

**ORDINANCE No 0088**

**AN ORDINANCE REPEALING ORDINANCE NOS. 0086,0069,0069-A, 0069B, 0069-C, 0069-D, AND 0069E; AUTHORIZING THE TOWN OF INDIAN LAKE TO INSTALL, CHARGE FOR AND PROVIDE WATER AND SEWER SERVICES; FIXING THE RATES TO BE CHARGED BY THE TOWN TO THE CONSUMERS OF WATER AND SEWER SERVICE, BOTH INSIDE AND OUTSIDE THE TOWN LIMITS; REQUIRING PROPERTY OWNERS TO CONNECT TO THE TOWN'S SEWER SYSTEM; PROVIDING RULES AND REGULATIONS UNDER WHICH SAME SHALL BE FURNISHED, OR ALLOWED TO BE USED OR FORFEITED AND THE TERMS AND CONDITIONS THEREFORE; PRESCRIBING A PENALTY FOR THE VIOLATION OF ANY OF THE PROVISIONS OF THIS ORDINANCE; AND REPEALING ORDINANCE NO. 16 AND AMENDMENTS TO ORDINANCE NO. 16 AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.**

**BE IT ORDAINED BY THE TOWN OF COUNCIL OF THE TOWN OF INDIAN LAKE, TEXAS:**

**SECTION I.** That the Town of Indian Lake is hereby authorized, pursuant to Section 17.934, Texas Water Code, to provide a sanitary sewer system to property owners within the corporate limits of the Town and within the extraterritorial jurisdiction thereof. All property owners having said sewer service within one hundred feet (100) of their property and/or all property capable of receiving service from the system constructed with EDAP funds, shall connect to the Town sewer system. All required connections shall be completed within ninety (90) days after the Town sewer system is available. All existing *on site* wastewater systems shall be abandoned upon connection to the Town sewer system. The Town is authorized to charge the property owner for the sewer service even if the property owner fails to connect to said service.

**SECTION 2:** That the prices, rates and charges hereinafter set forth shall be charged and collected by the Town of Indian Lake for water and sewer service, respectively, furnished by the Town to users thereof, and that the Rules and Regulations hereinafter contained relating to the furnishing of water and sewer service, the use by users thereof, and the payment therefore, be and the same are hereby prescribed and adopted and only upon the conditions as hereinafter provided will any person be allowed or permitted to connect with or be connected with the water and sewer system of the Town or use the water and sewer system of said Town, and it shall be unlawful for any person to connect with the Town of Indian Lake's water and sewer system, or in any manner use the water and sewer system of said Town without paying therefore, and complying with the Regulations hereinafter contained, and any person violating the Ordinance, or any part thereof, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished as hereinafter provided.

**SECTION 3. WATER CONSUMPTION AND CHARGES:** The rates for furnishing water inside the Town Limits shall be calculated, charged and collected monthly as follows:

A. The rate and charges prescribed for water consumption per month shall be a minimum of \$13.65 for the first 1,000 gallons or less and \$3.25 for each additional 500 gallons or part thereof up to and including the first 3,000 gallons. Usage above 3,000 gallons will be charged at the rate of \$0.0125 per each gallon.

**SECTION 4. SEWER:** The rates for furnishing sewer service inside the Town limits shall be calculated, charged, billed and collected monthly as follows:

Such rates as are charged by the City of Los Fresnos for providing sewer services to recipients of such services, as set forth by Ordinance of the City of Los Fresnos, and in accordance with the terms of any written agreement then existing between the Town of Indian Lake and the City of Los Fresnos.

**SECTION 5. WATER AND SEWER CONNECTIONS:** All taps for water will be made by the Town crews where the water main is in the street or alley, in front or alongside of the property with which the connection is desired, and the Town crews will install the tap in the water main, extend the service line from the tap to the street curb line and install a meter. The rates to be charged and collected therefore, shall be as follows, where the connection is made within the town limits:

Three-quarter (%) inch tap	\$1650.00
One (1) inch tap	\$1650.00
One and One-half (1 1/2) inch tap	\$165000
Two (2) inch tap	\$1650.00
All larger connections at cost of meter. connection and tap plus 25%	

In addition to the above charges, when an application for a connection is made, a \$350.00 water utility expansion fee is required of each person, firm or corporation making such application. A \$35000 water utility expansion fee is required for each single-family dwelling, for each dwelling unit within a multi-family dwelling or apartment building, and for each commercial or industrial connection. Said water utility expansion fee will be paid to the Town Secretary. The water utility expansion fees obtained by the Town will be placed in an interest bearing account and said fees will be used only for the purpose of obtaining additional water rights as the Town Council deems appropriate, or for improvements to the water plant or water system.

Also, in addition to the above charges, each applicant for water service is required to make a service deposit in the greater amount of not less than one hundred (\$100.00) dollars or an average of two (2) months water consumption to be used by the applicant, in case the applicant is the owner of the property where the service is to be provided, or in the greater amount of not less than two hundred (\$200.00) dollars or an average of two (2) months water consumption to be used by the applicant, in case the applicant is a tenant on the property where the service is to be provided, in either case depending upon the class or character of the residence or business or other user, as classified by the Town Secretary, such deposit to be known as a service deposit, and of which any remaining balance shall be returned to the applicant when service is discontinued and after the service deposit has been applied and credited to the amount due for water or sewer services at the time of such discontinuance. Additionally, each applicant for water service shall be charged a connection fee of one hundred (\$100.00) dollars, which is not refundable.

All sewer connections will be made by Town crews or, at the Town's option, by any person licensed by the Texas State Board of Plumbing Examiners as a "Master Plumber" or "Journeyman Plumber". For each connection to the sewer system, a charge of \$350.00 shall be paid for each single family dwelling. A \$350.00 sewer connection charge is required for each dwelling unit and commercial or industrial connection.

**SECTION 6. RATES OUTSIDE OF TOWN LIMITS:** Water or sewer service may be furnished outside the corporate limits of the Town of Indian Lake only in the event the Town is able to do so without detriment to consumers within the Town limits, upon terms and conditions as may be determined by the Town Council in the best interest of the Town, and at the above rates increased by 100%.

**SECTION 7. PAYMENT OF BILLS:** That such rates and charges fixed and prescribed shall be paid by the users of the waterworks system and sanitary sewer system to the Town Secretary on or before the 15<sup>th</sup> of each month at the office of the Town or postmarked by the 15<sup>th</sup> day of each month if paying by mail, which shall be the date such rates or charges shall become due and payable; and in case any user or customer of such system does not pay the amount due by such user or customer on or before said date the same became due and payable, then it is hereby made the duty of the Town Secretary to add a twenty (20%) penalty to the amount past due and unpaid. In the event any user or customer or such system does not pay matured rates and charges by the thirtieth (30<sup>th</sup>) day of each month, it is hereby made the further duty of the Town Secretary to disconnect the water service; and whenever the amount past due and delinquent is paid by such user or customer, such service may be resumed but there shall be charged and collected a reconnection charge of \$100.00.

Reconnection of service for reasons other than nonpayment of bills at the request of the user or customer shall be \$100.00 during regular business hours. If after 400 p.m., service will be reconnected the next business day.

**SECTION 8. RECONNECTION AND DEPOSIT FOR OWNER OF RENTAL PROPERTIES:**

An owner may establish a permanent deposit of \$100,00 which will allow the owner to reconnect service between renters for clean up and maintenance purposes. A fee of \$20.00 will be charged for each time the service is reconnected, The owner will be billed monthly for service at the time rates as a permanent service.

**SECTION 9. NO FREE SERVICE:** No free service shall be allowed., and to the extent that the Town of Indian Lake or any of its agencies or instrumentalities shall avail themselves of the services and facilities afforded by the system, they shall pay therefore the same rates and charges herein prescribed.

**SECTION 10. RULES AND REGULATIONS:** Any person, firm or corporation desiring to be connected with the water system services of the Town shall make application in writing therefore to the Town Secretary, upon an application form to be furnished for such purpose, and shall furnish all such information relative to the quantity of water likely to be consumed by him, her or them, and such application and each and all of the statements therein contained shall be a part of the consideration for such water service.

Such applicant shall pay to the Town of Indian Lake the amount of money charged by the Town for making such connection, or connections. Upon receipt of such application and payment as aforesaid, the Town Secretary shall within a reasonable time connect applicants premises with the water system of the Town as applied for, but the Town Secretary shall in no event permit any connection to be made until such written application shall have been made and the amount charged therefore paid, and any person who shall make or attempt to make any connection with the Town's water mains in any mariner other than herein provided shall be deemed guilty of a misdemeanor, and shall be punished as herein provided.

**SECTION 11.** It shall be unlawful for any person, except the employees of the Water Department or Sewer Department of the Town, to interfere in any manner with the pipes, hydrants, or appliances of the water system of the Town unless a written permit therefore shall have been first obtained from the Town Secretary; provided, that in case of a fire, the firemen of the Town shall have the right to open the fire hydrants of the Town,

**SECTION 12.** All persons using meters owned by the Town shall be responsible for the safety and care thereof.

**SECTION 13.** All unpaid water and/or sewer bills shall be secured and held by the Town of Indian Lake, Texas, as a lien upon the property to which said water or sewer service has been furnished, and in addition thereto, such delinquent consumer of water or sewer service shall not be furnished with water or sewer service at any other location until such delinquency is fully paid, together with penalty.

**SECTION 14. DISCONTINUANCE OF SERVICE:** The Town shall have the right and privilege of shutting off the water and sewer service at any time, without notice, for any of the following causes, to-wit:

- (a) For the nonpayment of any amount due the Town for water and/or sewer service;
- (b) For interference with meters, fixtures or other appliances used in connection with the service thereof by the Town;
- (c) For a waste of water, or the use thereof for any purpose other than that provided for in the application therefore and for which payment is made; or
- (d) For the violation of or non-compliance with any of the rules and regulations herein,

**SECTION 15.** It shall be unlawful for any consumer of water or sewer service to furnish water or sewer service to other houses or premises or buildings or suffer or permit other houses or premises or buildings to take or use it.

**SECTION 16:** Every consumer taking water or sewer service from the Town shall permit the Town Secretary or his/her authorized agent to enter into the building or premises of such consumer at all reasonable times to examine the water pipes, sewer fixtures, or any other thing in connection therewith, and the manner in which the water system is used, and any person or consumer refusing to allow the Town Secretary, or his/her authorized agent, to enter such premises shall have their water and/or sewer service cut off, and the same shall not again be reconnected until such entry is permitted and inspection is allowed.

**SECTION 17.** The Town of Indian Lake shall, at all times, have the right and privilege of shutting off the water in the mains for the purpose of repairing, cleaning or making extensions to the water lines in the Town and whenever it is necessary for such purpose to shut off the water service. The Town shall not be liable for any damage of any kind or character whatsoever during such temporary cessation of service, or in case of breakage, or repair to the pumping station, the Town shall have the right to shut down the water service until such repairs shall have been made.

**SECTION 18.** All hose attachments when located on the sidewalk, as well as all slot boxes, shall have suitable iron covers, tops of which shall be flush with the surface of the sidewalk, and the consumer who owns or controls same shall be responsible for all damage which may arise by reason thereof.

**SECTION 19.** Water consumers are not guaranteed a specific quantity of water for any purpose whatsoever, but the Town will attempt to furnish to the consumer such quantity of water as applied for and paid for by the consumer.

**SECTION 20.** Should a consumer desire that his water meter be tested, he shall make application therefore to the Town Secretary, and with such application he shall deposit the sum of \$50.00, Within the ten days after such application, the Town Secretary shall cause such meter to be tested. If the testing shows that the meter so tested registers normal or correctly, or registers below normal or less than the water quantity actually used, the said deposit shall be forfeited to the Town and the consumer shall pay to the Town the amount due because of such incorrect registering; but, if the testing shows that the meter so tested registers above normal or more than the amount of water actually used, the said sum of \$50.00 shall be returned to such consumer and the Town shall repay to such consumer the excess amount therefore paid by such consumer to the Town because of such incorrect registering of the meter.

**SECTION 21.** It shall be unlawful for any consumer, or other person, to irrigate or to water their yards or streets during any fire while a fire truck is connected to the Town's water lines. A violation of this rule will forfeit the right to the use of water. This rule will be rigidly enforced.

**SECTION 22. PENALTY AND GENERAL PROVISIONS:** Any consumer of water or sewer services who violates or permits others from their connection to any of the Town's water or sewer systems, to violate any of the foregoing rules and regulations; or any person violating any of the provisions of this ordinance governing the connection. introduction, supply, consumption or use of water and/or sewer service shall, upon conviction, be punished by a fine of not more than five hundred (\$500.00) dollars and the Town Secretary may require the water service to be disconnected from the premises of the offending person until such person shall give the Town Secretary sufficient security against further violations of said rules and regulations and the provision of this ordinance, and in case of persistent violation the Town Secretary may forbid any further service to the party so offending.

**SECTION 23.** The holding or adjudication of any section, or any subdivision of a section of this ordinance, to be invalid, shall not affect the validity of any other section, or part of a subdivision of a section thereof; but all other sections, subdivisions of a section, or parts of a subdivision of a section shall be and remain in full force and effect.

**SECTION 24.** Ordinance No. 16, Amendments to Ordinance No. 16, Ordinance No. 0069, Amendments to Ordinance No, 0069. and Ordinance No. 0086 are hereby repealed; and all ordinances or parts of ordinances in conflict with the foregoing ordinance, rules and regulations are hereby repealed.

PASSED AND APPROVED this the 17th day of October, 2011

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Barbara Collum, Mayor

ATTEST:

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Idalia G Vega, Town Secretary