Ordinance No. 2015.12
Village of Salado
County of Bell
State of Texas
October 1, 2015

WASTEWATER

AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS ESTABLISHING POLICIES, PROCEDURES, ADMINISTRATION, AND CHARGES FOR OPERATING A VILLAGE-OWNED WASTEWATER TREATMENT PLANT AND SYSTEM; INCLUDING ESTABLISHING WASTEWATER SERVICE RATES, CONNECTION FEES, DEPOSIT FEES, INTEREST PENALTIES, RE-CONNECTION CHARGES, TRANSFER FEES, AND RETURNED CHECK FEES; ADOPTING GENERAL POLICIES AND PROCEDURES INCLUDING APPLICATION, IMPLEMENTATION, BILLING, AND COLLECTIONS OF ESTABLISHED FEES; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of Aldermen seeks to provide for the efficient administration of a Village-owned wastewater treatment plant, operating under TCEQ Water Quality Permit No. WQ0010884001 and located at 401 North Stagecoach, locally known as the Stagecoach Wastewater Treatment Plant (the "Plant"); and

WHEREAS, the Board of Aldermen seeks to establish the following rates and fees for wastewater service from the Plant: service rates, connection fees, deposit fees, interest penalties, reconnection charges, transfer fees, and returned check fees; and

WHEREAS, the Board of Aldermen find that a uniform application is necessary for the establishment of service connections; and

WHEREAS, the Board of Aldermen find it necessary to establish billing and collection policies and procedures; and

WHEREAS, pursuant to Chapter 552 of the Texas Local Government Code the Village of Salado (the "Village") is authorized to adopt and enforce all necessary rates, charges, fees, and other terms and conditions for providing Village wastewater facilities and services;

WHEREAS, pursuant to Chapter 13 of the Texas Water Code the Village shall set just and reasonable rates for the provision of wastewater service; and

WHEREAS, the Board of Aldermen has carefully reviewed the policies and procedures established by this Ordinance; and

WHEREAS, the Board of Aldermen has received public input by and through a public meeting at which this Ordinance was adopted.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, TEXAS:

Section 1. Findings of Fact

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

Section 2. Repealing Conflict

This Ordinance, upon its enactment and effective date, shall repeal all conflicting provisions that may be contained in other Village ordinances or regulations, except to the extent they apply to obligations and violations arising prior to the enactment of this Ordinance.

Section 3. Violations

All rights and remedies of the Village are expressly saved as to any and all violations of the provisions of any previous ordinances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 4. Severability

In the event that any one or more of the sections, provisions, clauses, or words of this Ordinance or the application thereof to any situation or circumstance shall for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other sections, provisions, clauses, or words of this Ordinance or the application thereof to any other situations or circumstance and it is intended that this Ordinance shall be severable and that it shall be construed and applied as if such invalid or unconstitutional section, provision, clause, or word had not been included herein.

Section 5. Proper Notice and Meeting

That the meeting at which this Ordinance was enacted was open to the public as required by the Texas Open Meetings Act, and that notice of the time, place, and subject matter of the meeting was given as required by the Texas Open Meeting Act.

Section 6. Passage

This ordinance shall take effect immediately upon passage.

PASSED AND APPROVED this, the 1st day of October 2015, by a vote of _____ (ayes) to _____ (nays) and _____ (abstentions) of the Board of Aldermen of the Village of Salado, Texas.

THE VILLAGE OF SALADO, TEXAS

by: _____
Skip Blanchett, Mayor

ATTEST:

_____
Mary Ann Ray, Village Secretary

UNIV. OF TEXAS

Exhibit A

SECTION 1. FINDINGS OF FACT

The Board of Aldermen hereby finds all of the above premises to be true and correct legislative and factual findings of the Village of Salado, and, so finding, the Board incorporates them into the body of this Ordinance as if copied in their entirety.

SECTION 2. PURPOSE

This Ordinance is adopted so that the Village of Salado may establish, bill, and collect rates and fees associated with wastewater services provided through the Plant. In addition, this Ordinance serves to establish policies and procedures for the effective administration of the before mentioned wastewater plant and system.

SECTION 3. DEFINITIONS

A. General

Words and phrases used in this Ordinance shall have the meanings set forth in this Section. Words and phrases that are not defined in this Ordinance, but are defined in other ordinances of the Village of Salado, shall be given the meanings set forth in those ordinances. Other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise. Headings and captions are for reference purposes only and shall not be used in the interpretation of this Ordinance.

B. Specific Definitions

1. "Board" means the Board of Aldermen (i.e., the governing body) of the Village of Salado, Texas.

2. "Connection" means each residential or commercial unit connected to a water meter and serviced by Salado Water Supply Corporation, Inc. For billing purposes, the account holder for the unit's water utility bill is also responsible to the Village for wastewater billing. In cases of landlord/tenant relationships, the Village may require both parties to sign an agreement specifying that the landlord or tenant is responsible to the Village for payment of bills and deposits.

3. "Customer" means a person, business, or public entity receiving wastewater service from the Village.

4. "Connecting Facilities" means facilities connecting any Internal Facilities to the point of entering the wastewater treatment plant.

5. "Internal Facilities" means the internal wastewater collection line from a new or existing structure to the grinder pump lift station, tap to the grinder pump lift station, and related equipment, facilities and appurtenances to be constructed by the property owner.

6. "Living Unit Equivalent" means a single unit of service consists of the typical flow that would be produced by a single-family residence located in a typical subdivision served by the city, but is not more than 240 gallons per day per LUE. The number of LUEs per connection shall be determined by the LUE Conversion Chart attached as "Attachment A", attached hereto and incorporated herein for all purposes.

7. "Point(s) of Entry" means the locations, to be approved by the Village, at which all wastewater will pass from a Customer's Connecting Facilities to Village's System.

8. "Policies and Procedures" means this Ordinance and such rules and regulations as the Village may adopt pursuant to its statutory and constitutional authority, including but not limited to, Chapter 552 of the Local Government Code and Chapter 13 of the Water Code.

9. "Prohibited Wastes" means those substances and wastes prohibited from being discharged into Village's System, identified on "Attachment B" attached hereto.

10. "System" means the Village's wastewater system which includes an existing wastewater treatment plant (the Plant) and any wastewater collection lines, lift stations, grinders, and other improvements installed and accepted for ownership by the Village subsequent to the adoption of this ordinance. Existing collection system improvements are owned, maintained, and operated by private owners. Improvements to the System by new Customers will be owned by the Customer up to the Point of Entry.

11. "Village Representative" shall mean any person authorized by the Mayor, Board of Aldermen, Village Administrator, the Village's designated wastewater engineer or operator, and/or another authorized representative or employee of the Village acting pursuant to the Policies and Procedures set forth in this Ordinance.

12. "Village" shall mean the Village of Salado, Texas.

SECTION 4. GENERAL

A. All Services Charged

At no time shall the Village render wastewater services without charge to any person, firm, corporation, organization, or entity.

B. **Policies and Procedures**

The Board and Village Administrator are authorized to promulgate policies and procedures necessary and convenient to the orderly and effective administration of this Ordinance, including the setting of fees and charges for Village services not provided for herein, provided, however, no policies or procedures may contradict or negate the terms and conditions of this Ordinance.

C. Applicability

This ordinance is intended to apply only to existing and future Customers of the regional Stagecoach Wastewater Treatment Plant. A separate schedule of service rates, charges, tap fees, policies, and procedures will be adopted for a new, city-wide wastewater system when constructed; however, such schedule of rates will not be unreasonably preferential, prejudicial, or discriminatory but shall be sufficient, equitable, and consistent in application to each class of Customers.

D. Other Utilities

Any person or entity that plans to install other utility lines or underground cables in the area of the Village's wastewater collection lines shall, in addition to any other legal requirements, file its construction plans and schedules with the Village and meet with a Village representative to review the engineering plans illustrating the location of Village lines.

SECTION 5. CONNECTION FEES AND OTHER CHARGES

A. Initiation of Service

1. Any person or entity desiring to make a connection to the Village's System shall pay the applicable deposit, connection fee, inspection fee, and/or other charges at the time the application for such connection is submitted.

2. No connection shall be made until such fees/charges are paid.

3. The Village may waive payment of connection fees on a nondiscriminatory basis, to the extent the Village obtains federal or state grant funding to cover the balance of such fees or such fees are waived through a grant authorized under Chapter 380 of the Local Government Code

4. In addition to the requirements of this Ordinance, new development or new service to existing structures not covered by Section 5.C below must also comply with any service extension policy established by the Village by Ordinance or by Rule.

B. Connection (Tap) Fees For <u>Existing Structures</u>

1. A connection (tap) fee of $200.00 will be charged and collected by the Village for all sewer connections (taps) on any existing residential property and $400.00 on any existing commercial property that were constructed and occupied prior to the passage of this Ordinance but do not have existing service.

2. A connection fee of $200.00 for each wastewater connection shall be charged and collected by the Village for all sewer taps on any residential development and $400.00 for office, retail, or commercial property that: (1) has been constructed and occupied on or before the first effective date of this Ordinance and (2) accepts an offer from the Village to connect to the sewer system according to the following terms.

    a. The Village's offer will be made to the property owner or current occupant of existing structures adjacent to the existing sewer collection system, pursuant to a schedule established by the Village for the connection. A property owner or current occupant wishing to accept the offer must submit a completed sewer service application and pay the connection fee ($200.00 residential and $400.00 for office, retail, or commercial) as required by this Ordinance. The connection fee does not include any of the following costs. Such costs will be borne by the property owner and owner will be responsible for design, installation, and maintenance of such systems up to the Point of Entry.
        i. The cost of the Internal Facilities, Connecting Facilities and the electrical service from the structure to the grinder pump lift station;
        ii. for the cost of construction and installation of the sewer line from existing service to the grinder pump station and decommissioning existing septic tanks.

Properties which were connected (tapped) to the existing wastewater system prior to the passage of this Ordinance, shall be exempt from connection (tap) fees to the extent that such connection remains viable.

C. Connection (Tap) Fees For <u>New Development</u>

1. New development adjacent to the existing sewer collection system, is required to connect to the system. A connection fee of $300.00 per Living Unit Equivalent for each wastewater connection, shall be charged and collected by the Village for all sewer taps on any residential property and $500.00 for office, retail, or commercial property.

    i. The connection fee does not include any of the following costs. Such costs will be borne by the property owner and owner will be

responsible for design, installation, and maintenance of such systems up to the Point of Entry. The cost of the sewer collection line, tap to the grinder pump lift station and the electrical service from the structure to the grinder pump lift station;

ii. for the cost of construction and installation of the sewer line from existing service to the grinder pump station and decommissioning existing septic tanks.

D. Inspection Fees

1. All Internal and Connecting Facilities will be designed and constructed in accordance with applicable regulations and specifications of the Village, the State of Texas, and the United States. The Village will charge a fee for each inspection of a wastewater connection that is made under Sections B(1), B(2), and C(1) herein. The fee for the first inspection must be paid prior to the connection being installed. If an inspection is failed, the customer will be billed in the same manner as the initial inspection for any re-inspection required. The fee for any re-inspections must be paid to the Village at the time the inspection is requested or required. The inspection fee for a single family detached or duplex dwelling unit or a commercial property is actual cost billed to the Village by the inspector paid in advance by the customer based on a cost estimate.

    a. If the property is not accessible for inspection at the time an inspection is scheduled, the inspection will be deemed to have been failed, and the re-inspection fee will be assessed.

E. As-Builts: The property owner will provide as-builts immediately upon approval of the infrastructure.

SECTION 6. SECURITY DEPOSIT

A. General

Security deposits shall not be transferable to another party and shall be held by the Village to assure the prompt payment of all bills for wastewater services to the customer. At its option, the Village may apply all or any part of a customer's security deposit against any current or delinquent bill of the customer due and owing to the Village. Upon discontinuation of service, whether voluntary or involuntary, the deposit shall be applied against any and all amounts due and payable to the Village. Any portion of the deposit remaining after deduction of such charges shall be refunded to the customer. In no event shall the security deposit bear interest for the benefit of the customer.

B. Residential Service

A security deposit per residential wastewater connection shall be paid to the Village by each customer at the time of application and prior to the start of service in the amount of $100.00.

C. Office, Retail, or Commercial Service

A security deposit per office, retail, or commercial connection shall be paid to the Village by each customer at the time of application and prior to the start of service in the amount of two times the monthly bill, up to $500.00.

SECTION 7. OTHER FEES & CHARGES

A. Transfer Fee

A customer who desires to transfer wastewater service from one serviceable address within the Village to another serviceable address, or from one customer name to another customer name, shall pay a transfer fee of $30.00 at the time of transfer.

B. Additional Charges

Any non-routine charges incurred by the Village in connection with any sewer tap or tap inspection shall be the responsibility of the applicant for such connection and shall be payable to the Village upon demand.

SECTION 8. WASTEWATER SERVICE RATES

A. General

All rates established by the Village are considered base rates. Such rates may be revised from time to time as may be necessary for expenses of operation, maintenance, and replacement of the system.

B. Service Rates

The monthly wastewater rate for the collection, treatment, and disposal of wastewater within the Village limits shall be in accordance with the Schedule in "Attachment A" herein, and will be amended from time to time by the Board of Aldermen.

C. Additional Fees

In addition, the Village shall charge each customer any regulatory assessment required by the Texas Commission of Environmental Quality or other State mandated charges.

SECTION 9. APPLICATION, BILLING, & DELINQUENT ACCOUNTS

A. Application for Service

Any party desiring to receive wastewater service from the Village Wastewater System shall make an application for such service on forms provided by the Village. Forms may be amended from time to time by the Village Administrator. Each applicant shall pay an application fee of $30.00. All applications shall be made by the record owner or occupant of the property for which service is being requested. Proof of residency or authorization to initiate service shall be furnished to the Village upon request.

B. Billing

The Village shall bill each customer monthly for all wastewater services rendered in the preceding month. All bills shall be due on the due date as specified on the bill and shall become delinquent if not paid by said date. For accounting purposes only, and with Board approval, the Village may write off accounts receivable over ninety (90) days past due. This shall in no way relieve the past due customer of any liability of payment. The Village reserves the right to seek and utilize all means necessary in the collection of past due accounts.

C. Charges On Delinquent Accounts

A late charge of ten percent (10%) of the amount of the wastewater bill shall be added for each monthly billing date the delinquent amount, including delinquent fees and charges, remains unpaid. This fee shall be assessed on the following month's bill. Customers who have delinquent accounts at one location may be denied service at another location until all delinquent balances are paid in full.

D. Dishonored Checks

The Village reserves the right to charge a customer paying a bill with a dishonored check an amount established from time to time by the Village a returned check fee. Any customer who presents the Village with a dishonored check must make payment by cash, money order, cashier's check, or credit card. In the event an account has two (2) dishonored checks, the Village reserves the right to restrict check payments on the account and require other forms of payment.

E. Civil Suit

The Village reserves the right to institute suit for the collection of any amounts due and unpaid, together with interest thereon at the maximum legal rate, plus court costs and reasonable attorneys' fees.

SECTION 10. DISCHARGES TO SYSTEM

A. Dangerous Substances

No user shall introduce any Prohibited Wastes, as further defined in "Attachment B" attached hereto, or any "toxic substance", "hazardous substance", "hazardous waste", as those terms are defined by applicable federal and state law (collectively, "Prohibited Substances") into the Village's Wastewater System without first receiving specific written approval from the Village. Any damages to the System or other costs to the Village caused by discharges to the Village Wastewater System of Prohibited Substances or of abnormally strong domestic sewage or other substances which are incompatible with the Village's Wastewater System shall be borne exclusively by the discharger of such wastewaters and at no expense to the Village. Such costs for which the discharger is responsible include, but are not limited to, the costs of restoring wastewater treatment services, clean up and restoration of the environment, and sludge disposal. The Village reserves the right to terminate wastewater service at any time if the Village determines that such costs have not been, or will not be, paid in a timely manner. The requirements of this Subsection will apply unless and until the Village adopts a Pretreatment Ordinance or other special ordinance establishing requirements, prohibitions, and limits on wastewater discharges to the Village's Wastewater System.

B. Care and Use of the Grinder Pump

Care and Use of the Grinder Pump. No user shall cause to enter, whether publicly or privately owned, the grinder pump system any of the following: glass, metals, plastic objects, sanitary napkins/tampons, explosives, gasoline, egg shells, cigar butts, cigarette butts, diapers, socks, rags/cloth, toys, baby wipes, utensils, seafood shells, strong chemicals, flammable material, lubricating oil and/or grease, and kitchen grease.

Discharge of any of these items to the system shall be considered misuse. The cost for repair or replacement of the grinder pumps, or clearing of any of the lines that resulted from the discharge of prohibited material shall be borne by the occupant or owner of the property from which the discharge originated.

SECTION 11. ENFORCEMENT AND PENALTIES

The Village is authorized to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief and civil penalty up to two thousand dollars ($2,000.00) a day. Each day the violation continues shall be deemed a separate offense under this Ordinance.

Attachment A
LUE Conversion Chart

Use	Demand in LUE	Service Rates
1 single family residence, 1 modular home	1 LUE	*
1 duplex – two family residence	0.7 LUE per unit	*
Multi-family (apt, condo, town- home, quadplex), 10 units/acre or greater density	0..7 LUE's per unit	*
Hotel or motel	0.7 LUEs per room	*
Office	1 LUE / 3,000 s.f. of floor	*
Office/warehouse	1 LUE / 4,000 s.f. of floor	*
Retail/shopping center	1 LUE / 1,660 s.f. of floor	*
Hospital	1 LUE per bed	*
Rest Home, group home, day care	1 LUE / 1,250 s.f. of floor	*
Recreational facility	1 LUE / 4 toilets	*
Indoor/outdoor amusement / venue	1 LUE / 4 toilets	*
Restaurant/Cafeteria	1 LUE / 200 s.f. of floor	*
Winery / brewery / pub	2 LUE / 200 s.f. of floor	*
Church (Worship services only)	1 LUE / 12,500 s.f. of floor	*
High/Middle School w/ gym**	1 LUE / 13 students & cafe	*
Elementary School w/ gym & café**	1 LUE / 15 students	*

***$50.00 base fee for first LUE + $5 per each additional LUE; rounded to the .10 LUE**

****Per student values for schools shall reflect full occupancy, including portable structures.**

Attachment B

Prohibited Wastes

Specific Prohibitions: No user shall introduce or cause to be introduced into the Village's System the following pollutants, substances, or wastewater:

1. Pollutants which create a fire or explosive hazard in the System, including, but not limited to, waste-streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;

2. Wastewater having a pH less than 6.0 or more than 10.0, or otherwise causing corrosive structural damage to the System or equipment;

3. Wastewater containing a sulfide concentration greater than two milligrams per liter (2.0 mg/L);

4. Solid or viscous substances in amounts which will cause obstruction of the flow in the System resulting in interference;

5. Pollutants, including oxygen-demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the System;

6. Wastewater having a temperature greater than 140°F (60°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);

7. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;

8. Pollutants which result in the presence of toxic gases, vapors, or fumes within the System in a quantity that may cause acute worker health and safety problems;

9. Any trucked or hauled pollutants without the express permission of the Village;

10. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

11. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the Village's NPDES and/or TPDES permits;

12. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;

13. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Village;

14. Sludges, screenings, or other residues from the pretreatment of industrial wastes;

15. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;

16. Detergents, surface-active agents, or other substances which may cause excessive foaming in the System; or

17. Fats, oils, or greases of animal or vegetable origin in concentrations greater than 200 mg/l. Customer acknowledges and agrees that grease traps may be needed for commercial customers such as grocery stores or restaurants in order to ensure compliance with this requirement.