

CHAPTER 29
WATER SUPPLY
SYNOPSIS

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SEC. 29.100 GRANT OF AUTHORITY

The City of Olmos Park, Texas, does hereby grant to the City of San Antonio, acting through its Water Work Board of Trustees, hereinafter called "Board", the right and privilege to construct, lay, maintain, operate, use, extend, remove, replace, and repair, in, under, over, across, along, any and all streets, avenues, alleys, utility easements, thoroughfares, roads, highways, viaducts, and bridges within the corporate limits of the City as it now exists or may hereafter exist through annexation or acquisition during the life of this contract, a system of pipes, water mains, laterals, service lines, hydrants, feeders, regulators, meters, fixtures, reservoirs, tanks, connections, and attachments, and other desirable instruments and appurtenances necessary or proper for the purpose of transporting, storing, distributing, supplying, and selling water for domestic, commercial, municipal, and fire protection purposes and for any other purpose for which water may now or hereafter be used, to the City and its inhabitants or any other person or persons within or without the corporate boundaries of the City.

29.101 COMPLIANCE WITH LAWS AND ORDINANCES

The Board shall, at all times during the term of this agreement, be subject to all lawful exercise of police power by the City and to such reasonable regulation not inconsistent with this contract as the City shall hereinafter by ordinance provide.

29.102 CONSIDERATION

In consideration of the rights conferred herein, the Board agrees to furnish potable water which meets the applicable quality standards of the Texas State Department of Health for domestic, commercial, municipal, and fire protection purposes to the citizens of Olmos Park, Texas, under the terms and conditions of the contract. In accordance with the Board's present replacement and improvement policy, and as it may be amended from time to time, the Board agrees that it will make such water main replacements and improvements to its system in the City of Olmos Park necessary to upgrade the system to the sizes and standards established by the Board's "Criteria for Domestic and Commercial Water Supply and Distribution" which is incorporated herein by reference for all purposes.

29.103 CITY WATER WELL

The City conveyed to the Board free and clear of all indebtedness, together with right of ingress and egress, all of its right, title and interest in the City's water well located within the City's park area at the intersection of McCullough Avenue and Mariposa Drive East. The Board paid the City \$23,000.00 for its right, title and interest in said well.

29.104 NON-TRANSFERABILITY OF AGREEMENT RIGHTS

The Board shall not sell or transfer its systems within the City of Olmos Park to another public utility or private utility, nor transfer any rights under the agreement to any other person or corporation without City approval.

29.105 TERMS OF AGREEMENT

These rights herein granted shall take effect and be in force on and after the 1st day of June 1969, as required by law, and continue for a period of thirty (30) years there from through the 31st day of May 1999. At the option of either the City or the Board, this contract may be renewed for successive thirty (30) year periods with the mutual written consent of the parties.

29.106 SEPARABILITY

If any section, sentence, clause, or paragraph of this section is for any reason held to be illegal or invalid, such invalidity shall not affect the validity of the remaining portions of this chapter. All ordinances and agreements directly in conflict herewith are hereby repealed.

SEC. 29.200 RATES

Board, without unlawful discrimination between customer and applicant, existing or future, shall operate the water system in the same substantial manner and under the terms, practices, conditions, fees, tolls, and charges as it has heretofore or may hereafter prescribe for its customers outside the city limits of the City of San Antonio with the usual practices incident to the construction and operation of an efficient water supply and distribution system and will supply and install standard meters making its usual charges. Standard equipment manufactured for the purpose of constructing, maintaining, and operating a water supply and distribution system shall be utilized.

29.201 MINIMUM MONTHLY CHARGE

The Minimum Monthly Charge for all water service outside the city limits of the City of San Antonio, furnished through meters of specified sizes and measured in cubic foot units (one cubic foot being equivalent to 7.48 gallons) together with the volume allowance of water usage included with such charge, in every instance of service for each month or fraction thereof shall be as prescribed in the most recent Residential Water Service Rate Schedule "A"- OUTSIDE THE CITY LIMITS of San Antonio (copy available upon request). (Amended by City Council August 18, 1987)

29.202 COLLECTIONS OF WATER CHARGES

The foregoing Water Service Rates, shall be the net charges for water service made available and rendered when such charges are paid in advance or on or before ten (10) days after the date of the mailing of bill, otherwise such charges shall be subject to a penalty of increased charges in the amount of ten percent (10%) of the net charges if payment is made on or before thirty (30) days after date of mailing of bill. Should payment of charges not be made on or before thirty (30) days after date of mailing of bill, water service shall be discontinued at any time thereafter. Prior to the reinstatement of service, all charges shown on the bill including the penalty charge of ten percent (10%) plus a turn-on fee of two dollars (\$2.00), when such turn-on is made between the hours of 8:00 a.m. to 5:00 p.m. on regular working days shall be paid in full; at all other times such turn-on fee shall be four dollars (\$4.00).

In the event a service call is made to discontinue service for non-payment of charges, the turn-on fee shall be collected whether service is actually turned off or not. In addition to the foregoing, there shall be a deposit reasonably adequate to secure the customer's future charges.

29.203 DEPOSIT REQUIRED

An advance deposit of an amount reasonably adequate to secure the customer's future charges shall be required of all new customers up to such an amount as shall be considered by the management sufficient to insure payment of final bills. Such deposit

shall be collected and refunded in accordance with such regulations and under such terms as the Board may prescribe.

29.204 SEPARATE BILLINGS

The meter readings of two or more meters even though serving a single customer and even though serving a single building or establishment never shall be combined for billing purposes, but separate billing shall be made for the water metered through each individual meter based upon the step-rate scale of charges as provided hereinbefore, with the said charges computed the same as if that were the only meter serving such customer, building or establishment. The foregoing prohibition against combining meter readings is not applicable in those instances in which two or more meters are connected to different water mains necessitated by the inability of the Waterworks Board to furnish the customer's entire requirements from a single main through a single service connection because of insufficient main capacity. In the event the Waterworks Board of Trustees should elect to sell water on a wholesale basis outside the city limits of the City of San Antonio, the rates charged shall be in accordance with the schedules for the specified meter size provided in Section 29.201 hereinabove set forth.

29.205 CITY FIRE FIGHTING

The City shall have the right to use the Board's fire hydrants at no charge for fire fighting purposes only. Any other use of water from fire hydrants will be paid for by the City at the Board's established rates. Prior to such other use, the Board will, upon request of the City, set a fire hydrant meter to measure consumption.

29.206 FRANCHISE FEE

The Board agrees to pay as consideration for this agreement a franchise fee of two percent (2%) per annum of the gross receipts for water service paid by customers of the Board within the City of Olmos Park. Payment of the franchise fee will be made on an annual basis.

SEC. 29.300 PRIVATE FIRE PROTECTION WATER LINES

Private fire protection water service line connections permitted may be one of the following three (3) types: (1) a line utilized exclusively to supply service for closed circuit automatic sprinkler head systems; (2) a line to supply service for Systems which have water outlets such as open head sprinkler systems, standpipes, hose connection outlets, external private fire hydrants on the premises or other outlets used solely for fire protection purposes; (3) a line to supply service for a combination domestic and private fire protection system where fire system is composed of automatic sprinkler heads, standpipes, hose connections, external private fire hydrants and other outlets, which shall be classed as a domestic account.

29.3.01 RATES FOR PRIVATE FIRE PROTECTION WATER LINES

The Water Service Rates to be the lawful rates charged on the three (3) types of connection are:

Type Nos. 1 and 2 (Non-metered)	Minimum Annual Charge
4-inch service line connection (or smaller)	\$75.00
6-inch	\$100.00
8-inch	\$125.00
10-inch	\$150.00
12-inch	\$175.00

Type No. 3 (metered) The Water Service Rates charged on all metered lines shall conform with the Rate Schedule as set out herein for domestic service outside of city limits and according to the size fire flow or standard type meter installed.

The foregoing Water Service Rates for Type Nos. 1 and 2 shall be the net annual charge for water service made available when such charges are paid in advance or before January 31st of each year such service is to be rendered; otherwise such

charges shall be subject to a penalty of increased charges in the amount of ten percent (10%) of the net charges if payment is made on or before March 1st of the current year. Should payment of charges not be made on or before March 1st of the current year, water service shall be discontinued.

SEC. 29.400 CONSTRUCTION, MAINTENANCE, LOCATION AND RELOCATION OF WATER SUPPLY EQUIPMENT

All installations and extensions to the water system of the Board within the City of Olmos Park, Texas, shall comply with the Boards "Criteria for Domestic and Commercial Water Supply and Distribution and Regulations for Water System Extension and Service Line Installation", copies of which are on file at the Olmos Park City Hall.

29.401 LOCATION

All water mains, service lines, pipes, and appurtenances constructed and maintained by the Board within the City shall be located within streets, alleys, easements, and other public ways and places.

29.402 MAINTENANCE AND RELOCATION

If in the event at any time during the term of this agreement the City shall elect to alter or change the grade of any street, alley, or other public way, which will necessitate the relocation of Board mains or other facilities, the Board shall be entitled to reasonable notice thereof. The costs of relocation of any mains or other facilities installed by the Board after the effective date of the contract (6-1-69) due to the City's action shall be borne by the Board. The costs of relocation of any mains or other facilities installed prior to the effective date of the contract (6-1-69) due to the City's action shall be borne by the City.

29.403 BOARD'S RIGHTS AS TO CONSTRUCTION AND MAINTENANCE

In order to adequately maintain, service, construct, reconstruct, relocate, or inspect Board facilities, Board shall have the right to excavate in or across all alleys, easements, public streets, and public ways in which said facilities are located. Board agrees to give City reasonable notice of said construction, relocation, or maintenance in order to facilitate arrangements for the flow of traffic when necessary. If there is excavation made in City's streets, alleys, or public ways by reason of the construction or operation of the system through breakage, bursting, leakage of mains or replacements and extensions, such excavations in the streets, alleys, or public ways shall be restored to their original state of repair at Board's expense.

29.404 INTERRUPTION OF SERVICE

The Board does not guarantee uninterrupted service to the City or Board's customers and will not be liable for any such interruption. The Board will, however, exert reasonable diligence and care to prevent service interruption and will expeditiously restore service as required.

29.405 INDEMNITY

Board shall hold the City harmless from all expense or liability for any unlawful or negligent act of Board.

29.406 NO EXCLUSIVE RIGHTS

Nothing herein contained shall ever be held or considered as conferring upon Board and its successors and assigns any exclusive right or privileges of any nature whatsoever.

SEC. 29.500 UNLAWFUL DISCHARGE INTO STREETS

It shall be unlawful for any person, firm or corporation to run or discharge any waste water, fluid, or water containing either oil, grease, soap, lye, washing powder, mud or filth on or into any of the public streets within the City of Olmos Park, Texas. The scrubbing of walks and driveways with reasonable amounts of mild detergent and flushed with clear water from a hose, not to exceed three-fourths (3/4ths) of an inch in diameter and operating on normal water pressure, or the

watering of lawns or gardens shall not be deemed a violation of this ordinance, even though water, incidentally spills over into the streets, provided that the water does not extend into the traffic lanes. The traffic lane, for the purpose of this ordinance, is that portion of the roadway beginning at a point three (3) feet out from the curb line adjoining the location involved. In locations where drainage conditions do not permit complete run-off, and pooling of water results between the curb and the traffic lane, the person or persons responsible for such pooling shall be responsible for the immediate removal of such pooled water, or will be deemed to be in violation of this section. Spots on walks or driveways may be dissolved and washed in the manner described above, but the flushing of liquid oil, grease, kerosene, naphtha or other solvents detrimental to asphalt and to the streets of the City shall be prohibited.

29.501 OFFENSE

Any person, firm or corporation violating any provision of this Chapter shall be guilty of a misdemeanor. (Amended 2000-01; 01/19/2000)

SEC. 29.600 RESTRICTING THE USE OF WATER

(amended 1995-01, 08/16/1995)

The City Manager, in consultation with the City of San Antonio and the Edwards Underground Water District, shall determine when to implement and terminate the City of Olmos Park Water Conservation Plan. Implementation levels and restrictions shall be the same as those defined by the City of San Antonio and will change from time to time as determined by the City of San Antonio and/or the Edwards Underground Water District. Implementation will be announced to the public by publishing a minimum of one (1) time in a newspaper. The plan becomes effective immediately upon such publication.

29.601 FINES

Any person violating any provision of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be liable for a fine of not less than ten dollars (\$10.00) or more than two thousand dollars (\$2,000.00).