

COPY

ORDINANCE NO. 005-97

AN ORDINANCE PROVIDING A STATEMENT OF POLICY; AN AMENDMENT TO ORDINANCE NUMBER 010-94; CHANGING THE WATER RATES FOR RESIDENTIAL AND COMMERCIAL ACCOUNTS, INSIDE AND OUTSIDE THE CITY; FINAL PAYMENT DATE FOR MONTHLY BILLING; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE AND OPEN MEETING CLAUSE

WHEREAS, the Upper Leon Water District will increase the cost of water the City purchases from the District, effective October 1st, 1997; and

WHEREAS, it is in the best interest of the City to pass these increased costs to the consumers of the water that the City purchases;

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

ARTICLE I

Policy

Section 1.1 Finding of Fact.

The findings and recitations set out in the preamble of this Ordinance are found to be true and correct and are adopted by the City Council and made a part hereof for all purposes.

Section 1.2 Statement of Policy.

The terms and provisions hereof shall apply to water sold by the City of De Leon (the "City") through its water system.

ARTICLE II

Ordinance Amendment

Section 2.1

Section One of Ordinance Number 010-94 (effective date November 3, 1994) is superceded by the following:

SECTION ONE - WATER RATES

The following rates are hereby established and shall be collected for water service furnished by the City from the facilities of the City water system:

(a) 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.

(1) Inside City - The following fees and charges are hereby established for each separate residential unit within the limits of the City: a CUSTOMER CHARGE OF \$11.59, which charge shall include the first 3,000 gallons of water consumption each month. A CONSUMPTION CHARGE OF \$0.338 per hundred gallons, or part thereof, in excess of 3,000 gallons per month.

(2) Outside City - The following fees and charges are hereby established for each separate residential unit outside the limits of the City: a CUSTOMER CHARGE OF \$17.40, which charge shall include the first 3,000 gallons, of water consumption each month. A CONSUMPTION CHARGE OF \$0.495 per hundred gallons, or part thereof, in excess of 3,000 gallons per month.

(b) Commercial Rates - The commercial rate shall be charged and applied to all customers, users and accounts other than "residential units" as hereinabove defined and shall be applicable to each business establishment including hotels, motels and boarding houses.

(1) Inside City - The following fees and charges are hereby established for each separate commercial account within the limits of the City: a CUSTOMER CHARGE OF \$13.49, which charge shall include the first 3,000 gallons of water consumption each month. A CONSUMPTION CHARGE OF \$0.581 per hundred gallons, or part thereof, in excess of 3,000 gallons per month.

ARTICLE III

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 they 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.

ARTICLE IV

GENERAL PROVISIONS

Section 4.1 Severability.

If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or the application to other persons or sets of circumstances shall not be affected thereby, it

being the intent of the City Council in adopting this Ordinance that no portion be inoperative or fail by reason on any unconstitutionality, voidness or any other portion, hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 4.2 Effective Date.

This ordinance shall, upon final passage, be published in the official newspaper of the City, as required by law and shall become effective ten (10) days after the date of publication. The rates will apply to all billings after the effective date.

Section 4.3 Compliance With Open Meeting Act.

That it is hereby officially found that the meeting at which this Ordinance was passed was open to the public as required by law and that the public notice of the time, place and purpose of said meeting was given as required by the Open Meeting Act; Chapter 551, Tex. Gov't Code.

PASSED AND APPROVED on the First Reading this 15th day of September 1997.

PASSED AND APPROVED on the Second Reading this 23rd day of September 1997.

CITY OF DE LEON, TEXAS

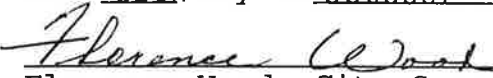

NORMA JO LOCKE, Mayor

ATTEST:


FLORENCE WOOD, City Secretary

CERTIFICATION

I Florence Wood, Secretary of the City of De Leon, Texas, do hereby certify that the preamble to Ordinance 005-97 was published in the De Leon Free Press, 304 South Texas, De Leon, Texas, on the 2nd day of October, 1997, and shall take effect ten (10) days after such publication, effective date being the 12th day of October, 1997.


Florence Wood, City Secretary