



THE CITY OF MARTINDALE

APPLICATION FOR UTILITY SERVICES

CUSTOMER INFORMATION:

Account Name: _____

Move in date: _____
(this is the date you moved in or will move to the property)

Billing Address: _____

Telephone #: _____

Cell #: _____

Social Security, State ID, or Driver's License Number:

(Please see privacy information on back of this form)

PROPERTY INFORMATION:

Please check one box for each of the following questions:

1. Does the property currently have trash and recycling containers? Yes: No:

2. Is the property RESIDENTIAL or COMMERCIAL

3. Is the property connected to the Martindale Sewer System? Yes: No:

4. May we send your monthly bill via email? Yes: No: If yes, please supply

Email address: _____

Physical Service Address (if different from billing address):

Is the account name the same as that of the registered property owner or rental agent?

If not and you are a tenant leasing or renting the property, please provide your landlord's name, phone number and mailing address.

LANDLORD/PROPERTY OWNERSHIP INFORMATION:

Name: _____

Telephone #: _____

Mailing Address: _____

Cell #: _____

I have read, understand and have been provided a copy of the City of Martindale utility service form.

Signature: _____

Date: _____

TITLE V: PUBLIC WORKS

Chapter

50. SEWER/WASTEWATER PROVISIONS

51. SOLID WASTE; RECYCLING

CHAPTER 50: SEWER/WASTEWATER PROVISIONS

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§ 50.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter in wastewater under a standard laboratory procedure for five days at 20°C, expressed in milligrams per liter.

CAPITAL CHARGE. The portion of the total wastewater service charge that is levied for capital costs, investment in plant facilities, depreciation and other costs, but excluding operation and maintenance costs.

CITY. The City of Martindale.

COMMERCIAL USE. Any use that does not qualify as a residential use.

NORMAL WASTEWATER. Wastewater that when analyzed shows a daily average concentration of not more than 300 mg/l of BOD and 300 mg/l of SS, and is otherwise acceptable for routine collection and treatment in the wastewater system.

RESIDENTIAL USE. Any use of premises that is limited solely to residential living facilities and purposes.

SURCHARGE. A charge added to the normal user charge when the BOD, SS or other pollutant concentration from a user exceeds the range of concentration of these pollutants in normal domestic wastewater.

SUSPENDED SOLIDS (SS). Solids that either float on the surface of, or are in suspension in, wastewater or other liquids and that are removable by filtering.

USER CHARGE. The portion of the total wastewater service charge that is levied in a proportional and adequate manner for the cost of operation and maintenance of the wastewater system.

WASTEWATER SYSTEM. The facilities used to transport wastewater from individual homes or buildings to a wastewater treatment plant, together with the wastewater treatment plant. The objective of the treatment plant is to remove pollutants

and to dispose, recycle or reuse the treated wastewater and residues that result from the treatment process.

(Ord. 2010-398, passed - -2010)

§ 50.02 PRECEDENCE OF CHAPTER OVER CONTRACTS.

This chapter will take precedence over any terms or conditions of agreements or contracts between the city and users of the wastewater system, including commercial and industrial users, special districts and governmental entities, which are inconsistent with this chapter.

(Ord. 2010-398, passed - -2010)

§ 50.03 RATES APPLY TO ALL USERS.

The rates and charges contained in this chapter will apply to all users of the wastewater system, including persons, firms, corporations and governmental entities.

(Ord. 2010-398, passed - -2010)

§ 50.04 CLASSIFICATION OF USERS.

Users of the wastewater system will be classified as residential use or commercial use.

(Ord. 2010-398, passed - -2010)

§ 50.05 RATES SET BY CITY COUNCIL.

Rates and charges for all users of the wastewater system will be as established by this chapter, or by subsequent ordinance or resolution passed by the City Council.

(Ord. 2010-398, passed - -2010)

§ 50.06 SURCHARGES FOR INDUSTRIAL WASTE AND SIMILAR WASTEWATER.

(A) Every user who discharges wastewater, industrial wastes or other liquids other than normal wastewater to the wastewater system will be charged and pay a surcharge (in addition to the charge for normal wastewater) in the amount set by this chapter, or by subsequent ordinance or resolution of the City Council.

(B) In addition to the charge for normal wastewater and the surcharges described in division (A) above, a user that discharges wastewater, industrial wastes, other liquids that cause an increase in operation or maintenance costs for the wastewater system shall pay for the increased costs.

(Ord. 2010-398, passed - -2010)

§ 50.07 TAP FEE AND CAPITAL RECOVERY FEE.

(A) Each new user of the wastewater system is required to pay a tap fee for initial connection, unless the cost of a connection is covered by grant funds obtained by the city.

(B) In addition to the tap fee, each new user of the wastewater system is required to pay a capital recovery fee for initial connection, unless the cost of a connection is covered by grant funds obtained by the city.

(Ord. 2010-398, passed - -2010)

§ 50.08 BASIS FOR RATE STRUCTURE.

The City Council will review the rate structure for users of the wastewater system annually to accomplish the following:

(A) Ensure that the rates are adequate to cover operation and maintenance costs; and

(B) Ensure that operation and maintenance costs are being distributed proportionally among users and classes.

(Ord. 2010-398, passed - -2010)

§ 50.09 BILLS FOR WASTEWATER SERVICE.

(A) Bills for use of the wastewater system shall be rendered monthly to the owner or the occupant of the premises, or to an agent designated in writing to the city by the owner. The ownership records maintained by the County Appraisal District are prima facie evidence of the owner of premises.

(B) The rates and charges shall be due and payable in the office of the city on or before the fifteenth day of each month.

(1) In the event that the rates and charges are not paid in full by the due date, a late payment fee of \$10 for residential uses or \$25 for commercial uses will be added to the charges due.

(2) In addition to the late penalty fee, the owner, the occupant and (if designated) the agent of premises that continues to discharge wastewater to the wastewater system without having paid the full amount due by the due date may be

prosecuted under § 50.99 below.

(C) In the event all rates and charges due are not paid on or before the due date as stated above, the city will have the authority to disconnect or terminate or cause to be disconnected or terminated all utility services furnished to the premises.

(Ord. 2010-398, passed - -2010; Ord. 2011-07-01, passed 7-5-2011; Ord. 2013-10-22, passed 10-22-2013)

§ 50.10 SUFFICIENCY OF RATES.

Rates and charges shall never be reduced below an amount sufficient to provide for the operation and maintenance of the wastewater treatment system and to provide for any increase in operation and maintenance, for improvements and expansion, and for the payment of the principal and interest on any existing or future bonds.

(Ord. 2010-398, passed - -2010)

§ 50.11 FREE SERVICE PROHIBITED.

(A) None of the facilities or services afforded by the wastewater system shall be furnished to a user without charge or compensation.

(B) A person who voluntarily offers to provide community services to the city may, under guidelines approved by the City Administrator, be allowed a credit against amounts owed based on services rendered to the city.

(C) If a city facility discharges wastewater to the wastewater system, the appropriate rates and charges will be charged against the city, and paid for as the charges accrue. The revenues received from the city will be deemed to be wastewater system revenues and will be used and accounted for in the same manner as other wastewater system revenues.

(Ord. 2010-398, passed - -2010)

§ 50.12 DEPOSIT REQUIREMENTS.

(A) *Deposit required.* Each applicant for service with the city wastewater system will be required to make a cash deposit with the city to establish credit before service will be instituted.

(B) *Amount of deposit.* The amount of the deposit for wastewater service is set at four times the monthly rate based on the type of customer (residential or commercial).

(C) *Use of deposit.*

(1) The city will use a customer's wastewater service deposit to satisfy delinquent amounts in the customer's account.

(2) The city's use of a wastewater service deposit to satisfy a customer's delinquent account will not preclude the city from taking any other action to collect the account or enforce ordinance requirements.

(D) *Refund.* The excess of a customer's deposit over any unpaid wastewater bill will be refunded within 60 days of termination of service.

(E) *Deposit records.* The city will keep records of each customer deposit that includes the name and address of the customer, the amount of the deposit and the date the deposit was made.

(F) *Deposit receipts.* The city will issue a receipt of deposit to each customer from which a deposit is received, and will provide means for a customer to establish a claim if the receipt is lost. A record of each unclaimed deposit will be maintained by the city for a period of four years.

(Ord. 2010-398, passed - -2010)

§ 50.13 SCHEDULE OF RATES AND CHARGES.

The rates and charges for use of the city wastewater system are as set forth below. The monthly amount of wastewater discharged by a user shall be determined each year by averaging the water use at the service address over the most recent three-month period of December, January and February.

Wastewater System Schedule of Rates and Charges

Monthly Rates	
User Type	Monthly Rate
Residential	First 2,000 gallons - \$25 minimum bill Over 2,000 gallons - \$3.50 per 1,000 gallons or fraction thereof
Commercial	First 2,000 gallons - \$35 minimum bill Over 2,000 gallons - \$3.50 per 1,000 gallons or fraction thereof

Surcharge for Wastewater other than Normal Wastewater (Excess BOD or SS)	
S =	$4.16 \times 10 (V)(\text{BOD}-300) + 2.83 \times 10 (V)(\text{SS}-300)$, where
S =	Surcharge in dollars monthly
V =	Wastewater volume in thousand gallons per month
BOD =	BOD concentration in mg/l of wastewater being treated
SS =	SS concentration in mg/l of waste being treated
300 =	Allowed concentration of BOD and SS in mg/l in normal wastewater

Other Rates and Charges	
Description	Amount
Tap fee for new connections	Actual cost of installation, plus 10%, or \$750, whichever is greater
Capital recovery fee	[Reserved]

(Ord. 2010-398, passed - -2010; Ord. 2014-23-09-02, passed 9-23-2014)

§ 50.14 CONNECTION REQUIREMENTS FOR NEW USES.

(A) *Required connection to the city wastewater system.*

(1) *Definition of **NEW USE**.* In this section and § 50.99, below, a **NEW USE** includes:

(a) Any new building within the city that includes plumbing for the disposal of wastewater for which a building permit is issued on or after October 1, 2011; and

(b) Any existing building in the city as of October 1, 2011 that includes plumbing for the disposal of wastewater, and is reconstructed or remodeled to such an extent that the cost of construction is 50% or more of the value of the building prior to the reconstruction or remodeling.

(2) *Connection required for new uses.* Each new use within the city that is on a tract of land that, at its closest point, is 300 feet or less from an existing city wastewater line will be required to connect to the wastewater line. The City Council may grant a variance from this requirement in unusual circumstances, such as the distance of the use from that property line, topography which prevents gravity flow between the property line and the city wastewater line, or capacity limitations in the wastewater line.

(B) *Restrictions on wastewater disposal.* Regardless of the proximity of a use in the city to a city wastewater line, it is unlawful for an owner or occupant of property in the city to dispose of wastewater generated on the property into a borehole, surface pool, or subsurface pool, container or geological feature that is not an authorized on-site wastewater system under state law and regulations of the county in which the property is located.

(C) *Graywater use allowed.* This section does not apply to the use of graywater and the operation of a graywater system in accordance with applicable statutes and regulations.

(Ord. 2011-09-02, passed 9-20-2011)

§ 50.15 DELINQUENT ACCOUNTS.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADMINISTRATOR. The City Secretary, City Administrator, or other person responsible for managing the administrative affairs of the city.

CUSTOMER. The person listed on the city's utility accounts as the holder of an account.

DELINQUENT BILL. A bill for solid waste services or wastewater services that is not paid in full by the due date stated on the bill.

UTILITY SERVICES. Includes both solid waste services and wastewater services.

(B) *Charges against deposit; notices.* For a bill that remains delinquent after the due date, the Administrator will charge the amount due against any utility deposit held by the city. If there is no deposit, or if the deposit is not sufficient to satisfy the total amount due, the administrator will send a notice to the customer as soon as possible after the due date. The notice will state the amount due, including penalty, and after credit for any deposit, will provide notice of the following:

(1) The customer's opportunity to submit a notice of dispute related to the amount of a bill no later than the thirtieth

date after the due date for a bill;

- (2) The customer's option (if eligible) of executing a deferred payment plan for the balance due on the account;
- (3) Charging the amount due against any deposit held by the city;
- (4) The date of termination of city utility services if payment is not made or arranged, and, if terminated, the need to pay a new deposit, reconnect fees, and a city administrative fee before services are restored;
- (5) Possible prosecution for maintaining a nuisance related to discontinuation of utility service;
- (6) For delinquent bills for wastewater services, possible disconnection of water service provided by Martindale Water Supply Corporation, and if disconnected, the charging of disconnect, reconnect and administrative fees before water service is restored; and
- (7) Possible recording of a lien against the property associated with the account in the amount of delinquency.

(C) *Termination of utility services; disconnection of water services.*

(1) If a bill remains delinquent for 15 days after the due date, and the Administrator has sent a notice to the customer under division (B) above, the Administrator will terminate city utility services to the customer. If delinquent bill includes wastewater fees, the Administrator will add the account to the payment delinquency list for the current month to be submitted to Martindale Water Supply Corporation for termination of water service to the customer.

(2) After city utility services are terminated for a customer, the administrator may initiate prosecution of the customer for maintaining a nuisance if warranted by the circumstances.

(3) After city utility services are terminated for a location, the Administrator may deny an application to initiate utility services at the location in the name of a different customer if the Administrator has reason to believe that application is an attempt to avoid responsibility for payment of on the account.

(D) *Fees.* The Administrator will assess the following fees on delinquent accounts as appropriate:

(1) Late fee: 10% of the total amount due for utility services for the most recent month (i.e, does not apply to arrearages or preceding months.)

(2) Deferred payment plan fee: \$25.

(3) Termination/restoration fee (city administrative fee for terminating and restoring utility services): \$25.

(4) Disconnect/reconnect and administrative fee (for the disconnection/reconnection of water service by Martindale Water Supply Corporation): The amount charged to the city by Martindale Water Supply Corporation. At present the amount is \$57.50 if reconnect is between 9:00 a.m. and 4:00 p.m. Monday through Friday, excluding holidays; and \$82.50 if reconnect is at any other time.

(E) *Deferred payment plan eligibility.* The Administrator may enter into not more than one deferred payment plan per account per calendar year. The customer must submit an application demonstrating an extreme hardship to the eligible for a deferred payment plan. It is the intent of the City Council that extreme hardship will be recognized only in the most unusual circumstances. The Administrator has sole discretion to approve or deny an application, based on the following factors:

(1) The extent to which the circumstance leading to the delinquency was caused by factors beyond the control of the customer;

(2) The financial resources available to the customer; and

(3) The likelihood that the customer will be able to perform under the deferred payment plan in a timely manner.

(F) *Deferred payment plans.* If the Administrator approves a customer's application for a deferred payment plan, the customer will be required to execute a written agreement that:

(1) Requires the customer to pay for all future services before the account becomes delinquent;

(2) Provides up to, but no more than, six months to pay all delinquent amounts in equal or as nearly equal as practicable monthly installments;

(3) Includes payment of a deferred payment fee at the time the plan is approved;

(4) Provides that in the even of any default of the deferred payment plan, utility services and, for delinquent wastewater bills, water service provided by Martindale Water Supply Corporation, will be terminated/disconnected without further notice;

(G) *Disputed bills.* A customer may informally discuss the amount of a bill with the city representatives during the city's normal business hours. A customer may formally dispute the amount of a bill in accordance with the following:

(1) The customer must submit to the Administrator a completed notice of dispute within 30 days after the due date for a bill. The amount of a bill will be presumed to be correct if no notice of dispute is submitted within that time, unless the customer demonstrates to the Administrator that the delay was caused by factors outside the customer's control.

(2) After a receipt of a completed notice of dispute form, the Administrator will schedule a meeting with the customer.

(3) Prior to the meeting with the Administrator, a customer may request reasonable access to the records of the city related to the customer's account. The customer may secure copies of records after paying normal copying charges.

(4) At the meeting with the Administrator, a customer may be assisted by a representative, may present documentary evidence, and may present verbal information to the Administrator about the amount of a bill.

(5) The Administrator will make a written decision on the amount of a bill within ten days of the meeting, and the Administrator will provide a copy of the decision to the customer.

(H) *Forms.* The Administrator may develop forms and adopt procedures that are consistent with the purposes stated in this policy.

(I) *Liens.* In accordance with Tex. Loc. Gov't Code, § 552.0025, the Administrator may record notice of a lien against a tract of property to which utility services were provided, to secure payment for amounts owed for the utility services. This lien does not attach to property that is a homestead protected by the Texas Constitution, nor does it secure the payment of any utility bills that were incurred by a tenant of the property prior to September 1, 2011. The lien will be inferior to any lien is recorded prior to the date the city's lien is recorded, but the city's lien will be superior to all other liens, including previously recorded judgement liens, and all liens recorded after the city's lien is recorded. The notice will be recorded in the real property records of Caldwell County, Texas, and will included the following:

- (1) The name of the owner of the property;
- (2) The name of the customer who received the utility services, if different than the owner;
- (3) The legal description of the property;
- (4) The types and amounts of charges for which payment is delinquent; and
- (5) The address of the city office at which the delinquent charges may be paid.

(Ord. 2011-08-02, passed - -)

§ 50.99 PENALTY.

(A) It is unlawful for a person to discharge wastewater in violation of any provision of this chapter.

(B) It is unlawful for a person to continue to discharge wastewater to the wastewater system if the person has failed or refused to pay the full amount of charges owed by the due date for payment of the charges under § 50.09(B) above.

(C) In addition to proceeding under authority of division (A) or (B) above, the city is entitled to pursue all other criminal and civil remedies to which it is entitled under authority of statutes or other ordinances against a person who commits a violation of this chapter. Prosecution for violation of a provision of this chapter is not a prerequisite or bar to any other remedy or relief for the violation under state law or this chapter.

(D) A person who violates any provision of this chapter related to public health and sanitation shall be punished, upon conviction, by a fine not to exceed \$2,000.

(E) A person who violates any other provision of this chapter shall be punished, upon conviction thereof, by a fine not to exceed \$500.

(F) Notwithstanding divisions (D) or (E) above, no penalty for a violation shall be greater or less than the penalty provided for the same or similar offense under the laws of the state.

(G) Except as otherwise provided in this chapter, a separate offense shall be deemed committed upon each day on or during which a violation occurs or continues.

(H) Prosecution for violation of a provision of §50.14 is not a prerequisite or bar to any other remedy or relief for the violation under state law or § 50.14.

(I) Prosecution for violation of a provision of §50.15 is not a prerequisite or bar to any other remedy or relief for the violation under state law or § 50.15.

(Ord. 2010-398, passed - -2010; Ord. 2011-07-01, passed 7-5-2011; Ord. 2011-08-02, passed - -; Ord. 2011-09-02, passed 9-20-2011)

CHAPTER 51: SOLID WASTE; RECYCLING

Section

51.01 Definitions

51.02 City provision of services

51.03 Service charges

- 51.04 Required provision of services; prohibition of nuisances
- 51.05 Residential unit bag requirements
- 51.06 Placement of carts and bags for collection
- 51.07 Placing solid waste outside buildings
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51.99 Penalty

Appendix A: Solid waste rates

§ 51.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BULKY WASTE. Includes appliances, furniture and other large waste materials, other than construction debris, dead animals, hazardous waste or stable matter.

COMMERCIAL CUSTOMER. The owner or occupant of a premise or facility at which commercial solid waste is generated.

COMMERCIAL SOLID WASTE. All solid waste generated at a location or facility other than a residential unit.

CONSTRUCTION DEBRIS. Waste building materials resulting from construction, remodeling, repair or demolition of buildings.

CONTRACTOR. The company under contract with the city for the collection and disposal of solid waste and recyclables.

GARBAGE. Decayable solid waste, including dead animals, animal and vegetable waste, food containers and all other waste matter which is likely to attract flies or vermin, except any matter included in the definitions of bulky waste, construction debris, dead animal, hazardous waste, rubbish or stable matter.

HAZARDOUS WASTE. Any waste material that is dangerous or potentially harmful to human health or the environment. **HAZARDOUS WASTES** are more specifically classified under federal law.

RECYCLABLES. Garbage or rubbish that has useful physical or chemical properties after serving its original purpose and can be reused or re-manufactured into other products.

RECYCLABLES CART. A wheeled plastic cart furnished by the contractor to each residential unit for use in the collection of recyclables.

RESIDENTIAL CUSTOMER. The owner or occupant of a residential unit at which residential solid waste is generated.

RESIDENTIAL SOLID WASTE. Solid waste generated at a residential unit.

RESIDENTIAL UNIT.

(1) A room or set of rooms suitable for residential use by a single family, including (but not limited to) a single-family dwelling, townhouse, apartment, condominium, or any such property or portion thereof used for short term rental.

(2) Property that contains a multi-family building or complex (i.e. townhouse, fourplex, duplex, condominium, or short term rental unit) that has four or less dwelling units may be treated as a single **RESIDENTIAL UNIT** for solid waste services. This means up to four separate dwelling units may be consolidated and considered a single customer.

(3) Those **RESIDENTIAL UNITS** served by a dumpster will not be included in this definition.

RUBBISH. Non-decayable solid waste, including wood, wood products, grass cuttings, plants, leaves, paper, cardboard, cloth, leather, foot wear, ashes, cinders, floor sweepings, glass, mineral or metallic materials, and all other waste materials other than bulky waste, construction debris, garbage, stable matter, tree trimmings or yard waste.

SOLID WASTE. Non-hazardous garbage, rubbish, bulky waste, construction debris, stable matter, tree trimmings and yard waste.

SOLID WASTE CART. A plastic container with attached lid and wheels for the storage and collection of solid waste.

STABLE MATTER. All manure and other waste matter normally accumulated in or about a stable, or any animal, livestock or poultry enclosure, and resulting from the keeping of animals, poultry or livestock.

YARD WASTE. Tree limbs, grass and plant clippings and tree or brush trimmings.

(Ord. 09-381, passed 12-14-2009; Ord. 2020-02-04-01, passed 2-4-2020)

§ 51.02 CITY PROVISION OF SERVICES.

(A) The city will provide solid waste collection and disposal services through the contractor to all residential units and all commercial customers in the city. These services will be provided solely through the contractor. If a solid waste collection container is placed within the city by any firm other than the contractor, the container will be subject to removal and storage at the expense of the other firm.

(B) The city will provide recyclables collection and disposal services through the contractor to all residential units in the city. These services will be provided solely by the contractor. If a recyclables collection container is placed within the city by any firm other than the contractor, the container will be subject to removal and storage at the expense of the other firm.

(C) *Deposit requirements.*

(1) *Deposit required.* Each applicant for solid waste service with the city will be required to make a cash deposit with the city to establish credit before service will be instituted.

(2) *Amount of deposit.* The amount of the deposit for solid waste service is set at four times the monthly rate based on the type of customer (residential or commercial).

(3) *Use of deposit.*

(a) The city will use a customer's solid waste service deposit to satisfy delinquent amounts in the customer's account, if any.

(b) The city's use of a wastewater service deposit to satisfy a customer's delinquent account will not preclude the city from taking any other action to collect amounts owed or enforce ordinance requirements.

(4) *Refund.* The excess, if any, of a customer's deposit will be refunded within 60 days of termination of service.

(5) *Deposit records.* The city will keep records of each customer deposit that includes the name and address of the customer, the amount of the deposit and the date the deposit was made, and remaining balance of unused deposits.

(6) *Deposit receipts.* The city will issue a receipt of unused deposits to each customer from which a deposit is received. A record of each unclaimed deposit will be maintained by the city for a period of four years.

(D) *Deposits eligible for credit toward bills.*

(1) Deposits will be eligible to be credited to a customer's bill when the customer has completed 24 consecutive months of on-time payments.

(2) Customers who have completed 24 consecutive months of on-time payments may submit a "Deposit Credit Form" (see attachment B to Ord. 2020-02-04-01) to request that deposits still held by the city for their account be credited to that account.

(3) Upon receipt of the request the city shall evaluate the request and, if found to be accurate, credit the account with the remaining amount on deposit. Notification of completion of this action will be via a credit showing on the customer's monthly invoice.

(Ord. 09-381, passed 12-14-2009; Ord. 2020-02-04-01, passed 2-4-2020)

§ 51.03 SERVICE CHARGES.

(A) The charges for solid waste and recyclable collection and disposal services are established as described in Appendix A at the end of this chapter. The charges will be adjusted on the effective dates shown as shown to account for rate changes in the city's contract with the contractor.

(B) The following are the different types of services offered:

(1) Residential collection and disposal of solid waste, one time per week with 96-gallon cart, and collection and processing of recyclables onetime every other week, with 35-gallon or with 96-gallon cart.

(2) Residential extra 96-gallon solid waste cart.

(3) Commercial customers - one time per week service.

(4) Roll-off service.

(C) The contractor will bill customers directly for roll-off service. The contractor will bill and remit to the city a franchise fee for use of city streets, alleys and rights-of-way of 3% of the amount billed by the contractor for roll-off service.

(D) Bills for use of the solid waste services shall be rendered monthly to the owner or the occupant of the premises, or to an agent designated in writing to the city by the owner. The ownership records maintained by the County Appraisal District are prima facie evidence of the owner of premises. Designation of an agent will be via a "Tenant Permission Form" (see attachment C to Ord. 2020-02-04-01). The form must be signed and notarized to be valid.

(E) The city will bill and retain a franchise fee for use of city streets, alleys and rights-of-way of 3% of the service charge for services to residential and commercial customers.

(F) A fee of \$10 for billing and administrative services of the city will be added to the monthly rate for commercial customers for one time per week service. A fee of \$8 billing and administrative service will be added to the monthly rate of

residential customers. The fees show in the table include the administrative fee.

(G) All services will be subject to applicable sales and use taxes.

(Ord. 09-381, passed 12-14-2009; Ord. 2011-07-01, passed 7-5-2011; Ord. 2013-10-22, passed 10-22-2013; Ord. 2014-23-09-03, passed 9-23-2014; Ord. 2016-04-05-01, passed 4-5-2016; Ord. 2018-02-06, passed 2-6-2018; Ord. 2019-05-21, passed 5-21-2019; Ord. 2020-02-04-01, passed 2-4-2020)

§ 51.04 REQUIRED PROVISION OF SERVICES; PROHIBITION OF NUISANCES.

(A) The owner and the occupant of premises are each responsible for compliance with this section. The utility billing records of the city or another utility provider are prima facie evidence of the identity of the occupant of premises. The ownership records maintained by the County Appraisal District are prima facie evidence of the owner of premises.

(B) All solid waste and recyclables generated on the premises of residential units, and all solid waste generated on the premises of a commercial customer, must be appropriately placed for collection and disposal services provided by the city through the contractor.

(C) Failure to appropriately place solid waste and (if applicable) recyclables for collection and disposal by the contractor on a service day will be deemed to be creating and maintaining a nuisance on the premises.

(D) Failure to timely pay applicable charges for solid waste and (if applicable) recyclables collection and disposal services will result in termination of those services. Upon termination of those services, a nuisance will be deemed to be created and maintained on the premises.

(E) It is unlawful for an occupant of a residential unit, or a commercial customer, to create or maintain a nuisance.

(Ord. 09-381, passed 12-14-2009; Ord. 2011-07-01, passed 7-5-2011) Penalty, see § 51.99

§ 51.05 RESIDENTIAL UNIT BAG REQUIREMENTS.

If an occupant of a residential unit uses bags for solid waste collection (in addition to the solid waste cart provided by the contractor), the bags must have sufficient wall strength to maintain physical integrity when lifted by the top, and must be securely closed to prevent access into the bags by flies and vermin.

(Ord. 09-381, passed 12-14-2009)

§ 51.06 PLACEMENT OF CARTS AND BAGS FOR COLLECTION.

(A) The owner and the occupant of premises are each responsible for compliance with this section. The utility billing records of the city or another utility provider are prima facie evidence of the identity of the occupant of premises. The ownership records maintained by the County Appraisal District are prima facie evidence of the owner of premises.

(B) All solid waste must be placed for collection only in solid waste carts provided by the contractor and 30 gallon bags provided by customers. All recyclables must be placed for collection only in recyclables carts provided by the contractor.

(C) Solid waste carts and bags and recyclables carts must be placed for collection between noon the day preceding collection day and 7:00 a.m. of collection day, and they must be placed as close to the roadway as practicable without interfering with vehicles or pedestrians.

(D) Bulky waste, construction debris, stable matter, and yard waste from residential units which does not fit within solid waste carts or 30-gallon bags must be disposed of in a lawful manner by the person who generated the waste.

(E) Emptied solid waste carts and recyclables carts must be removed to a location at the side or rear of a building on the premises by midnight of collection day.

(F) Only recyclables approved by the City Administrator may be placed in recyclables carts.

(Ord. 09-381, passed 12-14-2009) Penalty, see § 51.99

§ 51.07 PLACING SOLID WASTE OUTSIDE BUILDINGS.

It is unlawful for an owner or occupant of premises to:

(A) Cause or permit any solid waste generated on the premises to be placed or to remain outside of a building on the premises unless it is inside a solid waste cart, a securely closed bag or other secure container;

(B) Cause or permit any solid waste to be placed or to remain outside of a building on the premises in a manner that is likely to:

- (1) Create a harborage or breeding place for mosquitoes, flies or vermin; or
- (2) Allow the waste to be scattered or carried away by the elements.

(C) Cause or permit a dead animal to be placed or to remain outside of a building on the premises unless it is contained in a bag or unless the owner or occupant has made arrangements to have the animal removed from the premises within 24 hours;

(D) Cause or permit hazardous, infectious or toxic waste to remain outside of a building on the premises unless it is properly contained and arrangements have been made for lawful collection and disposal of the waste at the expense of the owner or occupant; or

(E) Cause or permit any solid waste to be burned on the premises.

(Ord. 09-381, passed 12-14-2009) Penalty, see § 51.99

§ 51.08 COMMERCIAL CONTAINER REQUIREMENTS.

(A) Each commercial customer (both the owner and the occupant of the premises) are responsible for compliance with this section. The utility billing records of the city or another utility provider are prima facie evidence of the identity of the occupant of premises. The ownership records maintained by the County Appraisal District are prima facie evidence of the owner of premises.

(B) All commercial solid waste containers shall be stored and placed for collection entirely off streets, alleys or other public property.

(C) All accumulations of garbage and rubbish on a premises shall be collected on a daily basis and placed securely in bags, containers or bins.

(D) All bins shall be kept in good repair, with properly working, tight-fitting lids and plugs, and shall be kept reasonably clean at all times.

(Ord. 09-381, passed 12-14-2009)

§ 51.09 DELINQUENT ACCOUNTS.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADMINISTRATOR. The City Secretary, City Administrator, or other person responsible for managing the administrative affairs of the city.

CUSTOMER. The person listed on the city's utility accounts as the holder of an account.

DELINQUENT BILL. A bill for solid waste services or wastewater services that is not paid in full by the due date stated on the bill.

UTILITY SERVICES. Includes both solid waste services and wastewater services.

(B) *Charges against deposit; notices.* For a bill that remains delinquent after the due date, the Administrator will charge the amount due against any utility deposit held by the city. If there is no deposit, or if the deposit is not sufficient to satisfy the total amount due, the administrator will send a notice to the customer as soon as possible after the due date. The notice will state the amount due, including penalty, and after credit for any deposit, will provide notice of the following:

(1) The customer's opportunity to submit a notice of dispute related to the amount of a bill no later than the thirtieth date after the due date for a bill;

(2) The customer's option (if eligible) of executing a deferred payment plan for the balance due on the account;

(3) Charging the amount due against any deposit held by the city;

(4) The date of termination of city utility services if payment is not made or arranged, and, if terminated, the need to pay a new deposit, reconnect fees, and a city administrative fee before services are restored;

(5) Possible prosecution for maintaining a nuisance related to discontinuation of utility service;

(6) For delinquent bills for wastewater services, possible disconnection of water service provided by Martindale Water Supply Corporation, and if disconnected, the charging of disconnect, reconnect and administrative fees before water service is restored; and

(7) Possible recording of a lien against the property associated with the account in the amount of delinquency.

(C) *Termination of utility services; disconnection of water services.*

(1) If a bill remains delinquent for 15 days after the due date, and the Administrator has sent a notice to the customer under division (B) above, the Administrator will terminate city utility services to the customer. If delinquent bill includes wastewater fees, the Administrator will add the account to the payment delinquency list for the current month to be submitted to Martindale Water Supply Corporation for termination of water service to the customer.

(2) After city utility services are terminated for a customer, the administrator may initiate prosecution of the customer for maintaining a nuisance if warranted by the circumstances.

(3) After city utility services are terminated for a location, the Administrator may deny an application to initiate utility services at the location in the name of a different customer if the Administrator has reason to believe that application is an attempt to avoid responsibility for payment of on the account.

(D) *Fees.* The Administrator will assess the following fees on delinquent accounts as appropriate:

(1) Late fee: 10% of the total amount due for utility services for the most recent month (i.e, does not apply to arrearages or preceding months.)

(2) Deferred payment plan fee: \$25.

(3) Termination/restoration fee (city administrative fee for terminating and restoring utility services): \$25.

(4) Disconnect/reconnect and administrative fee (for the disconnection/reconnection of water service by Martindale Water Supply Corporation): The amount charged to the city by Martindale Water Supply Corporation. At present the amount is \$57.50 if reconnect is between 9:00 a.m. and 4:00 p.m. Monday through Friday, excluding holidays; and \$82.50 if reconnect is at any other time.

(E) *Deferred payment plan eligibility.* The Administrator may enter into not more than one deferred payment plan per account per calendar year. The customer must submit an application demonstrating an extreme hardship to be eligible for a deferred payment plan. It is the intent of the City Council that extreme hardship will be recognized only in the most unusual circumstances. The Administrator has sole discretion to approve or deny an application, based on the following factors:

(1) The extent to which the circumstance leading to the delinquency was caused by factors beyond the control of the customer;

(2) The financial resources available to the customer; and

(3) The likelihood that the customer will be able to perform under the deferred payment plan in a timely manner.

(F) *Deferred payment plans.* If the Administrator approves a customer's application for a deferred payment plan, the customer will be required to execute a written agreement that:

(1) Requires the customer to pay for all future services before the account becomes delinquent;

(2) Provides up to, but no more than, six months to pay all delinquent amounts in equal or as nearly equal as practicable monthly installments;

(3) Includes payment of a deferred payment fee at the time the plan is approved;

(4) Provides that in the even of any default of the deferred payment plan, utility services and, for delinquent wastewater bills, water service provided by Martindale Water Supply Corporation, will be terminated/disconnected without further notice;

(G) *Disputed bills.* A customer may informally discuss the amount of a bill with the city representatives during the city's normal business hours. A customer may formally dispute the amount of a bill in accordance with the following:

(1) The customer must submit to the Administrator a completed notice of dispute within 30 days after the due date for a bill. The amount of a bill will be presumed to be correct if no notice of dispute is submitted within that time, unless the customer demonstrates to the Administrator that the delay was caused by factors outside the customer's control.

(2) After a receipt of a completed notice of dispute form, the Administrator will schedule a meeting with the customer.

(3) Prior to the meeting with the Administrator, a customer may request reasonable access to the records of the city related to the customer's account. The customer may secure copies of records after paying normal copying charges.

(4) At the meeting with the Administrator, a customer may be assisted by a representative, may present documentary evidence, and may present verbal information to the Administrator about the amount of a bill.

(5) The Administrator will make a written decision on the amount of a bill within ten days of the meeting, and the Administrator will provide a copy of the decision to the customer.

(H) *Forms.* The Administrator may develop forms and adopt procedures that are consistent with the purposes stated in this policy.

(I) *Liens.* In accordance with Tex. Loc. Gov't Code, § 552.0025, the Administrator may record notice of a lien against a tract of property to which utility services were provided, to secure payment for amounts owed for the utility services. This lien does not attach to property that is a homestead protected by the Texas Constitution, nor does it secure the payment of any utility bills that were incurred by a tenant of the property prior to September 1, 2011. The lien will be inferior to any lien recorded prior to the date the city's lien is recorded, but the city's lien will be superior to all other liens, including previously recorded judgement liens, and all liens recorded after the city's lien is recorded. The notice will be recorded in the real property records of Caldwell County, Texas, and will included the following:

(1) The name of the owner of the property;

(2) The name of the customer who received the utility services, if different than the owner;

(3) The legal description of the property;

(4) The types and amounts of charges for which payment is delinquent; and

(5) The address of the city office at which the delinquent charges may be paid.

Roll-off Service 30 Cu. Yard	Rent/Day	\$5.42	\$5.62	\$5.83	\$6.05	\$6.28	\$6.52	\$6.76	\$7.01	\$7.28	\$7.55
Roll-off Service 30 Cu. Yard	Delivery	\$238.00	\$247.00	\$256.00	\$266.00	\$276.00	\$286.00	\$297.00	\$308.00	\$320.00	\$331.00
Roll-off Service 30 Cu. Yard	Haul	\$542.00	\$562.00	\$583.00	\$605.00	\$628.00	\$652.00	\$676.00	\$701.00	\$728.00	\$755.00
Roll-off Service 40 Cu. Yard	Rent/Day	\$5.42	\$5.62	\$5.83	\$6.05	\$6.28	\$6.52	\$6.76	\$7.01	\$7.28	\$7.55
Roll-off Service 40 Cu. Yard	Delivery	\$238.00	\$247.00	\$256.00	\$266.00	\$276.00	\$286.00	\$297.00	\$308.00	\$320.00	\$331.00
Roll-off Service 40 Cu. Yard	Haul	\$576.00	\$598.00	\$620.00	\$643.00	\$667.00	\$692.00	\$718.00	\$745.00	\$773.00	\$802.00