

THE STATE OF TEXAS §  
COUNTY OF BRAZORIA §  
CITY OF MANVEL §

LARRY AKERY, COUNCIL PLACE 1  
LORRAINE HEHN, COUNCIL PLACE 2  
NICCOLE TYSON, COUNCIL PLACE 3  
ED PERRY, COUNCIL PLACE 4  
JASON ALBERT, COUNCIL PLACE 5  
JEROME HUDSON, COUNCIL PLACE 6



DEBRA DAVISON, MAYOR  
KYLE JUNG, CITY MANAGER  
TAMMY BELL, CITY SECRETARY

**NOTICE OF A CITY COUNCIL MEETING  
OF THE CITY OF MANVEL  
July 18, 2022**

**NOTICE IS HEREBY GIVEN  
5:30 P.M. WORKSHOP  
6:00 P.M. REGULAR SESSION**

Pursuant to Chapter 551, Title 5 of the Texas Government Code, the Texas Open Meetings Act, notice is hereby given that the City of Manvel will convene a regular meeting at the Manvel City Hall, located at 20031 Hwy 6, Manvel Tx 77578 for the purpose of discussing and if appropriate, take action with respect to the following items:

**NOTE:** The City Council of the City of Manvel reserves the right to discuss any items in Closed Session whenever authorized under the Texas Open Meetings Act, Chapter 551, of the Texas Government Code. The City Council may discuss the items on this agenda in any order.

**This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpreter services must be made 48 hours prior to this meeting. Please contact the City Secretary at 281-489-0630 X6 for further information.**

**Workshop Session - 5:30 p.m.**

Update on current fiscal year's status and forecast to include discussion on future construction projects.

**Regular Session - 6:00 p.m.**

**Call To Order**

**Inspirational Reading - Council Member Albert**

**Pledge**

Pledge of Allegiance and Texas Pledge: "Honor the Texas flag; I pledge allegiance to thee Texas, one state under God, one and indivisible.

**Public Hearing**

TO HEAR COMMENTS ON A PROPOSED AMENDMENT TO THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, CHAPTER 71. "UTILITIES" BY ADOPTING NEW RATES FOR WATER AND SEWER; MAKING OTHER CHANGES TO THE ORDINANCE GOVERNING THE PROVISION OF UTILITIES WITHIN THE CIT OF MANVEL; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR ANY VIOLATION OF ANY PROVISION OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.

**Public Comments: "Comment Card" Required**

- o Member of the public with business before the Council, NOT scheduled on the agenda as a public hearing (that has submitted a public comment card) may have three (3) minutes to address the Council.
- o The board may not participate in any discussion and cannot vote on the subject you present unless it is listed on the agenda as an action item.

**City Manager Update**

Update on current events and city issues.

**Consent Agenda**

All Consent Agenda items listed are considered to be routine by the City Council and will be approved by one motion. There will be no separate discussion of these items unless a City Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in sequence on the Agenda.

1. Acceptance of infrastructure improvements for Manvel Town Center Detention Ponds Phase 1A and Manvel Town Center Public Utilities Phase 1A to begin the one-year Maintenance Period.
2. Acceptance of infrastructure improvements for Meridiana Section 33B to begin the one-year maintenance period.
3. Final acceptance of infrastructure improvements for Meridiana Parkway Phase 6 and release of associated Maintenance Bonds.
4. Final acceptance of infrastructure improvements for Meridiana Section 47 and release of associated Maintenance Bonds.
5. Approve a 180-day extension for CenterPoint Energy to construct, operate, and maintain its gas and electric facilities in City ROW's to expire January 18, 2023.
6. Acceptance of the meeting minutes to date.

### Regular Agenda

1. Consideration and possible action to approve the first of two readings of Ordinance 2022-O-21;  
AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, CHAPTER 71. "UTILITIES" BY ADOPTING NEW RATES FOR WATER AND SEWER; MAKING OTHER CHANGES TO THE ORDINANCE GOVERNING THE PROVISION OF UTILITIES WITHIN THE CIT OF MANVEL; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR ANY VIOLATION OF ANY PROVISION OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.
2. Discussion on the Sign Ordinance and the definition of signs. (Requested by Council Members Tyson and Hehn)

### Mayor and Council Comments

Update on current events and city issues.

Additionally, pursuant to Texas Government Code § 551.0415, City Council Members and city staff may make a report about items of community interest during a meeting of the governing body without having given notice of the report.

Items of community interest include:

- Expressions of thanks, congratulations, or condolence;
- Information regarding holiday schedules;
- An honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition for purposes of this subdivision;
- A reminder about an upcoming event organized or sponsored by the governing body;
- Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and
- Announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

### Adjourn

#### **CERTIFICATION**

I, Tammy Bell, City Secretary for the City of Manvel, do hereby certify that the foregoing Agenda of the City of Manvel is true and correct; and that I posted such notice on the bulletin board at the Manvel City Hall. A place convenient and readily accessible to the public on July 15, 2022 in accordance with the Texas Open Meetings Act (Tex. Gov't. Code §551.001 et.seq). Said notice remained posted for at least 72 hours preceding the scheduled time of the meeting.

  
TAMMY BELL, CITY SECRETARY  
CITY OF MANVEL, TEXAS



**From:** [Dan Johnson](#)  
**To:** [Kyle Jung](#); [Tammy Bell](#)  
**Cc:** [Gilbert Salas](#); [Jessica Rodriguez](#); [Elaine Graham](#); [Robbie Hall](#)  
**Subject:** 08/01/2022 Consent Agenda - Manvel Town Center  
**Date:** Friday, July 15, 2022 10:22:29 AM  
**Attachments:** [image003.png](#)

---

Kyle and Tammy,

In order to begin the one-year maintenance period, a final inspection walk-through has been conducted for:

**Manvel Town Center Detention Ponds Phase 1A**  
**Manvel Town Center Public Utilities Phase 1A**

The Maintenance Bond has been submitted to the City Secretary's Office, and the As-Built Construction Plans have been submitted to the Development Coordinator's Office.

In short, we recommend that City Council accept the infrastructure improvements for this project to begin the Maintenance Period.

Please let me know if you need any further information.

~Dan

**Daniel S. Johnson, P.E., CFM**

Assistant City Manager

City Engineer

20025 Highway 6

Manvel, Texas 77578

(832) 336-4049

[www.cityofmanvel.com](http://www.cityofmanvel.com)



**From:** [Dan Johnson](#)  
**To:** [Kyle Jung](#); [Tammy Bell](#)  
**Cc:** [Gilbert Salas](#); [Jessica Rodriguez](#)  
**Subject:** 07/18/2022 Consent Agenda - Meridiana Section 33B  
**Date:** Tuesday, July 12, 2022 1:54:21 PM  
**Attachments:** [image002.png](#)

---

Kyle and Tammy,

In order to begin the one-year maintenance period, a final inspection walk-through has been conducted for:

### **Meridiana Section 33B**

The Maintenance Bonds have been submitted to the City Secretary's Office, and the As-Built Construction Plans have been submitted to the Development Coordinator's Office.

In short, we recommend that City Council accept the infrastructure improvements for this project to begin the Maintenance Period.

Please let me know if you need any further information.

~Dan

### **Daniel S. Johnson, P.E., CFM**

Assistant City Manager

City Engineer

20025 Highway 6

Manvel, Texas 77578

(832) 336-4049

[www.cityofmanvel.com](http://www.cityofmanvel.com)



**From:** [Dan Johnson](#)  
**To:** [Kyle Jung](#); [Tammy Bell](#)  
**Cc:** [Jessica Rodriguez](#); [Elaine Graham](#); [Gilbert Salas](#); [Robbie Hall](#)  
**Subject:** 07/18/2022 Consent Agenda - Meridiana Parkway Phase 6  
**Date:** Thursday, July 7, 2022 11:27:00 AM  
**Attachments:** [image002.png](#)

---

Kyle and Tammy,

In order to **conclude** the maintenance period which began on December 7, 2020, a final inspection walk-through has been conducted for:

### **Meridiana Parkway Phase 6**

All punch list items have been addressed and we recommend that City Council accept the infrastructure improvements for this project and release the associated Maintenance Bonds.

Please let me know if you need any further information.  
~Dan

### **Daniel S. Johnson, P.E., CFM**

Assistant City Manager  
City Engineer  
20025 Highway 6  
Manvel, Texas 77578  
(281) 489-0630

[www.cityofmanvel.com](http://www.cityofmanvel.com)



**From:** [Dan Johnson](#)  
**To:** [Kyle Jung](#); [Tammy Bell](#)  
**Cc:** [Jessica Rodriguez](#); [Elaine Graham](#); [Gilbert Salas](#); [Robbie Hall](#)  
**Subject:** 07/18/2022 Consent Agenda - Meridiana Section 47  
**Date:** Thursday, July 7, 2022 11:32:15 AM  
**Attachments:** [image002.png](#)

---

Kyle and Tammy,

-  
In order to **conclude** the maintenance period which began on September 21, 2020, a final inspection walk-through has been conducted for:

### **Meridiana Section 47**

All punch list items have been addressed and we recommend that City Council accept the infrastructure improvements for this project and release the associated Maintenance Bonds.

Please let me know if you need any further information.

~Dan

**Daniel S. Johnson, P.E., CFM**

Assistant City Manager

City Engineer

20025 Highway 6

Manvel, Texas 77578

(281) 489-0630

[www.cityofmanvel.com](http://www.cityofmanvel.com)



**ORDINANCE NO. 2022-O-21**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, CHAPTER 71. “UTILITIES” BY ADOPTING NEW RATES FOR WATER AND SEWER; MAKING OTHER CHANGES TO THE ORDINANCE GOVERNING THE PROVISION OF UTILITIES WITHIN THE CIT OF MANVEL; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR ANY VIOLATION OF ANY PROVISION OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.**

\* \* \* \* \*

**WHEREAS**, pursuant to **Texas Water Code** § 13.042, the governing body of each municipality has exclusive original jurisdiction over all water and sewer utility rates, operations, and services provided by a water and sewer utility within its corporate limits;

**WHEREAS**, pursuant to **Tex. Loc. Gov’t Code** § 552.001(b), a municipality is permitted to operate and regulate a utility system “in a manner that protects the interests of the municipality”;

**WHEREAS**, the City Council of the City of Manvel seeks to exercise its exclusive original jurisdiction over water and sewer utility rates and operations and adopt new rates and provisions governing the provision of utilities by the City of Manvel; and

**WHEREAS**, the City Council commissioned Freese and Nichols to prepare a Water and Wastewater Rate Study to report on water and sewer rates and utility operations; and

**WHEREAS**, the City Council has reviewed all necessary data to make a reasonable determination of rate base, expenses, investment, and rate of return within the municipal boundaries, including the Water and Wastewater Rate Study by Freese and Nichols; and

**WHEREAS**, the City Council deems the new rates to be fair, just, and reasonable; and

**WHEREAS**, the revisions to the city’s utility ordinance are deemed to be in the best interest of the City of Manvel; NOW THEREFORE,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS:**

**Section 1.** The 2022 Water and Wastewater Rate Study prepared by Freese and Nichols, attached hereby as Exhibit A, is hereby adopted and approved.

**Section 2.** The Code of Ordinances of the City of Manvel, Texas is hereby amended by amending Chapter 71. "Utilities", to read and provide as follows:

## **"Chapter 71 UTILITIES**

### **ARTICLE I. IN GENERAL**

#### **Sec. 71-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Commercial user* means any user of the city's water and sewer system that is not a single-family residential user or a multifamily residential user, including, but not limited to, commercial establishments, churches, and schools.

*Consumer* means the occupant of a residential, commercial or industrial structure within the area of the city, whether the owner, renter or lessee thereof.

*Delinquent bill* means a bill for water and/or sewer service, which has not been paid by the due date listed on the bill [~~within twenty days after the date of the bill for the preceding month's service~~].

*Multifamily residential user* means any use of the city's water and sewer system, other than a single-family residential user or a commercial user, that consists of a building designed for use and occupancy by multifamily units, including apartments, townhouses, and other multifamily dwelling units.

*Nontaxable entity* means an entity, which is exempt from ad valorem taxation under V.T.C.A., Tax Code § 11.01 et seq.

*Operator* means the person, firm, corporation, municipal corporation or political subdivision with which the city has contracted for operation and maintenance of plants and lines of the city's system.

*Owner* means the record title owner of a residential, commercial, or industrial structure within the city, whether an individual, partnership, or corporation.

*Separate connection* means each residential unit occupied by a separate family or person, including separate apartments and townhouses within a single building, and each business unit occupied by a separate business, including separate establishments within a single building.

*Single-family residential user* means any user of the city's water and sewer system that consists of one residence designed for use and occupancy by a single-family unit.

*System* means the water and/or sanitary sewer facilities of the city and all extensions and additions thereto, whether now in place or hereafter constructed.

*Unacceptable plumbing practices* means practices not accepted by or which are in violation of the [~~Uniform Plumbing Code~~] International Plumbing Code.

**Sec. 71-2. Tap and inspection fees.**

(a) *Water connection fees (residential and commercial users).*

- (1) Water users shall be connected to the city's water system by the city in accordance with city policy. Prior to the connection of a residential or commercial user to the city's water system, a connection fee assessed in accordance with the following fee schedule shall be paid to the city to cover the cost of making said connection and the cost of materials. The user shall also be responsible for repairing or restoring any yards, sidewalks, streets or other improvements affected by the installation of the connection to the satisfaction of the city's inspector within 30 days of the installation. Notwithstanding that repair or restoration costs are part of the connection fee, upon failure of the user to complete the repairs on a timely manner, the city's operator will make such repairs and the user shall have the city's cost of the repairs billed to them on the next month's water and/or sewer bill.

**WATER CONNECTION FEE SCHEDULE**

Single-family residential:

| <i>Meter Size</i> | <i>Cost</i>                            |
|-------------------|----------------------------------------|
| 3/4"              | \$550 plus ½ cost of any required bore |
| >3/4"             | \$750 plus ½ cost of any required bore |

Multifamily residential and non-residential: Meter size and cost will be based on the individual needs of the facility based on engineering requirements.

- (2) No person shall receive or use city water services unless a water meter has been properly and lawfully installed for such user. Each single-family dwelling, each multifamily residential building, and each commercial user, receiving city water services, shall have at least one meter, and shall have a water bill for at least one user. Each single-family dwelling receiving city water services shall be a separate single-family residential user, regardless of whether the dwelling is owned or rented alone or together with other residential or business units. This chapter does not prohibit multiple meters for one building.
- (b) *Sewer connection fees (residential and commercial).*
- (1) Sewer users shall be connected to the city's sewer system by the city in accordance with city policy. Prior to the connection of a residential or commercial user to the city's sewer system, a connection fee assessed in accordance with the following fee schedule shall be paid to the city to cover the cost of making said connection and the cost of materials. The user shall also be responsible for repairing or restoring any yards, sidewalks, streets or other improvements affected by the installation of the connection to the satisfaction of the city's inspector within 30 days of the installation. Notwithstanding that repair or

restoration costs are part of the connection fee, upon failure of the user to complete the repairs on a timely manner, the city's operator will make such repairs and the user shall have the city's cost of the repairs billed to them on the next month's water and/or sewer bill.

#### SEWER CONNECTION FEE SCHEDULE

Single-family residential: \$750 plus ½ cost of any required bore.

Multifamily residential and non-residential: Cost will be based on the individual needs of the facility based on engineering requirements.

- (2) No person shall receive or use city sewer services unless a sewer tap has been properly and lawfully installed for such user. Each single-family dwelling, each multifamily building, and each commercial user receiving city sewer services, shall have at least one sewer tap, and shall have a sewer bill for at least one user. Each single-family dwelling receiving city sewer services shall be a separate single-family residential user, regardless of whether the dwelling is owned or rented alone or together with other residential or business units. This chapter does not prohibit multiple sewer taps for one building.
- (c) *Nontaxable entity water tap.* Prior to the connection of a commercial user that is exempt from the payment of ad valorem property taxes under state law, a tap fee equal to the city's actual cost of installing the tap, meter and any necessary service lines plus such user's pro rate share of the city's actual cost of the facilities necessary to provide city services to such user that are financed or to be fully or partially financed by the city's tax bonds (as determined by the city's consultants and approved by the city council) shall be paid to the city. The user shall also be responsible for repairing or restoring any yards, sidewalks, streets or other improvements affected by the installation of the tap to the satisfaction of the city's inspector within 30 days of the installation. Notwithstanding that repair or restoration costs are part of the tap fee, upon failure of the user to complete the repairs timely, the city's operator will make such repairs and the user shall have three times the city's cost of doing the repairs billed to them on a monthly water and sewer bill.
- (d) *Temporary construction and bulk water meters.* All temporary service shall be metered and billed to the temporary customer as provided herein.
  - (1) During construction of residential or commercial buildings, or related infrastructure or development, a builder or contractor may use water from a fire hydrant only after paying the set-up fee and deposit (as stated in the city's most recently adopted fee schedule resolution) [~~a \$50.00 installation fee and a \$750.00 deposit~~] to the city for installation of a temporary meter [~~and use of a fire hydrant wrench~~]. Such deposit will be returned after the builder or contractor completes all construction [ ~~-The~~ ] unless the deposit described herein [~~may be~~] is applied by the city to pay for the cost of water usage by a builder, contractor, or their agent and/or the cost of repair of any damage to the hydrant or other city facilities caused by a builder, contractor, or their agent. The cost of water shall be billed at commercial rates.
  - (2) In addition to water provided pursuant to construction, a party may purchase water in bulk from the city, if available as determined by city. Bulk water rates shall apply to the temporary use of water from a city flushing valve or city fire hydrant or other appurtenances of the city's water system, and such sale shall be conditioned upon satisfying the following conditions:

- a. Bulk water may only be purchased after execution of a fire hydrant use agreement between the city and the bulk water purchaser (guarantor), in form approved by the city attorney;
  - b. The guarantor shall first make a deposit to the city as specified in section 71-12 as security for payment of the water;
  - c. All water utilized by the guarantor shall be taken through the fire hydrant meter, and shall be paid for by the guarantor;
  - d. Guarantor shall pay the water meter base charge and rates as provided in this ordinance and/or the city's most recently adopted fee schedule resolution ~~[of \$100.00, and the rate of \$10.00 per 1,000 gallons of water used];~~
  - e. The guarantor acknowledges and stipulates that the water meter base charge shall be due and payable to the city as provided herein regardless of whether any water is actually utilized by the guarantor.
- (3) All unauthorized withdrawal of water from flushing valves, fire hydrants, or other appurtenances of the city's system without prior approval of the city, except for emergency fire-fighting purposes, is prohibited.

(e) *Prefacility inspection.* All builders or contractors for property owners within the city must contact the city operator prior to starting any work on property within the city to do an inspection to verify city facilities. If any city facility is either damaged or cannot be located, the operator will make necessary repairs or locate and make visible at the expense of the city. A copy of the inspection will be given to the builder's or contractor's representative. After the inspection and any necessary work is completed, the builder or contractor will then be responsible for paying the costs of all damages, adjustments, relocations and repairs found during the final site survey. The cost for each inspection shall be as provided for in the city's most recently adopted fee schedule resolution ~~[is \$25.00]~~.

(f) *Facility inspection.* After construction has been completed on the property, but before service is transferred to a user, the city operator will conduct a final site survey to reinspect the water tap, meter and all other city facilities on the property for a fee ~~[of \$25.00 (the fee)]~~ which shall be collected at the time the tap fee is paid.

The property owner, builder or contractor will be held responsible for any damages or adjustments to city facilities and the cost of repairing, adjusting or relocating the facilities (the "backcharges") before service shall be initiated to a user. If any reinspections of the facilities are required to ensure that the city's facilities are repaired, relocated or adjusted, a fee ~~[of \$25.00]~~ shall be charged for each such reinspection before service will be transferred to a subsequent user. Payment of the backcharges, or any inspection or reinspection fees, shall be made on or before the last day of the month for said charges. The city may withhold the provision of service to the property or to the other property owned by any user, property owner, builder or contractor who has failed to timely pay the backcharges or any inspection or reinspection fee, including specifically the provision of additional taps; provided, however, the city shall follow the notification procedures set forth in this chapter prior to withholding the provision of service.

(g) *Grease interceptor [trap] inspections.* Any user responsible for a discharge requiring a grease interceptor/trap and sampling well shall provide equipment and facilities of a type and capacity approved by the city, locate the grease interceptor/trap in a manner that provides ready and easy access for cleaning and inspection, and maintain the trap in effective operating condition. It shall be the responsibility of the user to maintain and service such user's interceptor/trap. All interceptors [traps] shall be cleaned a minimum of once ~~[a month]~~ every four (4) months. For each grease interceptor/trap installed, there shall be charged a flat rate inspection fee ~~[of \$35.00]~~. The operator may, as he deems necessary, reinspect a grease interceptor/trap that he suspects is not being maintained properly at any time, and each such reinspection shall be charged a fee ~~[of \$40.00]~~ per reinspection.

(h) *Sewer and water complaints.* Any user reporting a water or sewer problem must first assess if the leak/blockage is on the city-side or consumer-side of the connection. ~~[If city assets are called out to repair a problem with the system, and the problem is determined to be the city's responsibility, repairs will be made accordingly. If, however, the city inspector determines the problem to be user related (e.g., requiring the use of a plumber to repair at the user's expense), the user will be assessed a fee at \$40.00 per hour to cover the cost and time required for the inspection.]~~

If the leak/blockage location is not easily determined, a city employee may be sent to inspect the problem. If the problem is determined to be the city's responsibility, city assets will be called out and repairs will be made accordingly. If, however, the city employee determines the problem is on the consumer side, repairs will be the responsibility of the user. A fee for time required for the inspection may be assessed on a user for repeated complaints where the problem is not on the city's side of the connection.

(i) *Fees.* All fees in this section shall be as provided for in the city's most recently adopted fee schedule resolution.

### **Sec. 71-3. Regulatory assessment.**

~~[As]~~ Where required by the Texas Water Code, each user of the city's water and sanitary sewer system is hereby assessed a charge of one-half of one percent of the city's charge for water and sewer service. This assessment is included in the rate schedules listed below and will be forwarded to the ~~[state natural resource conservation commission]~~ TCEQ for use in paying costs and expenses incurred in its regulation of water systems. ~~[Additionally, a voluntary donation of \$3.50 will be annotated on each monthly billing statement should the user wish to contribute to the operational costs for providing fire and emergency medical services to the city. All donations will be forwarded to the fire department and EMS organizations.]~~

### **Sec. 71-4. Water rates.**

(a) *Monthly rates.*

(1) *Single-family residential users.* Single-family residential users shall be charged monthly for water as follows:

|                        |                                                                                 |
|------------------------|---------------------------------------------------------------------------------|
| First 2,000 gallons    | <del>[\$25.00]</del> <u>\$28.36</u> ( <del>[minimum]</del> <u>base charge</u> ) |
| All over 2,000 gallons | <del>[\$2.00]</del> <u>\$2.60</u> per 1,000 gallons                             |

(2) *Multifamily residential users.*

- a. *Single meter.* Each multifamily building that is served by a single meter shall be charged monthly.
- b. *Multiple meters.* If a multifamily building is served by more than one meter, water delivered through each meter shall be charged the ~~[minimum]~~ base rate for single-family residential users ~~[times]~~ multiplied by the number of units served through such meter, with consumption over the ~~[minimum]~~ base amount charged at the rates quoted above for single-family residential users.

(3) *Commercial users.* Each business unit occupied by a separate business, including separate establishments within a single building, whether connected by a single meter or multiple meters, shall be charged monthly for water as follows:

|                        |                                                                          |
|------------------------|--------------------------------------------------------------------------|
| First 2,000 gallons    | <del>[\$30.00]</del> <u>\$34.03</u> ( <del>[minimum]</del> <u>base</u> ) |
| All over 2,000 gallons | <del>[\$2.00]</del> <u>\$2.60</u> per 1,000 gallons                      |

(4) *Irrigation systems.* Metered water connections established solely for the purpose of providing water to irrigation systems shall be charged monthly for water usage at the above-quoted rates that apply to such type of user. There shall be no sewer service charge for irrigation meters.

(5) *One-thousand gallon unit.* The fee for any 1,000-gallon unit shall also apply to any portion of a 1,000-gallon unit.

(b) *Pressure of water.* The city intends to use all reasonable efforts to supply adequate pressure of water to any user. The city does not and will not guarantee to any user a specific quantity or pressure of water for any purpose whatsoever. The city is required only to furnish a connection to its water system and in no case shall the city be liable for the failure or refusal to furnish water or any particular amount or pressure of water; however, the city shall use reasonable efforts to supply water to all users at an acceptable minimum pressure.

(c) *Sale or use of water or sewer services.*

- (1) No person or entity except the city shall sell or resell water from the city's water system.
- (2) No person or entity except the city shall sell or resell city sewer services.
- (3) No person or entity except the city shall receive or use water from the city's water system without having a direct connection ~~[the to]~~ to the city's water system.
- (4) No person or entity except the city shall receive or use city sewer services without having a direct connection to the city's sewer system.
- (5) It is an affirmative defense to this subsection that the person or entity has the express, written, unrevoked consent of the city council or its designee for such sale, resale, receipt, or use.

**Sec. 71-5. Sewer.**

(a) *Single-family residential users:*

|                        |                                                                          |
|------------------------|--------------------------------------------------------------------------|
| First 2,000 gallons    | <del>[\$30.00]</del> <u>\$34.03</u> ( <del>[minimum]</del> <u>base</u> ) |
| All over 2,000 gallons | <del>[\$2.00]</del> <u>\$2.60</u> per 1,000 gallons                      |

(b) *Multifamily residential users:*

|                        |                                                                          |
|------------------------|--------------------------------------------------------------------------|
| First 2,000 gallons    | <del>[\$30.00]</del> <u>\$34.03</u> ( <del>[minimum]</del> <u>base</u> ) |
| All over 2,000 gallons | <del>[\$2.00]</del> <u>\$2.60</u> per 1,000 gallons                      |

(c) *Commercial users:*

|                        |                                                                          |
|------------------------|--------------------------------------------------------------------------|
| First 2,000 gallons    | <del>[\$35.00]</del> <u>\$39.71</u> ( <del>[minimum]</del> <u>base</u> ) |
| All over 2,000 gallons | <del>[\$2.00]</del> <u>\$2.60</u> per 1,000 gallons                      |

(d) *Additional applications.* The fee for any 1,000-gallon unit shall also apply to any portion of a 1,000-gallon unit.

(e) *Sewer fees.* ~~[Sewer fees shall be based upon the amount of water used and the city shall not be required to prove that the water went into the city's sewer system.]~~ Sewer fees are calculated using the metered amount of water provided to the user. The city shall not be required to prove that the water went into the city's sewer system.

(f) *Quality of sewage.*

(1) *Domestic waste.* Only ordinary liquid and water-carried waste from domestic activities that is amenable to biological treatment and that is discharged from sanitary conveniences of buildings connected to a public sanitary sewer system shall be discharged in the city's sanitary sewer lines. Waste resulting from any process of commerce or industry may not be discharged in the city's sanitary sewer lines except as authorized pursuant to subsection (f)(2) of this section.

(2) *Commercial and industrial waste.* All discharges other than waste described in subsection (f)(1) of this section are prohibited unless the user has applied to and received written authorization from the city for such discharge. The applicant must file a statement with the city containing the following information:

- a. Name and address of applicant;
- b. Type of industry, business, activity, or other waste-creative process;
- c. Quantity of waste to be discharged;
- d. Typical analysis of waste;

- e. Type of pretreatment proposed; and
- f. Such other information as the city may request in writing.

The city shall have the right to reject any application for discharge of nondomestic waste into the city's sanitary sewer lines if the city determines in its sole discretion that the proposed discharge may be harmful to the city's sanitary sewer system or the environment. The city also shall have the right in approving any application for the discharge of nondomestic waste to impose any limitations on such discharge that the city determines in its sole discretion to be necessary to protect the city's sanitary sewer system or the environment.

- (3) *National categorical pretreatment standard.* If a user is subject to a national categorical pretreatment standard pursuant to regulations promulgated by the Environmental Protection Agency under Section 307 of the Federal Clean Water Act, the user is prohibited from discharging pollutants into the city's sanitary sewer system in violation of applicable categorical pretreatment standards.
- (4) *City testing; pretreatment.* The city shall have the right to sample and test any user's discharge at the discretion of the city's operator, with no limit as to the frequency of the tests, and to charge the user for the city's cost of such sampling and testing. The city also shall have the right to require pretreatment, at the user's expense, of any discharge of nondomestic waste if the city determines in its sole discretion that pretreatment of such waste is necessary to protect the city's sanitary sewer system or the environment, even if pretreatment is not otherwise required pursuant to subsection (f)(3) of this section.

#### **Sec. 71-6. Swimming pool inspections.**

Every user who plans to construct or install a swimming pool within the city shall notify the city's operator in writing prior to commencing construction of the pool. Upon notification by the user of the intention to construct or install a swimming pool, the user shall pay an inspection fee. [~~of \$40.00.~~] The fee shall be as provided for in the city's most recently adopted fee schedule resolution.

After the notification is received, the city's operator shall ensure that all drains from the swimming pool are connected to the city's sanitary sewer system. After the drains have been installed and before service is authorized by the city for said swimming pool, the user shall notify the city's operator, who shall make an inspection of all swimming pool drains to verify that the proper connection is made.

#### **Sec. 71-7. Plumbing regulations.**

Pursuant to 30 Tex. Admin. Code § 290.38 et seq., the city adopts the following plumbing regulations, which apply to all users of the city's potable water distribution system.

- (1) *Plumbing code.* The city hereby adopts by reference as the city's plumbing code the [~~Uniform~~] International Plumbing Code.
- (2) *Plumbing fixtures.* A user is not permitted to install any plumbing fixture, which is not in compliance with a state and city approved plumbing code.

(3) *Prohibition against water contamination.* No direct connection between the city's potable water distribution system and a potential source of contamination is permitted. Potential sources of contamination shall be isolated from the city's potable water distribution system by the installation of an air-gap or an appropriate backflow prevention device in accordance with state plumbing regulations. In addition, all pressure relief valves and thermal expansion devices must be in accordance with state and city plumbing codes.

(4) *Backflow prevention assemblies.* All sprinkler systems, spas and pools must have backflow prevention assemblies installed by the user at the user's sole cost and expense. In addition, every new and existing non single-family residential user is required to install a backflow prevention assembly at any meter servicing such a user's property. Every new and existing user is also required to install other backflow prevention assemblies at any fixture in order to prevent contamination of the city's water distribution system or if the user's plumbing system poses a high health hazard. A high health hazard is defined by the state natural resource conservation commission as a "cross connection, potential crossconnection, or other situation involving any substance that could cause death, illness, spread of disease, or has a high probability of causing such effects if introduced into the potable drinking water supply." If the city determines that a user must install a backflow prevention assembly as protection against a high health hazard, the backflow prevention assembly used must comply with a state and city approved plumbing code and must be tested and certified at least annually by the city's operator. The cost will be as provided for in the city's most recently adopted fee schedule resolution ~~[\$75.00]~~, which is due and payable prior to the test.

- a. The user is responsible for insuring that all backflow prevention assemblies are tested upon installation by a recognized backflow prevention assembly tester. A list of certified backflow prevention assembly inspectors can be obtained from the local office of the state natural resource conservation commission. If this test is performed by the city's operator or its subcontractor, the cost will be as provided for in the city's most recently adopted fee schedule resolution ~~[\$75.00]~~, which is due and payable prior to the test. The user is solely responsible for the cost of the test. If the installation of a backflow prevention assembly is required by this chapter in order to prevent a serious threat to the city's public water supply, then the city, in its sole discretion, may immediately terminate service to the user. In that event, service will not be restored until the backflow prevention assembly has been installed and tested and a signed and dated original of a "Backflow Prevention Assembly Test and Maintenance Report" in the form attached to the ordinance from which this section is derived as exhibit "A" has been provided to the city's operator.
- b. If a backflow prevention assembly must be installed pursuant to this chapter for reasons other than to eliminate a serious threat to the city's public water system, the user must install the backflow prevention assembly within five working days after receipt of notice from the city that such installation is required. In addition, the user must provide the city's operator with a signed and dated original of a "Backflow Prevention Assembly Test and Maintenance Report," in the form attached to the ordinance from which this section is derived as exhibit "B," within three working days of the installation of the backflow prevention assembly and within three working days of any subsequent repair, maintenance or testing of such assembly. If the user fails to provide the testing certificate within this time, the city, in its

discretion, may terminate service to the user pursuant to the terms of this chapter. The city's operator will retain such reports for a minimum of three years.

(5) *Customer service inspections.*

- a. A customer service inspection is required prior to the time the city:
  1. Provides continuous water service to new construction;
  2. Provides water service to private plumbing facilities that have been added to existing construction or materially improved or corrected; or
  3. Continues service to a user when the city has reason to believe that crossconnections or other unacceptable plumbing practices exist. The cost of such customer service inspection shall be as provided for in the city's most recently adopted fee schedule resolution ~~[is \$100.00]~~ for single-family residential users and will be determined on an individual basis for other users. All fees relating to the customer service inspections shall be paid by the user prior to the inspections, and if the inspection is made in connection with new construction, the fee will be collected with the tap fee.
- b. Prior to initiating service to new construction or buildings containing new plumbing fixtures, the user must provide the city's operator with a signed and dated "Customer Service Inspection Certification," in the form attached to the ordinance from which this chapter is derived as exhibit "B." The city's operator will retain such inspection certifications for a minimum of ten years. If the city's operator does not perform the initial customer service inspection, the user will need to obtain a final inspection certificate from the city's operator prior to receiving service. In connection with this final plumbing inspection, the user shall allow its property to be inspected by the city's operator or its subcontractors during normal business hours for possible crossconnections and other unacceptable plumbing practices, which violate this section. The cost of this final plumbing inspection shall be as provided for in the city's most recently adopted fee schedule resolution ~~[\$50.00]~~ for single-family residential users and will be determined on an individual basis for other users. The cost of this final inspection shall be paid by the user prior to the final plumbing inspection. Thereafter, the city's operator or its subcontractors may, at the discretion of the city and/or the city's operators, periodically inspect a user's plumbing system during normal business hours for the purpose of identifying possible crossconnections and other unacceptable plumbing practices which violate the city's ordinances.

(6) *Prohibition against crossconnections.*

- a. No crossconnection between the city's potable water distribution system and a private water system is permitted. Where an actual air gap is not maintained between the public water supply and a private water supply, an approved reduced pressure-zone backflow prevention assembly must be properly installed and such assembly must be annually inspected and tested by a certified backflow prevention device tester. A list of certified backflow prevention device testers may be obtained from the local office of the state natural resource conservation commission. By accepting service from the city, all users agree to allow such annual inspection and

testing of backflow prevention assemblies to take place during normal business hours. If any user refuses to allow such annual inspection and testing, service to such user will be discontinued until such inspection and testing is completed.

- b. No connection that allows water to be returned to the city's potable water distribution system is permitted. This includes, but is not limited to, any device pursuant to which water is removed from the city's potable water distribution system, circulated through a user's system for condensing, cooling and heating of fluids or industrial processes, including but not limited to a heat exchange system, and routed back to the city's potable water distribution system.
- (7) *Notice of unacceptable plumbing practices.* The city shall notify the user in writing of any crossconnection or other unacceptable plumbing practice, which has been identified during the customers service inspection, the final plumbing inspection, any periodic reinspection, or any other inspection. At its sole cost and expense, the user shall immediately correct any unacceptable plumbing practice on its premises and properly install, test and maintain any backflow prevention device required by the city within two working days of receipt of notice of the improper crossconnection. The user shall provide copies of all testing and maintenance records on such devices to the city within three working days of the testing or maintenance. If the user fails to correct the noted unacceptable plumbing practice, the city may immediately terminate water service or, at the user's sole cost and expense, eliminate the crossconnection or correct the unacceptable plumbing practice.
- (8) *Penalty for violation.* The failure of a user to comply with the terms of this section will be considered a violation of this article. If such a violation occurs, or the city determines the existence of a serious threat to the integrity of the city's water supply, the city in its sole option, may, in addition to all other legal remedies available to it, including those remedies set out in this article immediately terminate service or, at the user's sole cost and expense, install the plumbing fixtures or assemblies necessary to correct the unacceptable plumbing practice. If the city terminates service in order to preserve the integrity of the city's water supply, service will be restored only when the source of the potential contamination no longer exists or until additional safeguards have been taken. Any and all expenses associated with the enforcement of this section shall be billed to the user.

#### **Sec. 71-8. Late payments.**

- (a) *Late payment charge.* Unless payment of the monthly water or sewer bill is received on or before the delinquency date specified in section 71-9(a), or payment of any [~~backcharge~~] prior charges is received on or before 20 days after the date of the bill, a late payment charge of ten percent of the unpaid balance will be due the city to cover the city's costs of collection of such delinquent amount. All accounts not paid by the due date shall be considered delinquent. If any part of a user's bill is delinquent, all charges shall be considered due and payable.
- (b) *Certified delinquent letter fee.* A fee [~~of \$10.00~~] shall be charged by the city for each notice of termination mailed by certified mail to an account to cover the city's costs associated with such notice. The fee shall be as provided for in the city's most recently adopted fee schedule resolution.

## Sec. 71-9. Termination and reconnection of service.

- (a) *Monthly bills and termination.* Charges for services performed shall be billed monthly. ~~[All bills shall be payable by the 20th day from the date of the bill. Unless payment of the monthly bill is received by the 20th day from the date of the bill, such account shall be considered delinquent and a one time late charge equal to ten percent of the unpaid balance shall be charged.]~~ All bills shall be payable by the due date listed on the bill. Unless payment of the monthly bill is received by said due date, such account shall be considered delinquent and a one-time late charge equal to ten percent of the unpaid balance may be charged.

~~[The city may, in its discretion, disconnect service for failure to pay all charges and backcharges, including any late charges, by the third day after the due date; provided, however, that prior to disconnecting services, the city shall send written notice by United States certified first class mail to the user or entity at the appropriate address and provide the user or entity of the account of the delinquent payment, the date service will be disconnected or additional service withheld if payment is not made. The notice shall be deposited, postpaid, in a post office or official depository under the care and custody of the United States Postal Service. A written statement by the city's operator that the notice was so mailed shall be prima facie evidence of delivery of the same.]~~

- (b) *Disconnection for nonpayment.*

The city shall verify delinquent accounts, notify delinquent customers of possible termination, and take the following action to terminate service:

- (1) The city shall send a delinquent customer written notice referred to as a "ten-day letter."

The ten-day letter shall:

- a. State that the city's records indicate the customer's bill is delinquent and provide the delinquent amount;
  - b. State that the customer has ten (10) business days to make satisfactory payment before the city takes further action;
  - c. State in bold type that if the customer fails to make satisfactory payment or contest the billing as provided by these procedures within ten (10) business days from the date of the letter, the city shall terminate water service;
  - d. Provide the phone number and address to contact the city department responsible for billing and account termination; and
  - e. Advise a delinquent customer of the dispute and appeal procedure.
- (2) In addition to the ten-day letter, the city shall send the delinquent customer a separate final invoice stating "final warning."
- (3) If a customer advises that that the customer does not have funds to pay a delinquent water bill, the city shall provide the customer a list of social services. This notification shall not stop the termination process.
- (4) Procedures for customers disputing termination of water service:
- a. A customer wishing to dispute termination of water service must contact the city within five (5) days of the date of the ten-day letter and advise the department of a dispute.

A city representative shall discuss the situation with the customer before the city terminates water service.

b. If the dispute is not resolved to the customer's satisfaction, the customer may request an appeal to the director of administrative services, or designee. The customer shall request this appeal in writing within three (3) business days of the dispute meeting with the initial city representative. The director of administrative services, or designee, shall hear the appeal within two (2) business days of notification of the appeal.

c. If the director of administrative services, or designee, does not resolve the dispute in the customer's favor, the city shall notify the customer in writing that the customer is responsible for the total amount in question.

d. The customer shall have three (3) business days from the date of the letter in which to pay the delinquency.

e. If the customer fails to pay the delinquency, the city shall terminate water service.

f. In addition to termination of water service, the city may implement all appropriate legal remedies to collect the amount owed.

(5) Nothing herein shall restrict the right of a customer at any time to dispute a billing or payment issue that is not related to a notice of termination of water service.

~~[(b)]~~ (c) *Reconnection.* If service to a user is disconnected for any cause, a reconnection fee ~~[of \$50.00]~~ shall be paid to the city before service is again commenced at such location. In addition, such user shall be required to pay a security deposit ~~[of \$75.00]~~ as described in section 71-12, less any prior security deposit on file in the city's records for such user, before service is reconnected. Payment of all amounts under this section must be in the form of cash, cashier's check, or money order.

~~[(e)]~~ (d) *Pulled meters.* If usage is detected on a user's water meter after the city has terminated service to such user, such user's meter will be pulled and a ~~[\$50.00]~~ fee, in addition to the ~~[\$50.00]~~ reconnection fee described in subsection (c) of this section and the penalties described in section 71-14(c), shall be collected before service is again commenced to such user. Payment of such fee must be in the form of cash, cashier's check, or money order.

~~[(e)]~~ (e) *Vacation.* Water/wastewater customers may request a temporary billing suspension for a period not less than three full billings cycle but not more than six billing cycles. Customers will be charged a temporary suspension and reconnection fee ~~[of \$50.00]~~ at the time of the request. The customer will be required to pay their account balance, including all utility charges up to the date of suspension and the temporary suspension fee, at the time the service is suspended. Written notice must be given two business days prior to the no service date request. The billing will continue and there will be no service suspension if the utility account has a balance. Upon the effective date of the temporary billing suspension, the city will turn off and lock the water meter. Upon the termination of the temporary billing suspension period, the water meter will be turned on and the utility account will be reactivated. Upon meter activation, billing for utility service will restart.

- (f) Fees. All fees provided for herein shall be as provided for in the city's most recently adopted fee schedule resolution.

**Sec. 71-10. Returned checks.**

In the event that a user's check is returned unpaid by said user's bank for any cause, a charge [~~of \$25.00~~] shall be added to such user's bill to cover the city's cost of handling. If such user's account is also more than 30 days delinquent, the account shall be scheduled for termination and notice thereof shall be given as provided in section 71-9(a). In such event, payment for the amount due on such account must be in the form of cash, cashier's check, or money order.

The charge shall be as provided for in the city's most recently adopted fee schedule resolution.

**Sec. 71-11. New account fee.**

A nonrefundable fee [~~of \$20.00~~] shall be charged for each new account in order to cover the city's costs of setting up such account. Such fee shall be paid prior to service being initiated and shall be in addition to the security deposit required under section 71-12. The fee shall be as provided for in the city's most recently adopted fee schedule resolution.

**Sec. 71-12. Security deposits.**

- (a) *Security deposits.* A deposit shall be charged to all new users in the city as follows:

Residential owner: \$75.00

Residential renter: \$200.00

Commercial—1" meter or smaller: \$200.00 deposit

Commercial—2" meter or larger: \$400.00 deposit

Temporary construction meter: \$750.00

Bulk water purchase (residential): \$1,000.00

Bulk water purchase (commercial/pipeline): \$5,000.00

Such sums shall be required prior to service being initiated and shall be held by the city as a deposit to assure prompt payment of all charges for utility service. No interest will be allowed on such deposits.

- (b) *Deposit transfers.* Security deposits may not be transferred from one user to another; however, a user who moves from one address to another within the city may have the security deposit from the account at the previous address transferred to the account at the new address.
- (c) *Builder deposits.* A \$500.00 deposit shall be required of a builder at the time a request for each initial water tap is made for a residence, commercial building, or other structure in the city. Said deposit will be refunded by the city upon transfer of the account from such builder to a homeowner; provided, however that the deposit shall be forfeited as a penalty in the event

any provision of this article or the city's policy manual regarding sanitary sewer facilities, service lines and connections, as may be amended from time to time, is violated. The deposit described herein may be applied by the city to the cost of repair of any damage caused to city property by the builder or builder's agent, whereupon it will be the builder's responsibility to reinstate the original amount of the deposit prior to the city's operator making any additional water taps for said builder.

(d) *Initial application documentation and leasehold customers.*

- (1) In order to obtain new utility service or to transfer existing service, each person or entity applying for service shall present the City of Manvel with a copy of the deed or other document showing ownership of the real property to which the utility service is to be provided. The application and customer's contract for service must be in the same name as the property owner.
- (2) If the person or entity applying for service is leasing from the property owner, or is otherwise authorized by the property owner to contract for service but is not the property owner (e.g., an executor, trustee), then a written lease in the name of the customer and signed by the customer and the landlord is required.
- (3) If the customer has no written lease, or other written authorization satisfying the city, the customer shall provide the City of Manvel with a signed copy of an "Affidavit of Lease Agreement" on the form presented by the City of Manvel. Such affidavit shall be signed by the customer/tenant and the landlord and such affidavit must be dated within the last 30 days.
- (4) Only the customer/tenant listed in the affidavit or lease shall be eligible to have the utility service placed into their name.
- (5) A customer that has a balance owed on the utility account cannot switch utility service from one name to another name listed in the affidavit or lease without the account being paid in full.
- (6) If there is a balance owed on a utility account, a new applicant for service at the same premises cannot contract for utility service without the account being paid in full if the new applicant was on the lease with, or lived with, the prior delinquent account customer at that location.

**Sec. 71-13. Requirements for service.**

- (a) *Platting requirement.* Prior to initial connection to the city's water or sewer system, a user shall submit to the city's operator proof that the user's property has been platted in accordance with the city ordinances. Acceptable proof of platting includes a copy of the recorded plat or a certificate that the property is legally exempt from the platting process. All properties that are built on prior to water and sewer service being available to that property are exempt from the platting requirement.
- (b) *Permits.* Any applicant requesting connection to the city's system must have obtained all necessary permits. The city may require proof that a permit has been obtained or requirement for such permit has been waived.

- (c) *Plumbing material restrictions.* The use of the following materials are prohibited in any and all improvements connected to the city's water system:
  - (1) Any pipe or pipe fitting which contains more than eight percent lead; and
  - (2) Any solder or flux which contains more than 0.2 percent lead.
- (d) *Approval of plans.* Before any connection, other than a single-family residential user connection, is made to the city's water, sewer, or drainage system, or before any reconnection is made, the person requesting such connection shall submit to the city's engineer for review and approval the water, sanitary sewer, and drainage plans and specifications for the property for which the connection is sought. Such plans shall clearly show the estimated volumes of water of effluent and the proposed points of connection to the city's system. A copy of such approved plans, with the engineer's approval indicated thereon, shall be submitted to the city's operator. Any modifications of such plans shall require re-approval by the city's engineer. The city reserves the right to require removal of any connection made in violation of this section.
- (e) *Access to premises.* The city will have the right of access to the customer's premises at all times reasonable for the purpose of installing, inspecting or repairing water and sewer mains or other equipment used in connection with its provision of water and sewer service, or for the purposes of removing its property and disconnecting lines and for all other purposes, to protect the health and welfare of its customers.

#### **Sec. 71-14. Miscellaneous provisions.**

- (a) *Future adjustments.* The city reserves the right to increase rates and fees from time to time when, in the opinion of the city council, such increases are required to cover the costs of administration, efficient operation, and adequate maintenance of the city's facilities.
- (b) *No free service.* No free service shall be granted to any user for water or sewer services furnished by the city whether such user be a charitable or eleemosynary institution, a political subdivision, or a municipal corporation, and all charges for water and sewer service shall be made as required herein.
- (c) *Penalties for violation.* Any person who:
  - (1) Violates any section of this article;
  - (2) Makes unauthorized use of city services or facilities;
  - (3) Causes damage to city facilities by using such facilities in a manner or for a purpose contrary to the purpose for which such facilities were designed;
  - (4) Violates the city's rules and regulations governing sewer lines and sewer connections; or
  - (5) Constructs facilities or buildings that are not included in the approved plans for development described in this article;

Shall be subject to a penalty up to the maximum amount as provided by law [~~of up to \$500.00~~] for each breach of each one of the foregoing provisions. Each day that a breach of any provision hereof continues shall be considered a separate breach. This penalty shall be in addition to the other penalties, fees and charges provided by this article and the laws of the state and in addition to any other legal rights and remedies of the city as may be allowed by law.

- (d) *Maintenance and repair.* It shall be the responsibility of each user to maintain the water and sewer lines from the building served to the point of connection to the city's system.
- (e) *Out-of-city service.* The city council shall determine whether to provide any utility service to areas outside of the city and the terms and conditions for such service.
- (f) *Nonliability of city.* Neither the city nor its agents, employees, officers, or representatives shall bear any liability to any person other than the city for any act, omission, or condition in any way directly or indirectly related to the subject matter of this article.

Secs. 71-15—71-31. Reserved.”

**Section 3.**     **Effective date.** The rates established by this ordinance shall take effect the first billing cycle that occurs after October 1, 2022.

**Section 4.**     **Penalty.** Any person who shall intentionally, knowingly, recklessly, or with criminal negligence violate any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

**Section 5.**     **Repealer.** All ordinances or parts of ordinances inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.

**Section 6.**     **Severability.** In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Manvel, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED AND APPROVED on first reading this \_\_\_\_ day of \_\_\_\_\_,  
2022.

PASSED, APPROVED, AND ADOPTED on second and final reading this  
\_\_\_\_\_, 2022.

\_\_\_\_\_  
Debra Davison, Mayor

Attest:

\_\_\_\_\_  
Tammy Bell, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Robert Gervais, City Attorney

## EXHIBIT A

### 2022 Water and Wastewater Rate Study prepared by Freese and Nichols