

ORDINANCE NO. 301

AN ORDINANCE AMENDING CITY OF MAGNOLIA, TEXAS, ORDINANCE NO. 262, PASSED AND APPROVED THE 28TH DAY OF OCTOBER 1998, BY ADDING TO SECTION 3.01 THEREOF A NEW DEFINITION OF "IRRIGATION METER," AND BY STRIKING ALL OF SECTIONS 3.02, 3.03, 3.04, AND 3.05 THEREOF AND SUBSTITUTING THEREFOR NEW SECTIONS 3.02, 3.03, 3.04, 3.05, 3.06 AND 3.07; ESTABLISHING WATER, SEWER, AND IRRIGATION TAP FEES; ESTABLISHING BORING FEES; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR VIOLATION OF ANY PROVISION HEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

* * * * *

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS:

Section 1. City of Magnolia, Texas, Ordinance No. 262, passed and approved the 28th day of October 1998, is hereby amended by adding to Section 3.01 thereof a new definition to provide as follows:

Irrigation meter shall mean a separate water connection to the City's potable water system, intended for use other than drinking water.

Section 2. Said City of Magnolia, Texas, Ordinance No. 262 is hereby further amended by striking all of Section 3.02 thereof and substituting therefor a new Section 3.02 to provide as follows:

"3.02. Tap and Impact Fees. The following fees shall be collected by the City from the applicant or customer before any connection is made to the City's water and/or sewer systems:

1. Water Tap

| | |
|-----------------------|------------|
| 5/8" water tap..... | \$596.00 |
| 1" water tap..... | \$705.00 |
| 1 1/2" water tap..... | \$900.00 |
| 2" water tap..... | \$2,188.00 |

2. Sewer Tap

4" tap.....\$842.00
6" "into existing manhole".....\$1,076.00"

3. Irrigation Tap. The same rates shall apply as provided in paragraph 1 above."

Section 3. Said City of Magnolia, Texas, Ordinance No. 262 is hereby further amended by striking all of Section 3.03 thereof and substituting therefor a new Section 3.03 to provide as follows:

"3.03. Oversized Water Tap. On any connection to the City's water system that requires a water meter larger than two inches (2"), a tap fee shall be paid by the customer that reflects the actual cost of the tap. Such tap fee shall be set by the City's Public Works' Director or his designee, or by any person authorized by the City Council to determine the actual cost of the tap."

Section 4. Said City of Magnolia, Texas, Ordinance No. 262 is hereby further amended by striking all of Section 3.04 thereof and substituting therefor a new Section 3.04 to provide as follows:

"3.04 Oversized Sanitary Sewer Tap. For oversized connections (six-inch or greater) to the City's sanitary sewer system, a tap fee shall be paid by the customer that reflects the actual cost of the tap (including cost of installing required manholes and related appurtenances). Such fee shall be set by the City's Public Works Director or his designee, or by any person authorized by the City Council to determine the actual cost of the tap."

Section 5. Said City of Magnolia, Texas, Ordinance No. 262 is hereby further amended by striking all of Section 3.05 thereof and substituting therefor a new Section 3.05 to provide as follows:

"3.05. If boring under a road or other structure is required to tap a water line, a boring fee of \$15/ft. or \$450, whichever is greater, shall be paid by the customer. When unusual situations exist that require additional costs, the boring fee shall be determined by the City's Public Works Director, or by any person authorized by the City Council, based on the actual cost of the boring.

3.05.01. If boring under a road or other structure is required to tap a sewer line, a boring fee of \$20/ft. or \$600, whichever is greater, shall be paid by the customer. When unusual situations exist that require additional costs, the boring fee shall be determined by the City's Public Works Director, or by any person authorized by the City Council, based on the actual cost of the boring."

Section 6. Said City of Magnolia, Texas, Ordinance No. 262 is hereby further amended by adding thereto a new Section 3.06 to provide as follows:

"3.06. Irrigation systems shall be required to have a water meter that will be used solely for the purpose of metering water for irrigation systems.

The volume of water that goes through such meter shall be charged the same rate as for potable water, but shall not be subject to City sewer charges.

All metered irrigation systems tied directly into the City's potable water supply, shall be equipped with valves and apparatuses as may be required by the City's Public Works Department. All systems shall comply with the laws of the State regulating irrigation systems including, but not limited to, the Irrigation Act, V.C.T.A., Water Code § 34.006, and any subsequent amendments thereto.

All costs and fees associated with the setting of an irrigation meter shall be the same as for setting a new meter of comparable size under any other applicable City rule, regulation, or ordinance."

Section 7. Said City of Magnolia, Texas, Ordinance No. 262 is hereby further amended by adding thereto a new Section 3.07 to provide as follows:

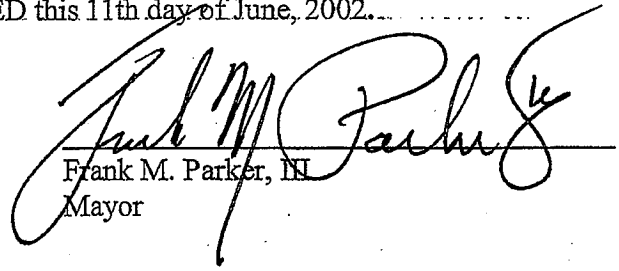
"3.07 Location of Taps and Meters. The City's Public Works Department shall approve the placement and location of any tap and/or meter, following the submittal of the required applications and payment of applicable fees, to assure reasonable access for future maintenance and meter reading, and to assure economical utilization of public rights-of-way."

Section 8. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2000. Each day of violation shall constitute a separate offense.

Section 9. All ordinances or parts or ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

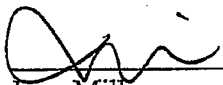
Section 10. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Magnolia, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED AND ADOPTED this 11th day of June, 2002.....



Frank M. Parker, III
Mayor

ATTEST:



Jane Miller
City Secretary

AFFIDAVIT OF PUBLICATION

BEFORE ME, the undersigned authority, on this day personally appeared Elizabeth Davis who on her oath stated:

CITY OF MAGNOLIA ORDINANCE 300

An Ordinance amending City of Magnolia, Texas Ordinance No. 239, as amended, originally adopted the 13th day of May 1997, by striking all of section 2.02 thereof and substituting therefore a new section 2.02, adopting a schedule of fees for NATURAL GAS TAPS; ESTABLISHING BORING FEES, providing other matters relating to the subject; **REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH**; providing a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof; and providing for severability.

CITY OF MAGNOLIA ORDINANCE 301

An Ordinance amending City of Magnolia, Texas Ordinance No. 262, passed and approved the 28th day of October 1998, by adding to section 3.01 thereof a new definition of "Irrigation Meter," and by striking all of sections 3.02, 3.03, 3.04 and 3.05 thereof and substituting therefore new sections 3.02, 3.03, 3.04, 3.05, 3.06 and 3.07; **ESTABLISHING WATER, SEWER, AND IRRIGATION TAP FEES; ESTABLISHING BORING FEES**; providing a penalty of an amount not to exceed \$2,000 for violation of any provision hereof; **REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH**; and providing for severability.

CITY OF MAGNOLIA ORDINANCE 302

An Ordinance of the City of Magnolia, Texas, adopting rules and regulations governing the installation of electrical devices within the City; providing licensing and permitting requirements; **PROVIDING FOR ADOPTION OF THE NATIONAL ELECTRICAL CODE, 2002 EDITION, AS PUBLISHED BY THE NATIONAL FIRE PROTECTION ASSOCIATION; REPEALING ORDINANCE NO. 274, PASSED AND APPROVED THE 15TH DAY OF FEBRUARY 2000, AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH**; providing a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof; and providing for severability.

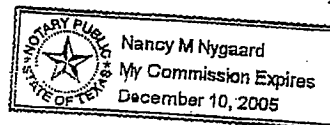
I am the Bookkeeper for the TOMBALL MAGNOLIA TRIBUNE a newspaper published in Harris County, Texas and now the facts stated in this affidavit. The attached matter is a true and correct copy of the publication of the citation of which it purports to be copy, as the same appeared in such newspaper in the respective issues of:

July 3, 2002

 , 2002

Elizabeth Davis, Billing Department

Subscribed and sworn to this 3rd day of July, 2002



ORDINANCE NO.262

AN ORDINANCE OF THE CITY OF MAGNOLIA, TEXAS REPEALING PRIOR ORDINANCES AND INSTITUTING AND ESTABLISHING NEW RATES FOR WATER AND SEWER TAP FEES. ESTABLISHING IMPACT FEES, PROVIDING PENALTIES FOR LATE PAYMENTS, AND CONTAINING PROVISIONS RELATED TO THE REGULATION OF WATER AND SEWER SERVICES PROVIDED BY THE CITY. AND CONTANING OTHER PROVISIONS RELATED TO THE SUBJECT OF WATER USE AND CONNECTIONS.

WHEREAS The City Of Magnolia, County Of Montgomery, Texas (the "City") owns both a water system and a sewer system designed to serve inhabitants within and without the City; and

WHEREAS, it is necessary that the fees, charges and conditions be ratified and established for providing services from the City's water and sewer systems; and

WHEREAS the City Council has carefully considered the matter and is of the opinion that, the following conditions should be established for service from the City's water and sewer systems;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS, COUNTY OF MONTGOMERY, THAT THE FOLLOWING ORDINANCE IS HEREBY ADOPTED:

I.

Repeal of Prior Ordinances

- 1.01 As of the effective date of this ordinance #262, the following ordinances are repealed: Ordinances numbered 134, 240, 195 and 250.

II.

Definitions

For the purpose of this Ordinance, the following words or terms shall have the following meanings:

- 2.01 Commercial – whether referring to connections to the City water service or sewer system. "Commercial" shall mean and include any office building, hotel, motel, rest home, day care center, private or trade school or college, retail store, clubhouse, church, warehouse, service station, restaurant, or any other establishment rendering a service or offering a product for sale to the public, and any establishment not generally considered a single family detached residence except public schools, apartments, and other multi-family residential dwellings.

- 2.02 Commercial waste – shall mean liquid carried sewage discharged from commercial connections which is properly shredded and amenable to biological treatment, and which may contain trace amounts of sand, grit, lubricants and other petroleum products commonly associated with commercial establishments such as service stations and car wash facilities.
- 2.03 Customer – shall mean the person, firm or corporation, and their agents, who request the City water and/or sewer services for residential, commercial or other structure within the area of the City water and sewer service area. Whether the owner, renter or lessee thereof is a customer of water and/or sanitary sewer services within such structure.
- 2.04 Delinquent Bill – shall mean a bill for water and/or sewer service which has not been paid within thirty (30) days after the date the bill was submitted to the customer.
- 2.05 City's Engineer – shall mean the person, firm or corporation, which the City has engaged to provide engineering services for the City.
- 2.06 City's Operator – shall mean the person, firm corporation, municipal corporation or political subdivision, which the city has contacted, for operation maintenance of the City's water system and sewer system.
- 2.07 Domestic waste – shall mean liquid carried sewage discharge from residential connections (including apartments) which is properly shredded and amendable to biological treatment that is normally discharged from residential food preparation and bathroom facilities. The biological oxygen demand (5 day) and total suspended solids concentrations not exceeding 200 milligrams per liter each.
- 2.08 Industrial Waste – shall mean waste other than "Commercial Waste" and "Domestic Waste".
- 2.09 Residential – whether referring to initial connections to water and sanitary sewer service, shall mean and include any single-family detached or attached residence. These shall include any separate apartments, flat or other single residence.
- 2.10 School – whether referring to initial connections to water service and sanitary sewer service. Shall mean and include any public institution of learning such as elementary school, middle school, junior high school or high school but excluding private or parochial schools, trade schools, trade schools and business colleges.

- 2.11 Separate Connection – each residence or other unit for which City services for water and/or sewer have been requested or provided. Whether occupied or not, including separate apartments within a single building, and separate commercial establishments within a single building.
- 2.12 System – as used herein shall mean the water and/or sanitary sewer facilities of the City and all extensions and additions thereto, whether now in place or hereafter constructed.
- 2.13 Customer Outside City Limits – shall mean any residence or other unit for which City services for water and/or sewer have been requested or provided. That at which point of service lies outside of the City limits as determined by the City.

III
Initial Connections To the City System ("TAPS")

3.01 Requirement To Connect To The City's System – Each structure within the City shall connected by a separate connection to the City's water and sewer system as becomes available. Such connections shall be made as soon as possible. Each person or customer desiring initial water and/or sewer service connections to the City's systems ("applicant") shall be required to sign and complete an application for such service and to pay such fees as established by this ordinance. No service shall be rendered until such fees are paid.

3.02 Tap and Impact Fees – The following fees shall be collected from the applicant or customer by the City before each initial connection is made to the City's water and /or sewer systems:

I. Water Tap

| | | |
|----|---|------------|
| A. | "Residential" connection 5/8" water tap | \$425.00 |
| B. | "Residential" connection 1-inch water tap | \$490.00 |
| C. | "Commercial" connection 5/8" water tap | \$500.00 |
| D. | "Commercial" connection 1-inch water tap | \$565.00 |
| E. | "Commercial" connection 1 1/2" water tap | \$965.00 |
| F. | "Commercial" connection 2-inch water tap | \$1,700.00 |

II. Water Impact Fees

| | | |
|----|---------------------|------------|
| A. | 5/8" meter | \$345.00 |
| B. | 1-inch meter | \$650.00 |
| C. | 1- 1/2" meter | \$1,150.00 |
| D. | 2-inch meter | \$1,850.00 |

III. Sewer Tap

| | | |
|----|---------------------------------|----------|
| A. | 4-inch tap | \$535.00 |
| B. | 6-inch "existing manhole" | \$860.00 |

IV. Sewer Impact Fees

| | | |
|----|--------------------|------------|
| A. | 5/8" meter | \$420.00 |
| B. | 1-inch meter | \$830.00 |
| C. | 1-1/2" meter | \$1,565.00 |
| D. | 2-inch meter | \$2,155.00 |

3.03 Water Tap Fee For Oversized Taps – On any connection to the City's water system that is larger than a 2" water meter, a tap fee shall be paid by the customer that reflects the actual cost of effecting such tap. Such fee may be set by the City's engineer, City's operator, or by any person authorized by the City Council to determine the actual cost of effecting such tap.

- 3.04 Sanitary Sewer Tap Fee For Oversized Taps – On any connection to the City's sanitary sewer system to a line 6-inches or larger. A tap fee shall be paid by the customer which reflects the actual cost of effecting such tap. Such cost shall also include all of the cost of installing a manhole and related appurtenances which are required in connection with such tap. Such fee may be set by the City's engineer, City's operator, or by any person authorized by the City Council to determine the actual cost of effecting such tap.
- 3.05 Road Boring – On any connection to the City's water or sewer system and such connection shall be required to be bored under state or county roadway a fee shall be paid by the customer which reflects the actual cost of effecting such tap. Such fee may be set by the City's engineer and/or City's operator or by any person authorized by the City Council to determine the actual cost of effecting such tap.

IV

Policies Governing Initial Connections To City Systems

- 4.01 Certification – Connections shall not be made to the City's system or portions of the system until the City's engineer or operator has certified that the systems or applicable portions thereof are adequate and operational. Water service shall not be provided to any customer until an acceptable sanitary sewer connection has been made.
- 4.02 Availability Of Access – Upon application for initial connection the applicant shall grant an easement of ingress and egress to and from the meter or point of service for such installation, maintenance and repairs the City, in its judgement, may deem necessary. Taps and connections shall not be made when, in the opinion of the City's engineer or operator, the work is obstructed by building materials and debris or the work area is not completed to finish grade. When sidewalks, driveways or other improvements resulting from the reasonable actions of the City's operator in installation of the customer's connection.
- 4.03 Property of the City – All meters, fittings, boxes, valves and appurtenances installed shall remain the property of the City.
- 4.04 Connections by the City Operator – All connections to the City's water system shall be made by the City's operator unless specified otherwise by the City Council or their designee. All connections to the City's sewer system shall be made in accordance with all provisions of the Southern Building Code International Standard Plumbing Code, or to any applicable provisions of the Plumbing Code of the City. All new connections to the sewer system are prohibited from having inflow sources into the sanitary sewer portions of the system. No person, other than the properly authorized agents of the City, shall be permitted to tap or make any connections with the mains or distribution piping of the City's water system.

Except for emergency fire fighting purposes, or making any repairs or additions to or alterations in any meter box, tap, pipe, cock or other fixture connected with the water service or any manhole, main, trunk, or appurtenance of the City's sanitary system. Except by the written permission of City Council.

4.05 Submission of Plans for Connection Service – Each applicant for water and sewer services shall, at the time of payment for tap fees for initial or change in service, submit to the City engineer or other party designated by the City Council, the following information if applicable.

- (1) Engineering drawings in triplicate indicating details of building plumbing, site plumbing and storm drainage, materials to be used and the location, size and number of proposed connections to the City's systems" and
- (2) A general description of the type of proposed establishment and, if applicable, a description of grease traps. An the special measures taken in order to prevent any possible industrial waste and/or unauthorized waste from entering the City's sanitary sewer system.

4.06 In recognition of the City's obligation to protect and maintain general public health, the City's engineer or other party designated by the City Council shall review the information presented and may approve or reject the application. The City can request that further information be submitted before approval of the application. The customer shall be notified in writing as to the reason for the rejection of the applications. Failure to construct the facilities in accordance with approved drawings shall constitute a basis for denial of City services. If the application information is not timely made, the City shall not be held responsible for delays in the installation of water and sanitary sewer connections or the provision of other City services. Payment of tap fees to the City shall not constitute approval of said plans or approval for service as set forth herein. Any authorized connection or connections may be removed at the expense of the person or firm causing such connection or connections to be made.

V.

Rates and Fees for Water and Sanitary Sewer Services

5.01 Each prospective customer desiring water and sanitary sewer service shall be required to provide appropriate information in order to obtain such service and shall pay for an application fee.

5.02 Application Fee – a non-refundable application fee of \$30 shall be charged for each customer. The City's operator is authorized to require persons requesting water and/or sewer service from the City to complete and forward an Application Form for City Services, which may be amended as needed. Service shall be subject to termination unless such application Form and fee is paid within ten (10) days of the date that a customer utilizes City water or sanitary sewer services.

5.03 Deposit – In addition to the application fee, a refundable deposit of \$100.00 shall be charged for each customer to secure the payment of water and/or sewer service from the City. Such deposit shall be made at the time a customer makes application to the City for services. The City shall account for the funds of each customer paying such deposit. Upon termination of the service, the City shall refund said deposit to the customer if the customer's account is paid and the customer is not liable for the payment of any damages, repairs or inspections.

5.04 Monthly Rate for School Water Service – The following rates per month shall be charged for school water service furnished by the City to each separate school connection in every instance in which a different charge is not expressly provided for herein:

(A) 5/8, 3/4 and 1-inch meter-Minimum monthly charge for the first 1,000 gallons of metered water inside the city.....\$22.00

5/8, 3/4 and 1-inch meter –Minimum monthly charge for the first 1,000 gallons of metered water outside the city.....\$30.00

(B) 1-1/2 and 2-inch meter-Minimum monthly charge for the first, 1000 gallons of metered water.....\$54.65

(C) 3-inch meter-Minimum monthly charge for the first 1,000 gallons of metered water.....\$81.15

(D) For each 1,000 gallons of water metered over the 1,000 gallon per unit\$1.40

5.05 Monthly Rates For School Sewer Service – The following rates per month shall be charged for school sewer service furnished by the City to each separate school connection in every instance in which a different charge is not expressly provided for herein:

(A) Minimum monthly base charge 3/4, 5/8, 1 inch, no garbage\$12.85

(B) Minimum monthly base charge 1-1/2 inch meter, no garbage.....\$15.85

(C) Minimum monthly base charge 2 inch meter, no garbage.....\$18.85

(D) Minimum monthly base charge 3 inch meter, no garbage.....\$21.85

(E) For each 1,000 gallons of water metered.....\$1.85

5.06 Monthly Rates for "Residential" Water Service – The following rates per month shall be charged for water service furnished within the City limits by the City through meters to each separate connection in every instance in which a different charge is not expressly and clearly provided for elsewhere herein:

- (A) Minimum monthly charge for up to 1,000 gallons of metered water per unit.....\$22.00
- (B) For each 1,000 gallons of water metered over 1,000 gallons per unit.....\$1.40

5.07 Monthly Rates for "Residential" Water Service – (Outside City Limits) – The following rates per month shall be charged for water service furnished outside the City limits by the City through meters to each separate connection in every instance in which a different charge is not expressly and clearly provided for elsewhere herein:

- (A) Minimum monthly charge for up to 1,000 gallons of water metered per unit.....\$30.00
- (B) For each 1,000 gallons of water metered over 1,000 gallons per unit.....\$1.40

5.08 Monthly Rate for "Residential" Sewer service – The following rates per month shall be charged for sewer service furnished by the City in every instance in which a different rate is not expressly and clearly provided for herein:

- (A) Minimum monthly base charge (includes garbage collection).....\$24.95
- (B) Minimum monthly base charge (Sewer no garbage).....\$8.95
- (C) Minimum monthly base charge (Sewer, reduced garbage).....\$21.88
- (D) Minimum monthly base charge (Garbage, no Sewer).....\$16.00
- (E) For each 1,000 gallons of water metered.....\$1.85

5.09 Monthly Rate for "Commercial" Water Service – The following rates per month shall be charged for commercial water service furnished by the City through meters to each separate commercial connection in every instance in which a different charge is not expressly and clearly provided for herein:

(A) Minimum charge for up to 1,000 gallons of water metered 3/4, 5/8, 1 inch meters, inside the city.....\$22.00

Minimum charge for up to 1,000 gallons of water metered 3/4, 5/8, 1 inch meters, outside the city\$30.00

Minimum charge for up to 1,000 gallons of water metered 1-1/2 inch and 2 Inch meters..... \$54.65

Minimum charge for up to 1,000 gallons of water metered-3 inch meter\$81.15

(B) For each 1,000 gallons of water metered over 1,000 gallons per unit.\$1.40

5.10 Monthly Rates for "Commercial" Sewer Service – The following rates per month shall be charged for commercial sewer service furnished by the City in every instance in which a different charge is not expressly provided for herein:

Base charge for sewer service to commercial connections discharging only "domestic Waste" as defined herein:

(A) 3/4 to 1-inch meter base rate (without garbage collection).....\$12.85

(B) 3/4 to 1-inch meter base rate (with garbage collection).....\$28.85

(C) 1-1/2 inch meter base rate (without garbage collection).....\$15.85

(D) 2-inch meter base rate (without garbage collection).....\$18.85

(E) 3-inch meter base rate (without garbage collection).....\$21.85

(F) For each 1,000 gallons of water metered above first 1,000 gallons....\$1.85

5.11 Monthly Grease Trap Inspection- The City reserves the right to have grease traps cleaned as necessary to insure their proper function and to recover the City's cost from the customer.

5.12 Temporary Customers – Withdrawal of water from flush valves or other appurtenances of the City's system without prior approval, except for emergency fire fighting purposes or Montgomery County, Precinct 2, is prohibited. Such approval rates and fees charged will only be given in accordance with the policies established by City Council.

5.13 Policies Governing Water and Sanitary Sewer Services

- (A) No Reduced Rates or Free Service – All customers receiving services from the City shall be subject to the provisions of this Ordinance. All customers shall be charged the rates established in this Ordinance, and no reduced rates or free service shall be furnished to and such customer. Provided, however, this provision shall prohibit the City, upon good cause shown, from establishing reasonable classifications of customers for which rates differing from the rates stated herein may be adopted.
- (B) Entitlement – Customers are not guaranteed a specific quantity of pressure of water or specified capacity in sewer facilities for any purpose whatever. In no instance shall the City be liable for failure or refusal to furnish water or any particular amount of pressure of water or to provide capacity in the sewer facilities.
- (C) Unauthorized and Extraordinary Waste – The rates established in Paragraph V, herein are applicable for domestic waste or commercial waste. Customers proposing to discharge certain commercial waste, including waste from food processing or other food handling establishments. Such as but not limited to barber and beauty shops, laundries, schools and the like will be required to install grease traps or pretreatment units who are so ordered by the City in evaluating the effects of high concentrations of organics on the system. The City's current waste discharge permit prohibits the introduction of industrial waste into the system. If any customer of the City's sanitary, sewer system proposes to discharge industrial waste into the system. The City Council shall request a comprehensive study and the recommendations of the City's engineer and shall establish rates and charges to provide for an equitable assessment of cost. Whereby such rates and charges for discharges of industrial waste correspond to the cost of waste treatment. Taking into account the volume and the strength of the industrial waste treated, and Techniques of treatment required. Such rates and charges shall be based on an equitable system of cost recovery. Which is efficient to produce revenues (in proportion to the percentage of waste relative to the total waste load to be treated by the City for the operation and maintenance of the treatment works) for the amortization of the City's indebtedness for the cost of such treatment works and for such additional costs as may be necessary to assure adequate waste treatment on a continuing basis. The cost of all engineering and evaluations shall be borne by the customer.

VI.

Delinquency In Payment Penalty; Discontinuation and Termination of Service

- 6.01 Termination of Service for Failure to Pay Bill when Due. – The City shall have the right to terminate sewer service, garbage service, and cut off the supply of water to a customer at any time after the customer's bill becomes delinquent and after the City has made a reasonable attempt to notify the customer of such delinquency. A charge of \$20.00 plus payment of the unpaid bill in full, shall be made by the customer for restoring water service, garbage service and sewer service where service has been terminated because of the customer's failure to pay a bill when due.
- 6.02 Discontinuing Service upon Request of A Customer. – When ever a customer of the City requests that water service be discontinued, the customer shall notify the City's utility clerk at least two days prior to the time the customer desires such service to be disconnected. A charge of \$20.00 shall be made for restoring water vice when such service is discontinued and restored at the request of the customer, and the customer is not delinquent in the payment of any bill at the time of the request, and the discontinuance of service was not the result of the customer's tampering with, or damaging of any meter box, meter, service line or other system appurtenance. The customer shall make the request in writing with the date, location, and signature of the customer before such service will be disconnected

VII.

Damage to City Facilities

- 7.01 Damages to Meters and Appurtenances – No person other than a duly authorized agent of the City shall open the meter box. Tamper with or in anyway interferes with the meter box, meter service line, or other water and/or sewer system appurtenance. The City reserves the right to immediately and without notice remove the meter or disconnect water service to any customer whose meter has been tampered with and to assess repair charges. Any customer determined that has tampered with, any meter box, meter, service line, or any other system appurtenance, shall be assessed a \$75.00 fee, plus cost of any materials, for the inspection, removal and/or repair. In addition, any customer that has interfered with the operation of, or tampered with any meter box, meter, service line, or other system appurtenance, may have, at the discretion of the City, such customer's water service disconnected and require the customer to reapply for restoration of the disconnected service.
- 7.02 Interconnections – Interconnections or cross-connections of the City's water system, whether directly or through the customer's private system to another source of water is strictly prohibited without the express written consent of the City.

Initial customers shall construct and each customer shall maintain water connections and appurtenances to avoid infiltration of any possible contaminated liquid into the City's system. City personnel and agents shall have access to all customer water line connections and appurtenances within reasonable time periods in order to inspect suspected possible unauthorized connections. The City reserves the right to immediately and without notice of disconnect of water service to any customer whose internal private system that has been found to be interconnected or cross connected. To assess against the customer such penalties as are provided by law and penalties provided in the City's "policy Governing Control of Damage to the City's Facilities". In addition to those charges necessary to repair the portion of the system so damaged or contaminated.

- 7.03 Obstructions – After a water meter has been installed, the customer shall at all times keep the area in and around and upon the meter and box and the City's easement and property under the customer's control, free from rubbish or obstructions of any kind. Failure to keep the meter and box and the City's easements property under the control of the customer free from rubbish and obstructions shall result in disconnection of water services and/or the assessment of charges as necessary to remove said rubbish or obstructions. Except as expressly authorized by the City's engineer or the City's operator, all persons are prohibited from introducing material into the City's sanitary sewer system, which would cause obstruction of said system. In the event that an inspection of the City's engineer or operator reveals foreseeable damage to the sanitary sewer system resulting from a customer's failure to prevent obstruction from entering the system, the City in the removal of the obstructions, including the cleaning of grease traps, shall be assessed to the customer, in addition to an administration fee equal to fifty percent (50%) of the cost of the removal.

VIII. Appeal

- 8.01 Any determination by the City's operator or the City's engineer or authorized agent of the City in any dispute regarding the terms and provisions of this Ordinance may be appealed to the City Council. City council shall then conduct a hearing on the appeal. The City's operator and/or attorney shall provide the customer with information regarding appeals and hearing procedures upon the customer's request. In any such appeal, the burden of prosecution shall rest upon the customer appealing the determination of the City's operator, City's engineer, or agent as possible.

IX.
Amendments

- 9.01 The City has a specifically reserves the right to change, alter or amend any rate or provision of this Ordinance at any time.

X.
Severability

- 10.01 The provisions of this Ordinance are severable, and if any provision or part of this Ordinance or the application thereof to any person or circumstance shall ever be held by any court of competent jurisdiction to be invalid or unconstitutional for any reason, the remainder of this Ordinance shall not be affected thereby.

XI.
Enforcement and Penalties


- 11.01 A person who knowingly or negligently violates any provision of this Ordinance is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than two hundred dollars (\$200.00) for each act of violation and each day of violation.
- 11.02 In addition to proceeding made or instituted pursuant to section 11.01, the City shall also be entitled to pursue all other criminal and civil remedies to which it is entitled under the authority of statutes or other Ordinances against any person continuing prohibited discharges.
- 11.03 Failure to Pay – In addition to sanctions provided for in this paragraph XI, the City is entitled to exercise sanctions provided for by other Ordinances of the City for failure to pay the bill for water and sanitary sewer services when due.
- 11.04 Penalty for Criminal Mischief – The City may pursue all criminal and civil remedies to which it is otherwise 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. The Mayor is authorized to execute and the City Secretary to attest this Ordinance on behalf of the City Council.

XII.
Effective Date

12.01 This Ordinance shall be effective November 1, 1998 ("effective date") and shall apply to all water and sanitary sewer service requested on or after such date as well as to any connections made on or after November 1, 1998.

Passed and adopted this 28 day of OCTOBER, 1998.

| | |
|--------------------|---------------|
| Councilman Smith | <u>AYE</u> |
| Councilwoman Clapp | <u>AYE</u> |
| Councilwoman Cloyd | <u>AYE</u> |
| Councilwoman Ogden | <u>ABSENT</u> |
| Councilman Mattern | <u>AYE</u> |


Honorable John Bramlett,
MAYOR

Attest:


Lorraine Crow,
Asst. City Secretary

AFFIDAVIT OF PUBLICATION

BEFORE ME, the undersigned authority, on this day personally appeared *Nancy Nygaard* who on her oath stated:

Ordinance #262

An ordinance of the City of Magnolia, Texas repealing prior ordinances and instituting and establishing new rates for water and sewer tap fees. Establishing impact fees, providing penalties for late payments, and containing provisions related to the regulation of water and sewer services provided by the city; and containing other provision related to the subject of water use and connection. Passed and approved October 28, 1998. A person who knowingly or negligently violates any provision of this ordinance is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than two hundred dollars (\$200.00) for each act of violation and each day of violation.

I am the publisher of the TOMBALL MAGNOLIA TRIBUNE a newspaper published in the Harris County, Texas and know the facts stated in this affidavit. The attached matter is a true and correct copy of the publication of the citation of which it purports to be a copy, as the same appeared in such newspaper in the respective issues of:

12/16, 1998

 , 1998

Nancy Nygaard
Nancy Nygaard, Publisher

Subscribed and sworn to this 16 day of December, 1998

Madaline L. Weber
Notary Public, Harris County, Texas

