

ORDINANCE NO. 021120

**AN ORDINANCE AMENDING THE CITY OF ROPESVILLE, TEXAS CODE OF ORDINANCES, RELATING TO THE PROVISION OF WATER AND WASTEWATER UTILITY SERVICES; ESTABLISHING UTILITY RATES AND UTILITY RELATED FEES FOR INSIDE AND OUTSIDE MUNICIPAL LIMITS; ESTABLISHING GARBAGE COLLECTION FEE; ESTABLISHING A DEPOSIT AND REQUIREMENTS FOR UTILITY SERVICE; ESTABLISHING AN APPEALS PROCESS; PROVIDING AN EFFECTIVE DATE; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER AND PROVIDING FOR PUBLICATION.**

**WHEREAS**, the City Council for the City of Ropesville, Texas pursuant to the constitution and laws of the State of Texas including Chapter 552 of the Texas Local Government Code, Chapters 33 and 103 of the Texas Utilities Code, Chapter 13 of the Texas Water Code, authorizes the City to oversee and/or operate certain utilities and set forth ordinances and regulations and receive compensation necessary to operate such utilities for the benefit of the citizens of the City of Ropesville; and

**WHEREAS**, the City Council has previously established rates for water services provided within the municipal limits of the City through Ordinance 1001-141007 and Ordinance No. 1001.141007(A); and

**WHEREAS**, it is imperative for the maintenance and operation of the City's utility system that policies, rates, fees and procedures be established in order to keep the utilities in good working condition; and

**WHEREAS**, the City Council of the City of Ropesville, finds the following water and wastewater utility ordinance is reasonable and necessary for the continued proper operation and maintenance of the City's utility systems and in the best interest of the public health, safety and welfare;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY OF ROPESVILLE, TEXAS THAT:**

SECTION 1. Ordinance 1001-141007 is hereby replaced in its entirety by this ordinance and Ordinance No. 1001.141007(A) of the City of Ropesville Texas, is hereby amended by deleting those provisions relating to the provision of water and wastewater service to the extent they conflict with this ordinance and are replaced by the following:

**“WATER AND WASTEWATER SERVICE, RATES AND CHARGES**

**Division 1. General**

**Sec. W01.001 Connection to public utilities required**

(a) All residences and/or businesses within the city limits shall be required to connect to the city's water system and wastewater system, where such utilities are available, except in such areas as the city cannot reasonably supply service mains for delivery of water and wastewater service. Any determinations of reasonableness shall be made by the city. Any residence or

business not connected to available city water and wastewater systems shall be deemed to be in violation of this ordinance.

(b) In addition to criminal penalties which may be imposed for violation of this section, any residence or business refusing or otherwise failing to be connected to water or wastewater utilities where such utilities are available shall be billed by the city each month at the minimum level for such utilities as set by the city council.

**Sec. W01.002            Application for service - Denial of service**

(a) Application required. Any person desiring to have his premises connected with the water and wastewater utility systems of the city shall file an application with the city on a form provided by the city, which shall contain at a minimum the following:

- (1) name, address, telephone number and contact information of the applicant;
- (2) address and, if known, the lot, block and addition of the premises where water utilities are requested;
- (3) purpose for which the water utilities will be used (residential, commercial, industrial, agricultural);
- (4) read and sign a utility service agreement with the city that includes, at a minimum, acknowledgment by the applicant that they will be responsible for paying for all water utility service provided when due and for complying with all terms and provisions of the city ordinances, resolutions, rules and regulations fixed and prescribed by the city, now in effect, or which may be hereafter passed, which concern or relate to the management, operation and protection of the city's water utilities water system; and
- (5) any such other information as the city may deem necessary to provide water utility service to the extent permitted by law.

(b) Denial of service.

The city is authorized to refuse service to any applicant who (i) has past due and unpaid amounts for the provision of utility services at the location being applied for; (ii) has past due and unpaid amounts at any other property located within the municipal limits of the city; or (iii) or who does not have a utility deposit on file with the city until such time as proper and complete payment is made for such outstanding utility bills or a deposit is provided.

**Sec. W01.003            Metering**

The city shall install meters to measure the consumption of water service furnished by the city. All meters, meter boxes, valves, service or distribution pipe and/or taps, any water mains, including any connections or fittings thereto, (collectively the "equipment") are the sole property of the city and are subject to the city's sole control irrespective of whether the construction, furnishings or installation of such equipment was paid by any applicant, consumer or property owner to the extent permitted by law.

**Sec. W01.004            Water/wastewater unlawful acts**

(a) It shall be unlawful for any person, individual, or in association with others to willfully break, injure or tamper with any part of the city's water or wastewater utility system for any

purpose whatsoever, or in any other manner to maliciously interfere with or prevent the running and operation of said system and the water supply therein. Further, it shall be unlawful for any person, individual or in association with others to perform any of the acts listed below without first obtaining the express permission of an official with the city having authority over the city's water and wastewater utility. Such unlawful acts include, but are not limited to:

- (1) tapping into any water main or service/distribution line;
- (2) turning water service on or off;
- (3) blocking or interrupting water service;
- (4) modifying, altering or damaging any water or wastewater utility equipment;
- (5) altering any meter or meter box to reflect inaccurate readings or bypassing the meter;
- (6) cutting any lock or other security device placed on, or over a meter or a valve or any other equipment;
- (7) repairing or renewing distribution or service pipe, water mains, or meters owned by the city; and
- (8) making or creating any connection with a water main or distribution/service pipe.

**Sec. W01.005 Sale of water for farm irrigation purposes**

No water shall be sold for farm irrigation purposes.

**Sec. W01.006 Line connection and extension**

The city shall extend all of the water and wastewater lines to the property line of the person desiring the connection, but all charges for the extension from the property line to the house or to the facility using the same shall be at the expense of the consumer.

**Sec. W01.007 Dual water service connections prohibited**

(a) Residential units. 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") shall have one single connection for water service per residence.

(b) Commercial customers. One single connection for water service to each establishment shall be applicable to all customers, users and accounts, including industrial and business establishments, schools, hotels, motels and boarding houses.

(c) Irrigation meters (non-agricultural). A person may request that a separate meter be installed when connected to a non-agricultural irrigation system in addition to a water meter that has already been installed on the same property.

**Division 2. Water and Wastewater Rates**

**Sec. W02.001 Water rates**

(a) Water rates within the city. The water rates shall consist of a monthly customer charge plus a consumption charge. The following rates per month shall be the rates charged for water services furnished to residential customers and commercial customers within the corporate limits of the city, until revised by the city council by subsequent ordinance:

Monthly customer charge:	\$30.00
Monthly consumption charge:	
(1) 3,000 – 4,999 gallons:	\$2.75 per 1,000 gallons
(2) 5,000 – 9,999 gallons:	\$3.00 per 1,000 gallons
(3) 10,000 – 19,999 gallons:	\$3.25 per 1,000 gallons
(4) 20,000 – 49,999 gallons:	\$3.50 per 1,000 gallons
(5) 50,000 gallons +	\$3.75 per 1,000 gallons

Irrigation meter

(1) 1,000 – 2,999 gallons:	\$2.25 per 1,000 gallons
(2) 3,000 – 4,999 gallons:	\$2.75 per 1,000 gallons
(3) 50,000 – 9,999 gallons:	\$3.00 per 1,000 gallons
(4) 10,000 – 19,999 gallons:	\$3.25 per 1,000 gallons
(5) 20,000 – 49,999 gallons:	\$3.50 per 1,000 gallons
(6) 50,000 gallons +	\$3.75 per 1,000 gallons

For all utility customers residing outside the corporate limits of the city:

Monthly customer charge:	\$60.00
Monthly consumption charge:	
(1) 3,000 – 4,999 gallons:	\$5.00 per 1,000 gallons
(2) 5,000 – 9,999 gallons:	\$6.00 per 1,000 gallons
(3) 10,000 – 19,999 gallons:	\$6.50 per 1,000 gallons
(4) 20,000 – 49,999 gallons:	\$7.00 per 1,000 gallons
(5) 50,000 gallons +	\$7.50 per 1,000 gallons

**Sec. W02.002 Wastewater rates**

(a) Wastewater rates within the city. The wastewater rates shall consist of a monthly customer charge plus a charge based on the volume of metered water usage (the “consumption charge”) and such rate shall be charged and applied to residential and commercial customers. The following rates per month shall be the rates charged for water services furnished to residential customers and commercial customers within the corporate limits of the city, until revised by the city council by subsequent ordinance:

Residential:

Monthly customer charge:	\$20.00
Monthly consumption charge:	
(1) \$1.25 per 1,000 gallons with a maximum charge for 10,000 gallons	

Commercial:

Monthly customer charge (if water consumption < 10,000 gallons):	\$20.00
Monthly customer charge (if water consumption = or > 10,000 gallons):	\$60.00
Monthly consumption charge:	

- (1) \$1.25 per 1,000 gallons with a maximum charge for 10,000 gallons

### **Sec. W02.003 Garbage Collection Rates**

The garbage collection rates shall be charged and applied to residential and commercial customers and collected through the water/wastewater utility bill. The following rates per month shall be the rates charged for garbage collection services furnished to residential customers and commercial customers within the corporate limits of the city, until revised by the city council by subsequent ordinance:

- (1) Residential: \$25.00 per household per month
- (2) Commercial 1.5 yd.: \$47.00 per can per (1) pickup weekly
- (3) Commercial 3 yd.: \$77.00 per can, per (1) pickup weekly
- (4) Commercial 4 yd.: \$122.00 per can, per (1) pickup weekly

### **Sec. W02.004 Miscellaneous fees related to providing water service**

(a) In addition to the water and wastewater rates charged, each utility customer shall also be required to pay on a monthly basis the following fees associated with providing water and wastewater utility service until revised by the city council by subsequent ordinance:

- (1) Chemical fee: \$10.00
- (2) Capital Improvement fee (under the age of 65): \$8.00
- (3) Capital Improvement fee (65 years of age and older): \$5.00
- (4) Water System Improvement fee: \$10.00 per meter

### **Sec. W02.005 Billing and payment procedures**

(a) Billing and collection procedures for residential and commercial accounts.

- (1) All city utility bills shall be sent to residential and commercial customers on the first business day of each month (the "billing date") for services provided in the prior month. Payment on all residential accounts shall be due on the 15th day of the month (the "due date").
- (2) All bills for which payment has not been received by the city on or before the due date shall be assessed a late charge penalty of 10% of the amount due. In addition to any other charges authorized by this code, the city secretary is authorized to impose any and all administrative fees and charges, including any ancillary charges associated with administering different payment methodologies, so that the full cost imposed on the city in collecting payments for all of the city's utilities is recovered from the residential and commercial customers of the city. Any such fees and charges shall be imposed in an equitable and nondiscriminatory manner and are subject to review and modification at any time by action of the city council.
- (3) On the 16th day of each month, the city will send a courtesy notice ("notice") on each residential and commercial account that is past due. The notice shall include the balance due, and the date and time scheduled for disconnection and termination of city services. However, the failure by the city to send a courtesy notice or the failure of a customer to receive a courtesy notice shall not alter the city's right to disconnect service for nonpayment as provided herein.

- (4) If payment on a residential or commercial account is not received by the city before 1:00 p.m. on the 25<sup>th</sup> day of the month in which the bill is due or the day specified in the notice, whichever is later, then all water utility services shall be scheduled to be disconnected and shall be disconnected if payment is not received before the service is actually disconnected. When a customer's utilities services are scheduled to be disconnected for nonpayment by being listed on the monthly disconnect list prepared by the city, an administrative reconnect fee of \$50.00 shall be charged to the customer's account each time the water or wastewater service is scheduled to be disconnected for nonpayment. The administrative fee shall be charged regardless whether service is disconnected.
  - (5) If service is disconnected for nonpayment then service shall be reconnected on the same business day that payment is received in full by the city, provided payment is received by the city no later than 3:00 p.m. If payment is received by the city after 3:00 p.m. then service will be reconnected on the next business day.
- (b) Returned payments and charges.
- (1) Any payment that is subsequently returned does not constitute a payment.
  - (2) A \$35.00 fee shall be charged to a customer's account for each returned check or returned bank draft. Customers with returned checks or bank draft will no longer be able to pay their bill with check or draft for one year from date of last returned check.
- (d) Theft of services. Any person 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. The city reserves the right to prosecute any utility customer for theft of services, including costs and fees, in the appropriate jurisdiction.

**Sec. W02.006 Deposits**

- (a) All new customers of the utilities shall be required to make a security deposit of two hundred dollars (\$200.00).
- (b) Security deposits shall be held without payment of interest as long as utility service is continued. Security deposits shall be refunded upon termination of utility service. Deposits may be applied at the discretion of the city to any past due accounts or to the final account of the utility customer if it remains unpaid, and such services may be terminated. In the event a deposit is applied to a current utility customer's account, the utility customer will be required to provide a new deposit of \$300.00 as a condition of continued service to the customer.
- (c) Any person who turns on water service without applying with the city for service and paying the requisite deposit shall be assessed a fifty dollar (\$50.00) meter read fee.

**Sec. W02.007 Tap fees – new connections, meter testing fees**

- (a) Tap fees. New customers or existing customers supplied by existing water lines requiring a new water tap be installed, shall pay the following water tap fees:

¾ inch tap	\$300.00
1 inch tap	\$750.00
2 inch tap	\$1500.00

- (b) Meter testing. In addition to the fees set forth above, the city shall charge a \$25.00

meter test fee when requested by a utility customer. If the meter is found to be inaccurate then the test fee shall be refunded.

**Sec. W02.008 Disconnection/Reconnection Fee**

(a) The disconnection and reconnection fees for disconnecting and reconnecting water service that has been discontinued for nonpayment shall be \$25.00 and \$25.00 respectively if reconnected during regular business hours and the reconnection fee shall be \$100.00 if reconnected after regular business hours. This reconnection fee shall be in addition to any applicable late charges.

(b) As used herein, "regular business hours" are between 8:00 o'clock a.m. and 5:00 o'clock p.m. on all days that the city hall offices are open for business.

**Sec. W02.009 Hardship Cases, Billing Disputes, Appeals**

(a) The city council recognizes that from time to time extraordinary circumstances may exist that prevent a utility customer from being able to timely pay the customer's utility bill. The city mayor is hereby designated as the official to hear and determine all requests for hardship relief. The mayor will establish general guidelines in order to assure uniform consistent treatment of requests for relief. Any hardship request shall be subject to the following:

- (1) A written payment agreement articulating the basis for granting the hardship, detailing payment terms and requiring the customer providing adequate security to ensure payment and protection for the city;
- (2) The hardship request must be made by the customer before the water utility cutoff date;
- (3) The customer must keep current on all city related utility charges in addition to complying with the payment arrangement terms;
- (4) No payment arrangements lasting longer than two (2) months may be granted to any utility customer unless granted by the City Council; and
- (5) Subject to being granted an exception by the City Council as outlined below, only one hardship request may be granted to any utility customer in any six (6) month period.

(b) Any dispute regarding the validity of any indebtedness owed to the city or regarding the interpretation of any matter outlined in this ordinance shall first be addressed to the city secretary for resolution. In the event the decision of the city secretary is disputed by the utility customer, the utility customer may request the mayor to review and resolve the matter. The decision of the mayor is final unless appealed as provided for herein.

(c) The decision of the mayor may be appealed to the City Council by the utility customer. The appeal must be in writing, signed by the utility customer making such appeal and must be received by the city secretary within ten (10) business days of the date the mayor's decision is communicated to the utility customer. The City Council, at a properly called meeting, may uphold, overturn or modify the decision of the mayor. In the event the mayor's decision is overturned, the City Council may adjust the utility customer's bill as appropriate.

(d) The mayor is hereby authorized to refuse to establish a new utility account when the circumstances indicate that the applicant seeking to open a new utility account is attempting to, or is participating in an attempt to, evade payment for utility service previously provided at

either the same or another location.

(e) The mayor is hereby authorized to add to, and include in, a utility customer's bill all charges or expenses incurred for damage to cutoff valves, meters, meter boxes, or other city owned equipment, including the costs of parts and labor. The inclusion of such costs or charges does not extend or otherwise affect the due dates for payment of utility bills.

**Sec. W02.010** Transfer of Service/Termination of Service

(a) Transfer of service.

- (1) Any existing utility customer requesting a transfer of any utilities must maintain the appropriate security deposit for the water utility services being transferred. Any existing deposit, less deficiencies on the existing account, will be transferred directly to the new account. Any deficiencies in the prior utility account will also be transferred to the new utility account.
- (2) No utility customer will be allowed to transfer and maintain services without paying all deficiencies on existing or prior utility accounts in full and having the full security deposit for utility services on deposit with the city at the time of transfer.

(b) Termination of Service – Customer Request. Any utility customer may request that their utility service be terminated with the city. Until the city receives such request, unless utility service is otherwise terminated as authorized by this ordinance, the utility customer shall be responsible for all fees and charges associated with the utility account.”

SECTION 2. Ordinance Repeal. This ordinance repeals and replaces in its entirety Ordinance No. 1001.141007.

SECTION 3. Other Utility Services. To the extent that this Ordinance conflicts with Ordinance No. 1001.141007(A), the terms of this Ordinance shall control. All other terms outlined in Ordinance No. 1001.141007(A) not in conflict with this Ordinance shall remain in full force and affect.

SECTION 4. Penalty. Any person found in violation of any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined not greater than \$500.00. This penalty provision shall be in addition to any other legal or equitable remedies available to the City to enforce this article. Each day that a violation occurs is a separate offense.

SECTION 5. Effective Date. This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION 6. Repealed. All other terms and provisions of the Code of Ordinances of the City of Ropesville, not in conflict herewith and not hereby amended shall remain in full force and effect.

SECTION 7. Severability. If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Council of the City of Ropesville, Texas in adopting this ordinance, that no portion



thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.

SECTION 8. Publication. The City Secretary of the City of Ropesville is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative method provided by law.

Passed and approved this 11 day of February, 2020.

Brenda Rabel  
Brenda Rabel, Mayor

ATTEST:

Delia Cruz  
Delia Cruz, City Secretary

## City Utility Bill Payment Extension

### Ordinance 021120-Section W02.009 Hardship Cases

The Texas Supreme Court Emergency order pertaining to the Coronavirus pandemic and the possibility of the future need to help the citizens of Ropesville, or the city customer to keep their utility services connected.

The following Ordinance policy and rules will apply.

The City Council may allow for an extension to pay your city utility bills.

Until further orders, and approval by the Mayor; the City will not disconnect your city service for non-payment due to the issues brought on by the coronavirus pandemic.

You will need to complete the attached form to qualify. This form will be presented to the Mayor and/or the City Council for review and you will be notified by mail if you qualify for the extension you have requested.

### Ordinance

#### Sec. W02.009 Hardship Cases,

(a) The city council recognizes that from time to time extraordinary circumstances may exist that prevent a utility customer from being able to timely pay the customer's utility bill. The city mayor is hereby designated as the official to hear and determine all requests for hardship relief. The mayor will establish general guidelines in order to assure uniform consistent treatment of requests for relief. Any hardship request shall be subject to the following:

- (1) A written payment agreement articulating the basis for granting the hardship, detailing payment terms and requiring the customer providing adequate security to ensure payment and protection for the city;
- (2) The hardship request must be made by the customer before the water utility cutoff date.
- (3) The customer must keep current on all city related utility charges in addition to complying with the payment arrangement terms.
- (4) No payment arrangements lasting longer than two (2) months may be granted to any utility customer unless granted by the City Council; and
- (5) Subject to being granted an exception by the City Council as outlined below, only one hardship request may be granted to any utility customer in any six (6) month period.