

**WATER USE/EXTENSION
ORDINANCE NO. 2024-03**

AN ORDINANCE GOVERNING THE CITY WATER WORKS SYSTEM OF DAWSON TEXAS; PROVIDING FOR CONNECTIONS TO WATER MAINS; REGULATING THE USE OF WATER FROM THE CITY WATER WORKS; ESTABLISHING THE POLICY OF THE CITY OF DAWSON FOR PROVIDING WATER SERVICE; ESTABLISHING THE POLICY FOR PROVIDING WATER SERVICE OUTSIDE THE CITY LIMITS AND EXTRA-TERRITORIAL JURISDICTION OF THE CITY; PROHIBITING DAMAGING, TAMPERING WITH OR REMOVAL OF PUBLIC UTILITY PROPERTY OR SERVICES OR PROPERTY OF THE CITY OF DAWSON; AND SUPERSEDING PREVIOUS ORINANCES REGULATING THE ABOVE ISSUES

WHEREAS Dawson City Council desires to protect the public health and safety of its residents; and,

WHEREAS the City Council desires to make water service available to such property where service can be lawfully provided under terms and conditions favorable to the City; and,

WHEREAS it is necessary to establish practices and procedures to ensure reliable water services and to establish service rates for the various services.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Dawson, Texas that:

SECTION 1: UNLAWFUL PRACTICES.

- A. It shall be hereafter be unlawful for any person or persons to do, commit or assist in committing any of the following things or acts in the City of Dawson Texas:
 - (1) It shall be unlawful for any person, firm, or corporation to take or use water from the system of the City of Dawson except under the terms and conditions specified and stipulated in this ordinance. All owners and occupants of property are prohibited from furnishing water for sale to others.
 - (2) The refusal or neglect of an owner or occupant to equip and maintain the premises with proper service connections, utilities or fixtures of approved character and quality to prevent waste of water shall be sufficient ground for the city to refuse to connect the premise with the city water works or to continue such service after having given notice of intention to shut off the water, pending necessary correction.
 - (3) It is and shall be unlawful for any person, firm, or corporation to draw water from any city supply pipes directly into any steam boiler which is equipped for or arranged for more than fifteen pounds (15) of pressure per square inch. All persons, firms or corporations having boilers or closed water heaters supplied with city water are cautioned against the danger of explosion or collapse. The City of Dawson will not be liable for any damage that may occur on account of the water being shut off for any reason or because of the breaking of any pipe or fixture caused by water pressure from the city mains. Where city water is used to supply a steam boiler with over fifteen pounds pressure, the owner shall provide a tank of sufficient capacity to afford a supply of at least four hours into which the service pipe must be discharged over the top of the tank and never into the bottom or the side.
 - (4) It shall be unlawful for any person to fraudulently procure water for himself or others from private connections on premises in violation of City regulations or ordinances.

- (5) It shall be unlawful to make or permit to be made any connection with the main or service pipes of the water works system or to turn on or use water of said system without first obtaining a permit for the connection.
 - (6) It shall be unlawful to remove any water meter that has been placed by the City, or to change, interfere with or tamper with any water meter, provided that the provisions of this section shall not apply to the employees of the City when acting in their official capacity.
 - (7) It shall be unlawful to turn on the water supply to any building or to any supply pipe where the supply has been turned off for the nonpayment of the monthly water charge or for the violation of any rule or ordinance governing the water system.
 - (8) It shall be unlawful to open or close any fire hydrant or stopcock connected with the water works system of the City of Dawson, or to lift or remove covers of any gate valves or shut off thereof, without the permission of the Superintendent of the Water Works, except in case of fire, and then under the direction of officers of the Fire Department.
 - (9) No water other than water furnished by the City shall be used in any line to which city water is delivered.
- B. It shall be unlawful for any person, firm or corporation to make any connection to the City water works without first making application to the City, stating fully the several and various uses for which the water is desired, giving the name of the owner of the property, the number of the lot and block, and the name of the street, and house number. Upon the payment of the meter connection fee, the City, shall make, or have made, the necessary connections and furnish a curb stop box and curb cock, the cost of which is included in the meter connection fee. Every premise connected with any water main, or being supplied with any water from the city water works, shall have a separate service connection, curb stop box and curb cock.
- C. Failure to comply with any of the provisions of this ordinance is a Class C misdemeanor and shall constitute grounds for discontinuance of service.

SECTION 2: STANDARD PROCEDURES.

- A. All property included within the Certificate of Convenience and Necessity (CCN) for Water Service granted to the City of Dawson by the State of Texas is entitled to water service from the City of Dawson. In most situations, water service may be obtained by opening an account and making an appropriate credit deposit. Service will then be turned on and water is available for residential or commercial use. Where water service is desired and no services have previously existed, the new customer shall bear the cost of establishing water services to the property, including paying appropriate water impact fees, tapping fees, the costs of extension and meter fees as well as normal credit deposit.
- B. If the property to be served is on a dedicated street and more than two hundred (200) feet from a 6" or larger water main, upon payment of the above-described fees, the City will extend the water main to the property line of the user to be served. However, it will be necessary for the applicant to sign a contract and make a cash deposit to pay for the cost of the extension. The contract form and terms shall be supplied by the City; the cost of the proposed main shall be estimated by the city and the said amount shall be deposited by the applicant with the city at the time of the contract. The contract must be signed by the applicant and the Water Superintendent, and the deposit made before the work can be started. Each size or diameter and length of pipe must be described fully in

the contract. The City shall have the right to add extensions or branch mains without jeopardizing the contract on any main already laid and in service. The extensions or branch mains added by the City shall not be charged to a new customer. Any funds remaining after the water main is extended shall be refunded to the applicant.

- C. All meters shall be set by the employees of the City. If the meter gets out of order and fails to register, the meter will be replaced as soon as practical and the consumer will be charged for the average daily consumption as shown by utility records, during the period the meter is defective. Each water customer is responsible for maintaining the plumbing from the meter throughout the business or residence. All water that passes through the meter shall be charged for, whether used or lost to leaks.
- D. Each consumer of water living in or maintaining a separate house, business establishment, complete apartment or trailer house shall have a separate meter. If any question shall arise as to whether any connection in question is to a separate house, business establishment, complete apartment or trailer house as provided in this paragraph, such determination shall be made by the City Council. The City Council is authorized to grant exceptions for apartments and mobile homes where utilities are furnished and paid for by the apartment or mobile home management.
- E. All service lines from the discharge side of the meter shall be provided with stop and waste cock inside the property line, and such service lines shall be installed at such depth and in such fashion to properly drain all pipes above ground. No plumber or any other person, except authorized employees of the city water works, shall turn on or off water from the stop cock in the meter box without permission first being obtained from the Water Superintendent.
- F. Customers requesting the City to turn-off or turn-on water service shall be charged for such city services as follows:
 - (1) No charge for the first combined turn-off and turn-on service requested during normal business hours.
 - (2) A \$15.00 charge thereafter for each separate turn-off or turn-on.
 - (3) All City water customers shall have an easily accessible customer hand valve for turning on and off water services. When the City turns off such service at the request of the customer, no water service will be turned on until such customer has installed an accessible customer hand valve.
 - (4) Temporary services shall be \$25.00 plus amount of water used.
- G. The city water works will make all repairs to service pipes from the main line to the meter, and it shall be unlawful for any person or persons to repair or renew service pipes from main to meter. It shall be unlawful for any plumber or person, other than the person or contractor employed by the city water works, to tap any main, make connections with mains or extend service pipes from main to meter or to place a stop cock and stop box at that point. All this equipment shall be under the exclusive control of the city water works and said tap and service shall be paid for by the plumber or owner ordering the work done before the work is commenced.
- H. The right is reserved by the city water works to temporarily discontinue and to reconnect without notice water supply to all consumers for the purpose of making repairs, connections, extensions, and cleaning of mains, machinery, reservoir, or any part of said city water works.
- I. Each water customer shall put up a \$200.00 credit deposit prior to obtaining water services, which may be applied to the payment of the final bill. Any unused portion of

the deposit shall be refunded in the original amount, with no interest, at the time service is discontinued.

- J. If a customer's water service is turned off for non-payment of the utility bill, the charge for re-establishing service, after customer has made proper restitution, shall be \$75.00, and shall be added to the utility account.
- K. All charges to a consumer for water consumed, sewage charges, and garbage charges shall be billed to the customer on one bill. The penalty for failure to pay any portion shall be the same as herein provided for non-payment of bills for water consumed.
- L. All charges for water service furnished or rendered by the City shall be due and payable by the 15th of each month. A late payment penalty of \$30.00 shall be charged to all bills paid after the 15th of each month. If **not paid by** the 25th of the month water shall be disconnected.
- M. If any consumer shall be in debt to the City for water furnished or for leakage or repairs on any account at his present or previous place of consumption, water shall be cut off by the City until payment is made in full, or until a payment plan that will resolve the debt is prepared and approved by the customer and the City Mayor. Customers are limited to one payment plan within any twelve (12) month period.
- N. Any person, firm or corporation who shall have made application for water service to the City of Dawson shall be responsible for all water furnished under the terms of such application until notice is given by such person, firm, or corporation of their intention to discontinue such service.
- O. Every person who is supplied water by the City shall at all reasonable times permit the Water Superintendent or his agents to enter the premises for examination of pipes and fixtures and the way the water is used. Refusal by any consumer shall result in termination of water services by the City until such permission is granted.
- P. If a customer shall vacate a property without giving proper notice to the City of Dawson Water Department, without settling the account and final bill thus leaving a balance due to the City, the City is authorized to seek remedy by any lawful means. If the customer was renting the property to which water service was supplied, the landlord will be responsible for payment in full and reconnection fee before water will be turned back on. If the customer was the property owner, then the City is authorized to file a lien against the property for the amount of the balance due on the account plus interest at the rate of one and one-half percent (1 ½%) per month plus filing fees and cost.

SECTION 3: WATER SERVICE OUTSIDE THE CITY LIMITS.

- A. All requests for providing water service to property outside the city limits, but within the city's extraterritorial jurisdiction, shall be submitted in writing to the Water Superintendent by the owner of such property. Each request shall be accompanied by a legal description of the property to be served by the City; a statement of the intended use of the water service; a drawing by a registered professional engineer (residential single dwelling does not require engineer) showing the planned layout of all water transmission and service lines; and a non-refundable fee of \$100.00.
- B. Upon receipt of a request for water service outside the city limits the Water Superintendent shall first determine if the property to be served is included within the Certificate of Convenience and Necessity for Water Service granted to the City of

Dawson by the State of Texas. Within 30 days after such a request has been received, the Water Superintendent shall coordinate the request with the City Council and schedule request for consideration. The final approval or disapproval by the City Council shall be communicated in writing to the property owner.

- C. Approval of any request shall be conditioned on the following:
- (1) The area to be served must be within the City's Certificate of Convenience and Necessity service area, or the City Council must conclude that it would be in the best interest of the City to acquire such additional service area and the party requesting service must agree to deposit escrow funds with the City to pay in advance all costs of amending the City's Certificate of Convenience and Necessity.
 - (2) All proposed water improvements outside the City's Extraterritorial Jurisdiction must comply with City of Dawson specifications.
 - (3) All construction and improvements on real property to receive City Water Service must be inspected by the City at the applicant's expense and certified to be in compliance with all City Building Code requirements, including without limitation all the plumbing and electrical standards.
 - (4) Extension of city water mains or service lines to the property to be served will be performed by and at the sole expense of the party requesting service, in accordance with design and construction criteria approved by the City Engineering Services, subject to over-sizing requirements that may be imposed by the City, the City shall reimburse the party requesting service for any cost differential occasioned by such over-sizing requirements.

SECTION 4: TAMPERING AND DAMAGED PROHIBITED.

- A. It shall be unlawful for any person, firm, corporation, or association to damage, move, connect to, disconnect from, by-pass, remove or in any way tamper with any water, or sewer lines or meters owned or operated by the City of Dawson, located above or below ground.
- B. It shall be unlawful for any person, firm, corporation, or association to damage, remove, or in any way tamper with any signs, warning lights, flares, barricades, tools, equipment, or vehicles owned, leased or in any way used by the City of Dawson, or any contractor performing services for the City of Dawson.
- C. It shall be unlawful for any entity, corporation, or person to cause a disruption of service by damaging any water lines or meters owned or operated by the City, whether located above or below ground.
- D. Violations of provisions (a), (b), or (c) of this article shall be deemed a Class C misdemeanor and, upon conviction in the Municipal Court of the City of Dawson shall be fined an amount not less than the sum of \$2,000.00 for each offense.
- E. It shall be unlawful for any entity, corporation, or person to cause a discharge of potable water as a result of damaging any water lines or meters owned or operated by or the City, whether located above or below ground.
- F. Any person violating provision (e) of this article shall be deemed guilty of a misdemeanor and, upon conviction in the Municipal Court of the City of Dawson shall be fined an amount not less than the estimated quantity of loss as determined by the Water Superintendent.
- G. All administrative fees for meter tampering will be assessed to the property owner or, in the case of leased properties, the account holder if different than the property owner, as

per the fee structure outlined below, including but not limited to materials and labor required to complete the repair.

1. Fee Schedule for Meter Tampering and Water Theft
 - a. First Occurrence: \$100.00
 - b. Second Occurrence: \$200.00
 - c. Third and all subsequent Occurrences: \$300.00
 - d. These fees shall be paid in full prior to reconnection of service.
 - e. These fees shall follow the delinquent account holder from address to address within Dawson, Texas.
2. These fees will be assessed for any of the following instances of tampering or theft.
 - a. Anyone using unmetered water.
 - b. Anyone using water without a current city water account.
 - c. Customers restoring service after disconnecting, prior to payment in full.
 - d. Customer removing or bypassing meter.
 - e. Customer tampering with or damaging locking equipment
 - f. Customer damaging meter
 - g. Customer attempting to prevent meter from registering proper flow.
 - h. Customer removing or altering placement of meter.

Appeals

- a. Any person against whom a fee has been assessed as set forth herein in this Section may file a written appeal to the City Mayor within ten (10) days of date assessed.
- b. The appeal shall include all information, evidence and documents which support the appeal.
- c. The City Mayor may conduct a hearing on the appeal but is not required to do so.
- d. The City Mayor will advise the person appealing his/her decision within thirty (30) days.
- e. The City Mayor has the authority to keep, reduce or eliminate the fee amount.

SECTION 5: SEVERABILITY. If any section, part of section, provisions, sentence phrase or word of this ordinance shall be held to be void, ineffective or unconstitutional for any cause whatsoever it shall in no way affect the validity or the remaining sections and provisions of this ordinance, which shall remain in full force and effect.

SECTION 6: VIOLATIONS. Any person, firm, corporation, or association violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not more than Two Hundred Dollard (\$200.00), and each violation shall be a separate offense except as provided in 4.D.

SECTION 7: SUPERSESION. This Ordinance supersedes any previous ordinances governing the city water works of Dawson, Texas.

PASSED and APPROVED this

Stephen Sanders, Mayor

Ronda Franks

City Secretary