Ordinances Governing

WATER AND SEWER

in the

CITY OF ARLINGTON

TEXAS

Amended by Ordinance No. 20-046

(September 15, 2020)

(Chapter Designator: WATER)

ORDINANCE HISTORY

Number	Date of Adoption	Comments
87-192	12/15/87	Amend **Article I**, Definitions; **Article IV**, Regulations and Restrictions on Services; **Article VII**, Front Footage Charges for Service Connections; and **Article IX**, Rules and Regulations for Providing Water and Sewer Service.
88-162	11/29/88	Amend **Section 3.02**, Water and Sewer Rates, to adjust rates for water service inside the City.
89-57	05/16/89	Amend **Section 7.03**, Water and Sewer Improvements by Assessment; **Section 9.01**, Basic Policy; **Section 9.02**, Basis of Extension; **Section 9.03**, Reimbursement; **Section 9.04**, Fees Due City for Existing Mains, Lift Stations; **Section 9.05**, Methods of Procedure; and **Section 9.06**, General.
89-110	09/26/89	Amend **Section 3.02**, Water and Sewer Rates, to adjust rates for water service inside the City.
89-135	11/28/89	Amend **Section 3.02**, Water and Sewer Rates, to adjust rates for water service within and outside the City; delete **Section 3.04(A)**, Water Rates, relative to water rates outside the City.
90-55	05/22/90	Add **Section 4.26**, Requests for Service; amend **Article VII**, Front Footage Charges for Service Connections; Amend **Article IX**, Rules and Regulations for Providing Water and Sewer Service, to amend and/or delete development related escrow fees, front footage charges, pro rata charges and other rules and regulations required for compliance with V.T.C.A., Local Government Code, Article 395.

ORDINANCE HISTORY

Number	Date of Adoption	Comments
90-83	08/21/90	Add **Section 3.05**, Stormwater Utility Charges, to establish the Municipal Drainage System.
90-96	09/25/90	Add definition for "residential customer"; amend **Section 3.01**, Time for Payment of Charges, to set $25 as the minimum past due amount for mailing a delinquent notice on a water and sewer account; delete **Subsection 3.02(A)(3)**, Water Rates, relative to water charges for multi-family dwellings; amend **Subsection 3.02(B)**, Sewer Rates, to revise sewer rates; amend **Subsection 3.02(F)**, Raw Water Rates, to revise raw water rates.
91-84	08/27/91	Amend **Subsection 3.02(A) (1)**, Water Rates, and **Subsection 3.02(B)(1)**, Sewer Rates, to revise monthly water and sewer rates.
92-14	01/28/92	Amend **Section 3.05**, Stormwater Utility Charges, to revise monthly drainage utility rates.
92-86	09/01/92	Add definitions to **Section 1.30**, Customer Water Facilities, and **Section 1.31**, Customer Sewer Facilities; amend **3.02**, Water and Sewer Rates, to revise water, sewer and raw water rates.
93-90	08/31/93	Amend **Subsection 3.02(A) (1)**, Water Rates, to revise monthly water rates.
94-53	03/08/94	Amend **Section 3.05**, Stormwater Utility Charges, to revise monthly drainage utility rates.
95-118	08/29/95	Amend **Section 3.02(B)**, Sewer Rates, **Subsection (1)**, to adjust the monthly rates charged for sanitary sewer service.

ORDINANCE HISTORY

Number	Date of Adoption	Comments
96-124	09/17/96	Amend **Section 3.02**, Water and Sewer Rates, at **Subsection (A)**, Water Rates, to adjust the monthly rates charged for water service; amend **Subsection 3.02(F)**, Raw Water Rates, to adjust the monthly rates charged for raw water.
97-156	12/09/97	Amend **Article I**, Definitions, relative to the amendment of the definitions of "Standard Methods", "Standard Size Water Main", "Standard Specifications" and "Water Utilities Department"; amend **Article III**, **Section 3.02**, Water and Sewer Rates, at **Subsection (B)(2)**, relative to wastewater flow calculation; amend **Article IV**, **Section 4.17,** Repairing Meters and Meter Boxes; Testing Meters, Fee, at **Subsection (B),** relative to application for meter examining and testing; amend **Section 4.20**, Exposing Meter or Fire Hydrants to Damage; Moving Meters or Hydrants; Violations, relative to meter box locations; amend **Article VIII**, Standard Specifications for Water Works and Sewerage Improvements, relative to updating the reference to the "Standard Specifications for Waterworks and Sewerage Improvements"; amend **Article IX**, Rules and Regulations for Providing Water and Sewer Service, relative to updating provisions regarding extensions.
99-106	08/31/99	Amend **Article III**, Charges For Water and Sewer Service, **Section 3.02**, Water and Sewer Rates, **Subsection (A)**, Water Rates, to adjust the monthly rates charged for water service; **Subsection 3.02(F)**, Raw Water Rates, to adjust the monthly rates charged for raw water.
99-121	09/28/99	Amend **Ordinance No. 99-106** relative to changing the effective date of the decrease of water and raw water rates to October 1, 1999.

ORDINANCE HISTORY

Number	Date of Adoption	Comments
00-108	09/19/00	Amend **Article III**, Charges For Water And Sewer Service, **Section 3.02**, Water And Sewer Rates, **Subsection (A)**, Water Rates, to adjust the monthly rates charged for water service.
01-108	09/14/01	Amend **Article III**, Charges For Water and Sewer Service, **Section 3.02**, Water and Sewer Rates, **Subsection (A)(1)**, to adjust the monthly rates charged for water service; **Subsection (B)(1)**, to adjust the monthly rates charged for sanitary sewer service.
02-096	08/27/02	Amend **Article III**, Charges For Water and Sewer Service, **Section 3.02**, Water and Sewer Rates, **Subsection (A)(1)**, to adjust the monthly rates charged for water service.
03-023	02/25/03	Amend **Article III**, Charges For Water and Sewer Service, **Section 3.02**, Water and Sewer Rates, **Subsection (B)(1)**, to adjust the monthly rates charged for sanitary sewer service.
03-095	09/02/03	Amend **Article III**, Charges For Water and Sewer Service, **Section 3.02**, Water and Sewer Rates, **Subsection (A)(1)**, to adjust the monthly rates charged for water service; and **Subsection 3.02(B)(1)**, to adjust the monthly rates charged for sanitary sewer service.
04-001	01/06/04	Amend **Article VII**, Front Footage Charges for Service Connections, **Section 7.01, Subsections (A)** and **(B)**, relative to the intent to collect front footage fees on all city constructed, purchased or financed water and sewer lines; amend **Article IX**, Rules and Regulations for Providing Water and Sewer Service, **Section 9.05,** Fees Due City for Existing Mains, relative to collecting applicable front footage fees prior to making extensions or connections to the water or sewer lines.

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Number	Date of Adoption	Comments
04-085	09/21/04	Amend **Article III**, Charges for Water and Sewer Service, **Section 3.02,** Water and Sewer Rates, **Subsection (A)(1)**, relative to adjusting the monthly rates charged for water service; **Subsection 3.02(B)(1),** relative to adjusting the monthly rates charged for sanitary sewer service.
05-014	02/22/05	Amend **Article IV**, Regulations and Restrictions on Service, by the addition of **Section 4.27,** Lawn and Landscape Irrigation Conservation; and by the addition of **Article X**, Penalty, relative to penalty and culpability.
05-079	09/13/05	Amend **Article I**, Definitions, **Section 1.01**, Definitions, by the addition of the definition of "POTW"; Amend **Article III**, Charges for Water and Sewer Service, **Section 3.01**, Time for Payment of Charges, relative to payments; **Section 3.02**, Water and Sewer Rates, **Subsection 3.02(D),** relative to construction water rates; **Subsection 3.02(E)(9)**, relative to delinquent accounts; **Subsection 3.02(G),** relative to fire protection system fees; **Section 3.03**, New Accounts, relative to utility accounts; Amend **Article IV**, Regulations and Restrictions on Service, **Section 4.22**, Compulsory Connection; Nuisance, relative to compulsory connection and nuisance; **Section 4.27**, Lawn and Landscape Irrigation Conservation, relative to lawn and landscape irrigation conservation; Amend **Article V**, Water Rationing, by the addition of **Section 5.03**, Enforcement of Drought Contingency Plan.
05-080	09/13/05	Amend **Article III**, Charges for Water and Sewer Service, **Section 3.02**, Water and Sewer Rates, **Subsection 3.02(A)(1)**, relative to water rates; **Subsection 3.02(B)(1)**, relative to sewer rates.

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Number	Date of Adoption	Comments
06-027	03/14/06	Amend **Article III**, Charges for Water and Sewer Service, **Section 3.02**, Water and Sewer Rates, **Subsection (A)**, by the addition of **Subsection (3)** relative to water rates; **Subsection 3.02(B)(2)** relative to calculation of billable wastewater flows; **Section 3.02(D)(2)** relative to construction water rates; Amend **Article V**, Water Rationing, **Section 5.03**, Enforcement of Drought Contingency Plan, relative to the Water Conservation and Drought Contingency Plans.
06-089	08/22/06	Amend the "Water and Sewer" Chapter by the addition of **Article XI**, Municipal Setting Designations.
06-093	09/12/06	Amend **Article III**, Charges for Water and Sewer Service, **Section 3.02(A)(1)**, relative to water rates; amend **Section 3.02(B)(1)**, relative to sewer rates.
06-109	11/28/06	Amend **Article IV**, Regulations and Restrictions on Service, **Section 4.27**, Lawn and Landscape Irrigation Conservation, relative to lawn and landscape irrigation conservation.
07-065	09/18/07	Amend **Article III**, Charges for Water and Sewer Service, **Section 3.01**, Time for Payment of Charges, **Subsection (B)**, relative to the addition of storm water; amend **Section 3.01** by the addition of **Subsection 3.01(C)**, relative to discontinued water service, and the relettering of the remaining subsections; amend **Section 3.02**, Water and Sewer Rates, **Subsection (A)(1)**, relative to water rates; amend **Section 3.02** by the deletion of **Subsection 3.02(A)(3)**; and the amendment of **Subsection 3.02(D)**, Construction Water Rates, relative to construction water.

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Number	Date of Adoption	Comments
07-101	12/18/07	Amend A**rticle III**, Charges for Water and Sewer Service, **Section 3.05**, Stormwater Utility Charges, relative to removing the rates and adding references to the "Storm Water Pollution Control" Chapter.
08-077	09/16/08	Amend **Article III**, Charges for Water and Sewer Service, **Section 3.02**, Water and Sewer Rates, **Subsection (A)(1)**, relative to water rates; **Subsection 3.02(B)(1)**, relative to sewer rates; amend **Article X**, Penalty, **Section 10.01**, Penalty, relative to providing for a fine of up to $2,000 for violations of the provisions governing water use during the activation of the Drought Contingency Plan; and providing for the ratification of the previous Fiscal Year commodity charge.
09-052	09/01/09	Amend **Article III**, Charges for Water and Sewer Service, **Section 3.02**, Water and Sewer Rates, **Subsection (A)(1)**, relative to water rates; amend **Subsection 3.02(B)(1)**, relative to sewer rates.
10-070	09/14/10	Amend **Article III,** Charges for Water and Sewer Service, **Section 3.03,** Utility Accounts, **Subsection (A),** relative to an activation fee; and **Section 3.03, Subsection (I)**, relative to a convenience fee.
10-076	09/14/10	Amend **Article I,** Definitions, **Section 1.01,** Definitions, by the addition of the definition of "Premise"; amend **Article III,** Charges for Water and Sewer Service, **Section 3.02,** Water and Sewer Rates, **Subsection (A)(1),** relative to water rates and a new reclaimed water charge; **Subsection 3.02(B)(1),** relative to sewer rates; amend **Article IV,** Regulations and Restrictions on Service, **Section 4.03,** Extension of Water Service Prohibited, and **Section 4.04,** Separate Service Pipe for Each House, relative to clarifying the prohibition of extending water service to another

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Number	Date of Adoption	Comments
		premise and allowing for termination of water service if the prohibition is violated.
11-017	03/22/11	Add **Article XII**, Reclaimed Water Service, relative to providing reclaimed water services.
11-048	09/13/11	Amend **Article III,** Charges for Water and Sewer Service, **Section 3.02,** Water and Sewer Rates, **Subsection (A)(1),** relative to water rates; amend **Subsection 3.02(B)(1),** relative to sewer rates.
12-009	03/20/12	Amend **Article III**, Charges for Water and Sewer Service, **Section 3.02**, Water and Sewer Rates, **Subsection (B)(2)**, relative to sewer rates.
12-054	09/18/12	Amend **Article III**, Charges for Water and Sewer Service, **Section 3.02**, Water and Sewer Rates, **Subsection (A)(1)**, relative to water rates; amend **Subsection 3.02(B)(1)**, relative to sewer rates.
13-049	09/17/13	Amend **Article III**, Charges for Water and Sewer Service, **Section 3.02**, Water and Sewer Rates, **Subsection (A)(1)**, relative to water rates; amend **Subsection 3.02(B)(1)**, relative to sewer rates.
14-026	05/13/14	Amend **Article I**, Definitions, **Section 1.01**, Definitions, relative to the addition of the definitions of "Automatic Irrigation System", "Drip Irrigation", "Hand Watering", Irrigation System", "Landscape", "Landscape Watering" and "New Landscape", and the amendment of the definition of "Premises"; amend **Article IV**, Regulations and Restrictions on Service, **Section 4.01**, Responsibility for Leakage, relative to water leakage; amend **Article V**, Water Rationing, **Section 5.03**, Enforcement of Drought Contingency Plan and Water Conservation Plan, relative to provisions governing water use during the drought

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Number	Date of Adoption	Comments
		contingency plan; and amend **Article X**, Penalty, **Section 10.01**, Penalty, relative to providing a $500 penalty for violations except for violations in **Sections 4.01** and **5.03**.
14-053	09/16/14	Amend **Article III**, Charges for Water and Sewer Service, **Section 3.02**, Water and Sewer Rates, **Subsection (A)(1)**, relative to water rates; **Subsection 3.02(B)(1)**, relative to sewer rates; and **Subsection 3.02(G)**, relative to fire protection system fees.
15-041	09/15/15	Amend **Article III**, Charges for Water and Sewer Service, **Section 3.02**, Water and Sewer Rates, **Subsection (A)(1)**, relative to water rates; **Subsection 3.02(B)(1)**, relative to sewer rates; and **Subsection 3.02(G)**, relative to fire protection system fees.
16-047	09/15/16	Amend **Article III**, Charges for Water and Sewer Service, **Section 3.02**, Water and Sewer Rates, **Subsection (A)(1)**, relative to water rates; **Subsection 3.02(B)(1)**, relative to sewer rates; and **Subsection 3.02(G)**, relative to fire protection system fees; and the addition of **Section 3.06**, Laboratory Testing.
17-014	03/07/17	Amend **Article IV**, Regulations and Restrictions On Service, **Section 4.22**, Compulsory Connection; Nuisance; and the addition of **Section 4.28**, Private Sanitary Sewer Lift Station; relative to compulsory connection for sewer connections.
17-053	09/14/17	Amend **Article III**, Charges for Water and Sewer Service, **Section 3.02**, Water and Sewer Rates, **Subsection (A)(1)**, relative to water rates; **Subsection 3.02(B)(1)**, relative to sewer rates; **Subsection 3.02(G)**, relative to fire protection system fees; and **Subsection 3.03(K)(5)**, relative to televising, locating and marking private sanitary sewer lateral connections to City main.

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Number	Date of Adoption	Comments
18-058	09/13/18	Amend **Article III**, Charges for Water and Sewer Service, **Section 3.02**, Water and Sewer Rates, **Subsection (A)(1)**, relative to water rates; **Subsection 3.02(B)(1)**, relative to sewer rates; and **Subsection 3.02(G)**, relative to fire protection system fees.
19-049	09/19/19	Amend **Article III**, Charges for Water and Sewer Service, **Section 3.02**, Water and Sewer Rates, **Subsection (A)(1)**, relative to water rates; **Subsection 3.02(B)(1)**, relative to sewer rates; **Subsection 3.02(G)**, relative to fire protection system fees.
19-055	10/15/19	Amend **Article VII**, Subsequent Connection Charges, relative to revising subsequent connection charges; amend **Article VIII**, Standard Specifications for Water and Sanitary Sewer Construction, relative to revising standard specifications for water and sanitary sewer improvements; and amend **Article IX**, Rules and Regulations for Water and Sanitary Sewer Improvements, relative to the rules and regulations applicable to water and sanitary sewer improvements.
20-046	09/15/20	Amend **Article III**, Charges for Water and Sewer Service, **Section 3.01**, Time for Payment of Charges, **Subsection (E)**, relative to refunding customer deposits.

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ARTICLE I

DEFINITIONS

Section 1.01 Definitions

This ordinance shall be known as the "Arlington Water and Sewer Code", may be cited as such, and will be referred to herein as "this Code".

"Abnormal Sewage" shall mean any industrial waste having a total suspended solids or BOD content in excess of that found in normal domestic wastewater but which is otherwise acceptable into a public sewer under the terms of this Chapter.

"Automatic Irrigation System" shall mean a site specific system of delivering water generally for landscaping via a system of pipes or other conduits installed below ground that automatically cycles water use through water emitters to a preset program, whether on a designated timer or through manual operation. (Amend Ord 14-026, 5/13/14)

"Biochemical Oxygen Demand (BOD)" shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter as specified by procedure in Standard Methods, and results expressed in terms of weight and concentration (milligrams per liter - mg/l).

"Boundary Facilities" shall mean those water and/or sanitary sewer facilities located in a street, alley, or easement that is common to or between two or more tracts of land of different ownership such that the one facility serves more than one tract of land.

"City" shall mean the City of Arlington, Texas.

"Community Water System" shall mean a public water system which serves at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents. Service connections shall be counted as one for each one-family residential unit to which drinking water is supplied from the system.

"Condominium" shall mean a structure of two or more units, the interior space of which is individually owned, and the balance of the property (both land and building) being owned in common by the owners of the individual units.

"Customer Sewer Facilities" include all connections and facilities beginning with the connection of the sewer service to the City's main.

"Customer Water Facilities" include all connections and facilities on the customer's side of the water meter beginning with and including the connection to the water meter.

"Director of Utilities" shall mean the administrative head of the Water Utilities Department of the City, as designated and appointed by the City Manager of the City, or his designated representative.

"Drip Irrigation" shall mean an irrigation system that applies water at predetermined controlled low-flow levels directly to the roots of the plant by drip, porous pipe or other means. (Amend Ord 14-026, 5/13/14)

"Engineer" shall mean a person duly authorized under the provisions of the Texas Engineering Act, as heretofore or hereafter amended, to practice the profession of engineering in the State of Texas. The term "Owner's Engineer(s)" shall identify the Engineer(s) employed or retained by the Developer to perform design or engineering functions for the Developer.

"Hand Watering" shall mean the application of water for irrigation purposes through a hand-held watering hose, watering can, or bucket. (Amend Ord 14-026, 5/13/14)

"Inspector" shall mean the representative of the City who is specifically assigned to inspect any or all parts of the water and sanitary sewer system, particularly new subdivision extensions, but who is without authority to revise, alter, or revoke the requirements of the rules, regulations, policies, and procedures of the City or the approved Contract Documents for the job. Such inspection, or lack of inspection, will not relieve the contractor from any obligation to perform the work in accordance with the requirements of the Contract Documents and/or applicable City, County and State Codes.

"Irrigation System" shall mean a system of fixed pipes and water emitters that apply water to landscape plants or turfgrass, including, but not limited to, in-ground, permanent and above-ground, temporary irrigation systems. (Amend Ord 14-026, 5/13/14)

"Landscape" shall mean an area that is covered by grass, ground cover, trees, shrubs, berms, planters or other natural plant materials. (Amend Ord 14-026, 5/13/14)

"Landscape Watering" shall mean the use of water for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, right-of-ways, medians and entry ways. (Amend Ord 14-026, 5/13/14)

"New Landscape" shall mean landscape that:

1. is installed during construction of a new house, multi-family dwelling, or commercial building,

2. is installed as part of a governmental entity's capital improvement project, or

3. alters more than one-quarter of an existing landscape area. (Amend Ord 14-026, 5/13/14)

"Non-Community Water System" shall mean any public water system which is not a community water system.

"Normal Domestic Wastewater (Sewage)" shall mean wastewater discharged by a person into sanitary sewers and in which the average concentration of total suspended solids is not more than 240 mg/1 and BOD is not more than 170 mg/1, and which is otherwise acceptable into a public sewer under the terms of the Industrial Waste and Water Pollution Control Chapter of this Code.

"Off-Site Facilities" shall mean the water and/or sanitary sewer mains located outside the boundaries of and not contiguous with the area of development except by point of contact, but that are required in order to join the development to the prior existing system.

"On-Site Facilities" is defined as those water and/or sanitary sewer mains situated within or surrounded by a single development. Generally, all discussions of facilities will pertain to on-site facilities unless they are specifically denoted to the "off-site" or "boundary" facilities.

"Over-Size Cost" shall mean the difference in cost between the main built and the cost of the size main determined to be the minimum size required to serve the subdivision as determined by the Director of Utilities. The minimum size main upon which oversize cost shall be determined shall not be less than the standard main defined herein.

"Owner" or **"Owners"** herein shall refer to the person, firm, corporation or partnership with primary responsibility toward the City to ensure compliance with rules and regulations and the ordinances of the City dealing with subdivision and/or development. The term includes person or persons, firms, corporations, partnerships or agents, attorneys-in-fact, managers or directors, developers, developer's contractors including engineers, builders, planners, etc. Such term as used herein always includes one (1) or more of the above who own all, or any part of, the land which is contemplated to be developed.

"Person" as used in this Chapter shall mean any person, firm, association of persons, or corporation, including a public, private, or municipal corporation.

"POTW" shall mean Publicly Owned Treatment Works. (Amend Ord 05-079, 9/13/05)

"Premises" shall mean a parcel or parcels of land, including but not limited to a building together with its grounds or other appurtenances. (Amend Ord 14-026, 5/13/14)

"Public Water System" shall mean a system for the provision to the public of piped water for human consumption, if such system has at least fifteen (15) service connections, or serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of any year. Such term includes (1) any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, and (2) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. A Public Water System is either a "Community Water System" or a "Non-Community Water System". Without excluding other meanings of "Individual" or "Served", an individual shall be deemed to be served by a water system if he or she resides in, uses as his or her place of employment, or works in a place to which drinking water is supplied from that system.

"Residence", "Single Family Residence", "Single Family Residential Property", "Residential Lot", or "Residential Uses" shall refer to property (a single tract or lot) used solely for residential purposes in "A" (Agricultural) or "R" (Residential) zoning districts.

"Residential Customer" shall refer to customers occupying single family residential or duplex property or an individually metered townhome or condominium unit, for billing purposes.

"Sewer Service" shall mean that portion of the connecting sewer located in the roadway, street, alley or easement between the sewer main and the right-of-way line or property line and shall consist of the service wye, tee, manhole or tapping saddle and the required length of service pipe.

"Standard Methods" shall mean the examination and analytical procedures set forth in the latest edition, at the time of analysis, of Standard Methods for the Examination of Water and Wastewater, as prepared, approved and published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation where applicable. These procedures shall be the Standard Methods of examination and analytical process used to determine compliance with this Chapter.

"Standard Size Sewer Main" shall mean a sanitary sewer main six inches (6") or larger in diameter.

"Standard Size Water Main" shall mean a water main six inches (6") or larger in diameter, adequately supported by eight inch (8") or larger water mains to provide domestic water service and fire protection as recognized by the National Board of Fire Underwriters.

"Standard Specifications" shall mean the latest revision of Arlington's "Standard Specifications for Waterworks and Sewerage Improvements in the City of Arlington". See Section 8.01 of this Chapter.

"Subdivision" or **"Development"** is defined as the division of any lot, tract, or parcel of land into two (2) or more parts.

"Suspended Solids" shall mean solids, measured in mg/1, that either float on the surface of, or are in suspension in, water, wastewater, or other liquids, and which are largely removable by a laboratory filtration device.

"Townhouse" shall mean a single-family dwelling on a separate lot which fronts on a street, a place, a court, or a private access easement which is attached to one (1) or more similar dwellings by a common wall or walls, interior to both, and which, in combination with said attached dwellings, constitutes an architectural whole.

"Water Utilities Department", as used in this Chapter shall mean the City of Arlington waterworks and wastewater system and mains, and all other works of the City directly connected therewith, and all plants, properties, and appliances incident to or connected with the operation of said Water Utilities Department.

"Water Utilities Office Policies" are those policies under which the Water Utilities Office operates, as adopted and changed from time to time by resolution of the City Council. (Amend Ord 97-156, 12/9/97)

ARTICLE II

METERS

Section 2.01 Control of Meters: All water furnished by the Water Utilities Department to its customers shall be measured by meters. The size, type, and right to own and control all meters installed or used by customers shall be determined by the Water Utilities Department, which shall keep all meters in repair without expense to customers. It shall be unlawful for any customer to install meters on his service for the resale of water to other customers.

Section 2.02 Purchase and Repair of Meters: All meters shall be purchased by the water user through the Water Utilities Department, and in the event repairs on same become necessary, such repairs shall be made by the Water Utilities Department at its expense. The meters shall remain the property of the City, whether purchased by the water user or the City.

Section 2.03 Charge in Case of Faulty Meter: Should any meter fail to register correctly the amount of water used by a customer since the previous reading, the right shall exist on the part of the Water Utilities Department to average the month and charge for water on the basis of any three months average; provided, however, that the months used for the purpose of making the average are comparable to the months the water is used.

Section 2.04 Determination of Sewer Flow:

A. The volume of flow used in computing sewage volume surcharges shall be based upon metered water consumption as shown in the records of meter reading maintained by the Water Utilities Department.

   Any user who procures any part, or all, of his water supply from sources other than the Water Utilities Department, all or part of which is discharged into the sanitary sewer system, shall install and maintain at his expense, water meters of the type approved by the Director of Utilities for the purpose of determining the proper volume of flow to be used in computing sewer service charges. Such meters shall be read monthly and tested for accuracy when deemed necessary by the Director of Utilities.

B. In those circumstances where a user desires a credit for metered water being consumed but not being returned to the sanitary sewer, a volume credit shall be allowed if said user installs an effluent meter or meters to measure wastewater flow. Said meter shall be installed pursuant to plans and specifications approved by the Director of Utilities, be installed in an approved location, be calibrated annually, and a certified calibration statement for said meter be annually provided to the City, and have a totalization device. The aforementioned calibration shall be witnessed by a representative of the Director of Utilities. In the event that a meter which measures the wastewater ceases to function properly, the volume shall be determined by immediately reverting to reading the water consumption, and using that volume for determination of sewage volume.

(Amend Ord 86-124, 6/10/86)

C. In those circumstances where a user desires a credit for metered water being consumed but not being returned to the sanitary sewer, and further where one of preceding paragraphs are applicable, it shall be the responsibility of the user to provide satisfactory evidence of discharge reduction upon which an accurate credit may be estimated, and the Director of Utilities may estimate said discharge upon the presentation of such evidence.

D. If the Director of Utilities finds that it is not practicable to measure the quantity of sewage by the aforesaid meters, he shall determine the quantity of the sewage in any manner or method he may find practicable in order to arrive at the percentage of water entering the sanitary sewer system of the City to determine the sewer service charge.

ARTICLE III

CHARGES FOR WATER AND SEWER SERVICE

Section 3.01 Time for Payment of Charges

A. The meters shall be read to the nearest one thousand (1,000) gallons monthly at approximately the same time each month, and the customer notified, in writing or otherwise, of the applicable charges and the due date for payment of such charges. The customer shall be given a minimum of ten (10) days from notice thereof to make full payment.

B. With the exception of apartment complexes, should a customer fail to make payment, and the account is over an amount equal to a two (2) month minimum water, sewer, refuse or storm water bill with a past due amount in excess of Twenty-Five Dollars ($25.00) by the next billing date, the customer will be mailed a reminder delinquent notice. This notice shall state that all charges, including previous and current balances, are due and payable on the due date shown on the statement; and, this notice shall state that should the customer fail to make payment or request an administrative review to dispute the validity of the charges on or before the due date shown, water service shall be discontinued without further notice. If the customer's payment of any of the delinquent charges is returned or refused to be paid to the City by the customer's financial institution, notice of the nonpayment shall be given to the customer. This notice shall state that if the customer fails to make payment by cash, cashiers check or money order within ten (10) days from notice, water service shall be discontinued without further notice. (Amend Ord 07-065, 9/18/07)

C. If a storm water account with no water service is delinquent according to the terms stated in Section 3.01(B) and if the Owner of this storm water account is provided any Arlington water services at any other location, including residential, the water service for this location shall be discontinued according to the terms and processes stated in Section 3.01(B) above. Water service shall be restored once all obligations related to all delinquent fees are met. (Amend Ord 07-065, 9/18/07)

D. Should a customer fail to make a payment or request an administrative review by the due date shown on the notice, should service be discontinued, or should field action be required, a service charge will be added to the delinquent amount due. The delinquent amount plus the service charge must be paid before service is restored. If service is discontinued for nonpayment and the customer, at the time, does not have any deposit or a deposit of sufficient amount to equal that required of a new customer or sufficient to cover a two (2) month bill, the Water Utilities Department shall have the right to require that the delinquent amount, plus the

service charge, plus a deposit equal to that required of a new customer or sufficient to cover a two (2) month bill be paid before service is restored. The only forms of payments accepted when a customer is restoring service are cash, cashiers check or money order.

E. Deposits shall be held by the Water Utilities Department until such time as the customer closes the account and discontinues service except that a residential customer's deposit with accrued interest may be refunded as a credit to the customer's account provided there is an excellent payment history with the Water Utilities Department for 12 continuous months. Excellent payment history shall mean that payments were received by the Water Utilities Department for the account balance due before or on the due date, no checks or electronic transactions were dishonored by the customer's financial institution, and there were no past due or late fee charges on the customer's account in the preceding 12 months. The Water Utilities Department shall periodically review residential customer accounts with deposits and credit refunds to eligible accounts. Deposits held by the Water Utilities Department until the time an account is closed shall be refunded with accrued interest to the customer if the account has been paid in full including the final billing. If a deposit has been held by the Water Utilities Department and at the time an account is closed the account has not been paid in full including the final billing, the Water Utilities Department shall have the right to apply the deposit with accrued interest to the customer's account balance and to refund the surplus deposit if the held deposit was greater than the balance due or to bill for the remaining account balance due if the held deposit was less than the balance due. (Amend Ord 20-046, 9/15/20)

F. If any customer is indebted to the Water Utilities Department on any account at their then or previous place of consumption, the delinquent amount due at the previous place of consumption may be transferred to the customer's active account and such service shall be discontinued by the Water Utilities Department until payment in full, plus any service charge, is made.

G. Should an apartment complex customer fail to make full payment by the due date shown on the statement, the customer will be mailed a reminder delinquent notice. This notice shall state that all charges are due within fifteen (15) days of said notice. Should the customer fail to make payment or request an administrative review to dispute the validity of the charges within the fifteen (15) day period, water service shall be discontinued without further notice. Procedures following discontinuation of service shall be the same as with other delinquent accounts as stated above. (Amend Ord 07-065, 9/18/07)

Section 3.02 <u>Water and Sewer Rates</u>

A. <u>Water Rates</u>:

(1) The following rates per month shall be the rates charged for water service furnished to customers within and outside the corporate limits of the City:

Conservation Rates Residential Water Volumetric Block Structure	
Usage (1,000) gallons	**Rate**
0-2	$2.02
3-10	$2.79
11-15	$4.02
16-29	$5.63
≥30	$6.78
Conservation Rates Commercial Water Volumetric Block Structure	
Usage (1,000) gallons	**Rate**
0-15	$3.20
≥16	$3.38
Conservation Rates Irrigation Water Volumetric Block Structure	
Usage (1,000) gallons	**Rate**
0-29	$5.63
≥30	$6.78
Conservation Rates Construction Water Volumetric Block Structure	
Usage (1,000) gallons	**Rate**
0-99	$5.90
≥100	$7.44
Conservation Rates Reclaimed Water Structure	
Usage (1,000) gallons	**Rate**
All usage	$3.82

Water Fees	
Meter Size	**Fixed Monthly Charge**
⅝ x ¾" (≤2,000 gal) Residential only	$7.10
⅝ x ¾" (≥3,000 gal) Residential and all other customer classes	$10.30
1"	$20.30
1½"	$46.40
2"	$81.00
3"	$191.00
4"	$304.00
6"	$708.00
8"	$1,107.00
10"	$1,664.00

(Amend Ord 19-049, 9/19/19)

(2) The charges set forth in the schedule in the preceding paragraph are based upon the amount of water used, as measured by a single meter or accumulation of several meters, in increments of one thousand (1,000) gallons. (Amend Ord 01-108, 9/14/01)

B. <u>Sewer Rates</u>:

(1) The following rates per month shall be the rates charged for sanitary sewer service furnished to customers within and outside the corporate limits of the City where the sewage produced by such customers is a normal strength wastewater (250 mg/1 BOD and 250 mg/1 Suspended Solids), except as provided in Subsections 3.02(B)(2), 3.02(B)(3) and 3.02(C), or in the "Industrial Waste and Pollution Control" Chapter of the Code of the City of Arlington, 1987, as amended.

Wastewater Fixed Fees		
Meter Size	**Fixed Monthly Charge**	**Consumption**
⅝ x ¾" (≤2,000 gal) Residential only	$7.64	$5.13/1,000 gallons
⅝ x ¾" (≥3,000 gal) Residential and all other customer classes	$12.94	$5.13/1,000 gallons
1"	$23.52	$5.13/1,000 gallons
1½"	$52.12	$5.13/1,000 gallons
2"	$87.73	$5.13/1,000 gallons
3"	$271.15	$5.13/1,000 gallons
4"	$404.55	$5.13/1,000 gallons
6"	$1,100.55	$5.13/1,000 gallons
8"	$1,450.00	$5.13/1,000 gallons
10"	$2,114.10	$5.13/1,000 gallons

(Amend Ord 19-049, 9/19/19)

(2) Residential customers' billable wastewater flows will be calculated by averaging the three lowest of the four months' billings of metered water consumption for each December, January, February and March unless otherwise provided below. Each April, the billable flows for each residential customer will be adjusted according to the greater of the average of three of the four prior December, January, February and March billing months or one thousand (1,000) gallons. Where no prior December, January, February and March billing is available to average for wastewater billing for an individual customer, the average consumption for all residential customers for those months will be used. If actual water consumption during any month is less than the average winter months' consumption, the wastewater flow billed will be equal to the actual metered water consumption for that month. The billable flows for each residential customer may be adjusted for such periods as determined just and reasonable and adopted by resolution of the Arlington City Council. Any resolution regarding residential rates will be automatically adopted and incorporated in this Ordinance. (Amend Ord 12-009, 3/20/12)

(3) The charges set forth in Section 3.02(B)(1) and Section 3.02(B)(2) herein are based upon the amount of water used, as measured by a single meter, in increments of one thousand (1,000) gallons. Where water is furnished to residential customers by other than the City, the charge shall be equal to

the current City residential charge for the average consumption for all residential customers for the prior December, January and February. Commercial customers in this classification shall be charged a flat rate to be determined in accordance with Section 4.07 of the "Industrial Waste and Pollution Control Chapter" of the Code of the City of Arlington, 1987, as amended. All customers connected to the sanitary sewage system who have a source of water supply that is in addition to or in lieu of the City of Arlington Water Supply, must have a meter approved and tested by the Arlington Water Utilities Department on that alternate source of water supply, and the wastewater charge as set forth in Section 3.02(B) shall be based on the sum of the volumes delivered by all sources of supply. (Amend Ord 90-96, 9/25/90)

C. **Water and Sewer Rates for Less than Full Billing Cycle**:

The above water and/or sewer rates shall apply to any customer with any consumption. For customers who have occupied the service address for less than a full billing cycle, the following policy will be in effect:

DAYS OF OCCUPANCY	RATE
15 days or less with no consumption	No charge
15 days or less with consumption	Regular rate
More than 15 days	Regular rate

D. **Construction Water Rates**:

(1) Construction water is water necessary for the construction of water, sewer, street and other projects including oil or gas exploration, development, production or drilling or water drawn from a hydrant for any purpose. All construction water will be measured by meters furnished by the Water Utilities department. A construction meter is any water meter used to connect to a hydrant or other water service connection for the purpose of metering construction water usage. The water utility account holder securing the meter will be responsible for meeting the terms and conditions of the construction water agreement, and for the meter, valve fittings and backflow prevention device. If a meter is connected to a hydrant, the water utility account holder will be responsible for the hydrant. The deposit plus a construction meter service charge shall be paid to the Water Utilities department. Any alteration or damage that occurs to the meter will be repaired by the City at the expense of the water

utility account holder. The cost of the repairs will be deducted from the deposit and the remaining deposit, if any, will be credited to the final bill. Additional charges shall apply to meters that are lost or stolen.

(2) The contractor or person securing a meter may move a meter to various Arlington locations, but when meters are moved the contractor must notify the Water Utilities department. The meter readings shall be communicated to the Water Utilities Department between the 5th and 10th of each month, regardless of consumption. Failure to comply with this provision will result in the account being billed for the amount specified in the construction water agreement. Credit for this payment shall not be applied to current or subsequent billings. The account shall also be billed for actual meter readings, when obtained, based on the existing water rates.

(3) The Conservation Rates Construction Water Block Structure is the rate per month charged for construction water, which is the service furnished to customers using water:

a. for any purpose of construction;

b. drawn from a fire hydrant for any purpose; or

c. for gas or oil exploration, development, production or drilling. (Amend Ord 07-065, 9/18/07)

E. **Service Available Charge**: Construction water necessary for construction phases of residences with a service line one inch (1") or smaller may be received without a meter. To receive the service available charge feature, the tap and deposit must be paid at the Water Utilities Department prior to the issuance of a building permit. The service available charge will begin upon payment of tap, meter activation and deposit fees. The following consumption levels shall be used to calculate the service available charges. These charges will be calculated using rates in effect at the time of the billing.

(1) Six thousand (6,000) gallons per month for the first three (3) months.

(2) Fourteen thousand (14,000) gallons per month for the next two (2) months.

(3) Twenty-three thousand (23,000) gallons per month thereafter until such time as a meter has been set.

(4) In order for the meter to be set, adopted Water Utilities Office Policies must be met.

(5) The request for setting a meter should be made at least three (3) full working days prior to the date the meter is needed.

(6) A thirty (30) day calendar month will be used.

(7) When a service available account is established for less than a full billing cycle, the following charges shall be made:

0-15 days service	-	One-half (½) Charge
16 days or more service	-	Full Charge

(8) The charge made to an account where a meter has been installed during a billing period will be for consumption used or the service available charge, whichever is larger.

(9) If a customer becomes delinquent in one (1) or more service available accounts, no additional service available accounts may be opened or meters set until all such accounts are made current. (Amend Ord 05-079, 9/13/05)

Final inspection approval of any construction shall not be given until such time as all requirements of the adopted Water Utilities Office Policy have been met with regard to the tap, meter and box, and accepted by Building Inspections. Such approval can be withheld by the Building Inspector if compliance is found not to be complete.

F. <u>Raw Water Rates</u>:

The following rates per month shall be the rates charged for furnishing raw water to customers unless approved otherwise by the City Council:

GALLONS OF WATER	RATE
0 to 1,000 gallons	$30.00 minimum charge
All over 1,000 gallons	$ 0.87 per 1,000 gallons

Any required chemicals will be charged at actual cost at the City plus a ten percent (10%) handling fee. (Amend Ord 99-106, 8/31/99)

G. **Fire Protection System Fees**: The following fixed monthly fees shall be charged to customers with fire protection systems and/or fire lines.

Fire Protection System/Fire Line Fees	
Meter Size	**Fixed Monthly Charge**
1”	$20.30
1½”	$46.40
2”	$81.00
3” and above	$180.00

(Amend Ord 19-049, 9/19/19)

H. **Rate Adjustment Authority**: The Director of Utilities shall have the authority to adjust the monthly billing calculations/procedures for any customer to correct inequities that may arise due to methodologies adopted for calculating rates. (Amend Ord 89-110, 9/26/89)

Section 3.03 Utility Accounts

A. To open a utility account after the effective date of this ordinance, customers shall be required to apply for an account and pay an activation fee and a deposit to the City in the amount as established by resolution of the City Council and set forth in the adopted Water Utilities Office Policies. (Amend Ord 10-070, 9/14/10)

B. A person making application shall include that person’s spouse, if any, as an applicant on the application unless approved by the Director of Utilities. If unmarried or unrelated individuals or unrelated business entities who jointly own or occupy the property desire service, the Director of Utilities may require application to be made jointly in the names of those individuals or business entities. An applicant shall also furnish proper identification and shall correctly furnish any other relevant information, including but not limited to proof of ownership, lease or agency, required by the Water Utilities Department in order to properly provide the service. If information is false, misleading, fraudulent, incomplete or not furnished, the application may be denied and service, where provided, may be discontinued within ten (10) days from notice of discontinuance.

C. Where service has been discontinued, refused or posted for discontinuance at a property due to nonpayment of delinquent charges or a violation of this code, a new application for an account will not be accepted from another person to resume service in the same place under another name so long as the previous customer continues to occupy or own the property as their residence or place of business until: customer continues to occupy or own the property as their residence or place of business until:

a. a new written application is fully completed;
b. all delinquent charges are paid;
c. arrangements for payment satisfactory to the Director of Utilities are made; and/or
d. the violation is abated.

D. A new application for an account will not be accepted for property where service is furnished to a tenant and the property is transferred to a person with notice of discontinuance for the purpose of avoiding payment of charges or avoiding enforcement of this section until:

a. a new written application is fully completed;
b. all delinquent charges are paid;
c. arrangements for payment satisfactory to the Director of Utilities are made; and/or
d. the violation is abated.

E. A person who occupies property and uses service without making application is responsible for all water used from the date of the last meter reading previous to that person occupying the property.

F. The customer of record has the primary liability for service under this chapter. Nevertheless, if service is provided to property owned or leased by a person or entity jointly with the customer of record, or if the customer of record is an agent or property manager for one or more owners of property, the joint owners shall not be treated as new customers, but shall remain jointly and severally liable with the customer or customers of record for unpaid delinquent charges. The Director of Utilities may refuse or discontinue service as described in Section 3.01 of this chapter.

G. Spouses receiving service at a property that they occupy are deemed to be joint customers of record, notwithstanding that only one spouse may have applied and shall be jointly and severally liable for unpaid delinquent charges. The Director of Utilities may refuse or discontinue service as described in Section 3.01 of this chapter.

H. Service may be refused or discontinued if a person fails to:

a. make a required deposit; or
b. increase the amount of the deposit after being notified that an increase is required.

I. Bills may be paid by accepted debit/credit cards, cash, check or money order. A convenience fee shall be charged for a Water Utilities Representative to process a payment over the phone. The convenience fee shall be in the amount as established by resolution of the City Council and set forth in the adopted Water Utilities Office Policies. The Water Utilities Department reserves the right to refuse payment by personal or business check if they have reason to believe the check will not be honored at the customer's bank. (Amend Ord 10-070, 9/14/10)

J. The City is authorized, in accordance with the provisions of Section 402.0025 of the Texas Local Government Code, as amended, to perfect a lien upon property for delinquent charges unless it is a homestead as protected by the Texas Constitution. This section shall not apply to delinquent charges for service connected in a tenant's name after notice by the property owner to the Director of Utilities that the property is rental property. This section shall also not apply to bills for service connected in a tenant's name prior to the effective date of this ordinance. The Director of Utilities shall send notice, by certified mail, return receipt requested, that a lien will be fixed on the property in accordance with law. The notice must provide a time, place and means by which the charges causing the lien may be paid or disputed. The notice must be sent to: the customer in whose name the account for service to the property exists and the last known record owner of the property according to the tax rolls of the city, if the customer is not the owner. Absence of receipt of notice does not affect the enforceability of a lien perfected under this section. The lien for delinquent charges shall be perfected by recording in the real property records of the county where the property is located a notice of lien containing a legal description of the property and the utility's account number for the delinquent charges. The lien may include penalties, interest and collection costs. The lien is superior to all other liens except a bona fide mortgage lien recorded prior to the recording of the city's lien in the deed or lien records of the county in which the property is located. Should additional delinquent charges be incurred subsequent to the date of the original lien's execution, a correction lien may be executed and filed to fix the additional delinquent charges. The correction lien, when filed of record, shall relate back to the date of recording of the original lien and shall become a part of the original lien. The City Attorney, at the request of the Director of Utilities may file suit to judicially foreclose the lien in a state court of competent jurisdiction. The suit may not be filed earlier than 60 days after the recording date of the lien. The imposition of a lien by the city is cumulative of any other remedies, methods of collection or security available to the Director of Utilities or the city under the charter and ordinances of the city or under state law. This section does not affect the authority to refuse or to furnish service when delinquent charges exist.

K. **Tap and Meter Fees**:

(1) A charge shall be made by the Water Utilities Department for each new tapping of the water mains for a connection, said charge to be determined by the size of the connection and the size of the meter. A fee shall be charged according to the schedule as established by resolution of the City Council, as set forth in the adopted Water Utilities Office Policies for taps and for furnishing and installing meters and boxes.

If a branch is requested with the tap installation, a charge for each branch will be made in addition to the tap and meter activation charges. A meter activation charge shall be made for each and every branch.

Where the water tap has been installed according to Standard Specifications for Waterworks and Sewerage Improvement in the City of Arlington, Texas by an approved water and sewer contractor, only a meter activation fee will be charged for furnishing the box and meter, and for installing the meter. Such activation fees are payable in advance, such fees being those as established by resolution of the City Council and set forth in the adopted Water Utilities Office Policies.

For branches on taps larger than two inches (2"), the actual cost of furnishing and installing the tap and meter shall be charged. This cost includes all labor, materials and equipment necessary to make the tap, run the service line and set the meter and box.

(2) The Water Utilities Department shall charge for the relocation of an existing water tap. Any relocation greater than twenty feet (20') from the present location shall be deemed a new tap, and the charge shall be according to the schedule for new taps. The water tap should only be moved to a location within the street right-of-way or utility easement. Current charges for tap relocation are those charges as established by resolution of the City Council and set forth in the adopted Water Utilities Office Policies. The Water Utilities Department shall charge for the termination of obsolete taps, if requested by a contractor or property owner, or if necessary due to the construction activity of said contractor or property owner. The charge shall include all labor, materials and equipment necessary to properly complete the work.

The Water Utilities Department reserves the right to require the customer to have the existing water tap relocated or capped by an approved water and sewer contractor. Where the tap and meter is existing and a customer desires a larger tap and meter, a credit shall apply as stated in the adopted Water Utilities Office Policies, as long as the new tap is to be made at the same location.

The Water Utilities Department reserves the right to require the customer to have the existing water tap relocated or capped by an approved water and sewer contractor. Where the tap and meter is existing and a customer desires a larger tap and meter, a credit shall apply as stated in the adopted Water Utilities Office Policies, as long as the new tap is to be made at the same location.

(3) Fire hydrant water meters shall be provided under contract. Charges shall be those as established by resolution of the City Council and set forth in the adopted Water Utilities Office Policies.

(4) A sewer activation fee shall be charged by the Water Utilities Department prior to any sewer tap being made. An activation fee shall apply to each tap of the main or for each water account having been established at the property site, whichever calculation produces the greater number. Current activation fee amounts shall be those amounts as established by resolution of the City Council and set forth in the adopted Water Utilities Office Policies.

(5) A charge shall be made by the Water Utilities Department for each televised locate of City sewer service and mark of the location of an existing private sanitary sewer lateral connection to the City's sewer main or where a private sanitary sewer lateral may be connected to the City's sewer main. The charges shall be as established by resolution of the City Council and set forth in the adopted Water Utilities Office Policies. (Amend Ord 17-053, 9/14/17)

On sewer services five inches (5") and larger in size, an approved manhole shall be installed at the City sewer main over the sewer service by the customer, unless a wye has been installed at the time the main was laid. It shall be the responsibility of the property owner to maintain the sewer service from the sewer main to and on their property, including the connection to the sewer main.

L. The water and sewer tap fee and sewer activation fee shall be paid at the same time unless otherwise approved by the Water Utilities Office Manager.

M. Prior to the commencement of construction activity, a water meter must be ordered and installed at the tap to be utilized for construction water. The only exception shall be for the customer who has completed the establishment of a service available account for residential construction as stated in Section 3.02(E). (Amend Ord 05-079, 9/13/05)

Section 3.04 Service Outside Corporate Limits

A. Sewer Rates: The rates charged by the City for sewer service outside the corporate limits of the City shall be as determined by the City Council.

Section 3.05 Storm Water Utility Charges

A. There shall be a charge on each monthly utility statement for the Municipal Storm Water Utility System. The Director of Utilities is authorized to collect such charges in a manner consistent with the "Water and Sewer" Chapter, the "Storm Water Pollution Control" Chapter, the City Charter, and State law. The storm water, or "drainage" fee will be a separate line item on the utility statement and shall be clearly identified as a separate charge.

B. Fees associated with the Storm Water Utility are specified in the Storm Water Utility Schedule of Charges, of the "Storm Water Pollution Control" Chapter of the Code of the City of Arlington.

C. Except as otherwise provided by the "Storm Water Pollution Control" Chapter, billing, charges and collection procedures shall be consistent with that of the water and sewer services.

D. Drainage charges shall be identified separately on the utility billing. Billing shall be consistent with the "Storm Water Pollution Control" Chapter and V.T.C.A., Local Government Code, Section 402.048.

E. Delinquent charges shall be collected in a manner consistent with the "Storm Water Pollution Control" Chapter and V.T.C.A., Local Government Code, Section 402.050.

F. The City may grant exemptions from the drainage charge, pursuant to the "Storm Water Pollution Control" Chapter and V.T.C.A., Local Government Code, Section 402.053. (Amend Ord 07-101, 12/18/07)

Section 3.06 Laboratory Testing

A. A charge shall be made by the Water Utilities Department for customer requested laboratory service tests including but not limited to: Total Coliform/E. Coli Presence-Absence; HPC; Total Coliform/E. Coli Enumeration; ATP; Mercury (Hg); Metals; Pesticides (EPA 525); Anions; Hexavalent Chromium; Hardness; TPH; Chlorophyll A; Phosphorus, Total; and sampling.

B. The fee charged shall be established by resolution of City Council and set forth in the adopted Water Utilities Office Policies. (Amend Ord 16-047, 9/15/16)

ARTICLE IV

REGULATIONS AND RESTRICTIONS ON SERVICE

Section 4.01 Responsibility for Leakage and Water Waste

A. Customers are responsible for loss of water due to leakage in pipe or plumbing on the customer side of the meter or property. Customers are responsible for preventing avoidable waste of water including loss from a controllable leak or an irrigation system malfunction such as a broken sprinkler and/or overspray on impervious surfaces with runoff greater than 150 feet.

B. The Director of Utilities may suspend water service to any premises when the Director of Utilities finds such suspension is necessary to prevent or stop actual or threatened leakage or waste of water, which presents or may present imminent and substantial danger or threat to the environment, the public water supply, or the health and welfare of any person. If there is not an imminent and substantial danger or threat, the Director of Utilities shall provide notice of suspension by certified mail, return receipt requested, to the water account customer, owner or person in charge of the premises thirty (30) days before suspension of service. If there is an imminent and substantial danger or threat, the Director of Utilities may suspend water service without prior notice. Within three (3) days after the suspension of service due to an imminent danger or threat, the Director of Utilities shall notify the water account customer, owner, or person in charge of the premises of the suspension in person, if present, and by certified mail, return receipt requested. Notice shall provide the date that service will be or was suspended without further notice, the reason for suspension, and the ability to request an administrative review regarding the reasons for suspension within fifteen (15) days from the date of notice. If a written request for administrative review is timely filed with the Director of Utilities, the Director of Utilities may not restore services upon the filing of the request, shall hold the administrative review within ten (10) days of the written request, establish procedures for the administrative review, and establish the conditions under which water service may be restored. The administrative review exhausts all administrative remedies. In the event of any change in tenancy in property where water service was suspended or disconnected in accordance with this Section, such condition shall be corrected before service will be restored.

C. A violation of this Section shall not constitute a criminal offense.

D. A person in whose name a water service account is held is presumed to be responsible for a violation of this Article. (Amend Ord 14-026, 5/13/14)

Section 4.02 <u>Opening Curb-Stop</u>

No plumber or any other person shall open the street curb stop after same has been closed by the Water Utilities Department without a written permit first being obtained from the Water Utilities Department.

Section 4.03 <u>Separate Water Service for Each Premise</u>

Two premises shall not be permitted to be supplied with only one water service where there is a water main in front of the premises, but shall have separate water services, unless approved otherwise by the Director of Utilities. (Amend Ord 10-076, 9/14/10)

Section 4.04 <u>Extension of Water Service Prohibited</u>

A. After water service is established to a premise, the water service shall not be extended by any plumber or any other person to any other premise. A person who violates this provision is guilty of a misdemeanor and each day the violation continues shall be a separate offense.

B. When the Director of Utilities finds that any person or entity is or has knowingly or unknowingly allowing/allowed an extension, the Director of Utilities may discontinue water service until the Director of Utilities determines that such extension has been removed.

C. The Director of Utilities shall send prior notice of discontinuance unless the Director of Utilities determines that immediate discontinuance is necessary to prevent an imminent danger or threat. If there is not an imminent danger or threat, the Director of Utilities shall provide ten (10) days notice before discontinuance. If the Director of Utilities determines that immediate discontinuance is necessary, notice of discontinuance should be sent within three (3) days after discontinuance. Notice must provide the date that service will be or was discontinued without further notice, the reason for discontinuance, and the ability to request an administrative review regarding the reasons for discontinuance within fifteen days from the date of notice. Services are not restored upon request for an

administrative review unless the Director of Utilities determines that such threat or danger is eliminated and/or such appropriate prevent action is taken. (Amend Ord 10-076, 9/14/10)

Section 4.05 <u>Unmetered Sprinkler Systems</u>

Every person taking water from the Water Utilities Department through a sprinkler system for the purpose of fire protection which is not metered shall at all reasonable times permit the Director of Utilities and/or his agents to enter the premises and building for examination of pipes and fixtures to assure that the system is maintained only for fire protection, and refusal by any customer shall result in refusal of water supply from the Water Utilities Department until such permission is granted.

A monthly service charge as outlined in Section 3.02(G) hereof, shall be applied for the reading and maintenance of these sprinkler systems.

Section 4.06 <u>Repair, Relocation, and Renewal of Service Pipes</u>

The Water Utilities Department reserves the right to make all repairs, relocations, and renewals of service pipes from main to meter, and it shall be unlawful for any other person or persons to repair, relocate, or renew service pipes from main to meter without first obtaining the written consent of the Water Utilities Department.

Section 4.07 <u>Repair of Sanitary Sewer Lines</u>

The property owner shall be responsible for maintaining the sanitary sewer service line located on his or her property and located within the street right-of-way or easement up to, and including, the point of connection to the main. This shall include the cleaning, unclogging and/or unstopping of the line due to materials, debris, roots, trash or other items becoming lodged in the line. Where continual problems occur due to the structural failure of the line within the street right-of-way or easement, the City will repair this portion of the service line at the cost set forth by resolution for such repair to the property owner.

The property owner shall be responsible for maintaining and repairing the private service lines outside of street right-of-way or a public easement on private property. Lines within a service line easement will also be the responsibility of the property owner being served by the line for maintenance and repair. (Amend Ord 87-192, 12/15/87)

Section 4.08 <u>Connections for Multi-Units</u>

All buildings used as duplexes, condominiums, townhouses, shopping malls, apartment houses, etc., shall be required to provide a separate connection and meter with the main for each apartment, etc., if each tenant is responsible for their own water account. Upon non-compliance with this provision, the Water Utilities Department shall cut off the supply for the entire building or any portion thereof deemed proper. If the entire water service to the apartment house, etc. is to be paid by the owner, or owners, or agent thereof, or landlord, then only one meter and connection to the main shall be required.

Section 4.09 <u>Copper Service Pipes</u>

All service pipes hereafter laid shall be of copper unless other material shall be authorized by the Director of Utilities.

Section 4.10 <u>Interruption of Service by the Water Utilities Department</u>

The Water Utilities Department shall have the right to temporarily discontinue, disconnect, and re-connect water supply without notice to all customers for the purposes of making repairs, connections, extensions, and cleaning of mains, machinery, reservoirs or any part of said water system. The Water Utilities Department shall have the right to temporarily disconnect service to a customer having a break on their private line should that break present a hazard to the general public. None of the terms of this chapter shall ever be construed as requiring the Water Utilities Department to maintain a specified constant pressure in its lines.

Section 4.11 <u>Use of Fire Hydrants</u>

It shall be unlawful for any person, except a member of the Fire Department or an employee of the Water Utilities Department, to open or use water from a fire hydrant, or to take off the cap without permission from the Water Utilities Department, except for the use of construction water with a City of Arlington issued construction meter attached to the fire hydrant. Fire hydrant operation for construction meters will be in accordance with the Water Utilities Department Water Meter Agreement. The contractor will be responsible for any damage to the water system (mains, valves, hydrants, etc.)

Section 4.12 <u>Tapping of Street Mains; Violations</u>

It shall be unlawful for any plumber or person, other than a contractor employed by the Water Utilities Department, to tap any street main, make connections with any street mains or extend service pipes from mains to the meter or to place a curb stop and meter box at that point. All of such equipment shall be under the exclusive control of the Water Utilities Department, and said tap and service shall be paid for by the person ordering the work done before work is commenced, according to schedule of prices shown in the adopted Water Utilities Office Policies.

Section 4.13 <u>Defacing Property of Water Department; Violations</u>

It shall be unlawful for any person to in any manner deface the facilities, walls, machinery or fixtures connected with or pertaining to the Water Utilities Department.

Section 4.14 <u>Malicious Interference with Water Service; Violations</u>

It shall be unlawful for any person, individually or in association with others, to willfully break, injure or tamper with any part of the Water Utilities Department for any purpose whatsoever, or in any other manner to maliciously interfere with or prevent the running and operating of such system and the water supply and sewage collection therein.

Section 4.15 <u>Diversion of Water from Metered Flow; Violations; Prima Facie Case</u>

Whoever by any means or device prevents water from passing through any meter belonging to the Water Utilities Department, or prevents any meter used in connection with the supply of water to any customer by said Water Utilities Department from registering the amount of water passing through such meter, or prevents a meter from duly registering the quantity of water supplied or in any way interferes with its proper action or just registration, or, without the consent in writing of the Director of Utilities, diverts the water from any pipe or pipes of the Water Utilities Department, or otherwise uses, or cause to be used, without the consent of the Director of Utilities, any water produced or distributed by said Water Utilities Department, or retains possession of, or refuses to deliver, any meter or other appliance loaned to him by the Water Utilities Department for the purpose of furnishing water through same, shall be in violation of these rules and regulations and shall be guilty of a misdemeanor. The presence at any

time on or about any such meter or pipe of any device or pipes resulting in the diversion of water or prevention of its free passage and registration by the meter, or resulting in the diversion from the meter as above defined, or resulting in the prevention of water reaching the meter, or resulting in the prevention of the just registration of the meter or meters or the taking of any water except through a meter as above set forth, shall constitute prima facie evidence on the part of the person owning or having custody and control of the room, building, place or premises where such device or pipe is, or knowledge of the existence thereof and knowledge of such existence to the person who would be benefited by the failure of the water to be properly metered, and shall further constitute prima facie evidence of intention on the part of such person or persons to defraud, and shall bring such person prima facie within the scope, meaning and penalties of this section and Ordinance.

Section 4.16 <u>Water Used in Construction Without Appropriate Application for Service Being Made</u>

Where water is used in the construction or repair of property without having been authorized or turned on by the Water Utilities Department, the Department may charge the property owner for costs, including charging for water. The Water Utilities Department shall have the right to estimate the amount of water used, and shall take action to prevent further unauthorized usage until such time as all appropriate applications for service have been made and charges are paid. Nothing in this Section shall be considered to limit prosecution of offenders for violations of City or State law.

Section 4.17 <u>Repairing Meters & Meter Boxes; Testing Meters, Fee</u>

A. All water meters and meter boxes furnished by the Water Utilities Department shall remain at all times the property of the City, and shall be maintained and repaired, when rendered unserviceable through reasonable wear and tear, and renewed by the Water Utilities Department. When replacements, repairs, or adjustments of any meter or meter box are rendered necessary by the act, neglect, or carelessness of the owner or occupant of any premises, any expense caused to the Water Utilities Department thereby shall be charged against and collected from the owner of the premises, and if not paid, services shall be disconnected.

B. When any customer of water is of the opinion that the meter through which the water is supplied is incorrect for any reason, they may make application to the Water Utilities Customer Service Division to have the meter examined and tested. If it is determined by testing that the meter is operating properly, the customer

shall be charged for the test in accordance with the schedule included as a part of the adopted Water Office Policies. Standard in-shop testing fees shall apply for meters up to two inches (2”). The fee for all larger meters shall be based upon the actual cost of work. If any meter one inch (1”) or smaller shall, upon examination and test, be found to register over two per cent more water than actually passed through it, based on a series of tests over the range of flow recommended by its manufacturer, another meter will be substituted and the fee charged in the application for such test will be credited to the person making the application and the account adjusted, not exceeding three months back. If any meter one inch (1”) or larger is, upon examination and test, found to register over three percent more water than actually passed through it, the same adjustment shall apply. (Amend Ord 97-156, 12/9/97)

Section 4.18 <u>Installation of Check Valve or Back Siphonage Prevention Devices</u>

If, in the judgment of the Director of Utilities, an approved check valve or backflow and back siphonage prevention device is necessary for the safety of the water system, the Director will give notice in writing to the customer to install such an approved device immediately. The customer will install such approved device at his own expense, and failure, refusal, or inability on the part of the customer to immediately install such device shall constitute a ground for discontinuing water service to the premises until such device has been installed.

Section 4.19 <u>Liability for Interrupted Service</u>

All persons having devices such as, but not limited to, boilers or air conditioning equipment which utilize, employ, or make use of water in any manner whatsoever, which may become damaged due to interruption of water service, and which are supplied directly with City water, do so at their own risk. The City shall not be liable for any damage that may occur as a result of the water being cut off for any purpose, or as a result of the breaking of any pipe or fixture by pressure of the water from the City mains.

Section 4.20 <u>Exposing Meter or Fire Hydrants to Damage; Moving Meters or Hydrants; Violations</u>

It shall be unlawful to build driveways, etc., in such manner as to expose any meter or fire hydrant to damage from traffic. Meter boxes shall not be set in a driveway or sidewalk nor any closer than two feet (2') from any street or driveway. Whenever the

property owner requests the moving of any meter or fire hydrant, such cost shall be at the expense of the property owner. Upon deposit of the estimated cost of moving the meter or hydrant, the Water Utilities Department shall proceed to make the desired location change. (Amend Ord 97-156, 12/9/97)

Section 4.21 <u>Vending Water; Violations</u>

It shall be unlawful for any person to sell or resell water for domestic or any other uses within or without the City without receiving a permit to do so from the Director of Utilities.

Section 4.22 <u>Nuisance</u>

A. The creation or presence of sewage on a premises that is not discharged into the sanitary sewer system or into a permitted on-site sewage facility is hereby declared to be a nuisance.

B. When the Director of Utilities finds that any person or entity is or has knowingly or unknowingly allowing/allowed an actual or threatened discharge or leak which may result in an imminent danger or threat to the environment or to the health or welfare of persons, the POTW, Storm Sewer or Waters of the State, the Director of Utilities may discontinue water service and/or sanitary sewer service access until the Director of Utilities determines that such threat or danger is eliminated and/or such appropriate prevent action is taken to prevent reoccurrence. Any type of leak or discharge that may contaminate the water system including but not limited to any used motor oil, antifreeze, hydraulic fluid, or other motor vehicle fluid; any industrial waste; any hazardous waste including household hazardous waste; any garbage, domestic sewage or septic tank waste, cooking oil, grease trap waste, or grit trap waste; any trash rubbish, yard waste, or other floatable material; any waste water, any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, industrial waste, municipal waste, and agricultural waste. The Director of Utilities shall send prior notice of discontinuance unless the Director of Utilities determines that immediate discontinuance is necessary to prevent an imminent danger or threat. If there is not an imminent danger or threat, the Director of Utilities shall provide ten (10) days' notice before discontinuance. If the Director of Utilities determines that immediate discontinuance is necessary, notice of discontinuance should be sent within three (3) days after discontinuance. Notice must provide the date that service will be or was discontinued without

further notice, the reason for discontinuance, and the ability to request an administrative review regarding the reasons for discontinuance within fifteen days from the date of notice. Services are not restored upon request for an administrative review unless the Director of Utilities determines that such threat or danger is eliminated and/or such appropriate prevent action is taken to prevent reoccurrence. (Amend Ord 17-014, 3/7/17)

Section 4.23 <u>Water Furnished to Department of City</u>

All water furnished to the various departments of the City shall be paid for by such departments out of appropriations made by the City Council for their respective operations.

Section 4.24 <u>Sprinkler or Fire Service</u>

A. No connection for a sprinkler or fire service shall be permitted unless application therefore has been made and granted by the Water Utilities Department and approved by the Building Official of the City. In no instance shall any connection be made with any sprinkler or fire service without the written consent of the Water Utilities Department. Should it be found that any unauthorized connection has been made, or that any water has been used from a sprinkler or fire service for any other purposes than extinguishing a fire, or that a waste of water is permitted from such connection through leaks in the pipes or fixtures, the water service shall be shut off and not turned on until a meter of the kind and size prescribed by the Director of Utilities shall have been furnished and installed at the expense of the customer.

B. The furnishing, installation, maintenance, and inspection of all meters and services, checks, bypasses, valves, piping, etc., necessary for the installation and operation of sprinkler systems and fire services shall be at the expense of the customer.

Section 4.25 <u>Submetering</u>

It shall be unlawful for any person, firm, or corporation to construct, occupy, or allow to be occupied any structure in which the construction plan or plans provide individual metering of the water consumption of one or more owners or tenants, unless said plan or plans have been approved by the Director of Utilities or unless otherwise

governed by State law. The Director may require for his approval appropriate contracts with the City for meter reading and access thereto, and clarifying responsibilities between the City of Arlington and the owner. Standard specifications applicable to regular meter sets shall apply to submetering. The Director of Utilities is authorized to include detailed restrictions and procedures on submetering as part of the adopted Water Office Policies.

Section 4.26 <u>Requests for Service</u>

Upon request of the owner of a given lot or tract of land, the City may extend water or sanitary sewer mains and necessary appurtenances to said lot or tract of land, provided that the City Council approves said request for service by resolution.

In no event shall the City be obligated to proceed under the terms of this Article if funds are not available, or if in the determination of the City, the extensions may not be practicable. (Amend Ord 90-55, 5/22/90)

Section 4.27 <u>Lawn and Landscape Irrigation Conservation</u>

A. Except for hand watering and the use of soaker hoses, it shall be unlawful for any person to irrigate, water, or cause or permit the irrigation or watering of any lawn or landscape located on premises owned, leased, or managed by that person between the hours of 10:00 a.m. and 6:00 p.m.

B. It is an affirmative defense to prosecution that the irrigation or watering of any lawn or landscape during the prohibited time was done for the purpose of establishing hydromulch, grass sod, grass seed; dust control for sport fields; or for the maintenance, repair, or testing of an irrigation system.

C. Irrigation System Rain and Freeze Sensors.

1. Any irrigation system installed within the City on or after January 1, 2007, must be equipped with rain and freeze sensors in number and type established and published by the Director of Utilities.

2. Any irrigation system installed before January 1, 2007, may not be operated after March 4, 2007 without being equipped with rain and freeze sensors in number and type established and published by the Director of Utilities. This requirement does not apply to a single family residential or duplex property, or an individually metered townhome or condominium unit.

3. It shall be unlawful for any person to knowingly or recklessly commit any of the following on premises owned, leased, or managed by that person:

   a. install, or cause or permit the installation of, an irrigation system in violation of Subsection (C)(1);

   b. operate, or cause or permit the operation of, an irrigation system that does not comply with Subsection (C)(1); or

   c. operate, or cause or permit the operation of, an irrigation system that does not comply with Subsection (C)(2). (Amend Ord 06-109, 11/28/06)

Section 4.28 <u>Private Sanitary Sewer Lift Station</u>

If a structure is constructed in such a manner that does not allow the plumbing of the premises to be connected to the city sanitary sewer system without the installation of an on-site lift station, such lift station and necessary force main will be the individual responsibility of the property owner. This shall include initial installation costs as well as operation and maintenance costs. (Amend Ord 17-014, 3/7/17)

ARTICLE V

WATER RATIONING

Section 5.01 Uses Prohibited

It shall be unlawful for any person, firm, or corporation during any water emergency period, as hereinafter defined, to use municipally-supplied water for the purpose of watering lawns, shrubs, and flowers or any other use specified by the City Manager or his designee within the corporate limits of the City.

Section 5.02 Declaration of Emergency Periods

The City Manager or his designee may declare a water emergency period when, in his opinion, the municipal water supply of the City is insufficient to protect the health, safety, and public welfare of the citizens of the City. In such declaration the watering of lawns, shrubs, and flowers, etc., may be conditionally permitted at the discretion of the City Manager or his designee making such declaration.

Section 5.03 Enforcement of Drought Contingency and Emergency Water Management Plan and Water Conservation Plan

A. Adoption and Incorporation of the Drought Contingency and Emergency Water Management Plan and Water Conservation Plan. On April 22, 2008, the City Council approved Resolution No. 08-137 adopting a Drought Contingency and Emergency Water Management Plan. On April 7, 2009, the City Council approved Resolution No. 09-083 adopting a Water Conservation Plan. The requirement and enforcement of each plan as specified in Resolution No. 08-137 and Resolution No. 09-083 are hereby adopted by ordinance and incorporated by reference herein. Any amendments, including those amendments adopted on May 13, 2014, to the Drought Contingency and Emergency Water Management Plan or the Water Conservation Plan may be approved by resolution and are automatically adopted by ordinance and incorporated by reference herein. A copy of the plans shall be available in the City Secretary's Office.

B. Violations. The following are violations in the Drought Contingency and Emergency Water Management Plan, which shall be referred to in this Section as "Plan," and are violations in this Article. If there is a conflict in the provisions of

the Plan and this Article, this Article shall govern. These violations shall not constitute a criminal offense.

1. No person shall use or allow the use of water from the City of Arlington for any purpose in a manner contrary to any provision of the Plan or this Article, or an amount in excess of that permitted by the drought response stage or emergency water management action in effect at the time.

2. The owner, tenant, lessee, or person who manages or who is in custody or control of the property has an affirmative duty to ensure compliance with and prevent violations of the provisions of this Article.

3. A person in whose name a water service account is held is presumed to be responsible for a violation of this Article.

4. While any stage of the Plan is in effect, it is a violation if a person uses water in such a manner as to allow runoff or other waste, including but not limited to instances where the person:

    a. Fails to repair a controllable leak, including (1) a broken sprinkler head, (2) a leaking valve, (3) leaking or broken pipes, or (4) a leaking faucet;

    b. Operates or allows the operation of a permanently installed irrigation system with: (1) a broken head; (2) a head that is out of adjustment and the arc of the spray head is over a street or parking lot; or (3) a head that is misting because of high water pressure;

    c. Operates or allows the operation of an irrigation system or other lawn watering device that allows water to (1) run off a property and form a stream of water in a street for a distance of 50 feet or greater; or (2) pond in a street or parking lot to a depth greater than one-quarter of an inch; or

    d. Allows or causes an irrigation system or other lawn watering device to operate during any form of precipitation or when temperatures are at or below 32 degrees Fahrenheit.

5. During Stage 1 of the Plan, the following is in effect:

    a. <u>Landscape Watering During Stage 1</u>

(1) While Stage 1 of the Plan is in effect, it is a violation if a person uses or allows the use of landscape watering with sprinklers or irrigation systems contrary to the following twice per week schedule, which is:

(a) Residential addresses ending in an even number (0, 2, 4, 6, or 8) may water on Wednesdays and Saturdays.

(b) Residential addresses ending in an odd number (1, 3, 5, 7 or 9) may water on Thursdays and Sundays.

(c) All non-residential locations (apartment complexes, businesses, industries, parks, medians, etc.) may water on Tuesdays and Fridays.

(2) It is an exception that:

(a) The person was watering with a handheld hose, soaker hose, drip irrigation or hand watering on any day and any time.

(b) The person used or allowed the use of landscape watering with sprinklers or irrigation systems because the use of water was necessary:

i. to protect the health, safety, or welfare of the public; or

ii. for the repair of an irrigation system, plumbing line, fountain, or similar feature in the presence of person making repair.

(c) The person was using well water or treated wastewater effluent for irrigation or other alternative water supply sources.

b. <u>Washing Vehicles During Stage 1</u>

(1) While Stage 1 of the Plan is in effect, it is a violation if a person washes any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle without the use of a hand-held bucket or a hand-held hose equipped with a positive-pressure shutoff nozzle for quick rinses.

(2) It is an exception that the person washed a vehicle:

(a) On the premises of a commercial car wash or commercial service station;

(b) Owned by a company at the company's automated on-site vehicle washing facility; or

(c) Because the health, safety, and welfare of the public were contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

c. Other Violations and Exceptions for Stage 1

(1) It is a violation if a person uses or allows the use of landscape watering at a park, golf course, athletic field or sports field in violation of any provision of the Plan applicable during Stage 1.

(2) It is an exception that the person met the requirements of an exception outlined in the Plan applicable during Stage 1 for:

(a) Landscape watering at a park, golf course, athletic field, sports field or high-impact public area.

(b) Watering of new hydromulch, grass sod, or grass seed for the purpose of establishing a new landscape.

(c) Outdoor watering at a service address with a large multi-station irrigation system.

(3) It is an exception for any violation related to a watering restriction in Stage 1 if the person was watering stock at a commercial plant nursery.

6. During Stage 2 of the Plan, the following is in effect:

a. Landscape Watering During Stage 2

(1) While Stage 2 of the Plan is in effect, it is a violation if a person uses or allows the use of landscape watering with sprinklers or irrigation systems more than once per week contrary to the once per week schedule determined by the Director of Utilities.

(2) It is an exception that:

(a) The person was watering with a handheld hose, soaker hose, drip irrigation or hand watering on any day and any time.

(b) The person used or allowed the use of landscape watering with sprinklers or irrigation systems because the use of water was necessary:

i. to protect the health, safety, or welfare of the public; or

ii. for the repair of an irrigation system, plumbing line, fountain, or similar feature in the presence of person making repair.

(c) The person was using well water or treated wastewater effluent for irrigation or other alternative water supply sources.

b. Use of Water from Hydrants

(1) It is a violation if a person uses water from a hydrant for any purpose other than firefighting related activities or other activities necessary to maintain public health, safety and welfare.

(2) It is an exception that the Director of Utilities or his/her official designee issued a variance to the person allowing the use of water from a designated hydrant.

c. Other Violations and Exceptions for Stage 2

(1) It is a violation if a person uses or allows the use of landscape watering at a park, golf course, athletic field or sports field in violation of any provision of the Plan applicable during Stage 2.

(2) It is an exception that the person met the requirements of an exception outlined in the Plan applicable during Stage 2 for:

(a) Landscape watering at a park, golf course, athletic field, sports field or high-impact public area.

(b) Watering of new hydromulch, grass sod, or grass seed for the purpose of establishing a new landscape.

(c) Outdoor watering at a service address with a large multi-station irrigation system.

(3) It is an exception for any violation related to a watering restriction in Stage 2 if the person was watering stock at a commercial plant nursery.

7. During Stage 3 of the Plan, the following is in effect:

a. Landscape Watering During Stage 3

(1) While Stage 3 of the Plan is in effect, it is a violation if a person uses or allows the use of landscape watering.

(2) It is an exception that:

(a) The person was watering with a handheld hose, soaker hose, drip irrigation or hand watering on any day and any time.

(b) The person used or allowed the use of landscape watering with sprinklers or irrigation systems because the use of water was necessary:

i. to protect the health, safety, or welfare of the public; or

ii. for the repair of an irrigation system, plumbing line, fountain, or similar feature in the presence of person making repair.

(c) The person was using well water or treated wastewater effluent for irrigation or other alternative water supply sources.

b. Vehicle Washing During Stage 3

(1) While Stage 3 of the Plan is in effect, it is a violation if a person washes any vehicle.

(2) It is an exception that the person washed a vehicle:

(a) On the premises of a commercial car wash or commercial service station, or by using professional washing services; or

(b) That was a garbage truck or vehicle used to transport food or other perishables and the washing was necessary for health, safety, or public safety reasons.

c. Other Violations and Exceptions for Stage 3

(1) While Stage 3 of the Plan is in effect, it is a violation if a person installs new landscape or turfgrass or irrigates new landscape or turfgrass by means of an automatic irrigation system or hose-end sprinkler. It is an exception that the

Director of Utilities or his/her official designee issued a variance to the person allowing the conduct.

(2) While Stage 3 of the Plan is in effect, it is a violation if a person uses water to wash a paved area, conduct power washing activities, or hose a building or other structure, in violation of any provision of the Plan applicable during Stage 3. It is an exception that the person met the requirements to alleviate a possible public health and safety risk, fire protection or surface preparation prior to painting with a power washer utilizing high-efficiency equipment and a vacuum recovery system where possible.

(3) While Stage 3 of the Plan is in effect, it is a violation if a person operates ornamental fountains or ponds that use potable water. It is an exception that the conduct was necessary to support aquatic life.

(4) While Stage 3 of the Plan is in effect, it is a violation if a person drains, fills, or refills a swimming pool, wading pool or Jacuzzi type pool. It is an exception that the person added water to maintain the pool level in an existing private or public pool.

(5) While Stage 3 of the Plan is in effect, it is a violation if a person uses or allows the use of landscape watering at a park, golf course, athletic field, sports field or high-impact public area. It is an exception that the person met the requirements of an exception outlined in the Plan applicable during Stage 3.

(6) While Stage 3 of the Plan is in effect, it is a violation if a person uses water from a hydrant for any purpose other than firefighting related activities or other activities necessary to maintain public health, safety and welfare. It is an exception that the Director of Utilities or his/her official designee issued a variance to the person allowing the use of water from a designated hydrant.

C. Suspension and Reconnection of Water Services. The Director of Utilities or his/her designee may disconnect irrigation systems and/or suspend water services and reconnect water services as described in this Article.

1. After sending notice by certified mail, return receipt requested, to the customer, the Director of Utilities or his/her designee may disconnect irrigation systems and/or suspend water service to a premises when a violation of this Article or the Plan has not been corrected within ten (10) days of written warning or when the Director of Utilities or his/her designee determines that a violation of the Plan at that premises poses a public safety issue, including but not limited to a substantial risk to the municipal water supply of the City and may endanger the health, safety and public welfare of the citizens of the City.

2. In accordance with this Section, a person who received notice that an irrigation system may be disconnected and/or water service suspended or whose irrigation system has been disconnected and/or water service has been suspended may appeal the disconnection and/or suspension.

a. In order to perfect appeal, the person must request an administrative review before the Director of Utilities by filing a written notice of appeal to the Director of Utilities within ten (10) days of the notice that an irrigation system may be disconnected and/or water service suspended or within then (10) days of disconnection or water service being suspended.

b. Services may not be reconnected upon request for an administrative review.

c. The Director of Utilities or his/her designee shall hold the administrative review within ten (10) days of the notice of appeal.

d. The Director of Utilities or his/her designee may establish procedures for the administrative review as well as the conditions under which water service may be reconnected.

e. If the disconnection of the irrigation system and/or suspension of water service is reversed, water service shall be reconnected as soon as practicable.

f. If the disconnection of the irrigation system and/or suspension of water service is affirmed, water service will be reconnected only in accordance with the procedures established by the Director of Utilities or his/her designee.

g. Disconnection of the irrigation system or water services suspension under this Section may be reconnected after:

(1) meeting the conditions upon which water service may be restored as determined by the Director of Utilities or his/her designee; and

(2) payment of the Water Utilities Department service charges associated with reconnecting suspended water service and any other costs incurred by the City of Arlington in suspending service; and

(3) suitable assurance is given to the Director of Utilities or his/her designee that the same action will not be repeated while the Plan is in effect.

h. This administrative review exhausts all administrative remedies. (Amend Ord 14-026, 5/13/14)

ARTICLE VI

PRIVATELY OWNED WELLS

Section 6.01 Notification to Dig or Drill Well: Any person, firm, or corporation proposing to dig, bore, or drill a well within the corporate limits of the City, shall, before doing so, notify the Director of Utilities of said City.

Section 6.02 Form of Notification: Such notification shall be in writing, and shall set forth the purpose or purposes for drilling such well, and shall state the proposed depth to which same is to be dug or drilled, and shall be presented to the Director of Utilities of said City.

Section 6.03 Specifications for Wells: Any person, firm, or corporation which digs, bores, or drills a well will prepare and keep a complete log of such well from day-to-day, showing all the different sands, clays, and sources of water, whether fresh or mineral, and shall make available such records for inspection by the City at all times it may desire. In accordance with State law, any person, firm, or corporation which digs, bores, or drills a well shall use a well driller that has been registered with and licensed by the State of Texas.

Section 6.04 State Notification: Any person, firm, or corporation which proposes to dig, bore, or drill a well for the purpose of establishing a "Public Water System" or a "Community Water System" in addition to notifying the City, shall also notify the Texas Department of Health, and shall be subject to the Texas Department of Health, Water Hygiene Division, Rules and Regulations for Public Water Systems.

Section 6.05 Connection to City Water System: No well supply shall be directly or indirectly connected to the City's water supply system without review by, and written approval of, the Director of Utilities.

ARTICLE VII

SUBSEQUENT CONNECTION CHARGES

Section 7.01 Subsequent Connection Charges

A. The subsequent connection charge shall be paid for all water and/or sanitary sewer connections made to all water and/or sanitary sewer mains, constructed, purchased or financed by the City after October 1, 2003 per Resolution No. 03-311, including participation for which the owner is being reimbursed as provided for in Article 9, hereof.

B. Subsequent connection charges are not applicable to mains where the City has received full cost recovery, included in the impact fee study, or constructed as part of a main replacement program.

C. Subsequent connection charges shall be calculated by the Front Footage, Lot Count, or Lot Area Method as determined by the Director of Utilities.

1. Front Footage Method

a. Front footage is defined as the portion of the property boundary of a lot or tract of land which abuts a street, alley or easement containing public water and/or sanitary sewer mains.

b. The subsequent connection charge using the front footage method is calculated by taking the total cost of the main and dividing such cost by the total front footage of the lots capable of receiving service from the main, but not including any lots for which service has been or may become available from an existing main of the system.

c. In the case of an easement in which a water and/or sanitary sewer main crosses through the property served, the front footage shall be the length of water and/or sanitary sewer main within the limits of the property measured along the center line of the water and/or sanitary sewer main.

d. When using the front footage method, the maximum footage to be used in determining a subsequent connection charge for the connection of a single-family residence shall be two hundred feet (200’). If the property is later subdivided into lots or developed for

any use other than a single-family residence, the uncollected subsequent connection charge associated with the original lot shall be paid.

e. The subsequent connection charge using the front footage method for a lot with more than one side abutting a water and/or sanitary sewer main shall be calculated using the distance of the shorter side of the lot.

2. Lot Count Method

a. The subsequent connection charge using the Lot Count Method shall be calculated by taking the total cost of the main and dividing such cost by the total number of lots capable of receiving service from the main, but not including any lots for which service has been or may become available from an existing main of the system.

3. Lot Area Method

a. The subsequent connection charge using the Lot Area Method shall be calculated by taking the total cost of the main and dividing such cost by the total acreage of lots capable of receiving service from the main, but not including any lots for which service has been or may become available from an existing main of the system.

b. When using the Lot Area Method, the maximum area to be used in determining a charge to be made for the connection of a single-family residence shall be one acre. If the property is later subdivided into lots or developed for any use other than a single-family residence, the uncollected subsequent connection charge associated with the original lot shall be paid.

D. The subsequent connection charges due for a new development shall be collected at the time of issuance of the building permit or at the time that an application is made for connection to the City's water and/or sanitary sewer system if no building permit is required, unless an agreement between the owner and the City has been executed providing for a different time of payment.

(Amend Ord 19-055, 10/15/19)

ARTICLE VIII

STANDARD SPECIFICATIONS FOR WATER AND SANITARY SEWER CONSTRUCTION

Section 8.01 Standard Specifications Adopted

The "Standard Specifications for Water and Sanitary Sewer Construction", as amended, or "Standard Specifications", are hereby adopted as the specifications by which all City of Arlington water and sanitary sewer improvements shall be made, except as provided for in Section 8.03 of this ordinance.

Section 8.02 Specifications to be Incorporated in Contracts

The "Standard Specifications", as amended, shall be expressly incorporated in all construction contracts for water and sanitary sewer improvements. In the event the Standard Specifications are not expressly incorporated in any such contract, then the Standard Specifications shall be and are hereby deemed to be included in such contract by operation of law, and improvements shall be made in accordance with the Standard Specifications.

Section 8.03 Exemptions

The Director of Utilities is authorized to alter, amend, add to, or waive all or any part of said specification with regard to specific water and sanitary sewer improvements when, in the opinion of the Director of Utilities, such would be in keeping with sound engineering practice and would promote the health, safety, and welfare of the citizens of the City.

(Amend Ord 19-055, 10/15/19)

ARTICLE IX

RULES AND REGULATIONS FOR WATER AND SANITARY SEWER IMPROVEMENTS

Section 9.01 General Policy

A. The owner is responsible for all on-site and off-site water and sanitary sewer infrastructure to serve the proposed development. These responsibilities include, but are not limited to, design, construction, and financing. The owner may request that the City participate in the construction of water and sanitary sewer infrastructure as provided by Section 9.02.

B. A water and sanitary sewer infrastructure plan shall be provided by the owner consistent with the City of Arlington Design Criteria Manual and Water and Sanitary Sewer Master Plan. A City approved infrastructure plan is a requirement for plat approval.

C. Design of all City of Arlington water and sanitary sewer infrastructure shall be in accordance with the City of Arlington Design Criteria Manual.

D. Construction of all City of Arlington water and sanitary sewer infrastructure shall be in accordance with the City of Arlington Standard Specifications for Water and Sanitary Sewer Construction.

E. The decision of the Director of Utilities shall be final in determination of line size and approval of drawings and specifications.

F. Nothing in this ordinance shall be construed as a surrender by the City of its control over streets, alleys, public ways or public easements.

G. No person shall acquire any vested rights under the provisions of this ordinance.

Section 9.02 City Participation and Reimbursement

A. The City may participate in the construction cost of water and/or sanitary sewer mains subject to available funding and City Council approval. The participation of construction cost cannot exceed the percentage allowed by state statute.

B. The owner shall submit a written request for participation to the City prior to executing Developer Participation Contracts and Three-Party Contracts. The agreement will state if the participation will be a percentage of the costs or a lump sum amount.

C. If the request is approved, the owner shall initially defray the entire cost of the infrastructure eligible for participation and reimbursement, unless the City Council determines otherwise. No reimbursement shall take place until the infrastructure has been dedicated to and accepted by the City.

D. Oversizing Participation

1. The City may require oversizing of water and/or sanitary sewer mains and appurtenances.

2. The City may participate in the costs of oversizing of improvements required by the municipality, including but not limited to increased capacity of improvements to anticipate other future development in the area.

3. The City's participation in oversizing costs shall not exceed one hundred percent (100%) of the total oversizing costs.

4. The City shall pay only the difference in cost between the size main required for the development and the size main required by the City.

5. The size main required for the development shall be the City of Arlington minimum standard size or the minimum size main necessary to serve the development, whichever is greater.

E. Off-site Extension Participation

1. Where the owner is required to extend water and/or sanitary sewer mains to the property being developed, the City may participate in the reasonable construction cost of such extension related to the development.

2. City participation shall not exceed thirty percent (30%) of the Three-Party Contracts.

3. The amount of participation will be based on the City's reasonable potential for cost recovery or current limits established by state law.

F. Frontage Participation

1. The owner is responsible for extending water and/or sanitary sewer mains and appurtenances across the frontage of the development to allow for future extensions for the development of adjacent parcels and to facilitate looping opportunities.

2. For extensions across more than one frontage, the City may participate in the reasonable construction cost of such extensions.

3. City participation shall not exceed thirty percent (30%) of the Three-Party Contracts.

4. The amount of participation will be based on the City's reasonable potential for cost recovery or current limits established by state law.

G. The owner shall execute a performance bond for the construction of the water and/or sanitary sewer mains and appurtenances to ensure completion of the project. The bond must be executed by a corporate surety in accordance with Chapter 2253 of the Texas Government Code.

H. In no event shall the City be obligated to proceed under the terms of this ordinance if funds are not available, or if in the discretion of the City, the extension may not be practical.

(Amend Ord 19-055, 10/15/19)

ARTICLE X

PENALTY

Section 10.01 Penalty

Except as provided in Section 4.01 and Section 5.03 of this Chapter, a person who violates any provision of this Chapter by performing an act prohibited or by failing to perform an act required is guilty of a misdemeanor offense punishable by a fine not to exceed $500 and each occurrence of the violation shall constitute a separate offense. (Amend Ord 14-026, 5/13/14)

Section 10.02 Culpability

If the definition of an offense under this Chapter does not prescribe a culpable mental state, then a culpable mental state is not required and the offense is one of strict liability. (Amend Ord 05-014, 2/22/05)

ARTICLE XI

MUNICIPAL SETTING DESIGNATIONS

Section 11.01 Findings

The City Council of the City of Arlington makes the following findings:

(1) There are areas of shallow groundwater within the City and its extraterritorial jurisdiction that are not usable as potable water sources;

(2) Commercial and industrial properties exist in Arlington and its extraterritorial jurisdiction underlain with unusable groundwater that have become contaminated by historical on-site or off-site sources;

(3) The City of Arlington does not utilize groundwater as a source for public drinking water, and less than six (6) percent of all municipal water supplies in Tarrant County come from groundwater sources;

(4) The use of municipal setting designations within Arlington and its extraterritorial jurisdiction allows for a state-evaluated corrective action process for groundwater that is directed toward protection of human health and the environment balanced with the economic welfare of the citizens of the City; and

(5) Where public drinking water is available, the use of groundwater as a potable water source in designated areas should be prohibited to protect public health and welfare when the quality of the groundwater presents an actual or potential threat to human health.

Section 11.02 Definitions

As used in this division, unless the context clearly indicates otherwise:

Affected community means those persons entitled to notice in Section 11.06(A)(3) below.

Applicant means the owner of the land seeking an MSD.

Authorized representative means, for purposes of signing an application, if the applicant is a corporation, the president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; if the applicant is a partnership or sole proprietorship, a general partner or proprietor, respectively; if the applicant is a limited liability company, the manager; and if the applicant is a local government, the chief executive officer or his authorized designee.

Chemical of concern means any chemical that has the potential to adversely affect ecological or human receptors due to its concentration, distribution, and mode of toxicity.

Director means the Director of Environmental Services, or other employee designated by the City Manager to enforce and administer this chapter, or the Director's designated representative.

Environmental risk assessment means the qualitative and quantitative evaluation performed in an effort to define the risk posed to human health and/or the environment by the presence or potential presence and/or use of contaminants as defined in Section 361.801(1) of the Texas Health and Safety Code.

Groundwater means water below the surface of the earth.

Municipal setting designation (MSD) means a designation as provided by Chapter 361, Subchapter W, of the Texas Health and Safety Code, which authorizes the Executive Director of the Texas Commission on Environmental Quality (TCEQ) to certify municipal setting designations in order to limit the scope of or eliminate the need for investigation of or response actions addressing contaminant impacts to groundwater that has been restricted from use as potable water by ordinance or restrictive covenant.

Potable water means water that is used for irrigating crops intended for human consumption, drinking, showering, bathing, or cooking purposes.

Section 11.03 <u>Use of Groundwater in MSD Areas as a Potable Water Source Prohibited</u>

A. A person commits an offense if the person intentionally, knowingly, or with criminal negligence uses groundwater in a MSD area as a potable water source.

B. A person commits an offense if the person intentionally, knowingly, or with criminal negligence uses groundwater in a MSD area for a purpose prohibited in the ordinance creating that MSD.

Section 11.04 <u>Application for City Council Approval of MSD</u>

A. A person, excluding the City of Arlington, seeking City Council approval of a MSD for an area within the corporate limits of the City of Arlington, or within its extraterritorial jurisdiction, shall apply in writing, with the number and format of copies, as determined by the Director.

B. An application shall contain:

1. The applicant's name and address, and the name, address, daytime telephone number, and email address of a contact person and the licensed professional who prepared the application;

2. The location and legal description of the proposed outer boundaries of the MSD area for which designation is sought;

3. A copy of the application with the Executive Director of the TCEQ for a MSD for the area;

4. A statement as to whether a public drinking water supply system exists that satisfies the requirements of Texas Health and Safety Code Chapter 341 and that supplies or is capable of supplying drinking water to the area for which the MSD is sought, and property within one-half mile of the area for which the MSD is sought;

5. A description of the groundwater sought to be restricted, including the identified chemicals of concern therein and the levels of contamination known to the applicant, and the identified

vertical and horizontal extent of the contamination. If the applicant has not documented groundwater contamination offsite that originates from the area for which an MSD is sought, the application shall include a statement as to whether contamination more likely than not exceeds a residential assessment level offsite and the basis for that statement;

6. Identification of the person(s) responsible for the contamination of the groundwater, if known;

7. A listing of:

   a. All state-registered private water wells within five (5) miles from the boundary of the area for which the designation is sought, including a notation of those wells that are used for potable water purposes (if known), and a statement as to whether the applicant has provided the owners with notice as provided in Texas Health and Safety Code Section 361.805;

   b. Each retail public utility, as that term is defined in the Texas Water Code, that owns or operates a groundwater supply well located not more than five (5) miles from the area for which the MSD is sought, and a statement as to whether the applicant has provided the retail public utilities with notice as provided in Texas Health and Safety Code Section 361.805; and

   c. Each municipality, other than the City of Arlington, with a boundary located not more than one-half (1/2) mile from the area for which the MSD is sought; or that owns or operates a groundwater supply well located not more than five (5) miles from the area for which the MSD is sought; and a statement as to whether the applicant has provided the municipalities with notice as provided in Texas Health and Safety Code Section 361.805;

8. A site map, drawn to scale, including a metes and bounds description of the proposed MSD area, the boundary of the proposed MSD area, the location of groundwater on the proposed MSD area, and the

extent of groundwater contamination to the limits that it has been defined. The map shall include a statement by a professional land surveyor registered by the Texas Board of Professional Surveying attesting to the accuracy of the metes and bounds description; and

9. Any other information that the Director deems pertinent.

C. The application shall be signed by an authorized representative of the applicant and shall contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in a manner designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

D. An application shall be accompanied by:

1. A set of printed mailing labels with the names and addresses of persons listed in Subsection (B)(7) above;

2. An electronic file of the names and addresses of persons listed in Subsection (B)(7) above, in a format acceptable to the Director and compatible with City information systems; and

3. A nonrefundable application fee of $1,000 and actual Tarrant County recording fees.

E. An applicant may withdraw its application only in writing by letter sent certified mail, return receipt requested, to the Director, and shall forfeit the application fee. If the Director has not issued public notice prior to the receipt of the withdrawal letter, the applicant may reapply at any time. If public

notice has issued, a new application is subject to the limitations of Section 11.09 below.

Section 11.05 <u>Staff Review</u>

A. For purposes of the times stated in this ordinance, an application is deemed to have been received on the date that the application was actually received by the Director, as indicated by the file date stamped on the application by the department of Environmental Services.

B. The application for a MSD shall be forwarded to the Development Review Committee (DRC) for staff review. The purpose of the review is to determine whether the application is complete, and whether any current or future City property or other interests have the potential to be impacted by the proposed MSD. City staff shall not conduct an environmental risk assessment of the application.

C. City staff review and reporting to the applicant will be within the established DRC timetables. DRC will provide a written report noting any discrepancies in the application, and advising of any City interests that may potentially be impacted by the proposed MSD.

D. If the Director determines that the application is incomplete, he will return the application to the applicant, noting the deficiencies in writing. The applicant shall have thirty (30) days from the date of the deficiency letter to correct the deficiencies and resubmit the application. If the applicant fails to submit a corrected application within the allotted time, the application shall be deemed to be withdrawn and the application fee forfeited.

E. If the Director determines that the application is complete, he will schedule a public meeting and a public hearing. The public meeting must be held prior to the public hearing.

   1. A public meeting will be scheduled approximately forty-five (45) days following the day the application was received; and

2. A public hearing of the City Council will be scheduled approximately sixty (60) days following the day the application was received.

Section 11.06 <u>Notice of Public Meeting and Public Hearing</u>

A. Notice of the public meeting and the public hearing on a MSD application may be combined and must include the date, time and location of the two (2) events, the identity of the applicant, the location and legal description of the area for which the MSD is sought, the purpose of the MSD, the type of contamination identified in the groundwater of the area for which the MSD is sought, and a statement that a copy of the application is available for public viewing at the department of environmental services. Notice will be made as follows:

1. The Director will publish notice of a public meeting and a public hearing for a proposed MSD in the official newspaper of the City, not less than fifteen (15) days before the public meeting;

2. The Director will request that the City Secretary post the notice at City Hall, in a place readily accessible to the general public at all times, not less than fifteen (15) days before the public meeting; and

3. The Director will provide written notice of a public meeting and a public hearing for a proposed MSD, not less than fifteen (15) days before the date of the public meeting by properly addressed and regular postage paid, in the United States mail. Notice will be mailed to:

   a. The applicant;

   b. The list provided by applicant pursuant to Section 11.04(B)(7);

   c. The executive Director of the Trinity River Authority, if the area for which an MSD is sought is within five (5) miles of the Trinity River; and

d. All owners of real property lying within 200 feet of the subject property, as the ownership appears on the last approved City tax roll.

B. The Director will direct the posting of at least one (1) sign upon the area for which a MSD has been requested. Posting shall be in the same manner as zoning amendments. The sign(s) must state that an MSD has been requested for the area and that additional information can be acquired by telephoning the number listed thereon or visiting the web site address listed thereon. The erection and/or the continued maintenance of any such sign shall not be deemed a condition precedent to the holding of any public meeting or public hearing or to any official action concerning the MSD application.

Section 11.07 <u>Public Meeting</u>

A. The purpose of a public meeting is for the applicant to provide information to the affected community about MSDs and the application and to obtain input on the application prior to a formal hearing before the City Council.

B. The public meeting will be held in the evening at a location convenient to the affected community.

C. The applicant or its representative must appear at the public meeting. If the applicant fails to appear at the public meeting either in person or by representative, the application shall be deemed withdrawn and the application fee forfeited.

D. The Director will conduct the meeting, giving the applicant or its representative the opportunity to present its reasons for requesting an MSD, and giving members of the affected community the opportunity to ask the applicant questions or make oral comments on the application.

E. The Director will make a tape recording of the public meeting available for the public.

Section 11.08 <u>City Council Public Hearing</u>

A. Prior to the public hearing, the Director will provide the City Council a copy of the application, and a written report summarizing the request for the MSD approval, any staff comments, and minutes of the public meeting.

B. The applicant or its representative must appear at the public hearing and present the request for a MSD approval. If the applicant fails to appear at the public hearing, the application shall be deemed withdrawn and the application fee forfeited.

C. Persons wishing to speak either in favor of or against the application will be provided the opportunity in accordance with City Council guidelines for public hearings.

D. If approving an application, the City Council shall:

1. Adopt a resolution supporting the application to be presented to the TCEQ; and

2. Enact an ordinance prohibiting the potable use of designated groundwater from beneath the MSD area. The ordinance must include a metes and bounds description of the MSD area to which the ordinance applies; a listing of the contaminants; and a statement that the ordinance is necessary because the contaminant concentrations exceed TCEQ potable water standards.

3. Place other reasonable restrictions on the use of designated groundwater and including, but not limited to, specification of underground construction materials to be used in the MSD area.

E. City Council approval of an application shall not be deemed to waive the City's right to comment on a MSD application that has been filed with the Executive Director of the TCEQ as provided by Texas Health and Safety Code Section 361.805.

Section 11.09 <u>Limitation on Reapplication</u>

If after public hearing the City Council disapproves an application, or if the applicant has withdrawn its

application after public notice has issued, no new MSD applications for the proposed MSD area shall be accepted by the City or scheduled for a public hearing by the City Council within a period of twelve (12) months of the date of disapproval or withdrawal.

Section 11.10 <u>Additional Requirements</u>

A. A person who has received approval of a MSD from the City, shall, upon issuance from the TCEQ, provide the Director with a copy of the certificate of completion or other documentation issued for the MSD area, showing that response actions, if required, have been completed.

B. A person commits an offense if they fail to provide the Director with the documentation required in Subsection (A) above, within thirty (30) days of its issuance by the TCEQ.

(Amend Ord 06-089, 8/22/06)

ARTICLE XII

RECLAIMED WATER SERVICE

Section 12.01 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Chapter, shall have the meaning hereinafter designated.

"**Approved Use**" shall mean an application or beneficial use of Reclaimed Water as authorized by law and approved through a Reclaimed Water Service Agreement.

"**Approved Use Area**" shall mean a site designated in a Reclaimed Water Service Agreement to receive reclaimed water for an Approved Use.

"**Authorized Representative**" shall mean a representative of a User and may be: (1) an owner; (2) a responsible corporate officer, if the discharger submitting the application or report is a corporation, this includes the president, vice president, secretary, or treasurer of the corporation in charge of the principal business function, or any other person who performs similar policy or decision-making functions for the corporation; (3) an official of an association, nonprofit organization, local governmental entity, State or Federal installation having direct control of management decisions and fiscal responsibilities; (4) any partner or proprietor if the User is a partnership or proprietorship, respectively; (5) the manager of one or more manufacturing, production or operation facilities, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures; or (6) a duly authorized representative of an individual as specified above if such representative is responsible for the overall operation of the facilities from which the discharge originates and when written authorization for such representative is submitted to the Authority.

"Chapter" shall mean the Arlington "Water and Sewer" Chapter of the Code of the City of Arlington, Texas, 1987.

"Chapter 210" shall mean Chapter 210 of Title 30 of the Texas Administrative Code, titled "Use of Reclaimed Water," as it may be amended from time to time.

“Chapter 210 Reclaimed Water Authorization” shall mean the written approval received from the TCEQ for implementing the Reclaimed Water Use Notification submitted to TCEQ that defines the Reclaimed Water Service Area and the intended uses of the reclaimed water system.

“Chapter 210 Service Area” shall mean the same as Reclaimed Water Service Area.

“City” shall mean the City of Arlington, Texas.

“**Container Unit**” shall mean any container that is used to hold Reclaimed Water during transport from an Offsite Reclaimed Water Facility to an Approved Use Area.

“**Cross Connection**” shall mean any connection, physical or otherwise, between a potable water supply system and any plumbing fixture, or any tank, receptacle, equipment or device, through which it may be possible for any non-potable, used, unclean, polluted, and contaminated water, or other substances, to enter into any part of such potable water system under any condition or set of conditions or as amended by the “Backflow Prevention” Chapter of the Code of the City of Arlington, Texas, 1987.

“Director” means the Director of the Water Utilities Department of the City, as designated and appointed by the City Manager of the City, or the City Manager appointed designee charged with the administration and enforcement of this Chapter.

“**Offsite Reclaimed Water Facilities**” shall mean any Reclaimed Water distribution, storage, or delivery facilities upstream of the Point of Connection to an Approved Use Area.

“**Onsite Reclaimed Water Facilities**” shall mean any Reclaimed Water distribution, storage or delivery facilities downstream of the Point of Connection to an Approved Use Area such as Reclaimed Water distribution on the User’s side of the Reclaimed Water meter.

“**Reclaimed Water**” shall mean wastewater, collected and treated at a wastewater treatment plant, which has been treated to a quality that meets or exceeds the requirements of the Texas Commission on Environmental Quality’s Chapter 210 authorization to the City.

"**Reclaimed Water Distribution System**" shall mean a system, for the provision to a User of Reclaimed Water, consisting of pipes and related facilities for the distribution, use and sale of Reclaimed Water at various points of connection, that may be designed and constructed, or otherwise acquired, and thereafter operated by the City or the City's contractors.

"**Reclaimed Water Service**" shall mean furnishing of Reclaimed Water to a User through a metered connection to Onsite Reclaimed Water Facilities.

"**Reclaimed Water Service Agreement**" shall mean a contractual agreement between a User and the City that establishes the conditions and terms for delivery and use of Reclaimed Water subject to supply to the City.

"**Reclaimed Water Service Area**" shall mean the territory within the City and/or within its service area receiving reclaimed water, per territorial boundaries included in the City's Chapter 210 Reclaimed Water authorization.

"**Reclaimed Water Transportation**" shall mean the transport of reclaimed water by vehicles to an Approved Use Area.

"Standard Specifications" shall mean the latest revision of Arlington's "Standard Specifications for Waterworks and Sewerage Improvements in the City of Arlington" found in Article VIII of the Arlington "Water and Sewer" Chapter.

"**User**" shall mean a party to a reclaimed water agreement with the City.

"**User Reclaimed Water Facilities**" includes all connections and facilities on the user's side of the reclaimed water meter beginning with and including the connection to the reclaimed water meter.

Section 12.02 <u>Reclaimed Water Application and Service</u>

A. The Director may make Reclaimed Water available to properties within the Reclaimed Water Service Area upon request, when it is feasible and when such service is in compliance with this Article and all applicable laws and regulations.

B. Any gas drilling within 2,000 feet of a Reclaimed Water line, which shall be measured from the drilling zone to

the Reclaimed Water line, requires connection to Reclaimed Water for fracture stimulation purposes except as follows:

1. the gas operator has requested an administrative review and has demonstrated to the Director during the review that use of reclaimed water is not economically feasible; or,

2. the Director determines that it is not feasible to make reclaimed water available.

A request for an administrative review shall be in writing and filed with the Director. The economic grounds for the request must be specifically set forth in the request. Within forty-five days of receipt of the request, the Director may issue a written determination on the request or request additional information. If additional information is requested, the Director may issue a written determination within forty-five days from receipt of information responsive to the Director's request. The Director's decision is final.

C. To request Reclaimed Water Service from the City, a person shall submit an application to the Director and shall agree to abide by all requirements for Reclaimed Water Service as described in this Article, including design standards for Reclaimed Water facilities, the manner of construction, the method of operation, and all other conditions for service.

D. Upon submittal of an application for Reclaimed Water Service, the Director shall review such application and shall make such investigation as is reasonably necessary to determine if such service is feasible and practicable taking into consideration factors such as the predicted availability of Reclaimed Water, source reliability and any other competing demands on City resources. The investigation may include a visit to the proposed site for Reclaimed Water Service.

E. If after review of a request for Reclaimed Water Service, the Director determines the request feasible and the Director approves the application, the Director may enter into a Reclaimed Water Service Agreement with the User, provided the requester meets the minimum system design and operation standards as described herein.

F. Upon successful inspection and approval of the Reclaimed Water Service facilities by the City, per the requirements of this Article, the requestor shall execute a Reclaimed Water Service Agreement with the City for Reclaimed Water Service.

G. The Reclaimed Water Service Agreement shall incorporate the requirements of this Article, Chapter 210, and other terms and conditions prescribed by the Director.

H. Prior to delivery of Reclaimed Water, the requestor must sign the Reclaimed Water Agreement acknowledging that as a User, that person is now responsible for Onsite Reclaimed Water Facilities and related activities, that the User shall comply with all applicable laws and regulations, including but not limited to Chapter 210, and shall agree to hold the City harmless from claims related to the Reclaimed Water and the operation and maintenance of the Onsite Facilities and related activities.

I. The City may discontinue Reclaimed Water Service with a minimum of ten (10) days notice if the User:

1. violates the terms of the Reclaimed Water Service Agreement or this Article;

2. tampers with any facilities related to the service, including the meter;

3. cross-connects the Reclaimed Water system with a potable water source unless such cross-connection is deemed by Director to be an emergency where Director shall disconnect without notice;

4. refuses to permit an authorized City representative to enter its premises to inspect the User’s Reclaimed Water system; or

5. performs an act that the Director determines may be detrimental to the water, wastewater, and/or Reclaimed Water system or the health and safety of the public.

J. A User who seeks to discontinue service shall pay for the Reclaimed Water used until the service is disconnected.

K. A User may not reconnect a discontinued service without approval from the Director.

L. If a User reconnects a discontinued service without approval of the Director, the Water Utilities Department may remove the service and charge an additional fee as set by resolution of the City Council.

M. A User may apply for reinstatement of service after paying all fees or charges assessed.

N. The Director shall charge a fee as set by resolution of the City Council for reinstatement of Reclaimed Water Service.

O. The Director shall have the right to temporarily discontinue, disconnect, and re-connect the Reclaimed Water Service without notice to all Users for the purpose of making repairs, connections, extensions, and cleaning of system. The Director shall have the right to temporarily disconnect service without notice to a User having a break on their private line should that break present a hazard to the general public. The Director shall have the right to discontinue without notice Reclaimed Water Service in an emergency. None of the terms of this Chapter shall ever be construed as requiring the Director to maintain a specific constant pressure in its lines.

Section 12.03 <u>Compliance with Minimum Design and Operation Standards</u>

A. A requestor for Reclaimed Water Service shall submit the following information to the City for approval, prior to construction or retrofit of an Onsite Reclaimed Water Facility that will use or receive Reclaimed Water:

1. Design drawings and specifications in compliance with the City’s policies and regulations;

2. Drawings of the final installed Onsite Reclaimed Water Facility and the entire proposed use area;

3. Proof that the User will be compliant with City Backflow Prevention Ordinance and other applicable City ordinances and laws regarding backflow

prevention requirements and has the required backflow prevention assembly on the Reclaimed Water service line; and

4. Proof, as requested by the City, that the User has sufficient storage facilities for the Reclaimed Water and will be in compliance with Title 30, Chapter 210.23 of the Texas Administrative Code, as amended.

B. The City shall issue written notice to proceed with construction and/or retrofit upon satisfaction that the requestor shall meet the minimum design and operation standards for Reclaimed Water Service.

C. The User shall make a written request for inspection by the City.

D. The Director shall grant the User approval of Onsite Reclaimed Water Facilities if:

1. the Director determines that the requestor meets the minimum design and operation standards; and

2. the system passes the inspection, including the cross-connection control and operational tests.

Section 12.04 **<u>Rules and Restrictions on Service</u>**

A. The City and its authorized agents, employees, or contractors will conduct the operation, management, and control of Offsite Reclaimed Water Facilities and the oversight of the Reclaimed Water. The City will conduct water quality assessments to comply with regulatory requirements applicable to Reclaimed Water it delivers at the point of connection. The City reserves the right to take action at such times it deems necessary to safeguard the public health and safety.

B. The User shall be responsible for construction and operation of Onsite Reclaimed Water Facilities up to the established point of connection with the Offsite Reclaimed Water Facilities. The User shall provide supervision and training to operations personnel, and conduct all operations of Onsite Reclaimed Water Facilities in compliance with this Article, Backflow Prevention Ordinance, Chapter 210, and other applicable

laws, and provide access to Onsite Reclaimed Water Facilities at reasonable times for inspections by the City.

C. The use of Reclaimed Water is restricted to the purposes allowable under Chapter 210 which include: turf and general landscape irrigation; cooling tower, air conditioning or chiller makeup water; vehicle washing; non-food processing industrial processes including natural gas exploration processes; and, other lawful uses as authorized by the Director.

D. A User may use Reclaimed Water only as authorized by the Director and as designated in the Reclaimed Water Service Agreement and subject to prohibitions of this Article, Arlington “Water and Sewer” Chapter, and in compliance with Chapter 210 and all applicable laws and regulations.

E. Reclaimed Water irrigation is not permissible during the year-round outdoor watering restriction time as specified in the City’s water conservation program.

F. The following specific prohibitions for Reclaimed Water are not inclusive of all restrictions on the use or handling of Reclaimed Water in this Article.

1. A person commits an offense if Reclaimed Water is discharged to any pipeline, channel, gutter, drain or other conveyance structure that is connected to the storm sewer system.

2. A person commits an offense if a person fails to discharge Reclaimed Water used for cooling, processing or any other non-consumptive use to a sanitary sewer, in compliance with all applicable permits and laws governing such discharges.

3. A person commits an offense if a person fails to only use Reclaimed Water for purposes approved by this Article and as stated in the Reclaimed Water Service Agreement.

4. A person commits an offense if a person uses Reclaimed Water outside of the area approved in the Reclaimed Water Service Agreement. The User shall not discharge airborne or surface Reclaimed Water to another area without prior approval of the Director.

5. A User commits an offense if the User fails to employ practices that apply Reclaimed Water in a way that is efficient and avoids excessive application that results in surface runoff, incidental ponding or standing water. If such conditions occur, the User shall immediately alter application methods to prevent any further runoff or standing water.

6. A User commits an offense if a User fails to employ practices that store Reclaimed Water in a way to avoid discharge of reclaimed water into waters in the state, not locate initial holding pond within the floodway, and if storing in a pond the lining must be in compliance with Chapter 210 rules and have a certification furnished by a Texas Registered Professional Engineer. Reclaimed Water may be stored in leak-proof, fabricated tanks.

G. The Director may inspect devices installed by the User to control the flow of Reclaimed Water and may remove, or secure such devices if installed in violation of this Article or any term of the Reclaimed Water Service Agreement.

H. The Director may inspect any Offsite or Onsite Reclaimed Water Facilities, as well as use areas and adjoining property, during normal business hours and shall be granted access, without prior notice to the User.

I. The User and User's operations personnel shall cooperate with the City and its authorized representatives and assist in performing operational tests.

Section 12.05 <u>Standard Specifications for Reclaimed Water Service</u>

A. The Standard Specifications, as amended, or other applicable laws, adopted for waterworks and sewerage in Article VIII of the Arlington "Water and Sewer" Chapter shall apply to Reclaimed Water system improvements, and as appropriate, accommodate current standard specifications for Reclaimed Water systems.

B. The “Standard Specifications,” as amended or other applicable laws, shall be incorporated into all contracts for reclaimed water system improvements and include standard specifications for Reclaimed Water such as Reclaimed Water specific pipe and labeling of systems.

C. The Director is authorized to alter, amend, add to, or waive all or any part of said specification with regard to specific Reclaimed Water systems when, in the opinion of the Director, such would be in keeping with sound engineering practice and would provide for the health and safety of the Arlington citizens and visitors.

Section 12.06 <u>Rules and Regulations for Providing Reclaimed Water Service</u>

A. The Director will determine the Reclaimed Water Service Area within the City of Arlington and its Chapter 210 Service Area for providing reclaimed water with an available reclaimed water supply and distribution system.

B. User shall:

1. execute an agreement with the City prior to extension of any main or any construction of such facility or appurtenances for a reclaimed water system and abide by all regulations of the City and State to utilize Reclaimed Water.

2. ensure planned extensions of any main or construction of such facility or appurtenances for a reclaimed water system are within the Chapter 210 Service Area or if construction is outside the Reclaimed Water Service Area notify the Director to determine if services may be authorized.

C. Construction of all Reclaimed Water facilities required by these regulations shall be in accordance with the requirements and specifications contained in the City Standard Specifications for Waterworks and Sewerage Improvements, as amended; the City Guide for Design Policies and Procedures for Water and Sanitary Sewer Utilities systems, latest revision; and the regulations of the Texas Commission on Environmental Quality.

D. A User must identify Reclaimed Water facilities with signs having a minimum size of eight inches (8”) by eight inches (8”) posted at all storage areas and on all hose bibs and faucets reading, in both English and Spanish, “Reclaimed Water, Do Not Drink” or similar warning in accordance with Chapter 210.25 of Title 30 of the Texas Administrative Code.

Section 12.07 <u>Rates, Charges and Billing</u>

A. The User shall be billed the rates and fees as established by the City Council.

B. The Reclaimed Water volume charge rate is set forth in Article III of this Chapter.

C. Reclaimed Water Service fees are separate from and in addition to all other fees such as discharge fees, fines and penalties assessable by the City.

D. Reclaimed Water Service rates and fees may be amended as the City Council deems reasonably necessary.

E. The Director shall have the authority to adjust the monthly billing calculations and procedures for any customer to correct inequities that may arise due to methodologies adopted for calculating rates.

F. Reclaimed Water Service meters shall be read to the nearest one thousand (1,000) gallons monthly at approximately the same time each month, and the User notified, in writing or otherwise, of the applicable charges and the due date for payment of such charges. The User shall be given a minimum of ten (10) days from notice to make full payment.

G. The User may be billed for Reclaimed Water Service on the monthly water billing.

H. If a User fails to make full payment for Reclaimed Water Service by the date due, the User is delinquent and Reclaimed Water Service may be discontinued after notice of delinquency. Such notice may be separate or may be included with a reminder delinquent notice for the monthly water billing. This notice shall state that all charges, including previous and current balances, are due and payable on the due date shown on the statement; and, this notice shall state that should

the User fail to make payment on or before the due date shown, reclaimed water service shall be discontinued without further notice. A User has the right to request an administrative review to dispute the validity of the charges, if such request is made on or before the due date shown on the notice. If the User's payment of any of the delinquent charges are returned or refused to be paid to the City by the User's financial institution, notice of nonpayment shall be given to the User. This notice shall state that if the User fails to make payment by cash, cashiers check or money order within ten (10) days from notice, reclaimed water service shall be discontinued without further notice. Customer will be subjected to late fees and reconnect fees.

Section 12.08 <u>Inaccurate Meter Readings</u>

If any Reclaimed Water Services meter fails to register or registers inaccurately since the previous reading, the right shall exist on the part of the Water Utilities Department to average the month and charge for water on the basis of any three months average; provided, however, that the months used for the purpose of making the average are comparable to the months the water is used.

Section 12.09 <u>No Grant or Transfer of Water Right or Ownership Interest</u>

The delivery of Reclaimed Water by the City and the acceptance and use of the Reclaimed Water by the User is not a transfer or an acquisition by the User of a water right or an ownership interest in any of the Offsite Reclaimed Water Facilities.

Section 12.10 <u>Offenses</u>

A person who violates any provision of this Chapter by performing an act prohibited or by failing to perform an act required is guilty of a misdemeanor; each day the violation continues shall be a separate offense.

1. If the definition of an offense under this Chapter does not prescribe a culpable mental state, then a culpable mental state is not required. Such offense shall be punishable by a fine not to exceed Five Hundred Dollars

and No Cents ($500.00). Although not required, if a culpable mental state is in fact alleged in the charge of the offense and the offense governs fire safety, zoning, or public health and sanitation, including dumping of refuse, such offense shall be punishable by a fine not to exceed Two Thousand Dollars and No Cents ($2,000.00).

2. If the definition of an offense under this Chapter prescribes a culpable mental state and the offense governs fire safety, zoning, or public health and sanitation, including dumping of refuse, then a culpable mental state is required and the offense shall be punishable by a fine not to exceed Two Thousand Dollars and No Cents ($2,000.00).

(Amend Ord 11-017, 3/22/11)

ORDINANCE NO. 96-124

AN ORDINANCE AMENDING THE "**WATER AND SEWER**" CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, THROUGH THE AMENDMENT OF **ARTICLE III**, ENTITLED CHARGES FOR WATER AND SEWER SERVICE, BY THE AMENDMENT OF **SECTION 3.02,** WATER AND SEWER RATES, AT SUBSECTION (A), WATER RATES, TO ADJUST THE MONTHLY RATES CHARGED FOR WATER SERVICE; AT **SUBSECTION 3.02(F),** RAW WATER RATES, TO ADJUST THE MONTHLY RATES CHARGED FOR RAW WATER; PROVIDING FOR A FINE OF UP TO **$500** FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE FOR ALL BILLINGS ON OR AFTER NOVEMBER 1, 1996

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Water and Sewer"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article III, Charges for Water and Sewer Service, by the amendment of **Section 3.02**, Water and Sewer Rates, **Subsection (A)**, Water Rates, so that hereafter said subsection shall be and read as follows:

A. Water Rates:

(1) The following rates per month shall be the rates charged for water service furnished to customers within and outside the corporate limits of the City:

METER SIZE	FIXED MONTHLY CHARGE (Includes 2,000 Gallons)	CONSUMPTION
0.75 inches	$ 7.60	$2.20/1,000 gallons
1.00 inches	11.90	$2.20/1,000 gallons

1.50 inches	24.95	$2.20/1,000 gallons
2.00 inches	42.25	$2.20/1,000 gallons
3.00 inches	94.30	$2.20/1,000 gallons
4.00 inches	163.65	$2.20/1,000 gallons
6.00 inches	371.70	$2.20/1,000 gallons
8.00 inches	579.75	$2.20/1,000 gallons
10.00 inches	868.75	$2.20/1,000 gallons

(2) The charges set forth in the schedule in the preceding paragraph are based upon the amount of water used, as measured by a single meter or accumulation of several meters, in increments of one thousand (1,000) gallons.

Further, Article III is hereby amended by the amendment of **Section 3.02**, Water and Sewer Rates, **Subsection (F)**, Raw Water Rates, so that hereafter said subsection shall be and read as follows:

F. Raw Water Rates:

The following rates per month shall be the rates charged for furnishing raw water to customers unless approved otherwise by the City Council:

GALLONS OF WATER	RATE
0 to 1,000 gallons	$30.00 minimum charge
All over 1,000 gallons	$ 0.86 per 1,000 gallons

Any required chemicals will be charged at actual cost at the City plus a ten percent (10%) handling fee.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed **Five Hundred and No/100 Dollars ($500)** for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions

thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective for all billings on or after November 1, 1996.

PRESENTED AND GIVEN FIRST READING on the 3rd day of September, **1996**, at a regular meeting of the City

Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 17th day of September, **1996**, by a vote of 5 ayes and 3 nays at a regular meeting of the City Council of the City of **Arlington, Texas**.

_____
RICHARD E. GREENE, Mayor

ATTEST:

_____
CINDY KEMP, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY_____

ORDINANCE NO. 97-156

AN ORDINANCE AMENDING THE "**WATER AND SEWER**" CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, THROUGH THE AMENDMENT OF **ARTICLE I**, ENTITLED DEFINITIONS, RELATIVE TO THE AMENDMENT OF THE DEFINITIONS OF "STANDARD METHODS", "STANDARD SIZE WATER MAIN", "STANDARD SPECIFICATIONS" AND "WATER UTILITIES DEPARTMENT"; THROUGH THE AMENDMENT OF **ARTICLE III**, ENTITLED CHARGES FOR WATER AND SEWER SERVICE, BY THE AMENDMENT OF **SECTION 3.02**, WATER AND SEWER RATES, AT SUBSECTION (B)(2), RELATIVE TO WASTEWATER FLOW CALCULATION; THROUGH THE AMENDMENT OF **ARTICLE IV**, ENTITLED REGULATIONS AND RESTRICTIONS ON SERVICE, BY THE AMENDMENT OF **SECTION 4.17,** REPAIRING METERS AND METER BOXES; TESTING METERS, FEE, AT SUBSECTION (B), RELATIVE TO APPLICATION FOR METER EXAMINING AND TESTING; BY THE AMENDMENT OF **SECTION 4.20**, EXPOSING METER OR FIRE HYDRANTS TO DAMAGE; MOVING METERS OR HYDRANTS; VIOLATIONS, RELATIVE TO METER BOX LOCATIONS; THROUGH THE AMENDMENT OF **ARTICLE VIII**, ENTITLED STANDARD SPECIFICATIONS FOR WATER WORKS AND SEWERAGE IMPROVEMENTS, RELATIVE TO UPDATING THE REFERENCE TO THE "STANDARD SPECIFICATIONS FOR WATERWORKS AND SEWERAGE IMPROVEMENTS"; THROUGH THE AMENDMENT OF **ARTICLE IX**, ENTITLED RULES AND REGULATIONS FOR PROVIDING WATER AND SEWER SERVICE, RELATIVE TO UPDATING PROVISIONS REGARDING EXTENSIONS; PROVIDING FOR A FINE OF UP TO **$500** FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE TEN DAYS AFTER PUBLICATION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Water and Sewer"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through

the amendment of Article I, Definitions, so that hereafter said Article shall be and read as follows:

ARTICLE I

DEFINITIONS

Section 1.01 Definitions

This ordinance shall be known as the "Arlington Water and Sewer Code", may be cited as such, and will be referred to herein as "this Code".

"Abnormal Sewage" shall mean any industrial waste having a total suspended solids or BOD content in excess of that found in normal domestic wastewater but which is otherwise acceptable into a public sewer under the terms of this Chapter.

"Biochemical Oxygen Demand (BOD)" shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter as specified by procedure in Standard Methods, and results expressed in terms of weight and concentration (milligrams per liter - mg/l).

"Boundary Facilities" shall mean those water and/or sanitary sewer facilities located in a street, alley, or easement that is common to or between two or more tracts of land of different ownership such that the one facility serves more than one tract of land.

"City" shall mean the City of Arlington, Texas.

"Community Water System" shall mean a public water system which serves at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents. Service connections shall be counted as one for each one-family residential unit to which drinking water is supplied from the system.

"Condominium" shall mean a structure of two or more units, the interior space of which is individually owned, and the balance of the property (both land and building) being owned in common by the owners of the individual units.

"Customer Sewer Facilities" include all connections and facilities beginning with the connection of the sewer service to the City's main.

"Customer Water Facilities" include all connections and facilities on the customer's side of the water meter beginning with and including the connection to the water meter.

"Director of Utilities" shall mean the administrative head of the Water Utilities Department of the City, as designated and appointed by the City Manager of the City, or his designated representative.

"Engineer" shall mean a person duly authorized under the provisions of the Texas Engineering Act, as heretofore or hereafter amended, to practice the profession of engineering in the State of Texas. The term "Owner's Engineer(s)" shall identify the Engineer(s) employed or retained by the Developer to perform design or engineering functions for the Developer.

"Inspector" shall mean the representative of the City who is specifically assigned to inspect any or all parts of the water and sanitary sewer system, particularly new subdivision extensions, but who is without authority to revise, alter, or revoke the requirements of the rules, regulations, policies, and procedures of the City or the approved Contract Documents for the job. Such inspection, or lack of inspection, will not relieve the contractor from any obligation to perform the work in accordance with the requirements of the Contract Documents and/or applicable City, County and State Codes.

"Non-Community Water System" shall mean any public water system which is not a community water system.

"Normal Domestic Wastewater (Sewage)" shall mean wastewater discharged by a person into sanitary sewers and in which the average concentration of total suspended solids is not more than 240 mg/1 and BOD is not more than 170 mg/1, and which is otherwise acceptable into a public sewer under the terms of the Industrial Waste and Water Pollution Control Chapter of this Code.

"Off-Site Facilities" shall mean the water and/or sanitary sewer mains located outside the boundaries of and not contiguous with the area of development except by point of contact, but that are required in order to join the development to the prior existing system.

"On-Site Facilities" is defined as those water and/or sanitary sewer mains situated within or surrounded by a single development. Generally, all discussions of facilities will pertain to on-site facilities unless they are specifically denoted to the "off-site" or "boundary" facilities.

"Over-Size Cost" shall mean the difference in cost between the main built and the cost of the size main determined to be the minimum size required to serve the subdivision as determined by the Director of Utilities. The minimum size main upon which oversize cost shall be determined shall not be less than the standard main defined herein.

"Owner" or **"Owners"** herein shall refer to the person, firm, corporation or partnership with primary responsibility toward the City to ensure compliance with rules and regulations and the ordinances of the City dealing with subdivision and/or development. The term includes person or persons, firms, corporations, partnerships or agents, attorneys-in-fact, managers or directors, developers, developer's contractors including engineers, builders, planners, etc. Such term as used herein always includes one (1) or more of the above who own all, or any part of, the land which is contemplated to be developed.

"Person" as used in this Chapter shall mean any person, firm, association of persons, or corporation, including a public, private, or municipal corporation.

"Public Water System" shall mean a system for the provision to the public of piped water for human consumption, if such system has at least fifteen (15) service connections, or serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of any year. Such term includes (1) any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, and (2) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. A Public Water System is either a "Community Water System" or a "Non-Community Water System". Without excluding other meanings of "Individual" or "Served", an individual shall be deemed to be served by a water system if he or she resides in, uses as his or her place of employment, or works in a place to which drinking water is supplied from that system.

"Residence", "Single Family Residence", "Single Family Residential Property ", "Residential Lot", or "Residential Uses" shall refer to property (a single tract or lot) used solely for residential purposes in "A" (Agricultural) or "R" (Residential) zoning districts.

"Residential Customer" shall refer to customers occupying single family residential or duplex property or an individually metered townhome or condominium unit, for billing purposes.

"Sewer Service" shall mean that portion of the connecting sewer located in the roadway, street, alley or easement between the sewer main and the right-of-way line or property line and shall consist of the service wye, tee, manhole or tapping saddle and the required length of service pipe.

"Standard Methods" shall mean the examination and analytical procedures set forth in the latest edition, at the time of analysis, of Standard Methods for the Examination of Water and Wastewater, as prepared, approved and published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation where applicable. These procedures shall be the Standard Methods of examination and analytical process used to determine compliance with this Chapter.

"Standard Size Sewer Main" shall mean a sanitary sewer main six inches (6") or larger in diameter.

"Standard Size Water Main" shall mean a water main six inches (6") or larger in diameter, adequately supported by eight inch (8") or larger water mains to provide domestic water service and fire protection as recognized by the National Board of Fire Underwriters.

"Standard Specifications" shall mean the latest revision of Arlington's "Standard Specifications for Waterworks and Sewerage Improvements in the City of Arlington". See Section 8.01 of this Chapter.

"Subdivision" or **"Development"** is defined as the division of any lot, tract, or parcel of land into two (2) or more parts.

"Suspended Solids" shall mean solids, measured in mg/1, that either float on the surface of, or are in suspension in, water, wastewater, or other liquids, and which are largely removable by a laboratory filtration device.

"Townhouse" shall mean a single-family dwelling on a separate lot which fronts on a street, a place, a court, or a private access easement which is attached to one (1) or more similar dwellings by a common wall or walls, interior to both, and which, in combination with said attached dwellings, constitutes an architectural whole.

"Water Utilities Department", as used in this Chapter shall mean the City of Arlington waterworks and wastewater system and mains, and all other works of the City directly connected therewith, and all plants, properties, and appliances incident to or connected with the operation of said Water Utilities Department.

"Water Utilities Office Policies" are those policies under which the Water Utilities Office operates, as adopted and changed from time to time by resolution of the City Council.

Further, Article III, Charges For Water And Sewer Service, is hereby amended by the amendment of **Section 3.02**, Water and Sewer Rates, Subsection (B)(2), so that hereafter said subsection shall be and read as follows:

(2) Residential customers' billable wastewater flows will be calculated by averaging the three lowest of the four months' billings of metered water consumption for each December, January, February and March. Each April, the billable flows for each residential customer will be adjusted based on the average of three of the four prior December, January, February and March billing months. Where no prior December, January, February and March billing is available to average for wastewater billing for an individual customer, the average consumption for all residential customers for those months will be used. If actual water consumption during any month is less than the average winter months' consumption, the wastewater flow billed will be equal to the actual metered water consumption for that month.

Further, Article IV, Regulations and Restrictions on Service, is hereby amended by the amendment of **Section 4.17**, Repairing Meters and Meter Boxes; Testing Meters, Fee, at Subsection (B), so that hereafter said subsection shall be and read as follows:

B. When any customer of water is of the opinion that the meter through which the water is supplied is incorrect for any reason, they may make application to the Water Utilities Customer Service Division to have the meter examined and tested. If it is determined by testing that the meter is operating properly, the customer shall be charged for the test in accordance with the schedule included as a part of the adopted Water Office Policies. Standard in-shop testing fees shall apply for meters up to two inches (2"). The fee for all larger meters shall be based upon the actual cost of work. If any meter one inch (1") or smaller shall, upon examination and test, be found to register over two per cent more water than actually passed through it, based on a series of tests over the range of flow recommended by its manufacturer, another meter will be substituted and the fee charged in the application for such test will be credited to the person making the application and the account adjusted, not exceeding three months back. If any meter one inch (1") or larger is, upon examination and test, found to register over three percent more water than actually passed through it, the same adjustment shall apply.

Further, Article IV, is hereby amended by the amendment of **Section 4.20**, Exposing Meter or Fire Hydrants to Damage; Moving Meters or Hydrants; Violations, so that hereafter said section shall be and read as follows:

Section 4.20 Exposing Meter or Fire Hydrants to Damage; Moving Meters or Hydrants; Violations

It shall be unlawful to build driveways, etc., in such manner as to expose any meter or fire hydrant to damage from traffic. Meter boxes shall not be set in a driveway or sidewalk nor any closer than two feet (2') from any street or driveway. Whenever the property owner requests the moving of any meter or fire hydrant, such cost shall be at the expense of the property owner. Upon deposit of the estimated cost of moving the meter or hydrant, the Water Utilities Department shall proceed to make the desired location change.

Further, Article VIII, Standard Specifications For Water Works and Sewerage Improvements, is hereby amended so that hereafter said Article shall be and read as follows:

ARTICLE VIII

STANDARD SPECIFICATIONS FOR WATERWORKS AND SEWERAGE IMPROVEMENTS

Section 8.01 Standard Specifications Adopted

The "Standard Specifications for Waterworks and Sewerage Improvements", as amended, or Standard Specifications, are hereby adopted as the specifications by which all waterworks and sewerage improvements within the corporate limits of the City shall be made, except as provided for in Section 8.03 of this ordinance. A copy of such Standard Specifications shall be kept on file in the office of the City Secretary.

Section 8.02 Specifications to be Incorporated in Contracts

The "Standard Specifications", as amended, shall be expressly incorporated in all contracts for waterworks and sewerage improvements and provision shall be made for construction in accordance therewith. In the event the Standard Specifications are not expressly incorporated in any such contract, then the Standard Specifications shall be and are hereby deemed to be included in such contract by operation of law, and improvements shall be made in accordance with the Standard Specifications.

Section 8.03 Exceptions

The Director of Utilities is authorized to alter, amend, add to, or waive all or any part of said specification with regard to specific waterworks and sewerage improvements when, in the opinion of the Director of Utilities, such would be in keeping with sound engineering practice and would inure to the interest and welfare of the citizens of the City.

Further, Article IX, Rules and Regulations for Providing Water and Sewer Service, is hereby amended so that hereafter said Article shall be and read as follows:

ARTICLE IX

RULES AND REGULATIONS FOR PROVIDING WATER AND SEWER SERVICE

Section 9.01 Basic Policy

A. Subdivisions within the City of Arlington and its extraterritorial jurisdiction shall be provided with an approved water supply and distribution system and with an approved sewage collection and disposal system. An adequate water supply and distribution system and sanitary sewer system, consistent with the Master Plan for Water and Sanitary Sewer, shall be a condition of plat approval.

B. Extension of water and sanitary sewer lines to serve newly subdivided or platted land shall be authorized by the City only upon determination that all facilities necessary to serve the development are adequate. All extensions of water and sanitary sewer lines must be approved by the City. If alternatives exist as to these extensions, the City shall have the authority to determine the most appropriate alternative. The City shall retain the authority to reject any extension not deemed to be in the best interest of the City.

C. Sanitary sewer mains shall be a minimum of six inch (6") lines or larger, as determined by the City, in order to serve the property being developed. The City may require oversizing in order to serve the remainder of the drainage basin beyond the property being served. Water mains shall be a minimum of six inch (6") lines for residential development and a minimum of eight inch (8") lines or larger for all other development, as determined by the City, or as required to serve the development. In addition, the water mains shall be sized in accordance with the City's latest Water Distribution Analysis and to form a grid of twelve inch (12") lines at a maximum one half (½) mile spacing with eight inch (8") lines looped at maximum one quarter (¼) mile intervals within the distribution system, unless fire flow or domestic services, require larger lines. The engineer for the owner shall be initially responsible for determining this demand, subject to approval by the City. All water and sanitary sewer mains shall be extended through the development or across the frontage of the property along streets, alleys or in easements to the tract or addition line in order to provide service to adjacent property where

applicable. The City may require all onsite sewage flows generated by any development or part thereof to be delivered to a single location for off-site disposal.

D. The subdivider and/or property owner shall install all water and sanitary sewer facilities needed to serve the development and shall extend all water and sanitary sewer mains and appurtenances necessary to connect the development with the City's water supply and distribution system and with the City's sanitary sewer system, subject to City participation in oversize costs and subject to reimbursement from proceeds of the water and/or sanitary sewer main fees established for such purpose, consistent with the provisions of Article VII of the Subdivision Rules and Regulations and the "Water" Chapter as amended.

E. Location of all water and sanitary sewer lines and appurtenances thereto necessary to serve platted land shall be in accordance with the City's Master Plan for water and sanitary sewer facilities.

F. Construction of all water and sanitary sewer facilities required by these regulations shall be in accordance with the requirements and specifications contained in the City Standard Specifications for Waterworks and Sewerage Improvements, as amended, the City Guide for Design Policies and Procedures for Water and Sanitary Sewer Utilities Systems, latest revision, and the regulations of the Texas Natural Resource Conservation Commission (TNRCC), National Sanitation Foundation (NSF), Texas Department of Insurance, Insurance Services Office and the City's current adopted Uniform Fire Code, which are incorporated herein by reference and made a part hereof.

Section 9.02 <u>Extension of Water and Sanitary Sewer Mains</u>

Where extensions of water and sanitary sewer systems authorized by these regulations are required to serve property which is to be subdivided or platted for development, the owner shall extend, or cause to be extended, water and sanitary sewer facilities to and through such properties on the following basis and in accordance with minimum standards and procedures described below:

A. Concurrent with the submission of a preliminary plat, plat revision or plat showing, owner(s) of the tract or subdivision shall submit to the Director of Utilities,

for approval, a map or plat showing the location of water and sanitary sewer mains which will be required to ensure adequate service and fire protection to the lots specified in such proposed plat.

B. At the request of the Director of Utilities and prior to the filing of record with Tarrant County, owner(s) of the land being platted shall submit to the Director of Utilities a layout showing the proposed location of water meters to ensure adequate access is available for meter reading and maintenance.

Section 9.03 <u>City-Owner Agreement Required</u>

Prior to extension of any water main or sanitary sewer main, or any construction of such facility or appurtenances thereto, the subdivider and/or property owner shall execute an agreement with the City on a form prepared or approved by the City Attorney which clearly defines the scope and details of the proposed extension and which contains the subdivider's and/or property owner's agreement to abide by all regulations of the City and to deliver to the City clear and unencumbered title to all the proposed improvements at the time of initial acceptance by the City, which shall be prior to commencing public water and/or sanitary sewer construction. The agreement shall provide for security in a form approved by the City Attorney.

Section 9.04 <u>City Participation and Reimbursement</u>

A. <u>City Participation in Oversize Costs</u>. The City may participate in the costs of oversizing water and/or sanitary sewer mains and appurtenances thereto which exceed the size of a standard sized water or sanitary sewer main, or which exceed the minimum sized facility necessary to serve the development, whichever is greater. The subdivider and/or property owner shall initially defray the entire cost of the oversized facility, unless the City Council determines otherwise. Upon application by the subdivider or property owner, the City, following dedication to and initial acceptance by the City of the facility constructed and authorization of such participation, may refund the costs of oversizing the facility according to the following standards and procedures:

1. Oversizing Standards. The following standards apply to the determination of the costs of oversizing water and/or sanitary sewer mains:

   a. The size of a standard sized sanitary sewer main shall be a minimum of six inch (6") lines or larger, as determined by the City, to serve the property being developed and the remainder of the drainage basin beyond the property being served.

   b. Standard sized water mains shall be a minimum of six inch (6") lines for residential development and a minimum of eight inch (8") lines for all other development or sized as required by the City's latest Water Distribution Analysis and to form a grid of twelve inch (12") lines at maximum one half (½) mile spacing with eight inch (8") lines looped at maximum one quarter (¼) mile intervals within the distribution system, unless the City determines the fire flow or domestic services require larger lines.

   c. Where the size of the water or sanitary sewer main exceeds a standard sized facility, or where the development's share of the costs of other appurtenances to such facilities must be determined, such capacity determination shall be made by the Director of Utilities, whose decision shall be final.

   d. The City shall pay only the difference in cost between the size main necessary for the development and the size main required by the City.

B. City Participation in Perimeter Water and Sanitary Sewer Mains. In addition to participation in the costs of oversizing, where the subdivider and/or property owner is required to construct a water or sanitary sewer main adjacent to or contiguous to the development, the City shall participate in one-half (½) the reasonable construction costs of the size water or sanitary sewer main necessary to serve the subdivision for the length of the main lying along the perimeter of the property. This shall not apply for mains being installed adjacent to state right-of-way, utility right-of-way or where parallel mains are installed

along both sides of the street. The subdivider and/or property owner shall make a request for refund prior to construction of the facility, and no refund shall take place until the facility has been dedicated to and accepted by the City, and the City has authorized such participation.

C. Reimbursement For Off-site Extensions. In addition to participation in the costs of oversizing, where the subdivider and/or property owner is required to extend water or sanitary sewer mains to the property to be platted, the City shall reimburse the developer for the reasonable construction costs of such extension, up to but not greater than one hundred percent (100%) of his participation in the construction cost thereof. The subdivider and/or property owner shall make a request of refund prior to construction of the facility, and no refund shall take place until the facility has been dedicated to and initially accepted by the City, subject to City Council approval and funds being available. After June 20, 1990, off-site lines not included in the 10-Year Impact Fee Capital Improvements Program will be paid for upon completion and initial acceptance subject to Council approval and funds being available. If the request is denied, the subdivider and/or property owner has the option of defraying the entire cost or abandoning the project.

Section 9.05 Fees Due City For Existing Mains

When an existing water or sanitary sewer main installed under an off-site/oversize reimbursement contract lies in a street, alley or easement in or adjacent to an area or tract of land to be subdivided and developed, the owner shall pay to the Water Utilities Department the applicable front footage charge for the water main and sanitary sewer main pursuant to the "Water" Chapter, as amended, before extensions from or connections to such line or lines are made. Impact fees for infrastructure improvements associated with the new development are due at the time service is desired. These fees are addressed in the "Impact Fee" Chapter.

Section 9.06 Other Fees

A. The owner shall be responsible for the acquisition of all required off-site easements. If the owner is

unable to acquire the necessary off-site easement, he shall provide the City with documentation of his efforts, including evidence of a reasonable offer made to the affected property owner. Upon such a written request for assistance, the City may, at its option, acquire these easements either through negotiations or through condemnation in appropriate situations. The owner shall reimburse the City for the costs of acquiring the necessary easements including but not limited to attorney fees.

B. Fees, as established by resolution of the City Council, are levied for the plat review and inspection of water and sanitary sewer facilities constructed in subdivisions including off-site facilities, but excluding oversize costs:

1. Preliminary plats, plat revisions or plat showings presented that require no water or sanitary sewer improvements to existing facilities shall be assessed a fee, as established by resolution of the City Council, for processing the entire preliminary plat, plat revision, or plat showing to be paid at the time preliminary plat, plat revisions and plat showing is submitted.

2. Preliminary plats, plat revisions or plat showings presented that require water or sanitary sewer improvements shall be assessed a fee, as established by resolution of the City Council, equaling a percentage of the total cost of utility improvements as calculated by the Director of Utilities.

   a. A minimum fee, as established by resolution of the City Council, for a preliminary plat, plat revision or plat showing shall be assessed per preliminary plat, plat revision and plat showing.

   b. At the time contract documents for construction are submitted, the plat review and inspection fee will be calculated. A copy of the bid giving a breakdown of the unit costs shall be submitted along with an insurance certificate showing proper coverage. This fee must then be paid by the owner to the Water and Sewer Fund prior to construction beginning on the public water and sanitary sewer improvements.

Section 9.07 <u>Procedures for Extensions</u>

Water and sanitary sewer main extensions to serve a subdivision in the City may be accomplished in the following manner:

A. Upon approval by the City, the owner's engineer shall design and prepare construction drawings of water and sanitary sewer facilities to serve the subdivision, including any off-site facilities that may be required. These drawings shall conform in all details to the City's Standard Specifications as to design, grade, location, size and quality of materials and construction.

B. Plans and profiles submitted by the owner's engineer shall be on standard twenty-two inch by thirty-four inch (22"x34") sheets of blueline paper. Plans and profiles shall be shown at scales of one inch (1") to twenty feet (20') or one inch (1") to forty feet (40') horizontal and one inch (1") to four feet (4') vertical, unless approval is given otherwise. Plans and profiles shall show clearly all surface improvements, all existing or proposed subsurface utility lines and obstructions, and street and alley grades as approved by the Department of Engineering Services. The Texas Licensed Professional Engineer submitting the plans and profiles must affix the Engineer's approved seal, signature, and date to the tracings of all drawings.

C. Upon preliminary approval of the drawings by the City of Arlington Water Utilities Engineering Division, the owner may enter into a contract with a water and sewer contractor approved by the City of Arlington ("three-way contract"); provided, however, that the construction and installation of the water mains and sanitary sewer mains shall be viewed by inspectors of the City to see that the installation is made in accordance with the drawings and the City's Standard Specifications which, in every instance, shall be a part of said installation contract.

D. Upon preliminary approval, the engineer for the owner shall obtain three (3) blank forms of the Standard City-Owner Agreement. This agreement shall be executed by the water and sewer contractor, owner and approved by the City of Arlington prior to any construction beginning in the subdivision. This Agreement may be

referred to as a three-way contract. The contract entered into between the owner and a contractor shall provide for a performance bond, payment bond and maintenance bond in accordance with law, which is a part of the Standard City-Owner Agreement. Each of the above-referenced bonds shall be in an amount equal to the total contract price. An insurance certificate providing adequate coverage for the water and sewer contractor, as set forth in the Standard Specifications, and a copy of the bid giving a breakdown of the unit costs shall be submitted with the contract documents.

E. As a condition of City acceptance of the three-way contracts, and prior to beginning any work, the owner shall file any deed restrictions or real property restrictive covenants applicable to the property. All lienholders who agree to be subject to applicable deed restrictions or real property restrictive covenants, or any deed restrictions or real property restrictive covenants lawfully adopted in the future, even in the event of foreclosure, shall so state. If any lienholders refuse to be subject to the applicable deed restrictions or real property restrictive covenants, or any deed restrictions or real property restrictive covenants lawfully adopted in the future, even in the event of foreclosure, the owner shall so state by affidavit submitted prior to the acceptance of three-way contracts. In the event that there are no deed restrictions or real property restrictive covenants filed or contemplated on the property, that fact must be stated in an affidavit submitted by the owner.

F. Upon final approval, the owner's engineer shall furnish the City such prints as the City may require. When the project is ready for construction and the plat has been filed with Tarrant County, it shall be the responsibility of the owner's engineer to furnish line and grade stakes on water and sanitary sewer mains, water and sewer services, fire hydrants, manholes and manhole tops. After installation and initial acceptance by the City, the owner's engineer shall furnish one (1) "as-built" set of drawings to the City along with a digital file of the "as-builts" compatible with the Water Utilities Engineering Division latest version of software requirements. No installation of water and/or sanitary sewer mains will be made at any other location except a dedicated street, alley or an easement running in favor of the City which shall be filed of record by

the owner of said addition. Any such installation, when correctly made, shall become the property of the City, free and clear of all encumbrances. In the event installation of water and/or sanitary sewer facilities results in a condition such that water utility improvements are not totally within City right-of-way, dedicated streets, alleys, city easements or other appropriate city property, then such installation will be automatically rejected and the owner or developer shall be liable for correcting such condition. The owner and/or developer shall reimburse and indemnify City for any expense incurred due to any incorrect installation. Such reimbursement shall include attorney fees and any other expense that arises from the condition of an incorrect installation as described above.

Section 9.08 General

Any and all sums of money hereinafter collected as a fee or connection charge under this Chapter, at the rate set out in this ordinance, shall be credited to the Water and Sewer Fund of the City.

A. City Not Obligated If Funds Not Available. In no event shall the City be obligated to proceed under the terms of this ordinance if funds are not available, or if in the discretion of the City, the extension may not be practical. Nothing in this ordinance shall be construed as a surrender by the City of its control over streets, alleys, public ways or public easements. The decision of the Director of Utilities shall be final in determination of line size and approval of drawings and specifications.

B. Standard Specifications. All water and sanitary sewer work shall be done in accordance with the most current "Standard Specifications for Waterworks and Sewerage Improvements".

C. No Vested Rights. No person shall acquire any vested rights under the provisions of this ordinance.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof

shall be fined an amount not to exceed **Five Hundred and No/100 Dollars ($500)** for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this

ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 2nd day of December, **1997**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 9th day of December, **1997** by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of **Arlington, Texas**.

_____
ELZIE ODOM, Mayor

ATTEST:

_____
CINDY KEMP, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY_____

ORDINANCE NO. 99-106

AN ORDINANCE AMENDING THE "**WATER AND SEWER**" CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, THROUGH THE AMENDMENT OF **ARTICLE III**, ENTITLED CHARGES FOR WATER AND SEWER SERVICE, BY THE AMENDMENT OF **SECTION 3.02,** WATER AND SEWER RATES, AT SUBSECTION (A), WATER RATES, TO ADJUST THE MONTHLY RATES CHARGED FOR WATER SERVICE; AT **SUBSECTION 3.02(F),** RAW WATER RATES, TO ADJUST THE MONTHLY RATES CHARGED FOR RAW WATER; PROVIDING FOR A FINE OF UP TO **$500** FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE FOR ALL BILLINGS ON OR AFTER NOVEMBER 1, 1999

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Water and Sewer"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article III, Charges for Water and Sewer Service, by the amendment of **Section 3.02**, Water and Sewer Rates, **Subsection (A)**, Water Rates, so that hereafter said subsection shall be and read as follows:

A. Water Rates:

(1) The following rates per month shall be the rates charged for water service furnished to customers within and outside the corporate limits of the City:

METER SIZE	FIXED MONTHLY CHARGE (Includes 2,000 Gallons)	CONSUMPTION
0.75 inches	$ 7.60	$2.10/1,000 gallons
1.00 inches	11.90	$2.10/1,000 gallons

1.50 inches	24.95	$2.10/1,000 gallons
2.00 inches	42.25	$2.10/1,000 gallons
3.00 inches	94.30	$2.10/1,000 gallons
4.00 inches	163.65	$2.10/1,000 gallons
6.00 inches	371.70	$2.10/1,000 gallons
8.00 inches	579.75	$2.10/1,000 gallons
10.00 inches	868.75	$2.10/1,000 gallons

(2) The charges set forth in the schedule in the preceding paragraph are based upon the amount of water used, as measured by a single meter or accumulation of several meters, in increments of one thousand (1,000) gallons.

Further, Article III is hereby amended by the amendment of **Section 3.02**, Water and Sewer Rates, **Subsection (F)**, Raw Water Rates, so that hereafter said subsection shall be and read as follows:

F. Raw Water Rates:

The following rates per month shall be the rates charged for furnishing raw water to customers unless approved otherwise by the City Council:

GALLONS OF WATER	RATE
0 to 1,000 gallons	$30.00 minimum charge
All over 1,000 gallons	$ 0.87 per 1,000 gallons

Any required chemicals will be charged at actual cost at the City plus a ten percent (10%) handling fee.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed **Five Hundred and No/100 Dollars ($500)** for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions

thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective for all billings on or after November 1, 1999.

PRESENTED AND GIVEN FIRST READING on the 24th day of August, **1999**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and

approved on the 31st day of August, **1999**, by a vote of 7 ayes and 0 nays at a regular meeting of the City Council of the City of **Arlington, Texas**.

ORDINANCE NO. 99-121

AN ORDINANCE AMENDING **ORDINANCE NO. 99-106** RELATIVE TO CHANGING THE EFFECTIVE DATE OF THE DECREASE OF WATER AND RAW WATER RATES TO OCTOBER 1, 1999; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE UPON FINAL PASSAGE AT SECOND READING

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That **Ordinance No. 99-106**, approved by final reading on August 31, 1999, amending the **"Water and Sewer"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby **amended in part at Paragraph 8** to hereafter be and read as follows:

"8.

This ordinance shall become effective for all billings on or after October 1, 1999."

2.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

3.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

4.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

5.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

6.

The caption of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, upon passage at first reading. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

7.

This ordinance shall become effective upon final passage at second reading.

PRESENTED AND GIVEN FIRST READING on the 21st day of September, **1999**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 28th day of September, **1999**, by a vote of 8 ayes and 0 nays at a regular meeting of the City Council of the City of **Arlington, Texas**.

ORDINANCE NO. 00-108

AN ORDINANCE AMENDING THE "**WATER AND SEWER**" CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, THROUGH THE AMENDMENT OF **ARTICLE III**, ENTITLED CHARGES FOR WATER AND SEWER SERVICE, BY THE AMENDMENT OF **SECTION 3.02,** WATER AND SEWER RATES, AT SUBSECTION (A), WATER RATES, TO ADJUST THE MONTHLY RATES CHARGED FOR WATER SERVICE; PROVIDING FOR A FINE OF UP TO **$500** FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE FOR ALL BILLINGS ON OR AFTER OCTOBER 1, 2000

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Water and Sewer"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article III, Charges for Water and Sewer Service, by the amendment of **Section 3.02**, Water and Sewer Rates, **Subsection (A)**, Water Rates, so that hereafter said subsection shall be and read as follows:

A. Water Rates:

(1) The following rates per month shall be the rates charged for water service furnished to customers within and outside the corporate limits of the City:

METER SIZE	FIXED MONTHLY CHARGE (Includes 2,000 Gallons)	CONSUMPTION
0.75 inches	$ 7.60	$2.05/1,000 gallons
1.00 inches	11.90	$2.05/1,000 gallons
1.50 inches	24.95	$2.05/1,000 gallons
2.00 inches	42.25	$2.05/1,000 gallons

3.00 inches	94.30	$2.05/1,000 gallons
4.00 inches	163.65	$2.05/1,000 gallons
6.00 inches	371.70	$2.05/1,000 gallons
8.00 inches	579.75	$2.05/1,000 gallons
10.00 inches	868.75	$2.05/1,000 gallons

(2) The charges set forth in the schedule in the preceding paragraph are based upon the amount of water used, as measured by a single meter or accumulation of several meters, in increments of one thousand (1,000) gallons.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed **Five Hundred and No/100 Dollars ($500)** for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of

any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective for all billings on or after October 1, 2000.

PRESENTED AND GIVEN FIRST READING on the 12th day of September, **2000**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 19th day of September, **2000**, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of **Arlington, Texas**.

ORDINANCE NO. 01-108

AN ORDINANCE AMENDING THE "**WATER AND SEWER**" CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, THROUGH THE AMENDMENT OF **ARTICLE III**, ENTITLED CHARGES FOR WATER AND SEWER SERVICE, BY THE AMENDMENT OF **SECTION 3.02,** WATER AND SEWER RATES, AT SUBSECTION (A)(1), TO ADJUST THE MONTHLY RATES CHARGED FOR WATER SERVICE; AT **SUBSECTION 3.02(B)(1),** TO ADJUST THE MONTHLY RATES CHARGED FOR SANITARY SEWER SERVICE; PROVIDING FOR A FINE OF UP TO **$500** FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE FOR ALL BILLINGS ON OR AFTER SEPTEMBER 26, 2001

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Water and Sewer"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article III, Charges for Water and Sewer Service, by the amendment of **Section 3.02**, Water and Sewer Rates, **Subsection (A)(1)**, so that hereafter said subsection shall be and read as follows:

A. Water Rates:

(1) The following rates per month shall be the rates charged for water service furnished to customers within and outside the corporate limits of the City:

METER SIZE	FIXED MONTHLY CHARGE (Includes 2,000 Gallons)	CONSUMPTION
0.75 inches	$ 7.60	$2.10/1,000 gallons
1.00 inches	11.90	$2.10/1,000 gallons
1.50 inches	24.95	$2.10/1,000 gallons
2.00 inches	42.25	$2.10/1,000 gallons
3.00 inches	94.30	$2.10/1,000 gallons
4.00 inches	163.65	$2.10/1,000 gallons
6.00 inches	371.70	$2.10/1,000 gallons
8.00 inches	579.75	$2.10/1,000 gallons
10.00 inches	868.75	$2.10/1,000 gallons

Further, **Article III** is hereby amended by the amendment of **Section 3.02**, **Subsection (B)(1)**, so that hereafter said subsection shall be and read as follows:

B. <u>Sewer Rates</u>:

(1) The following rates per month shall be the rates charged for sanitary sewer service furnished to customers within and outside the corporate limits of the City where the sewage produced by such customers is a normal strength wastewater (170 mg/1 BOD and 240 mg/1 Suspended Solids), except as provided in Subsections 3.02(B)(2), 3.02(B)(3) and 3.02(C), or in the "Industrial Waste and Pollution Control" Chapter of the Code of the City of Arlington, 1987, as amended.

METER SIZE	FIXED MONTHLY CHARGE (Includes 2,000 Gallons)	CONSUMPTION
0.75 inches	$ 3.05	$2.40/1,000 gallons
1.00 inches	5.30	$2.40/1,000 gallons
1.50 inches	11.95	$2.40/1,000 gallons
2.00 inches	20.90	$2.40/1,000 gallons
3.00 inches	47.60	$2.40/1,000 gallons
4.00 inches	83.30	$2.40/1,000 gallons
6.00 inches	190.25	$2.40/1,000 gallons
8.00 inches	297.25	$2.40/1,000 gallons
10.00 inches	445.85	$2.40/1,000 gallons

All residential customers will be charged the fixed monthly charge associated with a three-quarter inch (.75") meter.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed **Five Hundred and No/100 Dollars ($500)** for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective for all billings on or after September 26, 2001.

PRESENTED AND GIVEN FIRST READING on the **28th** day of **August**, **2001**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the **14th** day of **September**, **2001**, by a vote of **8** ayes and **0** nays at a regular meeting of the City Council of the City of **Arlington, Texas**.

ORDINANCE NO. 02-096

AN ORDINANCE AMENDING THE "**WATER AND SEWER**" CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, THROUGH THE AMENDMENT OF **ARTICLE III**, ENTITLED CHARGES FOR WATER AND SEWER SERVICE, BY THE AMENDMENT OF **SECTION 3.02,** WATER AND SEWER RATES, AT SUBSECTION (A)(1), TO ADJUST THE MONTHLY RATES CHARGED FOR WATER SERVICE; PROVIDING FOR A FINE OF UP TO **$500** FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE FOR ALL BILLINGS ON OR AFTER OCTOBER 1, 2002

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Water and Sewer"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article III, Charges for Water and Sewer Service, by the amendment of **Section 3.02**, Water and Sewer Rates, **Subsection (A)(1)**, so that hereafter said subsection shall be and read as follows:

A. Water Rates:

(1) The following rates per month shall be the rates charged for water service furnished to customers within and outside the corporate limits of the City:

METER SIZE	FIXED MONTHLY CHARGE	CONSUMPTION
0.75 inches	$ 3.40	$2.10/1,000 gallons
1.00 inches	7.70	$2.10/1,000 gallons
1.50 inches	20.75	$2.10/1,000 gallons
2.00 inches	38.05	$2.10/1,000 gallons
3.00 inches	90.10	$2.10/1,000 gallons
4.00 inches	159.45	$2.10/1,000 gallons
6.00 inches	367.50	$2.10/1,000 gallons
8.00 inches	575.55	$2.10/1,000 gallons
10.00 inches	864.55	$2.10/1,000 gallons

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof

shall be fined an amount not to exceed **Five Hundred and No/100 Dollars ($500)** for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective for all billings on or after October 1, 2002.

PRESENTED AND GIVEN FIRST READING on the **20th** day of **August**, **2002**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the **27th** day of **August**, **2002**, by a vote of **8** ayes and **0** nays at a regular meeting of the City Council of the City of **Arlington, Texas**.

ORDINANCE NO. 03-023

AN ORDINANCE AMENDING THE "**WATER AND SEWER**" CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, THROUGH THE AMENDMENT OF **ARTICLE III**, ENTITLED CHARGES FOR WATER AND SEWER SERVICE, BY THE AMENDMENT OF **SECTION 3.02,** WATER AND SEWER RATES, AT SUBSECTION (B)(1), TO ADJUST THE MONTHLY RATES CHARGED FOR SANITARY SEWER SERVICE; PROVIDING FOR A FINE OF UP TO **$500** FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE FOR ALL BILLINGS ON OR AFTER APRIL 1, 2003

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Water and Sewer"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article III, Charges for Water and Sewer Service, by the amendment of **Section 3.02**, Water and Sewer Rates, **Subsection (B)(1)**, so that hereafter said subsection shall be and read as follows:

B. Sewer Rates:

(1) The following rates per month shall be the rates charged for sanitary sewer service furnished to customers within and outside the corporate limits of the City where the sewage produced by such customers is a normal strength wastewater (170 mg/1 BOD and 240 mg/1 Suspended Solids), except as provided in Subsections 3.02(B)(2), 3.02(B)(3) and 3.02(C), or in the "Industrial Waste and Pollution Control" Chapter of the Code of the City of Arlington, 1987, as amended.

METER SIZE	FIXED MONTHLY CHARGE (Includes 2,000 Gallons)	CONSUMPTION
0.75 inches	$ 3.05	$2.45/1,000 gallons
1.00 inches	5.30	$2.45/1,000 gallons
1.50 inches	11.95	$2.45/1,000 gallons
2.00 inches	20.90	$2.45/1,000 gallons
3.00 inches	47.60	$2.45/1,000 gallons
4.00 inches	83.30	$2.45/1,000 gallons
6.00 inches	190.25	$2.45/1,000 gallons
8.00 inches	297.25	$2.45/1,000 gallons
10.00 inches	445.85	$2.45/1,000 gallons

All residential customers will be charged the fixed monthly charge associated with a three-quarter inch (.75") meter.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed **Five Hundred and No/100 Dollars ($500)** for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective for all billings on or after April 1, 2003.

PRESENTED AND GIVEN FIRST READING on the **18th** day of **February, 2003**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the **25th** day of **February, 2003**, by a

vote of **8** ayes and **0** nays at a regular meeting of the City Council of the City of Arlington, Texas.

ORDINANCE NO. 03-095

AN ORDINANCE AMENDING THE "**WATER AND SEWER**" CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, THROUGH THE AMENDMENT OF **ARTICLE III**, ENTITLED CHARGES FOR WATER AND SEWER SERVICE, BY THE AMENDMENT OF **SECTION 3.02,** WATER AND SEWER RATES, AT SUBSECTION (A)(1), TO ADJUST THE MONTHLY RATES CHARGED FOR WATER SERVICE; AT **SUBSECTION 3.02(B)(1),** TO ADJUST THE MONTHLY RATES CHARGED FOR SANITARY SEWER SERVICE; PROVIDING FOR A FINE OF UP TO **$500** FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE FOR ALL BILLINGS ON OR AFTER OCTOBER 1, 2003

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Water and Sewer"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article III, Charges for Water and Sewer Service, by the amendment of **Section 3.02**, Water and Sewer Rates, **Subsection (A)(1)**, so that hereafter said subsection shall be and read as follows:

A. Water Rates:

(1) The following rates per month shall be the rates charged for water service furnished to customers within and outside the corporate limits of the City:

Conservation Rates Residential Block Structure	
Usage (1,000 gal)	**Rate**
0 – 2	$1.63
2 – 10	$1.83
10 – 15	$2.23
> 15	$2.73

Conservation Rates Commercial Block Structure	
Usage (1,000 gal)	**Rate**
0 – 15	$1.64
> 15	$2.01

Conservation Rates Irrigation Block Structure	
Usage (1,000 gal)	**Rate**
All usage	$2.73

METER SIZE	**FIXED MONTHLY CHARGE**
0.75 inches (<2,000 gal) Residential Only	$3.65
0.75 inches (>2,000 gal Residential) and all other customer classes	4.45
1.00 inches	7.79
1.50 inches	20.75
2.00 inches	38.05
3.00 inches	90.10
4.00 inches	164.23
6.00 inches	378.53
8.00 inches	592.82
10.00 inches	890.49

Further, **Article III** is hereby amended by the amendment of **Section 3.02**, **Subsection (B)(1)**, so that hereafter said subsection shall be and read as follows:

B. Sewer Rates:

(1) The following rates per month shall be the rates charged for sanitary sewer service furnished to customers within and outside the corporate limits of the City where the sewage produced by such customers is a normal strength wastewater (170 mg/1 BOD and 240 mg/1 Suspended Solids), except as provided in Subsections 3.02(B)(2), 3.02(B)(3) and 3.02(C), or in the "Industrial Waste and Pollution

Control" Chapter of the Code of the City of Arlington, 1987, as amended.

METER SIZE	**FIXED MONTHLY CHARGE**	**CONSUMPTION**
0.75 inches (<2,000 gal) Residential Only	$2.85	$2.48/1,000 gallons
0.75 inches (>2,000 gal Residential) and all other customer classes	4.00	$2.48/1,000 gallons
1.00 inches	7.00	$2.48/1,000 gallons
1.50 inches	16.00	$2.48/1,000 gallons
2.00 inches	28.00	$2.48/1,000 gallons
3.00 inches	49.03	$2.48/1,000 gallons
4.00 inches	85.80	$2.48/1,000 gallons
6.00 inches	195.96	$2.48/1,000 gallons
8.00 inches	306.17	$2.48/1,000 gallons
10.00 inches	459.23	$2.48/1,000 gallons

All residential customers will be charged the fixed monthly charge associated with a three-quarter inch (.75") meter.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed **Five Hundred and No/100 Dollars ($500)** for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions

thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective for all billings on or after October 1, 2003.

PRESENTED AND GIVEN FIRST READING on the **26th** day of **August**, **2003**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and

approved on the **2nd** day of **September, 2003,** by a vote of **6** ayes and **3** nays at a regular meeting of the City Council of the City of **Arlington, Texas.**

ORDINANCE NO. 04-001

AN ORDINANCE AMENDING THE "**WATER AND SEWER**" CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, THROUGH THE AMENDMENT OF **ARTICLE VII**, ENTITLED FRONT FOOTAGE CHARGES FOR SERVICE CONNECTIONS, BY THE AMENDMENT OF **SECTION 7.01,** FRONT FOOTAGE CHARGES FOR SERVICE CONNECTIONS, AT SUBSECTIONS (A) AND (B), RELATIVE TO THE INTENT TO COLLECT FRONT FOOTAGE FEES ON ALL CITY CONSTRUCTED, PURCHASED OR FINANCED WATER AND SEWER LINES_; THROUGH THE AMENDMENT OF **ARTICLE IX**, ENTITLED RULES AND REGULATIONS FOR PROVIDING WATER AND SEWER SERVICE, BY THE AMENDMENT OF **SECTION 9.05,** FEES DUE CITY FOR EXISTING MAINS, RELATIVE TO COLLECTING APPLICABLE FRONT FOOTAGE FEES PRIOR TO MAKING EXTENSIONS OR CONNECTIONS TO THE WATER OR SEWER LINES; PROVIDING FOR A FINE OF UP TO **$500** FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE AND BECOMING EFFECTIVE TEN DAYS AFTER FIRST PUBLICATION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Water and Sewer"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article VII, Front Footage Charges For Service Connections, by the amendment of **Section 7.01**, Front Footage Charges For Service Connections, **Subsections (A) and (B)**, so that hereafter said subsections shall be and read as follows:

A. The front footage charge shall be paid for all water service connections made from and after the effective date hereof to all water mains, constructed, purchased or financed by the City, including offsite and/or oversize water mains for which the owner is being reimbursed as provided for in Section 9.03 hereof. No front footage charge shall be paid for connections to mains for which the City has previously received payment.

B. A front footage charge shall be paid for all sanitary sewer connections made from and after the effective date hereof to sanitary sewer lines constructed, purchased or financed by the City, including offsite and/or oversize sanitary sewer mains for which the developer is being reimbursed as provided for in Section 9.03 hereof.

No front footage charge shall be paid for connections to mains for which the City has previously received payment.

Further, **Article IX,** Rules and Regulations for Providing Water and Sewer Service, is hereby amended by the amendment of **Section 9.05**, Fees Due City For Existing Mains, so that hereafter said section shall be and read as follows:

Section 9.05 Fees Due City For Existing Mains

When an existing water or sanitary sewer main constructed, purchased or financed by the City, including off-site/oversize reimbursement contracts lies in a street, alley or easement in or adjacent to an area or tract of land to be subdivided and developed, the owner shall pay to the Water Utilities Department the applicable front footage charge for the water main and sanitary sewer main pursuant to the "Water" Chapter, as amended, before extensions from or connections to such line or lines are made. Impact fees for infrastructure improvements associated with the new development are due at the time service is desired. These fees are addressed in the "Impact Fee" Chapter.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed **Five Hundred and No/100 Dollars ($500)** for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the **16th** day of **December**, **2003**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the **6th** day of **January, 2004**, by a vote of **9** ayes and **0** nays at a regular meeting of the City Council of the City of **Arlington, Texas**.

ORDINANCE NO. 04-085

AN ORDINANCE AMENDING THE "**WATER AND SEWER**" CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, THROUGH THE AMENDMENT OF **ARTICLE III**, ENTITLED CHARGES FOR WATER AND SEWER SERVICE, BY THE AMENDMENT OF **SECTION 3.02,** WATER AND SEWER RATES, AT SUBSECTION (A)(1), TO ADJUST THE MONTHLY RATES CHARGED FOR WATER SERVICE; AT **SUBSECTION 3.02(B)(1),** TO ADJUST THE MONTHLY RATES CHARGED FOR SANITARY SEWER SERVICE; PROVIDING FOR A FINE OF UP TO **$500** FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE FOR ALL BILLINGS ON OR AFTER OCTOBER 1, 2004

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Water and Sewer"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article III, Charges for Water and Sewer Service, by the amendment of **Section 3.02**, Water and Sewer Rates, **Subsection (A)(1)**, so that hereafter said subsection shall be and read as follows:

A. Water Rates:

(1) The following rates per month shall be the rates charged for water service furnished to customers within and outside the corporate limits of the City:

Conservation Rates Residential Block Structure	
Usage (1,000 gal)	**Rate**
0 – 2	$1.50
3 – 10	$1.79
11 – 15	$2.29
> 15	$2.79

Conservation Rates Commercial Block Structure	
Usage (1,000 gal)	**Rate**
0 - 15	$1.62
> 15	$1.98

Conservation Rates Irrigation Block Structure	
Usage (1,000 gal)	**Rate**
All usage	$2.79

METER SIZE	**FIXED MONTHLY CHARGE**
0.75 inches (<2,000 gal) Residential Only	$3.90
0.75 inches (>2,000 gal) Residential and all other customer classes	5.60
1.00 inches	9.80
1.50 inches	22.40
2.00 inches	39.20
3.00 inches	92.80
4.00 inches	169.16
6.00 inches	389.88
8.00 inches	610.60
10.00 inches	917.20

Further, **Article III** is hereby amended by the amendment of **Section 3.02**, **Subsection (B)(1)**, so that hereafter said subsection shall be and read as follows:

B. Sewer Rates:

(1) The following rates per month shall be the rates charged for sanitary sewer service furnished to customers within and outside the corporate limits of the City where the sewage produced by such customers is a normal strength wastewater (170 mg/1 BOD and 240 mg/1 Suspended Solids), except as provided in Subsections 3.02(B)(2), 3.02(B)(3) and 3.02(C), or in the "Industrial Waste and Pollution Control" Chapter of the Code of the City of Arlington, 1987, as amended.

METER SIZE	**FIXED MONTHLY CHARGE**	**CONSUMPTION**
0.75 inches (<2,000 gal) Residential Only	$3.10	$2.42/1,000 gallons
0.75 inches (>2,000 gal Residential) and all other customer classes	5.00	$2.42/1,000 gallons
1.00 inches	8.75	$2.42/1,000 gallons
1.50 inches	20.00	$2.42/1,000 gallons
2.00 inches	35.00	$2.42/1,000 gallons
3.00 inches	50.50	$2.42/1,000 gallons
4.00 inches	88.37	$2.42/1,000 gallons
6.00 inches	201.84	$2.42/1,000 gallons
8.00 inches	315.35	$2.42/1,000 gallons
10.00 inches	473.00	$2.42/1,000 gallons

All residential customers will be charged the fixed monthly charge associated with a three-quarter inch (.75") meter.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed **Five Hundred and No/100 Dollars ($500)** for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such

conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective for all billings on or after October 1, 2004

PRESENTED AND GIVEN FIRST READING on the **14th** day of **September, 2004**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the **21st** day of **September, 2004**, by a

vote of **9** ayes and **0** nays at a regular meeting of the City Council of the City of **Arlington, Texas**.

ORDINANCE NO. 05-014

AN ORDINANCE AMENDING THE "**WATER AND SEWER**" CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, THROUGH THE AMENDMENT OF **ARTICLE IV**, ENTITLED REGULATIONS AND RESTRICTIONS ON SERVICE, BY THE ADDITION OF **SECTION 4.27,** LAWN AND LANDSCAPE IRRIGATION CONSERVATION; AND BY THE ADDITION OF **ARTICLE X**, ENTITLED PENALTY, RELATIVE TO PENALTY AND CULPABILITY; PROVIDING FOR A FINE OF UP TO $500 FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE ON MARCH 4, 2005

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Water and Sewer"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article IV, Regulations and Restrictions on Service, by the addition of **Section 4.27**, Lawn and Landscape Irrigation Conservation, so that said section shall be and read as follows:

Section 4.27 Lawn and Landscape Irrigation Conservation

A. **Lawn and Landscape Irrigation Restrictions.** Except for hand watering and the use of soaker hoses, it shall be unlawful for any person to irrigate, water, or cause or permit the irrigation or watering of any lawn or landscape located on premises owned, leased, or managed by that person between the hours of 10:00 a.m. and 6:00 p.m. during the period from June 1 through September 30 of any year.

B. **Irrigation System Rain and Freeze Sensors.**

1. Any irrigation system installed within the City on or after March 4, 2005 must be equipped with rain and freeze sensors in number and type established and published by the Director of Utilities.

2. Any irrigation system installed before March 4, 2005 may not be operated after March 4, 2007 without being equipped with rain and freeze

sensors in number and type established and published by the Director of Utilities. This requirement does not apply to a single family residential or duplex property, or an individually metered townhome or condominium unit.

3. It shall be unlawful for any person to knowingly or recklessly commit any of the following on premises owned, leased, or managed by that person:

   a. install, or cause or permit the installation of, an irrigation system in violation of Subsection B(1);

   b. operate, or cause or permit the operation of, an irrigation system that does not comply with Subsection B(1); or

   c. operate, or cause or permit the operation of, an irrigation system that does not comply with Subsection B(2).

Further, the **"Water and Sewer"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended by the addition of **Article X**, Penalty, so that said article shall be and read as follows:

ARTICLE X

PENALTY

Section 10.01 Penalty

Any person adjudged guilty of an offense under this Chapter shall be guilty of a misdemeanor punishable by a fine not to exceed Five Hundred Dollars and No Cents ($500). Each occurrence of the violation shall constitute a separate offense.

Section 10.02 Culpability

If the definition of an offense under this Chapter does not prescribe a culpable mental state, then a culpable mental state is not required and the offense is one of strict liability.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance

shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed **Five Hundred and No/100 Dollars ($500)** for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective on March 4, 2005.

PRESENTED AND GIVEN FIRST READING on the **8th** day of **February, 2005**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the **22nd** day of **February, 2005**, by a vote of **9** ayes and **0** nays at a regular meeting of the City Council of the City of **Arlington, Texas**.

Ordinance No. 05-079

An ordinance amending the "Water and Sewer" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article I, entitled Definitions, by the addition of the definition of "POTW"; through the amendment of Article III, entitled Charges for Water and Sewer Service, by the amendment of Section 3.01, relative to payments; by the amendment of Section 3.02(D), relative to construction water rates; by the amendment of Section 3.02(E)(9), relative to delinquent accounts; by the amendment of Section 3.02(G), relative to fire protection system fees; by the amendment of Section 3.03, relative to utility accounts; through the amendment of Article IV, entitled Regulations and Restrictions on Service, by the amendment of Section 4.22, relative to compulsory connection and nuisance; by the amendment of Section 4.27, relative to lawn and landscape irrigation conservation; through the amendment of Article V, entitled Water Rationing, by the addition of Section 5.03, entitled Enforcement of Drought Contingency Plan; providing for a fine of up to $500 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective ten days after first publication

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Water and Sewer"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article I**, Definitions, by the addition of the definition of "POTW", so that said definition shall be and read as follows:

"POTW" shall mean Publicly Owned Treatment Works.

Further, **Article III**, Charges For Water and Sewer Service, is hereby amended by the amendment of **Section 3.01**, Time for Payment of Charges, so that said section shall be and read as follows:

Section 3.01 Time for Payment of Charges

A. The meters shall be read to the nearest one thousand (1,000) gallons monthly at approximately the same time each month, and the customer notified, in writing or otherwise, of the applicable charges and the due date for payment of such charges. The customer shall be given a minimum of ten (10) days from notice thereof to make full payment.

B. With the exception of apartment complexes, should a customer fail to make payment, and the account is over an amount equal to a two (2) month minimum water and sewer bill with a past due amount in excess of Twenty-Five Dollars ($25.00) by the next billing date, the customer will be mailed a reminder delinquent notice. This notice shall state that all charges, including previous and current balances, are due and payable on the due date shown on the statement; and, this notice shall state that should the customer fail to make payment or request an administrative review to dispute the validity of the charges on or before the due date shown, water service shall be discontinued without further notice. If the customer's payment of any of the delinquent charges are returned or refused to be paid to the City by the customer's financial institution, notice of the nonpayment shall be given to the customer. This notice shall state that if the customer fails to make payment by cash, cashiers check or money order within ten (10) days from notice, water service shall be discontinued without further notice.

C. Should a customer fail to make a payment or request an administrative review by the due date shown on the notice, should service be discontinued, or should field action be required, a service charge will be added to the delinquent amount due. The delinquent amount plus the service charge must be paid before service is restored. If service is discontinued for nonpayment and the customer, at the time, does not have any deposit or a deposit of sufficient amount to equal that required of a new customer or sufficient to cover a two (2) month bill, the Water Utilities Department shall

have the right to require that the delinquent amount, plus the service charge, plus a deposit equal to that required of a new customer or sufficient to cover a two (2) month bill be paid before service is restored. The only forms of payments accepted when a customer is restoring service are cash, cashiers check or money order.

D. Deposits shall be held by the Water Utilities Department until such time as the customer closes the account and discontinues service. If the account has been paid in full at closing, including the final billing, the deposit shall be refunded in full. Should the account not be paid in full, the Water Utilities Department shall have the right to apply the deposit to the account balance and either refund the surplus deposit or bill for the excess account balance.

E. If any customer is indebted to the Water Utilities Department on any account at their then or previous place of consumption, the delinquent amount due at the previous place of consumption may be transferred to the customer's active account and such service shall be discontinued by the Water Utilities Department until payment in full, plus any service charge, is made.

F. Should an apartment complex customer fail to make full payment by the due date shown on the statement, the customer will be mailed a reminder delinquent notice. This notice shall state that all charges are due within fifteen (15) days of said notice. Should the customer fail to make payment or request an administrative review to dispute the validity of the charges within the fifteen (15) day period, water service shall be discontinued without further notice. Procedures following discontinuation of service shall be the same as with other delinquent accounts as stated above.

Further, **Article III** is hereby amended by the amendment of **Section 3.02(D)**, so that said subsection shall be and read as follows:

D. <u>Construction Water Rates</u>:

(1) Construction water necessary for the normal construction of water, sewer, street, etc., projects will not be provided free to the contractors. All construction water will be measured by meters furnished by the Water Utilities Department. The water utility account holder securing the meter

will be responsible for the meter, valve fittings and hydrant. The deposit plus a construction meter service charge shall be paid at the Water Utilities Department. Any alteration or damage that occurs to the meter will be repaired by the City at the expense of the water utility account holder. The cost of the repairs will be deducted from the deposit and the remaining deposit if any will be credited to the final bill. Additional charges shall apply to meters that are lost or stolen.

(2) The contractor or person securing the meter may move a meter to various Arlington locations, but when meters are moved the contractor must notify the Water Utilities Department. The contractor or person securing the meter will be responsible for seeing that the meter is read monthly by either notifying the Water Utilities Department of its location or bringing it by the Water Utilities Department to be read. Requests for field readings shall be made by the 10th of each month stating the date, time, location and contact person. Failure to comply with this provision will result in the account being billed for one hundred thousand (100,000) gallons of water. Credit for this payment shall not be applied to current or subsequent billings. The account shall also be billed for actual meter readings, when obtained, based on the existing water rates.

Further, **Article III** is hereby amended by the amendment of **Section 3.02(E)(9)**, so that said subsection shall be and read as follows:

(9) If a customer becomes delinquent in one (1) or more service available accounts, no additional service available accounts may be opened or meters set until all such accounts are made current.

Further, **Article III** is hereby amended by the amendment of **Section 3.02(G)**, so that said subsection shall be and read as follows:

G. **Fire Protection System Fees**: A monthly fee equal to the fixed monthly charge for a one inch (1") meter shall be charged to customers with fire protection systems and/or fire lines.

Further, **Article III** is hereby amended by the amendment of **Section 3.03**, so that said subsection shall be and read as follows:

Section 3.03 **Utility Accounts**

A. To open a utility account after the effective date of this ordinance, customers shall be required to apply for an account and pay a deposit to the City that conforms to the current policy of the Water Utilities Department.

B. A person making application shall include that person's spouse, if any, as an applicant on the application unless approved by the Director of Utilities. If unmarried or unrelated individuals or unrelated business entities who jointly own or occupy the property desire service, the Director of Utilities may require application to be made jointly in the names of those individuals or business entities. An applicant shall also furnish proper identification and shall correctly furnish any other relevant information, including but not limited to proof of ownership, lease or agency, required by the Water Utilities Department in order to properly provide the service. If information is false, misleading, fraudulent, incomplete or not furnished, the application may be denied and service, where provided, may be discontinued within ten (10) days from notice of discontinuance.

C. Where service has been discontinued, refused or posted for discontinuance at a property due to nonpayment of delinquent charges or a violation of this code, a new application for an account will not be accepted from another person to resume service in the same place under another name so long as the previous customer continues to occupy or own the property as their residence or place of business until:

   a. a new written application is fully completed;
   b. all delinquent charges are paid;
   c. arrangements for payment satisfactory to the Director of Utilities are made; and/or
   d. the violation is abated.

D. A new application for an account will not be accepted for property where service is furnished to a tenant and the property is transferred to a person with notice of discontinuance for the purpose of avoiding payment of charges or avoiding enforcement of this section until:

   a. a new written application is fully completed;
   b. all delinquent charges are paid;

c. arrangements for payment satisfactory to the Director of Utilities are made; and/or
d. the violation is abated.

E. A person who occupies property and uses service without making application is responsible for all water used from the date of the last meter reading previous to that person occupying the property.

F. The customer of record has the primary liability for service under this chapter. Nevertheless, if service is provided to property owned or leased by a person or entity jointly with the customer of record, or if the customer of record is an agent or property manager for one or more owners of property, the joint owners shall not be treated as new customers, but shall remain jointly and severally liable with the customer or customers of record for unpaid delinquent charges. The Director of Utilities may refuse or discontinue service as described in Section 3.01 of this chapter.

G. Spouses receiving service at a property that they occupy are deemed to be joint customers of record, notwithstanding that only one spouse may have applied and shall be jointly and severally liable for unpaid delinquent charges. The Director of Utilities may refuse or discontinue service as described in Section 3.01 of this chapter.

H. Service may be refused or discontinued if a person fails to:

a. make a required deposit; or
b. increase the amount of the deposit after being notified that an increase is required.

I. Bills may be paid by Discover, Mastercard, Visa debit/credit cards, cash, check or money order. The Water Utilities Department reserves the right to refuse payment by personal or business check if they have reason to believe the check will not be honored at the customer's bank.

J. The City is authorized, in accordance with the provisions of Section 402.0025 of the Texas Local Government Code, as amended, to perfect a lien upon property for delinquent charges unless it is a homestead as protected by the Texas Constitution. This section shall not apply to delinquent charges for service connected in a tenant’s name after notice by the property owner to the Director of Utilities that the property is rental property. This section shall also not apply to bills for service connected in a tenant’s name prior to the effective date of this ordinance. The Director of Utilities shall send

notice, by certified mail, return receipt requested, that a lien will be fixed on the property in accordance with law. The notice must provide a time, place and means by which the charges causing the lien may be paid or disputed. The notice must be sent to: the customer in whose name the account for service to the property exists and the last known record owner of the property according to the tax rolls of the city, if the customer is not the owner. Absence of receipt of notice does not affect the enforceability of a lien perfected under this section. The lien for delinquent charges shall be perfected by recording in the real property records of the county where the property is located a notice of lien containing a legal description of the property and the utility's account number for the delinquent charges. The lien may include penalties, interest and collection costs. The lien is superior to all other liens except a bona fide mortgage lien recorded prior to the recording of the city's lien in the deed or lien records of the county in which the property is located. Should additional delinquent charges be incurred subsequent to the date of the original lien's execution, a correction lien may be executed and filed to fix the additional delinquent charges. The correction lien, when filed of record, shall relate back to the date of recording of the original lien and shall become a part of the original lien. The City Attorney, at the request of the Director of Utilities may file suit to judicially foreclose the lien in a state court of competent jurisdiction. The suit may not be filed earlier than 60 days after the recording date of the lien. The imposition of a lien by the city is cumulative of any other remedies, methods of collection or security available to the Director of Utilities or the city under the charter and ordinances of the city or under state law. This section does not affect the authority to refuse or to furnish service when delinquent charges exist.

K. <u>Tap and Meter Fees</u>:

(1) A charge shall be made by the Water Utilities Department for each new tapping of the water mains for a connection, said charge to be determined by the size of the connection and the size of the meter. A fee shall be charged according to the schedule as established by resolution of the City Council, as set forth in the adopted Water Utilities Office Policies for taps and for furnishing and installing meters and boxes.

If a branch is requested with the tap installation, a charge for each branch will be made in addition to the tap and meter activation

charges. A meter activation charge shall be made for each and every branch.

Where the water tap has been installed according to Standard Specifications for Waterworks and Sewerage Improvement in the City of Arlington, Texas by an approved water and sewer contractor, only a meter activation fee will be charged for furnishing the box and meter, and for installing the meter. Such activation fees are payable in advance, such fees being those as established by resolution of the City Council and set forth in the adopted Water Utilities Office Policies.

For branches on taps larger than two inches (2"), the actual cost of furnishing and installing the tap and meter shall be charged. This cost includes all labor, materials and equipment necessary to make the tap, run the service line and set the meter and box.

(2) The Water Utilities Department shall charge for the relocation of an existing water tap. Any relocation greater than twenty feet (20') from the present location shall be deemed a new tap, and the charge shall be according to the schedule for new taps. The water tap should only be moved to a location within the street right-of-way or utility easement. Current charges for tap relocation are those charges as established by resolution of the City Council and set forth in the adopted Water Utilities Office Policies. The Water Utilities Department shall charge for the termination of obsolete taps, if requested by a contractor or property owner, or if necessary due to the construction activity of said contractor or property owner. The charge shall include all labor, materials and equipment necessary to properly complete the work.

The Water Utilities Department reserves the right to require the customer to have the existing water tap relocated or capped by an approved water and sewer contractor. Where the tap and meter is existing and a customer desires a larger tap and meter, a credit shall apply as stated in the adopted Water Utilities Office Policies, as long as the new tap is to be made at the same location.

(3) Fire hydrant water meters shall be provided under contract. Charges shall be those as established by resolution of the City Council and set forth in the adopted Water Utilities Office Policies.

(4) A sewer activation fee shall be charged by the Water Utilities Department prior to any sewer tap being made. An activation fee shall apply to each tap of the main or for each water account having been established at the property site, whichever calculation produces the greater number. Current activation fee amounts shall be those amounts as established by resolution of the City Council and set forth in the adopted Water Utilities Office Policies.

On sewer services five inches (5") and larger in size, an approved manhole shall be installed at the City sewer main over the sewer service by the customer, unless a wye has been installed at the time the main was laid. It shall be the responsibility of the property owner to maintain the sewer service from the sewer main to and on their property, including the connection to the sewer main.

L. The water and sewer tap fee and sewer activation fee shall be paid at the same time unless otherwise approved by the Water Utilities Office Manager.

M. Prior to the commencement of construction activity, a water meter must be ordered and installed at the tap to be utilized for construction water. The only exception shall be for the customer who has completed the establishment of a service available account for residential construction as stated in Section 3.02(E).

Further, Article IV, Regulations and Restrictions on Service, is hereby amended by the amendment of **Section 4.22**, Compulsory Connection; Nuisance, so that said section shall be and read as follows:

Section 4.22 Compulsory Connection; Nuisance

A. The use of any premises in the City in such a manner as to create sewage thereon not discharged into the sewerage system of the City is hereby declared to be a nuisance. Every water closet or privy connected and used in any building, not connected with the sewerage system, is hereby declared to be a nuisance. The City shall not provide water services to an owner or occupant within the corporate municipal limits of the City of Arlington except as provided in Section 4.22(C). This Section shall be inapplicable to premises where connection with the City sewerage system is not feasible. Such connection with the City sewerage system is hereby declared to be feasible as to any premises abutting any street, alley, or other public way or sewer right-of-way in which any line of

the sewerage system of the City sufficient to handle the same exists.

The City shall provide gravity sewer systems so that residences can be served when constructed at the building lines. Where residences are constructed below street level or with basements requiring sewer service and/or constructed on low lots beyond the building line causing the need for a lift station, such lift station and necessary force main will be the individual responsibility of the property owner. This shall include initial installation costs as well as operation and maintenance costs.

B. It shall be the duty of any persons owning or occupying improved property within the City which can be feasibly connected to the City sewerage system as hereinabove set out, to also connect such property and the improvements thereon with the City water services if the same exist in the street, alley, or other public way or water right-of-way abutting the premises.

C. Where City sewerage services are not available in the abutting streets, alleys, other public ways, or other utility rights-of-way, but subsequently are laid therein, the City may provide water services to an owner or occupant within the corporate municipal limits of the City of Arlington for one year from the time the sewerage services are subsequently laid. It shall be the duty of the owner or occupant of such property within one year after the sewerage service becomes available, to connect therewith. Such connections shall be made subject to the applicable charges provided by the current ordinances or resolutions of the City.

D. It shall be the duty of the Director of Utilities to send notice to the owner or occupant of every building situated where there has been laid a sanitary sewer and where there is sufficient water service from the City's waterworks that the owner or occupant must:

1. make closet connections with the City's sanitary sewer within sixty (60) days after receipt of such notice from the Director of Utilities;

2. any such owner or occupant of any building so situated, who shall fail to make at least one water closet connection with the City's sanitary sewer within sixty (60) days after receipt of such notice from the Director of Utilities or who shall fail to have such water closets suitably arranged for the use of a urinal, unless separate urinal is provided, shall be deemed guilty of a misdemeanor; and

3. any such owner or occupant of any building so situated, who shall fail to make at least one water closet connection with the City's sanitary sewer within sixty (60) days after receipt of such notice from the Director of Utilities or who shall fail to have such water closets suitably arranged for the use of a urinal, unless separate urinal is provided, shall have water service discontinued without further notice sixty (60) days after the date of receipt of such notice from the Director of Utilities unless a written request for administrative review of discontinuance of service is submitted to the Director of Utilities within sixty (60) days from the date of the notice.

Service is deemed to be available where it is adjacent to the subject property in street right-of-ways or easements.

E. When the Director of Utilities finds that any person or entity is or has knowingly or unknowingly allowing/ allowed an actual or threatened discharge or leak which may result in an imminent danger or threat to the environment or to the health or welfare of persons, the POTW, Storm Sewer or Waters of the State, the Director of Utilities may discontinue water service and/or sanitary sewer service access until the Director of Utilities determines that such threat or danger is eliminated and/or such appropriate prevent action is taken to prevent reoccurrence. Any type of leak or discharge that may contaminate the water system including but not limited to any used motor oil, antifreeze, hydraulic fluid, or other motor vehicle fluid; any industrial waste; any hazardous waste including household hazardous waste; any garbage, domestic sewage or septic tank waste, cooking oil, grease trap waste, or grit trap waste; any trash rubbish, yard waste, or other floatable material; any waste water, any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, industrial waste, municipal waste, and agricultural waste. The Director of Utilities shall send prior notice of discontinuance unless the Director of Utilities determines that immediate discontinuance is necessary to prevent an imminent danger or threat. If there is not an imminent danger or threat, the Director of Utilities shall provide ten (10) days notice before discontinuance. If

the Director of Utilities determines that immediate discontinuance is necessary, notice of discontinuance should be sent within three (3) days after discontinuance. Notice must provide the date that service will be or was discontinued without further notice, the reason for discontinuance, and the ability to request an administrative review regarding the reasons for discontinuance within fifteen days from the date of notice. Services are not restored upon request for an administrative review unless the Director of Utilities determines that such threat or danger is eliminated and/or such appropriate prevent action is taken to prevent reoccurrence.

Further, Article IV, is hereby amended by the addition of **Section 4.27**, Lawn and Landscape Irrigation Conservation, so that said section shall be and read as follows:

Section 4.27 Lawn and Landscape Irrigation Conservation

A. Except for hand watering and the use of soaker hoses, it shall be unlawful for any person to irrigate, water, or cause or permit the irrigation or watering of any lawn or landscape located on premises owned, leased, or managed by that person between the hours of 10:00 a.m. and 6:00 p.m. during the period from June 1 through September 30 of any year.

B. It is an affirmative defense to prosecution that the irrigation or watering of any lawn or landscape during the prohibited time was done for the purpose of establishing hydromulch, grass sod, grass seed; dust control for sport fields; or for the maintenance, repair, or testing of an irrigation system.

Further, Article V, Water Rationing, is hereby amended by the addition of **Section 5.03**, Enforcement of Drought Contingency Plan, so that said section shall be and read as follows:

Section 5.03 Enforcement of Drought Contingency Plan

On April 26, 2005, the City Council approved the City's Drought Contingency Plan (Plan) through Resolution 05-175 which is available in the City Secretary's Office and is incorporated by reference herein. No person shall knowingly or intentionally allow the use of water from the City of Arlington for residential, commercial, industrial,

agricultural, governmental, or any other purpose in a manner contrary to any provision of the Plan, or an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the Director of Utilities, in accordance with the provisions of the Plan. Any person who violates the Plan is guilty of a class "C" misdemeanor. Each day that one or more of the provisions in the Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of the Plan, the Director of Utilities shall, upon due notice to the customer, be authorized to discontinue water service to the premises where the violations occurred. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, and any other costs incurred by the City of Arlington in discontinuing service. In addition, suitable assurance must be given to the Director of Utilities that the same action will not be repeated while the Plan is in effect. Compliance with the Plan may also be sought through injunctive relief in the district court.

On April 26, 2005, the City Council approved Resolutions 05-174 and 05-175 adopting a drought contingency plan and water conservation plan. The requirement and enforcement of each plan are hereby adopted by ordinance.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars ($500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be

unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the **8th** day of **September, 2005**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the **13th** day of **September, 2005**, by a vote of **9** ayes and **0** nays at a regular meeting of the City Council of the City of Arlington, Texas.

Ordinance No. 05-080

An ordinance amending the "Water and Sewer" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article III, entitled Charges for Water and Sewer Service, by the amendment of Section 3.02(A)(1), relative to water rates; by the amendment of Section 3.02(B)(1), relative to sewer rates; providing for a fine of up to $500 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective October 1, 2005

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Water and Sewer"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article III,** Charges for Water and Sewer Service, by the amendment of **Section 3.02(A)(1)**, so that said subsection shall be and read as follows:

(1) The following rates per month shall be the rates charged for water service furnished to customers within and outside the corporate limits of the City:

Conservation Rates Residential Block Structure	
Usage (1,000 gal)	**Rate**
0 – 2	$1.36
3 – 10	$1.67
11 – 15	$2.25
> 15	$2.80

Conservation Rates Commercial Block Structure

Usage (1,000 gal)	**Rate**
0 – 15	$1.54
> 15	$1.84

Conservation Rates Irrigation Block Structure	
Usage (1,000 gal)	**Rate**
All usage	$2.80

METER SIZE	**FIXED MONTHLY CHARGE**
0.75 inches (≤2,000 gal) Residential Only	$4.15
0.75 inches (≥3,000 gal) Residential and all other customer classes	6.85
1.00 inches	11.99
1.50 inches	27.40
2.00 inches	47.95
3.00 inches	109.60
4.00 inches	175.93
6.00 inches	405.48
8.00 inches	635.03
10.00 inches	953.89

Further, **Article III** is hereby amended by the amendment of **Section 3.02(B)(1)**, so that said subsection shall be and read as follows:

(1) The following rates per month shall be the rates charged for sanitary sewer service furnished to customers within and outside the corporate limits of the City where the sewage produced by such customers is a normal strength wastewater (170 mg/1 BOD and 240 mg/1 Suspended Solids), except as provided in Subsections 3.02(B)(2), 3.02(B)(3) and 3.02(C), or in the "Industrial Waste and Pollution

Control" Chapter of the Code of the City of Arlington, 1987, as amended.

METER SIZE	**FIXED MONTHLY CHARGE**	**CONSUMPTION**
0.75 inches (≤2,000 gal) Residential Only	$3.35	$2.43/1,000 gallons
0.75 inches (≥3,000 gal) Residential and all other customer classes	5.75	$2.43/1,000 gallons
1.00 inches	10.06	$2.43/1,000 gallons
1.50 inches	23.00	$2.43/1,000 gallons
2.00 inches	40.25	$2.43/1,000 gallons
3.00 inches	52.52	$2.43/1,000 gallons
4.00 inches	91.91	$2.43/1,000 gallons
6.00 inches	209.91	$2.43/1,000 gallons
8.00 inches	327.97	$2.43/1,000 gallons
10.00 inches	491.92	$2.43/1,000 gallons

All residential customers will be charged the fixed monthly charge associated with a three-quarter inch (.75") meter.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars ($500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective on October 1, 2005.

PRESENTED AND GIVEN FIRST READING on the **8th** day of **September, 2005**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the **13th** day of **September, 2005**, by a vote of **9** ayes and **0** nays at a regular meeting of the City Council of the City of Arlington, Texas.

Pul shed ST 3/20/06 & 3/27/06

Ordinance No. 06-027

An ordinance amending the "Water and Sewer" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article III, entitled Charges for Water and Sewer Service, Section 3.02, Water and Sewer Rates, Subsection (A), by the addition of Subsection (3) relative to water rates; by the amendment of Subsection 3.02(B)(2) relative to calculation of billable wastewater flows; by the amendment of Section 3.02(D)(2) relative to construction water rates; and through the amendment of Article V, entitled Water Rationing, Section 5.03, Enforcement of Drought Contingency Plan, relative to the Water Conservation and Drought Contingency Plans; providing for a fine of up to $500 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective ten days after first publication

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Water and Sewer"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article III**, Charges for Water and Sewer Service, **Section 3.02**, Water and Sewer Rates, Subsection (A), by the addition of Subsection (3), so that said subsection shall be and read as follows:

(3) The Conservation Rates Irrigation Block Structure is the rate per month charged for water service furnished to customers using water solely for irrigation and gas or oil exploration, development, production or drilling. Fire hydrant supplied water will be measured by meters

furnished by the Water Utilities Department and the provisions in this chapter governing Construction Water Rates will apply to the use of these meters.

Further, **Article III, Section 3.02,** Subsection (B), is hereby amended by the amendment of Subsection (2), so that said subsection shall be and read as follows:

(2) Residential customers' billable wastewater flows will be calculated by averaging the three lowest of the four months' billings of metered water consumption for each December, January, February and March unless otherwise provided below. Each April, the billable flows for each residential customer will be adjusted according to the average of three of the four prior December, January, February and March billing months or for such periods as determined just and reasonable and adopted by resolution of the Arlington City Council. Any resolution regarding residential rates will be automatically adopted and incorporated in this Ordinance. Where no prior December, January, February and March billing is available to average for wastewater billing for an individual customer, the average consumption for all residential customers for those months will be used. If actual water consumption during any month is less than the average winter months' consumption, the wastewater flow billed will be equal to the actual metered water consumption for that month.

Further, **Article III, Section 3.02,** Subsection (D) is hereby amended by the amendment of Subsection (2), so that said subsection shall be and read as follows:

(2) The contractor or person securing the meter may move a meter to various Arlington locations, but when meters are moved the contractor must notify the Water Utilities Department. The contractor or person securing the meter will be responsible for seeing that the meter is read monthly by either notifying the Water Utilities Department of its location or bringing it by the Water Utilities Department to be read. Requests for field readings shall be made by the 10th of each month stating the date, time, location and contact

person. Failure to comply with this provision will result in the account being billed for one hundred thousand (100,000) gallons of water. Credit for this payment shall not be applied to current or subsequent billings. The account shall also be billed for actual meter readings, when obtained, based on the existing Conservation Rates Irrigation Block Structure.

Further **Article V**, Water Rationing, Section 5.03, Enforcement of Drought Contingency Plan, is hereby amended by the amendment of Section 5.03, so that said subsection shall be and read as follows:

Section 5.03 Enforcement of Drought Contingency Plan and Water Conservation Plan

On April 26, 2005, the City Council approved Resolutions 05-174 and 05-175 adopting a water conservation plan and a drought contingency plan. The requirement and enforcement of each plan as specified in Resolution 05-174 and Resolution 05-175 are hereby adopted by ordinance and incorporated by reference herein. Any amendments to the drought contingency plan and/or to the water conservation plan that are approved by resolution are automatically adopted by ordinance and incorporated by reference herein.

The drought contingency plan approved through Resolution 05-175 or as amended is available in the City Secretary's Office and is incorporated by reference herein. No person shall knowingly or intentionally allow the use of water from the City of Arlington for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of the drought contingency plan, or an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the Director of Utilities, in accordance with the provisions of the drought contingency plan. Any person who violates the drought contingency plan is guilty of a class "C" misdemeanor. Each day that one or more of the provisions in the drought contingency plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of the drought contingency plan, the Director of Utilities shall, upon due notice to the customer, be authorized to discontinue water service to the premises where the violations occurred. Services discontinued under such circumstances shall be restored only upon payment of a re-

connection charge, and any other costs incurred by the City of Arlington in discontinuing service. In addition, suitable assurance must be given to the Director of Utilities that the same action will not be repeated while the drought contingency plan is in effect. Compliance with the drought contingency plan may also be sought through injunctive relief in the district court.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars ($500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 28th day of February, 2006, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 14th day of March, 2006, by a vote of 8 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

BARBARA G. HEPTIG, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY

Published ST 8-30-06 & 9-4-06

Ordinance No. 06-089

An ordinance amending the "Water and Sewer" Chapter of the Code of the City of Arlington, Texas, 1987, by the addition of Article XI, entitled Municipal Setting Designations; providing for a fine of up to $500 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective ten days after first publication

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Water and Sewer"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the addition of **Article XI**, Municipal Setting Designations, so that said Article shall be and read as follows:

ARTICLE XI

MUNICIPAL SETTING DESIGNATIONS

Section 11.01 Findings

The City Council of the City of Arlington makes the following findings:

(1) There are areas of shallow groundwater within the City and its extraterritorial jurisdiction that are not usable as potable water sources;

(2) Commercial and industrial properties exist in Arlington and its extraterritorial jurisdiction underlain with unusable groundwater that have become contaminated by historical on-site or off-site sources;

(3) The City of Arlington does not utilize groundwater as a source for public drinking water, and less than six (6) percent of all municipal water supplies in Tarrant County come from groundwater sources;

(4) The use of municipal setting designations within Arlington and its extraterritorial jurisdiction allows for a state-evaluated corrective action process for groundwater that is directed toward protection of human health and the environment balanced with the economic welfare of the citizens of the City; and

(5) Where public drinking water is available, the use of groundwater as a potable water source in designated areas should be prohibited to protect public health and welfare when the quality of the groundwater presents an actual or potential threat to human health.

Section 11.02 <u>Definitions</u>

As used in this division, unless the context clearly indicates otherwise:

Affected community means those persons entitled to notice in Section 11.06(A)(3) below.

Applicant means the owner of the land seeking an MSD.

Authorized representative means, for purposes of signing an application, if the applicant is a corporation, the president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; if the applicant is a partnership or sole proprietorship, a general partner or proprietor, respectively; if the applicant is a limited liability company, the manager; and if the applicant is a local government, the chief executive officer or his authorized designee.

Chemical of concern means any chemical that has the potential to adversely affect ecological or human receptors due to its concentration, distribution, and mode of toxicity.

Director means the Director of Environmental Services, or other employee designated by the City Manager to enforce and administer this chapter, or the Director's designated representative.

Environmental risk assessment means the qualitative and quantitative evaluation performed in an effort to define the risk posed to human health and/or the environment by the presence or potential presence and/or use of contaminants as defined in Section 361.801(1) of the Texas Health and Safety Code.

Groundwater means water below the surface of the earth.

Municipal setting designation (MSD) means a designation as provided by Chapter 361, Subchapter W, of the Texas Health and Safety Code, which authorizes the Executive Director of the Texas Commission on Environmental Quality (TCEQ) to certify municipal setting designations in order to limit the scope of or eliminate the need for investigation of or response actions addressing contaminant impacts to groundwater that has been restricted from use as potable water by ordinance or restrictive covenant.

Potable water means water that is used for irrigating crops intended for human consumption, drinking, showering, bathing, or cooking purposes.

Section 11.03 <u>Use of Groundwater in MSD Areas as a Potable Water Source Prohibited</u>

A. A person commits an offense if the person intentionally, knowingly, or with criminal negligence uses groundwater in a MSD area as a potable water source.

B. A person commits an offense if the person intentionally, knowingly, or with criminal negligence uses groundwater in a MSD area for a purpose prohibited in the ordinance creating that MSD.

Section 11.04 <u>Application for City Council Approval of MSD</u>

A. A person, excluding the City of Arlington, seeking City Council approval of a MSD for an area within the

corporate limits of the City of Arlington, or within its extraterritorial jurisdiction, shall apply in writing, with the number and format of copies, as determined by the Director.

B. An application shall contain:

1. The applicant's name and address, and the name, address, daytime telephone number, and email address of a contact person and the licensed professional who prepared the application;

2. The location and legal description of the proposed outer boundaries of the MSD area for which designation is sought;

3. A copy of the application with the Executive Director of the TCEQ for a MSD for the area;

4. A statement as to whether a public drinking water supply system exists that satisfies the requirements of Texas Health and Safety Code Chapter 341 and that supplies or is capable of supplying drinking water to the area for which the MSD is sought, and property within one-half mile of the area for which the MSD is sought;

5. A description of the groundwater sought to be restricted, including the identified chemicals of concern therein and the levels of contamination known to the applicant, and the identified vertical and horizontal extent of the contamination. If the applicant has not documented groundwater contamination offsite that originates from the area for which an MSD is sought, the application shall include a statement as to whether contamination more likely than not exceeds a residential assessment level offsite and the basis for that statement;

6. Identification of the person(s) responsible for the contamination of the groundwater, if known;

7. A listing of:

   a. All state-registered private water wells within five (5) miles from the boundary of

the area for which the designation is sought, including a notation of those wells that are used for potable water purposes (if known), and a statement as to whether the applicant has provided the owners with notice as provided in Texas Health and Safety Code Section 361.805;

b. Each retail public utility, as that term is defined in the Texas Water Code, that owns or operates a groundwater supply well located not more than five (5) miles from the area for which the MSD is sought, and a statement as to whether the applicant has provided the retail public utilities with notice as provided in Texas Health and Safety Code Section 361.805; and

c. Each municipality, other than the City of Arlington, with a boundary located not more than one-half (1/2) mile from the area for which the MSD is sought; or that owns or operates a groundwater supply well located not more than five (5) miles from the area for which the MSD is sought; and a statement as to whether the applicant has provided the municipalities with notice as provided in Texas Health and Safety Code Section 361.805;

8. A site map, drawn to scale, including a metes and bounds description of the proposed MSD area, the boundary of the proposed MSD area, the location of groundwater on the proposed MSD area, and the extent of groundwater contamination to the limits that it has been defined. The map shall include a statement by a professional land surveyor registered by the Texas Board of Professional Surveying attesting to the accuracy of the metes and bounds description; and

9. Any other information that the Director deems pertinent.

C. The application shall be signed by an authorized representative of the applicant and shall contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in a manner designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

D. An application shall be accompanied by:

1. A set of printed mailing labels with the names and addresses of persons listed in Subsection (B)(7) above;

2. An electronic file of the names and addresses of persons listed in Subsection (B)(7) above, in a format acceptable to the Director and compatible with City information systems; and

3. A nonrefundable application fee of $1,000 and actual Tarrant County recording fees.

E. An applicant may withdraw its application only in writing by letter sent certified mail, return receipt requested, to the Director, and shall forfeit the application fee. If the Director has not issued public notice prior to the receipt of the withdrawal letter, the applicant may reapply at any time. If public notice has issued, a new application is subject to the limitations of Section 11.09 below.

Section 11.05 <u>Staff Review</u>

A. For purposes of the times stated in this ordinance, an application is deemed to have been received on the date that the application was actually received by the Director, as indicated by the file date stamped on the application by the department of Environmental Services.

B. The application for a MSD shall be forwarded to the Development Review Committee (DRC) for staff review. The purpose of the review is to determine whether the application is complete, and whether any current or future City property or other interests have the potential to be impacted by the proposed MSD. City staff shall not conduct an environmental risk assessment of the application.

C. City staff review and reporting to the applicant will be within the established DRC timetables. DRC will provide a written report noting any discrepancies in the application, and advising of any City interests that may potentially be impacted by the proposed MSD.

D. If the Director determines that the application is incomplete, he will return the application to the applicant, noting the deficiencies in writing. The applicant shall have thirty (30) days from the date of the deficiency letter to correct the deficiencies and resubmit the application. If the applicant fails to submit a corrected application within the allotted time, the application shall be deemed to be withdrawn and the application fee forfeited.

E. If the Director determines that the application is complete, he will schedule a public meeting and a public hearing. The public meeting must be held prior to the public hearing.

1. A public meeting will be scheduled approximately forty-five (45) days following the day the application was received; and

2. A public hearing of the City Council will be scheduled approximately sixty (60) days following the day the application was received.

Section 11.06 <u>Notice of Public Meeting and Public Hearing</u>

A. Notice of the public meeting and the public hearing on a MSD application may be combined and must include the date, time and location of the two (2) events, the identity of the applicant, the location and legal description of the area for which the MSD is sought, the purpose of the MSD, the type of contamination

identified in the groundwater of the area for which the MSD is sought, and a statement that a copy of the application is available for public viewing at the department of environmental services. Notice will be made as follows:

1. The Director will publish notice of a public meeting and a public hearing for a proposed MSD in the official newspaper of the City, not less than fifteen (15) days before the public meeting;

2. The Director will request that the City Secretary post the notice at City Hall, in a place readily accessible to the general public at all times, not less than fifteen (15) days before the public meeting; and

3. The Director will provide written notice of a public meeting and a public hearing for a proposed MSD, . not less than fifteen (15) days before the date of the public meeting by properly addressed and regular postage paid, in the United States mail. Notice will be mailed to:

   a. The applicant;

   b. The list provided by applicant pursuant to Section 11.04(B)(7);

   c. The executive Director of the Trinity River Authority, if the area for which an MSD is sought is within five miles five (5) miles of the Trinity River; and

   d. All owners of real property lying within 200 feet of the subject property, as the ownership appears on the last approved City tax roll.

B. The Director will direct the posting of at least one (1) sign upon the area for which a MSD has been requested. Posting shall be in the same manner as zoning amendments. The sign(s) must state that an MSD has been requested for the area and that additional information can be acquired by telephoning the number listed thereon or visiting the web site address listed thereon. The erection and/or the continued maintenance

of any such sign shall not be deemed a condition precedent to the holding of any public meeting or public hearing or to any official action concerning the MSD application.

Section 11.07 <u>Public meeting</u>

A. The purpose of a public meeting is for the applicant to provide information to the affected community about MSDs and the application and to obtain input on the application prior to a formal hearing before the City Council.

B. The public meeting will be held in the evening at a location convenient to the affected community.

C. The applicant or its representative must appear at the public meeting. If the applicant fails to appear at the public meeting either in person or by representative, the application shall be deemed withdrawn and the application fee forfeited.

D. The Director will conduct the meeting, giving the applicant or its representative the opportunity to present its reasons for requesting an MSD, and giving members of the affected community the opportunity to ask the applicant questions or make oral comments on the application.

E. The Director will make a tape recording of the public meeting available for the public.

Section 11.08 <u>City Council Public Hearing</u>

A. Prior to the public hearing, the Director will provide the City Council a copy of the application, and a written report summarizing the request for the MSD approval, any staff comments, and minutes of the public meeting.

B. The applicant or its representative must appear at the public hearing and present the request for a MSD approval. If the applicant fails to appear at the public hearing, the application shall be deemed withdrawn and the application fee forfeited.

C. Persons wishing to speak either in favor of or against the application will be provided the opportunity in accordance with City Council guidelines for public hearings.

D. If approving an application, the City Council shall:

1. Adopt a resolution supporting the application to be presented to the TCEQ; and

2. Enact an ordinance prohibiting the potable use of designated groundwater from beneath the MSD area. The ordinance must include a metes and bounds description of the MSD area to which the ordinance applies; a listing of the contaminants; and a statement that the ordinance is necessary because the contaminant concentrations exceed TCEQ potable water standards.

3. Place other reasonable restrictions on the use of designated groundwater and including, but not limited to, specification of underground construction materials to be used in the MSD area.

E. City Council approval of an application shall not be deemed to waive the City's right to comment on a MSD application that has been filed with the Executive Director of the TCEQ as provided by Texas Health and Safety Code Section 361.805.

Section 11.09 <u>Limitation on Reapplication</u>

If after public hearing the City Council disapproves an application, or if the applicant has withdrawn its application after public notice has issued, no new MSD applications for the proposed MSD area shall be accepted by the City or scheduled for a public hearing by the City Council within a period of twelve (12) months of the date of disapproval or withdrawal.

Section 11.10 <u>Additional requirements</u>

A. A person who has received approval of a MSD from the City, shall, upon issuance from the TCEQ, provide the

Director with a copy of the certificate of completion or other documentation issued for the MSD area, showing that response actions, if required, have been completed.

B. A person commits an offense if they fail to provide the Director with the documentation required in Subsection (A) above, within thirty (30) days of its issuance by the TCEQ.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars ($500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and

he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 8th day of August, 2006, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 22nd day of August, 2006, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

BARBARA G. HEPTIG, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY

Ordinance No. 06-093

An ordinance amending the "Water and Sewer" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article III, entitled Charges for Water and Sewer Service, by the amendment of Section 3.02(A)(1), relative to water rates; by the amendment of Section 3.02(B)(1), relative to sewer rates; providing for a fine of up to $500 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective October 1, 2006

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Water and Sewer"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article III**, Charges for Water and Sewer Service, by the amendment of **Section 3.02(A)(1)**, so that said subsection shall be and read as follows:

(1) The following rates per month shall be the rates charged for water service furnished to customers within and outside the corporate limits of the City:

Conservation Rates Residential Block Structure	
Usage (1,000) gallons	**Rate**
0-2	$1.32
3-10	$1.56
11-15	$2.40
≥16	$3.00

Conservation Rates Commercial Block Structure	
Usage (1,000) gallons	**Rate**
0-15	$1.51
≥16	$1.84
Conservation Rates Irrigation Block Structure	
Usage (1,000) gallons	**Rate**
All usage	$3.00

METER SIZE	**FIXED MONTHLY CHARGE**
¾" (≤2,000 gal) Residential Only	$4.40
¾" (≥3,000 gal) Residential and all other customer classes	7.55
1"	13.21
1 ½"	30.20
2"	51.79
3"	117.27
4"	188.24
6"	437.91
8"	685.83
10"	1,030.20

Further, **Article III** is hereby amended by the amendment of **Section 3.02(B)(1)**, so that said subsection shall be and read as follows:

(1) The following rates per month shall be the rates charged for sanitary sewer service furnished to customers within and outside the corporate limits of the City where the sewage produced by such customers is a normal strength wastewater (170 mg/1 BOD and 240 mg/1 Suspended Solids), except as provided in Subsections 3.02(B)(2), 3.02(B)(3) and 3.02(C), or in the "Industrial Waste and Pollution Control" Chapter of the Code of the City of Arlington, 1987, as amended.

METER SIZE	FIXED MONTHLY CHARGE	CONSUMPTION
¾" (≤2,000 gal) Residential Only	$3.60	$2.58/1,000 gallons
¾" (≥3,000 gal) Residential and all other customer classes	6.93	$2.58/1,000 gallons
1"	12.13	$2.58/1,000 gallons
1 ½"	27.72	$2.58/1,000 gallons
2"	44.28	$2.58/1,000 gallons
3"	57.77	$2.58/1,000 gallons
4"	100.18	$2.58/1,000 gallons
6"	228.80	$2.58/1,000 gallons
8"	360.76	$2.58/1,000 gallons
10"	541.11	$2.58/1,000 gallons

All residential customers will be charged the fixed monthly charge associated with a three-quarter inch (.75") meter.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars ($500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such

conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective on October 1, 2006.

PRESENTED AND GIVEN FIRST READING on the 22nd day of August, 2006, at a regular meeting of the City

Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 12th day of September, 2006, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

BARBARA G. HEPTIG, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY

Ordinance No. 06-109

An ordinance amending the "Water and Sewer" Chapter of the Code of the City of Arlington, Texas, 1987, by the amendment of Article IV, Regulations and Restrictions on Service, Section 4.27, Lawn and Landscape Irrigation Conservation, relative to lawn and landscape irrigation conservation; providing for a fine of up to $500 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective ten days after first publication

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Water and Sewer"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article IV, Regulations and Restrictions on Service, **Section 4.27**, Lawn and Landscape Irrigation Conservation, so that said section shall be and read as follows:

Section 4.27 Lawn and Landscape Irrigation Conservation

A. Except for hand watering and the use of soaker hoses, it shall be unlawful for any person to irrigate, water, or cause or permit the irrigation or watering of any lawn or landscape located on premises owned, leased, or managed by that person between the hours of 10:00 a.m. and 6:00 p.m.

B. It is an affirmative defense to prosecution that the irrigation or watering of any lawn or landscape during the prohibited time was done for the purpose of establishing hydromulch, grass sod, grass seed; dust control for sport fields; or for the maintenance, repair, or testing of an irrigation system.

C. Irrigation System Rain and Freeze Sensors.

1. Any irrigation system installed within the City on or after January 1, 2007, must be equipped with rain and freeze sensors in number and type established and published by the Director of Utilities.

2. Any irrigation system installed before January 1, 2007, may not be operated after March 4, 2007 without being equipped with rain and freeze sensors in number and type established and published by the Director of Utilities. This requirement does not apply to a single family residential or

duplex property, or an individually metered townhome or condominium unit.

3. It shall be unlawful for any person to knowingly or recklessly commit any of the following on premises owned, leased, or managed by that person:

   a. install, or cause or permit the installation of, an irrigation system in violation of Subsection (C)(1);

   b. operate, or cause or permit the operation of, an irrigation system that does not comply with Subsection (C)(1); or

   c. operate, or cause or permit the operation of, an irrigation system that does not comply with Subsection (C)(2).

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars ($500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 14th day of November, 2006, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 28th day of November, 2006, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

BARBARA G. HEPTIG, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY

Published ST 9-27-07 and 10-1-07

Ordinance No. 07-065

An ordinance amending the "Water and Sewer" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article III, entitled Charges for Water and Sewer Service, by the amendment of Section 3.01, Time for Payment of Charges, Subsection (B), relative to the addition of storm water; the addition of Subsection 3.01(C), relative to discontinued water service, and the relettering of the remaining subsections; by the amendment of Section 3.02, Water and Sewer Rates, Subsection (A)(1), relative to water rates; the deletion of Subsection 3.02(A)(3); and the amendment of Subsection 3.02(D), Construction Water Rates, relative to construction water; providing for a fine of up to $500 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective October 1, 2007

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Water and Sewer"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article III**, Charges for Water and Sewer Service, **Section 3.01**, Time for Payment of Charges, by the amendment of Subsection (B), so that said subsection shall be and read as follows:

B. With the exception of apartment complexes, should a customer fail to make payment, and the account is over an amount equal to a two (2) month minimum water, sewer, refuse or storm water bill with a past due amount in excess of Twenty-Five Dollars ($25.00) by the next billing date, the customer will be mailed a reminder delinquent notice. This notice shall state that all charges, including previous and current balances, are due and payable on the due date shown on

the statement; and, this notice shall state that should the customer fail to make payment or request an administrative review to dispute the validity of the charges on or before the due date shown, water service shall be discontinued without further notice. If the customer's payment of any of the delinquent charges is returned or refused to be paid to the City by the customer's financial institution, notice of the nonpayment shall be given to the customer. This notice shall state that if the customer fails to make payment by cash, cashiers check or money order within ten (10) days from notice, water service shall be discontinued without further notice.

Further, Article III, **Section 3.01**, is hereby amended by the addition of a new **Subsection (C)** and the **relettering of the remaining subsections**, so that said Subsection (C) shall be and read as follows:

C. If a storm water account with no water service is delinquent according to the terms stated in Section 3.01(B) and if the Owner of this storm water account is provided any Arlington water services at any other location, including residential, the water service for this location shall be discontinued according to the terms and processes stated in Section 3.01(B) above. Water service shall be restored once all obligations related to all delinquent fees are met.

Further, Article III, **Section 3.02**, Water and Sewer Rates, **Subsection (A)**, Water Rates, is hereby amended by the amendment of **Subsection (1)**, so that said subsection shall be and read as follows:

(1) The following rates per month shall be the rates charged for water service furnished to customers within and outside the corporate limits of the City:

Conservation Rates Residential Block Structure	
Usage (1,000) gallons	**Rate**
0-2	$1.28
3-10	$1.68
11-15	$2.55
16-29	$3.00
≥30	$3.50

Conservation Rates Commercial Block Structure	
Usage (1,000) gallons	**Rate**
0-15	$1.68
≥16	$1.84

Conservation Rates Irrigation Block Structure	
Usage (1,000) gallons	**Rate**
0-29	$3.00
≥30	$3.50

Conservation Rates Construction Water Block Structure	
Usage (1,000) gallons	**Rate**
All usage	$4.00

Fixed Monthly Fee		
Meter Size	**Water**	**Wastewater**
¾" (≤2,000 gal) Residential only	$ 4.65	$ 3.75
¾" (≥3,000 gal) Residential and all other customer classes	$ 8.16	$ 7.20
1"	$ 14.28	$ 12.13
1 ½"	$ 32.64	$ 27.72
2"	$ 51.54	$ 44.28
3"	$ 117.27	$ 57.77
4"	$ 188.24	$100.18
6"	$ 437.66	$228.80
8"	$ 685.83	$360.76
10"	$1,030.20	$541.11

Further, Article III, **Subsection 3.02(A)**, is hereby amended by the **deletion of Subsection (3).**

Further, Article III, **Section 3.02**, Subsection (D), Construction Water Rates, is hereby amended so that said subsection shall be and read as follows:

D. Construction Water Rates:

(1) Construction water is water necessary for the construction of water, sewer, street and other projects including oil or gas exploration, development, production or drilling or water drawn from a hydrant for any purpose. All construction water will be measured by meters furnished by the Water Utilities department. A construction meter is any water meter used to connect to a hydrant or

other water service connection for the purpose of metering construction water usage. The water utility account holder securing the meter will be responsible for meeting the terms and conditions of the construction water agreement, and for the meter, valve fittings and backflow prevention device. If a meter is connected to a hydrant, the water utility account holder will be responsible for the hydrant. The deposit plus a construction meter service charge shall be paid to the Water Utilities department. Any alteration or damage that occurs to the meter will be repaired by the City at the expense of the water utility account holder. The cost of the repairs will be deducted from the deposit and the remaining deposit, if any, will be credited to the final bill. Additional charges shall apply to meters that are lost or stolen.

(2) The contractor or person securing a meter may move a meter to various Arlington locations, but when meters are moved the contractor must notify the Water Utilities department. The meter readings shall be communicated to the Water Utilities Department between the 5th and 10th of each month, regardless of consumption. Failure to comply with this provision will result in the account being billed for the amount specified in the construction water agreement. Credit for this payment shall not be applied to current or subsequent billings. The account shall also be billed for actual meter readings, when obtained, based on the existing water rates.

(3) The Conservation Rates Construction Water Block Structure is the rate per month charged for construction water, which is the service furnished to customers using water:

a. for any purpose of construction;
b. drawn from a fire hydrant for any purpose; or
c. for gas or oil exploration, development, production or drilling.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and

No/100 Dollars ($500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this

ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective on October 1, 2007.

PRESENTED AND GIVEN FIRST READING on the 28th day of August, 2007, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 18th day of September, 2007, by a vote of 8 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

BARBARA J. RITTER, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY

Ordinance No. 07-101

An ordinance amending the "Water and Sewer" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article III, Charges for Water and Sewer Service, by the amendment of Section 3.05, Stormwater Utility Charges, relative to removing the rates and adding references to the "Storm Water Pollution Control Chapter"; providing this ordinance be cumulative; providing for severability; declaring an emergency; providing for an effective date

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Water and Sewer"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article III,** Charges for Water and Sewer Service, **Section 3.05,** Stormwater Utility Charges, so that said section shall be and read as follows:

Section 3.05 Storm Water Utility Charges

A. There shall be a charge on each monthly utility statement for the Municipal Storm Water Utility System. The Director of Utilities is authorized to collect such charges in a manner consistent with the "Water and Sewer" Chapter, the "Storm Water Pollution Control" Chapter, the City Charter, and State law. The storm water, or "drainage" fee will be a separate line item on the utility statement and shall be clearly identified as a separate charge.

B. Fees associated with the Storm Water Utility are specified in the Storm Water Utility Schedule of Charges, of the "Storm Water Pollution Control" Chapter of the Code of the City of Arlington.

C. Except as otherwise provided by the "Storm Water Pollution Control" Chapter, billing, charges and collection procedures shall be consistent with that of the water and sewer services.

D. Drainage charges shall be identified separately on the utility billing. Billing shall be consistent with the "Storm Water Pollution Control" Chapter and V.T.C.A., Local Government Code, Section 402.048.

E. Delinquent charges shall be collected in a manner consistent with the "Storm Water Pollution Control" Chapter and V.T.C.A., Local Government Code, Section 402.050.

F. The City may grant exemptions from the drainage charge, pursuant to the "Storm Water Pollution Control" Chapter and V.T.C.A., Local Government Code, Section 402.053.

2.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

3.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

4.

This is an ordinance for the immediate preservation of the public peace, property, health and safety, and is an emergency measure within the meaning of Article VII, Sections 11 and 12, of the City Charter; and the City Council, by the affirmative vote of all of its members present and voting, hereby declares that this ordinance is an emergency measure, and the requirement that it be read at two (2) meetings, as specified in Section 11, is hereby waived.

5.

This ordinance shall be in full force and effect after its passage, and it is so ordained.

PRESENTED, FINALLY PASSED AND APPROVED, AND EFFECTIVE on the 18th day of December, 2007, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

KAREN BARLAND, Acting City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY Eddie Martin

PUBLISHED ST 091808 & 092208

Ordinance No. 08-077

An ordinance amending the "Water and Sewer" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article III, entitled Charges for Water and Sewer Service, by the amendment of Section 3.02, Water and Sewer Rates, Subsection (A)(1), relative to water rates; by the amendment of Subsection 3.02(B)(1), relative to sewer rates; through the amendment of Article X, entitled Penalty, by the amendment of Section 10.01, Penalty relative to providing for a fine of up to $2,000 for violations of the provisions governing water use during the activation of the Drought Contingency Plan; and providing for the ratification of the previous Fiscal Year commodity charge; providing for a fine of up to $2,000 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective October 1, 2008

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Water and Sewer"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article III,** Charges for Water and Sewer Service, **Section 3.02,** Water and Sewer Rates, **Subsection (A),** Water Rates, **Subsection (1),** so that said subsection shall be and read as follows:

(1) The following rates per month shall be the rates charged for water service furnished to customers within and outside the corporate limits of the City:

Conservation Rates Residential Block Structure	
Usage (1,000) gallons	**Rate**
0-2	$1.36
3-10	$1.93
11-15	$2.91
16-29	$3.35
≥30	$4.00
Conservation Rates Commercial Block Structure	
Usage (1,000) gallons	**Rate**
0-15	$1.93
≥16	$2.08

Conservation Rates Irrigation Block Structure	
Usage (1,000) gallons	**Rate**
0-29	$3.35
≥30	$4.00

Conservation Rates Construction Water Block Structure	
Usage (1,000) gallons	**Rate**
All usage	$4.50

Water	
Meter Size	**Fixed Monthly Charge**
¾" (≤2,000 gal) Residential only	$ 4.90
¾" (≥3,000 gal) Residential and all other customer classes	$ 8.47
1"	$ 14.82
1 ½"	$ 33.88
2"	$ 59.29
3"	$ 136.04
4"	$ 218.36
6"	$ 507.69
8"	$ 795.56
10"	$1,195.03

Further, **Article III, Section 3.02** is hereby amended by the amendment of Subsection **(B)(1)**, so that said subsection shall be and read as follows:

(1) The following rates per month shall be the rates charged for sanitary sewer service furnished to customers within and outside the corporate limits of the City where the sewage produced by such customers is a normal strength wastewater (170 mg/1 BOD and 240 mg/1 Suspended Solids), except as provided in Subsections 3.02(B)(2), 3.02(B)(3) and 3.02(C), or in the "Industrial Waste and Pollution Control" Chapter of the Code of the City of Arlington, 1987, as amended.

Wastewater		
Meter Size	**Fixed Monthly Charge**	**Consumption**
¾" (≤2,000 gal) Residential Only	$4.00	$2.92/1,000 gallons
¾" (≥3,000 gal) Residential and all other customer classes	$7.77	$2.92/1,000 gallons
1"	$13.60	$2.92/1,000 gallons
1 ½"	$31.08	$2.92/1,000 gallons
2"	$54.39	$2.92/1,000 gallons
3"	$72.21	$2.92/1,000 gallons
4"	$125.22	$2.92/1,000 gallons
6"	$286.00	$2.92/1,000 gallons
8"	$450.95	$2.92/1,000 gallons
10"	$676.39	$2.92/1,000 gallons

All residential customers will be charged the fixed monthly charge associated with a three-quarter inch (.75") meter.

Further, **Article X**, Penalty, **Section 10.01**, Penalty, is hereby amended so that said section shall be and read as follows:

Section 10.01 Penalty

Any person adjudged guilty of an offense under this Chapter shall be guilty of a misdemeanor punishable by a fine not to exceed:

1. Up to a $2,000 fine for a violation of provision of this Chapter governing the reduction of water use for the health and safety of the public at any time that the Drought Contingency Plan is activated; or

2. $500 for all other violations of this chapter.

Each occurrence of the violation shall constitute a separate offense.

2.

Further, the previous fiscal year commodity charge for all wastewater customer classes of $2.65 per 1,000 gallons for all meter sizes is hereby ratified and validated.

3.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand and No/100 Dollars ($2,000) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

4.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

5.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

6.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

7.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

8.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of

Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

9.

This ordinance shall become effective on October 1, 2008.

PRESENTED AND GIVEN FIRST READING on the 2nd day of September, 2008, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 16th day of September, 2008, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

KAREN BARRAN, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY

Ordinance No. 09-052

An ordinance amending the "Water and Sewer" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article III, entitled Charges for Water and Sewer Service, by the amendment of Section 3.02, Water and Sewer Rates, Subsection (A)(1), relative to water rates; by the amendment of Subsection 3.02(B)(1), relative to sewer rates; providing for a fine of up to $2,000 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective October 1, 2009

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Water and Sewer"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article III,** Charges for Water and Sewer Service, **Section 3.02**, Water and Sewer Rates, **Subsection (A)**, Water Rates, **Subsection (1)**, so that said subsection shall be and read as follows:

(1) The following rates per month shall be the rates charged for water service furnished to customers within and outside the corporate limits of the City:

Conservation Rates Residential Block Structure	
Usage (1,000) gallons	Rate
0-2	$1.36
3-10	$1.95
11-15	$2.91
16-29	$3.35
≥30	$4.00

Conservation Rates Commercial Block Structure	
Usage (1,000) gallons	Rate
0-15	$1.95
≥16	$2.20

Conservation Rates Irrigation Block Structure	
Usage (1,000) gallons	**Rate**
0-29	$3.35
≥30	$4.00

Conservation Rates Construction Water Block Structure	
Usage (1,000) gallons	**Rate**
All usage	$4.50

Water Fees	
Meter Size	**Fixed Monthly Charge**
¾" (≤2,000 gal) Residential only	$ 4.90
¾" (≥3,000 gal) Residential and all other customer classes	$ 8.47
1"	$ 14.82
1 ½"	$ 33.88
2"	$ 59.29
3"	$ 136.04
4"	$ 218.36
6"	$ 507.69
8"	$ 795.56
10"	$1,195.03

Further, **Article III, Section 3.02** is hereby amended by the amendment of Subsection **(B)(1)**, so that said subsection shall be and read as follows:

(1) The following rates per month shall be the rates charged for sanitary sewer service furnished to customers within and outside the corporate limits of the City where the sewage produced by such customers is a normal strength wastewater (170 mg/l BOD and 240 mg/l Suspended Solids), except as provided in Subsections 3.02(B)(2), 3.02(B)(3) and 3.02(C), or in the "Industrial Waste and Pollution Control" Chapter of the Code of the City of Arlington, 1987, as amended.

Wastewater		
Meter Size	**Fixed Monthly Charge**	**Consumption**
¾" (≤2,000 gal) Residential Only	$4.05	$3.02/1,000 gallons
¾" (≥3,000 gal) Residential and all other customer classes	$7.85	$3.02/1,000 gallons
1"	$13.74	$3.02/1,000 gallons
1 ½"	$31.40	$3.02/1,000 gallons
2"	$54.95	$3.02/1,000 gallons
3"	$74.38	$3.02/1,000 gallons
4"	$128.98	$3.02/1,000 gallons
6"	$294.58	$3.02/1,000 gallons
8"	$464.48	$3.02/1,000 gallons
10"	$696.69	$3.02/1,000 gallons

All residential customers will be charged the fixed monthly charge associated with a three-quarter inch (.75") meter.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand and No/100 Dollars ($2,000) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective on October 1, 2009.

PRESENTED AND GIVEN FIRST READING on the 18th day of August, 2009, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 1st day of September, 2009, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

KAREN BARLAR, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY _____

Ordinance No. 10-070

An ordinance amending the "Water and Sewer" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article III, Charges for Water and Sewer Service, Section 3.03, Utility Accounts, Subsection (A), relative to an activation fee; and Section 3.03, Subsection (I), relative to a convenience fee; providing for a fine of up to $2,000 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective October 1, 2010

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Water and Sewer"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article III,** Charges for Water and Sewer Service, **Section 3.03**, Utility Accounts, **Subsection (A),** so that said subsection shall be and read as follows:

A To open a utility account after the effective date of this ordinance, customers shall be required to apply for an account and pay an activation fee and a deposit to the City in the amount as established by resolution of the City Council and set forth in the adopted Water Utilities Office Policies.

Further, **Article III, Section 3.03,** is hereby amended by the amendment of **Subsection (I)**, so that said subsection shall be and read as follows:

I. Bills may be paid by accepted debit/credit cards, cash, check or money order. A convenience fee shall be charged for a Water Utilities Representative to process a payment over the phone. The convenience fee shall be in the amount as established by resolution of the City Council and set forth in the adopted Water Utilities Office Policies. The Water Utilities Department reserves the right to refuse payment by personal or business check if they have reason to believe the check will not be honored at the customer's bank.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand and No/100 Dollars ($2,000) for

each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective on October 1, 2010.

PRESENTED AND GIVEN FIRST READING on the 7th day of September, 2010, at a regular meeting of the City Council of the City of

Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 14th day of September, 2010, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

MARTHA GARCIA, Acting City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY

Ordinance No. 10-076

An ordinance amending the "Water and Sewer" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article I, Definitions, Section 1.01, Definitions, by the addition of the definition of "Premise"; Article III, Charges for Water and Sewer Service, Section 3.02, Water and Sewer Rates, Subsection (A)(1), relative to water rates and a new reclaimed water charge; Subsection 3.02(B)(1), relative to sewer rates; Article IV, Regulations and Restrictions on Service, Section 4.03, Extension of Water Service Prohibited, and Section 4.04, Separate Service Pipe for Each House, relative to clarifying the prohibition of extending water service to another premise and allowing for termination of water service if the prohibition is violated; providing for a fine of up to $2,000 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective October 1, 2010

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Water and Sewer"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article I,** Definitions, **Section 1.01**, Definitions, by the addition of the definition of "Premise", so that said definition shall be and read as follows:

"Premise" shall mean a building together with its grounds or other appurtenances.

Further, **Article III,** Charges for Water and Sewer Service, **Section 3.02**, Water and Sewer Rates, is hereby amended by the amendment of **Subsection (A)(1)**, so that said subsection shall be and read as follows:

(1) The following rates per month shall be the rates charged for water service furnished to customers within and outside the corporate limits of the City:

Conservation Rates Residential Block Structure	
Usage (1,000) gallons	Rate
0-2	$1.42
3-10	$2.02
11-15	$2.98
16-29	$3.41
≥30	$4.08

Conservation Rates Commercial Block Structure	
Usage (1,000) gallons	**Rate**
0-15	$2.08
≥16	$2.38

Conservation Rates Irrigation Block Structure	
Usage (1,000) gallons	**Rate**
0-29	$3.41
≥30	$4.08

Conservation Rates Construction Water Block Structure	
Usage (1,000) gallons	**Rate**
All usage	$4.75

Conservation Rates Reclaimed Water Structure	
Usage (1,000) gallons	**Rate**
All usage	$2.50

Water Fees	
Meter Size	**Fixed Monthly Charge**
¾" (≤2,000 gal) Residential only	$4.98
¾" (≥3,000 gal) Residential and all other customer classes	$8.55
1"	$14.96
1 ½"	$34.20
2"	$59.85
3"	$137.40
4"	$220.54
6"	$512.77
8"	$803.51
10"	$1,206.98

Further, **Article III, Section 3.02,** is hereby amended by the amendment of Subsection **(B)(1)**, so that said subsection shall be and read as follows:

(1) The following rates per month shall be the rates charged for sanitary sewer service furnished to customers within and outside the corporate limits of

the City where the sewage produced by such customers is a normal strength wastewater (250 mg/1 BOD and 250 mg/1 Suspended Solids), except as provided in Subsections 3.02(B)(2), 3.02(B)(3) and 3.02(C), or in the "Industrial Waste and Pollution Control" Chapter of the Code of the City of Arlington, 1987, as amended.

Wastewater		
Meter Size	**Fixed Monthly Charge**	**Consumption**
¾" (≤2,000 gal) Residential Only	$4.20	$3.14/1,000 gallons
¾" (≥3,000 gal) Residential and all other customer classes	$8.05	$3.14/1,000 gallons
1"	$14.09	$3.14/1,000 gallons
1 ½"	$32.20	$3.14/1,000 gallons
2"	$56.35	$3.14/1,000 gallons
3"	$78.10	$3.14/1,000 gallons
4"	$135.43	$3.14/1,000 gallons
6"	$309.31	$3.14/1,000 gallons
8"	$487.71	$3.14/1,000 gallons
10"	$731.52	$3.14/1,000 gallons

All residential customers will be charged the fixed monthly charge associated with a three-quarter inch (.75") meter.

Further, **Article IV,** Regulations and Restrictions on Service, **Section 4.03,** Extension of Water Service Prohibited, is hereby amended by the amendment of the **title** and section so that said section shall be and read as follows:

Section 4.03 Separate Water Service for Each Premise

Two premises shall not be permitted to be supplied with only one water service where there is a water main in front of the premises, but shall have separate water services, unless approved otherwise by the Director of Utilities.

Further, **Article IV, Section 4.04, Separate Service Pipe for Each House**, is hereby amended by the amendment of the **title** and section so that said section shall be and read as follows:

Section 4.04 Extension of Water Service Prohibited

A. After water service is established to a premise, the water service shall not be extended by any plumber or any other person to any other premise. A person who violates this provision is guilty of a misdemeanor and each day the violation continues shall be a separate offense.

B. When the Director of Utilities finds that any person or entity is or has knowingly or unknowingly allowing/allowed an extension, the Director of Utilities may discontinue water service until the Director of Utilities determines that such extension has been removed.

C. The Director of Utilities shall send prior notice of discontinuance unless the Director of Utilities determines that immediate discontinuance is necessary to prevent an imminent danger or threat. If there is not an imminent danger or threat, the Director of Utilities shall provide ten (10) days notice before discontinuance. If the Director of Utilities determines that immediate discontinuance is necessary, notice of discontinuance should be sent within three (3) days after discontinuance. Notice must provide the date that service will be or was discontinued without further notice, the reason for discontinuance, and the ability to request an administrative review regarding the reasons for discontinuance within fifteen days from the date of notice. Services are not restored upon request for an administrative review unless the Director of Utilities determines that such threat or danger is eliminated and/or such appropriate prevent action is taken.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand and No/100 Dollars ($2,000) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective on October 1, 2010.

PRESENTED AND GIVEN FIRST READING on the 17th day of August, 2010, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 14th day of September, 2010, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

MARTHA GARCIA, Acting City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY

Ordinance No. 11-017

An ordinance amending the "Water and Sewer" Chapter of the Code of the City of Arlington, Texas, 1987, through the addition of Article XII, Reclaimed Water Service, relative to providing reclaimed water services; providing for a fine of up to $2,000 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective ten days after first publication

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Water and Sewer"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the addition of **Article XII**, Reclaimed Water Service, so that said Article shall be and read as follows:

ARTICLE XII

RECLAIMED WATER SERVICE

Section 12.01 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Chapter, shall have the meaning hereinafter designated.

"**Approved Use**" shall mean an application or beneficial use of Reclaimed Water as authorized by law and approved through a Reclaimed Water Service Agreement.

"**Approved Use Area**" shall mean a site designated in a Reclaimed Water Service Agreement to receive reclaimed water for an Approved Use.

"**Authorized Representative**" shall mean a representative of a User and may be: (1) an owner; (2) a responsible corporate officer, if the discharger submitting the application or report is a corporation, this includes the president, vice president, secretary, or treasurer of the corporation in charge of the principal business function, or any other person who performs similar policy or decision-making functions for the corporation; (3) an official of an association, nonprofit organization, local governmental entity, State or Federal installation having direct control of management decisions and fiscal responsibilities; (4) any partner or proprietor if the User is a partnership or proprietorship, respectively; (5) the manager of one or more manufacturing, production or operation facilities, if authority to sign documents has been assigned or delegated to the manager in accordance with

corporate procedures; or (6) a duly authorized representative of an individual as specified above if such representative is responsible for the overall operation of the facilities from which the discharge originates and when written authorization for such representative is submitted to the Authority.

"Chapter" shall mean the Arlington "Water and Sewer" Chapter of the Code of the City of Arlington, Texas, 1987.

"Chapter 210" shall mean Chapter 210 of Title 30 of the Texas Administrative Code, titled "Use of Reclaimed Water," as it may be amended from time to time.

"Chapter 210 Reclaimed Water Authorization" shall mean the written approval received from the TCEQ for implementing the Reclaimed Water Use Notification submitted to TCEQ that defines the Reclaimed Water Service Area and the intended uses of the reclaimed water system.

"Chapter 210 Service Area" shall mean the same as Reclaimed Water Service Area.

"City" shall mean the City of Arlington, Texas.

"Container Unit" shall mean any container that is used to hold Reclaimed Water during transport from an Offsite Reclaimed Water Facility to an Approved Use Area.

"Cross Connection" shall mean any connection, physical or otherwise, between a potable water supply system and any plumbing fixture, or any tank, receptacle, equipment or device, through which it may be possible for any non-potable, used, unclean, polluted, and contaminated water, or other substances, to enter into any part of such potable water system under any condition or set of conditions or as amended by the "Backflow Prevention" Chapter of the Code of the City of Arlington, Texas, 1987.

"Director" means the Director of the Water Utilities Department of the City, as designated and appointed by the City Manager of the City, or the City Manager appointed designee charged with the administration and enforcement of this Chapter.

"Offsite Reclaimed Water Facilities" shall mean any Reclaimed Water distribution, storage, or delivery facilities upstream of the Point of Connection to an Approved Use Area.

"Onsite Reclaimed Water Facilities" shall mean any Reclaimed Water distribution, storage or delivery facilities downstream of the Point of Connection to an Approved Use Area such as Reclaimed Water distribution on the User's side of the Reclaimed Water meter.

"Reclaimed Water" shall mean wastewater, collected and treated at a wastewater treatment plant, which has been treated to a quality that meets or exceeds the requirements of the Texas Commission on Environmental Quality's Chapter 210 authorization to the City.

"**Reclaimed Water Distribution System**" shall mean a system, for the provision to a User of Reclaimed Water, consisting of pipes and related facilities for the distribution, use and sale of Reclaimed Water at various points of connection, that may be designed and constructed, or otherwise acquired, and thereafter operated by the City or the City's contractors.

"**Reclaimed Water Service**" shall mean furnishing of Reclaimed Water to a User through a metered connection to Onsite Reclaimed Water Facilities.

"**Reclaimed Water Service Agreement**" shall mean a contractual agreement between a User and the City that establishes the conditions and terms for delivery and use of Reclaimed Water subject to supply to the City.

"**Reclaimed Water Service Area**" shall mean the territory within the City and/or within its service area receiving reclaimed water, per territorial boundaries included in the City's Chapter 210 Reclaimed Water authorization.

"**Reclaimed Water Transportation**" shall mean the transport of reclaimed water by vehicles to an Approved Use Area.

"**Standard Specifications**" shall mean the latest revision of Arlington's "Standard Specifications for Waterworks and Sewerage Improvements in the City of Arlington" found in Article VIII of the Arlington "Water and Sewer" Chapter.

"**User**" shall mean a party to a reclaimed water agreement with the City.

"**User Reclaimed Water Facilities**" includes all connections and facilities on the user's side of the reclaimed water meter beginning with and including the connection to the reclaimed water meter.

Section 12.02 <u>Reclaimed Water Application and Service</u>

A. The Director may make Reclaimed Water available to properties within the Reclaimed Water Service Area upon request, when it is feasible and when such service is in compliance with this Article and all applicable laws and regulations.

B. Any gas drilling within 2,000 feet of a Reclaimed Water line, which shall be measured from the drilling zone to the Reclaimed Water line, requires connection to Reclaimed Water for fracture stimulation purposes except as follows:

   1. the gas operator has requested an administrative review and has demonstrated to the Director during the review that use of reclaimed water is not economically feasible; or,

   2. the Director determines that it is not feasible to make reclaimed water available.

A request for an administrative review shall be in writing and filed with the Director. The economic grounds for the request must be specifically set forth in the request. Within forty-five days of receipt of the request, the Director may issue a written determination on the request or request additional information. If additional information is requested, the Director may issue a written determination within forty-five days from receipt of information responsive to the Director's request. The Director's decision is final.

C. To request Reclaimed Water Service from the City, a person shall submit an application to the Director and shall agree to abide by all requirements for Reclaimed Water Service as described in this Article, including design standards for Reclaimed Water facilities, the manner of construction, the method of operation, and all other conditions for service.

D. Upon submittal of an application for Reclaimed Water Service, the Director shall review such application and shall make such investigation as is reasonably necessary to determine if such service is feasible and practicable taking into consideration factors such as the predicted availability of Reclaimed Water, source reliability and any other competing demands on City resources. The investigation may include a visit to the proposed site for Reclaimed Water Service.

E. If after review of a request for Reclaimed Water Service, the Director determines the request feasible and the Director approves the application, the Director may enter into a Reclaimed Water Service Agreement with the User, provided the requester meets the minimum system design and operation standards as described herein.

F. Upon successful inspection and approval of the Reclaimed Water Service facilities by the City, per the requirements of this Article, the requestor shall execute a Reclaimed Water Service Agreement with the City for Reclaimed Water Service.

G. The Reclaimed Water Service Agreement shall incorporate the requirements of this Article, Chapter 210, and other terms and conditions prescribed by the Director.

H. Prior to delivery of Reclaimed Water, the requestor must sign the Reclaimed Water Agreement acknowledging that as a User, that person is now responsible for Onsite Reclaimed Water Facilities and related activities, that the User shall comply with all applicable laws and regulations, including but not limited to Chapter 210, and shall agree to hold the City harmless from claims related to the Reclaimed Water and the operation and maintenance of the Onsite Facilities and related activities.

I. The City may discontinue Reclaimed Water Service with a minimum of ten (10) days notice if the User:

1. violates the terms of the Reclaimed Water Service Agreement or this Article;

2. tampers with any facilities related to the service, including the meter;

3. cross-connects the Reclaimed Water system with a potable water source unless such cross-connection is deemed by Director to be an emergency where Director shall disconnect without notice;

4. refuses to permit an authorized City representative to enter its premises to inspect the User's Reclaimed Water system; or

5. performs an act that the Director determines may be detrimental to the water, wastewater, and/or Reclaimed Water system or the health and safety of the public.

J. A User who seeks to discontinue service shall pay for the Reclaimed Water used until the service is disconnected.

K. A User may not reconnect a discontinued service without approval from the Director.

L. If a User reconnects a discontinued service without approval of the Director, the Water Utilities Department may remove the service and charge an additional fee as set by resolution of the City Council.

M. A User may apply for reinstatement of service after paying all fees or charges assessed.

N. The Director shall charge a fee as set by resolution of the City Council for reinstatement of Reclaimed Water Service.

O. The Director shall have the right to temporarily discontinue, disconnect, and re-connect the Reclaimed Water Service without notice to all Users for the purpose of making repairs, connections, extensions, and cleaning of system. The Director shall have the right to temporarily disconnect service without notice to a User having a break on their private line should that break present a hazard to the general public. The Director shall have the right to discontinue without notice Reclaimed Water Service in an emergency. None of the terms of this Chapter shall ever be construed as requiring the Director to maintain a specific constant pressure in its lines.

Section 12.03 <u>Compliance with Minimum Design and Operation Standards</u>

A. A requestor for Reclaimed Water Service shall submit the following information to the City for approval, prior to construction or retrofit of an Onsite Reclaimed Water Facility that will use or receive Reclaimed Water:

1. Design drawings and specifications in compliance with the City's policies and regulations;

2. Drawings of the final installed Onsite Reclaimed Water Facility and the entire proposed use area;

3. Proof that the User will be compliant with City Backflow Prevention Ordinance and other applicable City ordinances and laws regarding backflow prevention requirements and has the required backflow prevention assembly on the Reclaimed Water service line; and

4. Proof, as requested by the City, that the User has sufficient storage facilities for the Reclaimed Water and will be in compliance with Title 30, Chapter 210.23 of the Texas Administrative Code, as amended.

B. The City shall issue written notice to proceed with construction and/or retrofit upon satisfaction that the requestor shall meet the minimum design and operation standards for Reclaimed Water Service.

C. The User shall make a written request for inspection by the City.

D. The Director shall grant the User approval of Onsite Reclaimed Water Facilities if:

1. the Director determines that the requestor meets the minimum design and operation standards; and

2. the system passes the inspection, including the cross-connection control and operational tests.

Section 12.04 <u>Rules and Restrictions on Service</u>

A. The City and its authorized agents, employees, or contractors will conduct the operation, management, and control of Offsite Reclaimed Water Facilities and the oversight of the Reclaimed Water. The City will conduct water quality assessments to comply with regulatory requirements applicable to Reclaimed Water it delivers at the point of connection. The City reserves the right to take action at such times it deems necessary to safeguard the public health and safety.

B. The User shall be responsible for construction and operation of Onsite Reclaimed Water Facilities up to the established point of connection with the Offsite Reclaimed Water Facilities. The User shall provide supervision and training to operations personnel, and conduct all operations of Onsite Reclaimed Water Facilities in compliance with this Article, Backflow Prevention Ordinance, Chapter 210, and other applicable laws, and provide access to Onsite Reclaimed Water Facilities at reasonable times for inspections by the City.

C. The use of Reclaimed Water is restricted to the purposes allowable under Chapter 210 which include: turf and general landscape irrigation; cooling tower, air conditioning or chiller makeup water; vehicle washing; non-food processing industrial processes including natural gas exploration processes; and, other lawful uses as authorized by the Director.

D. A User may use Reclaimed Water only as authorized by the Director and as designated in the Reclaimed Water Service Agreement and subject to prohibitions of this Article, Arlington "Water and Sewer" Chapter, and in compliance with Chapter 210 and all applicable laws and regulations.

E. Reclaimed Water irrigation is not permissible during the year-round outdoor watering restriction time as specified in the City's water conservation program.

F. The following specific prohibitions for Reclaimed Water are not inclusive of all restrictions on the use or handling of Reclaimed Water in this Article.

1. A person commits an offense if Reclaimed Water is discharged to any pipeline, channel, gutter, drain or other conveyance structure that is connected to the storm sewer system.

2. A person commits an offense if a person fails to discharge Reclaimed Water used for cooling, processing or any other non-consumptive use to a sanitary sewer, in compliance with all applicable permits and laws governing such discharges.

3. A person commits an offense if a person fails to only use Reclaimed Water for purposes approved by this Article and as stated in the Reclaimed Water Service Agreement.

4. A person commits an offense if a person uses Reclaimed Water outside of the area approved in the Reclaimed Water Service Agreement. The User shall not discharge airborne or surface Reclaimed Water to another area without prior approval of the Director.

5. A User commits an offense if the User fails to employ practices that apply Reclaimed Water in a way that is efficient and avoids excessive application that results in surface runoff, incidental ponding or standing water. If such conditions occur, the User shall immediately alter application methods to prevent any further runoff or standing water.

6. A User commits an offense if a User fails to employ practices that store Reclaimed Water in a way to avoid discharge of reclaimed water into waters in the state, not locate initial holding pond within the floodway, and if storing in a pond the lining must be in compliance with Chapter 210 rules and have a certification furnished by a Texas Registered Professional Engineer. Reclaimed Water may be stored in leak-proof, fabricated tanks.

G. The Director may inspect devices installed by the User to control the flow of Reclaimed Water and may remove, or secure such devices if installed in violation of this Article or any term of the Reclaimed Water Service Agreement.

H. The Director may inspect any Offsite or Onsite Reclaimed Water Facilities, as well as use areas and adjoining property, during normal business hours and shall be granted access, without prior notice to the User.

I. The User and User's operations personnel shall cooperate with the City and its authorized representatives and assist in performing operational tests.

Section 12.05 <u>Standard Specifications for Reclaimed Water Service</u>

A. The Standard Specifications, as amended, or other applicable laws, adopted for waterworks and sewerage in Article VIII of the Arlington "Water and Sewer" Chapter shall apply to Reclaimed Water system improvements, and as appropriate, accommodate current standard specifications for Reclaimed Water systems.

B. The "Standard Specifications," as amended or other applicable laws, shall be incorporated into all contracts for reclaimed water system improvements and include standard specifications for Reclaimed Water such as Reclaimed Water specific pipe and labeling of systems.

C. The Director is authorized to alter, amend, add to, or waive all or any part of said specification with regard to specific Reclaimed Water systems when, in the opinion of the Director, such would be in keeping with sound engineering practice and would provide for the health and safety of the Arlington citizens and visitors.

Section 12.06 <u>Rules and Regulations for Providing Reclaimed Water Service</u>

A. The Director will determine the Reclaimed Water Service Area within the City of Arlington and its Chapter 210 Service Area for providing reclaimed water with an available reclaimed water supply and distribution system.

B. User shall:

1. execute an agreement with the City prior to extension of any main or any construction of such facility or appurtenances for a reclaimed water system and abide by all regulations of the City and State to utilize Reclaimed Water.

2. ensure planned extensions of any main or construction of such facility or appurtenances for a reclaimed water system are within the Chapter 210

Service Area or if construction is outside the Reclaimed Water Service Area notify the Director to determine if services may be authorized.

C. Construction of all Reclaimed Water facilities required by these regulations shall be in accordance with the requirements and specifications contained in the City Standard Specifications for Waterworks and Sewerage Improvements, as amended; the City Guide for Design Policies and Procedures for Water and Sanitary Sewer Utilities systems, latest revision; and the regulations of the Texas Commission on Environmental Quality.

D. A User must identify Reclaimed Water facilities with signs having a minimum size of eight inches (8") by eight inches (8") posted at all storage areas and on all hose bibs and faucets reading, in both English and Spanish, "Reclaimed Water, Do Not Drink" or similar warning in accordance with Chapter 210.25 of Title 30 of the Texas Administrative Code.

Section 12.07 <u>Rates, Charges and Billing</u>

A. The User shall be billed the rates and fees as established by the City Council.

B. The Reclaimed Water volume charge rate is set forth in Article III of this Chapter.

C. Reclaimed Water Service fees are separate from and in addition to all other fees such as discharge fees, fines and penalties assessable by the City.

D. Reclaimed Water Service rates and fees may be amended as the City Council deems reasonably necessary.

E. The Director shall have the authority to adjust the monthly billing calculations and procedures for any customer to correct inequities that may arise due to methodologies adopted for calculating rates.

F. Reclaimed Water Service meters shall be read to the nearest one thousand (1,000) gallons monthly at approximately the same time each month, and the User notified, in writing or otherwise, of the applicable charges and the due date for payment of such charges. The User shall be given a minimum of ten (10) days from notice to make full payment.

G. The User may be billed for Reclaimed Water Service on the monthly water billing.

H. If a User fails to make full payment for Reclaimed Water Service by the date due, the User is delinquent and Reclaimed Water Service may be discontinued after notice of delinquency. Such notice may be separate or may be included with a reminder delinquent notice for the monthly water billing. This notice shall state that all charges, including previous and current balances, are due and payable on the due date shown on the statement; and, this notice shall state that should the

User fail to make payment on or before the due date shown, reclaimed water service shall be discontinued without further notice. A User has the right to request an administrative review to dispute the validity of the charges, if such request is made on or before the due date shown on the notice. If the User's payment of any of the delinquent charges are returned or refused to be paid to the City by the User's financial institution, notice of nonpayment shall be given to the User. This notice shall state that if the User fails to make payment by cash, cashiers check or money order within ten (10) days from notice, reclaimed water service shall be discontinued without further notice. Customer will be subjected to late fees and reconnect fees.

Section 12.08 <u>Inaccurate Meter Readings</u>

If any Reclaimed Water Services meter fails to register or registers inaccurately since the previous reading, the right shall exist on the part of the Water Utilities Department to average the month and charge for water on the basis of any three months average; provided, however, that the months used for the purpose of making the average are comparable to the months the water is used.

Section 12.09 <u>No Grant or Transfer of Water Right or Ownership Interest</u>

The delivery of Reclaimed Water by the City and the acceptance and use of the Reclaimed Water by the User is not a transfer or an acquisition by the User of a water right or an ownership interest in any of the Offsite Reclaimed Water Facilities.

Section 12.10 <u>Offenses</u>

A person who violates any provision of this Chapter by performing an act prohibited or by failing to perform an act required is guilty of a misdemeanor; each day the violation continues shall be a separate offense.

1. If the definition of an offense under this Chapter does not prescribe a culpable mental state, then a culpable mental state is not required. Such offense shall be punishable by a fine not to exceed Five Hundred Dollars and No Cents ($500.00). Although not required, if a culpable mental state is in fact alleged in the charge of the offense and the offense governs fire safety, zoning, or public health and sanitation, including dumping of refuse, such offense shall be punishable by a fine not to exceed Two Thousand Dollars and No Cents ($2,000.00).

2. If the definition of an offense under this Chapter prescribes a culpable mental state and the offense governs fire safety, zoning, or public health and sanitation, including dumping of refuse, then a culpable mental state is required and the offense shall be punishable by a fine not to exceed Two Thousand Dollars and No Cents ($2,000.00).

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand Dollars and No Cents ($2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

This ordinance shall become effective ten days after first publication.

PRESENTED AND GIVEN FIRST READING on the 1st day of March, 2011, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 22nd day of March, 2011, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY

Ordinance No. 11-048

An ordinance amending the "Water and Sewer" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article III, Charges for Water and Sewer Service, Section 3.02, Water and Sewer Rates, Subsection (A)(1), relative to water rates; Subsection 3.02(B)(1), relative to sewer rates; providing for a fine of up to $2,000 for each offense in violation of the ordinance; providing this ordinance he cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective October 1, 2011

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Water and Sewer"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article III,** Charges for Water and Sewer Service, **Section 3.02**, Water and Sewer Rates, **Subsection (A)(1)**, so that said subsection shall be and read as follows:

(1) The following rates per month shall be the rates charged for water service furnished to customers within and outside the corporate limits of the City:

Conservation Rates Residential Block Structure	
Usage (1,000) gallons	**Rate**
0-2	$1.42
3-10	$2.02
11-15	$2.98
16-29	$3.41
≥30	$4.08
Conservation Rates Commercial Block Structure	
Usage (1,000) gallons	**Rate**
0-15	$2.08
≥16	$2.38
Conservation Rates Irrigation Block Structure	
Usage (1,000) gallons	**Rate**
0-29	$3.41
≥30	$4.08

Conservation Rates Construction Water Block Structure	
Usage (1,000) gallons	**Rate**
0-99	$4.75
≥100	$6.00

Conservation Rates Reclaimed Water Structure	
Usage (1,000) gallons	**Rate**
All usage	$2.50

Water Fees	
Meter Size	**Fixed Monthly Charge**
¾" (≤2,000 gal) Residential only	$5.00
¾" (≥3,000 gal) Residential and all other customer classes	$8.57
1"	$15.00
1 ½"	$34.28
2"	$59.99
3"	$138.77
4"	$222.75
6"	$517.89
8"	$811.55
10"	$1,219.05

Further, **Article III, Section 3.02,** is hereby amended by the amendment of Subsection **(B)(1)**, so that said subsection shall be and read as follows:

(1) The following rates per month shall be the rates charged for sanitary sewer service furnished to customers within and outside the corporate limits of the City where the sewage produced by such customers is a normal strength wastewater (250 mg/l BOD and 250 mg/l Suspended Solids), except as provided in Subsections 3.02(B)(2), 3.02(B)(3) and 3.02(C), or in the "Industrial Waste and Pollution Control" Chapter of the Code of the City of Arlington, 1987, as amended.

Wastewater		
Meter Size	**Fixed Monthly Charge**	**Consumption**
¾" (≤2,000 gal) Residential Only	$4.20	$3.22/1,000 gallons
¾" (≥3,000 gal) Residential and all other customer classes	$8.05	$3.22/1,000 gallons
1"	$14.09	$3.22/1,000 gallons
1 ½"	$32.20	$3.22/1,000 gallons
2"	$56.35	$3.22/1,000 gallons
3"	$82.00	$3.22/1,000 gallons
4"	$142.20	$3.22/1,000 gallons
6"	$324.78	$3.22/1,000 gallons
8"	$512.09	$3.22/1,000 gallons
10"	$768.10	$3.22/1,000 gallons

All residential customers will be charged the fixed monthly charge associated with a three-quarter inch (.75") meter.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand and No/100 Dollars ($2,000) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective on October 1, 2011.

PRESENTED AND GIVEN FIRST READING on the 16th day of August, 2011, at a special meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 13th day of September, 2011, by a vote of 8 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY _____

03/23/12
03/26/12

Ordinance No. 12-009

An ordinance amending the "Water and Sewer" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article III, Charges for Water and Sewer Service, Section 3.02, Water and Sewer Rates, Subsection (B)(2), relative to sewer rates; providing for a fine of up to $2,000 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective April 1, 2012

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the "**Water and Sewer**" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article III,** Charges for Water and Sewer Service, **Section 3.02**, Water and Sewer Rates, **Subsection (B)(2)**, so that said subsection shall be and read as follows:

(2) Residential customers' billable wastewater flows will be calculated by averaging the three lowest of the four months' billings of metered water consumption for each December, January, February and March unless otherwise provided below. Each April, the billable flows for each residential customer will be adjusted according to the greater of the average of three of the four prior December, January, February and March billing months or one thousand (1,000) gallons. Where no prior December, January, February and March billing is available to average for wastewater billing for an individual customer, the average consumption for all residential customers for those months will be used. If actual water consumption during any month is less than the average winter months' consumption, the wastewater flow billed will be equal to the actual metered water consumption for that month. The billable flows for each residential customer may be adjusted for such periods as determined just and reasonable and adopted by resolution of the Arlington City Council. Any resolution regarding residential rates will be automatically adopted and incorporated in this Ordinance.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand and No/100 Dollars ($2,000) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective on April 1, 2012.

PRESENTED AND GIVEN FIRST READING on the 6th day of March, 2012, at a special meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 20th

day of March, 2012, by a vote of 7 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY

Ordinance No. 12-054

An ordinance amending the "Water and Sewer" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article III, Charges for Water and Sewer Service, Section 3.02, Water and Sewer Rates, Subsection (A)(1), relative to water rates; Subsection 3.02(B)(1), relative to sewer rates; providing for a fine of up to $2,000 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective October 1, 2012

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the "**Water and Sewer**" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article III,** Charges for Water and Sewer Service, **Section 3.02**, Water and Sewer Rates, **Subsection (A)(1)**, so that said subsection shall be and read as follows:

(1) The following rates per month shall be the rates charged for water service furnished to customers within and outside the corporate limits of the City:

Conservation Rates Residential Block Structure	
Usage (1,000) gallons	**Rate**
0-2	$1.42
3-10	$2.02
11-15	$2.98
16-29	$3.44
≥30	$4.11

Conservation Rates Commercial Block Structure	
Usage (1,000) gallons	**Rate**
0-15	$2.09
≥16	$2.40

Conservation Rates Irrigation Block Structure	
Usage (1,000) gallons	**Rate**
0-29	$3.44
≥30	$4.11

Conservation Rates Construction Water Block Structure	
Usage (1,000) gallons	**Rate**
0-99	$4.78
≥100	$6.03

Conservation Rates Reclaimed Water Structure	
Usage (1,000) gallons	**Rate**
All usage	$2.50

Water Fees	
Meter Size	**Fixed Monthly Charge**
¾" (≤2,000 gal) Residential only	$5.00
¾" (≥3,000 gal) Residential and all other customer classes	$8.57
1"	$15.00
1 ½"	$34.28
2"	$59.99
3"	$140.16
4"	$224.98
6"	$523.07
8"	$819.67
10"	$1,231.24

Further, **Article III, Section 3.02,** is hereby amended by the amendment of Subsection **(B)(1)**, so that said subsection shall be and read as follows:

(1) The following rates per month shall be the rates charged for sanitary sewer service furnished to customers within and outside the corporate limits of the City where the sewage produced by such customers is a normal strength wastewater (250 mg/1 BOD and 250 mg/1 Suspended Solids), except as provided in Subsections 3.02(B)(2), 3.02(B)(3) and 3.02(C), or in the "Industrial Waste and Pollution Control" Chapter of the Code of the City of Arlington, 1987, as amended.

Wastewater		
Meter Size	**Fixed Monthly Charge**	**Consumption**
¾" (≤2,000 gal) Residential Only	$4.20	$3.33/1,000 gallons
¾" (≥3,000 gal) Residential and all other customer classes	$8.05	$3.33/1,000 gallons
1"	$14.09	$3.33/1,000 gallons
1 ½"	$32.20	$3.33/1,000 gallons
2"	$56.35	$3.33/1,000 gallons
3"	$86.10	$3.33/1,000 gallons
4"	$149.31	$3.33/1,000 gallons
6"	$341.02	$3.33/1,000 gallons
8"	$537.07	$3.33/1,000 gallons
10"	$806.50	$3.33/1,000 gallons

All residential customers will be charged the fixed monthly charge associated with a three-quarter inch (.75") meter.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand and No/100 Dollars ($2,000) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective on October 1, 2012.

PRESENTED AND GIVEN FIRST READING on the 13th day of September, 2012, at a special meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 18th day of September, 2012, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY_____

Ordinance No. 13-049

An ordinance amending the "Water and Sewer" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article III, Charges for Water and Sewer Service, Section 3.02, Water and Sewer Rates, Subsection (A)(1), relative to water rates; Subsection 3.02(B)(1), relative to sewer rates; providing for a fine of up to $2,000 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective January 1, 2014

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the "**Water and Sewer**" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article III,** Charges for Water and Sewer Service, **Section 3.02**, Water and Sewer Rates, **Subsection (A)(1)**, so that said subsection shall be and read as follows:

(1) The following rates per month shall be the rates charged for water service furnished to customers within and outside the corporate limits of the City:

Conservation Rates Residential Block Structure	
Usage (1,000) gallons	**Rate**
0-2	$1.60
3-10	$2.28
11-15	$3.36
16-29	$3.88
≥30	$4.64

Conservation Rates Commercial Block Structure	
Usage (1,000) gallons	**Rate**
0-15	$2.23
≥16	$2.57

Conservation Rates Irrigation Block Structure	
Usage (1,000) gallons	**Rate**
0-29	$3.88
≥30	$4.64

Conservation Rates Construction Water Block Structure	
Usage (1,000) gallons	**Rate**
0-99	$5.52
≥100	$6.96

Conservation Rates Reclaimed Water Structure	
Usage (1,000) gallons	**Rate**
All usage	$2.50

Water Fees	
Meter Size	**Fixed Monthly Charge**
¾" (≤2,000 gal) Residential only	$5.40
¾" (≥3,000 gal) Residential and all other customer classes	$8.80
1"	$15.00
1 ½"	$34.30
2"	$60.00
3"	$141.00
4"	$225.00
6"	$524.00
8"	$820.00
10"	$1,232.00

Further, **Article III, Section 3.02,** is hereby amended by the amendment of Subsection **(B)(1)**, so that said subsection shall be and read as follows:

(1) The following rates per month shall be the rates charged for sanitary sewer service furnished to customers within and outside the corporate limits of the City where the sewage produced by such customers is a normal strength wastewater (250 mg/1 BOD and 250 mg/1 Suspended Solids), except as provided in Subsections 3.02(B)(2), 3.02(B)(3) and 3.02(C), or in the "Industrial Waste and Pollution Control" Chapter of the Code of the City of Arlington, 1987, as amended.

Wastewater		
Meter Size	**Fixed Monthly Charge**	**Consumption**
¾" (≤2,000 gal) Residential Only	$4.40	$3.66/1,000 gallons
¾" (≥3,000 gal) Residential and all other customer classes	$8.30	$3.66/1,000 gallons
1"	$14.50	$3.66/1,000 gallons
1 ½"	$33.00	$3.66/1,000 gallons
2"	$56.60	$3.66/1,000 gallons
3"	$96.20	$3.66/1,000 gallons
4"	$163.00	$3.66/1,000 gallons
6"	$383.00	$3.66/1,000 gallons
8"	$584.00	$3.66/1,000 gallons
10"	$873.00	$3.66/1,000 gallons

All residential customers will be charged the fixed monthly charge associated with a three-quarter inch (.75") meter.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand and No/100 Dollars ($2,000) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective on January 1, 2014.

PRESENTED AND GIVEN FIRST READING on the 12th day of September, 2013, at a special meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 17th day of September, 2013, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

Mary W. Supino

MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY W M Patterson

Ordinance No. 14-026

An ordinance amending the "Water and Sewer" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article I, Definitions, Section 1.01, Definitions, relative to the addition of the definitions of "Automatic Irrigation System", "Drip Irrigation", "Hand Watering", Irrigation System", "Landscape", "Landscape Watering" and "New Landscape", and the amendment of the definition of "Premises"; through the amendment of Article IV, Regulations and Restrictions on Service, Section 4.01, Responsibility for Leakage, relative to water leakage; through the amendment of Article V, Water Rationing, Section 5.03, Enforcement of Drought Contingency Plan and Water Conservation Plan, relative to provisions governing water use during the drought contingency plan; and through the amendment of Article X, Penalty, Section 10.01, Penalty, relative to providing a $500 penalty for violations except for violations in Sections 4.01 and 5.03; providing for a fine of up to $500 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability, governmental immunity, injunctions and publication; and becoming effective ten days after first publication

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Water and Sewer"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article I**, Definitions, **Section 1.01**, Definitions, by the **addition** of the definitions of "Automatic Irrigation System", "Drip Irrigation", "Hand Watering", Irrigation System", "Landscape", "Landscape Watering" and "New Landscape"; and the **amendment** of the definition of "Premises"; so that said definitions shall be and read as follows:

"Automatic Irrigation System" shall mean a site specific system of delivering water generally for landscaping via a system of pipes or other conduits installed below ground that automatically cycles water use through water emitters to a preset program, whether on a designated timer or through manual operation.

"Drip Irrigation" shall mean an irrigation system that applies water at predetermined controlled low-flow levels directly to the roots of the plant by drip, porous pipe or other means.

"Hand Watering" shall mean the application of water for irrigation purposes through a hand-held watering hose, watering can, or bucket.

"Irrigation System" shall mean a system of fixed pipes and water emitters that apply water to landscape plants or turfgrass, including, but not limited to, in-ground, permanent and above-ground, temporary irrigation systems.

"Landscape" shall mean an area that is covered by grass, ground cover, trees, shrubs, berms, planters or other natural plant materials.

"Landscape Watering" shall mean the use of water for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, right-of-ways, medians and entry ways.

"New Landscape" shall mean landscape that:

1. is installed during construction of a new house, multi-family dwelling, or commercial building,

2. is installed as part of a governmental entity's capital improvement project, or

3. alters more than one-quarter of an existing landscape area.

"Premises" shall mean a parcel or parcels of land, including but not limited to a building together with its grounds or other appurtenances.

Further, **Article IV**, Regulations and Restrictions on Service, **Section 4.01**, Responsibility for Leakage, is hereby amended so that hereafter said **title** and section shall be and read as follows:

Section 4.01 Responsibility for Leakage and Water Waste

A. Customers are responsible for loss of water due to leakage in pipe or plumbing on the customer side of the meter or property. Customers are responsible for preventing avoidable waste of water including loss from a controllable leak or an irrigation system malfunction such as a broken sprinkler and/or overspray on impervious surfaces with runoff greater than 150 feet.

B. The Director of Utilities may suspend water service to any premises when the Director of Utilities finds such suspension is necessary to prevent or stop actual or threatened leakage or waste of water, which presents or may present imminent and substantial danger or threat to the environment, the public water supply, or the health and welfare of any person. If there is not an imminent and substantial danger or threat, the Director of Utilities shall provide notice of suspension by certified mail, return receipt requested, to the water account customer, owner or person in charge of the premises thirty (30) days before suspension of service. If there is an imminent and substantial danger or threat, the Director of Utilities may suspend water service without prior notice. Within three (3) days after the

suspension of service due to an imminent danger or threat, the Director of Utilities shall notify the water account customer, owner, or person in charge of the premises of the suspension in person, if present, and by certified mail, return receipt requested. Notice shall provide the date that service will be or was suspended without further notice, the reason for suspension, and the ability to request an administrative review regarding the reasons for suspension within fifteen (15) days from the date of notice. If a written request for administrative review is timely filed with the Director of Utilities, the Director of Utilities may not restore services upon the filing of the request, shall hold the administrative review within ten (10) days of the written request, establish procedures for the administrative review, and establish the conditions under which water service may be restored. The administrative review exhausts all administrative remedies. In the event of any change in tenancy in property where water service was suspended or disconnected in accordance with this Section, such condition shall be corrected before service will be restored.

C. A violation of this Section shall not constitute a criminal offense.

D. A person in whose name a water service account is held is presumed to be responsible for a violation of this Article.

Further, **Article V**, Water Rationing, **Section 5.03**, Enforcement of Drought Contingency Plan and Water Conservation Plan, is hereby amended so that hereafter said **title** and section shall be and read as follows:

Section 5.03 Enforcement of Drought Contingency and Emergency Water Management Plan and Water Conservation Plan

A. Adoption and Incorporation of the Drought Contingency and Emergency Water Management Plan and Water Conservation Plan. On April 22, 2008, the City Council approved Resolution No. 08-137 adopting a Drought Contingency and Emergency Water Management Plan. On April 7, 2009, the City Council approved Resolution No. 09-083 adopting a Water Conservation Plan. The requirement and enforcement of each plan as specified in Resolution No. 08-137 and Resolution No. 09-083 are hereby adopted by ordinance and incorporated by reference herein. Any amendments, including those amendments adopted on May 13, 2014, to the Drought Contingency and Emergency Water Management Plan or the Water Conservation Plan may be approved by resolution and are automatically adopted by ordinance and incorporated by reference herein. A copy of the plans shall be available in the City Secretary's Office.

B. Violations. The following are violations in the Drought Contingency and Emergency Water Management Plan, which shall be referred to in this Section as "Plan," and are violations in this Article. If there is a conflict in the provisions of the Plan and this Article, this Article shall govern. These violations shall not constitute a criminal offense.

1. No person shall use or allow the use of water from the City of Arlington for any purpose in a manner contrary to any provision of the Plan or this Article, or an amount in excess of that permitted by the drought response stage or emergency water management action in effect at the time.

2. The owner, tenant, lessee, or person who manages or who is in custody or control of the property has an affirmative duty to ensure compliance with and prevent violations of the provisions of this Article.

3. A person in whose name a water service account is held is presumed to be responsible for a violation of this Article.

4. While any stage of the Plan is in effect, it is a violation if a person uses water in such a manner as to allow runoff or other waste, including but not limited to instances where the person:

   a. Fails to repair a controllable leak, including (1) a broken sprinkler head, (2) a leaking valve, (3) leaking or broken pipes, or (4) a leaking faucet;

   b. Operates or allows the operation of a permanently installed irrigation system with: (1) a broken head; (2) a head that is out of adjustment and the arc of the spray head is over a street or parking lot; or (3) a head that is misting because of high water pressure;

   c. Operates or allows the operation of an irrigation system or other lawn watering device that allows water to (1) run off a property and form a stream of water in a street for a distance of 50 feet or greater; or (2) pond in a street or parking lot to a depth greater than one-quarter of an inch; or

   d. Allows or causes an irrigation system or other lawn watering device to operate during any form of precipitation or when temperatures are at or below 32 degrees Fahrenheit.

5. During Stage 1 of the Plan, the following is in effect:

   a. <u>Landscape Watering During Stage 1</u>

      (1) While Stage 1 of the Plan is in effect, it is a violation if a person uses or allows the use of landscape watering with sprinklers or irrigation systems contrary to the following twice per week schedule, which is:

         (a) Residential addresses ending in an even number (0, 2, 4, 6, or 8) may water on Wednesdays and Saturdays.

(b) Residential addresses ending in an odd number (1, 3, 5, 7 or 9) may water on Thursdays and Sundays.

(c) All non-residential locations (apartment complexes, businesses, industries, parks, medians, etc.) may water on Tuesdays and Fridays.

(2) It is an exception that:

(a) The person was watering with a handheld hose, soaker hose, drip irrigation or hand watering on any day and any time.

(b) The person used or allowed the use of landscape watering with sprinklers or irrigation systems because the use of water was necessary:

i. to protect the health, safety, or welfare of the public; or

ii. for the repair of an irrigation system, plumbing line, fountain, or similar feature in the presence of person making repair.

(c) The person was using well water or treated wastewater effluent for irrigation or other alternative water supply sources.

b. Washing Vehicles During Stage 1

(1) While Stage 1 of the Plan is in effect, it is a violation if a person washes any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle without the use of a hand-held bucket or a hand-held hose equipped with a positive-pressure shutoff nozzle for quick rinses.

(2) It is an exception that the person washed a vehicle:

(a) On the premises of a commercial car wash or commercial service station;

(b) Owned by a company at the company's automated on-site vehicle washing facility; or

(c) Because the health, safety, and welfare of the public were contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

c. Other Violations and Exceptions for Stage 1

(1) It is a violation if a person uses or allows the use of landscape watering at a park, golf course, athletic field or sports field in violation of any provision of the Plan applicable during Stage 1.

(2) It is an exception that the person met the requirements of an exception outlined in the Plan applicable during Stage 1 for:

(a) Landscape watering at a park, golf course, athletic field, sports field or high-impact public area.

(b) Watering of new hydromulch, grass sod, or grass seed for the purpose of establishing a new landscape.

(c) Outdoor watering at a service address with a large multi-station irrigation system.

(3) It is an exception for any violation related to a watering restriction in Stage 1 if the person was watering stock at a commercial plant nursery.

6. During Stage 2 of the Plan, the following is in effect:

a. Landscape Watering During Stage 2

(1) While Stage 2 of the Plan is in effect, it is a violation if a person uses or allows the use of landscape watering with sprinklers or irrigation systems more than once per week contrary to the once per week schedule determined by the Director of Utilities.

(2) It is an exception that:

(a) The person was watering with a handheld hose, soaker hose, drip irrigation or hand watering on any day and any time.

(b) The person used or allowed the use of landscape watering with sprinklers or irrigation systems because the use of water was necessary:

i. to protect the health, safety, or welfare of the public; or

ii. for the repair of an irrigation system, plumbing line, fountain, or similar feature in the presence of person making repair.

(c) The person was using well water or treated wastewater effluent for irrigation or other alternative water supply sources.

b. Use of Water from Hydrants

(1) It is a violation if a person uses water from a hydrant for any purpose other than firefighting related activities or other activities necessary to maintain public health, safety and welfare.

(2) It is an exception that the Director of Utilities or his/her official designee issued a variance to the person allowing the use of water from a designated hydrant.

c. Other Violations and Exceptions for Stage 2

(1) It is a violation if a person uses or allows the use of landscape watering at a park, golf course, athletic field or sports field in violation of any provision of the Plan applicable during Stage 2.

(2) It is an exception that the person met the requirements of an exception outlined in the Plan applicable during Stage 2 for:

(a) Landscape watering at a park, golf course, athletic field, sports field or high-impact public area.

(b) Watering of new hydromulch, grass sod, or grass seed for the purpose of establishing a new landscape.

(c) Outdoor watering at a service address with a large multi-station irrigation system.

(3) It is an exception for any violation related to a watering restriction in Stage 2 if the person was watering stock at a commercial plant nursery.

7. During Stage 3 of the Plan, the following is in effect:

a. Landscape Watering During Stage 3

(1) While Stage 3 of the Plan is in effect, it is a violation if a person uses or allows the use of landscape watering.

(2) It is an exception that:

(a) The person was watering with a handheld hose, soaker hose, drip irrigation or hand watering on any day and any time.

(b) The person used or allowed the use of landscape watering with sprinklers or irrigation systems because the use of water was necessary:

i. to protect the health, safety, or welfare of the public; or

ii. for the repair of an irrigation system, plumbing line, fountain, or similar feature in the presence of person making repair.

(c) The person was using well water or treated wastewater effluent for irrigation or other alternative water supply sources.

b. Vehicle Washing During Stage 3

(1) While Stage 3 of the Plan is in effect, it is a violation if a person washes any vehicle.

(2) It is an exception that the person washed a vehicle:

(a) On the premises of a commercial car wash or commercial service station, or by using professional washing services; or

(b) That was a garbage truck or vehicle used to transport food or other perishables and the washing was necessary for health, safety, or public safety reasons.

c. Other Violations and Exceptions for Stage 3

(1) While Stage 3 of the Plan is in effect, it is a violation if a person installs new landscape or turfgrass or irrigates new landscape or turfgrass by means of an automatic irrigation system or hose-end sprinkler. It is an exception that the

Director of Utilities or his/her official designee issued a variance to the person allowing the conduct.

(2) While Stage 3 of the Plan is in effect, it is a violation if a person uses water to wash a paved area, conduct power washing activities, or hose a building or other structure, in violation of any provision of the Plan applicable during Stage 3. It is an exception that the person met the requirements to alleviate a possible public health and safety risk, fire protection or surface preparation prior to painting with a power washer utilizing high-efficiency equipment and a vacuum recovery system where possible.

(3) While Stage 3 of the Plan is in effect, it is a violation if a person operates ornamental fountains or ponds that use potable water. It is an exception that the conduct was necessary to support aquatic life.

(4) While Stage 3 of the Plan is in effect, it is a violation if a person drains, fills, or refills a swimming pool, wading pool or Jacuzzi type pool. It is an exception that the person added water to maintain the pool level in an existing private or public pool.

(5) While Stage 3 of the Plan is in effect, it is a violation if a person uses or allows the use of landscape watering at a park, golf course, athletic field, sports field or high-impact public area. It is an exception that the person met the requirements of an exception outlined in the Plan applicable during Stage 3.

(6) While Stage 3 of the Plan is in effect, it is a violation if a person uses water from a hydrant for any purpose other than firefighting related activities or other activities necessary to maintain public health, safety and welfare. It is an exception that the Director of Utilities or his/her official designee issued a variance to the person allowing the use of water from a designated hydrant.

C. Suspension and Reconnection of Water Services. The Director of Utilities or his/her designee may disconnect irrigation systems and/or suspend water services and reconnect water services as described in this Article.

1. After sending notice by certified mail, return receipt requested, to the customer, the Director of Utilities or his/her designee may disconnect irrigation systems and/or suspend water service to a premises when a violation of this Article or the Plan has not been corrected within ten (10) days of written warning or when the Director of Utilities or his/her

designee determines that a violation of the Plan at that premises poses a public safety issue, including but not limited to a substantial risk to the municipal water supply of the City and may endanger the health, safety and public welfare of the citizens of the City.

2. In accordance with this Section, a person who received notice that an irrigation system may be disconnected and/or water service suspended or whose irrigation system has been disconnected and/or water service has been suspended may appeal the disconnection and/or suspension.

   a. In order to perfect appeal, the person must request an administrative review before the Director of Utilities by filing a written notice of appeal to the Director of Utilities within ten (10) days of the notice that an irrigation system may be disconnected and/or water service suspended or within then (10) days of disconnection or water service being suspended.

   b. Services may not be reconnected upon request for an administrative review.

   c. The Director of Utilities or his/her designee shall hold the administrative review within ten (10) days of the notice of appeal.

   d. The Director of Utilities or his/her designee may establish procedures for the administrative review as well as the conditions under which water service may be reconnected.

   e. If the disconnection of the irrigation system and/or suspension of water service is reversed, water service shall be reconnected as soon as practicable.

   f. If the disconnection of the irrigation system and/or suspension of water service is affirmed, water service will be reconnected only in accordance with the procedures established by the Director of Utilities or his/her designee.

   g. Disconnection of the irrigation system or water services suspension under this Section may be reconnected after:

      (1) meeting the conditions upon which water service may be restored as determined by the Director of Utilities or his/her designee; and

      (2) payment of the Water Utilities Department service charges associated with reconnecting suspended water service and any other costs incurred by the City of Arlington in suspending service; and

(3) suitable assurance is given to the Director of Utilities or his/her designee that the same action will not be repeated while the Plan is in effect.

h. This administrative review exhausts all administrative remedies.

Further, **Article X**, Penalty, **Section 10.01**, Penalty, is hereby amended so that hereafter said section shall be and read as follows:

Section 10.01 Penalty

Except as provided in Section 4.01 and Section 5.03 of this Chapter, a person who violates any provision of this Chapter by performing an act prohibited or by failing to perform an act required is guilty of a misdemeanor offense punishable by a fine not to exceed $500 and each occurrence of the violation shall constitute a separate offense.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars ($500) for each offense, except as provided by Section 4.01 and Section 5.03. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all

personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 22 day of April, 2014, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 13 day of May, 2014, by a vote of 8 ayes and 1 nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY

Ordinance No. 14-053

An ordinance amending the "Water and Sewer" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article III, Charges for Water and Sewer Service, Section 3.02, Water and Sewer Rates, Subsection (A)(1), relative to water rates; Subsection 3.02(B)(1), relative to sewer rates; Subsection 3.02(G), relative to fire protection system fees; providing for a fine of up to $2,000 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective January 1, 2015

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the "**Water and Sewer**" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article III,** Charges for Water and Sewer Service, **Section 3.02**, Water and Sewer Rates, **Subsection (A)(1)**, so that said subsection shall be and read as follows:

(1) The following rates per month shall be the rates charged for water service furnished to customers within and outside the corporate limits of the City:

Conservation Rates Residential Block Structure	
Usage (1,000) gallons	**Rate**
0-2	$1.78
3-10	$2.46
11-15	$3.55
16-29	$4.22
≥30	$5.24

Conservation Rates Commercial Block Structure	
Usage (1,000) gallons	**Rate**
0-15	$2.40
≥16	$2.67

Conservation Rates Irrigation Block Structure	
Usage (1,000) gallons	**Rate**
0-29	$4.22
≥30	$5.24

Conservation Rates Construction Water Block Structure	
Usage (1,000) gallons	**Rate**
0-99	$5.52
≥100	$6.96

Conservation Rates Reclaimed Water Structure	
Usage (1,000) gallons	**Rate**
All usage	$2.50

Water Fees	
Meter Size	**Fixed Monthly Charge**
¾" (≤2,000 gal) Residential only	$5.60
¾" (≥3,000 gal) Residential and all other customer classes	$9.00
1"	$15.00
1 ½"	$34.30
2"	$60.00
3"	$141.00
4"	$225.00
6"	$524.00
8"	$820.00
10"	$1,232.00

Further, **Article III, Section 3.02,** is hereby amended by the amendment of Subsection **(B)(1)**, so that said subsection shall be and read as follows:

(1) The following rates per month shall be the rates charged for sanitary sewer service furnished to customers within and outside the corporate limits of the City where the sewage produced by such customers is a normal strength wastewater (250 mg/1 BOD and 250 mg/1 Suspended Solids), except as provided in Subsections 3.02(B)(2), 3.02(B)(3) and 3.02(C), or in the "Industrial Waste and Pollution Control" Chapter of the Code of the City of Arlington, 1987, as amended.

Wastewater		
Meter Size	**Fixed Monthly Charge**	**Consumption**
¾" (≤2,000 gal) Residential Only	$4.90	$3.70/1,000 gallons
¾" (≥3,000 gal) Residential and all other customer classes	$8.90	$3.70/1,000 gallons
1"	$15.50	$3.70/1,000 gallons
1 ½"	$35.30	$3.70/1,000 gallons
2"	$58.20	$3.70/1,000 gallons
3"	$119.00	$3.70/1,000 gallons
4"	$194.00	$3.70/1,000 gallons
6"	$477.00	$3.70/1,000 gallons
8"	$694.00	$3.70/1,000 gallons
10"	$1,029.00	$3.70/1,000 gallons

All residential customers will be charged the fixed monthly charge associated with a three-quarter inch (.75") meter.

Further, **Article III, Section 3.02,** is hereby amended by the amendment of Subsection **(G)**, so that said subsection shall be and read as follows:

G. **Fire Protection System Fees**: A monthly fee equal to the fixed monthly charge for a one and one-half inch (1 ½") meter shall be charged to customers with fire protection systems and/or fire lines.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand and No/100 Dollars ($2,000) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective on January 1, 2015.

PRESENTED AND GIVEN FIRST READING on the 2nd day of September, 2014, at a special meeting of the City Council of the City of

Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 16th day of September, 2014, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY

Ordinance No. 15-041

An ordinance amending the "Water and Sewer" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article III, Charges for Water and Sewer Service, Section 3.02, Water and Sewer Rates, Subsection (A)(1), relative to water rates; Subsection 3.02(B)(1), relative to sewer rates; and Subsection 3.02(G), relative to fire protection system fees; providing for a fine of up to $2,000 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective October 1, 2015

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the "**Water and Sewer**" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article III,** Charges for Water and Sewer Service, **Section 3.02**, Water and Sewer Rates, **Subsection (A)(1)**, so that said subsection shall be and read as follows:

(1) The following rates per month shall be the rates charged for water service furnished to customers within and outside the corporate limits of the City:

Conservation Rates Residential Block Structure	
Usage (1,000) gallons	**Rate**
0-2	$2.02
3-10	$2.79
11-15	$4.02
16-29	$4.79
≥30	$5.94

Conservation Rates Commercial Block Structure	
Usage (1,000) gallons	**Rate**
0-15	$2.70
≥16	$2.84

Conservation Rates Irrigation Block Structure	
Usage (1,000) gallons	**Rate**
0-29	$4.79
≥30	$5.94

Conservation Rates Construction Water Block Structure	
Usage (1,000) gallons	**Rate**
0-99	$5.52
≥100	$6.96

Conservation Rates Reclaimed Water Structure	
Usage (1,000) gallons	**Rate**
All usage	$2.50

Water Fees	
Meter Size	**Fixed Monthly Charge**
¾" (≤2,000 gal) Residential only	$6.40
¾" (≥3,000 gal) Residential and all other customer classes	$9.00
1"	$15.00
1 ½"	$34.30
2"	$60.00
3"	$141.00
4"	$225.00
6"	$524.00
8"	$820.00
10"	$1,232.00

Further, **Article III, Section 3.02,** is hereby amended by the amendment of Subsection **(B)(1)**, so that said subsection shall be and read as follows:

(1) The following rates per month shall be the rates charged for sanitary sewer service furnished to customers within and outside the corporate limits of the City where the sewage produced by such customers is a normal strength wastewater (250 mg/1 BOD and 250 mg/1 Suspended Solids), except as provided in Subsections 3.02(B)(2), 3.02(B)(3) and 3.02(C), or in the "Industrial Waste and Pollution Control" Chapter of the Code of the City of Arlington, 1987, as amended.

Wastewater		
Meter Size	**Fixed Monthly Charge**	**Consumption**
¾" (≤2,000 gal) Residential Only	$5.10	$3.71/1,000 gallons
¾" (≥3,000 gal) Residential and all other customer classes	$9.30	$3.71/1,000 gallons
1"	$16.00	$3.71/1,000 gallons
1 ½"	$36.50	$3.71/1,000 gallons
2"	$59.10	$3.71/1,000 gallons
3"	$131.00	$3.71/1,000 gallons
4"	$210.00	$3.71/1,000 gallons
6"	$526.00	$3.71/1,000 gallons
8"	$751.00	$3.71/1,000 gallons
10"	$1,110.00	$3.71/1,000 gallons

All residential customers will be charged the fixed monthly charge associated with a three-quarter inch (.75") meter.

Further, **Article III, Section 3.02,** is hereby amended by the amendment of Subsection **(G)**, so that said subsection shall be and read as follows:

G. **Fire Protection System Fees**: A monthly fee equal to the fixed monthly charge for a two inch (2") meter shall be charged to customers with fire protection systems and/or fire lines.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand and No/100 Dollars ($2,000) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective on October 1, 2015.

PRESENTED AND GIVEN FIRST READING on the 10 day of September, 2015, at a special meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 15

day of September, 2015, by a vote of 8 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

W. JEFF WILLIAMS, Mayor

ATTEST:

MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
TERIS SOLIS, City Attorney

BY

Ordinance No. 16-047

An ordinance amending the "Water and Sewer" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article III, Charges for Water and Sewer Service, Section 3.02, Water and Sewer Rates, Subsection (A)(1), relative to water rates; Subsection 3.02(B)(1), relative to sewer rates; and Subsection 3.02(G), relative to fire protection system fees; and the addition of Section 3.06, Laboratory Testing; providing this ordinance be cumulative; providing for severability, governmental immunity, injunctions, and publication; and providing that Subsections 3.02(A)(1) and 3.02(B)(1) shall become effective on January 1, 2017 and Subsection 3.02(G) and Section 3.06 shall become effective on October 1, 2016

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the "**Water and Sewer**" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article III,** Charges for Water and Sewer Service, **Section 3.02**, Water and Sewer Rates, **Subsection (A)(1)**, so that said subsection shall be and read as follows:

(1) The following rates per month shall be the rates charged for water service furnished to customers within and outside the corporate limits of the City:

Conservation Rates Residential Block Structure	
Usage (1,000) gallons	**Rate**
0-2	$2.02
3-10	$2.79
11-15	$4.02
16-29	$4.79
≥30	$5.94
Conservation Rates Commercial Block Structure	
Usage (1,000) gallons	**Rate**
0-15	$3.00
≥16	$3.16
Conservation Rates Irrigation Block Structure	
Usage (1,000) gallons	**Rate**
0-29	$4.79
≥30	$5.94

Conservation Rates Construction Water Block Structure	
Usage (1,000) gallons	**Rate**
0-99	$5.90
≥100	$7.44

Conservation Rates Reclaimed Water Structure	
Usage (1,000) gallons	**Rate**
All usage	$2.63

Water Fees	
Meter Size	**Fixed Monthly Charge**
¾" (≤2,000 gal) Residential only	$6.40
¾" (≥3,000 gal) Residential and all other customer classes	$9.00
1"	$15.00
1 ½"	$34.30
2"	$60.00
3"	$141.00
4"	$225.00
6"	$524.00
8"	$820.00
10"	$1,232.00

Further, **Article III, Section 3.02,** is hereby amended by the amendment of Subsection **(B)(1)**, so that said subsection shall be and read as follows:

(1) The following rates per month shall be the rates charged for sanitary sewer service furnished to customers within and outside the corporate limits of the City where the sewage produced by such customers is a normal strength wastewater (250 mg/1 BOD and 250 mg/1 Suspended Solids), except as provided in Subsections 3.02(B)(2), 3.02(B)(3) and 3.02(C), or in the "Industrial Waste and Pollution Control" Chapter of the Code of the City of Arlington, 1987, as amended.

Wastewater		
Meter Size	**Fixed Monthly Charge**	**Consumption**
¾" (≤2,000 gal) Residential Only	$5.80	$4.18/1,000 gallons
¾" (≥3,000 gal) Residential and all other customer classes	$9.90	$4.18/1,000 gallons
1"	$16.80	$4.18/1,000 gallons
1 ½"	$38.70	$4.18/1,000 gallons
2"	$60.50	$4.18/1,000 gallons
3"	$187.00	$4.18/1,000 gallons
4"	$279.00	$4.18/1,000 gallons
6"	$759.00	$4.18/1,000 gallons
8"	$1,000.00	$4.18/1,000 gallons
10"	$1,458.00	$4.18/1,000 gallons

All residential customers will be charged the fixed monthly charge associated with a three-quarter inch (.75") meter.

Further, **Article III, Section 3.02,** is hereby amended by the amendment of Subsection **(G)**, so that said subsection shall be and read as follows:

G. **Fire Protection System Fees**: A fixed monthly fee of $90.00 shall be charged to customers with fire protection systems and/or fire lines.

Further, **Article III** is hereby amended by the **addition** of Section 3.06, Laboratory Testing, so that said section shall be and read as follows:

Section 3.06 Laboratory Testing

A. A charge shall be made by the Water Utilities Department for customer requested laboratory service tests including but not limited to: Total Coliform/E. Coli Presence-Absence; HPC; Total Coliform/E. Coli Enumeration; ATP; Mercury (Hg); Metals; Pesticides (EPA 525); Anions; Hexavalent Chromium; Hardness; TPH; Chlorophyll A; Phosphorus, Total; and sampling.

B. The fee charged shall be established by resolution of City Council and set forth in the adopted Water Utilities Office Policies.

2.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

3.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

4.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

5.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

6.

The caption of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

7.

Subsections 3.02(A)(1) and 3.02(B)(1) of this ordinance shall become effective on January 1, 2017 and Subsection 3.02(G) and Section 3.06 of this ordinance shall become effective on October 1, 2016.

PRESENTED AND GIVEN FIRST READING on the 6th day of September, 2016, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 15th

day of September, 2016, by a vote of 8 ayes and 0 nays at a special meeting of the City Council of the City of Arlington, Texas.

W. JEFF WILLIAMS, Mayor

ATTEST:

MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
TERIS SOLIS, City Attorney

BY

Ordinance No. 17-014

An ordinance amending the "Water and Sewer" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article IV, Regulations And Restrictions On Service, by the amendment of Section 4.22, Compulsory Connection; Nuisance; and the addition of Section 4.28, Private Sanitary Sewer Lift Station; relative to compulsory connection for sewer connections; providing for a fine of up to $500 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability, governmental immunity, injunctions, and publication; and becoming effective ten days after first publication

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the "**Water and Sewer**" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article IV**, Regulations And Restrictions On Service, by the amendment of **Section 4.22**, Compulsory Connection; Nuisance; so that the **title** and said subsection shall be and read as follows:

Section 4.22 Nuisance

A. The creation or presence of sewage on a premises that is not discharged into the sanitary sewer system or into a permitted on-site sewage facility is hereby declared to be a nuisance.

B. When the Director of Utilities finds that any person or entity is or has knowingly or unknowingly allowing/allowed an actual or threatened discharge or leak which may result in an imminent danger or threat to the environment or to the health or welfare of persons, the POTW, Storm Sewer or Waters of the State, the Director of Utilities may discontinue water service and/or sanitary sewer service access until the Director of Utilities determines that such threat or danger is eliminated and/or such appropriate prevent action is taken to prevent reoccurrence. Any type of leak or discharge that may contaminate the water system including but not limited to any used motor oil, antifreeze, hydraulic fluid, or other motor vehicle fluid; any industrial waste; any hazardous waste including household hazardous waste; any garbage, domestic sewage or septic tank waste, cooking oil, grease trap waste, or grit trap waste; any trash rubbish, yard waste, or other floatable material; any waste water, any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, industrial waste, municipal waste, and agricultural waste. The Director of Utilities shall send prior notice of discontinuance unless the Director of Utilities determines that immediate discontinuance is necessary to

prevent an imminent danger or threat. If there is not an imminent danger or threat, the Director of Utilities shall provide ten (10) days' notice before discontinuance. If the Director of Utilities determines that immediate discontinuance is necessary, notice of discontinuance should be sent within three (3) days after discontinuance. Notice must provide the date that service will be or was discontinued without further notice, the reason for discontinuance, and the ability to request an administrative review regarding the reasons for discontinuance within fifteen days from the date of notice. Services are not restored upon request for an administrative review unless the Director of Utilities determines that such threat or danger is eliminated and/or such appropriate prevent action is taken to prevent reoccurrence.

Further, **Article IV** is hereby amended by the **addition** of Section 4.28, Private Sanitary Sewer Lift Station, so that said section shall be and read as follows:

Section 4.28 Private Sanitary Sewer Lift Station

If a structure is constructed in such a manner that does not allow the plumbing of the premises to be connected to the city sanitary sewer system without the installation of an on-site lift station, such lift station and necessary force main will be the individual responsibility of the property owner. This shall include initial installation costs as well as operation and maintenance costs.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred Dollars and No Cents ($500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication.

PRESENTED AND GIVEN FIRST READING on the 28th day of February, 2017, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 7th day of March, 2017, by a vote of 9 ayes and 0 nays at a special meeting of the City Council of the City of Arlington, Texas.

W. JEFF WILLIAMS, Mayor

ATTEST:

MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
TERIS SOLIS, City Attorney

BY

9-17-2017
9-20-2017

Ordinance No. 17-053

An ordinance amending the "Water and Sewer" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article III, Charges for Water and Sewer Service, Section 3.02, Water and Sewer Rates, Subsection (A)(1), relative to water rates; Subsection 3.02(B)(1), relative to sewer rates; Subsection 3.02(G), relative to fire protection system fees; and Subsection 3.03(K)(5), relative to televising, locating and marking private sanitary sewer lateral connections to City main; providing this ordinance be cumulative; providing for severability, governmental immunity, injunctions, and publication; and providing that Subsections 3.02(A)(1) and 3.02(B)(1) shall become effective on January 1, 2018 and Subsections 3.02(G) and 3.03(K)(5) shall become effective on October 1, 2017

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Water and Sewer"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article III,** Charges for Water and Sewer Service, **Section 3.02**, Water and Sewer Rates, **Subsection (A)(1)**, so that said subsection shall be and read as follows:

(1) The following rates per month shall be the rates charged for water service furnished to customers within and outside the corporate limits of the City:

Conservation Rates Residential Block Structure	
Usage (1,000) gallons	**Rate**
0-2	$2.02
3-10	$2.79
11-15	$4.02
16-29	$4.79
≥30	$5.94
Conservation Rates Commercial Block Structure	
Usage (1,000) gallons	**Rate**
0-15	$3.00
≥16	$3.16

Conservation Rates Irrigation Block Structure	
Usage (1,000) gallons	**Rate**
0-29	$4.79
≥30	$5.94
Conservation Rates Construction Water Block Structure	
Usage (1,000) gallons	**Rate**
0-99	$5.90
≥100	$7.44
Conservation Rates Reclaimed Water Structure	
Usage (1,000) gallons	**Rate**
All usage	$3.30

Water Fees	
Meter Size	**Fixed Monthly Charge**
⅝ x ¾" (≤2,000 gal) Residential only	$7.07
⅝ x ¾" (≥3,000 gal) Residential and all other customer classes	$10.30
1"	$20.30
1½"	$46.31
2"	$81.00
3"	$190.35
4"	$303.75
6"	$707.40
8"	$1,107.00
10"	$1,663.20

Further, **Article III, Section 3.02,** is hereby amended by the amendment of Subsection **(B)(1)**, so that said subsection shall be and read as follows:

(1) The following rates per month shall be the rates charged for sanitary sewer service furnished to customers within and outside the corporate limits of the City where the sewage produced by such customers is a normal strength wastewater (250 mg/1 BOD and 250 mg/1 Suspended Solids), except as provided in Subsections 3.02(B)(2), 3.02(B)(3) and 3.02(C), or in the "Industrial Waste and Pollution Control" Chapter of the Code of the City of Arlington, 1987, as amended.

Wastewater		
Meter Size	**Fixed Monthly Charge**	**Consumption**
⅝ x ¾" (≤2,000 gal) Residential only	$7.64	$4.18/1,000 gallons
⅝ x ¾" (≥3,000 gal) Residential and all other customer classes	$12.94	$4.18/1,000 gallons
1"	$23.52	$4.18/1,000 gallons
1½"	$52.12	$4.18/1,000 gallons
2"	$87.73	$4.18/1,000 gallons
3"	$271.15	$4.18/1,000 gallons
4"	$404.55	$4.18/1,000 gallons
6"	$1,100.55	$4.18/1,000 gallons
8"	$1,450.00	$4.18/1,000 gallons
10"	$2,114.10	$4.18/1,000 gallons

Further, **Article III, Section 3.02,** is hereby amended by the amendment of Subsection **(G)**, so that said subsection shall be and read as follows:

G. **Fire Protection System Fees**: The following fixed monthly fees shall be charged to customers with fire protection systems and/or fire lines.

Fire Protection System/Fire Line Fees	
Meter Size	**Fixed Monthly Charge**
1"	$20.30
1½"	$46.31
2"	$81.00
3" and above	$120.00

Further, **Article III, Section 3.03,** is hereby amended by the addition of **Subsection (K)(5)**, so that said subsection shall be and read as follows:

(5) A charge shall be made by the Water Utilities Department for each televised locate of City sewer service and mark of the location of an existing private sanitary sewer lateral connection to the City's sewer main or where a private sanitary sewer lateral may be connected to the City's sewer main. The charges shall be as established by resolution of the City Council and set forth in the adopted Water Utilities Office Policies.

2.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

3.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

4.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

5.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

6.

The caption of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

7.

Subsections 3.02(A)(1) and 3.02(B)(1) of this ordinance shall become effective on January 1, 2018 and Subsections 3.02(G) and 3.03(K)(5) of this ordinance shall become effective on October 1, 2017.

PRESENTED AND GIVEN FIRST READING on the 5th day of September, 2017, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 14th

day of September, 2017, by a vote of 8 ayes and 0 nays at a special meeting of the City Council of the City of Arlington, Texas.

W. JEFF WILLIAMS, Mayor

ATTEST:

MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
TERIS SOLIS, City Attorney

BY

Ordinance No. 18-058

An ordinance amending the "Water and Sewer" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article III, Charges for Water and Sewer Service, Section 3.02, Water and Sewer Rates, Subsection (A)(1), relative to water rates; Subsection 3.02(B)(1), relative to sewer rates; Subsection 3.02(G), relative to fire protection system fees; providing this ordinance be cumulative; providing for severability, governmental immunity, injunctions, and publication; and providing that Subsections 3.02(A)(1) and 3.02(B)(1) shall become effective on January 1, 2019 and Subsection 3.02(G) shall become effective on October 1, 2018

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Water and Sewer"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article III,** Charges for Water and Sewer Service, **Section 3.02**, Water and Sewer Rates, **Subsection (A)(1)**, so that said subsection shall be and read as follows:

(1) The following rates per month shall be the rates charged for water service furnished to customers within and outside the corporate limits of the City:

Conservation Rates Residential Block Structure	
Usage (1,000) gallons	**Rate**
0-2	$2.02
3-10	$2.79
11-15	$4.02
16-29	$5.63
≥30	$6.78
Conservation Rates Commercial Block Structure	
Usage (1,000) gallons	**Rate**
0-15	$3.20
≥16	$3.38
Conservation Rates Irrigation Block Structure	
Usage (1,000) gallons	**Rate**
0-29	$5.63
≥30	$6.78

Conservation Rates Construction Water Block Structure	
Usage (1,000) gallons	**Rate**
0-99	$5.90
≥100	$7.44
Conservation Rates Reclaimed Water Structure	
Usage (1,000) gallons	**Rate**
All usage	$3.82

Water Fees	
Meter Size	**Fixed Monthly Charge**
⅝ x ¾" (≤2,000 gal) Residential only	$7.07
⅝ x ¾" (≥3,000 gal) Residential and all other customer classes	$10.30
1"	$20.30
1½"	$46.31
2"	$81.00
3"	$190.35
4"	$303.75
6"	$707.40
8"	$1,107.00
10"	$1,663.20

Further, **Article III, Section 3.02,** is hereby amended by the amendment of Subsection **(B)(1)**, so that said subsection shall be and read as follows:

(1) The following rates per month shall be the rates charged for sanitary sewer service furnished to customers within and outside the corporate limits of the City where the sewage produced by such customers is a normal strength wastewater (250 mg/1 BOD and 250 mg/1 Suspended Solids), except as provided in Subsections 3.02(B)(2), 3.02(B)(3) and 3.02(C), or in the "Industrial Waste and Pollution Control" Chapter of the Code of the City of Arlington, 1987, as amended.

Wastewater		
Meter Size	**Fixed Monthly Charge**	**Consumption**
⅝ x ¾" (≤2,000 gal) Residential only	$7.64	$4.75/1,000 gallons
⅝ x ¾" (≥3,000 gal) Residential and all other customer classes	$12.94	$4.75/1,000 gallons
1"	$23.52	$4.75/1,000 gallons
1½"	$52.12	$4.75/1,000 gallons
2"	$87.73	$4.75/1,000 gallons
3"	$271.15	$4.75/1,000 gallons
4"	$404.55	$4.75/1,000 gallons
6"	$1,100.55	$4.75/1,000 gallons
8"	$1,450.00	$4.75/1,000 gallons
10"	$2,114.10	$4.75/1,000 gallons

Further, **Article III, Section 3.02,** is hereby amended by the amendment of Subsection **(G)**, so that said subsection shall be and read as follows:

G. **Fire Protection System Fees**: The following fixed monthly fees shall be charged to customers with fire protection systems and/or fire lines.

Fire Protection System/Fire Line Fees	
Meter Size	**Fixed Monthly Charge**
1"	$20.30
1½"	$46.31
2"	$81.00
3" and above	$150.00

2.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

3.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

4.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

5.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

6.

The caption of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

7.

Subsections 3.02(A)(1) and 3.02(B)(1) of this ordinance shall become effective on January 1, 2019, and Subsection 3.02(G) of this ordinance shall become effective on October 1, 2018.

PRESENTED AND GIVEN FIRST READING on the 4th day of September, 2018, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 13th day of September, 2018, by a vote of 6 ayes and 0 nays at a special meeting of the City Council of the City of Arlington, Texas.

W. JEFF WILLIAMS, Mayor

ATTEST:

ALEX BUSKEN, City Secretary

APPROVED AS TO FORM:
TERIS SOLIS, City Attorney

BY

Ordinance No. 19-049

An ordinance amending the "Water and Sewer" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article III, Charges for Water and Sewer Service, Section 3.02, Water and Sewer Rates, Subsection (A)(1), relative to water rates; Subsection 3.02(B)(1), relative to sewer rates; Subsection 3.02(G), relative to fire protection system fees; providing this ordinance be cumulative; providing for severability, governmental immunity, injunctions, publication and becoming effective on October 1, 2019

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Water and Sewer"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article III,** Charges for Water and Sewer Service, **Section 3.02,** Water and Sewer Rates, **Subsection (A)(1),** so that said subsection shall be and read as follows:

(1) The following rates per month shall be the rates charged for water service furnished to customers within and outside the corporate limits of the City:

Conservation Rates Residential Water Volumetric Block Structure	
Usage (1,000) gallons	**Rate**
0-2	$2.02
3-10	$2.79
11-15	$4.02
16-29	$5.63
≥30	$6.78
Conservation Rates Commercial Water Volumetric Block Structure	
Usage (1,000) gallons	**Rate**
0-15	$3.20
≥16	$3.38
Conservation Rates Irrigation Water Volumetric Block Structure	
Usage (1,000) gallons	**Rate**
0-29	$5.63
≥30	$6.78

Conservation Rates Construction Water Volumetric Block Structure	
Usage (1,000) gallons	**Rate**
0-99	$5.90
≥100	$7.44
Conservation Rates Reclaimed Water Structure	
Usage (1,000) gallons	**Rate**
All usage	$3.82

Water Fixed Fees	
Meter Size	**Fixed Monthly Charge**
⅝ x ¾" (≤2,000 gal) Residential only	$7.10
⅝ x ¾" (≥3,000 gal) Residential and all other customer classes	$10.30
1"	$20.30
1½"	$46.40
2"	$81.00
3"	$191.00
4"	$304.00
6"	$708.00
8"	$1,107.00
10"	$1,664.00

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Further, **Article III, Section 3.02,** is hereby amended by the amendment of Subsection **(B)(1)**, so that said subsection shall be and read as follows:

(1) The following rates per month shall be the rates charged for sanitary sewer service furnished to customers within and outside the corporate limits of the City where the sewage produced by such customers is a normal strength wastewater (250 mg/1 BOD and 250 mg/1 Suspended Solids), except as provided in Subsections 3.02(B)(2), 3.02(B)(3) and 3.02(C), or in the "Industrial Waste and Pollution Control" Chapter of the Code of the City of Arlington, 1987, as amended.

Wastewater Fixed Fees		
Meter Size	**Fixed Monthly Charge**	**Consumption**
⅝ x ¾" (≤2,000 gal) Residential only	$7.64	$5.13/1,000 gallons
⅝ x ¾" (≥3,000 gal) Residential and all other customer classes	$12.94	$5.13/1,000 gallons
1"	$23.52	$5.13/1,000 gallons
1½"	$52.12	$5.13/1,000 gallons
2"	$87.73	$5.13/1,000 gallons
3"	$271.15	$5.13/1,000 gallons
4"	$404.55	$5.13/1,000 gallons
6"	$1,100.55	$5.13/1,000 gallons
8"	$1,450.00	$5.13/1,000 gallons
10"	$2,114.10	$5.13/1,000 gallons

Further, **Article III, Section 3.02,** is hereby amended by the amendment of Subsection **(G)**, so that said subsection shall be and read as follows:

G. **Fire Protection System Fees**: The following fixed monthly fees shall be charged to customers with fire protection systems and/or fire lines.

Fire Protection System/Fire Line Fees	
Meter Size	**Fixed Monthly Charge**
1"	$20.30
1½"	$46.40
2"	$81.00
3" and above	$180.00

2.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

3.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

4.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

5.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

6.

The caption of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

7.

This ordinance shall become effective on October 1, 2019 as described above.

PRESENTED AND GIVEN FIRST READING on the 10th day of September, 2019, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 19th day of September, 2019, by a vote of 8 ayes and 0 nays at a special meeting of the City Council of the City of Arlington, Texas.

W. JEFF WILLIAMS, Mayor

ATTEST:

ALEX BUSKEN, City Secretary

APPROVED AS TO FORM:
TERIS SOLIS, City Attorney

BY

Ordinance No. 19-_055_

An ordinance amending the "Water and Sewer" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article VII, relative to revising subsequent connection charges; through the amendment of Article VIII, relative to revising standard specifications for water and sanitary sewer improvements; through the amendment of Article IX, relative to the rules and regulations applicable to water and sanitary sewer improvements; providing for a fine of up to $500 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability; governmental immunity; injunctions; publication and an effective date

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Water and Sewer"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article VII**, Front Footage Charges for Service Connections, so that said Article is hereby repealed and replaced in its entirety and hereafter said Article shall read as follows:

ARTICLE VII

SUBSEQUENT CONNECTION CHARGES

Section 7.01 Subsequent Connection Charges

A. The subsequent connection charge shall be paid for all water and/or sanitary sewer connections made to all water and/or sanitary sewer mains, constructed, purchased or financed by the City after October 1, 2003 per Resolution No. 03-311, including participation for which the owner is being reimbursed as provided for in Article 9, hereof.

B. Subsequent connection charges are not applicable to mains where the City has received full cost recovery, included in the impact fee study, or constructed as part of a main replacement program.

C. Subsequent connection charges shall be calculated by the Front Footage, Lot Count, or Lot Area Method as determined by the Director of Utilities.

1. Front Footage Method

   a. Front footage is defined as the portion of the property boundary of a lot or tract of land which abuts a street, alley or easement containing public water and/or sanitary sewer mains.

   b. The subsequent connection charge using the front footage method is calculated by taking the total cost of the main and dividing such cost by the total front footage of the lots capable of receiving service from the main, but not including any lots for which service has been or may become available from an existing main of the system.

   c. In the case of an easement in which a water and/or sanitary sewer main crosses through the property served, the front footage shall be the length of water and/or sanitary sewer main within the limits of the property measured along the center line of the water and/or sanitary sewer main.

   d. When using the front footage method, the maximum footage to be used in determining a subsequent connection charge for the connection of a single-family residence shall be two hundred feet (200'). If the property is later subdivided into lots or developed for any use other than a single-family residence, the uncollected subsequent connection charge associated with the original lot shall be paid.

   e. The subsequent connection charge using the front footage method for a lot with more than one side abutting a water and/or sanitary sewer main shall be calculated using the distance of the shorter side of the lot.

2. Lot Count Method

   a. The subsequent connection charge using the Lot Count Method shall be calculated by taking the total cost of the main and dividing such cost by the total number of lots capable of receiving service from the main, but not including any lots for which service has been or may become available from an existing main of the system.

3. Lot Area Method

   a. The subsequent connection charge using the Lot Area Method shall be calculated by taking the total cost of the main and dividing such cost by the total acreage of lots capable of receiving service from

the main, but not including any lots for which service has been or may become available from an existing main of the system.

b. When using the Lot Area Method, the maximum area to be used in determining a charge to be made for the connection of a single-family residence shall be one acre. If the property is later subdivided into lots or developed for any use other than a single-family residence, the uncollected subsequent connection charge associated with the original lot shall be paid.

D. The subsequent connection charges due for a new development shall be collected at the time of issuance of the building permit or at the time that an application is made for connection to the City's water and/or sanitary sewer system if no building permit is required, unless an agreement between the owner and the City has been executed providing for a different time of payment.

Further, **Article VIII**, Standard Specifications for Waterworks and Sewerage Improvements, is hereby repealed and replaced in its entirety and hereafter said Article shall read as follows:

ARTICLE VIII

STANDARD SPECIFICATIONS FOR WATER AND SANITARY SEWER CONSTRUCTION

Section 8.01 Standard Specifications Adopted

The "Standard Specifications for Water and Sanitary Sewer Construction", as amended, or "Standard Specifications", are hereby adopted as the specifications by which all City of Arlington water and sanitary sewer improvements shall be made, except as provided for in Section 8.03 of this ordinance.

Section 8.02 Specifications to be Incorporated in Contracts

The "Standard Specifications", as amended, shall be expressly incorporated in all construction contracts for water and sanitary sewer improvements. In the event the Standard Specifications are not expressly incorporated in any such contract, then the Standard Specifications shall be and are hereby deemed to be included in such contract by operation of law, and improvements shall be made in accordance with the Standard Specifications.

Section 8.03 Exemptions

The Director of Utilities is authorized to alter, amend, add to, or waive all or any part of said specification with regard to specific water and sanitary sewer improvements when, in the opinion of the Director of Utilities, such would be in keeping with sound engineering practice and would promote the health, safety, and welfare of the citizens of the City.

Further, **Article IX**, Rules and Regulations for Providing Water and Sewer Service, is hereby repealed and replaced in its entirety and hereafter said Article shall read as follows:

ARTICLE IX

RULES AND REGULATIONS FOR WATER AND SANITARY SEWER IMPROVEMENTS

Section 9.01 General Policy

A. The owner is responsible for all on-site and off-site water and sanitary sewer infrastructure to serve the proposed development. These responsibilities include, but are not limited to, design, construction, and financing. The owner may request that the City participate in the construction of water and sanitary sewer infrastructure as provided by Section 9.02.

B. A water and sanitary sewer infrastructure plan shall be provided by the owner consistent with the City of Arlington Design Criteria Manual and Water and Sanitary Sewer Master Plan. A City approved infrastructure plan is a requirement for plat approval.

C. Design of all City of Arlington water and sanitary sewer infrastructure shall be in accordance with the City of Arlington Design Criteria Manual.

D. Construction of all City of Arlington water and sanitary sewer infrastructure shall be in accordance with the City of Arlington Standard Specifications for Water and Sanitary Sewer Construction.

E. The decision of the Director of Utilities shall be final in determination of line size and approval of drawings and specifications.

F. Nothing in this ordinance shall be construed as a surrender by the City of its control over streets, alleys, public ways or public easements.

G. No person shall acquire any vested rights under the provisions of this ordinance.

Section 9.02 <u>City Participation and Reimbursement</u>

A. The City may participate in the construction cost of water and/or sanitary sewer mains subject to available funding and City Council approval. The participation of construction cost cannot exceed the percentage allowed by state statute.

B. The owner shall submit a written request for participation to the City prior to executing Developer Participation Contracts and Three-Party Contracts. The agreement will state if the participation will be a percentage of the costs or a lump sum amount.

C. If the request is approved, the owner shall initially defray the entire cost of the infrastructure eligible for participation and reimbursement, unless the City Council determines otherwise. No reimbursement shall take place until the infrastructure has been dedicated to and accepted by the City.

D. Oversizing Participation

1. The City may require oversizing of water and/or sanitary sewer mains and appurtenances.

2. The City may participate in the costs of oversizing of improvements required by the municipality, including but not limited to increased capacity of improvements to anticipate other future development in the area.

3. The City's participation in oversizing costs shall not exceed one hundred percent (100%) of the total oversizing costs.

4. The City shall pay only the difference in cost between the size main required for the development and the size main required by the City.

5. The size main required for the development shall be the City of Arlington minimum standard size or the minimum size main necessary to serve the development, whichever is greater.

E. Off-site Extension Participation

1. Where the owner is required to extend water and/or sanitary sewer mains to the property being developed, the City may participate in the reasonable construction cost of such extension related to the development.

2. City participation shall not exceed thirty percent (30%) of the Three-Party Contracts.

3. The amount of participation will be based on the City's reasonable potential for cost recovery or current limits established by state law.

F. Frontage Participation

1. The owner is responsible for extending water and/or sanitary sewer mains and appurtenances across the frontage of the development to allow for future extensions for the development of adjacent parcels and to facilitate looping opportunities.

2. For extensions across more than one frontage, the City may participate in the reasonable construction cost of such extensions.

3. City participation shall not exceed thirty percent (30%) of the Three-Party Contracts.

4. The amount of participation will be based on the City's reasonable potential for cost recovery or current limits established by state law.

G. The owner shall execute a performance bond for the construction of the water and/or sanitary sewer mains and appurtenances to ensure completion of the project. The bond must be executed by a corporate surety in accordance with Chapter 2253 of the Texas Government Code.

H. In no event shall the City be obligated to proceed under the terms of this ordinance if funds are not available, or if in the discretion of the City, the extension may not be practical.

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2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred Dollars and No Cents ($500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington; and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, Texas, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective November 1, 2019.

PRESENTED AND GIVEN FIRST READING on the 24th day of September, 2019, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 15th day of October, 2019, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

W. JEFF WILLIAMS, Mayor

ATTEST:

ALEX BUSKEN, City Secretary

APPROVED AS TO FORM:
TERIS SOLIS, City Attorney

BY

Ordinance No. 20-046

An ordinance amending the "Water and Sewer" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article III, Charges for Water and Sewer Service, Section 3.01, Time for Payment of Charges, Subsection (E), relative to refunding customer deposits; providing this ordinance be cumulative; providing for severability; governmental immunity; injunctions; publication and an effective date

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Water and Sewer"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article III**, Charges for Water and Sewer Service, **Section 3.01**, Time for Payment of Charges, **Subsection (E)**, so that said Subsection shall read as follows:

E. Deposits shall be held by the Water Utilities Department until such time as the customer closes the account and discontinues service except that a residential customer's deposit with accrued interest may be refunded as a credit to the customer's account provided there is an excellent payment history with the Water Utilities Department for 12 continuous months. Excellent payment history shall mean that payments were received by the Water Utilities Department for the account balance due before or on the due date, no checks or electronic transactions were dishonored by the customer's financial institution, and there were no past due or late fee charges on the customer's account in the preceding 12 months. The Water Utilities Department shall periodically review residential customer accounts with deposits and credit refunds to eligible accounts. Deposits held by the Water Utilities Department until the time an account is closed shall be refunded with accrued interest to the customer if the account has been paid in full including the final billing. If a deposit has been held by the Water Utilities Department and at the time an account is closed the account has not been paid in full including the final billing, the Water Utilities Department shall have the right to apply the deposit with accrued interest to the customer's account balance and to refund the surplus deposit if the held deposit was greater than the balance due or to bill for the remaining account balance due if the held deposit was less than the balance due.

2.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington; and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be

inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

3.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

4.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

5.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

6.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, Texas, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

7.

This ordinance shall become effective October 1, 2020.

PRESENTED AND GIVEN FIRST READING on the 8th day of September, 2020, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 15th day of September, 2020, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

W. JEFF WILLIAMS, Mayor

ATTEST:

ALEX BUSKEN, City Secretary

APPROVED AS TO FORM:
TERIS SOLIS, City Attorney

BY _____