

AMENDED RATE ORDER

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

WHEREAS, Fort Bend County Municipal Utility District No. 5 (the "District"), provides water, sewer, drainage and garbage collection services to residential and commercial establishments within the District;

WHEREAS, it is necessary that fees, charges, and conditions be established for service from the District's System; and

WHEREAS, it is the District's intent to establish rates for service from the District's System that will encourage sound management of the District's water usage and conservation practices by Users within the District; Now, Therefore,

BE IT ORDERED BY THE BOARD OF DIRECTORS OF FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 5, THAT:

Section 1. Definitions. The following words or phrases shall have the meanings indicated below:

- A. "Single Family Residential User" - means a user of the District's System that consists of one residence designed for use and occupancy by a single family unit.
- B. "Non-Single Family Residential User" - means any user of the District's System other than a Single Family Residential User including, but not limited to, commercial establishments, apartments, and multi-family dwelling units.
- C. "Non-Taxable User" - means any user of the District's water and sewer system that is exempt from ad valorem taxation by the District under Property Tax Code, including, but not limited to, schools and churches.
- D. "Public Space User" - means any user of the District's water system for irrigation purposes only to serve public esplanades, lakes, recreational areas or green spaces.
- E. "Fire Protection Service User" means a user of the District's water system for fire protection services only.
- F. "Full Service Tap" shall mean a connection to the District's water and sewer system to serve a single family unit, commercial establishment, apartments, recreational facilities, club, multi-family dwelling units or any other building.
- G. "Fire Protection Service Tap" shall mean a connection to the District's water system for the sole purpose of providing fire protection to the user's property.

Section 2. Tap Fees

- A. Single Family Residential. Prior to connection to the District's water system, a tap fee as set forth herein shall be paid to the District to cover the cost of making said connection and the cost of providing the water meter. In the case of a 5/8" water meter, the tap fee shall be \$500.00. In the case of a 3/4" water meter, the tap fee shall be \$675.00. In the case of a 1" water meter, the tap fee shall be \$942.00.
- B. Non-Single Family Residential. Prior to connection to the District's water system a tap fee shall be paid to the District equal to three (3) times the District's actual cost of installing the tap, meter, and necessary service lines, and repairing or restoring any yards, sidewalks, streets, landscaping, concrete or other improvements, affected by the installation shall be paid to the District (the "Installation Costs"). The District's operator will produce an estimate for the Installation Costs, which will be approved by the Board of Directors and sent to the User. The User shall pay the Installation Costs, plus 20%, prior to the installation of the tap. If the actual Installation Costs are greater than the estimated Installation Costs paid by the User, the difference must be paid by the User before the District will provide service to the User. If the actual Installation Costs are less than the estimated Installation Costs paid by the User, a refund for the difference shall be issued to the User.

Connections to the District's water system shall not be allowed prior to an approved sewer inspection, and all such connections shall be inspected by the District's operator or its subcontractor.

- C. Public Space Users. In the case of a metered water connection to serve a homeowners' association and established solely to provide water for irrigation purposes, the tap fee shall be the District's actual cost of installing the tap, meter and any necessary service lines, and making any street, improvement or landscape repair required by installation. The tap fee, based on estimated costs, shall be paid prior to installation of the tap. If actual costs result in a greater tap amount, the difference shall be paid prior to initiation of service. Conversely, if the tap fee is less than the amount paid, the District shall refund the difference.
- D. Irrigation Systems. Prior to connection to the District's water system, a tap fee equal to the District's actual cost for installation plus the cost of the meter shall be paid to the District for irrigation systems that have been authorized by the District and that are to be used solely for the purpose of providing irrigation water to landscaped areas within the District. All such connections to the District's water system shall be made by a representative of the District.
- E. Non-Taxable Users
- (1) Non-taxable Users shall pay a tap fee equal to the District's actual cost of installing the tap, meter and any necessary service lines and the cost of repairing or restoring any yards, sidewalks, streets, landscaping, concrete or other improvements affected by the installation (as determined by the District's operator, together with the District's consultants) plus the User's pro rata share of the District's actual cost of the facilities necessary to provide District services to the non-taxable User that are financed or to be fully or

partially financed by the District's tax bonds (as determined by the District's consultants and approved by the Board of Directors) (the "Installation Costs").

- (2) The District's operator, together with the District's consultants, will determine the Installation Costs, which will then be approved by the Board of Directors and be sent to the User. The User shall pay the estimated Installation Costs, plus 20%, prior to installation of the tap. If the actual Installation Costs are greater than the estimated Installation Costs paid by the User, the difference must be paid by the User before the District will provide service to the User. If the actual Installation Costs are less than the estimated Installation Costs paid by the User, a refund for the difference shall be issued to the User.

- F. Fire Protection User. For each Fire Protection Service Tap made for a Non-Single Family Residential User, the tap fee will be (a) the District's actual cost of installing the tap and necessary service lines plus (b) any costs incurred by the District to repair or restore any yards, sidewalks, streets, landscaping, concrete or other improvements affected by the installation (the "Installation Costs"). Meters are required by the District for Fire Protection Service Taps. The District's operator will notify the User of the estimated Installation Costs. The User shall pay the estimated installation costs prior to installation of the tap. If the actual installation Costs are greater than the estimated Installation Costs paid by the User, the difference will be billed to the User on the monthly water and sewer bill. If the actual Installation Costs are less than the estimated Installation Costs paid by the User, a refund for the difference shall be issued to the User.

Section 3. Inspections.

- A. Pre-Facility Inspection. All builders or contractors for property owners within the District shall contact the operator, prior to starting any work on property within the District, to do an inspection to verify District facilities. If any District facility is either damaged or cannot be located, the operator will make necessary repairs or locate and make the facilities visible at the expense of the District. A copy of the inspection report will be given to the builder's or contractor's representative, if requested. The cost for each inspection shall not exceed \$35.00 and is payable with the tap fee.
- B. Facility and Water Meter Inspection. After construction has been completed on the property, but before service is transferred to a User, the District's operator will conduct a Final Site Survey to reinspect the water tap, meter and all other District facilities on the property for a fee in the amount of \$35.00. The fee shall be collected at the time the tap fee is paid. The property owner, builder or contractor will be held responsible for any damages or adjustments to District facilities and the cost of repairing, adjusting or relocating the facilities (the "Backcharges") before service shall be initiated to a User. If any reinspections of the facilities are required to ensure that the District's facilities are repaired, relocated or adjusted, a fee in the amount of \$35.00 shall be charged for each such reinspection before service will be transferred to a subsequent User. Payment of the Backcharges, or any inspection or reinspection fees, shall be made on or before the 30th day after the date of the invoice for said charges. The District may withhold the provision of service to the property or to

other property owned by any User, property owner, builder or contractor who has failed to timely pay for the Backcharges or any inspection or reinspection fee, including specifically the provision of additional taps; provided, however, the District shall follow the notification procedures set forth in this Rate Order prior to withholding the provision of service.

- C. Grease Trap Inspection. The District shall require the owner of any establishment that discharges certain types of waste into the District's sanitary sewer system to install a trap to prevent the entry of the discharge into the District's System and a sampling well to allow for periodic sampling of the discharge from the establishment. Discharges requiring a trap and sampling well include, but are not limited to, grease, oil, sand, or flammable waste. Other discharges requiring a trap and sampling well shall be determined by the District's operator and engineer on a case-by-case basis based on the operator's and engineer's conclusion that the discharge in question will harm the District's facilities if allowed to enter the District's system.

Any person responsible for a discharge requiring a trap and sampling well shall provide equipment and facilities of a type and capacity approved by the District, locate the trap in a manner that provides ready and easy access for cleaning and inspection, and maintain the trap in effective operating condition. For restaurants and similar developments, the District will require as a minimum one trap and one sampling well per restaurant. Each trap and sampling well required to be installed hereunder shall be subject to initial inspection and approval by a District representative; the fee for this initial inspection shall be \$35.00.

For each grease trap installed, there shall be charged a monthly flat rate inspection fee of \$35.00. If the operator is required to reinspect the grease trap, such reinspection shall be charged at the same \$35.00 rate. It shall be the responsibility of the owner of the property to maintain and service the trap(s). All traps shall be cleaned a minimum of once a month. The District has the right, in its sole discretion, to require the owner to pretreat the discharge at the owner's expense.

- D. Swimming Pool Inspections and Fee. Every User who plans to construct or install a swimming pool and/or spa within the District shall notify the District's Operator in writing prior to commencing construction of the swimming pool and/or spa. Upon notification by the user of the intention to construct or install a swimming pool and/or spa, the User shall pay an inspection fee of \$50.00. After notification is received, the District's Operator shall insure that all drains overflow pipes and filter backwash piping from the swimming pool and/or spa are connected to the District's sanitary sewer system. After the drains overflow pipes and filter backwash piping have been installed, the User shall notify the District's Operator, who shall make an inspection of all swimming pool and/or spa drains overflow pipes and filter backwash piping to verify that the proper connection is made before service is authorized for said swimming pool and/or spa.
- E. Approval of Plans. Before any connection, other than a Single Family Residential User connection, is made to the District's water, sewer or drainage system, or before any reconnection is made, the person requesting such connection shall submit to the District's engineer for review and approval the water, sewer, and drainage plans for

the property for which the connection is sought. Such plans shall clearly show the estimated volume of water or effluent and the points of connection to the District's system. A copy of such approved plans, with the engineer's approval indicated thereon, shall be submitted to the District's operator. Any modification of such drainage plans shall require reapproval by the District's engineer. The District reserves the right to require removal of any connection made in violation of this Section.

Section 4. Builder Deposit. Prior to a water tap and meter being installed, any person proposing to construct a house or other building in the District shall deposit \$500.00 with the District as security for any damages to District facilities, whether on the lot for which the tap is requested or elsewhere in the District. Such deposit shall be held, used or refunded as follows:

- A. Procedure. The deposit shall be held until the inspection provided in the preceding paragraph has been completed. If no damages are discovered or damages have been paid, the deposit shall be refunded within 30 days after final inspection. If damages are discovered and not paid within ten (10) days, the District shall withhold the portion required to pay all damages and refund the balance, if any.
- B. Commercial and Industrial Waste. A builder of multiple houses shall be required to make only one deposit, however, if damages to District facilities are not paid by the builder within ten (10) days after notification, the District may draw on the deposit and no new taps should be made until the deposit is restored to \$500.00. The \$500.00 deposit is for security purposes only and is not a limitation.

Section 5. Water Rates.

A. Single Family Residential. Following connection to the District's water system, each Single Family Residential User within the District shall be charged for water service from the District on a monthly basis according to the water used based on the following schedule:

<u>Water Usage</u>	<u>Amount of Payment</u>
First 6,000 gallons	\$ 9.50 (minimum monthly charge)
6,001 - 10,000 gallons	\$1.25 per 1,000 gallons
10,001 - 15,000 gallons	\$1.50 per 1,000 gallons
15,001 - 20,000 gallons	\$1.75 per 1,000 gallons
Over 20,000 gallons	\$2.00 per 1,000 gallons

B. Non-Single Family Residential. Following connection to the District's water system and during the period of construction prior to initial occupancy of the premises, Non-Single Family Residential Users except Irrigation Users connected to the District's system by a separate water meter shall be billed on a monthly basis according to the water used based on the following schedule:

<u>Water Usage</u>	<u>Amount of Payment</u>
First 6,000 gallons	\$10.50 (minimum monthly charge)
6,001 - 10,000 gallons	\$1.50 per 1,000 gallons
10,001 - 15,000 gallons	\$1.75 per 1,000 gallons

15,001 - 20,000 gallons	\$2.00 per 1,000 gallons
Over 20,000 gallons	\$2.25 per 1,000 gallons

C. Multi-Family Residential User (Apartment Complex). Each Multi-Family building within the District that is served by a master meter shall be charged for service on a monthly basis according to the volume of water used and in accordance with the following schedule:

<u>Amount of Payment</u>	<u>Water Usage</u>
\$19.50	Minimum monthly charge per SFR equivalent connection for water as determined by the District's engineer (institutes first 5,000 gallons usage)
\$1.25	Water rate per 1,000 gallons metered water for usage between 5,000 gallons and 10,000 gallons
\$1.50	Water rate per 1,000 gallons metered water for usage between 10,000 gallons and 20,000 gallons
\$1.75	Water rate per 1,000 gallons metered water for usage between 20,000 gallons and 50,000 gallons
\$2.00	Water rate per 1,000 gallons metered water for usage between 50,000 gallons and 75,000 gallons
\$2.25	Water rate per 1,000 gallons metered water for usage above 75,000 gallons

Multi-Family or apartment units served by a master meter shall be charged as follows:

The total number of gallons metered shall be divided by the number of apartment units to determine the average usage per unit. The average usage per unit shall be rounded up to the nearest 1,000 gallons for purposes of computing the amount to be charged hereunder. The rates specified above shall then be applied to such average usage to determine the amount to be charged per unit. The charge per unit then shall be multiplied by the number of apartment units to determine the total amount to be charged. Notwithstanding the foregoing, during the first three (3) months after the date of initial connection to the District's system of apartment units served by a master meter, the customer shall be charged for water usage at the rate of \$2.00 per 1,000 gallons used. Beginning the first day of the next billing period after the third month, the following percentage of apartment units planned ultimately to be serviced by such meter will conclusively be deemed to be completed and habitable and billing will be in accordance with the rates set forth above with each unit deemed to be completed and habitable being considered as one unit. Newly constructed multi-family units will receive a phase in billing as follows:

Months after Tap	Percentage Habitable
4	25%
5	50%

9	75%
12 and thereafter	100%

Connections to the District's water system shall not be allowed prior to an approved sewer inspection, and all such connections shall be inspected by the District's operator or its subcontractor.

D. Builder Connections. During construction and prior to initial occupancy, a builder shall be charged a monthly flat rate of \$16.00 for water and sewer service.

E. Public Space Users. Water service will be provided to Public Space User within the District for irrigation purposes at a rate of \$8.00 per month per connection. In order to promote conservation of the District's water supply, however, the Homeowners' Association or any Irrigation User will pay an increased rate to be set by the District if the District, within its sole discretion, determines that their water usage is excessive, inefficient, and/or wasteful.

F. Irrigation System Fees. Metered water connections authorized by the District and established solely for the purpose of providing water to irrigation systems shall be charged monthly for water usage at the rate and in the manner discussed above for Single Family Residential Users. There shall be no sewer charge for irrigation meters.

G. Additional Payment Options. Any User may pay the monthly water and sewer bill via the payment options provided through the District and its operator, including but not limited to, online credit card payments and credit card payments processed over the telephone. Certain payment options are made available through service providers who may charge Users a convenience fee in connection with some payment options. Such convenience fees are the sole responsibility of the User and are separate from any amount owed by the User to the District. Non-payment of any such convenience fee shall subject the User to termination of service in accordance with this Order. If any User payment is refused or returned by the processing financial institution, the District will charge the User the fee for returned item. Acceptable payment methods for delinquent accounts may be restricted as specified elsewhere in this Order.

H. City of Rosenberg Surface Water Subsidence Fee ("GRP fee"). The City of Rosenberg, Texas assesses a monthly GRP fee upon the District for each 1,000 gallons of groundwater withdrawn by the District. Each user of District water for any purpose, whether builder, single family residential, non-single family residential, or any other type of user, shall be charged, in addition to the water rates set forth above, a separate amount equal to the amount assessed by the City of Rosenberg to the District plus 10% for each 1,000 gallons of water delivered to such user in a billing cycle. The effective date of this charge is July 14, 2010.

Section 6. Sewer Rates.

A. Single Family Residential.

Following connection to the District's sanitary sewer collection system, each Single Family Residential User (including each unit within a building or buildings occupied as a separate dwelling) connected to the District's system by a separate water meter shall be billed monthly a flat charge of \$36.00. The effective date of this charge is August 1, 2018.

B. Non-Single Family Residential.

(1) Following connection to the District's sanitary sewer collection system, each Non-Single Family Residential User (including each unit within a building or buildings occupied as a separate business) connected to the District's system by a separate water meter shall be billed on a monthly basis according to the following schedule:

<u>Amount of Payment</u>	<u>Usage</u>
\$13.00	Base sewer rate, includes first 5,000 gallons metered water
\$1.75	Sewer rate per 1,000 gallons metered water for usage between 5,000 gallons and 10,000 gallons
\$2.00	Sewer rate per 1,000 gallons metered water for usage between 10,000 gallons and 20,000 gallons
\$2.25	Sewer rate per 1,000 gallons metered water for usage between 20,000 gallons and 50,000 gallons
\$2.50	Sewer rate per 1,000 gallons metered water for usage between 50,000 gallons and 75,000 gallons
\$2.75	Sewer rate per 1,000 gallons metered water for usage above 75,000 gallons

(2) Retail centers connected by a single meter shall be billed on a monthly basis according to the following schedule:

<u>Amount of Payment</u>	<u>Usage</u>
\$13.00 minimum	First 10,000 gallons per month
\$2.00 per 1,000 gallons	All over 10,000 gallons

C. Multi-Family Residential User (Apartment Complex).

Following connection to the District's sanitary sewer collection system, each Multi-Family Residential User (including each unit within a building or buildings occupied as a separate dwelling) connected to the District's system by a separate water meter shall be billed monthly a flat charge of \$10.00.

Section 7. Regulatory Assessment. Pursuant to the Texas Water Code, each user of the District's water and sanitary sewer system is hereby assessed a charge of one-half of one percent of the District's charge for water and sewer service. This assessment is included in the rate schedules listed below and will be forwarded to the Texas Commission on Environmental Quality, as required by the Texas Water Code, and used to pay costs and expenses incurred in its regulation of water districts.

Section 8. Security Deposit. A deposit of \$100.00 shall be charged to all new users in the District. Such sums shall be required prior to service being initiated and shall be held by the

District as a deposit to assure prompt payment of all charges for utility service. No interest will be allowed on such charges. Any final payments due to the District upon termination of service will be deducted from the security deposit and all remaining funds will be distributed by the Bookkeeper to the user after the disbursement of said funds has been approved by the Board.

Section 9. No Free Service. No free service shall be provided by the District to any person, organization or institution, including charitable institutions.

Section 10. Easements. Before service is commenced to any User, the person requesting such service shall grant an easement of ingress and egress to and from the meter for such maintenance and repairs as the District may, in its judgment, may deem necessary.

Section 11. Plumbing Regulations; Prohibition Against Cross-Connections and Unacceptable Plumbing Practices; Penalty for Violation. Pursuant to Chapter 290 of the Texas Administrative Code, the District adopts the following plumbing regulations, which apply to all users of the District's potable water distribution system.

- A. Service Agreements. Prior to receiving service from the District to new construction or to buildings containing new plumbing fixtures, or prior to having service reconnected to any building after termination of water service, a User must execute a Service Agreement in the form attached to this Rate Order as Exhibit "A".
- B. Plumbing Fixtures. A User is not permitted to install any plumbing fixture which is not in compliance with a state approved plumbing code, if such compliance is required by the state, and the plumbing code, if any, required by the city in whose jurisdiction the District is located.
- C. Prohibition Against Water Contamination. No direct connection between the District's potable water distribution system and a potential source of contamination is permitted. Potential sources of contamination shall be isolated from the District's potable water distribution system by the installation of an air-gap or an appropriate backflow prevention device in accordance with state plumbing regulations. In addition, all pressure relief valves and thermal expansion devices must be in accordance with state plumbing codes and the plumbing code, if any, required by the city in whose jurisdiction the District is located.
- D. Backflow Prevention Assemblies. All sprinkler systems, spas and pools must have backflow prevention assemblies installed by the User at the User's sole cost and expense. In addition, the District, in its sole discretion, may require a non single family residential User to install a backflow prevention assembly at any meter(s) servicing such a User's property. The District, in its sole discretion, also may require any User to install other backflow prevention assemblies at any fixture in order to prevent contamination of the District's potable water distribution system or if the User's plumbing system poses a high health hazard. A high health hazard is defined by the Texas Commission on Environmental Quality ("TCEQ") as a "cross-connection, potential cross-connection, or other situation involving any substance that could cause death, illness, spread of disease, or has a high probability of causing such effects if introduced into the potable drinking water supply." If the District determines that a User must install a backflow prevention assembly as a protection against a high health hazard, the backflow prevention assembly used must comply

with a state approved plumbing code and the plumbing code, if any, required by the city in whose jurisdiction the District is located, and must be tested and certified at least annually by a recognized backflow prevention assembly tester. A list of certified backflow prevention assembly inspectors can be obtained from the local office of the TCEQ.

The User is responsible for insuring that all backflow prevention assemblies are tested upon installation by a recognized backflow prevention assembly tester. If this test is performed by the District's operator or its subcontractor, the cost will be \$45.00. In the event the User chooses to have the test performed by a source other than the District's operator, the User will be required to pay the cost plus an administrative fee to the District in the amount of \$26.50. The User is solely responsible for the cost of this test. If the District requires the installation of a backflow prevention assembly in order to prevent a serious threat to the District's public water supply, then the District, in its sole discretion, may immediately terminate service to the User. In that event, service will not be restored until the backflow prevention assembly has been installed and tested and a signed and dated original of a "Backflow Prevention Assembly Test and Maintenance Report" in the form attached to this Rate Order as Exhibit "B" has been provided to the District's operator.

If the District determines that a backflow prevention assembly must be installed pursuant to this Rate Order for reasons other than to eliminate a serious threat to the District's public water system, the User must install the backflow prevention assembly within five (5) working days after receipt of notice from the District that such installation is required. In addition, the User must provide the District's operator with a signed and dated original of a "Backflow Prevention Assembly Test and Maintenance Report" in the form attached to this Rate Order as Exhibit "B" within three (3) working days of the installation of the backflow prevention assembly and within three (3) working days of any subsequent repair, maintenance or testing of such assembly. If the User fails to provide the testing certificate within this time, the District, in its discretion, may terminate service to the User pursuant to the terms of this Rate Order. The District's operator will retain such reports for a minimum of three (3) years.

- E. Customer Service Inspections. A customer service inspection is required prior to the time the District (i) provides continuous water service to new construction, (ii) provides water service to private plumbing facilities that have been added to existing construction or materially improved or corrected, or (iii) continues service to a User when the District has reason to believe that cross-connections or other unacceptable plumbing practices exist. The cost of such customer service inspection will be the sole responsibility of the User. For all types of service, a water supply protection specialist licensed by the Texas State Board of Plumbing, or a certified waterworks operator holding an endorsement from the TCEQ may perform this customer service inspection. If this customer service inspection is performed by the District's operator, the cost will be \$53.50 for single family residential Users and will be determined on an individual basis for other Users. All fees relating to the customer service inspection shall be paid by the User prior to the inspection, and if the

inspection is made in connection with new construction, the fee will be collected with the tap fee.

Prior to initiating service to new construction or buildings containing new plumbing fixtures, the User must provide the District's operator with a signed and dated "Customer Service Inspection Certification" in the form attached to this Rate Order as Exhibit "C". The District's operator will retain such inspection certifications for a minimum of ten (10) years. If the District's operator does not perform the initial customer service inspection, the User will need to obtain a final inspection certificate from the District's operator prior to receiving service. In connection with this final inspection, the User shall allow its property to be inspected by the District's operator or its subcontractors during normal business hours for possible cross-connections and other unacceptable plumbing practices which violate this Rate Order. The cost of this final inspection shall be \$53.50 for single family residential Users and will be determined on an individual basis for other Users. The cost of this final inspection shall be paid by the User prior to the final inspection. Thereafter, the District's operator or its subcontractors may, at the discretion of the District and/or the District's operator, periodically inspect a User's plumbing system during normal business hours for the purpose of identifying possible cross-connections and other unacceptable plumbing practices which violate this Rate Order.

- F. Prohibition Against Cross-Connections. No cross-connection between the District's potable water distribution system and a private water system is permitted. Where an actual air gap is not maintained between the public water supply and a private water supply, an approved reduced pressure-zone backflow prevention assembly must be properly installed and such assembly must be annually inspected and tested by a certified backflow prevention device tester. A list of certified backflow prevention device testers may be obtained from the local office of the TCEQ. By accepting service from the District, all Users agree to allow such annual inspection and testing of backflow prevention assemblies to take place during normal business hours. If any User refuses to allow such annual inspection and testing, service to such User will be discontinued until such inspection and testing is completed.

No connection which allows water to be returned to the District's potable water distribution system is permitted. This includes, but is not limited to, any device pursuant to which water is removed from the District's potable water distribution system, circulated through a User's system for condensing, cooling and heating of fluids or industrial processes, including but not limited to a heat exchange system, and routed back to the District's potable water distribution system.

- G. Notice of Unacceptable Plumbing Practices. The District shall notify the User in writing of any cross-connection or other unacceptable plumbing practice which has been identified during the customer service inspection, the final inspection, any periodic reinspection, or any other inspection. At its sole cost and expense, the User shall immediately correct any unacceptable plumbing practice on its premises and properly install, test and maintain any backflow prevention device required by the District within two (2) working days of receipt of notice of the improper cross-connection. The User shall provide copies of all testing and maintenance records on such devices to the District within three (3) working days of the testing or

maintenance. If the User fails to correct the noted unacceptable plumbing practice, the District may immediately terminate water service or, at the User's sole cost and expense, eliminate the cross-connection or correct the unacceptable plumbing practice.

- H. Unauthorized Connection. Only the District's Operator or its designated agent is authorized to connect or reconnected service to the District's potable water distribution system, and the User is strictly prohibited from making such connection or reconnection. Any user who violates this subsection shall be responsible for all expenses or additional operating costs attributable to such violation.
- I. Penalty for Violation. The failure of a User to comply with the terms of this Section will be considered a violation of this Rate Order. If such a violation occurs, or if the District determines the existence of a serious threat to the integrity of the District's water supply, the District, in its sole option, may, in addition to all other legal remedies available to it, including those remedies set out in Section 29 of this Rate Order, immediately terminate service or, at the User's sole cost and expense, install the plumbing fixtures or assemblies necessary to correct the unacceptable plumbing practice. If the District terminates service in order to preserve the integrity of the District's water supply, service will be restored only when the source of the potential contamination no longer exists or until additional safeguards have been taken. Any and all expenses associated with the enforcement of this Section shall be billed to the User.

Section 12. Plumbing Material Restrictions. The use of the following plumbing materials are prohibited in any and all newly installed improvements or materials used to repair existing improvements connected to the District's water system:

- A. Any pipe or pipe fitting which contains more than a weighted average of 0.25% lead; and
- B. Any solder or flux which contains more than 0.2% lead.

Section 13. Platting and Permit Requirements.

- A. Permit Requirement. Before any connection is made to the District's System, the person requesting such connection shall provide to the District a copy of: (1) any necessary development or building permit from the appropriate municipality or county; or (2) a waiver for any development or building permit from the appropriate municipality or county.
- B. Platting Requirement. Prior to initially connecting to the District's System, a User shall submit to the District's operator proof that the User's property has been platted in accordance with all applicable subdivision ordinances. Acceptable proof of platting includes a copy of the recorded plat, or a certificate from the appropriate municipality or governing entity that the property has been platted or that the property is legally exempt from the platting process.

Section 14. Connection to Sewer. All connections to the District's sewer system shall be made in accordance with the provisions of the rules and regulations governing sewer house lines

and sewer connections. All connections to the District's sewer system shall be inspected by a representative of the District prior to being covered in the ground. In the event a connection is made and covered without inspection by a representative of the District, water service at such location shall be terminated. An inspection fee of \$35.00 for all single family connections and a fee of \$100.00 for all connections other than single family connections shall be paid to the District to cover the cost of making said inspection.

Section 15. Prohibition of Septic Tanks and Holding Tanks. No septic tanks or holding tanks shall be permitted or used within the District.

Section 16. Quality of Sewage.

- A. Domestic Waste. Only ordinary liquid and water-carried waste from domestic activities that is amenable to biological treatment and that is discharged from sanitary conveniences of buildings connected to a public sanitary sewer system shall be discharged into the District's sanitary sewer lines. Waste resulting from any process of commerce or industry may not be discharged into the District's sanitary sewer lines except as authorized pursuant to Section 14.B.
- B. Commercial and Industrial Waste. All discharges other than waste described in subsection A are prohibited unless the user has applied to and received written authorization from the District for such discharge. The applicant must file a statement with the District containing the following information:
 - (1) Name and address of applicant;
 - (2) Type of industry, business, activity, or other waste-creative process;
 - (3) Quantity of waste to be discharged;
 - (4) Typical analysis of the waste;
 - (5) Type of pretreatment proposed; and
 - (6) Such other information as the District may request in writing.

The District shall have the right to reject any application for discharge of non-domestic waste into the District's sanitary sewer lines if the District determines in its sole discretion that the proposed discharge may be harmful to the District's sanitary sewer system or the environment. The District also shall have the right in approving any application for the discharge of non-domestic waste to impose any limitations on such discharge that the District determines in its sole discretion to be necessary to protect the District's sanitary sewer system or the environment.

- C. National Categorical Pretreatment Standard. If a user is subject to a national categorical pretreatment standard pursuant to regulations promulgated by the Environmental Protection Agency under Section 307 of the federal Clean Water Act, the user is prohibited from discharging pollutants into the District's sanitary sewer system in violation of applicable categorical pretreatment standards or the Wastewater Order adopted by reference in subsection E below.
- D. District Testing; Pretreatment. The District shall have the right to sample and test any user's discharge at the discretion of the District's operator, with no limit as to the frequency of the tests, and to charge the user for the District's cost of such sampling and testing. The District also shall have the right to require pretreatment, at the

user's expense, of any discharge of non-domestic waste if the District determines in its sole discretion that pretreatment of such waste is necessary to protect the District's sanitary sewer system or the environment, even if pretreatment is not otherwise required pursuant to subsection C above.

- E. Compliance with Wastewater Order. The District adopts and incorporates by reference and all users in the District shall comply with the Order Regulating the Introduction of Wastewater into the Sanitary Sewer System of the District ("Wastewater Order"). A copy of the Wastewater Order is attached to this Amended Rate Order as Exhibit "D."

Section 17. Prohibited Discharge.

A. Drainage Facilities. For the purpose of providing drainage capacity and services to drain the land located within its boundaries, the District has constructed, owns and operates a storm sewer system (the "Drainage Facilities"). It is essential that the District maintain the Drainage Facilities and ensure that they are kept clear of any objects or debris that may block them and interfere with their intended purpose. The District's Drainage Facilities are solely allowed to carry storm water rainfall and anything deposited into such system shall be unauthorized. Anyone who disposes, or is responsible for the disposal, of trash, household or other hazardous materials, construction materials or debris, chemicals, other debris, or grass, tree and yard clippings, or anything else prohibited under regulations implemented pursuant to the Federal Water Pollution Control Act or any state equivalent act, or that might potentially impede the free flow of storm water runoff ("Unauthorized Materials") in the Drainage Facilities or the District's Right-of-Way will be responsible for (1) removing such Unauthorized Materials and restoring the Drainage Facilities to their prior condition or (2) reimbursing the District for all costs of removal and restoration if the District opts, at its sole discretion, to perform such work. In addition to or in place of the foregoing, the District may assess a penalty against the violator or disconnect the User's water service to collect such penalty for such violation under this Rate Order.

B. Sanitary Sewer. All waste discharged into the District's sanitary sewer system shall conform to the requirements hereof and shall consist only of waste amenable to biological treatment or other processes employed by the District from time to time. No person may discharge into the District's sanitary sewer system any waste which by itself or by interaction with any other waste may:

- (1) Injure or interfere with the processes or physical properties or facilities of the District's sanitary sewer system;
- (2) Constitute a hazard to humans or animals;
- (3) Create a hazard in receiving waters of the effluent of the sanitary sewer system; or
- (4) Cause the District to be unable to comply with the terms of any discharge permit.

Discharges prohibited by the foregoing parameters include, but are not limited to, materials which exert or cause: excessive discoloration or concentrations of suspended solids, or chlorine demands in excess of the ability of the sanitary sewer system to adequately treat and dispose of such waste in

compliance with applicable regulatory requirements. Prohibited discharges also include, but are not limited to, the following materials which, if present in sufficient quantities, may cause or result in a violation of the foregoing parameters: ashes, cinders, sand, mud, grass clippings, straw, shavings, metal, glass, rags, tar, plastic, wood or wood products, oil, grease, garbage (other than properly shredded garbage), paper or paper products, chemicals, paint residues, or bulk solids.

Section 18. Obstructions. After any District facility, including but not limited to a water meter, has been set, the User shall at all times keep the area in, around and upon the District facility and District easements and property under customer's control free from rubbish or obstructions of any kind. Failure to keep the meter and box and District easements and property under User's control free from rubbish or obstructions shall result in disconnection of water service and/or the assessment of charges to remove said obstructions. Users are prohibited from introducing material into the District's sanitary sewer system which could cause obstruction of said system. In the event that an inspection by the District's Operator or Engineer reveals foreseeable damage to the sanitary sewer system resulting from a User's failure to prevent obstructions from entering said system, the District reserves the right to immediately and without notice remove the obstruction; and any District costs for removal of the obstruction, plus a District administration fee of 50% of said costs, shall be assessed to the User. In addition, the District reserves the right to terminate the User's service.

Section 19. Unauthorized Service. Unauthorized service from the District's water, sewer and drainage system is hereby prohibited. Any costs incurred by the District in terminating unauthorized service, including the removals of the materials used in making the unauthorized connection, will be charged to the User. No service shall be provided by the District until the entire amount of the fine, legal fees and costs incurred by the District and all regular fees for service connection are paid. Unauthorized service is that obtained without the District's prior approval, inspection or installation.

Section 20. Damage to Meters and Appurtenances. No person other than a duly authorized agent of the District shall open any meter box, repair, alter, adjust, remove, make connections or additions to or in any other way take any action which affects any meter, meter box, service line or other water and/or sewer system appurtenance. The District reserves the right to immediately and without notice remove the meter or disconnect water service to any user who has removed, tampered with or altered in any way a meter, meter box, service line or other water and/or sewer system appurtenance or who has reconnected service which was terminated by the District and to assess repair charges to the user.

Section 21. Maintenance and Repair. It shall be the responsibility of each User to maintain water and sewer lines from the point of connection to the District's water and sewer system to the building served. If for any reason the User does not maintain the water and sewer lines and requests that the District do so, the District, at its discretion, may do so and charge the User.

Section 22. Builder Responsibilities.

A. Street Cleaning. The builder and developer will be responsible for ensuring that the street in front of their lots stays free from the accumulation of trash, sediment, dirt, and all other debris. Street cleaning will be done by street scraping or by using a vacuum sweeper. Washing sediments into the sewer inlets is prohibited by the District and the EPA.

B. Concrete Wash-Out Site. Each builder will provide a single, dedicated concrete wash-out site on one of the builder reserved lots, for use during construction. The site selected will be reviewed with the District and developer, and an identification sign must be erected on the site by the builder prior to use.

The builder will clean and maintain the site as necessary and is responsible for the proper and legal disposal of concrete. Silt fencing must be installed along the curb in front of the wash-out site as well as an access pad.

The builder will inform its subcontractors of the location and purpose of the concrete wash-out site.

C. Other Builder Responsibilities. The builder is responsible for observing all signs and for enforcing the District's Rate Order with all employees, suppliers, and subcontractors. Builders are responsible for conducting regular inspections of their erosion control measures to insure they are functioning properly.

D. Failure to Comply. Failure of a builder to comply with these builder responsibilities will be considered a violation of this Rate Order and will subject the builder to the penalties set forth in the Section entitled Penalties for Violation. Further, the District, at its sole option, may perform or have performed any of the builder's responsibilities and backcharge the builder for the cost. Failure to timely pay a backcharge or to comply with these responsibilities will subject the builder to termination of service in accordance with this Rate Order or withholding of taps.

Section 23. Monthly Bills and Termination.

A. Charges for services performed shall be billed monthly. All bills shall be payable on the 20th day after the date of mailing the statement for said charges. Unless payment of the monthly bill is received on or before the 20th day after the date of mailing said statement or unless payment of any Backcharges is received on or before the 30th day after the date of the invoice, such account shall be considered delinquent and a one time late charge equal to ten percent (10%) of the unpaid balance shall be charged. The District may, in its discretion, disconnect service for failure to pay all charges and Backcharges, including any late charge, by the 50th day after the due date; provided, however, that prior to disconnecting services, the District shall send written notice by United States first class mail to the User or entity at the appropriate address and provide the User or entity with an opportunity to contest, explain or correct the charges, services, or disconnection, at a meeting of the Board of Directors of the District. The written notice shall inform the User or entity of the amount of the delinquent payment, the date service will be disconnected or additional service withheld if payment is not made, the date, time and place of the next scheduled meeting of the Board of Directors, and of the opportunity to contest, explain or correct the charges, services, or disconnection, by presenting in person or in writing such matter to the Board of Directors at the next scheduled meeting as shown on the notice. The date specified for disconnection shall be ten (10) days after the date of the next scheduled meeting of the Board of Directors as shown in the notice and the date for withholding additional service shall be the date of that Board meeting. The notice shall be deposited, postpaid, in a post office or official depository under the care and custody of the United States Postal Service at least ten (10) days prior to the date of the scheduled meeting of the Board of Directors. A written

statement by the District's operator that the notice was so mailed and a certificate of mailing by the United States Postal Service shall be prima facie evidence of delivery of same. If the User or entity appears before the Board in person or in writing, the Board shall hear and consider the matter and inform the User or entity of the Board's determination by sending written notice by United States first class mail to the User or entity at the appropriate address. If water or sewer service to a user is terminated for any cause, there shall be charged a reinstatement fee of \$45.00 before service is again commenced to such user.

B. Any person, corporation or other entity who violates any provision of this Rate Order, in addition to being subject to the penalties described elsewhere in this Rate Order, shall be subject to having service terminated; provided, however, that prior to disconnecting service for such violations, the District shall give written notice by first class mail or otherwise to such person, corporation or other entity, of the pending disconnection, and shall give each person, corporation or other entity the opportunity to contest, explain or correct the violation of the Rate Order at a meeting of the Board of Directors of the District. Such disconnection shall be in addition to penalties that may be imposed by the District under this Rate Order.

C. Notwithstanding any provisions of this Rate Order to the contrary, a User or entity may not be charged late fees nor have service disconnected for nonpayment of a bill that is due during an extreme weather emergency until after the emergency is over. A User or entity may, within thirty (30) days from the date the extreme weather emergency is over, request from the District a payment schedule for any unpaid bill that is due during an extreme weather emergency. Upon receipt of a timely payment schedule request, the District shall provide, in writing, a payment schedule and a deadline for accepting the payment schedule. The District or the District's operator may, at the discretion of the District and/or the District's operator, determine the terms of the payment schedule described in this paragraph in accordance with applicable laws and regulations. If a User or entity requests a payment schedule pursuant to this paragraph, the District shall not disconnect the User or entity from service for nonpayment of bills that are due during an extreme weather emergency unless: (1) the payment schedule has been offered and the User or entity has declined to accept the payment schedule in a timely fashion; or (2) the User or entity has violated the terms of the payment schedule. Any preexisting disconnection notices issued to a User or entity for nonpayment of bills due during an extreme weather emergency are suspended upon the timely request for a payment schedule made under this paragraph; provided, however, that if: (1) the User or entity does not timely accept a payment schedule offered by the District; or (2) the User or entity violates the terms of the payment schedule, then any suspended disconnection notices may be reinstated. A User or entity who violates the terms of a payment schedule shall be subject to disconnection from service pursuant to the provisions of this Rate Order. For purposes of this paragraph, "extreme weather emergency" means a period when the previous day's highest temperature in an area did not exceed 28 degrees Fahrenheit and the temperature is predicted to remain at or below that level for the next 24 hours according to the nearest National Weather Service reports for that area. For purposes of this paragraph, an "extreme weather emergency" is over on the second business day the temperature exceeds 28 degrees Fahrenheit.

Section 24. Termination of Service Upon Request of User. Whenever a User of District services temporarily or permanently abandons the structure or building receiving service and no longer wishes to be serviced, he or she shall notify the District's Operator at least two days prior to

the time he or she desires service to be discontinued. The District shall charge such User \$20.00 for discontinuing and \$20.00 for restoring service if such service is discontinued or restored at the request of the user and he or she is not delinquent in the payment of any bill at the time of the request.

Section 25. Transfer Fee. A fee of \$15.00 shall be charged by the District to cover the expense to the District for the transfer of water and sewer service from the initial User to each subsequent User.

Section 26. Returned Check Charge. The District will charge a \$25.00 fee to any User for each check given to the District for payment that must be returned for any reason. Payments attempted to be made by a check which is returned shall be considered delinquent unless cash or certified funds are presented to the District for payment within the time period required by Section 24 entitled Monthly Bills and Termination.

Section 27. Pressure of Water. The District does not guarantee any user any specific quantity or pressure of water for any purpose whatsoever, and all Users understand and agree that the District is not liable for failure or refusal to furnish any particular amount or pressure of water to any User at any time.

Section 28. Requirements for Service. No Service shall be given from the District's System unless such User Agrees to take both water and sewer and garbage collection service, except to Public Space Users and those instances where the Board of Directors determines that both services are not necessary for the preservation of sanitary water within the District.

Section 29. Penalties for Violation. Any person, corporation or other entity who:

- A. violates any Section of this Order; or
- B. makes unauthorized use of District services or facilities; or
- C. causes damage to District facilities by using such facilities in a manner or for a purpose contrary to the purpose for which such facilities were designed; or
- D. violates the District's Rules and Regulations Governing Sewer Lines and Sewer Connections; or
- E. uses or permits the use of any septic tank or holding tank within the District; or
- F. violates the District's Industrial Waste Order; or
- G. violates District's Drought Contingency Plan; or
- H. Constructs facilities or buildings which are not included in the approved plans for development as set forth in this Agreement;

shall be subject to a penalty up to \$5,000.00 and/or disconnection of water service for each breach of the foregoing provisions. Each day that a breach of any provision hereof continues shall be considered a separate breach.

This penalty shall be in addition to the other penalties provided by the laws of the State and to any other legal rights and remedies of the District as may be allowed by law.

Section 30. Applicability Of Rate Order. This Rate Order and all of the provisions herein apply only to the utility service provided to land within the District. The Board of Directors shall determine whether to provide any utility service to areas outside of the District and the terms and conditions for such service.

Section 31. Appeal. Any determination by the District's Operator or the District's Engineer or any authorized agent of the District or any dispute regarding the terms and provisions of this order may be appealed to the Board of Directors of the District, which shall conduct a hearing on the matter. The District's Operator and/or Attorney shall provide the customer with information regarding the appeals and hearing procedures upon the customer's request.

Section 32. Amendments. The District's Board of Directors has and specifically reserves the right to change, alter or amend any rate or provision of this Rate Order at any time.

Section 33. Superseding Orders. This order supersedes all prior orders, resolutions and other actions of the Board concerning fees and charges for water and sewer services.

Section 34. Effective Date. This Rate Order is effective as of the date of adoption.

[SIGNATURE PAGE FOLLOWS]

SIGNED AND SEALED this 26th day of January, 2023.

Nancy E. H.
Assistant-via President, Board of Directors

ATTEST:

[Signature]
Secretary, Board of Directors



(SEAL)