

# Westwood Shores M.U.D

75 Cottonwood, Trinity, TX 75862



## AMENDED RATE ORDER

February 1, 2023

The Board of Directors for Westwood Shores Municipal Utility District of Trinity County, Texas finds it necessary and advisable to:

- set rates and charges for the sale of water and collection and disposal of sewage to areas within the District,
- establish fees and provide for connections into the water distribution system and the sanitary sewer system of the District, and
- adopt certain rules and regulations concerning construction of sewer and service lines and connections into the District's sanitary sewer system.

Therefore, the following policies and procedures and rules and regulations are adopted by the Board of Directors of Westwood Shores Municipal Utility District (MUD).

### CONNECTIONS TO THE DISTRICT'S WATER AND SEWER SYSTEM

- The MUD office requires builders and residents to obtain a Release of Easement and Authorization to Proceed to Use the Easement Area before any new construction and/or outside renovation begins on the property.
- New construction and properties with sprinkler systems and/or swimming pools/hot tubs must install backflow preventors.
- Release of Easement and Authorization to Proceed to Use the Easement Area consent forms
  - Specifications showing placement of buildings/driveways/carports, outdoor patios/bar-b-que

area/swimming pools/storage buildings, sprinkler systems; etc., must accompany above consent forms.

- Board approval authorizing any new construction or upgrades/additions to property will notify owner/builder after inspections/approvals of general manager.
- It is the responsibility of owners and/or builders to cover all costs related to the MUD office if the release of easement form has not been completed and approved before construction begins,
  - A pre-construction survey must be conducted on all District facilities, including but not limited to taps, manholes, valve boxes, meters, water, and sewer lines located adjacent to the proposed building site. The pre-construction survey findings will determine the installation of a long or short tap.
  - A plumbing permit will be required, and a copy kept on the site in the work area until completion of the project. Plumbing permits are located in the MUD office. A fee of \$25.00 to be paid in advanced before permits can be issued.
  - Any damage to these facilities will be repaired at the expense of the individual responsible for construction.
  - All fees (water tap, sewer tap and inspection fees), set out in this order, must be paid prior to any connection to the District's water or sewer system.
- **Water Tap**

All water taps and water meters made and approved by the District's general manager. Prior to connection, a tap fee must be paid to cover expenses making the connection and the cost of the water meter. All taps in excess of one inch (1") must be approved in advance by the Board of Directors. A check valve preventer must be installed in all new

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construction and must be inspected by the District prior to sign off. The District will have up to thirty calendar days to complete the tap.

- **Sewer Connection**

All connections to the District’s sewer system are to be made in accordance with the District’s *“Rules and Regulations Governing Sanitary Sewer Service Lines and Connection and Water Main Connections.”* An authorized District representative must inspect all connections prior to being covered in the ground.

Any connection made and covered without an authorized inspection will cause water service to be terminated until the line is uncovered and the inspection conducted. Water service will not begin until the connection/tap is installed in accordance with these rules.

- \*If water tap line is over one inch, including the meter and box, there will be an extra \$1,000 charge.
- \*\*If the Inspection fails to meet district standards, each additional inspection will cost an extra \$25.00.

SHORT WATER/SEWER TAP FEES	AMOUNT	LONG WATER/SEWER TAP FEES	AMOUNT
*Up to 1” Water Tap Including Meter & Box	\$1,375.00	*Up to 1” Water Tap Including Meter & Box	\$2,450.00
**Sewer Pre-Construction Inspection	\$20.00	**Sewer Pre-Construction Inspection	\$20.00
**Plumbing Inspection Permit	\$25.00	**Plumbing Inspection Permit	\$25.00
Customer Service Inspection	\$50.00	Customer Service Inspection	\$50.00
Administrative Fee	\$150.00	Administrative Fee	\$150.00

**PLUMBING MATERIAL RESTRICTIONS**

- Materials prohibited in any and all improvements connected to the District’s water system after January 4, 2014, are listed below:
  - Pipe fitting which contains more than 0.25% lead; and
  - Seven solder or flux which contains more than 0.2% lead.

**DEPOSITS FOR WATER AND SEWER SERVICE**

<i>\$300.00</i>	New water/sewer service. <i>(This amount includes \$200 deposit fee; \$50 connect fee; \$50 inspection fee.)</i>
	Security deposit, which is refundable (less balance owed) when resident moves out. The security deposit will be forfeited to the MUD office if resident’s unpaid balance becomes delinquent after three (3) months.
<i>\$200.00</i>	Residents that do not have a security deposit are grandfathered in. Should their service discontinue for any reason, a reconnection fee of \$50.00 will be assessed.
	Residents moving to a different location within the Westwood Shores subdivision can transfer their deposits to their new location if they do not have an unpaid balance. Residents moving to a different location within the Westwood Shores subdivision that do not have a \$200.00 deposit on file will pay a connect fee of \$50.00, plus a deposit fee of \$200.00.
<i>\$50.00</i>	Residents pay this amount for connection and inspection fees

**Real Estate and Landlord Cleaning/Inspections**

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Realtors and landlords are required to make a \$50.00 deposit to the MUD office before water can be turned on for real estate cleaning/inspections. If less than one hundred gallons of water is used, \$25.00 will be returned to the realtor and/or landlord. If more than one hundred gallons is used, the realtor or landlord will be charged \$10.00 per one thousand gallons. *(This money to be deducted from the \$50.00 deposit paid by the realtor or landlord)*. If the inspection/cleaning continues over 30 days, the realtor or landlord will be charged a \$300.00 deposit. Water used after 30 days will be charged at the normal rate of \$45.00 minimum up to 3,000 gallons water used and a sewer rate of \$20.00 minimum or a total monthly residential water/sewer rate of \$65.00 minimum monthly water usage. Over 3,000 to 20,000 gallons will receive a rate of \$9.50 per 1,000 gallons usage and over 20,000 gallons will be charged \$10.00 per 1,000 gallons usage.

***THE MUD OFFICE HIGHLY RECOMMENDS RESIDENTS HAVE THEIR WATER METERS TURNED OFF AND LOCKED WHEN MOVING OUT. IF THE REALTOR SUGGESTS THE RESIDENT LEAVE THEIR WATER ON AND A LEAK OCCURS, THE REALTOR WILL BE RESPONSIBLE FOR ALL EXPENSES INCURRED DURING THE LEAK. THE WATER WILL NOT BE TURNED BACK ON UNTIL ALL EXPENSES ARE PAID.***

***LIKewise, IF THE WATER IS NOT TURNED OFF BY THE MUD OFFICE WHEN THE RESIDENT VACATES THE PROPERTY AND THE NEW RESIDENT MOVES IN WITHOUT INFORMING THE MUD OFFICE, THE NEW RESIDENT WILL BE CHARGED THE MINIMUM DEPOSIT OF \$300.00, PLUS WATER USAGE AND A FINE OF \$50.00.***

### TEMPORARY RESIDENTS AND/OR "SNOWBIRDS"

Residents vacating their properties for a prolonged period of time without having the MUD office turn off their water and lock the meter will be charged the minimum of \$45.00 per month.

Temporary residents or residents vacating their property for a prolonged period that notify the MUD office to turn off and lock their meter will not

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be charged a monthly water fee but will pay a \$50.00 connect fee upon their return. *(The MUD office will notify the customer if there is a leak.)*

## RATES FOR WATER AND SEWER SERVICE

*The following rates and charges for water and sewer service will be effective from the date of this Rate Order.*

### Water/Sewer Availability Base Fee

<u>Meter Size</u>	<u>Minimum Water</u>	<u>Minimum Sewer</u>
3/4 & 5/8	\$107.17	\$81.58
1"	\$267.93 (\$107.17x2.5)	\$203.95 (\$81.58 x2.5)
2"	\$857.36 (\$107.17 x 8)	\$652.64 (\$81.58 x 8)
3"	\$1607.55 (\$107.17 x 15)	\$1223.70 (\$81.58x15)
6"	\$5358.50 (\$107.17 x 50)	\$4079.00 (\$81.58 x 50)

### Increasing Block Water Usage Rates

0 gallons - 4,000 gallons	\$1.00 per 1,000 gallons
4,001 gallons - 7,000 gallons	\$1.50 per 1,000 gallons
7,001 gallons - 12,000 gallons	\$2.00 per 1,000 gallons
Over 12,000 gallons	\$3.00 per 1,000 gallons

In compliance with Section 5.701 of the Texas Water Code the TCEQ Regulatory Assessment Fee is equal to one-half of the charge for retail water and/or sewer.

- At the owner's consent, a donation of \$1.00 will be included monthly per connection for the Trinity Voluntary Fire Department (TVFD). Your donation will be sent to the TVFD for their use in case of a fire at Westwood Shores subdivision.

### Delinquent Accounts

All residential and commercial accounts will be charged a late fee of 10% per account if not paid by the 20<sup>th</sup> of each month. Water meter(s) will be

shut off and locked. An additional reconnect fee of \$50 residential and \$250 for commercial accounts per meter must be paid, along with the late charges before the meters are turned back on.

**RIDER A**

The District reserves the right to terminate service to any customer whose account is delinquent. In such event, service shall be disconnected only after sending the customer written notice by first class United States mail and providing the customer with an opportunity to appear in person or by written correspondence at a scheduled meeting of the Board of Directors to contest, explain, or correct the charges, services, or disconnection.

The notice shall be sent as soon as practicable after the date of delinquency and shall inform the customer of the amount of the delinquent payment, the date service will be disconnected if payment of all outstanding charges is not made, the date, time, and place of the next scheduled meeting of the Board of Directors, and of the opportunity to contest, explain, or correct the charges, services, or disconnection. The District's operator shall provide a notarized statement that the notice was so mailed, which shall be prima facie evidence of delivery of same. A customer's service shall not be disconnected if he has informed the District or the District's operator in writing of his desire to contest or explain his bill. If a customer does not inform the District or the District's operator in writing of his desire to contest or explain his bill, the customer's service shall be terminated on the first Business Day after the 20th day of the month following the month in which the account became delinquent. If the customer appears before the Board, in person or by written correspondence, the Board shall hear and consider the matter and inform the customer of the Board's determination whether service will continue or disconnect by sending written notice by first class United States mail to the customer at the address of the connection.

Any person, corporation or other entity who violates any provision of this Rate Order, in addition to being subject to any other penalties described in this Rate Order, shall be subject to having water and sewer service terminated; provided, however, that prior to disconnecting service for such violations, the District shall give written notice by first class mail or

otherwise to such person, corporation or other entity of the pending disconnection, and shall give such person, corporation or entity the opportunity to contest, explain or correct the violation of this Rate Order at a meeting of the Board of Directors of the District. Such disconnection shall be in addition to any other penalties that may be imposed by the District under this Rate Order.

If service to a customer is terminated for nonpayment of a delinquent bill, the customer shall pay a reconnection fee of \$50.00, all outstanding charges on the account (including past due payment charges), and an additional \$50.00 security deposit prior to service being restored. The additional security deposit shall be required to be paid each time service is restored following termination of service for nonpayment of a delinquent bill. Payment of fees and charges under this Section must be in the form of cash, cashier's check, or money order.

In the event that the District's operator removes a customer's meter due to unauthorized reconnection of service subsequent to its termination by the District, a reconnect fee of \$50.00 shall be paid prior to service being restored.

#### Return Check Charge

- Checks returned from the bank for any reason will encounter fees of \$40.00 added to the customer's account. (*\$30.00 to defray the District's cost of processing the returned check. \$10.00 to reimburse the District for bank fees*) Customers' notification of returned checks will be posted on the front door of their residence.
- Three or more checks returned from the bank for the same account will cause customers to lose their check writing privileges for one-year.

#### RIDER B

If a User remits payment by check, the bill shall not be considered paid until the check has been honored by the bank on which the check is drawn.

If the District has not given written notice of termination prior to the time of receipt of a check subsequently dishonored, the District shall proceed with termination as provided above, except for posting notice on the User's front door, charging the \$40.00 for its expense of processing the dishonored check and requiring payment by cash, cashier's check, or money order.

If the District has given written notice of termination prior to the time of receipt of a check subsequently dishonored, the District shall terminate service at the later of (a) the date of termination previously specified or (b) seventy-two hours from the time of posting notice as provided above, unless the bill is paid in full in cash, cashier's check, or money order.

#### TERMINATION OF SERVICE

- **Charge for Reconnection**

Following discontinued service for any reason, the District will charge a \$50.00 reconnect fee to reinstate service and turn the customer's meter back on. There will be no charge to turn a customer's meter off.

- **Charges for Removal and Reinstallation of Water Meter**

If the District removes a water meter to enforce its rules and regulations regarding rates, fees, and service agreements, the District may charge \$300.00 to reinstall another meter.

- **Charges for Meters Locked or Damaged**

The District may charge a fine of \$250.00 to any individual who cuts a water meter lock or in any way damages the meter to the point of requiring repair. Fine amount will be posted on the meter.

- **Charges for Basic Water and Sewer Services when Disconnecting or Reconnecting.**

Water and sewer service rates will be pro-rated for the number of days of service. At a property owner's request, service may remain on for no more than five days after a tenant has vacated the property. These five days will provide the owner an opportunity to inspect, clean, repair, etc. the property for future use.

The owner is required to pay a \$50.00 deposit to cover the cost of water used during the five-day period.

#### CONSUMPTION REPORT.

Customers can request consumption reports twice per calendar year and no more than once per quarter. Excessive water usage adjustments limited to twice per calendar year and no more than once per quarter.

#### WATER-LEAK ASSESSMENT

Adjustments for water leaks and usage over 15,000 gallons will be in accordance with the "Residential Service" rates listed above. If usage is over 20,000 gallons, the customer will be billed at \$9.00 per 1,000 gallons. If water rationing fees are in effect at the time of the leak, rates will revert back to the normal fees.

#### REGULATORY ASSESSMENT

In compliance with Section 5.235 of the Texas Water Code, each user of the District's water and sewer system is to be charged one-half of one per cent of the District's charge for water and sewer service. This assessment listed in the rate schedules above and will be forwarded to the Texas Commission on Environmental Quality as required by Section 5.235 and will be used to pay costs and expenses incurred in its regulation of water districts.

## GENERAL POLICIES

- **All Services Charged** At no time will the District provide water and sewer service to any person, firm, or organization without following the rules set out in this Rate Order.

- **Maintenance and Repair**

It will be the customer's responsibility to maintain and repair the water and sewer lines from the point of connection to the District's system to their house or facility.

- **Easements**

Before service begins, the customer requesting the service, must grant an easement of ingress to and from the meter or other District facilities for the purpose of repairs and maintenance as the District deems necessary. The General Manager will examine request at physical address and sign off on the release prior to presentation to the Board of Directors. The general manager will notify contractor verbally of approval and a letter stating this approval by Board of Directors will follow.

### Required Service

District's water and sewer service only provided to Westwood Shores residence .

- **Other Utility Companies**

Prior to installing underground utility lines, a representative of the Utility Company must contact the District's authorized representative to file a construction plan and to schedule a review of the District's engineering plans outlining the location of the District's underground water and sewer lines.

- **Quality of Sewage**

Only ordinary liquid and water carried domestic sanitary sewage, including properly shredded garbage, i.e., garbage shredded to the

degree that all particles will flow freely from the conditions normally provided by public sewers (*no particle should be larger than one-half inch in diameter*) and discharged into the District's sewer lines.

Discharge of industrial waste, sewage in septic conditions or any waste which is other than ordinary domestic sewage is prohibited.

- **Implementation of Order**

This Order will become effective on the date of its adoption by the Board of Directors of the District. This Order supersedes all prior orders, rules, resolutions, and other actions of the Board regarding fees and charges for water and sewer service.

- **Utility Stoppage Problems**

In instances where the homeowner has a water or sewer stoppage in their lines, the MUD Office is notified first. If the homeowner calls the plumber first and the plumber repairs the line, the MUD will not be financially responsible for repairs if the stoppage is found to be on the MUD's side of the line.

- **Enforcement Section**

Penalties for Violation; Attorney's Fees and Court Costs. Any person, corporation or other entity who:

- (1) violates any section of this Amended Rate Order; or
- (2) makes unauthorized use of District services or facilities; or
- (3) violates any other rules or regulations of the District;

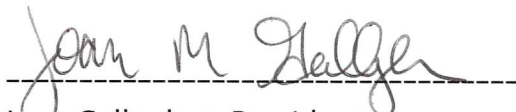
shall be subject to a civil penalty that does not exceed \$20,000, for each breach of the foregoing provisions. Each day that a breach continues shall be considered a separate breach. The amount of any penalty levied by the District pursuant to this Enforcement Section shall be established by the District's Board of Directors after reasonable notice to the violator and a public hearing relative to such matter before the Board of Directors. Penalties levied under this Enforcement Section shall be in addition to such other


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penalties as are provided in this Rate Order, any other penalties provided under the laws of the State of Texas, and any other right of recovery that the District may have for damages or otherwise under applicable law.

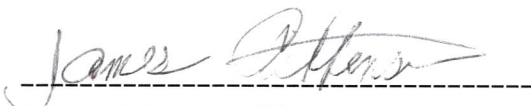
Notwithstanding the foregoing, in no event shall the district levy a penalty that is in excess of the jurisdictional limit of the justice court as provided by Section 27.031, Texas Government Code, as amended. In addition to the enforcement provisions set forth in this Order, the provisions of this Order, including any penalties levied hereunder, may be enforced by complaints filed in the appropriate court of jurisdiction in the county in which the District's principal office or meeting place is located. If the District prevails in any suit to enforce its rules, it may, in the same action, recover reasonable fees for attorneys, expert witnesses and other costs incurred by the District before the court. The amount of attorney's fees shall be fixed by the court.

Approved by the MUD Board of Directors this 1 day,  
February month, 2023 year.

  
Joan Gallagher, President

  
Robert Stoddard, Vice President

  
John Wolf, Secretary

  
James Atkinson, Director

