

Water Rates and Tap Fees

ORDINANCE # 6-9-97

AN ORDINANCE SETTING THE RULES AND REGULATIONS OF THE BERRYVILLE MUNICIPAL WATER DEPARTMENT OF BERRYVILLE, TEXAS; FAILURE TO COMPLY WITH THESE RULES AND REGULATIONS SHALL CONSTITUTE A MISDEMEANOR PUNISHABLE BY FINE OF NOT LESS THAN TWENTY-FIVE (\$25.00) DOLLARS NOR MORE THAN TWO HUNDRED (\$200.00) DOLLARS; PROVIDING THAT EACH VIOLATION SHALL CONSTITUTE A SEPARATE OFFENSE; PROVIDING AN EFFECTIVE DATE.

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

SECTION I.

All meters shall be set by the employees of the City. If the meter gets out of order and fails to register, the consumer will be charged at the average daily consumption, as shown by the meter when in order.

SECTION II.

Each house, or if more than one family resides in a house, each apartment in such house, must have a separate connection and meter, provided, however, one meter will suffice when, in the judgment of the superintendent, or other City employee, it would be impractical to replumb a house in such manner that each apartment would have a separate connection and meter. In such case, the person in whose name the meter is installed shall be solely responsible for the charges made by the City for water measured by such meter.

SECTION III.

Each consumer of water shall make a water deposit with the City Water Department. This deposit fee will be set by the Berryville City Council. Each consumer, in addition to the deposit fee: shall make application in prescribed form with the City Secretary at the Berryville City Hall, in person, or by an authorized agent who shall state the name of the actual user and his authority to make application. No service shall be provided to any address where it is found or discovered that such service was obtained as a result of misinformation or deliberate misrepresentation. Any service obtained by such may be discontinued immediately. Each consumer shall acknowledge receiving a copy of the water department rules by their signature on their application for service.

SECTION IV.

All utility tap fees, connection fees, transfer fees, returned check fees, and water rate fees will be set by the Berryville City Council. All out of City taps must be approved by the Berryville City Council. Tap fees remain with the property, they cannot be transferred. The customer shall pay all expenses incurred in the installation of a new tap for the last water main to his property. The costs for taps requiring a larger than standard 3/4" meter shall be the responsibility of the customer. The customer is responsible for the maintenance of the line from the City's water main to the customers meter for a period of one (1) year from the date of the installation of the line.

A deposit of two (2) times the regular deposits shall be charged all customers if water is disconnected two (2) times in any twelve month period for nonpayment of charges.

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Any consumer applying for water must inform the City Secretary of any past outstanding debt with the Berryville Municipal Water Department and clear such old debt prior to receiving water service.

Any consumer having a check returned by their bank will be charged a fee set by the Berryville City Council.

Any consumer transferring water service from one location to another must pay a fee set by the Berryville City Council.

Any consumer requesting a flow test shall be charged a fee set by the Berryville City Council.

The Berryville Municipal Water Department will replace a damaged water meter and/or meter box and lid one time if damaged by the consumer. Each time thereafter, the consumer will be charged for replacing the water meter and/or meter box and lid if damaged by the consumer. The charge for replacements will be at the City's cost. (This paragraph is an amendment passed and approved by the Berryville City Council on May 17, 2005.)

All main water lines must be at least four (4) inches in diameter. (amended 7-18-06)

SECTION V.

A 10% penalty will be added to any balance not paid by 4:00 P.M. on the 10th day of the month unless the 10th falls on a Saturday or Sunday, an extra day will be allowed. The 10% penalty includes the trash fee amount. If service is disconnected for nonpayment, a reconnect fee will be charged. That fee will be set by the Berryville City Council. All past due amounts must be paid in addition to the reconnect fees before service will be continued. No partial payments will be accepted for water and trash service. All partial payments will be returned to the customer and the account will be considered unpaid. If payment is not received by the 25th day of the month, service will be discontinued.

SECTION VI.

Any customer or representative of customer who fails to permit reasonable access to the City Water Department's representative for the purpose of reading a meter, repair damaged City pipes or conduct business in connection with running the City water system shall be subject to the following:

- (a) Immediate disconnection of all City services.
- (b) Customer shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than twenty five (\$25.00) dollars nor more than two hundred (\$200.00) dollars and each separate violation shall constitute separate offense. Each day of failure to permit access shall constitute a separate offense.

SECTION VII.

Any person wishing to discontinue the use of water and trash service must give notice to the City Secretary, otherwise a charge will be entered until such notice has been given.

SECTION VII.

It shall be the duty of all employees of the City and all City water customers to report any leaks or unnecessary waste of water. The customer is responsible for all leaks past the water meter.

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SECTION IX.

It shall be unlawful for any person to do, commit or assist in committing any of the following acts:

- (1) To open or close any fire hydrant or stop cock connect with the water works system, or lift or remove the covers of any gate valve or shutoff thereof, without the permission of the superintendent except in the case of fire, and then under the direction of officers of the fire department.
- (2) To interfere with, destroy, deface, impair, injure or wantonly force open any gate, or door or in any way whatsoever destroy, deface, impair, injure or deface any part of any enginehouse, reservoir, standpipe, elevated tank, building or buildings, or appurtenances, fences, trees, shrubs, of fixtures or property appertaining to the water works system.
- (3) To go upon or ascend the stairway or steps of any elevated water storage tank or standpipe of the water works system, except by permission of the superintendent.
- (4) To place any telegraph, telephone, electric pole, or any other obstruction whatsoever within three (3) feet of any fire hydrant.
- (5) To resort to any fraudulent service or arrangement for the purpose of procuring water for oneself or others from private connections on premises contrary to the City regulations or ordinances.
- (6) To interfere with or injure any reservoir, tank, fountain, hydrant pipe, cock valve, or other apparatus pertaining to the water works system, or to turn on or off, without authority, the water in any street hydrant or other water fixture, or to hitch or tie any animal thereto.
- (7) To make or permit to be made any connection with the main or service pipes of the water works system or to turn on or use the water of such system.
- (8) To cover over or conceal from view any water valves box, service or meter box.
- (9) To remove any water meter that has been placed by the City, or to in any manner change, interfere with or tamper with any water meter or water meter lock. All water meters are owned by the City once they are set. They cannot be removed by the property owner. The property owner or the water customer will be charged for the cost of a new lock if lock is damaged when tampered with.
- (10) To turn on the water supply to any building or to any supply pipe where the supply has been turned off for the nonpayment of the monthly water charge or for the violation of any rule or ordinance governing the water works system.
- (11) To willfully clog or obstruct any drainage.
- (12) The City Secretary will file charges against any person removing locks from disconnected meters. The person will be charged with court costs and any other expenses incurred due to their actions.

SECTION X.

It shall be unlawful for any person to build or use any privy vault above or below the ground on any lot or parcel of land, in accordance with TNRCC Rules.

SECTION XI.

The Berryville City Council shall during times of water shortage, have the authority to regulate the use of water from the City water supply. The City Council may by resolution, for a duration of up to thirty (30) days, limit the uses of water from its water supply. This period may be extended for another thirty (30) days and may continue as long as necessary. The City Council may prohibit the use of water from the City water supply for watering lawns and gardens, washing vehicles, sidewalks, patios, motorcycles, boats, trailers and recreational vehicles. The City Council may limit property owners or occupants of property to specific days for outdoor watering or specific hours or alternating days for outdoor watering.

SECTION XII.

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The developer or agent of any subdivision within the City shall pay 100% of all cost of an off site main needed to provide service to his development. Where water facilities are not available to the subdivision, the City of Berryville may extend such facilities to the nearest subdivision property line within the following limitations:

- (1) Pay tap fee as set by the Berryville City Council.
- (2) Pay all cost related to obtaining service from City.
- (3) City of Berryville reserves the right to refuse service if addition would put a strain on existing water system.

SECTION XIII.

Property owners or their contractors causing damage to the City of Berryville water lines will be charged for the actual cost of repairs both materials and labor. Prior to excavating with any machinery the property owner or his agent or contractor must give FORTY-EIGHT (48) hour notice to the City Manager or the Water Superintendent. This notice must be given during normal office hours.

SECTION XIV.

Meters and lines to church property line will be installed at the City's cost of materials.

SECTION XV.

Water service outside the City limits of Berryville, Texas must have the approval of the majority of the Berryville City Council. All easements must be granted to the City by the customer requesting the service. The cost of laying line from a present line to a new tap will be incurred by the customer. This cost is in addition to the tap fee.

SECTION XVI.

Persons violating any section of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than twenty five (\$25.00) dollars nor more than two hundred (\$200.00) dollars in the municipal court of Berryville, Texas. Each separate violation will constitute a separate offense.

SECTION XVII.

This ordinance shall be in full force and effective as of July 1, 1997.

PASSED AND ADOPTED THIS 14TH DAY OF JULY, 1997.

JOHN MCELVANY

MAYOR OF BERRYVILLE, TEXAS

ATTEST:

Water Rates and Tap Fees

SHARYN HARRISON
CITY SECRETARY

6-9-97. WPS

THIS ORDINANCE FILED WITH HENDERSON COUNTY CLERK JULY 23, 1997 IN VOL. 1762
PAGES 371, 372, 373, 374, 375, 376 (11140)

Section V of this ordinance was amended 2/14/00.

AMENDMENT NOVEMBER 13, 2000

In the event that any Berryville water customer drills his own water well, for household use, and disconnects from the Berryville Municipal Water System, the water meter and the meter box will be removed from the property. If the customer requests reinstatement to the Berryville Municipal Water System, a tap fee, deposit and connect fee will be assessed. Before reconnection to the Berryville Water System, the request will be presented to the Berryville City Council for approval. Approval will be made according to the availability of water. The same rule applies to any person purchasing the property where the meter and meter box has been removed.

PASSED AND APPROVED THIS 13TH DAY OF NOVEMBER, 2000.

AMENDMENT TO SECTION III OF BERRYVILLE CITY ORDINANCE 6-9-97.
WATER DEPARTMENT RULES AND REGULATIONS

THE CITY MANAGER, WITH THE MAYOR'S APPROVAL, MAY REQUIRE VARYING
DEPOSITS FOR CUSTOMERS AS IT DEEMS APPROPRIATE IN EACH CASE.

PASSED AND APPROVED THIS 15TH DAY OF APRIL, 2002.

SECTION IV WAS AMENDED 5/17/05.
SECTION IV WAS AMENDED 7-18-06.
SECTION XIII AMENDED 6-11-07.