

**Ordinance No. 2019. 06
Village of Salado
County of Bell
State of Texas
March 21, 2019**

WASTEWATER

AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS ESTABLISHING RATES FOR WASTEWATER SERVICE TO BE CHARGED IN THE VILLAGE OF SALADO; AMENDING ORDINANCE NO. 2015.12 ESTABLISHING POLICIES FOR OPERATING A VILLAGE-OWNED WASTEWATER TREATMENT PLANT AND COLLECTION 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 FOR FINDINGS OF FACT, AN EFFECTIVE DATE AND PROPER NOTICE AND MEETING.

WHEREAS, the new Salado wastewater treatment plant and collection system (the Village Sewer System) authorized under TCEQ Water Quality Permit No. WQ0014898001 is complete; and

WHEREAS, the Board of Aldermen seeks to provide for the efficient administration of the Village owned Sewer System; and

WHEREAS, the Board of Aldermen seeks to establish the following rates and fees for wastewater service from the Village Sewer System: service rates, 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:

1. FINDINGS OF FACT

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

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.

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.

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.

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.

6. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 51.001 of the Texas Local Government Code.

7. EFFECTIVE DATE

This ordinance shall take effect upon passage and publication.

FIRST READING PASSED AND APPROVED this, the 21st day of March 2019, by a vote of 4 (ayes) to 0 (nays) and 0 (abstentions) of the Board of Aldermen of the Village of Salado, Texas.

SECOND READING PASSED AND APPROVED this, the 28th day of March 2019, by a vote of 3 (ayes) to 1 (nays) and 0 (abstentions) of the Board of Aldermen of the Village of Salado, Texas.

THE VILLAGE OF SALADO

By:


Skip Blance, Mayor

ATTEST:


Cara McPartland, Village Secretary



VILLAGE OF SALADO
VILLAGE ORDINANCES

Wastewater Ordinance, No 2019.06

Exhibit A

SECTION 1. 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 Village Sewer System. In addition, this Ordinance serves to establish policies and procedures for the effective administration of the Village Sewer System.

SECTION 2. 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.
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 100 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. "Non-Residential Low Impact Wastewater" means wastewater from non-domestic, industrial and commercial sources that that contains pollutants at levels similar to residential wastewater and does not require pretreatment; including but not limited to retail stores, and office buildings.
8. "Non-Residential High Impact Wastewater" means wastewater that contains pollutants at levels that could adversely affect the quality of receiving waters or interfere with operation of the Village Sewer System or from sources subject to Categorical Pretreatment Standards, including but not limited to auto body repair shops, bakeries, beauty salons, breweries, food and beverage production facilities, furniture refinishing, industrial processes, restaurants, wineries and schools.
9. "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.
10. "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.
11. "Prohibited Wastes" means those substances and wastes prohibited from being discharged into Village's System, identified on "Attachment C" attached hereto.
12. "Residential Wastewater" means wastewater which originates primarily from kitchen, bathroom, and laundry sources, including waste from food preparation, dishwashing, garbage grinding, toilets, baths, showers, and sinks of a residential dwelling.
13. "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.
14. "Village" shall mean the Village of Salado, Texas.
15. "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.
16. "Village Sewer System" shall mean the new wastewater treatment plant, all collection lines and appurtenances thereto up to the Customer's Connecting Facilities.

SECTION 3. 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 unless duly adopted by the Village Board of Aldermen.

C. Applicability

This ordinance is intended to apply to Property Owners and Customers of the Village Wastewater System.

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 4. INITIATION OF SERVICE AND CUSTOMER RESPONSIBILITIES

A. Initiation of Service

1. Any person or entity required to connect to the Village Sewer System pursuant to Village Ordinance 2018-13 or desiring to make a connection to the Village's Sewer System shall:
 - a. submit an Application for service on forms provided by the Village. Forms may be amended from time to time by the Village Administrator;
 - b. pay the applicable fees and/or other charges as described in this Ordinance;
 - c. submit an application for a building permit for all infrastructure to be installed on the Customer's side to the connection point;
 - d. submit an application for a building permit to decommission any existing on-site sewer system (septic system).

2. No connection shall be made until such fees/charges are paid or a payment agreement has been executed.
3. In addition to the requirements of this Ordinance, new development must also comply with any service extension policy established by the Village by Ordinance or by Rule.

B. Customer Responsibilities

1. Grinder Pumps

The Village will provide grinder pumps at no charge for all connections requiring such infrastructure for proper sewer service for those connections occurring on after April 2, 2019 and before July 2, 2019. The Property Owner is responsible for installation of the pump. For all connections occurring on or after July 2, 2019, the Property Owner is responsible for purchase and installation of the grinder pump. Once installed, the Property Owners will own the grinder pump(s) and is responsible for the maintenance, repair and replacement of all grinder pumps utilized for sewer service.

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.

2. As-Builts

The property owner will provide as-builts within 30 days of completion of construction and Village approval of the infrastructure.

3. Dangerous Substances

All Industrial and Hazardous Waste discharges, including but not limited to pretreatment requirements, must comply with Village Ordinance 2016.10 as may be amended.

4. All plumbing connection work shall be performed by a licensed plumber registered with the Village, with the applicable building permit.
5. The Property Owner is responsible for decommissioning the existing septic system. A permit is required for this process. The work can be conducted by the property owner or a contract. If a contractor is used, such contractor must be registered with the Village.

SECTION 5. FEES & CHARGES

A. Application Fee

Each applicant shall pay an application fee of \$30.00.

B. Impact Fees

1. Prior to initiation of service, all properties to be connected to the Village Sewer System shall pay the applicable impact fee in accordance with Village Ordinance 2018-12 as amended.
2. For properties not receiving water service from Salado Water Supply Corporation, determination of LUEs for purposes of calculation of Impact Fees shall be in accordance with the LUE Conversion Chart attached to and incorporated into this Ordinance as "Attachment A".
3. Impact Fees may be paid in a lump sum or in yearly installments over up to four (4) years upon the execution of an Impact Fee Installment Agreement with the Village.
4. Impact fees are waived for any property connected to the Village wastewater treatment plant otherwise known as the Stagecoach Wastewater Treatment Plant on or before April 2, 2019.
5. The Village Administrator has the authority to adjust Impact fees when sufficient documentation demonstrates that water usage figures used to determine the impact fee were inflated due to a significant leak and/or excessive non-domestic water use.

C. Inspection Fees

The Village will charge a fee for each inspection of a wastewater connection. 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.

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.

D. Security Deposit

Each Applicant shall pay a \$100.00 Security Deposit prior to initiation of service. 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.

E. 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.

F. Reservation Fee

A property owner in the Village's initial service area who desires to reserve capacity in the Village Sewer System for a vacant lot prior to initiating service, shall pay a \$750 Reservation Fee and execute a Village Service Agreement.

Reservation Fees must be paid within the first ninety (90) days of service availability. Reservation fees are valid for two (2) years. If the property is not connected to the Village sewer system within two (2) years, the reservation will expire, and the fee will be refunded to the property owner.

The Reservation Fee will be applied toward the impact fee due and owed in accordance with the Village's Impact Fee Ordinance.

The Reservation Fee may be transferred to subsequent purchasers of the property with the consent of the Village. Consent may not be unreasonably withheld. The transfer does not affect the two-year life of the reservation. **Dishonored Check Fee**

A fee of \$40.00 will be applied to the account for all dishonored checks

G. Credit Card Fee

A fee of \$3.00 per \$100.00 charged will be assessed on payments made by credit card.

H. 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.

I. 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.

J. Exceptions and Waivers

1. The following fees are waived for Connections initiated on or after April 2, 2019 and completed before July 2, 2019
 - a. Application Fee
 - b. Building Permit Fee
 - c. Contractor Registration Fee
2. Property owners connecting to the Village Sewer System on or after April 2, 2019 and before July 2, 2019 have 12 months to decommission their existing septic system.

SECTION 6. WASTEWATER SERVICE RATES

A. General

Rates established by the Village may be revised from time to time as may be necessary for expenses of operation, maintenance, and replacement of the system.

B. Service Rates

1. Each customer's monthly sewer bill will consist of a base fee and volumetric fee (based on water usage), both fixed for a twelve (12) month period in accordance with the Chart attached to this Ordinance and incorporated therein as "Attachment B"
2. Volumetric Fee Calculation: The volumetric fee for each connection is calculated based on the type of service provided.
 - a) Residential: The residential volumetric fee is calculated based on the average monthly winter water usage for the property.
 - b) Commercial: The commercial volumetric fee is calculated using the customer's average monthly water use over a 12-month period.
3. All rates are subject to change from time to time by Village Ordinance as necessary to address the costs of providing sewer service.

SECTION 7. BILLING & DELINQUENT ACCOUNTS

A. 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 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.

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.

B. 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.

C. 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.

D. Disconnection for Non-payment

The Village reserves the right to discontinue service for non-payment of wastewater service charges. Any past due account is also subject to disconnection of water service in accordance with the Agreement between the Village and Salado Water Supply Corporation.

E. Civil Suit for Amounts Due

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 8. 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 per LUE
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 & cafe**	1 LUE / 15 students

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

Attachment B

Wastewater Base and Volume Charges by Customer Type

	2019 Charges
Wastewater Base Fee	
Residential	\$20.00
Non-Residential (Low Impact)	\$40.00
Non-Residential (High Impact)	\$60.00
Wastewater Volume Charge (\$/1000 gals)	
Residential	\$8.00
Non-Residential (Low Impact)	\$11.00
Non-Residential (High Impact)	\$16.00

Attachment C

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.