitled to exercise sanctions provided for by the other ordinances of the city for failure to pay the bill for water and sanitary sewer service when due.

(Code 1960, § 27-67)

Sec. 29-117. Penalty for criminal mischief.

The city may pursue all criminal and civil remedies to which it is entitled under authority of statutes and ordinances against a person negligently, willfully or maliciously causing loss by tampering with or destroying public sewers or treatment facilities.

(Code 1960, § 27-68)

Secs. 29-118--29-130. Reserved.

DIVISION 3. RATES AND CHARGES*

*State law references: Rates charged by city to district, V.T.C.A., Water Code § 13.044.

Sec. 29-131. Sanitary sewer systems defined.

As used in this division, sanitary sewer systems shall mean all sanitary sewer systems and extensions or enlargements thereof owned or operated by the city or in which the city has an equity of ownership, and there is specifically included the systems that have been constructed by the city and those systems

constructed by persons and which have heretofore or may hereafter be acquired by reclamation and conservation districts organized under Article XVI, section 59 of the state constitution, and which have heretofore or may hereafter be acquired by the city by operation of or as authorized by law or contract.
(Code 1960, § 27-69)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 29-132. Tapping sewer mains.

The following connection fees shall be charged for tapping sewer mains:

- (1) Four-inch sewer tap . . . \$635.00
- (2) Six-inch sewer tap . . . 685.00

(Code 1960, § 27-69.1; Ord. No. 2003-41, § 1, 9-2-03)

Sec. 29-133. Rates established.

The city will furnish sewer service, and the following charges shall be made by the city for sewer service furnished to consumers also receiving water service:

- (1) *Single-family residence.* The rates for single-family residences shall be as follows:

- a. The minimum monthly charge for sewer service for single-family residences shall be eight dollars and fifty-three cents (\$8.53), for which up to two thousand (2,000) gallons of water may be used.
- b. For sewer service based on use of over two thousand (2,000) gallons up to five thousand (5,000) gallons, there will be a charge of two dollars and twenty cents (\$2.20) per thousand gallons.
- c. For sewer service based on use of over five thousand (5,000) gallons up to ten thousand (10,000) gallons, there will be a charge of two dollars and thirty-five cents (\$2.35) per thousand gallons.
- d. For sewer service based on use of over ten thousand (10,000) gallons up to a maximum of twelve thousand (12,000) gallons, there will be a charge of two dollars and fifty cents (\$2.50) per thousand gallons.

- (2) *Multiple-dwelling units.* The rates for multiple-dwelling units shall be as follows:

- a. The minimum monthly usage and charge for sewer service for multiple-dwelling units (except mobile home parks and travel trailer parks, as defined in section 14-1) shall be the product obtained by multiplying the single-family residential sewer rate by eighty (80) percent of the total number of units in the complex (single-family residential sewer rate times total number of units times eighty (80) percent).
- b. The minimum monthly usage and charge for sewer service for mobile home parks and travel trailer parks shall be the product of the number of occupied spaces times one hundred (100) percent of the minimum single-family residential sewer rate. The utility billing department shall determine the number of units occupying spaces at mobile home parks and travel trailer parks once during each calendar quarter.
- c. Charges for sewer service above the minimum for multiple-dwelling units, including mobile home parks and travel trailer parks, shall be the same as for single-family residences.

- (3) *Commercial/industrial user.* The rates for commercial/industrial users shall be as follows:

- a. The minimum monthly charge for sewer service for commercial/industrial users shall be eight dollars and fifty-three cents (\$8.53) for up to two thousand (2,000) gallons.
- b. For all gallons over two thousand (2,000), there shall be a charge of two dollars and fifty cents (\$2.50) per thousand gallons.

- (4) *Combination residential and commercial/industrial users.* Combination residential and commercial/industrial users whose primary activity is not commercial/industrial related will be classified as multiple-dwelling units and will be charged using the multiple-dwelling unit formula at one hundred (100) percent of the minimum single-family residence monthly usage and rate. Combination residential and commercial/industrial users whose primary activity is commercial/industrial in nature shall be charged the appropriate commercial/industrial rates.

- (5) *Penalty for late payments.* All fees shall become due upon the city's issuance of a monthly bill and are payable on the day noted on the bill. Payments received after fifteen (15) days from the billing date shall be subject to a ten (10) percent penalty.

(Code 1960, § 27-70; Ord. No. 89-58, § 2, 9-28-89; Ord. No. 90-02, § 13, 2-20-90; Ord. No. 92-26, § 8, 9-15-92; Ord. No. 2002-31, § 2, 9-3-02)

Sec. 29-134. Rates for residential and commercial/industrial users not receiving water from city.

Residential and commercial/industrial users of the city sewer system, who have a private source of water supply as permitted by this chapter or who receive water from a source other than the city's water system as permitted by this chapter, shall be billed as follows for premises served within the city limits:

(1) Single-family residences: Single-family residential sewer service will be charged on the same basis as single-family residential within the city, as set forth in section 29-133, except that such charge shall be based on a consumption of seven thousand (7,000) gallons of water per month, regardless of how many gallons actually may be used.

(2) Multiple-dwelling units: Multiple-dwelling units will be charged on the same basis as multiple-dwelling units within the city, as set forth in section 29-133, except that such charge shall be based on a consumption of seven thousand (7,000) gallons per unit, regardless of how many gallons of water actually may be used or, at the option of the owner, based on metered water supply.

(3) Commercial/industrial users and combination residential and commercial/industrial users: Commercial/industrial users and combination residential and commercial/industrial users shall be charged on a per-home equivalent, as specified in the following table:

FAMILY DWELLING UNIT
EQUIVALENT TABLE
FOR SEWER CONNECTION
EQUIVALENT HOME UNITS

(In lieu of water usage measurement)

Connection Per-Home Equivalent

Offices, warehouses, machine shops, producers of no process waste:

Worker--Eight-hour day:

On premises--no showers . . . 16

On premises--with showers . . . 8

On and off premises . . . 64

Resident workers . . . 4

Hospitals--with laundry--beds, includes food facilities . . . 1 1/2

Hospitals--without laundry--beds, includes food facilities . . . 2

Laundries, pounds of cloths per day . . . 50

Restaurant, stools or chairs . . . 16

Soda fountain, stools or chairs . . . 32

Schools, primary through high, students . . . 32

Churches and Sunday schools, seats . . . 64

Tavern, stools or chairs . . . 32

Skating rink, patrons daily . . . 64

Tourist court, rooms* . . . 2

Hotels, rooms* . . . 2

*Restaurant or dining rooms to be computed separately and added to equivalent homes in rooms.

(Code 1960, § 27-71)

Sec. 29-135. Rates for property located outside the city.

For sewer service to property located outside the city limits, where there is no existing contract with the city precluding the application of the charges established by this provision during the term of such contract, charges to be made by the city for such service shall be one and one-half (1 1/2) times the amount of the applicable minimum charges, as set forth in section 29-133, for gallons used above the minimum amount.

(Code 1960, § 27-72)

Sec. 29-136. No reduced rates or free service permitted.

All persons owning, renting, leasing or having management or control of property or premises that produce waste that is discharged into the sanitary sewers of the city, including domestic waste, and subject to the provisions of this article, shall be charged the rates established in this division, and no reduced rates or free sanitary sewer service shall be furnished to any such person, property or premises.

(Code 1960, § 27-73)

Sec. 29-137. Deposit to secure payment.

Persons who are not water customers of the city shall be required to post a deposit with the city utilities section, city hall, in the amount of fifty dollars (\$50.00) for each family unit involved. Such deposit is solely to secure payment of charges made for sewer service. Based upon the amount of water used as reflected by the water meter readings, such required deposits may be increased as to any customer when, in the opinion of the city utilities section, they should be, in order to protect the city in the payment of its charges made under the provisions of this division. The city may, in appropriate circumstances, accept adequate security for payment of the cash deposit provided herein, as determined by the director of finance and administration. Upon termination of service, the city shall apply the deposit on hand to the unpaid charges of the customer and the excess, if any, will be paid to the customer.

(Code 1960, § 27-74; Ord. No. 2002-37, § 2, 9-17-02; Ord. No. 2003-05, § 2, 2-4-03)

Sec. 29-138. Determination of charges generally.

In those instances where water meters are provided on the sources of water providing water to the facilities discharging into the sanitary sewer system of the city, water usage will be determined from the water meter readings, for the purpose of determining the sewer service charge. As to such water sources that are not metered, estimates of water usage will be made by the city and sewer service charges based upon such estimates will be in addition to those determined from water meter readings.

(Code 1960, § 27-75)

Sec. 29-139. Metering water not furnished by city for purpose of determining charge.

Any person discharging waste from any property or premises into the sanitary sewers of the city who has a private source of water supply or who receives his water supply from a source other than the city may choose to install a water meter of the type and standard approved by the water and sewer department for the purpose of measuring the amount of water taken into such facilities. Such meter shall be installed in a location approved by the water and sewer department and accessible to the water meter readers of the city at all times during the hours from 8:00 a.m. to 5:00 p.m., Monday through Friday of each week of each year. The water consumption indicated by such meter shall be the basis of determining the sewer charge provided for in this division.

(Code 1960, § 27-76)

Sec. 29-140. Engineering study to determine charge for commercial users where portion of water not discharged into sewer.

(a) The provisions of this section shall apply only to those commercial water users who have facilities connected to the sanitary sewers of the city and who make application to the director of public works under the provisions hereof.

(b) Any commercial water user owning or having control of property discharging waste into the sanitary sewers of the city and on whose property there is located one (1) or more facilities requiring water (from the source of supply that also furnished water to the sanitary disposal facilities) and all or part of such water provided to any such facility is not discharged into the sanitary sewers of the city may make application to the director of public works, on forms furnished by the director, requesting that an engineering study of the applicant's property and facilities be made for the hereinafter stated purpose and paying the deposit herein provided.

(c) Applications made under the provisions of this section shall be upon forms promulgated and furnished by the director of public works, and the applicant shall furnish all the information and other matters requested therein. The fee for making application under the provisions hereof shall be twenty-five dollars (\$25.00). In addition, the costs for preparation of the engineering study shall be paid in full by the applicant upon completion thereof pursuant to subsection (d). No fee shall be required for studies initiated by the director of public works subsequent to the first application. Each applicant shall agree, as a condition precedent to the director conducting the study and tests provided for herein, including those initiated by the director to indemnify and hold harmless the city of and from any and all such liability for any act or omission by the city, its agents and employees committed while conducting the engineering

studies and tests provided for herein, causing or resulting in damages to the property or person of the applicant, his agents, employees and invitees.

(d) Upon receipt of an application and the fee required herein, the director of public works will make a reasonable estimate of the costs to make an engineering study of the applicant's property and facilities and shall require the applicant to deposit such amount against the costs before proceeding with the study. Such deposit will be applied to the actual costs upon completion of the study and any amounts remaining will be refunded to the applicant. If a balance remains after application of the deposit, the applicant shall pay such balance before the sewer service charge is computed based on the study and report. In those instances where, in the opinion of the director based upon an engineering study of the property and facilities of the applicant, it is impractical or unfeasible for the applicant to install one (1) or more meters to measure the amount of water passing through the water meter serving such property and not being discharged into the sanitary sewers of the city, the director is authorized to make an engineering study to determine the percentage of the amount of water passing through such meter that is being discharged into the sanitary sewers of the city. A report of such determination, showing the basis thereof, shall be certified to by the director, and one (1) copy shall be filed with the city secretary and one (1) copy shall be retained by the director. Such report, when so filed, shall constitute the basis upon which the sewer service charge established by this article shall be computed.

(e) The director of public works is authorized, at his discretion or on written request from an applicant, to make such additional engineering studies from time to time of any such property and facilities to check the current accuracy of the filed report on any such property, and if it is determined that the filed report is more than five (5) percent inaccurate, a new report based upon the latest studies shall be filed with the city secretary to replace the prior one. A complete copy of each such report shall be retained by the water and sewer department for billing purposes. No change in the basis of computing the sewer service charge for any property will be made until the first billing date after the filing by the director with the city secretary of the first or any subsequent report. Requests by an applicant for a restudy under the provisions hereof will not be accepted or acted on more often than once in every twelve-month period (annually) subsequent to the filing of the first report on the applicant's property, except when a substantial or material change in a condition or operation of the applicant's property or facilities renders the then-current filed report and the charges based thereon no longer applicable to the applicant's property and facilities.

(f) In the event it is necessary that certain testing instruments be installed or that existing equipment or facilities located on the applicant's property be altered, adjusted, disconnected or temporarily moved in order to facilitate the making of an engineering study or test under the provisions of this section, all of the foregoing shall be done by and at the expense of the applicant.

(g) When the director of public works, as a result of an engineering study made under the provisions of this section, has determined the percentage of metered water passing through the water meters serving a property that is being discharged into the sanitary sewers of the city, or when the amount of metered water passing through the water meter serving such property and which is not being discharged into the city's sanitary sewers is determined from a water meter installed to measure the amount of such water, billings by the city for sanitary sewer service to such property made prior to such determination shall be reviewed for the purpose of making whatever adjustment is necessary in order to charge such customer only for that amount of metered water that is or has been discharged into the city's sanitary sewers. No adjustment shall be made in excess of that determined to be proper from such engineering study or from the metering of water that is not discharged into the sanitary sewers of the city. Once the proper percentage of adjustment has been determined and certified to the city secretary under the provisions of this section, all subsequent adjustment of water usage for sanitary sewer service charge purposes shall be computed only on the certified basis of adjustment currently on file with the city secretary.

(Code 1960, § 27-78; Ord. No. 90-02, § 15, 2-20-90)

Sec. 29-141. Determination of charge where user maintains more than one source of water supply.

(a) Where a sewer system user maintains more than one (1) source of water supply, and only one (1) source produces sewage flow discharging into the sanitary sewer system of the city, the sewer service charge shall be determined by metering only that source of water supply. Failure of the owner or operator to install the necessary approved meter will constitute an agreement and consent by such owner

or operator that the city's estimate of the total water usage, irrespective of actual discharge, will be the basis upon which the sewer charge will be based.

(b) The city's estimate of water usage may be made by whatever means and calculations the director of public works determines to be fair and equitable, and which will reasonably reflect the approximate water usage of such premises.

(Code 1960, § 27-79)

Sec. 29-142. Responsibility for charge where city does not supply water for all multiple living unit connections.

Where the city does not supply the source of water for all multiple living unit connections, the owner of the premises will be held responsible for the sewer service charge, where individual water meters are not provided for each living unit.

(Code 1960, § 27-80)

Sec. 29-143. Deductions not to be made for vacancies in apartments or duplex residences; removal of apartment or duplex unit from service.

No deductions will be made for vacancies in the application of the minimum sewer service charge to apartments or duplex residences in any classification. An apartment unit or duplex unit removed from such service by remodeling or abandonment will be relieved of payment of a sewer service charge, but correction of the city's records must be requested by the owner in writing or by signing the proper forms provided by the city.

(Code 1960, § 27-81)

Sec. 29-144. Billing.

(a) Billing for sewer service charges shall be made to the water customers of the city concurrently with the monthly water bills issued by the city to such customers. Those persons without water meters or with a source of water supply other than the city will be billed on those same dates.

(b) All sewer user bills shall be due and payable in accordance with section 29-49.

(Code 1960, § 27-82; Ord. No. 90-02, § 16, 2-20-90)

Sec. 29-145. Adjustment of bill.

In the event any adjustment in a water bill affects the basis on which the city sewer charge is levied for the same period, an appropriate adjustment in the sewer charge shall be made.

(Code 1960, § 27-83)

Sec. 29-146. Discontinuance of service for failure to pay.

The city shall have the right to discontinue either or both water and sanitary sewer service in accordance with section 29-46.

(Code 1960, § 27-84; Ord. No. 90-02, § 17, 2-20-90)

Sec. 29-147. Continued use of sewer after refusal to pay.

Any person failing or refusing to pay the charges provided for in this article, or failing to appeal a disconnection upon receipt of the notice of termination in the event of a dispute as to the amount of such charges, in the time and manner provided, and who continues to discharge waste from his property into the sanitary sewer systems of the city, shall be guilty of an offense and shall be punished in the manner provided for in section 29-115. Each and every day that such violation continues shall constitute a separate offense and shall be punishable as such. The conviction of a person for such an offense shall not be a bar to the institution by the city of a suit for the collection of the delinquent charges and for an injunction to enjoin such person from discharging waste into the sanitary sewer systems of the city without complying with the provisions of this division and paying the charges established hereby.

(Code 1960, § 27-85; Ord. No. 90-55, § 10, 9-4-90)

Secs. 29-148--29-165. Reserved.

DIVISION 4. IMPACT FEES*

***Editor's note:** Ord. No. 90-20, § 1, adopted April 17, 1990, amended Art. VI of Ch. 27 of the 1960 Code, as amended, being Div. 4 of Art. III of Ch. 29 of this Code. At the discretion of the editor, said amendment has been codified as Div. 4, §§ 29-166--29-177 herein. Said former Div. 4, §§ 29-166--29-169, pertained to capital recovery charge and was derived from Code 1960, § 27-87; Ord. No. 88-01, § 1, adopted Jan. 19, 1988; and Ord. No. 89-29, § 1, adopted May 2, 1989.

State law references: Authorization and procedure for adoption of impact fees, V.T.C.A., Local Government Code § 395.001 et seq.

Sec. 29-166. Authority.

The division is adopted pursuant to V.T.C.A., Local Government Code § 395.001 et seq. (S.B. 336), and pursuant to the Rosenberg City Charter. The provisions of this division shall not be construed to limit the power of the city to utilize other methods authorized under state law or pursuant to other city powers to accomplish the purposes set forth herein, either in substitution or in conjunction with this division. Guidelines may be developed by resolution or otherwise to implement and administer this division.

(Ord. No. 90-20, § 1(27-87), 4-17-90)

Sec. 29-167. Definitions.

The following terms and phrases, when used in this division, shall have the meaning ascribed in this section except where the context clearly indicates a different meaning:

(1) *Wastewater facility* shall mean an improvement for providing sanitary sewer service, including, but not limited to, land or easements, treatment facilities, or facility expansion and collection facilities such as lift stations, or interceptor mains or lines.

(2) *New development* shall mean a project involving the construction, reconstruction, redevelopment, conversion, structural alteration, relocation or enlargement of any structure; or any use or extension of the use of land; any of which has the effect of increasing the requirements for capital improvements or facilities extension measured by the number of service units to be generated by such activity, and which requires either the approval of a plat pursuant to the city's subdivision regulations, the issuance of a building permit, or connection to the city's water or wastewater system, and which has not been exempted from these regulations by provisions herein.

(3) *Service unit* shall mean a standardized measure of consumption of wastewater system capacity which is equal to one (1) gallon per day of sewage.

(Ord. No. 90-20, § 1(27-88), 4-17-90; Ord. No. 93-08, § 1, 7-6-93)

Sec. 29-168. Land use assumptions.

(a) The capital improvements plan is based on the land use assumptions adopted by the city and incorporated by reference herein. The land use assumptions, set forth in the capital improvements plan as amended and updated, is on file in the office of the city secretary.

(b) The land use assumption for the city shall be updated at least every five (5) years, pursuant to V.T.C.A., Local Government Code § 395.052 et seq.

(c) Amendments to the land use assumptions shall incorporate projections of changes in land uses, densities, intensities and population therein over at least a ten-year period.

(Ord. No. 90-20, § 1(27-89), 4-17-90; Ord. No. 93-08, § 2, 7-6-93)

Sec. 29-169. Capital improvements plan.

(a) The capital improvements plan which is the basis for the impact fees established herein is hereby adopted and incorporated by reference herein. The capital improvements plan, as amended and updated, is on file in the office of the city secretary.

(b) The capital improvements plan may be amended from time to time, pursuant to V.T.C.A., Local Government Code § 395.052 et seq.

(c) The capital improvements plan as adopted in subsection (a) is hereby amended, altered and modified to expand the service area depicted in Plate C as set forth in the revised Plate C attached hereto and on file with the city, which is hereby adopted and incorporated by reference as the service area. (Ord. No. 90-20, § 1(27-90), 4-17-90; Ord. No. 91-26, § 1, 8-20-91; Ord. No. 93-08, § 3, 7-6-93)

Sec. 29-170. Calculation of impact fees.

(a) The maximum impact fee per service unit for each service area for wastewater facility shall be computed by dividing the total costs of capital improvements or facility expansion necessitated by and attributable to new development in the service area identified in the capital improvements plan by the total number of service units anticipated within the service area, based upon the land use assumptions for that service area.

(b) The impact fee per service unit for wastewater treatment facility which is to be paid by each new development within a service area shall be that established by ordinance by the city council, as may be amended from time to time, and shall be an amount less than or equal to the maximum impact fee per service unit established in subsection (a). Impact fees which are to be paid shall be as set forth in section 29-171 herein.

(c) Impact fees may be amended from time to time utilizing the amendment procedure set forth in V.T.C.A., Local Government Code § 395.052 et seq.

(Ord. No. 90-20, § 1(27-91), 4-17-90; Ord. No. 93-08, § 4, 7-6-93)

Sec. 29-171. Assessment and collection of impact fees.

(a) The fees in this division are to be collected by the city for wastewater facility and shall be assessed against and collected on the basis of service units from all new development within the boundaries and ETJ of the city and from existing development, as set forth in section 29-178 herein, which is connected to the city sewage system.

(b) The amount of the wastewater impact fee due shall be determined by multiplying the number of service units generated by the new development, based upon the calculations as set forth in Table No. 1 in section 29-172 herein, by the wastewater impact fee per service unit then in effect. Such wastewater impact fee shall be as set forth in Table D to the Supplemental Impact Fee Study for the Southeast Trunkline which was prepared along with the Update of Wastewater Treatment Impact Fees, a copy of each of which is on file in the office of the city secretary.

(c) No application for new development shall be approved within the city and its ETJ without assessment of an impact fee pursuant to this division, and no building permit shall be issued unless the applicant has paid the impact fee imposed by and calculated hereinunder or an agreement between the owner and the city manager has been executed providing for a different time of payment. For development which does not require a building permit, collection shall be at the time of wastewater connection unless an agreement between the owner and the city manager has been executed providing for a different time of payment.

(d) In the event that the new development has paid a capital recovery charge or a Southeast Trunkline capacity reservation fee prior to computation of the impact fee, the capacity reserved by payment of such charge or such reservation fee shall be converted to service units using Table No. 1 as set forth in section 29-172 herein. If the wastewater service required for the new development exceeds such reserved capacity, the service units equivalent to the previously reserved capacity shall be subtracted from the total number of service units attributable to the new development, and the amount of the wastewater impact fee due shall be the number of additional service units multiplied by the wastewater impact fee per service unit then in effect.

(e) In the event that the new development involves razing or removing existing structures, the wastewater capacity utilized by such use or existing structure shall be converted to service units using Table No. 1 as set forth in section 29-172 herein. If the wastewater service required for the new development exceeds such utilized capacity, the service units equivalent to the previously utilized capacity shall be subtracted from the total number of service units attributable to the new development, and the amount of the wastewater impact fee due shall be the number of additional service units multiplied by the wastewater impact fee per service unit then in effect.

- (f) If the property owner proposes to increase the number of service units for a development following payment of the wastewater impact fee, the additional wastewater impact fees collected for such new service units shall be determined in the same manner as provided in this section.
- (g) Nothing in these regulations shall prevent the city from paying all or part of the impact fees due for a new development pursuant to criteria adopted by the city council.
- (Ord. No. 90-20, § 1(27-92), 4-17-90; Ord. No. 93-08, § 5, 7-6-93)

Sec. 29-172. Estimation of flow.

- (a) The volume of sewage generated shall be calculated using Table No. 1 as shown below.

Table No. 1

Living Unit Equivalents: Basis for establishing equivalency among and within various customer classes shall be based upon the relationship of the continuous duty maximum flow rate in gallons per minute for a water meter of a given size and type compared to the continuous duty maximum flow rate in gallons per minute for a five-eighths-inch (5/8-inch × 3/4-inch) diameter simple water meter, using American Water Works Association C700--C703 standards. For purposes of this section, a living unit equivalent is defined as follows: 1 Living Unit Equivalent = 350 gallons per day = 350 service units. Living Unit Equivalents for water meters are as follows:

TABLE INSET:

Meter (inches)	Size Type	Living Equivalents	Unit Service Units
5/8 × 3/4	Simple	1.0	350.0
3/4	Simple	1.5	525.0
1	Simple	2.5	875.0
1 1/2	Simple	5.0	1,750.0
2	Simple	8.0	2,800.0
2	Compound	8.0	2,800.0
2	Turbine	10.0	3,500.0
3	Compound	16.0	5,600.0
3	Turbine	24.0	8,400.0
4	Compound	25.0	8,750.0

4	Turbine	42.0	14,700.0
6	Compound	50.0	17,500.0
6	Turbine	92.0	32,200.0
8	Compound	80.0	28,000.0
8	Turbine	160.0	56,000.0
10	Compound	115.0	40,250.0
10	Turbine	250.0	87,500.0
12	Turbine	330.0	115,500.0

(b) Any type or size of meter not shown in Table No. 1 shall be rated on the basis of the continuous duty maximum flow rate as established by the American Water Works Association. If AWWA data is not available, the manufacturer's rating will be acceptable.

(c) If the volume of sewage generated by a particular usage does not bear a reasonable relationship to the volume of water used, then the applicant may request the city engineer to make an estimate of the actual volume of sewage generated. Any such estimate shall be made in consideration of specific factors which would reasonably be expected to significantly alter the volume of sewage generated.

(d) Any usage not covered by the table above shall be estimated by the city engineer or his representative using the parameters generally accepted for design of treatment facilities to serve those sources, and the decision of the city shall be final.

(Ord. No. 90-20, § 1(27-93), 4-17-90; Ord. No. 91-26, § 2, 8-20-91)

Sec. 29-173. Deposit into special fund.

(a) All impact fees collected by the city under this division shall be deposited into a special fund.

(b) The city's finance department shall establish adequate financial and accounting controls to ensure that impact fees disbursed from the account are utilized solely for the purposes authorized in section 29-174. Disbursement of funds shall be authorized by the city at such times as are reasonably necessary to carry out the purposes and intent of this division; provided, however, that any fee paid shall be expended within a reasonable period of time, but not to exceed ten (10) years from the date the fee is deposited into the account.

(c) The city's finance department shall maintain and keep financial records for impact fees, which shall show the source and disbursement of all fees collected in or expended from each service area. The records of the account into which impact fees are deposited shall be open for public inspection and copying during ordinary business hours. The city may establish a fee for copying services.

(Ord. No. 90-20, § 1(27-94), 4-17-90; Ord. No. 93-08, § 6, 7-6-93)

Sec. 29-174. Use of proceeds of impact fee accounts.

(a) The impact fees collected for each service area pursuant to this division may be used to finance or to recoup the costs of any capital improvements or facilities expansions identified in the applicable capital improvements plan for the service area, including the construction contract price, surveying and engineering fees, land acquisition costs (including land purchases, court awards and costs, attorney's fees, and expert witness fees), and the fees actually paid or contracted to be paid to an independent qualified engineer or financial consultant preparing or updating the capital improvements plan who is not an employee of the political subdivision. Impact fees may also be used to pay the principal sum and interest

and other finance costs on bonds, notes or other obligations issued by or on behalf of the city to finance such capital improvements or facilities expansions.

(b) Impact fees collected pursuant to this division shall not be used to pay for any of the following expenses:

(1) Construction, acquisition or expansion of capital improvements or assets other than those identified in the applicable capital improvements plan;

(2) Repair, operation, or maintenance of existing or new capital improvements or facilities expansions;

(3) Upgrading, expanding or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental or regulatory standards;

(4) Upgrading, expanding or replacing existing capital improvements to provide better service to existing development; provided, however, that impact fees may be used to pay the costs of upgrading, expanding or replacing existing capital improvements in order to meet the need for new capital improvements generated by new development; or

(5) Administrative and operating costs of the city.

(c) In the event that a capital improvement or facility expansion involves more than one (1) service area for a particular category of capital improvement, funds from each service area involved may be pooled to finance the project; provided, however, that in the event the funds expended from any service area exceed the proportionate share of the costs of the facilities attributable to the development in such service area, such account shall be credited in the amount exceeding such share, to be repaid from impact fee proceeds collected in other contributing service areas.

(Ord. No. 90-20, § 1(27-95), 4-17-90; Ord. No. 93-08, § 7, 7-6-93)

Sec. 29-175. Refunds.

(a) Any impact fee or portion thereof collected pursuant to this division which has not been expended within the service area within ten (10) years from the date of payment shall be refunded upon application to the record owner of the property at the time the refund is paid. The applicant must ask for the refund in writing.

(b) An impact fee shall be considered expended on a first-in, first-out basis. An impact fee shall also be considered expended if the total expenditures for facilities included in the Capital Improvements Plan, as may be amended from time to time, within the service area within ten (10) years following the date of payment exceeds the total impact fees collected within the service area during such period.

(c) In no event shall a refund be due under this division for payment of any capital recovery charge previously paid or Southeast Trunkline capacity charge paid either for new development prior to April 17, 1990, or for existing development regardless of when paid.

(Ord. No. 90-20, § 1(27-96), 4-17-90; Ord. No. 93-08, § 8, 7-6-93)

Sec. 29-176. Updates to plan and revision of fees.

(a) The city shall update its land use assumptions and capital improvements plan and shall recalculate its impact fees not less than once every three (3) years in accordance with the procedures set forth in V.T.C.A., Local Government Code, § 395.052 et seq., or in any successor statute.

(b) The city may review its land use assumptions, capital improvements plan, and other factors such as market conditions more frequently than provided in subsection (a) to determine whether the land use assumptions and capital improvements plans should be updated and the impact fee recalculated accordingly, or whether collection rates should be increased, decreased, or otherwise changed.

(Ord. No. 90-20, § 1(27-97), 4-17-90)

Sec. 29-177. Functions of advisory committee.

(a) The city's planning and zoning commission shall be designated as the advisory committee, as duly appointed by Resolution No. 206.

(b) The advisory committee shall perform the following functions:

(1) Advise and assist the city in adopting land use assumptions;

(2) Review the capital improvements plans and file written comments thereon;

(3) Monitor and evaluate implementation of the capital improvements plans;

(4) Advise the city of the need to update or revise the land use assumptions, capital improvements plans and impact fees; and

- (5) File a semiannual report evaluating the progress of the city in achieving the capital improvements plans and identifying any problems in implementing the plans or administering the impact fees.
 - (c) The city council shall adopt, by resolution, procedural rules by which the advisory committee may carry out its duties.
 - (d) The city shall make available to the advisory committee any professional reports prepared in the development or implementation of the capital improvements plans.
- (Ord. No. 90-20, § 1(27-98), 4-17-90)

Sec. 29-178. Connection of existing development.

If an owner of existing development within the wastewater service area requests connection to the city's wastewater system, and the city agrees to extend a wastewater line to serve the development, the owner shall pay a fee equivalent to that prescribed by and computed according to section 29-170 prior to connection to such system.

(Ord. No. 93-08, § 9, 7-6-93)

Sec. 29-179. Replacement of existing charges.

On and after April 17, 1990, the provisions of this division relating to the assessment and collection of wastewater impact fees replace and supersede those provisions for payment of capital recovery charges, Southeast Trunkline capacity fee, as well as the payment of any pro-rata fees, acreage or front footage charges, and other connection charges for city-constructed wastewater facilities within the scope of V.T.C.A., Local Government Code § 395.001 et seq. On and after such date, the city shall neither impose on nor collect from a new development any such charges for city-constructed wastewater facilities except in accordance with the provisions of this division.

(Ord. No. 93-08, § 10, 7-6-93)

Secs. 29-180--29-185. Reserved.