

**CITY OF HIGHLAND HAVEN, TEXAS**  
**ORDINANCE #068, Revision 10**  
**August 2, 2022**

**AN ORDINANCE OF THE CITY OF HIGHLAND HAVEN, TEXAS, ESTABLISHING BILLING PROCEDURES, RATES, CROSS-CONNECTION AND BACKFLOW PREVENTION AND FEES FOR THE HIGHLAND HAVEN WATER SYSTEM; PROVIDING FOR ENFORCEMENT AND PROVIDING FOR SEVERABILITY; PROVIDING FOR AN OPEN MEETING AND EFFECTIVE DATE.**

**WHEREAS**, the City of Highland Haven ("City") has purchased certain property from Highland Utilities and Burriss Water Management in June 2009; and

**WHEREAS**, the public health, safety and welfare, requires the adoption and enforcement of codes governing the provision of public utilities and services within the City;

**WHEREAS**, the provision of water services for the residents of the City is necessary for the public health of the citizens and the protection of the environment and natural resources of the City;

**WHEREAS**, it is necessary to establish fees and charges for the purpose of recovering the costs and expenses of providing water utility services to customers of the City or those the City has specifically entered into agreements with outside the City;

**WHEREAS**, the rates and fees have been modified at various times since the City purchased the water utility and the Board of Aldermen agree that such rates need to be modified to cover costs of utility services for both those within the City limits and those who are provided service outside the City's limits;

**WHEREAS**, a public hearing for a rate change of 3% was held as part of the fiscal year 2022 Budget;

**WHEREAS**, a public hearing for a rate change for Camp Champions was also held as part of the fiscal year 2022 Budget; and

**WHEREAS**, in order to protect the City's water utility, it is also necessary to adopt the Cross Connection and Backflow Prevention provisions set out herein, including provisions related to enforcement;

**WHEREAS**, following the public hearings on the rates and charges, the Board of Aldermen finds that it is appropriate for the costs and expenses for providing utility services to be funded by user fees collected from persons and entities receiving the benefit of such services as well as the additional protections that are necessary to ensure that the utility services remain healthy and up to the standards required;

**WHEREAS**, a public hearing for a rate change of 3% was held as part of the fiscal year 2023 Budget;

**WHEREAS**, a public hearing for a rate change for Camp Champions was also held as part of the fiscal year 2023 Budget; and

**NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HIGHLAND HAVEN, TEXAS THAT:**

**Section 1. 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 Board of Aldermen and made a part hereof for all purposes. It is further found that collection of the fees provided herein is necessary to fund water services and provide for the public health and safety.

**Section 2.** The following Highland Haven Water System billing procedures as well as the rates and fees set out in Exhibit "A," attached hereto and incorporated herein for all purposes are established effective with the January 2023 billing cycle:

**Billing Procedures**

- A. Meters are read on or about the 15<sup>th</sup> of each month
- B. Bills are mailed on or about the 20<sup>th</sup> of each month
- C. Payment is due no later than the 15<sup>th</sup> of the month, as stated on the bill
- D. Late notices are mailed on or about the 16<sup>th</sup> of the month and the disconnect date is stated on the late notice
- E. Unpaid account meters are shutoff and locked 10 days after the late notices are mailed
- F. Meter is unlocked once full payment of outstanding water bill is paid, this includes any late fees plus any disconnect and reconnect fees.
- G. For customers over the age of 60 and paying their bill by 5:00 p.m. on the 25<sup>th</sup> day after the date the bill is issued, all late fees and charges shall be waived provided the following procedure is followed: Customers must make a request and shall provide proof of their age. This subsection will only apply to the utility account in which the "over 60" customer is the primary account holder and the "over 60" customer must reside at such location the month of such request and/or any subsequent months. (Texas Utility Code Chapter 182)
- H. All water system fees including late fees are set in this Ordinance

**Seasonal Reconnection Fee**

Base rate for meter size multiplied by number of months the meter was disconnected, not to exceed six months within a twelve-month period, or involuntary disconnect over 45 days.

**Meter Read Discrepancy**

- 1. Operator will perform a bucket test within 7 days of customer's request. Appropriate action will be taken if the test results show a significant discrepancy. Applicable fees, included in the attached fee schedule, will be assessed if problem is found to be on the owner's side of the meter.
- 2. At the customer's request, the City will send the meter to an authorized meter test service center. If the meter test is within tolerance, customer will pay the water charge in question plus late and turn-off fees, if applicable, the actual cost of the meter test and any shipping costs and/or mileage expenses. If meter is found out of tolerance, the city will make an appropriate adjustment.
- 3. A customer may protest a water bill to an Appeals Board for resolution. Water service will not be discontinued while the protest is being dispositioned.



## **Public Water System Cross-Connection and Backflow Prevention**

### **Restrictions**

The following unacceptable practices are prohibited by state regulations and a customer service inspection must certify that:

- A. No direct connection between the public drinking water supply and a potential source of contamination is permitted. Potential sources of contamination shall be isolated from the public water system by an air-gap or an appropriate backflow prevention device.
- B. No cross-connection between the public drinking water supply and a private water system is permitted. These potential threats to the public drinking water supply shall be eliminated at the service connection by the installation of an air-gap or a reduced pressure-zone backflow prevention device.
- C. No connection, which allows water to be returned to the public drinking water supply, is permitted.
- D. No pipe or pipe fitting which contains more than 8.0% lead may be used for the installation or repair of plumbing at any connection, which provides water for human use.
- E. No solder or flux, which contains more than 0.2% lead, can be used for the installation or repair of plumbing at any connection, which provides water for human use.

### **Requirements**

The following are the requirements of the city water system and the customer:

- A. A signed customer service agreement will be maintained by the city water system as long as the customer or the premises is connected to the city water system.
- B. All backflow prevention assemblies shall be installed and tested in accordance with the manufacturer's instructions or the American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control, current edition.
- C. The customer shall allow the property to be inspected for possible cross-connections and other potential contamination hazards. These inspections shall be conducted by the city water system or its designated agent prior to initiating new water service; when there is reason to believe that cross-connections or other potential contamination hazards exist; or after any major changes to the private water distribution facilities. The inspections shall be conducted during the city water system's normal business hours.
- D. The city water system shall notify the customer in writing of any cross-connection or other potential contamination hazard, which has been identified during the initial inspection or the periodic reinspection.
- E. Assemblies shall be repaired, overhauled, or replaced at the expense of the customer whenever said assemblies are found to be defective. Original forms of such test, repairs, and overhaul shall be kept and submitted to the City within five (5) working days of the test, repair, or overhaul of each backflow prevention assembly.
- F. No backflow prevention assembly or device shall be removed from use or relocated, or other assembly or device substituted without the approval of the City. Whenever the existing assembly or device is moved from the present location or cannot be repaired, the backflow assembly or device shall be replaced with a backflow prevention assembly or device that complies with this division. The American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control, current edition, or the current plumbing code of the City, whichever is more stringent shall be applicable.
- G. The customer shall immediately remove or adequately isolate any potential cross-connections or other potential contamination hazards on his/her premises.



- H. The customer shall at his/her expense, properly install, test, and maintain any backflow prevention device required by the city water system. Copies of all testing and certificates indicating such backflow prevention device is operating within specifications and maintenance records shall be provided to the City water system within five (5) working days after being performed.
- I. Test gauges used for backflow prevention assembly testing shall be calibrated at least annually in accordance with the American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control, current edition. The original calibration form must be submitted to the City within five (5) working days after calibration.
- J. A recognized backflow prevention assembly tester must hold a current endorsement from the Texas Commission on Environmental Quality (TCEQ).
- K. Commercial accounts are governed by contracts approved by the Board of Alderman that will incorporate similar provisions therein.

### **Enforcement; Penalty**

If the customer fails to comply with the requirements, the city shall, at its option, either terminate service or install, test, and maintain an appropriate backflow prevention device at the service connection. Any expenses associated with the enforcement of this agreement shall be billed to the customer. The fees associated with such testing are set forth in attached Exhibit "A." Any person who violates this Article is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of up to \$2,000.00 as a violation of a health, safety and welfare ordinance. Each day that one or more of the provisions of this Article are violated constitutes a separate offense.

It shall be the duty of the water and wastewater superintendent to immediately and without further notice disconnect the service connection piping from the City water system. After termination of water services, the services may be connected to the customer provided that the customer obtains a plumbing permit and has the plumbing corrected so as to comply with the provisions of this Article. After the plumbing inspector has approved the plumbing and ascertained that there is no longer a cross-connection, the services may reconnect the premises to the water system upon payment of a reconnection service charge.

**Section 3. Amendment of Conflicting Ordinances.** The above-referenced sections of the Ordinances are hereby amended as provided in this Ordinance. All parts of ordinances in conflict herewith are hereby amended to the extent of such conflict only. To the extent of a conflict between this Ordinance and another ordinance of the City, this Ordinance shall control.

**Section 4. Savings Clause.** All rights and remedies of the City are expressly saved as to any and all violations of the provisions of any ordinances affecting utilities and utility fees 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 5 Effective Dates.** This Ordinance shall be in full force and effect for the new water rates with bills due February 2023 after final passage and publication in the manner required by the Texas Local Government Code.

**Section 6. Severability.** It is hereby declared to be the intention of the Board of Aldermen that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any section, paragraph, sentence, clause or phrase 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 sections, paragraphs, sentences, clauses and phrases of this Ordinance, since the same would have been enacted by the Board of Aldermen without the incorporation in this Ordinance of any such invalid section, paragraph, sentence, clause or phrase. 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 7. Open Meetings.** It is hereby officially found and determined that the meeting at which this Ordinance was 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, Texas Government Code, Chapter 551.

**PASSED AND APPROVED** this the 2nd day of August 2022, during a scheduled meeting by the Board of Aldermen of the City of Highland Haven, Texas.

*Olan Kelley*  
Olan Kelley, Mayor

Attest:

*Lezley Baum*  
Lezley Baum, City Secretary

(seal)

Approved as to Form:

*Barbara Boulware-Wells*  
Barbara Boulware-Wells, City Attorney



Ordinance # 068  
Highland Haven Water System Fees  
Effective January 2023

FEES	2022 Rates	2023 Rates	Notes
<b>Tap Fees</b>			
5/8"	1,500	1,500	
Meters larger than 5/8"	2,000	2,000	
Tap Install Street Cut Fee	500.00	500.00	
<b>New/Transfer Service Application Fee</b>			
New/Transfer Service Application Fee	50.00	50.00	non-refundable
Deposit	250.00	250.00	
<b>Highland Haven Base Water Rate/Month Usage</b>			
0-2000 Gals	37.00	38.00	
<b>Out of Town Base Water Rate/Month Usage</b>			
0-2000 Gals	39.00	40.00	
<b>Water Use Rate per 1000 gallons plus Base Water Rate</b>			
2001-15000 Gals	\$3.81	\$3.92	
15001-25000 Gals	\$4.89	\$5.04	
25001 and above	\$6.28	\$6.47	
<b>Camp Champion Water Use Rate per 1000 gallons used</b>			
	\$8.50	\$9.50	
<b>Other Fees</b>			
<b>Late Fee</b>	\$10 or 10%	\$10 or 10%	Late Fee is applied to any bill not paid by the 15th of the month
<b>Disconnect Fee</b>	\$50.00	\$50.00	Service Disconnect is ordered on the 26th of the month for any unpaid account and Disconnect Fee is applied to account.
<b>Reconnect Fee</b>	\$50.00	\$50.00	
<b>Return Check Fee</b>	\$35.00	\$35.00	Plus Bank Charges
<b>Customer Service Inspection Fee</b>	Cost plus \$50	Cost plus \$50	Required inspection for a new single family residence (SFR), major remodeling of a SFR and SFR's where a cross connection with another water source has been found.
<b>Meter Re-Read Fee</b>	\$50.00	\$50.00	Meter Re-Read Fee is applied if property owner requests this service and problem is found on the owners side of meter
<b>Meter Flow Test Fee</b>	\$50.00	\$50.00	Meter Flow Test Fee is applied if property owner requests this service and problem is found on the owners side of meter
<b>Meter Calibration Test Fee</b>	Cost plus \$100	Cost plus \$100	Meter Calibration Test Fee is applied if property owner requests this service and problem is found on the owners side of meter
<b>Meter Relocation Fee</b>	Cost plus \$100	Cost plus \$100	Meter Relocation Fee is applied if property owner requests this service
<b>Leak Check Fee</b>	\$50.00	\$50.00	Leak Check Fee is applied if property owner requests this service and leak is found on owners side of meter
<b>Pressure Test Fee</b>	\$50.00	\$50.00	Pressure Test Fee is applied if property owner requests this service and problem is found on owners side of meter.
<b>Highland Haven Water System Policies</b>			
* Property Owner is responsible for any outstanding water bills for a rental home			
* Water service will be immediately disconnected if cross-connection to another water source is found. Property owner will be charged the Disconnect Fee.			