

ORDINANCE NO.
22-03-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DILLEY, TEXAS ADOPTING A MASTER UTILITY ORDINANCE; REPEALING ALL PREVIOUS ORDINANCES REGULATING WATER AND SEWER CONNECTIONS; SETTING PUNISHMENT AND/OR FINES FOR VIOLATIONS; INCORPORATING RECITALS; PROVIDING FOR REPEALER AND SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City Council, as the governing body of the City of Dilley, has exclusive original jurisdiction over all water utility rates, operations, and services provided by a water and sewer utility within the corporate limits of the City of Dilley and areas of the Extraterritorial Jurisdiction where the city provides water and sewer utility service;

WHEREAS, as to retail water utility service provided by the City of Dilley, the City Council has authority to: (1) ascertain and fix just and reasonable standards, classifications, regulations, service rules, minimum service standards or practices to be observed and followed with respect to the service to be furnished; (2) ascertain and fix adequate and reasonable standards for the measurement of the quantity, quality, pressure, or other condition pertaining to the supply of the service; (3) prescribe reasonable regulations for the examination and testing of the service and for the measurement of service; and (4) establish or approve reasonable rules, regulations, specifications, and standards to secure the accuracy of all meters, instruments, and equipment used for the measurement of any utility service; and

WHEREAS, the City Council finds the adoption of the following standards are necessary to protect the public health and safety;

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

SECTION 1. WATER CONNECTIONS (GENERAL)

- 1. The following policies and procedures will apply to all connections made from and after the effective date of this section:**
 - (a) City of Dilley required that all potential users of the City's water and sewer services obtain a permit from the City prior to the installation of any utility connections to the City's lines.
 - (b) All pipes or mains for the extension of the water and sewer systems of the City of Dilley shall be laid under the management and control of the City of Dilley or

its authorized agents.

- (c) Only an employee or agent of the City of Dilley shall be authorized to turn on or off any water from the meter curb valve or to tap any water main or pipes belonging to the City of Dilley.
- (d) All water and sewer services limits shall be of such quality as specified and approved by the City.
- (e) The City is not liable for any damage on account of leakage, breakage of pipes and/or malfunction of pipes resulting from an act of God or from any other cause not resulting from the negligence of the City of Dilley.
- (f) The City has the authority to enter into private property/premises connected to the City water and sewer systems to replace or repair damaged pipes and/or malfunctioning pipes causing water or sewer leakage, if necessary, to ensure the public health, safety, and welfare of the citizens of the City of Dilley and its Extraterritorial Jurisdiction where the City of Dilley provides water and sewer services.
- (g) The Water Department shall supply water to its customers through mains/lines owned or controlled by the City of Dilley and which shall be located in the streets, between the curb and sidewalk lines or in alleys, adjacent to property being served, or on easements controlled or owned by the City of Dilley.
- (h) No customer shall be provided service unless the property being served has frontage along a Water Department main line.
- (i) If a connection or extension requires boring under or crossing over a highway or street the Water Department may assess the estimated cost of boring under or crossing over that highway or street to furnish water service regardless of the distance from the water main to the property line; such assessment to be paid prior to the work being performed. In the event the assessment exceeds the actual cost of boring under or crossing over the highway or street, the excess is refundable to the customer when work is completed.
- (j) When a single customer or group of single customers is required to pay the cost of extending water mains in an area where service demands may be made upon those mains, by new customers, then the single customer or group of single customers may enter into a refund contract with the City of Dilley. This refund contract shall be for a period of fifteen years from the date of the main extension completion or the receipt by the single customer or group of single customers of 100% of the refund due, whichever occurs first. The refund shall in no case exceed the cost of the mains installed.

- (i) The Water Department will set a meter, for use by the customer, at the front of the property to be serviced, unless an agreement has been reached between the customer and the City of Dilley. The meter will sit a distance not to exceed 2 feet off of an adjoining property line and 1 foot off of a Right-of-Way line. When a connection is made by the Water Department to a main on the opposite side of the street, additional charges may be assessed.
- (k) All lines constructed, and meters installed under the provisions of this section shall be the property of the City of Dilley and the Water Department shall have full control and jurisdiction over such lines and meters.
- (l) All extensions of water main facilities must conform to the City's master plan, ordinances, codes and regulations and must be reviewed by the City Engineer and must be approved by the City Council of City of Dilley, Texas.
- (m) No water service shall be provided unless and until the water connection charges, meter charges, and all other required charges are paid in advance.

2. RESPONSIBILITY FOR PAYMENT OF WATER CONNECTIONS.

The person who makes application for water service shall be responsible for payment of all charges provided for in this Ordinance until written notice is given by such person of the intention to discontinue such service.

3. UNLAWFUL CONNECTION TO WATER MAINS OR WATER PIPES.

It shall be unlawful for any person to make, or permit to be made, any connection with or to the water mains or service pipes of the Water Department system. It shall also be unlawful to turn on or use water of the City of Dilley water system without first obtaining a connection therefor. Violations will be subject to the punishment provisions of this Ordinance. Application for connections shall be filed with the City of Dilley on forms prescribed by the City of Dilley.

4. ALL CONNECTIONS SHALL BE MADE BY THE WATER DEPARTMENT.

Upon approval of a connection and payment of the required connection fee, the Water Department shall make, or cause to have made, the necessary connections and furnishing of a meter box and curb stop, the cost of which are included in the meter connection fee.

5. EVERY PREMISE SHALL HAVE A SEPARATE SERVICE CONNECTION.

Every premise connected with or to any water main or being supplied with any water from the City of Dilley, shall have a separate service connection, curb stop, meter (installed by Water Department) and customer supplied shut-off valve (to be installed

by customer's certified plumber).

6. COMPLIANCE WITH PLUMBING REQUIREMENTS.

No connection shall be made to any house, building or premise to any portion of the City of Dilley's water system if the customer's plumbing has been determined to contain cross connections or other violations of the Health Department requirements or standard building and plumbing codes.

When the Water Department becomes aware of and confirms that the plumbing of any house, building or premise already connected to its water system is not or does not comply with the standards of material or workmanship provided for by appropriate provisions of this Ordinance.

The Water Department shall have the right and duty, after notice to the owner, occupant or person in charge of such premises, and the failure or refusal of such owner, occupant or person in charge to immediately remedy such condition, to discontinue all or any portion of service provided by the Water Department as may be required or suggested by the situation.

7. WATER DEPARTMENT INSPECTIONS ARE NOT A WARRANTY OF LIABILITY.

Plumbing inspections made by the Building Inspector or Public Works Director in regard to affecting a water service connection shall not create any liability or warranty for, by or to the City of Dilley as to the quality or condition of the plumbing of the house, building or premises and such inspections are separate and apart from similar inspections required by other agencies or municipal offices.

SECTION 2. APPLICABILITY OF ORDINANCE

1. RELEVANCE OF ORDINANCE.

All provisions of this Ordinance shall be deemed to be incorporated into every contract between the City of Dilley and its water customers. Each customer shall be charged with knowledge of the provisions of this Ordinance and, by applying for and accepting water service from the City of Dilley shall be deemed to have acceded to the provisions of this Ordinance.

2. UNLAWFUL TO TAKE WATER OTHER THAN PROVIDED BY ORDINANCE.

It is a violation of state and municipal law for a person to take or use water from the water system of the City of Dilley or to utilize the services of the water system, except under the terms and conditions as specified and stipulated in this Ordinance. Any person violating the terms and provisions of this Ordinance shall

be prosecuted in the courts having appropriate jurisdiction. It shall be unlawful for any person to make any tap or connection to the City's water system, or to establish and maintain water service, except as provided in this Ordinance. It shall also be unlawful for any person to connect with the City's water system without first paying a charge based on the schedule of construction cost charges and fees as approved by the City Council.

3. FAILURE TO COMPLY WITH THE ORDINANCE.

Failure to comply with any provision of this Ordinance relating to the water system of the City of Dilley shall constitute grounds for immediate discontinuance of water service by the City.

4. VIOLATIONS OF THE WATER ORDINANCE.

A person commits an offense if that person violates by commission or omission any provision of this Ordinance. In addition to prohibiting or requiring certain conduct of individuals, it is the intent of this Ordinance to hold a corporation, partnership or other association criminally responsible for acts or omissions performed by an agent acting on behalf of the corporation, partnership or other association, and within the scope of his or her employment.

5. PUNISHMENT AND FINES FOR VIOLATIONS OF THE WATER ORDINANCE.

A person who violates a provision of this ordinance is in violation of a separate offense for each day or portion of a day during which the violation is committed or continued. Each offense is punishable by a fine of not less than ten (\$10) dollars and not more than two thousand (\$2,000) dollars, plus cost of replacement of any damaged items. Failure to comply with payment of set fees shall result in termination of water service or considered a class C misdemeanor punishable by the appropriate courts of jurisdiction, or both.

SECTION 3. RATES AND CONNECTION PROCEDURES. The current rates and connection application procedures in place at the effective date of this Ordinance shall continue to be used and enforced by the City.

SECTION 4. INCORPORATION OF RECITALS The city council approves the recitals contained in the preamble to the ordinance and incorporates them as findings of fact.

SECTION 5. REPEALER All ordinances in effect when this Ordinance becomes effective which are not inconsistent with, or in conflict with this Ordinance are hereby expressly repealed insofar as said ordinances are inconsistent with or are in conflict with this Ordinance. The Water/Sewer Surcharge Ordinance No. 08-09-25-C and Rate Table Ordinance No. 15-04-14 shall remain in full force and effect to the extent they are not in


conflict with this Ordinance.

SECTION 6. SEVERABILITY If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void.

SECTION 7. EFFECTIVE DATE Effective immediately following the publication of this ordinance in the local newspaper as required by Section 52.011 of the Texas Local Government Code, the following rules will apply within the corporate city limits of Dilley.

PASSED AND APPROVED THIS 8th **day of** March, 2022.

Attest:



Juanita Fonseca
City Secretary

By:



Gilbert Villanueva Eguia
Mayor