ORDINANCE NO. 387.3

AN ORDINANCE OF THE CITY OF SUNRISE BEACH VILLAGE, TEXAS, ESTABLISHING WATER RATES; PROVIDING FOR LATE PAYMENT CHARGE AND CHARGE FOR DISCONNECT AND RECONNECT SERVICE; PROVIDING SEVERABILITY, EFFECTIVE DATE AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.

Whereas, the provision of water services for the residents of the City of Sunrise Beach Village, Texas (the "City") is necessary for the public health of the citizens and the protection of the environment and natural resources of the City; and

Whereas, the City provides, or causes to be provided, water services to all residents and businesses within the City; and

Whereas, it is reasonable and necessary that the City establish rates related to water service to defray the cost of providing such services

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUNRISE BEACH VILLAGE, TEXAS, THAT:

Article I. Authority and Definitions.

Section 1. Amendment. Ordinance 387, Article II and III and Exhibit A, are reflected here but amended to include the underlined text in Article III, Section 3, as provided herein.

Section 2. Purpose. The purpose of this ordinance is to provide for public health and general welfare, the efficient and effective provision of City services and the protection of the environment and natural resources of the community. From and after the passage of this ordinance all residential, business, commercial and industrial occupancies and uses within the City and its service area shall conform to the following rules and regulations.

Section 3. Findings of Fact. The findings and recitations set out in the preamble of this Ordinance are found to be true and correct and that they are hereby adopted by the City Council and made a part hereof for all purposes.

Article II. Deposits, Rates and Charges for Service.

Section 1. Application for Services. Each prospective customer desiring water service shall provide appropriate information for billing, accounting and rate classification purposes in order to obtain such service and shall pay the applicable tap fees, deposits, and monthly charges as set forth in this ordinance.

Section 2. Security Deposits and Utility Accounts.

(a) Deposit Required.

(i.) All new customers of the water utility are required to pay and maintain a security deposit at all times that services are provided in the customer's name. The City shall not be required to pay interest on any deposits.

(ii.) All customers requesting utility service shall complete and sign the application for services

(iii.) and provide verification of ownership of the property to be serviced and name and current address for billing.

(iv.) In the event any utility customer's service is disconnected for late payment, the City will apply the deposit to the deficiency and require full payment of any delinquent utility account, in addition to any reconnection fees. The City may require reinstatement of the full security deposit prior to reconnection of utility services if customer has been on delinquent list for more than 3 times in twelve months.

(v.) Security deposits shall remain with the City until termination of services.

(b) Application of Utility Deposits.

(i.) All utility deposits held with the City shall, in addition to securing the payment for utility services received, also secure and may be applied to any other debt or obligation owed the City by the person or entity having made the utility deposit. The remaining balance of any and all utility deposits collected by the City for water shall be returned to the individual who secured the deposit in his or her name, at such time as such person terminates such utility service with the City. The deposit will first be applied to any outstanding utility bills, then to any additional outstanding debts to the City and the remainder will be returned upon proper request and application. Additional outstanding debts of the individual seeking return of a utility deposit include, but are not limited to:

A. other utility services which have been provided under said person's name and that have an outstanding balance due and owing to the City;

B. any Ambulance, EMS, fire or other such City operated services which have bills outstanding in such persons name;

C. liens placed by the City upon any property owned by such person; and

D. any outstanding fees, charges, court costs, fines or warrants payable by such person by virtue of any record, action or proceeding in the Municipal Court.

(ii) No interest shall accrue or be due for any security deposits.

(iii) A charge and fee in the amount of $25.00 annually, not to exceed the balance of the unclaimed utility deposit, is hereby established for each account that is required to be maintained by the City for and with respect to services, accounts and service addresses for which a customer abandoned or terminated utility service without contacting the City and closing such account or terminating service, or otherwise providing the City with a forwarding address to which the balance of such utility deposit should or could be mailed. Upon any such customer entitled to receive a refund of any such utility deposit balance contacting the City and obtaining the refund, or the depletion of such remaining deposit balance, the account shall be closed.

(iv) Whenever the Utility Department applies a deposit to any outstanding debt or refuses to return a deposit, the individual seeking return of a deposit held in their name may, if not satisfied with the decision of the Mayor, appeal the decision in writing to the City Council within ten (10) days from the date of the decision. The decision of the city council shall be final.

(c) Transfer of Services.

(i.) Any existing customer requesting a transfer of any utilities must maintain the appropriate deposit for the utility services being transferred. Any existing deposit, less deficiencies on the existing account, will be transferred directly to the new account. Any deficiencies in the prior utility account will also be transferred to the new utility account.

(ii.) No customer will be allowed to start a new service without paying all deficiencies on their existing or prior utility accounts in full and having the full deposit for utility services on deposit with the City at the time of transfer.

Section 3. Rates for Water Service. The following rates, fees and charges shall be charged and paid for water services within the City:

(a) Minimum Rate. Residential and commercial customers shall be charged the applicable minimum monthly rate per meter established herein as long as such meter is active, whether the customer actually uses the services. If the meter is removed or locked at customer's request, no minimum charge for service shall be assessed. In addition to other fees, a minimum monthly fee shall be assessed for different meter sizes as referenced in Exhibit A - Rate Schedule.

(b) Housing Projects and Multiple Units – Master Meter. Separate permanent housing units and multiple unit facilities or Master Metered facilities, including, but not limited to apartment complexes, duplexes, or mobile home parks, shall be billed at the minimum monthly charge per unit.

Section 4. Line Extension and Street Cutting Fees.

(a) Water Line Taps (standard connection) will be made for the base tap fee for "standard locations"

(i) Standard Location is when the main water line is within the ROW of the street/alley abutting the lot/parcel, and between the lot/parcel's boundary line and the paved portion of the street/alley

(ii) Non-standard locations include all other main water line locations

A. All taps at non-standard locations are "non-standard connections"

B. Non–standard connections also include taps that require work, construction, and extensions to be made for the tap,

C. Additional charges and fees will be assessed and collected for all non-standard connection work.

(b) Availability of service. The existence of mains, trunk lines or other lines, near a property will not constitute an obligation for the City to limit the tap fee or charge for making a water service tap to such line, where such lines: must be tapped: at other than a standard location, are inaccessible due to necessary crossings of streets, highways, drainage channels and similar barriers, or when cost must be incurred over and above the cost for making a tap at a standard location. Taps at non-standard locations must be arranged with the appropriate city official in advance of the desired service date, to permit necessary extensions, crossings or similar construction.

(c) Installation of non-standard connection. Upon the approval of the Mayor, the owner or developer of a subdivision requiring a non-standard connection may contract with a qualified

contractor for the installation, construction and extension of any water line necessary to make a non-standard connection or as necessary for the location for the tap to become a standard location and, in such event, such owner or developer shall pay the reasonable costs and charges therefore directly to the contractor and obtain a receipt and release from said contractor. The City shall otherwise, at the expense of the applicant for the tap, construct all line extensions and perform all construction required to make a water tap at a non-standard location. The city-designated service contractor shall inspect such construction and work to assure it is completed in compliance with the applicable rules and regulations of the City and the Texas Commission on Environmental Quality.

(d) **Costs.** The reasonable costs and expenses for installing, constructing and extending any water line of the City to provide a tap at a non-standard location, or to extend such lines to a standard location, shall be charged and collected by the City, if such costs are not paid directly by an owner/developer pursuant to (b) above. Such additional costs and expenses shall be equal to the difference between the cost of making the tap at a standard location and the cost of making the tap at the non-standard location, or the difference between the cost of making the tap at a standard location and the costs incurred for the work and construction to extend the lines to a point or location that is a standard location for the tap.

(e) **Right-of-way Easement.** A right-of-way easement may be required for installation or extension of lines. Failure to provide an adequate easement for the installation or extension of a line may result in the denial of a request for line extension or installation.

(f) **Payment of Line Extension Fee.** When a water line extension charge is required, the City may at its option require the owner or developer being furnished the line to:

(i.) deposit, in advance, the estimated costs for construction of the water line that is additional to a standard connection;
(ii.) post a bond sufficient to cover the total estimated costs of line extension; or
(iii.) provide a letter of credit sufficient to cover the total estimated costs of the line extension.

(g) **Line Extension Fees Outside City limits**. The costs set out in this section shall also apply for connections to property outside the City limits.

Section 5. No Reduced Rates or Free Service. All customers receiving services from the City shall be subject to the provisions of this ordinance and shall be charged the rates established in this ordinance, and no reduced rate or free service shall be furnished to any customer. No adjustments will be made to bills for leaks or water loss, customers may request a payment plan. It is specifically provided, however, that this provision shall not prohibit the City, upon good cause shown, from establishing reasonable classifications of customers for which rates differing from the rates stated herein may be adopted, and that nothing contained herein shall be construed to prevent the City from furnishing water services to special projects or other establishments at a bulk rate if deemed advisable by the City.

Section 6. Denial of Service. An Applicant for service may be denied service for any of the following reasons:

(a) Failure or refusal of the Applicant to complete all required forms and pay all required fees and charges;

(b) Failure or refusal of the Applicant to comply with rules, regulations or ordinances of the City concerning the requested service;

(c) Failure or refusal of the Applicant to comply with the building regulations and plumbing codes of the City;

(d) Existence of a hazardous condition at the property to be served which would jeopardize health, safety or the general welfare upon connection or during construction;

(e) Failure or refusal of the Applicant to build the facilities or structures necessary to connect to the system; or

(f) Failure or refusal of the Applicant to provide representatives or employees of the City Water Department reasonable access to the property upon which service has been requested.

Article III. Billing and Termination of Services.

Section 1. Billing and Payment for Services.

(a) **Billing Date.** The billing date shall be the date of mailing and the failure of the Customer to receive any such bill shall in no way relieve the Customer of the duty to pay for the services rendered.

(b) **Due Date.** All bills for water services are Due upon Receipt, ("TOTAL NOW DUE").

Section 2. Late Charges. If payment of any bill is not received by the" Pay this Amount After" date, the applicable late charge shown on the bill is due and payable. The bill shall be considered delinquent if payment is not received by the "Pay this Amount After" date or payment arrangements are not made prior to this date. A Delinquent notice is mailed, and customers have fifteen days from the date of the notice to clear up the entire amount then due plus current charges to avoid disconnection of services.

Section 3. Termination of Service and Charges for Disconnection and Reconnection.

(a) **Termination for Delinquency.** The City shall have the right to and may terminate water services to any Customer, including disconnecting the supply of water, at any time after any utility bill becomes 30 days past due. Water services may be discontinued based on payment for other utility services being delinquent even if payment for water services is not delinquent.

(b) **Disconnection/Reconnection Charges for Delinquency.** A charge will be assessed as a service fee for each occurrence requiring personnel to approach the residence or business unit for disconnection whether or not services are actually terminated. These charges shall include the charge for reconnection. All fees must be paid at the time past due monies are tendered, and prior to any reconnection or additional services being provided. Disconnect and reconnect fees will be per the Fee Schedule contained in Exhibit A of this Ordinance.

(c) **Service Changes at Owner's Request.** A charge will be assessed as a service fee whenever a customer requests that utility services be turned off for repair, discontinued or any other reason. For termination of services, the customer shall notify the City at least two days prior to the date he or she desires service to be discontinued. The City may refuse to discontinue services if the individual requesting termination of services is not the Customer on the account. However, the City is not responsible for services discontinued at the request of an individual having apparent authority to request disconnection of services. Disconnect and reconnect fees will be per the Fee Schedule contained in Exhibit A of this Ordinance.

(d) Termination Due to a Nuisance, Emergency or Other Reason.

(i) The City reserves the right to terminate services at any time, with or without notice, in the case of an imminent threat to the public health, safety and welfare constituting a nuisance or emergency circumstance that mandates the disconnection of services. If the City disconnects due to a nuisance or emergency circumstance within the control of the property owner, the City will notify the property owner or tenant.

(ii) The City reserves the right to uninhibited ingress and egress from the meter site to read the meter, repair the meter and provide general maintenance on the meter site. Any fencing, blockage or animals inhibiting the ability of the City to gain access to the meter site shall constitute a nuisance. The City may provide notice of the nuisance and upon failure or refusal of the property owner or tenant to ensure uninhibited ingress and egress, the City may terminate services until uninhibited ingress and egress is provided to the meter site.

(iii) Services may be disconnected without notice in instances of tampering with the City's meter or equipment after disconnection with notice, or other by-passing of the meter or equipment or diversion of service.

(e) Delinquent Accounts. Utility services will not be connected to a property where a delinquent account is outstanding from a previous customer. If the person requesting utility service demonstrates that the delinquent account holder is no longer a resident of, or in control of the property, service will be connected.

(i.) No customer may establish a new utility account in his or her name who has an outstanding deficiency from any previous utility account held by the City without paying all deficiencies in addition to the deposit for the new utility account.

(f) Disconnection on Holidays and Weekends. Unless there is a nuisance or emergency, request for termination of services shall not be disconnected on a day when personnel of the City are not available.

Section 4. Returned Checks. A "returned check fee" of $35.00 shall be charged on each payment instrument returned to the City without payment. Accounts shall be considered delinquent if a check, draft or similar instrument was tendered for payment and has been denied. Upon the sending of notice of the return of a payment instrument, the account holder shall have ten (10) days from the date of the letter to tender payment by cash or cashier's check for the balance due on the account plus the returned check fee. Services shall be terminated ten (10) days after the date the notice is mailed regular first-class mail to the address of the account holder if the balance due is not received.

Section 5. Minors. No account may be held in the name of a person who is under the age of eighteen (18) years unless the minor requesting services provides adequate evidence that the minor has been emancipated through marriage or other legal means.

Section 6. Penalty. Any person who shall violate any of the provisions of this Ordinance, or shall fail to comply therewith, or with any of the requirements thereof, within the City limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of two thousand dollars ($2,000.00). Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein.

Section 7. Repeal of Conflicting Ordinances. All parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of the most restrictive ordinance shall govern.

Section 8. Savings Clause. All rights and remedies of the City of Sunrise Beach Village are expressly saved as to any and all violations of the provisions of any ordinances affecting water within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 9. Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

Section 10. Effective Date. This ordinance shall take effect October 10,2025, and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

Section 11. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapter 551, Tex. Gov't. Code*.

PASSED AND APPROVED on this the 18th day of September 2025.

Attest:

Janie Crumpler, City Secretary

City of Sunrise Beach Village,

Rob Hardy, Mayor

EXHIBIT "A"

SECTION 1.0 – RATE SCHEDULE

Meter Size	Monthly Minimum Charge
5/8" or ¾"	$70.00 (Includes 2,000 gallons)
1"	$130.00
1 ½ "	$240.00
2"	$395.00
3"	$675.00

Gallonage Charge

$0.00 per 1000 gallons, 1st 2,000 gallons
$4.00 per 1000 gallons for 2,001 gallons to 5,000 gallons
$6.00 per 1000 gallons for 5,001 gallons to 15,000 gallons
$8.00 per 1000 gallons for 15,001 gallons to 25,000 gallons
$10.00 per 1000 gallons over 25,000 gallons

FORM OF PAYMENT –

The utility will accept the following forms of payment for monthly billing: Cash, Check, Money Order or Credit Card (Electronic only).
The utility may require exact change for payments and may refuse to accept payments made using more than $1.00 in small coins. A written receipt will be given for cash payments.

MISCELLANEOUS FEES –

TAP FEE.....$1,300.00
Plus costs of Materials
Tap fee covers the utilities costs for materials and labor to install a standard residential 5/8" or 3/4" meter. An additional fee to cover unique costs is permitted if listed on this rate schedule.

TAP FEE (Unique Costs) ..... Actual Cost
For Example, a road bore for customers outside of subdivisions or residential areas.

TAP FEE (Large Meter) ..... Actual Cost
Tap fee is the utility's actual cost for materials and labor for meter size installed.

METER FEE –

5/8" OR ¾" Meter	$2,000.00
1" Meter	$2,500.00
1 ½" Meter	Highest of $3,000.00 or Actual Cost
2" Meter	Highest of $3,500.00 or Actual Cost
3" Meter	Highest of $14,000.00 or Actual Cost

ROAD CUT FEE.....Highest of $1,500.00 or Actual Cost

METER TAMPERING FEE.....Highest of $150.00 or Actual Cost

METER RELOCATION FEE.....Highest of $1,300.00 or Actual Cost
This fee may be charged if a customer requests that an existing meter be relocated.

METER TEST FEE - $50.00 or Actual Cost, Whichever is Greater

This fee, which will reflect the utility's cost and may be charged if a customer requests a meter test and the test indicates that the meter is recording accurately.

If the account does not have a deposit, a deposit in the amount of $250.00 may be required before service is restored.

LATE CHARGE ..... 10% of bill

DOOR TAG FEE $5.00

RETURNED CHECK FEE - $35.00

CUSTOMER DEPOSIT RESIDENTIAL - $250.00

COMMERCIAL & NON-RESIDENTIAL DEPOSIT - ..... $1/6^{th}$ of Estimated Annual bill

DEPOSIT BILLING FEE $5.00

UNCLAIMED DEPOSIT MAINTANCE FEE - ..... $25.00 Annually

CITY UTILITY SURCHARGE, REMITTANCE -

Each customer to whom the City provides retail, bulk, or wholesale water service shall be charged a sum equivalent to five percent (5%) of the charges collected for such water.

CITY INFRASTRUCTURE CAPITAL IMPROVEMENT FEE –

Each customer to whom the City provides retail, bulk, or wholesale water service shall be charged a monthly fee of $10.00.

LINE EXTENSION AND CONSTRUCTION CHARGES -

Extension policy for terms, conditions, and charges when new construction is necessary to provide service. New construction costs will be at the expense of the developer.

MISCELLANEOUS CHARGES-

Disconnect for Delinquency	$25.00 plus Past Due Amount
Reconnection from Delinquency	$25.00*
Customer request for turn off	$25.00*
Customer request for turn on	$25.00*
Final Service/Transfer Account turn off	$50.00
New Service/Transfer Account turn on	$50.00*
New Service/Move In Customer Service Inspection	$50.00*
Customer Service Call	$50.00*
Replacement Meter Lid	Highest of $25.00 or Actual Cost
Replacement Meter Box	Highest of $75.00 or Actual Cost
Upgrade to Traffic Meter Box	Highest of $75.00 or Actual Cost

Customer request service be disconnected for a period not to exceed twelve (12) months	$200.00 Plus *

* Plus an additional $100.00 if the requested is outside of normal business hours.

METER REMOVAL FOR NON-PAYMENT OF ACCOUNT

- A fee of $100.00 will be charged to the account when meter is removed for non-payment. An additional fee of $100.00 will be charged to re-install meter upon satisfactory payment arrangements.