

Chapter 17

UTILITIES*

Art. I. In General, §§ 17-1–17-30

Art. II. Water and Sewer Service, §§ 17-31–17-46

***Cross references**—Buildings and building regulations, ch. 4; mobile home parks, ch. 9; planning, ch. 14; solid waste management, ch. 15.

State law reference—Public utilities, Vernon's Ann. Civ. St. art. 1446(c), § 17a.

ARTICLE I. IN GENERAL**Sec. 17-1. Utility providers to designate a local service representative.**

All persons, companies, or corporations engaged in furnishing water, gas, telephone, light, power, or sewerage service to the public, in the city, shall designate, assign and provide a local service representative, with an office and residence within the city to maintain its property, equipment, and appliances in good order and condition.

(Ord. No. 03-09-75, § 1, 9-29-75)

Sec. 17-2. Gas rates; bills.

(a) The gas rates for persons receiving gas service in the city shall be set from time to time by the council and a schedule of such rates is on file in the city secretary's office.

(b) Bills are due and payable when rendered and must be paid within ten days of the monthly billing date.

(c) In addition to the charges and rates set out in subsection (a) of this section, the company shall charge and collect a reconnect charge for each reconnection or reinauguration of gas service, where service has been discontinued at the same premises for any reason, with the following exceptions:

- (1) For a builder who uses gas temporarily during construction or for display;
- (2) For the first occupant of the premises;
- (3) Whenever gas service has been temporarily interrupted because of system outage, service work or appliance installation done by the company; or
- (4) For any reason deemed necessary for company operations.

(d) A returned check handling charge shall be made for each check returned to the company for reasons of nonsufficient funds, account closed, payment withheld, invalid signature, or improper preparation.

(e) A charge shall be made for each instance when it is necessary for a company employee to go to a customer's residence or place of business in order to collect amounts owed the company for gas service previously rendered. This charge shall not apply if service is terminated at the time of the collection action. This charge shall apply to only one trip on the same amount owed.

(Ord. No. 01-06-86, 6-23-86)

Sec. 17-3. Electric rates.

The rates for persons receiving electric service from the city shall be set from time to time and a schedule of such rates is on file in the city secretary's office.

(Ord. of 1-14-80; Ord. of 6-14-82)

Secs. 17-4–17-30. Reserved.

ARTICLE II. WATER AND SEWER SERVICE

Sec. 17-31. Contract for services.

City water and sewer service shall be delivered pursuant to and only upon a written contract signed by the consumer or purchaser, providing for a term of not less than one month. (Ord. No. 01-08-86, § I(1), 8-25-86)

Sec. 17-32. Application fee for water and sewer taps.

(a) The application fee for water and sewer taps shall be set from time to time by the council and a schedule of such rates is on file in the city secretary's office.

(b) The fees prescribed by subsection (a) of this section shall apply to a five-eighths-inch by three-fourths-inch water tap and a four-inch sewer tap within the right-of-way and streets of which the city is responsible for maintenance. The fee for larger water and sewer taps shall be determined by the city based on the actual cost. A deposit based on estimated construction cost will be required in advance for such larger taps.

(Ord. No. 01-08-86, § I(2), 8-25-86)

Sec. 17-33. Unmetered water service.

The city shall not provide water service to any user or sell any water to anyone without the volume of water used by the user being properly measured by an approved type device which registers the quantity of water used.

(Ord. No. 01-08-86, § I(3), 8-25-86)

Sec. 17-34. User cost recovery system.

(a) The cost of supplying, treating, and distributing all potable water and collection and treating all wastewater received by the city shall be defrayed by the following users cost recovery system:

- (1) A user's charge shall be paid monthly by all users.
- (2) An excessive strength sewer surcharge will be paid monthly by users whose average wastewater discharge exceeds 300 mg/l BOD₅ and/or suspended solids exceeds 300 mg/l. This charge is in addition to the user charge.

(b) A user's sewer charge shall be used to recover all annual costs incurred by the city in the operation and maintenance of its water and sewerage system. These costs shall include but not be limited to, all maintenance costs, replacement cost of existing facilities, and annual revenue bond debt service requirements. The sewer charge will be composed of a minimum monthly bill with an allowable usage to be paid by all users, and a rate per unit of volume in excess of the minimum allowable. If a sewer user can furnish satisfactory evidence that on an annual basis, in excess of 20 percent of the volume of water delivered to him is not returned

to the city sewer, his volume of wastewater discharged shall be adjusted by the amount of such nonreturned water. The burden of proof shall lie with the user.

(Ord. No. 01-08-86, § II(1), 8-25-86)

Sec. 17-35. Water rates.

(a) Charges for water furnished by the city are set from time to time by the city council and a schedule of such rates is on file in the city secretary's office.

(b) Where a water tap is used solely for standby fire protection from an approved water sprinkler system having an audible alarm, and where no water is used or consumed from such tap for purposes other than fire protection, no minimum fee shall be charged nor shall water used for firefighting be charged for.

(Ord. No. 01-08-86, § II(2), 8-25-86)

Sec. 17-36. Sewer rates for customers using city water.

(a) Charges for sewer services furnished by the city to customers who are also users of city water are hereby fixed at the following rates for all classes of users, based on the water used, as registered by the user's water meter.

(b) The amount of water used for the purpose of computing sewer charges are to be determined by averaging the amount of water used during the months of December, January, and February. This average shall be to the following rate structure. Customers shall be billed on this average usage beginning with the month of February of each year.

(c) Users desiring to discharge sewage into the city's sewerage system, the strength of which sewerage exceeds 300 mg/l BOD and/or 300 mg/l suspended solids, and which is acceptable under the city's sewer use ordinance, may do so upon written permission of the city and by paying the monthly users charge and the excessive strength surcharge.

(Ord. No. 01-08-86, § II(3), 8-25-86)

Sec. 17-37. Surcharge.

(a) The user's surcharge shall recover the pro-rata share of all of the annual cost incurred by the city in the operation and maintenance of its sewer treatment facility. These cost, shall include, but not limited to, all operations cost, maintenance cost, replacement cost of existing facilities, and annual revenue bond debt service requirements. Should the city not separate its sewer collection and sewer treatment cost, then the cost of the sewer treatment is set at 50 percent of the total cost of operation all city sewerage facilities.

(b) The charge shall be based on the unit volume discharge of the user at the user's discharge strength and suspended solid content of the user's wastewater, but not less than

normal. The surcharge is to be multiplied times the operating and maintenance unit volume cost (user's charge), times the user's volume of discharge based on the following formula:

Separate collection and treatment cost not maintained.

$$\text{Surcharge} = (\text{user's charge} \times 50\%) \frac{\text{BOD} - 300 + \text{SS} - 300}{300 + 300}$$

Where BOD is the discharge strength (not less than 300 mg/l), SS is the discharge concentration (not less than 300 in mg/l).

(Ord. No. 01-08-86, § II(3), 8-25-86)

Sec. 17-38. Mandatory connection.

Any occupied structure within the city limits which has city water or sewerage service available within 100 feet of the property line on which such structure is located, is hereby required to connect to such services.

(Ord. No. 01-08-86, § II(4), 8-25-86)

Sec. 17-39. Computation when meter fails to register.

In cases where a water meter shall fail, from any cause, to register water usage and consumption for any month or portion thereof, the city, in its discretion, shall compute the estimated actual usage and make charges for water and sewer service on the basis of an average of the metered or registered usage during the three months immediately preceding.

(Ord. No. 01-08-86, § II(5), 8-25-86)

Sec. 17-40. Adjustment for water lost or wasted.

No decision or adjustment of the charge made for water and sewer shall ever be made on account of any water lost or wasted, as the results of leaks in fixtures, frozen pipes or other causes, unless such deduction or adjustment shall be directed by the city council following a thorough and complete investigation of the circumstances surrounding such loss or waste.

(Ord. No. 01-08-86, § II(6), 8-25-86)

Sec. 17-41. Deposits to assure payment.

(a) Each purchaser or consumer of city water or sewer service, at the time of making application for such service, shall make the currently required deposit with the city.

(b) The charges for water service and sewer service established by this article shall be chargeable as a lien and legal charge against the deposit pursuant to this section.

(c) Users deposits shall not bear interest.

(Ord. No. 01-08-86, § II(7), 8-25-86)

Sec. 17-42. Billing; when and where payable.

(a) The city shall render bills for water and sewer charges prescribed by this article in monthly cycles, as may be convenient, and the monthly bills shall be due and payable at 101 N.W. 1st Street, Cooper, Texas. All bills and accounts shall be billed on the next succeeding first day of the month following the period for which such service was rendered, and such bills and accounts shall be due and payable on the tenth day of the same month.

(b) In all cases where the contract for the sale and delivery of city water and sewer service covers and includes the furnishing of such service to more than one consuming unit, whether family, residential or business, the charges and bill for the whole supply thereof shall be made only to the contracting applicant and purchaser and shall include a minimum bill charge of each consuming unit.

(Ord. No. 01-08-86, § II(8), 8-25-86)

Sec. 17-43. Discontinuance of water or sewer service for failure to pay.

If any person shall fail to pay the bill for water service or for sewer service rendered to such person by the city before the expiration of seven days after the date on which such bill is due and payable, the water service of such person shall be discontinued, and such services shall not again be resumed until such person has paid the delinquent water and sewer bill in full, including late charges, together with the current reconnection fee. It shall be unlawful for any person, other than a duly authorized employee of the city, to reconnect such service.

(Ord. No. 01-08-86, § II(9), 8-25-86)

Sec. 17-44. Water and sewer rates for customers outside the city limits.

The water and sewer user charges for customers outside the city limits shall be fixed at twice the regulated rates.

(Ord. No. 01-08-86, § II(10), 8-25-86)

Sec. 17-45. Failure to pay.

In addition to sanctions provided by this article, the city is entitled to exercise sanctions provided for by the other ordinances of the city for failure to pay the bill for water and sanitary sewer service when due.

(Ord. No. 01-08-86, § II(11), 8-25-86)

Sec. 17-46. Water rationing.

(a) The following options will be allowed for and will be enforced as it is deemed necessary by the mayor and city council and the water treatment plant:

- (1) *Option 1.* Absolutely no outside watering between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10:00 p.m.
- (2) *Option 2.* Absolutely no watering during daylight hours, 30 minutes before dawn and 30 minutes after dusk, constitutes daylight hours.

(3) *Option 3.* Absolutely no outside watering at all.

(b) This section shall apply to the customers of the city including the Charleston Water Supply Corporation.

(c) It shall be unlawful for any person to operate or take water from a private well in the city without first reporting the location of the well to the mayor and posting a sign on the premises where the well is located reading "Water Well" or "Pool Water." The provision requiring the posting of the sign shall be applicable only when the city has in effect an ordinance rationing water and prohibiting the use for watering yards, flowers, shrubs and gardens.

(Ord. No. 05-07-80, § 4, 9-17-80)