

ORDINANCE

(Motion was made by F.M. Ross, seconded by Jaymie Padigo, that the following Ordinance be passed:)

ORDINANCE NO. 94-2

AN ORDINANCE REPEALING ORDINANCE NO. 89-12 ENTITLED "AN ORDINANCE BY THE TOWN OF WOODLOCH, TEXAS, ESTABLISHING NEW RESIDENTIAL AND COMMERCIAL WATER AND SEWER RATES; PROVIDING FOR DISCONTINUANCE OF SERVICE FOR FAILURE TO PAY BILLS; PENALTY ON DELINQUENT BILLS; RESIDENTIAL AND COMMERCIAL INSPECTION FEES; RESIDENTIAL AND COMMERCIAL WATER AND SEWER TAP CHARGES RESIDENTIAL AND COMMERCIAL STANDBY CHANGES; RESIDENTIAL AND COMMERCIAL UTILITY DEPOSITS; TITLE TO METERS, TAMPERING, MAINTENANCE AND SETTING OF SAME; DITCH DEPOSIT; UNAUTHORIZED CONNECTIONS; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; SAVINGS CLAUSE AND EFFECTIVE DATE," WHICH ORDINANCE WAS PASSED BY THE TOWN COUNCIL OF THE TOWN OF WOODLOCH, TEXAS ON NOVEMBER 14, 1989 AND AMENDED BY ORDINANCE NO. 91-1 DULY RECORDED IN THE ORDINANCE RECORDS OF THE TOWN OF WOODLOCH BY REPEALING SAID ORDINANCE NO. 89-12 AND THE AMENDING ORDINANCE 91-1 OR PARTS OF ORDINANCES IN CONFLICT HERewith; ADOPTING AN ORDINANCE ENTITLED "AN ORDINANCE BY THE TOWN OF WOODLOCH, TEXAS, ESTABLISHING NEW RESIDENTIAL AND COMMERCIAL WATER AND SEWER RATES; PROVIDING FOR DISCONTINUANCE OF SERVICE FOR FAILURE TO PAY BILLS; PENALTY ON DELINQUENT BILLS; RESIDENTIAL AND COMMERCIAL INSPECTION FEES; RESIDENTIAL AND COMMERCIAL WATER AND SEWER TAP CHARGES RESIDENTIAL AND COMMERCIAL STANDBY CHANGES; RESIDENTIAL AND COMMERCIAL UTILITY DEPOSITS; TITLE TO METERS, TAMPERING, MAINTENANCE AND SETTING OF SAME; DITCH DEPOSIT; UNAUTHORIZED CONNECTIONS; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; SAVINGS CLAUSE AND EFFECTIVE DATE."

WHEREAS, the Town Council of the Town of Woodloch, has determined that there is a need to adopt new Residential and Commercial Water and Sewer Rates and to increase standby charges, tap fees, inspection fees and utility deposits;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WOODLOCH, TEXAS:

The certain Ordinance No. 89-12 entitled "An Ordinance by the Town of Woodloch, Texas, establishing new residential and commercial water and sewer rates; providing for discontinuance of service for failure to pay bills; penalty on delinquent bills; residential and commercial inspection fees; residential and commercial water and sewer tap charges residential and commercial standby changes; residential and commercial utility deposits; title to meters, tampering, maintenance and setting of same; ditch deposit, unauthorized connections; repealing all ordinances or parts thereof in conflict, savings clause and effective date", which Ordinance was passed by the Town Council of the Town of Woodloch on November 14, 1989 and duly

amended by Ordinance No. 91-1 passed on June 18, 1991, and duly recorded in the Ordinance Records thereof, is hereby repealed in its entirety and this Ordinance No. _____ entitled

"An Ordinance by the Town of Woodloch, Texas, establishing new residential and commercial water and sewer rates; providing for discontinuance of service for failure to pay bills; penalty on delinquent bills; residential and commercial inspection fees; residential and commercial water and sewer tap charges residential and commercial standby charges; residential and commercial utility deposits; title to meters, tampering, maintenance and setting of same; ditch deposit; unauthorized connections; repealing all ordinances or parts thereof in conflict; savings clause and effective date," be adopted.

Section 1. Definitions.

For purposes of this order, the following words or terms have the following meanings:

- (1) "Consumer" shall mean the user of residential and commercial or industrial water and sewer service within the boundaries of the City and/or its extra territorial jurisdiction.
- (2) "System" as used herein shall mean the water and/or sanitary sewer facilities of the City and all extensions and additions thereto, whether now in place or hereafter constructed.
- (3) "Delinquent bill" shall mean a bill for water and/or sewer service which has not been paid prior to the fifteenth (15) day of the month following the month of billing.
- (4) "Operator" shall mean the person, firm, corporation, municipal corporation or political subdivision with which the City has contracted for operation and maintenance of the plants and lines of the City's system.
- (5) "Separate connection" shall mean each residential unit occupied by a separate family or person, including separate apartments within a single building, and each business unit occupied by a separate business, including separate establishments within a single building.
- (6) "Residential Connection" shall mean and include any single family residence, townhouse, or multiplex (other than apartments), when such is separately metered.
- (7) "Commercial consumers" shall mean and include any office building, hotel, retail store, clubhouse, warehouse, service station, or other establishment rendering a service or offering a product for sale to the public, apartments, churches, schools, and any and all establishments not generally considered single-family residences.
- (8) "Commercial square foot area" shall mean the entire area of the specified tract of land

including green belts or other area not in actual use and excluding easements and/or rights of ways serving municipal purposes.

Section 2. Monthly rates for water services inside City.

(1) The following rates per month shall be charged for water service furnished to residential consumers by the City through meters to each separate connection in every instance in which a difference charge is not expressly and clearly provided for elsewhere herein:

For the first 7,000 gallons of water used	\$15.00
For each 1,000 gallons of water used over 7,000 gallons up to 15,000 gallons	1.50
For each 1,000 gallons of water used over 15,000 gallons up to 25,000 gallons	2.00
For each 1,000 gallons of water used over 25,000 gallons.	3.00

(2) The minimum charge for residential consumers shall be fifteen dollars (\$15.00) for which 7,000 gallons of water may be used.

(3) The following rates per month shall be charged for water service furnished to commercial consumers by the City through meters to each separate connection in every instance in which a difference charge is not expressly and clearly provided for elsewhere herein:

For the first 7,000 gallons of water used	\$15.00
For each 1,000 gallons of water used over 7,000 gallons up to 15,000 gallons	1.50
For each 1,000 gallons of water used over 15,000 gallons up to 25,000 gallons	2.00
For each 1,000 gallons of water use over 25,000	3.00

(4) The minimum charge for commercial consumers shall be fifteen dollars (\$15.00) for which 7,000 gallons of water may be used.

(5) There is hereby added a monthly surcharge to each water bill of the sum of ten dollars (\$10.00) which shall be in force through September of 1997 at which time such surcharge shall terminate. This surcharge shall apply to service both inside and outside the City. All funds collected from such surcharge shall be placed into an interest bearing account and used to consolidate and improve the existing waste water plants and/or pledge to borrow funds for such purpose as directed by City Council.

Section 3. Monthly rates for sewer service inside City

(1) The following rates per month shall be charged for sewer service furnished to residential consumers in every instance in which a different charge is not expressly and clearly provided for herein:

For sewer service, flat rate per month \$25.00

(2) The following rates per month shall be furnished to commercial consumers in every instance in which a difference charge is not expressly and clearly provided for herein:

For sewer service, flat rate per month \$25.00

(3) The minimum monthly charge for commercial consumer shall be twenty five dollars (\$25.00).

Section 4. Monthly rates for water services outside City.

(1) The following rates per month shall be charged for water service furnished to residential consumers by the City through meters to each separate connection in every instance in which a difference charge is not expressly and clearly provided for elsewhere herein:

For the first 7,000 gallons of water used \$25.00

For each 1,000 gallons of water used over
7,000 gallons up to 15,000 gallons 1.50

For each 1,000 gallons of water used over
15,000 gallons up to 20,000 gallons 2.00

For each 1,000 gallons of water used over
20,000 gallons. 3.00

(2) The minimum charge for residential consumers shall be twenty-five dollars (\$25.00) for which 7,000 gallons of water may be used.

(3) The following rates per month shall be charged for water service furnished to commercial consumers by the City through meters to each separate connection in every instance in which a difference charge is not expressly and clearly provided for elsewhere herein:

For the first 7,000 gallons of water used \$25.00

For each 1,000 gallons of water used over
7,000 gallons up to 15,000 gallons 1.50

For each 1,000 gallons of water used over 15,000 gallons up to 20,000 gallons	2.00
For each 1,000 gallons of water used over 20,000 gallons	3.00

(4) The minimum charge for commercial consumers shall be twenty-five dollars (\$25.00) for which 7,000 gallons of water may be used.

Section 5. Monthly rates for sewer service outside City

(1) The following rates per month shall be charged for sewer service furnished to residential consumers in every instance in which a different charge is not expressly and clearly provided for herein:

For sewer service, flat rate per month \$30.00

(2) The following rates per month shall be furnished to commercial consumers in every instance in which a difference charge is not expressly and clearly provided for herein:

For sewer service, flat rate per month \$30.00

(3) The minimum monthly charge for commercial consumer shall be thirty dollars (\$30.00).

Section 6. Requirement to connect to City's system.

Each structure within the City or its extra territorial jurisdiction shall be connected to the system of the City as soon as such structure is occupied and the City has made available to such structure plant and line capacity to serve same. If both water and sewer services do not become available at the same time, the consumer must connect to the water system at the time water service becomes available and to the sewer system at the time sewer service becomes available.

Section 7. No reduced rates or free service.

All consumers receiving either water or sewer service, or both, from the City, shall be subject to the provisions of this order and shall be charged the rates established in this order; and no reduced rate or free service shall be furnished to any such consumer.

Section 8. Discontinuing service for failure to pay bills when due.

The City, through its designated agent, shall have the right to discontinue service and cut off the supply of water to a consumer at any time after such bill becomes delinquent. A charge of fifty dollars and no/cents (\$50.00), to be paid in cash, will be made for restoring water service

where such service has been discontinued because of the consumer's failure to pay a bill before it becomes delinquent. The City shall have the right to refuse service to any customer with a delinquent bill for standby charges and/or for interest on same until all outstanding amounts owed by consumer are paid in full, whether such amounts are owed with respect to the tract for which such consumer is requesting service or otherwise.

Section 9. Discontinuing service upon request of consumer.

Whenever a consumer of City water temporarily or permanently abandons the structure being served and no longer wishes to be furnished with water, he shall notify the City's operator at least two days prior to the time he desires such service discontinued. A charge of \$25.00 shall be made for discontinuing and a charge of \$25.00 for restoring water service where such service is discontinued or restored at the request of the consumer and he is not delinquent in the payment of any bill at the time of either request.

Section 10. Penalty for failure to pay bill before becoming delinquent.

A charge of twenty (20%) percent of the amount of the consumer's bill, including the amount of a bill for standby charges, shall be added thereto when such bill becomes delinquent. In addition, any consumers who do not have a deposit with the City will be required to make a deposit before service will be restored.

Section 11. Penalty for failure to pay bill after becoming delinquent.

A lien will be filed against the property on all delinquent accounts, which will be reviewed quarterly, and there will be a \$75.00 charge to the consumer or property owner to cover the cost of the filing fee.

Section 12. Utility deposit.

Utility deposits, paid in advance, will be required for residential and commercial consumers as follows:

- (a) Residential: a deposit of one hundred twenty five dollars (\$125.00).
- (b) Commercial: a deposit equal to an estimated two months bill.
- (c) Upon termination of water service, or providing there have been no delinquencies and no amounts owing to the City, refund will be made of the deposit set out under (a) and (b) above. If a refund is permitted then any amounts owing to City shall be deducted from the deposit and the balance refunded.

Section 13. Return check charge.

A charge of \$15.00 will be made on all returned checks.

Section 14. Consumers not entitled to specify quantity or pressure of water.

Water consumers are not guaranteed a specific quantity of pressure of water for any purpose whatever, and it is understood that City is only to furnish a connection with its water system and is in no case to be liable for failure or refusal to furnish water or any particular amount of pressure of water.

Section 15. Water connection generally.

No person, other than the properly authorized agents of the City, shall be permitted to tap or make any connection with the mains or distributing pipes of the City's water system, or make any repairs or additions to or alterations in any tap, pipe, cock or other fixture connected with the service water pipe.

Section 16. Application for installation of water meter.

Every person desiring the installation of water meter shall be required to sign and execute an application for installing a meter and remit all fees before the City will install such meter. A connection fee of twenty-five dollars (\$25.00) will be charged in addition to any other fees due; however, such connection fee can be applied as a credit to the first bill of such customers. City will pay for any new meters to be installed to existing residential customers on the effective date of this Ordinance. Thereafter, each new owner or customer making application will bear the cost of the meter required.

Section 17. Residential water tap charges.

Charges will be made for every residential (including duplex) tap or connection to the City's water distribution system which charges shall include the meter and meter box and installation thereof.

(1) For connection of 3/4 inch or less the tapping fee shall be \$500.00; for connections of one inch tapping fee shall be \$750.00; and for connections of one and one-half inch the tapping fee shall be \$1000.00. For connections over one and one-half inch the City shall establish tapping charges by separate order or agreement.

(2) All charges and accrued services shown above shall be paid for when application for the tap or connection is made and the request for service shall be held in abeyance until such

charges have been paid.

(3) In the event a request is made to increase the size of a previously installed connection, the additional tap fee charge shall be the difference between the tap fee for the smaller size and the tap fee for the larger size, plus any additional expense incurred by the City in the installation of the new connection.

Section 18. Residential sewer service request and tap inspection.

Every person requesting sewer service from the City shall so notify the City's operator. After the notification, the person requesting said service shall have a plumber make the tap on the City's sewer line. All connections must conform to the "Rules and Regulations Governing Sewer House Lines and Sewer Connections for the Town of Woodloch" as adopted by the City Council, and as same may, from time to time, be amended. After the tap has been completed, the applicant shall notify the City's operator, who shall make an inspection of the tap before sewer service is commenced. The City hereby sets an inspection fee of \$45.00 per sewer tap.

Section 19. Commercial water and sewer tap charges.

The tapping charges hereinafter adopted for commercial consumers are based on the amount per square foot applied to the entire area of the tract of land on which is situated the building or structure for which service is requested of the City.

(1) The following charges shall be made for every tap or connection to the City's water distribution and sewage collection system for a commercial consumer within the City.

\$.05 per square foot of land

(2) In the event that a tap or connection is made for the commercial consumer to the City's water distribution system only, the following charge shall be made for such tap;

2 1/2 cents per square foot of land

(3) In the event that a tap or connection is made for the commercial consumer to the City's sewage collection system only, the following charge shall be made for such tap:

2 1/2 cents per square foot of land

(4) The tap charges set in (1) and (2) above do not include the cost of the meter, meter box or installation thereof, which are costs also to be borne by the consumer.

(5) All tap charges shown above shall be paid for when application for the tap or

connection is made, and the request for service shall be held in abeyance until such charges have been paid.

(6) An inspection fee of \$45.00 is hereby set for each commercial sewer tap.

(7) The maximum fee chargeable under this section is \$20,000.00.

Section 20. Meters. Title, tampering, maintenance, setting.

(1) Title to all water meters and appurtenances, including the meter boxes enclosing same, shall vest in the City.

(2) No person other than a duly authorized agent of the City shall open the meter box or tamper or in any way interfere with the meter or box.

(3) The City shall maintain, repair, and replace all meters and appurtenances in connection therewith at its own expense except where damaged by negligence. Repairs in this instance will be at the expense of the consumer.

(4) All meters and meter boxes shall be set by employees or agents of the City and the City will collect the cost to the developer and/or consumer in advance.

Section 21. Meters and boxes to be free from rubbish and obstruction.

After a meter has been set, the consumer shall at all times keep the space occupied by the meter and the box free from rubbish or obstruction of any kind.

Section 22. Standby Charge.

In the event water and/or sewer have been installed and are in place and available to provide service to any lot, tract, or facility within the boundaries of the City, and such lot, tract or other facility is not being served by the City's water and/or sewer facilities, there shall be assessed to the collected from the owner thereof monthly utility standby charges of \$6.00 per acre for residential and \$20.00 per acre for commercial for available water service and sewer service, which shall be billed to and paid by such customer monthly in the same manner as charges for water and sewer service.

Section 23. Penalties.

Any consumer who is found to have made an unauthorized connection to the system shall be fined not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000.00) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City may

recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the person found to have violated this section or the orders, rules, regulations, and permits issued hereunder.

Section 24. Repeal of Ordinances in Conflict All Ordinances, Amendments, or Parts of Ordinances, Resolutions, or Parts of Resolutions heretofore passed in conflict with the provisions of this Ordinance are hereby expressly repealed.

Section 25. Savings Clause.

If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any person held to be unconstitutional or invalid, such unconstitutionality shall not effect the remaining portions of the Ordinance.

Section 26. Effective Date That this Ordinance shall become effective from and after the date of its passage and publication as provided by law.

PASS AND APPROVED BY THE CITY COUNCIL OF THE TOWN OF WOODLOCH,
TEXAS ON THE 14 DAY OF June, 1994.

ATTEST:

By: Paula Chendalaki
CITY SECRETARY

APPROVED:
Liane Gmelch
MAYOR

APPROVED AS TO FORM:
[Signature]
CITY ATTORNEY