

ORDINANCE NO. 09-23-28

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF REDWATER, TEXAS, PRESCRIBING THE RATES TO BE CHARGED FOR SERVICES FURNISHED BY THE WATER AND SEWER SYSTEM OWNED AND OPERATED BY SAID CITY; IMPOSING A \$5 PENALTY FOR LATE PAYMENTS, A \$20 PENALTY FOR SHUT-OFFS, A \$27 RETURN CHECK FEE, A \$10 LOCK CHARGE, A \$25 METER REINSTALLATION FEE, AND A \$250 PENALTY FOR TAMPERING; REPEALING ALL ORDINANCES, ORDERS OR RESOLUTIONS PARTS THEREOF IN CONFLICT HEREWITH.

WHEREAS, the City Council of the City of Redwater, Texas has determined that certain rates for water and sewer services provided by the City to its residents must be adequate to provide for the debt service of the City's water and sewer system and for operation and maintenance expenses of the water and sewer system and for the upgrading of the system; and

WHEREAS, it is the desire of the City Council to set forth water and sewer rates which are sufficient to provide for payment of all outstanding indebtedness relating to the City's water and sewer system, including the Certificates of Obligation owned by the FmHa and First Bank, and the operation and maintenance expenses of the water and sewer system, and to provide funds for upgrading the system;

WHEREAS, this ordinance will go into effect January 1, 2010.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF REDWATER, TEXAS:

1. That the above recitals are true and correct.

2. That from and after the effective date of this ordinance the following rules and regulations shall apply and govern with respect to the adding of new or adding to existing water and sewer lines:

(A) Persons desiring to connect new lines to the water or sewer systems must have permission from the City and the site must be inspected for service by the Superintendent before work begins. The Superintendent will also inspect the work before it is covered up. The City will do the tap of the water or sewer main. Owners/developers of new housing subdivisions will be required to pay for the lines, valves, meters, fire hydrants, and line taps, including parts and labor. Owners/developers of new housing/subdivisions will enter into a written agreement with the City before water and sewer service is connected. This agreement will state explicitly the location, size, and specifications for all water and sewer lines, valves, meters, and fire hydrants to be installed (Texas Local Government Code 402.001)

(B) Persons desiring to add to their or the City's existing water and sewer lines must have permission from the City and must state their intentions before work begins. The site must be inspected for service by the Superintendent, and the work must be inspected by the superintendent before it is covered up. The City will do the tap of the water or sewer main. Anyone wishing to extend the lines

will be required to pay for the lines, valves, meters, fire hydrants, and line taps, including parts and labor, and comply with the City's specifications (Texas Local Government Code 402.001).

(C) Dual water connections: There shall be no more than two water connections to one water meter allowed in the Redwater Water System and this situation will only be allowed under the following conditions:

- (1) A temporary residence is connected to a water line serving a permanent residence.
- (2) A permanent residence is connected to a water line serving a temporary residence.
- (3) A temporary residence is connected to a water line serving a temporary residence.
- (4) A permanent residence is connected to a water line serving a permanent residence and the relationship between residents is parent/child.

In all situations, the owner of the water meter shall be responsible for the entire billing. The billing shall be for two minimums plus water usage. The City shall not be responsible for low water pressure, and will not accept complaints concerning the same. No dual connections will be made without prior approval of and inspection by Redwater Water and Sewer personnel. In keeping with good water management practices, two meters will be installed as soon as it is economically feasible and practicable.

3. That from and after the effective date of this ordinance, the following rules and regulations shall apply and govern with respect to the charges and rates for the use of water and sewer facilities and services provided by the City:

- (A) That the **tapping fee** to be charged for tapping into the **water** system shall be Four Hundred Dollars **(\$400.00)** per tap, or the actual cost to the City, whichever is greater.
- (B) That the Four Hundred Dollar **(\$400.00)** per tap fee is waived if: 1) a developer is installing main water lines AND 2) a developer has contracted to have multiple meters installed as a part of the main water line installation. The contractor must be approved by the City. Tap fee for the original tap into the existing main line is not waived and is to be performed by city personnel only. The water taps performed by the contractor must be inspected by the Public Works Director. An inspection fee of Fifty **(\$50.00)** shall be charged for the services of the Public Works Director for each inspection. The inspections may be done all at one time or by sections. The tapping fee for sewer is **not** waived.
- (C) That the **tapping fee** for tying into the **sewer** system shall be One Hundred Fifty Dollars **(\$150.00)** per tap, or the actual cost to the City, whichever is greater. Such fees are non-refundable.
- (D) That a **connection fee** of Fifteen Dollars **(\$15.00)** shall be charged to connect service to a new customer at an existing location, which already has a meter or already has a tap, even if the meter has been removed. If location is the site of a new building or renovation has taken place at the site, the fee charged will be **\$30.00**.
- (E) That as a precaution to receiving water and/or sewer service, a deposit against future water bills shall be made in the amount of One Hundred Dollars **(\$100.00)** for each **residential** user, and in the amount of Seventy-Five Dollars **(\$75.00)** for each **business or commercial** user. Said deposit shall be retained by the City until such time as service is disconnected, after which time, such deposit shall be

refunded to the customer. In the event that service is disconnected and the customer failed to pay all water and sewer bills or other fees currently owed to the City, the City shall apply the deposit to the amount owed and refund the amount of the deposit remaining. No interest shall be paid on such deposits.

- (F) The monthly **water rate** to be charged by the City for water furnished to Users within the City limits shall be a minimum of **\$21.00** per connection for water furnished **up to 3,000** gallons per month, plus an additional **\$2.50** for each **additional 1000** gallons, or any part thereof of water used thereafter per month.
- (G) The monthly water rate to be charged by the City for water furnished to all users located **outside of the City** limits shall be a minimum of **\$25.00** per connection for water furnished **up to 3000** gallons per month, and an additional **\$3.50** for each **additional 1000** gallons or any part thereof, of water used thereafter per month.
- (H) The monthly **sewer rate** to be charged by the City for furnishing sewer service to residential users **inside the City Limits**, based upon the quantity of water used, up to a maximum of **15,000** gallons per connection per month, shall be a minimum of **\$14.00** per connection for usage up to the **first 3,000** gallons of water and an additional **\$3.00** per **1,000** gallons of water, or any part thereof, of water used thereafter for the next **12,000** gallons.
- (I) The monthly **sewer rate** to be charged by the City for furnishing sewer service to residential users **outside the City limits**, based upon the quantity of water used, up to a maximum of **15,000** gallons per connection per month, shall be a minimum of **\$16.50** per connection of usage up to the **first 3,000** gallons of water and an additional **\$3.50** per **1,000** gallons of water, or any part thereof, of water used thereafter for the next **12,000** gallons.
- (J) The monthly **water rate** to be charged by the City for water furnished to all **Commercial** customers shall be as follows:
A minimum of **\$28.00** for each connection up to **2,000** gallons of water usage; an additional **\$2.75** per **1,000** gallons of water from **2,000 to 5,000** gallons of water; an additional **\$2.50** per **1,000** gallons of water from **5,000 to 15,000** gallons of water; an additional **\$4.00** per **1,000** gallons of water from **15,000** gallons of water **up** to the amount actually used.
- (K) The monthly **sewer** rate to be charged by the City for furnishing sewer service to a **Commercial** user, based upon quantity of water used per month, shall be:
A minimum of **\$16.00** per connection for usage up to the **first 3,000** gallons of water usage: an additional **\$2.50** per **1,000** gallons of water usage from **3,000 gal to 5,000** gallons of water usage: an additional **\$3.00** per **1,000** gallons of water usage from **5,000 gal to 15,000** gallons water usage or any part thereof of water used thereafter; an additional **\$3.75** per **1,000** gallons of water usage from **15,000** gallons of water usage up to the amount of water actually used.
- (L) The monthly rate for water and sewer services furnished by the City to all apartment complexes, mobile home parks, and other multi-family dwellings served by a single water meter shall be the same rate for *each dwelling unit occupied* during that month that is used to calculate residential water and sewer charges for single family dwelling.

(M) A charge of Five Dollars (**\$5.00**) may be imposed upon customers for rereading a meter after the regular reading time if the original reading was not in error. If the original reading was in error, the billing will be corrected and no charge will be made for the re-reading.

4. The Redwater Water and Sewer System shall be operated on a fully metered system and charges shall be based on monthly readings. Should any meter fail to register correctly the amount of water used by a customer since the previous reading, the Redwater Water and Sewer System shall have the right to determine the amount due by the moving average of previous usage and shall bill the customer accordingly.

5. The City shall render a bill for water and sewer on or about the **22nd** day of each month. Said bill shall be rendered following the reading of the meters by an employee or other person acting on behalf of the City. Meter readings shall begin on or about the 15th of each month, and will be completed within four to five business days.

6. The City shall charge all customers the full and normal fee for water and sewer services received from the City. The City shall not allow any free service from its water and sewer system.

7. All bills for water and sewer services rendered by the City shall be due and payable from the date on which mailed.

8. A charge of Twenty-seven Dollars (**\$27.00**) shall be collected in the event a check given to the City for payment is returned by the bank.

9. If any bill for water and sewer service rendered by the city is not paid within fifteen (15) days after the same is mailed, a penalty of five dollars (**\$5.00**) will be added thereto. In the event any bill for water and sewer service is not paid within thirty (30) days from the date the same is mailed, or the next business day if the 30th day falls on a Friday or a holiday, a twenty dollar (**\$20.00**) service charge shall be added and the water supply to such customer shall be turned off and shall not be turned on again until all service charges, in addition to the amount of the bill and penalty, shall have been paid. This service charge will be assessed whether or not service is actually, physically turned off before payment is received.

10. After a water meter has been turned off for non-payment of water and sewer bill, if the City finds the lock has been removed or service has been reconnected to the customer without the City's approval and without payment of the overdue bill, the City may charge a tampering fee of Two Hundred Fifty Dollars (**\$250.00**), for endangering public health and safety (Texas Health and Safety Code 341.033-b), and the meter may be removed. If the meter is removed, before the meter will be reinstalled the customer will be required to pay: **any and all** unpaid bills; the Five Dollar (**\$5.00**) late charge; the Twenty Dollar (**\$20.00**) service charge; the Ten Dollar (**\$10.00**) lock charge; a Twenty Five Dollar (**\$25.00**) meter reinstallation fee; the Two Hundred Fifty Dollar (**\$250.00**) tampering fee; the cost of damages caused by the customer; plus any other costs incurred in removing or reinstalling the meter.

11. Anyone who turns on the water service or takes water from the City water supply, without the approval of the City, may be turned over to the proper authority for prosecution.

12. To be effective with this ordinance is the requirement that anyone who wishes to be hooked to the City sewer service must also be hooked to the City water service. This does not

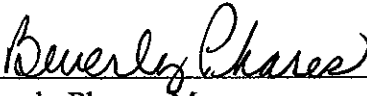
apply to anyone who is currently, before the effective date of this Ordinance, on City sewer but not on City water.

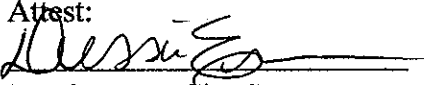
13. The rate, fees, deposits, penalties, and other amounts prescribed above shall be effective from and after the January 2010 billing as prescribed in Ordinance #09-23-27, which this Ordinance amends.

14. All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed to the extent of such conflict.

15. In case a section, clause, sentence or part of this ordinance shall be deemed or adjudged by a Court of competent jurisdiction to be invalid, then such invalidity shall not effect, impair, or invalidate the remainder of this ordinance.

Passed and approved this the 7 day of December, 2009.


Beverly Phares, Mayor

Attest:

Dessie Enns, City Secretary