



DISTRICT RATE ORDER

Adopted June 24, 2014

College Mound Special Utility District
12731 FM 429
Terrell, Texas 75161
972.563.1355

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AUTHORITY
Resolution 2018-01

Adopted on this the 18th day of December 2018, by majority vote of the Board of Directors of the College Mound Special Utility District at a duly called and posted meeting.

President Maurice Pittman

Attested by:
Vice-President Tom Atwood
OR
Secretary/Treasurer Thomas King

District Seal

**ORDER BY COLLEGE MOUND SPECIAL UTILITY DISTRICT ADOPTING
A SERVICE POLICY AND ESTABLISHING RATES, FEES, AND CHARGES,
AND ADOPTING RULES RELATING TO THE ADMINISTRATION OF ITS
UTILITY SERVICES AND PROVIDING FOR ENFORCEMENT FOR
VIOLATING THIS SERVICE POLICY**

WHEREAS, the College Mound Special Utility District (the “District”) operating under Chapter *(the chapter that applies)* and Chapter 49 of the Texas Water Code has provided facilities for the production and distribution of potable water to residential and business users within its authorized service areas;

WHEREAS, Section 49.212, Texas Water Code, authorizes the District to adopt and enforce all necessary charges, rates, fees, or rentals, and other terms and conditions for providing and District services;

WHEREAS, the Board of Directors has carefully considered the matter and is of the opinion that the following fees, charges, rates, rules, regulations, and enforcement procedures are necessary for the safe and efficient management of the Districts’ utility facilities and services;

NOW THEREFORE, BE IT ORDERED BY THE BOARD OF DIRECTORS OF COLLEGE MOUND SPECIAL UTILITY DISTRICT, IN KAUFMAN COUNTY, TEXAS, that the following Service Policy is adopted and establishes the fees, charges, rules, and enforcement procedures for the Districts’ water/sewer services (“Service Policy”) and shall be effective on July 1, 2014.

Passed and approved this 24th, day of June, 2014.

Maurice Pittman
President – Board of Directors

Chuck Currie
Secretary/Treasurer – Board of Directors

District Seal

STATEMENTS

1. **Organization:** The College Mound Special Utility District is a Political Subdivision of the State of Texas organized under Chapters 49 and 65 of the Texas Water Code for the purpose(s) of furnishing potable water (and/or sewer utility) service. The management of the District is supervised by the Board of Directors which is responsible for adopting all District service policies, rates, and regulations. The members of the Board of Directors are elected by the registered voters residing within the Districts' boundaries.
2. **Non-Discrimination Policy:** Service is provided to all applicants who comply with the provisions of this Rate Order regardless of race, color, religion, national origin, disability, or sexual orientation.
3. **Policy and Rule Application:** These policies and rules apply to the water (and/or sewer) services provided by the District. Failure on the part of the customer or applicant to observe these policies and rules gives the District the authority to deny or discontinue service and to take any other action deemed appropriate according to the terms of this Policy.
4. **Fire Protection Responsibility:** The District generally does not provide, nor does it imply that fire protection is available on any of the distribution system, except where expressly specified and agreed to by the District. All hydrants or flush valves are for the operation and maintenance of the system and may be used for refill only by authorized fire departments. The District reserves the right to remove any hydrant, due to improper use or detriment to the system as determined by the District, at any time without notice, refund, or compensation to any third party.
5. **Liability:** The District is not liable for damages caused by service interruptions, events beyond its control, or for normal system failures.
6. **Information Disclosure:** The records of the District shall be kept in the Districts' office in Terrell, Texas. All information collected, assembled, or maintained by or for the District shall be disclosed to the public in accordance with the Texas Public Information Act except when an exception applies. A reasonable charge as established pursuant to the Texas Public Information Act may be assessed to any person requesting copies of the District records. An individual customer may request in writing that their address, telephone number, account record of water use, or social security number be kept confidential. Such confidentiality does not prohibit the District from disclosing this information to an official or employee of the state or a political subdivision of the state acting in an official capacity or an employee of the District acting in connection with the employees' duties or as otherwise authorized by Section 182.054 of the Texas Utility Code.
7. **Customer Notice Provision:** The District will give written notice of a monthly water (and/or sewer) rate change by publication, mail, or hand delivery to all affected customers within thirty (30) days after the date on which the Board authorizes the new rate. The notice shall contain the old rates, new rates, effective date of the new rates, date of Board authorization, and the location where additional information on rates can be obtained. Failure of the District to give the notice shall not invalidate the effective date of the change, the amount of the newly adopted rate, nor any charge incurred based on the new rate.

8. **Customer Service Inspection:** The District requires the completion of a Customer Service Inspection certification prior to providing water service to new construction and for all new customers as part of the activation of standard and Non-Standard water service. Customer Service Inspection are also required on any existing service when the District has reason to believe cross-connections or other potential contaminant hazards exist, or after any material improvement, correction, or addition to the customers' water distribution facilities. This inspection is limited to the identification and prevention of cross connections, potential contaminant hazards, and illegal lead materials. (30 TAC 290.46(j))
9. **Submetering Responsibility:** Submetering and non-submetering by master metered accounts may be allowed in the Districts' water distribution (or sewer collection) system provided the master metered account customer complies with the Public Utility Commission of Texas (PUC) Chapter 24, Subchapter H rules pertaining to submetering. The District has no jurisdiction over or responsibility to the tenants. Tenants receiving water under a master metered account are not considered customers of the District. any interruption or impairment of water service to the tenants is the responsibility of the master metered account customer. Any complaints regarding submetering should be directed to the PUC.

Note: The District will check with the Master Metered Account Customer to:

- See if they have registered with the PUC, (Texas Water Code Chapter 13 M)
- See that they do not charge their tenants more than the total amount of charges billed. If the aggregate bill is greater than the Districts' charge, the Master Metered Account Customer is considered by the PUC to be a separate Public Water System and will be required to comply with all PUC regulations.
- Protect the Systems' CCN. Should the Master Metered Account Customer violate these or other State regulations, the District will request a Cease and Desist Order from PUC. (Texas Water Code Section 13.252 and PUC Rules, Chapter 24 Section 24.118.)

DEFINITIONS

Applicant: A person, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity applying for service with the District.

Authorized Representative or District Representative: The General Manager of the District or a representative or employee of the District engaged in carrying out the terms of or performing services prescribed by the Policy pursuant to either general or specific authorization to do so from the General Manager or the Board of Directors of the District.

Base Rate: The monthly charge assessed each Customer for the opportunity of receiving service. The Base Rate is a fixed rate based upon the meter size as set forth in the equivalency chart in the Section G.

Board of Directors: The governing body of the District elected by the registered voters within the Districts' boundaries in accordance with the applicable election laws.

Customer: Any person, corporation, organization, government or governmental subdivision or agency, business trust, estate, partnership, association, or any other legal entity receiving Districts' service at any specified premises designated to receive service.

Defined Service Area: That area within which water (and/or sewer) services are provided to customers and that includes the area within the Districts' boundaries (and/or the area described withing CCN Number 10825).

Deposit: A non-interest-bearing refundable fee as set by the Board of Directors based upon the size of the water meter or customer class, which is held by the District as security for service being rendered.

Developer: Any person, partnership, cooperative corporation, corporation, agency, or public or private organization who owns land located within the District or Districts' service area(s) who has divided or proposes to divide the land into more than two parts for the purpose of laying out any subdivision or any tract of land, or any addition to any town or city, or for laying out suburban lots or building lots, or any lots, streets, alleys, or parks or other portions intended for public use, or the us of purchasers or owners of lots fronting thereon or adjacent. See Texas Water Code 13.2502(e)(1) & 49.052(d).

Disconnection of Service: The discontinuance of water (or sewer) service to a customer of the District.

District: The College Mound Special Utility District.

Districts' Water System: The water production, treatment, and distribution facilities operated or to be constructed by the District as currently operating and any water system extensions or improvements which may be built within the District in the future.

Easement: A perpetual right-of-way dedicated to the District for the installation of water (and sewer) pipelines and necessary facilities which allows access to property for future operation, maintenance, facility replacement, facility upgrades, and/or installation of additional pipelines for both service to a customer/applicant and system-wide service. This may also include restriction on the adjacent area to limit the installation of sewer lines or other facilities that would restrict the use of any area of the easement. The District maintains and occasionally updates a standard easement which must be provided prior to service to a new customer or new service connection. (See Form RUS-TX 442.8 or Form RUS-TX 442.9) The easement will be filed in the real property records of the appropriate county or counties.

Final Plat: A complete and exact plan for subdivision of a tract of land which has been approved by all regulatory agencies having jurisdiction over approval of the design, planning, and specifications of the facilities of such subdivision.

Hazardous Condition: A condition that jeopardizes the health and welfare of the customers of the District as determined by the District or any other regulatory authority with jurisdiction.

Impact Fee: A charge or assessment imposed by a District against new development in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to such new development. (See TWC Chapter 49, Section 49.212(d)). A charge or fee by a District for construction, installation, or inspection of a tap or connection to District water, wastewater, or drainage facilities, including all necessary service lines and meters, or for wholesale facilities that serve such water, sanitary sewer, or drainage facilities, shall not be deemed to be an impact fee if it does not exceed three times the actual and reasonable costs to the District for such tap or connection.

Master Meter: A meter used to measure for billing purposes, all water usage of any apartment house, condominium, multiple use facility, or manufactured home rental community, including common areas, common facilities, and dwelling units. (See PUC rules Chapter 24 Subchapter H, Section 24.275(c)(8)).

Public Utility Commission (PUC): State regulatory agency having jurisdiction over Certificate of Convenience and Necessity (CCN's) and appellate jurisdiction for rates of utility districts.

Re-Service: Providing service to an Application at a location at which service previously existed and at which there is an existing setting for a meter. Costs of such re-servicing shall be as established in the Districts' Service Policy or based on justifiable expenses in connection with such re-servicing.

Revenues: Any funds received for water (or sanitary sewer) service, tap fees, service charge fees, disconnect fees, reconnection fees or any and all other charges except for service deposits, that may be charged and collected by the District from the ownership and operation of its water (and/or sanitary sewer) systems.

Seasonal Disconnect Request: A written request from the Customer to suspend service for a period of time not exceeding nine months within a twelve-month period. If service is not reestablished after the ninth month, then service will be in accordance with the re-service requirements set forth in Section E(3)(b) of the District Rate Order.

Service Application and Agreement: A written agreement on the current service application and agreement form between the Applicant and the District defining the specific type of service requirements requested and the responsibilities of each party regarding the service to be provided on property designated to receive service. (RUS-TX Bulletin 1780-9)

Service Classification: The type of water service required by an applicant as may be determined by the District based on specific criteria such as usage, meter size, demand, type application, and other relevant factors related to the applicants' request. The base unit of water or sewer service used by the District in facilities design and ratemaking in this Rate Order is a 5/8" X 3/4" water meter.

Standby Fee: As authorized by TWC Section 49.231, means a charge, other than a tax, imposed on undeveloped property for the availability of water, wastewater, or drainage facilities and services. Standby fee does not mean an impact fee, tap fee, or a connection fee.

Subdivide: To divide the surface area of land into lots or tracts (Local Government Code, Section 232.021(11) Definitions).

Subdivider: An individual, firm, corporation, or other legal entity that directly or indirectly subdivides land into lots for sale or lease as part of a common promotional plan in the ordinary course of business (Local Government Code, Section 232-021(12) Definitions).

Subdivision: An area of land that has been subdivided into lots or tracts (Local Government Code, Section 232.021(13) Definitions).

Temporary Service: The classification assigned an applicant that is in the process of construction. This could also apply to service for uses other than permanent, (agricultural, road construction, drilling, livestock, etc...). The Board of Directors will set the length of time associated with this classification.

Texas Commission on Environmental Quality (TCEQ): State regulatory agency having general supervision and oversight of water districts, including monitoring water district activities and their compliance with state laws. Providing information to district customers, consultants, board members, and employees. Reviewing the issuance of bonds that finance certain district infrastructure.

Usage: Amount billed for water and/or sewer service based on actual or estimated usage.

- Actual Usage: Amount billed or to be collected based on actual meter reading.
- Estimated Usage: Amount billed or to be collected based on either the customers' historical average usage for the prior month or for the same month of the prior year where data is available. (See Section E(21)(a); also see PUC rules 16 TAC 24.125(j) regarding estimated bill.)

GEOGRAPHIC AREA SERVED

To Provide Water Service Under Texas Water Code and
Texas Commission on Environmental Quality Substantive Rules

Certificate No. 10825

I. Certificate Holder

Name: College Mound Special Utility District
Address: 12731 FM 429
Terrell, Texas 75161

II. General Description and Location of Service Area:

The area covered by this certificate is located approximately 7 miles east of Terrell, Texas on FM 429. The service area is generally bounded on the east by CR 120, on the south by FM 1836, on the west by FM 2728, and on the north by Hwy 80 in Kaufman County, Texas.

III. Certificate Maps:

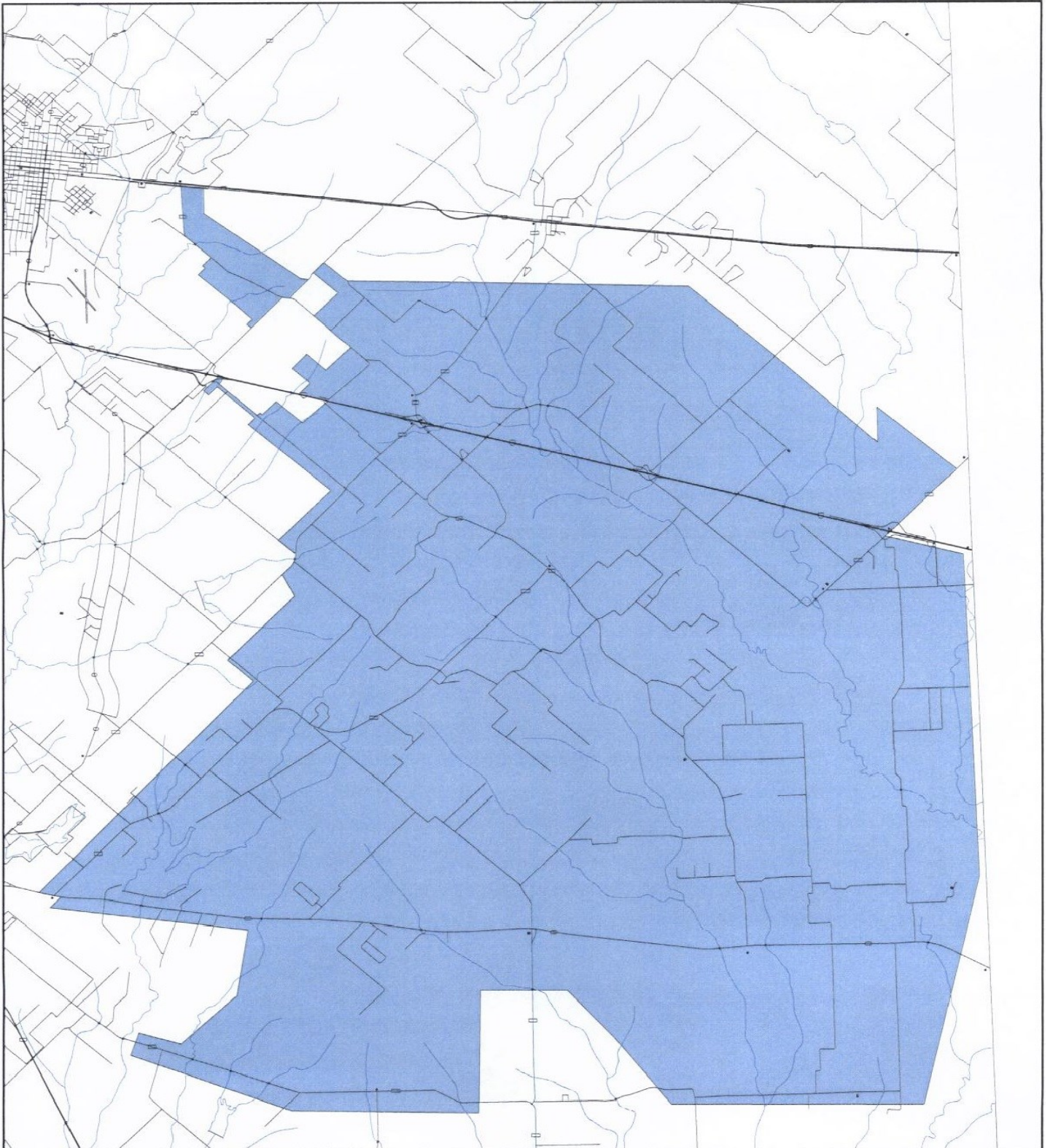
The certificate holder is authorized to provide water service in the area identified on the Commissions' official service area map, WRS-255, maintained in the offices of the Texas Commission on Environmental Quality, 12015 Park 35 Circle, Austin, Texas with all attendant privileges and obligations.

This certificate is issued under Application No. 30999-C and subject to the rules and orders of the Commission, the laws of the State of Texas, conditions contained herein and may be revoked for violations thereof. The certificate is valid until amended or revoked by the Commission.

Issued Dated: November 1979

ATTEST: Philip F. Ricketts
For the Commission

College Mound CCN Boundary 2011



DISTRICT SERVICE RULES

1. **Service Entitlement:** An applicant requesting service within the boundaries of the District or the Districts' defined service area shall be considered qualified and entitled to water (and/or sewer) utility service when proper application has been made, terms and conditions of service have been met and continue to be met, and all fees have been paid as prescribed. An applicant requesting service outside the Districts' boundaries or defined service area shall be considered for service in accordance with current District policies on providing service outside the District boundaries or CCN service area.
2. **Application Procedures and Requirements:** For the purposes of this Rate Order, service shall be divided into the following two classes:
 - a. **Standard Service** is defined as service on a specific property designated to receive service on an existing pipeline where pipeline or service facility extensions are not required, and special design and/or engineering considerations are not necessary. Typically, they would include 5/8" X 3/4" sized water meter services set on existing pipelines or 4" gravity sewer taps, pressure collection facilities installed or connected to collection lines no more than five feet in depth.
 - b. **Non-Standard Service** is defined as any service request which requires a larger meter service, service to a master metered account (see E(2)(iv)), or an addition to the supply, storage and/or distribution/collection system. The service requirements as prescribed by Section F of the District Rate Order shall be required of the Non-Standard Service applicant prior to providing service. The District shall make a determination as to the appropriate size and type of meter to serve Non-Standard applicants.
 - c. **Requirements for Standard and Non-Standard Service:**
 - i. The Districts' Service Application and Agreement Form shall be completed in full and signed by the applicant. **ID DOCUMENTS REQUIRED WITH APPLICATION:** A valid and current US Drivers' License, or a valid and current US Government issued photo ID, or a current and valid Visa, AND a valid social security card. (Copies will be made and kept in customers' file.)
 - ii. A Right-of-Way Easement Form, or other such easement form, approved by the District, must be provided by the applicant (property executed by the person or persons having legal authority to convey and easement) for purposes of providing water service to the application and to facilitate current and future system-wide service (TWC 49.218(d), (f)).
 - iii. As set forth in Section B(10) of the District Rate Order, the District shall install individual meters owned by the District in an apartment house, manufactured home rental community, multiple use facility, or condominium on which construction begins after January 1, 2003, unless the District determines that installation of individual meters is not feasible. If the District determines that installation of individual meters is not feasible, the property owner or manager shall install a plumbing system that is compatible with the installation of submeter or individual meter. The District shall be entitled to the payment of costs of individual meter installation, as provided in Section G(5) of the District Rate Order. The cost of individual meter installation shall be prepaid by the property owner as well as the cost of any additional facilities or supply occasioned by the total water service demand represented by full occupancy of the property, as determined under application provisions of Section G of the District Rate Order.

- iv. The District may consider master metering of water service to apartments, condos, trailer/RV Parks, or business centers and other similar type enterprises installed prior to January 1, 2003, or at an applicants' request provided the total number of unites to be served are:
 - a. owned by the same person, partnership, cooperative, corporation, agency, public or private organization of any type but not including a family unit, and considered a commercial enterprise, i.e. for business, rental, or lease purposes; or
 - b. not directly accessible to the public right-of-way (such as but not limited to gated communities).
 - v. Individual metering for multiple use facilities. On request by the property owner or manager, the District shall install individual meters owned by the District in an apartment house, manufactured home rental community, multiple use facility, or condominium on which construction began after January 1, 2003, unless the District determines that installation of individual meters is not feasible. If installation of individual meters is not feasible, the District shall have no obligation to install meters until the property owner or manager installs a plumbing system, at the property owner or managers' expense that is compatible with the installation and service of meters. Each individual meter will require a Service Application and Agreement pursuant to this Rate Order.
 - vi. Notice of application approval and costs of service determined by the District shall be presented to the applicant in writing and shall remain in effect for a period not to exceed thirty (30) days. After that time the application must re-apply for service.
 - vii. If the water main has been located in the public right-of-way and is adjacent to applicants' property due to the current or previous landowners' refusal to grant an easement to the District for the purpose of installing the water main and appurtenances, and the District has documentation of such refusal, the applicant, prior to receiving the requested service, shall grant the easement(s) required under this Rate Order and in addition to the normally required fees for new customer service, shall pay such sums as are reasonably necessary to cap the existing line in the ROW and construct the appropriate line(s) within that easement for the Districts' system-wide service (see Miscellaneous Transaction Forms).
3. **Activation of Standard and Non-Standard Service:**
- a. **New Tap:** The District shall charge a non-refundable service Tap Fee and a refundable deposit as required under Section G of this Rate Order. The service Tap Fee shall be quoted in writing to the applicant. All fees shall be paid, or a deferred payment contract signed in advance of installation (30 TAC 291.86(a)(1)(A)).
 - b. **Re-Service:** The District shall charge the deposit fee and other costs necessary to restore service. When re-service is requested by an applicant owing any delinquent charges on previous service at any located served by the District, any debt owed to the District must be paid before re-servicing procedures can begin. In no event will a capital improvement or capital impact fee be charged for a re-service event.
 - c. **Performance of Work:** After approval is granted by proper authorities, all tap and equipment installations specified by the District shall be completed by the District staff or designated representative. No person, other than the properly authorized agent of the District, shall be permitted to tap or make any connection to the mains or distribution pipes of the Districts' water system, or make any repairs or additions to or alteration in

any tap, pipe, or other fixture connected with the water service pipe. The tap for a standard service request shall be completed within five (5) working days whenever practicable, but not later than ten (10) working days after approval and receipt of payment of quoted fees on the property designated to receive service. This time may be extended for installation of equipment for Non-Standard Service Request (Section F, 30 TAC 291.85).

- d. Inspection of Customer Service Facilities:** The Facilities at the service connection shall be inspected to ensure compliance with state required Minimum Acceptable Operating Practices for Public Drinking Water Systems as promulgated by the Texas Commission on Environmental Quality or successor agency. The customer must, at his/her expense, properly install and provide certification of maintenance on any backflow prevention device required by the District (30 TAC 290.46(j)).
- 4. **Ownership of Equipment:** All water meters and equipment and materials required to provide water to the point of customer connection, water meter or service tap, is the property of the District upon installation and shall be maintained by the District only.
- 5. **Changes in Service Classification:** If at any time the District determines that the customer service demands have changed from those originally applied for to a different service classification and the District determines that additional or different facilities are necessary to provide adequate service, the District shall require the customer to re-apply for service under the terms and conditions of this Rate Order. Customers failing to comply with this provision shall be subject to the disconnection with notice provisions of this Rate Order, Section E(12)(a).
- 6. **Denial of Service:** The District may deny service for the following reasons:
 - a. Failure of the applicant to provide all required easements and forms and to pay all required fees and charges;
 - b. Failure of the applicant to comply with rules, regulations, and policies of the District;
 - c. Existence of a hazardous condition at the applicants' property which could jeopardize the welfare of other customers of the District upon connection;
 - d. Failure of the application to provide representatives or employees of the District reasonable access to property for which service has been requested;
 - e. Applicants' service facilities are known to be inadequate or of such condition that satisfactory service cannot be provided;
 - f. Failure to pay a bill to correct previous under billing due to meter error, misapplied meter multiplier, incorrect meter readings, or computation error less than six (6) months prior to the date of application.
- 7. **Applicants' Recourse:** In the event the district refuses to serve an applicant under the provisions of this Rate Order, the District must notify the applicant, in writing, of the basis of its refusal. The applicant may file for an appeal, in writing, with the Board of Directors of the District.

8. **Insufficient Grounds for Refusal of Service:** The following shall not constitute sufficient cause for the refusal of service to an applicant:
- a. Delinquency in payment for service by a previous occupant of the premises to be served;
 - b. Violation of the Districts' rules pertaining to operation of Non-Standard equipment or unauthorized attachments which interfere with the service of others, unless the customer has first been notified and been afforded reasonable opportunity to comply with said requirements;
 - c. Failure to pay the bill of another customer at the same address except where the change of customer identity is made to avoid or evade payment of a utility bill;
 - d. Failure to pay a bill of another customer as guarantor thereof, unless the guarantee was made in writing to the utility as a condition precedent to service;
 - e. Failure to comply with regulations or rules for anything other than the type of utility service specifically requested including failure to comply with septic tank regulations;
 - f. Failure to pay for the restoration of a tap removed by the utility at its option or removed as the result of tampering or delinquency in payment by a previous customer;
 - g. The service applicant or customer chooses to use a type of backflow prevention assembly approved under 30 TAC 290.44(h) (related to Water Distribution) even if the assembly is not the one preferred by the utility.
9. **Deferred Payment Agreement:** The District may offer a deferred payment plan to a customer who cannot pay an outstanding balance in full and is willing to pay the balance in reasonable installments as determined by the District, including any late penalty fees or interest on the monthly balance to be determined as per agreement.
10. **Charge Distribution and Payment Application:**
- a. **The Base Rate** is billed on a monthly basis. Charges shall be prorated for meter installations and service terminations falling during the billing period.
 - b. **Gallage Charge** shall be billed at the rate specified in Section G of this Rate Order and billing shall be calculated in one hundred (100) gallon increments. Water charges are based on monthly meter readings and are calculated from reading date to reading date. Readings used in all billing calculations shall be taken by Districts' employee or designated representative.
 - c. **Posting of Payments:** All payments shall be posted against previous balances prior to posting against current billings.
 - d. **Forms of Payment:** The District will accept the following forms of payments: Cash, personal check, cashiers' check, money order, and credit card. The District will not accept two-party checks, pay checks, or any other instrument of payment that is not made out to the District. The District reserves the right to require exact change and may refuse to accept payments made using more than \$1.00 in coins.

11. Due Dates, Delinquent Bills, and Service Disconnection Date:

- a. The District shall mail all bills on or about the 25th of the month. All bills shall be due and payable upon receipt and are past due beyond the 10th of the following month, after which time a penalty shall be applied as described in Section G(15) of the District Rate Order. A bill is delinquent if not paid on or before the past due date notated on the bill. Payments made by mail will be considered delinquent if payment is not received in the District Office by the 10th of each month. All payments must be received prior to the District Office opening on the next business day after the 10th day of the month or payment will be considered delinquent. Final notices shall be mailed allowing ten (10) additional days for payment prior to disconnection. The ten (10) additional days shall begin on the day the final notice is deposited with the U.S. Postal Service with sufficient postage. For all disputed payment deadlines, the due date printed on the bill will determine the beginning of each billing cycle or final notice mailings. District shall not apply penalties to delinquent accounts when extreme weather exists, (the previous days' temperature did not reach 28 degrees and the National Weather Service predicts the temperature to remain at or below 28 degrees for the next 24-hours). TWC Sec 13-151(a)(b)
 - b. **Service Disconnection Due to Delinquent Bills:** Payments for delinquent bills are due on the 24th of the month. Accounts will be charged the Delinquency Fee, (Section G(24) of the District Rate Order), if payments have not been received in the District Office by 8:00 am on the 25th of the month.
 - c. Upon written request, any residential customer 60 years of age or older who occupies the entire premises of a dwelling receiving water utility service from the District, shall receive an extension of the past due date without penalty. The extension shall not exceed ten (10) days beyond the usual fifteen (15) day payment period for a total of no more than twenty-five (25) days from the date the bill is issued. The request may specify an extension of the late payment periods for current and subsequent billings (Reference: Utilities Code Section 182.001 – 182.005).
- 12. Rules for Disconnection of Service:** The following describes the rules and conditions for disconnection of service. Notwithstanding any language to the contrary in the Service Application and Agreement Form, the District may only discontinue service for the reasons set forth in this Section.

- a. **Disconnection with Notice:** Water utility service may be disconnected for any of the following reasons after proper notification has been given.
 - i. **Returned Checks:** The District shall mail, via the U.S. Postal Service, a notice requiring redemption of the returned instrument within ten (10) days of the date of the notice to be made in the District Office. Redemption of the returned instrument shall be made by cash, money order, or certified check. Failure to meet these terms shall initiate disconnection of service. Any such instruments returned as insufficient or non-negotiable for any reason for any two billing periods within a 12-month period shall be considered evidence of bad credit risk by the District. The customer in violation shall be placed on a “cash-only” basis for a period of 12 months. **NOTE:** “Cash-only” means certified check, money order, or cash.

- ii. Failure to pay a delinquent account for utility service, failure to timely provide a deposit or failure to comply with the terms of a deferred payment agreement.
- iii. Violation of the Districts' rules pertaining to the use of service in a manner which interferes with the service of others or the operation of Non-Standard equipment if a reasonable attempt has been made to notify the customer and the customer is provided with a reasonable opportunity to remedy the situation.
- iv. Failure of the customer to comply with the terms of the Districts' Service Application and Agreement, service policy, or special contract provided that the District has given notice of said failure to comply and customer has failed to comply within a specified amount of time after notification.
- v. Failure to provide access to the meter under the terms of this Rate Order or to property at which water service is received when there is reason to believe that a hazardous condition or policy violation exists for which access is necessary to verify.
- vi. Misrepresentation by any applicant of any fact on any form, document, or other agreement required to be executed by the District
- vii. Failure of customer to re-apply for service upon notification by the District that customer no longer meets the terms of the Service Classification originally applied for under the original Service Application.
- viii. Violation of any applicable regulation or statute pertaining to on-site sewage disposal systems if the District has requested in writing to disconnect service by the TCEQ or the TCEQ's designated representative under Chapter 366 of the Texas Health and Safety Code.
- ix. Failure to pay charges arising from a Service Trip Fee as defined in Section G(18) Service Trip Fee of this District Rate Order.
- x. Failure by a customer to pay for all repair or replacement costs resulting from the customer damaging system facilities including, but not limited to water lines, service taps, meter boxes, valves, or meters by engaging in activities such as property excavations, installment of a driveway or roadway requiring encasements, lowering or re-routing of lines or system components, or by any other action. The notice will detail the extent of the damage, the location of the damage, the cost of the repair, and whether the damage occurred on private property or on a public right-of-way. Failure to pay the cost of repair or replacement will result in the customers' service being disconnected. Service will remain disconnected until payment is received or an acceptable payment plan is approved.
- xi. Failure to disconnect or secure additional service tap(s) for an RV or other service connection after notification by the District of violation of the prohibition of multiple connections. (E(20) of the District Rate Order)
- xii. Failure to pay for sewer utility service or solid waste provided by (Utility name) pursuant to the Districts' agreement with the (Utility name). (16TAC 24.88(e), 24.8(g); TWC 13.147, 13.250(b)(2))

- b. Disconnection Without Notice:** Water utility service may be disconnected without notice for any of the following conditions:
- i. A known dangerous or hazardous condition exists for which service may remain disconnected for as long as the condition exists, including but not limited to a violation under Chapter 341.011 of the Health and Safety Code; Section E(3)(d), E(21), E(22) of the District Rate Order; 30 TAC 290.46(j)). If there is reason to believe a dangerous or hazardous condition exists, the District may conduct a Customer Service Inspection (CSI) to verify the hazardous condition and may notify the local county health office. The District will disconnect without notice if the customer refuses to allow access for the purpose of confirming the existence of such condition and/or removing the dangerous or hazardous condition (30 TAC 290.46(j)). Service will be restored when a CSI confirms no health hazard exists, the health hazard has been removed or repaired, or the health hazard has been isolated from the Districts' water system by the installation of a Reduced Pressure Zone Assembly (RPZ).
 - ii. A line break on the customers' side of the meter is considered a potential hazardous condition under Section E(b)(i) of the District Rate Order. If the District conducts a CSI and discovers the line break has created a hazardous condition, the District will lock-off the water service immediately. Once the line break has been repaired the District will unlock the water service.
 - iii. Service is connected without authorization or has been reconnected without authorization following termination of service for non-payment.
 - iv. Tampering with the Districts' meter or equipment, by-passing the meter or equipment, or other unauthorized diversion of service as set forth in Section E(18) of the District Rate Order.
 - v. When a returned check is received on an account that was scheduled for disconnection, service shall be immediately disconnected.

NOTE: Where reasonable, based on the circumstances of the disconnection without notice, a written statement providing notice of disconnection and the reason therefore shall be posted at the place of common entry or upon the front door of each affected residential until after service has been disconnected.

- c. Disconnection Prohibited:** Utility service may not be disconnected for any of the following reasons:
- i. Failure of the customer to pay for merchandise or charges for non-utility service provided by the District, unless an agreement exists between the applicant and the District whereby the customer guarantees payment of non-utility service as a condition of service;
 - ii. Failure of the customer to pay for a different type or class of utility service unless a fee for such service is included in the same bill;
 - iii. Failure of the customer to pay charges arising from an under billing occurring due to any misapplication of rates more than six (6) months prior to the current billing;

- iv. Failure of the customer to pay the account of another customer as guarantor thereof, unless the District has in writing the guarantee as a condition precedent to service;
 - v. Failure of the customer to pay charges arising from an under billing due to any faulty metering, unless the meter has been tampered with or unless such under billing charges are due under the inoperative meters Section E(16) of this District Rate Order
 - vi. Failure of the customer to pay estimated bill other than a bill rendered pursuant to an approved meter reading plan, unless the District is unable to read the meter due to circumstances beyond its control.
 - vii. When extreme weather exists, (the previous days' temperature did not reach 20 degrees and the National Weather Service predicts the temperature to remain at or below de degrees for the next 24-hours). TWC Sec13-151(a)(b)
- d. Disconnection on Holidays and Weekends:** Unless a dangerous condition exists or the customer requests disconnection, service shall not be disconnected on a day, or on a day preceding a day, when personnel of the District are not available to the public for the purpose of taking collections and reconnecting service.
- e. Disconnection Due to Utility Abandonment:** The District may not abandon a customer or a certificated service area without written notice to its customers and all similar neighboring utilities and approval from the PUC.
- f. Disconnection for Ill Customers:** The District may not discontinue service to a delinquent residential customer permanently residing in an individually metered dwelling unit when that customer establishes that discontinuance of service will result in some person at that residence will become seriously ill or more seriously ill if service is discontinued. To avoid disconnection under these circumstances, the customer must provide a written statement from a physician to the District prior to the stated date of disconnection. Service may be disconnected in accordance with Section E(a) of the District Rate Order, if the next months' bill and the past due bill are not paid by the due date of the next months' bill, unless the customer enters into a deferred payment agreement.
- g. Disconnection of Master-Metered Accounts:** When a bill for water utility service is delinquent for a master-metered service complex, (defined as a complex in which a single meter serves two (2) or more residential dwelling units), the following shall apply:
- i. The District shall send a notice to the customer as required. This notice shall also inform the customer that notice of possible disconnection will be provided to the tenants of the service complex in five (5) days if payment is not rendered before that time.
 - ii. At least five (5) days after providing notice to the customer and at least five (5) days prior to disconnection, the District shall post notices stating "Termination Notice" in public areas of the service complex notifying the residents of the scheduled date for the disconnection of service.
 - iii. The tenants may pay the District for any delinquent bill on behalf of the owner to avert disconnection or to reconnect service to the complex.
- h. Disconnection of Temporary Service:** When an applicant with a temporary service fails to comply with the conditions stated in the Service Application and Agreement or other rules of this District Rate Order, service may be terminated with notice.

- 13. Billing Cycle Changes:** The District reserves the right to change its billing cycles if the workload requires such practice. After a billing period has been changed, the billings shall be sent on the new date unless otherwise determined by the District.
- 14. Back Billing:** The District may back-bill a customer for up to forty-eight (48) consecutive months for meter error, misapplied meter multiplier, incorrect meter readings, or error in computing a customer's bill. Failure to pay the most recent six (6) months billing will result in disconnection of service.
- 15. Disputed Bills:** In the event of a dispute between the customer and the District regarding any bill, the District shall forthwith make and conduct an investigation as shall be required by the particular case and report the results in writing thereof to the customer. All disputes under this Subsection must be submitted to the District, in writing, prior to the due date posted on said bill.
- 16. Inoperative Meters:** Water meters found inoperative will be repaired or replaced within a reasonable time. If a meter is found not to register for any period, unless by-passed or tampered with, the District shall make a charge for units used, but not metered, for a period not to exceed three (3) months, based on amounts used under similar conditions during the period preceding or subsequent thereto, or during corresponding periods in previous years. If the meter is inoperative due to by-passing or tampering, the District will proceed with disconnection. (See also Section E(18) of the District Rate Order.)
- 17. Bill Adjustment Due to Meter Error:** The District shall test any customer's meter upon written request of the customer. In the event the meter tests within the accuracy standards of The American Water Works Association (AWWA), a test fee as prescribed in Section G of this District Rate Order shall be imposed. In the event the test results indicate the meter is faulty or inaccurate, the test fee shall be waived, the meter shall be calibrated or replaced, and a billing adjustment may be made as far back as six (6) months. The billing adjustment shall be made to the degree of the meter's inaccuracy as determined by the test. The customer shall complete a meter test request from prior to the test.
- 18. Meter Tampering and Diversion:**
- a. For purposes of the Section, the term "Tampering" shall mean meter-tampering, by-passing, or diversion of the District's meter or equipment causing damage or unnecessary expense to the utility, by-passing the same, or other instances of diversion, including:
 - i. Removing a locking or shut-off device used by District to discontinue service;
 - ii. Physically disorienting the meter;
 - iii. Attaching objects to the meter to divert service or by-pass;
 - iv. Inserting objects into the meter;
 - v. Other electrical or mechanical means of tampering with, by-passing, or diverting service;
 - vi. Connection or reconnection of service without District authorization;
 - vii. Connection into the service line of adjacent customers of the District; and
 - viii. Preventing the supply from being correctly registered by a metering device due to adjusting the valve so that flow is reduced below metering capability.

The burden of proof of Tampering is on the District. Photographic evidence or any other reliable and credible evidence may be used; however, any evidence shall be accompanied by a sworn affidavit by the Districts' staff when any action regarding Tampering is initiated. A court finding of Tampering may be used instead of photographic or other evidence, if applicable. Unauthorized users of services of the District shall be persecuted to the extent allowed by law under the Texas Penal Code Section 28.03.

- b. If the District determines under Subsection (18)(a) of this District Rate Order, that tampering has occurred, the District shall disconnect service without notice as set forth in Section E(12)(b) of this District Rate Order, and charge the account associated with the tampering the total actual loss to the District, including the cost of repairs, replacement of damaged facilities, and lost water revenues.
- c. In addition to actual damages charged under Subsection (b), the District may assess a penalty against the person who committed the Tampering. The penalty may not exceed \$10,000, as per Texas Water Code Section 49.004.

NOTE: See *TWC Section 65.207 regarding requirements for publication of new penalty provision and TWC Section 49.004 for penalty limits for Districts.*

19. Service Facility Relocation: Relocation of service facilities on the same property shall be allowed by the District provided:

- a. An easement for the proposed location has been granted to the District; and
- b. The customer pays for the actual cost of relocation plus administrative fees.

20. Prohibition of Multiple Connections to a Single Tap: No more than one (1) residential, commercial, or industrial service connection is allowed per meter. The District may consider allowing an apartment building or mobile home/RV park to apply as a "master metered account" and have a single meter, (Section E(2)(d)(iv)). Any unauthorized submetering or diversion of service shall be considered a multiple connection and subject to disconnection of service. If the District has sufficient reason to believe a multiple connection exists, the District shall discontinue service under the disconnection without notice provisions of this District Rate Order Section E(12)(b).

21. Customers' Responsibility:

- a. The customer shall provide access to the meter as per the easement and Service Agreement. If access to the meter is hindered or denied preventing the reading of the meter, an estimated bill shall be rendered to the customer for the month and a notice shall be mailed to the effect that access could not be gained. If access is denied for three (3) consecutive months after proper notification to the customer, then service shall be discontinued, and the meter removed with no further notice. (Section E(3)(d) of this Rate Order).
- b. The customer shall be responsible for all charges on all accounts in their name. If a customer has multiple accounts and refuses to pay for charges on one of their accounts, the District shall move the bad debt to any other accounts in their name in an effort to receive payment. If District moves a bad debt to another account and customer refuses to pay the bad debt, District will terminate customers' service as set forth in Section E(12)(a)(ii) of this District Rate Order.
- c. The customer shall be responsible for compliance with all utility, local and state codes', requirements and regulations concerning on-site service and plumbing facilities.
 - i. All water service connections shall be designed to ensure against back-flow or siphonage into the Districts' water supply. In particular, livestock water troughs shall be plumbed above the top of the trough with air space between the discharge and the water level in the trough. (30 TAC 290.46)

- ii. The use of pipe and pipe fittings that contain more than 8.0% lead or solder and flux that contains more than 0.2% lead is prohibited for any plumbing installation or repair of any residential or non-residential facility providing water for human consumption and connected to the Districts' facilities. Customer service pipelines shall be installed by the applicant. (30 TAC 290.46)
- iii. All sewer and Districts' potable water service pipeline installations must be a minimum of nine feet (9') apart and meet all applicable plumbing standards for crossings, etc...
- iv. Service shall be discontinued without further notice when installations of new facilities or repairs of existing facilities are found to be in violation of Section E(22)(b) of this District Rate Order, until such time as the violation is corrected.
- d. The Districts' ownership and maintenance responsibility of water supply and metering equipment shall end at the meter or other service equipment. Therefore, all water usage registering upon and/or damages occurring to the metering equipment owned and maintained by District shall be subject to charges as determined by this District Rate Order.
- e. The District shall require each customer to have a cut-off valve on the Customers' side of the meter for purposes of isolating the Customers' service pipeline and plumbing facilities from the Districts' water service. The valve shall meet AWWA standards (a ball valve is preferred). The Customers' use of the Districts' curb-stop or other similar valve for such purposes is prohibited. Any damage to the Districts' equipment shall be subject to service charges.

22. Prohibited Plumbing Practices:

- a. No direct connection between the public drinking water supply and a potential source of contamination is permitted. Potential sources of contamination will be isolated from the public water system by an air gap or an appropriate backflow prevention device.
- b. No cross-connection between the public water supply and a private water system is permitted. These potential threats to the public drinking water supply must be eliminated at the service connection by the installation of an airgap or a Reduced Pressure-Zone Assembly Device (RPZ).
- c. No connection which allows water to be returned to the public drinking water supply is permitted.
- d. No pipe or pipe fitting which contains more than eight percent (8.0%) lead may be used for the installation or repair of plumbing at any connection which provides water for human use.
- e. No solder or flux which contains more than two-tenths of one percent (0.2%) lead can be used for the installation or repair of plumbing at any connection which provides water for human use.

23. Connection of Water Service:

- a. Applications for water service connections shall be filed with the District on Districts' Service Application and Agreement forms made available from the District. Applicants for water service shall meet all District requirements for service including the granting of any necessary easements (as determined by the District) to service the connection and to enable the District to provide system wide service.
- b. No person, other than the properly authorized agent of the District, shall be permitted to tap or make any connection with the mains or distribution pipes of the Districts' water system, or make any repairs or additions to or alterations in any tap, pipe, or other fixture connected with the water service pipe.

- c. The customer must allow his/her property to be inspected for possible cross-connections and other undesirable plumbing practices. These inspections will be conducted by the District or its designated agent prior to initiating service and may be conducted periodically thereafter. All inspections will be conducted during the Districts' normal business hours.
- d. The customer must, at his/her expense, properly install any backflow prevention device required by the District.
- e. Customer must have all existing accounts in the name current. If a customer has had an account in their name that was closed with a bad debt, customer must pay the bad debt in full before service will be granted.
- f. Water line extensions. As of the effective date of this District Rate Order, the cost of the installation of water lines beyond the existing service lines or the cost of upsizing line (when necessary) of the District to any residential or commercial user or any undeveloped area within the District shall be the sole responsibility of the property owner and/or developer requesting services.

24. Standards for Water Service Lines:

- a. In addition to compliance with this District Rate Order, all connections shall comply with the rules and regulations for public water systems issued by the Texas Commission on Environmental Quality (TCEQ), set forth in 30 TAC 290. In the event of a conflict between this District Rate Order and TCEQ Rules, the more stringent rule shall apply.
- b. Water pipe and fittings shall be of brass, copper, cast iron, galvanized malleable iron, galvanized wrought iron, galvanized steel, or other approved materials.
- c. Customers' water service lines and wastewater service lines shall not be less than three feet (3') apart horizontally and shall be separated by undisturbed or compacted earth.
- d. Water service line or any underground water pipe shall not be run or laid in the same trench with non-metallic sewer or drainage piping unless all three of the following conditions are met:
 - i. The bottom of the water service line at all points shall be at least twelve inches (12") above the top of the wastewater line.
 - ii. The water service line shall be placed on a solid shelf excavated at one side of the common trench and the two lines shall be separated by a minimum of eighteen inches (18").
 - iii. The water service line shall be installed with watertight joints tested to a minimum of 150 psi.
- e. A minimum of four feet (4') of type "L" soft copper pipe or other approved material shall be installed at the end of the water service line at the connection to the water meter.
- f. Water service lines shall be bedded in washed sand or native soil of same characteristics to provide six inches (6") of cushion below the line. The trench bottom and walls shall be cleared of all protruding rocks which could damage the pipe before the sand bedding is placed.
- g. A District-owned water meter and a District approved meter box shall be installed by a District representative.
- h. Potable water supply piping, water discharge outlets, backflow prevention devices, or similar equipment in any contaminated or polluted substance.
- i. Lawn sprinkling systems shall be equipped with a Reduced Zone-Pressure Assembly device (RPZ), installed in the discharge side of each of the last valves. The RPZ shall be installed at least twelve inches (12") above the surrounding ground and above a sufficient number of heads so at no time will the RPZ be subjected to back pressure or drainage.

- j. The Districts' water system shall be protected from swimming pool makeup water by means of an approved backflow preventer or an adequate air gap.
 - k. Upon the installation of a service line, a request for inspection shall be made to the Districts' Office forty-eight (48) hours in advance for request of inspection by its agents or employees. No back filling of the lines may be made until inspection has been made by the District
 - l. Back filling of service line trenches must be accomplished within twenty-four (24) hours of inspection and approval. No debris will be permitted in any service line trench.
 - m. All backflow devices installed on a customers' service line for the isolation of a potential health hazard shall, at the customers' expense, have annual inspections of backflow device by a person licensed by the State of Texas as a BPAT inspector. Annual inspection shall be performed by District at the customers' expense as per Section G(9)(a) of this District Rate Order or annual reports shall be supplied to District and inspector shall be registered with District as a valid licensed inspector with current annual gauge inspection certifications on file, Section G(9)(b) of this District Rate Order.
- 25. Leak Adjustment Policy:** Upon request for a leak adjustment, the following policy shall be followed:
- a. The leak must be caused by an act of Mother Nature.
 - b. Damage caused by negligence, vandalism, or anything other than Mother Nature will not qualify for a leak adjustment.
 - c. The leak must be repaired within forty-eight (48) hours of discovery of leak by customer or notification by District and must be verified by District personnel.
 - d. An average usage will be calculated by using the sum of the last twelve (12) months and dividing by twelve (12). If a twelve (12) month history does not exist, the average will be calculated by the available usage of no less than three months.
 - e. The usage caused by the leak must be greater than three (3) times the twelve (12) month average to qualify for an adjustment.
 - f. The customer shall pay for the number of gallons based on the twelve (12) month average, at the Districts' current rate schedule. All gallons over the twelve (12) month average shall be paid by the customer at the second tier per thousand-gallon rate.
 - g. One leak adjustment per three (3) year period shall be allowed per service. If the leak occurs in two consecutive months due to meter reading, both months' usage may be considered for an adjustment provided the leak is repaired within forty-eight (48) hours upon discovery by customer or notification by District, (Section E(25)(c) of this District Rate Order). The total of both months' usage will be used in determining the qualifying twelve (12) month average.
- 26. Accounts Closed With a Bad Debt:** The District will take all measures in accordance with this policy and State law in an effort to collect a bad debt, including but not limited to termination of service to other account in customers' name and utilizing the justice system. All costs the District may receive in Districts' collection attempts will be charged to the customer. District reserves the right to report bad debts to Credit Bureaus.

DEVELOPER, SUBDIVISION, AND NON-STANDARD SERVICE REQUIREMENTS

1. **Districts' Limitations:** All applicants shall recognize the District must comply with local, state, and federal rules and regulations as promulgated from time to time, and with the covenants of current indebtedness.
2. **Purpose:** It is the purpose of this Section to define the process by which the specific terms and conditions for all kinds of Non-Standard service, including specifically for Non-Standard service to subdivisions and the respective developers and sub-dividers, are determined, including the Non-Standard Service Application and the districts' respective costs.
3. **Application of Rules:** This Section sets forth the terms and conditions pursuant to which the additions to subdivisions, developments, or whenever additional service facilities are required for a single tract of property. Examples of Non-Standard service for a single tract of property include but are not limited to, road bores, extensions to the distribution system, and meters larger than $\frac{3}{4}$ " Residential meter. For the purposes of this service policy, applications subject to this Section shall be defined as Non-Standard. In cases of service to a single tract, the General Manager shall determine whether or not an applicants' service shall be subject to all or part of the conditions of this Section. Non-Standard service to subdivisions is governed by this Section.
4. **Developer submits:**
 - a. Feasibility Application
 - b. Preliminary Site/Utility Plans
 - c. Payment for investigation fee
5. Feasibility study is completed by District engineer and returned to Developer within 30 days
6. For Subdivisions, Apartments and RV Parks: NSA (Non-Standard Agreement) is drafted and approved by legal
7. Once study is reviewed and accepted by developer, developer submits engineering plans for initial comments from CMSUD Engineer
8. Revisions per the comments are completed and submitted between engineers until final approval is requested from CMSUD by CMSUD Engineer
9. Cover sheet is signed by CMSUD General Manager giving final approval for project
10. Pre-construction meeting is scheduled with CMSUD Inspector
11. Meter installation estimate and application for account is sent to Developer for master-metered accounts (not applicable to subdivisions)
12. To receive meter installations, Developer must submit:
 - a. ***(for RV Parks, Campgrounds, Apartments, and Commercial Projects)***
 - i. Full payment for connection fees per meter installation estimate
 - ii. Completed account application
 - b. ***(for Subdivisions and projects requiring acceptance of CMSUD infrastructure)***
 - i. 2-year maintenance bond for 20% of cost of the infrastructure being accepted by CMSUD
 - ii. Affidavit of bills paid
 - iii. PDF of as-builts for development (after PDF is received, CMSUD must issue an acceptance letter for this phase of the development prior to any meter sets)
 - iv. Full payment of connection fee per the NSA

13. Service to Commercial Businesses: Commercial Service is defined as anything non-single family residential, including but not limited to churches, retail facilities of any type, mechanical shops, dealerships, venues, mud bogs, multi-family housing, medical/dental facilities, hospitals or short/long term care facilities, car washes, service stations, manufacturing facilities, schools, sports facilities, restaurants, and RV/Mobile Home Parks.

14. Service to RV Parks, Community Mobile Home Parks, and Campgrounds: In determining the water meter size required to supply service to an RV Park, Community Mobile Home Park, or Campground, District will use the AWWA maximum continuous flow specifications equivalents. (Section G(13)(a) Base Rate of this District Rate Order). All existing RV Parks, Community Mobile Home Parks, and Campgrounds will be grandfathered by their existing Agreement; however, any additions to the park or campground will fall under the guidelines as set forth below adopted by the Board of Directors on February 23, 2021. (see District Ordinance 2021-01)

- a. In compliance with the Texas Administrative Code (TAC) Title 290, Subchapters D and F, District shall require one single-family home equivalent per space/lot for RV Parks, Community Mobile Home Parks, and Campgrounds. (Example: 100 RV/Mobile Home/Campground spaces/lots will require a meter(s) sized to equal 100 single-family homes.) District reserves the right to determine the combination of compound meters necessary to provide water service to the RV Park, Community Mobile Home Park, or Campground. (Example: 100 RV/Mobile Home/Campground spaces/lots will require two-six” compound water meters, each having 50 single-family home equivalents.)
- b. Each building inside a Park or Campground will require an additional single-family home equivalent. (Example: each restroom, laundry facility, store, office, etc... A park or campground with 46 spaces/lots, a men’s restroom building, a lady’s restroom building, a laundry facility building, and an office, will require a meter equal to 50 single-family home equivalents.)
- c. **Mobile Homes not inside Community Mobile Home parks** are treated as a single-family home.

Additionally, Districts’ Engineer shall determine if a larger size meter or system improvements will be required based on Kaufman County Fire Marshalls’ flow requirement for RV Park, Community Mobile Home Park, or Campground and TCEQ and/or PUC requirements.

15. Service to Multi-Family Housing: Each unit contained in a multi-family housing complex, (apartments, two-plex, four-plex, and condo style housing), shall have one meter per unit, or one-meter equivalent per unit. ((TAC) Title 290, Subchapters D and F) All existing Multi-Family Housing complexes will be grandfathered by their existing Agreement; however, any additions to the park or campground will fall under the guidelines as set forth below adopted by the Board of Directors on February 23, 2021.

Additionally, Districts’ Engineer shall determine if a larger size meter or system improvements will be required based on Kaufman County Fire Marshalls’ flow requirement for RV Park, Community Mobile Home Park, or Campground and TCEQ and/or PUC requirements.

RATE AND SERVICE FEE ORDER

UNLESS SPECIFICALLY DEFINED IN THIS DISTRICT RATE ORDER, ALL FEES, RATES, AND CHARGES AS STATED HEREIN SHALL BE NON-REFUNDABLE.

1. **Classes of Users:** All users of the Districts' water and/or sewer service shall be classified as either Standard or Non-Standard service, as further defined in Section E and Section F of this District Rate Order. Either class of user may be further classified into customer classes according to the type of service, cost, or risk associated with each individual customer class. (Texas Water Code 49.2122)
2. **Service Investigation Fee:** The District shall conduct a service investigation for each service application submitted to the District. An initial determination shall be made by the District, without charge, as to whether the service request is Standard or Non-Standard. An investigation shall then be conducted, and the results reported under the following terms:
 - a. All Standard service requests shall be investigated without charge and all applicable costs for providing service shall be quoted in writing to the applicant within twenty-four (24) hours, excluding weekends and holidays, of application for service.
 - b. All Non-Standard service request shall be subject to an engineering hydraulic study fee as outlined below:

Engineering Hydraulic Study Fees:

- A. Individual splitting lot (up to two lots) \$500
- B. Commercial development/building requesting fire flow (up to two lots) \$800
- C. Small residential development (3 to 10 lots) \$1,200
- D. Large residential development (11 to 100 lots) \$2,500
- E. Mega residential development (over 100 lots) TBD

Engineer hydraulic study will include:

- i. Cost estimates of the project;
- ii. Developing detailed plans and specifications as per final plat;
- iii. Advertise and accept bids for the project;
- iv. Provide other services as required by the District for such investigation.

3. Deposit:

- a. At the time the application for service is approved, applicant shall pay an account deposit which will be held by the District without interest until settlement of the Customers' final bill. The deposit will be used to offset final billing charges of the account. In the event a portion of the deposit remains after final billing is settled, the balance will be paid to the customer within forty-five (45) days, provided the District is given a suitable forwarding address. All requests for refunds shall be made in writing and should be filed within ninety (90) days of discontinuance of service. In the event an outstanding balance exists after the deposit is applied, the District shall attempt to collect the outstanding balance by all lawful means available.
 - i. The deposit for Standard water service is **\$250** for each service requested by a property owner with a fee simple title.
 - ii. The deposit for a Standard water service requested by a leaser, renter, or other non-owner of property without a fee simple title is **\$375**.
 - iii. The deposit for Non-Standard services including oversized or master metered account shall be based on multiple of meter size equivalence. (Section G(13)(a) of this District Rate Order.

Amended June 18, 2019; February 04, 2020; May 26, 2020; September 29, 2020

- b. If the District is not provided with a suitable address to mail the balance of a deposit or if after sending the balance it is returned by the postal service, the District will hold the funds for the customer to claim for a period of three years. After the three-year holding period has expired, the District will turn the money over to the Texas Comptrollers' Office. The customer may still claim their deposit once deposited with the Comptrollers' Office, by contacting the Texas Comptrollers' Office.
4. **Easement Fee:** When the District determines dedicated easements and/or facility sites are necessary to provide service to the applicant, the applicant shall be required to make good faith efforts to secure the necessary easements and/or sites on behalf of the District and/or pay all costs incurred by the District in validating, clearing, and retaining such easements or sites in addition to tap fees otherwise required pursuant to the provisions of this District Rate Order. The costs may include all legal fees and expenses necessary to attempt to secure such easements and/or facility sites on behalf of the District or Applicant.
5. **Easement Filing Fee \$45.** When District files easements for record at the Kaufman County Courthouse. Easements are obtained with every new application for service and when system improvements are necessary to supply water for development. Easement filing fee are not charged when District makes system improvements for District purposes.
6. **Installation Fee (Tap Fee).** The District shall charge an installation fee for service that does not exceed the actual and reasonable cost as follows:
- a. **Standard Service** shall include all current labor, materials, engineering, legal, customer service inspection, administrative costs necessary to provide individual metered water, and any additional site-specific equipment or appurtenances necessary to provide water or wastewater service. (If a water line is not on the same side of the road as the property where service requested is located, a Road Bore will be necessary and will be at the expense of the customer. (G(8) of this District Rate Order). A Road Bore is considered a Non-Standard service).
- Service shall be charged per service unit as follows:**
- | Meter Size | Tap Fee (effective 6/01/19) |
|-------------|-----------------------------|
| 5/8" X 3/4" | \$3,900 |
| 3/4" | \$4,700 |
| 1" | \$6,500 |
| 2" compound | \$16,700 |
- b. **Non-Standard Service** shall include any and all construction labor and materials, inspection, administration, legal, engineering fees, and an additional site-specific equipment or appurtenances necessary to provide water or wastewater service as determined by the District under the rules of Section F of this District Rate Order. Tap fees as outlined in Section G(6)(a) shall be included in all Non-Standard Service fees.
- c. **Standard and Non-Standard Service Installations** shall include all costs of any pipeline relocations as per Section E(2)(c)(vii) of this District Rater Order, or other system improvements.
- d. **Relocation Fee \$1,650** shall be charged when a meter is relocated within the same property. Water meters cannot be relocated from one property to another.

7. Re-Service Fee

- a. Where a meter exists on property \$130 (without installation of customer cut-off)
\$300 (with installation of customer cut-off)**

Re-Service requires a Customer Service Inspection (CSI) before service will be restored. The Re-Service Fee includes an Administrative Fee, a CSI Fee, and unlocking the meter. If an additional service trip is required, a Service Trip Fee will be required. Section G(18) of this District Rate Order.

- b. Where a meter does not exist on the property \$885**

This includes the installation of a meter, a CSI Fee, and an Administrative Fee. If an additional service trip is required, a Service Trip Fee will be required. Section (G)(18) of this District Rate Order.

8. Road Bore Fee

A road bore is required when the District does not have a distribution water line on the same side of the road as the property where service is requested. County Road Bores and County Road Cutting Fees, for a single residential service, begin at \$1,600 for a bore of 100'. Fee is contingent upon actual pricing if outside boring contractor is required, actual length of road bore, and county and state requirements. (The Road Bore Fee for FM Roads and State Hwys. will be quoted on a case-by-case basis.)

9. Backflow Device Test Fee

- a.** The District shall charge a fee of **\$125** for the inspection and testing of a backflow device, (RPZ, Double Check, SVB, and PVB).
- b.** Contractors licensed to test backflow devices must pay an annual \$25 registration fee to the District. All inspectors/testers must provide a copy of their current Texas BPAT license and a copy of a current inspection certificate for all gauges used for testing on Districts' system. District will not accept tests from persons without a current Texas BPAT license and current gauge inspection/calibrations certificates on file.

10. Sprinkler System/Irrigation System Permit Fee

Prior to installation of a sprinkler or irrigation system on Districts' system, application for a permit must be made with District. District shall charge a **\$25** permit fee. A \$250 penalty will be assessed to the customers' account if a permit is not obtained prior to the installation of the sprinkler or irrigation system and may result in disconnection of service until penalties are paid and the required backflow device has been properly installed.

- 11. Construction Meter Install Fee:** The District shall charge a fee of **\$150** for the installation of a construction meter. This fee shall cover the installation of the meter, the testing of the RPZ, and the collection of the meter and final reading. For each additional time the meter is reinstalled or relocated to another location, the RPZ will be tested and an additional fee of **\$100** will be charged.

- 12. Construction Meter Deposit:** The District shall charge a refundable deposit of \$2,000 for the use of a construction meter with expected usage up to 100,000 gallons. An additional \$500 deposit will be required for each 100,000 gallons anticipated use in excess of the first 100,000 gallons. Actual usage will be billed monthly at the highest water rate.

13. Monthly Charges

- a. **Base Rate:** Water service – The monthly charge for standard metered water service is for a 5/8" X 3/4" meter. The 5/8" X 3/4" meter charge is used as a base multiplier for larger Non-Standard meters in accordance with the following chart base on American Water Works Association maximum continuous flow specifications:

METER SIZE	5/8" x 3/4" METER EQUIVALENTS	MONTHLY RATE
5/8" x 3/4"	1.0	\$34.00
3/4"	1.5	\$51.00
1"	2.5	\$85.00
1 1/2"	5.0	\$170.00
2"	8.0	\$272.00
3" CMPD.	16.0	\$544.00
4" CMPD.	25.0	\$850.00
6" CMPD.	50.0	\$1,700.00
8" CMPD.	80.0	\$2,720.00

NOTE: Certain customer classes, such as customers receiving fire flow that require a higher cost of service to the District for that class may be charged a higher Base Rate as set forth in this policy.

- b. **Water Gallonage Charge:** In addition to the Base Rate, a gallonage charge shall be added at the following rates for usage during any 1 (one) billing period. (effective 8/01/2019)

\$8.10 per 1,000 gallons for usage up to 3,000 gallons
\$10.85 per 1,000 gallons for usage between 3,001 to 5,000 gallons
\$11.85 per 1,000 gallons for usage between 5,001 to 7,000 gallons
\$12.85 per 1,000 gallons for usage between 7,001 to 10,000 gallons
\$13.85 per 1,000 gallons for usage over 10,000 gallons

- c. **Regulatory Assessment Fee:** The District shall, as required by Texas Water Code Section 5.235, collect from each of its retail customers a regulatory assessment fee equal to one-half of one percent (.005) of the charge for retail water service. This charge shall be collected in addition to other charges for utility service. This fee is collected on all charges pertaining to Section G(13) of this District Rate Order.
- d. **Voluntary Contributions:** The District, as a part of its billing process, collects voluntary contribution on behalf of the College Mound and Elmo Volunteer Fire Departments and Emergency Medical Service.
- e. **CareFlite:** The District, as part of its billing process, collects \$1.00 per billing account for CareFlite Services. Customer must "opt out" of this service if they choose not to participate in the CareFlite Services. Agreement is between customer and CareFlite and District assumes no responsibility nor agrees to be the liaison between Customer and CareFlite.

- 14. Standby Fee:** An annual charge equal to twelve (12) times the Base Rate for undeveloped property (a tract, lot or reserve in the District to which no vertical improvements and water connections have been made to serve the property and for which water facilities and services are available) within the District for availability of water service. The Standby Fee is separate from any other fee that may be charged to the property or any part of the property for actual service.
- a. The Standby Fee is a personal obligation of the person owning the property assessed on January 1st of each year and must be paid by that person to the District the year it is assessed, even if title to that property subsequently transfers to another person. The Standby Fee must be paid by January 31st of each year.
 - b. Upon failure to pay the Standby Fee:
 - i. The District will charge interest at the rate of one percent (1%) per month; and
 - ii. The District will refuse to provide service to the property, or to any portion of the property, until all delinquent Standby Fees (including all accrued interest) have been paid.

In addition, the District may file suit to enforce the lien for the unpaid amount that attaches to the property on January 1st following the assessment of the Standby Fee and accrued interest. In addition to recovery of the amount secured by the lien, the District will request assessment if its reasonable costs, including attorneys' fees, not to exceed twenty percent (20%) of the delinquent fee and the accrued interest.

[**Note:** A Standby Fee must be approved by the TCEQ under TAC Sections 293.141-.150]
- 15. Late Payment Fee (Penalty):** Once per billing period, a penalty of **\$15.00** shall be applied to delinquent bills. This penalty shall not be applied to any balance to which the penalty was applied in a previous billing but shall be applied to any unpaid balance during the current billing period.
- 16. Returned Check Fee:** In the event a check, draft, or any other similar instrument is given by a person, firm, District, or partnership to the District for payment of services provided for in this District Rate Order, and the instrument is returned by the bank or other similar institution as insufficient or non-negotiable for any reason, the account for which the instrument was issued shall be assessed a Return Check Fee of **\$50.00**.
- 17. Service Termination Fee:** The District shall charge a fee of **\$100** for reconnecting service after the District has previously disconnected the service for any reason provided in this District Rate Order except for activation of service under Section E(3)(b) Re-service of this District Rate Order.
- 18. Delinquency Fee:** The District shall charge a fee of **\$100** for non-payment of a delinquent bill prior to 8:00 am on the 25th of the month, unless prior arrangements have been made and approved by Management. (District Rate Order Section E(11)(b)) NOTE: When a Delinquency Fee is assessed, a Service Termination Fee or Reconnect Fee will not be assessed.
- 19. Service Trip Fee:** The District shall charge a Service Trip Fee of \$100/per hour with a minimum of one (1) hour for any service call or trip to the Customers' tap as a result of a request by the customer or resident after normal business hours, unless the service call is in response to damage of the Districts' or another customers' facilities.

- 20. Fee for Unauthorized Actions:** If the Districts' facilities or equipment have been damaged by tampering, by-passing, installing unauthorized taps, reconnecting service without authority, or other service diversion, a fee shall be charged equal to the actual costs for all labor, material, and equipment necessary for repair or replacement of the Districts' facilities and shall be paid before service is re-established. The fee shall also include the actual costs for all labor, material, equipment, and other actions necessary to correct service diversions, unauthorized taps, or reconnection of service without authorization. All components of this fee will be itemized, and a statement shall be provided to the customer. If the Districts' facilities or equipment have been damaged due to unauthorized use of the Districts' equipment, easements, or meter shut-off valve or due to other unauthorized acts by the customer for which the District incurs losses or damages, the customer shall be liable for all labor and material charges incurred as a result of said act(s) or negligence. *NOTE: Payment of this fee will not preclude the District from requesting appropriate criminal prosecution.*
- 21. Meter Tampering and Diversion Penalty:** In addition to the Fee for Unauthorized Actions, the District may charge a \$1,000 penalty for "Tampering" as defined in Section E(18)(a) of this District Rate Order. The penalty will be assessed against the account associated with the property where the tampering occurred.
- 22. Meter Test Fee:** The District shall test a customer meter upon written request of the customer. Under the terms of Section E(17) of this District Rate Order, a charge of **\$150** shall be imposed on the account attached to the meter in question.
- 23. Customer Service Inspection Fee:** A fee of **\$100** will be assessed each applicant before permanent continuous service is provided or if an additional inspection is required in addition to the initial inspection included with the installation or Tap Fee, Section G(6)(a)(b).
- 24. Regulatory Assessment:** A fee of 0.5% of the amount billed for water/sewer service will be assessed each customer, as required under Texas law and TCEQ Regulations.
- 25. Additional Assessments:** In the event any federal, state, or local governments imposes on the District a "per meter" fee or an assessment based on a percent of water/sewer use or charges, this fee or assessment will be billed and collected as a "pass through" charge to the customer.
- 26. Seasonal Reconnect Fee:** The fee charged for resumption of service at a location where the customer has voluntarily suspended service, in a written request, for a period of time not exceeding nine (9) months within a twelve (12) month period. The fee will be based on the total months for which service is suspended multiplied by the amount of the monthly base rate the District charges active customers.
- 27. Other Fees:** The actual and reasonable costs for any services outside the normal scope of utility operations the District is compelled to provide at the request of a customer shall be charged to the customer.

WATER RESOURCE AND EMERGENCY MANAGEMENT PLAN and WATER CONSERVATION PLAN

INTRODUCTION

The goal of this plan is to cause a reduction in water use in response to drought or emergency conditions so the water availability can be preserved. Since emergency conditions can occur rapidly, responses must also be enacted quickly. This plan has been prepared in advance considering conditions that will initiate and terminate the rationing program.

Because College Mound Special Utility District purchases treated water from NTMWD, the Board has adopted the Model Water Conservation Plan and the Water Resource and Emergency Management Plan of NTMWD. These entire plans are available upon request at the District office and on the District website www.collegemoundwater.com

NTMWD controls the Stage of the outside watering restrictions due to drought conditions, however; College Mound SUD will trigger different stages of the plan if system emergencies warrant restrictions. Each stage of the plan is outlined as follows:

Stage 1

The goal for water use reduction under Stage 1 is a five percent (5%) reduction in the amount of water produced by NTMWD from the previous annual payment period prior to drought restrictions. **If circumstances warrant or if required by NTMWD, the General Manager or official designee can set a goal for greater or lesser water use reduction.** The General Manager or official designee may order the implementation of any or all of the actions listed below, as deemed necessary to achieve a five percent (5%) reduction. Measures described as “required notification to TCEQ” impose mandatory requirements on customer. The supplier must notify TCEQ and NTMWD within five (5) business days if these measures are implemented:

- Continue action in the water conservation plan.
Notify wholesale customers of actions being taken and request them to implement similar procedures.
- Initiate engineering studies to evaluate alternatives should conditions worsen.
- Further accelerate public education efforts on ways to reduce water use.
- Halt non-essential water use or College Mound SUD. (Vehicle washing, etc...)
- Encourage the public to wait until the current drought or emergency situation has passed before establishing new landscaping.
- All users are encouraged to reduce the frequency of draining and refilling swimming pools.

Requires Notification to TCEQ: Limit landscape watering with sprinklers or irrigation systems at each service address to no more than two days per week on designated days between April 1 to October 31 before 10 am or after 6 pm, provided no runoff occurs. Limit landscape watering with sprinklers or irrigation systems at each service address to once every week on designated days between November 1 to March 31. Exceptions are as follows:

- An exception is allowed for landscape associated with new construction that may be watered as necessary for thirty (30) days from the installation of new landscape features.
- An exemption is also allowed for registered and properly functioning ET/Smart irrigation systems and drip irrigation systems from the designated outdoor water use days limited to no more than two days per week. ET/Smart irrigation and drip irrigation systems are however subject to all other restriction applicable under this stage.

- An exception for additional watering of landscape may be provided by handheld hose with shutoff nozzle, use of dedicated irrigation drip zones, and/or soaker hose provided no runoff occurs.
- Foundations, new landscaping, new plantings (first year) of shrubs, and trees (within a ten foot (10') radius of its trunk) may be watered by a handheld hose, a soaker hose, or a dedicated zone using a drip irrigation system provided no runoff occurs.

Requires Notification to TCEQ: Initiate a rate surcharge for all water use over a certain level.

Requires Notification to TCEQ: Landscape watering of parks, golf courses, and athletic fields using potable water are required to meet the same reduction goals and measures outlined in this stage.

Exception for golf course greens and tee boxes which may be hand watered as needed.

Stage 2

Requires Notification to TCEQ: Initiate a rate surcharge for all water use over a certain level.

Requires Notification to TCEQ: Landscape watering of parks, golf courses, and athletic fields using potable water are required to meet the same reduction goals and measures outlined in this stage.

Exception for golf course greens and tee boxes which may be hand watered as needed.

Stage 3

The goal for water use reduction under Stage 3 is a reduction of whatever amount is necessary in the amount of water obtained from NTMWD from the previous annual payment period prior to drought restrictions. **If circumstances warrant or if required by NTMWD, the General Manager or official designee can set a goal for greater or lesser water use reduction.**

The General Manager or official designee may order the implementation of any or all of the actions listed below, as deemed necessary. Measures described as “requires notification to TCEQ” impose mandatory requirements on member cities and customers. The supplier must notify TCEQ and NTMWD within five (5) business day if these measures are implemented.

- Continue or initiate any actions available under Stages 1 and 2.
- Notify wholesale customers of actions being taken and request them to implement similar procedures.
- Implement viable alternative water supply strategies.

Requires Notification to TCEQ: Initiate mandatory water use restrictions as follows:

- Hosing and washing of paved areas, buildings, structures, windows, or other surfaces is prohibited except by variance and performed by a professional service using high efficiency equipment.
- Prohibit operation of ornamental fountains or ponds that use potable water except where supporting aquatic life or water quality.

Requires Notification to TCEQ: Prohibit new sod, hydro seeding, hydro mulching, and sprigging.

Requires Notification to TCEQ: Prohibit the use of potable water for the irrigation of new landscaping.

Requires Notification to TCEQ: Prohibit all commercial and residential landscape watering, except that foundations and trees (within a ten foot (10') radius of its trunk) may be watered for two hours on day per week with a handheld hose, a dedicated zone using a drop irrigation system and/or soaker hose before 10 am or after 6 pm, provided no runoff occurs. ET/Smart irrigation system and drip irrigation system are **not** exempt from this requirement.

Requires Notification to TCEQ: Prohibit washing of vehicles except at commercial vehicle wash facilities.

Requires Notification to TCEQ: Landscape watering of parks, golf courses, and athletic fields with potable water is prohibited. Exception for golf course greens and tee boxes which may be hand watered as needed. Variances may be granted by College Mound SUD under special circumstances.

Requires Notification to TCEQ: Prohibit the filling, draining and refilling of existing swimming pools, wading pools, Jacuzzi and hot tubs except to maintain structural integrity, proper operation and maintenance or to alleviate a public safety risk. Existing pools may add water to replace losses from normal use and evaporation. Permitting of new swimming pools, wading pools, Jacuzzi and hot tubs is prohibited.

Requires Notification to TCEQ: Prohibit the operation of interactive water features such as water sprays, dancing water jets, waterfalls, dumping buckets, shooting water cannons, or splash pads that are maintained for public recreation.

Requires Notification to TCEQ: Require all commercial water users to reduce water use by a percentage established by the General Manager of official designee.

Requires Notification to TCEQ: If NTMWD has imposed a reduction in water available to Member Cities and Customers, impose the same percent reduction on wholesale customers.

Requires Notification to TCEQ: Initiate a rate surcharge for all water use over normal rates for all water use.

Procedures for Granting Variances to the Plan:

The General Manager or official designee may grant temporary variances for existing water uses otherwise prohibited under this Water Resource and Emergency Management Plan if one or more of the following conditions are met:

- Failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for public or the person or entity requesting the variance.
- Compliance with this plan cannot be accomplished due to technical or other limitations.
- Alternative methods that achieve the same level of reduction in water use can be implemented.
- Variances shall be granted or denied at the discretion of the General Manager or official designee.

All petitions for variances should be in writing and should include the following information:

- Name and address of the petitioners
- Purpose of water use
- Specific provisions from which relief is requested
- Detailed statement of the adverse effect of the provision from which relief is requested
- Description of the relief requested
- Period of time for which the variance is sought
- Alternative measures that will be taken to reduce water use
- Other pertinent information

Procedures for Enforcing Mandatory Water Use Restriction:

Mandatory water use restrictions may be imposed in Stage 1, Stage 2, and Stage 3 of the Water Resource and Emergency Management Plan stages. The penalties associated with the mandatory water use restrictions are determined by the College Mound Special Utility District Board of Directors.