

CITY OF BRACKETTVILLE  
ORDINANCE #2021-14-09WO

AN ORDINANCE AMENDING ORDINANCE #2020-02-06WO AND ORDINANCE #2005-10-11 BY AMENDING ITS ENTIRETY AND ADOPTING A NEW SECTION A TO ESTABLISH UTILITY RATES; APPROVING THE PROPOSED WATER, SEWER, GAS, AND WASTE DISPOSAL RATES; APPROVING THE PROPOSED SEWER TRUCK RENTAL FEE; AMENDING UTILITY TERMINATION PROCEDURES; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Brackettville has deemed rules clarifying the City's policies and procedures for connection into the City's water, gas, and systems necessary to maintain the City's systems and infrastructure for the public benefit;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRACKETTVILLE:

**SECTION 1. RATES**

**A. WATER RATES**

The monthly rates shall be charged to all customers of the City's water system in accordance to attached Exhibit A.

**B. SEWER RATES**

The monthly rates shall be charged to all customers of the City's sewer system in accordance to attached Exhibit B.

**C. GAS RATES**

The monthly rates shall be charged for all natural gas use in accordance to attached Exhibit C.

**D. WASTE DISPOSAL RATES**

The monthly rates shall be charged to all customers of the City's waste system in accordance to attached Exhibit D.

**E. EQUIPMENT RENTAL RATES**

The rental rates shall be charged to all customers in accordance to attached Exhibit E.

**SECTION 2. CONNECTIONS-WATER SYSTEM**

**Section 2-1 Permit to connect to water system-Application**

It shall be unlawful for any person to make any connection to the mains or pipes of the City Water System without first making application to the City. Such application shall state fully the several and various uses for

which water is wanted, gives the name of owner of the property, the number of the lot and block, name of the street and house number.

**Section 2-2 Issuance; payment of fees**

If the application is approved, a permit will be issued. All fees, and charges shall be paid for at amounts and rates fixed by this ordinance before any connection shall be made.

**Section 2-3 Disconnection**

Any person wishing to discontinue the use of water supplied from the City Water System must give notice thereof to the City, otherwise the charge will be entered until such notice has been given.

**Section 2-4 Connections to main lines, meters generally and inspection fees**

All water service line connections (water meter included) from a water main line to the property line up to two (2) inches will be installed by the City. All water service line connections (water meter included) from a water main line to the property line over two (2) inches will be installed by the City. The cost of all material, labor and associated fees (including water impact and water rights fees) required to effect the line connection shall be charged to, be the obligation of, and shall be paid by the property owner.

**Section 2-5 Unauthorized taps prohibited**

No person except the city water department superintendent, or other persons acting under the direction of the city council, or a plumber or contractor approved by the City, shall be allowed to tap any city water main or any service pipe.

**SECTION 3. METERS**

**Section 3-1 Installation**

There will be a service charge as currently established or as hereafter adopted by resolution of the City Council from time to time for installation of meters to all new customers where water service exists.

**Section 3-2 Charges estimated when access denied**

If a meter reader is, in the opinion of the City Water Department, unable to procure the reading of the meter owing to the buildings being locked or vacant or the occupant not permitting entrance, or the entrance to the premises is made precarious by a vicious dog or otherwise, or easy access to the meter is obstructed in any manner whatsoever, the charges may be estimated for the amount not to exceed double the normal charge, and it is further provided that in case the consumer does not remedy the condition and should he further refuse to pay the estimated bill, the City Water Department shall have the right to discontinue service without further

notice, and service shall not be resumed until the conditions complained of have been remedied and all charges for water service and reconnection charges have been paid.

**Section 3-3 Required for Service**

Water from the City water system shall be sold and delivered by the City through its mains only to residential patrons at whose premises water meters are installed, from water meter readings, and water meter computations only.

**Section 3-4 Separate Meters**

(a) For any service hereafter installed each single-family residence shall have a separate meter, and no new connection shall be made by the city unless such individual residence or building is separately metered. Single-family residence shall mean a building used exclusively as living quarters for a family and occupied by only one (1) family. Service supplied from one meter may be extended under this category to such related structures as a storage building, garage, or shed, provided that such structures are auxiliary to the residential structure.

(b) Each meter installed on any property shall constitute a separate service and must be paid for as such.

**Section 3-5 Multiple use of meter in existing building**

In existing cases where more than one building is served by a single meter, the entire amount of water consumed and registered through such meter, shall be billed to the property owner under whose name the account was opened.

**SECTION 4. CONNECTIONS-CITY SEWER SYSTEM**

**Section 4-1 Permit to connect to sewer system-Application**

It shall be unlawful for any person to make any connection to the mains or pipes of the City Sewer System without first making application to the City. Such application shall state the name of owner of the property, the number of the lot and block, name of the street and house number.

**Section 4-2 Issuance; payment of fees**

If the application is approved, a permit will be issued. All fees, and charges shall be paid for at amounts and rates fixed by this ordinance before any connection shall be made.

**Section 4-3 Disconnection**

Any person wishing to discontinue the use of the City Sewer System must give notice thereof to the City, otherwise the charge will be entered until such notice has been given.

**Section 4-4 Connections to main lines, meters generally and inspection fees**

All sewer service line connections from a main line to the property line up to two (2) inches will be installed by the City. All sewer service line connections from a main line to the property line over two (2) inches will be installed by the City. The cost of all material, labor and associated fees required to effect the line connection shall be charged to, be the obligation of, and shall be paid by the property owner.

**Section 4-5 Unauthorized taps prohibited**

No person except the city water department superintendent, or other persons acting under the direction of the city council, or a plumber or contractor approved by the City, shall be allowed to tap any city sewer main or any service pipe.

**SECTION 5. TERMINATION/FAULT-BASED FEES/PENALTY**

**Section 5-1 Disconnection of Utilities**

Any customer who fails to pay for water, gas, and/or sewer utility service as set forth herein, shall be subject to disconnection of said services following the 20<sup>th</sup> day of each monthly billing period.

Should any utility service be physically disconnected due to non-payment of a billing statement balance due, the customer shall pay the balance due, plus all service charges, late fees, NSF fees, penalties, deposit, etc., in full, before any utility service will be reconnected.

**Section 5-2 Late Fee**

A late fee in the amount of twenty dollars (\$20.00) will be added to the balance due on a monthly utility billing statement if its payment is received after the 20<sup>th</sup> of the month. If the 20<sup>th</sup> falls on a weekend or holiday, the statement balance will be due the next business day. An individual customer aged sixty (60) or older may upon request require a delay in late fee assessment and further collection action on his residential account, including disconnection, until at least the twenty-sixth (26<sup>th</sup>) day after the date that his bill is issued.

**Section 5-3 Insufficient Funds (Nsf) Check Fee**

Any person that issues an insufficient check to the City of Brackettville for utility services and/or any other services rendered shall pay a thirty-dollar (\$30.00) check fee.

Any fees charged by the bank or financial institution that returned the insufficient check must be repaid by the check writer to the City.

Insufficient check balances, including fees, will be accepted by the City only in the form of a money order, cashier check or cash.

Any customer that issues two (2) insufficient checks within any City fiscal year (from October 1 to September 30) will be required to pay for all future services only in the form of a money order, cashier check or cash.

**Section 5-4 Delinquency Deposit**

Any customer whose payment delinquency authorizes the initiation of any termination proceedings hereunder may also, at the discretion of the City, be required to post a permanent deposit in an amount calculated to approximate the highest two months owed in an annual billing cycle as a condition of service continuance. This deposit will be retained until service is terminated and the amount of the final bill is offset against the deposit.

**Section 5-5 Termination Notice Fee**

Any customer who is sent a notice of termination or of disconnection of any utility service shall pay a Termination Notice Fee in the amount of thirty-five dollars (\$35.00) if service is not terminated pursuant to the notice.

**Section 5-6 Misdemeanor Penalty**

It shall be unlawful for a customer whose utility service (water, gas, and/or sewer) has been disconnected for non-payment to reconnect or to attempt to reconnect said service until all delinquent charges, penalties, reconnection fees and updates on deposits, have been paid in full. Any customer, person, firm and/or corporation who may reconnect or attempt to reconnect utility service (water, gas, and/or sewer) shall be deemed guilty of a misdemeanor and shall be punishable by a fine in an amount between one dollar (\$1.00) and five hundred dollars (\$500.00). Interference with utility infrastructure to receive service without full payment for same may also constitute a theft of services under Texas Penal Code § 31.04 (felony where theft exceeds \$1,500) or criminal mischief under Texas Penal Code § 28.03 (felony where damage exceeds \$1,500).

**Section 5-7 Civil Action**

All nonresidential customers who fail to pay amounts due to the City of Brackettville in connection with any utility service will also be subject to civil action for the recovery of same, and injunction.

**SECTION 6. UTILITY TERMINATION PROCEDURES**

The following are the procedures of the City of Brackettville, Texas with respect to termination of utility services:

**Section 6-1 Customer's Rights**

The City shall provide to each new customer a summary description of customer rights and City obligations as herein described at the time of application for service.

**Section 6-2 Customer's Right to Dispute Bill**

Any customer has the right to contest a disputed portion of their utility bill. The Appeals and Hearings section of this ordinance covers bill disputes.

**Section 6-3 Notice to Customers**

When a customer's account becomes subject to termination for non-payment, written notice of the proposed termination shall be given by the City ("Disconnection Notice"). The Disconnection Notice shall:

- a. Be sent at least seven (7) days prior to the scheduled termination;
- b. Be delivered to the physical address of the customer when the customer provides a dual address on its application for utility service, and include the words "Disconnection Notice" or similar language prominently displayed;
- c. State the reason for the proposed termination, with a listing of the total amount needed to avert the termination, broken down by the types of charges and amounts of charges incurred;
- d. State the date of the proposed termination;
- e. State the amount required to reconnect service should the utility be terminated;
- f. State the place(s) payment may be made in person and the hours of operation;
- g. State the customer's right to an informal hearing before a City Utility Service Office representative and, if that does not result in a resolution satisfactory to customer, to a formal hearing before the City Secretary, prior to termination of service; and
- h. State that a customer who desires a hearing must request an informal hearing by contacting the City at a stated telephone number, or by appearing in person at a stated address, within ten (10) days.

Where a known dangerous condition exists, or where a condition exists which threatens the public, health, safety, or resources, or where there is a confirmed theft of service by a household that is not a customer and has not made an application for service, service may be terminated without sending the Disconnection Notice at least ten (10) days before service termination, but a Disconnection Notice must be given to the household as soon as practicable, and not later than three (3) hours after the termination.

**Section 6-4 Informal Hearings and Appeals**

A customer seeking review of a City decision to terminate any utility service must first informally appeal to a customer service representative or his/her designee, in person or by telephone, to attempt to achieve an administrative resolution.

When an informal appeal is made, the City employee who heard the informal appeal, or his/her designee, shall prepare a disposition form at the conclusion of the hearing stating:

- a. the date of the informal appeal;
- b. the reason for the informal appeal;
- c. the persons present during the informal appeal; and
- d. the decision reached.

A copy of this document shall be provided (or mailed if the hearing was by telephone) to all parties concerned at the time of the decision on the matter, and shall be accompanied by a written notice of the right to a formal hearing.

If, at the informal hearing, the decision to terminate service is affirmed, the City may not terminate service until after the deadline to request a formal hearing has expired, and the customer has not made a request for a formal hearing. Thereafter, the City shall give the customer an additional Disconnection Notice, which excludes any reference to a right to a hearing, at least three (3) days prior to the termination.

**Section 6-5 Notice of Right To Formal Hearing**

If an informal hearing occurs but the problem is not resolved, the customer shall be given notice of his/her right to a formal hearing. The notice shall indicate:

- a. the steps the customer must take to begin the appeal;
- b. that failure to request the appeal within ninety-six (96) hours after the notice of the informal hearing decision will be considered a waiver of the formal proceedings and will result in termination of service to the account; and
- c. the procedure for obtaining a copy of the rules for the formal hearing.

**Section 6-6 Formal Hearing**

The time, date and place of a formal hearing shall be provided to the customer requesting a formal hearing.

The hearing shall be held not more than five (5) business days from the date of the customer's request, unless both parties agree to its continuance to a later date.

The customer may appear in person or be represented by counsel or both, and shall be afforded the opportunity to confront and question adverse witnesses at the hearing. Notwithstanding the foregoing, the City has the right to consider the written results of any meter test without the necessity of the presence at the hearing of the person conducting the test.

The formal legal rules of evidence shall not apply.

The hearing officer shall be the City Secretary or his/her designee.

The formal hearing shall not be conducted under the supervision of a participant in the previous decision now under review.

The hearing officer shall:

- a. Be the sole judge of the evidence and credibility of witnesses and the facts as well as the applicability of the rules and regulations of the City;
- b. Render his/her final decision in writing to all parties concerned at the close of the hearing or within five (5) business days of its conclusion, unless otherwise agreed by the parties;
- c. Instruct the participant what action, if any, must be taken by either or both the City and the customer.
- d. Set a reasonable time period of time in which such action must be taken.

If after the formal hearing, the decision to terminate service is affirmed, the City may not terminate service until after the City gives the customer a Disconnection Notice, which excludes any reference to a right to a hearing, at least three (3) days prior to termination.

**Section 6-7 Continuity of Service During the Appeals Process**

The customer's utility service shall be continued pending the decision of the hearing and appeals process.

**Section 6-8 Limitation Upon Disconnection on Holidays or Weekends**

Unless a dangerous condition exists or the customer requests disconnection, service shall not be disconnected on holidays, weekends, or the day immediately preceding a holiday or weekend, unless utility personnel are available on those days to take payments and reconnect service.

**Section 6-9 Limitation Upon Disconnection of Ill and Disabled**

Service may not be disconnected when the customer establishes that disconnection of service will cause some person residing at the residence to become seriously ill or more seriously ill.

Each time a customer seeks to avoid disconnection of service under this subsection, the customer must accomplish all of the following by the stated date of disconnection:

- a. have the person's attending health care provider (for purposes of this subsection, the term "health care provider" shall mean any public health official, including medical doctors, doctors of osteopathy, nurse practitioners, registered nurses, and any other similar public health official) call or contact the electric utility by the state date of disconnection.
- b. have the person's health care provider submit a written statement to the City; and
- c. enter into a deferred payment plan.

The prohibition against service termination provided by this subsection shall last sixty-three (63) days from the issuance of the utility bill or a shorter period agreed upon by the City and the customer or health care provider.

#### **Section 6-10 Limitation Upon Disconnection During Extreme Weather**

The City shall not disconnect a customer on a day when:

- a. the previous day's highest temperature did not exceed thirty-two (32) degrees Fahrenheit, and the temperature is predicted to remain at or below that level for the next twenty-four (24) hours, according to the National Weather Service reports; or
- b. the National Weather Service issues a heat advisory for Kinney County, or such advisory has been issued on one of the preceding two calendar days.

### **SECTION 7. CITY WORK AND REPAIRS**

The City shall only be responsible for work and repair of water and sewer lines on City property and roadways. City employees shall not enter onto private property for work or repair of water, sewer, and natural gas lines.

### **SECTION 8. SEVERABILITY**

If any phrase, clause, sentence, paragraph or section of this Ordinance is declared unconstitutional or unlawful by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the phrases, clauses, sentences, paragraphs, and sections would have been enacted by the city council without the incorporation in this Ordinance of any such unconstitutional or unlawful phrase, clause, sentence, paragraph, or section.

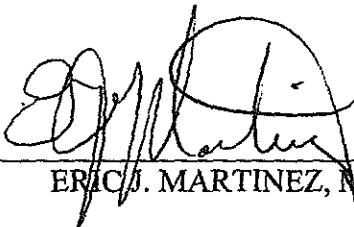
**SECTION 9. REPEAL**

All ordinances or parts of Ordinances in conflict with those herein set forth are repealed to the extent of such conflict. All other Sections of the previous Ordinance pertaining to the operations of the City's Utility Department, Water, Sanitary, Sewer, Natural Gas, or Waste Disposal System which are not in conflict herewith shall remain in full force and effect.


**SECTION 10. EFFECTIVE DATE**

This Ordinance shall be effective from and after its passage and approval upon second reading and any required publication as prescribed by Law.

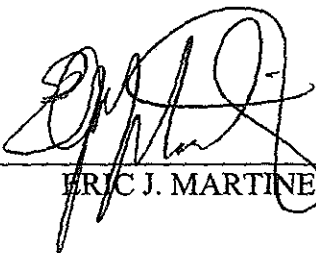
READ, PASSED, AND APPROVED ON FIRST READING, this 14th day of SEPTEMBER, 2021.

  
ERIC J. MARTINEZ, Mayor

ATTEST:

  
NORA RIVAS, City Administrator

READ, PASSED, AND APPROVED ON SECOND AND FINAL READING, this 21<sup>st</sup> day of SEPTEMBER, 2021.

  
ERIC J. MARTINEZ, Mayor

ATTEST:

  
NORA RIVAS, City Administrator

**Exhibit A:  
Water Rates**

The following monthly rates shall be charged to all customers of the City's water system:

1. **RESIDENTIAL BASE RATE:** For the first three thousand (3,000) gallons or less of metered flow of water in any billing month to any metered customer, the minimum service charge shall be Fifteen dollars and Twenty-Five cents (\$15.25).
2. **RESIDENTIAL EXCESS RATE:** All metered flow of water in excess of the first three thousand (3,000) gallons per month shall be charged at a rate of two dollars and fifty cents (\$2.50) per thousand (1,000) gallons.
3. **RESIDENTIAL SURCHARGE:** A surcharge of fee of Twelve dollars (\$12.00) shall be charged monthly to consumers for water tower electrical pumping cost.
4. **RESIDENTIAL WATER CONNECTION:** A connection (Tap) fee in the amount of six hundred eighty dollars (\$680.00) shall be charged for each new residential water connection (Tap) made into the City's water system service line. The water connection fee may be paid in a monthly installment plan not to exceed three (3) months with approval from City Administration. All Taps will be installed by the City at the owner's property line, and the location of the Tap will be at the discretion of the City.
5. **COMMERCIAL BASE RATE:** For the first three thousand (3,000) gallons or less of metered flow of water in any billing month to any metered customer, the minimum service charge shall be twenty-five dollars (\$25.00).
6. **COMMERCIAL EXCESS RATE:** All metered flow of water in excess of the first three thousand (3,000) gallons per month shall be charged at a rate of three dollars and fifty cents (\$3.50) per thousand (1,000) gallons.
7. **COMMERCIAL SURCHARGE:** A surcharge of fee of fifteen dollars (\$15.00) shall be charged monthly to consumers for water tower electrical pumping cost.
8. **COMMERCIAL WATER CONNECTION:** A connection (Tap) fee in the amount of two thousand one hundred thirty (\$2,130.00) shall be charged for each new commercial water connection (Tap) made into the City's water system service line. The water connection fee may be paid in a monthly installment plan not to exceed three (3) months with approval from City Administration. All Taps will be installed by the City at the owner's property line, and the location of the Tap will be at the discretion of the City.
9. **INDUSTRIAL BASE RATE:** Industrial connections shall be charged at a rate of ten cents (\$.10) per gallon of water.

10. INDUSTRIAL SURCHARGE: A surcharge of fee of seventy-seven dollars (\$77.00) shall be charged monthly to consumers for water tower electrical pumping cost.
11. AGRICULTURAL BASE RATES: Agricultural connections shall be charged at a rate of ten cents (\$.10) per gallon of water.
12. AGRICULTURAL SURCHARGE: A surcharge of fee of twenty-five dollars (\$25.00) shall be charged monthly to consumers for water tower electrical pumping cost.
13. WATER SERVICE LINE EXTENSION: If a customer requires a water Tap and its connection point is more than one hundred (100) feet from the main service line, the City will bear the expense of the installation of the first one hundred (100) feet of the line.
  - a. The customer will not receive water service until one hundred percent (100%) of the cost of the extension (labor, material, and/or excavation required to complete the extension), in excess of the first one hundred feet, has been paid to the City.
  - b. The actual cost incurred by the City in extending water service lines to any new development shall be reimbursed to the City or paid directly to the City by the owner of said development. New development means the subdivision of land or construction, reconstruction, redevelopment, conversion, structural alteration, relocation or enlargement of any structure or any use or extension of the use of land which increases the demand for either water, gas, or sewer service.
  - c. The City will not charge the customer in excess of the actual costs incurred in the installation of the service line extension.
14. WATER SERVICE DEPOSIT:
  - a. Owners of single-family residences ("Homeowners") that request water utility service shall be required to deposit the sum of one hundred and ten dollars (\$110.00) before such time as service shall be connected.
  - b. Renters requesting water utility service shall be required to complete an Application for Utility Service. A deposit the sum of one hundred and eighty-five dollars (\$185.00) shall be rendered before such time as utility service is connected.
  - c. Owners of commercial businesses that request water utility service shall be required to deposit the sum of one hundred and twenty-five dollars (\$125.00) before such time as service shall be connected.

- d. Water deposits will be applied to the final billing statement of a terminating customer, and any remainder of the deposit monies will be refunded in the form of a Utilities System check.
- e. All deposits not reflected in the system shall be honored with proof of making such deposit with a receipt.

15. CONNECTION/RECONNECTION SERVICE CHARGE:

- a. A Service Charge in the amount of thirty-five dollars (\$35.00) shall be charged to any water service customer upon each connection or reconnection to the water utility system, to include new accounts or reconnection of accounts turned off due to payment delinquency. All Service Charges for all utility service must be paid in full before utility service is connected or reconnected.
- b. One thirty-five dollar (\$35.00) Service Charge will be collected for water and gas utility service for which connection is requested on the same date. Individual Service Charges in the amount of thirty-five dollars (\$35.00) will be collected if water or gas utility service is requested for the same customer account on separate dates.
- c. An additional service charge in the amount of sixty dollars (\$60.00) will be collected from individuals who disconnect water utility service for any reason, while retaining, during the water disconnection period, any other utility service(s). This shall apply to temporary disconnection for repairs.
- d. A Service Charge will not be assessed a customer who pays for installation of a water and/or gas utility service line extension when said utility service is connected within six (6) months of the date of installation.
- e. If a deposit is not on file or proof of a previous deposit is not provided, a deposit charge of the amount stated in Section 14 of this Exhibit shall be rendered before such time as utility service is connected.
- f. A Service Charge is non-refundable.

16. RE-READ FEE: A fee of ten dollars (\$10.00) shall be assessed if a customer requests a re-read of a water meter, and the initial read was correct.

17. CUT-OFF VALVES:

- a. Should a customer request a temporary disconnection, at the meter, of water utility service for the purpose of repairs, that customer must complete the installation of a cut-off valve on the customer side of the water meter before the City will reconnect water utility service at the meter.

- b. Any and all new water service lines will be inspected for a cut-off valve installation between the water meter and a residence building.

18. DAMAGE REIMBURSEMENT:

- a. Any customer or contractor who damages a water meter, or the City's water service line, must reimburse the cost of its repair.
- b. No disconnected water utility service will be reconnected until such time as all costs for customer- or contractor-caused damage are paid in full to the City, or until such time as a satisfactory agreement for payment of same is made and approved by the City Manager.

19. NON-OCCUPANT WATER SERVICE DEPOSIT WAIVER:

- a. Any landlord, any realtor or any person requiring a residential and/or commercial utility service connection in order to repair, maintain and/or construct structures or grounds for a period of three (3) months or less ("Non-Occupant") will not, pending case review by the City Manager, be charged a utility deposit.
- b. After a case-by-case review, and upon approval by the City Manager, in lieu of deposits, a Non-Occupant shall pay to the City a non-refundable water service connection Service Charge in the amount of thirty-five dollars (\$35.00) before utility service is connected.
- c. In the event that a Non-Occupant requires additional time in which to complete matters requiring temporary service, upon review, the City Manager may grant additional time or may require deposit payments to the City.
- d. Should any such Non-Occupant become delinquent on a utility billing statement balance due resulting in disconnection, a deposit may be required of such Non-Occupant before any utility service is reconnected.

20. BILLING:

- a. All bills shall be tendered to customers on the 20<sup>th</sup> of each month.
- b. Meters shall be read beginning on the 15<sup>th</sup> of each month.

**EXHIBIT B:  
SEWER RATES**

The following monthly rates shall be charged to all customers of the City Sanitary Sewer System.

1. **RESIDENTIAL SEWER RATE:** A monthly service fee of sixteen dollars and seventy-five cents (\$16.75) shall be charged for each single-family residential connection to the sewer system.
2. **COMMERCIAL SERVICE FEE:** All commercial customers who are connected to the City Sanitary Service System shall be charged a monthly service fee in the amount of twenty dollars and sixty cents (\$20.60).
3. **SEWER CONNECTION:**
  - a. A connection (Tap) fee in the amount of three hundred fifteen (\$315.00) shall be charged for each new sewer connection (Tap) made into the City's sewer service line. The sewer connection fee may be paid in a monthly installment plan not to exceed three (3) months with approval from City Administration.
  - b. All Taps will be installed by the City at the owner's property line, and the location of the Tap will be at the discretion of the City.
  - c. Any and all new sewer Taps must be inspected for a clean-out installed in the service line within the property.
4. **SEWER SERVICE LINE EXTENSION:**
  - a. If a customer requires a sewer Tap and its connection point is more than one hundred (100) feet from the main service line, the City will bear the expense of the installation of the first one hundred (100) feet of the service line.
  - b. The customer will not receive sewer service until one hundred percent (100%) of cost of the extension (labor, material and/or excavation required to complete the extension), in excess of the first one hundred (100) feet, has been paid to the City.
  - c. The actual cost incurred by the City in extending sewer service lines to any new development shall be reimbursed to the City or paid directly to the City by the owner of said development. New development means the subdivision of land or construction, reconstruction, redevelopment, conversion, structural alteration, relocation or enlargement of any structure or any use or extension of the use of land which increases the demand for either water, gas, or sewer service.

- d. The City will not charge the customer in excess of the actual costs incurred in the installation of the service line extension.
5. DAMAGE REIMBURSEMENT: Any customer or contractor who damages the City's sewer service line(s) must reimburse the cost of its repair.
6. SEWER MACHINE FEE: A residential customer who requires use of the sewer machine for a sewer problem on the customer's property shall be charged seventy-five dollars (\$75.00) per hour for use of the sewer machine. A commercial customer who requires use of the sewer machine for a sewer problem on the customer's property shall be charged one hundred and fifty dollars (\$150.00) per hour for use of the sewer machine.

**EXHIBIT C:  
GAS RATES**

The following gas rates, taxes, fees, deposits and service charges will be charged to all customers of the City's natural gas ("gas") system:

1. Each customer shall be charged on a monthly basis for all natural gas used in the preceding month based upon the customer's actual monthly usage, plus ten dollar (\$10.00) base rate.
2. All customers are prohibited from re-selling natural gas the customer purchases from the City's system. In the event the City is unable to supply the full gas requirements of the customer due to the supply of gas being provided to the City having been limited, interrupted or suspended, the City will have no liability to the customer for failure to deliver such gas.
3. GAS TAX: STATE, COUNTY, & CITY
  - a. A City Gas Tax in the amount of one percent (1%) of gas rates billed will be charged to each gas utility customer on each monthly utility billing statement.
  - b. A State Gas Tax in the amount of .0825% of gas rates billed shall be charged to each commercial gas utility customer on each monthly utility billing statement.
4. GAS SYSTEM CONNECTION FEE:
  - a. A connection (Tap) fee in the amount of two hundred fifty dollars (\$250.00) shall be charged for each new Tap made into the City's gas system service line.
  - b. All Taps will be installed by the City at the owner's property line, and the location of the Tap will be at the discretion of the City.
5. GAS SERVICE LINE EXTENSION:
  - a. If a customer requires a gas Tap and its connection point is more than one hundred (100) feet from the main service line, the City will bear the expense of the installation of the first one hundred (100) feet of the service line.
  - b. The customer will not receive gas service until 100% of the cost of the extension (labor, material and/or excavation required to complete the extension), in excess of the first one hundred (100) feet, has been paid to the City.

- c. The actual cost incurred by the City in extending gas service lines to any new development shall be reimbursed to the City or paid directly to the City by the owner of said development. New development means the subdivision of land or construction, reconstruction, redevelopment, conversion, structural alteration, relocation or enlargement of any structure or any use or extension of the use of land that increases the demand for either water, gas, or sewer service.
  - d. The City will not charge the customer in excess of the actual costs incurred in the installation of the service line extension.
  - e. Any and all new gas service lines will be inspected for a required cut-off valve installation between the gas meter and a residence or building.
6. GAS SERVICE DEPOSIT:
- a. Homeowners requesting gas utility service will be required to deposit the sum of seventy-five dollars (\$75.00) before service will be connected.
  - b. Renters requesting gas utility service shall be required to complete an Application for Utility Service. Should the Application for Utility Service disclosure one or more delinquent utility payments of the applicant within the twelve-month service period immediately preceding the date of the Application, a deposit in the amount of one hundred sixty-five dollars (\$165.00) shall be required before gas utility service is provided. Otherwise, no initial deposit shall be required from renters.
  - c. Gas deposits will be applied to the final billing statement of a terminating customer, and any remainder of the deposit monies will be refunded in the form of a Utilities System check.
7. DAMAGE REIMBURSEMENT:
- a. Any customer or contractor who damages a gas meter, or the City's gas service line, must reimburse the costs of its repair.
  - b. No disconnected gas utility service will be reconnected until such time as all costs for customer- or contractor-caused damages are paid in full to the City, or until such time as a satisfactory agreement for payment of same is made and approved by the City Manager.
8. CONNECTION/RECONNECTION SERVICE CHARGE:
- a. A Service Charge in the amount of thirty-five dollars (\$35.00) shall be charged to any gas service customer upon each connection and reconnection to the gas utility system, to include new accounts or reconnection of accounts turned off due to delinquency having occurred.

- b. One thirty-five dollar (\$35.00) Service Charge will be collected for water and gas utility service for which connection is requested on the same date. Individual Service Charges in the amount of thirty-five dollars (\$35.00) will be collected if water or gas utility service is requested for the same customer account on separate dates.
- c. An additional Service Charge in the amount of sixty dollars (\$60.00) will be collected from individuals who disconnect gas utility service for any reason while retaining, during the gas disconnection period, any other utilities service(s). This shall not apply to temporary disconnection for repairs.
- d. All Service Charges must be paid in full before any utility service is connected.
- e. Customers shall pay ten dollars (\$10.00) per service trip for rereads if the initial reading was correct.
- f. A Service Charge is non-refundable.

**EXHIBIT D:  
WASTE DISPOSAL**

1. **DEFINITIONS:** The following definitions shall apply in the interpretation and enforcement of this ordinance.
  - a. **“HOUSEHOLD WASTE”** Normal non-hazardous household garbage, including, but not limited to, rubbish, trash, kitchen, ashes, paper, cardboard and metal and plastic containers, but excluding Brush, animal corpses, batteries, tires, paint, chemicals and other hazardous substances.
  - b. **“BRUSH”** Lawn, tree and/or hedge trimmings, weeds, shrubs and trees.
  - c. **“INDUSTRIAL WASTE”** All solid residue or waste resulting from manufacturing, commercial or industrial operations and processes, but excluding animal corpses, batteries, tires, paint, chemicals and other hazardous substances.
  - d. **“NON-COMPACTED WASTE”** Any and all solid waste that has not been compacted.
  - e. **“WASTE COLLECTION SITE”** The City of Brackettville solid waste disposal and recycling site located on the South side of Highway 90 West, presently located approximately four-tenths (4/10) of a mile outside the current Brackettville city limits.
  - f. **“ELIGIBLE USER”** All City of Brackettville residents presenting a current (within the past 30 days) utility statement, and all Kinney County residents, excluding residents of Fort Clark Springs, bearing a current permit issued by the City Hall Office and proper identification in the form of a valid Texas driver’s license or Social Security Card.
2. **RESIDENTIAL LANDFILL FEE:** Each resident shall be charged a monthly landfill fee of twenty-nine dollars (\$29.00) for brush pick up and pick up of bulk items (including lumber, sofas, and other items besides household trash). These items will be collected at City easements as per the following schedule:
  - a. 2<sup>nd</sup> Friday of every month Eastside.
  - b. 4<sup>th</sup> Friday of every month West Side.
3. **COMMERCIAL FEE:** Each commercial customer shall be charged a fee of twenty-seven dollars (\$27.00) for up to twelve (12) bags of trash and/or twenty-five dollars (\$25.00) per cubic yard.
4. **ANIMALS:** There will be an additional charge of \$5.00 for any animal corpse disposed, except those restricted by this Ordinance. The corpses of large animals,

including but not limited to horses and cows, may not be disposed of, at curbside or at the Waste Collection Site, without a special permit.

5. VIOLATIONS: It shall be unlawful under this ordinance:
  - a. To dispose of solid waste or recycling materials curbside without the authorization provided above.
  - b. To violate any Section of this Ordinance.
  - c. To assist in perpetrating a violation of this Ordinance.
  - d. To dispose of solid waste or recycling materials in non-designated areas.
  - e. The penalty for violations will be for an amount not less than \$1.00 nor more than \$500.00. Each separate violation hereof shall constitute a separate offense.

**EXHIBIT E:  
EQUIPMENT RENTAL FEES**

1. **DUMP TRUCK RENTAL:** Each resident shall be charged a rental fee of eighty dollars (\$80.00) an hour for use of the City dump truck. The rental fee shall include labor from two City employees.
  
2. **BACKHOE RENTAL:** Each resident shall be charged a rental fee of one hundred twenty-five dollars (\$125.00) an hour for use of the City backhoe. The rental fee shall include the service of a backhoe operator.