

**ORDINANCE NO. 22-J**

**AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, AMENDING CHAPTER 25, WATER AND SEWERS, OF THE CODE OF ORDINANCES OF THE CITY OF ALVIN, TEXAS, FOR THE PURPOSE OF AMENDING THE CITY'S BUSINESS HOURS, DEFINITIONS, AND DELETING IN ITS ENTIRETY ARTICLE IV- EXTENSION OF WATER AND SEWER LINES UNDER FRONT FOOT CHARGE PROGRAM; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.**

**WHEREAS**, the City Council of the City of Alvin, Texas, finds that it is in the best interest and welfare of the citizens to amend said ordinance for the purposes of carrying out the maintenance and operation of the City of Alvin water and sewer system; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS:**

**Section 1.** That Chapter 25, Water and Sewers, of the Code of Ordinances, City of Alvin, Texas, is hereby amended with the language as follows:

**CHAPTER 25, WATER AND SEWERS**

**ARTICLE I. IN GENERAL**

**Sec. 25-1. Superintendent of water works—Appointment and general functions.**

There shall be appointed by the City Manager a Superintendent of the water works, who shall be the administrative officer of the water works system, including all engine houses, engines, pumps, reservoirs, stand pipes, elevated tanks, pipe lines, hydrants, meters, wrenches, stopcocks, gate valves, fire plugs, testing equipment and all other property and machinery used in or connected with the water works system.

**Sec. 25-2. Same—Inspection and repair of water works system.**

The Superintendent of the water works shall make frequent inspection of all pipelines and other property used in or connected with the water works system and shall make all repairs deemed necessary and consistent with his duties.

**Sec. 25-3. Same—Control of water supply; duty to give notice when water to be shut off for repairs, etc.**

The Superintendent of the water works shall attend to and control the water supply and at all times see to the sufficiency thereof. He shall notify the community, unless emergency requires otherwise, of the necessity of shutting off any pipeline for the purpose of making repairs, extensions, connections, etc., should he know beforehand the necessity to so shut off the water from any line or lines of the system.

**Sec. 25-4. Same—Duty to report violations of chapter and have offenders prosecuted.**

The Superintendent of the water works shall report all violations of this chapter to the judge of the municipal court and shall forthwith proceed to have prosecuted offenders as set forth in this chapter or any amendment thereof.

**Sec. 25-5. Application for water service; making of water connections.**

It shall be unlawful for any person to make any connection to the mains or pipes of the waterworks system of the city without first making application to the city and complying with the provisions of this chapter. The person requesting or needing to make connection(s) shall completely fill out the application, the form of which shall be provided by the city. The form of the application shall include sections to identify the purpose of the use of the water connection, the name of the property owner, the lot and block number of the property, the street name, and the house number. Upon payment of all fees required by chapter 28 of this Code and satisfaction of all requirements set by this chapter, the Director of Public Services and Engineering shall issue or cause to be issued the permit(s) for the necessary connections to the city's waterworks system.

**Sec. 25-6. Water meters—Responsibility of property owner.**

The property owner shall be responsible for the initial installation of the appropriate water meter. All water meters installed on taps, whether private or to be dedicated to the city, shall be set by a plumber licensed by the State of Texas. Those water meters to be dedicated to and maintained by the city shall be obtained from the city at the time of applying for a water tap. The fee for such a meter shall be that set forth in chapter 28 of this Code. The meter shall be installed in accordance with the City of Alvin Standard Details for Public Infrastructure Construction, File E-U001, E-U002 or E-U003, as applicable, as such may be hereafter amended. The meter shall be inspected by the City Engineer or the designated representative at the time of installation. Water service shall not be provided until the City Engineer, or the designated representative certifies in writing that the installation complies with the requirements of this chapter and all other applicable provisions of this Code and regulations.

...

**Sec. 25-10. Water taps.**

- (a) The property owner shall be responsible for causing the water taps to be made to the city's water mains. All water taps shall be made by a plumber licensed by the State of Texas. The water tap shall be installed in accordance with the City of Alvin Standard Details for Public Infrastructure Construction, File E-U004, as such may be hereafter amended, and shall be inspected by the city engineer or his designated representative at the time of installation.

Water service shall not be provided until the City Engineer, or his/her designated representative certifies in writing that the installation complies with the requirements of this chapter and other applicable provisions of this Code. An inspection fee as set forth in chapter 28 of this Code shall be due at the time of application for the water tap. An inspection fee as set forth in chapter 28 of this Code shall be due in advance for each necessary reinspection. Inspections shall be made only on Monday through Thursday between 7:00 a.m. and 6:00 p.m., excluding city holidays.

- (b) In addition to the requirements set forth in subsection (a) above, water taps made on water mains located within state highway rights-of-way shall be subject to the provisions set forth in chapter 28 hereof for such water taps.
- (c) All water main taps which require crossing a city street or in which the main is under a city street shall require a street cut permit. All street cut permits shall be reviewed by the City Engineer or the designated representative. Water taps for which a street cut permit has been denied shall be installed by a method other than open cut and must be approved by the City Engineer in advance of construction. All approved street cuts shall be made and repaired in accordance with the City of Alvin Standard Details for Public Infrastructure Construction, File E-S001 or E-S002, as applicable, and as such may be hereinafter amended. Prior to cutting the street, a paving bond in the amount of two thousand dollars (\$2000.00) shall be provided on the approved city form. The street shall be barricaded at all times during working hours in accordance with the Texas Manual on Uniform Traffic Control Devices, as such may be hereinafter amended. After working hours, the open cut shall be covered by materials and in a method approved by the City Engineer in order to accommodate the traffic flow. In no case shall the street cut be open for more than five (5) working days. Services associated with the tap shall not be provided until the street cut repair is certified in writing as acceptable by the city engineer or his designated representative. The cost of required testing shall be the responsibility of the person requiring the street cut. The fee for inspection of a street cut shall be set forth in chapter 28 of this Code. A reinspection fee in the amount set forth in chapter 28 of this Code shall be due in advance for each necessary reinspection. Inspections shall be made only on Monday through Thursday between 7:00 a.m. and 6:00 p.m., excluding city holidays.

**Sec. 25-11. Wastewater main taps.**

- (a) The property owner shall be responsible for causing sewer taps to be made to the city's sanitary sewer system. All wastewater main taps shall be made by a plumber licensed by the State of Texas. The wastewater main tap shall be installed in accordance with the City of Alvin Standard Details for Public Infrastructure Construction, File E-U005, as such may be hereafter amended, and shall be inspected by the engineer or his designated representative at the time of installation. Wastewater service shall not be provided until the installation is certified by the city engineer or his designated representative to be in compliance with this chapter and all other applicable provisions of this Code and regulations. An inspection fee as set forth in chapter 28 of this Code shall be due at the time of application for the wastewater main tap. A reinspection fee as set forth in chapter 28 of this Code shall be due in advance for each necessary reinspection. Inspections shall be made only on Monday through Thursday between 7:00 a.m. and 6:00 p.m., excluding city holidays.

- (b) In addition to the requirements set forth in subsection (a) above, wastewater main taps made on wastewater mains located within state highway rights-of-way shall be subject to the provisions of chapter 28 of this Code regarding such wastewater main taps.
- (c) All wastewater main taps which require crossing a city street or in which the main is under a city street shall require a street cut permit. In such cases the provisions of section 25-10(c) shall apply.

**Sec. 25-12. Service charges—Water rates.**

- (a) The rates set forth in chapter 28 of this Code shall be charged each month for water service furnished by the city from and after the first billing cycle in October, 1997.
- (b) If a consumer's water meter malfunctions and fails to register consumption, the consumer will be charged at the rate set forth in chapter 28 of this Code. Except as otherwise provided herein, all water that passes through the meter shall be charged to the consumer, whether used or not. The City Manager or his/her designee may adjust a consumer's amount of water usage in cases where the city damages a water line or meter and such damage is the sole cause of increased, registered water consumption. Any such adjustment will be based on the actual, determined amount of water loss caused by the city damage, or if such determination cannot be made, the adjustment will be based on the consumer's preceding 12-month average for water usage.
- (c) A fee as set forth by the Brazoria County Groundwater Conservation District, based on the per one thousand (1,000) gallons of water pumped from municipal wells each month, shall be determined, assessed and collected as set forth in chapter 28, effective on or after October 1, 2006.
- (d) A fee as set forth by TCEQ for a (1) public health service fee; (2) consolidated water quality fee; and (3) water use assessment fee shall be determined, assessed and collected as set forth in chapter 28 beginning with the November 2009 billing cycle. An annual adjustment or increase may be determined based on the current consumer price index.

...

**Sec. 25-16.1. Drought contingency plan—Adopted and authority of the City Manager to enforce restrictions; violations of plan, etc.**

- (a) In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Alvin, Texas, adopts regulations and restrictions regarding the delivery and consumption of water. The City of Alvin Drought Contingency Plan is hereby adopted by reference and can be obtained from the City Secretary.
- (b) Water uses regulated or prohibited under this drought contingency plan are considered to be nonessential and continuation of such uses during times of water shortage or other emergency water supply conditions are deemed to constitute a waste of water. Violations of said plan are hereby deemed to be unlawful, and the violation of any provisions thereof shall be punishable

by a fine prescribed by section 1-5 of this Code. Each day that any such violation shall continue shall constitute a separate offense.

- (c) The city shall have the ability, in addition to imposition of the above-stated penalties, to terminate water service to any violator after repeated offenses.

...

**Sec. 25-19. Unauthorized use of fire hydrants and stop cocks connected with waterworks system.**

It shall be unlawful for any person to open or close any fire hydrant or stop cock connected with the waterworks system of the city or lift or remove the covers of any gate valves or shutoffs thereof, without the permission of the Superintendent of the water works, except in the case of fire, and then under the direction of officers of the fire department.

...

**Sec. 25-21. Trespass on water storage tank or standpipe.**

It shall be unlawful for any person to go upon or ascend the stairway or steps of any elevated water storage tank or standpipe of the water works system, except by permission of the water works Superintendent.

...

**Sec. 25-25. Compulsory connection with sanitary sewer system and/or water works system.**

- (a) In every instance where property within the City of Alvin is within "tie-on range" of lines belonging to the sanitary sewer system and the water system of the city, thereby having both sewer and water utilities available to it, then the owner of such property shall be compelled and required to make connection with such sewer and water systems of the city within one (1) year from the date such service becomes available. "Tie-on range" is defined as within 1,000 ft. from city water and sewer mains. The utilities department shall give written notice to such owner ordering the connections to be made, and such owner shall thereafter be allowed a period of one-hundred eighty (180) days to make the connections, as well as any additional time deemed necessary by the Director of Public Services. After the Director of Public Services has determined the feasibility for such connections, then it shall be unlawful for any property owner or the occupant of any property to continue to use a water well system connected to such structures served by the city water system, septic tank or any other sewer system on such property. Such property owner shall be required to pay the same connection charges and monthly rates for service as are paid by other users. Any person who fails to make such connections shall be deemed guilty of a misdemeanor and subject to fine in accordance with section 1-5 of this Code. The city council shall further have the right to enjoin the use of a well or septic tank or other private sewer system where such use is in violation of the provisions of this section by filing suit in a court of competent jurisdiction.
- (b) In the instance where property within the City of Alvin is within "tie-in range" of a single utility service only (water line available but not sewer line, or vice versa), thereby having only a single service available to it, then the owner of such property shall be compelled and required to make connection to the available system within one (1) year from the date such

service becomes available, under all applicable provisions outlined in the preceding paragraph of this section.

## **ARTICLE II – DISCHARGE OF INDUSTRIAL WASTES**

...

### **Sec. 25-59. Power to enter property.**

- (a) The Superintendent and other duly authorized employees of the city bearing proper credentials and identification are entitled to enter any public or private property at any reasonable time for the purpose of enforcing this article.
- (b) Anyone acting this authority shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection.
- (c) Except when caused by negligence or failure of the company to maintain safe conditions, the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the sampling operation.
- (d) The superintendent and other duly authorized employees of the city bearing proper credentials and identification are entitled to enter all private properties through which the city holds a negotiated easement for the purposes of:
  - (1) Inspection, observation, measurement, sampling, or repair;
  - (2) Maintenance of any portion of the sewerage system lying within the easements; and
  - (3) Conducting any other authorized activity.

All activities shall be conducted in full accordance with the terms of the negotiated easement pertaining to the private property involved.

- (e) No person acting under the authority of this provision may inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the public sewers.

...

**Section 2.** That except as amended herein all other provisions of Chapter 25 of the Code of Ordinances, City of Alvin, Texas, shall remain in full force and effect. To the extent of any conflict or inconsistency between the provisions of this Ordinance and any other ordinance, the provisions of this Ordinance shall control.

**Section 3. Penalties.** Any person, firm, entity or corporation violating any provision of this Ordinance, as it exists or may be emended, shall be guilty of a misdemeanor, and on conviction, shall be fined in an amount not to exceeding \$2,000. Each continuing day's violation shall constitute a separate offence. The City of Alvin retains all legal rights and remedies available to it pursuant to local, state and federal law.

**Section 4. Severability.** Should any section or part of this Ordinance be held unconstitutional, illegal, invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Ordinance are declared to be severable.

**Section 5. Incorporation into Code of Ordinances.** The provisions of this ordinance shall be included and incorporated in the Code of Ordinances, City of Alvin, Texas, as an addition, amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

**Section 6. Effective Date.** This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of Chapter 52 of the Texas Local Government Code and the City of Alvin Charter.

**Section 7. Open Meetings Act.** It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and the public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the *Texas Government Code*. Notice was also provided as required by Chapter 52 of the *Texas Local Government Code* and the *City of Alvin Charter*.

**Section 8. Publication.** The City Secretary of the City of Alvin is hereby directed to publish this Ordinance, or its caption and penalty clause, in one issue of the official City newspaper as required by the City of Alvin Charter.

**PASSED and APPROVED** on the 3<sup>rd</sup> day of March 2022.

**THE CITY OF ALVIN, TEXAS**

**ATTEST**

By:\_\_\_\_\_

Paul A. Horn, Mayor

By:\_\_\_\_\_

Dixie Roberts, City Secretary