



# CITY OF BOERNE UTILITIES

## RULES AND REGULATIONS

ELECTRIC

GAS

WATER

GARBAGE

WASTEWATER

P.O. BOX 1677  
447 N. MAIN ST.  
BOERNE, TX 78006  
(830) 249-9511  
[www.boerne-tx.gov](http://www.boerne-tx.gov)

APPROVED BY CITY COUNCIL 2/27/96  
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100 DESCRIPTION OF OPERATIONS

The City of Boerne, Texas, hereinafter referred to as the “City”, owns and operates electric, gas, water and wastewater systems, and provides electric, gas, water, wastewater, and garbage collection utility services to existing Customers and Applicants requesting service within the City's service areas under the Rules and Regulations provided herein and as approved or modified from time to time by the City Council of the City.

101 MISSION STATEMENT

IT IS THE MISSION OF THE CITY OF BOERNE, TEXAS TO PREPARE FOR AND RESPOND TO THE CHANGING NEEDS OF THE BOERNE COMMUNITY WITH EFFECTIVE AND FISCALLY RESPONSIBLE MUNICIPAL SERVICES WHILE FURTHERING OUR QUALITY OF LIFE AND PRESERVING OUR HISTORICAL AND CULTURAL HERITAGE.

The following rules and regulations set forth the terms and conditions under which electric, gas, water, wastewater, and/or garbage collection services are supplied. These rules and regulations govern all classes of service in all areas served by the City. These rules and regulations are subject to termination, change or modification, in whole or in part, at any time by the City. All utility services furnished by the City, whether inside or outside the incorporated City limits, are subject to all other ordinances of the City, including but not limited to ordinances governing building permits and building codes, and ordinances governing impact fees.

The following rules and regulations supplement all previous ordinances, policies and practices pertaining to the City's connection and service policies for utility services.

The purpose of these policies is to strive to provide adequate and reliable utility service and Customer satisfaction at the lowest reasonable rates consistent with prudent fiscal policy, and to ensure prompt, courteous and equitable treatment to all utility Customers of the City of Boerne.

These policies are intended to facilitate coordination between the City's Customers, Applicants, architects, engineers, contractors, property owners, developers, other utility companies, the City's Public Works Department, Code Enforcements, Planning and Community Services, and any other City personnel.

Copies of the City's rules and regulations and current rates are available for inspection at the City's offices and/or on the City's website.

102 ADMINISTRATION OF RULES AND REGULATIONS

The City Manager (or his duly authorized representatives) shall be responsible for the reasonable, equitable and nondiscriminatory enforcement of these Rules and Regulations. In instances where the strict enforcement of these Rules and Regulations would create an undue burden on an Applicant or Customer, the City Manager may waive all or a portion of any rule or regulation if, in the City Manager's judgment, the waiver of the applicable rule or regulation does not adversely affect

the City or other Applicants or Customers.

If circumstances arise which are not contemplated by these Rules and Regulations, the City Manager may impose requirements or obligations on Applicants or Customers, or may waive all or any portion of a rule or regulation such that the application and enforcement of these Rules and Regulations is reasonable, equitable and nondiscriminatory in the City's sole judgment.

The City reserves the right to make such other rules and regulations, policies, and provisions as may be necessary for the preservation, protection and economical administration of the utility systems owned by the City.

103 OPEN RECORDS REQUESTS PROCEDURES

Any requests for public information, with public information being defined as information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business, shall follow the guidelines as set forth by the Texas Public Information Act and the City of Boerne Public Information Rules and Procedures.

If copying of any of the information is requested, the City will charge a public records and documents reproduction fee.

199 IDENTITY THEFT POLICY – FACT ACT 2003

In accordance with the Fair and Accurate Credit Act (FACT Act), Sections 114 and 315, effective January 1, 2008, each financial institution and creditor that holds any consumer account or other covered account for which there is a reasonably foreseeable risk of identity theft is required to develop and implement an Identity Theft Prevention Program to combat identity theft. This written program must be implemented by November 1, 2008.

The program must include reasonable policies and procedures for detecting, preventing and mitigating identity theft. It should enable a financial institution or creditor to:

- Identify relevant patterns, practices, and specific forms of activity that are “red flags” signaling possible identity theft and incorporate those red flags into the program;
- Detect red flags that have been incorporated into the Program;
- Take steps to prevent and mitigate identity theft; and
- Ensure the program is updated periodically to reflect changes in risks to Customers or to the safety and soundness of the creditor from identity theft.

The City of Boerne provides Utility services to Customers before the Customers pay for the service and therefore is considered to have covered accounts subject to the FACT Act of 2003. The City of Boerne has adopted and implemented a written Identity Theft Prevention Program effective November 1, 2008 pursuant to the FACT

Act. This program may be found in Appendix #1 of these City of Boerne Utilities Rules and Regulations.

## 200 PRIVACY POLICY ACT – DISCLOSURE OF SOCIAL SECURITY NUMBERS

In accordance with HB1130 Privacy Act; the City of Boerne hereby adopts this policy to secure personal information which pertains to the disclosure, containment, access and disposal of social security number(s) when applying for utility service(s).

Personal information, such as social security numbers are requested at the time of utility applications and held in secure areas within the City.

Personal information is used only to identify Customers for their protection and for future collection purposes. This confidentiality does not affect the ability of the utility to release such information to other governmental agencies for official purposes, to consumer reporting agencies, or to another entity providing utility service.

All personal information is collected for this purpose and contained behind locked facilities and accessible to authorized City employees only.

Personal information is destroyed according to the adopted Records Retention Policy Ordinance No. 90-29 following the proper retention period.

## 201 AREAS OF SERVICE

### 201.1 Electric Service Area

The City provides electric service in an area that is singly certificated by the Public Utility Commission of Texas (PUC). The City will extend service to any Applicant located in its certified service area applying for such service under rates, rules and regulations approved by the City Council.

Electric service will be offered and extended only to Applicants whose consuming facilities are located within the City's certificated electric service area, unless the written approval of the PUC and the utility serving the area outside the City's certificated area is received by the City.

### 201.2 Water and Wastewater Service Areas

The City's water service area is certificated under the Texas

Commission on Environmental Quality (TCEQ) CCN #10676. This service area is generally limited to the incorporated area of the City. Requests for water well permits within the City's limits/Service Area, and/or certificated area must abide by the Cow Creek Groundwater Conservation District (CCGCD) Rules. Under CCGCD Rules, the drilling of water wells within the City's limits and/or certificated area will only receive a letter of non-objection upon application to and approval by the City Council at a regularly scheduled meeting. Application shall be made by written letter addressed to the Mayor of the City of Boerne which will be forwarded to the City Council for review and consideration.

The City's wastewater service area is certificated under the TCEQ CCN #20273. This service area also is generally limited to the incorporated area of the City.

Water and wastewater service will be offered and extended only to Applicants whose facilities are located within the City Limits, except that the City may, upon request by an Applicant, extend water and/or wastewater service to areas outside the existing service area only if the extension of the requested service is deemed beneficial to the City. The provision of service outside the existing city limits and/or service area will be performed only upon City Council approval authorizing the requested extension of service, and Applicants may be required to provide funding and/or comply with specific conditions as a prerequisite to receiving service. Service to Applicants outside the City Limits or existing service area may also be dependent upon the written receipt of concurrence from the utility that is certificated to serve the area, if applicable.

### 201.3 Gas Service Area

The City does not have a defined gas service area. It is the City's intent to serve the natural gas needs of Customers in the city limits, in the ETJ, and in areas in which it is financially feasible to do so. The provision of service outside the ETJ which are not clearly financially feasible but which may be desirable for the City for other purposes will be performed only upon City Council approval authorizing the requested extension of service. Applicants may be required to provide funding and/or comply with certain conditions as a prerequisite to receiving service.

### 201.4 Garbage Collection Service Area

The City contracts with a third party contractor for residential garbage collection service, for recycling, and disposal of solid waste in accordance with City Ordinance. The contractor will provide all necessary equipment, personnel, and services, with the exception of

billing, to the Customer pursuant to the terms of the contract. The City's garbage collection service area is generally limited to the City Limits.

Garbage collection service will only be offered and extended to Applicants whose facilities are located within the City limits.

Commercial Customers are required to contract for garbage collection service with the City's contractual service provider.

There are no requirements to contract with the City's contractual service provider for temporary construction projects.

To augment the contracted services provided for garbage collection, pick-up of recycling items, and disposal of solid waste, the City may provide monthly brush (not land clearing) pickup and bulky item service for the Customer.

#### A. City of Boerne Brush Collection Policy

Requests for brush collection must be scheduled through the Utilities Customer Service office no later than the last working day of the current month. This may be done either in person, by phone at 830-249-9511, or online at [www.boerne-tx.gov](http://www.boerne-tx.gov) at the Boerne Citizen Center.

Brush, as defined in Section 900 – Definitions, -will be scheduled for collection the first week of the following month, unless emergencies or inclement weather delay services, or as workload permits.

Criteria for brush collection:

- Location of property for which service is requested must be within the City limits.
- Brush collection service is subject to verification of an active residential garbage service account or non-residential utility service account.
- Brush must be cut into lengths not to exceed eight (8) feet.
- Brush must be placed away from utility lines, fences or low tree limbs.
- Brush must be stacked parallel to the curb/roadway for ease in loading.
- Brush must be stacked rather than bundled.
- Brush must be stacked as to not obstruct sight distance or hinder the safety of the traveling public including blocking sidewalks.
- A maximum of **600 cubic feet (ten (10) feet long by ten (10) feet wide and six (6) feet high)** of brush may

be collected per lot per month. Brush in excess of 600 cubic feet **will not** be picked up.

The City will not pick up brush resulting from land clearing activities.

#### B. Bulk Item Policy

Requests for Bulky Item collection must be scheduled through the Customer Service Office no later than the Friday prior to week of pick up. This may be done either in person, by phone at 830-249-9511, or at [www.boerne-tx.gov](http://www.boerne-tx.gov). Residents will be notified of the collection date on the customer utility bill, utility bill stuffer, on the City website and notification in the newspaper.

Criteria for bulky item collection—

- Location of property for which service is requested must be within the City limits.
- Collection is subject to verification of an active residential garbage service account.
- Items must be placed at the curb line in front of the residence (no vacant lots or commercial establishments).
- DO NOT place materials under low utility lines, under low tree branches, or adjacent to fences, utility meters, telephone pedestals or fire hydrants.
- Size Limit: 10 yards

ACCEPTABLE WASTE:

- Heavy consumer durables such as stoves and ranges, water heaters, swing sets, bicycles without tires, scrap metal, copper, and other similar domestic large items. Refrigerators and freezers which have TAG or Decal showing CFC's removed by a certified technician.
- Furniture and other oversized wastes which is ordinary to the housekeeping operations of a residence and whose large size precludes or complicates its handling by normal solid waste collection, processing or disposal methods.

- To prevent injuries to the workers, glass items such as mirrors, table tops, or dish ware are to be boxed and taped up so that no glass is exposed.

#### UNACCEPTABLE WASTE:

- Refrigerators and freezers with Freon.
- Hazardous waste, special waste such as batteries, oil, pool chemicals, any bulk liquids, and untreated medical waste.
- Construction debris, tires, brush, trees, or landscape materials.

## 202 APPLICATION OF RATES

The City's published rate schedules state the conditions under which each schedule is available for utility service.

Rate classification and assignment shall be made by the City in accordance with the availability and type of service provisions in the City's rate schedules. Rate schedules have been developed for the standard types of service provided by the City. If an Applicant or Customer is eligible to receive service under more than one of the City's rate schedules, then the City shall assign the most appropriate rate schedule for service which considers, in the City's sole judgment, the various service requirements, potential impact on the City's facilities, the potential relative costs of serving the Customer, and other available pertinent information, or enter into a special contract subject to the approval of the City Council.

If a Customer receiving service from the City changes the nature or character of the Customer's service requirements, the City may, upon review of the information available pertaining to the revised service requirement, reassign the Customer to the appropriate rate schedule.

Rates are normally established on a twelve month basis and a Customer, having been assigned a rate applicable to Customer's service, may not change to another rate within a twelve month period unless there is a substantial change in the character or condition of Customer's service.

The City may, at the City's sole judgment, pro rate the Customer charge and/or capacity charge even if utility service is not required for a full month.



300 CONDITIONS FOR EXTENSION OF SERVICE

It shall be the policy of the City to supply electric, gas, water, wastewater, and/or contracted garbage collection service under the City's rate schedules applicable to the class of service supplied, to all Applicants who require utility service at locations within the City's service areas provided the following conditions are met:

300.1 Applicant makes written application for the required utility service on the City's prescribed form(s).

The residential application for utility service must be in the legal name of the person(s) requesting utility service and that person(s) must be residing at the address receiving the service. Subject to the City's approval, a co-Applicant may be added to the account who does not reside at the residence. Applications for residential service may be made in the name of one or more Applicant(s). Spouses and other adults living in a residence but not listed on the application are responsible for utility billings to the extent allowed by law.

The general service application for utility service must be in the legal name of the person(s) or entity requesting utility service. Applications for general service may be made in the name of one or more business owner(s).

The City will require suitable, current, valid, and verifiable identification, such as a current driver's license or other forms of US government issued identification acceptable to the City, as a precondition to the extension of utility service. At the City's discretion, a copy of the Applicant's lease or proof of ownership may be required at the time of application.

300.2 Applicant pays to the City all fees, deposits, connection costs, line extension costs, connection fees and any other amounts that are required by the rules, regulations or ordinances of the City.

300.3 Applicant does not owe the City in connection with a previous service account, and is not delinquent in payment for service on an existing account.

300.4 Applicant executes all contracts, which under the City's rules and regulations and/or rate schedules are required in connection with furnishing the type of service for which application is being made.

300.5 Applicant furnishes to the City, on the City's standard form and at no cost to the City, an easement granting to the City the right to construct, operate, and maintain any facilities which the City may be required to construct or install on the property of the Applicant in order

to furnish the required utility service, along with the right to replace, rebuild or remove said facilities and the right to serve others from these facilities. Similar easements will be required from owners of other property upon which the City may be required to construct or install its facilities in order to serve the Applicant. Any cost incurred or monetary consideration required to obtain the necessary easements and permits for the City to extend service from its system will be provided and paid for by the Applicant for such service.

300.6 The Applicant will allow City personnel to have access, at no cost to the City, to the Applicant's premises at all reasonable hours to read meters, provide notices, collect bills for utility services, trim trees, or to inspect, repair, maintain, operate, modify or remove any of the City's plant, property or equipment.

300.7 The utility service required by the Applicant can be supplied from existing facilities of the City, or the Applicant can make arrangements with the City in accordance with the provisions of Section 800 - Utility Facilities Extensions and applicable ordinances with respect to any facilities required to be constructed in order for the City to be able to supply Applicant with the required utility service.

300.8 The City shall not connect or reconnect any type of utility service unless the Applicant's or Customer's facilities and equipment meet or exceed all current codes, ordinances or standards adopted by the City. For the purposes of receiving utility service, Applicants or Customers outside the City limits shall comply with all applicable ordinances pertaining to utility service, electrical and plumbing ordinances, building ordinances, inspection ordinances, and any other ordinances pertaining to public safety.

The City, in accordance with City ordinances, shall inspect all new and existing facilities and premises. Utility service shall not be connected until such inspections, as required by ordinance, have been performed and the Applicant or Customer is in compliance with all applicable ordinances.

Any inspections or other acts performed by the City for the purpose of ensuring compliance with this provision are for the sole benefit of the City and the operation of the City's utilities, and the City shall not be deemed to have assumed any responsibility or obligation to any other party or parties, including any Applicant or Customer. Compliance with all codes, standards, and regulations shall be the sole responsibility of the Applicant or Customer.

300.9 The City will not connect or reconnect any gas utility service unless there is a responsible person, at least (18) eighteen years of age or older, present at the premises to be connected or reconnected to

verify the proper connection, operation, status and setting of all appliances and equipment.

The City also recommends, but does not require, that a responsible person be present at the premises to be connected or reconnected with electric or water utility service to verify the proper connection, operation, status and setting of all appliances and equipment.

300.10 At the time City services are turned on, it is the Applicant's responsibility to insure that all electrical and gas appliances and all plumbing fixtures are **off**. In the event that the Applicant fails to comply with the preceding statement, the City will not be responsible for any damages resulting from electric and/or water and/or gas meter activation.

### 301 RESPONSE TO REQUEST FOR SERVICE

The City shall serve each Applicant for service within its service area as promptly as is practical after the Applicant has complied with the provisions of Section - 300 Conditions for Extension of Service.

The City will attempt to extend service to applications for new service not involving line extensions or new facilities or equipment within ten (10) working days after the inspection has been completed and passed by the Utility and/or the Code Enforcement Department.

The City will attempt to extend service to Applicants requiring line extensions within ninety (90) days, unless unavailability of materials or equipment, inclement weather, acquisition of right-of-way, easement, or other circumstances beyond the City's control cause unavoidable delays. Within ten (10) working days of the completion of the provisions of Section 300 - Conditions for Extension of Service by Applicant, the City shall provide the Applicant with an estimated completion date.

The City Manager or his designee shall explain any construction cost options offered by the City, including the potential sharing of construction costs between the City and the Applicant, or the sharing of costs between Applicants, to the Applicant following assessment of the work necessary to extend service.

### 302. REFUSAL OF SERVICE

The City will decline to serve an Applicant if any one of the following conditions exists:

#### 302.1 Failure to Fulfill Conditions for Extension of Service

If Applicant has failed or refused within a reasonable period of time to fulfill the conditions as set forth in Section 300 - Conditions for Extension of Service, or

302.2 Indebtedness

The condition that exists when Applicant has failed or refused to pay any amount owed to the City for utility services previously provided to the Applicant.

302.3 Credit

Applicant has failed or refused to satisfactorily establish credit in accordance with the provisions of Section 305 - Deposits, or

302.4 Hazardous Conditions

If, in the City's sole opinion, Applicant's installation or equipment is known or appears to be hazardous or of such character that satisfactory service cannot be given, or if the extension of service may endanger the public health, safety or welfare, or

302.5 Failure to Comply with Governmental Regulations

If Applicant fails to comply with state laws or regulations or City ordinances, rules or regulations governing the requested service, or

302.6 Change of Customer Identity to Avoid Payment/Deposits

If, in the City's sole opinion, the request for service is being made in another name, including but not limited to the name of a family member, in order to avoid or evade payment of a prior bill or bills for utility service, or new required deposits, or any other provision of this policy.

302.7 Adverse Effect on Other Customers

If, in the City's sole opinion, the extension of service to Applicant may interfere with or adversely affect the provision of or quality of utility service to other Customers.

303 INSUFFICIENT CAUSE FOR REFUSAL OF SERVICE

The following shall not be considered sufficient cause for refusal of service to an

Applicant:

303.1 Delinquency in payment for service by a previous occupant of the premises to be served;

303.2 Failure to pay for merchandise, or charges for non-utility service owed to the City;

303.3 Failure to pay the bill of a previous resident at the same address, except where the change of Customer identity is made to avoid or evade payment of a prior bill or bills for utility service.

304. ESTABLISHMENT OF CREDIT

The City may require each and every Applicant, regardless of the type of service applied for, to demonstrate and satisfactorily establish credit in such form and manner as may be prescribed by the City. The satisfactory establishment of credit shall not relieve the Applicant from complying with the City's Rules and Regulations for prompt payment of bills. The following rules shall apply to the establishment of credit.

304.1 Establishment of Credit for Residential Applicants

An Applicant for residential service may satisfactorily establish credit and shall not be required to pay a deposit if it is undisputed that Applicant has been a Customer of a utility providing the requested type or types of utility service within the last two (2) years and is not delinquent in the payment of any such utility service account, and during the last twelve (12) consecutive months of service Applicant did not have more than one occasion in which a bill for such utility service was paid after becoming delinquent, and Applicant never had service disconnected for nonpayment nor have they had returned check/credit card/ACH payment.

304.2 Establishment of Credit for General Service Applicants with Previous Service

An Applicant for general service may satisfactorily establish credit and shall not be required to pay a deposit if it is undisputed that Applicant has been a business Customer of Boerne Utilities within the last two (2) years and is not delinquent in the payment of any such utility service account, and during the last thirty six (36) consecutive months of service, Applicant did not have more than two occasions in which a bill for such utility was paid after becoming delinquent, and Applicant never had service disconnected for nonpayment. In order for deposit

to be waived, Applicant must open the new account under the same name as the previous account.

### 304.3 Establishment of Credit for General Service and Residential Applicants

An Applicant for general service or non-permanent residential service shall be required to pay a deposit unless credit satisfactory to the City can be established as required under Section 305 - Deposits.

### 304.4 Reestablishment of Credit

Every Applicant who previously has received utility service from the City and has any outstanding due from a previous utility account shall be required, before service is rendered, to pay all amounts due the City and pay a deposit as required under Section 305 - Deposits.

## 305 DEPOSITS

In accordance with Section 300, a deposit will be required as a condition of service. All payments for deposits required pursuant to this section shall be in the form of cash, personal check, cashier's check, money order, credit card or certified check. Non-Residential Applicants may also submit a savings assignment or surety bond in effect for not less than thirty-six (36) months. At the City's discretion, deposits may be collected in no more than two (2) payments.

### 305.1 Amount of Deposit for New Construction Residential, Industrial, or General Service

The required deposit for residential, industrial, or general service for a newly constructed dwelling/building shall be based on the type(s) of service needed and the square footage of the structure. The owner of the dwelling/building will be required to make the deposit. For any structure up to two thousand (2,000) square feet, the minimum deposits will be:

Electric	= \$240.00
Water	= \$120.00
Gas	= <u>\$140.00</u>
Total	= \$500.00

Deposits for structures larger than 2000 SF will be calculated based on the following formulas:

Electric	= \$0.12 per square foot
Water	= \$0.06 per square foot

Gas = \$0.07 per square foot

### 305.2 Sustaining Security Deposit

The City reserves the right to calculate deposits required for owners, landlords, leasing agents and/or multiple construction units. Said deposits will be held in a separate deposit account and retained at the discretion of the City. Deposits are to be retained until ownership is relinquished and/or new construction ceases at which time the deposits will be refunded to account holder per account holder request.

### 305.3 Amount of Deposit for Residential Service

The required deposit for residential service, single family or duplex, shall not exceed an amount equivalent to one-sixth (1/6) of the estimated annual billing as determined by the City.

If there is less than twelve (12) months of billing history, the deposit will be based as follows:

#### Single Family or Duplex Deposits

The required deposit for residential service for a single family or duplex dwelling/building shall be based on the type(s) of service needed and the square footage of the structure. For any structure up to two thousand (2,000) square feet, the minimum deposits will be:

Electric	= \$240.00
Water	= \$120.00
Gas	= <u>\$140.00</u>
Total	= \$500.00

Deposits for structures larger than 2000 SF will be calculated based on the following formulas:

Electric	= \$0.12 per square foot
Water	= \$0.06 per square foot
Gas	= \$0.07 per square foot

#### Apartment Deposits

The required deposit for apartment residents shall be based off of the available service(s) and number of bedroom(s)/bathroom(s):

<u>Electric &amp; Water</u>	
3 bedrooms/3 bath	\$385.00
3 bedrooms/2 bath	\$350.00
2 bedrooms/2 bath	\$275.00
1 bedrooms/1 bath	\$220.00

<u>Electric</u>	
All	\$167.00

<u>Water</u>	
3 bedrooms	\$129.00
2 bedrooms	\$111.00
1 bedroom	\$105.00

305.4 Amount of Deposit for General Service or Industrial Service

The required deposit for general service or industrial service shall be based on the type of business, building size and services required. Refer to the deposit chart on the following page for deposit amount:

**NEW CONSTRUCTION DEPOSIT SCHEDULE**

		ELECTRIC	WATER	GAS	SEWER	TOTAL
<b>BANKS</b>	<b>BY SQ FT</b>	<b>\$0.30</b>	<b>\$0.03</b>	<b>\$0.01</b>	<b>\$0.02</b>	<b>\$0.36</b>



CAR WASH – DRIVE THRU	BY #BAYS	\$460.70	\$1161.71	\$84.64	\$739.62	\$2446.67
CAR WASH – MANUAL	BY #BAYS	\$117.79	\$127.67	\$65.01	\$95.74	\$406.21
DRY CLEANERS	BY SQ FT	\$0.27	\$0.18	\$0.85	\$0.11	\$1.41
DAYCARE CENTER	BY SQ FT	\$0.29	\$0.13	\$0.05	\$0.11	\$0.58
DOCTOR/DENTIST OFFICE	BY SQ FT	\$0.23	\$0.08	\$0.04	\$0.04	\$0.39
FUNERAL HOME	BY SQ FT	\$0.15	\$0.05	\$0.03	\$0.04	\$0.27
FOOD PROCESSING	BY SQ FT	\$1.00	\$0.20	\$0.21	\$0.13	\$1.54
BAKERY/CANDY CO						
GAS STATION/CONV.STORE	BY SQ FT	\$1.30	\$0.10	\$0.04	\$0.07	\$1.37
GROCERY STORE	BY SQ FT	\$0.79	\$0.02	\$0.03	\$0.02	\$0.86
HOTEL/MOTEL	BY # RMS	\$71.61	\$32.85	\$17.24	\$31.47	\$153.17
LAUNDROMATS	BY SQ FT	\$0.44	\$1.64	\$1.78	\$1.13	\$4.99
MANUFACTURING	BY SQ FT	\$1.33	\$0.03	\$0.01	\$0.02	\$1.39
NURSERIES	BY ACRE	\$85.19	\$283.01	\$0.01	\$49.98	\$418.19
PROFESSIONAL(NON-MED)	BY SQ FT	\$0.17	\$0.05	\$0.01	\$0.04	\$0.27
REALTOR/LAWYER						
RESTAURANT	BY SQ FT	\$0.86	\$0.20	\$0.34	\$0.19	\$1.59
RETAIL-SMALL	BY SQ FT	\$0.16	\$0.03	\$0.03	\$0.02	\$0.21
ANTIQUES/FLOWER SHOP						
RETAIL-MEDIUM	BY SQ FT	\$0.27	\$0.03	\$0.01	\$0.02	\$0.33
SEARS/WALGREENS						
RETAIL-LARGE	BY SQ FT	\$0.51	\$0.03	\$0.01	\$0.02	\$0.57
WAL-MART						

**NOT MEANT TO BE ALL INCLUSIVE (SEE 305.1)**

**305.5 Amount of Deposit for Residential and General Service with Owner Auto Change Option**

The required deposit for residential or general service in which the property owner has requested an Owner Auto Change Option shall not exceed an amount equivalent to one-twelfth (1/12) of the estimated annual billing as determined by the City. This deposit will remain on file as long as the Owner Auto Change Option is in force. The property owner has sole responsibility of notification to the City

when changes/cancellations occur.

#### 305.6 Amount of Deposit after Disconnection for Nonpayment

If a Customer's service is disconnected for nonpayment of a bill, the City may require a new or additional deposit, prior to reconnection of service, such that the Customer's deposit does not exceed the deposit requirements for the applicable type of service. Customers whose service is disconnected for nonpayment and who cannot pay the required deposit at the time of disconnection, may be given an option to sign a deposit payment schedule. This schedule allows the required deposit to be paid over a period not to exceed five (5) months and will be billed monthly to the Customer's account in equal installments. Failure to pay the current bill will result in late charges (including deposits) and/or subsequent disconnect for nonpayment. If the account is disconnected for nonpayment under this option, the entire balance of the deposits must be paid before the service will be reconnected.

#### 305.7 Amount of Deposit after Delinquencies

The City may require a new or additional deposit not to exceed the deposit amount specified for the applicable type of service, if a Customer has more than one occasion during the last twelve (12) consecutive months of service in which the Customer's bill for service was paid after becoming delinquent. The new or additional deposit will be required to be paid within ten (10) days after the issuance of written notice of the required new or additional deposit, and the City may disconnect service, after notice, for failure to pay the new or additional deposit. Customers who cannot pay the required additional deposit may be given an option to sign a deferred deposit installment contract. This contract allows the required deposit to be paid over a period up to five (5) months and will be billed monthly to a Customer's account in equal payments. See Section 309 - Payment Plans.

#### 305.8 Deposit Adjustments

The City may require additional deposit amounts if monthly billings exceed previous levels due to changes in usage patterns or extension of facilities. The new or additional deposit will be required to be paid within ten (10) days after the issuance of written notice of the required new or additional deposit, and the City may disconnect service, after notice, for failure to pay the new or additional deposit. Customers who cannot pay the required additional deposit may be given an

option to sign a deferred deposit installment contract. This contract allows the required deposit to be paid over a period up to five (5) months and will be billed monthly to a Customer's account in equal payments. See Section 309 - Payment Plans.

305.9 Refund of Deposit after Disconnection of Service

After disconnection of service at the Customer's request, and if service is not reconnected, the City shall apply the deposit to the existing balance. Any overage will be refunded to the Customer by City check within 30 calendar days.

305.10 Refund of Deposit for "New Construction", Recycled Water, and Bulk Water

The City shall apply the deposit for "new construction" to the final billing once the Certificate of Occupancy has been issued. Recycled water deposits will be applied to the final billing upon request from the customer that the account be inactivated. Bulk water deposits will be applied to the final billing after the bulk meter has been removed. If there is an overage, a refund in the form of a City check will be issued within 30 calendar days. If there is a shortage, a bill for the shortage will be sent.

305.11 Refund of Deposit during Service Period for Residential Customers

The City shall refund the deposit to Residential Customers in the form of a credit to a Customer's bill, release savings assignment, or cancel surety bond when the Customer has paid bills for service for twelve (12) consecutive billings, and

- A. has not had service disconnected for nonpayment, and
- B. has not had more than one occasions in which the bill was delinquent, and
- C. is not delinquent in the payment of the current bill, and
- D. has not had a returned check/credit card/ACH payment.

The deposit shall be retained for any Customer that does not comply with the refund criteria and held until the criteria has been met during a twelve (12) consecutive month period.

305.12 Refund of Deposit during Service Period for Non-Residential Customers

The City shall refund the deposit to non-residential Customers in the form of a City check, release savings assignment, or cancel surety bond when the Customer has paid bills for service for thirty-six (36) consecutive billings, and

- A. has not had service disconnected for nonpayment, and
- B. has not had more than two occasions in which the bill was delinquent, and
- C. is not delinquent in the payment of the current bill, and
- D. has not had a returned check/ACH payment.

The deposit shall be retained for any Customer that does not comply with the refund criteria and held until the criteria has been met during a thirty-six (36) consecutive month period.

### 305.13 Bankruptcy and Deposits

When the City receives notification from a bankruptcy court for an active utility Customer, the Customer will be notified by the City to reapply for all services. The new account start date will be the same as the official filing date of the bankruptcy. The new account procedure will be followed, including all necessary deposits, or the account will be subject to termination. All billings prior to the date of filing will be included in the bankruptcy account and all collection procedures for that debt will cease pending final discharge. All billings on the new account will be due and payable according to policy.

### 305.14 Financial Guarantees and Warranties for Infrastructure Dedicated to the Public

Financial guarantees and warranties shall be provided per the requirements of the City's Subdivision Ordinance for any public infrastructure improvements dedicated to the City not covered under the provisions of the City's Subdivision or Development Ordinance for improvements of which the estimated construction cost is in excess of \$5000.00. The financial guarantee shall be based on the engineer's estimates of probable cost provided by the site developer. The warranty amount shall be based on the certified actual cost of the improvements.

## 306 DISCONNECTION OF SERVICE

### 306.1 Disconnection of Service at Customer's Request

Any Applicant desiring to discontinue utility service from the City shall give reasonable notice identifying the Applicant, the service location where disconnection is desired, a forwarding address, and the date service is to be discontinued. Such request must be made in writing and transmitted by email, fax, hand delivered, or in person. All requests for disconnection of service shall be made only at or through the City of Boerne Utilities Customer Service Office, and the City may require such identification as is necessary to reasonably verify the identity of the person requesting the discontinuance of service. In cases where an Account contains both an Applicant and Co-Applicant, a disconnection request from both parties is required.

Following receipt of Customer's request for disconnection of service, the City shall attempt to make the disconnection on the date requested by the Customer, but the City shall not be obligated to make disconnection earlier than the fifth working day following receipt of Customer's request.

Garbage service may not be discontinued if any utility service is active. Under special circumstances, the Customer may request that only electric, and/or water service be disconnected. Sewer service shall be charged if water service is still active. Gas service shall remain active unless verification has been made by the City that only electric power is being utilized at the location. Such requests shall be made in writing, by telephone, or in person at the City of Boerne Customer Service Office, and the Customer/Account holder shall provide an explanation of the special circumstances.

Customer shall have an obligation to provide notice to the City if Customer vacates any facility or premise, and Customer shall be responsible for the payment of all utility bills for utility services provided if a Customer vacates any facility or premise without requesting disconnection of service.

### 306.2 City Initiated Disconnection after Proper Notice

The City may disconnect any or all utility services to a Customer after proper notice under any of the following circumstances:

A. Non-Payment of a Bill

If the Customer fails or refuses to pay all or any portion of a bill for utility service within twenty-five (25) days from the issuance of a bill for utility service (whether or not based upon estimated or actual consumption). Failure to pay a returned check or returned ACH draft and the associated fees within ten (10) days of the notice of the returned item; or

B. Interference with Service

If the Customer violates any rule, regulation or ordinance pertaining to the use of utility service, or if the Customer utilizes service in a manner which interferes with or is likely to cause interference with utility service to other Customers, or if the Customer operates nonstandard equipment, provided that the City has made a reasonable effort to notify the Customer and provided that the Customer has been given a reasonable opportunity to remedy the situation; or

C. Failure to Make Application for Service

If the Customer fails or refuses to make application for service in accordance with the City's Rules and Regulations; or

D. Failure to Comply with Contract

If the Customer fails or refuses to perform any obligation contained in any contract for utility service including payment arrangements, the City's Rules and Regulations, the rate under which the Customer is receiving utility service, or any applicable easement; or

F. Refusal of Access

If the Customer fails or refuses to provide the City reasonable access to City's facilities located on Customer's premises; or

G. Comply with Law

If the Customer fails or refuses to comply with any applicable Federal, State, Municipal, or other law, ordinance, rule, or regulation applicable to the utility service or services provided, or if the Customer's premises, equipment, or operations fail to comply with any code, ordinance or regulation applicable to the utility service or services provided; or

H. Back billing

If the Customer fails or refuses to timely pay any billing authorized by these Rules and Regulations resulting from previous under billing, whether caused by meter inaccuracy or

failure to register, misapplication of rates or otherwise; or

I. Deposit

If the Customer fails to comply with the City's deposit requirements.

306.3 City Initiated Disconnection without Notice

The City may disconnect any or all utility services immediately and without notice under the following circumstances:

A. Hazardous Condition

When, in the City's sole opinion, a hazardous, public health or public safety condition exists in or on the Customer's premises, installation or equipment; or

B. Service is Connected or Reconnected without Authority

Where service is connected without City authority by a person who has not made application for service, or where service has been reconnected without City authority following termination of service; or

C. Meter Tampering and Unauthorized Use of Service

If City's meter or service facilities which serve the Customer have been tampered with or bypassed; or Customer uses the utility service in a manner not authorized under the City's Rules and Regulations or the rate schedule under which the Customer receives service; or there has been a theft of service.

306.4 Prohibited Disconnections of Service

The City shall not discontinue service to a Customer for any of the following reasons:

A. Delinquency in payment for utility service by a previous occupant of the premises; or

B. Failure to pay for merchandise, or charges for non-utility service provided by the City.

306.5 Proper Notice

Proper notice shall be given by separate mailing to the Customer, or hand delivered to the Customer's premises at least ten (10) calendar days prior to the earliest date of disconnection with the words "termination notice" or similar language prominently displayed on the notice.

The City shall not issue late notices or disconnect notices to the Customer earlier than the first day the bill becomes delinquent, so that a reasonable length of time is allowed to ascertain receipt of payment by mail or at the City's authorized payment locations.

#### 306.6 Disconnection on Holidays or Weekends

Unless, in the City's sole opinion, a hazardous, public health or public safety condition exists, or unless a tampering or theft or unauthorized use of services condition exists, or unless the Customer requests disconnection, the City shall not disconnect service on a day, or on a day immediately preceding a day, when City personnel are not available for the purpose of making collections and reconnecting service.

#### 306.7 Postponement of Service Disconnection for Critical Care Patients

The City will postpone discontinuance of utility services to a delinquent residential Customer residing in an individually metered residential dwelling when that Customer establishes that discontinuance of utility service will result in a person residing at that residence becoming seriously ill or more seriously ill if service is disconnected.

If the patient requires electric, and/or gas operated equipment to sustain life for a period longer than 6 months, the patient must renew this qualification every 6 months from the date of the original certification. In addition, proper record maintenance and management is vital to ensure well-informed decisions are made regarding customers. Therefore, it is necessary to re-enroll in the program by completing a new application whenever a customer moves to a new residence.

Each time a Customer seeks to avoid termination of service under this provision, the Customer must:

- A. contact the City prior to the scheduled disconnection date and request a postponement of service disconnection for medical reasons, and



- B. submit a completed and physician signed Residential Critical Care Program Application, and
- C. enter into a deferred payment plan as described under Section 309 - Payment Plans, or
- D. request an extension of the payment due date as described under Section 310 - Billing and Terms of Payment.

The City shall not extend this postponement of discontinuance of utility service for more than sixty (60) days from the due date of the first bill for utility services for which a Customer requested the postponement.

#### 306.8 Disconnection of Utility Assistance Customers

The City shall not disconnect service to a delinquent Customer for a billing period in which the City receives a voucher, pledge, or other notification that the assistance agency is forwarding sufficient payment to continue service.

#### 306.9 Disconnection during Extreme Weather

The City cannot disconnect a Customer on a day when:

1. The previous day's highest temperature did not exceed 32 degrees Fahrenheit, and the temperature is predicted to remain at or below that level for the next twenty-four hours, according to the nearest national Weather Service reports; or
2. The National Weather Service issues a heat advisory for Kendall County or when such advisory has been issued on one of the preceding two calendar days.

#### 306.10 Effect of Disconnection of Service

##### A. Customer's Obligation

Disconnection of service shall not relieve Customer from any obligation to the City or lessen or change any obligation of the Customer in any manner.

The Customer shall be responsible for paying all reasonable costs, including but not limited to attorney's fees, collection agency fees and charges, court costs, notification and mailing costs, and any other costs, fees, or charges associated with the collection by the City of any and all unpaid bills.

B. City's Rights

Disconnection of service shall not reduce, diminish, or eliminate any legal right or remedy accruing to the City on or before the date of disconnection, nor shall discontinuance operate as a waiver of any legal right or remedy.

Failure of the City to discontinue utility service at any time after default or breach of the City's rates, Rules and Regulations, or to resort to any legal remedy or its exercise of any one or more of such remedies shall not affect the City's right to resort thereafter to any one or more of such remedies.

C. Dismantling of City Facilities

The City may, upon discontinuance of utility service to Customer, dismantle and remove all lines, equipment, apparatus, or other facilities that the City may have installed to provide utility service to Customer. The City may, however, abandon in place in whole or in part its underground lines and equipment in lieu of removing such facilities.

D. Liability for Discontinuance of Service

The City shall not be liable for any damages of any kind or character resulting from discontinuance or disconnection of utility service made pursuant to these Rules and Regulations.

E. Reports to Credit Bureaus

The City shall have the right to provide credit information to credit bureaus, credit reporting services, and other utilities. The credit information may include, but not be limited to, a Customer's payment history and status of unpaid bills for utility service.

F. After Hours Utility Reconnections Due to Non-Pay

Disconnections due to non-payment of utility services will only be restored during regular business hours: Monday-Friday from 8A-5P (except holidays). Customers requesting restoration of disconnected utility services after 5:00 PM will have the request reviewed by the Boerne Police Communications Department and/or the Customer Service and Billing Administrator. If the situation is deemed critical, the utility will be restored and the customer will be required to contact the Customer Service office the next regular business day.

307 REMOVAL OF SERVICE AT CUSTOMER'S REQUEST

Any Customer desiring to have any utility service and/or meter removed shall make written application through the Public Works office. After the service(s) and/or meter(s) have been removed, the Applicant will be billed per the City's Fees Ordinance.

308 TRANSFER OF UTILITY SERVICES

308.1 Availability

Utility services may be transferred from one person to another without interruption of service if:

- A. The requested transfer is a direct result of a divorce, legal separation, or abandonment and the requested service transfer is from the name of the spouse vacating the premises to the spouse who will remain at the premises, or
- B. The requested transfer is the direct result of the death or disability of the person in whose name service is currently rendered to the executor of the estate (in the event of death) or guardian (in the event of disability), or
- C. The transfer is from a tenant to the owner, if the tenant has properly requested discontinuance of service, and only if the owner has requested, in writing or by phone, such transfer and has complied with the City's requirements for such transfer.

308.2 Procedures for Transfer of Service

The transfer of service will be performed by the City after the following conditions are met:

- A. The person to whom service is to be transferred shall make application for service, and shall comply with all of the provisions of Section 300 - Conditions for Extension of Service.
- B. The current Customer must not have any past due bills for utility service, or the person to whom service is to be transferred must pay, in advance, all current and/or past due unpaid bills for utility services before the transfer can be completed.
- C. A property owner of residential rental property may request

transfers of utility service under Section 308 - Transfer of Utility Services among occupants to accommodate the rental or leasing procedure under the following conditions:

1. The property owner shall request that the transfer occur and complete all forms requesting the transfers. All utility services that are not in the name of a tenant shall be in the name of the owner of the property. The property owner may designate an authorized agent for the purposes of notifying the City of the transfer procedure.
2. The property owner shall guarantee payment of all utility services during the periods when utility service is transferred to the owner.
3. The transfer procedure will be terminated and not offered or authorized if the owner refuses or fails to pay any bills for utility service during any period of time when utility service has been transferred to owner, and service shall not be provided at this location until all bills for utility service are paid.
4. The transfer of service from a tenant to owner shall be automatic unless the owner has notified the City, in writing or by telephone, requesting that the transfer procedure be discontinued. The transfer procedure from owner to a new tenant shall be automatic upon tenant's compliance with all City requirements for service to a new Customer.
5. Property owner shall maintain deposits with the City or the Owner Change Option will be rescinded.

## 309 PAYMENT PLANS

### 309.1 Contract Payment Plan

The Billing Office can create a payment plan of up to six (6) equal monthly installments for additional charges attached to the existing utility bill such as service extensions or relocations with a signed application from the account holder.

- A. The person signing the contract must be the Applicant or the co-Applicant on the account,
- B. The Customer shall sign a written contract specifying the amount and payment schedule for the deferred payments.

- C. The Customer must remain current on all subsequent utility bills.
- D. If the account is disconnected for non-payment, the balance of additional fees and charges must be paid.

### 309.2 Utility Payment Extension

Customers will be allowed one (1) payment extension per calendar year.

- A. The Customer must request a utility payment extension and provide a signed and dated utility payment contract approved by the City's Customer Service Office.
- B. The Customer must pay at least twenty-five percent (25%) of the current balance due at time of signing the contract.
- C. All payments are due 10 calendar days from the reminder notice due date and payments must be in the Utility Customer Service Office by 5:00 PM on the balance due date.
- D. The utility payment extension will not be given on utility bills which contain the following: meter tampering, theft or diversion of service, or willful damage to City property.

### 309.3 Deferred Deposit Installment Contract

Customers who cannot pay the required additional deposit may be given an option to sign a Deferred Deposit Installment Contract. This contract allows the required deposit to be paid over a period not to exceed five (5) months and will be billed monthly to a Customer's account in equal payments.

- A. The person signing the contract must be the account Applicant or co-Applicant.
- B. Failure to pay the current bill by the due date will result in late charges (including deposit amount(s)) and/or subsequent disconnect for non-payment.
- C. If the account is disconnected for non-payment, the entire balance of the deposit(s) must be paid before the service will be reconnected.

### 309.4 Disconnection

The City may disconnect services to any Customer who fails to

comply with the terms and conditions of a payment plan. The City will provide notice of a failure to comply with the terms and conditions of a deferred payment plan in accordance with Section 306 - Disconnection of Service.

## 310 BILLING AND TERMS OF PAYMENT

### 310.1 Bills for Utility Service

Bills for utility service shall be rendered monthly unless service is rendered for a period less than a month. The terms "month" or "monthly" for billing purposes shall mean the period between any two consecutive readings of the meter, or for non-metered utility services, a period of time equal to approximately thirty (30) days. Meter readings shall be taken as nearly as practicable every thirty (30) days, but not necessarily at the beginning or ending of a calendar month.

### 310.2 Payment Due Date

Each bill for service, regardless of the nature of the service, is due on or before fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next workday. If full payment is not received at the City's offices or at an authorized collection bank or agency of the City on or before the date such bill is due, the Customer's account will be considered delinquent and subject to a penalty and/or disconnection in accordance with the City's Rules and Regulations.

### 310.3 Disconnection of Service

Any or all of a Customer's utility services may be disconnected if the bill has not been paid within twenty-five (25) days from the date of issuance, and if proper notice has been given in accordance with the City's notice procedures as specified in Section 306 - Disconnection of Service.

In the event of service disconnection due to non-payment, dishonored check/credit card/ACH payment, accounts must be brought current before service will be reconnected. All payments must be in cash or certified funds and no partial payments allowed.

### 310.4 Late Payment Penalty

- A. All of the City's rates for utility service are net, and the gross rates for delinquent payments are ten percent (10%) higher for all utility services.

- B. Post mark dates on all payments received by mail will be checked. Penalties will be removed and the account payment history corrected if the payment was post marked at least three (3) business days prior to the bill due date.
- C. The City may allow, upon request by the Customer, the removal of one (1) late payment penalty per year.

#### 310.5 Senior Citizen Late Payment Allowance

This allowance grants senior citizens additional time to pay the net amount of their utility bill. This allowance is only applicable to the Customer's principal address and the Customer must be 60 years of age or older.

#### 310.6 Residential Disabled Citizen Late Payment Allowance

This allowance grants disabled Customers additional time to pay the net amount of their utility bill. This allowance is only applicable to the Customer's principal address and requires annual re-certification.

#### 310.7 Failure to Receive Bill

Failure to receive a bill for utility services shall not exempt a Customer from timely payment for utility service.

#### 310.8 Types of Payments

The City or its agents shall accept cash, cashier's checks, money orders, certified checks, personal checks, credit cards, and ACH drafts or other electronic funds transfers (EFT) as payment for utility services subject to the following conditions:

- A. All forms of payments shall designate the City of Boerne as the Payee. The City or its agents shall not accept any payments that designate any party other than the City.
- B. Returned checks and returned ACH drafts, and credit card payments that are not honored by the Customer's financial institution will be returned to the City and assessed an NSF collection fee. Customers with two checks or ACH drafts returned over a period of twelve (12) consecutive months will be required to pay for utility services with cash, credit card, or money orders for twelve (12) consecutive months. The City of Boerne does not accept partial payments on a returned item. Any NSF offense thereafter will result in the City not being able

to accept any personal checks from the Customer for a 24-month period.

C. The City recommends that all cash payments be made during normal working hours at the City of Boerne Utilities Customer Service Office. The City shall not be responsible for the loss of cash payments made at any drop box or by an agent collecting utility payments on behalf of the City. Payments made on the due date, but after 3:00 PM at a City drop box, or after 5:00 PM at any location collecting utility payments on behalf of the City, does not guarantee that no late payment fees will be assessed.

D. Average Monthly Payment Plan (AMP)

Average Monthly Payment Plan (AMP) is a service that is offered to established Residential Customers at no additional cost. The Customer must have 12 months of City of Boerne utility service with an acceptable credit history (see section 302.3). The bill will be recalculated each month to reflect the most recent 12 months usage. The program will continue as long as the account remains in good standing (no late payments or returned items) or the Customer leaves the service area.

310.9 Limited Sales and Use Tax

Limited Sales and Use Tax shall be added to the total amount of electric, gas, and garbage bills unless the Customer has filed an "Exemption Certificate" with the City that will be reviewed periodically.

311 DISPUTED BILLS

A. Bill Dispute

In the event of a dispute between a Customer and the City regarding any bill, the Customer shall contact the City of Boerne Utilities Billing Office prior to the due date and notify the City of the portion of the bill that is disputed and the basis for such dispute. Upon notification of the dispute and Customer's basis therefore, the City will make such investigation as shall be required by the particular circumstances and report the results to the Customer.

The Customer shall pay, on a timely basis, the bills for all other utility services except the specific service in dispute.

Pending resolution of the dispute (in no event more than sixty



(60) days) the Customer shall not be required to pay the disputed portion of the bill which exceeds the amount of the Customer's average monthly usage at the City's current rates. For purposes of this provision only, the Customer's average monthly usage at current rates shall be the average of the Customer's net billing for the type of utility service for the preceding twelve (12) month period. Where no or insufficient previous usage history exists, consumption for calculating average monthly usage shall be estimated on the basis of usage levels of similar Customers under similar circumstances as determined by the City.

B. Water Usage Adjustment

A Customer may apply to the Billing Office for a water usage adjustment due to a plumbing problem-water leak (broken pipe, broken faucet, etc.) one time per calendar year. The Customer must provide the repair bill or the bill(s) for parts if a licensed plumber did not complete the repair. The customer's yearly water average (January, February, and March's consumptions) will be compared to the consumption at the time of the leak. To qualify for an adjustment, the consumption at the time of the usage must be at least 50% greater than the yearly average. The adjustment will be given on one half (1/2) of the difference between the consumption at the time of the leak and the yearly average.

C. Sewer Adjustment due to leak

When the winter average is affected by the leak, on residential accounts, the water consumption will be reviewed and the sewer average will be adjusted accordingly. Commercial Service accounts yearly water average will be reviewed to determine the adjusted amount to the sewer rate if warranted.

312 HEARING AND APPEAL OF CITY INITIATED DISCONNECTION

Any Customer has the right to contest a disputed portion of their utility bill. The Appeals and Hearings section of this procedure pertain to City initiated disconnection of service.

Any Customer has the right to a hearing before the City Customer Service and Billing Administrator or his/her designee, prior to termination of service.

A Customer who desires a hearing must request a hearing by contacting the City by telephone or by appearing in person. Appeal must be requested within seventy-two (72) hours of the City initiated disconnection or it will be considered a waiver of the appeal and will result in termination of service to the account in question if payment is not made.

The time, date and place of a hearing shall be provided to the Customer requesting the hearing. The hearing shall be held not more than five (5) business days from the date of the Customer's request, unless otherwise agreed by the parties.

The City Utility Customer Service and Billing Administrator or his/her designee shall render his/her final decision in writing to all parties concerned at the close of the hearing or within five (5) business days of its conclusion, unless otherwise agreed by the parties. The City Customer Service and Billing Administrator or his/her designee shall instruct the participants what action, if any, must be taken by either or both the City and the Customer.

If after the hearing, the decision to terminate service is affirmed, the City may not terminate service until the City gives the Customer a notice of termination allowing three (3) days to satisfy the debt in full.

### 313 CUSTOMER REQUESTS AND COMPLAINTS

Upon notification of a request or complaint to the City by a Customer either at the City's office, by letter, or by telephone, the City will promptly make a suitable investigation and advise the Customer of the results as necessary.

### 314 PROCEDURES WHEN OVERBILLING OR UNDERBILLING OCCURS

If amounts billed for utility services are found to be incorrect, or if the City fails to bill the Customer for service, a billing adjustment shall be calculated by the City.

#### 314.1 Over billing

If the Customer is due a refund, an adjustment shall be made for the entire period of the over billings up to twelve (12) months preceding the discovery or notification by Customer of a billing error. The Customer may elect to have the over billed amount credited to the account or may elect a lump sum payment.

#### 314.2 Under billing

If the Customer was under billed, the City may back bill the Customer for the amount that was under billed. The back billing shall not exceed a period of twelve (12) months preceding the discovery of the under billing unless such under billing is a result of meter tampering, bypass, unauthorized use of services, or theft of services.

The Customer may request that the under billed amount be placed on a deferred payment plan over a period not to exceed twelve months pursuant to Section 309 - Payment Plans.

### 315 OFFICE HOURS

The City's offices will normally be open for the transaction of business from 8:00 AM to 5:00 PM Monday through Friday, excluding Holidays. The City's office hours may be modified from time to time by the City Manager.

### 400 SERVICE FEES

All service fees are established and modified by ordinances approved by the Boerne City Council. For the current fee or charge for each of the following service fees, refer to the City ordinance establishing and reestablishing fees and charges for activities, goods and services provided by the City.

#### 400.1 Account Activation Fee

The City will charge an activation fee as partial compensation necessary to establish or reestablish an Applicant's or Customer's account for utility service from the City:

These fees will be charged each time an Applicant applies for and receives utility service; each time a Customer applies for an additional utility service which the Customer was not receiving at the time of the application; and reestablishment of any utility service which the Customer had been receiving and which the Customer had requested disconnection of service under Section 306 - Disconnection of Service.

#### 400.2 Trip Fees

Except as provided in these rules, the City may charge for each trip to a Customer's premises which is requested by the Customer or reasonably required under these rules, including but not limited to, the following types of trips:

##### A. Investigation Fee

If a Customer requests that the City make an investigation of any outage, failure of service or service irregularity, or if the

Customer reports or causes to be reported a service outage or service irregularity, and the City determines that such service outage or service irregularity was caused by the Customer or Customer's facilities, equipment or installation, then the City may charge the Customer a trip fee for conducting an investigation. The fee will be added to the Customer's account.

B. Miscellaneous Service Fee

If a Customer requests that the City make a trip to perform a service for the Customer, including, but not limited to such services as security light modifications, checking Customer owned breakers, lighting of gas pilot lights, or other similar types of services, the City will charge the Customer a miscellaneous service fee. The fee will be added to the Customer's account.

C. Reconnection Fees

The City may charge a reconnection fee for each type of utility service as partial compensation necessary to reconnect service to a Customer when the service disconnection was initiated by the City under Section 306 - Disconnection of Service.

An application fee is assessed to an account each time service is connected/reconnected.

If the disconnection or reconnection is made outside the normal working hours of the City, the City may charge an after work hours fee for each type of utility service. Disconnection or reconnection outside the City's normal working hours will be performed only upon request of the Customer. These fees shall be billed to the Customer on the Customer's next regular bill, or on the Customer's final bill if service is not reconnected.

D. Meter Rereading Fee

The City will charge a reread fee for each type of utility service for each instance where City personnel are required to read a utility meter due to a Customer's failure to submit a meter reading to the City on a timely basis or where the reading submitted by the Customer appears to be incorrect.

This fee shall apply only where the Customer has agreed to read the Customer's meter or meters as a result of 1) a hazardous condition on the Customer's premises, or 2)

Customer's inability or failure to provide reasonable access to the City for the purpose of reading meters. This fee may increase if subsequent trips are necessary to complete the reread.

#### 400.3 Transfer of Service Fee

The City will charge a transfer fee per each account as partial compensation for transferring the accounts for utility services from one Customer to another in accordance with Section 308 - Transfer of Utility Services. The Customer to whom services are transferred shall be responsible for payment of this fee except when the transfer is from or to a residential property owner. In this instance, the property owner shall pay a transfer fee on each occasion where utility services are transferred from a tenant to the owner.

The transfer fee will be billed on the first bill for utility services.

#### 400.4 Returned Payment Fee

The City will charge a returned payment fee, plus any direct charges assessed against the City by any financial institution, for each returned check, returned ACH draft, or other form of payment that is dishonored or returned to the City. Payment for a check that has been returned for non-sufficient funds, or dishonored for any other reason, shall be made only by cash, credit card, money order, cashier's check or certified check.

#### 400.5 Meter Test Fee

The City shall, upon the request of a Customer, and, if the Customer so desires, in the Customer's presence or in that of an authorized representative, make without charge a test of the accuracy of the Customer's electric, water, or gas meter. The test shall be made during the City's normal working hours at a time convenient to the Customer if the Customer desires to observe the test. The test shall normally be made on the Customer's premises, but may, at the City's discretion, be made at a test laboratory designated by the City.

If the meter has been tested by the City, or by an authorized test laboratory, at the Customer's request, and within a period of four years the Customer requests a new test, the City shall make the test, but if the meter is found to be within the accuracy standards established by the appropriate standards agency, such as the American National Standards Institute, the American Water Works Association, the American Gas Association, or other applicable

agency, the City may charge the Customer a fee equal to the actual cost to test the applicable meter.

Following the completion of any requested test, the City shall promptly advise the Customer of the date of removal of the meter, the date of the test, the result of the test, and who made the test.

If any meter is found to be outside of the accuracy standards established by the appropriate standards agency, proper correction shall be made of previous readings for the period of six months immediately preceding the removal of such meter from service for test, or from the time the meter was in service since last tested, but not exceeding six months, as the meter shall have been shown to be in error by such test, and adjusted bills shall be rendered. No refund is required from the City except to the Customer last served by the meter prior to the testing.

If a meter is found not to register for any period, unless bypassed or tampered with, the City shall make a charge for utility service used, but not metered, for a period not to exceed three months based on amounts used under similar conditions during the period preceding or subsequent thereto, or during corresponding periods in previous years.

#### 400.6 Reproduction of Utility Rules and Regulations

Any person requesting a copy of all or any portion of the Utility Rules and regulations of the City shall follow the guidelines as set forth by the Texas Open Records Act and the City of Boerne Public Information Rules of Procedure. A copy is available in the City secretary's office and on the City website at [www.boerne-tx.gov](http://www.boerne-tx.gov).

#### 400.7 Cancellation of Contract

Any person, who cancels an agreement for the provision of utility service after acceptance by the City but before service is initiated, may be charged an activation fee.

#### 400.8 Temporary Service

A service charge shall be paid for temporary electric service. This service charge shall be billed on the monthly utility bill following completion of the temporary meter set.

The Applicant or Customer shall be responsible for providing and installing the temporary meter pole, and all associated materials and equipment.

The City does not offer temporary service for gas, water, wastewater, or garbage collection services.

400.9 Tampering With City's Meters, Equipment or Other Property, and Unauthorized Use or Consumption of Utility Service

City meters, equipment or other property, whether on Customer's premises or elsewhere, shall not be tampered with, relocated, connected to, adjusted, modified, interfered with, or operated by any one other than employees, agents, contractors or engineers specifically authorized by the City.

Diversion of utility service shall be defined as the unauthorized connection to City facilities, unauthorized use or consumption of utility services, tampering with a meter, equipment or other property of the City, bypassing a meter, equipment or other property of the City, or other instances of diversion, including but not limited to, physically disorienting the meter or other City equipment, attaching objects to the meter to divert or to bypass service or to cause the meter to improperly or inaccurately record the consumption of utility service, insertion of objects into the meter, and any other means of tampering with, bypassing or otherwise modifying or connecting to the City's equipment or property.

The City accepts no responsibility and assumes no liability, and the Customer shall indemnify and hold harmless the City, for damage or injury to Customer, Customer's employees or relatives, or any other person or persons which results from diversion of utility service, tampering, relocating, connecting to, adjusting, modifying, interfering with, or operating any of the City's meters, equipment or property.

In the event of diversion of service, tampering, unauthorized use or consumption, or evidence of attempted unauthorized use of the City's utility service, whether by tampering with the City's meter or equipment or by any other means, all utility service shall be disconnected immediately and without any notice by the City. The Customer or beneficiary of the utility service shall be required to pay all charges, including the following, before any utility service shall be reconnected:

- A. An unauthorized consumption fee as partial compensation to the City for the unauthorized connection, reconnection, use, consumption, diversion of utility service or other tampering with City's meters, equipment or other property.
- B. The cost of repair and/or replacement of any and all damaged

meters, equipment or other property, and the cost of installing protective facilities or relocating the meter, equipment or other property.

- C. The cost of the estimated usage of utility service without City authorization. This charge shall be based on amounts used under similar conditions during preceding years, or may be estimated on the basis of usage trends of similar Customers under similar conditions.
- D. A trip fee for each trip made by City personnel to investigate, evaluate and correct the tampering or diversion.
- E. All other costs associated with the investigation, evaluation and correction of meter tampering or diversion, including personnel time, travel expenses, engineering expenses and legal expenses.

#### 400.10 Miscellaneous Customer Billings

Work performed at the request and for the convenience or benefit of the Customer will be billed to the Customer requesting the work at actual total cost. If billed, the amount will be billed on the monthly utility bill after completion of the requested work.

The types of work that are included under this section include, but are not limited to:

- A. Relocation of any utility service and associated appurtenances.
- B. Third party damages.
- C. Any other services which may be requested by the Customer which is specifically not covered under other provisions of Section 400 - Service Fees, and which the City is willing to perform.

#### 400.11 Changes in Customer's Electrical, Gas, or Water Requirements

Customer shall notify City when Customer's electrical, gas, or water requirements are to be changed substantially in order that City may ensure utility facilities and account securities are adequate.

If, in the sole judgment of the City, any changes in the Customer's service requirements necessitate additions to or modifications of the City's facilities, the City may require payment of a service fee not to exceed the total cost of the new construction and/or modifications



required. This service fee may be paid upon completion of the work by the City or may be added to the Customer's bill.

The factors that the City may consider in determining the amount of the service fee include, but are not limited to:

- A. the cost of the additions and/or modifications to the City's facilities;
- B. the future beneficial use of these facilities, including the reasonable possibility of serving additional new Customers from the proposed facilities;
- C. the anticipated additional revenue from the Customer receiving the additional facilities; and
- D. the expected longevity of the Customer's increased service requirements.

400.12 Working in the Vicinity of the City's Electric Facilities or Lines or Moving Equipment and/or Houses in the Area of the City's Electric Facilities or Lines

Horizontal and Vertical clearances from City-owned overhead electric lines shall conform to all Federal and State electrical safety regulations and all Local regulations or adopted codes that address distances required to be maintained from any street or highway, sidewalk, sign, structure or any other object addressed in said regulations.

All persons are required by State Law to notify the City if they need to perform any construction and/or work within the vicinity of the City's electric facilities or lines, or if they need to operate or move equipment within the vicinity of the City's lines. No person should attempt to erect television or radio antennas, irrigation systems, water wells, or perform other similar activities near the City's electric facilities or lines.

When a house, structure or large piece of equipment needs to be moved along roads, highways, or lands which are crossed by the City's electric lines, the person or persons responsible shall provide advance notice to the City of the proposed route and establish an acceptable schedule with City personnel.

In some instances, the City can de-energize its lines for a limited period of time to accommodate this type of activity, and the City may charge for the total labor plus overhead for the assistance provided by City personnel.

If a relocation of facilities or the installation of protective devices and

equipment is required, the City may assess a fee to recover its expenses, including labor, overhead, the cost to install and remove any equipment and/or materials, and the cost of relocation of the City's facilities.

Only authorized employees of the City may remove, relocate, alter, modify, connect, disconnect, or raise any of the City's facilities for any reason, including accommodating house or equipment moving or any type of construction activity.

#### 400.13 Relocation or Temporary Placement of City Facilities

Any person requesting the relocation of existing City facilities or the temporary placement of new facilities shall pay to the City the total cost of the construction, removal and/or relocations of facilities. This payment is nonrefundable.

If the City, in the City's sole judgment, determines that the relocation and/or modification of the City's facilities is beneficial to the City, the relocation or modification may be performed at a reduced cost or no cost to the person requesting the relocation or modification.

### 500 POINTS OF SERVICE

The point of service shall be that point where the electricity, water or gas provided by City leaves the City's facilities and enters the conductor, pipe, conduit, equipment or facilities owned, operated and/or utilized by Customer, or for wastewater service, the point where the waste product leaves the pipe, conduit, equipment or facilities owned, operated and/or utilized by Customer and enters the City's facilities.

#### 500.1 Electric Point of Service

The point of service for electric service shall be the point where the Customer's service entrance conductors are connected to the City's conductors. (See the following table for Points of Service for Specific service types.) Such point shall be outside of the Customer's installation, structure(s) or facility at a location acceptable to and approved by the City, and which will facilitate connection in accordance with the National Electrical Safety Code, the National Electric Code, the Life Safety Code, the City of Boerne Specifications for Public Works Construction (latest edition) and the City of Boerne Electric Specifications as well as all other standard operating practices of the City.

<b>Type of Service</b>	<b>Point of Service</b>
Single Phase Overhead – 200amp Max.	Top of weather head
Single Phase Underground 320 amp Max.	Bottom of meter socket
Single Phase Overhead – Greater than 320 amp	Top of weather head
Single Phase Underground (Pedestal) – Greater than 320 amp	Inside pedestal
Single Phase Underground (Other than pedestal) – Greater than 320 amp	Transformer for single service or common service wire owned by the City for multiple services
Three Phase Overhead	Top of weather head
Three Phase Underground	Transformer

Where the Customer requests underground service from a pole mounted transformer, a meter pole shall be installed upon which the Customer-owned riser is to be attached, unless otherwise deemed beneficial by the City. When this meter pole is installed by the City, the Customer or Applicant shall be responsible for the payment of installation, repair, maintenance, replacement and/or removal of the pole.

An above-ground breaker sized for the full capacity of an underground service is required. For a pad-mounted transformer without a meter pedestal, the breaker shall be installed as near as practicable to the transformer. Otherwise, the breaker shall be located on the service riser pole prior to the underground portion of the service. The customer's main breaker (mounted at the meter) shall serve this purpose where the City's standard meter pedestals are used.

The Customer shall provide, furnish and install all apparatus, including disconnects and breakers, and all electrical wiring on the Customer's premises including the meter loop and Customer's service entrance conductors. The Customer is solely responsible for and shall at all times ensure that the Customer's premises, facilities and equipment comply with the provisions of the National Electrical Code, the National Electrical Safety Code, the Life Safety Code, the City of Boerne Specifications for Public Works Construction (latest edition) City of Boerne Electric Specifications as well as all other applicable laws and ordinances, and all standards established by the City.

The City accepts no responsibility and assumes no liability for the adequacy of the Customer's installation or for damage and/or injury as a result of inadequate apparatus or equipment, incorrect wiring, faulty material or workmanship, or any other deficiencies or defects in the wiring, and/or equipment on the Customer's premises.

#### 500.2 Gas Point of Service

The point of service for gas service shall be the point where the Customer's gas lines leave the City's meter. Such point shall be outside of the Customer's installation, structure(s) or facility at a location approved by the City.

The Customer shall provide, furnish and install all pipe, conduit, fittings and other apparatus on the Customer's premises. The Customer shall be solely responsible for and shall at all times ensure that the Customer's premises, facilities and equipment comply with all applicable laws and ordinances, and all standards established by the City.

The City accepts no responsibility and assumes no liability for the adequacy of the Customer's installation or for damage and/or injury as a result of inadequate apparatus or equipment, incorrect construction, faulty material or workmanship, or any other deficiencies of defects in the material and/or equipment on the Customer's premises.

#### 500.3 Water Point of Service

The point of service for water service shall be the point where the Customer's water lines leave the City's meter. Such point shall be outside of the Customer's installation, structure(s) or facility at a location approved by the City.

The Customer shall provide, furnish and install all pipe, conduit, fittings and other apparatus on the Customer's premises. The Customer shall be solely responsible for and shall at all times ensure that the Customer's premises, facilities and equipment comply with all applicable laws and ordinances, and all standards established by the City.

The City accepts no responsibility and assumes no liability for the adequacy of the Customer's installation or for damage and/or injury as a result of inadequate apparatus or equipment, incorrect construction, faulty material or workmanship, or any other deficiencies of defects in the material and/or equipment on the Customer's premises.

#### 500.4 Wastewater Point of Service

The point of service for wastewater service shall be the point where the Customer's wastewater lines connect with the City's wastewater collection system. Such point shall be outside of the Customer's

installation, structure(s) or facility at a location approved by the City.

The Customer shall provide, furnish and install all pipe, conduit, fittings and other apparatus on the Customer's premises. The Customer shall be solely responsible for and shall at all times ensure that the Customer's premises, facilities and equipment comply with all applicable laws and ordinances, and all standards established by the City.

The City accepts no responsibility and assumes no liability for the adequacy of the Customer's installation or for damage and/or injury as a result of inadequate apparatus or equipment, incorrect construction, faulty material or workmanship, or any other deficiencies or defects in the material and/or equipment on the Customer's premises.

## 501 METERS AND METER READING

All electric, water and gas meters shall be placed in locations which are unobstructed by shrubs, fences or other impediments. The Customer shall maintain each meter location in such a way that the meter shall not become obstructed and shall be readily and safely accessible by City meter technicians, service personnel and public safety personnel at all times.

All electric, water and gas meters shall be placed in locations which do not require meter technicians, service personnel, and public safety personnel to pass through fences, gates, doors, or other obstructions, and which will not subject City personnel to potential vicious animals, or any other unsafe condition.

### 501.1 Location and Installation of Meters

The Customer shall provide, at no cost to the City, a location acceptable to and approved by the City for the City's meter(s) that is suitable and easily accessible.

For multi-unit establishments, the City shall have the right to verify correct addressing of units and points of service to help ensure continuity of service.

Residential dwelling units, including duplexes, triplexes and quadplexes shall be individually metered for electric, water and gas. Residential dwelling units with 5 or greater units may be master metered for water only. Each master meter will service a maximum of 40 units.

A. Electric Meters

Electric meters installed on residences shall be placed on a sidewall within five (5) feet of the edge of the building closest to the transformer unless the City approves an alternate location.

All other electric meters shall be installed near the main disconnect switch for the facility served at a location approved by the City, and shall be easily accessible.

If a Customer or Applicant requests that a meter be installed on a pole, and if the City approves the location of the meter and pole, then Customer or Applicant shall be solely responsible for the payment of installation, repair, maintenance, replacement and/or removal of the meter pole.

The electric meter loop shall be located on the outside of buildings and/or structures. If the meter loop is located inside of the building or structure, it shall be moved to the outside of the building or structure at the Customer's expense.

Temporary or seasonal residential facilities, such as seasonal mobile home parks, recreational vehicle parks and campgrounds, or other types of seasonal parks and campgrounds may be metered through one electric master meter.

B. Water Meters

Water meters installed for residences shall be placed approximately one (1) foot inside the property line on private property, or as specified by the City during plat and/or development plan approval. The City, prior to installation, shall specifically approve locations for all other water meters.

Water meters will be installed within 10 working dates from the date of application at most locations where a service extension is not required. A Customer charge will be billed each month following the meter installation, regardless of whether or not there has been water consumption at the location. If it is desired that the water meter not be installed until a later date, the Applicant must inform the Public Works Department of such at the time of application.

C. Gas Meters

Gas meters installed for-residential dwellings shall be placed

on the same side of the dwelling as the electric service with a minimum 3-foot horizontal separation between the meters unless the City approves an alternate location. Prior to installation, the City shall approve the location of all meters.

#### 501.2 Ownership of Meters

The City shall provide, install, own and maintain all meters necessary for the measurement of electric energy and capacity requirements, and water and gas usage. Such meters shall be of a standard type, which meet industry standards, except that special meters not conforming to such standards may be used for non-billing purposes such as quality of service investigation and experimental uses.

#### 501.3 Relocation of Meters and/or Point(s) of Service

When the Customer requests a change of the location of a meter or point(s) of service, or if the relocation of the meter or point of service is required to comply with the provisions of the National Electrical Safety Code, National Electric Code, Life Safety Code, or any law or ordinance, or a relocation of a meter or point of delivery is required due to alterations on Customer's premises, the Customer shall provide and install at Customer's expense all wiring, conduit, pipe, equipment, material and labor necessary for the relocation of the meter or point of delivery.

If the relocation of the meter or point of delivery also requires a relocation of the City's facilities, then the Customer shall pay to the City the total cost of the relocation as specified in Section 400 - Service Fees.

### 502 MAINTENANCE AND OPERATION OF EQUIPMENT ON CUSTOMER'S PREMISES AND RESPONSIBILITY FOR INJURIES AND DAMAGES

#### 502.1 Protective Equipment

The Customer shall install, operate and maintain such protective devices, and implement such procedures and practices, as may be reasonable or necessary to protect Customer's property, equipment, processes or activities during occurrences of abnormal service. Customer shall maintain such equipment in good operating condition, and otherwise install, operate and maintain Customer's equipment in an entirely safe and efficient manner and in full compliance with all laws and local ordinances, the National Electric Code, the National Electrical Safety Code, and the Life Safety Code.

## 502.2 Electrical Load Balance

The Customer shall control the use of electric energy so that City's electrical load at the point of delivery is in reasonable balance.

## 502.3 Motor Installations

All motor installations shall be in accordance with the following schedule unless written deviations or modifications are authorized by City.

- A. Motors rated less than 10 HP shall be single phase unless the Customer is receiving three-phase service at the effective date of this regulation.
- B. Motors rated 10 HP or more shall be three phase unless the Applicant or Customer applies for and receives a written exemption from the City prior to installation of the motor.
- C. The City may, at any time, require the Customer to furnish at the Customer's sole expense, equipment and/or devices acceptable to the City to limit the effect of motor starting on City's electric system to a level acceptable to City.
- D. All motor starting devices are to be of a type approved by City and are to be provided, operated, maintained and installed by Customer.

## 502.4 Intermittent Electrical Loads

Electric service to equipment such as large motors or compressors, spot and arc welding machines, X-ray machines, arc furnaces, elevators, dredges, locomotives, shovels, feed grinders, rock grinders, and any other type of Customer equipment whose use of electricity is intermittent and may cause or create unacceptable voltage fluctuations or voltage or current distortions or harmonics, is provided by the City under the express condition that the operation of such equipment not interfere with the quality of the City's service to other Customers. Except for individual transformer type arc welders whose rated primary input current does not exceed 15 amperes at 120 volt operation, any Customer or Applicant for service contemplating the installation of such equipment shall make specific prior arrangements with the City for service.

## 502.5 Equipment Impairing Service to Other Customers



The City may decline to provide service, or may disconnect service, to Customer's equipment whose operation may adversely affect City's service to other Customers until the Customer having such equipment has, at Customer's sole expense, taken all necessary corrective measures to reduce these adverse effects to a level acceptable to the City.

City may require Customer to provide, at Customer's sole expense, suitable apparatus to limit the adverse or unacceptable conditions on the City's utility systems caused by Customer's equipment, or where the operation of Customer's equipment adversely affects, interferes with or impairs any utility service provided by City to other Customers. In lieu of requesting Customer to install such suitable or special equipment limiting such adverse effect, City may, at City's sole option, install at Customer's cost additional facilities or other equipment specially designed to reasonably limit such adverse effect.

#### 502.6 Voltage and Wave Form Sensitive Equipment

Any Customer planning the installation of, or operating electric equipment such as computers, communication equipment, electronic control devices, etc., whose performance may be adversely affected by voltage fluctuations and distorted 60 hertz wave forms shall be responsible for providing and installing the necessary facilities to limit these adverse effects.

#### 502.7 Responsibility of Customer Owned Sewer Laterals

The owner of property containing a private sewer lateral shall be responsible for the maintenance of said lateral as required by Ordinance 2008-01.

#### 503 Responsibility for Injuries or Damages

The City neither assumes nor accepts any duty or responsibility for the inspection of the Customer's wires and wiring, conduit, pipe, material, apparatus, machinery, equipment, or operations, nor does the City accept any liability due to the initiation or continuation of any utility service to Customer.

The Customer assumes full responsibility for the use of any utility service on Customer's premises and for the wires and wiring, conduit, pipe, material, apparatus, machinery, equipment or operations used in connection with any utility service on Customer's premises, at or from the point of-service of the utility service. The Customer will protect, indemnify and save City harmless from all claims for injury, including death or damage to persons or property occurring on Customer's premises, at or from the point of delivery, unless it is determined that the City acted

in negligence in association with such utility service.

When an interruption or disruption in utility service occurs, it shall be the responsibility of the Customer to determine that the interruption or disruption is not caused by a fault or failure in Customer's wiring, conduit, pipe, material, apparatus or equipment before notifying the City of the failure in utility service.

When City personnel are dispatched to the location of a Customer who reports an interruption or failure of service and the cause of such interruption is due to a fault in the Customer's wiring, conduit, pipe, material, apparatus or equipment, the Customer may be charged a service charge as specified in Section 400 - Service Fees.

#### 600. CONTINUITY OF UTILITY SERVICE

The City shall use reasonable diligence to provide a satisfactory, constant, uninterrupted utility service, but does not guarantee or warrant that the service will not fail or be interrupted or that the capacity or adequacy of the service will not fluctuate. Customer is responsible for installing and maintaining such protective devices as may be necessary or reasonable to protect Customer's equipment or processes during abnormal service provided by the City.

The City shall make reasonable efforts to re-establish service with minimum of delay when failures, interruptions, or service inadequacies occur. However, the City shall not be liable for, and Customer shall indemnify City against, direct or consequential damages resulting from failures, interruptions, or service inadequacies occasioned by causes reasonably beyond the control of the City, including, but not limited to, acts of God or public enemy, sabotage and/or vandalism, accidents, fire, explosion, labor troubles, strikes, failure of utility service to the City by a utility provider, order of any court or judge granted in any bona fide adverse legal proceedings or action, or any order of any commission, tribunal or governmental authority having jurisdiction or, without limitation by the preceding enumeration, any other act or thing due to causes beyond the City's reasonable control, or to the negligence of the City, its employees, or contractors, whether sole or joint and concurrent with the negligence of Customer or third parties, except to the extent that the damages are occasioned by the gross negligence or willful misconduct of the City.

If an interruption for service is planned for-necessary maintenance, upkeep, etc., the Customer(s) must be notified a minimum of five (5) working days prior to the service interruption.

For claims resulting from failures, interruptions or service inadequacies occasioned in whole or in part by gross negligence or willful misconduct of the City or its agents, the City shall be liable only for that portion of the damages arising from personal injury, death of persons, or costs of necessary repairs to or replacement of damaged

equipment or material proximately caused by the grossly negligent acts of the City or its agents. The City shall not be liable in any event for consequential damage.

The City may without notice and without liability to Customer interrupt service to Customer when in the City's sole judgment such interruption:

- A. Will prevent or alleviate an emergency threatening to disrupt the operation of the City's system; or
- B. Will lessen or remove possible danger to life or property; or
- C. Will aid in the restoration of utility service; or
- D. Is required to make necessary repairs to or changes in the City's facilities, or
- E. The interruption of service is in compliance with the City's Rules and Regulations.

Customer may request, in writing, that City provide notice of intentional interruption of service by contact at an address and telephone number provided in such written request by Customer and City will exercise reasonable diligence to give such notice but does not warrant that notice will be given in every case of intentional interruption.

## 700. MISCELLANEOUS SERVICE CONDITIONS

### 700.1 Access and Right of Way

Customers shall admit to Customer's premises at all reasonable hours personnel authorized by the City to inspect, install, repair, remove or replace City's property or facilities, or to read City's meters. Access shall be granted to perform other activities necessary to provide utility services including tree trimming and tree removal where such trees, in the opinion of the City, constitute a hazard to City personnel or facilities, or jeopardize the providing of continuous utility service. Refusal by the Customer to provide reasonable access may be sufficient cause for discontinuance of service with notice.

Any Customer and/or property owner who has provided an easement to the City and who wishes to lock the gates or gaps providing access to the property shall allow the City to install the City's standard padlock on the gates or gaps to insure reasonable access to the City's facilities.

The Customer may not charge fees of any type for access to Customer's premises.

#### 700.2 Protection of City's Facilities on Customer's Premises

The Customer shall use reasonable diligence to protect personnel authorized, by the City or by law, to have access to Customer's premises. Customer shall not cause, allow, or continue any practice, installation or occurrence that endangers the safety of City personnel or the City's agents.

The Customer shall use reasonable diligence to protect the City's facilities installed on Customer's premises. The Customer shall be responsible for any damage to or loss of the City's property located on the Customer's premises caused by or rising out of the acts, omissions, carelessness, neglect or negligence of the Customer, or the misuse or unauthorized use of the City's property by the Customer. The Customer shall pay for the cost of making good such loss and/or repairing such damage.

#### 700.3 Ownership of Utility Service Facilities

The City shall retain ownership of all equipment, material and facilities installed by the City. The payment of any costs of construction, impact fees, deposits, or any other fees and/or charges shall not be deemed to authorize, grant, give, or vest any ownership rights to any Applicant or Customer as a result of the aforementioned payments.

#### 700.4 Extension of Customer's Facilities

The Customer shall not extend Customer's installation or facilities across or under public thoroughfares, streets or alleys, or other lands not owned by Customer.

The Customer shall not sell or share the utility service purchased from or made available by the City with or to any other Customer or person. The Customer shall not extend, connect, or install any electric, gas, water, or wastewater lines, taps, or other facilities across or under any street, alley or other public space in order to obtain or provide any utility service from or to any adjacent property.

#### 700.5 Exclusive Service

The utility service provided by the City is for the exclusive use of the Customer receiving service, and the Customer shall not resell or share with any other Customer any such utility service.

#### 700.6 Additional or Alternate Provider(s) Of Utility Service

The Customer shall not cause or permit another provider(s) of electrical, gas, water, wastewater, or garbage collection utility service to operate in parallel with or to be interconnected with the City's facilities, or to use the City as a source of standby, auxiliary or supplemental service unless the Customer has a written agreement with the City permitting such an arrangement.

#### 700.7 Prohibited Uses

The Customer shall not use any utility service provided by the City for any unlawful purpose or in such a manner that life or property may be endangered.

#### 700.8 Attachments to City's Utility Facilities

Foreign attachments shall be made in full and complete compliance with all other applicable requirements of the effective NESC, AASHTO, TxDOT or any other applicable regulatory requirements and per our joint-use agreements.

The top 10 feet of all City owned primary electric distribution poles is reserved Electric Distribution Space for the exclusive use of the City's electric facilities. No wired or wireless contacts by others will be allowed within or above that space.

No foreign attachments on City owned primary or secondary electric distribution poles shall be made without prior consent of the City per the terms of a valid joint-use agreement with the City.

No telecommunication attachments shall be allowed within 40 inches of energized electric facilities (the telecommunications safety space).

To ensure safety, no telecommunication contacts shall extend vertically into or through the 40 inch telecommunication safety space on City owned primary electric distribution poles.

No posters, banners, placards, signs, light fixtures, radio or television antennas, basketball backboards, fences, structures, electric conductors not owned by the City or any other type of foreign object, material or facilities may be attached to or installed on the City's poles, property or equipment.

Any person who violates this provision shall be notified and requested to remove all foreign objects and/or equipment from the City's property. If said person fails to remove said foreign objects immediately, the City will remove said foreign objects and/or

equipment and bill the person for the cost incurred. The City may remove any foreign objects and/or equipment from the City's property and equipment without notice and without liability to the owner of said foreign objects.

700.9 Idle Service

Idle services are services which have been disconnected, but where the service facilities remain in place. The City may retire such idle utility services under the following conditions:

- A. Service lines which are idle less than one (1) month shall not be removed, except when requested by the premise's owner or when the premises have been abandoned.
- B. Service lines that are idle over one (1) month may be retired unless the owner reconnects such service at the regular rate. If such reconnected service is subsequently disconnected within twelve (12) months after being so reconnected, then this policy shall apply, and the service shall be subject to retirement.
- C. When feasible, and at minimum expense to the City, the last known premises owner will be notified about the pending removal of facilities, and given the opportunity to re-initiate service.

700.10 Standard Service Voltages and Transformer Capacities

The City's standard service voltages for providing electric service are:

Single Phase Service

120/240 volts	3 wire delta connection
240 volts	4-wire wye connection
480 volts	3 wire delta connection

Three Phase Service

120/208 volts	4-wire wye connection
120/240/208 volts	4-wire delta connection
240 volts	3 wire delta connection
277/480 volts	4 wire wye connection
480 volts	3 wire delta connection

These voltage designations are nominal voltages, and actual voltages will be maintained near or about these nominal voltages insofar as reasonably practicable. Other voltages

may be provided by approval of the City upon written request by the Applicant and/or Customer.

If the City agrees to provide electric service at a nonstandard voltage, the Applicant or Customer shall be required to pay the cost of the transformer and the cost of a spare transformer.

The City's standard transformer sizes for providing electrical service range from 25 kVA – 500 kVA for pole-mounted transformers and 25 kVA – 2500 kVA for pad-mounted transformers.

If an Applicant or Customer requires transformer capacity which exceeds, in the City's sole judgment, the total reasonable capacity requirements deemed necessary by the City, then the Applicant or Customer shall be required to pay the cost differential between the transformer size requested by the Applicant or Customer and the transformer size deemed reasonable by the City.

If the transformer capacity required by the Applicant or Customer exceeds the transformer size normally provided by the City, the City shall require that the Applicant or Customer pay the cost of the spare transformer if the City determines that a spare transformer of nonstandard size is required.

The service entrance capacity shall be determined by the Customer, but shall not be less than 200 amperes nor greater than 2000 amperes without the written authorization of the City.

#### 700.11 Standard Pipe Sizes and General Conditions for Gas service

The City's standard pipe diameters for providing gas service are 1 and 2 inches. The City shall determine the appropriate service size after consideration of service requirement information provided by the Applicant or Customer.

The maximum gas pressure provided to a Customer shall be 5 psi, unless authorized by the City Manager.

All single residential gas services must have an Excess Flow Valve installed, unless exempted by State or Federal Regulations. Installation of Excess Flow Valves will be performed by the City, unless authorized by the City Manager.

#### 700.12 Standard Pipe Sizes and General Conditions for Water Service

The City's standard pipe diameters for providing water service are 3/4, 1, 1-1/2, 2, 3, and 4 inches. The City shall determine the appropriate service size after consideration of service requirement information provided by the Applicant or Customer. The City's standard pipe diameter for fire service is 6 inches. Domestic water service and fire service lines shall tie into the City's distribution system as separate distinct services. All water services, including fire services must adhere to the City of Boerne Cross Connection Control and Backflow Prevention Program Ordinance and other state and federal regulations.

Cross connection control devices installed on fire service lines shall be placed no farther than forty-feet (40') from the public water main. Other cross connection control devices shall be placed at locations to adequately protect the public drinking water system as determined by the City.

#### 700.13 General Conditions and Standard Pipe Sizes for Wastewater Service

Only one wastewater service per marketable piece of property will be allowed, unless approved by the City Manager.

The City's standard pipe diameters for providing wastewater service are 6 and 8 inches. The City shall determine the appropriate service size after consideration of service requirement information provided by the Applicant or Customer.

#### 700.14 Utility Capacity Requested in Excess of Utility Capacity Utilized

If an Applicant applies for utility capacity in excess of actual utility capacity required, the Applicant shall pay the cost differential between the requested utility capacity and the actual utilized utility capacity.

#### 700.15 Standards of Construction

The type, character, and capacity of construction, equipment, or facilities required for the extension of any utility service to an Applicant or Customer shall be determined by the City of Boerne Standard Specifications for Public Works Construction, latest edition, and City of Boerne Electric Specifications. Each Applicant, Customer or contractor may contact the utility and request copies of the applicable and pertinent construction



standards. The City may modify, amend or change such standards without notice at the City's sole discretion.

#### 700.16 Routing of Extensions

The location of the extension origin and the route to be followed in the construction of an extension shall be determined solely by the City after consideration of engineering, design issues, costs, and other challenges to providing the best service possible. The origin need not necessarily be at the point on the City's existing facilities most proximate to the Applicant's premises, nor the route selected the shortest distance between origin and Point of Service.

In every case, the City shall, in the City's sole judgment; determine the most economical and feasible routing of City's facilities. In the event the Applicant or Customer requests a different routing and if the alternate routing is feasible, then Applicant or Customer shall pay the City increased costs incurred by the alternate routing, if any.

Overhead temporary electric services shall not be in excess of 50-feet unsupported.

#### 700.17 Structures and Improvements Located in the Vicinity of Utility Facilities

The construction or location of any building or other type of structure or improvement, temporary or permanent, over or under an electric, water, sewer or gas line or appurtenance owned by the City of Boerne is prohibited.

All structures and plantings adjacent to above-ground facilities must remain a minimum of three (3) feet from said facilities.

### 800 UTILITY FACILITIES EXTENSIONS

#### 800.1 In General

The City shall extend its utility service facilities to qualified Applicants in accordance with the following facilities extension provisions. Each of the provisions classifies the predominate type of utility service/use anticipated on Applicant's premises, and specifies conditions under which the City will extend its facilities to Applicant's premises.

#### 800.2 General Requirements

The following requirements are applicable to each facility extension regardless of the Applicant or Customer's classification:

- A. Compliance with City Regulations: Applicant shall comply with all provisions contained under Section 300 - Conditions for Extension of Service, all City Rules and Regulations, Construction Specifications, and all City ordinances.
- B. Standard Construction and Voltages: This policy pertains only to the City's standard utility construction, voltages, and conduit or pipe sizes. Requests for non-standard facilities, underground electric facilities, non-standard voltages or non-standard gas, water, or wastewater pipe sizes will be performed only after written approval by the City.

### 800.3 Service Classifications

The City shall classify each Applicant's facilities and/or service requirements as permanent, indeterminate, temporary, security lighting, or subdivision/development in accordance with the definitions contained in this section.

Applicant's classification at each location where utility service is requested shall involve an evaluation of the type of installation, the anticipated use of the utility service or services, the requested or required service capacity, and the frequency and duration of anticipated utility service.

The Applicant's classification shall be made by the City in the City's sole judgment. If the classification assigned by the City is determined at a later date to be inappropriate based upon the Customer's subsequent actual use at the installation receiving service and/or the frequency and duration of water, electrical energy or gas consumption, then the City may alter the Customer's classification and reassign the Customer to a more appropriate classification, and make the appropriate adjustment to the Customer's account or billing to reflect this reassignment.

- A. Permanent Classification - The City will extend service to qualified Applicants under this classification if the Applicant's facilities and/or anticipated capacity requirements, usage or consumption of utility service comply with at least one of the following definitions:

- (1) Permanent Residential Dwelling - A permanent residential dwelling shall consist of a single family dwelling or multifamily dwelling, such as a duplex,

triplex or quadruplex, which is completely constructed and which is occupied on a full time basis, or any manufactured home or prefabricated structure which is occupied on a full time basis and:

- (a) which is constructed on or permanently affixed to a concrete slab or concrete piers (not blocks), and
  - (b) which is impractical to move, such as having had the wheels, axles, hitches, and/or towing devices permanently removed, and
  - (c) which is or will be connected to a permanent water system and a permanent wastewater system, and
  - (d) which is used solely for residential purposes.
- (2) General Service and Industrial Facilities – General Service and industrial facilities include, but are not limited to retail businesses, hotels, motels, apartment complexes, restaurants, cafes, cafeterias, fast food establishments, manufacturing facilities, and repair shops, where service is to a permanent facility, and where the capacity, frequency and duration of usage of the requested utility service or services can be reasonably estimated and in the City’s opinion is of such frequency and duration to justify the permanent extension of utility service facilities.
- (3) Public buildings - This category includes governmentally owned and operated facilities, schools, and churches where service is extended to a permanent facility.

B. Indeterminate Classification - Applicants under this classification include:

- (1) Facilities which do not meet the criteria for permanent residential dwellings, or
- (2) Seasonal facilities, such as irrigation wells and systems, lawn sprinkler systems, vacation homes, weekend homes, hunting camps, fishing camps, baseball or football fields, recreational vehicle and trailer parks, and other types of recreational areas, or
- (3) Low consumption facilities, including but not limited to electric fences, barns, bunkhouses, grain storage facilities, equipment shelters, stock tanks, stock wells, water wells, radio and microwave towers, and other

similar facilities.

C. Temporary Classification

The temporary classification includes service to Applicants where the expected period of utility service and usage is twenty-four months or less, such as service for construction power, rock crushers and quarry activities, construction storage facilities, and other similar activities.

800.4 Facilities Extended to Permanent Customers

A. Electric Facilities

The City shall extend-up to 100 linear feet of primary overhead electric facilities to qualified Applicants under this classification, at no cost to the Applicant, where all the electric facilities can be constructed in public thoroughfare rights of way. Additional facilities extension in excess of this 100 linear feet shall be installed by the City and/or its contractors at the Customer's expense.

The costs of electric service facilities which are constructed by the City on private property, including the cost of transformers or the increase in transformer capacity, and easement survey, shall be paid to the City by Applicant. Applicant shall also pay all meter and services fees as determined by the City of Boerne Fee Ordinance.

The cost of transformers shall be paid by Applicant, except where service is extended to single family residential properties where platting is not required.

B. Gas Facilities

The City shall extend up to 100 linear feet of gas main facilities by open trenching along public thoroughfare rights of way at no cost to qualified Applicants under this classification. The Applicant shall pay the City the actual cost for all gas facilities constructed along public thoroughfare rights of way that exceed 100 linear feet, and/or actual costs for all gas facilities constructed on private property.

C. Water Facilities

The City shall extend not more than 100 linear feet of water main facilities by open trenching along public thoroughfare rights of way at no cost to qualified Applicants under this classification. The Applicant shall pay the City the actual cost for all water facilities constructed along public thoroughfare rights of way that exceed 100 linear feet, and/or actual costs for all water facilities constructed on private property.

D. Wastewater Facilities

The City shall extend not more than 100 linear feet of wastewater main facilities by open trenching along public thoroughfare rights of way at no cost to qualified Applicants under this classification. The Applicant shall pay the City the actual cost for all wastewater facilities constructed along public thoroughfare rights of way that exceed 100 linear feet, and/or actual costs for all wastewater facilities constructed on private property.

800.5 Facilities Extensions to Indeterminate or Temporary Customers

The City shall extend electric service only to qualified Applicants under this classification only if the Applicant pays the City the actual cost for all electric facilities constructed. The Applicant shall also pay the temporary service charges specified in Section 400 - Service Fees.

If service is extended to an Applicant under this provision, and within two (2) years from the date of the initial extension the facilities at the location comply, in the City's sole judgment, with the requirements for Permanent classification then the City shall refund, to the Applicant receiving permanent service, an amount equal to the approximate cost which the City would not have charged the Applicant if service had been extended to a Permanent location. The temporary service charge shall not be refunded.

The City shall not extend temporary water, wastewater or gas service to any nonpermanent location.

800.6 Security Lighting

The City of Boerne Utilities does not install security lighting. Property owners are responsible for purchasing fixtures and hiring a licensed electrician for any new installations. The City will continue to change burned-out bulbs in existing fixtures, but if a fixture is found to be non-functional, it will be removed and not replaced. The City's outdoor lighting regulations can be found in

#### 800.7 Subdivisions and Developments

The subdivision/development classification consists of the extension of utility services to new residential and commercial subdivisions and developments. The City will perform new construction and/or system improvements in order to extend utility services to a residential or commercial subdivision or development under the following conditions:

A. Application for Utility Services

The developer shall make written application to the City requesting the extension of utility services and specifying the type or types of utility service required in the subdivision or development.

B. Provide Information

The developer shall provide to the City a recorded plat of the subdivision or development showing all boundaries, lots, dedicated streets and alleys, utility accesses, easements, covenants, restrictions, future development potential and any other pertinent information that may be required by the City.

C. Comply with Ordinances

The developer shall apply for necessary permits, pay all City required fees, charges, and assessments, and comply with all applicable ordinances, including the City's Subdivision and Development Ordinances and all ordinances establishing impact fees.

D. Provide Easements

The developer shall provide at no cost, dedicated easements satisfactory to the City along streets and/or roads within the subdivision or development including all utility easements. The City shall not accept easements for utility service which are not adjacent to or alongside the streets or from the streets to the individual dwellings, or where access to the City's facilities is or

may become obstructed by fences, buildings, swimming pools, gardens, or other types of obstructions. The City shall not provide “back lot” electric service within any residential development.

E. Extension of Electric Facilities

Based upon the utility plans, plats and easements provided by the developer, the City shall review and approve the routing of all electric facilities to and within the subdivision or development.

If the developer requests electric distribution facilities within the subdivision or development, then the developer shall pay the total cost of all new construction and/or system improvements required to extend service to and within the subdivision or development.

- (1) The developer shall provide the plans and specifications that have been prepared by a licensed professional engineer for the electric distribution facilities within the subdivision or development for review and approval by the City.
- (2) The developer shall perform, at developer’s sole cost, all trenching, the installation of all conduit, and the construction of all concrete transformer, meter and equipment pads and associated equipment and materials in accordance with City specifications.
- (3) The City shall provide, install, and terminate all primary conductors, switching and sectionalizing equipment, pull boxes, poles, and other associated equipment and materials necessary to complete the construction of the primary electric system.
- (4) The City shall provide and install all transformers, meter pedestals and secondary wiring from the transformer to the pedestal as the equipment is needed to extend service.
- (5) The developer shall pay all costs incurred by the City under sections 800.7(E)(1) through 800.7(E)(4), plus the actual costs of all new construction and system improvements and other costs for the extension of electric facilities to and within the subdivision or development.
- (6) The Applicant for electric service shall pay all meter and services fees as determined by the City of Boerne Fee Ordinance.

F. Extension of Gas, Water and/or Wastewater Facilities

(1) Facilities within Subdivision/Development

The developer shall prepare all plans and specifications for all gas, water, and/or wastewater facilities required within the subdivision or development. These plans and specifications shall be prepared by licensed professional engineers, and shall comply with all applicable codes, ordinances, laws, and City standards. The Developer shall submit these plans and specifications to the City for review and approval.

Upon approval of the final plans and specifications by the City, the developer shall provide all material, labor, supervision, engineering and equipment necessary to construct all utility facilities in accordance with the City approved plans and specifications. The City shall provide periodic construction inspection to verify compliance with the City approved plans and specifications.

Upon completion of all construction and acceptance by the City, the Developer shall transfer all constructed facilities to the City at no cost.

800.8 Special Circumstances

The City may waive a portion or all of the actual costs of construction required under Section 800 for any Applicant if, in the City's sole opinion the waiver of the construction costs is reasonable and necessary to attract the Applicant to the City's service area, if the anticipated annual revenue from the Applicant justifies the City's investment, if the construction required will facilitate service to other potential Applicants or improve service to existing Customers, or if service to the Applicant will contribute to the economic development of the City.

Any other extensions of service to an Applicant involving circumstances not specifically described in this Facilities Extension Policy will require the approval of the City Manager or his designee.



## 900. DEFINITIONS

- 900.1 Applicant - Any person, firm, association, corporation, or political subdivision of the State of Texas requesting that the City supply utility service to any facility.
- 900.2 Brush - Cuttings or clippings from trees and shrubs resulting from regular pruning or maintenance of the property; debris from dead or damaged trees or shrubs which could be considered hazardous if left standing. Brush must be cut into 8' maximum lengths and cannot include uprooted tree stumps to meet this definition.
- 900.3 Bulky Items – Discarded items such as old furniture, hot water heaters, appliances. Appliances, such as air conditioners, refrigerators and freezers are considered bulky items but they must have the Freon removed by a licensed technician.

- 900.4      City - The City of Boerne, Texas which shall include the City Council of the City of Boerne, or the City Manager, or a duly authorized representative of the City Manager.
- 900.5      City Manager – Professional Manager, appointed by City Council, who administers City operations and serves as the Chief Executive Officer of the City. The City Manager sees that all laws and ordinances and all policy directives of the City Council are carried out.
- 900.6      Collect or Collection - The act of obtaining payment from a Customer for the use of any utility service, or the provision of any associated service, as billed by the City.
- 900.7      Connection - The act or state of joining an Applicant's or Customer's facilities to the City's facilities to allow or accommodate the provision of utility service by the City, or reinitiating utility service to a new Applicant or Customer at a preexisting premise or Customer Installation.
- 900.8      Customer - Any person receiving utility service from the City.
- 900.9      Customer's Installation; Installation - All conductors, pipe, conduit, facilities, equipment, buildings, structures, or apparatus of any kind at Customer's point of delivery excepting only City's metering equipment.
- 900.10     Delinquent - Any portion of a Customer's bill unpaid after fifteen (15) days from the date of issuance, or in reference to a Customer, any Customer who has not paid the bill in full within Fifteen (15) days from the date of issuance, except that if the fifteenth day falls on a holiday or weekend, the due date for payment purposes shall be the next work day after the due date.
- 900.11     Development – Term as defined in Section 212.043 of the Texas Local Government Code and any amendments thereto.
- 900.12     Disconnection - The act or state of terminating a Customer's-utility services by the City.
- 900.13     Disconnecting Means or Main Disconnect - A switching device or devices located on the load, on Customer's side of the point of delivery, by which the Customer's entire electrical system can be disconnected from the City's distribution system.
- 900.14     Dwelling – A single-family building, properly equipped for full-time occupancy.

900.15

Easements:

Easement - the right to use the real property of another for a specific purpose. The easement is itself a real property interest, but legal title to the underlying land is retained by the property owner for all other purposes.

Easement, Access - A dedicated easement allowing vehicular and/or pedestrian traffic on, over or across said easement.

Easement, Drainage – An easement dedicated for the installation and/or maintenance of drainage facilities.

Easement, Non-Access – A dedicated easement prohibiting vehicular traffic on, over or across said easement.

Easement, Overhang – An easement dedicated for the installation and/or maintenance of overhead utility lines over private land.

Easement, Sidewalk – An easement dedicated for the installation of and public use of sidewalks across or over private land, together with the right to enter thereon with machinery and vehicles necessary for the installation and/or maintenance of said sidewalks.

Easement, Utility – An easement dedicated for the installation and maintenance of utilities, including, but not limited to, electric, water, sewer or gas, across, over or under private land, together with the right to enter thereon with machinery and vehicles necessary for the installation and/or maintenance of said utility.

900.16

Electric Distribution System - The City's primary and secondary voltage conductors, transformers, switchgear, connections, enclosures, pedestals, poles, guys, anchors, services, meters and all other associated equipment used to provide electric service, installed throughout the City's service area on and along the dedicated streets and easements of land, developments and subdivisions, such that individual service may be extended there from into the lots or tracts upon request by an Applicant.

900.17

Electric Service - The availability and/or actual delivery of electrical power to the Customer, including any and all acts done, rendered, or performed by City in making said electric power available to the Customer, whether used by Customer or not.

900.18

Energy - Electrical power. The unit for measuring electrical energy is the watt-hour, or kilowatt-hour, which are 1,000 watt-hours (kWh).

- 900.19 Facilities - All the plant and equipment of the City, including all tangible personal property without limitation, in any manner owned, operated, leased, licensed, used, controlled, furnished, or supplied for, by or in connection with the business of the City.
- 900.20 Garbage Collection Service - The availability and/or pickup of household garbage and solid waste from the Customer provided by an independent third party contractor with the City of Boerne, including any and all acts done, rendered, or performed by the independent third party contractor in collection and disposal of the residential garbage and solid waste, whether used by Customer or not.
- 900.21 Gas Distribution System - The City's taps, laterals, mains, meters, pressure stations, gates and odorization facilities, connections, enclosures, and all other associated material and equipment used to provide gas service, installed throughout the City's service area on and along the dedicated streets and easements of land, developments and subdivisions, such that individual service may be provided there from to the lots or tracts upon request by an Applicant.
- 900.22 Gas Service - The availability and/or actual delivery of natural gas to the Customer, including any and all acts done, rendered, or performed by City in making said natural gas available to the Customer, whether used by Customer or not.
- 900.23 General Service – The provision of service that is not used exclusively for residential purposes, including, but not limited to, apartment complexes, nursing homes, schools, restaurants, bakeries, grocery stores, motels, hotels, banks, retail stores, etc.
- 900.24 Land Clearing – The removal of vegetation from any site, parcel or lot; provided, however, it does not include mowing, trimming or pruning, so as to maintain vegetation in a healthy, viable condition.
- 900.25 Meter - A device, or devices, together with auxiliary equipment, for measuring electric energy usage and demand, natural gas or water delivered to Customer. A meter may also include equipment for monitoring or measuring electrical currents, electrical power factor, harmonics, voltage and voltage fluctuations, gas measurements as deemed necessary by the City.
- 900.26 Meter Loop - A device consisting of conductor, conduit, meter socket, and associated hardware for the purpose of facilitating the connection of the City's service conductor to the Customer's Electrical facilities with facilities for metering the Customer's Electrical usage through a

kilowatt hour and/or demand meter in a circuit.

- 900.27 Meter Socket - A device that facilitates the connection of a kilowatt-hour and/or demand meter in a circuit to measure the electric power in that circuit.
- 900.28 Non-Permanent Dwelling - A dwelling so constructed as to be easily moved, hauled or otherwise relocated from its original foundation.
- 900.29 Non-Permanent Installation or Intermittent Use Installation – Any Installation other than a permanent installation.
- 900.30 PUC – Public Utility Commission of Texas
- 900.31 Permanent Installation - Any installation that is:
- A. Constructed on or permanently affixed to a concrete slab or concrete piers (not blocks) and which is actually used or occupied on a permanent full time basis; or
  - B. Any other structure which meets all of the following criteria:
    - 1. The structure must be impractical to move. Mobile homes with wheels, trailer hitches, and axle removed are considered impractical to move.
    - 2. The structure must be actually used or occupied on a permanent full time basis;
    - 3. The structure must be permanently connected to a water system and sewer or septic system.
- 900.32 Person - Any individual, partnership, association, joint venture, corporation, or governmental entity.
- 900.33 Point of Service - The point at which the City's utility facilities connect with the Customer's facilities. (see chart)
- 900.34 Premises - A tract of land or real estate including building or other structures or appurtenances thereon.
- 900.35 Qualified Applicant - Any Applicant for service who has complied with all the requirements under Section 300 - Conditions for Extension of Service.
- 900.36 Rate Schedules - Any schedule of rates or charges approved by the

City Council.

- 900.37 Reconnection - The act or state of connecting an existing point of delivery that previously received utility service prior to disconnection, and where the Customer requesting reconnection is the same as the Customer who received service prior to disconnection.
- 900.38 Removal of service/meter(s) – The physical act of removing meters and/or service lines by the City to accommodate the demolition of a structure or the permanent discontinuance of service.
- 900.39 Residential Dwelling - A single family dwelling, residential duplex or multiplex that is so constructed as to be impractical to move, haul, or otherwise relocate from its original foundation, and that is occupied on a permanent, full-time basis.
- 900.40 Residential Service – The provision of service to a permanent residential dwelling.
- 900.41 Rules; Service Rules; Service Rules and Regulations - Any service rule, regulation, or ordinance of the City pertaining to utility service.
- 900.42 Senior Citizen – Applicant/Customer that is 60 years of age or older.
- 900.43 Structure – Anything built or constructed, including, but not limited to light poles, signs, swimming pools, gazebos, covered patios, storage sheds, playhouses, or any other accessory building or improvement that impedes the City’s access or operation of its utilities.
- 900.44 Subdivision -- A division of any tract of land situation within the corporate limits, or within the extraterritorial jurisdiction of the City of Boerne, in two or more parts to lay out a subdivision of the tract, including an addition to the municipality, to lay out suburban building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchases or owners of lots fronting on or adjacent to the streets, alleys, squares, parks or other parts. “Subdivision” includes a division of a tract regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. “Subdivision” includes resubdivision, but it does not include a division of land for agricultural purposes into parts greater than five acres where each part has street access and no public improvement is being dedicated.

- 900.45      TCEQ – Texas Commission on Environmental Quality
- 900.46      Temporary Customer – Applicant who intends to have service with the City for twenty-four months or less.
- 900.47      Wastewater Collection and Treatment System - The City's taps, laterals, mains, lift stations, treatment plants, connections, enclosures, and all other associated material and equipment used to provide wastewater service, installed throughout the City's service area on and along the dedicated streets and easements of land, developments and subdivisions, such that individual service may be provided for the lots or tracts upon request by an Applicant.
- 900.48      Wastewater Service - The opportunity and/or actual delivery of wastewater from the Customer to the City, including any and all acts done, rendered, or performed by City in making said opportunity available to the Customer, whether used by Customer or not.
- 900.49      Water Treatment and Distribution System - The City's taps, laterals, mains, meters, pump stations, water wells, water treatment plants, water storage facilities, connections, enclosures, and all other associated material and equipment used to provide water service, installed throughout the City's service area on and along the dedicated streets and easements of land, developments and subdivisions, such that individual service may be provided there from to the lots or tracts upon request by an Applicant.
- 900.50      Water Service - The availability and/or actual delivery of water to the Customer, including any and all acts done, rendered, or performed by the City in making said water available to the Customer, whether used by Customer or not.

## APPENDIX #1

### CITY OF BOERNE, TEXAS IDENTITY THEFT PREVENTION PROGRAM

#### SECTION 100: RED FLAGS

The City of Boerne has identified the following relevant Red Flags, for their covered accounts:

##### Suspicious Personal Identifying Information, Suspicious Documents, Suspicious Account Activity, and Alerts from Others

1. Documents provided for identification appear to be altered, forged, or inauthentic;
2. The photograph or physical description on the identification is not consistent with the appearance of the Applicant or Customer presenting identification;
3. Other information on the identification is not consistent with information provided by the person opening a new covered account or Customer presenting the identification;



4. Other information on the identification is not consistent with readily accessible information that is on file for the Customer-(such as inconsistent birth dates);
5. The SSN provided is the same as that submitted by other persons opening an account or other Customers;
6. The person opening the covered account or the Customer fails to provide all required personal identifying information on an application; or (however, by law social security numbers must not be required);
7. Mail sent to the Customer is repeatedly returned as undeliverable although transactions continue to be conducted in connection with the Customer's covered accounts;
8. The City is notified by a Customer, a victim of identity theft, a law enforcement authority, or any other person that it has opened a fraudulent account for a person engaged in identity theft;

### SECTION 200: DETECTING RED FLAGS

In order to facilitate detection of the above referenced Red Flags, the City of Boerne:

1. Obtains identifying information about, and verifies the identity of, a person opening a covered account. For example, obtaining a suitable, current, valid, and verifiable identification, such as a current driver's license or other form of US government issued identification.
2. Authenticates Customers, monitors transactions, and verifies the validity of change of address requests, in the case of existing covered accounts. For example, verifies with the Customer current driver's license or other form of US government issued identification prior to making changes to account or providing account information either in person or over the phone.

### SECTION 300: PREVENTING AND MITIGATING IDENTITY THEFT

The City of Boerne's Identity Theft Program provides for appropriate responses to the Red Flags that have been detected. Appropriate responses may include the following:

1. Monitoring a covered account for evidence of identity theft;
2. Contacting the Customer;
3. Changing any passwords, security codes, or other security devices that permit access to a covered account;
4. Reopening a covered account with a new account number;
5. Not opening a new covered account;
6. Closing an existing covered account;
7. Not attempting to collect on a covered account or not selling a covered account to a debt collector;
8. Notifying law enforcement; or

9. Determining that no response is warranted under the particular circumstances.

In order to further prevent the likelihood of identity theft occurring with respect to Utility accounts, the City of Boerne will take the following steps with respect to its internal operating procedures to protect Customer identifying information:

1. Ensure that its website is secure or provide clear notice that the website is not secure;
2. Ensure complete and secure destruction of paper documents and computer files containing Customer information;
3. Ensure that office computers are password protected and that computer screens lock after a set period of time'
4. Keep offices clear of papers containing Customer information;
5. For Verification purpose - Request only the last 4 digits of social security number (if any);
6. Ensure computer virus protection is up to date; and
7. Require and keep only the kinds of Customer information that are necessary for utility purposes.

#### SECTION 400: UPDATING THE PROGRAM

The City of Boerne will update the Program (including the Red Flags determined to be relevant) periodically, to reflect changes in risks to Customers or to the safety and soundness of the City from identity theft, based on factors such as:

1. The experiences of the City with identity theft;
2. Changes in methods of identity theft;
3. Changes in methods to detect, prevent and mitigate identity theft;
4. Changes in the types of accounts that the City offers or maintains; and
5. Changes in the business arrangements of the City, including service provider arrangements;
6. Or any other factors the City deems necessary.

#### SECTION 500: METHODS OF ADMINISTERING THE PROGRAM

Oversight of Program: The City's Identity Theft Program has been adopted by the City Council of the City of Boerne and will be reexamined as circumstances warrant.

The Program Administrator, the Customer Service & Billing Administrator, will:

1. Assign specific responsibility for the Program's implementation and oversee daily activities of the Program to assure Red Flags are monitored.
2. Review reports prepared by staff regarding compliance by the City.
3. Recommend material changes to the Program as necessary to address

changing identity theft risks.

Reports:

1. In general: The Program Administrator, who is responsible for development, implementation, and administration of its Program, will report to Senior Management annually and present reports to City Council as needed.
2. Contents of the report: The report will address material matters related to the Program and evaluate issues such as:
  - a. The effectiveness of the policies and procedures of the City in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;
  - b. Service provider arrangements-Whenever the City engages a service provider to perform an activity in connection with one or more covered accounts the City will take steps to ensure that the activity of the service provider is conducted in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft;
  - c. Significant incidents involving identity theft and management's response; and
  - d. Recommendations for material changes to the Program.
3. This policy will be reviewed and modified as warranted.

#### SECTION 501: THIRD PARTY VENDORS

In the event a third party vendor is involved in a client transaction with a City of Boerne Customer, every effort will be made to ensure the protection of the Customer's identity/identity information as required by the Fact Act.

1. Tyler Technologies (INCODE Billing System) – letter of conformity (see attachment "A".)

#### SECTION 600: DEFINITIONS

Covered Account: An account where an entity (such as a municipal utility) provides a service or good before the consumer pays for it. For example, the City of Boerne provides utilities to the Customer, and then bills the Customer later based on consumption.

Identity Theft: Fraud committed using the identifying information of another person.

Red Flag: A pattern, practice, or specific activity that indicates the possible existence of identity theft.