

AGENDA
FERRIS CITY COUNCIL
CITY OF FERRIS
A GENERAL LAW MUNICIPAL CORPORATION OF THE
STATE OF TEXAS, ELLIS COUNTY
AT THE
COUNCIL CHAMBERS
215 W. SIXTH STREET, FERRIS, TEXAS 75125
6:00 P.M. THURSDAY, JULY 28, 2015

NOTICE IS HEREBY GIVEN THAT THE CITY COUNCIL OF THE CITY OF FERRIS WILL MEET IN **SPECIAL CALLED SESSION AT 6:00 P.M. ON THE 28TH DAY OF JULY, 2016 AT ITS REGULAR MEETING PLACE AT 215 W. SIXTH STREET, FERRIS, TEXAS FOR THE PURPOSE OF CONSIDERING:**

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
-------------	--------------------	-------------

COUNCIL BUSINESS

- | | | |
|----|--|---|
| 1. | Call to order. | Ø |
| | <ul style="list-style-type: none"> • Invocation • Pledge of Allegiance | |
| 2. | Roll call to determine the presence of a quorum. | 1 |

PUBLIC COMMENT

- | | | |
|----|--|---|
| 3. | <p>The City Council welcomes comments from the public. Those wishing to speak must sign in with the City Secretary before the meeting begins. Speakers may speak on any topic, whether on the agenda or not. The City Council cannot act upon, discuss issues raised, or make any decisions at this time. Speakers must observe a three minute time limit. Total time allocation for Public Comments is fifteen minutes. Groups of individuals wanting to discuss the same item must select one spokesperson. Inquiries regarding matters not listed on the Agenda may be referred to Staff for research and possible future action.</p> | Ø |
|----|--|---|

PUBLIC HEARING #1

4. Open Public Hearing. Ø
5. Conduct Public Hearing to consider granting a change in zoning from residential 3 (“R-3”) to planned development-7 (“PD-7”) on property located South of FM 664 and West of Ewing Blvd. described as approximately 48.568 acres of land in the Shaw Creek Ranch Addition of the City of Ferris, Ellis County, Texas. 2
6. Close Public Hearing. Ø
7. Discussion, consideration and action as may be appropriate regarding a change in zoning from residential 3 (“R-3”) to planned development-7 (“PD-7”) on property located South of FM 664 and West of Ewing Blvd. described as approximately 48.568 acres of land in the Shaw Creek Ranch Addition of the City of Ferris, Ellis County, Texas. 2

PUBLIC HEARING #2

8. Open Public Hearing. Ø
9. Conduct Public Hearing to consider granting a change from commercial corridor (“C-C”) to planned development -8 (“PD-8”) on property located North of W. 4th St. and West of N. Main St. described as lot 4R, block 4 of the original town of Ferris Addition of the City of Ferris, Ellis County, Texas. 20
10. Close Public Hearing. Ø
11. Discussion, consideration and action as may be appropriate regarding granting a change from commercial corridor (“C-C”) to planned development -8 (“PD-8”) on property located North of W. 4th St. and West of N. Main St. described as lot 4R, block 4 of the original town of Ferris Addition of the City of Ferris, Ellis County, Texas. 20

PUBLIC HEARING #3

12. Open Public Hearing. Ø

13. Conduct Public Hearing to consider granting a water rate increase and proposed water rate schedule with Ordinance O-16-821. 28
14. Close Public Hearing. 0
15. Discussion, consideration and action as may be appropriate regarding granting a water rate increase and proposed water rate schedule with Ordinance O-16-821. 28

PUBLIC HEARING #4

16. Open Public Hearing. 0
17. Conduct Public Hearing to consider granting a sewer rate increase and proposed sewer rate schedule with Ordinance O-16-822. 73
18. Close Public Hearing.
19. Discussion, consideration and action as may be appropriate regarding granting a sewer rate increase and proposed sewer rate schedule with Ordinance O-16-822. 73

PRESENTATION

20. Presentation by City Manager, Carl Sherman regarding the effort to enhance the appearance of our downtown Main Street area we have arranged to paint the downtown gazebo in a color that blends well with City Hall. The new color of the gazebo will unify Ferris City Hall with the downtown gazebo and thereby merge it as part of our downtown charm for citizens and tourist alike to know that the gazebo is a part of our Municipal identity. 82

CLOSING

21. Adjourn. 0

Executive Session Reservation

The City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.086 (Economic Development).

Disability Assistance and Accommodation

Persons with disabilities who plan to attend this meeting and who may need assistance should contact the City Secretary at (972) 544-2110 two working days prior to the meeting so that appropriate arrangements can be made.

I, CALLIE GREEN, HEREBY CERTIFY
THE FOREGOING NOTICE WAS
POSTED ON OR BEFORE THE 22ND
DAY OF JULY, 2016 BY 5:00 P.M.

CALLIE GREEN
CITY SECRETARY



City Council

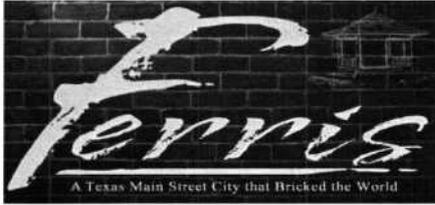
Meeting Attendance Record
2015-2016

City Council		Oct.		Nov.		Dec.			Jan.					Feb.			March		April			May		June			July			Aug.			Sept.		
Title	Name	5	19	2	16	7	19	21	4	9	19	27	29	30	1	16	29	7	21	4	16	18	2	16	6	20	5	18	28	1	15	22	6	19	
Mayor	Micheal Driggars	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	p							
Alderman, Place 1	Clayton Hunter	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	p						
Mayor Pro Tem	Jay Walsh	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	P	P	P	P	P	P	P	P	P	-	A							
Alderman, Place 3	Bobby Lindsey	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	p							
Alderman, Place 4	James Swafford	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	A	-	p						
Alderman, Place 5	Carol Wright	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	-	p						
Total:		5	5	6	6	6	6	6	6	6	6	6	6	6	5	6	6	5	5	6	6	6	6	6	6	6	4	-	5						

City Staff		Oct.		Nov.		Dec.			Jan.					Feb.			March		April			May		June			July			Aug.			Sept.		
Title	Name	5	19	2	16	7	19	21	4	9	19	27	29	30	1	16	29	7	21	4	16	18	2	16	6	20	5	18	28	1	15	22	6	19	
City Manager	Carl Sherman	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	p							
City Secretary	Callie Green	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	p						
City Attorney	Kent Hofmeister	A	A	A	A	A	A	A	A	A	P	A	A	A	A	A	A	A	A	P	A	P	P	A	P	A	-	A							
I.T. Director	Doug Childers	P	P	P	P	P	A	P	A	A	P	A	A	A	P	P	A	P	P	P	A	P	P	P	P	P	-	p							
Finance Director	Melissa Gonzalez	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	P	P	P	P	P	P	-	p							
Library Director	Kathy Harrington	P	P	P	P	P	A	P	A	A	P	A	A	A	A	P	A	P	P	A	A	P	P	P	P	N/A	-	N/A	N/A						
Chief Building Official	Bill Jordan	P	P	P	A	P	P	P	P	P	P	P	A	P	P	P	P	P	P	A	P	P	P	P	P	P	-	p							
Interim Fire Chief	Tom Leverentz	-	-	-	-	-	A	P	A	A	P	P	A	A	P	P	A	P	P	P	A	P	P	P	P	P	-	p							
Budget/H.R. Director	Trudy Lewis	-	-	-	-	-	-	P	P	P	P	P	A	A	P	A	P	P	P	P	A	P	A	P	P	P	-	p							
Police Chief	Eddie Salazar	-	-	P	P	P	A	P	A	A	P	P	A	P	P	P	A	P	P	P	A	P	A	P	P	A	-	p							
Pub. Wrks. Consultant	William McDonald	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	p						
Pub. Wrks. Superintendent	Eric Moss																			P	A	A	A	A	P	A	P	-	p						
Total:		9	10	9	8	9	4	9	5	5	10	7	3	5	8	8	5	9	10	9	2	10	8		10	8	-	10							

Mayor, "Will the City Secretary call the roll?"
The City Secretary calls each Member's position and name.
They respond if they are present.
 City Secretary, "Mayor, a quorum is present."

P	Present
A	Absent



City of Ferris

AGENDA ITEM REPORT

Meeting Date:	7-18-2016
Department:	Code Compliance
Submitted By:	W. Jordan
Previously Reviewed By:	Planning and Zoning Commission
Item Type:	Action
Budgeted Expense:	<input type="checkbox"/> No <input type="checkbox"/> Yes, Amount: _____

Attachments:
Ordinance Exhibits P&Z Recommendation P&Z Public Hearing Speaker Records
Discussion / Justification:
Wall Homes is the current builder within the Shaw Creek Ranch Subdivision. They had had some difficulty in closing on new homes due to the zoning restrictions in the neighborhood. Specifically, their homes generally fit on the lots, but more often than not home-buyers are asking for a covered porch to be added to the rear of the home. The covered porch, depending on the size of the home in most cases will either be in violation of the 25 foot rear setback, or will bring the overall lot coverage above the maximum 40%. This zoning change will reduce the rear setback to 10 feet and increase the maximum lot coverage to 60%. All other aspects of the neighborhood's zoning will remain the same.
Recommendation / Staff Comments:
Staff recommends approval of this ordinance.
Motion(s):
I make a motion to approve ordinance # _____.

AN ORDINANCE OF THE CITY OF FERRIS, TEXAS

ORDINANCE NO. O-16-819

AN ORDINANCE OF THE CITY OF FERRIS, TEXAS AMENDING THE ZONING ORDINANCE AND MAP, AS HERETOFORE AMENDED, BY GRANTING A CHANGE IN ZONING FROM RESIDENTIAL 3 (“R-3”) TO PLANNED DEVELOPMENT-7 (“PD-7”) ON PROPERTY LOCATED SOUTH OF FM 664 AND WEST OF EWING BLVD. DESCRIBED AS APPROXIMATELY 48.568 ACRES OF LAND IN THE SHAW CREEK RANCH ADDITION OF THE CITY OF FERRIS, ELLIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT A, WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN; PROVIDING FOR THE APPROVAL OF USE RESTRICTIONS WHICH ARE ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT B; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Planning and Zoning Commission and the governing body of the City of Ferris, Texas in compliance with the laws of the State of Texas and pursuant to the Zoning Ordinance of the City of Ferris, have given requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to all persons interested and situated in the affected area and in the vicinity thereof, the said governing body is of the opinion that Planned Development-7 should be approved, and in the exercise of legislative discretion have concluded that the Zoning Ordinance and Map should be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FERRIS, TEXAS;

SECTION 1. That the Zoning Ordinance and Map of the City of Ferris, Texas, duly passed by the governing body of the City of Ferris, Texas, as heretofore amended, be and the same is hereby amended by granting a change in zoning from Residential 3 (“R-3”) to Planned Development-7 (“PD-7”) on property located South of FM 664 and West of Ewing Blvd. described as approximately 48.568 acres of land in the Shaw Creek Ranch Addition of the City of Ferris, Ellis County, Texas, and being more particularly described in exhibit A, which is attached hereto and incorporated herein.

SECTION 2. The property shall be developed and used in accordance with the development standards under the Ferris Zoning Ordinance, ordinances of the City of Ferris, and development restrictions as established herein, which are attached hereto and incorporated herein as Exhibit B.

SECTION 3. That the development restrictions attached hereto as Exhibit B and made a part hereof for all purposes, are hereby approved.

SECTION 4. That the Zoning Ordinance of the City of Ferris, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Ferris, Texas and the Ferris Zoning Ordinance, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such codes, in which event the conflicting provision of such ordinance and such codes are hereby repealed.

SECTION 6. It is hereby declared that it is the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 7. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 8. All rights and remedies of the City of Ferris are expressly saved as to any and all violations of the provisions of any ordinances governing zoning or platting that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 9. This ordinance shall be in full force and effect from this and after its passage and publication as required by law, and it is so ordained.

DULY PASSED and approved by the City Council of the City of Ferris, Texas on this the _____ day of _____, 2016.

APPROVED:

MICHEAL DRIGGARS, MAYOR

ATTEST:

CALLIE GREEN, CITY SECRETARY

APPROVED AS TO FORM:

KENT HOFMEISTER, CITY ATTORNEY

Planned Development-7

Legal Description

Planned Development-7 (PD-7) shall include all property within the Shaw Creek Ranch Subdivision of the City of Ferris, Ellis County, Texas to include the following property:

LOT 1 BLOCK A SHAW CREEK RANCH PHASE 1A
LOT 2 BLOCK A SHAW CREEK RANCH PHASE 1A
LOT 3 BLOCK A SHAW CREEK RANCH PHASE 1A
LOT 4 BLOCK A SHAW CREEK RANCH PHASE 1A
LOT 5 BLOCK A SHAW CREEK RANCH PHASE 1A
LOT 6 BLOCK A SHAW CREEK RANCH PHASE 1A
LOT 7 BLOCK A SHAW CREEK RANCH PHASE 1A
LOT 8 BLOCK A SHAW CREEK RANCH PHASE 1A
LOT 9 BLOCK A SHAW CREEK RANCH PHASE 1A
LOT 10 BLOCK A SHAW CREEK RANCH PHASE 1A
LOT 11 BLOCK A SHAW CREEK RANCH PHASE 1A
LOT 12 BLOCK A SHAW CREEK RANCH PHASE 1A
LOT 13 BLOCK A SHAW CREEK RANCH PHASE 1A
LOT 14 BLOCK A SHAW CREEK RANCH PHASE 1A
LOT 15 BLOCK A SHAW CREEK RANCH PHASE 1A
LOT 16 BLOCK A SHAW CREEK RANCH PHASE 1A
LOT 10 BLOCK B SHAW CREEK RANCH PHASE 1A
LOT 11 BLOCK B SHAW CREEK RANCH PHASE 1A
LOT 12 BLOCK B SHAW CREEK RANCH PHASE 1A
LOT 13 BLOCK B SHAW CREEK RANCH PHASE 1A
LOT 14 BLOCK B SHAW CREEK RANCH PHASE 1A
LOT 15 BLOCK B SHAW CREEK RANCH PHASE 1A
LOT 16 BLOCK B SHAW CREEK RANCH PHASE 1A
LOT 17 BLOCK B SHAW CREEK RANCH PHASE 1A
LOT 18 BLOCK B SHAW CREEK RANCH PHASE 1A

LOT 19 BLOCK B SHAW CREEK RANCH PHASE 1A
LOT 20 BLOCK B SHAW CREEK RANCH PHASE 1A
LOT 21 BLOCK B SHAW CREEK RANCH PHASE 1A
LOT 22 BLOCK B SHAW CREEK RANCH PHASE 1A
LOT 23 BLOCK B SHAW CREEK RANCH PHASE 1A
LOT 24 BLOCK B SHAW CREEK RANCH PHASE 1A
LOT 25 BLOCK B SHAW CREEK RANCH PHASE 1A
LOT 26 BLOCK B SHAW CREEK RANCH PHASE 1A
LOT 27 BLOCK B SHAW CREEK RANCH PHASE 1A
LOT 9 BLOCK C SHAW CREEK RANCH PHASE 1A
LOT 10 BLOCK C SHAW CREEK RANCH PHASE 1A
LOT 11 BLOCK C SHAW CREEK RANCH PHASE 1A
LOT 12 BLOCK C SHAW CREEK RANCH PHASE 1A
LOT 13 BLOCK C SHAW CREEK RANCH PHASE 1A
LOT 14 BLOCK C SHAW CREEK RANCH PHASE 1A
LOT 15 BLOCK C SHAW CREEK RANCH PHASE 1A
LOT 16 BLOCK C SHAW CREEK RANCH PHASE 1A
LOT 17 BLOCK C SHAW CREEK RANCH PHASE 1A
LOT 18 BLOCK C SHAW CREEK RANCH PHASE 1A
LOT 19 BLOCK C SHAW CREEK RANCH PHASE 1A
LOT 20 BLOCK C SHAW CREEK RANCH PHASE 1A
LOT 21 BLOCK C SHAW CREEK RANCH PHASE 1A
LOT 22 BLOCK C SHAW CREEK RANCH PHASE 1A
LOT 23 BLOCK C SHAW CREEK RANCH PHASE 1A
LOT 24 BLOCK C SHAW CREEK RANCH PHASE 1A
LOT 25 BLOCK C SHAW CREEK RANCH PHASE 1A
LOT 26 BLOCK C SHAW CREEK RANCH PHASE 1A
LOT 27 BLOCK C SHAW CREEK RANCH PHASE 1A
LOT 28 BLOCK C SHAW CREEK RANCH PHASE 1A
LOT 11 BLOCK D SHAW CREEK RANCH PHASE 1A

LOT 12 BLOCK D SHAW CREEK RANCH PHASE 1A
LOT 13 BLOCK D SHAW CREEK RANCH PHASE 1A
LOT 14 BLOCK D SHAW CREEK RANCH PHASE 1A
LOT 15 BLOCK D SHAW CREEK RANCH PHASE 1A
LOT 16 BLOCK D SHAW CREEK RANCH PHASE 1A
LOT 17 BLOCK D SHAW CREEK RANCH PHASE 1A
LOT 18 BLOCK D SHAW CREEK RANCH PHASE 1A
LOT 19 BLOCK D SHAW CREEK RANCH PHASE 1A
LOT 20 BLOCK D SHAW CREEK RANCH PHASE 1A
LOT 21 BLOCK D SHAW CREEK RANCH PHASE 1A
LOT 22 BLOCK D SHAW CREEK RANCH PHASE 1A
LOT 23 BLOCK D SHAW CREEK RANCH PHASE 1A
LOT 24 BLOCK D SHAW CREEK RANCH PHASE 1A
LOT 25 BLOCK D SHAW CREEK RANCH PHASE 1A
LOT 26 BLOCK D SHAW CREEK RANCH PHASE 1A
LOT 27 BLOCK D SHAW CREEK RANCH PHASE 1A
LOT 28 BLOCK D SHAW CREEK RANCH PHASE 1A
LOT 29 BLOCK D SHAW CREEK RANCH PHASE 1A
LOT 30 BLOCK D SHAW CREEK RANCH PHASE 1A
LOT 31 BLOCK D SHAW CREEK RANCH PHASE 1A
LOT 32 BLOCK D SHAW CREEK RANCH PHASE 1A
LOT 33 BLOCK D SHAW CREEK RANCH PHASE 1A
LOT 9 BLOCK E SHAW CREEK RANCH PHASE 1A
LOT 10 BLOCK E SHAW CREEK RANCH PHASE 1A
LOT 11 BLOCK E SHAW CREEK RANCH PHASE 1A
LOT 12 BLOCK E SHAW CREEK RANCH PHASE 1A
LOT 13 BLOCK E SHAW CREEK RANCH PHASE 1A
LOT 14 BLOCK E SHAW CREEK RANCH PHASE 1A
LOT 15 BLOCK E SHAW CREEK RANCH PHASE 1A
LOT 16 BLOCK E SHAW CREEK RANCH PHASE 1A

LOT 17 BLOCK E SHAW CREEK RANCH PHASE 1A
LOT 1 BLOCK B SHAW CREEK RANCH PHASE 1B
LOT 2 BLOCK B SHAW CREEK RANCH PHASE 1B
LOT 3 BLOCK B SHAW CREEK RANCH PHASE 1B
LOT 4 BLOCK B SHAW CREEK RANCH PHASE 1B
LOT 5 BLOCK B SHAW CREEK RANCH PHASE 1B
LOT 6 BLOCK B SHAW CREEK RANCH PHASE 1B
LOT 7 BLOCK B SHAW CREEK RANCH PHASE 1B
LOT 8 BLOCK B SHAW CREEK RANCH PHASE 1B
LOT 9 BLOCK B SHAW CREEK RANCH PHASE 1B
LOT 1 BLOCK C SHAW CREEK RANCH PHASE 1B
LOT 2 BLOCK C SHAW CREEK RANCH PHASE 1B
LOT 3 BLOCK C SHAW CREEK RANCH PHASE 1B
LOT 4 BLOCK C SHAW CREEK RANCH PHASE 1B
LOT 4 BLOCK C SHAW CREEK RANCH PHASE 1B
LOT 6 BLOCK C SHAW CREEK RANCH PHASE 1B
LOT 7 BLOCK C SHAW CREEK RANCH PHASE 1B
LOT 8 BLOCK C SHAW CREEK RANCH PHASE 1B
LOT 1 BLOCK D SHAW CREEK RANCH PHASE 1B
LOT 2 BLOCK D SHAW CREEK RANCH PHASE 1B
LOT 3 BLOCK D SHAW CREEK RANCH PHASE 1B
LOT 4 BLOCK D SHAW CREEK RANCH PHASE 1B
LOT 5 BLOCK D SHAW CREEK RANCH PHASE 1B
LOT 6 BLOCK D SHAW CREEK RANCH PHASE 1B
LOT 7 BLOCK D SHAW CREEK RANCH PHASE 1B
LOT 8 BLOCK D SHAW CREEK RANCH PHASE 1B
LOT 9 BLOCK D SHAW CREEK RANCH PHASE 1B
LOT 10 BLOCK D SHAW CREEK RANCH PHASE 1B
LOT 34 BLOCK D SHAW CREEK RANCH PHASE 1B
LOT 35 BLOCK D SHAW CREEK RANCH PHASE 1B

LOT 36 BLOCK D SHAW CREEK RANCH PHASE 1B
LOT 37 BLOCK D SHAW CREEK RANCH PHASE 1B
LOT 38 BLOCK D SHAW CREEK RANCH PHASE 1B
LOT 39 BLOCK D SHAW CREEK RANCH PHASE 1B
LOT 40 BLOCK D SHAW CREEK RANCH PHASE 1B
LOT 41 BLOCK D SHAW CREEK RANCH PHASE 1B
LOT 42 BLOCK D SHAW CREEK RANCH PHASE 1B
LOT 43 BLOCK D SHAW CREEK RANCH PHASE 1B
LOT 1 BLOCK E SHAW CREEK RANCH PHASE 1B
LOT 2 BLOCK E SHAW CREEK RANCH PHASE 1B
LOT 3 BLOCK E SHAW CREEK RANCH PHASE 1B
LOT 4 BLOCK E SHAW CREEK RANCH PHASE 1B
LOT 5 BLOCK E SHAW CREEK RANCH PHASE 1B
LOT 6 BLOCK E SHAW CREEK RANCH PHASE 1B
LOT 7 BLOCK E SHAW CREEK RANCH PHASE 1B
LOT 8 BLOCK E SHAW CREEK RANCH PHASE 1B
LOT 18 BLOCK E SHAW CREEK RANCH PHASE 1B
LOT 19 BLOCK E SHAW CREEK RANCH PHASE 1B
LOT 20 BLOCK E SHAW CREEK RANCH PHASE 1B
LOT 21 BLOCK E SHAW CREEK RANCH PHASE 1B
LOT 22 BLOCK E SHAW CREEK RANCH PHASE 1B
LOT 23 BLOCK E SHAW CREEK RANCH PHASE 1B
LOT 24 BLOCK E SHAW CREEK RANCH PHASE 1B
LOT 25 BLOCK E SHAW CREEK RANCH PHASE 1B
LOT 26 BLOCK E SHAW CREEK RANCH PHASE 1B
LOT 27 BLOCK E SHAW CREEK RANCH PHASE 1B
LOT 28 BLOCK E SHAW CREEK RANCH PHASE 1B
LOT 29 BLOCK E SHAW CREEK RANCH PHASE 1B
LOT 30 BLOCK E SHAW CREEK RANCH PHASE 1B
LOT 31 BLOCK E SHAW CREEK RANCH PHASE 1B

LOT 1 BLOCK F SHAW CREEK RANCH PHASE 1B
LOT 2 BLOCK F SHAW CREEK RANCH PHASE 1B
LOT 3 BLOCK F SHAW CREEK RANCH PHASE 1B
LOT 4 BLOCK F SHAW CREEK RANCH PHASE 1B
LOT 5 BLOCK F SHAW CREEK RANCH PHASE 1B
LOT 6 BLOCK F SHAW CREEK RANCH PHASE 1B
LOT 7 BLOCK F SHAW CREEK RANCH PHASE 1B
LOT 8 BLOCK F SHAW CREEK RANCH PHASE 1B
LOT 9 BLOCK F SHAW CREEK RANCH PHASE 1B
LOT 10 BLOCK F SHAW CREEK RANCH PHASE 1B
LOT 11 BLOCK F SHAW CREEK RANCH PHASE 1B
LOT 12 BLOCK F SHAW CREEK RANCH PHASE 1B
LOT 13 BLOCK F SHAW CREEK RANCH PHASE 1B
LOT 14 BLOCK F SHAW CREEK RANCH PHASE 1B
LOT 15 BLOCK F SHAW CREEK RANCH PHASE 1B
LOT 16 BLOCK F SHAW CREEK RANCH PHASE 1B
LOT 17 BLOCK F SHAW CREEK RANCH PHASE 1B
LOT 18 BLOCK F SHAW CREEK RANCH PHASE 1B
LOT 19 BLOCK F SHAW CREEK RANCH PHASE 1B
LOT 20 BLOCK F SHAW CREEK RANCH PHASE 1B
LOT 21 BLOCK F SHAW CREEK RANCH PHASE 1B
LOT 22 BLOCK F SHAW CREEK RANCH PHASE 1B
LOT 23 BLOCK F SHAW CREEK RANCH PHASE 1B
LOT 24 BLOCK F SHAW CREEK RANCH PHASE 1B
LOT 25 BLOCK F SHAW CREEK RANCH PHASE 1B
LOT 26 BLOCK F SHAW CREEK RANCH PHASE 1B
LOT 27 BLOCK F SHAW CREEK RANCH PHASE 1B
LOT 28 BLOCK F SHAW CREEK RANCH PHASE 1B
LOT 29 BLOCK F SHAW CREEK RANCH PHASE 1B
LOT 30 BLOCK F SHAW CREEK RANCH PHASE 1B

LOT 31 BLOCK F SHAW CREEK RANCH PHASE 1B
LOT 26 BLOCK G SHAW CREEK RANCH PHASE 1B
LOT 27 BLOCK G SHAW CREEK RANCH PHASE 1B
LOT 28 BLOCK G SHAW CREEK RANCH PHASE 1B
LOT 29 BLOCK G SHAW CREEK RANCH PHASE 1B
LOT 30 BLOCK G SHAW CREEK RANCH PHASE 1B
LOT 31 BLOCK G SHAW CREEK RANCH PHASE 1B
LOT 1 BLOCK H SHAW CREEK RANCH PHASE 1B
LOT 2 BLOCK H SHAW CREEK RANCH PHASE 1B
LOT 3 BLOCK H SHAW CREEK RANCH PHASE 1B
LOT 4 BLOCK H SHAW CREEK RANCH PHASE 1B
LOT 5 BLOCK H SHAW CREEK RANCH PHASE 1B
LOT 6 BLOCK H SHAW CREEK RANCH PHASE 1B
LOT 7 BLOCK H SHAW CREEK RANCH PHASE 1B
LOT 8 BLOCK H SHAW CREEK RANCH PHASE 1B
LOT 9 BLOCK H SHAW CREEK RANCH PHASE 1B
LOT 10 BLOCK H SHAW CREEK RANCH PHASE 1B
LOT 11 BLOCK H SHAW CREEK RANCH PHASE 1B
LOT 12 BLOCK H SHAW CREEK RANCH PHASE 1B
LOT 13 BLOCK H SHAW CREEK RANCH PHASE 1B
LOT 14 BLOCK H SHAW CREEK RANCH PHASE 1B
LOT 15 BLOCK H SHAW CREEK RANCH PHASE 1B
LOT 16 BLOCK H SHAW CREEK RANCH PHASE 1B
LOT 17 BLOCK H SHAW CREEK RANCH PHASE 1B
LOT 18 BLOCK H SHAW CREEK RANCH PHASE 1B
LOT 19 BLOCK H SHAW CREEK RANCH PHASE 1B
LOT 20 BLOCK H SHAW CREEK RANCH PHASE 1B
LOT 21 BLOCK H SHAW CREEK RANCH PHASE 1B

Planned Development-7 Development Restrictions

Base Zoning

Where not amended by this document, The Ferris Zoning Ordinance shall apply to property located within Planned Development-7 (“PD-7”) as if such property were zoned Residential-3 (“R-3”).

Development Restrictions

Rear Setback - The minimum rear setback for all lots within Planned Development-7 (PD-7) shall be ten (10) feet.

Lot Coverage - The maximum lot coverage for all lots within Planned Development-7 (PD-7) shall be sixty percent (60%) of the area of the lot.



PLANNING & ZONING COMMISSION

REPORT TO CITY COUNCIL

TO: Ferris City Council
FROM: Planning and Zoning Commission
RE: Planned Development – 7 (Shaw Creek Ranch)
DATE: June 23, 2016

This is the report required to be submitted by the Planning and Zoning Commission per Section 154.111(D) of the Ferris Code of Ordinances. This report also serves as the final report that is to be used by the Council in its consideration of the amendment as set forth in 154.111(D).

Background

Wall Homes is the current builder within the Shaw Creek Ranch Subdivision. They had had some difficulty in closing on new homes due to the zoning restrictions in the neighborhood. Specifically, their homes generally fit on the lots, but more often than not homebuyers are asking for a covered porch to be added to the rear of the home. The covered porch, depending on the size of the home in most cases will either be in violation of the 25 foot rear setback, or will bring the overall lot coverage above the maximum 40%.

Parcel Information

Current Use Single Family Residential (developed and undeveloped)

Proposed Use Single Family Residential

Adjacent property:

North: FM 664

West: Vacant Land (Residential)

East: Vacant Land (Commercial)

South: One residence and Vacant Land (All outside the City Limits of Ferris)

Future Land Use Plan

Low Density Residential

Requested Action

Amend the base zoning to allow for a rear setback reduction from 25 feet to 10 feet, and to increase the maximum lot coverage from 40% to 60%.

Public Notification

Published in the Waxahachie Daily Light on June 3, 2016

Posted at City Hall and the City's website on June 17, 2016.

Recommendation

The Ferris Planning and Zoning Commission has carefully considered the above stated request based on the facts of the case and how such request would:

1. Be consistent with guiding documents,
2. Be compatible with the surrounding area,
3. Promote health, safety, or general welfare,
4. Facilitate infrastructure,
5. Not have a negative effect on natural environment, and
6. Have a community need.

As a result it is the recommendation of the Ferris Planning and Zoning Commission that:

The Ferris City Council, by ordinance, **APPROVE** Planned Development 7.

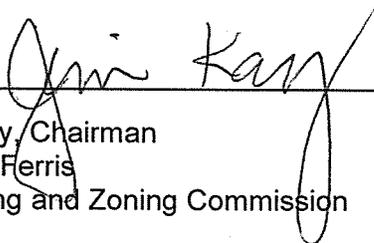
or

The Ferris City Council, by ordinance, approve Planned Development 7 with the following amendments:

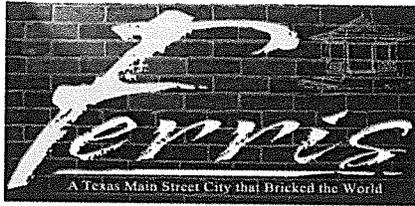
or

The Ferris City Council **NOT** approve Planned Development 7.

Passed, by affirmative vote of the Planning and Zoning Commission of the City of Ferris the 23rd of June, 2016.



Jim Kay, Chairman
City of Ferris
Planning and Zoning Commission



WELCOME TO THE CITY OF FERRIS

The Ferris Planning and Zoning Commissioners and City Staff welcome you to a meeting of the Ferris Planning and Zoning Commission. Ferris Planning and Zoning Commission Meetings are open to the public and residents are encouraged to attend.

The Planning and Zoning Commission welcomes comments from the public. Those wishing to speak during a public hearing must sign in with City Staff. Speakers may speak for or against an item that is open to a public hearing before the Commission. Inquiries regarding matters not listed on the Agenda should be directed to Staff.

ITEM: _____ FOR: _____ AGAINST: _____

DATE: 6-23-16 PHONE: 214-490-1685

DO YOU RESIDE WITHIN THE CITY LIMITS OF FERRIS? YES NO

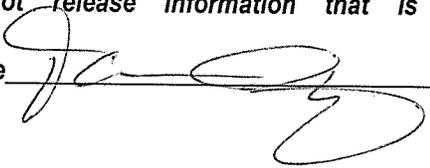
NAME: James Dye

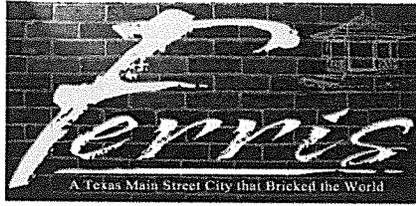
ORGANIZATION / DEPARTMENT: _____

ADDRESS: 110 Jimmie Berdwell

CITY / ZIP: Ferris TX 75125

"I authorize the city to release ALL information on this sheet to the public. (If no signature is provided, the City shall not release information that is protected under the Texas Public Information

Act.) Signature  "



WELCOME TO THE CITY OF FERRIS

The Ferris Planning and Zoning Commissioners and City Staff welcome you to a meeting of the Ferris Planning and Zoning Commission. Ferris Planning and Zoning Commission Meetings are open to the public and residents are encouraged to attend.

The Planning and Zoning Commission welcomes comments from the public. Those wishing to speak during a public hearing must sign in with City Staff. Speakers may speak for or against an item that is open to a public hearing before the Commission. Inquiries regarding matters not listed on the Agenda should be directed to Staff.

ITEM: SHAW CREEK FOR: AGAINST:

DATE: 6-23-16 PHONE: 972-544-2193

DO YOU RESIDE WITHIN THE CITY LIMITS OF FERRIS? YES NO

NAME: TIM SWAFFORD

ORGANIZATION / DEPARTMENT: N/A

ADDRESS: 607 JENNIE MARIE CIR

CITY / ZIP: FERRIS 75125

"I authorize the city to release ALL information on this sheet to the public. (If no signature is provided, the City shall not release information that is protected under the Texas Public Information Act.) Signature James Swafford "



PLANNING & ZONING COMMISSION

REPORT TO CITY COUNCIL

TO: Ferris City Council
FROM: Planning and Zoning Commission
RE: Planned Development – 7 (Shaw Creek Ranch)
DATE: June 23, 2016

This is the report required to be submitted by the Planning and Zoning Commission per Section 154.111(D) of the Ferris Code of Ordinances. This report also serves as the final report that is to be used by the Council in its consideration of the amendment as set forth in 154.111(D).

Background

Wall Homes is the current builder within the Shaw Creek Ranch Subdivision. They had had some difficulty in closing on new homes due to the zoning restrictions in the neighborhood. Specifically, their homes generally fit on the lots, but more often than not homebuyers are asking for a covered porch to be added to the rear of the home. The covered porch, depending on the size of the home in most cases will either be in violation of the 25 foot rear setback, or will bring the overall lot coverage above the maximum 40%.

Parcel Information

Current Use Single Family Residential (developed and undeveloped)

Proposed Use Single Family Residential

Adjacent property:

North: FM 664

West: Vacant Land (Residential)

East: Vacant Land (Commercial)

South: One residence and Vacant Land (All outside the City Limits of Ferris)

Future Land Use Plan

Low Density Residential

Requested Action

Amend the base zoning to allow for a rear setback reduction from 25 feet to 10 feet, and to increase the maximum lot coverage from 40% to 60%.

Public Notification

Published in the Waxahachie Daily Light on June 3, 2016

Posted at City Hall and the City's website on June 17, 2016.

Recommendation

The Ferris Planning and Zoning Commission has carefully considered the above stated request based on the facts of the case and how such request would:

- 1. Be consistent with guiding documents,
- 2. Be compatible with the surrounding area,
- 3. Promote health, safety, or general welfare,
- 4. Facilitate infrastructure,
- 5. Not have a negative effect on natural environment, and
- 6. Have a community need.

As a result it is the recommendation of the Ferris Planning and Zoning Commission that:

The Ferris City Council, by ordinance, **APPROVE** Planned Development 7.

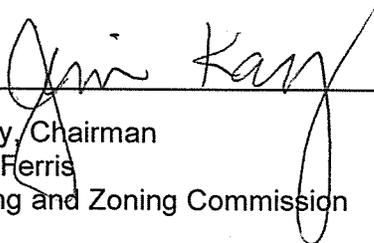
or

The Ferris City Council, by ordinance, approve Planned Development 7 with the following amendments:

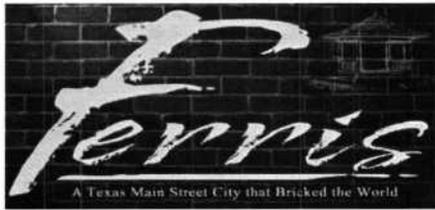
or

The Ferris City Council **NOT** approve Planned Development 7.

Passed, by affirmative vote of the Planning and Zoning Commission of the City of Ferris the 23rd of June, 2016.



Jim Kay, Chairman
City of Ferris
Planning and Zoning Commission



City of Ferris

AGENDA ITEM REPORT

Meeting Date:	7-18-2016
Department:	Code Compliance
Submitted By:	W. Jordan
Previously Reviewed By:	Planning and Zoning Commission
Item Type:	Action
Budgeted Expense:	<input type="checkbox"/> No <input type="checkbox"/> Yes, Amount: _____

Attachments:
Ordinance Exhibits P&Z Recommendation
Discussion / Justification:
<p>The business located at 205 N Main St., Cajun Motors, is currently operating without a Certificate of Occupancy due to not being in the correct zoning. The applicant had worked with previous staff and the City Council when locating to Ferris, however, the zoning was inadvertently not corrected to allow for the business. Current staff has been working with the owner to change the zoning to allow the business to operate legally. The owner has re-platted the property which is a precursory requirement the zoning change. This change will be to a planned development and will allow for the business to continue as it currently does. It also restricts the use of the property to the specific use of electric motor rebuilding.</p>
Recommendation / Staff Comments:
Staff recommends approval of this ordinance.
Motion(s):
I make a motion to approve ordinance # _____.

AN ORDINANCE OF THE CITY OF FERRIS, TEXAS

ORDINANCE NO. O-16-820

AN ORDINANCE OF THE CITY OF FERRIS, TEXAS AMENDING THE ZONING ORDINANCE AND MAP, AS HERETOFORE AMENDED, BY GRANTING A CHANGE IN ZONING FROM COMMERCIAL CORRIDOR (“C-C”) TO PLANNED DEVELOPMENT - 8 (“PD-8”) ON PROPERTY LOCATED NORTH OF W. 4TH ST. AND WEST OF N. MAIN ST. DESCRIBED AS LOT 4R, BLOCK 4 OF THE ORIGINAL TOWN OF FERRIS ADDITION OF THE CITY OF FERRIS, ELLIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT A, WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN; PROVIDING FOR THE APPROVAL OF USE RESTRICTIONS WHICH ARE ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT B; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Planning and Zoning Commission and the governing body of the City of Ferris, Texas in compliance with the laws of the State of Texas and pursuant to the Zoning Ordinance of the City of Ferris, have given requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to all persons interested and situated in the affected area and in the vicinity thereof, the said governing body is of the opinion that Planned Development-8 should be approved, and in the exercise of legislative discretion have concluded that the Zoning Ordinance and Map should be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FERRIS, TEXAS;

SECTION 1. That the Zoning Ordinance and Map of the City of Ferris, Texas, duly passed by the governing body of the City of Ferris, Texas, as heretofore amended, be and the same is hereby amended by granting a change in zoning from Commercial Corridor (“C-C”) to Planned Development - 8 (“PD-8”) on property located North of W. 4th St. and West of N. Main St. described as Lot 4R, Block 4 of the Original Town of Ferris Addition of the City of Ferris, Ellis County, Texas, and being more particularly described in exhibit A, which is attached hereto and incorporated herein.

SECTION 2. The property shall be developed and used in accordance with the development standards under the Ferris Zoning Ordinance, ordinances of the City of Ferris, and development restrictions as established herein, which are attached hereto and incorporated herein as Exhibit B.

SECTION 3. That the development restrictions attached hereto as Exhibit B and made a part hereof for all purposes, are hereby approved.

SECTION 4. That the Zoning Ordinance of the City of Ferris, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Ferris, Texas and the Ferris Zoning Ordinance, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such codes, in which event the conflicting provision of such ordinance and such codes are hereby repealed.

SECTION 6. It is hereby declared that it is the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 7. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 8. All rights and remedies of the City of Ferris are expressly saved as to any and all violations of the provisions of any ordinances governing zoning or platting that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 9. This ordinance shall be in full force and effect from this and after its passage and publication as required by law, and it is so ordained.

DULY PASSED and approved by the City Council of the City of Ferris, Texas on this the _____ day of _____, 2016.

APPROVED:

MICHEAL DRIGGARS, MAYOR

ATTEST:

CALLIE GREEN, CITY SECRETARY

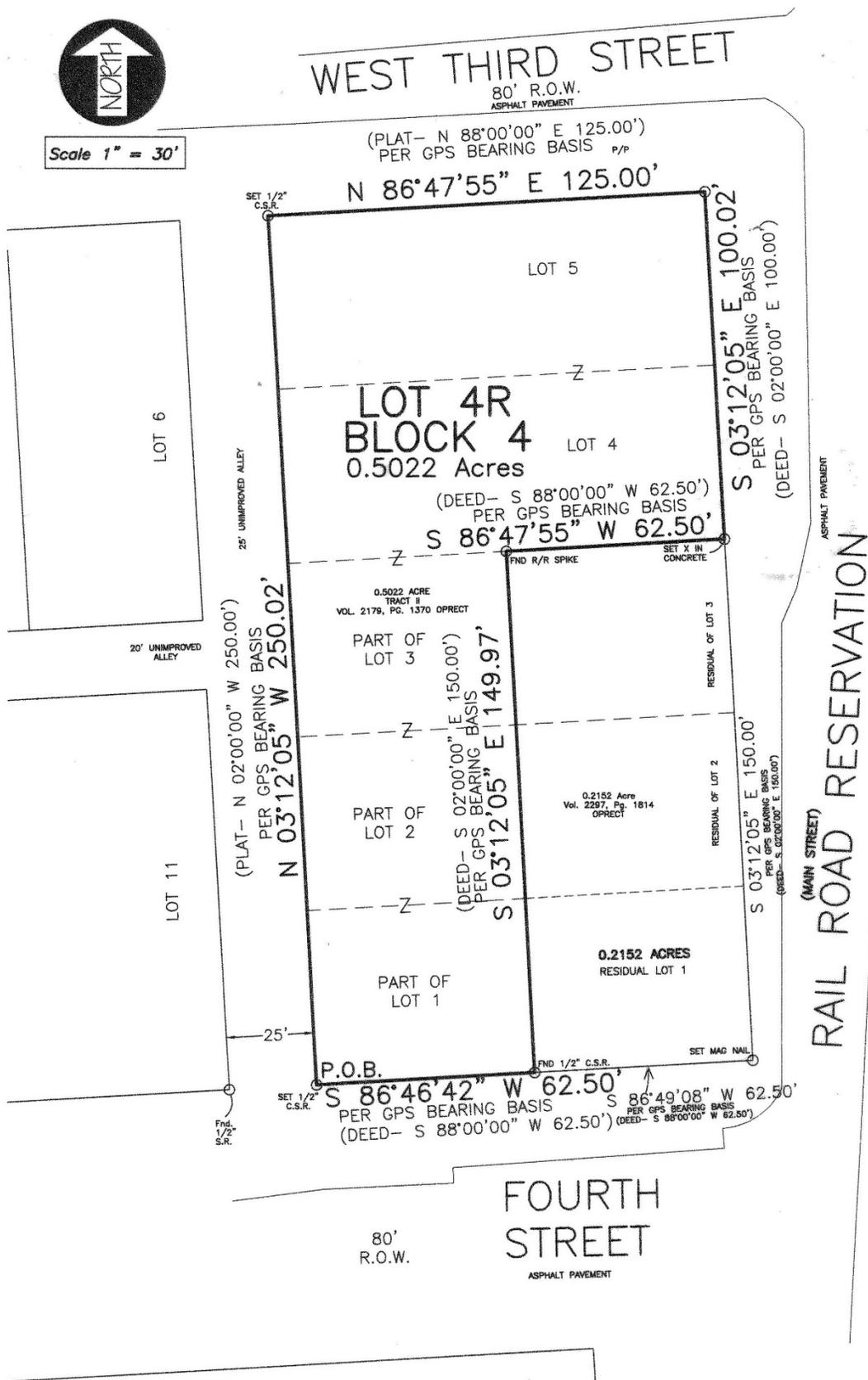
APPROVED AS TO FORM:

KENT HOFMEISTER, CITY ATTORNEY

EXHIBIT "A"



Scale 1" = 30'



RAIL ROAD RESERVATION
(MAIN STREET)

Planned Development-8 Development Restrictions

Base Zoning

Where not amended by this document, The Ferris Zoning Ordinance shall apply to the property within Planned Development-8 (“PD-8”) as if such property were zoned Light Industrial and Warehousing District (“I-L”) within the Original Town Square Overlay District.

Allowed Uses

All uses are prohibited in Planned Development-8 (“PD-8”) except the following use as defined below:

ELECTRIC MOTOR REFURBISHING FACILITY (INDOORS) – A wholly enclosed facility for the purpose of refurbishing and rebuilding electric motors and electric motor components, and the incidental packaging and storage of electric motors and components, and office space necessary to support such operation.

Parking

1. Overnight parking of commercial vehicles is prohibited;
2. No vehicle may be parked at a loading dock on in such a manner that a portion of the vehicle or trailer blocks any paved portion of the street; and
3. Trucks may not be left idling.

Outside Storage

No outside storage is allowed.



PLANNING & ZONING COMMISSION

REPORT TO CITY COUNCIL

TO: Ferris City Council
FROM: Planning and Zoning Commission
RE: Planned Development – 8 (Cajun Motors)
DATE: June 23, 2016

This is the report required to be submitted by the Planning and Zoning Commission per Section 154.111(D) of the Ferris Code of Ordinances. This report also serves as the final report that is to be used by the Council in its consideration of the amendment as set forth in 154.111(D).

Background

Cajun Motors currently occupies the building located at 205 N. Main St. They purchased the property and subsequently moved in under information provided by the City that the location was appropriate for a machine shop related use. This information was incorrect. This zoning change will amend the zoning to a planned development to allow for Cajun Motors to operate at this location with restrictions.

Parcel Information

Current Use Machine Shop

Proposed Use Machine Shop

Adjacent property:

North: Vacant Warehouse

West: Single Family Homes

East: Soul's Harbor and Long Machine

South: Trinity Materials

Future Land Use Plan

Retail

Requested Action

Change the zoning to allow for an Electric Motor Refurbishing Facility (Indoors) with restrictions.

Public Notification

Published in the Waxahachie Daily Light June 3, 2016

Posted at City Hall and the City's website on June 17, 2016.

Recommendation

The Ferris Planning and Zoning Commission has carefully considered the above stated request based on the facts of the case and how such request would:

1. Be consistent with guiding documents,
2. Be compatible with the surrounding area,
3. Promote health, safety, or general welfare,
4. Facilitate infrastructure,
5. Not have a negative effect on natural environment, and
6. Have a community need.

As a result it is the recommendation of the Ferris Planning and Zoning Commission that:

The Ferris City Council, by ordinance, **APPROVE** Planned Development 8.

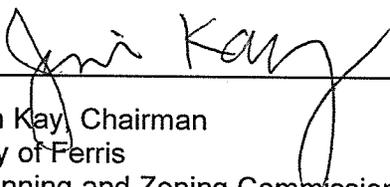
or

The Ferris City Council, by ordinance, approve Planned Development 8 with the following amendments:

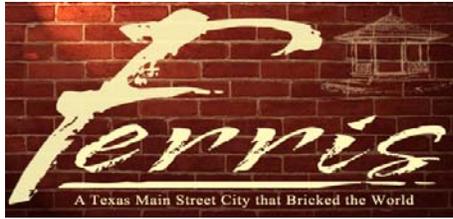
or

The Ferris City Council **NOT** approve Planned Development 8.

Passed, by affirmative vote of the Planning and Zoning Commission of the City of Ferris the 23rd of June, 2016.



Jim Kay, Chairman
City of Ferris
Planning and Zoning Commission



City of Ferris

AGENDA ITEM REPORT

Meeting Date:	July 18, 2016
Department:	City Manager Office
Submitted By:	Carl Sherman
Previously Reviewed By:	William McDonald, Trudy Lewis, Melissa Gonzalez, and Eric Moss
Item Type:	<u> </u> Discussion <u> X </u> Action
Budgeted Expense:	<u> X </u> No <u> </u> Yes, Amount: _____

Attachments:

Ordinance No. O-16-821 Amending the Water Rates and the proposed Water Rate Schedule

Discussion / Justification:

The City of Ferris has had the same the base rate for water and sewer charges since May 2009. Since that time the cost of purchasing water from Rockett SUD as well as the cost of treating water with Trinity River Authority have increased causing the Utility Fund to not perform to our minimum financial standard. Staff has reviewed the current water rate structure and recommends several changes as outlined below:

Water Rate Structure	Current Water Rate	Proposed Rate Structure	Proposed Rate
<i>Residential/Multifamily</i>			
1 st 2,000 gallons	Base \$20	1 st 2,000 gallons	Base \$25
2,001 - 12,000	\$ 4.16	2,001 – 12,000	\$5.00
12,001 – 42,000	\$5.31	12,001 – 23,000	\$5.59
42,001 +	\$6.47	23,001-32,000	\$6.71
		32,001 +	\$8.05

Water Rate Structure	Current Water Rate	Proposed Rate Structure	Proposed Rate
<i>Commercial Accounts</i>			
1 st 2,000 gallons	Base \$20.00	1 st 2,000 gallons	Base \$25
2,001 +	\$4.16	2,001 +	\$5.59

Staff recommends that the new fees be effective as of Aug. 24, 2016. This will allow new revenues to be collected in the September billing cycle. Making the adjustment during the current fiscal year will ensure that FY 2016-17 can be adopted with the new fee structures in place for budgeting purposes.

As our water partners – TRA and Rockett SUD have already provided us with estimation of future cost, staff recommends that Council consider implementing an adjustment in rates annually over the next 5 years.

If approved, staff intends to provide notification to customers through the July and August water bill statements, online, through posted flyers, and via social media. These activities are in addition to the notification about today’s Council meeting and public hearing.

Recommendation / Staff Comments:

Staff recommends approval of Ordinance O-16-821

Motion(s):

Motion to approve Ordinance No. O-16-821

ORDINANCE NO. O-16-821

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FERRIS, TEXAS REPEALING ORDINANCE NO. O-12-725 AND PROVIDING FOR ADMINISTRATION OF AND DEFINITIONS UNDER THIS ORDINANCE, REQUIRING APPLICATIONS FOR WATER AND WASTEWATER SERVICES, FIXING AND DETERMINING WATER RATES FOR ALL CUSTOMERS INSIDE AND OUTSIDE THE CITY LIMITS, ESTABLISHING FEES, CHARGES, COSTS, EXPENSES, ACTIVATION FEES, CONNECTION AND/OR TAP CHARGES, DISCONNECTION AND RECONNECTION CHARGES, OTHER FEES, COSTS, EXPENSES, CHARGES, AND PENALTIES AND LIABILITY THEREFORE; ESTABLISHING BILLING AND COLLECTION PROCEDURES; DESCRIBING THE TIME AND METHOD FOR PAYMENT OF ACCOUNTS; REQUIRING INSTALLATION AND USE OF METERS AND OTHER CONDITIONS OF SERVICE; PROVIDING FOR DISCONNECTION FOR FAILURE TO PAY DELINQUENT ACCOUNTS, LATE CHARGES, FEES FOR RETURNED CHECKS AND OTHER PENALTIES AND IN OTHER EVENTS; DECLARING CERTAIN THINGS AS NUISANCES; LIMITING THE CITY'S LIABILITIES IN CERTAIN EVENTS OR CIRCUMSTANCES; ESTABLISHING REGULATIONS AND POLICIES REGARDING WATER AND WASTEWATER MANAGEMENT PROCEDURES; PROVIDING FOR TEMPORARY DISCONTINUANCE IN CERTAIN EVENTS; PROVIDING FOR EMERGENCIES AND EMERGENCY PLANS; PROVIDING FOR ACCESS OF CITY EMPLOYEES AND/OR CONTRACTORS; REGULATING SERVICE CONNECTIONS AND MAINTENANCE THEREOF; REGULATING CROSS CONNECTIONS, FIRE PROTECTION SYSTEMS, FIRE HYDRANTS, PRIVATE WATER MAINS OR SYSTEMS, WASTE WATER INDEMNITY AGREEMENTS, EXPOSING METERS OR HYDRANTS TO DAMAGE AND MOVING THE SAME AND WATER USED FOR CONSTRUCTION WORK; ESTABLISHING LIMITATIONS OF LIABILITY FOR DAMAGES; ESTABLISHING OBLIGATIONS AND LIABILITIES OF CUSTOMERS AND OTHER PERSONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE, AND PROVIDING FOR SAID ORDINANCE TO TAKE EFFECT FROM AND AFTER ITS DATE OF PUBLICATION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FERRIS, TEXAS:

SECTION 1. ADMINISTRATION

- (A) **Definitions.** The Public Works Director (hereinafter referred to as “Director”), Finance Assistant Director and/or his delegated agent employed by the City of Ferris are authorized to administer and enforce all provisions of this Ordinance under the supervision of the City Manager of the City of Ferris. The Director is authorized to formulate other policies, forms (including but not limited to application and other forms) and procedures that are consistent with the terms and provisions hereof and that the Director deems necessary and appropriate to effectuate the terms and provisions of this Ordinance. The term “department” as used in this Ordinance shall mean the Public Works Department of the City of Ferris.

(B) **Other Definitions.** Unless the context specifically indicates otherwise, the meaning of the terms used in the Ordinance shall be as follows:

- (1) Applicant – A person, business or entity which makes application to receive a service from the department.
- (2) Backflow Prevention Device – A device, including but not limited to, reduced pressure devices, double check valves, and vacuum breakers, approved by the Director and used to prevent water of unknown quality in private plumbing facilities from flowing back into the water system.
- (3) City – The City of Ferris, Texas, its Public Works Department and its water and wastewater systems.
- (4) Cross Connection – Any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other of which contains water and/or substances of unknown or questionable safety and/or quality, whereby water may flow from one system to the other.
- (5) Customer – Any person, business or entity, including but not limited to, a partnership, association, firm, public or private corporation or governmental agency, having City’s service at any specified premises or which is liable for any fee, charge, penalty, cost, expense or other amount imposed, assessed or levied by this Ordinance.
- (6) Meter – The meter, together with auxiliary devices, if any, constituting the complete installation needed to measure water supplied to any customer.
- (7) Notice – Unless otherwise specified, a written notification delivered personally or mailed by the City, the Director or the department to a customer or other person, business, or entity at such party’s last known address shown on City’s records or by any person, business or entity to the City at 104 S. Central Avenue, Ferris, Texas 75125.
- (8) Residential – Shall mean premises intended to be occupied and permitted to be occupied as a family habitation or place of abode pursuant to City codes, rules, ordinances and regulations as now existing or as hereafter enacted, adopted or amended.

Multi-family – Shall mean any water or wastewater customer with two (2) or more living units served by a single water meter.

Commercial – Shall mean all premises other than residential which are used, occupied or permitted to be used, whether or not for profit, under City codes,

rules, ordinances and regulations as now existing or as hereafter enacted, adopted or amended.

- (9) Service – All water, water-related and wastewater service provided for the use and benefit of persons inside and outside the City through the operations and facilities of the department, including but not limited to:
- (a) supply of treated water;
 - (b) wastewater collection, treatment and disposal;
 - (c) building and extension of service mains;
 - (d) providing of meters and service connections to property;
 - (e) discontinuance, restoration or repair of service;
 - (f) extension or replacement of service mains for which pro rata or other assessments are charged;
 - (g) collections of rates or fees for service; and/or
 - (h) other department activities for the benefit of the general public authorized under this Ordinance.
- (10) Service Line– Pipe or conduit which extends from the water or wastewater main and which connects with the meter or the building lateral to provide a water or wastewater service connection.
- (11) Wastewater – Water-carried waste.
- (12) Wastewater Main – A conduit of pipe of the wastewater system which conveys domestic wastewater or industrial wastes, or a combination of both, and into which storm surface water, ground water or other substances are not intentionally admitted.
- (13) Wastewater System – All treatment plants, mains, pumps, interceptors, lift stations, connections, meters, sludge storage facilities, appurtenances and other facilities of the City employed in the collection, treatment and disposal of wastewater.
- (14) Water Utility Bill – a statement of charges prepared by the City for base rate and usage of water, wastewater, sanitation collection charges and/or any other fees, charges, penalties or other amounts imposed, levied or assessed under this Ordinance or any other City ordinance and sent or delivered to a customer or other person, business or entity liable therefore.

(15) Water Main – A conduit or pipe of the water system which conveys water.

(16) Water System – All treatment plants, mains, pumps, meters, connections, supply reservoirs, storage tanks, appurtenances and other facilities of the City employed in the purification, transportation and supply of treated and untreated water.

SECTION 2. APPLICATION FOR SERVICE.

- (A) **Application Required.** Before any service shall be supplied by the department to any customer, the person, business or entity requesting service shall make proper written application for such service with the department and shall complete all information on forms required by the department. If the application is for a new water or wastewater tap, additional information shall be supplied to the department in order to determine the additional cost of the service tap or connection charges, fees, costs and expenses. All new customers are required to pay an activation fee as outlined in the water rate schedule. Any person, business or entity which has been previously a customer shall provide any previous name and address under which the applicant was previously furnished with service and with the applicant shall pay any fees, damages, charges, expenses, penalties or delinquent accounts owed by the applicant to the City of Ferris.
- (B) **Effect of Application and Liability for Payment.** When an application for service has been approved and accepted by the department, the applicant, the occupant and the owner of the premises to be serviced shall be jointly and severally liable for and shall pay upon demand any and all charges, rates, fees, costs, penalties and other amounts that may be imposed, levied or assessed in accordance with this Ordinance. The application shall further constitute a joint and several agreement on behalf of said applicant, the occupant and/or owner to comply with all terms and provisions of this Ordinance and all other local, state, and federal laws, as then existing or as thereafter enacted or amended.
- (C) **Use of Water Prior to Accepted Application.** No person, business or entity shall use any water, turn on any water service or valve or tap into a City water system, wastewater system or service furnished through any City water system or wastewater system to any premises prior to the City's acceptance of the required application and the payment of all fees, costs, expenses, charges and other amounts imposed, levied or assessed pursuant to this Ordinance. Any person, business or entity which uses any water through a City service line, turns or attempts to turn on any water service or valve and/or taps or attempts to tap into any City service, water system or wastewater system prior to the City's acceptance of the required application and/or prior to the payment of all fees

(D), costs, expenses, charges and other amounts imposed, levied or assessed pursuant to the Ordinance shall be in violation of this Ordinance and shall be subject to the penal provisions of this Ordinance.

(E) **Change in Service.**

(1) **Moving Into Premises.** Any person, business or entity moving into or occupying any premises shall be responsible for complying with all terms and provisions of this Ordinance.

(2) **Moving Away From Premises.** Any customer who moves away from any premises to which service is being furnished shall notify the department during normal business office hours within seventy-two (72) hours before the moving date and shall provide the department with the customer's new mailing address.

(F) **Change of Name.** In the event of a change of business or other name for any customer, such customer shall file with the City as soon as reasonably practical after such change of name a new application for water service and shall pay with said application all fees, damages, charges, penalties and delinquent accounts owed by such customer under the former name.

(G) **Misinformation on Application.** Any person, business or entity which provides incomplete, incorrect, false, deceptive, inaccurate or misleading information on any application or which fails to provide any application or other information required by or through any terms or provisions of this Ordinance shall be in violation of this Ordinance and shall be subject to the penal provisions of this Ordinance.

SECTION 3. METER REQUIRED; METERS TO BE READ MONTHLY; ESTIMATED CHARGE AND ADJUSTMENTS FOR LEAKS.

(A) **Meters Generally.** A customer shall receive water service only when measured through a meter. All water meters furnished by the department shall at all times remain the property of the City. The Director shall determine the size, type, quantity and location of meters and connections to meters to be installed. Each meter shall be electronically read, when reasonably possible, once a month and a water utility bill shall be rendered accordingly. At no time shall more than one building or one duplex unit or one single family residence be placed on any single meter.

(B) **Estimated Bill Circumstances.** The quantity of water delivered to a premises may be estimated under any of the following circumstances:

(1) The meter reader is unable to procure a reading of the meter because access to the meter is obstructed or made hazardous by an animal or otherwise; or

- (2) The meter does not properly function or the equipment used to read the meter does not properly function; or
 - (3) Adverse weather, an act of God or other circumstance prevents or inhibits the reading of the meter; or
 - (4) No meter is in place at the premises; or
 - (5) For some other reason, a meter reading is not available to the billing section of the department at the time of preparing a water utility bill to the customer.
- (C) **Basis for Estimates.** An estimate shall be based on past consumption experience at the premises and adjusted for seasonal variations, or if there is no similar past experience, then upon consumption of the same class of customers under similar conditions. If a customer demonstrates to the satisfaction of the Director or the City Manager that an estimated bill is excessive, then the department shall render a water utility bill for water usage based on a revised estimate or on an actual meter reading where reasonably possible.
- (D) **Meter Reading Verification.** If the customer is of the opinion that there is an error or a discrepancy for water usage on such customer's water utility bill, the Director will inspect the meter and verify the reading. A verification fee, as provided in the Fee Schedule will be assessed to and shall be paid by the customer unless the Director verifies that the customer's bill was grossly in error or that the customer has not requested more than one verification during the previous six month period.
- (E) **Return of Meters.** All water meters furnished to customers are the property of the City and shall be returned by the customer immediately upon request of the Director. Failure by a customer to return a meter when requested constitutes grounds for disconnection or refusal of service. Any person, business or entity which has possession, care, custody or control of a meter and which fails to deliver the same to the City after request to do so by the Director, the City Manager or either of their respective designees shall be in violation of this Ordinance and shall be subject to the penal provisions of this Ordinance.
- (F) **Maintenance of Meters.** The department is responsible for maintenance, inspection and repair of all water meters rendered unserviceable through normal wear and tear. When replacements, repairs or adjustments of any meter, meter box, and service valve are made necessary by any act, omission, negligence or carelessness of a customer, or any other person, business or entity, such customer, person, business or entity shall pay all damages resulting from such act, omission, negligence or carelessness to the department on demand and if the same are not so paid by a customer responsible therefore, service to such customer, owner and/or occupant shall be disconnected.
- (G) **Testing of Meters.** When any customer is of the opinion that the meter through which the water is supplied is incorrect for any reason, the customer may request that a meter

test of the meter be made. The customer shall pay a fee for the test and the new replacement meter based upon the size of said meter, as provided in the Fee Schedule. When the Director receives the results of the test and if the meter was found to be over-registering by more than two percent (2%), the testing fee shall be returned along with a refund for up to twelve (12) months or the actual length of time the meter was installed, whichever is shorter. The refund shall be the amount overcharged during the time as determined by recalculation of the past bills for said period.

SECTION 4. SERVICE AND TAP CONNECTION CHARGES.

(A) Water Service Installation and Tapping Charges.

(1) As provided in Fee Schedule.

(B) Wastewater Service Installation and Connection Charges.

(1) As provided in Fee Schedule.

(C) In the event that it is necessary or advisable to open cut any street or roadway for the installation, whether for water or wastewater services, the applicant shall be charged a fee to be determined by the Public Works Director which shall be remitted to the City's general fund to be used for street maintenance purposes.

(D) The aforesaid fees and charges are intended to cover only routine and normal water and/or wastewater installations for service. Notwithstanding any term or provision of this Ordinance to the contrary, the fees, expenses, costs and charges for labor and materials to be paid by any applicant or customer for any meter, tap, and installation of water or wastewater service or connection shall never be less than the actual cost thereof as determined by the Director. When charges, costs, expenses or fees for a service are not specified in this Ordinance or when such charges, costs, expenses or fees are inadequate, the Director shall establish such charges and fees based on the actual cost of materials and labor for performing the installation of the meter, tap, connection and/or service, including, but not limited to, such cost for repairs to damaged equipment and/or facilities, field location of mains, fire hydrant placement or relocation, installation of traffic lid on meter boxes, replacement of an existing meter with larger meter, removal of temporary service, abandonment of manholes, mains or services and providing printed materials as requested.

SECTION 5. WATER RATES AND ACCOUNTS.

(A) The amounts to be levied and collected from any person, business or entity using the City Water System shall be computed in accordance with the following monthly water rate schedule and all fees or charges pertaining to this ordinance in the future shall be updated or changed by Resolution:

(1) **Monthly Residential Rates for Customers Within the City Limits:**

As provided in Water Rate Schedule.

Provided, however, that where more than one residential customer is serviced from the same water meter, each such customer shall pay a minimum monthly rate (as provided in the Water Rate Schedule) plus the amount of water provided through such meter as shown on the foregoing schedule, after an allowance for the base number of gallons per customer serviced by said meter.

(2) Monthly Commercial Rates for Customers Within the City Limits:

As provided in Water Rate Schedule.

Said commercial rates shall apply to all customers except Multi-family and Residential.

(3) Residential and Commercial Customers Outside the City Limits.

Residential customers whose premises are located outside the City Limits shall pay the same rates as customers located inside the City Limits.

(4) Fire Hydrants.

Any person, business or entity authorized by the City to use water from a fire hydrant shall pay a deposit, in addition to a monthly base rate charge plus a fee for each thousand gallons used. (as provided in the Fee and Water Rate Schedule)

(B) Due Dates for Payment of Monthly Water Utility Bills, Late Charges and Disconnection for Delinquent Payment or Nonpayment.

- (1) As nearly as reasonably practical, each customer shall be sent a monthly water utility bill to the customer's address shown on the department's records. Each water utility bill shall include but shall not be limited to the applicable monthly base rate for water and water usage. Each water utility bill shall be due and payable within forty-eight hours after the same is mailed by the department or is delivered to the customer, whichever event shall first occur. Payment of a water utility bill shall be made to the City of Ferris Water Department, 104 S. Central, Ferris, Texas 75125.
- (2) Any customer who fails to pay a water utility bill within fifteen (15) days from the date such bill was invoiced shall be subject to a late payment penalty in the amount of ten percent (10%) of the total amount due. Payments must be in the office, not postmarked, to avoid a late payment penalty.
- (3) Any customer who fails to pay the water utility bill and/or any other fee, penalty or charge imposed, levied and/or assessed under this Ordinance within twenty (20)

days from the date such bill was invoiced shall be subject, without notice from the City, to such customer's services being disconnected from the City's water system. Failure to receive a bill or second notice will not relieve the customer of the responsibility of timely payment of the account and will not negate any fees or penalties due.

- (4) Any customer which has been placed on disconnect list for non-payment under Section 6 (B) of this Ordinance shall pay all delinquent water utility bills as may be required under Sections 2 of this Ordinance prior to reconnection. Additionally, a service trip fee shall be charged for reconnections made between 8:00 am and 5:00 pm on normal City workdays, as provided in the Fee Schedule. An increased trip service fee, as provided in the Fee Schedule shall be charged for reconnections made between 5:00 pm and 10:00 pm on normal City workdays or at such other times as may be approved by the Director. No reconnections will be made after 10:00 pm or before 8:00 am on normal workdays or at any other time unless approved by the Director.
- (5) The owner of the premises serviced and customer in whose name the account for services exists are jointly and severally liable for all charges for monthly water utility bills, late payments and reconnection fees assessed, levied or imposed under this Ordinance. Nevertheless, where service is provided to a tenant or occupant in a structure, whether residential or commercial, or to more than one tenant or occupant through a master meter or single service connection, the other owners and occupants shall remain jointly and severally liable for the unpaid delinquent amounts if the customer in whose name the account exists fails, refuses or is unable to pay the amounts shown on a water utility bill as the same became due and payable. The Director may refuse service or discontinue service to all other tenants, occupants and/or customers in said structure in the same manner provided for in Section 6 of this Ordinance until all delinquent amounts are fully paid.
- (6) Where a person, business or entity which is liable for any delinquent amounts at one address is found to have an account in his or its name at another address, the delinquent amounts at the previous address may be transferred to the account at the new address, and service discontinued at the new address until the delinquent amounts are fully paid.
- (7) **Miscellaneous Charges and Provisions.**
 - (a) **Requested Disconnect Fee.** The service charge for a department employee answering the request of a customer for a temporary disconnection of service shall be charged, as provided in the Fee Schedule, per trip and shall be paid by such customer upon demand.
 - (b) **Return Check Fee.** Upon the return of any check issued by a customer and is not paid or is returned by the bank on which it is drawn for any reason, a fee shall be assessed for such returned check and shall be paid by the customer who

issued such check, as provided in the Fee Schedule. Upon notice that the customer's check did not clear the bank, the account will be treated as though no payment was made.

- (c) **Delinquent Fee.** Once the department clerk has generated a list of delinquent accounts, a delinquent fee will be charged, as provided in the fee schedule. Reconnect fees will automatically be applied once the disconnect list has been generated, even if the water service has not yet been disconnected.
- (d) **Adjustment For Leaks.** Any customer who requests an adjustment due to a water leak shall present to the Director such documents and verification as the Director may require to substantiate that a water leak has occurred. If the Director is satisfied that a leak has occurred, the Director may adjust one month's billing to that customer during the period of the leak to an amount equal to the full applicable base and usage rate for the first 10,000 gallons of water or the average usage for the previous two months, whichever is greater and to charge a reduced amount, as provided in the Fee Schedule, per thousand gallons over that amount for that month. The customer shall not be entitled to any further adjustments for that leak even though said leak may have extended into two or more monthly billing periods. The customer shall not be entitled to any further leak adjustments for six (6) months after receiving a leak adjustment.

SECTION 6. CROSS-CONNECTION CONTROL AND PREVENTION

(A) Cross Connection standards.

Every source of contamination or possible contamination from any contaminant which originates from or is located at a residential or commercial establishment, which is connected to any public water supply or which provides water to the public shall be equipped with the protection required under the provisions of this Section.

(B) Definitions.

For the purpose of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning. If a word or term used in this Section is not contained in the following list, its definition, or other technical terms used, shall have the meanings or definitions listed in the most recent edition of the Manual of Cross Connection Control published by the foundation for Cross connection Control and Hydraulic Research, University of Southern California, the following definitions shall apply to this Section:

Air gap – shall mean a physical separation between the free flowing discharge end of a potable water supply piping and/or appurtenance and an open or non-pressure receiving vessel, plumbing fixture or other device. An “approved air-gap

separation” shall be at least twice the diameter of the supply pipe measured vertically above the overflow rim of the vessel, plumbing fixture or other device in no case less than one inch.

Atmospheric vacuum breaker backflow prevention device or atmospheric vacuum breaker or AVB – shall mean a device used to prevent backsiphonage in non-health hazard conditions. This device cannot be tested and cannot prevent backpressure backflow.

Approved backflow prevention assembly or backflow assembly or assembly – shall mean an assembly to counteract back pressure or prevent backsiphonage.

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

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

Backpressure – shall mean any elevation of pressure in the downstream piping system (by any means) above the supply pressure at the point of consideration which would cause, or tend to cause, a reversal of the normal direction of flow and the introduction of fluids, mixtures or substances from any source other than the intended source.

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

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

City or The City – shall mean the City of Ferris, Texas or its representative.

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

Commission – shall mean the Texas Commission on Environmental Quality (TCEQ).

Contaminates – shall mean any foreign material, solid or liquid, not common to the potable water supply which makes or may make the water unfit or undesirable for human or animal consumption.

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

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

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

Degree of hazard – shall mean the low or high hazard classification that shall be attached to all actual or potential cross-connections.

- (1) Health hazard – means an actual or potential threat of contamination of a physical or toxic nature to the public potable water system or the consumer's potable water system that would be a danger to health
- (2) High hazard – means the classification assigned to an actual or potential cross-connection that potentially could allow a substance that may cause illness or death to backflow into the potable water supply.
- (3) Low hazard – means the classification assigned to an actual or potential cross-connections that potentially could allow a substance that may be objectionable but not hazardous to one's health to backflow into the potable water supply.
- (4) Plumbing hazard – means an internal or plumbing-type cross-connection in a consumer's potable water system that may be either a polluttional or a contamination-type hazard.
- (5) Polluttional hazard – means an actual or potential threat to the physical properties of the water system or the potability of the public or the consumer's potable water system but which would not constitute a health or system hazard, as defined. Maximum degree of intensity of pollution which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances.

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

Director – shall mean the director of the Public Works Department who is vested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of this ordinance.

Double check detector backflow prevention assembly or double check detector or DCDA – shall mean an assembly composed of a line-size approved double check assembly with a bypass containing a specific water meter and an approved double check valve assembly. The meter shall register accurately for very low rates of flow.

Double check valve back-flow prevention assembly or double check assembly or double check or DC – shall mean an assembly which consists of two independently acting, approved check valves, including tightly closing resilient seated test cocks.

Fireline Tester – shall mean a tester who is employed by a state approved fireline contractor and is qualified to test backflow prevention assemblies on firelines only.

General Tester – shall mean a tester who is qualified to test backflow prevention assemblies on any domestic, commercial, industrial or irrigation service except fireline.

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

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

Person – shall mean any individual, partnership, associations, corporations, firms, clubs, trustees, receivers, and bodies politic and corporate.

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

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

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

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

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

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

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

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

Regulatory authority – shall mean any municipal officer or department of the City of Ferris, appointed by the Mayor or City Manager to administer this Section.

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

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

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

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

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

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

TCEQ – shall mean the Texas Commission on Environmental Quality.

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

(C) Right-Of-Way Encroachment

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

- (1) Backflow prevention assembly required by the city may be installed upon or within any city right-of-way only if the owner proves to the city that there is no other feasible location for installing the assembly, and installing it in the right-of-way will not interfere with traffic or utilities. The city retains the right to approve the location, height, depth, enclosure, and other requisites of the assembly prior to its installation.
- (2) All permits and inspections required by the City Code to perform work in the right-of-way shall be obtained.
- (3) The assembly shall be installed below or flush with the surrounding grade except when it is not practicable to install it in this manner. Any assembly or

portion of an assembly which extends aboveground shall be located no closer than eighteen (18) inches to the face of the curb.

- (4) The city shall not be liable for any damages done to or caused by an assembly installed in a right-of-way.
- (5) A property owner shall, at the request of the city and at the owner's expense, relocate a backflow prevention assembly which encroaches upon any city right-of-way when such relocation is necessary for street or utility construction or repairs for purposes of public safety.
- (6) A person commits an offense if he/she fails to relocate a backflow prevention assembly located in or upon any city right-of-way after receiving a written order from the regulatory authority to do so.

(D) Multiple Connections

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

(E) Protection required; installation

- (1) The backflow prevention assembly protection which is required under this Section shall be any of the duly authorized backflow prevention assemblies listed in the Uniform Plumbing code, or as determined by the regulatory authority. Each backflow prevention assembly must have been approved by the regulatory authority or his chosen representative in conjunction with the chief plumbing inspector of the city for the use contemplated by the commercial establishment prior to installation. Failure to obtain such approval prior to installation of the backflow prevention assembly may result in the backflow prevention assembly failing to meet final approval by the regulatory authority. The regulatory authority shall determine the type and location of backflow assembly to be installed within the area serviced by the City of Ferris. The assembly will be required in each of the following circumstances, but the representative is in no way limited to the following circumstances:
 - (a) The nature and extent of any activity of the premises, or the materials used in connection with any activity of the premises, or materials stored on the premises, could contaminate or pollute the potable water supply.
 - (b) Premises having any one or more cross-connections identified or are present.

- (c) Premises having any one or more cross-connections and the cross-connection(s) is protected by an atmospheric vacuum breaker device (AVB).
- (d) Internal cross-connections are present that are not correctable.
- (e) Intricate plumbing arrangements that are present which make it impractical to ascertain whether cross-connections exist.
- (f) There is a repeated history of cross-connections being established or re-established.
- (g) There is unduly restricted entry so that inspections for cross-connections cannot be made with sufficient frequency to assure that cross-connections do not exist.
- (h) Materials are being used such that, if backflow should occur, a health hazard could result.
- (i) Installation of an approved backflow prevention assembly is deemed to be necessary to accomplish the purpose of these regulations in the judgment of the city.
- (j) An appropriate cross-connection survey report form has not been filed with the Public Works Department upon request of the city.
- (k) A fire sprinkler system that is connected to the city's water system.
- (l) A new construction if deemed necessary in the customer service inspection. The type of assembly will be commensurate with the degree of hazard as determined by the regulatory authority.
- (m) When a building is constructed on commercial premises, and the end use of such building is not determined or could change, a reduced pressure principle backflow prevention assembly may be installed at the service connection that supplies water for public domestic use.
- (n) Any used water return system.
- (o) In the event a point-of-use assembly has not had the testing or repair done as required by this ordinance, a premises isolation assembly will be required.
- (p) If it is determined that additions or alterations have been made to the plumbing system without obtaining proper permits, premises isolation may be required.

- (q) All multistory buildings or any building with a booster pump or elevated storage tank.
 - (r) Retrofitting will be required on all high hazard connections and wherever else the city deems necessary to retrofit.
- (2) All backflow prevention assemblies installed after the effective date of this Section shall be installed in a manner designed to facilitate ease of inspection by the regulatory authority of the city or his chosen representative. Any currently installed backflow prevention assemblies which, in the opinion of the regulatory authority, are located in inaccessible locations, or where the tester is subject to physical danger shall be relocated to an approved location.

(F) Testing Of Assemblies

- (1) The regulatory authority shall require inspection and testing of all assemblies in each of the following circumstances:
- (a) Immediately after installations;
 - (b) Whenever the assembly is moved;
 - (c) A minimum of once a year;
 - (d) Premises that have been vacated and unoccupied for one year, prior to re-occupancy;
 - (e) Immediately after repairs.
- (2) All assembly testing shall be performed by a certified backflow prevention assembly tester, approved by the regulatory authority.
- (3) Duly authorized employees of the city bearing proper credentials and identification are entitled to enter any public or private property at any reasonable time for the purpose of enforcing this Section. Persons and occupants of premises which are provided water service by the city, either directly or indirectly, shall allow the city or their representative's ready access at all reasonable times to all parts of the premises for the purposes of inspection, records examination, or in the performance of any of their duties. Where persons or occupants of premises have security measures in force which would require proper identification and clearance before entry into their premises, the persons and occupants of the premises shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.
- (4) The city shall not be liable for damage to a backflow prevention assembly that occurs during testing.

- (5) The regulatory authority may cause a water use survey to be conducted at any commercial establishment located in the city which is served by a public water supply or which provides water to the public. Upon determination by the regulatory authority that the commercial establishment falls under the provisions of this Section and requires a backflow prevention assembly, the regulatory authority shall issue a notice to abate the condition or order the commercial establishment to install the proper backflow prevention assembly.
- (6) It is the responsibility of any person who owns or controls property to have all assemblies tested, at the customer's expense, in accordance with this Section. Assemblies may be required to be tested more frequently if the regulatory authority deems necessary.
- (7) All results from assembly testing by a certified backflow prevention assembly tester shall be placed on a standard form and a copy provided to the city.

(G) Thermal Expansion

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

(H) Pressure Loss

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

(I) Residential Service Connections

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

(J) Rental Properties

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

(K) Customer Service Inspection

- (1) Pursuant to TCEQ Water System Regulations, a customer service inspection for cross-connection control shall be completed by the regulatory authority prior to providing continuous water service in each of the following circumstances:

- (a) Water service to a newly constructed facility or previously non-existing premises.
- (b) After any material improvement to building(s) or premises.
- (c) Any correction or addition to the plumbing of any facility or premises serviced by the city.
- (d) The regulatory authority deems it necessary.
- (e) Permanent water service shall not be supplied to a new construction facility(s) until after the customer service inspection is completed.

(L) Installation Guidelines and Requirements for Backflow Prevention Assemblies

- (1) General – to ensure proper operation and accessibility of all backflow prevention assemblies, the following requirements shall apply to the installation of these assemblies.
 - (a) Backflow prevention assemblies shall be installed in accordance with the current TCEQ Rule and these regulations. The assembly installer must obtain the required plumbing permits and have the installation inspected by a representative of the regulatory authority.
 - (b) At those facilities where the regulatory authority requires a backflow prevention assembly be installed at the point of delivery of the water supply. Such installation of the assembly must be before any branch in the line and on private property located just inside the boundary between the city right of way and the landowner's property. The regulatory authority may specify other areas for installation of the assembly. Assemblies that must be installed or are located on city rights of way are the responsibilities of the business or entity that the water line is service.
 - (c) The assembly must be protected from freezing and other severe weather conditions.
 - (d) All backflow prevention assemblies shall be of a type and model approved by the regulatory authority.
 - (e) All vertical installations of backflow assemblies must have prior approval by the regulatory authority.
 - (f) Assemblies that are larger than 4 inches and installed more than 5 feet above floor level must have a suitable platform for use by testing or maintenance personnel.
 - (g) Bypass lines are prohibited. Pipe fittings which could be used for connecting a bypass line must not be installed.

- (h) Premises where an uninterrupted water supply is critical should be provided with two assemblies installed in parallel. They should be sized in such a manner that either assembly will provide the maximum flow required.
 - (i) Lines should be thoroughly flushed prior to installation. A strainer with blowout tapping may be required ahead of the assembly.
 - (j) All facilities that require continuous, uninterrupted water service and are required to have a backflow assembly must make provisions for the parallel installation of assemblies of the same type so that testing, repair and maintenance can be performed.
 - (k) The property owner assumes all responsibility for any damages resulting from installation, operation, and/or maintenance of a backflow assembly. The owner shall be responsible for keeping all backflow prevention assembly vaults reasonably free of silt and debris.
 - (l) Upon completion of installation, the regulatory authority shall be notified and all assemblies must be inspected and tested. All assemblies must be registered with the regulatory authority and shall provide the date of installation, manufacturer, model, type, size, serial number of the backflow assembly, and initial test report.
- (2) Reduced pressure principle backflow prevention assemblies (RPs) – may be utilized at premises where a substance is handled that would be hazardous to health if introduced into the potable water system. The RP is normally used in locations where an air gap is impractical. The RP is effective against both backsiphonage and backpressure.
- (a) RPs must be sized to provide an adequate supply of water and pressure for the premises being serviced. Flow characteristics are not standard. Consult manufacturer’s specifications for specific performance data.
 - (b) The assembly must be readily accessible for testing and maintenance and must be located in an area where water damage to building or furnishing would not occur from relief valve discharge. The property owner assumes all responsibility for any damage caused by water discharge from an RP assembly. An approved air gap shall be located at the relief valve orifice of RP assemblies. This air gap shall be at least twice the inside diameter of the incoming supply line as measured vertically above the top rim of the drain and in no case less than one inch (1”). An approved air gap funnel assembly may be used to direct minor discharges away from the assembly; this assembly will not control flow in a continuous relief situation. Drain lines to accommodate full relief valve discharge flow should be considered.

- (c) No part of a reduced pressure principle backflow prevention assembly shall be submerged in water or installed in a location subject to flooding. RP's are typically installed above grade in well drained areas, but may be installed below grade (ground level) if a bore sight drains to daylight, is provided. The drain shall be of adequate capacity to carry the full rated flow of the assembly and shall be screened on both ends.
 - (d) Enclosures shall be designed for ready access and sized to allow for the minimum clearances established below. Removable protective enclosures are typically installed on the smaller assemblies. Daylight drain ports must be provided to accommodate full pressure discharge from the assembly.
 - (e) Assemblies 2 inches and smaller shall have at least 6-inch clearance on both sides and on top of the assembly, and 12 inches below and behind the assembly. All assemblies larger than 2 inches shall have a minimum of 12 inches on the back side, 24 inches on the test cock side, and the relief valve opening shall be at least 12 inches plus nominal size of assembly above the floor or highest possible water level. Headroom of 6 feet 0 inches is required in vaults without a fully removable top. A minimum access opening of 36 inches is required on all vault lids.
 - (f) Vertical installation is prohibited.
 - (g) All RP assemblies must be tested in accordance with this article. Test is the responsibility of the assembly owner. The owner must notify the regulatory authority upon installation of any backflow prevention assembly.
 - (h) Variances from these specifications will be evaluated on a case-by-case basis. Any deviations must have prior written approval by regulatory authority.
- (3) Reduced pressure principle detector backflow prevention assemblies (RPDA) may be utilized in all installations requiring a reduced pressure principle backflow prevention assembly and detector metering.
- (a) RPDA's shall comply with the installation requirements applicable for reduced pressure principle backflow assemblies (RP).
 - (b) The line-size RP assembly and the bypass RP assembly must each be tested. A separate test report for each assembly must be completed by the certified tester.
- (4) Double check valve backflow prevention assemblies (DC) – may be utilized at premises where a substance is handled that would be objectionable but not hazardous to health if introduced into the potable water system.

- (a) DCs must be sized to provide an adequate supply of waste and pressure for the premises being served. Consult manufacturer's specifications for specific performance data.
- (b) Premises where an uninterrupted water supply is critical should be provided two assemblies installed in parallel. Assemblies should be sized in such a manner that either assembly will provide the minimum waste requirements while the two together will provide the maximum flow required.
- (c) The assembly shall be readily accessible with adequate room for testing and maintenance. DCs may be installed below grade, providing all test cocks are fitted with brass pipe plugs. All vaults shall be well drained, constructed of suitable materials, and sized to allow for the minimum clearances established below.
- (d) Assemblies 2 inches and smaller shall have at least 6-inch clearance below and on both sides of the assembly, and if located in a vault, the bottom of the assembly shall be not more than 24 inches below grade. All assemblies larger than 2 inches shall have a minimum clearance of 12 inches on the back side, 24 inches on the test cock side, and 12 inches below the assembly. Headroom of 6 feet or 72 inches is required in vaults without a fully removable top. A minimum access opening of 36 inches is required on all vault lids. "Y" pattern double check valve assemblies shall be installed so that the checks are horizontal and the test cocks face upward. These clearance standards apply to all assemblies installed in vaults, enclosures, and meter boxes.
- (e) Vertical installations of DCs are allowed only on sizes up to and including 4 inches that meet the following requirements:
 - (1) Internally spring-loaded check valves;
 - (2) Flow is upward through assembly;
 - (3) Manufacture states their assembly can be used in a vertical position;
 - (4) Approved by Director.
- (f) All DCs must be tested in accordance with this Section. Test is the responsibility of the assembly owner. The owner must notify the regulatory authority upon installation of any backflow prevention assembly.
- (g) Variances from these specifications will be evaluated on a case-by-case basis. Any deviations must have prior written approval regulatory authority.

- (5) Double check detector backflow prevention assemblies (DCDA) – may be utilized in all installations requiring a double check valve assembly and detector metering.
 - (a) DCDAs shall comply with the installation requirements applicable for double check valve assemblies (DCs).
 - (b) The line-size DC assembly and the bypass DC assembly must each be tested. A separate test report for each assembly must be completed by the certified tester.

- (6) Pressure vacuum breaker backflow prevention assemblies (PVB) – may be utilized at point-of-use protection only and where a substance is handled that would be objectionable but not hazardous to health if introduced into the potable water system. PVBs protect against backsiphonage only and shall not be installed where there is potential for backpressure.
 - (a) The assembly shall be installed a minimum of 12 inches above the highest downstream piping.
 - (b) PVBs shall not be installed in an area subject to flooding or where damage would occur from water discharge.
 - (c) The assembly shall be readily accessible for testing and maintenance, with a minimum clearance of 12 inches all around the assembly.
 - (d) All PVBs must be tested in compliance with this Section. Tests are the responsibility of the assembly owner. The owner must notify the regulatory authority installation of any backflow prevention assembly.
 - (e) Variances from these specifications will be evaluated on a case by case basis. Any deviations must have prior written approval of the regulatory authority.

- (7) Spill resistant pressure vacuum breaker backflow prevention assemblies (SVB) – may be utilized in all installations requiring a pressure vacuum breaker.
 - (a) SVBs shall comply with the installation requirements applicable for pressure vacuum breaker backflow prevention assemblies.

(M) Air Gap Separation

Air gap separations provide maximum protection from backflow hazards and may be utilized at premises where a substance is handled that would be hazardous to health if introduced into the potable water system.

- (1) An air gap separation shall be at least twice the diameter of the supply pipeline measured vertically above the top rim of the receiving vessel and in no case less than 1 inch. If splashing is a problem, tubular screens may be attached or the supply line may be cut at a 45 degree angle. The air gap distance is measured from the bottom of the angle. Hoses are not allowed.
- (2) Air gap separations shall not be altered in any way without prior approval from the regulatory authority and must be available for inspection at all reasonable times.
- (3) Side walls, ribs or similar obstructions do not affect air gaps when spaced from the inside edge of the spout opening a distance greater than three times the diameter of the effective opening for a single, or a distance greater than four times the effective opening for two intersecting walls.
- (4) Side walls, ribs or similar obstructions extending from the water surface to or above the horizontal plane of the spout opening other than specified in (3) above. The effect of three or more such side walls or ribs has not been determined. In such cases, the air gap shall be measured from the top of the wall.
- (5) The effective opening shall be the minimum cross-sectional area at the seat of the control valve or the supply pipe or tubing which feeds the assembly or outlet. If two or more lines supply one outlet, the effective opening shall be the sum of the cross-sectional areas of the individual supply lines or the area of the single outlet, whichever is smaller.

(N) Fire Systems.

An approved double check detector backflow prevention assembly (DCDA) or reduced pressure detector assemblies (RPDA) shall be the minimum protection for fire sprinkler systems using piping material that is not approved for potable water use and/or that does not provide for periodic flow-through during each twenty-four (24) hour period, unless a variance has been issued in writing from the regulatory authority. A (RPDA) must be installed if any solution other than the potable water can be introduced into the sprinkler system.

- (1) It is the responsibility of all property owners and persons in charge of any premises to abide by the conditions of this Section. In the event of any changes to the plumbing system, it is the responsibility of the property owners to notify the regulatory authority. All costs associated with this Section and the purchase, installation, testing and repair of (RPDA) devices is the responsibility of the property owner and persons in charge of any premises.
- (2) Upon the approved installation of the (RPDA) or approved device, a cross-connection test report completed by a licensed fireline tester must be sent to the

attention of the regulatory authority or his representative and include the information required by this Section.

(O) Responsibilities.

- (1) Property owner – it is the responsibility of all property owners and/or persons in charge of any premises to abide by the conditions of this Section. In the event of any changes to the plumbing system, it is the responsibility of the property owners and/or persons in charge of any premises to notify the regulatory authority. It shall also be the property owner and/or persons in charge of any premises responsibility to comply with the following:
 - (a) Payment of all costs associated with this Section and the purchase, installation, testing and repair of backflow prevention assemblies.
 - (b) To install and maintain all backflow prevention assemblies in accordance with this Section and acceptable industry practice.
 - (c) All commercial establishments shall cause to have all backflow prevention assemblies on their premises tested annually. Such testing must be conducted by a certified cross-connection tester who is registered with the city.
 - (d) Maintain all backflow prevention assemblies in proper working order at all times, including repair as required.
 - (e) Maintain all backflow prevention assemblies in a manner which allow them to be tested by a method that has been approved by the regulatory authority.
 - (f) All records related to backflow prevention assembly installation, testing and repair shall be maintained on the premises for a minimum of three (3) years.
- (2) Certified backflow prevention assembly tester shall comply with the following requirements:
 - (a) Annually register with the regulatory authority and pay the required fee.
 - (b) Maintain testing equipment in proper working condition/calibration.
 - (c) Maintain the design or operation characteristics of an assembly.
 - (d) Ensure that devices are tested according to accepted industry practice and TCEQ regulations.

- (e) Enter required testing data, including test gauge serial numbers, on cross-connection test forms obtained from the regulatory authority.
 - (f) Report test results to the regulatory authority within thirty (30) days of testing.
 - (g) Provide a copy of the completed test report to the property owners and/or persons in charge of any premises.
 - (h) Maintain testing and/or repair records for a minimum of three (3) years.
- (3) Regulatory authority – the regulatory authority shall have the authority and responsibility to enforce the provisions of this Section and the state statutes, when applicable regarding cross-connections. The regulatory authority shall require inspection and initial testing of all backflow prevention assemblies installed pursuant to the requirements of this Section. For new facilities, permanent water service shall not be provided until all backflow prevention assemblies have been tested and are operational. Except in cases where the testing of backflow prevention assemblies must be delayed until the installation of internal production or auxiliary equipment, the regulatory authority shall not approve a certificate of occupancy until all backflow prevention assemblies have been tested and are prevention assembly as a result of the inspection or testing.

(P) Backflow prevention assembly tester certification – registration required.

(1) To be an approved backflow prevention assembly testers, within the City of Ferris, an individual must register annually with the regulatory authority, provide proof of TCEQ certification, and provide proof that testing equipment is able to maintain a calibration of plus or minus 0.2 psid accuracy. The regulatory authority will maintain a current list of licensed testers which will be made available to facilities which may need testers to perform their annual testing.

(2) A certified testers’ registration may be reviewed and revoked by the city if the regulatory authority determines that the tester:

- (a) Has falsely, incompletely, or inaccurately reported assembly reports;
- (b) Has used inaccurate gauges;
- (c) Has used improper testing procedures; or
- (d) Has created a threat to public health or the environment.

(Q) Fees.

There may be an annual non-refundable registration fee for each non-residential backflow prevention assembly device. This fee may appear on the monthly water/sewer bills and relates solely to the matters covered in this Section and are separate from other fees chargeable by the city, as provided in the Fee Schedule.

(R) Compliance for lawn irrigation.

All commercial and residential lawn irrigation system installations shall obtain a permit issued by the building inspection department for such installations. The installation requirements must comply with guidelines for the appropriate device found in this Section. Interconnections of the potable water supply with an alternate water source are prohibited. Appropriate backflow protection devices must be installed if any mechanical injection stations are used with the irrigation system.

(S) Compliance for mobile units.

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

(T) Violations.

- (1) A person commits an offense if he fails to maintain backflow prevention assemblies in compliance with this Section.
- (2) A person commits an offense if he fails to comply with a repair order issued by the regulatory authority.
- (3) A person commits an offense if backflow from premises he own, operates or manages enters the public water supply system.
- (4) A person commits an offense if he fails to pay any fees required by this Section.
- (5) A person commits an offense if he violates any section of this Section.
- (6) A person commits an offense if he reinstates water service to premises discontinued or disconnected under this Section, except as directed by the regulatory authority.
- (7) A person in charge of any facility commits an offense if he allows an unregistered tester to perform testing work at their establishment.
- (8) A person commits an offense if he tests backflow prevention assembly within the city without being registered with the regulatory authority.

- (9) A person commits an offense if he tests backflow prevention assembly within the city without being certified by the TCEQ.

SECTION 7. GENERAL POLICIES AND REGULATIONS REGARDING WATER AND WASTEWATER.

(A) Control of and Access to Systems; Interference with Access Generally.

- (1) **Systems as City Property.** All parts of the water and wastewater systems up to the customer's property line and/or the water meter location are the property of the City. The Director shall maintain and control each system and keep detailed records concerning all aspects of the system's operations as the City Manager, Mayor and/or City Council may require.
- (2) **Who Has Access.** Only a person who is authorized by the Director and/or City Manager shall have access to the water and wastewater systems for operation, construction, maintenance, repair and other service-related purposes.
- (3) **Obstruction of Authorized Persons.** A person shall be in violation of this Ordinance and shall be subject to the penal provisions of the Ordinance if he obstructs a person authorized in accordance with Section 8(A)(2) of this Ordinance, from the following:
- (a) gaining access to a part of the water or wastewater system for purposes of operation, inspection, construction, maintenance or repair; or
 - (b) performing actual operation, inspection, construction, maintenance or repair of a part of the water or wastewater system.

(B) Emergency Authority.

- (1) **Purpose and scope.** The purpose of this Section is to establish the City's policy in the event of shortages or delivery limitations in the City's water supply. This Section shall apply to:
- (a) all customers and premises within the City using water from the water system; and
 - (b) all customers who live in unincorporated areas within the City's extraterritorial jurisdiction and are served by the water system.
- (2) **Emergency Water Management Plan.** At such time or times as it may be necessary or advisable, the City Manager shall promulgate and submit an emergency water management plan to the City Council for approval, the guidelines of which should include:

- (a) the priority of users of the City's water supply subject to the requirements of state law;
 - (b) the conditions under which a particular stage of emergency will be implemented or terminated; and
 - (c) provisions defining specific events that will trigger an emergency.
- (3) **Authority.** The City Manager is authorized to implement measures prescribed when required by this Section and by the emergency water management plan approved by the City Council. The Director is authorized to enforce the measures implemented and to promulgate regulations in aid of enforcement, which are not in conflict with this Section or state and federal laws.
- (4) **Implementation of Emergency Order.** The City Manager may order that the appropriate stage of emergency response, as detailed in the emergency water management plan, be implemented. To be effective, the order shall be:
- (a) made by public announcement; and
 - (b) published in a newspaper of general circulation in the City as soon as reasonably possible or practical after the public announcement, and such order shall be immediately effective upon publication.
- (5) **Duration of Order; Change; Extension.** The order can be made effective for up to, but not more than, sixty (60) days from the date of publication. The City Manager may upgrade or downgrade the stage of emergency when the conditions triggering that stage occur. Any change in the order must be made in the same manner prescribed in Section 8(B)(4) of this Ordinance for implementing an emergency order. The City Council may, upon the recommendation extend the duration of the emergency order for additional time periods, not to exceed 120 days each. The City Manager shall terminate the order in the manner prescribed in Section 8(B) (4) of this Ordinance for implementing an emergency order when the City Manager determines that the conditions creating the emergency no longer exists.
- (6) **Violation of Section.** A person shall be in violation of this Ordinance and shall be subject to the penal provisions of this Ordinance if he knowingly makes, causes or permits a use of water contrary to the measures implemented by the City Manager as prescribed in the emergency water management plan. For purposes of this subsection, it is presumed that a person has knowingly made, caused or permitted a use of water contrary to the measures implemented if the mandatory measures have been formally ordered consistent with the terms of Section 8(B)(4) of this Ordinance and:

- (a) the manner of use has been prohibited by the emergency water management plan; or
 - (b) the amount of water used exceeds that allowed by the emergency water management plan; or
 - (c) the manner or amount used violates the terms and conditions of a compliance agreement made pursuant to a variance granted by the City Manager under this Ordinance.
- (7) **Revisions.** The City Council may, from time to time, make revisions in the emergency water management plan approved under Section 8 (B)(2) of this Ordinance if prudent conservation requires the revisions.
- (8) **Authority Under Other Laws.** Nothing in this section shall be construed to limit the authority of the City Manager, Mayor, City Council or the Director to seek emergency relief under the provisions of any state or federal disaster relief act.
- (C) **City Supply Must Be Adequate.** Under no circumstances shall water be furnished by the City to any applicant or customer unless the supply of the City is adequate.
- (D) **Temporary Discontinuance for Construction, Maintenance or Emergency Reasons.**
- (1) **Reasons for Temporary Discontinuance.** The Director is authorized to temporarily discontinue service to premises for any of the following reasons:
 - (a) to prevent or lessen potential injury to persons, private or city property, or other parts of the systems if a main breaks or if any other failure occurs in the water or wastewater systems;
 - (b) to perform routine maintenance or repair to any part of the water or wastewater systems;
 - (c) to perform emergency maintenance or repair to any part of the water or wastewater systems;
 - (d) in other cases of emergency, when necessary to protect the general health, safety or welfare of persons; or
 - (e) to make a connection to a newly constructed or relocated water or wastewater main.
 - (2) **Responsibilities Upon Temporary Discontinuance.** In all cases of temporary discontinuance, the Director must restore service as soon as is practical and must

take all reasonable steps necessary to protect the public health and safety under the circumstances.

(E) Authorized Employees; Right of Access of Employees for Inspection and Maintenance; Access of Contractors.

- (1) **Authorized Employees.** The City Manager shall designate those individuals who are employed by the department and authorized to carry a credential of the department. No person other than an authorized employee shall have or use any credential of the department. An employee must surrender credentials to the Director upon termination of employment or at the request of the City Manager.
- (2) **Right to Access.** An authorized employee shall carry a credential when dealing with the general public. Upon presentation of the credential, an authorized employee shall have free access, at reasonable hours, to private premises receiving service for the purpose of reading or inspecting a water meter, a backflow prevention device or for other service-related activities. Only an authorized employee may have free access to parts of the water and wastewater systems for purposes of operation, construction, repair or maintenance.
- (3) **Access by Non-authorized Persons.** A person shall be in violation of this Ordinance and shall be subject to the penal provisions of this Ordinance if he is not an authorized employee under this Ordinance and he:
 - (a) uses a department credential to obtain access to private property or to a part of the water or wastewater system; or
 - (b) falsely represents, by other than the display of a credential, that he is an authorized employee of the department to obtain access to private property or to a part of the water or wastewater system.
- (4) **Private Contractors.** A person performing construction or repair work for the department pursuant to a contract with the City or pursuant to a private development contract authorized by the City has a right of access to those parts of the water or wastewater system as is reasonably necessary to fulfill performance of the contract; provided, that no person shall have the right under such contract to open or operate any valve in water or wastewater systems and any such access shall be subject to the express directions of the Director, the term of the contract documents and all requirements of this Ordinance concerning permits and/or applications.

(F) Service Connections.

- (1) **Maintaining Service Connections.** The Director is authorized to maintain service connections from the mains in public rights-of-way to building laterals or building water lines on premises, pursuant to the following rules:

- (a) The City is responsible for maintenance of a service connection from the water main to the meter and from the wastewater main to the customer's property line.
- (b) The City will maintain a service connection at its original size or larger as authorized by the Director but only as long as the customer continues use of a service.
- (c) The City will remove, at the property owner's expense, a service connection made in violation of this Ordinance.
- (d) The Director is authorized to charge fees, charges, costs and expenses in accordance with Section 5 of this Ordinance to an applicant or property owner for installation of a service connection, as provided in the Fee Schedule.

(G) Construction and Installation Rules. The following rules govern construction and installation of service connections:

- (1) A building lateral, building water line, drain and other private plumbing shall be constructed in strict accordance with the provisions of the City's plumbing and building codes. The Director may, as a condition of the service, impose additional construction requirements not in conflict with the plumbing and building codes, this Ordinance, or other applicable state or federal laws and regulations in order to protect the system from damage or contamination, to facilitate connection, or where extraordinary circumstances may require.
- (2) All service connections shall be made only by persons authorized by the Director, and the private plumbing must meet the construction requirements of the plumbing code. Any ditch dug for the purpose of installing a connection shall be backfilled by the applicant or his gent upon completion of the construction.

(H) Nuisance. Every commode, wastewater drain, privy or other wastewater receptacle used on the premises which is not connected to the wastewater system or which is not connected to a septic tank or receptacle approved under this Ordinance or under other city ordinances, codes and regulations is hereby declared to be a nuisance and a public health hazard and shall be removed by the owner or occupant of said premises upon demand by the Director. Any such owner or occupant who fails to follow such removal demand as required by the Directory shall be in violation of this Ordinance and shall be subject to the penal provisions of the Ordinance.

(I) Cross Connections; Location of Water and Sewer Mains.

- (1) **Cross Connection Prohibited.** No person, business or entity shall make or permit a cross connection unless such cross connection is protected by a backflow prevention devise approved in writing by the Director prior to such cross connection.

- (2) **Proximity of Water and Wastewater Mains.** The Director shall regulate the relative proximity of water mains to wastewater mains, both existing and under construction, in accordance with the Design Criteria for Public Sewerage Systems and the Rules and Regulations for Public Water Supply of the State Department of Health, in order to prevent contamination of the water system.

(J) Fire Protection Systems.

- (1) **Application Required.** No person, business or entity shall connect a fire protection system to the water system until application pursuant to Section 2 of this Ordinance is made to and accepted by the Director and the Fire Chief.
- (2) **General Requirements.** A fire protection system shall be subject to the following regulations:
- (a) The Director shall not permit a fire protection system without an approved meter or detector check device with a bypass, both installed at the customer's sole expense, except for a closed sprinkler system having an automatic water flow fire alarm system approved by the Director.
 - (b) Unless the Director approves in writing a size-on-size connection, a fire protection service line shall not be larger than one size smaller than the water main service the fire protection system, provided that, in every case, the water system must be capable of providing, at the point of delivery, the delivery rate specified by the customer's system designed for the fire protection system as approved by the Director.
 - (c) A fire protection service line shall not be larger than eight inches without the Director's written approval.
 - (d) Any fire protection system shall conform to the standards and regulations promulgated by the Texas State Board of Insurance and other applicable provisions of this Ordinance and by the Director, and other City codes, ordinances, rules and regulations as now existing and as hereafter adopted, enacted or amended.
- (3) **Installation of Service Connections.** The City may inspect installation and maintenance of the necessary meters and service lines connecting the fire protection system to the water system. All installation and maintenance shall be at the sole expense of the customer.
- (4) **Grounds for Discontinuance.** The Director may discontinue treated water service to a fire protection system if:
- (a) the Director discovers an unauthorized connection has been made; or

- (b) water has been used from a fire protection system for a purpose other than extinguishing a fire; or
 - (c) a fire protection system has been installed or used without a meter, where a meter is required; or
 - (d) a waste of water is permitted from a fire protection system through pipes or fixtures; or
 - (e) the customer is delinquent in the payment of any charges for service or fees, expenses or other amounts assessed, levied or imposed by this Ordinance.
- (5) **Restoration of Services.** Upon discontinuance under Section 8(J)(4) of this Ordinance, the Director shall not restore the service until the customer remedies the problem causing disconnection.
- (6) **Availability of Service.** Availability of treated water for fire protection systems shall depend upon water main sizes and normal operating pressures in the area where the applicant's property is located.
- (7) **Nonconforming Systems.** Any person, business or entity which modifies, changes, or adds to any premises or any existing fire protection system shall at that time come into compliance with the requirements of this Ordinance if such fire protection system did not previously conform to the requirements of this Ordinance.

(K) Fire Hydrants.

- (1) **Permission to Use.** Fire hydrants shall be used in extinguishing fires and are to be opened only by authorized employees of the department and the City's fire and street departments. Any other person who wishes to use a fire hydrant shall seek prior written permission from the Director under the following conditions:
- (a) A person requesting use of a fire hydrant shall make written application for a permit and shall pay the deposits, fees and charges in accordance with Sections 3 and 6(A)(4) of this Ordinance; and
 - (b) The permittee shall:
 - (i) use a water meter furnished by the department;
 - (ii) make the meter readily available for reading by the department each month it is used; and
 - (iii) return the meter immediately after finishing use of the hydrant or upon request of the Director; and

- (c) A permittee authorized to open a fire hydrant shall only use an approved spanner wrench and shall replace the caps on the outlets when not in use.
- (2) **Improper Use.** Failure to abide by the conditions of Section 8(K)(1) of this Ordinance is sufficient cause to prohibit further use of the fire hydrant and to refuse to grant subsequent permits for use of a fire hydrant. Any person, business or entity shall be in violation of this Ordinance and shall be subject to the penal provisions of this Ordinance if he or it knowingly either:
 - (a) uses water from a fire hydrant without a permit from the Director; or
 - (b) violates any of the terms and conditions of a permit granted under this Ordinance.
- (3) **Exceptions.** Section 8(K) of this Ordinance shall not apply to either:
 - (a) a city employee engaged in work in his official capacity; or
 - (b) a person using water from a fire hydrant without charge for department construction work purposes and approved in advance and in writing by the Director; or
 - (c) a fireman authorized by the Director or the Fire Chief in connection with such fireman's use in extinguishing a fire

(L) Private Water Mains or Systems.

- (1) **Mains Are Property of City.** Water and wastewater mains, pipes and appurtenances laid in streets, alleys or other public rights-of-way within the City immediately become property of the City upon their acceptance, except for mains, pipes and appurtenances laid within the City and connected to the water or wastewater systems shall be constructed under department supervision and in accordance with plans and specifications approved by the Director.
- (2) **Nonconforming Mains.** The Director may refuse application for service to premises inside or outside of the City if, upon examination, the mains, private water lines or laterals, valves, appurtenances, fire hydrants or other equipment serving the premises are of such quality, size or installation as will not comply with the general standards and specifications of the department.
- (3) **Substandard Lateral or Water Lines.** The Director may require the customer, as a precondition of continued service, to replace or repair private plumbing found to be in a substandard condition according to the plumbing code, if the substandard plumbing may cause:
 - (a) a hazard to public health;

- (b) damage or contamination to the water or wastewater system;
- (c) a substantial waste of water; or
- (d) introduction of extraneous water into the wastewater system.

(M) Wastewater Indemnity Agreements.

(1) Grounds for Denial of Wastewater Service.

Wastewater service to premises inside or outside the City shall be denied if:

- (a) the premises are subject to frequent, severe flooding;
- (b) the wastewater main serving the premises surcharges or overflows due to infiltration of ground water from the premises; or
- (c) the premises are subject to being flooded by a surcharged wastewater main due to the elevation of the premises in relation to the actual or proposed wastewater main

(2) Indemnity Agreement. Notwithstanding Section 8(M)(1) of this Ordinance, the Director may, in his sole discretion, provide or refuse to provide wastewater service where the conditions exist if the owner agrees in writing to defend and indemnify the City and save it whole and harmless against all damages, costs and expenses caused by the surcharging, backflow or overflow of the wastewater main service the premises.

(3) Effect of Agreement. The indemnity agreement, when executed by the owner, constitutes a covenant running with the land binding upon the owner, his heirs, successors and assigns. The agreement shall be approved as to form by the city attorney and must be filed in the deed records of the county in which the premises is located.

(N) Exposing Meters or Hydrants to Damage; Notice of Work Affecting Systems; Moving Meters or Hydrants.

(1) Exposure to Damage. A person shall not build a driveway, sidewalk or other improvement that:

- (a) exposes a meter, fire hydrant, air valve, tap, pressure recording instrument, cleanout or other appurtenance to damage from vehicular traffic; or
- (b) causes obstruction of access to a meter, fire hydrant, air valve, tap, pressure recording instrument, cleanout or other appurtenance for operation, repair, inspection or maintenance purposes.

- (2) **Notice of Work Affecting Systems.** A person, business or entity which does work of any nature on a street, alley or sidewalk within the City shall notify the Director at least ten (10) days in advance of the removal, raising or lowering of any part of the water or wastewater system that may interfere with the work. Whether the Director is notified or not, damage to any part to the systems resulting from the work shall be the joint and several liability of the person, business or entity and their respective agents, servants and/or employees causing such damage.
- (3) **Request to Move Appurtenance.** A customer occupying premises adversely affected by the location of a meter, fire hydrant, air valve, tap, pressure recording instrument or other appurtenance may make written application to the Director to have the device moved under the following conditions:
- (a) The Director may approve the application if he determines that the move will not interfere with normal department operations and will not cause damage to the water or wastewater system. The decision of the Director in such matters shall be final.
 - (b) Upon approval of the application, the Director will furnish the applicant an estimate of costs to move the device. The applicant shall pay with such application all estimated moving costs and any other fees, charges or other costs.
 - (c) Upon payment of the estimated costs by the applicant, the department will make the relocations as approved by the Director.

(O) Water Used For Construction Work.

- (1) **When Water is Free.** The Director may furnish water free of charge to:
- (a) a contractor or other person performing construction work for the department;
or
 - (b) a licensed plumber performing a pressure test of a private plumbing system, which test has been authorized in advance by the Director.
- (2) **Other Construction Work.** For any construction work other than that described in Section 8(E)(4) of this Ordinance, a written application shall be submitted by the person, business or entity desiring temporary water service for construction, and such applicant shall pay all deposits, fees, charges and other amounts for fire hydrants as determined by the Director under Section 2 of this Ordinance and the charge for water used shall be calculated in accordance with the general service rates for fire hydrants specified in Section 6 hereinabove and shall be paid by such person, business or entity.

- (3) **Conditions When Changed.** If water to be used for construction is subject to charge, water service may be discontinued, in the same manner as provided under Section 6 and other terms and provisions of this Ordinance.

(P) Liability for Damages.

- (1) **City not Liable.** Neither the City, the department, the director nor the City's officers, elected officials, agents, servants or employees shall be liable for personal injury, death or property damage resulting from any of the following:

- (a) faulty or defective private plumbing, or private plumbing not meeting the provisions of this Ordinance; or
- (b) defects, damage or failure of a part of the wastewater system; or
- (c) defects, damage or failure of a part of the water system directly used for fire protection; or
- (d) defects, damage or failure, of which the city had no actual or constructive notice, of a part of the waste system not directly used for fire protection; or
- (e) rejection of applications, revocation of permits, interruption of service, discontinuance of service, or damage to customer's equipment or machinery due to interruption of or discontinuance of service; or
- (f) any condition or state, not caused by the City, of treated or untreated water supplied to premises, including soluble or insoluble substances that may mix with the water; or
- (g) damage to any boiler, air conditioning equipment, ice machine, ice cream machine or any other water consuming device supplied directly with the City water service and due to an interruption or discontinuance of service when such customer's property has inadequate water reserve supply or capacity.

- (2) **State and Federal Law Immunity.** The provisions of this Ordinance are subject to the applicable state or federal laws concerning governmental immunity and its waiver. This Section must not be construed to either restrict or expand the applicability of those laws.

(Q) Tampering With or Damaging Systems; Unlawful Use of Water; Prima Facie Evidence.

- (1) **Tampering With or Damaging System.** Any person, business or entity shall be in violation of this Ordinance and shall be subject to the penal provisions of this Ordinance if he (it) knowingly either, without the written permission of the Director:

- (a) damages or destroys part of the water or wastewater system; or
 - (b) tampers with part of the water or wastewater system; and/or removes any locking device placed on a meter by the City; or
 - (c) damages, destroys or tampers with a fire hydrant within the City.
- (2) **Certain Conditions Creating Prima Facie Evidence of Tampering.** For purposes of this Section, it is prima facie evidence that a person has tampered under Section 8 (Q)(1) if such person is a customer, owner or person in control of the premises and:
- (a) water is prevented from passing through a meter used or furnished by the department to supply water to the premises;
 - (b) a meter used or furnished by the department is prevented from correctly registering the quantity of water supplied to the premises;
 - (c) water is diverted or bypassed by the use of a device, from or around a pipe, main, meter, hydrant or other connection of the department;
 - (d) a meter or service connection of the department used for service to premises is removed; or
 - (e) wastewater is prevented or diverted from flowing from premises into the wastewater system.
- (3) **Prima Facie Evidence of Knowledge.** The existence on premises of a device used for any of the unlawful purposes stated in Section 8(Q)(2) of this Ordinance shall constitute prima facie evidence of knowledge of the unlawful purpose on the part of the customer, owner or person in control of the premises.

SECTION 8. SEVERABILITY CLAUSE.

That the invalidity of any part of this Ordinance shall not invalidate any other part thereof. That the terms and provisions of this Ordinance shall be deemed to be severable and that if the validity of any section, subsection, sentence, clause or phrase of this Ordinance should be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence clause or phrase of this Ordinance.

SECTION 9. REPEALING CLAUSE.

That all ordinances and parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed, including but not limited to Ordinance Nos. 63, 67-I, 67, 68-I, 68, 69, 69D, 70, 70-A, 222, 222-A, 222-B, 351, 400, 487, 499, 500, 636, 642, 682 and 725. Nothing herein

shall be deemed or construed to limit, abridge or modify Ordinance Nos. 202, 227, 227-A, 317, 401, 498, or 637 as now existing or as hereafter amended.

SECTION 10. PENAL AND ENFORCEMENT PROVISIONS.

Any person, business, entity or customer violating any penal provisions of this Ordinance including but not limited to Sections 2(D), 2(G), 3(E), 7(B)(6), 7(E)(3), 7(H), 7(I)(2), 7(K)(2), and/or 7(Q)(1) shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine not to exceed \$2,000. Each such violation and each day such violation continues shall constitute a separate and distinct violation. A person is also criminally responsible for a violation of this Ordinance and is also subject to the penal provisions of this Ordinance if such person either:

- (1) commits or assists in the commission of a violation; or
- (2) is the customer, owner, tenant, occupant, permittee or other person in control of the premises deemed to be the source of the violation.

If a business or entity is alleged to be in violation of any penal provision of this Ordinance and is alleged to have “knowingly” committed a penal act, omission or offense as a part of such violation, the requirement of “knowingly” is established if any person employed by or acting on behalf of such business or entity either committed, participated in, permitted, or authorized the violation is shown to have knowledge or information either prior to or during such violation, that the act, omission or offense in question was a violation of a penal provision of this Ordinance. Nothing herein shall be deemed to limit, abridge or restrict the enforcement of any term or provision of this Ordinance by civil court action as provided by state or federal law. Nothing in this Ordinance shall limit, abridge or restrict the rights and remedies of the City to collect damages and other amounts allowed by law and to seek other relief, at law or in equity, against any person, business or entity for replacement, repair maintenance and other damages caused, in whole or in part, by such person, business or entity to the City’s water and/or wastewater system.

SECTION 11. EFFECTIVE DATE.

This Ordinance shall take effect and be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

SECTION 12. PUBLICATION OF CAPTION.

This Ordinance shall become effective after its publication pursuant to Section 52.001, et. seq. of the Texas Local Government Code and such publication shall be in the form of the caption hereof, which states in summary the purpose of this Ordinance and the penalty for violation of this Ordinance.

DULY PASSED ON THIS 18th DAY OF JULY, 2016

Michael Driggars, Mayor

ATTEST:

APPROVED AS TO FORM:

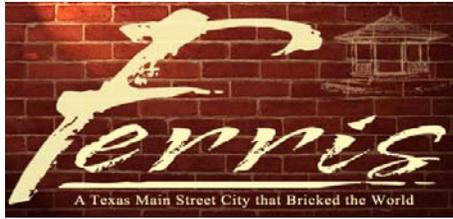
Callie Green, City Secretary

Kent Hofmeister, City Attorney

City of Ferris WATER RATES

Exhibit A

City of Ferris Water Rate Schedule Effective 08/24/2016			
	FIXED RATE	VARIABLE RATE	
USER CLASS	(base)	Consumption	Price per 1,000 gallons
Residential	\$25.00	2,001 to 12,000 gallons	\$5.00
	base includes 2,000 gal	12,001 to 22,000 gallons	\$5.59
		22,001 to 32,000 gallons	\$6.71
Winter averaging to sewer for this class		32,001 gallons and above	\$8.05
	FIXED RATE	VARIABLE RATE	
USER CLASS	(base)	Consumption	Price per 1,000 gallons
Multi Family	\$25.00	2,001 to 12,000 gallons	\$5.00
	base includes 2,000 gal	12,001 to 22,000 gallons	\$5.59
		22,001 to 32,000 gallons	\$6.71
	Multiply base X number of living units (price & gallons inc.)	32,001 gallons and above	\$8.05
Winter averaging to sewer for this class		Multiply gallons in steps X number of living units	
	FIXED RATE	VARIABLE RATE	
USER CLASS	(base)	Consumption	Price per 1,000 gallons
Commercial	\$25.00	2,001 gallons and above	\$5.59
	base includes 2,000 gal		
Winter averaging NOT applied to sewer for this class			
	FIXED RATE	VARIABLE RATE	
USER CLASS	(base)	Consumption	Price per 1,000 gallons
Fire Hydrant Meter	\$100.00	gallons used	\$5.59
	base includes NO gal		
<p>The total monthly rate for a user shall be the sum of the fixed rate plus the variable rate times the user's water volume for the month.</p> <p style="text-align: center;">APPROVAL INFORMATION</p> <p>Date approved by Council July 28, 2016</p> <hr style="width: 80%; margin-left: auto; margin-right: 0;"/> <p>Resolution or Ordinance Number O-16-821</p> <hr style="width: 80%; margin-left: auto; margin-right: 0;"/> <p>Date Rates take effect August 24, 2016</p> <hr style="width: 80%; margin-left: auto; margin-right: 0;"/> <p>Authorizing City Representative</p> <hr style="width: 80%; margin-left: auto; margin-right: 0;"/>			



City of Ferris

AGENDA ITEM REPORT

Meeting Date:	July 18, 2016
Department:	City Manager Office
Submitted By:	Carl Sherman
Previously Reviewed By:	William McDonald, Trudy Lewis, Melisa Gonzalez, and Eric Moss
Item Type:	<u> </u> Discussion <u> X </u> Action
Budgeted Expense:	<u> </u> No <u> </u> Yes, Amount: _____

Attachments:

Ordinance No. O-16-822 Amending the Sewer Rates and Proposed Sewer Rate Schedule

Discussion / Justification:

The City of Ferris has had the same the rate for sewer charges since November 2009 via Ordinance O- 06-637. Since that time the cost of purchasing water from Rockett SUD as well as the cost of treating water with Trinity River Authority have increased causing the Utility Fund to not perform to our minimum financial standard. Staff has reviewed the current sewer rate structure and recommends changes as outlined below:

The base rate of sewer service to adjust from \$20 to \$25 and the variable rate to increase from \$3.60 to \$4.50 per 1,000 gallons.

Staff recommends that the new fees be effective as of Aug. 24, 2016. This will allow new revenues to be collected in the September billing cycle. Making the adjustment during the current fiscal year will ensure that FY 2016-17 can be adopted with the new fee structures in place for budgeting purposes.

Trinity River Authority has already provided us with estimation of future cost, staff recommends that Council consider implementing an adjustment in rates annually over the next 5 years.

If approved, staff intends to provide notification to customers through the July and August water bill statements, online, through posted flyers, and via social media. These activities are in addition to the notification about today's Council meeting and public hearing.

Recommendation / Staff Comments:

Staff recommends approval of Ordinance O-16-822

Motion(s):

Motion to approve Ordinance No. O-16-822

ORDINANCE NO. O-16-822

AN ORDINANCE OF THE CITY OF FERRIS, TEXAS, FIXING AND DETERMINING SEWER RATES TO BE CHARGED FOR RESIDENTIAL AND COMMERCIAL USERS WITHIN AND OUTSIDE THE CITY LIMITS; DESCRIBING THE TIME AND PLACE FOR PAYMENT OF ACCOUNTS; PROVIDING FOR DISCONNECTION FOR FAILURE TO PAY DELINQUENT ACCOUNTS AND LATE CHARGE PENALTY; PROVIDING FOR AN EFFECTIVE DATE; REPEALING ORDINANCE NO. 227, 227A, 401, 498, O-06-637, O-06-642 AND O-09-683 AND ALL PRIOR ORDINANCES AND PARTS OF ORDINANCES INCONSISTENT HEREWITH; PROVIDING FOR ENFORCEMENT; AND PROVIDING FOR THE PUBLICATION OF A CAPTION OF THIS ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FERRIS, TEXAS:

SECTION 1. THAT unless the context specifically indicates otherwise the meaning of terms in this ordinance shall be as follows:

- (a) BIOCHEMICAL OXYGEN DEMAND (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under a standard laboratory procedure for five (5) days at 20° C, expressed in milligrams per liter.
- (b) CITY shall mean The City of Ferris, Texas, its Public Works Department and its water and wastewater systems.
- (c) CUSTOMER and/or USER shall mean any person, business, or entity, including, but not limited to, a partnership, association, firm, public or private corporation, or governmental agency, having City's service at any specified premises or which is liable for any fee, charge, penalty, cost, expense, or other amount imposed, assessed, or levied by this Ordinance.
- (d) LIVING UNIT shall mean a residential unit providing complete independent living facilities for one family, including permanent provisions for living, sleeping, cooking, eating, and sanitation.
- (e) MULTI-FAMILY CUSTOMER shall mean any wastewater customer with two or more living units served by a single water meter.
- (f) NORMAL SEWAGE shall mean sewage that when analyzed shows a daily average concentration of not more than 250 mg/l of BOD and 250 mg/l of SS and is otherwise acceptable for collection and treatment.
- (g) NOTICE shall mean, unless otherwise specified, a written notification delivered personally or mailed by the City, the Director of Public Works, the department to a customer or other person, business, or entity at such party's last known address shown on City's records or by any person, business, or entity to the City at 104 S. Central Avenue, Ferris, Texas 75125.

- (h) RESIDENTIAL shall mean premises intended to be occupied and permitted to be occupied as a family habitation or place of abode pursuant to City codes, rules, ordinances, and regulations as now existing or as hereafter enacted, adopted, or amended.
- (i) COMMERCIAL shall mean all premises other than residential which are used, occupied, or permitted to be used, whether or not for profit, under City codes, rules, ordinances, and regulations as now existing or as hereafter enacted, adopted, or amended.
- (j) SURCHARGE shall mean 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 sewage.
- (k) SUSPENDED SOLIDS (SS) shall mean solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids that are removable by laboratory filtering.
- (l) WASTEWATER TREATMENT SYSTEM shall mean the facilities used to transport wastewater from individual homes or buildings to a plant or facility where treatment of the wastewater is accomplished. The objective of such treatment is to remove pollutants and to dispose, recycle, or reuse the treated wastewaters and residues that result from the treatment process.

SECTION 2. THAT this wastewater ordinance shall take precedence over any terms or conditions of agreements or contracts between the City and the users, including commercial, industrial, special districts, or Federal agencies or installations, which are inconsistent with this ordinance.

SECTION 3. THAT there is hereby levied on all persons, firms, corporations, organizations, political units and political subdivisions, and all other entities using the wastewater collection system of the City, a schedule of charges as hereinafter provided.

SECTION 4. THAT customers connected to and served by the wastewater treatment system of the City shall be classified as either residential, multi-family, or commercial.

SECTION 5. THAT the following schedule of monthly service charges for residential, multi-family, and commercial users will be implemented effective on the August 24, 2016 sewer billing.

MONTHLY CHARGE

As provided in the Water/Wastewater Fee schedule and Wastewater Rate Chart.

The total monthly rate for a user shall be the sum of the fixed rate plus the variable rate times the user's wastewater volume for the month.

SECTION 6. THAT the rates set forth as provided in the fee schedule and rate chart of this ordinance are applicable to each residential, multi-family, and commercial customer per month or for any part of a month for which water is used at the same location.

SECTION 7. (a.) That the fixed monthly rate established for residential users is hereby based on a fixed cost per connection.

(b.) The variable monthly rate for residential users is hereby provided as shown in the Wastewater Rate Chart. The monthly volume of wastewater generated by a residential user shall be assumed to be equivalent to 100% of the average monthly water consumption for that user for the three months of lowest water use during the preceding time period between the dates of November 27 through March 27 of each calendar period beginning with November 27, 2016. If water consumption records are not available for a customer for such time period, the monthly volume of wastewater shall be assumed to be 7,500 gallons per month during such time period.

(c.) If a residential user presents evidence and documentation satisfactory to the City that, during one month in the period from November 27 through March 27, that such user had a bona fide leak in his water system, the monthly volume of wastewater generated by that user shall be presumed to be equivalent to 100% of the average monthly water consumption for that user during the two months of lowest water usage during such three month time period. In no instance shall less than two months be used to compute the average monthly water consumption unless the user can demonstrate evidence satisfactory to the City that extraordinary circumstances warrant such a variance. The term “extraordinary circumstances” shall mean when the presume 100% average set forth hereinabove exceeds the average of the previous twelve month period for that user. In the event that a user provides evidence satisfactory to the City that extraordinary circumstances have existed concerning the amount of usage for that user during the applicable period and in the event that water from the leak did go into the City’s wastewater treatment system, then the assumed monthly volume of wastewater generated by the user shall be equivalent to .60 times the average of the two (2) lowest usage months during the test period but, in no case shall a sewer charge be adjusted to a lower volume than 7,500 gallons per month when the water did go to the City’s wastewater system. In the event that the water did not go to the wastewater system, then the assumed monthly volume of wastewater generated by the user shall be equivalent to .30 times the average of the two (2) lowest usage months of the test period.

(d.) If a commercial user presents documentation satisfactory to the City that such user had a bona fide leak in its water system, then such customer’s bill for the month in which the leak occurred shall be equal to the average of such customer’s last three (3) monthly bills proceeding the month of such leak.

SECTION 8. (a.) That the fixed monthly rate established for multi-family users is hereby established by multiplying the number of living units by the base charge which includes a base use of 2,000 gallons as provided in the Wastewater Rate schedule.

(b.) The variable monthly rate for a multi-family user is hereby based on the water consumption per thousand multiplied by the variable wastewater rates as provided in the Wastewater Rate schedule.. The volume of wastewater generated by the multi-family user shall be assumed to be 100% times the volume of water consumed for the preceding months.

SECTION 9. (a.) That the fixed monthly rate established for commercial users is hereby based on a fixed rate per connection which includes a base use of 2,000 gallons.

(b.) The variable monthly rate for commercial users is hereby based on a variable charge as provided in the Wastewater Rate schedule per 1,000 gallons or portion thereof wastewater. The monthly volume of wastewater generated by a commercial user shall be presumed to be equivalent to 100% of the water consumption for the month.

SECTION 10. THAT every user who discharges sanitary sewage, or industrial wastes, water, or other liquids other than normal sewage may be charged monthly and pay a surcharge in addition to the charge for normal sewage.

SECTION 11. THAT the following surcharge schedule, all of which is designated as a user charge, will be implemented.

$$S = 2.26 \times 10^{-3} (V_s) (\text{BOD-250}) + 1.25 \times 10^{-3} (V_s) (\text{SS-250}) \text{ where:}$$

S = Surcharge in dollars monthly

V_s = Sewage volume in thousand gallons per month

BOD = BOD concentration in mg/1 of waste being treated

SS = SS concentration in mg/1 of waste being treated

250 = allowed concentration of BOD in mg/1

250 = allowed concentration of SS in mg/1

This formula is based on a unit charge for BOD of \$0.271 per pound and a unit charge for TSS of \$0.150 per pound.

SECTION 12. THAT any user discharging any substances or toxic pollutants that cause an increase in operation, maintenance, and/or replacement expenses, costs, and/or damages shall pay upon demand for the increased costs, and/or damages.

SECTION 13. THAT monthly bills for the aforesaid service charges shall be sent to the last known address of the user or to the owner, his agent, tenant, or occupant designated by such user at the time of initial connection and/or service. Any user who has not fully paid such bill by the 15th day of the month following mailing of the bill shall pay upon demand the bill plus an amount equal to ten percent (10%) of such bill as a late payment penalty.

SECTION 14. THAT the City of Ferris will not provide wastewater service to any property, person, or corporation without also providing water service to the same.

SECTION 15. THAT no provision of this ordinance shall be construed as giving any persons, firms, or corporations located, living, or residing outside the corporate limits of the City of Ferris the right to tie on or to enjoy the sanitary sewer services of the City of Ferris or appurtenances thereto, but the City Council of the City of Ferris may contract with any such person, firm, or corporation for sewer service under such terms and conditions as may appear to the City Council of the City of Ferris to be in the best interest of the City of Ferris.

SECTION 16. THAT the monthly wastewater treatment charges shall be added to and shall be due and payable with the water bills of the City of Ferris and said charges shall be paid to the City of Ferris at the Finance Department at 104 S. Central, Ferris, Texas 75125.

SECTION 17. THAT any user which fails to pay any monthly charges within twenty (20) days from the time same becomes due and payable shall be subject to having such user's sewer and water service disconnected from the city's sewer and water system lines, and thereafter no sewer or water connection which has been disconnected for the non-payment of said charges shall be again reconnected for the same user until all reconnect fees and other costs incurred by the City of Ferris have been fully paid to the City of Ferris.

SECTION 18. THAT the said monthly charges shall never be reduced below an amount sufficient to provide for the operation and maintenance of the said wastewater treatment system and for the scheduled retirement of the principal and interest on then existing bonds issued in connection therewith and shall, when necessary, be increased to provide for the costs and expenses for the maintenance thereof and for the payment of the principal and interest on said bonds.

SECTION 19. THAT none of the facilities or services afforded by the wastewater treatment system shall be furnished without a charge being made therefore as hereinabove set forth.

SECTION 20. IN addition to any proceeding under authority of this ordinance, the City shall be entitled to pursue all other criminal and civil remedies to which it is entitled under authority of statutes, City Codes, or other ordinances against a person continuing prohibited discharges.

SECTION 21. THAT the invalidity of any part of this ordinance shall not invalidate any other part thereof. That the terms and provisions of this ordinance shall be deemed to be severable and that if the validity of any section, subsection, sentence, clause, or phrase of this ordinance should be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance.

SECTION 22. THAT all ordinances and parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed, including, but not limited to Ordinance No. 227, 227A, 401, 498, O-06-637, O-06-642, and O-09-683.

SECTION 23. THAT all fees or charges pertaining to this ordinance in the future shall be updated or changed by a Resolution

SECTION 24. THAT this ordinance shall take effect and be in full force and effect from and after its passage, approval, recording, and publications as provided by law.

SECTION 25. THIS ordinance shall become effective after its publication pursuant to Section 52.001, et. seq. Texas Local Government Code and such publication shall be in the form of the caption hereof, which states in summary the purpose of this ordinance, and shall state the disconnection provision, and the late charge penalty for violation hereof.

DULY PASSED ON THIS THE 18TH DAY OF JULY, 2016.

Michael Driggars
Mayor Pro Tem

ATTEST:

Callie Green
City Secretary

APPROVED AS TO FORM:

Kent Hofmeister
City Attorney

City of Ferris WATER/WASTEWATER RATES

Exhibit A

City of Ferris Wastewater Rate Schedule Effective 08/24/2016			
	FIXED RATE	VARIABLE RATE	
USER CLASS	(base)	Consumption	Price per 1,000 gallons
Residential	\$25.00	2,001 gallons and above	\$4.50
	base includes 2,000 gal		
Winter averaging applied to sewer for this class			
	FIXED RATE	VARIABLE RATE	
USER CLASS	(base)	Consumption	Price per 1,000 gallons
Multi Family	\$25.00	2,001 gallons and above	\$4.50
	base includes 2,000 gal	Multiply gallons step X number of living units	
	Multiply base X number of living units (price & gallons inc.)		
Winter averaging to sewer for this class			
	FIXED RATE	VARIABLE RATE	
USER CLASS	(base)	Consumption	Price per 1,000 gallons
Commercial	\$25.00	2,001 gallons and above	\$4.50
	base includes 2,000 gal		
Winter averaging NOT applied to sewer for this class			
<p>Wastewater volume will be measured at 100% of metered water volume for the month (winter average for Residential).</p> <p>The total monthly rate for a user shall be the sum of the fixed rate plus the variable rate times the user's wastewater volume for the month.</p>			
APPROVAL INFORMATION			
Date approved by Council	July 28, 2016		
Resolution or Ordinance Number	O-16-822		
Date Rates take effect	August 24, 2016		
Authorizing City Representative			



1877 FERRIS CENTENNIAL 1977

Peace & Cafe
1024 N. 1st St.
MON-FRI 8AM-5PM
SAT-SUN 10AM-5PM
CATERING
1024 N. 1st St.
734-2221

OPEN

BARBERSHO

OPEN
Main St. Salo
972-842-8888
Tuesday - Saturday
Walk-Ins Welco