

ORDINANCE NO. 003-2021

UTILITIES ORDINANCE

AN ORDINANCE OF THE TOWN OF BUFFALO GAP, REPEALING AND REPLACING TOWN ORDINANCE NO. 006-2020; REVISING RULES AND REGULATIONS FOR THE OPERATION OF THE UTILITY SYSTEMS OWNED BY THE TOWN OF BUFFALO GAP; INCLUDING A PENALTY PROVISION; PROVIDING A REPEALING CLAUSE, A SEVERABILITY CLAUSE, AND AN OPEN MEETINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Texas Local Government Code Section 552.001 gives a municipality in the State of Texas the fundamental statutory authority to purchase, construct, or operate a utility system inside or outside of its boundaries and to regulate the system in a manner that protects the interests of the municipality;

WHEREAS, to that end, the Town of Buffalo Gap (the "Town") has adopted a comprehensive utility ordinance regulating its water, sewer, and solid waste services;

WHEREAS, the Town Council of the Town of Buffalo Gap finds that certain provisions of the comprehensive utility ordinance should be updated to comply with State law, and that provisions relating to sewer discharge should be separated into a different ordinance to allow more efficiency when it is necessary to update the comprehensive utility ordinance; and

WHEREAS, after the purchase of the Gap Water System by the Town, the Town had been providing well water to those customers, but the Town will begin providing water from Abilene to all of its customers and so the provisions treating Gap Water System customers differently must be removed.

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BUFFALO GAP, TEXAS, that Ordinance No. 006-2020 is hereby repealed in its entirety and is replaced by this Ordinance No. 003-2021. The following provisions are hereby adopted as the Utilities Ordinance of the Town of Buffalo Gap.

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CHAPTER 1 - GENERAL PROVISIONS

Section 1.01 DEFINITIONS

For the purpose of this Utilities Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Customer. A person who:

- (1) Is the customer of record;
- (2) Has made application for water or sewer service, and the service has been provided or made available by the Town at the location specified in the application pending final approval of the application; or
- (3) Actually uses, receives or benefits from water and sewer service, even though no account for service may exist or no application for service may have been made in that person's name.

Customer of Record. A person who has an account, in that person's name, with the Town, for water or sewer service, based upon an application made with and approved by the Town.

Owner. The legal fee title holder of record of property.

Service. All water and water-related service provided for the use and benefit of persons inside and outside Buffalo Gap through the operations and facilities of Buffalo Gap Public Works Department, including but not limited to:

- (1) Supply of untreated water;
- (2) Supply of treated water;
- (3) Wastewater collection, treatment and disposal;
- (4) Building and extension of service mains;
- (5) Providing of meters and service connections to property;
- (6) Discontinuance, restoration or repair of service;
- (7) Issuance and use of permits;
- (8) Extension or replacement of service mains for which lot or acreage fees or other assessments are charged;
- (9) Collections of rates or fees for service; and
- (10) Other Town of Buffalo Gap and/or Taylor County activities for the benefit of the general public authorized under this chapter.

Service Line. The pipe or conduit that extends from the water or wastewater main and that connects with the meter or the building lateral to provide a water or wastewater service connection.

Town. The Town of Buffalo Gap, Texas.

Town Attorney. The Town Attorney of Buffalo Gap or the Town Attorney's authorized assistants.

Town Council. The governing body of Buffalo Gap.

Town Secretary. The Town Secretary of Buffalo Gap or the Town Secretary's authorized assistants.

Wastewater. Water-carried waste.

Wastewater Main. A conduit or pipe of the wastewater system that conveys domestic wastewater or industrial wastes, or a combination of both, and into which storm surface water, ground water or unpolluted wastes are not intentionally admitted. The term includes access structures, valves and other appurtenances that are incidental to use of the wastewater main.

Wastewater System. All treatment plants, mains, pumps, interceptors, lift stations, connections, meters, sludge storage facilities, appurtenances and other facilities of Buffalo Gap and/or Taylor employed in the collection, treatment and disposal of wastewater.

Water Main. A conduit or pipe of the water system that conveys water. The term includes fire hydrants, access structures, valves and other appurtenances that are incidental to use of the water main.

Water System. All treatment plants, mains, pumps, meters, connections, supply reservoirs, storage tanks, appurtenances and other facilities of Buffalo Gap and/or Taylor County employed in the purification, transportation and supply of treated and untreated water.

Section 1.02 APPLICATION FOR UTILITY SERVICE; FEE FOR ACTIVATION

(a) Generally. Application to start utility service at any address must be made in writing to the Town Secretary and will include an agreement by the applicant to abide by and accept all of the provisions of the Town Utilities Ordinance as conditions governing the use of the Town water supply, sewer system, and garbage collection service by the applicant. An application fee for beginning services will be paid to the Town by the applicant at the time of application.

(b) Application required. A person shall not use Town water and sewer service without first making the proper application for service with the Town. The application must be made on forms provided by the Town. The Town is authorized to establish other procedures, not in conflict with this provision or State law, to process and accept customer applications and to collect and process security deposits as necessary to secure customer accounts.

(c) Restriction of application. The person making the application shall include that person's spouse, if any, as an applicant on the application. If unmarried or unrelated individuals or unrelated business entities who jointly own or occupy premises desire service, the Town may require application to be made jointly in the names of those individuals or business entities. The Town may also require application for service to be made only by and in the name of the Owner of the property if the Town determines that substantial risk of financial loss to the Town would occur as a result of acceptance of an application from a person other than the owner.

(d) Contract. The application for service constitutes a contract to pay all charges for service and to abide by all provisions of this Ordinance and all other local, state and federal laws relating to the service.

(e) Fee. The Town Council may establish an application fee at any time; the amount of the application fee shall be set by the Town Council and may be changed from time to time as determined

necessary by the Town Council. Any application fee established and set by the Town Council shall be paid by all applicants for Town utility services at the time of application for service.

(f) Accurate information. A person commits an offense if he or she knowingly makes a false statement on an application for service under this chapter.

Section 1.03 SECURITY DEPOSITS; EXEMPTIONS; REFUNDS

(a) Generally. When any customer applies for Town utility service, he or she must submit a security deposit with the application, unless exempted under this section. This applies to all commercial and residential accounts, including each dwelling unit in an apartment building and each residential dwelling unit whether occupied as a residence by the owner or someone other than the owner. The deposit shall be retained by the Town to ensure payment of all water bills on the account. When service to the applicant is discontinued permanently, the deposit, less any amount still due the Town for water service, shall be refunded.

(b) Form of security. Unless exempted under this subchapter, when a customer applies for service, he or she must also submit a security deposit in one of the following forms:

- (1) Cash;
- (2) Check, with sufficient written identification presented; or
- (3) Money order.

(c) Amount. The Town Council shall establish the amount of the security deposit on each type of account and may change the amount of the security deposit from time to time. The Town may require varying utility deposits from customers at it deems appropriate in each case according to criteria established by the Town Council.

(d) Failure to provide security. The Town may refuse service if a person fails to make the required security deposit.

(e) Recordkeeping. The Town shall keep accurate records of all security deposits, including, but not limited to, the depositor's name, amounts deposited, and deposits refunded.

(f) Administration and refund of deposits. The Town shall administer security deposits in accordance with the following rules:

- (1) A deposit will be applied toward payment of the final bill amount due the Town when a service account is closed or when the account becomes inactive due to delinquency, transfer of ownership or other reasons.
- (2) A deposit, less amounts due for service, will be returned to the customer when service is discontinued unless the deposit is transferred to another address at the request of the customer.
- (3) Deposits may be invested or used for capital improvements, but sufficient cash shall be accounted for and kept on hand to meet the normally anticipated level of refunds.

Section 1.04 WATER CHARGES PRESCRIBED

(a) Within Town limits. Where Town utility service is available, all persons owning, occupying or using property within the Town of Buffalo Gap or within Certificate of Convenience and Necessity

No. 13273 (formerly the Gap Water System) upon which any building or structure is located, installed or erected for human occupancy for any purpose, whether intended for residential, commercial or industrial use, are required to connect any such building or structure to the Town water system and shall pay monthly operation and maintenance charges based on the cost to construct, operate, maintain, improve, and expand the water system.

(b) Rates. All water customers will be charged for the amount of water used according to rates set by the Town Council. The Town Council may set different rates for residential and commercial water service. The Town Council shall also set rates for unmetered water service furnished pursuant to this Ordinance.

Section 1.05 SEWER SERVICE CHARGES PRESCRIBED

All customers connected to the Town sewer system shall pay monthly charges for sewer service based on basic or minimum charges and overage charges at rates as may be established by the Town Council from time to time. The Town Council shall establish sewer service charges and rates based on the cost to construct, operate, maintain, improve, and expand the sewer system. The Town Council may establish different charges and rates for residential and commercial customers.

Section 1.06 GARBAGE COLLECTION FEES PRESCRIBED

All persons owning, occupying or using property upon which any building is erected shall pay a monthly charge for garbage collection, including sales tax. Fees and charges for garbage collection services will be based on whether the service is to residential or commercial premises, the volume of waste to be disposed of, and the frequency of service consistent with the terms of Town's current solid waste disposal contract.

Section 1.07 BILLING FOR SERVICES

Invoices for utility services shall be dated and mailed out monthly as may be directed by the Mayor and Town Council. The Town shall send the customer a monthly billing indicating:

- (1) The period of service and the date payment is due;
- (2) The amount due for services rendered if the bill is paid by the due date (including all previous delinquent charges, plus interest, if any, still due and owing); and
- (3) A statement requiring a standard late charge if the customer fails to pay the bill by the due date.

Section 1.08 DELINQUENCY OF CHARGES; DISCONTINUANCE OR REFUSAL OF SERVICE; NOTICE OF DISCONTINUANCE

(a) Generally. Except where otherwise provided by written contract between the customer and the Town, charges for services furnished become delinquent if payment is not received by the Town on or before the due date, which shall be 15 days after the rendering of the bill. If payment is made after the due date, the customer must pay late fee established by the Town Council from time to time.

(b) Bill not received. Failure to receive a bill from the Town does not relieve a customer or other person responsible for charges under this ordinance from liability for service.

(c) Authority to discontinue service. The Town may refuse an application for service, discontinue service, or refuse to restore service to:

- (1) A customer who fails to pay any charges due under this ordinance within ten days after sending a notice of discontinuance for nonpayment;
- (2) A person who violates any provision of this ordinance, or any other ordinance of the Town related to water, sewer or garbage collection services;
- (3) A person making application for service to any property, if the person has delinquent charges outstanding at any other address; or
- (4) A customer at any location if the Town determines that a substantial waste of water, or a health hazard, is occurring as a result of leaking, damaged, open or disconnected private lateral lines, pipes or drains on the premises.

(d) Notice of discontinuance. The Town must notify a customer in the following manner before discontinuing service:

- (1) The Town must send the customer written notice of the Town's intent to discontinue services no less than ten days prior to discontinuance of services.
- (2) The notice must state the reason(s) for discontinuance of service and a statement of delinquent charges due, where applicable. The notice must also provide a time, place and means by which the customer may cure the delinquency or violation or dispute the validity of the reasons for the discontinuance.
- (3) The notice may be served either in person or by mail.

(e) Restoration of service. Discontinued service will not be restored until the customer either pays all charges due, including charges to restore connections; makes arrangements for payment satisfactory to the Town; submits a security deposit, in the case of former Gap Water System customers; and where applicable, ceases violation of the particular ordinance provision in question. The decision to restore service while delinquent charges or ordinance violations still exist rests solely with the Town.

(f) Exceptions to notice requirements. Notice requirements do not apply to discontinuance of service resulting from a violation of this ordinance if the Town determines that immediate discontinuance is necessary to prevent an imminent threat or occurrence of:

- (1) Harm to the health or safety of persons;
- (2) Damage to the Town, Town property or private property; or
- (3) Contamination of any part of the utilities system.

(g) Cumulative remedies. Enforcement of this ordinance does not waive any additional remedies, civil or criminal, available to the Town under law.

Section 1.09 NEW APPLICATION FOR SERVICES ON PREMISES WITH DELINQUENT CHARGES OR VIOLATIONS

Where service has been refused, discontinued, or posted for discontinuance on premises due to nonpayment of delinquent charges or a violation of this ordinance, a new application will not be accepted from another person to resume service at the same location under another name so long as the previous customer with a delinquent account continues to occupy or own the premises as his or her residence or place of business until:

- (1) All delinquent charges are paid;

- (2) Arrangements for payment satisfactory to the Town are made; or
- (3) The violation is abated.

Section 1.10 UTILITIES SERVICES LIEN PROCEDURE

- (a) Authority. The Town is authorized, in accordance with the provisions of the Tex. Loc. Gov't Code, Sec. 552.0025, to impose a lien upon the property to which service is provided if the Owner is the customer and when delinquent charges for service to the property remain unpaid and the lien procedures set out in this section are followed. This section shall not apply to rental property.
- (b) When lien is perfected. The lien may be perfected only when charges incurred by a customer for service become delinquent and when the Town determines that other means for fully collecting the delinquency are inadequate or unavailable.
- (c) Notice of Lien. Prior to recording of the lien, the Town shall send notice, by certified mail, return receipt requested, to the customer that a lien will be fixed on the property in accordance with law. The notice must provide a time, place and means by which the charges causing the lien may be paid or disputed. Absence of receipt of notice does not affect the enforceability of a lien perfected under this section.
- (d) Form of the lien. Upon request by the Town, the form of the lien be prepared by the Town Attorney. The form must contain:
 - (1) A statement indicating the purpose of the lien;
 - (2) The address of the property which is the subject of the lien, where the address is ascertainable;
 - (3) A complete legal description of the property which is the subject of the lien; and
 - (4) The amount of delinquent charges, including penalties, interest and collection costs, if any, incurred upon the property as of the date of execution of the lien.
- (e) Execution and recording. The lien must be executed by the Mayor and acknowledged by a notary public of the state and filed in the deed or lien records of Taylor County.
- (f) Priority of lien. The lien is superior to all other liens except a bona fide mortgage lien recorded prior to the recording of the Town's lien in the deed or lien records of Taylor County.
- (g) Suit to foreclose. The Town Attorney, at the request of the Town, may file suit to judicially foreclose the lien in a State court of competent jurisdiction. The suit may not be filed earlier than 60 days after the recording of the lien.
- (h) Release of lien. Upon certification by the Town that all delinquent charges which existed against the property have been fully paid, the Mayor is authorized to execute a release of the lien. The release shall be prepared by the Town Attorney and shall be duly acknowledged. After execution, the Town must immediately file the release in the deed or lien records of Taylor County.
- (i) Cumulative remedies. This subchapter is cumulative of any other remedies, methods of collection or security available to the Town or under state law. This subchapter does not affect the Town's authority to refuse or to furnish service when delinquent charges exist.

CHAPTER 2 - ACCESS AND ENFORCEMENT

Section 2.01 RIGHT OF ENTRY OF TOWN EMPLOYEES

The Buffalo Gap Public Works Department (hereinafter “the Public Works Department”) and other duly authorized employees or agents of the Town acting as such and bearing proper credentials and identifications shall be permitted to gain access to such properties as may be necessary for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter.

Section 2.02 CONTROL OF AND ACCESS TO SYSTEMS; INTERFERENCE WITH ACCESS GENERALLY

(a) Systems as Town property. All parts of the water and wastewater systems located within or outside of the corporate limits of the Town are the property of the Town. The Public Works Department shall maintain and control each system and keep detailed records concerning all aspects of the department's operations.

(b) Who has access. Only persons who are authorized by the Public Works Department will have access to the water and wastewater systems for operation, construction, maintenance, repair and other service-related purposes.

(c) Obstruction of authorized persons. A person commits an offense if he or she knowingly obstructs a person authorized by the Public Works Department from:

- (1) Gaining access to a part of the water or wastewater system for purposes of operation, inspection, construction, maintenance or repair; or
- (2) Performing actual operation, inspection, construction, maintenance or repair of a part of the water or wastewater system.

Section 2.03 ENFORCEMENT

(a) Authority to enforce. The Town and its Public Works Department shall have the power to enforce the provisions of this ordinance.

(b) Administrative search warrants. The Public Works Department shall have the authority to secure and serve administrative search warrants, or other process allowed by law, where necessary to aid in enforcing this chapter.

Section 2.04 VIOLATION AND PENALTY

A person who violates any provision of this ordinance is guilty of a separate offense for each day during which the violation is continued. Each offense is punishable by a fine not to exceed \$2,000.

CHAPTER 3 - WATER SYSTEM AND SERVICES

Section 3.01 COMPLIANCE WITH REGULATIONS; EXCEPTION

No water will be turned on for service on or in premises in which the plumbing does not comply with the ordinances of the Town or health and safety regulations of the State. Water may be turned on for construction work in unfinished buildings subject to provisions made by the Town Council.

Section 3.02 CONFORMITY WITH PLATTING REQUIREMENTS

It will be unlawful to service or connect any lot, tract or plat of land, or any part thereof, for the use of the owner or purchaser of the land, or any part thereof, with a water connection, unless the plan, plot or replat of the lot or tract of land conforms to the platting requirements of the Town and shall have been approved by the Town Council.

Section 3.03 PERSONS AUTHORIZED TO TURN ON WATER

No connection to the Town water supply shall be turned on for service at any premises by any person other than the Superintendent of Public Works or another person authorized by the Superintendent or the Mayor of the Town to perform this service.

Section 3.04 CONNECTION TO WATER MAINS

(a) Where Town utility service is available within Town limits and within Certificate of Convenience and Necessity No. 13273 (formerly the Gap Water System), all persons owning, occupying or using property upon which any building or structure is located, installed or erected for human occupancy for any purpose, whether intended for residential, commercial or industrial use, are required to connect any such building or structure to the Town water system. Exceptions to the requirement to connect to the water supply system may exist where certain property in Town limits has been served by water service providers other than the Town prior to the passage of this ordinance; in this case, the persons owning, occupying or using those properties may continue to have water supplied by the present providers, however, where sewer service is available, these property owners are required to connect to the sewer system.

(b) Applications for the connections to a water main must be made to the Town Secretary. Connection fees, as set by the Town Council from time to time, will be collected by the Town.

(c) No connection with a water main will be made without a permit being issued and 24-hours' notice having been given to the Superintendent of Public Works. All such connections will be made and all work done at the expense of the applicant, including the cost of materials necessary for the work. All such connections will be made by authorized Town employees under the supervision of the Superintendent of Public Works, and no connection will be covered or buried until the work has been inspected by him.

(d) The Superintendent of Public Works will furnish an estimate of cost to all applicants for water service connections larger than two inches in diameter, and all such applicants will make a deposit of the estimated amount before the Town will issue a permit for the installation of the connection. The final cost will be adjusted upon completion of the work, but in no event will the final cost be less than the connection fee for a two-inch service connection. Should the final cost of the work exceed the amount deposited, the Town will furnish the party making such a deposit a statement showing the amount of the excess, and the statement will constitute notice that the excess amount is immediately due. The Town, at its option, may refuse or discontinue water service to the property until full

payment has been made for the work performed. If the final cost is less than the amount of the estimate or deposit, a refund of the overpayment will be immediately made to the party from whom the deposit was received.

(e) As an alternative to the procedure prescribed above, applicants for service connections larger than two inches in diameter may request the Town to furnish a price at which the Department of Public Works will install the connection at the premises where service is desired, without regard to the actual cost of the installation. The Town may then, at its option, furnish the price to the applicant. The price will never be less than the connection fee prescribed for a two-inch service connection. If the applicant agrees to pay the price set by the Town, then he or she shall make full payment to the Town before work is begun on the installation, and the price of this installation will not be adjusted upon completion.

(f) The connection fee and the estimated costs prescribed above for service connections larger than two inches in diameter shall include all costs incident to making the installation of the service connection required, including the necessary repairs to pavement of any kind or character involved in making the service connection. The Town shall make the necessary pavement repairs, the cost of same to be included in the cost charged to the applicant.

(g) It shall be the responsibility of the applicant at his own cost and expense to make any survey and to complete any street grading or staking off on the ground for the purpose of connecting to the main and installing lines. However, any staking or grading shall be done as directed by and to the satisfaction of the Town.

Section 3.05 INSTALLATION OF SERVICE LINES BETWEEN THE MAIN LINE TAP AND METER

Water service connecting lines, from the main line tap to the meter, and the meter will be installed by the Town, without additional charge to the owner of the property. The main line tap includes the corporation stop, and the meter includes the curb stop.

Section 3.06 SERVICE INSTALLATION TO CONFORM TO SPECIFICATIONS

No water service shall be installed unless it conforms to Town specifications and is acceptable to the Superintendent of Public Works. A copy of Town specifications shall be kept on file by the Town Secretary and shall be open to inspection by any interested persons.

Section 3.07 METERS

(a) Generally. All premises using the Town water supply must be equipped with an adequate water meter furnished by the Town and owned by the Town. Water service may be supplied by the Town at a flat rate or charge until the meter is installed. Before any premises are occupied, a water meter shall be installed therein as herein required, or application made for the water service at the flat rate or charge until the meter can be installed, or no water shall be furnished to the premises.

(b) Active Construction. During the construction of any building and before a water meter is installed as herein provided, the contractor constructing the building may be permitted to use the

Town water supply by making application and paying the flat rate prescribed in this ordinance as established by the Town Council.

(c) Location. Water meters shall be installed in a location that will be easily accessible to Town personnel. Meters shall be kept clear of any bushes, vegetation, fences, sidewalks, driveways or anything that prohibits full access to meters.

(d) Reading. The Superintendent of Public Works shall read or cause to be read every water meter used in the Town at such times as are necessary to ensure that bills can be sent out at the proper time.

(e) Requests for rereading. A water customer may request to have a water meter reread in order to verify the accuracy of a monthly billing statement. If upon rereading of the meter it is determined by the Town that the meter has been previously misread, the bill will be adjusted accordingly.

(f) Testing. Any Town water meter shall be taken out and tested upon complaint of the customer and upon the payment of a fee set by the Town Council. If the meter is found to read in excess of 103% of the true amount, it shall be repaired or replaced and the fee returned to the customer.

Section 3.08 PROXIMITY OF SERVICE LINE TO DRAIN LINES OR SEWER LINES

The location and separation of water lines and drain or sewer lines in the public right-of-way and on private property must comply with the requirements of TCEQ Rules Chapter 217 Subchapter C and the International Plumbing Code.

Section 3.09 SHUTOFF OR SERVICE BOXES ON SERVICE LINE

Shutoff boxes or service boxes shall be placed on every water service pipe and shall be located between the curb line and the sidewalk line where possible. The boxes shall be so located that they are easily accessible and shall be protected from frost and freezing.

Section 3.10 SERVICE FROM MAIN TO METER

The Town will maintain, at its own expense, all water service from the main to the meter so long as the customer continues use of service. Whenever use of service is abandoned by the customer, the Town obligation to maintain the service to the meter or the property line shall cease.

Section 3.11 RESPONSIBILITY FOR REPAIR OF SERVICE LINES, PLUMBING

All repairs of water service lines and plumbing systems of buildings shall be made by and at the expense of the owner of the premises on which they are located. The Town may, in the case of an emergency, repair any service lines, and, if this is done, the cost of the repair work shall be reimbursed to the Town by the owner at rates or a price adequate for recovery of costs by the Town.

Section 3.12 RESALE OR DISTRIBUTION OF WATER BY CUSTOMER

No water shall be resold or distributed by the recipient thereof from the Town supply to any premises other than that for which application has been made and the meter installed in accord with this ordinance, except in case of emergency.

Section 3.13 TAMPERING WITH OR DAMAGING WATER SYSTEM PROPERTY

It shall be unlawful for any person not authorized by the Town to turn on, turn off, tamper with, alter or damage any part of the Town water supply system or any water meter.

CHAPTER 4 - SEWER SYSTEM

Section 4.01 CONNECTION TO TOWN SEWER SYSTEM REQUIRED

(a) All owners or occupants of buildings or agents of the owners situated in any section of the Town shall connect to the Town sanitary sewer system if the system is available in a street, alley or other public way abutting the property on which the building is located. It shall be the duty of the party or parties where the availability to the Town's sewer system exists or may hereafter exist, to construct or cause to be constructed suitable water closets on their property and to connect the same to the Town sanitary sewer system. The use of a septic sewer system shall not be continued nor a septic sewer system installed on any property within the Town when sanitary sewer service is available to the property. The cost of construction of the sewer lines on private property and the cost of connecting to the sewer system shall be the responsibility of the owner or owners of the property to be served. It shall be the duty of all parties connected to the Town's sewer system to keep and maintain the water closets and connections in suitable working condition and free from any obstruction.

(b) A tap or tie-in into the Town's sewer system may only be made by the Town, its agents or employees, under the supervision of an inspector for the Town in accordance with the requirements of the plumbing and building codes and any other applicable ordinances of the Town or State law. A sewer system service line on private property shall be inspected by the Town, its agents or employees, and a Customer Service Inspection Certificate authorizing connection to the sewer system shall be issued to the property owner prior to connection to the sewer system.

Section 4.02 TAP FEE

A sewerage tap fee shall be charged to and collected from each applicant for sewer service. The amount of the fee shall be set, from time-to-time, by ordinance of the Town Council.

CHAPTER 5 – GARBAGE COLLECTION SERVICES

Section 5.01 EXCLUSIVE GARBAGE COLLECTION SERVICES

The Town shall provide garbage collection services to all residential and commercial utility customers within the Town under an exclusive contract with a private vendor for the provision of such services within the Town. It shall be unlawful for any utility customer within the Town to contract for garbage collection services with any other provider unless the customer is contracting with a licensed waste hauler for the collection and removal of domestic septic or grease trap waste, grit trap waste, lint trap waste, or sand trap waste.

Section 5.02 FEES AND CHARGES FOR GARBAGE COLLECTION SERVICES

Residential and commercial utility customers in the Town limits shall apply for garbage collection services when applying for water and sewer services and shall provide information to the Town sufficient to establish the type, volume and frequency of service needed for the premises. The cost of this service will depend on the type, volume and frequency of service. All premises receiving water and sewer service shall be required to pay a standard fee for garbage collection services; any additional charge will be based on type, volume and frequency of service.

Section 5.03 BILLING FOR GARBAGE COLLECTION SERVICES

All utility customers of the Town will be billed for garbage collection services provided to premises within the Town according to the same billing schedule and on the same invoice the customer is billed for other Town utility services.

CONFLICTING ORDINANCES REPEALED All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SEVERABILITY If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby, and to this end the provisions of this ordinance are declared to be severable.

OPEN MEETINGS It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Texas Govt. Code, Chapt. 551*.


EFFECTIVE DATE This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of *Tex. Loc. Gov't Code Sec. 52.011*.

PASSED AND ADOPTED by a vote of 5 "FOR" and 0 "AGAINST" by the Town Council of the Town of Buffalo Gap, Texas, on this the 14th day of October 2021.



David L. Perry, Mayor

ATTEST:



Cindy Husbands, Town Secretary