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ORDINANCE NO. # 022-04

AN ORDINANCE OF THE CITY OF DE LEON, TEXAS, AMENDING ORDINANCE NO. 017-04; PRESCRIBING RATES FOR RESIDENTIAL AND COMMERCIAL WATER AND WASTEWATER SERVICE; PROVIDING A FINAL PAYMENT DATE FOR MONTHLY BILLING; AMENDING AND REPEALING PROVISIONS INCONSISTENT WITH THIS ORDINANCE; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING SEVERABILITY AND OPEN MEETINGS CLAUSES.

WHEREAS, the costs and expenses of providing water and waster services continues to increase due primarily to the increasing cost of water and increasing regulatory requirements;

WHEREAS, it is necessary and in the best long-term interest of the citizens and the City to increase the rates, fees and charges for the water and wastewater services provided by the City. Charges will be effective January 25th, 2004.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DE LEON, TEXAS, THAT:

Section 1. Amendment of Water and Wastewater Rate Ordinances. Ordinance No. 017-04, establishing the monthly base fees and rates, and the fees and rates charged for consumption volume, for water and wastewater services provided by the City are hereby modified and amended as provided in this ordinance.

Section 2. Water Rates and Charges. The rates or charges for basic monthly service and consumption volume for water provided by the water system shall be as follows:

(a) *Minimum Charge Plus Usage Fee.* The rates and charges for services to be provided by the waterworks system of the City of De Leon shall consist of a minimum monthly fee (the "Customer Charge"), plus a charge based on the volume of metered water usage (the "Consumption Charge"). The Customer Charge and the Consumption Charge shall be charged and collected monthly for each connection to the water system.

(b) *Residential Rates.* The residential rate shall be charged and applied to each single family residence, each separate unit of a duplex or apartment, and each mobile home, used and occupied solely for residential purposes by one or more persons ("residential unit"). The residential rate shall not apply to boarding houses, hotels, motels, and similar establishments.

(i) *In-City Minimum.* The rates and charges for water provided by the waterworks system within the corporate limits of the City of De Leon shall consist of a monthly \$18.50 Customer Charge for the first 3,000 gallons of water, plus a Consumption Charge for additional water thereafter.

(ii) *In-City Consumption Charge.* The Consumption Charge shall be \$0.570 per each

additional one hundred gallons of water usage over the base of 3,000 gallons, with fractional usage prorated @ \$00.570 per 100 gallons, or part thereof.

(iii) *Outside City Minimum.* The rates and charges for water provided by the waterworks system outside the corporate limits of the City of De Leon shall consist of a monthly \$26.12 Customer Charge for the first 3,000 gallons of water, plus a Consumption Charge for additional water thereafter.

(iv) *Outside City Consumption Charge.* The Consumption Charge shall be \$00.780 per each additional one hundred gallons of water usage over the base of 3,000 gallons, with fractional usage pro-rated @ \$00.780 per 100 gallons, or part thereof.

(c) *Commercial Rates.* The commercial rate shall be charged and applied to all customers, users and accounts other than "residential" units as herein above defined and shall be applicable to each business establishment including boarding houses, hotels, motels, and similar establishments.

(i) *In-City Minimum.* The rates and charges for commercial water service provided by the waterworks system within the corporate limits of the City of De Leon shall consist of a monthly \$21.00 Customer Charge for the first 3,000 gallons of water, plus a Consumption Charge for additional water thereafter.

(ii) *In-City Consumption Charge.* The Consumption Charge for commercial water service within the City shall be \$00.910 per each additional one hundred gallons of water usage over the base of 3,000 gallons, with fractional usage pro-rated @ \$00.910 per 100 gallons, or part thereof.

(iii) *Outside City Minimum.* The rates and charges for commercial water service provided by the waterworks system outside the corporate limits of the City of De Leon shall consist of a monthly \$28.50 Customer Charge for the first 3,000 gallons of water, plus a Consumption Charge for additional water thereafter.

(iv) *Outside City Consumption Charge.* The Consumption Charge for commercial water service outside the corporate limits of the City shall be \$01.130 per each additional one hundred gallons of water usage over the base of 3,000 gallons, with fractional usage pro-rated @ \$01.130 per 100 gallons, or part thereof.

(d) *Late Charges and Final Due Dates.* All monthly charges are to be paid at the Water Department by the 10th of the month after the charges are incurred. If the 10th falls on a Saturday, Sunday or Holiday, the charges are due on the first business day after the 10th. All charges not paid by the due date shall be considered delinquent and a penalty of ten percent (10%) of the total amount of the bill shall be added as a late charge. The final due date shall be the 20th day of the month in which the charges are due. If the 20th falls on a Saturday, Sunday or Holiday, the final due date shall be the first business day after the 20th.

Section 3. Wastewater Rates and Charges. The rates or charges for service to be provided by the wastewater system shall be as follows:

(a) *Minimum Charge Plus Usage Fee.* The rates and charges for services to be provided by the wastewater system for each living unit and building connected to the City wastewater system shall consist of a minimum monthly fee (the "Customer Charge"), plus a monthly charge based on the average volume of metered water usage that is above 3,000 gallons per month during the months of February, March and April (the "Consumption Charge"). The Customer Charge and the Consumption Charge shall be charged and collected monthly for each connection to the water system.

(b) *Residential Rates.* The residential rate shall be charged and applied to each single family residence, each separate unit of a duplex or apartment, and each mobile home, used and occupied solely for residential purposes by one or more persons ("residential unit"). The residential rate shall not apply to boarding houses, hotels, motels, and similar establishments.

(i) *In-City Minimum.* The rates and charges for residential wastewater service provided by the wastewater system within the corporate limits of the City of De Leon shall consist of a monthly Customer Charge which includes the first 3,000 gallons of average water usage metered during February, March and April, plus a Consumption Charge. The Customer Charge shall be as follows:

(A) For customers with both City sewer and water services-----\$12.37

(B) For customers with City sewer service only-----\$15.00

(ii) *In-City Consumption Charge.* The Consumption Charge for wastewater service shall be a monthly fee equal to \$0.083 per 100 gallons of the average monthly usage that is above 3,000 gallons per month, and shall be calculated by subtracting 3,000 from the average water usage during the three months, and then multiplying the result by \$ 0.083 per 100 gallons, with fractional usage pro-rated per 100 gallons, or part thereof. Customers receiving water from private wells will be assigned an average usage for the three months. The average usage will be based on the average of a comparative list of customers having a similar occupancy and use.

(iii) *Outside City Minimum.* The rates and charges for residential wastewater service provided by the wastewater system outside the corporate limits of the City of De Leon shall consist of a monthly Customer Charge, plus a Consumption Charge. The Customer Charge shall be as follows:

(A) For customers with both City water and sewer service-----\$16.00

(B) For customers with City sewer service only-----\$18.50

(iv) *Outside City Consumption Charge.* The Consumption Charge for residential water service outside the City shall be a fee equal to \$0.104 per 100 gallons of the average monthly usage that is above 3,000 gallons per month, and shall be calculated by subtracting 3,000 from the average water usage during the three months, and then multiplying the result by \$0.104 per 100 gallons, with fractional usage pro-rated @\$0.104 per 100 gallons, or part thereof. Customers that do not receive City water service, and who are served by a public water supply corporation, may establish the average monthly water usage for the three months by presenting to the City true and correct copies of their respective water bills for each of the three months, provided the water bills show the volume of water metered and the address of the meter, or having such information provided directly to the City by the corporation. Customers receiving water from private wells will be assigned an average usage for the three months. The average will be based on the average of a comparative list of customers having a similar occupancy and use.

(c) *Commercial Rates.* The commercial wastewater rate shall be charged and applied to all customers, users and accounts other than "residential" units as herein above defined and shall be applicable to each business establishment including boarding houses, hotels, motels, and similar establishments.

(i) *In-City Minimum.* The rates and charges for commercial wastewater service provided by the wastewater system within the corporate limits of the City of De Leon shall consist of a monthly Customer Charge and a Consumption Charge. The Customer Charge shall be as follows:

(A) For customers with both City water and sewer service-----\$12.75

(B) For customers with City sewer service only-----\$15.27

(ii) *In-City Consumption Charge.* The Consumption Charge for commercial wastewater service within the City shall be a monthly fee equal to \$0.083 per 100 gallons of the average monthly usage that is above 3,000 gallons per month, and shall be calculated by subtracting 3,000 from the average water usage during the three months, and then multiply the result by \$0.083 per 100 gallons, with fractional usage pro-rated @ \$0.083 for 100 gallons, or part thereof. Customers receiving water from private wells will be assigned an average usage for the three months. The average will be based on the average of a comparative list of customers having a similar occupancy and use.

(iii) *Outside City Minimum.* The rates and charges for commercial wastewater service provided by the wastewater system outside the corporate limits of the City shall consist of a monthly Customer Charge and a Consumption Charge. The Customer Charge shall be as follows:

(A) For customers with both City water and sewer service-----\$16.50

(B) For customers with City sewer service only-----\$18.50

(iv) *Outside City Consumption Charge.* The Consumption Charge for commercial wastewater service provided outside the corporate limits of the City shall be a monthly fee equal to \$0.104 per 100 gallons of the average monthly usage that is above 3,000 gallons per month, and shall be calculated by subtracting 3,000 from the average water usage during the three months, and then multiplying the result by \$0.104 per 100 gallons, with fractional usage pro-rated per 100 gallons, or part thereof. Customers that do not receive City water service, and who are served by a public water supply corporation, may establish the average monthly water usage for the three months by presenting to the City true and correct copies of their respective water bills for each of the three months, provided the water bills show the volume of water metered and the address of the meter, or having such information provided directly to the City by the corporation. Customers receiving water from private wells will be assigned an average usage for the three months. The average will be based on the average of a comparative list of customers having a similar occupancy and use.

(d) *Late Charges and Final Due Date.* All monthly charges are to be paid at the Water Department by the 10th of the month after the charges are incurred. If the 10th falls on a Saturday, Sunday or Holiday, the charges are due on the first business day after the 10th. All charges not paid by the due date shall be considered delinquent and a penalty of ten percent (10%) of the total amount of the bill shall be added as a late charge. The final due date shall be the 20th day of the month in which the charges are due. If the 20th falls on a Saturday, Sunday or Holiday, the final due date shall be the first business day after the 20th.

Section 4. Customer Charges. The Customer Charges for water and for wastewater service shall be the minimum charge payable monthly by each customer for water service and for wastewater service. The Consumption Charge shall be in addition to the Customer Charge and shall also be payable monthly, as applicable, by each water and for wastewater customer.

Section 5. Amendment and Repeal. The ordinances identified in Section 1 above, are hereby amended to establish the rates and fees specified herein above, and all ordinances, resolutions or policies, or parts of ordinances, resolutions or policies, inconsistent with or in conflict with this ordinance are hereby amended and repealed to the extent of such inconsistency or conflict only.

Section 6. Severability. If any provision of this ordinance or the application of any provision to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application,

and to this end the provisions of this ordinance are declared to be severable.

Section 7. Effective Date. This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't Code*.

Section 8. Reconnect Fee. A reconnect fee of \$50.00 shall be assessed on any account which is not paid by the final due date of the 20th day of the month. A reconnect fee of \$65.00 shall be assessed on any account for re-connection after 5:00 P.M. and week-ends. If the 20th day falls on a Saturday, Sunday or Holiday, the final due date shall be the first business date after the 20th.

Section 9. Dishonored Check Fee. A service charge of \$30.00 shall be assessed against any person who pays the City with a check, draft or money order, which is returned unpaid for lack of sufficient funds or closed or non existent account.

Section 10. Amendment and Repeal. The ordinances identified in Section 1 above, are hereby amended to establish that rates specified herein above, and all ordinances, resolutions or policies, or parts of ordinances, resolutions or policies, inconsistent with or in conflict with this ordinance are hereby amended and repealed to the extent of such inconsistency or conflict only.

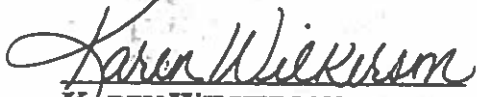
Section 11. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the *Open Meetings Act*, *Chapt. 511, Tex. Gov't. Code*.

PASSED ON FIRST READING THIS THE 21st DAY OF December, 2004.

PASSED AND APPROVED ON THE SECOND READING THIS THE 13 DAY OF January, 2004.

THE CITY OF DE LEON, TEXAS

ATTEST:


KAREN WILKERSON,
ACTING CITY SECRETARY


MAYOR JIM ADAMS