

9. Action items to be accompanied by a brief statement of facts, including where funds are coming from, if applicable. (Action items limited to (up to 10 per meeting.) After being called upon by the Mayor or Mayor Pro Tem, Citizens are required to state their name and the Ward in which they reside. Priority will be given to citizens of Alpine and those who own businesses or property in the City. Individuals who do not live in, or own businesses or property in the City Limits of Alpine, will be allowed to speak if there is time available.)

1. Discuss, consider, and take appropriate action on the second and final reading of Ordinance 2021-04-01, an ordinance amending Chapter 22 - Business, Article III - Peddlers to the Alpine Code of Ordinances. (E. Zimmer, City Manager)
2. Discuss, consider, and take appropriate action on the second and final reading of Ordinance 2021-04-03, a Budget Amendment for HOT Budget. (E. Zimmer, City Manager)
3. Discuss, consider, and take appropriate action on the second and final reading of Ordinance 2021-04-04, an ordinance amending Chapter 98 - Utilities to the Alpine Code of Ordinances. (R. Stephens, City Council)
4. Discuss, consider, and take appropriate action on the first reading of Ordinance 2021-04-06, an ordinance amending Chapter 90 - Article IV - Coin Operated Establishments to the Alpine Code of Ordinances. (E. Zimmer, City Manager)
5. Discuss, consider, and take appropriate action to approve Resolution 2021-04-19, a water cost reduction process for those impacted by Texas Freeze of February 2021 (E. Zimmer, City Manager)
6. Discuss, consider, and take appropriate action to approve Special Use Permit Application for: (E. Zimmer, City Manager)
  - a. Short Term Rental Special Use Permit for 1007 N. 8th Street. Owner of record is Sandra Pratt.
  - b. Short Term Rental Special Use Permit for 902 N. Bird. Owner of record is Grant & Karen Harpold.
  - c. Short Term Rental Special Use Permit for 602 N. Cockrell. Owner of record is Danny Ginn & Monica Quiroga.
  - d. Short Term Rental Special Use Permit for 506 E. Lockhart Ave. Owner of record is Erika Blecha.
  - e. Short Term Rental Special Use Permit for 907 W. Eagle Pass. Owner of record Fiftythree 50 Holdings, LLC.

1. Discuss, consider, and take appropriate action on the second and final reading of Ordinance 2021-04-01, an ordinance amending Chapter 22 - Business, Article III - Peddlers to the Alpine Code of Ordinances. (E. Zimmer, City Manager)

**ORDINANCE 2021-04-01**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS AMENDING CHAPTER 22 – BUSINESS, ARTICLE III TO THE ALPINE CODE OF ORDINANCES; PROVIDING REPEALING AND SEVERABILITY CLAUSES; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Alpine has cause in its legislative pursuit to protect the health, safety and welfare of residents of the city by means of regulation of peddlers, solicitors, canvassers, transient merchants, and the like; and

**WHEREAS**, the current ordinance for peddlers, solicitors, canvassers and transient merchants within city requires an update to better align with values of the City; and

**WHEREAS**, it is deemed by the City Council of the City of Alpine to be in the public interest to update and enhance regulations regarding peddlers, solicitors, canvassers, transient merchants, and the like.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS THAT:**

**SECTION I**  
**FINDINGS OF FACT**

All of the premises attached in the form here to described as Exhibit “A” are hereby found to be true and correct legislative and factual findings of the City Council of the City of Alpine and are hereby approved and incorporated herein as findings of fact.

**SECTION II**  
**CUMULATIVE CLAUSE**

This ordinance shall be cumulative of all provisions of the City of Alpine, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

**SECTION III**  
**SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council of the City of Alpine that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences paragraphs or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrases, clause, sentence, paragraph or section.

**SECTION IV**  
**PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**SECTION V  
EFFECTIVE DATE**

This ordinance shall be effective upon passage and publication as required by State and Local law.

**PASSED AND ADOPTED THIS 20<sup>th</sup> DAY OF APRIL 2021 BY THE CITY COUNCIL OF THE  
CITY OF ALPINE, TEXAS.**

**INTRODUCTION AND FIRST READING**

**APRIL 6, 2021**

**SECOND AND FINAL READING**

**APRIL 20, 2021**

**ATTEST:**

\_\_\_\_\_  
**Andres "Andy" Ramos, Mayor  
City of Alpine**

\_\_\_\_\_  
**Cynthia Salas, City Secretary  
City of Alpine**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Sandy Wilson, City Attorney  
City of Alpine**

## EXHIBIT "A"

### Chapter 22 - BUSINESSES<sup>11</sup>

#### ARTICLE III. - PEDDLERS; CANVASSERS; SOLICITORS<sup>12</sup>

Footnotes:

--- (3) ---

**Cross reference**— Streets, sidewalks and other public places, ch. 86.

**State Law reference**— Criminal trespass, V.T.C.A., Penal Code § 30.05; persons regarded as retailers under sales tax law, V.T.C.A., Tax Code § 151.024; cancellation of certain consumer transactions, V.T.C.A., Business and Commerce Code ch. 39.

#### DIVISION 1. - GENERALLY

##### Sec. 22-66. - Purpose of article.

The purpose of this article shall be to protect the health, safety and welfare of residents of the city by means of regulation of peddlers, solicitors, canvassers and transient merchants.

(Code 1978, § 16-11)

##### Sec. 22-67. - Definitions.

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

*Canvasser* includes "solicitor" and any person who makes retail sales for future delivery of tangible property from house to house or in any public place, whether or not payment is collected at the time of such sale, and such sales are taxable transactions under the provision of the limited sales, excise and use tax of the state.

*Peddler* shall include any person who makes retail sales of tangible property from house to house or in any public place, and such sales are not made from an established place and delivery is made at the time of sale, whether or not payment is collected at the time of such sale.

*Public place* shall mean, for purposes of this article, any place to which the public has access but does not include streets, shoulders and improved shoulders.

*Retail sale* shall mean any sale other than a sale of tangible property to any purchases who is purchasing the tangible property for the purpose of reselling it in the normal course of business either in the form or condition in which it is purchased or as an attachment to or as an integral part of other tangible property.

*Tangible property* shall mean property which may be seen, weighed, measured, felt or touched or which is any other manner perceptible to the senses.

- (b) For the purpose of this article the words "peddler," "solicitor," "canvasser," "transient merchant" and "itinerant merchant" are used interchangeably.

(Code 1978, § 16-13(a)—(e); Ord. No. 2004-5-3, 6-16-04)

**Cross reference**— Definitions generally, § 1-2.

**Sec. 22-68. - General Requirements.**

- (a) Any person soliciting under a permit granted herein must abide by all applicable city and state laws, including abiding by traffic laws, and may not jaywalk or solicit from city streets.
- (b) Violation of any law, or failure to abide by any traffic laws, during the pendency or a permit issued under this chapter, or failure to abide by the terms of the permit, shall result in the immediate revocation of the permit, and/or the imposition of a fine not to exceed \$500.
- (c) Any person or organization who has had a permit revoked, or who has an unpaid fine for violating the terms of a permit, may not be issued a subsequent permit.
- (d) *Duration:* The permit shall expire 90 days after it is issued and must thereafter be renewed.
- (e) If a business does not have a permanent business location, the business is required to obtain a permit.
- (f) Permits issued prior to April 20, 2021 shall have an expiration date of 90 days from the date of issue.

**Sec. 22-69 68. - Hours during which activities prohibited.**

- (a) It shall be unlawful for any person to intentionally peddle, canvass or solicit, or intentionally cause or knowingly permit to be peddled, canvassed, sold or solicited any tangible property under a permit as required by this article on sidewalks and at public places between the hours of 9:00 p.m. and 9:00 a.m. or door-to-door at private residences between the hours of 6:00 p.m. and 9:00 a.m.
- (b) Solicitation on public property is permissible except as follows:
  - (1) Solicitors may not solicit in public streets or rights-of-way or from medians in the streets, or in any way block, obstruct or unduly hinder passage on public streets and rights-of-way.
  - (2) Solicitors may not block, obstruct or unduly hinder passage on public sidewalks or passageways.
- (c) For the purpose of this article, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is blocked, obstructed or passage is hindered or the public is impeded or inconvenienced.

(Code 1978, § 16-14; Ord. No. 2004-5-3, 6-16-04)

**Sec. 22-70 69. - Prohibited conduct.**

A person engaged in solicitation shall not:

- (1) Make physical contact with the person being solicited unless that person's permission is obtained;
- (2) Misrepresent the purpose of the solicitation;
- (3) Misrepresent the affiliation of those engaged in the solicitation;
- (4) Continue efforts to solicit from an individual once that individual informs the solicitor that he does not wish to give anything to or to buy anything from that solicitor;
- (5) Represent the issuance of any permit or registration under this article as an endorsement or recommendation of the solicitation;
- (6) Enter upon any private premises when the private premises is posted with a sign stating "No Peddlers Allowed" or "No Solicitation Allowed" or other words to such effect.

(Code 1978, § 16-15)

**Sec. 22-71 70. - Penalty.**

Any person, business, firm, company or corporation who shall violate any of the provisions of this article shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 1-11.

(Code 1978, § 16-24)

Secs. 22-72 ~~71~~—22-90. - Reserved.

## DIVISION 2. - PERMIT

Sec. 22-91. - Permit required; exemptions.

- (a) It shall be unlawful for any peddler, canvasser or solicitor to engage in such business within the corporate limits of the city without first obtaining a permit in compliance with provisions of this article.
- (b) Those exempt from obtaining a permit are:

~~(1) Any person who distributes, transports, or sells only foods or beverages; except ice cream from an ice cream truck which travels from place to place.~~

~~(2)~~ (1) Any person who distributes or sells newspaper, pamphlets, handbills or other written or printed matter sold or distributed for the purpose of disseminating news, information or religious materials;

~~(3)~~ (2) Any local nonprofit or charitable organization; or any person participating in an exhibition or event sponsored by a local nonprofit or charitable organization;

~~(4)~~ (3) Any person who distributes or sells farm products must be under an authorized farmers market or else fees will be imposed as a regular peddler, canvasser, or solicitor; and

~~(5)~~ (4) Any person residing in the city selling used merchandise which had previously obtained for domestic or personal use.

(5) Any organization that solicits funds from its own members;

(6) Any educational institution;

(Code 1978, § 16-12; Ord. No. 2004-5-3, 6-16-04; Ord. No. 2009-11-02, 12-8-09)

Sec. 22-92. - Application.

- (a) Applicants for permit under this article shall file a written sworn application with the office of the city secretary at least five days prior to the date of the initial contemplated sale.
- (b) All persons who apply for a permit under this article, and all agents, servants or employees, must file a sworn application in writing, in duplicate, on a form to be furnished by the office of the city secretary, which shall contain, but not necessarily be limited to, the following information:
  - (1) Name and description of the applicant; if the applicant is an association, company or corporation, it shall state its name along with the names and descriptions of the persons who will be soliciting in the city.
  - (2) Address, both legal and local, street address, zip code and phone number of the headquarters of the applicant.
  - (3) A brief description of the nature of the business and the goods to be sold and in the case of products of farm or orchard, whether produced or grown by the applicant.

- (4) If permit request is associated with current employment of the applicant ~~employed~~, the name, address and phone number of the employer, together with credentials establishing the exact relationship, such as employee, agent, commission sales person or other.
- ~~(5) The length of time for which the right to do business within the City is desired.~~
- ~~(6)~~ (5) If a vehicle is to be used, a description of the vehicle, together with license number or other means of identification.
- ~~(7)~~ (6) If a permit issued to the applicant has ever been revoked.
- ~~(8)~~ (7) Proposed method of operation and location of proposed operation, and written permission of owner, lessee or agent of owner of any private property site for such operation.
- ~~(9)~~ (8) Applicant's Tax Information and driver's license number. If Tax information is not available, the applicant shall provide the City with the applicant's Social Security number.
- ~~(10)~~ (9) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal laws, the nature of the offense and the punishment or penalty assessed.
- ~~(11)~~ (10) No permit issued under this article shall be transferable, and will immediately be revoked, with no return of any part of the fee for the permit's issuance, if this article is violated by such permit holder, or with the permit holder's permission. If any permit is issued to any applicant and it shall be found that the holder of the permit is, or has been, engaged in any type of activity requiring a permit which is not covered by such issued permit, such issued permit shall be revoked and the user shall be in violation of this article.

(Code 1978, § 16-16; Ord. No. 2004-5-3, 6-16-04)

#### Sec. 22-93. - Investigation of applicant; issuance.

Upon receipt of an application, the office of the city secretary shall cause an investigation of the applicant's business responsibility or moral character to be made as deemed necessary to the protection of the health, safety and welfare of the public. If, as a result of the investigation, the applicant's business responsibility, character, merchandising practice or integrity are found to be unsatisfactory, the application shall be denied. If, as a result of the investigation, the character and business reputation appear to be satisfactory, a permit shall be issued by the office of the city secretary upon payment of the fee as required by this division.

(Code 1978, § 16-17)

#### Sec. 22-94. - Fees.

The office of the city secretary shall collect a fee based upon the following schedule for each permit issued. The fee shall be paid by the person desiring the permit upon approval of the application. The fee shall not be prorated or refunded.

Peddler Permit .....~~\$40.00~~ \$ 50.00

Vehicle Peddler.....~~60.00~~

Canvasser .....~~20.00~~

(Code 1978, § 16-18; Ord. No. 2004-5-3, 6-16-04)

~~Sec. 22-95. - Solicitations by religious, charitable and civic organizations.~~



- (a) ~~Definition: The term "solicitation by religious, charitable, and civic organization" shall mean any act by an organization or its member(s) to solicit property or financial assistance of any kind or sell or offer to sell anything of value on the plea or representation that such solicitation is for a charitable, educational, patriotic, philanthropic, or religious purpose.~~
- (b) ~~Permit: It shall be unlawful for an organization or its member(s) to conduct or participate in any solicitation campaign on any street, in any office building, at the public place, house to house, place to place or by telephone in the city without having secured a permit.~~
- (c) ~~Exceptions:~~
- ~~(1) Any organization that solicits funds from its own members;~~
  - ~~(2) Any educational institution;~~
  - ~~(3) An individual or a family;~~
  - ~~(4) Any organization that has maintained an active membership for at least six months prior to the commencement of such solicitation(s).~~
- (d) ~~No person may solicit for money or contributions for any cause, organization, charity or corporation unless, at the time the application for a permit is made, complete disclosure is made of the name, address, charter, purpose, and responsible party of and for the organization for which the permit is sought. Failure to provide such information shall be sufficient grounds upon which to deny a permit. Permits may be denied to any group which is soliciting funds within the city limits for use outside the city.~~
- (e) ~~Any person soliciting under a permit granted herein must abide by all applicable city and state laws, including abiding by traffic laws, and may not jaywalk or solicit from city streets.~~
- (f) ~~Violation of any law, or failure to abide by any traffic laws, during the pendency of a permit issued under this chapter, or failure to abide by the terms of the permit, shall result in the immediate revocation of the permit, and/or the imposition of a fine in the amount of up to \$200.00.~~
- (g) ~~Any person or organization who has had a permit revoked, or who has an unpaid fine for violating the terms of a permit, may not be issued a subsequent permit.~~
- (h) ~~Duration: The permit shall expire one week after it is issued and must thereafter be renewed.~~
- (i) ~~Prohibited hours: There shall not be any solicitation at public places between the hours of 6:00 p.m. and 8:00 a.m. Door-to-door at private residences between the hours of 6:00 p.m. and 10:00 a.m., any time on Sundays is prohibited.~~
- ~~(Ord. No. 2006-10-02, 11-7-06)~~

Sec. 22-~~95~~ 96. - Revocation.

- (a) The city secretary, city manager, and/or chief or assistant chief of police shall have the power to revoke, at any time, any permit granted in accordance with this division for any of the following causes:
- (1) Fraud, misrepresentation or false statement contained in the application for the license;
  - (2) Fraud, misrepresentation or false statement made in the course of carrying on the applicant's business;
  - (3) Any violation of this article;
  - (4) Conviction of any crime or misdemeanor involving moral turpitude that directly relates to the duties and responsibilities of the permitted occupation;
  - (5) Conducting business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

- (b) If, after a permit has been issued and the vendor has operated under the permit, complaints are received and determined to be reasonable upon investigation, no further permits shall be issued to such applicant until satisfactory proof is received that such complaints were unfounded or that restitution to the complainant has been made by the applicant.

(Code 1978, § 16-20)

Sec. 22-~~96~~ **97**. - Appeal from denial or revocation.

If an applicant is denied a permit, or has a permit revoked, he may appeal that action to the city council by submitting a letter to the ~~city manager's office~~ **office of the city manager** within ten days of the action complained of. A hearing on the denial will then be scheduled for the next regular meeting of the council, or a special meeting of the council, to be held within 15 days of the appeal. The council will render a decision on the appeal within ten days of the hearing.

(Code 1978, § 16-21)

Sec. 22-~~97~~ **98**. - Exhibition.

A peddler, canvasser or solicitor is required to exhibit his/her permit at the request of any citizen **or peace officer of the City**. When traveling door to door the person is required to show his/her permit.

(Code 1978, § 16-23; Ord. No. 2004-5-3, 6-16-04)

Sec. 22-~~98~~ **99**. - Expiration.

All permits issued under the provisions of this article shall expire on the date specified in the permit. No permit shall be issued for a period longer than **90** ~~30~~ days.(Code 1978, § 16-22; Ord. No. 2004-5-3, 6-16-04)

~~Sec. 22-100. —Permits prohibited on certain holidays:~~

~~It shall be unlawful for any person to peddle, canvass or solicit or causes or permit to be peddled, canvassed or solicited any tangible property five days before and five days after Valentines day and Mother's day.~~

~~(Ord. No. 2004-5-3, 6-16-04)~~

Secs. 22-~~99~~ **101**—22-120. - Reserved.

2. Discuss, consider, and take appropriate action on the second and final reading of Ordinance 2021-04-03, a Budget Amendment for HOT Budget. (E. Zimmer, City Manager)

6 April 2021

City Council Meeting

Re: HOT Budget Amendment

Mayor and City Council,

At the January 5<sup>th</sup>, 2021 Meeting, the City Council approved the recommendation of the HOT Advisory Committee's recommendation to add five new projects to the budgetary spend for this fiscal year. Council requested that staff also obtain thorough estimates on the rehabilitation/improvement project for the Visitor Center before the final budget amendments would be approved.

Included in your packet is the Ordinance amending the budget and listed below is the breakdown of costs associated with the five new projects.

Available fund usage for these projects would come from one of two sources: 1. Reserve Account (current balance of \$85,896.95) or 2. Fund Balance (current fund balance is approximately \$1,060,000). My recommendation is that we utilize the Fund Balance as the projects would require using approximately 20% of the existing Fund Balance.

The five projects are as follows:

1. Railroad Park Sculpture - \$600
2. Film Production Incentive - \$2500
3. Podcast & Audio Walking Tour App - \$4000
4. Video Production and Promotion - \$25,000
5. Visitor Center Capital Improvement Project - \$166,961.52
  - a. The Estimates for all the renovation are included in the attached spreadsheet.

Grand Total - \$199,061.52

At budget amendment approval we will utilize line item 06-556-04xx on the Revenue side to allocate the Fund Balance dollars to this year's budget. We will also create five new Expense line items (06-656-xxxx) for the five Projects and expenses related to the budgeted amounts.

Please let me know if you have any questions,

Thank you, Erik

**STATE OF TEXAS**

**CITY OF ALPINE**

**COUNTY OF BREWSTER**

**ORDINANCE 2021-04-03**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS AMENDING THE CITY OF ALPINE FY2020-2021 HOT BUDGET; PROVIDING REPEALING AND SEVERABILITY CLAUSES; A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Alpine has cause in its legislative pursuit to modify budgets, systems, processes, and fees that enhance the City's mission of providing quality service to the citizens of Alpine; and

**WHEREAS**, the City Council of the City of Alpine has determined that citizens, visitors and the community would benefit from five additional projects designed to help tourism in Alpine; and

**WHEREAS**, it is deemed by the City Council of the City of Alpine to be in the public interest to enhance this years HOT Budget to include Revenues and Expenditures as outlined in Exhibit A and Exhibit B.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS THAT:**

**SECTION I  
FINDINGS OF FACT**

All of the premises attached in the forms hereto described as Exhibit "A" and Exhibit "B" are hereby found to be true and accurate representations of the changes approved by the City of Alpine City Council relate to the FY2020-2021 HOT Budget.

**SECTION II  
CUMULATIVE CLAUSE**

This ordinance shall be cumulative of all provisions of the City of Alpine, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

**SECTION III  
SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council of the City of Alpine that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences paragraphs or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrases, clause, sentence, paragraph or section.

**SECTION IV  
PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**SECTION V  
EFFECTIVE DATE**

This ordinance shall be effective upon passage and publication as required by State and Local law.

**PASSED AND ADOPTED THIS 20th DAY OF April 2021 BY THE CITY COUNCIL OF THE  
CITY OF ALPINE, TEXAS.**

**INTRODUCTION AND FIRST READING**

**April 6, 2021**

**SECOND AND FINAL READING**

**April 20, 2021**

**ATTEST:**

\_\_\_\_\_  
**Andres "Andy" Ramos, Mayor**  
**City of Alpine**

\_\_\_\_\_  
**Cynthia Salas, City Secretary**  
**City of Alpine**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Sandy Wilson, City Attorney**  
**City of Alpine**

## Exhibit A

1. Railroad Park Sculpture - \$600
2. Film Production Incentive - \$2500
3. Podcast & Audio Walking Tour App - \$4000
4. Video Production and Promotion - \$25,000
5. Visitor Center Capital Improvement Project - \$166,961.52
a. The Estimates for all the renovation are included in the attached spreadsheet.

Grand Total - \$199,061.52
----------------------------

Revenue Budget Line-Item Change in the Amount of \$199,061.52: utilize line item 06-556-04xx to allocate the Fund Balance dollars to this year's budget.

Expense Budget Changes in the total Amount of \$199,061.52: staff will create five new Expense line items (06-656-xxxx) for the five Projects listed above.

Exhibit B			
Visitor Center Renovation:	Cost	Quantity	Total
<b>Restroom Fixtures:</b>			
Manual Flush Wall Mount Toilets	\$483.00	3	\$1,449.00
Automatic Faucet	\$578.00	2	\$1,156.00
Manual Flush Urinal	\$472.00	1	\$472.00
ADA Wall Mount sink	\$280.00	2	\$560.00
Sink P-trap	\$137.00	2	\$274.00
Partition- in corner, ceiling, hung, 2 stall (60", 42")	\$3,178.00	1	\$3,178.00
Partition- in corner, ceiling hung, 1 stall (60")	\$1,748.00	1	\$1,748.00
Automatic Hand Dryer	\$399.00	2	\$798.00
Mirror- flat mount	\$151.00	2	\$302
Laminate Wood for Halls	\$2.19/sq foot	550 sq foot	\$1,205
Plastic wall panels	\$1/sq foot	1000 sq foot	\$1,000
Utility Sink (for outside patio and pavilion)	\$99.00	2	\$198
4ft motion sense ceiling light	\$70.00	5	\$350
emergency exit sign w/lights	\$59.00	1	\$59
Ceiling exhaust fan	\$311.00	2	\$622
Wall Mount Outdoor lighting	\$137.00	10	1370
Brochure/magazine rack for hall after hours	\$277.00	1	\$277
<b>Total</b>			<b>\$15,018.00</b>
<b>Storage Closet in Bathroom Fixtures:</b>			
25" Floor Mop Sink	\$195.00	1	\$195.00
Mop Sink Faucet	\$128.00	1	\$128.00
Utility Storage Shelf	\$360	1	\$360
4ft motion sense ceiling light	\$70	1	\$70
<b>Total</b>			<b>\$753.00</b>
<b>HVAC</b>	7 M Fabrication	1	\$15,000.00
<b>Concrete</b>	\$21,672.00 (Baeza's Masonry)	1	\$21,672.00
<b>Block</b>	\$26,120.00 (Baeza's Masonry)	1	\$26,120.00
<b>Windows</b>	\$1,000.00 (Baeza's Masonry)	1	\$1,000.00
<b>Stucco</b>	\$16,236.00 (Baeza's Masonry)	1	\$16,236.00
<b>Tree Removal/Trimming</b>		1	\$10,000.00
<b>Security Cameras</b>	3pack/\$399.99e	2	\$800.00
<b>Plumbing</b>	\$13,650.00 (Baeza's Masonry)		\$13,650.00
<b>Electrical</b>	Included with Baeza's quote		
<b>Doors:</b>			
Total of 4 Doors: Interior Doors going into Men and Women's, Exterior hallway door and storage door	\$3,015.29	1	\$3,015.29
Interior Door from VC to the bathroom hallway (Mediterranean Knotty Alder Square Top)	\$1,357.17	1	\$1,357.17
<b>Wall &amp; Cap</b>	\$3,420.00 (Baeza's Masonry)		\$3,420.00
<b>Metal Roof</b>	\$22,000.00 (Baeza's Masonry)	1	\$22,000.00
<b>Lighting</b>			
Outdoor Edison LED Lights (100ft)	\$149.95	6	\$899.70
Cascadia Dorado Light (Lowe's)	\$137.70	1	\$137.70
<b>Moving Monument (large rock)</b>	We are doing this internally		
<b>Total</b>			<b>\$135,307.86</b>
<b>Patio Furniture Options</b>	<b>Cost</b>	<b>Quantity</b>	<b>Total</b>
Hexagon Picnic Table w/ umbrella hole	\$679	1	\$679.00
Umbrella	\$95.95	15	\$1,439.25
Umbrella base	\$69.95	15	\$1,049.25
all weather outdoor sectional	\$2,495.00	1	\$2,495.00
polypropylene chair	\$39.48	60	\$2,368.80
plastic folding	\$13.99	60	\$839.40
resin chairs	\$44.99	20	\$899.80
48" Folding wood table	\$356.49	4	\$1,425.96
48" table top (old bases)	\$106.46	5	\$532.30
36" round top (old bases)	\$92.49	10	\$924.90
24" square top (old bases)	\$60.99	10	\$609.90
48" round steel w/umbrella hole & stand	\$269.00	2	\$538.00
48" round teak w/umbrella hole	\$297	2	\$594.00
60" rectangle plastic table	\$49.57	30	\$1,487.10
<b>Total</b>			<b>\$15,882.66</b>
<b>Grand Total</b>			<b>\$166,961.52</b>



3. Discuss, consider, and take appropriate action on the second and final reading of Ordinance 2021-04-04, an ordinance amending Chapter 98 - Utilities to the Alpine Code of Ordinances. (R. Stephens, City Council)

**STATE OF TEXAS**

**CITY OF ALPINE**

**COUNTY OF BREWSTER**

**ORDINANCE 2021-04-04**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 98 - UTILITIES; PROVIDING REPEALING AND SEVERABILITY CLAUSES; A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Alpine has cause in its legislative pursuit to modify systems, processes, and fees that enhance the City's mission of providing quality service to the citizens of Alpine; and

**WHEREAS**, the City of Alpine has determined that citizens and City staff would benefit from a streamlined fee structure that will improve the readability of utilities fees and basic account charges; and

**WHEREAS**, it is deemed by the City Council of the City of Alpine to be in the public interest to enhance the utilities ordinance to reflect all fees and account charges in a modified utilities appendix.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS THAT:**

**SECTION I  
FINDINGS OF FACT**

All of the premises attached in the forms hereto described as Exhibit "A" and "Exhibit B" are hereby found to be true and correct legislative and factual findings of the City Council of the City of Alpine and are hereby approved and incorporated herein as findings of fact.

**SECTION II  
CUMULATIVE CLAUSE**

This ordinance shall be cumulative of all provisions of the City of Alpine, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

**SECTION III  
SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council of the City of Alpine that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences paragraphs or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrases, clause, sentence, paragraph or section.

**SECTION IV  
PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**SECTION V  
EFFECTIVE DATE**

This ordinance shall be effective upon passage and publication as required by State and Local law.

**PASSED AND ADOPTED THIS 20<sup>th</sup> DAY OF APRIL 2021 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.**

**INTRODUCTION AND FIRST READING**

**APRIL 6, 2021**

**SECOND AND FINAL READING**

**APRIL 20, 2021**

**ATTEST:**

\_\_\_\_\_  
**Andres "Andy" Ramos, Mayor**  
**City of Alpine**

\_\_\_\_\_  
**Cynthia Salas, City Secretary**  
**City of Alpine**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Sandy Wilson, City Attorney**  
**City of Alpine**

## EXHIBIT "A"

### Chapter 98 - UTILITIES<sup>1</sup>

#### Footnotes:

--- (1) ---

**Cross reference**— Any ordinance approving, prescribing or otherwise relating to rates to be charge by utility companies saved from repeal, § 1-6(6); administration, ch. 2; buildings and building regulations, ch. 18; plumbing code, § 18-71 et seq.; gas code, § 18-106 et seq.; businesses, ch. 22; floods, ch. 50; health and sanitation, ch. 54; solid waste, ch. 82; streets, sidewalks and other public places, ch. 86; franchises, app. A; subdivisions, app. B.

**State Law reference**— Plumbing and sewers, V.T.C.A., Local Government Code § 214.011 et seq.; municipal utilities, Vernon's Ann. Civ. St. art. 1106 et seq.; water, V.T.C.A., Water Code § 1.001 et seq.; public utilities, V.T.C.A., Utilities Code § 1.001 et seq.; Public Utility Regulatory Act, V.T.C.A., Utilities Code § 11.001 et seq.; municipal water and utilities, V.T.C.A., Local Government Code § 401.001 et seq.; water quality control, V.T.C.A., Water Code § 26.001 et seq.

#### ARTICLE I. - IN GENERAL

##### Sec. 98-1. - Franchise required.

No person shall engage in furnishing water, light, power, gas, telephone, data services or sewage service to the public within the city, unless such person shall have obtained, and thereafter keeps in full force and effect, a franchise to do so.

(Code 1978, § 25-1)

##### Sec. 98-2. - Franchise application, application fee.

Any agency desiring to furnish, or continue furnishing, any of the utilities services referred to in section 98-1, or use the highways, streets or alleys within the city in connection with such utilities services, shall make and file with the city secretary a written application, showing the name and address of the applicant for the franchise, the name and address of the person making the application, the kind of utilities services to be furnished, the area within the city to be served, and the name and addresses of the person or officers of the corporation upon whom legal service may be made. The application shall be accompanied by a fee listed in Appendix A: Section I, and set by annual City Council resolution, which sum shall be used by the city to cover the expenses of carrying out the provisions of this chapter.

(Code 1978, § 25-2)

##### Sec. 98-3. - Hearing, action on application.

When an application for a franchise has been filed, the council shall order a hearing on the application; and notice of such hearing shall be given by publication in one issue of a paper in general circulation of the City. Upon favorable action by the city council, the city secretary shall issue the franchise.

(Code 1978, § 25-3)

##### Sec. 98-4. - Security deposit fees.

Effective March 1, 2021, security deposit fees will be required of all new customers for water, sewer and sanitation services as security for payment of charges for such services being furnished by the city.

The following security deposit fees are to be set by annual City Council resolution and are listed in Appendix A: Section I:

- (1) Residential water, sewer and sanitation
- (2) Small commercial water, sewer and sanitation to include but not be limited to grocery stores, shops, storages, automatic laundry, automobile parking lots, bakery, bank, barber and beauty shops, billiard or pool hall, cafeteria, clinic, cleaning and pressing shops, drug store, filling station, florists shop, ice retail distributing, mortuaries, picture theater, office, radio repair and sales, real estate office, restaurants, taverns, radio studio, shoe repair, stores and shops for the sale of products at retail, stores and shops for custom work or the making of articles to be sold at retail on the premises, and studios (art, music, photo, etc.)
- (3) Laundromats, recreational vehicle parks, washaterias and any small business franchise
- (4) Housing units, industrial and/or agricultural users, motels and concrete plants

(Code 1978, § 26-1; Ord. No. 99-4-4, 6-22-99)

Sec. 98-5. - Sanitation and recycling rates are based on contract with Texas Disposal Systems and approved by City Council The Texas Disposal Systems Contract is on file and may be viewed at City Hall.  
(Ord. No. 2001-9-7, 10-9-01; Ord. No. 2002-9-9, 9-16-02)

Secs. 98-6—98-35. - Reserved.

## ARTICLE II. - MAIN EXTENSIONS

Sec. 98-36. - Charges to be set by resolution.

All charges to be made under this section will be in accordance with the current council resolution setting such charges as such resolution requirement is provided in this section. Such resolution setting such rates of charges to be assessed as: pro rata front foot water and/or sewer lines; for the extension of water and/or sewer lines; costs relating to owner installation of such services, including subdivisions; water tap, meter setting and sewer tap charges and all other charges, or costs to be collected by the city for any such water or sewer service, shall be made by the city council, from time to time, in keeping with the fluctuation of costs of materials and labor, and to the end that the relativity of charges and the city's expenses be maintained. All charges, costs or other matters in this chapter relating to rates, or fees, will be made on the basis of the city council's latest resolution setting such rates, fees, charges and costs for such service, and such current resolution shall be made by the council at least once each fiscal year. The term "made" means that at least once annually the council will review such changes of rates and fees, and alter or change such rates and fees as it may deem advisable to alter or change, or to resolve to continue such rates and fees in force. There shall be no limitation to such resolution change by the city council, and such may be changed without notice whenever the city's economic situation appears to the city council to require such fee, rate or charge basis cost for the services provided in this chapter.

(Code 1978, § 26-16)

Secs. 98-37—98-39. - Reserved.

**Editor's note**— Ord. No. 99-4-4, adopted June 22, 1999, repealed provisions formerly set out as §§ 98-37—98-39, which pertained to depth of property to be charged, property exceeding chargeable depth, and charge for irregular lots, respectively, and derived from the 1978 Code, §§ 26-17—26-19, respectively.

Sec. 98-40. - Charge where property only on one side of street benefited.

Where in the foreseeable future the extension of a water or sewer line will serve property only on one side of a street or alley, then the pro rata costs for such extension will be ("double", deleted) the existing front foot charge.

(Code 1978, § 26-20; Ord. No. 99-4-4, 6-22-99)

Sec. 98-41. - Extensions.

Where water does not exist adjacent to the proposed development, but is reasonably accessible, the developer shall, with the approval of the city, install the line including necessary fittings, from the boundary of his tract to connect with the existing water system. The city will reimburse the developer for the water installation at the cost of ten lineal feet per 50 feet of water line extension excluding streets and alleyways. Said reimbursement may be made if the city desires upon completion and acceptance of the line. If the city does not desire to reimburse upon acceptance, the developer will be reimbursed at such time as 50 percent of the platted lots are connected on to the water system. All line over the ten feet per platted lot shall be at the developer's cost. A contract between the city and developer for reimbursement of water line costs shall be required. Reimbursements shall be limited to new subdivisions within the corporate city limits.

Additional lateral connections to extended waterlines made by an owner or developer of an addition or subdivision, or apartment project, or multi-unit dwelling project, or a commercial user of any type, shall be required to share in the original cost of the extension, less reimbursement payments as set forth above. The lateral connection fee shall be based on the net cost of the original extension from the point of origin to the point of connection. This fee shall be based on an equal division of costs between developers and shall be established on a per lot served basis within a two-year time period of original project completion.

(Code 1978, § 26-21; Ord. No. 99-4-4, 6-22-99)

Sec. 98-42. - Reserved.

**Editor's note**— Ord. No. 99-4-4, adopted June 22, 1999, repealed former § 98-42, which pertained to extensions to individuals exceeding 50 feet, and derived from the 1978 Code, § 26-22.

Sec. 98-43. - Right to refuse to make extension.

The city shall not be required to make extensions, under the provisions of this article if, within the discretion of the city council, there are no funds available for the purpose of extending the particular water or sewer line, or if, in the opinion of the council, such extension will not be economically feasible.

(Code 1978, § 26-23)

Sec. 98-44. - Disposition of charges.

Any and all sums of money collected as fees or connection charges for sewers, at the rates set out in this article, shall be credited to the sanitary sewer fund of the city; and all fees for connecting or extending waterlines, at the rates set out in this article, shall be credited to the water fund of the city.

(Code 1978, § 26-24)

Sec. 98-45. - When owner may install.

- (a) All sanitary water or sewer lateral extensions provided for in this article shall be laid, constructed and installed by the city, directly or by contract, except that the owner of a tract of land or his duly authorized agent may exercise the option of installing a complete water and/or sewer extension at his own

expense, in which event, that particular property would not be charged nor subjected to any additional pro rata charges for water or sanitary sewer connections or extensions, except tapping fees. Plans and specifications for this work shall be prepared by a registered professional engineer, and such plans shall bear his seal. Water or sewer lines constructed through a private contractor shall be subject to inspection and to all requirements, specifications and regulations of the water and sewer maintenance department covering water and sewer mains to be connected to the systems of the city. No private contract shall be let except upon the written approval of the city council of the plans and specifications, and with the provision that all water or sewer extensions and all appurtenances thereto shall be and become the property of the city immediately upon their installation and construction, free and clear of all liens, claims and encumbrances.

- (b) In no case shall a sewer lateral be constructed which is less than eight inches in size at four-tenths percent grade, unless special approval is given by the city council. The applicant shall pay the total cost up to and including eight-inch sewers, provided grade conditions or the quality of sewage does not require larger size sewers. If sewer lines that are necessary to serve the area included in the tract owned by the developer are deemed necessary by the city water and sewer maintenance department, the water and sewer maintenance department will bear the incremental cost for enlarging such mains over the above sizes, provided funds are available. The increment of the cost borne by the city shall be determined on the basis of the average cost for comparable installations performed in the last 12 months for the city or on the basis of the bid price of qualified contractors under the terms of city requirements; provided, if the bid price for sewer lines larger than eight inches are not considered reasonable by the city, the city will not be obligated to proceed under the terms of this article.

(Code 1978, § 26-25)

Sec. 98-46. - Development of subdivisions.

- (a) The developer of an addition to the city, a plat of which has been finally approved by the city council, shall design and prepare construction plans and specifications of water and sanitary sewer facilities, to serve the subdivision, including any access or off-site facilities that may be required. These plans shall conform in all details to the city's standards as to the design, grade, location, size and quality of materials and construction and shall be prepared by a registered professional engineer and shall bear his seal that will satisfy the utility department requirements. Plans submitted by developers shall be on standard 22-inch by 36-inch sheets.
- (b) All specifications for construction contracts shall be based upon the city standard specifications for materials and performance.
- (c) No installation of water or sewer lines shall be made at any location other than a dedicated street, alley or an easement running in favor of the city, which shall be filed of record by the owner of the addition.
- (d) Upon approval of the plans by the city, the developer may enter into a contract with any individual or may himself construct the system as planned; provided, however, that the construction and installation of the sewer and water is made in accordance with the plans and the city's standard specifications which, in every instance, shall be a part of the installation contract.
- (e) The superintendent of the water and sewer maintenance department or an authorized representative shall have authority to see that the work is installed in accordance with the approved plans and specifications. If the system is not being installed in accordance with the approved plans and specifications, the work shall be stopped until such time as proper corrections shall be made.
- (f) Any such installation, when made and approved, shall become the property of the city, free and clear of all encumbrances, and any contract entered into between the developer and another contractor shall provide for a 100 percent performance bond, making the city and the developer co-beneficiaries. If the developer makes the installation himself as provided in this section, the installation shall be in such form and conditioned in such manner as provided for in the standard contract documents used by the city in making water and/or sanitary sewer installations by private contract.

(Code 1978, § 26-26; Ord. No. 99-4-4, 6-22-99)

Sec. 98-47. - City to equalize claims.

The intent and purpose of this article is to provide an equitable charge for sanitary sewer and water connections as a proportionate distribution of the cost of water and/or sewer lateral extensions to serve property in the city on a front foot basis. In case the property of a tract of land is so situated or shaped so that the pro rata front foot rule creates an inequitable basis as between it and other tracts of land, the front footage shall be determined by the water and sewer department.

(Code 1978, § 26-27; Ord. No. 99-4-4, 6-22-99)

Sec. 98-48. - Water tap, sewer tap and meter setting fees.

- (a) Whether under the provisions of sections of this article directly appertaining thereto or to other provisions of this article pertaining to fees for extension and/or connections of sewer service, and separate therefrom, and in addition thereto, as applicable, the owner of abutting property to a functioning, adequate and approved sewer main, or sewer gathering line, may tap and connect to such line, provided all previously stated required charges as in this article provided have been paid, or secured to be paid, at such owner's cost and expense, subject to approval after inspection by the water and sewer maintenance department of the city, and after the owner shall pay the currently applicable inspection fee to the water and sewer maintenance department of the city, plus any corrective costs necessary to be made by the city for such inspection clearance. Such inspection and approval by the water and sewer maintenance department shall include, in addition to the approval of the tap connection underground, the approval of its grade and elevation, rate of fall, and such other physical requirements necessary to effect a noninterrupted and practical connection to such gathering line, or main, consistent with the plumbing code of the city, referred to in section 18-71, and the replacement, in an approved manner, and with like material, of any cut, ditch, encroachment or violation of any existing street, alleyway or city easement necessary to be made to effect such tap or connection. All such costs for the required changes or alterations shall be borne by the connecting party or applicant.
- (b) The city water and sewer maintenance department will make such water and/or sanitary sewer taps and/or water or sanitary sewer connections and meter settings after such costs and/or fees have been paid as required by this article to be paid by the owner, or applicant, applying for such connection to the city, either by contract with the city or as otherwise stated, and set out in this article, at the costs in effect for the period in which such agreement is made, as shown by the city council's current resolution order.
- (1) Service sewer line, house or commercial (inspection and construction included), in unpaved streets, alleys or easements, all water tap and meter setting fees; service sewer line, house or commercial connection tap into gathering line or main line (inspection fees included), lying under asphalt street, alley or easement for the size tap desired, plus the applicable per lateral foot of paving cut necessary to establish such tap and/or connection; service sewer line, house or commercial tap, or connection, into gathering line or main line, lying under a concrete street, alley or easement (including inspection fee), and the cost for such cutting of concrete or asphalt, and for ditching, shall each and all be charged in accordance with the applicable current rates and/or fees as set by the city council. Such estimated cost must be deposited with the city before the work is done. Any sizes, other than those listed in such current rate, will be set by special contract with the city.
- (2) The water and sewer maintenance department, or the street department, shall make the pavement repairs as part of the installation job at the costs as set out in this article, and such costs shall apply for connections to property inside the city limits only. For connections to property outside the city limits, the actual cost of construction shall govern, with a minimum charge according to the schedule set out in this article, or as contracted with the city by such applicant or owner.
- (3) It is further provided that in no event shall the city be required to make any surveys, street grading or staking off on the ground of any subdivision of the applicant for the purpose of making water or sewer installation; but all of such work shall be done by the developer or his engineer, at such



developer's or applicant's cost and expense, and shall be done to the satisfaction of the superintendent of the water and sewer maintenance department.

(Code 1978, § 26-28)

Sec. 98-49. - Fee schedule.

The city council adopts water and sewer extensions and water tapping and meter set fees delineated in Appendix A: Section II, and set by annual City Council resolution:

(Ord. No. 99-4-4, 6-22-99; Ord. No. 2005-3-3, 3-15-05; Ord. No. 2008-12-02, 1-6-09)

Secs. 98-50—98-80. - Reserved.

### ARTICLE III. - WATER SERVICE

#### DIVISION 1. - GENERALLY

Sec. 98-81. - Application for service required.

Written application, disconnects, and transfers will be required of all water consumers desiring to be connected to the city mains. Applications shall be made to the utility department.

(Code 1978, § 26-40; Ord. No. 99-4-4, 6-22-99)

Sec. 98-82. - Location of meter and cutoff; furnishing of meters.

The meter and cutoff shall be placed inside a meter box, which shall be located just outside the property line. Both meter and meter box may be obtained from the utility department at cost, or will be furnished by the city, in which case an additional charge, delineated in Appendix A: Section III and set by annual City Council resolution, will be made for a five-eighths-inch meter and three-quarter-inch meter. The additional charge for a meter larger than five-eighths-inch shall be the amount set by utility department. The above charges are for rental of meters, and when so rented, meters always remain the property of the city.

(Code 1978, § 26-42; Ord. No. 99-4-4, 6-22-99)

Sec. 98-83. - Rates generally.

- (a) *Minimum charge.* The minimum charge for all metered accounts is based upon meter size and is levied whether or not any water is used. The rates for all metered accounts are set by annual City Council resolution and are delineated in Appendix A: Section III.
- (b) *Water rates* are set by annual City Council resolution and are delineated in Appendix A: Section III.
- (c) *Bulk water rates* are set by annual City Council resolution and are delineated in Appendix A: Section III.

(Code 1978, § 26-43; Ord. No. 98-5-3, 6-9-1998; Ord. No. 99-4-4, 6-22-99; Ord. No. 99-9-7, 10-12-99; Ord. No. 2000-9-8, 9-26-00; Ord. No. 2001-9-7, 10-9-01; Ord. No. 2002-9-9, 9-16-02; Ord. No. 2003-1-3, 3-3-03; Ord. No. 2006-10-03, 12-5-06; Ord. No. 2007-08-01, 8-7-07; Ord. No. 2008-05-01, 7-1-08; Ord. No. 2009-10-01, 11-17-09; Ord. No. 2010-10-01, 10-19-10; Ord. No. 2016-09-04, 9-20-16)

Sec. 98-84. - Reserved.

**Editor's note**— Ord. No. 99-4-4, adopted June 22, 1999, repealed § 98-84, which pertained to rates for special contract users, and derived from the 1978 Code, § 26-44.

**Sec. 98-85. - Rates outside city limits.**

Water rates outside the city limits shall be one and one-half times the minimum in-city amended rates.

(Code 1978, § 26-45; Ord. No. 99-4-4, 6-22-99; Ord. No. 2010-10-01, 10-19-10; Ord. No. 2016-09-04, 9-20-16)

**Sec. 98-86. - When charges due; delinquency.**

All water rents, rates and charges will be due and payable on the first day of each month at the office of the utility department. In the event that such water rents, rates and charges are not paid on or before the 20th day of the month, the city will disconnect the water from the delinquent property or the premises without further notice, applying to such delinquency the deposit held by the city for such property, and will not reconnect the delinquent property or premises until all back water rentals are paid in full or security made with the city for the payment in full of all such delinquent water accounts, and a new deposit made. Fees under this section are delineated in Appendix A: Section IV and are set by annual City Council resolution.

(Code 1978, § 26-46; Ord. No. 99-4-4, 6-22-99; Ord. No. 2000-6-5, 9-1-00; 2009-10-03, 10-27-09)

**Sec. 98-87.**

- (a) Each property must maintain their own meter.
- (b) Failure to pay such minimum charge for any such unit or failure to pay any outstanding water bill by the 20th of the month shall authorize the utility billing clerk to cause the discontinuance of such common source service without further notice, applying to such delinquency the deposit held by the city for such property, and will not reconnect the delinquent property or premises until all back water rentals are paid in full or security made with the city for payment in full of all such delinquent water accounts and a new deposit made. In addition there shall be a reconnecting fee of \$25.00.
- ~~(c) Primary customer of record is the owner of property.~~
- (c) Budget billing and payment will continue with water usage, customer average determination will be determined in March of every year.

(Code 1978, § 26-47; Ord. No. 99-4-4, 6-22-99; Ord. No. 2000-6-5, 9-1-00; 2009-10-03, 10-27-09)

**Sec. 98-88. - Permitting freezing.**

No water main or line pipe installed by someone other than the city shall be exposed during freezing weather for a sufficient time to cause damage and if this provision is ignored, the contractor doing the work shall be liable to the city for the full amount of the damage.

(Code 1978, § 26-48)

**Sec. 98-89. - Tampering with system; violations.**

Anyone tampering with the city waterworks system or any water meter in any manner calculated to injure them, or who shall violate any of the provisions of this article, or fail to comply with any order or regulation made under this article, shall be deemed to be guilty of a misdemeanor. A tampering fee,

delineated in Appendix A: Section IV, plus damages will be charged if the city finds that a meter has been tampered with.

(Code 1978, § 26-49)

## **DIVISION 2. - CROSS-CONNECTION CONTROL AND BACKFLOW PREVENTION<sup>[2]</sup>**

### **Footnotes:**

--- (2) ---

**Editor's note**— Ord. No. 2002-11-12, adopted Dec. 2, 2002, added provisions for § 98-90. At the discretion of the editor, and for purposes of clarity, said provisions have been set out herein as §§ 98-90 through 98-107.

### **Sec. 98-90. - Adopted.**

The city shall be responsible for the protection of its public water distribution system from contamination or pollution. The city will not install or maintain a water service connection to any premises unless the water supply is protected as required by all applicable laws and regulations of the city and of the state.

If in the opinion of the city an approved backflow prevention assembly is required at the customer's water service connection; or, within the customer's private water system for the safety of the public water system, the city, or their designated agent shall give notice in writing to said customer to install an approved backflow prevention assembly(s) at specific location(s) on the customer's premises.

The installation of such approved assembly(s) shall be at the customer's expense; and depending on the severity of the threat to the public water supply within the required time frame and in all instances within 30 days. Failure, refusal, or inability on the part of the customer to install, have tested, and maintain the proper backflow prevention assembly(s) shall be grounds for discontinuing water service to the premises until such requirements have been met.

(Ord. No. 2002-11-12, 12-2-02)

### **Sec. 98-91. - Definitions.**

For the purpose of this division, the following definitions apply unless the context clearly indicates or requires a different meaning. If a word or term used in this ordinance is not contained in the following list, its definition, or other technical terms used, shall have the meaning or definitions listed in the most recent Manual of Cross-Connection Control published by the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research (USC FCCCHR). The following definitions shall apply to this division.

*Air gap* shall mean a physical separation between the free flowing discharge end of a potable water supply piping and/or appurtenance and an open or non-pressure receiving vessel, plumbing fixture or other device. An "approved air-gap separation" shall be at least twice the diameter of the supply pipe measured vertically above the overflow rim of the vessel, plumbing fixture or other device in no case less than one inch.

*Atmospheric vacuum breaker backflow prevention device or atmospheric vacuum breaker or AVB* shall mean a device used to prevent backsiphonage.

*Auxiliary supply* shall mean any water source or system other than the public water system, that may be available in the building or on the property, including ground water or surface waters used for industrial, irrigation or any other purpose.

*Backflow* shall mean the flow in the direction opposite to the normal flow or the introduction of any foreign liquids, gases, or substances into the water system.

*Backflow prevention assembly or assembly* shall mean an assembly to counteract back pressure or prevent backsiphonage.

*Backpressure* shall mean any elevation of pressure in the downstream piping system (by any means) above the supply pressure at the point of consideration which would cause, or tend to cause, a reversal of the normal direction of flow.

*Backsiphonage* shall mean the flow of water or other liquids, mixture or substances into the distribution pipes of a potable water supply system from any source other than its intended source caused by a sudden reduction of pressure in the potable water supply system.

*Boresight or boresight to daylight* shall mean providing adequate drainage for backflow prevention assemblies installed in vaults through the use of an unobstructed drain pipe.

*City or the city* shall mean the City of Alpine or its representative.

*Commercial establishment* shall mean property or location which is used primarily for manufacture, production, storage, wholesaling or retailing of services which is or may be placed in the flow of commerce or any property or location which is used primarily for the provision of any service.

*Contaminants* shall mean any foreign material, solid, liquid or gaseous, that is not common to the potable water supply which makes the water unfit or undesirable for human or animal consumption.

*Contamination* shall mean the admission of contaminants into the potable water supply system.

*Cross-connection* shall mean any connection, physical or otherwise, between a potable water supply system and any plumbing fixture or any tank, receptacle, equipment or device, through which it is possible for any nonpotable, used, unclean, polluted and/or contaminated water, or other substances, to enter into any part of such potable water system under any condition or set of conditions.

*Cross-connection control device* shall mean any approved or recognized device placed upon any connection, physical or otherwise, between a potable water supply system and any plumbing fixture or any tank, receptacle, equipment or device, which is designed to prevent nonpotable, used, unclean, polluted and/or contaminated water, or other substances, from entering into any part of such potable water system under any condition or set of conditions.

*Customer service inspection* shall mean an inspection designed to inspect and detect any actual or potential cross-connection hazards and/or exceedence of the lead action level in solder or flux, pipe or pipe fittings.

*Degree of hazard* shall mean the low or high hazard classification that shall be attached to all actual or potential cross-connections as follows:

- (1) *Health hazard* means an actual or potential threat of contamination of a physical or toxic nature to the public potable water system or the consumer's potable water system that would be a danger to health.
- (2) *High hazard* means the classification assigned to an actual or potential cross-connection that potentially could allow a substance that may cause illness or death to backflow into the potable water supply.
- (3) *Low hazard* means the classification assigned to an actual or potential cross-connection that potentially could allow a substance that may be objectionable but not hazardous to one's health to backflow into the potable water supply.
- (4) *Pollution hazard* means an actual or potential threat to the physical properties of the water system or the potability of the public or the consumers potable water system, but which would not constitute

a health or system hazard, as defined. Maximum degree of intensity of pollution which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances.

- (5) *System hazard* means an actual or potential threat of severe danger to the physical properties of the public or consumers potable water supply or of a pollution or contamination that would have a detrimental effect on the quality of the potable water in the system.

*Director* shall mean the public utilities director or his designee who is vested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of this division.

*Manual of cross connection control* shall mean the latest edition as published by the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research (abbreviated as USC FCCCHR).

*Mobile unit* shall mean any operation which may have the potential to introduce contaminants into a potable water system from a mobile source. These include, but are not limited to; carpet cleaning vehicles, water-hauling vehicles, street-cleaning vehicles, liquid-waste vehicles, power-wash operations and pest-control vehicles.

*Non-residential use* shall mean water used by any person other than a residential customer of the water supply and include all uses not specifically included in "residential uses".

*Person* shall mean any individual, partnership, association, corporation, firm, club, trustee, receiver, and bodies politic and corporate.

*Point-of-use isolation* shall mean the appropriate backflow prevention within the consumers water system at the point at which the actual or potential cross-connection exists.

*Potable water supply* shall mean any water supply intended or used for human consumption or other domestic use.

*Premises* shall mean any piece of property to which water is provided, including all improvements, mobile structures, and structures located on it.

*Premises isolation* shall mean the appropriate backflow prevention at the service connection between the public water system and the water user.

*Pressure vacuum breaker backflow prevention assembly or pressure vacuum breaker or PVB* shall mean an assembly which provides protection against backsiphonage, but does not provide adequate protection against backpressure backflow. The assembly is a combination of a single check valve with an AVB and can be used with downstream resilient seated shutoff valves. In addition, the assembly has suction and discharge gate valves and resilient seated test cocks which allows the full testing of the assembly.

*Public water system or system* shall mean any public or privately-owned water system which supplies water for public domestic use. The system includes all services, reservoirs, facilities, and any equipment used in the process of producing, treating, storing, or conveying water for public consumption.

*Reduced pressure principle backflow prevention assembly or reduced pressure principle assembly or RP assembly or RP* shall mean an assembly containing two independently acting approved check valves together with a hydraulically-operated, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The assembly shall include properly located resilient seated test cocks and a tightly closing resilient seated shutoff valve at each end of the assembly.

*Reduced pressure principle detector backflow prevention assembly or reduced pressure detector or RPDA* shall mean an assembly composed of a line-size approved reduced pressure principle assembly with a bypass containing a specific water meter and an approved reduced pressure principle backflow prevention assembly. The meter shall register accurately for very low rates of flow.

*Regulatory authority* shall mean any municipal officer or department of the City of Alpine, appointed by the public utilities director to administer this division.

*Representative of the water system* shall mean a person designated by the city to perform cross-connection control duties that shall include, but are not limited to, cross-connection inspections and water use surveys.

*Residential use* shall mean water used by any residential customer of the water supply and include single-family dwellings, duplexes, multiplex, housing and apartments where the individual units are each on a separate meter or in cases where two or more units are served by one meter, the units are full-time dwellings.

*Service connection* shall mean the point of delivery which the water purveyor loses control of the water.

*Spill-resistant pressure vacuum breaker or SPVB* shall mean an assembly containing an independently operating, internally loaded check valve and independently operating, loaded air inlet valve located on the discharge side of the check valve. This assembly is to be equipped with a properly located resilient seated test cock and tightly closing resilient seated shutoff valves attached at each end of the assembly.

*Tester* shall mean a person that is a certified backflow prevention assembly technician approved by and registered with the city and the TCEQ.

*Thermal expansion* shall mean heated water that does not have the space to expand.

*TCEQ* shall mean the Texas Commission on Environmental Quality, formerly the Texas Natural Resource Conservation Commission (TNRCC).

*Used water* shall mean water supplied by a public water system to a water user's system after it has passed through the service connection.

*Water use survey* shall mean a survey conducted or caused to be conducted by the local authority designed to identify possible sources of pollution and/or contamination to the potable water supply.

(Ord. No. 2002-11-12, 12-2-02)

Sec. 98-92. - Right-of-way encroachment.

No person shall install or maintain a backflow prevention assembly upon or within any city right-of-way except as provided in this section.

- (1) A backflow prevention assembly required by the city may be installed upon or within any city right-of-way only if the owner proves to the city that there is no other feasible location for installing the assembly, and installing it in the right-of-way will not interfere with traffic or utilities. The city retains the right to approve the location, height, depth of enclosure, and other requisites of the assembly prior to its installation.
- (2) All permits and inspections required by the city Code to perform work in the right-of-way shall be obtained.
- (3) The assembly shall be installed below or flush with the surrounding grade except when it is not practicable to install it in this manner. Any assembly or portion of an assembly that extends above ground shall be located no closer than 18 inches to the face of the curb.
- (4) The city shall not be liable for any damage done to or caused by an assembly installed in a right-of-way.
- (5) A property owner shall, at the request of the city and at the owner's expense, relocate a backflow prevention assembly which encroaches upon any city right-of-way when such relocation is necessary for street or utility construction or repairs for purposes of public safety.

- (6) A person commits an offense if after receiving a written order from the regulatory authority, he or she fails to relocate a backflow prevention assembly located in or upon any city right-of-way.

(Ord. No. 2002-11-12, 12-2-02)

Sec. 98-93. - Multiple connections.

Any premises requiring multiple service connections for adequacy of supply and/or fire protection will be required to install a backflow assembly on each of the service lines to the premises. The type of assembly will be determined by the degree of hazard that could occur in the event of an interconnect between any of the water systems on the premises.

(Ord. No. 2002-11-12, 12-2-02)

Sec. 98-94. - Protection required; installation.

- (a) No water service connection to any premises shall be installed or maintained by the city unless the water supply is protected as required by state laws and regulation and this division. Service of water to any premises shall be discontinued by the city if a backflow prevention assembly required by this ordinance is not installed, tested, and maintained, or if it is found that a backflow prevention assembly has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service will not be restored until such conditions or defects are corrected.
- (b) The customer's system should be open for inspection at all reasonable times to authorized representatives of the city to determine whether cross connections or other structural or sanitary hazards, including violations of these regulations exist. When such a condition becomes known, the regulatory authority shall deny or immediately discontinue service to the premises by providing for a physical break in the service until the customer has corrected the condition(s) in conformance with state and city codes relating to plumbing and water supplies and the regulations adopted pursuant thereto.
- (c) The backflow prevention assembly protection which is required under this division shall be any of the USC FCCCHR recognized and approved backflow prevention assemblies, or as approved by the regulatory authority. The regulatory authority prior to installation must have approved each backflow prevention assembly. Failure to obtain such approval prior to installation of the backflow prevention assembly may result in the backflow prevention assembly failing to meet final approval by the regulatory authority. The regulatory authority shall determine the type and location of backflow assembly to be installed within the area served by the city. An assembly will be required in each of the following circumstances, but the customer is in no way limited to the following circumstances:
  - (1) The nature and extent of any activity of the premises, or the materials used in connection with any activity of the premises, or materials stored on the premise, if said activity or material could contaminate or pollute the potable water supply.
  - (2) Premises having an auxiliary water supply that is not or may not be of safe bacteriological or chemical quality.
  - (3) Internal cross-connections are present that are not correctable.
  - (4) Intricate plumbing arrangements that are present which make it impractical to ascertain whether cross-connections exist.
  - (5) Where entry to all of portions of the premises is not readily accessible for inspection purposes, making it impractical or impossible to ascertain whether or not cross connections exist.
  - (6) Installation of an approved backflow prevention assembly is deemed to be necessary to accomplish the purpose of these regulations in the judgment of the city.
  - (7) A lawn irrigation system that is connected to the city's water system.
  - (8) A fire suppression system that is connected to the city's water system.

- (9) All new construction if deemed necessary in the customer service inspection. The type of assembly required will be determined by the degree of hazard.
- (10) When a building is constructed on commercial premises, and the end use of such building is not determined or could change, a reduced pressure principle backflow prevention assembly may be installed at the service connection that supplies water for public domestic use.
- (11) Any used water return system.
- (12) In the event a point-of-use assembly has not had the testing or repair done as required by this division, a premises isolation assembly will be required.
- (13) If it is determined that additions or alterations have been made to the plumbing system without obtaining proper permits, premises isolation may be required.
- (14) All multistory buildings or any building with a booster pump or elevated storage tank.
- (15) Retrofitting will be required on all high hazard connections and wherever else the city deems necessary to meet the intent of this division.
- (d) All backflow prevention assemblies installed after the effective date of this ordinance shall be installed in a manner designed to facilitate ease of inspection and testing by the regulatory authority of the city or its chosen representative. Any currently installed backflow prevention assemblies which are located in inaccessible locations or where the tester is subject to physical danger shall be relocated to approved locations.

(Ord. No. 2002-11-12, 12-2-02)

Sec. 98-95. - Testing of assemblies.

- (a) The regulatory authority shall require all backflow prevention assemblies to be inspected and tested in each of the following circumstances:
  - (1) Immediately after installation.
  - (2) Whenever the device or assembly is moved.
  - (3) A minimum of once a year.
  - (4) For premises that have been vacated and unoccupied for one year, prior to re-occupancy.
  - (5) Immediately after repairs.
- (b) These inspections and tests shall be at the expense of the water user.
- (c) All assembly testing shall be performed by a state certified backflow prevention assembly tester, who is register with, and approved by, the city. A test report must be completed by a recognized backflow prevention assembly tester for each assembly tested. The signed and dated original form must be submitted to the city's public utilities director within five working days of the test.
- (d) The city is not liable for damage to a backflow prevention assembly which may occur during testing.
- (e) The regulatory authority may cause a water use survey to be conducted at any establishment which is served by the public water supply or which provides water to the public. Upon determination by the regulatory authority that the establishment falls under the provisions of this ordinance and requires a backflow prevention assembly, the regulatory authority shall issue a notice to abate the condition or order the establishment to install the proper backflow prevention assembly.

(Ord. No. 2002-11-12, 12-2-02)

Sec. 98-96. - Thermal expansion.



It is the responsibility of any person who owns or controls property to eliminate the possibility of thermal expansion if a closed system has been created by the installation of a backflow prevention assembly.

(Ord. No. 2002-11-12, 12-2-02)

Sec. 98-97. - Pressure loss.

Any reduction in water pressure caused by the installation of a backflow assembly is not the responsibility of the city.

(Ord. No. 2002-11-12, 12-2-02)

Sec. 98-98. - Service connections.

Any person who owns or controls any residential property which has been determined to have an actual or potential cross-connection will be required to eliminate the actual or potential cross-connection or have an approved backflow prevention assembly installed in accordance with this division.

Any person who owns or controls property is responsible for the installation, test and repair of all backflow assemblies on their property.

(Ord. No. 2002-11-12, 12-2-02)

Sec. 98-99. - Mobile units.

The connection of a mobile unit to any potable water system is prohibited unless an air gap or an approved backflow prevention assembly protects such connection. Prior approval and annual device testing of any backflow prevention assembly must be received from the regulatory authority before connecting to any potable water system.

(Ord. No. 2002-11-12, 12-2-02)

Sec. 98-100. - Customer service inspections.

- (a) A customer service inspection shall be completed prior to providing water service to all new construction, on any existing service when the city has reason to believe that cross-connections or other contaminant hazards exist, or after any material improvement, correction, or addition to the private water facilities of any property served by the public water supply.
- (b) Only individuals with the following credentials shall be recognized as capable of conducting a customer service inspection:
  - (1) Plumbing inspectors and water supply protection specialists that have been licensed by the Texas State Board of Plumbing Examiners.
  - (2) Customer service inspectors who have completed a commission approved course, passed an examination administered by the TCEQ or its designated agent and hold a current certification or endorsement as a customer service inspector.
- (c) The customer service inspection must certify that:
  - (1) 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 assembly.
  - (2) 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 principle backflow prevention assembly.

- (3) No connection which allows water to be returned to the public drinking water supply is permitted.
- (4) No pipe or pipe fitting which contains more than eight percent lead may be used for the installation or repair of plumbing at any connection. No solder or flux which contains more than 0.2 percent lead can be used for the installation at any connection. A minimum of one lead test shall be performed for each inspection.

(Ord. No. 2002-11-12, 12-2-02)

**Sec. 98-101. - Installation guidelines and requirements for backflow prevention assemblies.**

To ensure proper operation and accessibility of all backflow prevention assemblies, the most current guidelines contained in the manual of cross connection control which is adopted hereto by reference and incorporated herewith, shall apply to the installation of these assemblies. Additionally, the following shall also be required:

- (1) All premises that require continuous, uninterrupted water service and are required to have a backflow assembly must make provisions for the parallel installation of assemblies of the same type so that testing, repair and maintenance can be performed.
- (2) The property owner assumes all responsibility for any damage resulting from installation, operation, and/or maintenance of a backflow assembly. The owner shall be responsible for keeping all backflow prevention assembly vaults reasonably free of silt and debris.
- (3) Upon completion of installation, the regulatory authority shall be notified and all assemblies must be inspected and tested. All assemblies must be registered with the regulatory authority and shall provide the date of installation, manufacturer, model, type, size, serial number of the backflow assembly, physical location and initial test report.
- (4) Assemblies must be sized and flow characteristics must be sufficient to provide an adequate supply of water and pressure for the premises being served.
- (5) Assemblies must be readily accessible for testing and maintenance and must be located in an area where water damage to building or furnishings would not occur from water discharge. The property owner assumes all responsibility for any damage caused by water discharge from an assembly. An approved air gap shall be located at the relief valve orifice of RP assemblies.
- (6) No part of a reduced pressure principle backflow prevention assembly shall be submerged in water or installed in a location subject to flooding. RPs are typically installed above grade in well-drained areas, but may be installed below grade (ground level) if a boresight drain to daylight is provided. The drain shall be of adequate capacity to carry the full rated flow of the assembly and shall be screened on both ends.
- (7) Reduced pressure principal detector backflow prevention assemblies (RPDA) - may be utilized in all installations requiring a reduced pressure principal backflow prevention assembly and detector metering.
  - a. RPDAs shall comply with the installation requirements applicable for reduced pressure principal backflow assemblies.
  - b. The line-size RP assembly and the bypass RP assembly must each be tested. The certified tester must complete a separate test report for each assembly.
- (8) Pressure vacuum breaker backflow prevention assemblies (PVB) may be utilized as point-of-use protection against backsiphonage only and shall not be installed where there is potential for backpressure.

PVBs shall not be installed in an area subject to flooding or where damage would occur from water discharge.
- (9) Spill resistant pressure vacuum breaker backflow prevention assemblies (SVB) may be utilized in all installations requiring a pressure vacuum breaker.

SVBs shall comply with the installation requirements applicable for pressure vacuum breaker backflow prevention assemblies.

(Ord. No. 2002-11-12, 12-2-02)

Sec. 98-102. - Air gap separation.

Air gaps provide maximum protection from backflow hazards and should be utilized at all locations where "high hazardous" substances are at risk of entering the potable water system.

- (1) An air gap separation shall be at least twice the diameter of the supply pipeline measured vertically above the top rim of the receiving vessel and in no case less than one inch, if splashing is a problem, tubular screens may be attached or the supply line may be cut at a 45 degree angle. The air gap distance is measured from the bottom of the angle. Hoses are not allowed.
- (2) Air gap separations shall not be altered in any way without prior approval from the regulatory authority and must be available for inspection at all reasonable times.
- (3) Side walls, ribs or similar obstructions do not affect air gaps when spaced from the inside edge of the spout opening a distance greater than three times the diameter of the effective opening for a single, or a distance greater than four times the effective opening for two intersecting walls.

(Ord. No. 2002-11-12, 12-2-02)

Sec. 98-103. - Fire suppression systems.

- (a) All new installations of fire suppression systems which utilize the city's potable water supply shall have installed an approved backflow prevention devices according to the degree of hazard.
  - (b) A reduced pressure detector assemblies (RPDA) shall be the minimum protection for fire sprinkler systems using piping material that is not approved for potable water use and/or that does not provide for periodic flow-through during each 24-hour period, unless a variance has been issued in writing from the regulatory authority. A (RPDA) must be installed if any solution other than the potable water can be introduced into the sprinkler system.
- (1) It is the responsibility of all property owners and persons in charge of any premises to abide by the conditions of this division. In the event of any changes to the fire suppression system, it is the responsibility of the property owners to notify the regulatory authority. All costs associated with this article and the purchase, installation, testing and repair of devices is the responsibility of the property owner and persons in charge of any premises.
  - (2) Upon the approved installation of the device, a device test report completed by a licensed fireline tester must be sent to the attention of the public utilities director and include the information required by this division.

(Ord. No. 2002-11-12, 12-2-02)

Sec. 98-104. - Fire hydrant protection.

- (a) A reduced pressure detector assemblies (RPDA) shall be the minimum protection for fire hydrant water meters which are being used for a temporary water supply during any construction or other times which would pose a potential hazard to the public water supply.
- (1) It is the responsibility of all persons engaging in the use of a fire hydrant water meter to abide by the conditions of this division. All fire hydrant water meters shall meet the current requirements as provided for by the city's public utilities division.
  - (2) Only the city's fire hydrant water meters with approved backflow prevention assemblies are allowed to be used within the potable water system.

- (3) A refundable deposit is required to insure the return of all water meter and backflow assemblies to the Utility Customer Service Division. Failure to return or any misuse of the assemblies can result in the forfeiture of deposit and/or enforcement action being taken against the responsible party, as allowed for in the penalty section of this division.
- (4) All non approved fire hydrant meters which are found to be in use in the city will be confiscated and enforcement action taken against the responsible party, as allowed for in the enforcement section in this division.

(Ord. No. 2002-11-12, 12-2-02)

Sec. 98-105. - Responsibilities.

- (a) *Property owner.* It is the responsibility of all property owners and/or persons in charge of any premises to abide by the conditions of this article and to comply with the following:
  - (1) Payment of all costs associated with this article and the purchase, installation, testing and repair of backflow prevention assemblies.
  - (2) To install and maintain all backflow prevention assemblies in accordance with this article and acceptable industry practice.
  - (3) To have backflow prevention assemblies tested annually. Such testing must be conducted by a certified tester who is registered with the city.
  - (4) Maintain all backflow prevention assemblies in proper working order at all times, including repairs as required.
  - (5) Maintain all backflow prevention assemblies in a manner that allows them to be tested by a method that has been approved by the regulatory authority.
  - (6) Submit original test results to the city's public utilities director within five working days. All records related to backflow prevention assembly installation testing and repair shall be maintained on the premises for a minimum of three years.
- (b) *Certified backflow prevention assembly tester.* The tester shall comply with the following requirements:
  - (1) Annually register with the regulatory authority.
  - (2) Maintain testing equipment in proper working condition/calibration. Test gauges shall be calibrated at least annually. The original calibration form must be submitted to the city's public utilities director within five working days after calibration.
  - (3) Maintain the design or operation characteristics of an assembly.
  - (4) Ensure that devices are tested according to accepted industry practice and TCEQ rules and regulations.
  - (5) Enter required testing data, including test gauge serial numbers, on Backflow Prevention Device Test forms that have been approved by the regulatory authority.
  - (6) Report test results to the regulatory authority within ten working days of testing.
  - (7) Provide a copy of the completed test report to the property owners and/or persons in charge of any premises.
  - (8) Maintain testing and/or repair records for a minimum of three years.
- (c) *Regulatory authority.* The regulatory authority shall ensure the inspection and testing of all backflow prevention assemblies installed pursuant to the requirements of this division. For new facilities, permanent water service shall not be provided until all backflow prevention assemblies have been tested and are operational. Except in cases where the testing of backflow prevention assemblies must be delayed until the installation of internal production or auxiliary equipment, the regulatory authority

shall not approve a certificate of occupancy until all backflow prevention assemblies have been tested and are operational. The city shall not be liable for damage caused to any backflow prevention assembly as a result of the inspection or testing.

(Ord. No. 2002-11-12, 12-2-02)

Sec. 98-106. - Backflow prevention assembly tester certification—Registration required.

Only approved TCEQ licensed backflow prevention assembly testers can test in the City of Alpine. Testers must register annually with the regulatory authority, provide proof of TCEQ certification, and provide proof that testing equipment is able to maintain a calibration of plus or minus 0.2-psid accuracy.

(Ord. No. 2002-11-12, 12-2-02)

Sec. 98-107. - Enforcement.

(a) *Violations.* A person commits an offense if:

- (1) He fails to maintain backflow prevention assemblies in compliance with this section.
  - (2) He fails to comply with a repair order issued by the regulatory authority.
  - (3) Backflow from premises he owns, operates or manages enters the public water supply system.
  - (4) He violates any section of this article.
  - (5) He reinstates water service to premises discontinued or disconnected under this article, except as directed by the regulatory authority.
  - (6) He allows an unregistered tester to perform testing work at their establishment.
  - (7) He tests a backflow prevention assembly within the city without being registered with the regulatory authority.
  - (8) He tests a backflow prevention assembly within the city without being certified by the TCEQ.
- (b) The city is entitled to pursue all criminal and civil remedies available for violations of this division.
- (c) A certified tester's registration may be reviewed and revoked by the city if the regulatory authority determines that the tester:
- (1) Has falsely, incompletely, or inaccurately reported assembly reports;
  - (2) Has used inaccurate gauges;
  - (3) Has used improper testing procedures; or
  - (4) Has created a threat to public health or the environment.

(Ord. No. 2002-11-12, 12-2-02)

Secs. 98-108—98-120. - Reserved.

#### ARTICLE IV. - SEWER SERVICE

##### DIVISION 1. - GENERALLY

Sec. 98-121. - Connection required.

It shall be unlawful for any person, family, business or entity, within the corporate limits of the city, to inhabit, occupy, use, enjoy or live within any structure, place or building within such corporate limits, if such structure, place or building is not lawfully, properly and efficiently connected to the approved sewer

system of the city; provided, however, should such sewer service be more than 100 feet from a point ten feet within the nearest property line to such service of the required use, then this section shall not be applicable until such facility is made available for the owner or user of such property within such distance.

(Code 1978, § 26-76)

Sec. 98-122. - Prohibited systems.

The health and welfare of the citizens of the city demands that no open toilet, pit, cesspool or other unwholesome or unsanitary residential or commercial waste disposal system, be permitted within the corporate limits of the city, and such use of any property within the city limits is declared to be unlawful and a public nuisance. Notice shall be given by the city secretary, by regular United States mail, addressed to the address of the owner or occupant of any property within the city limits where such prohibited disposal system is in use, directing the owner or occupant to abate such nuisance within a period of 30 days from the date of the mailing of such letter. Failure to abate such nuisance within such time shall permit the city to abate such nuisance by physically removing or destroying the nuisance, or by injunctive relief. The costs of such abatement of such nuisance is to be a lien on the property from which such nuisance is abated.

(Code 1978, § 26-77)

Sec. 98-123. - Sewer rates.

The following sewer rates are to be set by annual City Council resolution and are delineated in Appendix A: Section V:

(a) (1) *Residential.*

(flat rate)

(2) *Commercial*>

Minimum rates for the first 4,000 gallons on the average water consumption of the previous 12 months

Minimum rates for every 1,000 gallons over 4,000

(b) The consumption per month for all users shall be the average water consumption per month for the prior December, January and February period, unless the user provides information on actual sewer discharge, to be determined annually prior to October 1, to be charged and reflected on the statements which are mailed starting October 1 of each year, and to be in effect until September 30 of the following year. Water consumption for users that are not entirely on a metered basis shall be estimated and charged, based on the best information available, including any metered water or sewage, frequency and patterns of discharge.

(c) Customers outside the city limits shall be charged pursuant to the appropriate rate schedule correlating with this section multiplied by 1½.

(Code 1978, § 26-78; Ord. No. 98-5-3, 6-9-1998; Ord. No. 99-9-7, 10-12-99; Ord. No. 2001-9-7, 10-9-01; Ord. No. 2002-9-9, 9-16-02; Ord. No. 2003-1-3, 3-3-03; Ord. No. 2006-10-03, 12-5-06; Ord. No. 2007-08-01, 8-7-07; Ord. No. 2016-09-04, 9-20-16)

Sec. 98-124. - Billing, collection of sewer charge.

Charges for sewer service shall be billed with charges for water, and shall be subject to all provisions relating to water charges.

(Code 1978, § 26-79)

Sec. 98-125. - Penalty.

Any person, firm or corporation who shall violate any of the provisions of this article, or who shall fail to comply with the provisions of this article, or with any of the requirements thereof, shall, for each and every violation or noncompliance, be deemed guilty of a misdemeanor and shall be punished as provided in section 1-11 for each such offense.

(Code 1978, § 26-127)

Secs. 98-126—98-145. - Reserved.

DIVISION 2. - HARMFUL WASTES

Sec. 98-146. - Definitions.

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

*Approving authority* means the director of public works or his duly authorized representative.

*BOD (biochemical oxygen demand)* means the quantity of oxygen, by weight, expressed in mg/l, utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five days at a temperature of 20 degrees Celsius.

*Building sewer* means the extension from the building drain to the public sewer or other place of disposal (also called house lateral and house connection).

*COD (chemical oxygen-demand)* means the measure of the oxygen consuming capacity of inorganic and organic matter present in the water or wastewater, expressed in mg/l, as the amount of oxygen consumed forms a chemical oxidant in a specific test, but not differentiating between stable and unstable organic matter, and thus, not necessarily correlating with biochemical oxygen demand.

*Control manhole* means a manhole giving access to a building sewer at some point before the building sewer discharge mixes with other discharges in the public sewer.

*Control point* means a point of access to a course of discharge before the discharge mixes with other discharges in the public sewer.

*Garbage* means animal and vegetable wastes and residue from preparation, cooking and dispensing of food, and from the handling, processing, storage and sale of food products and produce.

*Industrial waste* means waste resulting from any process of industry, manufacturing, trade or business from the development of any natural resource, or any mixture of the waste with water or normal wastewater, or distinct from normal wastewater.

*Industrial waste charge* means the charge made on those persons who discharge industrial wastes into the city's sewer system.

*Milligrams per liter (mg/l)* means the same as parts per million and is a weight-to-volume ratio. The milligram-per-liter value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

*Natural outlet* means any outlet into a watercourse, ditch, lake or other body of surface water or groundwater.

*Normal domestic wastewater* means wastewater, excluding industrial wastewater, discharged by a person into sanitary sewers, and in which the average concentration of total suspended solids is not more than 250 mg/l and BOD is not more than 250 mg/l.

*Overload* means the imposition of organic or hydraulic loading on a treatment facility in excess of its engineered design capacity.

*pH* means the reciprocal of the logarithm (base 10) of the hydrogen ion concentration expressed in grams per liter.

*Public sewer* means pipe or conduit carrying wastewater or unpolluted drainage, in which owners of abutting properties shall have the use, subject to control by the city.

*Sanitary sewer* means a public sewer that conveys domestic wastewater or industrial wastes, or a combination of both, and into which stormwater, surface water, groundwater and other unpolluted wastes are not intentionally passed.

*Slug* means any discharge of water, wastewater or industrial waste, which in concentration of any given constituent, or in quantity of flow, exceeds for any period of duration longer than 15 minutes, more than five times the average 24-hour concentration of flows during normal operation.

*Standard Methods* means the examination and analytical procedures set forth in the latest edition, at the time of analysis, of Standard Methods for the Examination of Water and Wastewater, as prepared, approved and published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation.

*Storm sewer* means a public sewer which carries stormwaters, surface waters and drainage, and into which domestic wastewater or industrial wastes are not intentionally passed.

*Stormwater* means rainfall or any other form of precipitation.

*Superintendent* means the water and wastewater superintendent of the city or his duly authorized deputy, agent or representative.

*Suspended solids* means solids measured in mg/l that either float on the surface of, or are in suspension in, water, wastewater or other liquids, and which are largely removable by a laboratory filtration device.

*To discharge* includes to deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of, or to allow, permit or suffer any of these acts or omissions.

*Trap* means a device designed to skim, settle or otherwise remove grease, oil, sand, flammable wastes or other harmful substances.

*Unpolluted wastewater* means water containing:

- (1) No free or emulsified grease or oil;
- (2) No acids or alkalis;
- (3) No phenols or other substances producing taste or odor in receiving water;
- (4) No toxic or poisonous substances in suspension, colloidal state or solution;
- (5) No noxious or otherwise obnoxious or odorous gases;
- (6) Not more than ten mg/l each of suspended solids and BOD; and
- (7) Color not exceeding 50 units as measured by the Platinum-Cobalt method of determination as specified in Standard Methods.

*Waste* means rejected, unutilized or superfluous substances in liquid, gaseous or solid form, resulting from domestic, agricultural or industrial activities.

*Wastewater* means a combination of the water-carried waste from residences, business buildings, institutions and industrial establishments, together with any groundwater, surface water and stormwater that may be present.

*Wastewater facilities* includes all facilities for collection, pumping, treating and disposing of wastewater and industrial wastes.

*Wastewater service charge* means the charge on all users of the public sewer system whose wastes do not exceed, in strength, the concentration values established as representative of normal wastewater.



*Wastewater treatment plant* means any city-owned facilities, devices and structures used for receiving, processing and treating wastewater, industrial waste and sludges from the sanitary sewers.

*Watercourse* means a natural or manmade channel in which a flow of water occurs, either continuously or intermittently.

(Code 1978, § 26-88)

**Cross reference**— Definitions generally, § 1-2.

Sec. 98-147. - Prohibited discharges.

- (a) No person may discharge to public sewers any waste, which by itself, or by interaction with other wastes may:
  - (1) Injure or interfere with wastewater treatment processes or facilities;
  - (2) Constitute a hazard to humans or animals; or
  - (3) Create a hazard in receiving waters of the wastewater treatment plant effluent.
- (b) All discharges shall conform to requirements of this division.

(Code 1978, § 26-89)

Sec. 98-148. - Chemical discharges.

- (a) No discharge to public sewers may contain:
  - (1) Cyanide greater than 1.0 mg/l;
  - (2) Fluoride other than that contained in the public water supply;
  - (3) Chlorides in concentrations greater than twice the concentration of the city water supply at the time tested;
  - (4) Gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas; or
  - (5) Substances causing an excessive chemical oxygen demand (COD).
- (b) No waste or wastewater discharged to public waters may contain:
  - (1) Strong acid, iron pickling wastes or concentrated plating solutions, whether neutralized or not;
  - (2) Fats, wax, grease or oils, whether emulsified or hot, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit (zero and 65 degrees Celsius);
  - (3) Objectionable or toxic substances, exerting an excessive chlorine requirement, to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the approving authority for such materials; or
  - (4) Obnoxious, toxic or poisonous solids, liquids or gases in quantities sufficient to violate the provisions of section 98-147(a).
- (c) No waste, wastewater or other substance may be discharged into public sewers which has a pH lower than 5.5 or higher than 9.5, or any other corrosive property capable of causing damage or hazard to structures, equipment and personnel at the wastewater facilities.
- (d) All waste, wastewater or other substance containing phenols, hydrogen sulfide or other taste-producing and odor-producing substances, shall conform to concentration limits established by the approving authority. After treatment of the composite wastewater, concentration limits may not exceed the requirements established by state, federal or other agencies with jurisdiction over discharges to receiving waters.

(Code 1978, § 26-90)

Sec. 98-149. - Discharging heavy metals and toxic materials.

- (a) No discharges may contain concentrations of heavy metals greater than amounts specified in subsection (b) of this section.
- (b) The maximum allowable concentrations of heavy metals, stated in terms of milligrams per liter (mg/l), determined on the basis of individual sampling in accordance with Standard Methods are:

	mg/l
--	------

- (1) Arsenic ..... 0.05
- (2) Barium ..... 5.0
- (3) Boron ..... 1.0
- (4) Cadmium ..... 0.02
- (5) Chromium (Total) ..... 5.0
- (6) Copper ..... 1.0
- (7) Lead ..... 0.1
- (8) Manganese ..... 1.0
- (9) Mercury ..... 0.005
- (10) Nickel ..... 1.0
- (11) Selenium ..... 0.02
- (12) Silver ..... 0.1
- (13) Zinc ..... 5.0

- (c) No other heavy metals or toxic materials may be discharged into public sewers without a permit from the approving authority specifying conditions of pretreatment, concentrations, volumes and other applicable provisions.

- (d) Prohibited heavy metals and toxic materials include, but are not limited to:

- (1) Antimony.
- (2) Beryllium.
- (3) Bismuth.
- (4) Cobalt.
- (5) Molybdenum.
- (6) Tin.
- (7) Uranyl ion.
- (8) Rhenium.
- (9) Strontium.
- (10) Tellurium.
- (11) Herbicides.

(12) Fungicides.

(13) Pesticides.

(Code 1978, § 26-91)

Sec. 98-150. - Discharging garbage.

(a) No person shall discharge garbage into public sewers unless it is shredded to a degree that all particles can be carried freely under the flow conditions normally prevailing in public sewers. Particles greater than one-half inch in any dimension are prohibited.

(b) The approving authority is entitled to review and approve the installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower, (0.76 hp metric) or greater.

(Code 1978, § 26-92)

Sec. 98-151. - Stormwater and other unpolluted drainage.

(a) No person may discharge to public sanitary sewers:

(1) Unpolluted stormwater, surface water, groundwater, roof runoff or subsurface drainage;

(2) Unpolluted cooling water;

(3) Unpolluted industrial process waters; or

(4) Other unpolluted drainage.

(b) In compliance with the Texas Water Quality Act (V.T.C.A., Water Code ch. 26 et seq.) and other statutes, the approving authority may designate storm sewers and other watercourses into which unpolluted drainage described in subsection (a) of this section may be discharged.

(Code 1978, § 26-93)

Sec. 98-152. - Temperature of discharges.

No person may discharge liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius), or any substance which causes the temperature of the total wastewater treatment plant influent to increase at a rate of ten degrees Fahrenheit, or more, per hour, or a combined total increase of plant influent temperature to 110 degrees Fahrenheit.

(Code 1978, § 26-94)

Sec. 98-153. - Radioactive wastes.

(a) No person may discharge radioactive wastes or isotopes into public sewers without the permission of the approving authority.

(b) The approving authority may establish, in compliance with applicable state and federal regulations, for discharge of radioactive wastes into public sewers.

(Code 1978, § 26-95)

Sec. 98-154. - Discharges causing impairment of facilities.

(a) No person may discharge into public sewers any substance capable of causing:

(1) Obstruction to the flow in sewers;

(2) Interference with the operation of treatment processes of facilities; or

- (3) Excessive loading of treatment facilities.
- (b) Discharges prohibited by this section include, but are not limited to materials which exert or cause concentrations of:
  - (1) Inert suspended solids greater than 250 mg/l including, but not limited to:
    - a. Fuller's earth;
    - b. Lime slurries; and
    - c. Lime residues.
  - (2) Dissolved solids greater than 250 mg/l including, but not limited to:
    - a. Sodium chloride; and
    - b. Sodium sulfate.
  - (3) Excessive discoloration including, but not limited to:
    - a. Dye wastes; and
    - b. Vegetable tanning solutions.
  - (4) BOD, COD or chlorine demand in excess of normal plant capacity.
- (c) No person may discharge into public sewers any substance that may:
  - (1) Deposit grease or oil in the sewer lines in such a manner as to clog the sewers;
  - (2) Overload skimming and grease handling equipment;
  - (3) Pass to the receiving waters without being effectively treated by normal wastewater treatment processes due to the nonamendability of the substance to bacterial action; or
  - (4) Deleteriously affect the treatment process due to excessive quantities.
- (d) No person may discharge any substance into public sewers which:
  - (1) Is not amenable to treatment, or reduction, by the processes and facilities employed; or
  - (2) Is amendable to treatment only to such a degree that the treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (e) The approving authority shall regulate the flow and concentration of slugs when they may:
  - (1) Impair the treatment process;
  - (2) Cause damage to collection facilities;
  - (3) Incur treatment costs exceeding those for normal wastewater; or
  - (4) Render the waste unfit for stream disposal or industrial use.
- (f) No person may discharge into public sewers solid or viscous substances which may violate subsection (a) of this section, if present in sufficient quantity or size, including, but not limited to:
  - (1) Ashes;
  - (2) Cinders;
  - (3) Sand;
  - (4) Mud;
  - (5) Straw;
  - (6) Shavings;
  - (7) Metal;

- (8) Glass;
  - (9) Rags;
  - (10) Feathers;
  - (11) Tar;
  - (12) Plastics;
  - (13) Wood;
  - (14) Unground garbage;
  - (15) Whole blood;
  - (16) Paunch manure;
  - (17) Hair and fleshings;
  - (18) Entrails;
  - (19) Paper products, either whole or ground by garbage grinders;
  - (20) Slops;
  - (21) Chemical residues;
  - (22) Paint residues; or
  - (23) Bulk solids.
- (Code 1978, § 26-96)

**Sec. 98-155. - Compliance with existing authority.**

- (a) Unless exception is granted by the approving authority, the public sewer system shall be used by all persons discharging:
  - (1) Wastewater;
  - (2) Industrial waste;
  - (3) Polluted liquids; or
  - (4) Unpolluted waters or liquids.
- (b) Unless authorized by the Texas Natural Resource Conservation Commission, no person may deposit or discharge any waste included in subsection (a) of this section, on public or private property in, or adjacent to, any:
  - (1) Natural outlet.
  - (2) Watercourse.
  - (3) Storm sewer.
  - (4) Other area within the jurisdiction of the city.
- (c) The approving authority shall verify, prior to discharge, that wastes authorized to be discharged will receive suitable treatment within the provisions of laws, regulations, ordinances, rules and orders of federal, state and local governments.

(Code 1978, § 26-97)

**Sec. 98-156. - Approving authority requirements.**

- (a) If discharges or proposed discharges to public sewers may:

- (1) Deleteriously affect wastewater facilities, processes, equipment or receiving waters;
- (2) Create a hazard to life or health; or
- (3) Create a public nuisance;

the approving authority shall require:

- a. Pretreatment to an acceptable condition for discharge to the public sewers;
  - b. Control over the quantities and rates of discharge; and
  - c. Payment to cover the cost of handling and treating the wastes.
- (b) The approving authority is entitled to determine whether a discharge or proposed discharge is included under subsection (a) of this section.
- (c) The approving authority shall reject wastes when:
- (1) It determines that a discharge or proposed discharge is included under subsection (a) of this section; and
  - (2) The discharger does not meet the requirements of subsection (a) of this section.

(Code 1978, § 26-98)

Sec. 98-157. - Review and approval of pretreatment or control.

- (a) If pretreatment or control is required, the approving authority shall review and approve design and installation of equipment and processes.
- (b) The design and installation of equipment and processes must conform to all applicable statutes, codes, ordinances and other laws.
- (c) Any person responsible for discharges requiring pretreatment, flow-equalizing or other facilities shall provide and maintain the facilities in effective operation condition at his own expense.

(Code 1978, § 26-99)

Sec. 98-158. - Traps required.

- (a) Discharges requiring a trap include:
  - (1) Grease or waste containing grease in excessive amounts;
  - (2) Oil;
  - (3) Sand;
  - (4) Flammable wastes; and
  - (5) Other harmful ingredients.
- (b) Any person responsible for discharges requiring a trap shall, at his own expense, and as required by the approving authority:
  - (1) Provide equipment and facilities of a type and capacity approved by the approving authority;
  - (2) Locate the trap in a manner that provides ready and easy accessibility for cleaning and inspection; and
  - (3) Maintain the trap in effective operating condition.

(Code 1978, § 26-100)

Sec. 98-159. - Requirements for building sewers carrying industrial wastes.

Any person responsible for discharges through a building sewer carrying industrial wastes shall, at his own expense, and as required by the approving authority:

- (1) Install an accessible and safely located control manhole;
- (2) Install meters and other appurtenances to facilitate observation sampling and measurement of the waste; and
- (3) Maintain the equipment and facilities.

(Code 1978, § 26-101)

Sec. 98-160. - Sampling and testing.

- (a) Sampling shall be conducted according to customarily accepted methods, reflecting the effect of constituents upon the sewage works, and determining the existence of hazards to health, life, limb and property. (Note: The particular analyses involved will determine whether a 24-hour composite sample from all outfalls of a premises is appropriate, or whether a grab sample, or samples, should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls. Where applicable, 16-hour, eight-hour, or some other period, may be required. Period grab samples are used to determine pH.)
- (b) Examination and analyses of the characteristics of waters and wastes required by this division shall be:
  - (1) Conducted in accordance with the latest edition of Standard Methods; and
  - (2) Determined from suitable samples taken at the control manhole provided, or other control point authorized by the approving authority.
- (c) BOD and suspended solids shall be determined from composite sampling.
- (d) The city shall determine flow, BOD and suspended solids by the city's laboratory personnel, or may select an independent firm or laboratory to determine flow, BOD and suspended solids.
- (e) The city is entitled to select the time of sampling, at its sole discretion, as long as at least annual samples are taken.

(Code 1978, § 26-102)

Sec. 98-161. - Payment and agreement for industrial discharge.

- (a) Persons making discharges of industrial waste shall pay a charge to cover the cost of collection and treatment.
- (b) When discharges of industrial waste are approved by the approving authority, the city or its authorized representative shall enter into an agreement or arrangement providing:
  - (1) Terms of acceptance by the city; and
  - (2) Payment by the person making the discharge.

(Code 1978, § 26-103)

Sec. 98-162. - Industrial waste charge and payment of added costs to city.

- (a) If the volume or character of the waste to be treated by the city does not cause overloading of the sewage collection, treatment or disposal facilities of the city, prior to approval, the city and the person making the discharge shall enter into an agreement which provides the discharger pay an industrial waste charge to be determined from the schedule of charges.
- (b) If the volume or character of the waste to be treated by the city requires that wastewater collection, treatment or other disposal facilities of the city be improved, expanded or enlarged in order to treat the

waste, then prior to approval, the city and the person making the discharge, shall enter into an agreement which provides that the discharger pay in full, all added costs the city may incur due to acceptance of the waste.

- (c) The agreement entered into pursuant to subsection (a) of this section, shall include, but not be limited to:
  - (1) Amortization of all capital outlay for collecting and treating the waste, including new capital outlay and the proportionate part of the value of the existing system used in handling and treating the waste.
  - (2) Operation and maintenance costs including salaries and wages, power costs, costs of chemicals and supplies, proper allowances for maintenance, depreciation, overhead and office expense.
- (d) Amortization shall be completed in a five-year period, and payment shall include all debt service costs, and the debt secured by applicant's bond payable to the city in the amount of all deferred payment to be made.

(Code 1978, § 26-104)

Sec. 98-163. - Calculation of industrial waste charges.

Industrial waste charges shall be calculated by the following formula: One-third of capital costs are attributable each to Volume, BOD and SS, and one-third of operation and maintenance is attributable to each of Volume, BOD and SS.

(Code 1978, § 26-105)

Sec. 98-164. - Adjustment of charges.

- (a) The city shall adjust charges at least annually to reflect changes in the characteristics of wastewater, based on the results of sampling and testing.
- (b) Increases in charges shall be retroactive for two billing periods and shall continue for six billing periods unless subsequent tests determine that the charge shall be further increased.
- (c) The city shall review, at least annually, the basis for determining charges, and shall adjust the unit treatment cost in the formula to reflect increases or decreases in wastewater treatment costs, based on the previous year's experience.
- (d) The city shall bill the discharger by the month and shall show industrial waste charges as a separate item on the regular bill for water and sewer charges. The discharger shall pay monthly in accordance with practices existing for payment of sewer charges.

(Code 1978, § 26-106)

Sec. 98-165. - Preexisting industrial dischargers.

A person discharging industrial wastes into public sewers prior to April 15, 1973, may continue, without penalty, as long as he:

- (1) Does not increase the quantity or quality of discharge, without permission of the approving authority;
- (2) Has discharged the industrial waste at least 12 months prior to April 15, 1973; and
- (3) Applies for, and is granted, a permit no later than 150 days after April 15, 1973.

(Code 1978, § 26-107)

Sec. 98-166. - Conditions of permits for preexisting industrial dischargers.



- (a) The city may grant a permit to discharge to persons meeting all requirements of section 98-165, provided that the person:
  - (1) Submits an application within 120 days after April 15, 1973, on forms supplied by the approving authority;
  - (2) Secures approval by the approving authority of plans and specifications for pretreatment facilities when required;
  - (3) Has complied with all requirements for agreements or arrangements including, but not limited to, provisions for:
    - a. Payment of charges;
    - b. Installation and operation of pretreatment facilities; and
    - c. Sampling and analysis to determine quantity and strength; and
  - (4) Provides a sampling point subject to the provisions of this division and approval of the approving authority.
- (b) A person applying for a new discharge shall:
  - (1) Meet all conditions of subsection (a) of this section; and
  - (2) Secure a permit prior to discharging any waste.

(Code 1978, § 26-108)

Sec. 98-167. - Right to enter property.

- (a) The director of public works and other duly authorized employees of the city bearing proper credentials and identification are entitled to enter any public or private property, at any reasonable time, for the purpose of enforcing this division.
- (b) Anyone acting under this authority shall observe the establishment's rules and regulations concerning safety, internal security and fire protection.
- (c) Except when caused by negligence or failure of the company to maintain safe conditions, the city shall indemnify the company against loss or damage to its property by city employees, and against liability claims and demands for personal injury or property damage asserted against the company, and growing out of the sampling operation.
- (d) The director of public works and other duly authorized employees of the city bearing proper credentials and identification are entitled to enter all private properties through which the city holds a negotiated easement, for the purposes of:
  - (1) Inspection, observation, measurement, sampling or repair;
  - (2) Maintenance of any portion of the sewer system lying within the easements; and
  - (3) Conducting any other authorized activity.

All activities shall be conducted in full accordance with the terms of the negotiated easement pertaining to the private property involved.

- (e) No person acting under authority of this provision may inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the public sewers.

(Code 1978, § 26-109)

Sec. 98-168. - Authority to disconnect service.

- (a) The city may terminate water and wastewater disposal service, and disconnect any industrial customer from the system, when:
  - (1) Acids or chemicals damaging to sewer lines or treatment process are released to the sewer causing rapid deterioration of these structures or interfering with proper conveyance and treatment of wastewater;
  - (2) A governmental agency informs the city that the effluent from the wastewater treatment plant is no longer of a quality permitted for discharge to a watercourse, and it is found that the customer is delivering wastewater to the city's system that cannot be sufficiently treated, or requires treatment that is not provided by the city as normal domestic treatment; or
  - (3) The industrial customer:
    - a. Discharges industrial waste or wastewater that is in violation of the permit issued by the approving authority;
    - b. Discharges wastewater at an uncontrolled, variable rate, in sufficient quantity to cause an imbalance in the wastewater treatment system;
    - c. Fails to pay monthly bills for water and sanitary sewer services when due; or
    - d. Repeats a discharge of prohibited wastes to public sewers.
- (b) If service is disconnected pursuant to subsection (a)(2) of this section, the city shall:
  - (1) Disconnect the customer;
  - (2) Supply the customer with the governmental agency's report and provide the customer with all pertinent information; and
  - (3) Continue disconnection until such time as the industrial customer provides additional pretreatment or other facilities designed to remove the objectionable characteristics from his industrial wastes.

(Code 1978, § 26-110)

Sec. 98-169. - Notice of violation required.

The city shall serve persons discharging in violation of this division with written notice stating the nature of the violation, and providing a reasonable time limit for satisfactory compliance.

(Code 1978, § 26-111)

Sec. 98-170. - Continuing violation after notice.

No person may continue discharging in violation of this division beyond the time limit provided in the notice.

(Code 1978, § 26-112)

Sec. 98-171. - Remedies for violations.

- (a) A person who continues prohibited discharging is guilty of a misdemeanor, and upon conviction, is punishable as provided in section 1-11 of this Code, for each act of violation, and for each day of violation.
- (b) In addition to proceeding under authority of subsection (a) of this section, the city is entitled to pursue all other criminal and civil remedies to which it is entitled under authority of statutes or other ordinances against a person continuing prohibited discharges.

(Code 1978, § 26-113)

Sec. 98-172. - Failure to pay for service.

In addition to sanctions provided for by this division, the city is entitled to exercise sanctions provided for by the other ordinances of the city, for failure to pay the bill for water and sanitary sewer service when due.

(Code 1978, § 26-114)

Secs. 98-173—98-195. - Reserved.

### DIVISION 3. - LIQUID SEWAGE WASTES

Sec. 98-196. - Fees.

Fees shall be applied to all Texas Natural Resource Conservation Commission registered and licensed vacuum trucks that dispose of liquid sewage waste into the city's wastewater collection and treatment system. The fees are set by annual City Council resolution and delineated in Appendix A: Section V:

(Code 1978, § 26-121; Ord. No. 2015-05-02, 6-16-2015)

Sec. 98-197. - Transporter documentation.

A trip ticket or vacuum truck manifest provided by the city shall be used by all vacuum truck transporters to document the type and quantity of sewage waste being delivered. The trip ticket should be presented to the site operator for verification before the disposal of waste. Failure to present a trip ticket or properly prepared trip ticket will be cause for the refusal of waste. Repeated failures to comply with the trip ticket documentation requirements will be cause for revocation of the authorization to dispose of wastes.

(Code 1978, § 26-122)

Sec. 98-198. - Time and place for acceptance and disposal of wastes.

Sewage wastes shall be accepted Monday through Friday between the hours of 9:00 a.m. and 4:00 p.m., and on Saturdays between the hours of 8:00 a.m. and 10:00 a.m., at a location at, or near, the wastewater treatment plant, as designated by the city manager. Transporters shall call city hall and arrange a time and place for disposal to ensure that the treatment plant operator is present to inspect and receive the waste. No waste is to be disposed of without the presence of the treatment plant operator. Disposal of waste in violation of this section will result in revocation of waste disposal authorization.

(Code 1978, § 26-123)

Sec. 98-199. - Refusal of unacceptable waste.

The wastewater treatment plant operator or his designated representative will have the option to refuse any sewage waste presented for disposal if such waste would cause an adverse effect on the operations of the wastewater treatment plant.

(Code 1978, § 26-124)

Sec. 98-200. - Collection of spillage.

- (a) *Cleanup at disposal point.* The transporter shall provide for prompt cleanup of all spillages caused by the disposal operation at the disposal location.

- (b) *Cleanup along route.* The transporter shall not discharge, or allow the discharge of, sewage waste from the vehicle enroute to the disposal location. If a discharge of waste occurs during transportation, the transporter shall take action to contain the waste and shall cleanup and remove the discharged waste to an approved facility.

(Code 1978, § 26-125)

Sec. 98-201. - Disposition other than into city wastewater collection and treatment system prohibited.

Disposition of liquid sewage waste, other than as prescribed by section 98-198, is prohibited.

(Code 1978, § 26-126)

Secs. 98-202—98-250. - Reserved.

#### ARTICLE V. - MODEL SUBDIVISION RULES<sup>(3)</sup>

##### Footnotes:

--- (3) ---

**Editor's note—** Ord. No. 2008-02-01, § 2 (Exh. A), adopted March 5, 2008, did not specifically amend the Code; hence, inclusion herein as Article V was at the discretion of the editor. See also the Code Comparative Table. The rules codified herein are adopted under the authority of V.T.C.A., Water Code §§ 6.101 and 16.343, which require the board and to adopt rules necessary to carry out the powers and duties of the board and to adopt model subdivision rules. The appendices and §§ 364.80, 364.81, 364.90 and 364.91 as referenced in this article are not set out at length herein, but are on file in the offices of the city.

**Cross reference—** Health and Sanitation, Chapter 54.

**Note—** Appendix 1A (Figure 31 TAC §364.54)—Appendix 2B (Figure: 31 TAC § 364.54(c)(3)) are not included herein, but are on file in the city's office.

#### DIVISION 1. - GENERAL AND ADMINISTRATIVE PROVISIONS

These rules are adopted under the authority of the V.T.C.A. Texas Water Code, § 6.101 and § 16.343, which require the board to adopt rules necessary to carry out the powers and duties of the board and to adopt model subdivision rules.

(Ord. No. 2008-02-01, § 2 (Exh. A), 3-5-08)

Sec. 98-251. - Authority and scope of rules.

These rules are adopted by the City of Alpine, Texas, under the authority of V.T.C.A., Local Government Code Ch. 212 and V.T.C.A., Water Code § 16.350. Notwithstanding any provision to the contrary, these rules apply only to a subdivision which creates two or more lots of five acres or less intended for residential purposes. Lots of five acres or less are presumed to be for residential purposes unless the land is restricted to nonresidential uses on the final plat and in all deeds and contracts for deeds.

(Ord. No. 2008-02-01, § 2 (Exh. A (1.1)), 3-5-08)

Sec. 98-252. - Purpose.

It is the purpose of these rules to promote the public health of the city residents, to ensure that adequate water and wastewater facilities are provided in subdivisions within the jurisdiction of this city, and to apply the minimum state standards for water and wastewater facilities to these subdivisions.

(Ord. No. 2008-02-01, § 2 (Exh. A (1.2)), 3-5-08)

Sec. 98-253. - Effective date.

These rules become effective on the 13th day of March, 2008.

(Ord. No. 2008-02-01, § 2 (Exh. A (1.3)), 3-5-08)

Sec. 98-254. - Repealer.

All previous subdivision ordinances are hereby repealed, except as to such sections which are retained herein.

(Ord. No. 2008-02-01, § 2 (Exh. A (1.4)), 3-5-08)

Sec. 98-255. - Plat required.

- (a) The owner of a tract of land located inside the corporate limits or extraterritorial jurisdiction of the city that divides the tract in any manner that creates two or more lots of five acres or less intended for residential purposes must have a plat of the subdivision prepared. Lots of five acres or less are presumed to be for residential purposes unless the land is restricted to nonresidential uses on the final plat and all deeds and contracts for deeds.
- (b) No subdivided land shall be sold or conveyed until the subdivider:
  - (1) Has received approval of a final plat of the tract; and
  - (2) Has filed and recorded with the county clerk of the county in which the tract is located a legally approved plat.
- (c) A division of a tract is defined as including a metes and bounds description, or any description of less than a whole parcel, in a deed of conveyance or in a contract for a deed, using a contract of sale or other executory contract, lease/purchase agreement, or using any other method to convey property.

(Ord. No. 2008-02-01, § 2 (Exh. A (1.5)), 3-5-08)

Sec. 98-256. - Supersession.

These rules supersede any conflicting regulations of the city.

(Ord. No. 2008-02-01, § 2 (Exh. A (1.6)), 3-5-08)

Sec. 98-257. - Severability.

If any part or provision of these regulations, or application thereof, to any person or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The city council hereby declares that it would have enacted the remainder of these regulations without any such part, provision or application.

(Ord. No. 2008-02-01, § 2 (Exh. A (1.7)), 3-5-08)

Sec. 98-258. - Definitions.

The following words and terms, when used in this article, shall have the following meanings, unless the context clearly indicates otherwise:

*City* means the City of Alpine, Texas.

*City council (or council)* means the City Council of Alpine, Texas.

*Commission* means the Texas Commission on Environmental Quality and any of its predecessor or successor entities.

*Drinking water* means all water distributed by any agency or individual, public or private, for the purpose of human consumption, use in the preparation of foods or beverages, cleaning any utensil or article used in the course of preparation or consumption of food or beverages for human beings, human bathing, or clothes washing.

*Engineer* means a person licensed and authorized to practice engineering in the State of Texas under the Texas Engineering Practice Act.

*Final plat* means a map or drawing and any accompanying material of a proposed subdivision prepared in a manner suitable for recording in the county records and prepared as described in these regulations.

*Lot* means an undivided tract or parcel of land.

*Non-public water system* means any water system supplying water for domestic purposes which is not a public water system.

*OSSF* means on-site sewage facilities as that term is defined in rules and/or regulations adopted by the commission, including, but not limited to, 30 TAC Chapter 285.

*Platted* means recorded with the county in an official plat record.

*Public water system* means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, which includes all uses described under the definition for drinking water. Such a system must have at least 15 service connections or serve at least 25 individuals at least 60 days out of the year. This term includes any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system; and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Two or more systems with each having a potential to serve less than 15 connections or less than 25 individuals but owned by the same person, firm, or corporation and located on adjacent land will be considered a public water system when the total potential service connections in the combined systems are 15 or greater or if the total number of individuals served by the combined systems total 25 or more at least 60 days out of the year. Without excluding other meanings of the terms "individual" or "served," an individual shall be deemed to be served by a water system if he lives in, uses as his place of employment, or works in a place to which drinking water is supplied from the system.

*Purchaser* shall include purchasers under executory contracts for conveyance of real property.

*Retail public utility* means any entity meeting the definition of a retail public utility as defined in V.T.C.A., Water Code § 13.002.

*Sewerage facilities* means the devices and systems which transport domestic wastewater from residential property, treat the wastewater, and dispose of the treated water in accordance with the minimum state standards contained or referenced in these rules.

*Subdivider* means any owner of land or authorized agent thereof proposing to divide or dividing land so as to constitute a subdivision.

*Subdivision* means any tract of land divided into two or more parts that results in the creation of two or more lots of five acres or less intended for residential purposes. A subdivision includes re-subdivision (replat) of land which was previously divided.

*TAC* means Texas Administrative Code, as compiled by the Texas Secretary of State.

*Water facilities* means any devices and systems which are used in the supply, collection, development, protection, storage, transmission, treatment, and/or retail distribution of water for safe human use and consumption.

(Ord. No. 2008-02-01, § 2 (Exh. A (1.8)), 3-5-08)

Secs. 98-259—270. - Reserved.

## DIVISION 2. - MINIMUM STANDARDS

Sec. 98-271. - Scope of standards.

The establishment of a residential development with two or more lots of five acres or less where the water supply and sewer services do not meet the minimum standards of this division is prohibited. A subdivision with lots of five acres or less is presumed to be a residential development unless the land is restricted to nonresidential use on the final plat and all deeds and contracts for deeds.

(Ord. No. 2008-02-01, § 2 (Exh. A(2.1)), 3-5-08)

Sec. 98-272. - Water facilities development.

- (a) *Public water systems.*
- (1) Subdividers who propose to supply drinking water by connecting to an existing public water system must provide a written agreement with the retail public utility in substantially the form attached in Appendix 1A. The agreement must provide that the retail public utility has or will have the ability to supply the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of 30 years. The agreement must reflect that the subdivider has paid the cost of water meters and other necessary connection equipment, membership fees, water rights acquisition costs, or other fees associated with connection to the public water system so that service is available to each lot upon completion of construction of the water facilities described on the final plat. Figure: 31 TAC § 364.32(a)(1).
- (2) Where there is no existing retail public utility to construct and maintain the proposed water facilities, the subdivider shall establish a retail public utility and obtain a certificate of convenience and necessity (CCN) from the commission. The public water system, the water quality and system design, construction and operation shall meet the minimum criteria set forth in 30 TAC §§ 290.38-290.51 and §§ 290.101-290.120. If groundwater is to be the source of the water supply, the subdivider shall have prepared and provide a copy of a groundwater availability study that complies with the requirements of 30 TAC §§ 230.1 through 230.11 for water availability for new public water supply systems and certifies the long-term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. If surface water is the source of supply, the subdivider shall provide evidence that sufficient water rights have been obtained and dedicated, either through acquisition or wholesale water supply agreement, that will provide a sufficient supply to serve the needs of the subdivision for a term of not less than 30 years.
- (b) *Non-public water systems.* Where individual wells or other non-public water systems are proposed for the supply of drinking water to residential establishments, the subdivider shall have prepared and provide a copy of a groundwater availability study that complies with the requirements of 30 TAC §§ 230.1 through 230.11 for individual water supply wells on individual lots and certifies the long-term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. The water quality of the water produced from the test well must meet the standards of water quality required for community water systems as set forth in 30 TAC §§ 290.104, 290.106, 290.108 and 290.109, either:
  - (1) Without any treatment to the water; or

- (2) With treatment by an identified and commercially available water treatment system.
- (c) *Transportation of potable water.* The conveyance of potable water by transport truck or other mobile device to supply the domestic needs of the subdivision is not an acceptable method, except on an emergency basis. Absence of a water system meeting the standards of these rules due to the negligence of the subdivider does not constitute an emergency.

(Ord. No. 2008-02-01, § 2 (Exh. A(2.2)), 3-5-08)

Sec. 98-273. - Wastewater disposal.

- (a) *Organized sewerage facilities.*
  - (1) Subdividers who propose the development of an organized wastewater collection and treatment system must obtain a permit to dispose of wastes from the commission in accordance with 30 TAC Chapter 305 and obtain approval of engineering planning materials for such systems under 30 TAC Chapter 317 from the commission.
  - (2) Subdividers who propose to dispose of wastewater by connecting to an existing permitted facility must provide a written agreement in substantially the form attached in Appendix 1B with the retail public utility. The agreement must provide that the retail public utility has or will have the ability to treat the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of 30 years. The agreement must reflect that the subdivider has paid the cost of all fees associated with connection to the wastewater collection and treatment system have been paid so that service is available to each lot upon completion of construction of the wastewater facilities described on the final plat. Engineering plans for the proposed wastewater collection lines must comply with 30 TAC Chapter 317. Figure: 31 TAC § 364.33(a)(2).
- (b) *On-site sewerage facilities.*
  - (1) On-site facilities which serve single-family or multifamily residential dwellings with anticipated wastewater generations of no greater than 5,000 gallons per day must comply with 30 TAC Chapter 285.
  - (2) Proposals for sewerage facilities for the disposal of sewage in the amount of 5,000 gallons per day or greater must comply with 30 TAC Chapter 317.
  - (3) The commission or its authorized agent shall review proposals for on-site sewage disposal systems and make inspections of such systems as necessary to assure that the system is in compliance with the V.T.C.A., Health and Safety Code Ch. 366 and rules in 30 TAC Chapter 285, and in particular §§ 285.4, 285.5 and 285.30—285.39. In addition to the unsatisfactory on-site disposal systems listed in 30 TAC § 285.3(i), pit privies and portable toilets are not acceptable waste disposal systems for lots platted under these rules.

(Ord. No. 2008-02-01, § 2 (Exh. A(2.3)), 3-5-08)

Sec. 98-274. - Greywater systems for reuse of treated wastewater.

- (a) *Organized or municipal sewerage systems.* Any proposal for sewage collection, treatment and disposal which includes greywater reuse shall meet minimum criteria of 30 TAC Chapter 210 promulgated and administered by the commission.
- (b) *On-site sewerage facilities.* Any proposal for on-site sewage disposal which includes provisions for greywater use shall meet the minimum criteria of 30 TAC Chapter 285.

(Ord. No. 2008-02-01, § 2 (Exh. A(2.4)), 3-5-08)

Sec. 98-275. - Sludge disposal.



The disposal of sludge from water treatment and sewerage facilities shall meet the criteria of 30 TAC Chapter 312 and Chapter 317.

(Ord. No. 2008-02-01, § 2 (Exh. A(2.5)), 3-5-08)

Sec. 98-276. - Setbacks.

In areas that lack a nationally recognized fire code as listed in V.T.C.A., Local Government Code § 233.062(c) and lack waterlines sized for fire protection, setbacks from roads and rights-of-way shall be a minimum of ten feet, setbacks from adjacent property lines shall be a minimum of five feet, and shall not conflict with separation or setback distances required by rules governing public utilities, on-site sewerage facilities, or drinking water supplies. Setback lines required elsewhere in the orders or rules of the county shall control to the extent greater setbacks are therein required.

(Ord. No. 2008-02-01, § 2 (Exh. A(2.6)), 3-5-08)

Sec. 98-277. - Number of dwellings per lot.

No more than one single-family detached dwelling shall be located on each lot. A notation of this restriction shall be placed on the face of the final plat. This restriction shall be placed in all deeds and contracts for deeds for real estate sold within the subdivision. Proposals which include multifamily residential shall include adequate, detailed planning materials as required for determination of proper water and wastewater utility type and design.

(Ord. No. 2008-02-01, § 2 (Exh. A(2.7)), 3-5-08)

Secs. 98-278—98-290. - Reserved.

### DIVISION 3. - PLAT APPROVAL

Sec. 98-291. - Applications for plat approval.

- (a) *Owner representation.* An application for approval of a plat shall be filed with the city by the record owner of the property to be subdivided or the duly authorized agent of the record owner.
- (b) *Standards.* Every plat creating two or more lots of five acres or less for residential use shall comply with the standards of division 2 and the requirements of division 3 of this article.

(Ord. No. 2008-02-01, § 2 (Exh. A(3.1)), 3-5-08)

Sec. 98-292. - Final engineering report.

The final plat shall include on the plat or have attached to the plat an engineering report bearing the signed and dated seal of a professional engineer registered in the State of Texas. The engineering report shall discuss the availability and methodology of providing water facilities and wastewater treatment to individual lots within the subdivision. A detailed cost estimate per lot acceptable to the county shall be provided for those unconstructed water supply and distribution facilities and wastewater collection and treatment facilities which are necessary to serve each lot of the subdivision. The plan shall include a construction schedule for each significant element needed to provide adequate water or wastewater facilities. If financial guarantees are to be provided under [Figure: 31 TAC] § 364.54, the schedule shall include the start dates and completion dates.

- (a) *Public water systems.*
- (1) Where water supplies are to be provided by an existing public water system, the subdivider shall furnish an executed contractual agreement between the subdivider and the retail public utility in substantially the form attached in Appendix 1A and referenced in [Figure: 31 TAC] § 364.32(a)(1). Before final plat approval, plans and specifications for the proposed water facilities shall have

been approved by all entities having jurisdiction over the proposed project which may include in addition to the county the commission and the county health department. If groundwater is to be the source of the water supply, the final engineering report shall include a groundwater availability study that complies with the requirements of 30 TAC §§ 230.1 through 230.11 for water availability for a public water supply systems and certifies the long-term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision.

- (2) Where there is no existing retail public utility to construct and maintain the proposed water facilities, the subdivider shall establish a retail public utility and obtain a Certificate of Convenience and Necessity (CCN) from the commission and include evidence of the CCN issuance with the plat. Before final plat approval, plans and specifications for the proposed water facilities shall have been approved by all entities having jurisdiction over the proposed project. If groundwater is to be the source of the water supply, the final engineering report shall include a groundwater availability study that complies with the requirements of 30 TAC §§ 230.1 through 230.11 for water availability for a public water supply systems and certifies the long-term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. If surface water is the source of supply then the final engineering report shall include evidence that sufficient water rights have been obtained and dedicated, either through acquisition or wholesale water supply agreement, that will provide a sufficient supply to serve the needs of the subdivision for a term of not less than 30 years.
- (b) *Non-public water systems.* Where individual wells are proposed for the supply of drinking water to residences, the final engineering report shall include the quantitative and qualitative results of sampling the test wells in accordance with [Figure: 31 TAC] § 364.32. The results of such analyses shall be made available to the prospective property owners. If the water quality of the test well required pursuant to section 98-272(b) does not meet the water quality standards as set forth in that section without treatment by an identified and commercially available water treatment system, then the final report must state the type of treatment system that will treat the water produced from the well to the specified water quality standards, the location of at least one commercial establishment within the county at which the system is available for purchase, and the cost of such system, the cost of installation of the system, and the estimated monthly maintenance cost of the treatment system. The final engineering report shall include a groundwater availability study that complies with the requirements of 30 TAC §§ 230.1 through 230.11 for water availability for individual water supply wells on individual lots and certifies the long-term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. The description of the required sanitary control easement shall be included.
- (c) *Organized sewerage facilities.*
  - (1) Where wastewater treatment is to be provided by an existing retail public utility, the subdivider shall furnish evidence of a contractual agreement between the subdivider and the retail public utility in substantially the form attached in Appendix 1B and referenced in section 98-273(a)(2). Before final plat approval, an appropriate permit to dispose of wastes shall have been obtained from the commission and plans and specifications for the proposed wastewater collection and treatment facilities shall have been approved by all entities having jurisdiction over the proposed project.
  - (2) Where there is no existing retail public utility to construct and maintain the proposed sewerage facilities, the subdivider shall establish a retail public utility and obtain a CCN from the commission. Before final plat approval, a wastewater treatment permit authorizing the treatment of the wastewater for the ultimate build-out population of the subdivision shall have been obtained from the commission and plans and specifications for the proposed sewerage facilities shall have been approved by all entities having jurisdiction over the proposed project.
- (d) *On-site sewerage facilities.* Where private on-site sewerage facilities are proposed, the final engineering report shall include planning materials required by 30 TAC § 285.4(c), including the site evaluation described by 30 TAC § 285.30 and all other information required by the county's OSSF order.

(Ord. No. 2008-02-01, § 2 (Exh. A(3.2)), 3-5-08)

Sec. 98-293. - Additional information.

The city requires that the following information be submitted to determine the adequacy of proposed water and wastewater improvements as part of the plat approval process. Such information may include, but not be limited to:

- (1) Layout of proposed street and drainage work;
- (2) Legal description of the property;
- (3) Existing area features;
- (4) Topography;
- (5) Floodplains;
- (6) Description of existing easements;
- (7) Layout of other utilities;
- (8) Notation of deed restrictions;
- (9) Public use areas; or
- (10) Proposed area features.

(Ord. No. 2008-02-01, § 2 (Exh. A(3.3), 3-5-08)

Sec. 98-294. - Financial guarantees for improvements.

- (a) *Applicability.* If an adequate public or non-public water system or sewerage facility is not available from a retail public utility, or are not constructed by the subdivider, to serve lots intended for residential purposes of five acres or less at the time final plat approval is sought, then the city council shall require the owner of the subdivided tract to execute an agreement with the city in substantially the form attached in Appendix 2A secured by a bond, irrevocable letter of credit, or other alternative financial guarantee such as a cash deposit which meet the requirements set forth below. Figure: 31 TAC § 3.4(a).
- (b) *Bonds.* A bond that is submitted in compliance with subsection (a) of this section shall meet the following requirements:
  - (1) The bond or financial guarantee shall be payable to the mayor of the city, in his official capacity, or the mayor's successor in office.
  - (2) The bond or financial guarantee shall be in an amount determined by the city council to be adequate to ensure proper construction or installation of the public or non-public water facilities, and wastewater facilities to service the subdivision, including reasonable contingencies, but in no event shall the amount of the bond be less than the total amount needed to serve the subdivision as established by the engineer who certifies the plat.
  - (3) The bond shall be executed with sureties as may be approved by the city council. The city shall establish criteria for acceptability of the surety companies issuing bonds that include but are not limited to:
    - a. Registration with the Secretary of State and be authorized to do business in Texas;
    - b. Authorization to issue bonds in the amount required by the commissioners court; and
    - c. Rating of at least "B" from Best's Key Rating Guide; or if the surety company does not have any such rating due to the length of time it has been a surety company, the surety company must demonstrate eligibility to participate in the surety bond guarantee program of the small business administration and must be an approved surety company listed in the current United States Department of Treasury Circular 570. Such bonds shall meet the criteria

contained in the rules and regulations promulgated by the United States Department of Treasury.

- (4) The bond shall be conditioned upon construction or installation of water and wastewater facilities meeting the criteria established by division 2 of this article and upon construction of facilities within the time stated on the plat, or on the document attached to the plat for the subdivision, or within any extension of time granted by the city council.
- (c) *Letter of credit.* A letter of credit that is submitted in compliance with subsection (a) of this section shall meet the following requirements:
  - (1) Any letter of credit submitted as a financial guarantee for combined amounts greater than \$10,000.00 and less than \$250,000.00 must be from financial institutions which meet the following qualifications:
    - a. Bank qualifications:
      - i. Must be federally insured;
      - ii. Sheshunoff rating must be ten or better and primary capital must be at least six percent of total assets; and
      - iii. Total assets must be at least \$25,000,000.00.
    - b. Savings and loan association qualifications:
      - i. Must be federally insured;
      - ii. Tangible capital must be at least one and one-half percent of total assets and total assets must be greater than \$25,000,000.00 or tangible capital must be at least three percent of total assets if total assets are less than \$25,000,000.00; and
      - iii. Sheshunoff rating must be 30 or better.
    - c. Other financial institutions qualifications:
      - i. The letter of credit must be 110 percent collateralized by an investment instrument that would meet the qualifications for a county investment; and
      - ii. The investment instrument must be registered in the county's name and the county must receive safekeeping receipts for all collateral before the letter of credit is accepted.
  - (2) Any letter of credit submitted as a financial guarantee for combined amounts greater than \$250,000.00 must be from financial institutions which meet the following qualifications:
    - a. Bank qualifications:
      - i. Must be federally insured;
      - ii. Sheshunoff rating must be 30 or better and primary capital must be at least seven percent of total assets; and
      - iii. Total assets must be at least \$75,000,000.00.
    - b. Savings and loan association qualifications:
      - i. Must be federally insured;
      - ii. Tangible capital must be at least three percent of total assets and total assets must be greater than \$75,000,000.00 or tangible capital must be at least five percent of total assets if total assets are less than \$75,000,000.00; and
      - iii. Sheshunoff rating must be 30 or better.
    - c. Other financial institutions qualifications:
      - i. The letter of credit must be 110 percent collateralized by an investment instrument that would meet the qualifications for a county investment; and

- ii. The investment instrument must be registered in the county's name and the county must receive safekeeping receipts for all collateral before the letter of credit is accepted.
- (3) The letter of credit shall list as sole beneficiary the mayor of the city, in his official capacity, or the mayor's successor in office, and must be approved by the mayor of the city. The form of the letter of credit shall be modeled after the form attached in Appendix 2B. Figure: 31 TAC § 364.54(c)(3).
- (4) The letter of credit shall be conditioned upon installation or construction of water and wastewater facilities meeting the criteria established under division 2 of this article and upon construction of facilities within the time stated on the plat, or on the document attached to the plat for the subdivision, or within any extension of time granted by the commissioners court.
- (d) *Financial guarantee.* The city will determine the amount of the bond, letter of credit, or cash deposit required to ensure proper construction of adequate water and wastewater facilities in the subdivision.
- (e) *Alternative to city accepting a financial guarantee.* The city may approve a final plat under this section without receiving a financial guarantee in the name of the city if:
  - (1) The property being subdivided lies wholly within the jurisdiction of the county;
  - (2) The municipality has executed an interlocal agreement with the county that imposes the obligation on the county to:
    - a. Accept the bonds, letters of credit, or other financial guarantees, that meet the requirements of this section;
    - b. Execute the construction agreement with the subdivider; and
    - c. Assume the obligations to enforce the terms of the financial guarantee under the conditions set forth therein and complete construction of the facilities identified in the construction agreement.

(Ord. No. 2008-02-01, § 2 (Exh. A(3.4), 3-5-08)

Sec. 98-295. - Review and approval of final plats.

- (a) *Scope of review.* The city will review the final plat to determine whether it meets the standards of division 2 and the requirements of division 3 of this article.
- (b) *Disapproval authority.* The city council shall refuse to approve a plat if it does not meet the requirements prescribed by or under these rules.
- (c) *Prerequisites to approval.* Final plat approval shall not be granted unless the subdivider has accomplished the following:
  - (1) All plans and specifications for water, sewer, streets and drainage shall be reviewed and approved by the city engineer to assure that the plans and specifications meet minimum state and city standards for those improvements. In the event that there is a difference between the city and state standards the more stringent shall apply. The city engineer shall file a report signed and sealed by the city engineer with the city prior to the construction of any improvements; and
  - (2) Dedicated the sites for the adequate water and sewerage facilities identified in the final plat to the appropriate retail public utility responsible for operation and maintenance of the facilities; and
  - (3) Provided evidence that the water facilities and sewerage facilities have been constructed and installed in accordance with the criteria established within these rules and the approvals from the commission of the plans and specifications for such construction, including any change orders filed with these agencies; or
  - (4) Obtained all necessary permits for the proposed water facilities and sewerage facilities (other than for OSSF permits on individual lots within the proposed subdivision) and has entered into a financial agreement with the county secured by a bond or other alternative financial guarantee such as a cash deposit or letter of credit for the provision of water and sewerage facilities with the bond or financial guarantee meeting the criteria established in division 3 of this article.

(Ord. No. 2008-02-01, § 2 (Exh. A(3.5), 3-5-08)

Sec. 98-296. - Time extensions for providing facilities.

- (a) *Reasonableness.* The city council may extend, beyond the date specified on the plat or on the document attached to the plat, the date by which the required water and sewer service facilities must be fully operable if:
  - (1) Any financial guarantees provided with the final plat as originally submitted are effective for the time of the requested extension or new financial guarantees that comply with section 98-294 are submitted which will be effective for the period of the extension; and
  - (2) The city finds the extension is reasonable and not contrary to the public interest.
- (b) *Timeliness.* If the facilities are fully operable before the expiration of the extension period, the facilities are considered to have been made fully operable in a timely manner.
- (c) *Unreasonableness.* An extension is not reasonable if it would allow a residence in the subdivision to be inhabited without water or sewer services that meet the standards of division 2 of this article.

(Ord. No. 2008-02-01, § 2 (Exh. A(3.6), 3-5-08)

Sec. 98-297. - Criteria for subdivisions that occurred prior to September 1, 1989.

- (a) *Authority and scope.* This section shall apply only to tracts of land that were divided into two or more parts to lay out a subdivision before September 1, 1989 and have not been platted or recorded. This section is in addition to the authority of the city to grant a delay or variance pursuant to V.T.C.A., Local Government Code § 232.043 or a rule of the city adopted pursuant to such provision.
- (b) *Purpose.* It is the purpose of this section to promote the public health of the city residents, to ensure that adequate water and sewerage facilities are provided in subdivisions within the jurisdiction of this city, and to establish the minimum standards for pre-1989 subdivisions for which no plat has been filed or recorded in the records of the county.
- (c) *Special criteria.* The city council may approve the plat of a residential lot which does not comply with the provisions of sections, 98-276 (setbacks), 98-277 (number of dwellings per lot), 98-292 (final engineer report), and 98-294 (financial guarantees for improvements) [these regulations] as applied to an individual subdivided lot if such approval is in harmony with the general purpose and intent of these rules so that the public health, safety, and welfare may be secured and substantial justice done.
  - (1) Owners of individual lots in a single unplatted subdivision may file a joint request for approval of their respective individual residential lots.
  - (2) An application for approval of the plat of an individual lot shall be made in writing. The application shall state specifically the chapter, section, or subsection with which the plat does not comply and from which a waiver is being requested. The application shall contain available information and documentation which supports the requested approval. The applicant shall also provide such additional documentation as the city council may request to support the application, including:
    - a. A copy of a dated plat, sales contract, utility records, or other acceptable documentation that the subdivision occurred prior to September 1, 1989;
    - b. The name and address of the original subdivider or the subdivider's authorized agent, if known;
    - c. A survey and plat of the lot for which approval is requested, showing existing residences, roads, and utilities; and
    - d. A deed, an affidavit of ownership or other evidence of ownership of the lot for which approval is requested.
- (3) Approval of plats of individual lots shall be granted subject to the limitations of state law, and based on written findings by the city council that:

- a. The lot for which approval is requested is within a tract that was subdivided prior to September 1, 1989, and is not owned by the original subdivider;
  - b. A plat was required for the subdivision, but has not been filed with the county by the subdivider legally obligated to file it;
  - c. An existing, currently occupied residential dwelling is located on the lot;
  - d. Existing water and sewer services which comply with the minimum standards set forth herein are available to the lot; and
  - e. The request is reasonable, compliance with specified sections of these rules is impractical, and a waiver is not contrary to the public health and safety.
- (d) *Final determination.* The city council shall make the final decision on an application for a waiver, following review and recommendation by the city planning commission or department, if any. The applicant may withdraw a request for a waiver at any point in the process. If the requested waiver application is approved by the commissioners court, the county shall issue a certificate stating that a plat of the residential lot has been reviewed and approved.

(Ord. No. 2008-02-01, § 2 (Exh. A(3.7)), 3-5-08)

Secs. 98-298—98-310. - Reserved.

#### DIVISION 4. - ENFORCEMENT

Sec. 98-311. - Oversight.

The owner, by submitting a plat, acknowledges the authority of the city and state agencies to lawfully enter and inspect property for purposes of execution of their statutory duties. Such inspection will not release the owner from any obligation to comply with the requirements of these rules.

(Ord. No. 2008-02-01, § 2 (Exh. A(4.1)), 3-5-08)

Sec. 98-312. - General enforcement authority of city.

The provisions of this chapter are enforceable pursuant to the specific provisions hereof related to enforcement and state law including V.T.C.A., Water Code Ch. 7 and §§ 16.352, 16.353, 16.3535, 16.354, and 16.3545, and V.T.C.A., Local Government Code § 212.0175 and § 212.018.

(Ord. No. 2008-02-01, § 2 (Exh. A(4.2)), 3-5-08)

Sec. 98-313—98-330. - Reserved.

#### ARTICLE VI. - GAS SERVICE<sup>[4]</sup>

#### Footnotes:

--- (4) ---

**Editor's note**— Ord. No. 2011-08-01, §§ 1—8, adopted Oct. 6, 2011; Ord. No. 2011-10-01, §§ 1-8, adopted Nov. 1, 2011; and Ord. No. 2011-11-01, adopted Dec. 6, 2011; provided for the transfer of the city's gas system to the City of Alpine from Southwest Texas Municipal Gas Corporation.

**Cross reference**— Gas franchise, App. A, Art. IV.

Sec. 98-331. - Application for service required.

Written application, disconnects, and transfers will be required of all gas consumers desiring to be connected to the city mains. Applications shall be made to the utility billing department.

Sec. 98-332. – Generally.

(a) All gas rents, rates and charges will be due and payable on the 1<sup>st</sup> day of each month at the office of the utility billing department.

(b) Budget billing and payment will continue with gas usage, customer average determination will be determined in March of every year.

~~(c) Primary customer of record is the owner of property.~~

(c) No fee will be charged to locate gas lines on private residential properties.

Sec. 98-333. - Gas rates, deposits and penalties.

(a) Gas rates are set by annual City Council resolution and are delineated in Appendix A: Section VI.

(b) Deposits are set by annual City Council resolution and delineated in Appendix A: Section VI.

(c) Penalties, disconnect, reconnect, and other miscellaneous service fees are set by annual City Council resolution and delineated in Appendix A: Section VI.

Sec. 98-334. – Tampering with system; violations.

Anyone tampering with the city gas system or any gas meter in any manner calculated to injure them, or who shall violate any of the provisions of this article, or fail to comply with any order or regulation made under this article, shall be deemed to be guilty of a misdemeanor. A tampering fee, delineated in Appendix A: Section VI and set by annual City Council resolution, plus damages will be charged if the city finds that a meter has been tampered with.

Sec. 98-335. – Gas tap fees.

Gas tap fees are set by annual City Council resolution and are delineated in Appendix A: Section VI.

(Ord. No. 2012-03-02, §§ 1—6, 4-3-12; Ord. No. 98-331, 7-15-14; Ord. No. 2017-06-01, 6-20-17)



**EXHIBIT "B"****ARTICLE VII. - APPENDIX A: UTILITIES FEES**

<b>APPENDIX A</b>			
<b>SECTION</b>	<b>DESCRIPTION</b>	<b>CODE SECTION</b>	<b>FEE</b>
<b>I.</b>	<b>Franchise Application</b>	<b>Sec. 98-2</b>	
	Franchise Application Fee		\$250.00
	<b>Security Deposit Fees</b>	<b>Sec. 98-4</b>	
	Residential water, sewer, and sanitation		\$200.00
	Small Commercial water, sewer, and sanitation		\$250.00
	Laundromats, recreational vehicle parks, washaterias, and any small business franchise		\$500.00
	Housing units, industrial and/or agricultural users, motels, and concrete plants		\$1,500.00
<b>II.</b>	<b>Water and Sewer Extensions</b>	<b>Sec. 98-49</b>	
	1" or less Water extension of front footage, per linear foot		\$25.00
	Greater than 1" water extension of front footage, per linear foot		At Cost
	Water extension of front footage, per linear foot outside CCR		At Cost
	4" Sewer extension of front footage, per linear foot		\$25.00
	Greater than 4" sewer extension of front footage, per linear foot		At Cost
	Sewer extension of front footage outside CCR		At Cost
	<b>Water Taps and Meter Settings</b>	<b>Sec. 98-49</b>	
	¾ inch tap		\$1,000.00
	1 inch tap		\$1,200.00
	1½ inch tap		\$1,500.00 or AT COST
	2 inch tap		\$2,000.00 or AT COST
	Greater than 2 inch tap		AT COST
	Water tap Impact fee		\$500.00 / Each street cut required
	Residential 4 inch sewer tap		\$1,200.00
	All other sewer taps		AT COST

	Sewer tap Impact fee		\$500.00 / Each street cut required
<b>III.</b>	<b>Meter and Cutoff</b>	<b>Sec. 98-82</b>	
	5/8 - inch meter		\$80.00
	3/4 - inch meter		\$80.00
	<b>(a) Minimum charges for metered accounts - Residential Rates</b>	<b>Sec. 98-93</b>	
	3/4-inch		\$6.00
	1-inch		\$9.00
	1 1/2-inch		\$14.00
	2-inch		\$18.00
	<b>Minimum charges for metered accounts - Commercial and Sul Ross State University Rates</b>	<b>Sec. 98-93 (a)</b>	
	3/4-inch		\$7.00
	1-inch		\$10.00
	1 1/2-inch		\$15.00
	2-inch		\$19.00
	3-inch		\$32.00
	4-inch		\$41.00
	6-inch		\$56.00
	8-inch		\$67.00
	<b>(b) Residential and Commercial water rates per meter</b>	<b>Sec. 98-93 (b)</b>	
	Minimum for the first 2,000 gallons		\$8.57
	For every 1,000 gallons over 2,000 gallons		\$3.30
	For every 1,000 gallons over 5,000 gallons		\$3.35
	For every 1,000 gallons over 12,000 gallons		\$3.40
	For every 1,000 gallons over 25,000 gallons		\$3.50
	For every 1,000 gallons over 100,000 gallons		\$3.60
	<b>(c) Bulk water rates</b>	<b>Sec. 98-93 (c)</b>	
	For first 1,000 gallons		\$50.00
	For the next 1,000 gallons and thereafter/per 1,000		\$45.00
	Effluent bulk water		?

<b>IV.</b>	<b>Delinquency</b>	<b>Sec. 98-86</b>	
	Disconnect Fee		\$35.00
	Reconnect Fee		\$35.00
	Meter re-read after 1st re-read within 1 year of service		\$25.00
	Vacation fee		\$25.00
	Meter testing fee		At Cost
	Faulted Meters		Expense of the City
	Non-Faulted meters		Expense of the customer at cost
	<b>Tampering Fee</b>	<b>Sec. 98-89</b>	<b>\$150 + Damages</b>
<b>V.</b>	<b>(a) Sewer rates</b>	<b>Sec. 98-123</b>	
	(1) Residential flat rate		\$15.50
	(2) Commercial		
	Minimum rates for the first 4,000 gallons on the average water consumption of the previous 12 months		\$14.55
	Minimum rates for every 1,000 gallons over 4,000		\$2.78
	<b>Liquid sewage wastes fees</b>	<b>Sec. 98-196</b>	
	0 to 300 gallons		\$50.00
	Spillage cleanup fee		\$100.00
<b>VI.</b>	<b>Gas rates, deposits, and penalties</b>	<b>Sec. 98-333</b>	
	<b>(a) Gas rates</b>		
	Billing will be adjusted monthly according to the spot market billing from WTG (West Texas Gas, Inc.). Example: Spot Market (WAHA Index) WTG Billings = \$3.73 MMBTU		
	Cost of gas 5% allowance for losses, $\$3.73 \times 1.05 = \$3.92$		
	Plus cost of service, City of Alpine		\$8.50
	Total cost of gas for April billing		\$12.18
	<b>Excess flow valve (EFV) in gas distribution systems: Effective June 20, 2017</b>	<b>Sec. 98-333</b>	
	Poly Services		\$250.00
	Steel Services		\$750.00

	<b>(b) Deposits</b>	Sec. 98-333	
	Residential deposits		\$200.00
	Small commercial to include but not be limited to grocery stores, shops, storages, automatic laundry, automobile parking lots, bakery, bank, barber and beauty shops, billiard or pool hall, cafeteria, clinic, cleaning and pressing shops, drug store, filling station, florists shop, ice retail distributing, mortuaries, picture theater, office, radio repair and sales, real estate office, restaurants, taverns, radio studio, shoe repair, stores and shops for the sale of products at retail, stores and shops for custom work or the making of articles to be sold at retail on the premises, and studios (art, music, photo, etc.)		\$250.00
	Laundromats, recreational vehicle parks, washaterias and any small business franchise		\$500.00
	Housing units, industrial and/or agricultural users, motels and concrete plants		\$1,500.00
	<b>(c) Penalties, disconnect, reconnect, and other miscellaneous service fees</b>	Sec. 98-333	
	Meter re-read after first re-read within one year of service		\$25.00
	Vacation fee		\$25.00
	Customers with 500 MCF'S and over shall receive a \$3.00 per MMBTU discount.		
	<b>Tampering fee</b>	Sec. 98-334	\$150.00 + Damages
	<b>Gas tap fees</b>	Sec. 98-335	
	Retirement of gas tap		\$375.00
	1" gas tap		\$1,000.00
	Over 1" gas tap		At Cost
	Gas tap Impact fee...\$500.00 each cut required		\$500.00 each cut required

4. Discuss, consider, and take appropriate action on the first reading of Ordinance 2021-04-06, an ordinance amending Chapter 90 - Article IV - Coin Operated Establishments to the Alpine Code of Ordinances. (E. Zimmer, City Manager)

**STATE OF TEXAS**  
**CITY OF ALPINE**

**COUNTY OF BREWSTER**

**ORDINANCE 2021-04-06**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS AMENDING CHAPTER 90 – TAXATION, ARTICLE IV – COIN OPERATED ESTABLISHMENTS TO THE ALPINE CODE OF ORDINANCES; PROVIDING REPEALING AND SEVERABILITY CLAUSES; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Alpine has cause in pursuit of their legislative duties on behalf of citizens of Alpine to modify and improve rules and regulations concerning different types of establishments within the city; and

**WHEREAS**, after careful consideration by the City Council, it has been determined that the city will benefit from amendments to the Coin Operated Establishments Ordinance established by Ordinance 2020-02-04; and

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS THAT:**

**SECTION I**  
**FINDINGS OF FACT**

All of the premises attached in the form hereto described as Exhibit “A” are hereby found to be true and correct legislative and factual findings of the City Council of the City of Alpine and are hereby approved and incorporated herein as findings of fact. It is the intent of the City Council that Article IV be amended accordingly by Exhibit “A.”

**SECTION II**  
**CUMULATIVE CLAUSE**

This ordinance shall be cumulative of all provisions of the City of Alpine, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

**SECTION III**  
**SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council of the City of Alpine that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences paragraphs or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrases, clause, sentence, paragraph or section.

**SECTION IV**  
**PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**SECTION V**  
**EFFECTIVE DATE**

This ordinance shall be effective upon passage and publication as required by State and Local law.

**PASSED AND ADOPTED THIS 6<sup>th</sup> DAY OF APRIL 2021 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.**

**INTRODUCTION AND FIRST READING**  
**APRIL 20, 2021**

**SECOND AND FINAL READING**  
**MAY 4, 2021**

**ATTEST:**

**Andres "Andy" Ramos, Mayor**  
**City of Alpine**

**Cynthia Salas, City Secretary**  
**City of Alpine**

**APPROVED AS TO FORM:**

**Sandy Wilson, City Attorney**  
**City of Alpine**

**EXHIBIT "A"**

**ARTICLE IV. - COIN-OPERATED MACHINE ESTABLISHMENTS**

**Sec. 90-101. - General.**

This article as herein established has been written for the purpose of promoting and protecting the public health, safety and general welfare of the community and in the furtherance of conserving the value of property and establishing a community desirable to reside therein.

(Ord. No. 2020-02-04, § I, 3-3-20)

**Sec. 90-102. - Definitions.**

*Business owner* means and includes any person, individual, firm, company, association, or corporation, owning or having the care, control, management or possession of any skilled or pleasure "coin-operated machine" who exhibits, displays or permits to be exhibited or displayed, in his location of business or upon premises under his or its control, any "coin-operated amusement machine" in this city, save and except religious, charitable and educational organizations authorized under the laws of this state.

*Coin-operated machine* means any machine or device of any kind or character, which is operated by or with coins or metal slugs, tokens or checks.

*Manager* means and includes a person or sole individual having the care, control, management of any skilled or pleasure "coin-operated machine" in his/her location of business or upon premises under his/her control within this city.

*Merchandise coin-operated machine* means any coin-operated machine which dispenses or vends merchandise, commodities or confections.

*Music coin-operated machine* means any coin-operated machine of any kind or character, which dispenses or vends or which is used for dispensing or vending music.

*Property owner* means and includes a person, individual, firm, company, association or corporation owning a building, property or facility on which a business will operate within the confines of all laws regulating the business in local, state or federal laws.

*Service coin-operated machine* means any pay toilet or other machine or device which dispenses service only and not merchandise, music, skill or pleasure.

*Skill or pleasure coin-operated machine* means any coin-operated machine of any kind or character, which dispenses or is used or is capable of being used or operated for amusement or pleasure or when such machine is operated for the dispensing or affording skill or pleasure, or for any other purpose other than the dispensing or vending of merchandise, commodities, confections, services, or plays music in addition to or in connection with the dispensing of skill or pleasure shall be considered as skill or pleasure machines. The term skill or pleasure coin-operated machine shall exclude coin-operated machines designed exclusively for children.

*Skill or pleasure coin-operated machine establishment* means any structure where one or more skill or pleasure coin-operated machines are operated for profit.

*Skill or pleasure coin-operated machine permit* means a permit to operate a skill or pleasure coin-operated machine establishment.

(Ord. No. 2020-02-04, § I, 3-3-20)

Sec. 90-103. - Exemptions.

The permitting and regulation provisions of this article do not apply to:

- (1) Skill or pleasure coin-operated machines kept in private residences or apartments and used without charge by members of the family or bona fide guest;
- (2) Skill or pleasure coin-operated machines provided on the premises of religious, charitable, educational or fraternal organizations for the use of members or their guests and not for private profit, although a charge is made for playing;
- (3) Skill or pleasure coin-operated machines provided on the premises of bona fide clubs or social organizations, not operated for private profit although a charge is made for playing, which provide other membership privileges and activities usual in bona fide private clubs organized for promotion of some common object and whose members must be passed upon and elected as individuals, by a committee or board of directors, executive committee or similar body chosen by the members at their annual meeting;
- (4) Skill or pleasure coin-operated machines provided on the premises of publicly owned facilities;
- (5) Service coin-operated machines, music coin-operated machines, and merchandise coin-operated machines.

(Ord. No. 2020-02-04, § I, 3-3-20)

Sec. 90-104. - License required.

- (a) It shall be unlawful to own, possess, maintain, or operate a skill or pleasure coin-operated machine establishment as defined herein within the city, unless and until said establishment shall first have been licensed and permitted for such purposes; provided, this requirement shall not apply to those places which are exempt from the provision of this article.
- (b) Application for license and permit shall be made with the city secretary initially and on or before January 1 of each succeeding year.
- (c) The annual license and permit fee shall be as follows: ~~\$3,000~~ ~~\$1,000.00~~ license fee per year and \$120.00 permit fee per year. The city secretary is authorized to collect this annual license and permit fee, which shall be due and payable on January 1 of each year. The City of Alpine shall permit a maximum of four Coin-Operated Amusement businesses to operate within the city limits. A first come, first served waiting list will be established with the City of Alpine Building Department after four Coin-Operated Amusement businesses are operating in the city limits.
- (d) Any license and permit issued pursuant to this article shall be non-transferable and non-refundable.
- (e) The license and permit shall be posted conspicuously, noticeable to common view.



- (f) An application shall be denied if an applicant has been convicted in any jurisdiction for any of the following offenses within the last ten years prior to the date of the application:
  - (1) Any offense punishable by imprisonment for more than one year;
  - (2) Theft or any crime involving false statements or declarations; or
  - (3) Gambling, as defined by the laws or ordinances of municipality, county, or state, the United States, or any similar offense in any other jurisdiction.
- (g) Applicant must register each skill or pleasure coin-operated machine with the city by identifying the following information:
  - (1) The name of the manufacturer;
  - (2) The serial number;
  - (3) The type of machine.

(Ord. No. 2020-02-04, § I, 3-3-20)

**Sec. 90-105. - Applications; permit form.**

Any person desiring a permit to operate a skill or pleasure coin-operated machine establishment shall file with building services a written sworn application for such permit. Building services will submit the application to a permitting committee consisting of the chief of police, who shall be the head of the licensing committee, the city secretary, the building official, and the city manager.

The application shall state:

- (1) The location, by street and number, of the business;
- (2) If the operator is an individual, that he has not been convicted of a felony or, if he has, the nature of the offense and the length of his residence in the city;
- (3) If a firm, association or partnership, all the information prescribed in subsection (2) as to each individual composing the firm, association or partnership;
- (4) If a corporation, that is organized and chartered under the corporation laws of this state applicable to such corporation or, if a foreign corporation, that such has complied with the laws of the state applicable to such corporation and the same information with reference to the operator or person in charge of the operation of the skill or pleasure coin-operated machine establishment to be permitted, as is prescribed in subsection (2); in addition thereto, a statement as to the names of incorporators or stockholders and amount of interest owned by each; provided, however, that the applicant shall not be required to list the names of shareholders owning less than ten percent of the stock of the corporation;
- (5) The applicant's name, address and interest in the business;
- (6) The operator's name, address, if different from the applicant; and
- (7) The number of skill or pleasure coin-operated machines to be permitted.

(Ord. No. 2020-02-04, § I, 3-3-20)

**Sec. 90-106. - Enforcing compliance by operator; revocation of license or permit for violation.**

The operator of any skill or pleasure coin-operated machine establishment shall not permit the violation of any of the terms of this article and any violation of a provision of this article in the operation of a skill or pleasure coin-operated machine establishment shall be grounds for revocation of the permit therefor.

(Ord. No. 2020-02-04, § I, 3-3-20)

**Sec. 90-107. - Inspection of premises.**

Officers of the city police department on official duty are authorized and empowered to enter during regular business hours, for the purposes of inspection and for the preservation of law and order, any skilled or pleasure coin-operated machine establishment within the city.

(Ord. No. 2020-02-04, § I, 3-3-20)

**Sec. 90-108. - Location.**

The location of any skill or pleasure coin-operated machine establishment is hereby prohibited where the place is within 300 feet of any church or school.

The measurements of the distance between locations shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections.

(Ord. No. 2020-02-04, § I, 3-3-20)

**Sec. 90-109. - Hours.**

A skill or pleasure coin-operated machine establishment shall be open for business as set forth below:

Monday—Thursday: 7:00 a.m. — Midnight

Friday, Saturday: 7:00 a.m. — 2:00 p.m.

Sunday: Noon—Midnight.

(Ord. No. 2020-02-04, § I, 3-3-20)

**Sec. 90-110. - Age limits.**

The following age limit shall be applied to skill or pleasure coin-operated machine establishments:

- (1) Persons under the age of 21 shall not be permitted to operate skill or pleasure coin-operated machines.
- (2) Persons under the age of 21 shall not be allowed access to the gaming area.

(Ord. No. 2020-02-04, § I, 3-3-20)

**Sec. 90-111. - Alcohol.**

The sale of alcoholic beverages in or on the premises of a skill or pleasure coin-operated machine establishment is prohibited, except to the extent the business is licensed to sell alcoholic beverages by the Texas Alcoholic Beverage Commission. No individual, person, owner or manager shall give, bring to, or allow the bringing of any alcoholic beverage in or upon the premises of a skill or pleasure coin-operated machine establishment, except, as outlined above.

(Ord. No. 2020-02-04, § I, 3-3-20)

**Sec. 90-112. - Gambling; intoxication.**

It shall be unlawful for any person while in a skill or pleasure coin-operated machine establishment to gamble, make bets, consume or have in his possession any alcoholic beverage, or to be under the influence of any alcoholic beverage; provided, however, that the terms of this section relating to the possession and consumption of any alcoholic beverage shall not be applicable to parties on premises that are operating pursuant to a mixed beverage permit issued by the Texas Alcoholic Beverage Commission and zoned for such use by the city.

(Ord. No. 2020-02-04, § I, 3-3-20)

Sec. 90-113. - Violations.

Any person, business owner, or manager violating any provision of this article shall, upon conviction of such violation, be deemed guilty of a misdemeanor and shall be fined in any sum not to exceed \$500.00 per incident. Each day that such violation is permitted to continue shall constitute a separate offense. In addition to any other penalty or punishment imposed by law, violation of this section shall cause for revocation of skill or pleasure coin-operated machine premises permit and licenses issued pursuant to this section.

Two or more violations of this article, other city ordinance or state law at any time shall result in the revocation of the city permit for 6 months. More than four violations of this article, other city ordinance or state law at any time shall result in the permanent revocation of a license/and or permit by any person, business owner, or manager violating any portion of this article.

(Ord. No. 2020-02-04, § I, 3-3-20)

Sec. 90-114. - Savings and severability.

If for any reason a skill or pleasure coin-operated machine establishment permitted and licensed hereunder is not being conducted in accordance with this article, the laws of the state, or other ordinances of the city shall be held invalid or unconstitutional by final judgement of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word, or provision hereof be given full force and effects for its purpose.

(Ord. No. 2020-02-04, § I, 3-3-20)

5. Discuss, consider, and take appropriate action to approve Resolution 2021-04-19, a water cost reduction process for those impacted by Texas Freeze of February 2021 (E. Zimmer, City Manager)

STATE OF TEXAS

COUNTY OF BREWSTER

CITY OF ALPINE

**RESOLUTION 2021-04-19**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS  
APPROVING A WATER COST REDUCTION PROCESS FOR RESIDENTS IMPACTED  
BY TEXAS FREEZE OF FEBRUARY 2021.**

**WHEREAS**, the City Council of the City of Alpine has cause in their legislative pursuit to implement measures that may assist in times of natural disasters, severe weather, or other acts of God; and

**WHEREAS**, the Texas Freeze of February 2021 was a crisis that was felt throughout the state and caused many Alpine residents to go without power and experience major leaks throughout the City; and

**WHEREAS**, it is deemed to be in the best interest of the City to establish a process by which water costs incurred by Alpine residents may be reduced.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS THAT:**

1. A cost reduction process is hereby established for Alpine residents impacted by the Texas Freeze of February 2021.
2. City Council hereby empowers the City Manager to implement the reduction process and adjust accounts to benefit the City and its residents.
3. This resolution shall become effective immediately upon passage by the City Council.

**PASSED AND APPROVED THIS THE 20<sup>th</sup> DAY OF APRIL 2021 BY THE CITY  
COUNCIL OF THE CITY OF ALPINE, TEXAS.**

**ATTEST:**

---

Andres "Andy" Ramos, Mayor  
City of Alpine

---

Cynthia Salas, City Secretary  
City of Alpine

**CITY OF ALPINE LEAK ADJUSTMENT REQUEST FORM**



**ALPINE**TX

Account No. \_\_\_\_\_

Service Address \_\_\_\_\_

Daytime Phone No. \_\_\_\_\_

E-Mail Address \_\_\_\_\_

The City of Alpine has adopted a Policy and Procedure for a Leak Adjustment Credit under which the City will consider permitting a credit because of loss of water through an "excusable defect" in the customer's water line that ruptured during the Texas freeze of February 2021. Credit may be given for one-half of the City's regular rate charged for water usage in excess of the customer's average usage, as determined by the City of Alpine (the "Leak Adjustment Credit"). Credits are only available for a customer with at least three (3) billing cycles of usage history in the customer's name at the service address given above. No credit or adjustment will be given for: (1) Bulk water usage; and (2) the sewer/garbage portion of the bill, which is charged at a flat rate. The Leak Adjustment must be requested by June 30, 2021.

I, \_\_\_\_\_ (Give full legal name and/or business identity), am the Responsible Party for the account at the above service address. I am asking the City of Alpine to reduce the water bills for this account, to the extent allowed by the City's Policy because of a leak beginning on (date) \_\_\_\_\_ and repaired on (date) \_\_\_\_\_. The water lost from this leak was not used by anyone. During this period, the following additional water appliances (washing machine, dishwasher, spa, toilet, aquarium, pool, indoor greenhouse, etc.) were installed at the service address (State "NONE" if none were added): \_\_\_\_\_.

**IN ORDER TO PROCESS YOUR APPLICATION QUICKLY AND EFFICIENTLY, PLEASE READ THE FOLLOWING CAREFULLY AND GIVE A CLEAR DESCRIPTION OF THE REPAIRS.**

Type of leak on customer's side of the meter: \_\_\_\_\_.

Description of repair: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

Attach the bill or bills for which adjustment is being sought and documentation of the repair date, address, type of repair, and cost. Acceptable documents include plumber's statement/bill or a receipt for parts. Businesses with in-house maintenance may submit a statement signed by a minimum of two (2) employees who witnessed the repair. In all cases, the City of Alpine retains the right to make field verifications before approving a Leak Adjustment Credit. You will be notified by mail or e-mail (if provided) generally within 90 days whether your request is approved or denied. I am familiar with all of the facts stated in this document and they are true and correct. I certify that this application and attached documents contain no false statements.

Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of person requesting a leak adjustment: \_\_\_\_\_

CITY OFFICE USE ONLY: APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_