

CHAPTER 2 - PROCEDURES FOR WATER AND SEWER SERVICES

Sec. 2.01 Applications for Connections; Charges

(Amended effective April 30, 2013)

(a) Any person desiring to make a connection to the water distribution and/or wastewater collection system servicing the District shall first apply to and obtain permission from the District. Application **for water and/or sewer service shall only** be made by the record owner of the property or the authorized representative of the record owner of the property. Proof of authority of the applicant shall be presented to the District Representative at the time the application for connection is made.

(b) The application for a water connection permit shall be made on Water Form #2006-1 and an application for a sewer connection permit shall be made on Sewer Form #2006-2. Each form shall include the following:

- (1) The name and address of the applicant.
- (2) The person or persons for whom the connection will be made.
- (3) The exact location where the connection will be made and the house or building which will be served by the connection line.
- (4) The date and time when the connection will be made.
- (5) The type or description of the materials to be used for the connecting line and tap and for the physical connection between the connecting line and the house or building.
- (6) The manner or method by which the connecting line between the water distribution or wastewater collection line in the District and the house or building will be installed and connected; e.g., hand excavation, machine excavation, boring, etc.
- (7) Evidence satisfactory to the District Representative that the person who will actually make the tap and install the connecting line has **Workers' Compensation insurance**, comprehensive general liability insurance in the minimum amounts of \$300,000 bodily injury, and \$50,000 broad form

property damage with an underground rider and a completed operations rider.

(8) Payment of water and wastewater (sewer) system permit fees and deposits as specified in Schedule A of this Chapter 2.

- (c) The District shall review every application submitted pursuant to this Section 2.01. **Upon finding that the application for water service complies with the requirements of this Section 2.01, the District will be responsible for making all the water distribution system connections and/or taps at the expense of the person requesting the service.**

Upon finding that the application complies with the requirements of this Section 2.01 and that, in its judgment and opinion, the materials to be used for the **wastewater** connecting line and the connections, and the methods and procedures to be followed in laying the line and making the connections, are at least equivalent to the adopted **“Procedures for Field Connections to Sewer Collection System,”** and the Uniform Plumbing Code, for connections to the wastewater collection system, and are in compliance with the applicable criteria set forth in Section 3.02 or 3.03, as applicable, of these Rules, the District may approve the application and grant permission for the connection to be made upon such terms and conditions as, in its judgment and opinion, are necessary or desirable to accomplish the purposes and objectives of Chapter 3 of these Rules.

(d) The applicable tap and connection fees for the initial connection to the District's water and wastewater systems are as set forth in Schedule A of this Chapter 2. These fees shall be **billed** by the District for each connection made to the District's water and wastewater systems **upon application for water and/or sewer service.** On an undeveloped tract or lot, the tap and connection fees shall be **billed** upon approval of the application for the building permit **or upon application for water and/or sewer service.**

Sec. 2.02 Application for Services (Amended effective April 30, 2013)

(a) Any person desiring to receive services from either the water distribution or wastewater collection system serving the District who has not previously obtained permission from the District to receive such services pursuant to Section 2.01 above, shall first apply to and obtain permission from the District. Application **for water and/or sewer service shall only** be made by the record owner of the property or the authorized representative of the record owner of the property. Proof of authority shall be presented to the District Representative at the time the application for service is made.

(b) The application required under section (a) above, shall contain all the information which the District deems necessary in order to ensure proper administration of the District's Systems.

(1) No Person shall maintain a service connection with the District's freshwater distribution system unless the Person has entered into a Water Service Agreement with the District.

(2) No Person shall maintain a service connection with the District's sanitary sewer system unless the Person has entered into a Sanitary Sewer Service Agreement with the District.

(3) No Person shall maintain a service connection with the District's water and/or sewer system unless the Person has granted a Utility Line Easement to the District.

Sec. 2.03 Service Deposits (Amended effective April 7, 2014)

(a) Any applicable service deposit will be determined by the Board of the District and set forth in Schedule A of this Chapter 2. Any service deposits shall be received by the District before service is actually commenced or recommenced to any property connected to the District's water and wastewater systems and before service is

commenced or recommenced to either the record owner of the property or an authorized representative of the record owner of the property.

(b) Any property owner who is habitually delinquent in paying their utility billing or has had service discontinued two times while they own the property will be required to pay to the District a service deposit of \$350 (equivalent to two months' service for water and/or wastewater) in addition to payment of all delinquent charges, late fees, and disconnect/reconnect fees.

(c) When the record owner of a property (residence) applies for refinancing or reverse mortgage of that residence, the District will require a \$350 deposit to cover utility service.

(d) The service deposits shall not be transferable and shall be held by the District in escrow to assure prompt payment of all charges for water and wastewater services to the property. The District at its option may apply all or any part of a customer's service deposit to the payment of all or any part of the delinquent account of a customer.

(e) The unexpended and unobligated portion of a customer's service deposit shall be refunded to the customer on application therefor following termination of services to the property. A property owner may apply for an earlier refund for property the owner occupies and, upon a determination that the owner had a good payment record for a period of one year, the District may refund the owner's deposit to the owner. No interest will be allowed or paid on the service deposit.

Sec. 2.04 Procedure for Connections and Reconnections (Including Taps)

(Amended effective November 1, 2007)

All connections and reconnections (including taps) to the District's water system shall be made **by the District at the expense of the person requesting the service**. All connections and reconnections (including taps) to the District's wastewater system shall be made by a District approved licensed contractor at the expense of the person requesting the service. The tap, the lead to a water or wastewater tap from the building or

premises to receive service, and the connection to the building or premises shall not be covered in the ground until they have been inspected and approved by a District Representative as being in compliance with these Rules. Reference is specifically made to Sec. 3.01 of these Rules for the construction and inspection procedures and requirements.

Sec. 2.05 Maintenance of and Restrictions on Connection Lines

(Amended effective April 7, 2014)

(a) It shall be the responsibility of each user of either or both the water and wastewater systems to maintain the water and wastewater lines leading from the points of connection on the District's water and wastewater systems to the building or premises served. The wastewater line shall be maintained so as to prevent infiltration of water to or ex-filtration of wastewater from the wastewater line. Gutters, drains, down-spouts or other sources of rain and storm water shall not be connected to the plumbing or wastewater line of the building or premises served.

(b) **The customer's responsibility to maintain the water and wastewater lines shall begin at the discharge side of the meter or District's cut-off valve if there is no meter. The District's maintenance responsibility for water service ends at the discharge side of the water meter or the District's cut-off valve if there is no meter. The meter is the property of the District and the homeowner is not permitted to tamper with the meter. (See District Rules Sec. 2.08 (8) on tampering with meters)**

(c) **The District's maintenance responsibility for wastewater collection line maintenance ends at the lateral service line tap to the wastewater collection main. The collection mains are defined as those lines represented in the District's collection system maps. (Note: Lateral service lines are not shown on the District's collection map). The homeowner's responsibility begins at the point where the service line connects to the main. It is the responsibility of each homeowner to maintain their service line in proper working condition even if it crosses another person's property.**

Sec. 2.06 Water and Wastewater (Sewer) Service Billing *(Amended effective May 7, 2012)*

- (a) Payment of the monthly rates for water and sewer services shall be the responsibility of the customer receiving water or sewer services, or both services. The Property Owner shall be responsible for payment of all fees and charges for water service and sewer service provided to a lot or tract of land, regardless of the number of connections and regardless of whether the property is leased to another Person.
- (b) Residential bills for water service each month shall be computed on the applicable service period's usage at rates provided in Schedule A of this Chapter 2. The District may levy additional fees in connection with water service for capital improvements or facility expansions.
- (c) Residential bills for sewer service each month are as set forth in Schedule A of this Chapter 2. The District may levy additional fees in connection with sewer service for capital improvements or facility expansions.
- (d) A statement of all current and past due fees and charges for water service and sewer service shall be sent to each Property Owner. **Water meters are read on or about the 15th day of each month.** The statements shall be mailed **no later than the 10th day** of the month following the month the service is provided.
- (e) All bills shall be due when rendered and are delinquent if **full** payment is not received by the District **or its authorized payment agency by 5:00 p.m.** on the last day of the billing month. **If the due date falls on a holiday or weekend, the due date for payment purposes is the next business day after the due date.**
- (f) Any fees and charges for water service or for sewer service provided by the District which remain unpaid on the last **business** day **of the billing month** shall be considered delinquent **and subject to a \$10 late fee or ten percent (10%) of the billed amount, whichever is greater.** The District shall then send the Property Owner written notice of the delinquency **no later than five (5) days**

after the end of the billing month by certified and/or regular mail. The Notice shall state:

- (1) the name of the Property Owner and the amount due for services provided by the District, **including late fees**;
- (2) that the water or sewer connection **will** be disconnected if the delinquent statement is not paid in full **by 3:00 p.m. on the 25th day of said Notice month (or next business day if the 25th falls on a holiday or weekend)**.

(g) The District may disconnect water service or sewer service:

- (1) If a delinquent statement owed to the District is not paid **by 3:00 p.m. on the 25th day of the month (or next business day if the 25th falls on a holiday or weekend)** in which the Property Owner receives **the Delinquency** Notice in accordance with this Section.
- (2) If a customer's bill is paid with a check or draft that is not honored by the bank, the District may give the customer **ten (10) days'** notice that the bill shall be paid in a form and manner specified in the Notice, failing which water and sewer services will be terminated. The District may offer a deferred payment plan to residential customers who cannot pay an outstanding bill in full but are willing to pay the balance in reasonable installments. If the bill is not paid in the manner and within the time specified in the Delinquency Notice, the customer's water and sewer services may be terminated by the District. In addition, a person who pays a bill with a check or draft that is not honored by the bank may be charged an administrative fee of \$25.00.
- (3) If the account has not been paid **in full by 3:00 p.m. on the 25th day of the month (or next business day if the 25th falls on a holiday or weekend)** in which the customer receives Notice of the delinquency, **the customer's water and/or sewer services will be terminated by the District.** A District representative will be

directed to disconnect water and/or sewer service on the **next business day after the 25th day of the month (unless it falls on a holiday or weekend)**. Water service will be disconnected by locking the water meter (see Schedule A for fees and charges **for disconnection and/or reconnection of water service**). If the District provides only sewer service to the Property Owner, such sewer service will be disconnected by digging up the sewer tap. The Property Owner will be billed for actual costs incurred for the disconnection and/or reconnection of sewer service. The Property Owner must pay all delinquent charges, late fees, deposits (see Sec. 2.03 Service Deposits), and any **disconnect and/or reconnect fees before service may be reestablished to the property**.

- (h) The remedies provided in this Section are in addition to other remedies provided by law.

Sec. 2.07 Fire Protection, Irrigation and Special Water Connections

(a) Permanent connections to the District's water system to provide water for facilities specifically designed for fire-fighting and fire-protection purposes within the District, for irrigation of the Emerald Bay Club golf course, and for any other special purposes approved by the District (hereafter a "Special Connection") may be modified or supplemented by this Section 2.07.

(b) The following additional rules apply to temporary and permanent connections for fire-fighting and fire-protection purposes.

(1) Temporary fire line connections, such as for fire hoses for combating active fires in the District may be made at any surface flushing-valve or fire hydrant of the District, as the exigencies of the matter may require, without prior notification to or approval of the District. However, after such a connection is made, notice shall be given to the District as promptly as possible. The person

or persons making the temporary fire line connection shall inform the District of the amount of time water was used through the temporary connection and the estimated amount of water used.

(2) No meter shall be required or provided by the District for a fire line connection. The amount of water used through a fire line connection for any purpose, including fire fighting, shall be determined by a District Representative on the basis of information and data reasonably available to him or her. In the absence of fraud, capriciousness or grossly arbitrary action on his part, the determination of the District Representative shall be final.

Sec. 2. 08 Unauthorized Use of Water and Wastewater Systems

(Amended effective August 11, 2009)

- (a) It is a violation of these Rules if a Person intentionally or knowingly,
- (1) taps into a District water main without first obtaining a permit from the District, or makes a service connection **as all connections and reconnections (including taps) to the District's water system shall be made by the District at the expense of the person requesting the service;**
 - (2) taps into a District sewer main without first obtaining a permit from the District, or makes a service connection that does not comply with the then effective **"Procedures for Field Connections to Sewer Collection System,"** respectively, approved by the District;
 - (3) maintains a service connection with the District freshwater distribution system without a Water Service Agreement with the District;
 - (4) maintains a service connection with the District sanitary sewer system without a Sanitary Sewer Service Agreement with the District;

- (5) **maintains a water and/or sewer service connection with the District without a Utility Line Easement with the District;**
- (6) Uses water from the District water system other than:
- a) through an authorized tap for which necessary fees, deposits and other charges have been paid;
 - b) through a fire line or irrigation connection as authorized by Section 2.07 of this Chapter 2;
 - c) on the premises for which the tap was originally made; or
- (7) Discharges waste to the District wastewater system:
- a) other than through an authorized tap for which necessary connection fees, deposits and other charges have been paid;
 - b) generated on premises other than that for which the tap was originally made;
 - c) generated at a building other than that for which the tap was originally made;
 - d) of a type different from that contemplated at the time the tap was originally made;
- except that subparagraph c) and d) shall not apply if permission is first obtained from the District.
- (8) tampers with or bypasses a water meter, sewer meter or other equipment used to measure water or sewer service provided by the District. For purposes of this subsection, a person tampers with or bypasses a water meter, sewer meter or other equipment if the person intentionally and knowingly damages the meter or other equipment, disorients the meter or other equipment, removes anything from the meter or other equipment, inserts anything into the meter or other equipment, attaches anything to the meter or other equipment or uses any mechanical or electrical device so as to affect the use of the meter or to avoid the meter;

- (9) connects or reconnects to the District water system or wastewater system without District authorization or connects into the service line of another customer;
- (10) hinders the District's access to a meter, cut-off valve or water or sewer connection; or
- (11) interferes with service provided to another customer.

(b) Penalties. *(Amended effective August 11, 2009)*

(1) Criminal Penalty. Any person who violates this Section 2.08 is guilty of a misdemeanor, punishable by a fine not to exceed \$2,000. (See §54.001(b) of the Texas Local Government Code).

(2) Civil Penalty.

(a) In a suit to enforce this Regulation, the District may recover a civil penalty against a Person, if the District proves that the Person had actual notice of the requirements of this Regulation, and thereafter committed an act in violation of this Regulation or failed to take action necessary to comply with this Regulation.

(b) A civil penalty under this Section shall not exceed \$100.00 per day for each day that a violation continues.

(c) The total penalty assessed against a Person in a suit under this Section shall not exceed \$5,000.00.

(3) A penalty imposed under this Section is in addition to any other penalty provided by the law of this state **including Section 28.03 of the Texas Penal Code**. Such penalty shall cover the costs of the District and its officers, Directors, employees, agents and attorneys incurred in enforcing this provision and repairing any damage or injury which may be caused to the water system or wastewater system as a result of the unauthorized use or the actual costs thereof if in excess of \$100.00. The amount of water used or

the wastewater service charge shall be determined by the District on the basis of information and data reasonably available. In the absence of fraud, capriciousness or grossly arbitrary action on its part, the determination of the District shall be final.

- (4) If a customer damages the District's cut-off valve or curb stop through unauthorized use or tampering with District property then in addition to other penalties provided by these Rules, the customer may be required to install, at the customer's expense, a cut-off valve on the customer's side of the meter or connection within 30 days if service is being provided, or prior to restoration of service if service has been disconnected under these Rules.

(c) Severability.

If any section, subsection, paragraph, sentence or phrase of this Regulation is for any reason held invalid or unconstitutional by any court of competent jurisdiction, then such portion of this Regulation shall be deemed a separate and independent provision and shall not affect the validity of the remaining portions of this Regulation.

Sec 2.09 Disconnection and Reconnection *(Amended effective January 7, 2008)*

(a) Failure of a customer receiving water or wastewater service, or both services, to comply with any of the provisions of this Chapter 2, or to pay when due all fees, deposits and other charges owed to the District under this Chapter 2, all taxes due the District for more than six months (Sec. 49.212(c), Water Code), or any other charges owed to the District, is a breach of the contract for service, and the District may disconnect all District service to the property for which the customer was receiving water or wastewater service, or both services, (hereafter referred to as the "delinquent property"), and also to any other properties for which the customer is the customer of record until any such breach is remedied.

(b) **Any Property Owner or customer of record may appeal in writing a notice of delinquency by either postal service or hand delivery to the Board of Directors of the District at its posted address. The District will review and act on the written appeal within ten (10) days of receipt thereof.** If the **District's** Board or its authorized representative **denies the appeal**, it may authorize and direct the disconnection of water and wastewater services, or both, to the delinquent property on such terms and conditions as the Board in its judgment deems appropriate; may establish a deferred payment schedule for the delinquent amount, subject to disconnection if the schedule is not observed; or may take any other action that is reasonable under all of the circumstances. The decision shall be publicly announced by the Board or its authorized representative **at an open meeting**.

(c) If it is determined pursuant to the aforesaid Section 2.09(b) that service to a property for water or wastewater service, or both services, is to be terminated or disconnected by the District for any cause, there shall be charged a termination fee as set forth in Schedule A of this Chapter 2 before service is again commenced to the property.

(d) If water or sewer service has been disconnected by the District for non-payment of a statement, no service shall be reconnected until:

- (1) the balance of the statement has been paid in full;
- (2) an application has been filed for the service to be reconnected; and
- (3) the appropriate reconnection fee has been paid to the District.
- (4) A service deposit may be required by the District (see Sec. 2.03 Service Deposits).

(e) If sewer service has been disconnected by the District as a result of a Prohibited Use under Section 2.08, no service shall be reconnected until :

- (1) the Prohibited Use has been eliminated or the District has been provided adequate assurance, in a form acceptable to the District, that the Prohibited Use will not continue;
- (2) any delinquent statement has been paid in full;

- (3) an application has been filed for the service to be reconnected; and
- (4) the appropriate reconnection fee has been paid to the District.
- (5) A service deposit may be required by the District (see Sec. 2.03 Service Deposits).

(f) Reconnection to the **District's water or wastewater system** may be performed **only** by a District Representative or other District authorized representative. If the service is reconnected by someone other than a District Representative before all charges related to the disconnection of service are paid or arrangements for the payment thereof satisfactory to the District or its authorized representative have been made, the District may physically sever the service connection, including removal of the water meter at the delinquent property. In this event, there shall be a charge of **\$100.00**, in addition to all other charges assessed, before service may again be commenced to the property.

Sec. 2.10 Easements

Before service is begun to any property or, after termination of service for any cause, before service is renewed, the person requesting such service shall grant an easement of ingress and egress to and from the meter or place of connection for such maintenance and repair as a District Representative, in his judgment, may deem necessary.

Sec. 2.11 No Free Service; Line Breaks and Leaks; Water Meters

(Amended Effective January 2, 2012)

(a) No free service shall be granted to any user for service provided by or through the District's water and wastewater systems, whether such user be a charitable institution, a political subdivision, or a municipal corporation, and all charges for water and wastewater service shall be paid as required herein.

(b) In the event a customer's water or wastewater service line breaks or leaks, the customer is responsible for repairing the break or leak on the customer's side of the

meter. **Any expenses incurred by the District in repairing these leaks will be billed to the Property Owner.**

(c) All customer initiated service requests (service not required by District) shall be documented by a District representative on a Customer Work Order Request form and a work order (Statement of Work) shall be completed with an estimate of cost to perform such service. The Statement of Work shall be signed and acknowledged by customer prior to commencing any service or repairs.

(d) Upon the request of a customer, a District representative shall make, without charge, a test of the accuracy of the customer's water meter. Such test shall be in accordance with the standards for testing as prescribed by the American Water Works Association or other procedures approved by the District. Following the completion of any requested test, the District shall promptly advise the customer of the results of the test. If the meter has been tested by the District and the customer requests another test within a period of two years, the District shall make the test. However, if the meter is found to be within the accuracy standards established by the American Water Works Association, the District may charge the customer a fee which reflects the cost to test the meter (See Schedule "A" for current fees and charges.)

(e) Upon the request of a customer, a District representative shall, without charge, reread a customer's meter for water usage billing purposes. If such requests become excessive or repetitive occurring more than two times within one year from the date of the last reread, the District shall charge said customer a fee which reflects the time and labor for a District representative or contractor to reread the meter (See Schedule "A" for current fees and charges.)

Sec. 2.12 Required Service *(Amended Effective March 10, 2008)*

No service shall be provided by or through the District's water and wastewater systems unless the user agrees to take both water and wastewater services. An exception shall be granted for the sewer customers within Windcliff Harbor, the commercial properties located on CR 344 outside the District's boundaries, and the five existing District customers with septic systems **(listed below)**. Upon change of ownership

of the five properties presently using septic systems, the new property owners will be required to connect to the District's wastewater system **within 180 days after purchase date** and all applicable permits and fees **(\$100 sewer tap fee)** will be due and payable to the District. **All septic systems must be properly abandoned in accordance with** the Texas Commission on Environmental Quality, Chapter 285 rules regarding the proper abandonment process for on-site sewage facilities as follows:

§285.36. Abandoned Tanks, Boreholes, Cesspools, and Seepage Pits.

- (a) An abandoned tank is a tank that is not to be used again for holding sewage.
- (b) To properly abandon, the owner shall conduct the following actions, in the order listed.
 - (1) All tanks, boreholes, cesspools, seepage pits, holding tanks, and pump tanks shall have the wastewater removed by a waste transporter, holding a current registration with the executive director.
 - (2) All tanks, boreholes, cesspools, seepage pits, holding tanks, and pump tanks shall be filled to ground level with fill material (less than three inches in diameter) which is free of organic and construction debris.

Adopted May 23, 2001/Effective June 13, 2001

Existing septic system addresses:

- 1) 106 Williamsburg
- 2) 108 Williamsburg
- 3) 265 North Bay Drive
- 4) 112 South Bay Drive
- 5) 2 Hicks Drive

Sec. 2.13 Non-Domestic Waste

The discharge of non-domestic waste to the District's wastewater system is prohibited.

Sec 2.14 Industrial Waste

The discharge of industrial waste to the District's wastewater system is prohibited.

Sec 2.15 Toxic Wastes

The discharge of toxic wastes to the District's wastewater system is prohibited.

Sec 2.16 Termination of Water and/or Wastewater Service *(Effective October 21, 2008)*

- (a) When any applicant for new water service, new wastewater service, transfer of water and/or wastewater service, District required plumbing inspection, requested TRCC building inspection, whether the service is commercial or residential, makes application for any (1) one service or a combination of any of the services, the District will grant temporary water and/or wastewater service to the applicant. In the case of transfer of service, the Customer Service Inspection (CSI Inspection) and Backflow Test and Maintenance Reports are required to be completed and on file at the District office within (30) thirty days of application for permanent service to continue. In the case of new construction or major renovation valued at over \$10,000.00, reasonable time will be granted up to one (1) year from the date of application for the completion of all required District Plumbing and requested Texas Residential Construction Commission (TRCC) Inspection Reports; Customer Service Inspection Reports; Backflow Test and Maintenance Reports; Water and Wastewater “TAP” Location Sketches. If additional time is required, the applicant may request a time extension from the board of directors of the Emerald Bay Municipal Utility District.
- (b) The District reserves the right to terminate water and/or wastewater service in the event that any applicant for service fails to pay all currently required fees and charges or fails to complete and submit to the District office, 155 LaSalle Drive, Bullard, Texas 75757, all required District Plumbing and Texas Residential Construction Commission Inspection Reports; Customer Service Inspection Reports; Backflow Test and Maintenance Reports; Water and Wastewater “TAP” Location Sketches; and, Water Service Agreements and Sanitary Sewer Service Agreements.”

- (c) The District reserves the right to terminate water and/or wastewater service in the event that any Property Owner, New Member or Current Member, as defined in Sec. 1.03, Definitions, of the “Emerald Bay Municipal Utility District Water and Sewer Service Rules and Regulations,” fails to enter into a Water Service Agreement and/or Sanitary Sewer Service Agreement with the District as required by Sec. 2.02(b), Application for Services, Sec. 2.08(a)(3),(4), Unauthorized Use of Water and Wastewater Systems, of the “Emerald Bay Municipal Utility District Water and Sewer Service Rules and Regulations.”