

AN ORDINANCE OF THE CITY OF MARLIN, TEXAS, AMENDING CHAPTER 28 UTILITIES, ARTICLE II. RATES AND CHARGES, DIVISION 2. WATER, OF THE CODE OF ORDINANCES FOR THE CITY OF MARLIN, TEXAS; PROVIDING FOR AN AMENDMENT TO THE CURRENT WATER SERVICE AND WATER USAGE RATES; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, EFFECTIVE DATE, AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the provision of water services for the residents of the City of Marlin, Texas (the "City") is necessary for the public health of the citizens and the protection of the environment and natural resources of the City;

WHEREAS, the City provides, or causes to be provided, water and sewer services to all residences and businesses within and to some customers located outside the City;

WHEREAS, the City recognizes a need to increase water service rates to users of the City of Marlin municipal water system in order to enhance, protect, preserve, and maintain the City's water facilities and system in order to maintain the same quality of service; to establish reasonable and necessary rates considering the size and amount of water services provided by the City to its water service customers; and to mitigate loss of budgeted revenues;

WHEREAS, it is reasonable and necessary that the City amend its current water utility rates related to the provision of water service to defray the costs of providing such services;

WHEREAS, the City Council considered and adopted Ordinance No. 20-009 on August 25, 2020, the City Council intends to repeal Ordinance No. Ordinance No. 20-009 in its entirety and to approve and adopt this Ordinance in its place,

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

Section 1. Authority. This Ordinance is adopted pursuant to the City of Marlin Home Rule Charter and the police powers and authority given to a home rule city and other municipalities by the constitution, codes, and general laws of the State of Texas, including but not limited to Chapt. 51, Tex. Local Gov't. Code, Chapt. 52, Tex. Local Gov't. Code, and Chapter 13 of the Texas Water Code.

Section 2. Purpose. The purpose of this Ordinance to adopt fair and reasonable water rates and charges for the provision of water services by the City and to provide for the public health and general welfare, the efficient and effective provision of City water utility services, and the protection of the environment and natural resources of the community. From and after the passage of this Ordinance all residential, business, commercial and industrial users of water services as provided by the City inside and outside the City within the City's service area, shall conform to the following ordinances adopting water rates and charges for providing such water utility service.

Section 3. Findings of Fact. The foregoing findings and recitations set out in the

preamble of this Ordinance are found to be true and correct and that they are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 4. Amendment of Chapter 28 Utilities, Article II. Rates and Charges, Division 2. Water. *Chapter 28 Utilities, Article II. Rates and Charges, Division 2. Water*, of the Code of Ordinances for the City of Marlin, is hereby amended in its entirety and adopted to amend all current water rates and charges for water service provided by the city of Marlin to read as follows:

DIVISION 2. WATER

Sec. 28-54. Rates For residential water service inside city limits.

Water Rates for monthly Residential Water Service provided inside the City limits shall be calculated based upon a Minimum Monthly Charge in addition to the Monthly Water Usage Rate. The following rates, fees and charges shall be charged and paid for residential water services inside the City limits:

(a) Minimum Monthly Water Service Delivery Rate Within the City. Residential water service customers located inside the City limits shall be charged the applicable minimum monthly rate per meter established herein as long as such meter is active, whether the customer actually uses the services or not; provided that, if the meter is removed or locked at customer's request, no minimum charge for service shall be assessed. In addition to other fees, a minimum monthly fee shall be assessed for meters of the following size at the rate indicated:

Minimum Monthly Charge:

5/8" and 3/4" Meter Connection	\$52.93
1" Meter Connection	\$65.97
1 1/2" Meter Connection	\$75.07
2" Meter Connection	\$94.61
3" Meter Connection	\$326.42
4" Meter Connection	\$456.66
6" Meter Connection and larger	\$1,094.890

(b) Monthly Water Usage Rate. In addition to the applicable Minimum Monthly Charge each month, the following monthly water usage rates will be charged for all residential water service customers for water service provided by the City inside the City limits based upon the monthly water usages for each customer as set forth below.

Water Usage Rate:

First 4,000 gallons per month	\$0.00
4,001 gallons to 8,000 gallons per month	\$6.51 per 1000 gallons
8,001 gallons to 11,000 gallons per month	\$6.66 per 1000 gallons
11,001 gallons to 14,000 gallons per month	\$6.84 per 1000 gallons
14,001 gallons to 17,000 gallons per month	\$7.18 per 1000 gallons
17,001 gallons to 20,000 gallons per month	\$7.50 per 1000 gallons
20,001 gallons and above per month	\$7.83 per 1000 gallons

Sec. 28-55. Rates For residential water service outside the city limits.

Water Rates for monthly Residential Water Service provided outside the City limits shall be calculated based upon a Minimum Monthly Charge in addition to the Monthly Water Usage Rate. The following rates, fees and charges shall be charged and paid for residential water services outside the City limits:

(a) Minimum Monthly Water Service Delivery Rate Outside the City Limits. Residential water service customers located outside the City limits shall be charged the applicable minimum monthly rate per meter established herein as long as such meter is active, whether the customer actually uses the services or not; provided that, if the meter is removed or locked at customer's request, no minimum charge for service shall be assessed. In addition to other fees, a minimum monthly fee shall be assessed for meters of the following size at the rate indicated:

Minimum Monthly Charge:

5/8" and 3/4" Meter Connection	\$69.55
1" Meter Connection	\$82.59
1 1/2" Meter Connection	\$91.69
2" Meter Connection	\$111.23
3" Meter Connection	\$343.04
4" Meter Connection	\$473.28
6" Meter Connection and larger	\$1,111.42

(b) Monthly Water Usage Rate. In addition to the applicable Minimum Monthly Charge each month, the following monthly water usage rates will be charged for all residential water service customers for water service provided by the City outside the City limits based upon the monthly water usages for each customer as set forth below.

Water Usage Rate:

First 4,000 gallons per month	\$0.00
4,001 gallons to 8,000 gallons per month	\$6.51 per 1000 gallons
8,001 gallons to 11,000 gallons per month	\$6.66 per 1000 gallons
11,001 gallons to 14,000 gallons per month	\$6.84 per 1000 gallons
14,001 gallons to 17,000 gallons per month	\$7.18 per 1000 gallons
17,001 gallons to 20,000 gallons per month	\$7.50 per 1000 gallons
20,001 gallons and above per month	\$7.83 per 1000 gallons

Sec. 28-56. Rates applicable to churches and schools.

Churches receiving water service from the City shall be billed the same water rates and charges as residential customers located inside the City limits regardless of whether the church is located inside or outside the city limits:

Sec. 28-57. Rates For commercial water service inside city limits.

For purposes of this Section, a commercial customer shall be any customer that is not a residence or a church or school. Water Rates for monthly commercial Water Service provided inside

the City limits shall be calculated based upon a Minimum Monthly Charge in addition to the Monthly Water Usage Rate. The following rates, fees and charges shall be charged and paid for residential water services outside the City limits:

(a) Minimum Monthly Water Service Delivery Rate Inside the City Limits. Commercial water service customers located inside the City limits shall be charged the applicable minimum monthly rate per meter established herein as long as such meter is active, whether the customer actually uses the services or not; provided that, if the meter is removed or locked at customer's request, no minimum charge for service shall be assessed. In addition to other fees, a minimum monthly fee shall be assessed for meters of the following size at the rate indicated:

Minimum Monthly Charge:

5/8" and 3/4" Meter Connection	\$78.99
1" Meter Connection	\$92.03
1 1/2" Meter Connection	\$101.13
2" Meter Connection	\$120.67
3" Meter Connection	\$352.48
4" Meter Connection	\$482.72
6" Meter Connection and larger	\$1,120.86

(b) Monthly Water Usage Rate. In addition to the applicable Minimum Monthly Charge each month, the following monthly water usage rates will be charged for all commercial water service customers for water service provided by the City inside the City limits based upon the monthly water usages for each customer as set forth below.

Water Usage Rate:

First 4,000 gallons per month	\$0.00
4,001 gallons to 8,000 gallons per month	\$6.51 per 1000 gallons
8,001 gallons to 11,000 gallons per month	\$6.66 per 1000 gallons
11,001 gallons to 14,000 gallons per month	\$6.84 per 1000 gallons
14,001 gallons to 17,000 gallons per month	\$7.18 per 1000 gallons
17,001 gallons to 20,000 gallons per month	\$7.50 per 1000 gallons
20,001 gallons and above per month	\$7.83 per 1000 gallons

Sec. 28-58. Rates For commercial water service outside city limits.

For purposes of this Section, a commercial customer shall be any customer that is not a residence or a church or school. Water Rates for monthly commercial Water Service provided outside the City limits shall be calculated based upon a Minimum Monthly Charge in addition to the Monthly Water Usage Rate. The following rates, fees and charges shall be charged and paid for residential water services outside the City limits:

(a) Minimum Monthly Water Service Delivery Rate Inside the City Limits. Commercial water service customers located outside the City limits shall be charged the applicable minimum monthly rate per meter established herein as long as such meter is active, whether the customer actually uses the services or not; provided that, if the meter is removed or locked at customer's request, no minimum charge for service shall be assessed. In addition to other fees, a minimum monthly fee

shall be assessed for meters of the following size at the rate indicated:

Minimum Monthly Charge:

5/8" and 3/4" Meter Connection	\$90.90
1" Meter Connection	\$103.94
1 1/2" Meter Connection	\$113.04
2" Meter Connection	\$132.58
3" Meter Connection	\$364.39
4" Meter Connection	\$494.63
6" Meter Connection and larger	\$1,132.77

(b) Monthly Water Usage Rate. In addition to the applicable Minimum Monthly Charge each month, the following monthly water usage rates will be charged for all commercial water service customers for water service provided by the City outside the City limits based upon the monthly water usages for each customer as set forth below.

Water Usage Rate:

First 4,000 gallons per month	\$0.00
4,001 gallons to 8,000 gallons per month	\$6.51 per 1000 gallons
8,001 gallons to 11,000 gallons per month	\$6.66 per 1000 gallons
11,001 gallons to 14,000 gallons per month	\$6.84 per 1000 gallons
14,001 gallons to 17,000 gallons per month	\$7.18 per 1000 gallons
17,001 gallons to 20,000 gallons per month	\$7.50 per 1000 gallons
20,001 gallons and above per month	\$7.83 per 1000 gallons

Sec. 28.59 Secondary meter rates.

For water service where no return to sewer is involved such as outdoor irrigation systems or various industrial processes, a secondary meter may be installed at the property at the owner's expense to measure the consumption for such secondary use to avoid a sewer charge on that portion of the water consumption. When such secondary meter is installed, it will be subject to Water Usage Rate for all usage metered based upon the same as charged for the main meter providing water service to that property.

Sec. 28.60 Special class, rate.

The Texas Department of Criminal Justice, Hobby Unit will be considered a commercial customer located outside the City limits and will be subject to the rates set forth for commercial water customers located outside the City limits.

Sec. 28-61. No reduced rates or free service.

All customers receiving services from the City shall be subject to the provisions of this ordinance and shall be charged the rates established in this ordinance, and no reduced rate or free water or sewer service shall be furnished to any customer. It is specifically provided, however, that this provision shall not prohibit the City, upon good cause shown, from establishing reasonable classifications of customers for which rates differing from the rates stated herein may be adopted, and

that nothing contained herein shall be construed to prevent the City from furnishing water services to special projects or other establishments at a bulk rate if deemed advisable by the City.

Section 5. Repeal of Conflicting Ordinances. All Ordinances in conflict with this Ordinance are hereby repealed. All parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City establishing water and sewer rates, the terms and provisions of this ordinance shall govern.

Section 6. Savings Clause. All rights and remedies of the City of Marlin are expressly saved as to any and all violations of the provisions of any ordinances affecting water within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 7. Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

Section 8. 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 9. 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. 551, Tex. Gov't. Code*.

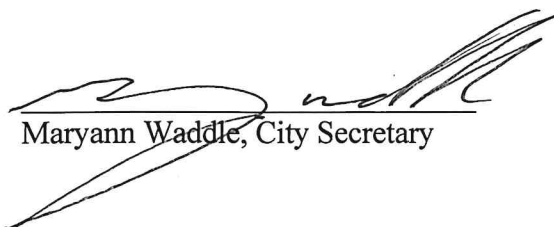
FIRST READING on the 13th day of December, 2022.

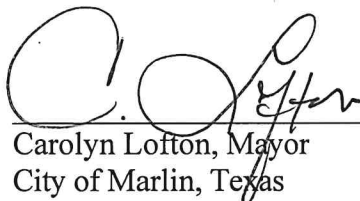
SECOND READING on the 10th day of January 2023.

PASSED AND APPROVED on this the 10th day of January 2023.

ATTEST:

CITY OF MARLIN, TEXAS


Maryann Waddle, City Secretary


Carolyn Lofton, Mayor
City of Marlin, Texas