

**TOWN OF LAKEWOOD VILLAGE, TEXAS**

**UTILITY POLICIES ORDINANCE NO. 20-03**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, FIXING AND PRESCRIBING ADMINISTRATIVE POLICIES FOR UTILITIES PROVIDED IN THE CORPORATE LIMITS OF THE TOWN AND THE EXTRA TERRITORIAL JURISDICTION OF THE TOWN OF LAKEWOOD VILLAGE; PROVIDING FOR REPEAL; PRESCRIBING CERTAIN POLICIES, RULES AND REGULATIONS IN CONNECTION THEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, heretofore, the Town of Lakewood Village, Texas (hereinafter referred to as “Town”), owns and operates water and sewer systems in and for the Town and portions of the Extra Territorial Jurisdiction (hereinafter referred to as “ETJ Area”); and

**WHEREAS**, the Town Council of the Town has found, determined and declares that it is necessary and expedient to: (i) fix and prescribe the rates, charges and fees for water and sewer services provided, and (ii) prescribe certain policies, rules and regulations in connection herewith;

**WHEREAS**, the Town Council believes it is in the best interest of the citizens of the Town and ETJ Area to have the ability to impose a lien on eligible properties as a means of securing payment of delinquent bills;

**WHEREAS**, Section 402.0025 of the Texas Local Government Code gives municipalities authority to impose a lien on certain owner’s property for delinquent bills for utility services;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS:**

**Section 1: Findings**

The findings attached hereto as Exhibit A is hereby adopted as the Utilities Policies Ordinance for the Town.

**Section 2: Repeal**

Water/Wastewater Rates & Fees Ordinance 19-06 is hereby repealed in its entirety.

### **Section 3: Penalty Clause**

#### **A. Violation**

A person who violates any provision of this chapter is guilty of separate offenses for each day during which the violation is continued after notification. Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined by this ordinance.

#### **B. Fine**

Each offense is punishable by a fine of not more than two thousand (\$2,000) nor less than two hundred (\$200). The minimum fine established in this paragraph shall be doubled for the second conviction of the same offense within any 24-month period and tripled for the third and subsequent convictions of the same offense within any 24-month period. At no time shall the minimum fine exceed the maximum fine established in this paragraph.

### **Section 4: Legal Rights**

The penal provision imposed under this Ordinance shall not preclude the Town of Lakewood Village from filing suit to enjoin the violation. The Town of Lakewood Village retains all legal rights and remedies available to it pursuant to local, state, and federal law.

### **Section 5: Severability**

#### **A. Unconstitutional or Invalid Section**

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect.

#### **B. Independent Sections**

The Town hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and/or phrases be declared unconstitutional or invalid.

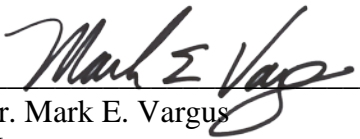
### **Section 6: Estoppel / Waiver**

The failure of the Town to enforce any term or condition of this Ordinance shall not constitute a waiver or estoppel or any subsequent violation of this Ordinance.

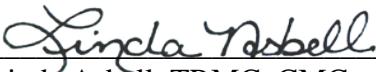
**Section 7: Effective Date**

The amendments to this Ordinance shall become effective from and after its date of passage and publication as provided by law.

**PASSED AND APPROVED** by the Town Council of the Town of Lakewood Village, Texas  
this 13th day of February, 2020

  
\_\_\_\_\_  
Dr. Mark E. Vargus  
Mayor

**ATTESTED:**

  
\_\_\_\_\_  
Linda Asbell, TRMC, CMC  
Town Secretary





## UTILITY POLICIES

**Adopted: September 13th, 2018**  
**Amended July 11, 2019**  
**Amended: February 13, 2020**

**SECTION 1. SERVICE REQUIRED**

All property within the corporate limits of the Town, and properties in the ETJ Area which receive water service from the Town, are required to comply with the Town's Water and Sewer System requirements. All water and wastewater services within the areas covered by the Town's Certificate of Convenience and Necessity (hereinafter referred to as "CCN") are required to be provided by the Town. The only exception shall be for non-potable water used for irrigation purposes that is obtained from Lewisville Lake with the permission of the City of Dallas and the required consent permits issued by the United States Corps of Engineers. On-site sewage systems (e.g., septic, aerobic) within the Town, and water wells within the Town's water CCN are strictly prohibited.

**SECTION 2. FIXING RATES, CHARGES AND FEES FOR WATER SERVICE; PRESCRIBING POLICIES RULES AND REGULATIONS THEREFORE**

That the Town Council of the Town hereby fixes and prescribes, upon the effective date of this Ordinance, the following: (i) rates, charges and fees for water service in the Town and portions of the ETJ Area receiving water service as provided in The Town's Consolidated Fee Ordinance (ii) rules, regulations, policies in connection therewith, which shall be applicable to and the controlling Ordinance relative to the Town's Water and Sewer Systems (herein sometimes referred to as the "System"), to-wit:

**A. NO FREE SERVICE PERMITTED**

No free service of the Town's System shall be allowed to any person, or entity except for official municipal purposes or other temporary authorized activities with the consent of the Mayor, or their designee.

**B. APPLICATION FOR SERVICE AND REQUIRED DEPOSIT**

Any Customer desiring water service shall make application therefore to the Town, together with the required deposit, which deposit must be made at the time the application is submitted. If the applicant has outstanding delinquent accounts with other municipal utilities, as a condition of new service, the Town may require proof of payment. In an attempt to collect unpaid bills, the Town may also provide information on delinquent accounts to other utilities as provided by law and in accordance with relevant inter-local agreements.

The deposit shall be held by the Town so long as the Customer is using the service and the Town shall not pay interest thereon. Upon termination of the service, any unpaid balance shall be charged against the deposit and the remaining, if any, shall be refunded to the customer, at the Town's discretion, by (i) The Town making the refund available for pick-up at the Town Hall during normal business hours or (ii) Forwarding to the customer by USPS to the last known billing address. If such refund is not claimed or negotiated within one year from issuance, the refund amount shall revert to and be the property of the general funds of the System.

**C. WATER TAPPING CHARGES**

The cost of extending service lines to customers shall be incurred by the Customer. All costs and expenses for labor and materials incurred for the Customer which costs include, but are not limited to, meter boxes, couplings, tubing and necessary excavation work are the responsibility of the Customer.

Secondary structures with air-conditioned space of 1000 square feet or more require separate water taps not connected to the main dwelling. The cost of installing the additional taps shall be the responsibility of the homeowner. Each metered connection shall receive a separate utility bill.

**D. SEWER TAPPING CHARGES**

The cost of extending service lines to Customers shall be incurred by the Customer.

Secondary structures with air-conditioned space of 1000 square feet or more require separate sewer taps not connected to the main dwelling. The cost of installing the additional taps shall be the responsibility of the homeowner.

**E. BILLING PROCEDURES FOR WATER AND SEWER SERVICE; DEFERRED PAYMENT PLANS**

(1) The Town shall read all water meters once each month and render a monthly bill for utility services to each Customer. The Town will make every effort to read meters within one day of the fifteenth of each month. Due dates for each bill shall be the fifth day of the subsequent month with a penalty of five percent (5 %) charged for payments received on or after the sixth day of the month.

**F. FAILURE TO PAY FOR SERVICE; DISCONTINUATION OF SERVICE BY THE TOWN; FEES TO RESUME SERVICE; LIENS**

The Town shall discontinue and cut off a customer's water service for failure to pay his/her water bill within forty-five (45) days from the date the bill was mailed to the Customer. Payment by the Customer by dishonored check or sight order shall constitute non-payment, and water service shall be discontinued. Prior to resuming water service which has been discontinued for failure to pay the monthly charges, the Town shall require full payment of the account.

- a) The Town may file a lien when delinquent charges imposed by this ordinance for utility service remain unpaid. The Town may impose a lien against the real property to which such service was delivered. The lien shall include and secure the delinquent charges, penalties, interest and collection costs. The Town shall perfect the lien by filing a notice of lien containing a legal description of the property and the utility account number for the delinquent charges in the real property records of the county in which the property is located.
- b) The lien authorized in this section shall not apply to bills for service connected in a tenant's name after notice by the property owner to the municipality that the property is rental property
- c) The lien authorized in this section shall not apply to homesteaded property.
- d) The lien shall not be filed until at least 15 days after service has been discontinued.

**G. RESERVATION OF RIGHTS BY TOWN**

The Town reserves the right at any time to shut off the water in its mains for the purpose of cleaning, repairing or making any connections or extensions, or for any purpose of repairing machinery, reservoir or any part of the Systems.

**H. INDEMNITY OF TOWN**

It is expressly understood as prerequisite to furnishing water service to Customers that the Town is not liable for any damages on account of leakage or breakage of pipes on any premises.

**I. NO GUARANTEES**

Water customers are not guaranteed a specified quantity of water for any purpose whatever and

are not guaranteed any specified water pressure.

**J. CONSENT OF TOWN REQUIRED**

No plumber or person, except an employee or agent of the Town, will be allowed to tap any street main or pipes belonging to the Town or to do any work in the street or alleys and public grounds in connection with the laying of street service connections and in connection with their mains without the consent of the Town Council. If a plumber employed by the owner or the owner damages the water line or meter, the owner shall be financially responsible for all costs incurred with associated repairs.

**K. UNLAWFUL TO DAMAGE TOWN'S WATERWORKS SYSTEM**

It shall be unlawful for any person to damage any property of the Town water and sewer system.

**L. USPS MAIL DELIVERY**

Failure to receive the monthly bill does not alleviate the customer's responsibility to pay their bill in a timely manner. Billing information may be obtained, and payments made at Town Hall during regular business hours.

**M. EASEMENT REQUIREMENT**

Where recorded public utility easements on the service applicant's property do not exist or public road right-of-way easements are not available to access the applicant's property, the Town may require the applicant to provide it with a permanent recorded public utility easement, on and across the applicant's real property sufficient to provide service to that applicant. Such easement(s) shall not be used for the construction of production, storage, transmission or pressure facilities unless they are needed for adequate service to that applicant.

**N. BACK FLOW PREVENTION DEVICES**

No water connection shall be allowed to any residence or establishment where an actual or potential contamination hazard exists unless the public water facilities are protected from contamination by either an approved air gap, backflow prevention assembly, or other approved device. The type of device or backflow prevention assembly required shall be determined by the Town.

The use of a backflow prevention assembly at the service connection shall be considered as additional backflow protection and shall not negate the use of backflow protection on internal hazards as outlined and enforced by local plumbing codes. When a customer service inspection certificate indicates that an adequate internal cross-connection control program is in effect, backflow protection at the water service entrance or meter is not required.

At any residence or establishment where it has been determined by a customer service inspection, that there is no actual or potential contamination hazard, then a backflow prevention assembly is not required. Outside hose bibs do require, at a minimum, the installation and maintenance of a working atmospheric vacuum breaker.

**O. SUPPLEMENTAL SEWAGE BACKUP INSURANCE**

The Town of Lakewood Village, for the benefit of the citizens, currently provides for supplemental sewage backup insurance. This insurance is provided for citizens through the Town's insurance carrier. Citizens may utilize this insurance coverage in the event of a sewage backup within a town sewer line that causes damage to the citizen's private property. In order to benefit from this

insurance coverage, the citizen must pay any deductibles associated with the claim. This ordinance does not require the Town to maintain supplemental sewage backup insurance and the Town may discontinue the coverage at any time and without prior notice to the public.

**P. USE OF NON-POTABLE LAKE WATER**

Residents may purchase raw-untreated water for irrigation purposes from the Dallas Water Utilities. Prior to water usage, the resident must purchase the necessary easements and licenses from the United States Army Corps of Engineers and receive a signed consent agreement from the USACE. Any construction in the floodplain, including pump installation or electrical installations will require a development permit from the Lakewood Village Floodplain Administrator.

The USACE permitting process requires the landowner to obtain permission from the municipality as a condition of permit approval. Notwithstanding the previously noted permitting requirements, the Mayor or his designee is authorized to grant permission after receiving a notarized signed agreement from the landowner acknowledging:

1. There will be no interconnection between the Town water supply and the lake water supply. Under no conditions can the public water supply service an irrigation system that is also connected to a lake source. Irrigation systems may only be provided water from one source: and
2. Prior to beginning operating the lake pump, the landowner agrees to obtain all necessary permits, including but not limited to any irrigation, backflow prevention, or underground electrical inspections as required; and
3. Prior to operating the lake pump, a CSI inspection must be performed; and
4. Failure to obtain permits and pass inspections prior to operating the lake pump will result in the immediate termination of municipal water services until compliance is achieved.

Should the USACE require Town permission for renewal of permits in addition to new applications, the requirements of this section shall apply.

**Q. ADDITIONAL RULES AND REGULATIONS**

The Town reserves the right to make such other rules and regulations, policies and provisions as may be necessary for the preservation, protection and economical administration of its water and sewer systems.



## **End of Exhibit A**

### Adoption and Summary of Amendments

Ordinance Number	Date	Summary
20-03	February 13, 2020	<ul style="list-style-type: none"><li>• Defined Sight Order</li></ul>
19-09	July 11, 2019	<ul style="list-style-type: none"><li>• Required water taps on secondary structures with over 1,000 sq ft of air-conditioned space to have separate water and sewer taps and an additional utility bill</li></ul>
18-07	September 13, 2018	<ul style="list-style-type: none"><li>• Corrected section callouts</li><li>• Added Section P</li><li>• Moved fees to Consolidated Fee Ordinance</li></ul>